**TOWN OF WOLCOTT**

**LAMOILLE COUNTY, VERMONT**

# ZONING REGULATIONS

ADOPTED: JULY 1, 1975
MOST RECENTLY AMENDED: NOVEMBER 8, 2016

# SUBDIVISION REGULATIONS

ADOPTED: SEPTEMBER 9, 1988
MOST RECENTLY AMENDED: NOVEMBER 8, 2016

**Prepared by: Wolcott Planning Commission**

**With assistance by: Lamoille County Planning Commission**

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## TABLE OF CONTENTS

**ARTICLE I: WOLCOTT ZONING REGULATIONS** ..... 7

Section 1. - **INTRODUCTION** ..... 8
1.01 Enactment ..... 8
1.02 Establishment of Official Zoning Map ..... 8
1.03 Areas and Activities covered by these bylaws ..... 8
1.04 Intent ..... 9
1.05 Effective Date ..... 10
1.06 Interpretations and Effect ..... 10
1.07 Severability ..... 10
1.08 Amendment ..... 10

Section 2. – **ADMINISTRATION, APPEALS, AND ENFORCEMENT** ..... 11
2.01 Zoning Administrator ..... 11
2.02 Development Review Board ..... 11
2.03 Appeals- Decisions of the Zoning Administrator ..... 12
2.04 Appeals of DRB Decisions ..... 14
2.05 Violations and Enforcement ..... 15
2.06 Fees ..... 16
2.07 Posting and Recording Requirements ..... 17

Section 3. – **PERMITS AND DEVELOPMENT REVIEW PROCEDURES** ..... 19
3.01 Zoning Permit ..... 19
3.02 Conditional Use ..... 21
3.03 Site Plan Approval ..... 24
3.04 Planned Unit Developments ..... 28
3.05 Variance ..... 30
3.06 Administrative Amendments ..... 33

Section 4. – **GENERAL REGULATIONS AND REVIEW CRITERIA** ..... 34
Subsection 4-A. – **Zoning Permit Review Criteria** ..... 34
4.01 Determining District(s) ..... 34
4.02 Determining Permitted and Conditional Uses ..... 35
4.03 Setback Requirements ..... 37
4.04 Parcel Size and Density Requirements ..... 38
4.05 Frontage Requirements ..... 38
4.06 Height Limits ..... 39
4.07 Environmental review criteria ..... 40
4.08 Abandoned Uses ..... 41
4.09 Unintentionally Damaged or Destroyed ..... 41
4.10 Pre-existing Non-conforming Parcels (existing small lots) ..... 41
4.11 Non-conforming Structures ..... 42
4.12 Non-conforming Uses ..... 42

Subsection 4-B. – **Parking, Loading, and Stormwater Criteria** ..... 43
4.20 Access ..... 43
4.21 Driveway Standards ..... 44
4.22 Pedestrian and Bicycle Circulation and Access ..... 45

4.23 Parking ... 46
4.24 Stormwater Management ... 49

Subsection 4-C. – **Conditional Use Review Criteria** ... 50
4.30 General Conditional Use Standards ... 50
4.31 Specific Conditional Use Standards ... 51

Subsection 4-D. – **Site Plan Review Criteria** ... 51
4.40 Landscaping and Streetscape Standards ... 51
4.41 Exterior Lighting ... 56

Subsection 4-E. – **Planned Unit Development Criteria** ... 56
4.50 Purpose ... 56
4.51 Calculation of Base Density ... 57
4.52 Density Bonus ... 57
4.53 Designation and Configuration of Open Space Lands ... 58
4.54 Ownership of Open Space Lands ... 60
4.55 District Standards ... 61
4.56 PUDs on Multiple Parcels ... 62
4.57 Hamlet and Farmstead PUDs ... 63

Subsection 4-F. – **Variance Review Criteria** ... 64
4.60 General Structures ... 64
4.61 Renewable Energy Structures ... 65
4.62 Variances to Development in the Flood Hazard Area District ... 65

Section 5. – **SPECIFIC USES AND STRUCTURES** ... 67
5.01 Accessory Apartments, Caretaker Apartments, and Employee Housing ... 67
5.02 Boundary Line Adjustment ... 67
5.03 Child Care Facilities ... 68
5.04 Home Occupations ... 69
5.05 Mobile Home Parks ... 70
5.06 Residential Care Homes ... 70
5.07 Residential Dwellings ... 71
5.08 Signs ... 71
5.09 Street Furniture, Public Art and Outdoor Seating ... 75
5.10 Wireless Telecommunication Facilities ... 75

Section 6. – **TOWN AREAS DEFINED** ... 81
6.01 Rural District ... 82
6.02 Shorelands District ... 83
6.03 Route 15 Corridor District ... 84
6.04 Village District ... 85
6.05 Village Core District ... 88
6.06 Fisher Bridge Enterprise District ... 90
6.07 Flood Hazard Area Overlay District ... 91
6.08 Wellhead Protection Area Overlay District ... 94

Section 7. – **DEFINITIONS** ... 94

**ARTICLE II: WOLCOTT SUBDIVISION REGULATIONS** ..... 95

Section 1. - **INTRODUCTION** ..... 96
1.01 Enactment ..... 96
1.02 Areas and Activities covered by these regulations ..... 96
1.03 Effect of Regulations ..... 96
1.04 Intent ..... 97
1.05 Effective date ..... 97
1.06 Severability ..... 97
1.07 Amendment ..... 97

Section 2. – **ADMINISTRATION, APPEALS, AND ENFORCEMENT** ..... 98
2.01 Zoning Administrator ..... 98
2.02 Development Review Board ..... 98
2.03 Appeals- Decision of Zoning Administrator ..... 99
2.04 Appeals of DRB Decisions ..... 101
2.05 Violations and Enforcement ..... 102
2.06 Fees ..... 103
2.07 Posting and Recording Requirements ..... 104

Section 3. – **DEVELOPMENT REVIEW PROCEDURES** ..... 107
3.01 Subdivision -- Sketch Plan Review ..... 107
3.02 Subdivision- Plat Review ..... 107
3.03 Waiver ..... 111

Section 4. – **GENERAL REGULATIONS AND REVIEW CRITERIA** ..... 114
Subsection 4-A. – **Subdivision Review Criteria** ..... 114
4.01 Dimensional Requirements ..... 114
4.02 Access to lots- location ..... 115
4.03 Useable lot requirement ..... 116
4.04 Water systems ..... 117
4.05 Wastewater Disposal ..... 117
4.06 Utilities ..... 118
4.07 Street design and layout ..... 118
4.08 Pedestrian and Bicycle Facilities and Access ..... 120
4.09 Stormwater Management ..... 120
4.10 Fire Hydrants, Fire Ponds, and Dry Hydrants ..... 122
4.11 Street and sidewalk lighting ..... 122
4.12 Recreation areas ..... 122
4.13 Common Land ..... 123
4.14 Protection of Agricultural Soils ..... 124
4.15 Planned Unit Developments ..... 124

Subsection 4-B. – **General Lots/ Subdivision Criteria** ..... 125
4.20 Non-conforming lots/subdivision ..... 125

Section 5. – **DEFINITIONS** ..... 125

**ARTICLE III: WOLCOTT ZONING AND SUBDIVSION DEFINITIONS** ..... 126

Section 1. – **GENERAL DEFINITIONS** ..... 127

Section 2. – **SPECIFIC DEFINITIONS** ..... 127

Section 3. – **FLOOD HAZARD DEFINITIONS** ..... 144

## FOREWORD

The rural/agricultural town of Wolcott, as it exists today, is the result of changes that have occurred since it was founded in 1789. There have been periods of growth, decline and regrowth of its population accompanied by changes in occupations, farming, industries and other activities. These historic changes along with a description of land and water resources, economic development, housing, etc., and an associated list of goals and policies are outlined in the Wolcott Town Plan. This plan was revised in 2013 and reflects public input regarding these policies and goals. The Wolcott Zoning and Subdivision Bylaws are based on the town plan and state statutes. The purpose of these regulations is to guide growth through a planning process that:

- Protects the health, safety, and welfare of the public;
- Protects individual and public rights;
- Encourages the preservation of open areas by clustering development in subdivisions;
- Protects natural resources.

The revisions in 2004 reflected an interest in town to have additional districts that better represents the past development patterns and future growth trends. The new districts will both remove barriers to new development in areas where growth will have a positive impact on Wolcott and increase municipal oversight in areas where growth has a negative impact on the community as a whole. The regulations were also changed to include additional details on the process of permit review so that both the applicant and reviewer are aware of their rights and responsibilities. It is hoped that through these changes a fair and efficient permitting process can be attained that guides Wolcott towards a realization of the goals and policies as outlined in the town plan.

The 2016 revisions build on this past work by further refining the Zoning Districts to reflect differences between various neighborhoods within Wolcott. The 2016 revisions also further clarify development standards, and in many cases create additional flexibility and incentives for landowners and applicants. Finally, the 2016 combine Wolcott's Zoning and Subdivision Regulations into a single "Unified Development Bylaw." This allows for better coordination of review, possibly reducing the number of hearings required for some applications, and allows for a single set of definitions. The Wolcott Zoning Regulations are now considered "Article I" of this Unified Bylaw, the Subdivision Regulations are considered "Article II," and definitions related to both Zoning and Subdivision can be found in Article III.

References to specific statutes are enclosed in brackets for easier reference to the source materials. Where only a number is present, the reference is to Title 24 of the Vermont Statutes Annotated (V.S.A.). For example [§4401(a)(1)] refers to Title 24 V.S.A. section 4401 subsection (a)(1). A copy of the Vermont Statutes is available at the Town Clerks Office. These have been provided for reference only. Only the written provisions of this bylaw are to be interpreted as a part of these regulations. Any errors or omissions that may exist should not be interpreted as having any impact on the intent of the provision.

Note that pictorial sketches have been added to some sections to assist readers in understanding the regulations. These sketches are not to scale and are for ***illustration purposes only.*** If there is a conflict between any sketch and the text of the regulations, the text shall control.

TOWN OF WOLCOTT

LAMOILLE COUNTY, VERMONT

# ARTICLE I:
# **ZONING REGULATIONS**

Bylaw Adoption History:

Adopted Interim Zoning Bylaws: July 1, 1975
Amended: October 1976
Extended: May 24, 1977
Extended by Selectmen: June 28, 1977
Adopted: March 7, 1978
Amended Zoning Regulations: March 2, 1982
Amended Zoning Regulations: March 3, 1987
Amended Zoning Regulations: March 1, 1988
Amended Zoning Regulations on an Interim Basis: August 9, 1988
Interim Provisions Extended by Selectmen: July 24, 1990
Amended Zoning Regulations: June 28, 1991
Amended Zoning Regulations: March 6, 2001
Amended Zoning Regulations: March 7, 2006
Amended Zoning Regulations: November 8, 2016

# WOLCOTT ZONING REGULATIONS

## Section 1. - **INTRODUCTION**

### 1.01 Enactment

1. These zoning bylaws are set forth in this text and the official signed zoning map on record at the Wolcott Town Clerks Office. These bylaws are established as authorized in 24 V.S.A. §4402(1) and §4402(2) and have been enacted in accordance with the Vermont Planning and Development Act, Title 24 Vermont Statutes Annotated (V.S.A.), Chapter 117, (hereinafter called the "Act").

### 1.02 Establishment of the Official Zoning Map

1. The Official Zoning Map shall consist of the Town of Wolcott Zoning Map; the Town of Wolcott Flood Insurance Rate Maps hereafter referred to as the FIRM maps (published by the Federal Emergency Management Agency, hereafter FEMA); and the Town of Wolcott Flood Boundary and Floodway Maps, hereafter FBFM (published by FEMA).

    a. The Official Zoning Map is hereby adopted by reference and declared to be part of this bylaw. Regardless of the existence of copies which may be made or published from time to time, the Official Zoning Map located in the Town of Wolcott Clerk's Office shall be the final authority as to the zoning status of all land and water areas in the Town of Wolcott. An unofficial reproduction of the Wolcott Zoning Map is included as an attachment to these bylaws (Attachment A).

    b. The signature of the Selectboard, attested by the Town Clerk, shall identify the Official Zoning Map. No changes of any nature shall be made on the Official Zoning Map except in conformance with the formal amendment procedures and requirements set forth in the Act [§§4441, 4442].

    c. The Flood Hazard Area district boundaries contained within the Official Zoning Map are unofficial reproductions of the FEMA FIRM and FBFM maps. The Flood Hazard Area provisions of this zoning bylaw shall apply to areas identified as areas of special flood hazard on the FEMA FIRM maps, dated August 2, l982, or more recent revisions, and as a regulatory floodway on the FEMA FBFM maps, dated August 2, l982, or more recent revisions, and further delineated in the Flood Insurance Study.

### 1.03 Areas and Activities covered by these bylaws

1. These bylaws shall apply to all areas within the Town of Wolcott [§4411(b)].

2. All development within the Town of Wolcott shall be in compliance with these bylaws [§4449(a)(1)].

    a. Development includes, but is not limited to:
        (1) The construction, reconstruction, conversion, alteration, relocation, or enlargement of any building or other structure including the replacement of a mobile home.
        (2) Any mining, excavation or landfill.
        (3) Any change in use of any structure or land or part thereof.
        (4) Boundary line adjustments provided they do not constitute the creation of a new lot.

b. Development does not include:
   (1) Normal maintenance and repair of an existing structure that does not result in any change to the footprint or height dimensions of the structure, an increase in wastewater generation, or a change in use.
   (2) The internal alteration of existing structures that does not result in a change in the use or increase in wastewater generation.
   (3) The external alteration of existing structures that does not result in any change to the footprint or height dimensions of the structure or a change in the use or character of the property.
   (4) The construction of structures that do not exceed 150 square feet in floor area providing such structures meet setback requirements and are:
      i. Unattached structures (such as sheds), or
      ii. Non-residential additions to non-residential structures, or
      iii. Additions to residential structures that are not to be used for living purposes, such as porches, decks, wood sheds, bulkheads, etc., and which do not require plumbing of any kind.
      iv. Outside of the Flood Hazard Area Overlay District
   (5) The demolition of structures.
   (6) Grading and landscaping of land when:
      i. The grading and landscaping is not associated with other development;
      ii. Existing drainage patterns are not substantially altered on adjacent properties; and
      iii. The creation of any pond or lake.
   (7) Accepted agricultural and best management practices (AAPs, BMPs), including farm structures, as defined by the commissioner of Agriculture, Food, and Markets [§4413(d)]; however such practices shall meet setbacks required by these regulations, unless specifically waived by the Commissioner. Written notification, including a sketch plan showing the proposed structure and associated setback distances from road rights-of-way, property lines, and surface waters, and any waiver from the state shall be made to the Zoning Administrator prior to construction, as required under the AAPs.
   (8) Accepted management practices for silviculture or forestry as defined by the Commissioner of Forests, Parks, and Recreation [§4413(d)].
   (9) Power generation and transmission facilities that are regulated under 30 V.S.A. §248 by the Vermont Public Service Board, except that all ground mounted solar and other energy generation projects shall be reviewed and screened in accordance with Section 4.40 of these bylaws.
   (10) Hunting, fishing, and trapping as specified under 24 V.S.A. §2295 on private or public land. This does not include facilities supporting such activities, such as firing ranges or rod and gun clubs, which for the purposes of these regulations are defined as outdoor recreation facilities.

1.04 Intent

The intent of these bylaws is to detail the simplest possible procedures that will allow the town to develop in the manner that is consistent with the general policies outlined in the Wolcott Town Plan, the above foreword, and to further the purposes established in the Act [§4302].

1.05 Effective Date

These bylaws shall take effect immediately following a vote by Australian Ballot by the registered voters of Wolcott [§4442(c)(1)].

1.06 Interpretations and Effect

These bylaws shall not repeal, abrogate, or impair any other land use controls including but not limited to statutes, regulations, rules, ordinances, permits, easements, deed restrictions, and covenants. These bylaws, however, shall be minimum requirements and shall therefore take precedence over any concurrent less restrictive controls [§4413(c)].

The issuance of any permit under these bylaws shall not relieve the applicant from the obligation of obtaining any necessary approvals by federal or state law.

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

1.07 Severability

The provisions of these bylaws are severable. If a court of competent jurisdiction holds any provision or the application thereof to any person or circumstance unconstitutional or invalid, the remainder of these bylaws shall not be affected.

1.08 Amendment

These bylaws may be amended according to the requirements and procedures established in the Act [§4441-4442].

## Section 2. – **ADMINISTRATION, APPEALS, AND ENFORCEMENT**

### 2.01 Zoning Administrator

1. These bylaws shall be administered by the Zoning Administrator [§4448(a)].

2. The Zoning Administrator shall be nominated by the Planning Commission and appointed by the Selectboard for a three-year term. The Zoning Administrator may be removed from office for just cause by the Selectboard after consultation with the Planning Commission [§4448(a)].

3. In the absence or disability of the Zoning Administrator, an acting Zoning Administrator shall be appointed and empowered in the same manner as provided above [§4448(b)].

4. The Zoning Administrator may hold any other office in the municipality except for membership on the DRB. Salary for the Zoning Administrator shall be paid out of the General Fund in an amount and schedule established by the Selectboard [§4448(a)].

5. The Zoning Administrator shall manage and enforce these bylaws literally and shall not have the power to permit any development that is not in conformance with these bylaws [§4448(a)].

6. The Zoning Administrator shall have the power to hear and decide applications for permitted uses under section 3.01 of these bylaws [§4449(a)(1)].

7. The Zoning Administrator shall investigate complaints and has the power to pursue violations of these bylaws through procedures set forth under section 2.05 of these bylaws [§4452].

8. The Zoning Administrator should provide forms required to obtain any municipal permit or other municipal authorization required under this bylaw or any other regulations or ordinances that relate to the regulation of development within the Town of Wolcott [§4448(c)].

9. The Zoning Administrator should inform any person applying for a zoning permit that the person should contact the regional permit specialist in order to identify, apply for, and obtain relevant state permits [§4448(c)].

10. The Zoning Administrator shall meet the recording requirements of section 2.07 of these bylaws [§4449(b-c)].

### 2.02 Development Review Board

1. The Development Review Board (hereinafter referred to as "the DRB") shall not consist of less than five (5) or more than nine (9) members whose members shall be appointed by the Selectboard for specified terms. The Board may consist of the members of the Planning Commission. Vacancies shall also be filled by appointment of the Selectboard for unexpired terms and upon the expiration of terms. The Selectboard upon written charges and after a public hearing may remove any member of the DRB for just cause. [§4460(b-c)]

2. The DRB shall have all powers set forth in the Act to administer the provisions of these bylaws including, but not limited to, the power to:

    a. Consider applications for conditional use approval under section 3.02 of these bylaws [§4460(e)(4)].

b. Consider applications for site plan approval under section 3.03 of these bylaws [§4460(e)(7)].

c. Consider requests for a Planned Unit Development under section 3.04 of these bylaws [§4464(e)(5)].

d. Consider requests for a variance under section 3.05 of these bylaws [§4464(e)(11)].

e. Consider decisions of the Zoning Administrator upon appeal under section 2.03 of these bylaws [§4464(e)(10)].

3. The DRB shall adopt rules of procedure and perform its functions in conformance with the Act [§4461] and Vermont's Open Meeting Law [1 V.S.A. §§310-314].

4. The DRB shall meet all relevant recording requirements of section 2.07 of these bylaws.

2.03 Appeals- Decisions of the Zoning Administrator

1. The applicant or an interested person may appeal any decision or act taken by the Zoning Administrator by filing a written notice of appeal with the DRB within 15 days of the act or decision [§4465].

2. Notice of Appeal Requirements: A notice of appeal shall be in writing and include [§4466]:

a. The name and address of the appellant.

b. A brief description of the decision or act with respect to which the appeal is taken.

c. A reference to applicable bylaws provisions.

d. The relief requested by the appellant.

e. The alleged grounds why such relief is believed proper under the circumstances.

3. Rejection of Notice of Appeal: The DRB may reject an appeal without hearing and render a decision and findings of fact within ten (10) days of the filing of the notice of appeal, if the DRB considers the facts or issues raised by the appellant to be substantially or materially the same as those decided in a previous appeal by said appellant [§4470(a)].

4. Public Hearing: Within sixty (60) days of receiving a notice of appeal, the DRB shall hold a public hearing. [§4468]

a. Public notice for any hearing shall be given by publication of the date, place, and purpose of such hearing in [§§4464, 4468]:
   (1) a newspaper of general circulation in the Town;
   (2) a mailing of such notice to the appellant;
   (3) a posting of such notice in three or more public places within the municipality including;
      i. the Town Clerks Office; and
      ii. Within view from the public right of way most nearly adjacent to the property for which the application is made; and
   (4) written notification of such notice to the applicant and to the owners of all

properties adjoining the property subject to development, without regard to the public right of way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceedings is a prerequisite to the right to take any subsequent appeal.

b. The public notice of the appeal shall not be given less than 15 days prior to the date of the hearing [§4464(a)(1)].

c. The Zoning Administrator shall notify adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service. The appellant is required to bear the cost of the public warning including administrative costs.

d. Any interested person (as defined in Section 7) may appear and be heard in person or be represented by agent at the public hearing [§4468].

e. All hearings of an appeal shall be open to the public and the rules of evidence applicable at such hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies [§4468]. These include:
   (1) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence in civil cases in the Vermont superior courts shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible there under may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Objections to evidentiary offerings may be made and shall be noted in the record.
   (2) 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 the opportunity to compare the copy with the original.
   (3) A party may conduct cross examinations required for a full and true disclosure of the facts.
   (4) Facts and information understood by members of the board may be presented as evidence. (3 V.S.A. §810)

f. In most cases the Zoning Administrator is the defendant in the appeal before the DRB. In those cases the Zoning Administrator must not act as a staff member during the hearing or deliberations.

g. Any hearing may be recessed by the DRB, pending submission of additional information, from time to time provided, however, that the date and place of the hearing shall be announced at the hearing [§§4468, 4464(b)(1)]. At its discretion, the DRB may limit the number of successive recesses in order to ensure submission of all required additional information in a timely manner. In general, successive recesses should not result in the hearing being closed more than six (6) months after it is warned.

5. Decision: The DRB should close the hearing promptly after all parties have submitted requested information. The DRB decision shall be issued within forty-five (45) days of completing the hearing. The DRB decision must be in writing and shall include a statement of the factual bases on which the DRB has made its conclusions and a statement of conclusions. Failure to render a decision within the required period shall be deemed approval. [§4464(b)(1)]

In rendering a decision in favor of the applicant, the DRB may attach reasonable conditions and

safeguards, as it deems necessary to implement the purposes of the Act, these regulations, and the municipal plan then in effect. [§4464(b)(2)]

Copies of any DRB decision shall be sent to the appellant and applicant (both by certified mail) every person or party who was heard at the hearing. [§4464(b)(3)]

6. Appeals: Appeals of the decision of the DRB may be made to the Environmental Court, as per section 2.04, within thirty (30) days of the date of decision [§4471].

7. Posting and Recording Requirements: The DRB shall file its decision with the Zoning Administrator, for posting and filing in the land use records, and the Town Clerk for filing as part of the public record [§4464(b)(3)]. All posting and recording shall be in compliance with section 2.07.

2.04 Appeals of DRB Decisions

1. An interested person who has participated in the local regulatory proceeding under these bylaws may appeal a decision of the DRB to the Environmental Court [§§4471]. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. Appeals to the Environmental Court must be taken in accordance with the provision of V.R.C.P 76a and V.R.A.P. 3 and 4

2. Initiation of Appeal: Within thirty (30) day [V.R.A.P. 4] following the date of decision rendered by the DRB, notice of the appeal shall be filed by certified mail with fees to the environmental court and mailing a copy to the municipal clerk or Zoning Administrator, if so designated, who shall supply a list of interested persons to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene [§4471(c)].

3. Notice of Appeal Requirements: A notice of appeal shall be in writing and include [§4471]:

   a. The name of the party appealing.

   b. What board made the decision being appealed (e.g. the DRB).

   c. The nature of the decision under appeal (e.g. conditional use determination, site plan approval, variance request, appeal of Zoning Administrator decision).

   d. A reference to the specific provisions of the bylaw.

   e. The relief requested by the appellant.

   f. The signature of the appellant or attorney.

4. Filing Fee: The filing fee is established by V.R.C.P. 76 (e). At the time of the development of these bylaws, the fee for filing an appeal with the Environmental Court is $150.

2.05 Violations and Enforcement

1. The commencement or continuation of any development, which is not in conformance with the provisions of these bylaws, shall constitute a violation. Violations of these bylaws shall be

prosecuted in accordance with the Act [§§4451, 4452].

2. Identification and Investigation of Violations: The Zoning Administrator is required by law to enforce all violations of these bylaws [§4448(a)]. Whether through direct observation, written or oral complaint, site visit, or notification of violation from the landowner, the discovery of an alleged violation must be pursued by the Zoning Administrator.

    a. Any person may file a written complaint with the Zoning Administrator if it is believed that a violation of these bylaws has occurred. The complaint shall state fully the causes and basis for the alleged violation. The Zoning Administrator shall properly record such a complaint, investigate within a reasonable time, and take action as appropriate in accordance with these bylaws.

    b. The Zoning Administrator may not enter upon any private property, for purposes of inspection and investigation, except by permission of the landowner or per a search warrant duly issued by a court [13 V.S.A. §4701].

3. Formal Notice of Violation: No action may be brought under this section unless the alleged offender has had at least seven (7) working days notice by certified mail that a violation exists and has failed to satisfactorily respond or correct the alleged violation [§4451(a)].

    a. The warning notice shall state:
        (1) That a violation exists;
        (2) That the alleged offender has an opportunity to cure the violation within the seven (7) day period;
        (3) That the alleged offender has the right to appeal the notice of violation to the DRB within fifteen (15) days from the date the notice was sent; and
        (4) That the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven (7) day period.

    b. Action may be brought without notice and opportunity to cure, if the alleged offender repeats the violation of the bylaw after the seven (7) day notice period and within the next succeeding twelve (12) months.

4. Informal Resolution of Violations: Following the filing of a notice of violation but where a landowner is cooperating with the Zoning Administrator in rectifying a violation, the Zoning Administrator has the authority to enter a written agreement to resolve the violation. The Zoning Administrator, however, is under no obligation to enter any agreement.

    a. At minimum, any agreement must:
        (1) Be in writing and be signed by both the offender and Zoning Administrator.
        (2) Establish a timeline for curing the violation.
        (3) Give written authorization that will allow the Zoning Administrator to inspect the premises to ensure compliance upon completion or by the agreed upon date of completion.

    b. The Zoning Administrator is prevented from making any agreement allowing a violation to continue in perpetuity, even if the violation is minimal, inadvertent, and/or the offender agrees to pay a fine [§4448(a)].

5. Enforcement Action: Where a property owner fails to remedy a violation within the seven (7)-day period or the timetable agreed to under an informal resolution, the Zoning Administrator, in the

name of the municipality, shall bring appropriate action to enforce the provisions of these bylaws [§4452]. The appropriate action is typically an action in either Environmental or Superior Court although other actions are available.

6. Limitations on Enforcement: The municipality shall observe any limitations on enforcement proceedings relating to municipal permits and approvals as set forth in the Act [§4454] including the following:

   a. An enforcement action relating to any zoning permit must be instituted within fifteen (15) years of the date the alleged violation first occurred and not thereafter. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted.

   b. No action, injunction, or enforcement proceeding may be instituted to enforce an alleged violation of a zoning permit which received final approval from the applicable board, commissioner, or officer of the municipality after July 1, 1998, unless the zoning permit or a notice of the permit was recorded in the land use records of the municipality as required by the Act [§4454(b)].

   c. Nothing in the section shall prevent any action, injunction, or other enforcement proceeding by a municipality under any other authority it may have, including, but not limited to a municipality's authority under Title 18 relating to the abatement and removal of a public health risk or hazard [§4454(c)].

7. Fines: Any person who violates these bylaws shall be fined not more than the amount permitted under the Act [§4451(b)], which at the time of development of these bylaws is $100. Each day that a violation is continued after the initial seven (7) day notice period shall constitute a separate offense. All fines imposed and collected shall be paid to the Town of Wolcott.

8. Posting and Recording Requirements. The Zoning Administrator shall meet all posting and recording requirements of section 2.07 regarding notices of violation.

2.06 Fees

1. The Selectboard may prescribe reasonable fees to be charged with respect to the administration of these regulations and for the administration of development review. These fees may include the cost of posting and publishing notices and holding public hearings and the cost of conducting periodic inspections during the installation of public improvements. These fees may be payable by the applicant upon submission of the application or prior to issuance of the permit [§4440(b)].

2. The Selectboard may set reasonable fees for filing of notices of appeal and for other acts as it deems proper, the payment of which shall be a condition for filing the notice [§4440(c)].

3. The fee schedule may include a process and provisions that require applicants to pay for reasonable costs of an independent technical review of their applications [§4440(d)].

4. An applicant may be charged the cost of the recording fees as required by law [§4449(c)(2)].

5. The schedule of fees shall be posted in the offices of the Municipal Clerk and Zoning Administrator, and may be altered or amended only by resolution of the Selectboard.

2.07 Posting and Recording Requirements

1. Posting: Within three (3) days following the issuance of a zoning permit, the Zoning Administrator shall post a copy of the permit in the Town Clerk's Office until the expiration of the appeal period [§4449(b)(2)]. Notice must also be posted within view of the public right of way most nearly adjacent to the subject property until the time for appeals has passed. The notice shall contain a statement of the appeal period [§4449(b)] and information as to where a full description of the project and approval can be found.

2. Recording with the Listers: Within three (3) days following the issuance of a zoning permit the Zoning Administrator shall deliver a copy of the permit to the Town Listers [§4449(b)(1)].

3. Recording Permits with the Town Clerk: Within thirty (30) days after the issuance of any of the items listed below, the Zoning Administrator shall deliver the original, or a legible copy, of the issuance to the Town Clerk for recording in the municipal land records [§4449(c)(1)].

   a. The following issuances are covered in this subsection:
      (1) Letters approving or denying exemptions under section 3.01(2);
      (2) Zoning permits including all associated approvals (such as conditional use, site plan, and variances);
      (3) Decisions of any appeals;
      (4) Notices of violation; and
      (5) Notices of denial of an application. [§4449(c)(1)(A)]

   b. Temporary permits issued under these bylaws are not required to be recorded [24 V.S.A. §1154(b)].

   c. Any issuance delivered for recording shall list:
      (1) As grantor, the owner of record title to the property at the time of issuance;
      (2) As grantee, the municipality issuing the permit, certificate, or notice – i.e. *the Town of Wolcott*;
      (3) The municipal office where the original, or a true, legible copy of the issuance may be examined;
      (4) Whether an appeal of such issuance was taken; and
      (5) The tax map lot number or other description identifying the lot [24 V.S.A. §1154(c)].

4. Recording DRB Minutes and Findings with the Town Clerk: The DRB shall keep minutes of its proceedings, showing the vote of each member upon each question and shall keep records of its examinations and other official actions. For each case heard and decided, the DRB shall make written findings of fact and conclusions of law that shall be maintained in the Town Clerk's Office together with all minutes and other records of the DRB [§4461(a)].

5. Zoning Administrator records: The Zoning Administrator shall maintain a record of development including:

   a. A file of a copy of any municipal permits that have been submitted to the Town Clerk for recording in the land records, in a location where all municipal land use permits shall be kept [§4449(c)(1)(B)].

   b. Copies of all evidence presented, public notices, hearing minutes, findings of fact and other material collected by the Zoning Administrator or DRB in the process of reviewing

an application.

c. All temporary permits issued or denied under these bylaws. The Zoning Administrator must keep a copy of all temporary permits for a period of one (1) year following the expiration of said permit.

d. For any permits issued within the Flood Hazard Area Overlay District:
   (1) A record of all permits issued for development in areas of special flood hazard;
   (2) A copy of the elevation certificate;
   (3) All floodproofing certifications required under this regulation; and
   (4) All variance actions, including justification for their issuance.

## Section 3. – **PERMITS AND DEVELOPMENT REVIEW PROCEDURES**

### 3.01 Zoning Permit

1. No development may be commenced without a zoning permit issued by the Zoning Administrator.

2. Applicant. All owners of the property on which the proposed development will occur must be the applicant or a co-applicant for a zoning permit.

3. Application requirements: An application for a zoning permit shall be submitted to the Zoning Administrator along with the permit fee and all other approvals required by these regulations.

    a. Permit applications in the Flood Hazard Area Overlay District shall, in addition to the information required above, include the following:
        (1) A sketch map showing the distance of all features of the proposed land development from the nearest flooding water body and from the nearest boundary of the Flood Hazard Area Overlay District.
        (2) All existing and proposed grade elevations.
        (3) The elevation, in relation to mean sea level, of the lowest floor, including the basement, of any new or substantially improved structures.
        (4) When applicable, the elevation to which any new or substantially improved structures will be flood-proofed.
        (5) Either a determination by the State of Vermont Floodplain Coordinator or certification from a registered professional engineer or architect that the flood-proofed structure meets the flood-proofing criteria of these regulations.

4. Application deemed received: The Zoning Administrator shall, upon receipt, review the application to determine completeness. A complete application will include sufficient information for the Zoning Administrator to make a determination of compliance and any applicable fees.

    a. If the Zoning Administrator finds the application incomplete, the Administrator shall, within ten (10) days after receipt, notify the applicant in writing of all additional information or fees required.

    b. If the Zoning Administrator finds the application complete, the Administrator shall record on the application the date on which the application was received.

5. District and use determination. The Zoning Administrator shall determine:

    a. The district or districts in which the proposal is located [Subsection 4.01].

    b. Whether the proposal requires DRB approval [Subsection 4.02].

6. Zoning Administrator Action: Within thirty (30) days after the submission of a complete application and fees, the Zoning Administrator must act on the permit [§4448(d)]. Acting on the permit involves a documented action on the proposal. The Zoning Administrator may:

    a. Determine that the application is exempt from these bylaws.

b. Determine that the proposed use does not require DRB review and, therefore, decide to approve or deny the permit based on the standards discussed below (section 3.01(10)).

c. Determine that the proposed use requires DRB approval and refer the application to the clerk of the DRB for consideration.

7. Deemed approved: If the Zoning Administrator fails to act within the 30-day period, a permit shall be deemed issued on the 31st day [§4448(d)].

8. General Standards for Permitted Uses: When determining the appropriateness of a proposed permitted use, the Zoning Administrator shall determine:

   a. That proposed development meets the general permit review criteria of Subsection 4-A.

   b. That proposed development meets parking and loading requirements of Subsection 4-B.

9. Specific use standards: Where specifically defined, a proposed permitted use must meet specific use standards established in Section 5.

10. Decisions: A zoning permit shall be issued by the Zoning Administrator only in accordance with the Act [§4449(a)(1)] and these bylaws.

    a. If in the opinion of the Zoning Administrator, the proposal as set forth in the application is in conformance with the provisions of these bylaws, the Zoning Administrator shall approve the zoning permit. If the permit is approved, the Zoning Administrator shall notify the applicant, in writing, of the approval stating the effective date of the permit.

    b. If in the opinion of the Zoning Administrator, the proposal as set forth in the application is not in conformance with the provisions of these bylaws, the Zoning Administrator shall deny the zoning permit. If the permit is denied, the Zoning Administrator shall notify the applicant in writing, stating the reasons for denial and shall contain a statement of the period of time within which an appeal may be taken.

    c. No zoning permit shall be issued by the Zoning Administrator until all local permits and required approvals from the DRB, Selectboard, Health Officer, and/or any other local approval has been properly decided.

    d. Each zoning permit issued shall contain a statement of the period of time within which an appeal may be taken [§4449(b)].

11. Effective Date: No permit shall take effect until the time for appeal has passed. In the event an appeal is filed, the permit shall not take effect until the DRB has heard the appeal and decided that the permit should be issued, whereupon it shall take effect after final adjudication of said appeal [§4449(a)(3)].

    a. The effective date of permits which did not require DRB approval or a decision on appeal is fifteen (15) days from the date of issuance of the zoning permit.

    b. The effective date of permits which required DRB approval or involved an appeal of a decision of the Zoning Administrator is thirty (30) days from the decision of the DRB or fifteen (15) days from the issuance of the zoning permit, whichever date is latest.

12. Appeals: Appeals from the decisions of the Zoning Administrator may be made to the DRB, as per section 2.03 of these bylaws, within fifteen (15) days of the decision or act. [§4465(a)]

13. Permit Expiration: All development must be completed within a period of 12-months from the effective date of the permit unless the deadline is altered below. A permit in which the deadline has lapsed without completion shall be deemed expired and may be subject to enforcement action.

    a. The DRB may set the expiration date of a permit beyond 12-months as a condition of approval for certain staged developments.

    b. A one-year extension may be granted if active construction has continued for, but has not been completed within, the initial 12-month period. The Zoning Administrator, upon written request prior to the expiration date, may extend the zoning permit and associated approvals for a period not to exceed one year without further review or hearings.

    c. Reapplication for a new zoning permit including all associated approvals is required for incomplete development where the permit has expired. If appropriate, the Zoning Administrator may find the incomplete development in violation of these regulations and action may be taken.

    d. Any zoning permit issued based on material inaccuracies or misrepresentations in an application or in any supporting documentation to an application shall be null and void; and any associated development activity commenced under such permit shall constitute a violation of these regulations subject to enforcement.

    e. Unless expressly stated otherwise, all valid permits shall run with the land, valid for and binding upon any heir, assign, or successor whom gains an undivided interest in the property.

    f. A permit for a use that has been abandoned is not a valid permit.

14. Posting and Recording Requirements: The Zoning Administrator shall meet the posting and recording requirements of section 2.07.

3.02 Conditional Uses

1. A zoning permit for any use or structure that requires conditional use approval as defined by the Table of Uses in Section 4.02 shall not be issued by the Zoning Administrator until the DRB grants such approval.

2. Purpose: The purpose of a conditional use is to extend the development options of all property owners within a particular zoning district without causing undue impact upon other property owners or violating the objective of the districts as stated in Section 6 of these bylaws.

3. Application Procedure: In addition to material presented for zoning permit [section 3.01(4)] the applicant shall submit additional information as required by the DRB.

4. Concurrent Review: Where an application requires both Conditional Use and Site Plan Approval by the Development Review Board, the review procedures may be conducted concurrently.

5. Public Hearing: A public hearing after public notice shall be held by the DRB at the earliest available meeting to determine whether the proposed use conforms to the general and specific standards for conditional uses in these regulations [§4464(a)(1)].

   a. Public notice for any hearing shall be given by publication of the date, place, and purpose of such hearing in [§4464]:
      (1) a newspaper of general circulation in the Town;
      (2) a mailing of such notice to the applicant;
      (3) a posting of such notice in three or more public places within the municipality including;
         i. the Town Clerks Office; and
         ii. Within view from the public right of way most nearly adjacent to the property for which the application is made; and
      (4) written notification of such notice to the applicant and to the owners of all properties adjoining the property subject to development, without regard to the public right of way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceedings is a prerequisite to the right to take any subsequent appeal.

   b. The public notice of the hearing shall not be given less than 15 days prior to the date of the hearing [§4464(a)(1)].

   c. The Zoning Administrator shall notify adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service. The applicant is required to bear the cost of the public warning including administrative costs.

   d. All hearings regarding a conditional use application are open to the public. [§4461(a)]

   e. In any hearing, there shall be an opportunity for each person wishing to establish status as an interested person (as defined in section 7) to demonstrate that the criteria set forth in the definition are met and that the DRB keep a written record of the name, address, and participation of each of the persons. [§4461(b)]

   f. Any hearing may be recessed by the DRB, pending submission of additional information, from time to time provided, however, that the date and place of the hearing shall be announced at the hearing [§4464(b)(1)]. At its discretion, the DRB may limit the number of successive recesses in order to ensure submission of all required additional information in a timely manner. In general, successive recesses should not result in the hearing being closed more than six (6) months after it is warned.

5. General and Specific Standards: Once a proposal is referred to the DRB, the Board reviews all criteria. When determining the appropriateness of a proposed conditional use, the DRB shall determine:

   a. The development meets the general regulations in Subsection 4-A.

   b. That the proposed development meets parking, loading and stormwater requirements of Subsection 4-B.

c. The development meets all General Standards for Site Plan Approval in Section 3.03(6) of these regulations bylaws, unless the Conditional Use is exempt from Site Plan Approval under Section 3.03(2) of these regulations.

d. The development or use will not adversely affect any of the general conditional use standards described under Subsection 4.30 [§4413(3)]:
   (1) The capacity of existing or planned community facilities.
   (2) The character of the area affected.
   (3) Traffic on roads and highways in the vicinity.
   (4) Bylaws now in effect.
   (5) Utilization of renewable energy resources.

e. The development or use will not adversely affect any of the specific conditional use standards described under Subsection 4.31:
   (1) The capacity of the site to support the proposal.
   (2) Scenic, natural or irreplaceable areas.
   (3) Water and air quality.

6. Specific Use Standards: Where applicable, a proposal must meet the standards as established in Section 5 of these bylaws.

7. Decision: The DRB should close the hearing promptly after all parties have submitted requested information. The DRB decision shall be issued within forty-five (45) days of completing the hearing. The DRB decision must be in writing and shall include a statement of the factual bases on which the DRB has made its conclusions and a statement of conclusions. Failure to render a decision within the required period shall be deemed approval. [§4464(b)(1)]

   Copies of any DRB decision shall be sent to the applicant (by certified mail) and to every person or party who was heard at the hearing. [§4464(b)(3)].

8. Conditions of Approval: In rendering a decision in favor of the applicant, the DRB may attach reasonable conditions and safeguards, as it deems necessary to implement the purposes of the Act, these regulations, and the municipal plan then in effect. [§4464(b)(2)]

   a. Increasing the required parcel size or yard dimensions in order to protect adjacent properties, provided such a limitation is in conformance with the objective for the District in which the property is located. Within the Village Core District, prior to requiring larger setbacks, the DRB shall consider whether other measures, such as additional landscaping/screening, use of noise insulation, etc. will better accomplish the same objective.

   b. Limiting lot coverage or height of buildings because of undue obstruction to view and reduction of light and air to adjacent property, provided such a limitation is in conformance with the objective for the District in which the property is located

   c. Controlling the location and number of vehicular access points to the parcel to minimize traffic hazards.

   d. Improvements or upgrades to the immediate transportation network serving the development. Such upgrades shall be in conformance with the Wolcott Town Plan and any capital budget in effect. Such improvements need not correct all deficiencies in the existing network and should be commensurate with the proposal's actual impact.

Especially within the Village and Village Core Districts, improvements that support modes of travel other than the single occupancy automobiles are encouraged. Examples include contributing to a planned sidewalk or pathway network, providing additional facilities for bicycle parking, constructing off-site parking or a commuter lot, etc. Scheduling operations to avoid peak traffic hours is also an acceptable means of addressing congestion.

e. Increasing the number of off-street parking or loading spaces required, except in the Village Core District.

f. Requiring measures to minimize the adverse effects of land alterations on soil erosion, water quality, and scenic beauty as may be recommended by the county forester, Natural Resource Conservation Service, district highway engineer, and other experts;

g. Requiring suitable landscaping or screening where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;

h. Limitations on the hours of operation or levels of daily truck traffic permissible.

i. Specifying a time limit for construction of improvements to land or structures, including conditions to phase residential developments to minimize the impact on schools and other community facilities and services;

j. Requiring a performance bond from the applicant to ensure that the project is constructed and maintained in compliance with the permit and these regulations;

k. Any additional conditions and safeguards that the DRB deems necessary to implement the purposes of the Act, the Wolcott Town Plan, or these zoning bylaws; and

l. For development in the Flood Hazard Areas, such additional reasonable conditions as the DRB may deem necessary to implement the above measures, including a condition that all appropriate State and Federal permits be obtained.

9. Appeals: Appeals of the decision of the DRB may be made to the Environmental Court, as per section 2.04, within thirty (30) days of the date of decision [§4471].

10. Permit issuance: The DRB shall forward its decision to the Zoning Administrator with instructions to issue or not issue the zoning permit.

11. Posting and Recording Requirements: The Zoning Administrator shall meet the posting and recording requirements of section 2.07.

3.03 Site Plan Approval

1. In any district, the Zoning Administrator shall not issue a permit until site plan approval is granted. Unless exempted herein, all development requires site plan approval. [§4416]

2. Exemptions: No site plan approval shall be required for the following:

a. Single-family dwellings.

b. Two-family dwellings.

c. Accessory apartments.

d. Home occupations.

e. Accessory structures to residential uses.

3. Purpose: Site plan review is required in order to ensure that a project will be of high quality, have an attractive and functional site design, and that the overall building and site design is consistent with the purpose and character of the district within which it is located.

4. Application Procedure: In addition to material presented for zoning permit [section 3.01(4)], the applicant shall submit additional information as required by the DRB and/or Zoning Administrator.

5. Administrative Site Plan Approval:

a. The Administrative Officer may grant site plan approval via the procedures outlined for a zoning permit in Section 3.01 above, if all of the following criteria are met:
(1) All uses proposed are permitted uses in the District in which the parcel is located,
(2) Any expansion of the structure, in culmination with any previous expansion over a five (5) year period, does not exceed the thresholds outlined in the Table below:

| DISTRICT | TOTAL INCREASE IN GROSS FLOOR AREA |
|---|---|
| Village Core, Village – Gateway, Route 15 | 1,500 square feet |
| Fisher Bridge Enterprise | 5,000 square feet |
| Village – School Street, Village – North Wolcott, Rural | 500 square feet |
| Shorelands | None |

b. In granting Administrative Site Plan Approval, the Zoning Administrator shall ensure that all standards outlined below are met:
(1) The development meets the general regulations in Subsection 4-A.
(2) That development meets parking, and loading, and stormwater requirements of Subsection 4-B.
(3) The development meets the Site Plan Review Criteria as described under Subsection 4-D [§4416]:
(4) Where applicable, a proposal must meet Specific Use Standards identified in Section 5 of these bylaws.
(5) The development conforms to all Area and Dimensional Requirements and any Site Layout and Design Standards for Multi-Family and Non-Residential Uses for the District in which it is located, as outlined in Section 6.

c. If any of the criteria in Paragraph (a) above are not met, and/or the Zoning Administrator is unable to determine if any standard in Paragraph (b) has been met, the application shall be referred to the Development Review Board.

5. Public hearing: For any Site Plan ***not*** eligible for Administrative Approval, a public hearing shall be held by the DRB at the earliest available regular or special meeting after the time of referral by

the Zoning Administrator of a complete application. [§4464(a)(2)]

a. Public notice for the hearing shall be given not less than fifteen (15) days prior to the date of the public hearing and shall include the date, place, and purpose of such hearing. Public notice shall be: [§4464(a)(2)]:
   (1) a mailing of such notice to the applicant; and
   (2) a posting of such notice in three or more public places within the municipality.
   (3) written notification of such notice to the applicant and to the owners of all properties adjoining the property subject to development, without regard to the public right of way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceedings is a prerequisite to the right to take any subsequent appeal.

b. The Zoning Administrator shall notify adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service. The applicant is required to bear the cost of the public warning including administrative costs.

c. All hearings regarding site plan approval are open to the public. [§4461(a)]

d. In any hearing, there shall be an opportunity for each person wishing to establish status as an interested person (as defined in section 7) to demonstrate that the criteria set forth in the definition are met and that the DRB keep a written record of the name, address, and participation of each of the persons. [§4461(b)]

e. Any hearing may be recessed by the DRB, pending submission of additional information, from time to time provided, however, that the date and place of the hearing shall be announced at the hearing [§4464(b)(1)]. At its discretion, the DRB may limit the number of successive recesses in order to ensure submission of all required additional information in a timely manner. In general, successive recesses should not result in the hearing being closed more than six (6) months after it is warned.

6. General Standards: Once a proposal is referred to the DRB, the Board reviews all criteria. When determining the appropriateness of a proposed site plan, the DRB shall determine:

   a. The development meets the general regulations in Subsection 4-A.

   b. That proposed development meets parking, loading, and stormwater requirements of Subsection 4-B.

   c. The development or use meets Site Plan Review Criteria as described under Subsection 4-D [§4416]:

   d. The development conforms to all Area and Dimensional Requirements and any Site Layout and Design Standards for Multi-Family and Non-Residential Uses for the District in which it is located, as outlined in Section 6.

7. Specific Use Standards: Where applicable, a proposal must meet the requirements identified in Section 5 of these bylaws.

8. Decision: The DRB should close the hearing promptly after all parties have submitted requested

information. The DRB decision shall be issued within forty-five (45) days of completing the hearing. The DRB decision must be in writing and shall include a statement of the factual bases on which the DRB has made its conclusions and a statement of conclusions. Failure to render a decision within the required period shall be deemed approval. [§4464(b)(1)]

Copies of any DRB decision shall be sent to the applicant (by certified mail) and to every person or party who was heard at the hearing. [§4464(b)(3)].

9. Conditions of Approval: The DRB shall have the power to impose reasonable conditions and safeguards to ensure the safety and general welfare with respect to the adequacy of traffic access and safety, circulation and parking, and landscaping and screening when approving site plan applications including, but not limited to:

   a. The DRB can require shared access to adjoining properties or may limit access to the property to a side street or secondary road, in accordance with Section 4.20 of these regulations

   b. Where only a portion of a property is proposed for development, the DRB can require an applicant to submit a master plan showing how future development of the remainder of the property will be accessed and serviced.

   c. The DRB can require screening of parking from adjacent uses and from roadways in the vicinity, in accordance with Section 4.40 of these regulations

   d. The DRB can require provisions for pedestrian trails and walkways along waterways or other natural features, in accordance with Section 4.22 of these regulations.

   e. The DRB has the power to limit the size and location of any parking or loading areas, in accordance with Section 4.23 of these regulations

   f. The DRB can require the cost of planting to equal up to 3 percent of the estimated total cost of the development, in accordance with Section 4.40 of these regulations.

   g. The owner or developer can be required to provide a suitable performance bond or other form of security to guarantee the performance and completion of all improvements required pursuant to this section. The amount and form of such surety shall be subject to the approval of the Wolcott Selectboard previous to final Site Plan Approval.

10. Appeals: Appeals from the decisions of the DRB may be made to the Environmental Court, as per section 2.04 of these bylaws, within thirty (30) days of the decision. [§4471]

11. Permit issuance: The DRB shall forward its decision to the Zoning Administrator with instructions to issue or not issue the zoning permit.

12. Posting and Recording Requirements: The Zoning Administrator shall meet the posting and recording requirements of section 2.07.

3.04 Planned Unit Development Approval

1. In any district, the Zoning Administrator shall not issue a permit for the creation of a planned unit development or for the development of a structure or use within a PUD until approval is

granted by the DRB. Applications for PUDs shall be reviewed pursuant to the Procedures outlined in the Wolcott Subdivision Regulations, and shall meet all applicable plat requirements found in the Subdivision Regulations. A PUD may include any permitted or conditional uses in the District in which it is located, subject to all required reviews. Where a proposed use or structure within the PUD requires site plan, conditional use, or other review under these regulations, efforts will be made to hold the review concurrently. Any subsequent zoning permit, site plan or conditional use approval within an approved PUD shall incorporate all applicable conditions of the PUD approval

2. Purpose: Purpose: Planned Unit Developments (PUDs) are intended to further the goals and objectives of the Wolcott Town Plan, and the purpose of the underlying zoning district by permitting flexibility in the application of land development bylaws. Planned Unit Developments (PUDs) are permitted in all zoning districts in order to encourage flexibility in design and unified treatment of the development site; to promote efficient use of land; to facilitate the efficient and economical provision of streets and utilities; and to conserve the natural resources, historic features, and scenic qualities of the Town of Wolcott. [the Act §4417].

Applicability: PUDs are encouraged for all development in the Town of Wolcott. There is no minimum project size for a PUD in Wolcott.

Coordination of Review: Applications for PUDs shall be reviewed pursuant to Article II Subdivision Regulations. PUD may include any permitted or conditional uses in the District in which it is located, subject to all required reviews. Efforts shall be made to conduct all reviews associated with the PUD concurrently. Any subsequent zoning permit, site plan or conditional use approval within an approved PUD shall incorporate all applicable conditions of the PUD approval.

3. Application Procedure: In addition to material presented for subdivision plat approval and any zoning permits, conditional use reviews, and site plan reviews being pursued in connection with the PUD, the applicant shall submit 2 copies of the following information to the DRB:

   a. A statement setting forth the nature of all proposed modifications of this bylaw and the proposed standards and criteria which the applicant proposes for the development,, as outlined in section 4.55.

   b. Limits of use, if any.

   c. Plans for the permanent maintenance and/or management of open space areas included within the development, as outlined in section 4.54.

   d. Any other information which the DRB requires to ensure that the provisions of these regulations are met.

4. Public hearing: A public hearing shall be held by the DRB at the earliest available regular or special meeting after the time of referral by the Zoning Administrator of a complete application for a planned unit development. [§4464(a)(2)]

   a. Public notice for the hearing shall be given not less than fifteen (15) days prior to the date of the public hearing and shall include the date, place, and purpose of such hearing. Public notice shall be: [§4464(a)(2)]:
      (1) a mailing of such notice to the applicant; and
      (2) a posting of such notice in three or more public places within the municipality.
      (3) written notification of such notice to the applicant and to the owners of all

properties adjoining the property subject to development, without regard to the public right of way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceedings is a prerequisite to the right to take any subsequent appeal.

b. The Zoning Administrator shall notify adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service. The applicant is required to bear the cost of the public warning including administrative costs.

c. All hearings regarding planned unit developments are open to the public. [§4461(a)]

d. In any hearing, there shall be an opportunity for each person wishing to establish status as an interested person (as defined in section 7) to demonstrate that the criteria set forth in the definition are met and that the DRB keep a written record of the name, address, and participation of each of the persons. [§4461(b)]

e. Any hearing may be recessed by the DRB, pending submission of additional information, from time to time provided, however, that the date and place of the hearing shall be announced at the hearing [§4464(b)(1)]. At its discretion, the DRB may limit the number of successive recesses in order to ensure submission of all required additional information in a timely manner. In general, successive recesses should not result in the hearing being closed more than six (6) months after it is warned.

5. General Standards: Once a proposal is referred to the DRB, the Board reviews all applicable criteria. When determining the appropriateness of a proposed planned unit development, the DRB shall determine:

a. The development meets the general regulations in Subsection 4-A.

b. That proposed development meets parking, loading, and stormwater requirements of Subsection 4-B.

c. The development or use meets the Site Plan Review Criteria as described under Subsection 4-D. [§4416]

d. The development meets standards established for the creation of a planned unit development as described under Subsection 4-E.

6. Specific Use Standards: Where applicable, a proposal must meet the requirements identified in Section 5 of these bylaws.

7. Decision: The DRB should close the hearing promptly after all parties have submitted requested information. The DRB decision shall be issued within forty-five (45) days of completing the hearing. The DRB decision must be in writing and shall include a statement of the factual bases on which the DRB has made its conclusions and a statement of conclusions. Failure to render a decision within the required period shall be deemed approval. [§4464(b)(1)]

Copies of any DRB decision shall be sent to the applicant (by certified mail) and to every person or party who was heard at the hearing. [§4464(b)(3)].

8. Conditions of Approval: The DRB shall have the power to impose reasonable conditions as are found in sections 3.03(9) and 3.02(8) as appropriate to the project.

9. Appeals: Appeals from the decisions of the DRB may be made to the Environmental Court, as per section 2.04 of these bylaws, within thirty (30) days of the decision. [§4471]

10. Permit issuance: The DRB shall forward its decision to the Zoning Administrator with instructions to issue or not issue the zoning permit.

11. Posting and Recording Requirements: The Zoning Administrator shall meet the posting and recording requirements of section 2.07.

3.05 Variance

1. An applicant may receive relief from a provision of these zoning bylaws through the granting of a variance by the DRB. Variances may be granted for general structures, renewable energy structures, and to development standards for development in the flood hazard area - under separate criteria. Variances to allow uses that are not permitted or conditionally permitted in the applicable district are not permissible. [§4469]

2. Purpose: The purpose of a variance is to address a hardship, related to the physical characteristics of a particular lot, which hampers the owner from enjoying the same property rights accorded to others in the same zoning district. An applicant cannot request rights, which have not been accorded to all others in the same district. Therefore, in no case shall the DRB grant a variance for a use, which is not permitted or conditionally permitted in the applicable district. Because a variance results in a deviation from the Town Plan and bylaws, variances are allowed only in narrow circumstances.

3. Application: Variances are treated as appeals [§§4465, 4466], therefore a notice of appeal for a variance shall be filed in writing with the clerk of the DRB, or Town Clerk if no such secretary has been elected and include:

   a. The name and address of the appellant.

   b. A brief description of the property with respect to which the variance is requested.

   c. A reference to applicable bylaws provisions for which relief is requested.

   d. The nature of the relief requested by the appellant.

   e. The alleged grounds why such relief is believed proper under the circumstances (i.e. how the proposal meets all requirements of this section).

4. Public Hearing: Following the receipt of the notice of appeal for a variance, the DRB shall set the date and place for a public hearing which shall be within sixty (60) days of the filing of the notice [§4468].

   a. Public notice for any hearing shall be given by publication of the date, place, and purpose of such hearing in [§§4464, 4468]:
      (1) a newspaper of general circulation in the Town;
      (2) a mailing of such notice to the appellant;
      (3) a posting of such notice in three or more public places within the municipality

including;

i. the Town Clerks Office; and

ii. Within view from the public right of way most nearly adjacent to the property for which the application is made; and

(4) written notification of such notice to the applicant and to the owners of all properties adjoining the property subject to development, without regard to the public right of way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceedings is a prerequisite to the right to take any subsequent appeal.

b. The public notice of the appeal shall not be given less than 15 days prior to the date of the hearing [§4464(a)(1)].

c. The Zoning Administrator shall notify adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service. The appellant is required to bear the cost of the public warning including administrative costs.

d. Any interested person (as defined in Section 7) may appear and be heard in person or be represented by agent at the public hearing [§4468].

e. All hearings of an appeal shall be open to the public and the rules of evidence applicable at such hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies [§4468]. These include:

(1) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence in civil cases in the Vermont superior courts shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible there under may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Objections to evidentiary offerings may be made and shall be noted in the record.

(2) 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 the opportunity to compare the copy with the original.

(3) A party may conduct cross examinations required for a full and true disclosure of the facts.

(4) Facts and information understood by members of the board may be presented as evidence. (3 V.S.A. §810)

f. Any hearing may be recessed by the DRB, pending submission of additional information, from time to time provided, however, that the date and place of the hearing shall be announced at the hearing [§§4468, 4464(b)(1)]. At its discretion, the DRB may limit the number of successive recesses in order to ensure submission of all required additional information in a timely manner. In general, successive recesses should not result in the hearing being closed more than six (6) months after it is warned.

5. General Standards: There are two sets of criteria established by the Act [§4469] with regards to variances – general structures and renewable energy structures. Additional criteria are required for variance requests in the flood hazard area.

a. General structures. The DRB may render a decision in favor of the applicant only upon establishing **all** the facts, identified in Subsection 4.60 of these bylaws, in its decision.

b. Renewable energy structures. For a structure which is primarily a renewable energy resource structure, the DRB may render a decision in favor of the applicant only upon establishing **all** the facts, identified in Subsection 4.61 of these bylaws, in its decision.

c. Flood hazard area. For general or renewable energy structures in flood hazard area, the DRB may render a decision in favor of the applicant only upon establishing **all** the facts identified in Subsection 4.60 or 4.61, as applicable, **and** the additional requirements in Subsection 4.62 of these bylaws, in its decision.

6. Decision: The DRB should close the hearing promptly after all parties have submitted requested information. The DRB decision shall be issued within forty-five (45) days of completing the hearing. The DRB decision must be in writing and shall include a statement of the factual bases on which the DRB has made its conclusions and a statement of conclusions. Failure to render a decision within the required period shall be deemed approval. [§4464(b)(1)]

   In rendering a decision in favor of the applicant, the DRB may attach reasonable conditions and safeguards, as it deems necessary to implement the purposes of the Act, these regulations, and the municipal plan then in effect. [§4464(b)(2)]

   Copies of any DRB decision shall be sent to the appellant and applicant (both by certified mail) every person or party who was heard at the hearing. [§4464(b)(3)]

7. Conditions of Approval: In rendering a decision in favor of an applicant for a variance, the DRB may attach such conditions to such variances as it may consider necessary and appropriate under the circumstances to implement the Act and/or the Town of Wolcott Municipal Development Plan as most recently adopted [§4469(c)]. Such conditions may include those in section 3.02(8) of these bylaws.

   a. For any variance issued within the flood hazard area, the permit shall state:
      (1) This development is not in conformance with the Flood Hazard Area bylaws as established by the Town of Wolcott to protect the health, safety and welfare of the occupants and/or property. This development will be maintained at the risk of the owner.
      (2) The issuance of this variance to develop in the flood hazard area will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and may increase risks to life and property in the event of a flood.

8. Appeals: Appeals of the decision of the DRB may be made to the Environmental Court, as per section 2.04, within thirty (30) days of the date of decision [§4471].

9. Posting and Recording Requirements: The DRB shall file its decision with the Zoning Administrator, for posting and filing in the land use records, and the Town Clerk for filing as part of the public record [§4464(b)(3)]. All posting and recording shall be in compliance with section 2.07.

3.06 Administrative Amendment Minor revisions to Development Review Board approvals may be reviewed and approved by the Zoning Administrator without Development Review Board review, subject to the following

1. Minor revisions are those that have no substantial impact under any of the standards outlined in relevant sections of these bylaws. Conditions from prior approvals shall only be modified if the original rationale for the condition(s) is understood and has been adequately addressed in a manner consistent with current regulations. Furthermore, no revision issued via Administrative Review shall have the effect of substantially altering any of the Findings of Fact of the most recent approval.

2. In no event shall Administrative amendment result in the creation of any new lots or vehicular easements.

3. The authority to approve an application administratively does not mean that the Zoning Administrator is required to do so. The Zoning Administrator reserves the right to refer any application to the Development Review Board where it is deemed that DRB level review or interpretation is appropriate or necessary. In such cases, the applicant shall be responsible for any additional fees or submittals needed for Development Review Board review.

4. Notice and Posting: Public notice and posting requirements shall be the same as those outlined in Section 3.01 Zoning Permits. In addition, notice shall be sent to all abutters and individuals in attendance at the public hearings for the project when it was initially approved.

5. Decisions: The Zoning Administrator shall act within thirty (30) days of the receipt of a complete application, either by issuing a decision or by making a referral to the DRB. The Administrative Amendment shall be deemed issued on the thirty-first (31st) day, if not acted upon. Decisions shall be sent to anyone who makes a specific request. Pursuant to the V.S.A. Ch 117 §4449 (3), the Administrative Amendment shall not take effect until the fifteen (15) day time for appeal has passed.

6. Appeals: Any person may appeal to the DRB within fifteen (15) days of the date of the decision, in the same manner as other zoning permit appeals pursuant to the Section 2.03 of these Regulations and V.S.A. Ch 117 §4456.

Section 4. – **GENERAL REGULATIONS AND REVIEW CRITERIA**

Subsection 4-A - **General Permit Review Criteria**

4.01 Determining District(s)

1. The district or districts that apply to a proposed development are determined by examination of the Official Zoning Map on record at the Town Clerks Office and by the district descriptions provided in Section 6 of these bylaws. When interpreting the boundaries of a district the following rules shall apply-

    a. Boundaries indicated as following roads, transportation, or utility rights of way shall be construed to follow such centerlines. The abandonment of roads and/or rights of way shall not affect the location of boundaries.

    b. Boundaries indicated as following lot lines shall be construed to follow such lot lines.

    c. Boundaries indicated as following a watercourse shall be construed as following a watercourse at the deepest level.

    d. Boundaries indicated as parallel to, or extensions of a feature in a, b, and c above, shall be so construed.

    e. Boundaries of the designated flood hazard area shall be determined by scaling distances on the FIRM or FBFM maps, as appropriate.
        (1) Where available, (i.e. Zones A, A1-A30, AE, and AH), the base flood elevations and floodway limits provided by the National Flood Insurance Program (NFIP) in the Flood Insurance Study and accompanying maps (of most recent date) shall be used to administer the provisions of these regulations.
        (2) In areas where base flood elevations and floodway limits have not been provided by the NFIP (i.e. Zone A) base flood elevation and floodway information available from State or federal agencies or other sources shall be obtained and reasonably utilized to administer the provisions of these bylaws.

2. When the Zoning Administrator cannot definitely determine the location of a district boundary line by the above rules or by the scale or dimensions on the Official Zoning Map, the DRB shall interpret the district boundary.

    a. Disputes over the exact location of Flood Hazard Area boundaries shall be resolved by the DRB based upon survey and/or other evidence including input from the State Department of Environmental Conservation.

4.02 Determining Permitted and Conditional Uses

1. The Zoning Administrator must determine whether the proposed use meets the definition of that use in these bylaws and whether the use is considered a permitted or conditional use in the district in which it is located.

2. The provisions of the district within which the structure is being constructed or use being proposed shall apply. If the structure or use is in more than one district then the stricter provision applies.

3. Permitted Uses: Permitted uses for each District are denoted with a "P" in the Table of Uses in Section 4.02(8) below. All permitted uses require a Zoning Permit (sometimes called a "Building Permit") approved by the Administrative Officer according to the requirements of Section 3.01. In some cases, Site Plan approval by the Development Review Board may be required prior to the issuance of a Zoning Permit, in accordance with Section 3.03 (site plan review)

4. Conditional Uses: Conditional uses for each District are denoted with a "C" in the Table of Uses in Section 4.02(8) below. Before the Administrative Officer may issue a Zoning Permit, a conditional use requires approval of the Development Review Board subject to the requirements of Section 3.02 (Conditional Use Review).

5. Prohibited Uses: If a specifically defined use is neither permitted or conditional within a District, it shall be considered prohibited. Prohibited uses for each District are denoted with an "X" in the Table of Uses in Section 4.02(8) below.

6. Uses not listed in the Table of Uses: If a proposed use is not specifically listed in the Table of Uses, the Administrative Officer shall first determine if the use is substantially similar to a listed use found within the Table of Uses, using Article III Definitions Section 2. If deemed substantially similar to a listed use, the Administrative Officer shall treat the use accordingly, as a permitted, conditional or prohibited use. If deemed to be not substantially similar to a listed use in the Table of Uses, the use shall be reviewed by the by the DRB subject to Conditional Use requirements of Section 3.02 (Conditional Use Review). The Administrative Officer's determination may be appealed to the Development Review Board.

7. Multiple Uses in A Single Structure: Multiple uses in one principal structure, including residential and non-residential uses, may be permitted on a single lot

8. Table of Uses: Uses are defined in Article III Definitions Section 2. Use categories are intended to be broadly defined. The Administrative Officer shall determine the applicability of a specific definition to a proposed use. Said determination may be appealed to the Development Review Board under Section 2.03 (Appeals). The Table of Uses may be found on the following page:

| Table of Uses | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Use** | Village Core | Village | | | Fisher Bridge Enterprise | Route 15 | Rural | Shoreland |
| | | Gateway | School St | NWolcott | | | | |
| Single Family Dwelling | P | P | P | P | X | P | P | C |
| 2 Family Dwelling | P | P | P | P | X | C | C | X |
| Multi-Family Dwelling | P | C | C | C | X | C | C | X |
| Accessory Apartment, Caretaker Apartment, and Employee Housing | See Section 5.01 | | | | | | | |
| Residential Care Home | See Section 5.06 | | | | | | | |
| Home Occupation | See Section 5.04 | | | | | | | |
| Professional and Business Services | P | P | C | C | C | C | C | X |
| Financial Institution | P | P | C | C | X | X | X | X |
| Retail | P | P | C | P | C | C | C | X |
| Gallery/Studio | P | P | C | C | C | C | C | X |
| Museum | P | P | C | C | X | C | C | X |
| Lodging ≤ 10 Guest Rooms | P | P | C | C | X | C | C | X |
| Lodging > 10 Guest Rooms | P | C | C | C | X | X | X | X |
| Childcare Home | See Section 5.03 | | | | | | | |
| Childcare Facility | P | P | C | P | P/C[1] | C | C | X |
| Restaurant/Food Service | P | C | C | C | X | C | C | X |
| Place of Worship | P | P | C | C | X | C | C | X |
| Indoor Recreation Facility | P | P | C | C | X | C | C | X |
| Outdoor Recreation Facility | P | P | C | C | X | C | C | C |
| Club, Public Assembly Hall | P | P | C | C | X | C | C | X |
| Light Manufacturing | C | C | C | C | P | C | C | X |
| Forest Products Processing | P | P | C | C | P | C | C | X |
| Agricultural Enterprise | P | P | C | C | P | P | C | X |
| Storage --Warehouse | C | C | C | C | P | C | C | X |
| Storage – Cold | P | C | C | C | P | C | C | X |
| Storage – Self | C | C | C | C | C | C | C | X |
| Contractor Yard | C | C | C | C | P | C | C | X |
| Kennel | C | C | C | C | C | C | C | X |
| Earth/Gravel Extraction | X | C | C | C | C | C | C | X |
| Motor Vehicle Service/Repair | C | C | C | C | C | C | C | X |
| Motor Vehicle Sales | C | X | X | C | C | C | X | X |
| Motor Vehicle Fuel Sales | C | X | X | C | X | X | X | X |

[1]See Section 5.03(3)(d)(1) regarding Childcare Facilities within the Fisher Bridge Enterprise District

4.03 Setback Requirements

1. Setback requirements: Unless exempted below, all structures shall conform to the minimum setback requirements of the district in which they are located. Setbacks are established in Section 6 for each district.

   a. Road. Road setback requirements (as established by the district in which the lot's frontage is located) shall be applied from any public right-of-way, private street, or driveway easement (corner lots, therefore, must meet road setbacks on two roadways).

   b. Other property line. Setback requirements from other property lines shall be applied from any property line not abutting a highway. In some Districts and within PUDs, structures may be permitted to sit on two or more lots (creating a "footprint lot"). Depending on the use of the structure, applicants may be required to provide a firewall meeting applicable State building code standards

   c. Lakes and ponds. Setbacks to lakes and ponds apply to all water bodies greater than 10 acres in size.

2. Measuring setbacks. The setback is a perpendicular line from a road, lot line, boundary or other designated feature, to the nearest part of a structure being examined. All distances are measured as a horizontal line.

   a. Road. The setback shall be measured from the edge of the public right-of-way, private road, or driveway easement.

   b. Lakes and ponds. Setbacks are measured from the mean high water mark for the water-body in question.

3. Structures exempt from setback requirements. Certain structures are exempt from meeting specified setback requirements.

   a. Road. Structures such as driveways, electrical utility lines, signs, fences and other structures customarily allowed in road setback areas are exempt from the road setback requirement. Structures such as signs and fences must still abide by right of way restrictions for the road on which they are located.

      No development can be permitted within the town road right of way. The rights to develop these areas are owned by the Town and are under the control of the Selectboard. Proposals to develop within the road right of way must receive a variance from the DRB as well as a permit from the Selectboard. Permits cannot be granted, nor variances approved for development within the right of way of state highways. State highways are owned in fee by the state.

   b. Other property line. Fences are exempt from 'other property line' setback requirements. Driveways must maintain a minimum 10 foot setback from property lines, unless a shared driveway, or located within the Village or Village Core District or in a PUD, in which case no setback shall be required. Septic tanks, leach fields, and other in ground wastewater system components must meet isolation distances established by the State of Vermont Environmental Protection Rules.

c. Lakes and ponds. Structures customary to lakes and ponds may be exempt from lake and pond setback requirements such as paths, docks, and boat launches.

4.04 Parcel Size and Density Requirements

1. Determining parcel size: Parcel sizes shall include the entire extent of the parcel including lands considered not developable such as wetlands and portions under rights of ways except that lands under public waters shall not be included in the parcel size. Any state highway and any Class 1, 2, 3, or 4 town highway shall be considered to subdivide a lot. Trails and private rights of way across properties shall not be considered to subdivide a parcel.

   a. For new parcels, the parcel must meet the minimum parcel size for the district in which it is located unless it is part of a Planned Unit Development. Parcels in two or more districts must contain suitable land in respective districts to meet density requirements below for at least a single-family dwelling.

2. Density requirements: All residential uses must not exceed maximum allowable densities for the parcel based on the district(s) in which they are located. Densities are established in Section 6 for each district.

3. Calculation of density: For purposes of density, the number of dwelling units permissible shall be the sum of the permissible units in each district of the entire parcel. All sums are rounded down. For example, a parcel with 7.2 acres in the rural district (2 acre density) will have 7.2 acres divided by 2 acres per unit for a total of 3.6 units rounded down to 3 unit. These units may be constructed in either district provided it is a permissible use within that district (a three unit apartment, subdivide to create three lots with a single family dwelling on each provided each new lot meets the density requirements, etc).

4. No minimum parcel size or density requirements apply in the Village Core District. Density shall be limited by Floor-to-Area Ratio (FAR) rather than the number of dwelling units per acre.

5. Shifting density between contiguous and non-contiguous parcels: Within a PUD only, density may be shifted between contiguous and non-contiguous parcels, in accordance with the Standards found in Section 4.56.

4.05 Frontage Requirements

1. No development is permitted on parcels that do not have frontage on a public road [§4412(3)]. Minimum frontage is established in Section 6 for each district. Existing lots that do not meet minimum frontage are treated as non-conforming lots under section 4.10 of these bylaws.

2. Measuring frontage. Frontage applies to all property lines bordering public or private roadways but not driveway easements. Frontage is measured along the edge of the traveled portion of the roadway in question.

3. Existing lots without frontage. Permits may be granted for land that does not have frontage on a public road or public waters, provided access is available by a permanent easement or right-of-way. The required easement or right-of-way shall be at least fifty (50) feet in width for any such land-locked parcels. Where a right-of-way is proposed to provide access to an existing land locked parcel, the right of way must be created through subdivision plat approval [§4412(3)].

4.06 Height Limits

1. Unless expressly allowed elsewhere in these bylaws, no structure shall exceed 40 feet in height above the average ground level. Antennas, windmills, rooftop solar collectors, and other accessory structures shall comply with the permissible height of structures requirement, unless exempt under Section 4.06(6) below. [§4412(6)]

2. Subject to conditional use review, the Development Review Board may permit roof appendages that are ***not used for human occupancy*** such as rooftop elements (spires, steeples, minarets, cupolas), chimneys, ventilators, tanks, or similar parts of a building to exceed the permitted and conditional height limit, provided all roof appendages occupy an aggregate of not more than twenty percent (20%) of the area of the building.

3. Subject to conditional use review, the Development Review Board may approve ***occupied*** portions of a structure exceed to 40 feet in height if necessary to facilitate elevation of an ***existing structure*** in the Flood Hazard Area Overlay, in order to offset loss of floor area resulting from bringing an ***existing structure*** into conformance with the provisions of the Flood Hazard Area Overlay, OR to allow expansion of an ***existing structure*** that could not otherwise be expanded due to the presence of primary or secondary natural resources, small lot size, and/or wastewater/water supply isolation distances. In addition to the conditional use criteria in Subsection 4-C of these Regulations, the DRB shall consider and may impose conditions related to emergency ingress/egress. The DRB may require use of Traditional Vermont Building Types to minimize impacts to view sheds and solar gain of adjacent properties.

4. Subject to conditional use review, the development Review Board may approve ***occupied*** portions of a structure exceed to 40 feet in height for a ***new or existing structure*** located in a PUD awarded a density bonus in accordance with Section 4.52 of these Regulations In addition to the conditional use criteria in Subsection 4-C of these Regulations, the DRB shall consider and may impose conditions related to emergency ingress/egress. The DRB may require use of Traditional Vermont Building Types to minimize impacts to view sheds and solar gain of adjacent properties.

5. Measuring height. Height is measured from the average grade at the base of the structure to the highest peak of the roof or highest point on the structure.

6. Exemptions: The height limitations set forth above shall not apply to the following:

   a. Farm structures, as specified by the most current Vermont Department of Agriculture Accepted Agricultural Practices

   b. Rooftop solar collectors less than ten (10) feet high or wind turbines with blades less than twenty (20) feet in diameter, or similar structures.

   c. Flagpoles less than fifty (50) feet in height

   d. Telecommunication towers, which shall be subject to the provisions of Section 5.10 of these Regulations.

   e. Power generation and transmission facilities regulated by the Vermont Public Service Board.

4.07 Environmental review criteria

1. Buffers and stream setbacks. All development shall be setback at least 25 feet from of bank of any perennial stream or river. The town recommends a naturally vegetated buffer be maintained on all perennial streams and rivers as well but only require the buffer (25 feet minimum) for the Wild Branch due to serious erosion problems in this area.

2. Steep slopes. Development and disturbance of steep slopes should be minimized. The following standards shall apply to the development of steep slopes:

   a. Moderately Steep Slopes: If slopes between eight percent (8%) and fifteen percent (15%) are disturbed as a result of a proposed development, the Development Review Board may require the applicant to submit plans for erosion and sediment control during construction and plans for post-construction slope stabilization. These plans shall be prepared by a registered professional engineer.

   b. Very Steep Slopes: Development and disturbance of more than 10,000 square feet of slopes greater than fifteen percent (15%) and less than thirty percent (30%) shall require Conditional Use Review by the Development Review Board. In addition to the Conditional Use Standards in Subsection 4-C of these Regulations, applicants shall meet the following standards:

      The applicant shall provide a grading plan for the construction site and all access routes. Grades for roads and driveways shall not exceed the maximums prescribed elsewhere in these regulations or in the Town of Wolcott Road Standards. Switchbacks and curve radii shall be designed to allow for safe ingress and egress of service and emergency vehicles.

      Site disturbance, including cut and fill, shall be minimized and shall not create a detrimental impact on slope stability or increase erosion potential. The applicant shall submit plans for erosion and sediment control during construction and plans for post-construction slope stabilization. These plans shall be prepared by a registered professional engineer. Erosion and sediment control measures shall at minimum meet the requirements of the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites. Potential post-construction slope stabilization measures include, but are not limited to, retaining walls and/or dense landscaping.

      Prior to approving development or disturbance of very steep slopes, the Development Review Board may require the applicant to demonstrate that there are no practical alternatives, or all practical alternatives will result in greater negative impacts to primary and secondary natural resources than the slope disturbance proposed by the applicant.

      The Development Review Board may require a letter of credit, performance bond, escrow, or other surety, in an amount sufficient to provide for slope stabilization and to ensure stabilization plantings and improvements remain in satisfactory conditions for a period of three (3) years following construction.

   c. Extremely Steep Slopes: No development is permitted on land with slopes 30% or

greater than 30%.

4.08 Abandoned uses

Any non-residential use of a lot or structure shall not be re-established if such use has been discontinued for a period of at least one-year. Once the use of a lot or structure has been deemed abandoned, a zoning permit must be acquired to resume the original use. Intent to resume a use shall not confer the right to do so.

4.09 Unintentionally damaged or destroyed structures

1. The reconstruction of structures that are unintentionally damaged or destroyed is permitted provided the new structure:

   a. Is used for the same purposes as the old structure, and

   b. Is substantially the same size and dimensions as the previous structure, and

   c. All existing setback distances are not reduced, and

   d. Is not in the Flood Hazard Area Overlay District.

2. For structures in Flood Hazard Area Overlay District, replacement structures must be constructed in accordance with Flood Hazard Area Overlay District standards [§4424(2)(D)].

3. Owners have two (2) years to commence redevelopment of the parcel following date of unintentional damage or destruction or a new permit for development will be required.

4. If after one year reconstruction of any destroyed structure has not commenced, all structural debris shall be removed from the site and any remaining excavation shall be covered over or filled to natural grade and seeded by the owner.

4.10 Pre-existing Non-conforming Parcels (existing small lots)

1. Any parcel in existence on the effective date of these bylaws may be developed for the purposes permitted in the district in which it is located (following the receipt of a zoning permit from the Zoning Administrator) even though the parcel is not conforming to minimum lot size requirements found in Section 6 of these bylaws, provided such parcel is not less than one-eighth acre in area with a minimum width or depth dimension of 40 feet [§4412(7)].

2. All other provisions of these bylaws must be met including setback requirements. This section does not negate the need for obtaining any other required permits or approvals as would normally be required under these bylaws. Any required conditional uses, site plan approvals, variances, and other permits must be obtained prior to the issuing of a zoning permit.

4.11 Non-conforming structures

1. Any legal structure or part thereof, which is not in compliance with the provisions of these bylaws concerning setback, height, size, or other structural requirements (including such things as signs, parking, lighting, buffers, and lowest floor elevation in floodplain zoning) shall be deemed a non-conforming structure [§4412(7)]. Legal non-complying structures exist as a result of construction prior to adoption of bylaws or construction under an earlier set of less restrictive bylaws. Any non-complying structures are allowed to exist indefinitely, but shall be subject to the following provisions:

    a. Except in the Flood Hazard Area Overlay district, a non-complying structure may be restored or reconstructed after unintentional loss provided the reconstruction is completed within two years and does not increase the degree of non-compliance that existed prior to the damage.
        (1) Non-complying structures within the Flood Hazard Area Overlay district must be reconstructed in accordance with Flood Hazard Area Overlay District standards [§4424(2)]

    b. A non-complying structure shall not be moved, altered, extended, or enlarged in a manner that will increase the existing degree of non-compliance.

    c. Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-complying structure provided that such action does not increase the degree of non-compliance.

    d. The phrase 'shall not increase the degree of non-compliance' shall be interpreted to mean that the portion of the structure that is non-complying shall not become more non-compliant (or decrease in the event of failing to meet minimum standards such as parking). Therefore, portions of a structure within a setback area can be enlarged provided the new development is no closer than the current non-conforming setback on the non-conforming side, portions above the maximum height can be expanded provided the new development is no higher than the most non-conforming point on the structure, where parking is deficient the number or size of spaces cannot be reduced, etc. This phrase is not intended to prevent existing unfinished space from being finished or other similar scenarios provided there is no increase in the degree of non-compliance.

    e. Alteration or expansion of a non-complying structure for the sole purpose of compliance with mandated environmental, safety, health, accessibility, or energy codes is permissible with approval by the DRB.

    f. A non-complying structure that has been demolished shall not be reconstructed except in conformance with these bylaws. The DRB may grant a waiver from this provision if a hardship would be created by rebuilding in strict conformance with the requirements of these bylaws. In considering a waiver from these provisions, the DRB shall take into consideration the ability of the applicant to use remaining features of the property such as foundation, water supply, sewage disposal system, underground utilities, etc.

4.12 Non-conforming Uses

1. Any use, which does not conform to uses allowed in the district in which it is located or is otherwise not in compliance with the provisions of these bylaws, shall be deemed a non-conforming use [§4412(7)]. Non-conforming uses are those that exist legally as a result of existing

prior to adoption of bylaws, or permitted under an earlier set of less restrictive bylaws. Any non-conforming use may be continued indefinitely, but shall be subject to the following provisions:

a. The non-conforming use shall not be changed to another non-conforming use without approval by the DRB, and then only to a use that, in the opinion of the Board, is of the same or of a more conforming nature.

b. The non-conforming use shall not be expanded, extended, moved or enlarged unless it is determined that such expansion, extension, movement, or enlargement does not increase the degree of non-conformance.

c. The non-conforming use shall not be re-established if such use has been discontinued for a period of at least one-year or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.

d. The phrase 'shall not increase the degree of non-conformance' shall be interpreted to mean that the aspect of the operation that is non-conforming shall not increase in size (or decrease in the event of failing to meet minimum standards). Therefore, a non-conforming use may not increase hours of operation, increase numbers of tables, number of employees or increase the size of the operation through the expansion of a complying structure.

e. Alteration or expansion of a non-conforming use for the sole purpose of compliance with mandated environmental, safety, health, or energy codes is permissible with approval by the DRB.

Subsection 4-B - **Parking, Loading, and Stormwater Criteria**

In accordance with §4414(4), provisions are hereby established for permitted and required facilities for off-street parking and loading, which may vary by district and by uses within each district. These regulations include provisions covering accesses, driveways, pedestrian circulation, parking, and stormwater.

For uses requiring site plan approval, these standards shall be reviewed by the DRB as a part of that review. For uses not required to receive site plan approval, the Zoning Administrator shall review and approve the application for compliance with these provisions.

4.20 Access

1. Purpose. The purpose of access requirements is for the town to ensure safe and efficient entrance and exit from public roadways, to reduce damage from flooding events, to mitigate erosion and stormwater runoff impacts, and to ensure quality construction of driveway accesses.

2. Coordination with other local and state permits. The DRB (or Zoning Administrator as appropriate), Selectboard, and VTrans have separate authority in approving accesses.

   a. Through these regulations, the DRB has authority over accesses onto private roads.

   b. The Selectboard has all authority over accesses onto local highways.

   c. VTrans requires a state highway access permit prior to any development or subdivision of land abutting a state highway. VTrans has full authority over these accesses although the DRB may provide comment and recommendations to VTrans. In accordance with the Act [4416(b)], whenever a proposed site plan involves access to a State highway, the

application for site plan approval shall include a letter of intent from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and is prepared to issue an access permit under 19 V.S.A. § 1111, and setting out any conditions that the Agency proposes to attach to the section 1111 permit.

3. No lot shall be developed without legal access onto a public or private highway.

   a. Any proposed access on a private road must meet the access requirements contained within the *Town of Wolcott Highway Standards Ordinance.*

   b. Any proposed development on a highway must receive an access permit from the Road Foreman prior to approval of the zoning permit application.

   c. Any proposed development on a state highway must have a state highway access permit from VTrans prior to approval of the zoning permit.

4.21 Driveway Standards.

1. Grade. Driveways shall not have slopes greater than eight (8) percent so as to accommodate fire and rescue access. Subject to Conditional Use Review, the DRB may allow limited stretches of grade (no more than 200 contiguous feet) in excess of eight (8) percent where there is no practical alternative, and/or alternatives would result in an undue adverse impact on primary or secondary natural resources (for example, require excessive clearing or cut-and-fill)

2. Width and turning radius. Driveways should also maintain a width and turning radius of not less than:

   a. 12 feet wide and a minimum 15-foot turn radius for residential development. Driveway widths and turning radius may be larger to accommodate future development but should be kept as narrow as possible to minimize increase of impervious surfaces and stormwater runoff.

   b. 20 feet wide and a minimum turn radius of 15 feet for commercial and industrial sites and private roads in order to accommodate two-way traffic and turning trucks. Driveways may be wider to accommodate future development but should be kept as narrow as possible for aesthetic reasons.

   c. The minimum width and turning radius requirements above may be reduced in the Village and Village Core District in order to facilitate safe circulation of pedestrians.

3. No driveway shall be constructed within 10 feet from a property line unless the driveway acts as a shared driveway with the abutting property. This standard does not apply within Village districts or within a PUD.

4. Driveways should be long enough to allow adequate space for vehicles pulling off of the roadway and stacking to enter the road. This is generally not necessary for residential properties and at least 50 feet is required for commercial properties. Those uses that require larger trucks to pickup or deliver may need longer driveways for stacking (up to 150 feet long). This standard does not apply within Village or Village Core districts.

5. Adequate space for maneuvering in and out of parking and loading areas shall be provided and located so as not to interfere with circulation to and within the site.

6. Parking and driveways shall be designed to allow vehicles to turn around so that there is no backing onto roadways. This standard shall not apply to on-street parking approved in accordance with Section 4.23(6) of these Regulations.

7. Circulation within sites should account for any anticipated loading needs, solid waste removal, and snow removal.

8. Any new driveway, shared driveway, or road (public or private) greater than 1,500 feet in length shall require conditional use review in accordance with Section 3.02 of these Regulations. The DRB may impose conditions to ensure adequate access by emergency vehicles and minimize impacts to primary and secondary natural resources.

    a. Measures to ensure access for emergency vehicles. Such measures shall be developed in consultation with the Wolcott Fire Department other emergency response entities. Such measures may include, but are not limited to, construction of turnouts and pull-off areas, installation of fire ponds and dry hydrants.

    b. Measures to minimize impacts to primary and secondary natural resources. Conditions may include limiting the length of the road or driveway, requiring relocation to other areas of the parcel or limiting the scale (number of lots served) of the road. If the new driveway, shared driveway, or road (public or private) and associated development will increase the amount of impervious surface on a lot by more than one half (0.5) acres, as measured cumulatively over any 5-year period, the applicant shall comply with Section 4.24 of these regulations (stormwater management)

4.22 Pedestrian and Bicycle Facilities and Access

1. A safe and attractive pedestrian environment shall be provided as appropriate to the use and district.

2. Adequate access from the parking area and sidewalks to building(s) that are open to the general public shall be provided for people with disabilities.

3. Within the Village, Village Core, and Route 15 Districts, or in any other area where the Municipality has identified the need for pedestrian or bicycle facilities in the Municipal Plan, or other official document adopted by the Town Selectboard, the DRB may require applicants proposing non-residential uses or multi-family structures to provide a permanent easement up to twenty (20) feet but not less than ten (10) in width along any adjacent public road in order to facilitate construction of future pedestrian and bicycle facilities.

4. Within the Village, Village Core, and Route 15 Districts, or in any other area where the Municipality has identified the need for pedestrian or bicycle facilities in the Municipal Plan, or other official document adopted by the Town Selectboard, the Development Review Board may require projects that involve construction of a new non-residential or multifamily structure with a gross floor area of 5,000 square feet or more to install pedestrian and bicycle facilities meeting the standards outlined below. The cost of such facilities shall not exceed ten percent (10%) of the total project cost:

    a. The bike/pedestrian facilities shall be appropriate for the setting (sidewalk, gravel surface path, or widened shoulder) and shall meet all standards established by the Municipality. When located along Route 15 in the Village Core District, such facilities shall consist of a

sidewalk at least five (5) feet in width with curbing OR a sidewalk at least five (5) feet in width at least five (5) feet additional feet of green space between the sidewalk and edge of roadway surface. In other areas, the bike/pedestrian facility shall be determined with consideration to the District Objectives found in Section 6.

b. The facilities enable shall enable bike/pedestrian circulation within the site, and connect the site to facilities on adjoining properties and/or public roads.

c. In lieu-of this requirement, the applicant may provide a payment to the Municipality equal to the cost of installing a sidewalk of equivalent length along all private roads within the subdivision, as determined by the most recent piece rate estimates provided by the Vermont Agency of Transportation,

4. If the development is adjacent to the Lamoille Valley Rail Trail, the applicant shall make every reasonable effort to facilitate pedestrian circulation between the LVRT and the subdivision

4.23 Parking

The following parking and loading standards are to be met by all development:

1. Parking spaces shall be provided in accordance with this section in any district whenever any new use is established, or when the present use is enlarged or changed.
   a. The required number of spaces are detailed in Table 4.23 below. Parking arrangements such as shared, on-street, and offsite parking shall be encouraged to meet parking needs. Excessive on-site parking shall be discouraged. Electric Vehicle Charging stations shall be included in the calculation of required parking spaces.
   b. There shall be no minimum parking requirements in the Village Core District, in recognition of the small size of existing lots, availability of public parking, and natural reduction in parking needs due to a mixed use environment. Applicants in this district shall make a reasonable effort to provide parking while meeting other standards of these Zoning Regulations.
   c, An off-street parking space shall have a minimum width of nine (9) feet, a minimum length of twenty (20) feet, and adequate maneuvering room and access to a public road. For purposes of initial calculation, an off-street parking space with access and maneuvering room may be estimated to be three hundred (300) square feet.
   d. all multi-family, public, commercial and industrial developments must provide adequate, clearly marked handicapped parking spaces in accordance with state and federal requirements.

**TABLE 4.23. MINIMUM PARKING REQUIRMENTS**

| USE | REQUIRED PARKING SPACES |
|---|---|
| **RESIDENTIAL USES** | |
| Residential Dwelling Unit, one bedroom/ efficiency – including PUD | 1.0 per dwelling unit |
| Residential Dwelling Unit, two or more bedrooms – including PUD | 2.0 per dwelling unit |
| Residential Dwelling unit, senior housing, two or more bedrooms – including PUD | 1.5 per dwelling unit |
| Group Homes | 0.33 per room plus 1 per employee (based on highest expected shift) |
| **RETAIL AND SERVICE USES** | |

| | |
|---|---|
| Lodging | 1.0 per lodging unit |
| Professional & business services, Financial Services | 1.0 per 800 sf GFA |
| Retail establishments | 1.0 per 500 sf GFA |
| Gallery/Studio/Museum | 1.0 per 500 sf GFA |
| Restaurants and other food service | 1.0 per 800 sf GFA |
| **RECREATION AND ASSEMBLY USES** | |
| Non-profit clubs | 0.33 per maximum occupancy |
| Churches, schools, public assembly | 0.33 per maximum occupancy |
| Indoor Recreation Facility | 0.33 per maximum occupancy |
| Outdoor Recreation Facility | 1.0 per 10 acres + 1.0 per 800 GFA |
| **INDUSRTIAL USES** | |
| Industry, Forest Products Manufacturing, Agricultural Enterprise | 1 per 1 employees (based on highest expected shift), or 1.0 per 800 sf GFA, whichever is less |
| Warehouse or other Storage | 0.5 per 1000 sf GFA |
| Contractor Yard | 1.0 per 500 sf GFA |
| Kennel | 1.0 per 500 sf GFA |
| Unspecified uses | As required by the DRB |

*(sf = square feet, GFA = Gross Floor Area)*

2. When any land or building is used for two (2) or more distinguishable uses, such that the hours of peak parking demand do not coincide, the total number of parking spaces required to serve the combination of all uses shall be reduced accordingly.

3. Parking is prohibited within the front setback area where alternate space for parking is available elsewhere on the lot. Parking for two (2) or more abutting lots may be constructed across any common side or rear lot. Such parking may be served by a common driveway, either on the common boundary or entirely within the frontage of one lot. Where common access is entirely within on lot, an access easement, lease, or other similar arrangement shall be duly recorded.

4. **Shared Parking:** Shared parking is encouraged and may be required. Required parking spaces may be provided in parking areas designed to jointly serve two or more establishments, whether or not they are located on the same parcel, provided the number of required spaces in such joint facilities shall not be less than the total required for all such establishments. Where the two or more establishments have different peak use times, a reduction in the number of spaces may be permitted by the DRB.

5. **Off-Site Parking** The Development Review Board may authorize locating required parking off-site on (an)other premise(s) in accordance with the following requirements:

   a The proposed off-site parking area shall lie within one thousand five hundred (1,500) feet of the principal access of the proposed use. The Development Review Board may approve off-site parking farther from the proposed use, provided the applicant can demonstrate that adequate pedestrian infrastructure or transportation management (such as shuttle) to connect the parking area and proposed use exists or is proposed, and

   b The proposed off-site parking area is not counted toward satisfying the parking requirements of any other uses expect in accordance with the provisions for shared parking: and

   c The applicant has been granted a lease, easement, or similar agreement granting parking

rights to the subject property.

6. **On-Street Parking**: New and/or existing on-street parking may be utilized to meet the requirements of Table 4.23. On-street parking shall meet the following standards:

   a All on-street parking shall be subject to the approval of the entity responsible for management of the roadway (Vermont Agency of Transportation or Wolcott Selectboard),:

   b. On-street parking shall be situated so as to maintain a minimum ten (10) foot wide travel lane. Narrower travel lanes shall only be approved with the consent of the Wolcott Selectboard (on municipal roads) or the Vermont Agency of Transportation (on State Highways).

   c. Parallel parking spaces shall be at least seven-feet-six-inches (7'6") wide. Diagonal parking shall be situated to allow for twenty (20) feet between the travel lane and the curb or edge of pavement.

   d. Pedestrian infrastructure connecting the on-street parking to the proposed use shall be provided by the applicant. Such pedestrian infrastructure shall consist of a sidewalk at least five (5) feet in width. Alternative pedestrian infrastructure, including widened shoulders, may be considered by the Development Review Board, on a case-by-case basis, subject to the approval of the Wolcott Selectboard.

   e. If the existing highway right-of-way lacks sufficient width to accommodate on-street parking and associated pedestrian infrastructure, the applicant shall provide a permanent easement to the Town of Wolcott.

7. **Tandem or "stacked" parking** may be allowed for residential uses and dedicated employee-only parking, provided that such parking does not create unsafe circulation on the site. If tandem parking is allowed, the first space shall have unobstructed access while the second space may be accessed through the first space.

8. All open parking areas shall be properly drained in accordance with accepted best management practices for stormwater drainage. Relocation or redesign of parking areas may be required to limit runoff and control erosion.

9. Provision shall be made for efficient snow removal of all parking, circulation, pedestrian and loading facilities. Sufficient space must present for the storage of snow and the subsequent melt so as to minimize flooding of these areas.

10. All parking areas shall be landscaped in accordance with Section 4.40 of these Regulations.

11. **Bicycle Parking.** The provision of bicycle parking is encouraged. Bicycle parking should be of sufficient size to accommodate a full sized bicycle, included space for access and maneuvering, and should allow the bicycle wheel and frame to be locked to the facility. For every five (5) permanently affixed bicycle parking spaces provided, the number of required parking spaces may be reduced by one (1).

13. Where appropriate all uses must provide details on loading requirements including:

   a. Site plans are required to show loading facilities including refuse removal.

b. Loading should not interfere with on site circulation and parking.

c. Loading shall not interfere with pedestrian circulation.

4.24 Stormwater Management

1. Public Stormwater Systems: Projects utilizing any public stormwater management facility shall provide evidence that the existing system will adequately meet the needed demand, or if the system will not meet the demand, the applicant will provide a plan for upgrading the system to meet the expected demand and provide a bond or security (to the satisfaction of the Selectboard) to cover all or part of the costs of the necessary improvements. The applicant must also be able to demonstrate the ability to obtain all permits necessary to extend utilities, if necessary.

2. The following provisions shall apply to any development that (a) includes non-residential or multifamily uses or structures, or involves construction of new driveway, shared driveway, or road (public or private) greater than 1,500 feet in length ***and*** (b) will increase the amount of impervious surface by more than one half (0.5) acres, as measured cumulatively over any 5-year period.
   a. All land development resulting in more than one-half [0.5] acres of new impervious surface, as measured cumulatively over any 5-year period, shall at minimum meet the Recharge (Rev) criteria and the Water Quality Volume (WQv) criteria, as defined in the Vermont Stormwater Management Manual. All stormwater management facilities shall be designed and constructed in accordance with the most recent standards for such facilities adopted by the State of Vermont, and shall include Low Impact Development techniques whenever possible.

   b. All applicants are encouraged to incorporate Low Impact Development techniques and practices into the stormwater management system and/or to utilize the Voluntary Stormwater Management Credits provided for in the most recent version of the Vermont Stormwater Management Manual. Examples of Low Impact Development Practices are provided in Article III Definitions. Applicants are also encouraged to refer to the Vermont Low Impact Development Guide for Residential and Small Sites for further guidance.

   c. For the purpose of this Section, conversion of one type of impervious surface to another (such as constructing a building on the site of an existing parking lot) shall not be considered an increase in the amount of impervious surface. However, applicants for such projects are encouraged to address stormwater as part of the redevelopment.

3. Projects that require a State stormwater discharge permit are exempted from the provisions of Section 4.24(2) above. Applicants are encouraged to incorporate Low Impact Development techniques and practices into the stormwater management system and/or to utilize the Voluntary Stormwater Management Credits provided for in the most recent version of the Vermont Stormwater Management Manual. The DRB approval shall be conditional upon the applicant submitting a copy of the State permit to the Administrative Officer prior to the start of construction.

Subsection 4-C - **Conditional Use Review Criteria**

4.30 General Conditional Use Standards

Conditional use approval shall be granted by the DRB only upon finding that the proposed development will not result in an undue adversely impact (or has been mitigated through conditions imposed) on any of the following [§4414(3)(A)]:

1. The capacity of existing or planned community facilities or services. The Board shall consider the demand for community services and facilities that will result from the proposed development and determine whether that demand will exceed the capacity of existing facilities or services (e.g. school capacity, water and sewer capacity, emergency services, recreation facilities). In making such a determination, the Board will consider any capital program or budget in effect at the time of application.

    a. Where any conditional use, including a single family home, is greater than one (1) mile from a dry hydrant or other accessible water source, the Development Review Board may require the developer to install or contribute to the installation of a hydrant or fire pond. All hydrants must be installed to the specifications of the Wolcott Department. Fire ponds and dry hydrants shall be accessible for use in an emergency on other nearby properties. No fire ponds may be developed on lands designated as a wetland by the State or National Wetland Inventory, unless approved by the Army Corps of Engineers and the Vermont Agency of Natural Resources. All costs associated with administering and maintaining the dry hydrant and or fire pond shall be the sole responsibility of applicant and/or subsequent landowners

2. Existing pattern and use of development in the area affected. The board shall consider the design, location, scale, and intensity of the proposed development and/or use, relative to the surrounding neighborhood. For the purposes of conditional use review, "area affected" is defined as the surrounding area likely to be affected by the proposed use, including but not limited to properties within sight or sound of the proposed conditional use. 'Existing pattern and use' refers to the distinctive traits, qualities, attributes, appearances, pattern of use, sense of community and factors, which define its identity. The existence of one conditional use in a district will not necessarily be interpreted as justification for another similar conditional use to be located there. When considering the impact of a proposed conditional use on the character of the neighborhood or area affected, the DRB shall consider the proposal's compatibility with the purpose and character of the affected zoning district as defined in Section 6 of these bylaws, the municipal plan, and the testimony of the affected property owners and others interested persons. Proposed developments that comply with Site Layout and Design Standards for Multi-family and Non-residential Uses for the District in which it is located and the Site Plan Review and the Site Plan Review Criteria in Subsection 4-D shall have a rebuttable presumption to have met this Standard.

3. Traffic on roads and highways in the vicinity. The Board shall consider the projected impact of traffic resulting from the proposed development on the capacity, safety, efficiency, and use of affected public roads, bridges, and intersections. The board will rely on accepted transportation standards in evaluating traffic impacts, and shall not approve a project that would result in the creation of unsafe conditions for pedestrians, bicyclists, or motorists or unacceptable levels of congestion for local roads, highways, and intersections (e.g. Volume--to Capacity Ratio (V/C) greater than 1by VTrans or other transportation engineering study).

    a. A volume-to-capacity ratio greater than 1 may be acceptable in the Village and Village Core Districts if mitigated through measures designed to encourage modes of travel other

than the single occupancy automobile. Examples include contributing to a planned sidewalk or pathway network, providing additional facilities for bicycle parking, constructing off-site parking or a commuter lot, etc.

b. In all districts, scheduling hours of operations to avoid peak traffic hours is an acceptable means of mitigating congestion.

4. Bylaws now in effect. Proposed conditional uses must conform to all municipal bylaws and regulations in effect at the time of submission of the application, including compliance with conditions of prior permits or approvals.

5. Utilitization of renewable energy resources. Proposed conditional uses shall not have a negative impact on existing renewable energy resources. Negative impacts can include such circumstances as blocking light to solar panels or affecting wind to wind generation facilities on neighboring lands.

4.31 Specific Conditional Use Standards

Conditional use approval shall be granted by the DRB only upon finding that the proposed development will not adversely affect (or has been mitigated through conditions imposed) the following [§4414(3)(B)]:

1. The capacity of the site to support the proposal. The Board shall determine that the proposed conditional use will not cause unreasonable soil erosion or reduction of the land to hold water so that a dangerous or unhealthy condition may result;

2. Scenic, natural or irreplaceable areas. The board shall determine that the proposal shall not have an undue effect on the scenic or natural beauty of the areas, aesthetics, historic sites or rare and irreplaceable natural areas;

2. Water and air quality. The board shall determine that the proposal will not result in undue water, noise or air pollution.

Subsection 4-D - **Site Plan Review Criteria**

Site plan review criteria also include Parking, Loading, and Stormwater standards in Subsection 4-B of this Section.

4.40 Landscaping and Streetscape Standards

1. **Planting Specifications and Budgetary Guidelines**: Plantings shall be chosen to fit the specific characteristics and design of the site, and be suited to the climate of the area. Cultivars shall be suitable for the climatic and other conditions in which they will be used (utility lines, salt, air pollution, etc.) Applicants are encouraged to select cultivars using the criteria outlined in the most recent version of the "Recommended Trees for Vermont Communities: A guide to Selecting and Purchasing Street, Park, and Landscape Trees," published by the Vermont Urban and Community Forestry Program. Alternative cultivars may be utilized based on the recommendations of a certified horticulturalist, landscape architect, certified consulting forester, or State Extension Service Master Gardener. In general, the cost of landscaping required by this section shall not exceed three percent (3%) of total construction/improvement costs. Credit toward this requirement, and the standards outlined below, may be granted for preservation of

existing vegetation. In determining the amount and type of plantings to be required, the DRB shall take into account at least the following:

a. The objective of the district in which the project is located;
b. Existing trees, shrubs, evergreens, and other vegetation to be preserved on the site;
c. The visibility of incompatible or unsightly areas from public roads and/or adjacent properties;
d. The landform and overall landscaping plan for the development;
e. Plantings associated with low impact development (LID) stormwater management techniques;
e. Other factors which, in the Board's judgment, affect the safety and appearance of the development.

2. **Streetscape Standards:** In the Village and Village Core Districts, landscaping shall be utilized to create an inviting streetscape, rather than to screen or block building facades from view. .

a. **Village – Gateway and Village -- School Street Districts:** New street trees shall be required along State and Town highways where not currently present. Adequate setbacks and site grading should be provided to ensure that the plantings are not adversely affected by traffic and road salt, and use of salt tolerate cultivars may be required. Shrubs shall not be considered street trees for purposes of this section. Street trees shall be located so as to not inhibit future construction of pedestrian/bicycle infrastructure Street trees shall be planted at regular intervals and conform to the following schedule of maximum spacing based on mature height:

| SIZE (mature height) | MAXIMUM SPACING (trunk-to-trunk distance) |
|---|---|
| Large (40 feet or greater) | 50-70 feet |
| Medium (30-40 feet) | 40-50 feet |
| Small (30 feet or less) | 30-40 feet |

c. **Village—North Wolcott District:** In recognition of the more rural nature of this area, plantings shall consist of the same number and size of trees as would be required based on planting at intervals above. However, plantings may be massed rather than planted at regular intervals, and shrubs may be counted as "small" trees.

b. **Village Core District:** The installation or financial contribution towards pedestrian and cycle facilities along Route 15 in accordance with section 4.22(4) of these Regulations shall satisfy the requirements of this section. Where a lot has frontage along a public road other than Route 15, street trees shall be provided in accordance with the table above.

i. When such streetscaping is present or installed by the applicant, the front yard setback shall be reduced to zero (0).

ii. If the cost of such streetscaping improvements exceed ten (10) percent of total project cost, as outlined in Section 4.22(1)(d), the applicant shall at minimum design the site to ensure streetscape improvements can be installed in the future.

iv. Applicants are strongly encouraged to augment the streetscape with street furniture, public art and outdoor seating in accordance with Section 5.09 of these Regulations.

3. **Parking Lot Landscaping:** Landscaping is required within and around all off-street parking lots that are 3,000 square feet or more in area (inclusive of access and circulation drives) or ten (10) or more spaces, as specified below.

   a. Parking lot landscaping must include at least 1 large tree, 2 medium trees, and 3 small trees or shrubs for each 3,000 square feet of parking area (inclusive of access and circulation areas).

   b. Parking lot landscaping may be located around the perimeter of the parking lot, or as planting islands within the parking lot.

   c. Plantings associated with low-impact development (LID) stormwater management practices may be used to satisfy these requirements. Alternative plant materials may be substituted for required trees in areas that will function as green stormwater infrastructure and may require regular maintenance that would be incompatible with tree planting.

4. **Mechanical/Utility Screening:** Except within the Fisher Bridge Enterprise District, mechanical equipment, utilities, dumpsters, fuel tanks, loading docks, service entrances and similar utilitarian elements whether located at ground level, wall-mounted or roof-mounted must be screened from public view to the extent feasible with one or more of the following: buildings, building extensions (ex. parapet), walls, fences, berms, natural contours of the land, landscaping, or distance from adjacent properties.

5. **Perimeter Landscaping.** The following perimeter landscaping is required for all newly constructed nonresidential and multi-family residential buildings that have a footprint of 1,000 square feet or more and expansions to such buildings of 500 square feet or more as specified below:

   a. **Rural, Route 15 Corridor and Shoreland Districts:** Front and side yard landscaping must include at least 1 large tree, 2 medium trees, and 4 small trees or shrubs for each 100 feet of building perimeter. In these Districts, a diversity of trees and shrubs planted in naturalistic clusters is preferred to single species (such as evergreens) planting in linear fashion. If the DRB determines that the landscaping will take several years to accomplish the desired screening/buffering effect, the Board may require that fencing be installed and maintained during the interim. Existing vegetation that will not be disturbed by construction may be used to satisfy this standard.

      i. Additional landscaping may be required to satisfy the requirements of district specific Site Layout and Design Standards for multi-family and non-residential uses (See Section 6 of these Regulations). When additional screening is required by these standards, the structure shall be screened so as not to dominate the view from neighboring properties or any public road.

   b. **Fisher Bridge Enterprise Districts:** Perimeter landscaping shall not be required for yards internal to the District. A vegetative buffer shall be maintained along the boundary of the District.

   c. **Village and Village Core Districts:** Perimeter landscaping of the front yard shall not be required. The DRB may require perimeter landscaping located in the side yard when the structure abuts an existing residence, and such landscaping is requested by the resident of the adjacent resident. The perimeter landscaping shall include at least at least 1 large tree, 2

medium trees, and 4 small trees or shrubs for each 100 feet of building perimeter in the side yard.

6. **Environment Enhancing Landscaping:** As an alternative to the Parking Lot and Perimeter Landscaping above and/or the street tree standards for the Village-Gateway, Village-School Street, or Village – North Wolcott Areas (but not the streetscape standards for the Village Core District), the Development Review Board may approve plantings of equivalent value for the purpose of improving or restoring wildlife habitat, wetlands restoration and protection, stream bank stabilization and restoration, or similar improvements. Plans for such improvements shall be developed by an appropriate professional.

7. **Maintenance Requirement:** Approved landscaping shall be appropriately maintained including, but not limited to, weeding, mowing, and replacing diseased or dying plants. The applicant shall guarantee the survival of all approved landscaping for at least two (2) years following installation. The Development Review Board may require the applicant to prepare and implement a maintenance plan and may condition approval on the long-term health of required landscaping.

8. **Erosion Control:** To control erosion, the site plan shall meet the following standards:

   a. The development plan shall fit the topographic, soil, and vegetation characteristics of the site with a minimum of clearing and grading.

   b. No clearing or grading shall take place within 25 feet of streams.

   c. Existing natural drainage patterns shall be preserved wherever possible.

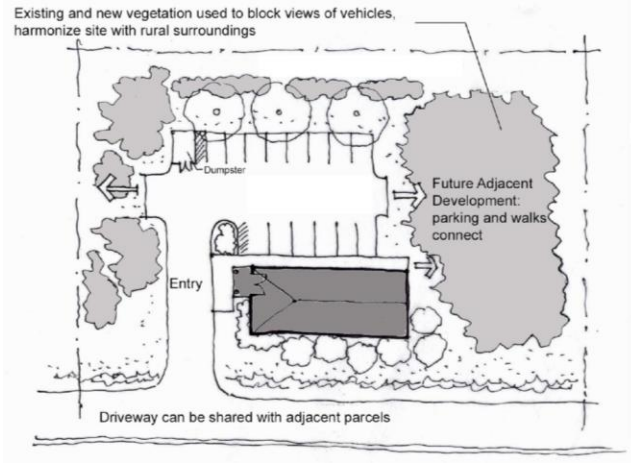
   d. Landscaping shall not create slopes greater than 20 percent unless a retaining wall or other mechanism is used to ensure future erosion and/or slumping does not occur.

   e. The sequence of construction activities shall be designed so that the smallest area possible is disturbed at any one time. Only areas where active construction is taking place should be exposed. All other areas should be protected by vegetative and structural control measures.

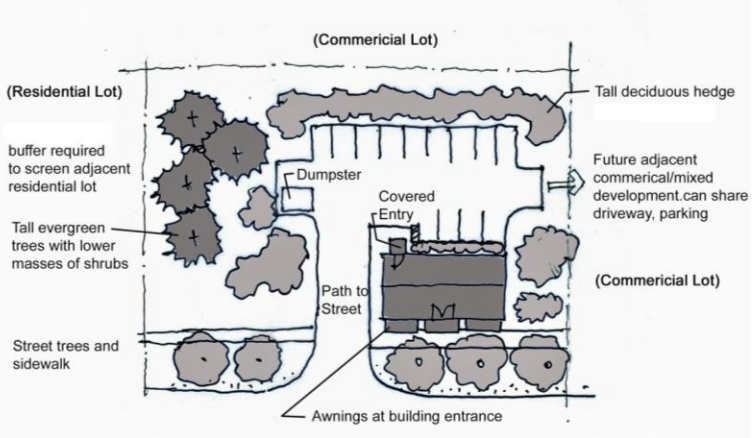
   f. Seed and mulch shall be applied as soon as possible to disturbed soils.

   g. Disturbance should be avoided as much as possible between October 15 and May 1.

*Example I: Rural Landscaping*




*Example II: Village Landscaping*




9. **Landscaping and Screening for Ground Mounted Solar and Other Energy Generating Projects:** The following shall apply to all applications to the Vermont Public Service Board for ground mounted solar projects and other energy projects in the Town of Wolcott, and shall be included as a condition of a certificate of public good issued under 30 V.S.A. Sec. 248.

   a. **Rural, Route 15 Corridor, Shoreland and Fisher Bridge Enterprise Districts**: Ground Mounted Solar and Other Energy Generating Projects shall be landscaped and screened in accordance with Section 4.40(5) Perimeter Landscaping. For purpose of calculating applicability and required number and type of planting, the total area involved, *including* greenspace between panels and panel rows, shall be considered the "footprint," and the outermost area of the installation shall be considered the building perimeter.

   b. **Village and Village Core Districts:** Ground Mounted Solar and Other Energy Generating Projects shall comply with the streetscape standards outlined in Section 4.40(2), and shall be screened in accordance with Section 4.40(4) Mechanical/Utility Screening.

   c. **Fencing:** In all districts, solid privacy fences, chain-link fencing, or similar utilitarian fencing may only be used in association with Ground Mounted Solar and Other Energy Generating Projects in conjunction with landscaping. Such fenced areas shall be subject to the requirements of Section 4.40(5) Perimeter Landscaping, including both side and front yards within the Village and Village Core Districts. Note that other non-residential structures in the Village and Village Core District are required to abide by specific Site Layout and Design Standards which cannot be met by Ground Mounted Solar and Other Energy Generating. Therefore, the Public Service Board shall not consider the requirement for perimeter screening to be more restrictive than screening requirements applied to commercial development

   d. **Other Provisions:** Cultivars shall be selected in accordance with Section 4.40(1). The Public Service Board is strongly encouraged to require applicants for a certificate of public good to demonstrate that the most recent version of the "Recommended Trees for Vermont Communities: A guide to Selecting and Purchasing Street, Park, and Landscape Trees," published by the Vermont Urban and Community Forestry Program, has been

used to select appropriate cultivars. Alternative Environment Enhancing Landscaping may be approved in accordance with Section 4.40(7). However, prior to approving such alternatives, the Public Service Board should seek the opinion of all adjacent property owners, and the Wolcott Selectboard. All plantings shall be maintained and guaranteed in accordance with Section 4.40(7)

4.41 Exterior Lighting

1. Exterior lighting is not required. Where these amenities are proposed, the amenity must meet the standards of this Section and any exterior other lighting standards established by the Town of Wolcott

2. Lighting fixtures shall be designed to direct light downward and shall have a cut off angle of 90 degrees or less. Fixtures with a cut off angle of 60 degrees or less are encouraged to prevent sky glow.

3. The use of energy efficient lighting, such as LED fixtures, is strongly encouraged.

4. The maximum height of lighting fixtures or supporting structures shall not exceed twenty [20] feet from grade.

5. A professionally prepared lighting plan shall be required when an area greater than 5,000 square feet is proposed to be illuminated. If required, the lighting plan shall be incorporated as a condition to approval.

6. Lighting of Building Facades: Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building façade. To the extent practicable, lighting fixtures shall be directed downward rather than upward. Lighting fixtures shall not be directed toward adjacent streets or roads or neighboring properties. The Development Review Board may require building façade lighting to be reduced or eliminated after 11:00pm and before 6:00am.

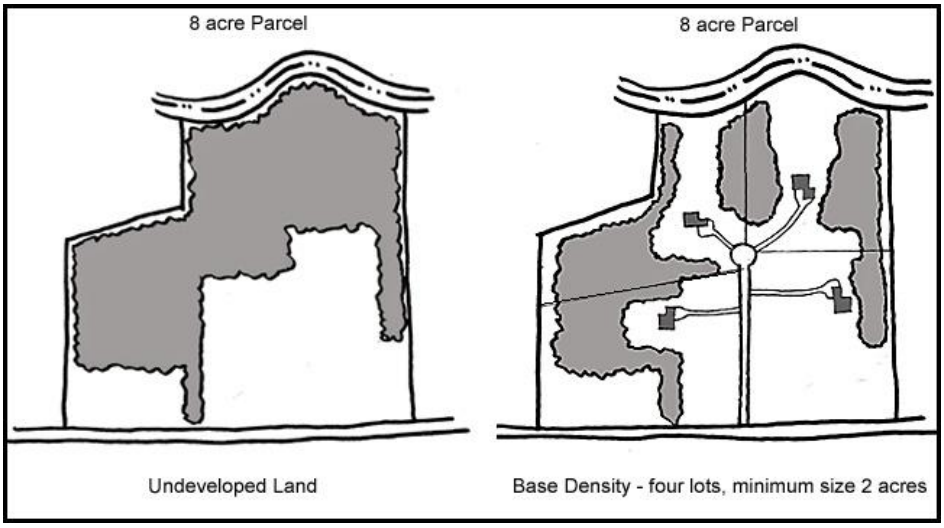
7. Security Lighting: Irrespective of the provisions above, the Development Review Board may approve security lighting upon finding that the applicant has demonstrated a reasonable need given the location and characteristics of the proposed use and is proposing the minimum amount of lighting necessary to provide adequate security. Motion-activated lights should be used unless otherwise mandated by State or federal regulations.

Subsection 4-E – **Planned Unit Development Review Criteria**

4.50 Purpose: Planned Unit Developments (PUDs) are intended to further the goals and objectives of the Wolcott Town Plan, and the purpose of the underlying zoning district by permitting flexibility in the application of land development bylaws. Planned Unit Developments (PUDs) are permitted in all zoning districts in order to encourage flexibility in design and unified treatment of the development site; to promote efficient use of land; to facilitate the efficient and economical provision of streets and utilities; and to conserve the natural resources, historic features, and scenic qualities of the Town of Wolcott. [the Act §4417].

These PUD standards are structured to follow a "conservation subdivision" approach. The five steps for laying out a conservation subdivision are 1) determining how much could be built based on the underlying zoning, 2) identifying key resources to be protected, 3) clustering home sites on remaining land (i.e., land without the key resources), 4) connecting roads and trails, and 5) drawing lot lines.

4.51 Calculation of Base Density: The total base density in a PUD shall be calculated by dividing the total parcel area by the district minimum lot size




*EXAMPLE: If an eight acre parcel is located in the Rural District, the total base density of the PUD would be 4 lots/units [8 (parcel area) divided by 2 (district minimum lot size)]*

4.52 Density Bonus: At the request of the applicant, the Development Review Board may award a density bonus to increase the residential density (number of lots or units), based on the criteria specified below:

1. **Housing Bonus**. The Development Review Board may approve a PUD with up to 50% more dwelling units than could have been developed under the base density if each of the additional units will be affordable in perpetuity and will be managed by a public or non-profit housing entity.

2. **Conservation Bonus.** The Development Review Board may approve a PUD with up to 50% more dwelling units than could have been developed under the base density if at least 60% of the land within the PUD will be permanently conserved through a conservation easement held by an appropriate public or non-profit entity.

3 **Working Farmland/Forest Bonus.** The Development Review Board may approve a PUD with up to 50% more dwelling units than could have been developed under the base density if the applicant has provided a mechanism to ensure active management of farmland or forestland. This may include dead or easement language requiring that open space be owned or leased at a reasonable rate to a farmer (farmland) or subject to a forest management plan that is implemented on a silviculturally sound schedule. In order to be eligible for this bonus, the PUD, including layout of lots, building envelops, driveways/roads, and utilities, shall be designed to preserve access (for farm equipment, livestock, forestry equipment, etc.) to the open space. All building lots with the PUD shall also be subject covenants and/or deed language acknowledging that the development is located in an area with active agricultural/forestry operations and prohibiting future homeowners from bringing nuisance suits against existing operations and future agricultural and forestry operations that follow applicable state regulations.

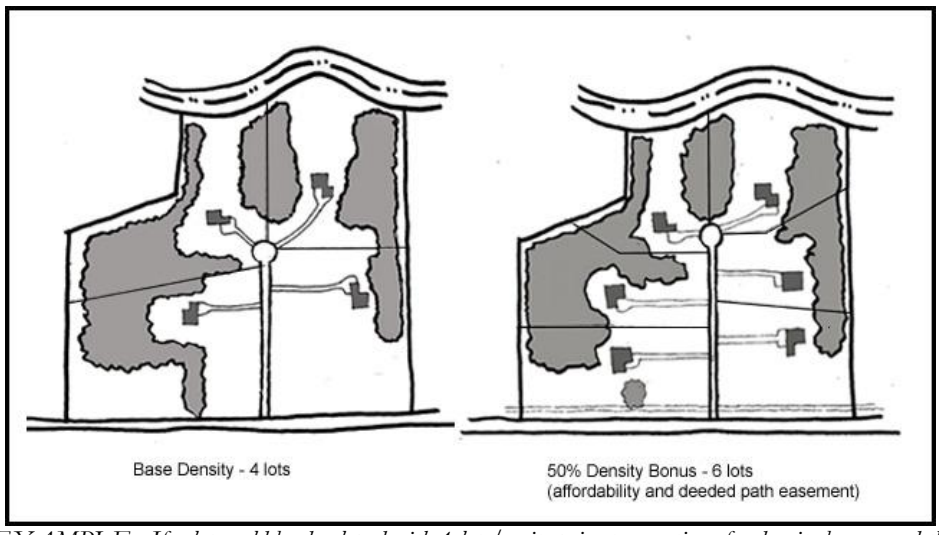
4. **Energy Efficiency Bonus.** The Development Review Board may approve a PUD with up to 25% more dwelling units than could have been developed under the base density if each of the additional units will be built to Vermont's Energy Star Home or High Performance Home energy standards

5. **Access Bonus.** The Development Review Board may approve a PUD with up to 25% more dwelling units than could have been developed under the base density if the applicant provides deeded public access to the Lamoille Valley Rail Trail, Lamoille River, or other public amenity noted in the Wolcott Town Plan, Capital Plan, Lamoille County Regional Plan, or other official plan or municipal document.

6. If the bonus calculation results in a fractional number, it will be rounded to the nearest whole number.

7. The density bonus shall be cumulative (but not sequential) for all criteria met. Residential density shall be increased based on the total number of units allowed, plus the percentage of lots prescribed by the density bonus.

8. Within the Village Core District, a Density Bonus may be awarded as an increase in Floor-to-Area Ratio. For example, a 25% density bonus shall be treated as a 0.25 increase in FAR, a 50% density bonus shall be treated as a 0.5 increase in FAR, etc.




*EXAMPLE: If a lot could be developed with 4 lots/units prior to granting of a density bonus and the project is eligible for 25% housing bonus and a 25% access bonus, the project may be granted a 50% density bonus, and a total of 6 lots/units may be permitted within the PUD. The housing bonus is awarded because one unit in the development will contain at least one "affordable" home. The access bonus is awarded because the applicant is providing a deeded trail that connects to the Lamoille Valley Rail Trail.*

4.53 Designation and Configuration of Open Space Lands: All PUDs in the Rural, Shoreland, and Route 15 Corridor District shall be designed to contain designated open space, in accordance with the following:

1. The areas outlined below shall be considered "primary natural resources." The layout of the PUD, including building sites, roads and driveways, and utilities shall be designed to avoid these areas to the greatest degree possible. These areas shall be removed from the building envelope of any lot within the PUD

    a. 100-year Floodplains and River Corridors, as defined in Article III Definitions Section 3.; and

b Areas within the buffer and stream setback established under Section 4.07(1) of the Zoning Regulations; and

c Areas within a class I or II wetland, and associated buffer, unless approval for development in these areas has been granted by the Vermont Agency of Natural Resources and US Army Corps of Engineers; and

d Areas with extremely steep slopes (greater than thirty percent [30%]), in accordance with Section 4.07(2) of the Zoning Regulations; and

e Areas with 250 feet of a lake or pond that are subject to the State of Vermont Shoreland Protection Act.

3. The areas outlined below shall be considered "secondary natural resources." The layout of the PUD should be designed to minimize impacts to these areas. Minor impacted to these areas may be permitted where alternatives would result in a greater overall impacts to other resources. Alternative layouts should be explored if the proposed layout of the PUD results in development of more than 25% of all secondary natural resources located on the parcel.

   a. 500-year Floodplains, as defined in Article III Definitions Section 3.

   b. Prime and Statewide Agricultural Soil, as provided by Section 4.14 of the Wolcott Subdivision Regulations

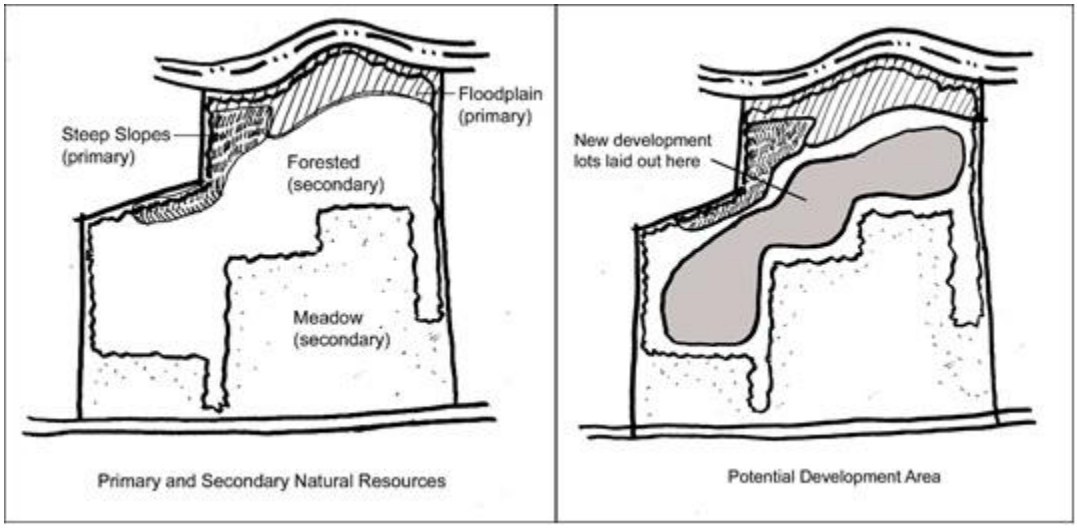
   c. Areas with very steep slopes (between fifteen [15]% and thirty percent [30.0%]), in accordance with Section 4.07(2) of the Zoning Regulations; and.

   d. Productive Forest Land, as defined in Article III Definitions

4. Prioritization of Secondary Natural Resources:

   a. When located less than 1,500 from an existing public road, the open space should first protect Prime and Statewide Agricultural Soils. Greater impacts to other secondary natural resources may be permitted in order to further minimize impacts to Prime and Statewide Agricultural Soils.

   b. When located 1,500 or more from an existing public road, the open space should first protect Productive Forest Land, and slightly greater impacts to other secondary natural resources may be permitted in order to further minimize impacts to Productive Forest Land.




*EXAMPLE: The eight acre, six unit subdivision referenced in Section 4.52 above is located on a parcel that contains five (1) acre in the floodplain and five acres of prime agricultural soils. Development of the six lots is designed to completely avoid the floodplain, and clustered along an existing, overgrown hedge row to avoid four-and-a-half of the five acres of prime agricultural soils.*

4. Land designated as open space shall be indicated with appropriate notation on the final development plat. Open space land shall be subject to appropriate deed restrictions stipulating the permitted and restricted use of such lot and establishing the person or entity responsible for its maintenance.

5. The configuration of the open space land and the covenants governing its usage shall reflect the purpose of the open land and shall be suitable for its intended use.

6. Open space land shall be configured to provide for large contiguous open space lands on the parcel. Fragmentation of open space land shall be avoided to the greatest extent possible, for example,

    a. by siting new driveways, private roads to share existing rights-of-way or following existing linear features such as roads, tree lines, stone walls, fence lines, or fields edge; and/or

    b. by clustering buildings and structures near exiting development and roads.

6. Narrow strips of open space land are discouraged, except when necessary to connect significant areas, such as significant wildlife habitat, or when designed to protect linear resources such streams or trails.

4.54 Ownership of Open Space Lands: Open space Land may be set aside as common land, as a separate undeveloped lot, or as a portion of a single lot, outside of the building envelope, to be held in private ownership. Open space land shall be dedicated, either in fee or through a conservation easement approved by the Development Review Board, to the municipality, an owners' association comprised of present or future owners of the subdivided lots, and/or a nonprofit conservation organization. The ownership type shall be consistent with the best means of maintaining or managing the resources on the site. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of the applicant and subsequent landowners.

1. Common Open Space: The following provisions shall apply to commonly owned open space lands:

    a. The common open space land may be used for water supply and/or septic waste disposal, either common or individual, provided that adequate control over the use of the land for these purposes is retained by the party or parties responsible for the maintenance of these facilities.

2 Privately Owned Open Space: In order to create larger lots for agricultural, forestry or preservation purposes, PUDs may also be designed with designated open space retained in private ownership rather than as common land. Such privately owned open space shall provide that:

    a. All development (if any) is restricted to a designated building envelope within which development may occur as provided by the Table of Uses in Section 4.02(8)

    b. The remainder of each lot is designated open space and is restricted through permanent deed restriction or easement from all development except sewage disposal, water supply, agriculture, forestry, wildlife management and passive recreation.

    c. Privately owned open space may be used for water supply and/or septic waste disposal, provided that adequate control over the use of the land for these purposes is retained by the party or parties responsible for the maintenance of these facilities.

4.55 District Standards. In order to cluster development and minimize impacts on the primary and secondary resources listed in Section 4.53 above, the District Standards found in Section 6 of the Wolcott Zoning Regulations may be modified in accordance with the following:

1. Minimum lot size and frontage may be reduced in order to promote clustered development and land conservation, and/or to promote the development patterns described in the Wolcott Town Plan.

2. Setbacks may be modified within the interior of the PUD. The minimum setback requirements for the District in which the PUD is located shall apply to the periphery of the development

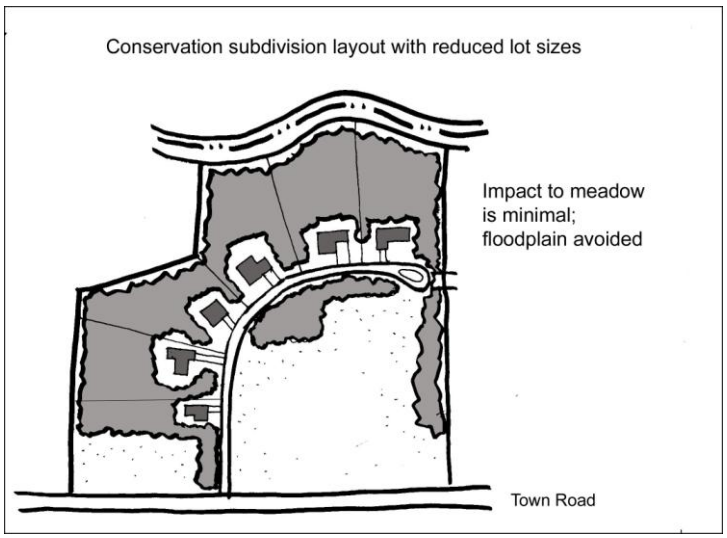
3. Maximum height shall not be exceeded except in the following circumstances:

    a The increase in height is approved in in accordance with Section 4.06 of the Zoning Regulations, or

    b The project is awarded one or more density bonuses under Section 4.52 above, and the Development Review Board grants conditional use approval for the additional height.

4. No variation from the standards of any Overlay District shall be allowed.

5. No variance from the Environmental Review Criteria in Section 4.07 of the Zoning Regulations shall be allowed.




*Example: In order to cluster development as described in the example in Section 4.53 above, lot sizes are reduced from the usual two (2.0) acre district minimum to between 0.75 and 1.5 acres. As a result, four (4) acres [fifty percent (50%) of the total parcel area] no development is located in the floodplain, and impacts to the meadowlands are minimized.*

4.56 PUDs Involving Multiple Parcels: Multiple parcels, whether contiguous or non-contiguous, and whether in affiliated or unaffiliated ownership, may be combined into a single application for PUD review under Section 3.04. In such a PUD, total residential density shall be based upon the cumulative acreage of all parcels as determined in accordance with Section 4.04(1)-(3) above. Density may be aggregated to allow for greater concentrations of development and corresponding land set aside as open space, provided the total overall density for the combined parcels does not exceed the base density of both parcels, and all of the following provisions are met:

1. The transfer of density should result in reduced impacts to primary and secondary natural resources listed in Section 4.53 above. Density may be transferred from primary natural resources to secondary natural resources, or from higher priority secondary natural resources to lower priority natural resources, as described in Section 4.53(3).

2. Density may be shifted from one parcel to another in accordance with the following table:

| **Permitted Density Transfers** | |
|---|---|
| **Density originating from:** | **May be transferred to:** |
| Shorelands | Rural, Route 15 Corridor, Village (any), Village Core |
| Rural | Rural, Route 15 Corridor, Village (any), Village Core, |
| Route 15 Corridor | Village -- Gateway, Village - School Street, Village Core |
| Village – North Wolcott | Village -- North Wolcott |
| Village – School Street | Village – School Street, Village – Gateway, Village Core |
| Village – Gateway | Village -- Gateway, Village Core |
| Village Core | Village Core |

3. The shifting of density shall be clearly recorded in the Land Records in accordance with the following.

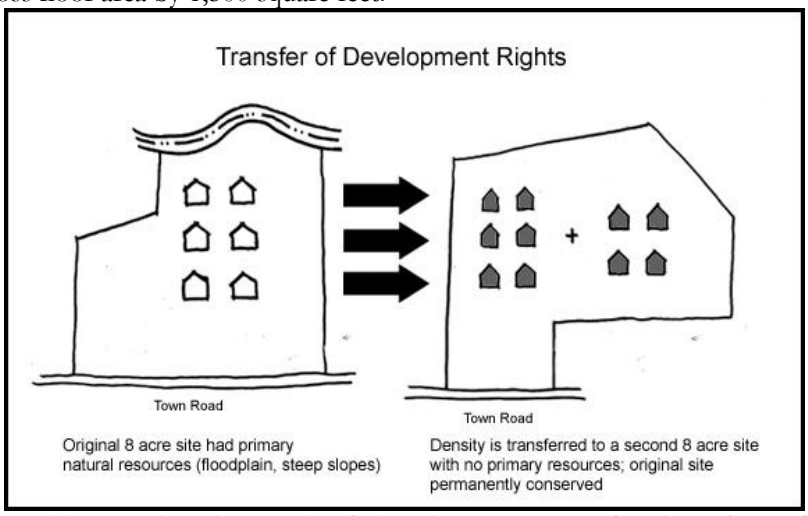
   a. The removal of density from a parcel shall be accomplished through a permanent conservation easement approved by the Development Review Board to be recorded in the Land Records upon final approval of the PUD. Such easement shall specify that the protected portions of the parcel are to be used only for open space, agriculture, forestry, and passive outdoor recreation. In addition, the easement shall be accompanied by a

recordable plat which clearly depicts the boundaries of the parcel; the boundaries of the portion of the parcel to be designated as open space and restricted by conservation easement; any remaining unallocated density available as calculated by Section 4.04, and the total reduction of density on the parcel resulting from the transfer.

b. The aggregation of density on a parcel shall be accomplished through a written agreement, approved by the Development Review Board concurrently with PUD approval to be recorded in the Land Records and may be in the form of a written decision approving the PUD. Such agreement shall specify the total density being aggregated onto the parcel from other parcels and shall include deed reference to the easement covering the parcel(s) from which the density originated.

c. The density from a parcel(s) subject to conservation easements or comparable deed restrictions may not be used to increase the acceptable density on any parcel other than the parcel which is identified in the application as the parcel designated for increased density.

e. Since there is no minimum lot size or maximum density standard in the Village Core District, density transfer shall be accomplished through an increase in the Floor-to-Area Ratio. Each unit transferred to the Village Core District shall increase the total allowed gross floor area by 1,500 square feet.




*Example: In addition to the eight acres described in the previous examples, the applicant also owns eight additional acres elsewhere within Rural District. This parcel does not contain any primary natural resources, but does contains a six acre meadowland. The applicant elects to shift ALL development to this second parcel. The applicant continues to meet the density bonus criteria described in Section 4.53. As a result, a total of ten units/lots (six from the first parcel and four from the second), may be permitted in the PUD. Note that this example assumes that no additional density bonuses are awarded.*

4.57 Hamlet and Farmstead PUDs.: If the PUD contains two (2) or more lots with an area of less than 1/8 an acre and/or less than 40 feet of frontage, the developed portion of the PUD shall laid out to replicate the traditional pattern of a rural hamlet or farmstead, in accordance with the following additional standards

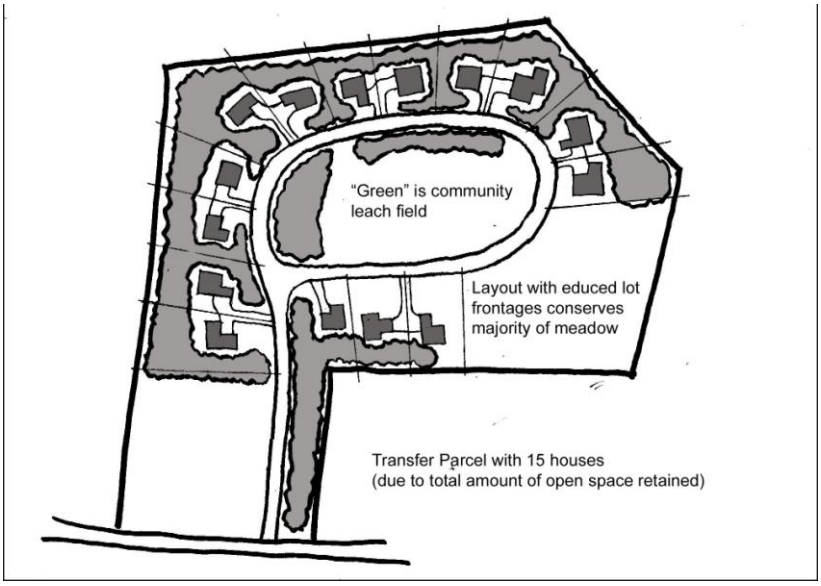
1. The Farmstead/Hamlet shall consist of contiguous grouping of buildings located within a compact area not to exceed fifteen (15) acres (excluding designated open space)

2. If the Farmstead/Hamlet contains six (6) or more principal structures, it shall contain at least one (1) outdoor common area (e.g. village green, common, park, community garden). The outdoor common area shall be located within the compact area referenced above. The outdoor common

area may be used for water supply and/or septic waste disposal and Low Impact Development (LID) stormwater management practices.

3. The Farmstead/Hamlet shall utilize no more than one (1) public road access per five (5) principal structures. The DRB may waive the requirement in Section 4.02(4) (access) for one-thousand feet distance between access points on Route 15 when the additional access point contributes to creation of interconnected streets within the Farmstead/Hamlet.

4. Multi-family dwellings and non-residential uses may be incorporated into the Farmstead/Hamlet, as allowed in the Zoning District




*Example: The applicant described in Section 4.56 decides to completely avoid all impacts to the six acres of meadowlands on the second parcel. As a result, all ten permitted lots are clustered onto the four remaining acres. In order to fit within the constraints of the site, four of lots will have less than 40 feet of frontage. The applicant designs the PUD so that the lots circle a small green that also serves as a community leach field. (Note that the applicant in this example may be eligible for an additional density bonus due to the total amount of open space retained on the two parcels).*

Subsection 4-F. - **Variance Review Criteria**

4.60 General Structures

The DRB may render a decision in favor of the applicant only upon establishing **all** of these criteria are met [§4469(a)]:

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 the zoning regulation in the neighborhood or district in which the property is located; **and**

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 the zoning regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property; **and**

3. That the unnecessary hardship has not been created by the applicant; **and**

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 the zoning regulation and from the town plan.

4.61 Renewable Energy Structures

The DRB may render a decision in favor of the applicant only upon establishing **all** of these criteria [§4469(b)]:

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

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

3. 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 resources, nor be a detriment to the public welfare; **and**

4. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulations and from the plan.

4.62 Variances to Development in the Flood Hazard Area District

Variances to the development standards in the Flood Hazard District shall be granted by the DRB only [§4424(2)]:

1. In accordance with the Act §§4468, 4412(h), sections 4.60 and 4.61 of these bylaws, and in accordance with the criteria for granting variances found in 44 CFR, Section 60.6 of the National Flood Insurance Program regulations.

2. Upon a determination that during the base flood discharge, the variance will not result in increased flood levels.

3. Upon a determination that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

4. For non-conforming structures pre-existing in the Flood Hazard Area Overlay district [§4424(2)]:

    a. The repair, relocation, or enlargement of the structure is required for the continued economically feasible operation of a non-residential enterprise; and

b. The repair, relocation, or enlargement of the structure will not increase flood levels in the regulatory floodway, threaten the health, safety, and welfare of the public or other property owners;

Section 5. – **SPECIFIC USES AND STRUCTURES**

5.01 Accessory Apartments, Caretaker Apartments, and Employee Housing

1. A dwelling unit may be allowed as an accessory to a single family home, subject to the following provisions, which also are intended to meet requirements for accessory apartments as set forth in the Act [§4412(1)(E)].

2. The accessory unit shall satisfy the following requirements:

   a. Accessory apartments are considered permitted uses in any district single family units are allowed. The construction of any addition or new structure for an accessory apartment must therefore meet all provisions of these bylaws for permitted uses including height, parking, and setback requirements.

   b. The accessory unit shall fulfill the requirements of a dwelling unit – One room, or rooms connected together, constituting a separate, independent housekeeping establishment for the owner occupancy, rental, or lease, and physically containing independent cooking, bathroom/toilet facilities, and sleeping facilities. Mobile homes cannot be used as accessory apartments (mobile homes are treated as primary structures).

   c. Floor space not to exceed thirty (30) percent of the floor space of the existing living area of the single-family residence, or 800 square feet, whichever is greater

   d. One of the residences is occupied by the owner;

   e. As accessory apartments add a bedroom to the structure, the applicant must demonstrate compliance with wastewater regulations.

3. A zoning permit issued for an accessory apartment shall clearly state that the dwelling(s) is permitted only as an accessory to the principal residential use of the property and as such shall be retained in common ownership. Such a dwelling unit may be subdivided and/or converted for conveyance or use as a principle dwelling only if it is found to meet all current municipal regulations applying to a single (or two) family dwelling, including all density and dimensional requirements for the district in which it is located. All applicable municipal permits and approvals shall be required prior to the subdivision, conversion, or conveyance as a principal dwelling.

4. Caretaker Apartments and Employee Housing: On any individual lot developed for non-residential uses allowed in the district, one (1) attached or detached apartment for occupancy by a caretaker or on-site employees may be allowed, subject to conditional use approval, provided that the dwelling meets all relevant dimensional requirements for the district and meets the parking requirements specified in Section 4.23 of these Regulations. The caretaker apartment shall be limited to 1,500 SF gross floor area in size.

5.02 Boundary Line Adjustments

1. Boundary line adjustments may be approved in any district by the Zoning Administrator. Boundary line adjustments shall not create any new lots. Where new lots are created a subdivision plat must be approved in accordance with the subdivision regulations.

2. Applicants are required to submit a survey plat of the adjusted boundary line which shall

include sufficient information to determine the following:

a. The boundary line adjustment cannot create a non-conforming lot. In cases where at least one lot is already non-conforming, the adjusted lot line cannot make the lot more non-conforming (e.g. making a small lot even smaller).

b. The boundary line adjustment cannot make an existing structure non-conforming (e.g. moving the lot line such that an existing structure violates the setback for the district).

5.03 Child Care Facilities

1. No permit shall be issued for the creation or operation of a child care facility without obtaining all licenses and registrations required under state law. Operation of a facility in violation of license or registration shall constitute a violation of these bylaws.

2. Definitions.

a. Child Care Facility: Any place, operated as a business or service on a regular or continuous basis whether for compensation or not, which provides early care and/or education.

b. Child Care: The developmentally appropriate care, protection and supervision which is designed to ensure wholesome growth and educational experience for children outside of their homes for periods of less than 24 hours a day in a day care facility.

c. Child: Person who has not yet reached the age of sixteen years.

d. Registered family child care homes. A child care facility, registered with the state, which provides for care on a regular basis in the caregiver's own residence for not more than ten children at any one time. (33 V.S.A §4902(3))

e. Licensed family childcare home: An early childhood program licensed for up to 12 children in the residences of the licensee where the licensee is one of the primary caregivers.

f. Licensed child care facility: A child care facility licensed to provide an early childhood program for children up to a number established by the Child Care Division.

3. Treatment under these bylaws:

a. Unregistered or licensed facilities. Child care facilities that are exempt from state licensure and registration through 33 V.S.A. §3502(b) are not regulated under these provisions but may be regulated in other sections of this bylaw. Such exemptions include:
   (1) Persons providing care for children of not more than two families;
   (2) Hospitals or establishments holding a license issued by the Department of Health, or a person operating a program primarily for recreation or therapeutic purposes;
   (3) Day care facilities operated by religious organizations for the care and supervision of children during or in connection with religious services or church sponsored activities;
   (4) Nursery schools or other preschool establishments, attended by children of less than compulsory school age, which are subject to regulation by the department of education. (33 V.S.A. §3502(b)(1-4))

b. A state registered or licensed family child care home operated within a single family dwelling shall be considered by right to constitute a permitted single family residential use of the property. [§4412(5)]

(1) Such uses that meet the requirements above shall not require a permit issued by the Zoning Administrator but the applicant shall notify the Zoning Administrator in writing of intent to establish use.

c. A state registered or licensed family child care home operating in a dwelling other than a single family dwelling (e.g. duplex, multifamily housing) shall be treated as a permitted use and therefore must receive a zoning permit under section 3.01 and shall also be required to obtain site plan approval under section 3.04.

(1) Unless waived in writing by residents of the complex, all family child care homes not operating in a single family dwelling shall be limited to hours of operation between 7 AM and 7 PM.

d. Licensed childcare facilities shall be reviewed in designated zoning districts as prescribed in the Table of Uses in Section 4.02(8) of these regulations.

(1) Within the Fisher Bridge Enterprise District, childcare facilities that are located within the same structure as another permitted or conditional use and are incidental and subordinate to such use shall be permitted. Standalone Childcare facilities shall be treated as a conditional use.

5.04 Home Occupations

1. Purpose: The purpose of these provisions is to allow for small, home-based businesses and industries within residential areas while guarding the property rights of neighboring households.

2. No provision of this bylaw shall infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not have an undue adverse effect upon the character of the area. [§4412(4)]

3. Defining Home Occupations.

a. Home occupations are accessory uses to residential properties and must clearly be incidental and secondary to the residential use.

b. Home occupations shall be carried on within the principal structure or accessory structures. Subject to Site Plan Review, outdoor work areas may be permitted, provide they comply with District Setback requirements and are adequately landscaped and screened in accordance with Section 4.40(4) of these regulations.

c. The home occupations shall be carried on only by residents of the dwelling unit. Subject to Conditional Use Review by the DRB, up to three (3) additional employees may be allowed.

d. The home occupation must be customary in the district in which it is located and will not change the character of the neighborhood.

4. Specific Use Standards. In order to ensure that a home occupation will not change the character of the residential area, the owner must demonstrate that it will comply with all of the following standards:

a. All business activities or transactions associated with the home occupation shall be carried on entirely within the dwelling unit or accessory structures. Subject to Site Plan Review, outdoor work areas may be permitted, provide they comply with District Setback requirements and are adequately landscaped and screened in accordance with Section 4.40(4) of these regulations.

b. No traffic shall be generated which would be uncharacteristic of the neighborhood.

c. New parking required for the home occupation shall be provided off-street.

d. No objectionable vibration, odor, smoke, dust, electrical disturbance, heat, or glare shall be produced by the home occupation.

5. Where it is determined by the Zoning Administrator that the proposal does not meet the definitions or standards of home occupations above, the applicant may apply for a permit under the broader use regulations as identified in the Table of Uses in Section 4.02(8).

5.05 Mobile Home Parks

1. More than two mobile homes that are located on a parcel of land under single or common ownership or control according to state regulations constitute a mobile home park. [10 V.S.A. §6201]

2. Mobile home parks must meet density requirements for the district in which it is located.

3. No permit shall be granted for such development until all appropriate state permits are obtained.

5.06 Residential Care Home

1. A state registered or licensed residential care home serving 9 or more developmentally disabled or physically handicapped persons on a full time basis shall be reviewed as a multi family dwelling and shall be subject to conditional use and site plan review as appropriate. [§4412(1)(G)]

a. Where such use is a conditional use, consideration shall be given to the nature of the residential care home and the potential impact that such a home may have on the given neighborhood.

2. A state registered or licensed residential care home serving 8 or fewer developmentally disabled or physically handicapped persons on a full time basis conducted within a dwelling other than a single family dwelling shall be reviewed as a multi-family dwelling and shall be subject to conditional use and site plan review.

3. A state registered or licensed residential care home serving 8 or fewer developmentally disabled or physically handicapped persons on a full time basis conducted within a single-family dwelling by a resident of that dwelling, shall be considered by right to constitute a permitted single family residential use of the property. [§4412(1)(G)]

a. Such uses that meet the requirements above shall not require a permit issued by the Zoning Administrator but the applicant shall notify the Zoning Administrator in writing of intent to establish use.

5.07 Residential Dwellings

1. Classification. Residential developments are classified based on the type of structure (year-round or temporary).

2. Residence status. Residences are classified as either temporary or year-round.

   a. Temporary residences include camps, recreational vehicles, tents, teepees, yurts, travel trailers, campers, and similar structures. These structures may be used only on a temporary basis (not more than 90 total days in any calendar year). Temporary residences must receive a temporary permit issued by the Zoning Administrator prior to occupancy. Although temporary, these structures are still required to meet, or have access to, facilities that meet wastewater and water supply rules.

   b. Any structure that is used for dwelling purposes for more than 90 days within any calendar year, or is sited so as not to be readily moveable, shall be deemed a dwelling and be subject to all zoning regulations pertaining to accessory or single family dwellings.

   c. The Zoning Administrator may issue a zoning permit to allow a temporary shelter, including a mobile home, to be occupied for dwelling purposes for not greater than one year to allow a property owner to reside on a parcel while construction or rehabilitating a permanent dwelling. Such a temporary shall be removed from the premises within one year of the issuance of the permit unless applicant obtains a one-year extension from the DRB. No structure other than the permitted temporary shelter may be occupied as a dwelling on a single parcel for the period in which the temporary structure is occupied.

   d. Year-round residences may be single family, two-family, or multi family depending on the proposal.
      (1) Mobile Homes. No zoning regulation shall have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing from the municipality, except upon the same terms and conditions as conventional housing is excluded. [§4412(1)(B)]
      (2) Mobile homes shall be treated the same as conventional homes except in a mobile home park.
      (3) Each year-round dwelling unit is required to meet the following minimum standards:
         i. One room, or rooms, connected together, constituting a separate, independent housekeeping establishment for the owner occupancy, rental, or lease, and physically containing independent cooking, bathroom/toilet facilities, and sleeping facilities.

5.08 Signs

1. A building permit shall be required prior to the erection, construction, or replacement of any outdoor sign. All signs shall be treated as permitted uses in any district except the flood hazard area, which shall be treated as a conditional use.

2. Exemptions: The following signs are exempt from the requirements of this section:

   a. Signs erected by the Town or State on public roads

   b. Political signs. All signs associated with an election or vote shall be promptly removed

following the date of election or vote.

c. All temporary signs such as lawn or garage sale signs. All such temporary signs shall be promptly removed when they have fulfilled their function.

d. Temporary real estate or construction signs not to exceed 16 square feet in area and 6 feet in height. Such signs shall be promptly removed when it has fulfilled its function.

e. Murals that are a purely decorative treatment on the exterior wall of a building that does not have the overt intent or effect of advertising a product or service for sale or an agency, organization, or business.

f. Instructional, educational, and wayfinding signs, provided such sings no not have the overt intent or effect of advertising a product or service for sale or an agency, organization, or business.

3. Prohibited Signs. The following shall be prohibited in all districts:

a. Signs that impair highway safety

b. Signs painted or placed on rock outcrops or similar natural features.

c. Roof signs, and wall signs which extend above the roof line.

d. Signs which project over public rights-of-way or property lines

4. Sign Maintenance. All signs shall be of durable materials and shall be maintained in good condition. The Zoning Administrator is empowered to order the removal of any sign which has fallen into disrepair and which has not been repaired after thirty (30) days notice.

5. Home Occupation Signs., a sign for a home occupation not exceeding 4 square feet may be permitted which announces the name, address, or professional or home occupation of the occupant of the premises on which said sign is located.

6. Business Signs.,. Business Signs shall be classified as wall signs, projecting signs, or free-standing signs, and shall meet the following standards:

a. Wall Signs. Wall signs are allowed in accordance with the following:

(1) A building or tenant may have multiple wall signs.

(2) Wall signs may be mounted on any facade facing a road, public right-of-way or parking lot

(3) The total area of all wall signs on a single principal structure shall not exceed maximum area specified in Table Below.

| | VILLAGE AND VILLAGE CORE | ROUTE 15 DISTRICT | FISHER BRIDGE ENTERPRISE | RURAL AND SHORELAND DISTRICTS |
|---|---|---|---|---|
| **Wall Sign Area** Max (per foot of building/tenant frontage) | 2.0 sf | 3.0 sf | 5.0 sf | 1.0 sf |

(4) A wall sign must not exceed 80% of the length of the tenant space (for multi-use buildings) or building frontage (for single-use buildings)

(5) The area of a mural that is a purely decorative treatment on the exterior wall of a building that does not have the overt intent or effect of advertising a product or service for sale or an agency, organization, or business, shall not count toward the maximum wall sign area.

b. Projecting Signs. Projecting signs are allowed in accordance with the following

(1) A principal structure may have either:

(i) A single projecting sign with a maximum area not to exceed 50 square feet. If multiple uses are located within a single principal structure, this maximum may be increased by five (5) square feet per use to provide individual placards, but shall not exceed 75 square feet.;

OR,

(ii) On a building with multiple customer entrances, one (1) projecting sign with an area not to exceed 25 square feet per customer entrance. On a building with multiple projecting signs, projecting signs shall not be located closer than 24 feet to each other along the same building façade.

(2) The projecting sign must have a minimum clearance of 8 feet from the bottom of the sign to the grade below.

(3) A projecting sign, including an awning, may extend beyond the front yard setback, but shall not extend into the highway right-of-way, unless approved by the entity responsible for managing the right of way (Wolcott Selectboard for local roads and Vtrans for State Highways).

c. Free-standing Signs. Free-standing signs are allowed in accordance with the following

(1) There shall not be more than one (1) free-standing sign per principal structure, except that lots with frontage on more than one road may have one (1) free-standing sign along each road.

(2) The maximum area of a free standing sign shall not exceed 50 square feet. If multiple uses are located within a single principal structure, this maximum may be increased by five (5) square feet per use to provide individual placards, but shall not exceed 75 square feet.

(3) In any zoning district, notwithstanding the district setback requirement for structures, freestanding signs of 8 feet in height or less may be placed at the edge of the highway right-of-way. However such signs shall not be located within four (4) feet of any property line not belonging to the applicant and 15 feet of an intersection. Signs more than 8 feet in height must be set back from the property line at least a distance equal to 50% of their height.

d. Window Signs and Stenciling: Signs may be displayed in building windows. Window

stenciling may be placed on the inside of a window. Window signs and stenciling shall not count against the total area and/or number of allowed signs, provided no more than twenty-five percent (25%) of the total area of all windows is obscured. *Stained glass windows including but not limited to those associated with a place of worship or similar use, that do not contain images of items or services for sale shall be exempt from the size limitations listed above.*

e. Awnings: An awning with symbols, logo(s), or lettering (excluding the street address) is considered a projecting sign for the purposes of these bylaws. The sign area shall comprise no more than thirty percent (30%) of the total exterior surface of an awning and shall be counted against the total number and area of projecting signs allowed.

f. Content. The primary purpose of all business signs shall be for identification of the business (name), products sold, and the business or activity conducted on the premises; not for the purpose of making advertising claims. Sexually explicit or other inappropriate content shall be prohibited.

g. Illumination & animation.
   (1) Signs may be illuminated only during those hours that the business being advertised is open for business.
   (2) Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion, or hazard to the surrounding area or to vehicular traffic. Illumination shall be properly focused upon the sign itself.
   (3) Signs shall be illuminated by a steady light, which must be of one color only.
   (4) Internally illuminated signs are prohibited.
   (5) Signs which are animated, or containing strings or pennants or similar attention-gathering media is prohibited.

7. Directional and safety signs. Signs to guide traffic and circulation or to protect public health and safety shall not count against sign totals provided they are only as large as necessary and carry only the needed information. For instance, "entrance only", "exit only", "parking in back of building", "watch for falling ice" etc. are appropriate directional and safety signs.

8. Off-Premise Signs. Any sign located elsewhere than upon the lot containing the subject of the sign shall conform to state statute and regulation.

9 Computation of Sign Area. When computing the total permissible sign area for any use:

a. Existing signs shall be included in the calculation of total sign area.

b. The total area of all signs shall not exceed the requirements as set forth in these regulations.

c. Sign measurement shall be the area included within the extreme limits of the sign surface.

d. Signs consisting of freestanding letters, numerals, or other devices shall include any intervening space between them.

e. Only the larger face area of a double-faced sign shall be counted.

f. Back-to-back signs may be counted as one sign.

5.09 Street Furniture, Public Art, and Outdoor Seating

Public art, outdoor seating areas and street furniture may be located within the front yard setback. Subject to the approval of the entity responsible for management of the roadway (Vermont Agency of Transportation or Wolcott Selectboard), these items may be located within the highway right-of-way. Public outdoor seating areas, street furniture, and public art shall not be counted toward Floor-to-Area Ratio.

5.10 Wireless Telecommunications Facilities

1. Purpose. The purpose of these provisions is to protect the public health safety and general welfare of the Town of Wolcott while accommodating the communications needs of residents and businesses. These provisions shall:

    a. Preserve the character, appearance and property values of the Town of Wolcott while allowing adequate telecommunications services to be developed.

    b. Protect scenic, historic, environmental, and natural resources of the Town of Wolcott through careful design and siting standards.

    c. Provide standards and requirements for the siting, design, appearance, construction, monitoring, modification, and removal of wireless telecommunications facilities.

    d. Minimize tower proliferation by requiring the sharing of existing communications facilities where possible and appropriate.

    e. Facilitate the provision of telecommunications services to the residents and businesses of the Town of Wolcott.

    f. Encourage the location of towers in nonresidential areas and away from sensitive areas such as Well Head Protection Areas, wetlands, and endangered species habitat.

2. Consistency with Federal Law: In addition to other findings required by this bylaw, the Zoning Administrator or DRB shall find that its decision regarding an application is intended to be in conformance with current Federal law and current FCC regulations. The bylaw does not:

    a. Prohibit or have the effect of prohibiting the provision of personal wireless services.

    b. Unreasonably discriminate among providers of functionally equivalent services; and

    c. Regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the current FCC regulations concerning such emissions.

3. Specific Use Standards: Specific use standards for wireless telecommunication facilities include provisions regulating both wireless telecommunications equipment and wireless telecommunications towers under these provisions.

4. Wireless telecommunication equipment includes all equipment (including repeaters) with which a wireless telecommunications system transmits and receives the waves which carry their services. Equipment may be mounted on towers, buildings, or other structures.

a. Small telecommunication equipment (dishes less than 24 inches, whip antennas) is considered part of the structure on which it is attached. Equipment meeting this standard is exempt from needing to obtain a zoning permit.

b. Large telecommunication equipment (those not meeting the standards for small telecommunications equipment) is subject to conditional use review and site plan review.
   (1) Where possible, equipment must be disguised, camouflaged, hidden, or positioned such that its view is limited from public places (roads, etc). Stealth technologies must be used where available.

5. Wireless telecommunication towers are structures whose primary purpose is to support wireless telecommunication equipment and which will extend vertically 20 feet or more. All wireless telecommunications towers require conditional use approval and site plan approval. Existing structures such as church steeples and agricultural barns and silos are not considered towers provided the mounting of telecommunications equipment is secondary to another use. Use of existing structures must meet application requirements (1) through (4) below.

   a. Application requirements: A report and design by a qualified and licensed engineer and other documentation by the applicant or representative that:
      (1) Describes the height, design and elevation of the tower or structure.
      (2) A site plan that includes:
         i. A location map, typically a portion of the most recent USGS Quadrangle or map constructed with similar information, showing the area within at least a two-mile radius of the tower site.
         ii. A vicinity map showing the entire vicinity within a 2,500 foot radius of the tower site including the telecommunications facility, topography, public and private roads and driveways, buildings and structures, water features, wetlands, landscaped features, historic sites and habitat for threatened and endangered species. It shall indicate the property lines of the proposed tower site parcel and all easements or rights-of-way needed from a public way to the tower.
         iii. A site plan showing, in addition to the other application requirements for site plan approval, all structures, topography, public and private roads and driveways, water features, wetlands, landscaped features, historic sites, habitat for threatened and endangered species, existing vegetation, and property lines within 500 feet of the proposed tower location as well as a circle delineating the tower's 'fall zone'.
         iv. Elevations showing all facades and indicating all exterior materials and colors of towers, buildings and associated facilities.
      (3) Document proof of compliance with all FCC requirements.
      (4) Documents of steps the applicant will take, including an intermodulation study, in order to avoid interference with any established or proposed public safety telecommunications.
      (5) If a telecommunication tower is proposed, a comprehensive regional tower plan detailing all potential and existing towers used by the telecommunications provider and how the proposed tower contributes to the overall plan for maximum coverage with a minimum of towers. The Town of Wolcott is essentially requesting the telecommunication provider's master plan for the region.
      (6) Documents that the applicant is a telecommunications provider or must provide a copy of its executed contract to provide land or facilities to an existing telecommunications provider to the Zoning Administrator at the time of

application.

(7) Documents, for new tower locations, that co-location on an existing tower are not a feasible option.

(8) The DRB may require a commitment by the tower owner and his or her successors to permit shared use of the tower if the additional user agrees to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards, and requirements.

b. Specific Use Standards- Conditional use review: The following standards apply to all towers and equipment requiring conditional use approval.

(1) Permissible/ prohibited locations. Telecommunication towers of any size are prohibited within the WHPA districts and Shoreline district. Except in the WHPA and shoreline districts:

i. Telecommunication towers less than 40 feet tall are permissible in any district.

ii. Telecommunication towers from 40 to 120 feet tall are permissible in all districts except in the village and Village core districts.

iii. Towers greater than 120 feet tall are prohibited in all districts.

(2) Fall zones. The owner of a tower site must own the entire fall zone of a tower.

i. The fall zone shall be a circle around the tower whose radius is the height of the tower; the effect of which is to show the potential area of impact in the event of catastrophic failure. This exercise is not to evaluate the likelihood of failure but to examine the worst-case scenario (terrorism, major accident, extreme negligence, etc.).

ii. The fall zone shall be free of all other uses including, but not limited to, residential, commercial, and industrial uses. Agricultural uses are permitted within fall zones.

(3) Minimizing towers. The proposal must demonstrate that the proposed tower contributes to a regional tower plan that maximizes coverage with a minimum of towers.

i. Applications for new towers- where an alternative structure already exists that is suitable, available, and will achieve the same or better level of service, the alternative structure must be used

ii. Co-location requirements. The application for a new telecommunications tower shall not be approved unless the DRB finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or structure, due to one of the following reasons:

- The proposed equipment would exceed the structural or spatial capacity of the existing or approved tower or facility, as documented by a qualified engineer licensed to practice in the State of Vermont. Additionally, the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.
- The proposed equipment would cause interference materially impacting the usefulness of other existing or permitted equipment at the existing or approved facility as documented by a qualified engineer licensed to practice in the State of Vermont and such interference cannot be prevented at a reasonable cost.
- The proposed equipment, either alone or together with existing equipment, would create RFI or RFR in violation of Federal standards

or requirements.

- A cost-benefit or other fiscal analysis demonstrates that the provider will be placed at an unfair disadvantage competitively against other providers in the area.
- Existing or approved towers cannot accommodate the planned equipment at a height necessary to function reasonably or are too far from the area of needed coverage to function reasonably as documented by a qualified engineer licensed to practice in the State of Vermont.
- Aesthetic reasons make it unreasonable to locate the planned telecommunications equipment upon an existing tower.
- There is no existing or approved tower in the area in which coverage is sought.
- Other unforeseen specific reasons make it unreasonable to locate the planned telecommunications equipment upon and existing tower.

(4) Speculation prohibition. An applicant for a telecommunications tower permit must be a telecommunications provider or must have an executed contract to provide land or facilities to an existing telecommunications provider. A permit shall not be issued for a tower to be built on speculation.

(5) Fencing. All tower sites shall be fenced to reasonably prevent access to the tower and all accessory buildings associated with the telecommunications facility.

i. Where a church steeple, silo, or other existing structure is proposed as a tower, the applicant must demonstrate that access to the wireless telecommunications equipment is secure - doors accessing steeple area are secured; areas within silos and barn that contain communications equipment are not accessible except by authorized personnel; etc.

(6) FCC compliance. All new telecommunications facilities must comply with FCC regulations

(7) Environmental restrictions. No wireless telecommunications tower and/or large telecommunications equipment shall be located:

i. Within 500 feet of the habitat of any state listed threatened or endangered species.
ii. Within 200 feet of any Class II or higher wetland.
iii. Within 200 feet of any river or perennial stream

(8) Interference with public safety telecommunications. No telecommunications equipment shall be placed, constructed or operated in such a manner as to interfere with public safety telecommunications. All applications for new wireless telecommunications facilities shall be accompanied by an intermodulation study that predicts no likely interference problems and certification that the study has been provided to the appropriate public safety agencies. Before testing operating new service or changes to existing service, telecommunications providers shall notify the municipality at least ten (10) days in advance of such changes and allow the municipality to monitor interference levels during that testing period.

c. Specific Use Standard- Site Plan Review: The following standards apply to all towers and equipment requiring site plan approval.

(1) Aesthetics. Towers must be disguised, camouflaged, hidden or positioned such that its view is limited from public places (roads, etc). Stealth technologies must be used where available. Towers and equipment and any necessary support structures shall be designed to minimize the visual impacts on the surrounding environment, except where the Federal Aviation Authority (FAA), state or federal authorities have dictated color.

i. Use of existing structures such as in a church steeple or agricultural structure (silos and barns) shall be considered to meet the aesthetic criteria provided the equipment and other accessory building and parking, etc. meet landscaping and screening requirements.

(2) The tower shall not be lit except for manually operated emergency lights for use only when operating personnel are on site.

(3) No advertising signs or lettering shall be placed on a tower, accessory building, or communication equipment shelter.

(4) The Balloon test. Within 35 days of submitting an application, the applicant shall arrange to fly, or raise on a mast, a three foot diameter brightly colored balloon at the maximum height of a tower and within fifty feet of the center of the proposed tower. The date, time alternative weather date, and location of this balloon test shall be advertised by the applicant at one and two consecutive weeks in advance of the test date in the News & Citizen and the Transcript, or equivalent thereof. The applicant shall inform the Wolcott DRB and abutting property owners in writing, at least two weeks in advance. The balloon shall be flown for at least six consecutive daylight hours sometime between 8 a.m. and 6 p.m. on the dates chosen. The DRB shall witness the balloon flight. The applicant shall include, as evidence, photography of the balloon test taken with a lens within the range of 105 to 135 millimeters, from at least 10 different locations of the choosing of the DRB.

(5) Screening. All wireless telecommunication facilities not concealed within an existing building (such as church steeples, silos, barns, etc.) shall be screened from view by suitable vegetation except where a design of non-vegetative screening better compliments the architectural character of the surrounding neighborhood. A planted or vegetative screen shall be a minimum of ten feet in depth with a minimum height of six feet and shall have the potential to grow to a height of at least 15 feet at maturity. Existing on-site vegetation outside the immediate site for the wireless facility shall be preserved or improved. Disturbance to existing topography shall be minimized unless the disturbance is demonstrated to result in less visual impact of facility on surrounding properties and other vantage points.

d. Temporary Wireless Communications Facilities. Any wireless telecommunications facility designed for temporary use is subject to the following:

(1) Use of a temporary facility is permitted only if the owner has received a temporary use permit from the Town of Wolcott.

(2) Temporary wireless telecommunications facilities are permitted for no longer than five days during a special event.

(3) The maximum height of a temporary facility is 50 feet above grade.

(4) Temporary facilities must comply with all portions of these regulations applicable to the request.

e. Abandonment of Wireless Telecommunications Facilities. Abandoned towers or abandoned portions of towers (above highest operating equipment) shall be removed as follows:

(1) Any tower or portion of a tower shall not be re-established if such use of said tower or portion of tower has been discontinued for a period of at least one-year. Once the tower or portion of said tower has been deemed abandoned, a zoning permit must be acquired to resume the original use. Intent to resume shall not confer the right to do so.

(2) In the event the tower is not removed within the one year time period from the cessation of use, the municipality may remove the tower and all associated equipment and the costs of removal shall be assessed against the property or

tower owner.

(3) In accordance with §4414(12), the DRB may require a bond be posted, in an amount acceptable to the Selectboard, at the time of approval of the wireless telecommunications tower application sufficient to cover the decommissioning or dismantling of wireless telecommunications facilities and ancillary improvements.

Section 6. - **TOWN AREAS DEFINED**

The Town of Wolcott is divided into the following zoning districts:

**Rural District** - Section 6.01
**Shoreland District** - Section 6.02
**Route 15 Corridor District -** Section 6.03
**Village District** - Section 6.04
**Village Core District** – Section 6.05
**Fisher Bridge Enterprise District** – Section 6.06

In addition to the six zoning districts, two overlay districts are established as well:

**Flood Hazard Areas Overlay District** - Section 6.07
**Wellhead Protection Area Overlay District** – Section 6.08

Description of, and regulations relative to, the use of each area are detailed as follows:

6.01 Rural District

**Description**: The district includes all land identified on the zoning map.

**Objective**: The Rural district includes developable areas of town where growth has been occurring over the past 30 years. These areas are best suited to medium density, rural residential development, small businesses, and home businesses and industries but also include traditional uses of the land including farming and forestry. Recreation, value added agricultural enterprises and forest products are also anticipated in this area.

**Permitted and Conditional Uses are delineated in the Table of Uses in Section 4.02(8) of these bylaws**

**Area and Dimensional Requirements:**

| Minimum lot size | Maximum density | Min. frontage | Minimum setback | |
|---|---|---|---|---|
| | | | Road | Other property lines |
| 2 acre | 1 du / 2 acre | 150 feet | 25 feet | 25 feet |

**Conditional Use Standards:** In determining the appropriateness of the use or structure, the DRB shall consider the effect of the proposal on the continued enjoyment of existing and approved uses in the neighborhood. For new structures, building location within the lot may be required to be compatible with the location of existing and approved uses in the neighborhood. Structures associated with a conditional use shall be located so as to minimize impacts on agricultural and forest resources. The DRB may require larger setbacks depending on the nature of the operation.

1. **Site Layout and Design Standards for multi-family and non-residential uses**: Multi-family and non-residential structures with a gross floor area of 3,000 square feet or more shall either be constructed using Traditional Vermont Building Types (as defined in Article III Definitions) or situated so as to be screened from neighboring properties and any public road. Screening may be accomplished by either existing vegetation, landscaping or a combination thereof.

6.02 Shorelands

**Description**: The Shorelands District shall consist of all lands within 500 feet of the normal mean watermark around all lakes, ponds or impoundments exceeding 20 acres. The bodies of water meeting this standard in the Town of Wolcott and their normal mean water marks are as follows:

a. Wolcott Pond - elevation 1,196 feet;

b. Wapanaki Lake - elevation 1,270 feet;

c. Zack Woods Pond - elevation 1,179 feet.

**Objective**: These regulations of the shorelands in the Town of Wolcott are to prevent and control water pollution, preserve and protect wetlands and other terrestrial and aquatic wildlife habitats, conserve the scenic beauty of shorelands, minimize shoreland erosion, reserve public access to public waters, and achieve other municipal, regional or state shoreland conservation and development objectives.

**Permitted and Conditional Uses are delineated in the Table of Uses in Section 4.02(8) of these bylaws**

**Area and Dimensional Requirements:**

| Minimum lot size | Maximum density | Min. frontage | Minimum setback | | |
|---|---|---|---|---|---|
| | | | Road | Lake/Pond | Other prop. lines |
| 2 Acres | 1 du / 2 acres | 100 ft- road<br>100 ft- lake | 25 feet | 150 feet* | 25 feet |

**Conditional Use Standards:** Applicants shall provide written documentation showing how their proposal avoids or mitigates any potential risks to surface and ground water. Applicants shall demonstrate that they have designed and sited their project to minimize impacts upon wetlands, riparian habitats, steep slopes, and other important features known to impact water quality. Applicants must address stormwater runoff from impervious surfaces and disposal of solid waste. In determining the appropriateness of the use or structure, the DRB shall consider the scale and design of the proposal in relation to the scale and design of existing uses and structures and the effect of the proposal on the continued enjoyment of existing and approved uses in the district. For new structures, building location within the lot may be required to be compatible with the location of existing and approved uses in the neighborhood. The DRB may require larger setbacks depending on the nature of the operation.

1. All development within the Shorelands Distrct shall comply with the Vermont Shoreline Protection Act, and applicants shall obtain any permits required by said Act prior to undertaking land development. Where the provisions of this district conflict with the provisions of the Shoreline Protection Act, the more stringent standards shall apply.

2. In order to prevent soil erosion, and to support other stated shoreland protection purposes, existing stands of trees and ground cover along the shoreline shall be maintained or supplemented, for 100 feet from the normal mean water mark.

6.03 Route 15 Corridor

**Description**: The district includes all land within 1000 feet of the edge of the Route 15 right of way, except for areas designated as Village, Village Core, or Fisher Bridge Enterprise District as identified on the zoning map. Where the Route 15 corridor extends to the Lamoille River the district is considered to end at the river's edge.

**Objective**: The Route 15 corridor is established to achieve two objectives- to maintain a safe, efficient travel corridor and to encourage commercial and industrial development in areas with the best highway access and exposure to travelers.

**Permitted and Conditional Uses are delineated in the Table of Uses in Section 4.02(8) of these bylaws**

**Area and Dimensional Requirements:**

| Minimum lot size | Maximum density | Min. frontage | Minimum setback | |
|---|---|---|---|---|
| | | | Road | Other property lines |
| 1 acre | 1 du / 1 acre | 600 feet on Rte 15<br>100 feet on secondary or private rd. | 25 feet | 25 feet |

**Conditional Use Standards:** Many areas of this corridor have topographic and other limitations to development. In determining the appropriateness of the use or structure, the DRB shall consider these limitations Structures associated with a conditional use shall be located so as to minimize impacts on agricultural and forest resources. Design and siting of accesses is critical to ensuring any development will not create a danger for the traveling public. Development should not impede the smooth flow of traffic that currently exists along the corridor. The DRB may require larger setbacks depending on the nature of the operation.

1. Site Layout and Design Standards for multi-family and non-residential uses: Multi-family and non-residential structures with a gross floor area of 5,000 square feet or more shall either be constructed using Traditional Vermont Building Types (as defined in the Article III Definitions) or situated so as to be screened from neighboring properties and any public road. Screening may be accomplished by either existing vegetation, landscaping or a combination thereof.

6.04 Village District

**Description**: The district includes properties in the following neighborhoods:

- The Gateway area of Wolcott Village along Route 15 west of the Village Core District
- School Street
- Areas in and near North Wolcott

**Objective**: Wolcott Village and North Wolcott have been the center of social, commercial, and governmental functions since the town's founding. Varying intensities of development are anticipated, depending on the neighborhood within the District.

Within the ***Gateway***, a wide variety of higher density residential development, small businesses, commercial operations, and home industries. Larger scale industrial development is also permitted, provided potential impacts on adjacent properties are addressed. Most buildings are one or two stories with façade elements such as porches or stoops. The area has shallow to medium front yards, often with fencing or landscaping providing a buffer from the street. "Softer" pedestrian infrastructure such as off-road paths and widened shoulders, may be appropriate in this area. Landscape elements such as street trees that provide a visual cue to motorists that they are entering a more densely developed area are encouraged.

**School Street** currently consists primarily of residential uses. A mix of residential uses, including both single and multi-family homes, is expected to occur in this area. Small service oriented commercial uses may be appropriate if they are compatible with the predominantly residential character of the District. Uses might include, but are not necessarily limited to, professional offices, childcare homes, bed and breakfasts, and small studios/galleries. Any non-residential use located on School Street should have a similar exterior design and scale as residential uses. Special care should be taken to ensure that non-residential uses do not create undue traffic burdens on neighborhood streets. Pedestrian connections between School Street, to the Village Core, and to community amenities such as Wolcott Elementary School, and the Lamoille Valley Rail Trail are of particular importance in this area.

**North Wolcott** is a small hamlet along North Wolcott road. Most structures are small, two story. While the District is currently primarily residential, there are several small retail, commercial, and industrial enterprises. Additional commercial and non-residential uses are expected in this area. Non-residential uses should be examined to ensure they do not create undue traffic burdens on the area's rural roads.

**Permitted and Conditional Uses are delineated in the Table of Uses in Section 4.02(8) of these bylaws**

**Area and Dimensional Requirements:**

| Minimum lot size | Maximum density | Min. frontage | Minimum setback | |
|---|---|---|---|---|
| | | | Road | Other property lines |
| Gateway 0.5 ac.<br>School St.: 0.5 ac<br>N. Wolcott: 1 ac. | 1 du / 0.5 ac.<br>1 du / 0.5 ac.<br>1 du/ 1 ac. | 75 feet | 10 feet | 15 feet or 0 feet if structure crosses lot property line |

**Conditional Use Standards:** In determining the appropriateness of the use or structure, the DRB shall consider the effect of the proposal on the continued enjoyment of existing and approved uses in the neighborhood. An increase in residential density or addition of a new non-residential use shall not in and of itself be considered detrimental to the "character of the neighborhood." The location of new structures shall contribute the objective for the particular neighborhood within the District (Gateway, School Street, North Wolcott) outlined above. The DRB may require larger side and rear setbacks depending on the nature of the operation.

1. Site Layout and Design Standards for multi-family and non-residential uses: All new Multi-family and non-residential structures shall meet at least three of the following criteria:

   (a) The structure is oriented with its principal means of entrance facing a public street; and/or

   (b) the structure has a roof pitch of at least 8:12; and/or

   (c) The street facing building façade contains a porch, arcade, or balcony at least five feet deep; and/or

   (d) The structure is at least one-and-a-half stories in height; and/or

   (e) The street facing building façade is no greater than forty feet in length OR, is divided into multiple bays between twenty and forty feet in width; and/or

   (f) At least forty percent (40%) of the street facing building façade is fenestrated (as defined in the Article III Definitions); and/or

   (g) The structure is oriented so that its deepest portion is perpendicular to the nearest public street; and/or

   (h) The site includes a mural, public art, street furniture or outdoor seating areas.


2. Strict conformance with the Site Layout and Design Standards above is not required for the following.

   (a) Renovations of existing structures that do not expand the footprint or height of the structure; and/or

   (b) Additions to existing structures that involve less than 20 linear feet of new street facing building façade; and/or

(c) New structures that are located on the lot such that at least seventy five (75) percent of the street facing building façade is located behind structures that meet the standards above.

When one or more of the criteria above or met AND site plan or conditional review by the DRB is required, the DRB may consider reasonable modifications to the standards the Site Layout and Design Standards above. If one or more of criteria listed above is met AND the project meets all criteria for Administrative Site Plan Approval found in Section 3.03(5)(a) of these bylaws, the project shall be exempt from the Site Layout and Design Standards above, though applicants are encouraged to make a reasonable effort to conform.

6.05 Village Core

**Description**: The District includes the Core of Wolcott Village on Route 15, as depicted on the Zoning Map.

**Objective**: The Village Core District is the densest, most developed area and serves as the core of Wolcott Village. The purpose of this District is to provide for a mix of commercial, residential, institutional, and governmental uses in a traditional pedestrian friendly environment. Buildings are tightly spaced and located close to the roadway. Most buildings have one-and-a-half or two stories, though there are several larger buildings along Route 15. A mix of uses is anticipated in this area. Industrial and storage uses are also located in the Core Area. These uses should be allowed to continue to operate and evolve their operations as necessary, though landscaping may be required to buffer major neighboring uses if major expansions occur. Multi-level buildings of varying architectural styles with ground level commercial space accessible from the street are encouraged in this District. The upper stories of buildings may be occupied by both residential and non-residential uses. Light-Industrial and storage uses are also found in this district. Applicants are encouraged to make efficient use of the District's limited wastewater capacity. In addition to being a State highway, Route 15 serves as the "Main Street" through Wolcott Village. As the area develops, it will be necessary to create pedestrian infrastructure and streetscape improvements to accommodate the needs of both through traffic and local residents and customers. Installation of such infrastructure or reservation of rights-of-way for these purposes should be a condition of approval for development in this area. Street trees, public art, and public and private seating areas are also encouraged. On-street parking and other traffic calming measures are encouraged to decrease vehicle speed and encourage pedestrian safety.

**Permitted and Conditional Uses are delineated in the Table of Uses in Section 4.02(8) of these bylaws**

**Area and Dimensional Requirements:**

| Minimum lot size & maximum density | Max Floor-to-Area Ratio | Min. frontage | Minimum setback | |
|---|---|---|---|---|
| | | | Road | Other property lines |
| NA | 1.5 | NA | 10 feet or 0 feet if streetscaping is provided (See Section 4.40( | 6 feet, or 0 feet if structure crosses lot property line |

**Conditional Use Standards:** In determining the appropriateness of the use or structure, the DRB shall consider the effect of the proposal on the continued enjoyment of existing and approved uses in the neighborhood. An increase in residential density or addition of a new non-residential use shall not in and of itself be considered detrimental to the "character of the neighborhood." The location of new structures shall contribute the objective for a mixed use, walkable environment. The DRB may require larger side and rear setbacks depending on the nature of the operation. However, prior to requiring larger setbacks, the DRB shall consider whether other measures, such as additional landscaping/screening, use of noise insulation, etc, will better accomplish the same objective.

1. Site Layout and Design Standards for multi-family and non-residential uses: All new Multi-family and non-residential structures shall meet at least four of the following criteria:
   (a) The structure is oriented with its principal means of entrance facing a public street; and/or
   (b) the structure has a roof pitch of at least 8:12 OR a cornice or parapet at least three feet in height, OR a pediment framed by cornices along all three sides; and/or

(c) The street facing building façade contains a porch, arcade, or balcony at least five feet deep; and/or

(d) The street facing building façade contains a storefront with transparent display windows covering no less than 70% of the portion of the wall between 1 and 7 ft. above the adjoining ground; and/or

(e) The structure is at least two stories in height; and/or

(f) The street facing building façade is no greater than fifty feet in length OR, is divided into multiple bays between twenty and fifty feet in width; and/or

(g) at least forty percent (40%) of the street facing building façade is fenestrated (as defined in Article III Definitions); and/or

(h) The structure is oriented so that its deepest portion is perpendicular to the nearest public street; and/or

(i) The site includes a mural, public art, or public seating areas.


2. Strict conformance with the Site Layout and Design Standard above is not required for the following.

   (a) Renovations of existing structures that do not expand the footprint or height of the structure; and/or

   (b) Additions to existing structures that involve less than 20 linear feet of new street facing building façade; and/or

   (c) New structures that are located on the lot such that at least seventy five (75) percent of the street facing building façade is located behind structures that meet the standards above.

When one or more of the criteria above or met AND site plan or conditional review by the DRB is required, the DRB may consider reasonable modifications to the standards the Site Layout and Design Standards above. If one or more of criteria listed above is met AND the project meets all criteria for Administrative Site Plan Approval found in Section 3.03(5)(a) of these bylaws, the project shall be exempt from the Site Layout and Design Standards above, though applicants are encouraged to make a reasonable effort to conform.

6.06 Fisher Bridge Enterprise

**Description**: The district includes all land in and near the Fisher Bridge Industrial Park.

**Objective**: The primary objective of this district is to enable a node of development specifically tailored for industrial uses. The district is adjacent to Route 15 and served by three-phase electricity. In order to avoid conflicts with through traffic on Route 15, most new development in this District will be accessed from internal circulation roads, rather than the State highway. Industrial development, including development that relies on truck and other heavy vehicles, is expected to occur in this area

**Permitted and Conditional Uses are delineated in the Table of Uses in Section 4.02(8) of these bylaws**

**Area and Dimensional Requirements:**

| Minimum lot size | Maximum density | Min. frontage | Minimum setback | |
|---|---|---|---|---|
| | | | Road | Other property lines |
| 1 acre | 1 du / 1 acre | 600 feet on Rte 15<br>100 feet on secondary or private rd. | 25 feet | 25 feet |

**Conditional Use Standards:** Industrial development is expected to occur in this district. Intensification of development shall not be considered to be detrimental to the "character of the area." Impacts such as noise shall be measured at the boundary of the district, not the boundary of individual property lines within the District.

6.07 Flood Hazard Area Overlay District

**Description**: The Flood Hazard Areas district shall consist of all lands in the Town identified as areas of special flood hazard on the Federal Insurance Administration (FIA) FIRM maps, dated August 2, 1982, or more recent revisions, and as a regulatory floodway on the FIA Flood Boundary and Flooding Maps, dated August 2, 1982, or more recent revisions, and further delineated in the Flood Insurance Study.

**Objective:** It is the purpose of this district to minimize and prevent loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flood by:

a. Restricting or prohibiting uses that are dangerous to health, safety or property in times of flood or cause excessive increase in flood heights or velocities;

b. Requiring that the design and construction of development in the flood hazard areas is accomplished in a manner that minimizes or eliminates the potential for flood damage;

c. Prohibiting filling of the flood hazard area unless compensating the flood carrying capacity elsewhere; and

d. Promoting wise use of the flood hazard areas as agricultural lands and open space.

| **Permitted Uses**: | **Conditional Uses**: |
|---|---|
| 1) Agriculture and forestry<br>2) Outdoor recreation without structures<br>3) Open space | 1) See below |

**Area and Dimensional Requirements:** As set forth for the underlying district.

**Conditional Use Standards:** See below.

1. This district is an overlay zone and shall be superimposed on the other districts established by this bylaw. Where the provisions of the underlying district differ from those of the Flood Hazard Area Overlay District, the more restrictive shall govern.

2. The mandatory provisions of state and federal law for continued Town participation in the National Flood Insurance Program are hereby adopted by reference and shall be applied in the review of any land alterations or construction in this district.

3. Additional Notice Requirements.

   a. Prior to issuing a permit for any development occurring within the Flood Hazard Area Overlay District, the Zoning Administrator must:
      (1) Mail or deliver a copy of the application to the agency of natural resources; and
      (2) Either wait 30 days from the date of mailing or wait until the agency delivers comments on the application, whichever comes first.

   b. Adjacent communities shall be notified at least 30 days prior to issuing any permit for the alteration or relocation of a watercourse.

4. Permitted Uses. The permitted uses above shall be approved within the floodway fringe provided that they do not require the erection or substantial improvement of structures, storage of materials and equipment, or importing of fill.

5. Conditional Use Review Standards:

   a. Floodway Areas
      (1) Development within the floodway is prohibited.
      (2) Landfilling, parking recreational vehicles, junkyards, and storage areas or facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials are strictly prohibited within the floodway.

   b. Floodway Fringe Areas
      (1) Proposed new construction. No new construction is permitted within the floodway fringe unless elevated above the floodway fringe in the manner specified below. Once a structure has been elevated out of the floodway fringe, the regulations of the underlying district shall apply provided provisions below are met.
         i. Portions of the floodway fringe may be filled in order for construction to be permitted provided the landfilling occurs in a compensatory fill manner (for each yard of material added to the floodway fringe the same volume of material must be removed from another portion of the floodway fringe in Wolcott). Where possible the removed fill should be on site or nearby and must have the impact of replacing the flood carrying capacity that is lost by the filled portions.
         ii. The lowest floor, including basement, of all new buildings shall be at or above the base flood elevation.
         iii. All fill must be properly compacted, graded, and, where appropriate, re-vegetated.
         iv. Landfilling is not permitted in wetlands or the floodway (see above).
         v. All development shall be designed to minimize flood damage and to provide adequate drainage to reduce exposure to flood hazards.
         vi. New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
         vii. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
      (2) Existing structures. Existing structures shall be modified and adequately anchored to prevent flotation, collapse, or lateral movement and to minimize risk of damage during the occurrence of the base flood.
         i. Improvements to existing structures shall be constructed with materials resistant to flood damage including electrical, heating, ventilation, plumbing, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
         ii. Existing buildings to be substantially improved for residential purposes and replacement homes shall be modified or elevated such that the top of the fill (the pad) under the entire home is above the base flood elevation. Fill for replacement structures and fill for flood proofing of existing structures are not required to meet the compensatory fill requirements above. Fill may also be added for 10 feet around the elevated structure (provided it does not fill floodway or wetlands) without compensation as well.

iii. Existing manufactured homes, additions to manufactured homes, and accessory buildings shall be tied down by provision of;

- over the top ties at each corner, with two additional ties per side at intermediate locations; and
- frame ties at each corner, with five additional ties per side at intermediate locations. Manufactured homes less than 50 feet long may use, in addition to all the corner ties above, one over the top tie and four frame ties per side. All components of the anchoring system shall be capable of carrying a force of 4800 pounds. An evacuation plan for any existing manufactured home parks and subdivisions indicating alternate vehicular access and escape routes shall be filed with the State Civil Defense Office. (See §1910.3(b)(8) of the Federal Register and the FEMA manual, "Manufactured Home Installation in Flood Hazard Areas. September 1985" for anchoring standards.)

iv. Dry-proofing. Existing buildings to be substantially improved for non-residential purposes shall either meet the requirements of subsection (ii) or be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a building proposed to be dry-proofed shall not be issued until a registered engineer or architect has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

v. Wet-proofing. As an alternative to land filling or dry-proofing an existing structure for non-residential purposes, all substantial improvements to buildings with fully enclosed areas subject to flooding may be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a registered engineer or architect and include the following minimum criteria:

- A minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
- The bottom of all openings shall be no higher than 1 foot above grade.
- Openings may be equipped with screens, louvers, valves, or other coverings provided that they permit the automatic entry and exit of floodwaters.

(3) The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

(4) Recreational vehicles, other temporary shelters, junkyards and storage of junk are strictly prohibited from the floodway fringe. Storage of floatable, hazardous, or toxic materials is permitted only when the material or tank is anchored to a pad that has been filled and graded to at least one foot above the base flood elevation.

(5) Any landscaping within the Flood Hazard Area must provide adequate draining paths around structures on slopes to guide floodwaters around and away from existing and proposed structures.

6.08 Wellhead Protection Area Overlay District

| | |
|---|---|
| **Description**: The Wellhead Protection Area Overlay District includes those portions of the Town that are within the public water supply source protection areas serving the Elmore Water Cooperative. | |
| **Objective**: In order to protect the Elmore Water Cooperative's public water supply this district will restrict land uses that might impact surface or ground water quality. | |
| **Permitted Uses**:<br>1) Same as underlying district except as specified below. | **Conditional Uses:**<br>1) Same as underlying district except as specified below. |
| **Area and Dimensional Requirements:** As set forth for the underlying district. | |
| **Conditional Use Standards:** Applicants shall provide written documentation showing how their proposal avoids or mitigates any potential risks to surface or ground water. Applicants shall demonstrate that they have designed and sited their project to minimize impacts upon wetlands, riparian habitats, aquifer recharge areas, permeable soils, steep slopes, and other important features known to impact water quality. Applicants must address stormwater runoff from impervious surfaces and disposal of solid waste. | |

1. This district is an overlay zone and shall be superimposed on the other districts established by this bylaw. Where the provisions of the underlying district differ from those of the Wellhead Protection Area Overlay District, the more restrictive shall govern.

2. Specifically prohibited uses within the WHPA: Solid or hazardous waste disposal sites; underground storage tanks (except for storing drinking water); storage, manufacture, or processing of commercial fertilizers or pesticides; storage of road salt; any facility which uses, distributes, or stores, toxic chemicals, solvents, or fuels (such as gas stations or dry cleaners); injection wells; motor vehicle junk yards; electric utility substations, any facility or use in which the number of on-site sewage disposal systems exceeds a density of one such system per acre; any facility or use which requires an on-site sewage disposal system with a capacity of more than 900 gallons per day; commercial and industrial operations which involve the on-site disposal of process wastes from operations; car washes; any development which involves covering 10% or more of the area of a single lot with impervious surface.

Section 7. – **DEFINITIONS**

7.01 All words used in these regulations shall be as defined in Article III Wolcott Zoning and Subdivision Definitions

TOWN OF WOLCOTT

LAMOILLE COUNTY, VERMONT

# ARTICLE II:
# SUBDIVISION REGULATIONS

Bylaw Adoption History:

Adopted Subdivision Bylaws on an Interim Basis: August 9, 1988
Extended by Selectmen: July 24, 1990
Adopted Subdivision Regulations: June 28, 1991
Amended Subdivision Regulations: November 6, 1996
Amended Subdivision Regulations: March 7, 2006
Amended Subdivision Regulations: November 8, 2006

**WOLCOTT SUBDIVISION REGULATIONS**

## Section 1. – **INTRODUCTION**

1.01 Enactment

1. These regulations, set forth in this text, are hereby established as authorized in §4402(3) and have been enacted in accordance with the provisions of the Vermont Municipal and Regional Planning and Development Act (Title 24, Chapter ll7 of the Vermont Statutes Annotated (V.S.A.)) hereinafter referred to as "the Act."

1.02 Areas and Activities covered by these bylaws

1. Unless specifically exempted herein, no subdivision of land shall commence within the area affected by these regulations except in conformance with these regulations [§4446].

    a. Subdivision includes but is not limited to:
        (1) The division of a parcel into two or more parcels.
        (2) Resubdivisions, amendments to subdivisions, and amendments to conditions of plat approval.
        (3) Creation of easements or rights of way to allow access to landlocked parcels [§4418(1)(B)].

2. Exemptions. Boundary line adjustments and the filing of boundary surveys and/or corrective deeds to repair boundary metes and bounds are not considered amendments within the meaning of these regulations provided they are records of existing parcels with known boundaries.

3. Area of effect. All subdivision of land within the Town of Wolcott is subject to review under these regulations.

1.03 Effect of Regulations

1. No person, who, being the owner or agent of the owner of any parcel of land, shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings abutting thereon, or sell, transfer, or agree or enter into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of that subdivision or land development or otherwise, or erect any structure on that land, unless a final plat has been approved and recorded as provided in these regulations. [§4451(b)]

2. All subdivisions lawfully in effect as of the effective date of these bylaws are allowed to continue indefinitely [§4463(b)]. Any resubdivision or other changes in the subdivision shall be subject to all applicable requirements of these bylaws.

3. These regulations shall not repeal, abrogate, or impair any other land use controls including but not limited to previous permit conditions, statutes, bylaws, rules, ordinances, permits, easements, deed restrictions, and covenants. However, the provisions of this regulation shall be minimum requirements and shall therefore take precedence over any concurrent and less restrictive controls. [§4413(c)]

4. The granting of plat approval under these regulations shall not relieve the applicant from the obligation of obtaining any necessary approvals by local, state, or federal law.

1.04 Intent

It is the intent of these regulations:

1. to detail the simplest possible procedures that will allow the town to develop in the manner that is consistent with the general policies outlined in the Wolcott Town Plan.

2. To ensure that any new lots created will have legal access, meet dimension and frontage requirements, have access to required services and utilities, and have a permissible use. In addition, the regulations are intended to ensure any new roads are designed and laid out appropriately and that open space and agricultural land are protected.

3. To implement the Town of Wolcott Municipal Development Plan so as to achieve orderly community growth, development, and fair property taxation;

4. To further the purposes of the Act [§4302].

1.05 Effective Date

These regulations shall take effect immediately following a vote by Australian Ballot by the registered voters of Wolcott [§4442(c)(1)].

1.06 Severability

The provisions of these regulations are severable. If a court of competent jurisdiction holds any provision or the application thereof to any person or circumstance unconstitutional or invalid, the remainder of these regulations shall not be affected.

1.07 Amendment

These regulations may be amended according to the requirements and procedures established in the Act [§§4441-4442].

## Section 2. – **ADMINISTRATION, APPEALS, AND ENFORCEMENT**

### 2.01 Zoning Administrator

1. These regulations shall be administered by the Zoning Administrator [§4448(a)].

2. The Zoning Administrator may hold any other office in town except membership on the DRB [§4448(a)].

3. The Zoning Administrator shall administer these regulations literally and shall not have the power to permit any subdivision that is not in conformance with these regulations [§4448(a)].

4. The Zoning Administrator shall receive and administer subdivision plat applications under section 3.02 of these regulations.

5. The Zoning Administrator shall investigate complaints and has the power to pursue violations of these regulations through procedures set forth under section 2.05 of these regulations [§4452].

6. The Zoning Administrator should provide forms required to obtain any municipal permit or other municipal authorization required under this regulation or any other bylaw, regulation, or ordinance that relate to the regulation of land development within the Town of Wolcott [§4448(c)].

7. The Zoning Administrator should inform any person applying for approval of a subdivision plat that the person should contact the regional permit specialist in order to identify, apply for, and obtain relevant state permits; nevertheless, the applicant retains the obligation to identify, apply for, and obtain relevant state permits [§4448(c)].

8. The Zoning Administrator shall meet the recording requirements of section 2.07 of these regulations [§4449(b) – (c)].

### 2.02 Development Review Board

1. The Development Review Board (hereinafter referred to as "the DRB") shall not consist of less than 5 nor more than 9 members whose members shall be appointed by the Selectboard for specified terms. The Board may consist of the members of the Planning Commission. Vacancies shall also be filled by appointment of the Selectboard for unexpired terms and upon the expiration of terms. The Selectboard upon written charges and after a public hearing may remove any member of the DRB for just cause [§4460(b) - (c)].

2. The DRB shall have all powers set forth in the Act to administer the provisions of these regulations including, but not limited to, the power to:

    a. Consider subdivision plats for approval under section 3.02 of these regulations [§4460(e)(8)] [§4418(2)(B)].

    c. Consider applications for Planned Unit Developments under section 3.02 [§4460(e)(5)] [§4417].

    d. Consider requests for a waiver under section 3.03 [§4460(e)(6)] §4418(2)(A)].

e. Consider decisions of the Zoning Administrator upon appeal under section 2.03 of these regulations [§4460(e)(10)].

3. The DRB shall adopt rules of procedure, rules of ethics with respect to conflict of interest, and perform its functions in conformance with the Act [§4461] and Vermont's Open Meeting Law [1 V.S.A. §§310-314].

   a. The rules of procedure adopted by the DRB must provide the opportunity for each person wishing to achieve status as an interested person (as defined in section 7.02 of the Town of Wolcott Zoning Bylaws) to demonstrate that the criteria as established by statute are met, and that the panel shall keep a written record of the name, address, and participation of each of these persons. [§4461(b)]

4. The DRB shall meet all relevant recording requirements of section 2.07 of these regulations.

2.03 Appeals- Decisions of the Zoning Administrator

1. An interested person may appeal any decision or act taken by the Zoning Administrator by filing a written notice of appeal with the DRB within fifteen (15) days of the act or decision [§4465].

2. Notice of Appeal Requirements: A notice of appeal shall be in writing and include [§4466]:

   a. The name and address of the appellant.

   b. A brief description of the property with respect to which the appeal is taken.

   c. A reference to applicable regulation provisions.

   d. The relief requested by the appellant.

   e. The alleged grounds why such relief is believed proper under the circumstances

3. Rejection of Notice of Appeal: The DRB may reject an appeal or request for reconsideration without hearing and render a decision and findings of fact within ten (10) days of the filing of the notice of appeal, if the DRB considers the issues raised by the appellant have been decided in an earlier appeal or involve substantially or materially the same facts by or on behalf of that appellant. The decision shall be rendered, on given notice, as in the case of a decision on appeal below [§4470(a)].

4. Public Hearing: Within sixty (60) days of receiving a notice of appeal, the DRB shall hold a public hearing. [§4468]

   a. Public notice for any hearing shall be given not less than fifteen (15) days prior to the date of the public hearing and shall include the date, place, and purpose of such hearing. Public notice shall be: [§§4464, 4468]
      (1) Mailed to the appellant;
      (2) Published in a newspaper of general circulation in the Town;
      (3) Posted in three or more public places within the municipality including:
         i. The town clerks office; and
         ii. Within view from the public right of way most nearly adjacent to the property for which the application is made; and

(4) Written notification of such notice to the applicant and to the owners of all properties adjoining the property subject to development, without regard to the public right of way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceedings is a prerequisite to the right to take any subsequent appeal.

b. The Zoning Administrator is responsible for notifying adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last know address supported by a sworn certificate of service. The appellant is required to bear the cost of the public warning and a fee (as established by the Selectboard) to cover the administrative costs of the Zoning Administrator. [§4464(a)(3)]

c. Any interested person may appear and be heard in person or be represented by agent at the public hearing [§4468].

d. All hearings of an appeal shall be open to the public and the rules of evidence applicable at such hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies [§4468]. These include:
   (1) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence in civil cases in the Vermont Superior Courts shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible there under may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Objections to evidentiary offerings may be made and shall be noted on the record.
   (2) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request parties should be given opportunity to compare the copy with the original.
   (3) A party may conduct cross examinations required for a full and true disclosure of the facts.
   (4) Facts and information understood by members of the board may be presented as evidence. [3 V.S.A. §810]

e. In most cases the Zoning Administrator is the defendant in the appeal before the DRB. In those cases the Zoning Administrator should not act as a staff member during the hearing or deliberations.

f. The DRB may recess the proceedings of the appeal pending submission of additional information [§4464(b)(1)]. The hearing may be adjourned by the DRB from time to time provided, however, that the date and place of the adjourned hearing shall be announced at the hearing [§4468]. At its discretion, the DRB may limit the number of successive recesses in order to ensure submission of all required additional information in a timely manner. In general, successive recesses should not result in the hearing being closed more than six (6) months after it is warned.

5. Decision: The DRB should close the hearing promptly after all parties have submitted requested information. The DRB decision shall be issued within forty-five (45) days of completing the hearing. The DRB decision must be in writing and shall include a statement of the factual bases on which the DRB has made its conclusions and a statement of conclusions. Failure to render a decision within the required period shall be deemed approval. [§4464(b)(1)]

In rendering a decision in favor of the applicant, the DRB may attach reasonable conditions and safeguards, as it deems necessary to implement the purposes of the Act, these regulations, and the municipal plan then in effect. [§4464(b)(2)]

Copies of any DRB decision shall be sent to the appellant and applicant (both by certified mail) every person or party who was heard at the hearing. [§4464(b)(3)]

6. Appeals: Appeals of the decision of the DRB may be made to the Environmental Court, as per section 2.04 of these regulations, within thirty (30) days of the date of decision [§4471].

7. Posting and Recording Requirements: The DRB shall file its decision with the Zoning Administrator, for posting and filing in the land use records, and the Town Clerk for filing as part of the public record [§4464(b)(3)]. All posting and recording shall be in compliance with section 2.07.

2.04 Appeals of DRB Decisions

1. An interested person who has participated in the local regulatory proceeding under these bylaws may appeal a decision of the DRB to the Environmental Court [§§4471]. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. Appeals to the Environmental Court must be taken ion accordance with the provision of V.R.C.P 76a and V.R.A.P. 3 and 4

2. Initiation of Appeal: Within thirty (30) day [V.R.A.P. 4] following the date of decision rendered by the DRB, notice of the appeal shall be filed by certified mail with fees to the environmental court and mailing a copy to the municipal clerk or Zoning Administrator, if so designated, who shall supply a list of interested persons to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene [§4471(c)].

3. Notice of Appeal Requirements: A notice of appeal shall be in writing and include [§4471]:

    a. The name of the party appealing.

    b. What board made the decision being appealed (e.g. the DRB).

    c. The nature of the decision under appeal (e.g. conditional use determination, site plan approval, variance request, appeal of Zoning Administrator decision).

    d. A reference to the specific provisions of the bylaw.

    e. The relief requested by the appellant.

    f. The signature of the appellant or attorney.

4. Filing Fee: The filing fee is established by V.R.C.P. 76 (e). At the time of the development of these bylaws, the fee for filing an appeal with the Environmental Court is $150.

2.05 Violations and Enforcement

1. The commencement or continuation of any development, which is not in conformance with the provisions of these bylaws, shall constitute a violation. Violations of these bylaws shall be prosecuted in accordance with the Act [§§4451, 4452].

2. Identification and Investigation of Violations: The Zoning Administrator is required by law to enforce all violations of these bylaws [§4448(a)]. Whether through direct observation, written or oral complaint, site visit, or notification of violation from the landowner, the discovery of an alleged violation must be pursued by the Zoning Administrator.

   a. Any person may file a written complaint with the Zoning Administrator if it is believed that a violation of these bylaws has occurred. The complaint shall state fully the causes and basis for the alleged violation. The Zoning Administrator shall properly record such a complaint, investigate within a reasonable time, and take action as appropriate in accordance with these bylaws.

   b. The Zoning Administrator may not enter upon any private property, for purposes of inspection and investigation, except by permission of the landowner or per a search warrant duly issued by a court [13 V.S.A. §4701].

3. Formal Notice of Violation: No action may be brought under this section unless the alleged offender has had at least seven (7) working days notice by certified mail that a violation exists and has failed to satisfactorily respond or correct the alleged violation [§4451(a)].

   a. The warning notice shall state:
      (1) That a violation exists;
      (2) That the alleged offender has an opportunity to cure the violation within the seven (7) day period;
      (3) That the alleged offender has the right to appeal the notice of violation to the DRB within fifteen (15) days from the date the notice was sent; and
      (4) That the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven (7) day period.

   b. Action may be brought without notice and opportunity to cure, if the alleged offender repeats the violation of the bylaw after the seven (7) day notice period and within the next succeeding twelve (12) months.

4. Informal Resolution of Violations: Following the filing of a notice of violation but where a landowner is cooperating with the Zoning Administrator in rectifying a violation, the Zoning Administrator has the authority to enter a written agreement to resolve the violation. The Zoning Administrator, however, is under no obligation to enter any agreement.

   a. At minimum, any agreement must:
      (1) Be in writing and be signed by both the offender and Zoning Administrator.
      (2) Establish a timeline for curing the violation.
      (3) Give written authorization that will allow the Zoning Administrator to inspect the premises to ensure compliance upon completion or by the agreed upon date of completion.

   b. The Zoning Administrator is prevented from making any agreement allowing a violation

to continue in perpetuity, even if the violation is minimal, inadvertent, and/or the offender agrees to pay a fine [§4448(a)].

5. Enforcement Action: Where a property owner fails to remedy a violation within the seven (7)-day period or the timetable agreed to under an informal resolution, the Zoning Administrator, in the name of the municipality, shall bring appropriate action to enforce the provisions of these bylaws [§4452]. The appropriate action is typically an action in either Environmental or Superior Court although other actions are available.

6. Limitations on Enforcement: The municipality shall observe any limitations on enforcement proceedings relating to municipal permits and approvals as set forth in the Act [§4454] including the following:

   a. An enforcement action relating to any zoning permit must be instituted within fifteen (15) years of the date the alleged violation first occurred and not thereafter. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted.

   b. No action, injunction, or enforcement proceeding may be instituted to enforce an alleged violation of a zoning permit which received final approval from the applicable board, commissioner, or officer of the municipality after July 1, 1998, unless the zoning permit or a notice of the permit was recorded in the land use records of the municipality as required by the Act [§4454(b)].

   c. Nothing in the section shall prevent any action, injunction, or other enforcement proceeding by a municipality under any other authority it may have, including, but not limited to a municipality's authority under Title 18 relating to the abatement and removal of a public health risk or hazard [§4454(c)].

7. Fines: Any person who violates these bylaws shall be fined not more than the amount permitted under the Act [§4451(b)], which at the time of development of these bylaws is $100. Each day that a violation is continued after the initial seven (7) day notice period shall constitute a separate offense. All fines imposed and collected shall be paid to the Town of Wolcott.

8. Posting and Recording Requirements. The Zoning Administrator shall meet all posting and recording requirements of section 2.07 regarding notices of violation.

2.06 Fees

1. The Selectboard may prescribe reasonable fees to be charged with respect to the administration of these regulations and for the administration of development review. These fees may include the cost of posting and publishing notices and holding public hearings and the cost of conducting periodic inspections during the installation of public improvements. These fees may be payable by the applicant upon submission of the application or prior to issuance of plat approval [§4440(b)].

2. The Selectboard may set reasonable fees for filing of notices of appeal and for other acts as it deems proper, the payment of which shall be a condition for filing the notice [§4440(c)].

3. The fee schedule may include a process and provisions that require applicants to pay for reasonable costs of an independent technical review of their applications [§4440(d)].

4. An applicant may be charged the cost of the recording fees as required by law [§4449(c)(2)].

5. The schedule of fees shall be posted in the offices of the Municipal Clerk and Zoning Administrator, and may be altered or amended only by resolution of the Selectboard.

2.07 Posting and Recording Requirements

1. Posting: Within three (3) days following the issuance of sketch plan or plat approval, the Zoning Administrator shall post a copy of the permit in the Town Clerk's Office until the expiration of the appeal period [§4449(b)(2)]. Notice must also be posted within view of the public right of way most nearly adjacent to the subject property until the time for appeals has passed. The notice shall contain a statement of the appeal period [§4449(b)] and information as to where a full description of the project and approval can be found.

2. Recording Plats with the Town Clerk: Following the appeal period (30 days) but within 180 days after the approval of a final plat by the DRB or certification by the clerk of the DRB's failure to act within 45 days, the subdivider shall submit the final plat, including all endorsements, for recording in the Town Clerks Office [§4463(b)].

   a. Such final plat shall:
      (1) Be on a mylar sheet(s) of 24 inches by 18 inches.
      (2) Have all lettering and data which is clear and legible.
      (3) Have all sheets with margins having a minimum one-half inch margin, except at the binder side, which shall have a minimum of one and one-half inches margin.
      (4) Meet any other requirements established in Chapter 17 of Title 27 Vermont Statutes Annotated.
      (5) Be signed by an authorized member of the DRB and the Zoning Administrator.
      (6) Contain the recording requirements of the town clerks office below.

   b. The DRB approval, or certification by the clerk of the failure of the DRB to act, expires after 180 days [§4463(b)]. Any plat not submitted to the Clerk's Office for recording within 180 days shall be null and void.

   c. At the time of filing of the plat, the applicant shall supply a GIS compatible map with the following information:
      (1) Each orthophoto's sheet number(s), name(s), and date(s); subdivision outline with lot lines drawn to scale within, and location information in relation to Vermont State Plane Coordinates. To supply this information the applicant shall provide, on a mylar overlay (of the appropriate orthophoto sheet(s)) at a scale of 1:5,000, an outline of the subdivision, with the proposed lot lines drawn to scale, within the subdivision outline. On the same mylar overlay, show how the subdivision parcel relates to the orthophoto's corner by either:
         i. Marking all four corners of the orthophoto with an open centered cross that traces the photo's corner, and then drawing in the parcel, in relation to the four corners (on a minimum 36 by 35 inch mylar overlay); OR
         ii. Tracing the orthophoto's 500 meter "white line" grid for an area larger than the size of the parcel (but not less than four grid boxes), and then drawing in the parcel, to scale, in relation to the grid. If the grid option is used, the location of the grid within the orthophoto must be indicated on the mylar (by indicating the location of the grid to the State Plane Coordinate of the upper left hand corner of the orthophoto and the lower

right hand corner). The size of the mylar overlay sheet must allow a minimum of a two inch border on all sides of the outer most portion of the grid. The applicant shall also supply the orthophoto's sheet name(s), number(s), and date(s) on the mylar.

3. Recording with the Listers: Within three (3) days following the issuance of an approved plat the Zoning Administrator shall deliver a copy of the permit to the Town Listers [§4449(b)(1)].

4. Recording Permits with the Town Clerk: Within thirty (30) days after the issuance of any of the items listed below, the Zoning Administrator shall deliver the original, or a legible copy, of the issuance to the Town Clerk for recording in the municipal land records [§4449(c)(1)].

   a. The following issuances are covered in this subsection:
      (1) Notices of violation; and
      (2) Notices of denial of a final plat. [§4449(c)(1)(A)]

   b. Any issuance delivered for recording shall list:
      (1) As grantor, the owner of record title to the property at the time of issuance;
      (2) As grantee, the municipality issuing the permit, certificate, or notice – i.e. *the Town of Wolcott*;
      (3) The municipal office where the original, or a true, legible copy of the issuance may be examined;
      (4) Whether an appeal of such issuance was taken; and
      (5) The tax map lot number or other description identifying the lot [24 V.S.A. §1154(c)].

   c. Temporary permits issued under these bylaws are not required to be recorded [24 V.S.A. §1154(b)].

   d. Where a Zoning Administrator or the DRB failed to act in a timely manner with regard to an above issuance, the applicant may submit the above required information, with certification by the Town Clerk that the Zoning Administrator or DRB failed to act, to the Town Clerk for recording in the municipal land records.

5. Recording DRB Minutes and Findings with the Town Clerk: The DRB shall keep minutes of its proceedings, showing the vote of each member upon each question and shall keep records of its examinations and other official actions. For each case heard and decided, the DRB shall make written findings of fact and conclusions of law that shall be maintained in the Town Clerk's Office together with all minutes and other records of the DRB [§4461(a)].

6. Zoning Administrator records: The Zoning Administrator shall maintain a record of development including:

   a. A copy of the subdivision plat recorded in the Town Clerks Office. [§4449(c)(1)(B)].

   b. Copies of all evidence presented, public notices, hearing minutes, findings of fact and other material collected by the Zoning Administrator or DRB in the process of reviewing an application.

   c. All temporary permits issued or denied under these bylaws. The Zoning Administrator must keep a copy of all temporary permits for a period of one (1) year following the

expiration of said permit.

d. For any permits issued within the Flood Hazard Area Overlay District:
   (1) A record of all permits issued for development in areas of special flood hazard;
   (2) A copy of the elevation certificate;
   (3) All flood proofing certifications required under this regulation; and
   (4) All variance actions, including justification for their issuance.

Section III. – **DEVELOPMENT REVIEW PROCEDURES**

3.01 Subdivision – Sketch Plan Review

Applicants are encouraged to participate in a Sketch Plan Review, which is an informal public hearing with the Development Review Board to explore options in a preliminary manner with minimal expense involved. Sketch Plan Review provides the applicant an opportunity to consult early with the Development Review Board prior to expending time and resources on detailed engineering plans. No formal decision is taken at this time, and no specific data is required for this review. Conceptual plans, layouts, and elevations may be discussed. The Development Review Board may make recommendations for modifications or changes in subsequent submissions or make requests for additional studies or supporting documentation. If an applicant elects not to participate in Sketch Plan Review, he or she shall indicate so on the application form.

3.02 Subdivision- Plat Review

1. Plat approval is required for all applications for subdivision.

2. Plat - Application requirements: The plat shall consist of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to scale, showing or accompanied by the following information:

   a. A map or maps of the property prepared by a registered land surveyor, registered civil engineer, or registered architect, showing the existing conditions including:
      (1) The number of acres within the proposed subdivision; location of existing property lines; existing easements, deed restrictions, and existing features; including buildings; wooded areas; roads; water courses and wetlands; existing foundations, hedgerows, stonewalls and fence lines; and other existing physical features, including large trees, rock outcroppings; and primary and secondary natural resources, as identified in Article III Definitions, including prime and statewide agricultural soils.
      (2) All parcels immediately adjacent to the proposed subdivision, including those separated by a public or private right-of-way, with the names and addresses of owners of record of such adjacent acreage.
      (3) Any zoning district boundaries applicable to the proposed subdivision.
      (4) Location and size of any existing sewers and water mains, individual or community sewage disposal systems, wells, culverts, and drains on the property to be subdivided.

   b. A subdivision plat, prepared by a registered land surveyor showing:
      (1) The proposed lot lines; access location, proposed lot uses, the location of proposed water, wastewater and utilities; structures and their use; streets, curbs sidewalks and pedestrian ways including lighting; and land to be set aside for public use.
      (2) At the discretion of the subdivider, building envelopes may be included.
      (3) A vicinity map drawn at the scale of not over 400 feet to the inch showing the relation of the proposed subdivision to the adjacent properties and to the general surrounding area.
      (4) Name and address of the proposed subdivision.
      (5) Name and address of the owner of record of the property and of adjoining properties. Name and address of person or firm preparing the map.

(6) Date, true north arrow, and scale.
(7) Total acreage of the subdivision and each proposed lot with lots numbered and identified.
(8) All parcels of land proposed to be dedicated to public use and conditions of such dedication.
(9) Sufficient data acceptable to the DRB to determine readily the location, bearing, and length of every street line, lot line, building envelope, boundary line, and to reproduce these lines on the ground.

c. Location of temporary markers adequate to enable the DRB to locate readily and appraise the basic layout in the field.

d. The following supporting documentation:
(1) Written description including construction sequence and time schedule for completion of each phase of the subdivision.
(2) Copies of proposed deeds, agreements, or other documents showing the manner in which streets and open space, including park and recreation areas, are to be dedicated, reserved, and maintained, and in which significant natural resources are to be protected and maintained, as applicable. The Town of Wolcott assumes no responsibility or obligation to accept any areas, roads, or other properties proposed to be dedicated to the Town.
(3) Any other documents required by the DRB as a result of sketch plan approval.

e. All proposed subdivisions that abut a state highway or Class 1 road must receive a state access permit prior to final plat approval.

3. Public Hearing: A public hearing after public notice shall be held by the DRB at the earliest available meeting to determine whether the proposed use conforms to the general and specific standards for subdivisions in these regulations [§4464(a)(1)].

a. Public notice for any hearing shall be given by publication of the date, place, and purpose of such hearing in [§4464]:
(1) a newspaper of general circulation in the Town;
(2) a mailing of such notice to the applicant;
(3) a posting of such notice in three or more public places within the municipality including;
i. the Town Clerks Office; and
ii. Within view from the public right of way most nearly adjacent to the property for which the application is made; and
(4) written notification of such notice to the applicant and to the owners of all properties adjoining the property subject to development, without regard to the public right of way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceedings is a prerequisite to the right to take any subsequent appeal.

b. The public notice of the hearing shall not be given less than 15 days prior to the date of the hearing [§4464(a)(1)].

c. The Zoning Administrator shall notify adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address

supported by a sworn certificate of service. The applicant is required to bear the cost of the public warning including administrative costs.

d. All hearings regarding a subdivision plat are open to the public. [§4461(a)]

e. In any hearing, there shall be an opportunity for each person wishing to establish status as an interested person (as defined in Article III Definitions ) to demonstrate that the criteria set forth in the definition are met and that the DRB keep a written record of the name, address, and participation of each of the persons. [§4461(b)]

f. Any hearing may be recessed by the DRB, pending submission of additional information, from time to time provided, however, that the date and place of the hearing shall be announced at the hearing [§4464(b)(1)]. At its discretion, the DRB may limit the number of successive recesses in order to ensure submission of all required additional information in a timely manner. In general, successive recesses should not result in the hearing being closed more than six (6) months after it is warned.

4. General standards. In reviewing a subdivision plat, the DRB must consider all of the subdivision standards and any additional regulations deemed relevant including other applicable local bylaws:

a. The proposed subdivision meets the general regulations and review criteria of Subsection 4-A of these regulations.

b. Where a subdivision involves a non-conforming lot or subdivision, that the proposal meets the standards established in Subsection 4-B.

c. The proposed subdivision conforms to the zoning bylaw, any capital budget and program in effect, any official map in effect, the local sewerage ordinance, and any other municipal bylaw in effect.

d. Any proposed waivers have been properly decided under section 3.02 these regulations.

5. Conditions of Approval. Where deemed necessary, the DRB may attach conditions to the approval of any subdivision plat including:

a. Master Plan Review: The DRB may require a description of the potential build-out of the entire parcel and adjacent parcels even if the application only includes a portion of the parcel(s).
   (1) When required, the Master Plan build-out shall include an indication of proposed roads, driveways or streets, the future probable lot lines and building envelopes of the remaining portion of the tract, and a description of the probable uses. The build-out may be drawn in a sketch plan format. The DRB may require that the build-out be submitted as part of final plat approval.
   (2) Requirements of the Master Plan review are intended to ensure the orderly development of the town, and will be required when the DRB determines that the development currently under review may have an impact on the future develop ability of the remaining parcel or adjacent parcels. It may also be required when the DRB determines that the future build-out of the applicant's holdings, combined with the current proposal may have a significant impact on the Town of Wolcott.

(3) Approval of an applicant's current application does not constitute approval of the Master Plan build-out.

b. Completion requirement or Performance bonding: For any subdivision which requires the construction of roads or other public improvements by the applicant, the DRB may require that no zoning permit, except for any permit that may be required for infrastructure construction, may be issued for an approved development unless the streets and other public infrastructure are satisfactorily installed in accordance with the approved decision and pertinent bylaws. [§4464(b)(4)]

In lieu of completion of the required public improvements, the DRB may require from the subdivider for the benefit of the municipality a performance bond issued either by a bonding or surety company approved by the Selectboard or by the owner with security acceptable to the Selectboard in an amount sufficient to cover the full cost of those new streets and required improvements on or in those streets or highways and their maintenance for a period of two years after the completion as is estimated by the DRB or such municipal department or officials as the DRB designates. This bond or other security shall provide for, and secure to the public, the completion of any improvements that may be required within the period fixed for that completion and for the maintenance of those improvements for a period of two years after completion. [§4464(b)(4)]

The form, content, amount and manner of execution of such bond or surety shall be to the satisfaction of the Selectboard. The term of such bond of surety may be fixed for a maximum of three years, within which time period said improvements must be completed. The term of such bond or surety, may with mutual consent of the DRB and applicant, be extended for an additional period not to exceed three years. [§4464(b)(2), §§4464(b)(4 - 6)]

c. Phasing: At the time the DRB grants plat approval, it may require the plat to be divided into two or more phases to be developed at separate times. The DRB may impose specific conditions for the filing of an application for zoning permits to ensure the orderly development of the plat and coordination with the planned and orderly growth of the town as reflected in the town plan and any capital budget and program in effect. [§4422]

d. The DRB may impose other conditions of approval as necessary to protect the public safety and welfare and to ensure compliance with the Town Plan, these regulations, and other bylaws and ordinances in effect [§4464(b)(2)].

6. Decision: The DRB shall approve or disapprove such plat within 45 days after the completion of the public hearing, or any continuation of the hearing. If the DRB fails to act within 45 days the subdivision plat shall be deemed approved [§4464(b)(1)]. All decisions shall be sent by certified mail within the time period to the applicant. Copies of the decision shall also be mailed to every person appearing and having been heard at the hearing [§4464(b)(3)].

a. Contingent approval: The approval of any subdivision requiring a State Subdivision Permit, an Act 250 Permit, a Public Building Permit, or any other state, federal, or local permits noted by the DRB shall be classified as Contingent Approval. Such subdivision shall be considered approved contingent upon no further changes made to accommodate any other permit.

(1) All plats granted Contingent Approval shall be submitted for review by the DRB after all other necessary permits have been received. The DRB shall review for acceptance, any changes which have been made by other permitting authorities or by the subdivider to conform to other permit requirements. If no changes have been made, or if the DRB deems all changes acceptable, the subdivision shall be given Final Approval.

b. Final Approval: The approval of any subdivision that does not require other permits shall be classified as Final Approval. The final plat requires two endorsements prior to being filed with the Town Clerk. First, the final approved plat shall be endorsed by the Chair of the DRB or other duly authorized board member. The second endorsement is the Zoning Administrator who shall not endorse the plat until after the appeal period has passed and all appeals have been adjudicated.

c. Disapproval: The disapproval of a subdivision plat shall state, in writing, the reasons for such denial and be sent along with, or as a part of, the notice of decision.

7. Effect of Final Plat Approval: The approval by the DRB of a final subdivision plat shall not be construed to constitute acceptance by the municipality of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Selectboard in accordance with state statutes. Each approval shall contain a time limit within which all improvements shall be completed, not to exceed three years unless otherwise required or extended by the DRB. [§4463(c)]

8. Appeals: Appeals of the decision of the DRB may be made to the Environmental Court, as per section 2.04, within thirty (30) days of the date of decision [§4471].

9. Posting and Recording Requirements: The DRB shall file its decision with the Zoning Administrator, for posting and filing in the land use records, and the Town Clerk for filing as part of the public record [§4464(b)(3)]. All posting and recording shall be in compliance with section 2.07.

3.03 Waiver

1. An applicant may receive relief from a provision of these subdivision regulations through the granting of a waiver by the DRB. [§§4418(2)(A)]

2. Purpose: The purpose of a waiver is to address special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety, and general welfare or because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

3. Application: The Town of Wolcott treats waivers as appeals, therefore a notice of appeal for a waiver shall be filed with the clerk of the DRB prior to or concurrent with the submission of the respective subdivision plat, in writing and include:

a. The name and address of the appellant.

b. A brief description of the property with respect to which the waiver is requested.

c. A reference to applicable regulation provisions for which relief is requested.

d. The nature of the relief requested by the appellant.

e. The alleged grounds why such relief is believed proper under the circumstances (i.e. how the proposal meets all requirements of this section).

4. Public hearing: A public hearing shall be held by the DRB at the earliest available hearing of the DRB. A hearing for an appeal for a waiver can be held concurrently with plat approval provided the waiver appears in the purpose of the hearing as warned. [§4464(a)(2)]

   a. Public notice for any hearing shall be given not less than 15 (15) days prior to the date of the public hearing and shall include the date, place, and purpose of such hearing. Public notice shall be: [§4464(a)(2)]
      (1) Mailed to the appellant;
      (2) Posted in three or more public places within the municipality including:
         i. The town clerks office; and
         ii. Within view from the public right of way most nearly adjacent to the property for which the application is made.
      (3) Written notification of such notice to the applicant and to the owners of all properties adjoining the property subject to development, without regard to the public right of way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceedings is a prerequisite to the right to take any subsequent appeal.
      (4) If any portion of the parcel lies within 500 feet of a municipal boundary, a copy shall be sent to the clerk of the adjacent municipality. [§4463(a)]

   b. The Zoning Administrator shall notify adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service. The applicant is required to bear the cost of the public warning including administrative costs.

   c. All hearings regarding a waiver are open to the public. [§4461(a)]

   d. In any hearing, there shall be an opportunity for each person wishing to establish status as an interested person (as defined in Article III Definitions) to demonstrate that the criteria set forth in the definition are met and that the DRB keep a written record of the name, address, and participation of each of the persons. [§4461(b)]

   e. Any hearing may be recessed by the DRB, pending submission of additional information, from time to time provided, however, that the date and place of the hearing shall be announced at the hearing [§4464(b)(1)]. At its discretion, the DRB may limit the number of successive recesses in order to ensure submission of all required additional information in a timely manner. In general, successive recesses should not result in the hearing being closed more than six (6) months after it is warned.

5. General Standards: The DRB may waive, subject to appropriate conditions, subdivision application requirements, and subdivision standards under these regulations.

   a. The conditions for a waiver of an application requirement or subdivision standard are:
      (1) The requirement or standard is not requisite in the interest of the public health, safety, and general welfare; **or**

(2) The requirement or standard is inappropriate due to extraordinary and unnecessary hardship may result from the strict compliance of these regulations; **or**

(3) The requirement or standard is inappropriate because of inadequate or lack of connecting facilities adjacent to or within proximity of the subdivision. [§4418(2)(A)]

6. Decision: The DRB should close the hearing promptly after all parties have submitted requested information. The DRB decision shall be issued within forty-five (45) days of completing the hearing. The DRB decision must be in writing and shall include a statement of the factual bases on which the DRB has made its conclusions and a statement of conclusions. Failure to render a decision within the required period shall be deemed approval. [§4464(b)(1)]

   Copies of any DRB decision shall be sent to the applicant (by certified mail) and to every person or party who was heard at the hearing. [§4464(b)(3)].

7. Conditions of Approval: In rendering a decision in favor of an applicant for a waiver, the DRB may attach such conditions to such waiver as it may consider necessary and appropriate under the circumstances to implement the Act and/or the Town of Wolcott Municipal Development Plan as most recently adopted or these regulations or other municipal ordinances or regulations.

8. Appeals: Appeals of the decision of the DRB may be made to the Environmental Court, as per section 2.04, within thirty (30) days of the date of decision [§4471].

9. Posting and Recording Requirements: The DRB shall file its decision with the Zoning Administrator, for posting and filing in the land use records, and the Town Clerk for filing as part of the public record [§4464(b)(3)]. All posting and recording shall be in compliance with section 2.07.

Section 4. – **GENERAL REGULATIONS AND REVIEW CRITERIA**

Subsection 4-A. **– Subdivision Plat Review Criteria**

4.01 Dimensional Requirements

1. No lot shall be created that does not meet the minimum area, dimensional, and frontage requirements of the district in which it is located unless approved as a part of a Planned Unit Development (PUD).

   a. Area. No new lot created shall have an area less than the minimum area as required of the district in which it is located. Zoning rules and provisions are used to calculate area.

   b. Dimensions and shape. Lots shall either have a regular shape, or be configured so that they contain a regular shape along the frontage with a public or private road. A regular shaped lot is defined as follows:

      (1) Side lot lines perpendicular (90%) to front lot lines for the depth of the lot with variations from perpendicular lot lines of up to 20%; and
      (2) Rear lot lines parallel to front lot lines with variations from parallel lot lines of up to 20%; and
      (3) Except in the Village and Village Core Districts, no new lot shall have a minimum width or depth dimension less than 75 feet, and the smaller lot dimension (width or depth) shall not be less than 25% of the larger dimension.

      Lots with irregular shapes (curves, jogs, dog-legs, etc.) may be permitted if warranted by existing land characteristics such as land contours, fence lines, roads, and paths, or to protect primary and secondary natural resources.

      Lots large enough to contain a regular shaped lot along the frontage with a public or private road shall be considered to have met the requirements of this section.

   c. Frontage. All new lots created shall have a frontage on a public or private road, unless located within a PUD or as a deferred lot under Article II Wolcott Subdivision Regulations Section 4.03(5). A driveway or shared driveway does not establish frontage. Existing landlocked parcels, therefore, cannot be subdivided without approval and construction of a private road (an approved easement is insufficient to permit subdivision). The minimum frontage required is established by the district in which it is located. Zoning rules and provisions are used to measure frontage.
      (1) Existing lots without frontage cannot be developed under zoning without an approved permanent easement or right of way. Existing lots without frontage may be granted a permanent easement or right of way by the DRB provided [§4418(1)(B)]:
         i. The right of way/easement is at least 50 feet in width;
         ii. The right-of-way/easement is suitable to contain a driveway meeting the standards of Article I Wolcott Zoning Regulations Section 4.21;
         iii. Meets access location requirements;
      (2) Where an easement is intended to provide access to more than one lot, including situations where subdivision of a landlocked parcel is proposed, a private road may be approved by the DRB provided:
         i. The right of way/easement is at least 50 feet wide;

ii. The right-of-way/easement is suitable to contain a private road meeting the standards of Article II Wolcott Subdivision Regulations Section 4.07;
iii. Meets access location requirements;

d. New or adjusted lot lines cannot cause an existing structure to become a non-complying structure. If the structure was already non-complying then the new or adjusted lot lines cannot increase the degree of non-compliance as defined in Article I Wolcott Zoning Regulations section 4.11.

New or adjusted lot lines cannot cause a non-conforming lot or non-conforming subdivision to increase the degree of nonconformance as defined in section 4.20 of these regulations.

e. Monuments & lot corner markers. Permanent monuments and corner markers shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors, Part 5, Standards for the Practice of Land Surveying.

4.02 Access to lots- Location

1. Purpose. The purpose of the access requirements is for the Town to ensure safe and efficient entrance and exit from public and private highways, to reduce damage from flooding events, to mitigate erosion and stormwater runoff impacts, and to ensure quality construction of driveway accesses. All proposed subdivision plats must provide locations for access. No lot shall be created which does not have legal access onto a class 1, 2, or 3 highway.

2. Coordination with other local and state permits. The DRB (or Zoning Administrator as appropriate), Selectboard, and VTrans have separate authority in approving accesses.

a. Through these regulations, the DRB has authority over accesses onto private roads.

b. The Selectboard has all authority over accesses onto local highways.

c. VTrans requires a state highway access permit prior to any development or subdivision of land abutting a state highway. VTrans has full authority over these accesses although the DRB may provide comment and recommendations to VTrans.

3. No new lot shall be created without legal access onto a public or private highway.

a. Any proposed access on a private road must meet the access requirements contained within the *Town of Wolcott Highway Standards Ordinance.*

b. Any proposed subdivision on a local highway must receive an access permit from the Road Foreman prior to approval of the subdivision.

c. Any proposed development on a state highway must have a state highway access permit from VTrans prior to approval of the subdivision.

4. Route 15 Corridor District: In order to ensure that new development does not impede the smooth flow of traffic along the Route 15 Corridor, new access points (or "curb cuts") for subdivisions on Route 15 shall not be closer than one thousand (1,000) feet from each other.

a. Use of shared access points and shared driveways is strongly encouraged in this District. Whenever possible subdivisions should be accessed from side roads rather than Route 15.

b. The DRB may consider reasonable modifications to this standard in order to allow access to properties in separate and non-affiliated ownership on or before July 1, 1975. Such modifications shall be the minimum necessary to allow access to such properties.

c. Note, this standard does NOT apply to the Village -- Gateway and Village Core Districts, which are distinct zoning districts from the Route 15 Corridor, as slower speeds necessitated by closely spaced access points is a desirable feature within Village areas.

5. Stream Crossings and Flood Hazard Areas: The DRB may require use of shared access points, shared driveways, and/or private roads in order to reduce the number of stream crossings and minimize impacts on flood hazard areas, stream buffers, and river corridors.

4.03 Usable lot requirement

1. Purpose: The purpose of this provision is to ensure that no lots intended to be developed are unusable. The review and approval in this provision is no guarantee of zoning approval. The property owner gains no vested right to develop the lot based on the subdivision approval. Permission to develop and use a lot is only granted through the issuance of a zoning permit. It is therefore recommended that a zoning permit is pursued at the same time as subdivision plat approval - but it is not required.

2. New lots must have some potential permissible use. The DRB will not allow the creation of an unusable lot. No lot shall be approved until it is determined that the lot can meet the requirements of the Town of Wolcott Zoning Bylaws for that use. The property owner does not need to obtain the zoning permit to receive plat approval but may apply for both plat approval and zoning permit approval simultaneously.

3. In order for the DRB to approve a residential lot, for instance, the applicant must prove a location for wastewater disposal (sewer hookup or on-site), water supply, other utilities, a building envelope where a structure could be located that meets all slope, setback and buffer requirements, and any zoning or other ordinance requirement which the DRB determines to be appropriate.

4. All lots shall have designated building envelopes that shall not include areas within any applicable setbacks, Class I or II wetlands, slopes greater than 30%, or any other area that may not be developed in accordance with these bylaws. The building envelope does not vest any rights to construct within that area.

5. If a new lot is intended for a purpose other than development, or is greater than ten (10) acres in size and will not be developed at the time of subdivision approval, the DRB may defer requirements of these regulations. Language indicating the deferral status for any such lot shall appear on the final plat and in any transfer deed. This language shall also contain a statement indicated that by accepting a deferral, the applicant understands that the lot may not be able to meet all standards required for development. An amendment by the DRB to the Subdivision approval shall be required before any development or other use of the property may occur. The regulations in effect at the time of the later amendment shall control, not the regulations in effect at the time of the initial deferral.

6. The DRB may require an applicant to obtain a permit before approving a subdivision if, in the

opinion of the DRB, the approval of such permit is in doubt or question.

7. Lots subdivided for conservation or preservation purposes must clearly be noted on the plat and the deed for the parcel.

4.04 Water systems

1. Municipal Systems. For subdivisions utilizing any public water supply system, the subdivider shall provide evidence that the existing system will adequately meet the needed demand, or if the system will not meet the demand, the subdivider will provide a plan for upgrading the system to meet the expected demand and provide a bond or security (to the satisfaction of the Selectboard) to cover all or part of the costs of the necessary improvements. Applicant must also be able to demonstrate the ability to obtain all permits necessary to extend utilities, if necessary.

2. Community Systems. Community water systems shall be designed and installed in accordance with all applicable municipal and state regulations and standards. Community systems may be required to be designed in such a way that they may eventually be connected to a municipal water supply system. Long-term provisions for the replacement and maintenance of these systems by the users must be provided in a form acceptable to the Selectboard.

3. Individual Water Supplies. If the proposed development is to be serviced by individual wells, the applicant shall provide evidence of the location and availability of potable water in adequate quantities. Applicants may be required to enable sharing of identified water sources among lot owners where applicable.

4. Standards. Proposed well site(s) must be identified on plat, including any associated well shield. All well(s) must meet water supply-well shields and isolation distances as established by the Vermont Water Supply Rules, as most recently amended. The issuance of a wastewater and potable water supply permit by the Vermont Department of Environmental Conservation assumes conformance with these rules.

5. State permits. State water supply permits shall be obtained prior to recording the approved final plat in the Land Records, unless deferred in accordance with Section 4.03(5) of these regulations above.

4.05 Wastewater Disposal

1. Municipal Systems. For subdivisions that will connect to a municipal sewage disposal system, applications for extensions and hookups shall be approved by the officers and agents of the Selectboard entrusted with the care and superintendence of the municipal sewage disposal system. Applicant must also be able to demonstrate the ability to obtain all permits necessary to extend utilities, if necessary.

2. Community Systems. Community wastewater disposal systems shall be designed and installed in accordance with all applicable municipal and state regulations and standards. Community wastewater disposal systems may be required to be designed in such a way that they may eventually be connected to a municipal wastewater disposal system. Long-term provisions for the replacement and maintenance of these systems by the users must be provided in a form acceptable to the Selectboard.

3. Individual Septic Systems. Individual septic systems shall meet the requirements of the town's

applicable subsurface disposal ordinance and all other applicable municipal and state regulations and standards.

4. Standards. Identification of sites for wastewater treatment and any backup sites shall be shown on the plat. Where a new parcel is proposed for a use not requiring a wastewater permit, the plat shall clearly identify the parcel as not having an approved wastewater site. The proposed individual disposal system, including the size of septic tanks and leach fields or other secondary treatment device, shall conform with the Vermont Environmental Protection Rules, meet all applicable isolation distances, and be approved by the Vermont Department of Environmental Conservation. The issuance of a wastewater and potable water supply permit by the Vermont Department of Environmental Conservation assumes conformance with these rules.

5. State permits. State wastewater permits shall be obtained prior to recording the approved final plat in the Land Records, unless deferred in accordance with Section 4.03(E) above.

4.06 Utilities

1. Locations: All existing and proposed utilities and associated rights of way shall be shown on the final plat and be located as follows:

   a. The subdivider shall coordinate subdivision design with utility companies to insure adequate and suitable areas for under and above ground installation, both for the proposed subdivision, and areas adjacent to the subdivision.

   b. Utility corridors shall be shared with other utility and or transportation corridors where feasible, and located to minimize site disturbance, the fragmentation of agricultural, forest and conservation lands, and any adverse impacts to natural, cultural or scenic resources, and to public health.

2. Utility easements: Utility easements of sufficient width shall be provided so as to serve both the proposed subdivision and existing and anticipated development outside the subdivision. Such easements shall be shown on the final plat.

3. Coordination with Selectboard. Where a subdivision will require the construction of utilities within the right of way of public highway, approval of the Selectboard is required prior to final plat approval.

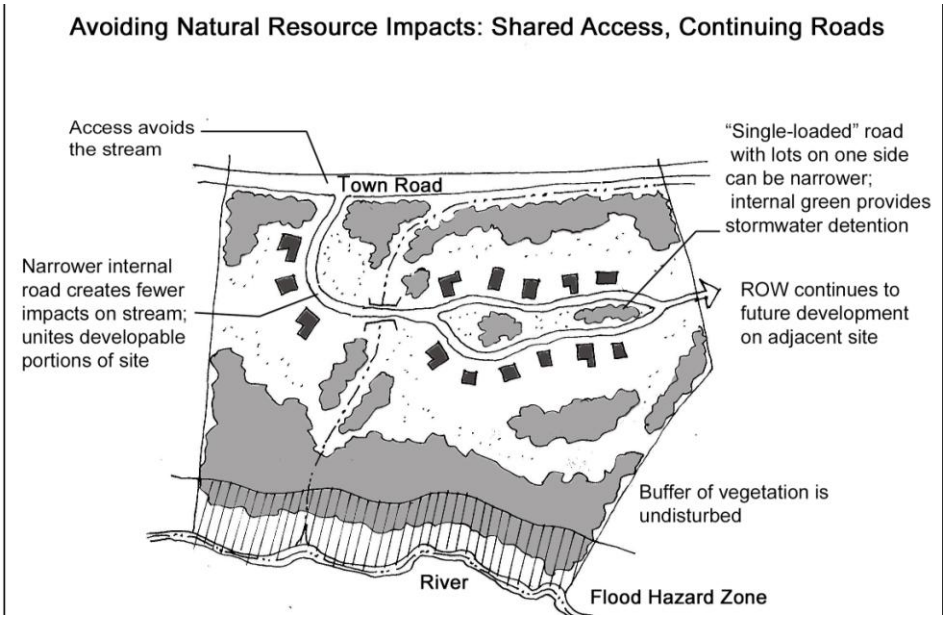
4.07 Street Design and Layout

1. Applicability of road location and design. The Standards contained herein shall apply to all proposed highways. All new roadways are considered private for purposes of subdivision regulations. Acceptance of private roads by the municipality is subject to the approval of the Selectboard and applications can only be made following the completion of construction. Location and design of roads to these standards in no way ensures acceptance by the Selectboard.

2. Road Design. All roads proposed and constructed under these bylaws shall be designed in accordance with the *Town of Wolcott Highway Standards Ordinance*.

3. Coordination with adjoining properties. The arrangement of roads in the subdivision shall provide for the coordination of roads of adjoining subdivisions and for proper projection of

roads through adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension, presently or when later required of needed utilities and public services. The DRB may require the set aside of rights-of-way for future development on the lot or adjacent properties. Continuation for future development on the lot or adjacent properties should be required when it will better facilitate protection of the primary and secondary natural resources, as defined in Article III Definitions, regardless of whether the subdivision is a PUD. Where, in the opinion of the DRB, topographic or other conditions make such continuance undesirable, or impracticable, the above conditions may be modified.




4. Upgrade to Existing Roads. Where an existing road is inadequate or unsafe, the DRB, in consultation with the Selectboard, may require the subdivider to upgrade the road to the extent necessary to serve emergency vehicles and additional traffic resulting from the subdivision, and to conform to these standards. In situations where a development may require realignment, widening or otherwise increasing the capacity of an existing road, or where municipal plan or capital program indicates that such improvements may be required in the future, the subdivider may be required to reserve land for such improvements. Any existing road that provides either frontage to new lots or access to new roads also shall meet these requirements. Where a subdivision requires expenditure by the municipality to improve existing roads to conform to these standards, the DRB may disapprove such subdivision until the Selectboard certifies that funds for the improvements have been ensured or the subdivider may be required to contribute to any or all of the expenses involved with road improvements necessitated by the project. The DRB may require the applicant to provide a letter of credit, bond, or other surety to ensure that such road improvements are completed in accordance with all standards approved by the Selectboard.

5. Road Names & Signs. Roads shall be named in accordance with any municipal road naming ordinance or policy currently in effect. Said named shall be identified on signs designed and located in accordance with municipal policy and shall be clearly depicted on the final plat.

4.08 Pedestrian and Bicycle Facilities and Access

1. A safe and attractive pedestrian environment shall be provided as appropriate to the scale of the subdivision and District.

2. Within the Village, Village Core, and Route 15 Districts, or in any other area where the Municipality has identified the need for pedestrian or bicycle facilities in the Municipal Plan, or other official document adopted by the Town Selectboard, the DRB may require the applicant to provide a permanent easement up to twenty (20) feet but not less than ten (10) in width along any adjacent public road in order to facilitate construction of future pedestrian and bicycle facilities..

3. If subdivision of ten (10) or more lots in a ten year period is proposed, the applicant shall install pedestrian and bicycle facilities meeting the following standards:
   a. The bike/pedestrian facilities shall be appropriate for the setting (sidewalk, gravel surface path, or widened shoulder) and shall meet all standards established by the Municipality.
   b. The facilities enable shall enable bike/pedestrian circulation within the subdivision, and connect the subdivision to facilities on adjoining properties and/or public roads.
   c, The facilities may or may not be located adjacent to private roads and driveways within the subdivision,
   d. In lieu-of this requirement, the applicant may provide a payment to the Municipality equal to the cost of installing a sidewalk of equivalent length along all private roads within the subdivision, as determined by the most recent piece rate estimates provided by the Vermont Agency of Transportation,

4. If the subdivision is adjacent to the Lamoille Valley Rail Trail, the applicant shall make every reasonable effort to facilitate pedestrian circulation between the LVRT and the subdivision.

4.09 Stormwater Management

1. Municipal Systems. For subdivisions utilizing any public storm-water management facility, the subdivider shall provide evidence that the existing system will adequately meet the needed demand, or if the system will not meet the demand, the subdivider will provide a plan for upgrading the system to meet the expected demand and provide a bond or security (to the satisfaction of the Selectboardif Town owned or Vtrans if State owned) to cover all or part of the costs of the necessary improvements. Applicant must also be able to demonstrate the ability to obtain all permits necessary to extend utilities, if necessary.

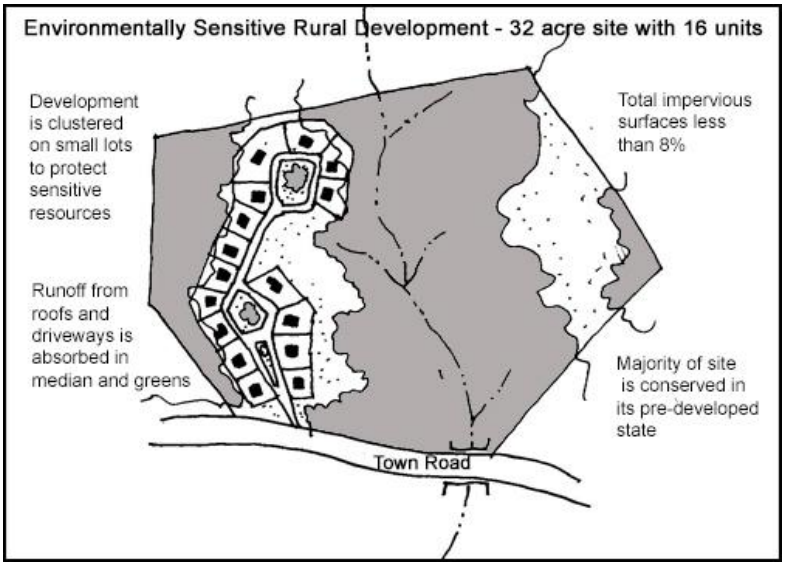
2. Community Systems. Stormwater management facilities shall be designed and installed in accordance with all applicable state regulations and standards. Community storm-water systems may be required to be designed in such a way that they may eventually be connected to a municipal storm-water system. Articles of association or similar arrangements are required to address long-term care and maintenance of these systems by the users.

3. Standards.

   a. All subdivisions resulting in more than one-half [0.5] acres of new impervious surface shall at minimum meet the Recharge (Rev) criteria and the Water Quality Volume (WQv) criteria, as defined in the Vermont Stormwater Management Manual. All stormwater management facilities shall be designed and constructed in accordance with the most recent standards for such facilities adopted by the State of Vermont.

b. Applicants are encouraged to incorporate Low Impact Development techniques and practices into the stormwater management system and/or to utilize the Voluntary Stormwater Management Credits provided for in the most recent version of the Vermont Stormwater Management Manual. Examples of Low Impact Development Practices are provided in Article III Definitions. Applicants are also encouraged to refer to the Vermont Low Impact Development Guide for Residential and Small Sites for further guidance.

c. Subdivisions creating more than one-half (0.5) but less than one (1.0) acre of impervious surface, as measured cumulatively over any 5-year period, and that meet the following criteria for a "Environmentally Sensitive Rural Development," shall be considered to have met the requirements of Sections a-b above. These criteria include:




(1) The overall density is a maximum of 1 unit per 2 acres as an average over the total subdivision;

(2) The total impervious cover of the subdivision is less than eight percent (8 %);

(3) A minimum of twenty-five percent (25%) of the project is protected in natural conservation areas.

(4) Rooftop runoff is disconnected from impervious surfaces such as driveways in accordance with the criteria outlined in the Vermont Stormwater Management Manual

(5) Grass channels designed in accordance with the Vermont Stormwater Management Manual are used to convey runoff, versus curb and gutter for roads and/or driveways.

(6) Vegetated stream buffers are incorporated into the site design on both perennial and intermittent streams. Such stream buffers shall conform to Section 4.07 of the Wolcott Zoning Regulations, as well as the standards of the Vermont Stormwater Management Manual.

d. The Development Review Board may require a letter from a licensed engineer certifying that the criteria for an "Environmentally Sensitive Rural Development" outlined above have been met.

4. Projects that require a State stormwater discharge permit are exempted from the provisions of Section 3 above. Applicants are encouraged to incorporate Low Impact Development techniques and practices into the stormwater management system and/or to utilize the Voluntary Stormwater Management Credits provided for in the most recent version of the Vermont Stormwater Management Manual.

5. State Permits. If the subdivision will create more than 1.0 acres of new impervious surfaces, or

otherwise require a state stormwater permit, the applicant shall obtain this permit prior to recording the approved final plat in the Land Records.

4.10 Fire Hydrants, Fire Ponds & Dry Hydrants

1. Purpose: The purpose of this provision is to ensure that new subdivisions have an adequate supply of water for fire protection.

2. Applicability: Where a subdivision is greater than one (1) road mile from an existing dry hydrant or other water source accessible for fire protection or results in the creation of ten (10) or more new lots or dwelling units in a ten (10) year period, or where the DRB otherwise determines that water sources are inadequate for firefighting, the Development Review Board may require the developer to install or fund the installation of a dry hydrant and/or fire pond.

3. Standards: Dry hydrants and/or fire ponds required under this section shall be installed by the subdivider. All dry hydrants and fire ponds must be installed to the specifications of the Wolcott Fire Department. Fire ponds and dry hydrants shall be accessible for use in emergencies on other nearby properties. No fire ponds may be developed on lands designated as a wetland by the State or National Wetland Inventory, unless approved by the Army Corps of Engineers and the Vermont Agency of Natural Resources.

4. Maintenance. All costs associated with administering and maintaining the dry hydrant and or fire pond shall be the sole responsibility of applicant and/or subsequent landowners.

4.11 Street & Sidewalk Lighting

1. Street and sidewalk lighting are not required in any subdivision. Where these amenities are proposed to appear in the public right of way, the amenity must meet town standards as established by the Selectboard.

2. Any outdoor lighting must also meet exterior lighting requirements in Article I Zoning Regulations Section 4. 41 Exterior Lighting.

4.12 Recreation areas

1. Subdivisions of greater than 10 lots shall be required to provide some recreational areas for use by residents of the subdivision. The nature of the recreational areas (e.g. playground, ball field, trails, swimming pool, tennis courts) shall be at the discretion of the developer with input from the DRB. At the discretion of the DRB, this requirement may be waived in the Village and Village Core Districts, or for subdivisions within one (1) road mile of an existing recreational area.

2. Recreation area requirements. All recreation areas shall meet the following requirements:

    a. The DRB may require the dedication of up to 15% of the total land area of the proposed subdivision for recreation purposes. Such area, to be set aside as common land unless otherwise approved by the commission, shall be of suitable character to serve as parkland, a playground or recreation trail network. [§4417]

    b. The location, shape, and character of the common land shall be suitable for its

intended use.

4.13 Common Land

1. Common land is any area within a subdivision owned in common among the members of the subdivision. Common land may be set aside for the placement and maintenance of community facilities including, but not limited to, recreation areas, wastewater treatment sites, pedestrian walkways, parking lots, and private roads.

2. Common land requirements. All common land shall meet the following requirements:

    a. The location, shape, and character of the common land shall be suitable for its intended use.

    b. Land held in common shall be subject to appropriate deed restrictions, stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long term stewardship.

    c. Common land is generally managed and maintained through articles of association, or similar arrangements, among the members of the subdivision. All costs associated with administering and maintaining common land shall be the responsibility of applicant and/or subsequent landowners.

3. Articles of association. Articles of association and related arrangements are contracts within the members of the association, they are not a substitute nor do they supercede these subdivision regulations. Where appropriate, these associations must abide by the conditions established in the permit but neither the Town of Wolcott nor the Zoning Administrator are responsible for mediating disputes within the association.

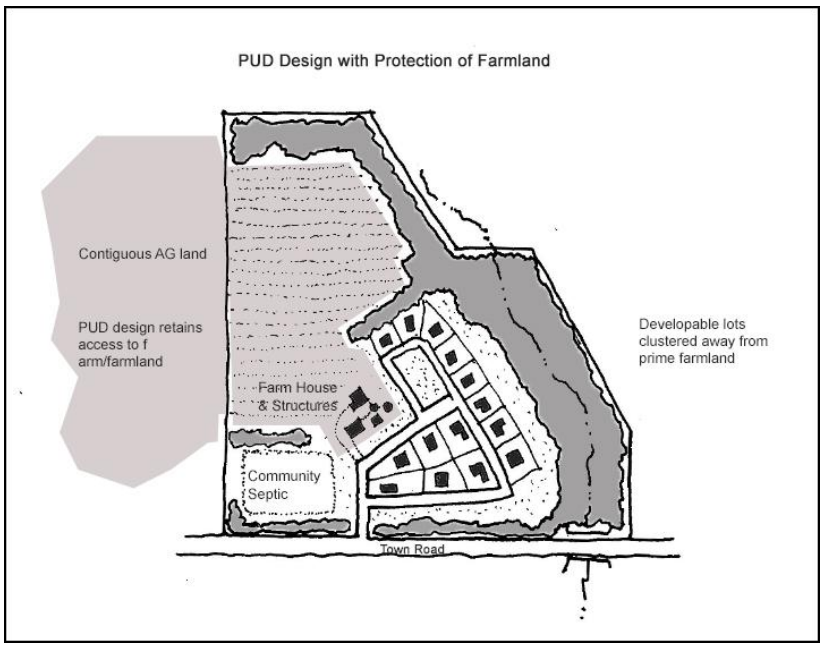
4. Legal review. The DRB reserves the right to have any articles of association or similar arrangement reviewed by an attorney, at the expense of the developer, to ensure basic standards are met-

    a. Proper establishment of association;

    b. Long-term care and maintenance of common land including costs are addressed;

    c. Protection of the municipality in the event of legal challenges.

4.14




Protection of Agricultural Soils

1. The following standards shall apply where a subdivision contains prime and/or statewide agricultural soils:

   a. Access roads, driveways, and utility corridors shall be shared to the extent feasible; and where sites include linear features such as existing roads, tree lines stonewalls, and/or fence lines, shall follow these to minimize the fragmentation of productive agricultural land and minimize visual impacts.

   b. To the extent practical, buildings and building envelops should be located at field and orchard edges or, in the event that no other land is practical for development, on the least fertile soil in order to minimize the loss of agricultural soils and impacts on existing farm operations.

   c. The subdivision should be configured so that agricultural soils are not fragmented into pieces that are too small or irregularly shaped to be farmed in the future. Preferably, land that is intended for future agriculture should be within one or more parcels that would be eligible to enroll in the current use program. Open space containing prime and statewide agricultural soils should be configured to be contiguous with prime and statewide agricultural soils on adjacent parcels.

2. It is not the intent of these provisions to reduce the overall level of development, but to encourage design tools to limit or reduce the impact of a subdivision on prime and statewide soils. Use of PUD provisions in Article I Wolcott Zoning Regulations Section 3.04 and the Planned Unit Development Criteria outlined in Article I Wolcott Zoning Regulations Section 4-E are strongly encouraged to accomplish the objectives of this Section.

4.15 Planned Unit Developments (PUD)

1. No subdivision plat shall be approved for a PUD without meeting the Subdivision Review

Criteria outlined in Section 4 above. PUDs shall comply with all application review procedures outlined in Article I Wolcott Zoning Regulations Section 3.04 and the Planned Unit Development Criteria outlined in Article I Wolcott Zoning Regulations Section 4-E .

Subsection 4-B. **– General Lots/Subdivision Criteria**

4.20 Non-Conforming Lots/Subdivisions

1. Nonconforming lots or subdivisions means lots or subdivisions that do not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the Zoning Administrator. [§4303(13)]

2. Any non-complying lots or subdivisions may be allowed to exist indefinitely, but shall be subject to the following provisions:

   a. A small lot is not deemed merged through provisions of the zoning bylaws.

   b. A non-complying lot or subdivision shall not be resubdivided or be amended in a manner that will increase the existing degree of non-compliance.

   c. The phrase 'shall not increase the degree of non-compliance' shall be interpreted to mean that the portion of the lot or subdivision that is non-complying shall not increase in size (or decrease in the event of failing to meet minimum standards such as road standards or frontage). Therefore, a boundary line may be adjusted provided the resulting parcel is equal or more compliant than the parcel prior to amendment.

   d. Changes to a non-complying lot or subdivision for the sole purpose of compliance with mandated environmental, safety, health, or energy codes is permissible with approval by the DRB.

Section 5. – **DEFINITIONS**

5.01 All words used in these regulations shall be as defined in Article III Wolcott Zoning and Subdivision Definitions

TOWN OF WOLCOTT

LAMOILLE COUNTY, VERMONT

ARTICLE III:
**ZONING AND SUBDIVSION DEFINITIONS**

Section 1. – **GENERAL DEFINITIONS**

Except where specifically defined herein or in the Act, or unless otherwise clearly required by the context, all works, phrases, and terms in this bylaw shall have their usual, customary meanings. Definitions contained in the Act shall be applicable throughout these bylaws, unless otherwise specifically defined in this section. In the interpretation of words and terms used, defined, or further described herein, the following shall apply:

The particular controls the general;

The present tense includes the future tense;

The words "shall" and "must" are mandatory and the words "should" and "may" are permissive;

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual, unless otherwise specifically defined herein;

The word "structure" includes "building;"

The word "lot" includes "parcel."

Section 2. – **SPECIFIC DEFINITIONS**

The following definitions also apply to Wolcott Zoning and Subdivision Bylaws:

Accessory Apartment. A separate, complete housekeeping unit with no more than one (1) bedroom which is incidental to and contained within, attached to, or detached from a single-family dwelling, in which the title is inseparable from the primary dwelling. This definition shall include accessory units as defined under the Act [Section 4412(1)(E)] (see Section 4.1).

Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Act, the. The words "the Act" shall mean Title 24, Chapter 117 of the Vermont Statutes.

Act means the Vermont Planning and Development Act 24 V.S.A., Chapter ll7.

Adjoining Landowner means any person owning land contiguous to the proposed land development including land separated by a road or road right of way.

Agriculture. Agriculture includes:

(a) the cultivation or other use of land for growing food, fiber, trees, or horticultural and orchard crops; or
(b) the raising, feeding, or management of livestock, poultry, equines, fish, or bees; or
(c) the operation of greenhouses; or
(d) the production of maple syrup; or
(e) the on-site storage, preparation, and sale of agricultural products principally produced onsite; or
(f) the on-site production of fuel or power from agricultural products or wastes produced onsite.
(g) structures customarily accessory to agricultural uses which are located on the same parcel as

an agricultural use, with the exception of residential dwellings; or
(h) other uses as defined by the Secretary of the Agency of Agriculture, Food, and Markets.

Agricultural Enterprise. An enterprise located on the same lot or parcel as an agricultural use, which may not be directly related to the agricultural use. Such activities need not be subordinate to the agricultural operation in terms of revenue but shall be subordinate in terms of overall land use (e.g. land area, structures utilized). Agricultural operations support the agricultural economy of Wolcott and /or the surrounding communities, integrate into the rural character of the neighborhood and greater zoning district, have a negligible to small impact on surrounding properties and public services, and fit into one or more of the broad categories below. This use shall meet the provisions and complement the use standards and shall protect and preserve important natural resources. Activities must fall within one or more of the following categories:

(a) On-site processing, storage, sampling, and tasting of crops or farm products not principally produced on the farm.
(b) Retail sales of crops or farm products not principally produced on the farm, such as an on-site farm café.
(c) Retail sales of non-farm products related to the farm and/or what is produced on the farm. Such retail sales of non-farm products must be clearly subordinate to the farming operation and/or other agricultural operation uses.
(d) Education, cultural, and recreation programming including, but not limited to, classes, day camps, petting zoos, etc.
(e) Event hosting as long as such events are clearly subordinate to the agricultural operation including, but not limited to, wedding venue, dinner/ dance venue, theater production, etc.
(f) Animal health, breeding, and boarded care facilities such as veterinary clinics principally servicing livestock and poultry.
(g) Horticultural facilities including selective seed storage and sales, as well as demonstration plots.
(h) Slaughter and meat processing facilities.
(i) Food processing facilities including but not limited to product washing, flash freezing, canning, or value added processing production of food products.
(j) Craft scale dairies, cheese, and other dairy product makers, wineries, juice, and cider producers, and similar activities.
(k) Agricultural and residential by-product processors such as composting and bio-electric generators.
(l) Agricultural machinery repair.
(m) Facilities or workshops supporting on-site agricultural services such as furriers, breeders, etc.

Agricultural Soil, Prime or Statewide: An important farmland soils map unit that the Natural Resources Conservation Service of the U.S. Department of Agriculture (NRCS) has identified and determined to have a rating of prime or statewide importance.

Affordable Housing. Housing that is either:

a) Owned by inhabitants whose gross annual household income does not exceed 80 percent of county median income, as defined by the United States Department of Housing and Urban Development, where the total annual cost of the housing, including principal interest, property taxes, insurance, and condominium association fees is not more than thirty percent [30%] of the household's gross annual income; or
b) Rented by inhabitants whose gross annual household income does not exceed 80 percent of county median income as defined by the United States Department of Housing and Urban Development, where the total annual cost of the housing, including rent and utilities such as

heat, electricity, water, garbage collection/disposal, and lights, is not more than thirty percent [30%] of the household's gross annual income. Affordable housing units shall be subject to covenants or restrictions that preserve the affordability requirements defined above perpetually (for a minimum period of 99 years from the date of first sale or lease).

Area of Special Flood Hazard. Means the land subject to flooding from a base flood. [§4303(8)]

Applicant. All owners of the property on which the proposed land development will occur. Where a property is owned by more than one party, all owners must be the applicant or a co applicant for any land development proposed under these regulations.

Attic. The part of a building that is immediately below, and wholly or partly within, the roof framing and has a clear floor to ceiling height of less than seven and one-half feet (7.5). Attics are not counted toward gross floor area.

Awning. A hood, cover, or porte-cocheres often comprised of fabric, metal, or glass that is designed and intended to provide for protection from the elements or as a decorative appurtenance and which projects from a wall or roof of a structure over a window, walk, door, landing, public right-of-way, or the like, and which may include a type which can be retracted, folded, or collapsed against the face of a supporting building. An awning with symbols, logo(s), or lettering (excluding the street address) are considered a sign for the purposes of this ordinance.

Arcade: A building design in which upper stories are cantilevered to extend beyond the facade of the ground story, creating a covered area supported by a colonnade that is often used as a walkway, seating area, or display area.

Balcony: A platform, which may be open or partially enclosed, attached to and extending from the upper story(ies) of a building.

Base Flood. The flood having a one percent (1%) chance of being equaled or exceeded in any given year. [§4303(8)]

Basement. This means any area of the building having its floor subgrade (below ground level) on all sides. Unfinished basements are not counted toward gross floor area.

Building. Any structure that is used principally for enclosure of persons, animals, chattels, or property of any kind.

Building Bay. An individual portion of a building façade. Larger buildings are often divided into multiple bays, often offset from each other and/or distinguished by architectural design, features, such as porches or stoops, materials, and/or color.

Building Envelope: A specific area delineated on a plat within which all structures are located, and outside of which no structures are to be located. Building envelope do not provide any guarantee of zoning permit approval within the area.

Building Height. The vertical distance measured from the average elevation of the finished grade located at the front of the building to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a lot fronts on two or more streets, the building height shall be calculated along the

highest street façade.

Business and Professional Service. Services provided to the public by an individual(s) with or without advanced academic training and engaged in a specific occupation for pay or for non-profit. Examples include ,but are not limited to, tailor, seamstress, cobbler, travel agent, barber, hairdresser, engineering firm, lawyer, accountant, consultant, realtor, real estate appraiser, architect, designer, psychologist/psychiatrist, chiropractor, healthcare provider, etc.

Caretaker Apartment/Employee Housing. A dwelling unit that is accessory to a non-residential principal use of a property that is intended as living or sleeping quarters for occupancy only by persons employed on the property or to care for the property.

Community Open Space. Land not to be developed for building purposes, but to remain permanently available for purposes of recreation, including outdoor facilities and for conservation, including agriculture, for the benefit of neighborhood community, without buildings, except as incidental accessories to agricultural, conservation and recreational purposes and maintenance.

Conditional Use. Those uses which, according to the particular district regulations, are allowed on a property only after certain general and specific standards have been met, and upon approval of the DRB determines that the proposed use will conform to the general and specific standards.

Cornice. Any projecting ornamental molding along the top of a building or wall.

Cut-off Angle (of a lighting fixture). The angle, measured up from the nadir (i.e. straight down), between the vertical axis and the first line of sight at which the bare source (the bulb or lamp) is not visible.

Density: As defined in Article I Wolcott Zoning Regulations Section 4.04

Development. As defined in Article I Wolcott Zoning Regulations Section 1.03..

Disability. See handicap.

DRB. The Town of Wolcott Development Review Board.

Driveway. A minor travel way serving one (1) parcel which provides vehicular access from an adjoining road or street to a parking space, garage, or other structure.

Driveway, Shared. A minor travel way serving two (2) parcels which provides vehicular access from an adjoining road or street to a parking space, garage, or other structure.

Dwelling. A BUILDING or portion thereof, used or designed to be for human habitation. Types of dwellings include:

> Single-Family. A building, or portion thereof, used or designed to be used as the residence of not more than one [1] FAMILY, and which is not attached to any other dwelling (with the exception of an ACCESSORY APARTMENT in accordance with these regulations).
>
> Two-Family. A building or portion thereof, used or designed to be used as a residence for two

[2] families, with each occupying a separate DWELLING UNIT, neither/none of which is an ACCESSORY APARTMENT .

Multi-Family. A building or portion thereof, used or designed to be used as a residence for three [3] or more families, with each occupying a separate DWELLING UNIT, neither/none of which is an ACCESSORY APARTMENT .

Elderly Housing. A SINGLE-FAMILY or MULTI-FAMILY DWELLING which may or may not have independent cooking facilities, specifically designed and intended for occupancy by at least one person who is fifty-five [55] years of age or older. Such housing may include congregate dining and/or recreational facilities, and/or assisted living services.

Designated Accessible. A SINGLE-FAMILY or MULTI-FAMILY DWELLING which may or may not have independent cooking facilities, specifically designed and intended for occupancy by at least one (1) person with a disability. Such housing includes facilities and services specifically designed to meet the physical or social needs of persons with a disability. Significant facilities and services may include, but are not limited to, social and recreational programs, continuing education, information and counseling, recreational, homemaker, outside maintenance and referral services, emergency and preventive health care programs, congregate dining facilities, and transportation to social, medical, or personal services.

Seasonal: A dwelling unit that is not occupied for more than six (6) months of any calendar year, but rather is used as a recreational home or a second home.

Dwelling Unit (DU). One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental, or lease, and physically containing independent cooking, bathroom/toilet facilities, and sleeping facilities.

Employee Housing/Caretaker Apartment. A dwelling unit that is accessory to a non-residential principal use of a property that is intended as living or sleeping quarters for occupancy only by persons employed on the property or to care for the property.

Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood hazard area bylaws.

Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

Family/Household Unit. An individual, or two [2] or more persons related by blood, marriage, civil union, legal adoption, or placement in the home for adoption or as foster children; or a group of not more than five [5] unrelated persons living together within a single dwelling unit.

Façade, Building. The dominant structural feature of any side of a building. For example, the building façade of a two-story structure with a one-story porch is the two-story elevation of the building.

Farm Structure. A building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as "farming" is defined in 10 V.S.A. § 6001(22), but excludes a dwelling for human habitation (24 V.S.A. §4413(d)).

Fenestration. The total area of a building façade containing windows, including windows associated with a door. Such windows shall allow at least 50% light transmission.

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

Flood Insurance Rate Maps (FIRM). This means an official map of a community on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study. This means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodproofed or Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures that reduced or eliminate flood damage to any combination or real estate, improved real property, water or sanitary facilities, structures and their contents. [§4303(8)(A)]

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [§4303(8)(B)]

Floor-to-Area Ratio (FAR): The relationship between the amount of useable floor area permitted in a building (or buildings) and the area of the lot on which the building is located. FAR is obtained by dividing the gross floor area of a building by the total area of the lot. For purposes of the Wolcott Zoning and Subdivision Regulations, FAR is expressed as a decimal fraction (for example, 0.5, 1.0, or 1.5).

Forestry. The growing and harvesting of trees or timber under proper forest management for purposes other than their fruit in accordance with accepted management practices for silviculture (forestry) as defined by the Commissioner of Forests, Parks, and Recreation [§4413(d)], including the construction of logging roads and bridges, provided the roads and bridges are used exclusively for agriculture or forestry. For purposes of these bylaws, the term "Forestry" shall also include the use of temporary processing equipment including, but not limited to, portable sawmills, wood chippers, and wood splitters which are used in association with harvesting operations and which are removed from the site once harvesting operations are complete.

Forest Products Processing. A facility for the processing and/or storage of forestry products that is ***located off-site*** from harvesting operations. This may include, but is not limited to permanent sawmills, lumberyards, procurement yards, commercial firewood producers, wood pellet producers, wood kilns, and similar facilities. This definition does NOT include temporary equipment including, but not limited to, portable sawmills, wood chippers, and wood splitters, which are used in association with harvesting operations and which are removed from the site once harvesting operations are complete. Such temporary processing equipment shall be considered FORESTRY.

Forestland, Productive. Forested land with soils that are capable of forestry. Vermont's Current Use program defines productive forest as forested areas on soils of Site Class I, II, or III (i.e. capable of growing 20 cubic feet of wood per acre per year or more).

Frontage is the length of the front lot line for a single parcel of land as measured from the public right-of-way or private street that it borders.

Frontage Building. Smaller principal structures located between a large principal structures and the public right-of-way. Frontage buildings are often used to screen larger structures from public view, and provide a transition from the street to a more intense or visually obstructive use. Frontage buildings may contain any permitted or conditional use allowed within the district, subject to all required reviews.

Gallery/Studio/Museum. a BUILDING, or portion thereof, that is used for creating. showing ,and/or selling works of art or crafts; a BUILDING, or portion thereof, where objects of historical, cultural, scientific, or artistic interest are kept and displayed for viewing by the public; a BUILDING, or portion thereof, where television, film, radio programs, and/or music recordings are made; and/or a BULDING, or portion thereof, where visual or performing arts are taught or practiced.

Gross Floor Area (GFA). The sum of all floor areas of all stories of a building, measured from the exterior face of exterior walls, or from the centerline of a wall separating two attached units or structures. Unfinished basements, attics, decks, porches, balconies and arcades that are unenclosed on at least one side; and garages are excluded from gross floor area. For half stories, only the portion of the story has a clear floor to ceiling height of at least seven and one half (7.5) feet shall count toward gross floor area.

Handicap or disability. With respect to an individual means:

a. a physical or mental impairment which limits one or more major life activities,

b. a history or record of such impairment, or

c. being regarded as having such an impairment. [9 V.S.A. §4501(2)]

Hazard area. Means land subject to landslides, soil erosion, earthquakes, water supply contamination, or other natural or human-made hazards as identified within a "local mitigation plan" in conformance with and approved pursuant to the provisions of 44 C.F.R. §201.6.

Height. As defined in Article I Wolcott Zoning Regulations section 4.06.

Home Occupation. An accessory use of a service character conducted within a dwelling, by a family, which is clearly secondary to the dwelling used for living purposes and does not change the character there of.

Interested Person. This means anyone meeting the definition of the term as set forth in the Act [§4465(b)]. The definition includes the following:

a. A person owning title or property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw who alleges that the bylaw imposes on such property unreasonable or inappropriate restrictions of present or

potential use under the particular circumstances of the case.

b. The Town of Wolcott or any municipality that adjoins it.

c. A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under the bylaw, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of the municipality.

d. Any ten persons who may be any combination of voters or real property owners within a municipality listed in subdivision (b) above who, by signed petition to the DRB, the bylaws of which are at issue in any appeal brought under the Act, allege that the relief requested by a person under the Act, if granted, will not be in accordance with the policies, purposes, or terms of the plan or bylaw of Wolcott. This petition to the DRB must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.

e. Any department and administrative subdivision of the state owning property or an interest therein within Wolcott or any adjoining town, and the Agency of Commerce and Community Development.

Impervious Surface. A surface that has been compacted or covered with a layer of materials so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime rock, gravel, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

Isolation distances for water supply systems are the required minimum separation distances as established by the Vermont Water Supply Rules Chapter 21.

Kennel. Any premises on which breeding, housing, training, caring for, or keeping of four [4] or more dogs, cats, or other household domestic animals is performed for profit or exchange.

Lodging. Any structure containing rooms which are designed to be rented as sleeping units for persons on a temporary basis. Meals may be served in a common dining area. This definition shall include: "bed and breakfasts," "hotels," "inns," "motels," "lodges," and "hostels."

Lot. A definable PARCEL of land in common ownership occupied or capable of being occupied by one or more structures or uses. Lot boundaries are (a) established by DEED or deeds recorded in the Wolcott Land Records and the records of any public road right-of-way; or (b) shown on a plat approved by the Development Review Board pursuant to these bylaws.

Lot, Corner. A lot at the point of intersection of, or abutting on, two [2] or more intersecting streets, the angle of intersection being not more than 135 degrees.

Lot Size. Calculated by one or more of the following methods:

a) Area. Total space within the property lines, excluding any part thereof lying within the boundary of an existing or proposed public ROAD and usually measured in square feet or acres.
b) Depth. The mean distance between the front and rear lot lines, as measured at right angles to the front lot line.

c) Width. The mean distance between the side lot lines, as measured at right angles to depth.
d) Frontage. The boundary of a lot along a public or private ROAD, usually measured in linear feet.

Lot of Record. A lot, which is part of a subdivision recorded in the land records, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lowest Floor. This means the bottom floor of the lowest enclosed area (including basement).

Low Impact Development (LID). A set of techniques and practices for stormwater management designed to mimic natural hydrologic function by reducing stormwater runoff and increasing groundwater recharge and pollution treatment. LID practices are usually small in scale and diffuse across a project site; they are generally surface vegetative systems that are integrated with the site development infrastructure. Examples of Low Impact Development practices include, but are not necessarily limited to:

Bioretention System. Bioretention or bioinfiltration systems retain runoff and pass it through a filter bed comprised of specific soil media. They resemble landscaped depressions and can contain grasses, wildflowers, shrubs, or trees depending on the size of the area. Stormwater runoff is delivered by channels, filter strips, curb cuts, or piping to these depressions where it temporarily ponds on the surface before seeping through an organic underground filter system and discharging to an underdrain network or infiltrating into the underlying soils. Treatment of stormwater includes attenuation of sediment, metals, bacteria, and nutrients.

Rain Garden. Rain gardens are smaller-scale bioretention systems, well-suited for residential lots. They retain runoff and pass it through a filter bed comprised of specific soil media. They are a landscaped depression used to mitigate rooftop runoff or located at a low point on the lot to treat all stormwater on-site. Rain gardens are designed to be aesthetically pleasing and low maintenance with plant materials that can withstand periodic inundation. Rain gardens are usually sized to accommodate runoff from typical small storms, and during less frequent large storms they will overflow.

Swale. Swales are open, grassed channels that are designed to treat, attenuate, and convey stormwater runoff. They are similar to conventional drainage ditches except that they are designed with a wider and shallower profile and flatter slope for a slower water velocity. There are many types of swales, and the specific design features and treatment methods vary among them. Some swales are designed with a fabricated soil bed and underdrains similar to a bioretention system. Generally swales are used as pretreatment to other practices, although depending on the design they may also provide some pollutant removal or infiltration.

Vegetated Buffer. Vegetated buffers may be engineered stormwater treatment areas or undisturbed natural areas where vegetation is used to treat and control stormwater. Buffers can be used to disperse and infiltrate stormwater runoff immediately adjacent to rivers, streams, ponds, and wetlands. They are an effective means of minimizing the amount of pollutants entering water bodies. They can also be used to treat stormwater along property boundaries or downslope of disturbed areas. They reduce runoff velocity, serve to protect soil from erosion and filter pollutants. Buffers comprised of natural woody vegetation are preferred. When natural vegetation cannot be preserved, new buffers can be designed as shallow pitched vegetated areas with herbaceous plants, low-lying groundcovers, shrubs, and trees. Stormwater flowing into buffer areas should be sheet flow and may require the use of a level spreader.

Dry Well. A dry well is an underground chamber or large vertical pipe filled and/or surrounded with stone, typically used to collect and infiltrate roof runoff. Water from sources other than a roof will likely need preliminary treatment to filter out any solids that could clog the dry well. An overflow outlet is frequently needed for runoff from large storms that cannot be fully infiltrated. Dry wells are best suited where soils have high infiltration rates and there is adequate depth to groundwater and bedrock.

Infiltration Trench. An infiltration trench is similar to a dry well except that it is a horizontal rock-filled trench with no outlet. Stormwater is usually pretreated before entering the trench where it is stored in the void space between the stones and infiltrates through the bottom and into the soil. An overflow outlet is frequently needed for runoff from large storms that cannot be fully infiltrated. Infiltration trenches are best suited where soils have high infiltration rates and there is adequate depth to groundwater and bedrock.

Light Manufacturing. The processing or fabrication of materials and products such as home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, metal products, plastic goods, pharmaceutical goods, and food products. This definition may also include a facility whose primary purpose is the advancement of products whose manufacture will take place elsewhere, as well as research not necessarily related to a specific product. Such facilities may contain laboratories or production capabilities limited to the purposes of said advancement.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood insurance purposes, and other purposes if these Bylaws, the term "manufactured home" does not include recreational vehicles, park trailers, travel trailers, and other similar vehicles.

Manufactured Home Park or Subdivision (for Flood Hazard Area Overlay District) means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

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

Mobile Home: means a prefabricated dwelling unit which:

a. is designed for long term and continuous residential occupancy;

b. is designed to be moved on wheels, as a whole or in sections;

c. on arrival at the site is complete and ready for occupancy, except for incidental unpacking, assembly, connections with utilities, and placing on support or a permanent foundation, or installation as a unit in a previously prepared structure;

d. meets all other criteria and standards established by rule of the agency for distinguishing mobile homes from other types of residential units. [10 V.S.A. §6201(1)]

Mobile Home Park: means any parcel of land under single or common ownership or control which

contains, or is designed, laid out or adapted to accommodate, more than two mobile homes. Noting herein shall be construed to apply to premises used solely for storage or display of mobile homes. Mobile home parks does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes. [10 V.S.A. §6201(2)]

Motor Vehicle. Any mechanically powered medium of transport designed to move people or cargo including, but not limited to aircraft, watercraft, automobile, bus, truck, tractor, trailer (excluding a MOBILE HOME), mower, tank, RECREATIONAL VEHICLE, go-cart, motorcycle, snowmobile, or all-terrain vehicle, regardless of whether or not the device is currently functional.

Motor Vehicle Service and Repair. A business enterprise engaged in the service and restoration of any MOTOR VEHICLE, including auto body repair and/or auto detailing, which may also include the sale and installation of automotive parts and accessories. This definition specifically excludes MOTOR VEHICLE SALES and MOTOR VEHICLE FUEL SALES.

Motor Vehicle Sales. An establishment associated with the display and sale of more than four (4) MOTOR VEHICLES at any given time, and/or display and sale of motor vehicles in a quantity that requires licensure by the State of Vermont. This definition also includes MOBILE HOME SALES.

Motor Vehicle Fuel Sales. Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning or servicing such motor vehicles.

Mural. A purely decorative treatment on the exterior wall of a building that does not have the overt intent or effect of advertising a product or service for sale or an agency, organization, or business.

Natural Resources, Primary: Areas in which development potential is severely restricted due to innate physical limitations of the land and/or potential for adverse impacts to natural resources. For the purpose of the Wolcott Zoning and Subdivision Regulations, Primary Natural Resources included:

100-year Floodplains and River Corridors , as further defined in Article III Definitions Section 3;

Areas within the buffer and stream setback established under Article I Wolcott Zoning Regulations Section 4.07(1);

Areas within a class I or II wetland, and associated buffer, as defined by the Vermont Wetlands Rules;

Areas with extremely steep slopes, as further defined in Article II Definitions Section 2;

Areas with 250 feet of a lake or pond that are subject to the State of Vermont Shoreland Protection Act.

Natural Resources, Secondary. Areas in which special care must be taken to avoid adverse impacts to natural resources. For the purpose of the Wolcott Zoning and Subdivision Regulations, Secondary Natural Resources included:

500-year Floodplains, as defined in Article III Definitions Section 3;

Prime and Statewide Agricultural Soil, as further defined in Article III Definitions Section 2;

Areas with very steep slopes, as further defined in Article III Definitions Section 2;

Productive Forest Land, as further defined in Article III Definitions Section 2;

New Construction. With respect to the flood hazard provisions of this bylaw, "new construction" means construction of structures or filling commenced on or after the effective date of the adoption of Wolcott's Flood Hazard Area Bylaws. [§4303(8)(D)]

Non-Conforming Lots or Parcels. Means lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the Zoning Administrator. [§4303(13)]

Non-Conforming Structure. Structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the zoning administrator. [§4303(14)]

Non-Conforming Use. Use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the Zoning Administrator. [§4303(15)]

Non-Residential Use. All uses of structures or land except single-family dwellings, two-family dwellings and multi-family dwellings.

Parcel. A lot of land, described by metes and bounds, the description of which has been so recorded in the Town Clerks Office.

Parapet. The extension of the main walls of a building above the roof level, often used to shield mechanical equipment and vents.

Parking Space, Off Street. For the purposes of this Bylaw, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

Parking, Tandem. The arrangement of parking where one space is located directly in front of another, such that it is necessary to pass through one space in order to leave or enter the other.

Pediment. The triangular wall area inside the gable of a pitched roof, usually framed by cornices along all three sides.

Permitted Uses. Use specifically allowed in the district, excluding illegal uses and non-conforming uses.

Physical or Mental Impairment. Means

a. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss

affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; geito-urinary; hemic and lymphatic; skin; or endocrine.

b. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;

c. The term "physical or mental impairment" includes such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and drug addiction and alcoholism. A handicapped individual does not include any individual who is an alcoholic or drug abuser who, by reason of current alcohol or drug use, constitutes a direct threat to property or safety of others. [9 V.S.A. §4501(3)]

Place of Worship. Any structure the principal purpose of which is the conduct of religious worship or other religious activities. This shall include any related offices, rectory, and residential dwellings for the clergy, convents, and meeting halls. It shall not be construed to include any private or parochial educational facility, except those which may be used for educational activity directly associated with regular worship services and which are clearly incidental and subordinate to such services.

Planned Unit Development (PUD). Means one or more lots, tracts or parcels or land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards. [§4303(19)]

Porch. A covered platform with open or partially enclosed walls attached to the exterior of a building, and usually located at an entrance to a building.

Public Assembly Hall. Includes auditorium, theater, public hall, wedding/event hall, meeting hall, or any structure meant to accommodate a gathering of twenty (20) or more persons, other than a Place of Worship.

Public Art. Art in any media that has been planned and executed with the intention of being staged in view of the public-right-of-way, public building, or other public space, usually outside and accessible to the general public.

Public Highways means any state or town highway.

Public water systems means any system, or combination of systems owned or controlled by a person, which provides piped drinking water to the public and which:

a. has at least 15 service connections; or
b. serves an average of at least 25 individuals for at least 60 days a year.

Rebuttable Presumption. An assumption made by the DRB that a standard is met unless an interested person comes forward to contest it and proves otherwise. The burden of proof is on the individual contesting the rebuttable presumption.

Recreation Facility, Indoor. An establishment dedicated to indoor recreational pursuits including, but

not limited to, indoor bowling alley, theater, table tennis, pool hall, skating rink, spa/gymnasium, swimming pool, hobby workshop, or similar BUILDING-centered, sheltered, recreation. Such facilities may or may not include the sale of food and/or beverages as an ACCESSORY USE.

Recreation Facility, Outdoor. Leisure pursuits occurring on private or public land that contains any structure designed to enhance those activities and which is accessible to the general public or private membership. This definition includes, but is not limited to, organized courses and trails for cross-country skiing, snow-shoeing, cycling, skating, fishing, swimming, hiking, running, horse trails, and riding rings.

Recreational Vehicle means a vehicle which is:

a. Built on a chassis;

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

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

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

Renewable Energy Resources. Means energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels, including wood and agricultural sources, waste heat, and geothermal sources. [§4303(24)]

Retail. An establishment that sells or rents/leases primarily direct to consumer merchandise including, but not limited to, dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware, pharmaceutical products, magazines, books and newspapers, and food. This definition specifically excludes motor vehicle sales, mobile home sales, and motor vehicle fuel sales.

Restaurant/Food Service. An establishment whose principal business is the sale of foods and beverages cooked or prepared on the premises and which may have facilities for on-site food consumption, take-out service, and/or delivery.

Road. Any public or private way, or right-of-way, which provides, or is reserved to provide, the principal access to two (2) or more abutting properties, and is designed and constructed in accordance with the Town of Wolcott Highway Standards Ordinance.

Roof Pitch. The slant of the roof, represented as the ratio between the rise (vertical distance) and run (horizontal distance) of the roof. The run is always expressed as 12 units.

Screening. Reasonable aesthetic mitigation measures to harmonize a facility with its surroundings and includes landscaping, vegetation, fencing, and topographic features, as viewed six (6) feet above ground elevation from adjacent properties and/or adjacent public rights-of-way.

Solar, Ground Mounted or Energy Generation Project: a ground mounted solar plant over 15KW, including any accessory structures, or any energy project requiring a CPG from the Public Service Board.

Shall. This denotes a mandatory requirement.

Shrub. A woody plant with several perennial stems that may be erect or may lie close to the ground. A shrub will usually have a height less than thirteen (13) feet and stems no more than about three (3) inches in diameter. A shrub shall not be considered a tree.

Sidewalk. A paved, surfaced or leveled area paralleling, and usually separated from, the street used as a pedestrian walkway. The paved section of the public frontage dedicated to pedestrian activity, café seating, and other street furniture.

Sign. Any devices, designs, trade names, trademarks by which anything is made known, such as are used to identify or advertise an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from a public-street or right-of-way and used to attract attention.

Sign, Freestanding. A sign resting on the ground or supported by means of poles, posts, base, or standards in the ground.

Sign, Off-Premises. A sign which advertises or otherwise directs attention to any commodity or activity sold, offered, or conducted elsewhere than on the premises upon which such sign is located.

Sign, Projecting. A sign mounted to a wall or other vertical building surface other than a parallel sign. Signs connected to a canopy, awning, or marquee that project more than eighteen (18) inches are considered to be projecting signs.

Sign, Wall. A sign attached, painted, or otherwise mounted parallel to a wall or other vertical building surface, which does not extend beyond the edge of any wall or other surface to which it is mounted and does not project more than eighteen (18) inches from the surface thereof.

Sign, Window. A sign affixed to a window or placed within twelve (12) inches of the glass area.

Slope: The topographic gradient of any area of land, whether or not located on a single parcel, as determined by the change in vertical distance or elevation (rise) over a horizontal distance (run) which, for the purposes of these regulations is expressed as a percentage (e.g., 20-ft gain/100-ft distance = 0.20 or 20%). For construction and grading purposes slope also may be expressed as the ratio of the horizontal to vertical distance (e.g., 2:1). For purposes of these regulations, a moderately steep slope is a slope with a natural (pre-development) grade between eight percent (8%) and fifteen percent (15%); a "very steep slope" is a slope with a natural (pre-development) grade greater than fifteen percent (10%) and less than thirty percent (30%).; and an " extremely steep slope" is a slope with a natural (pre-development) grade of more thirty percent (30%) or more.

Storage – Cold. A BUILDING used primarily for the storage of food, agricultural products or other goods and materials in an artificially cooled environment for preservation.

Storage – Warehouse. A BUILDING used primarily for the storage of goods, materials, and merchandise. This Definition specifically excludes self storage

Storage – Self. A site, building, or structure intended to provide individual storage spaces for lease to the general public for storage of personal property.

Store Front. A Façade Element, most often for retail use, with substantial glazing, wherein the facade

is aligned close to the front property line with the building entrance at sidewalk grade.

Story. That part of a building above ground level between a floor and the floor next above. If there is no floor above it, then the space between the floor and the roof or ceiling next above it. An intermediate floor between the floor and ceiling, such as a mezzanine or landing, shall not be counted as a story unless the total of all such areas exceeds one-third (1/3) of the area of the floor immediately below it. Attics and unfinished basements are not considered stories.

Story, Half. The uppermost story, usually located within the roof framing, that has a clear floor to ceiling height of at least seven and one half (7.5) feet for not more than 50% of the total floor area. If the clear floor to ceiling height at the height point is less than seven and one half feet (7.5), the area shall not be considered a half story, and shall be considered an attic. If the clear floor to ceiling height is at least seven and one half (7.5) feet for more than 50% of the total floor area, the area shall be considered a story.

Structure. This means an assembly of materials for occupancy or use, including, but not limited to: buildings, mobile homes or manufactured homes or trailer, satellite dishes, signs, walls, fences, or gas or liquid storage tanks. [§4303(27)]

Substantial Improvement. With respect to the flood hazard provisions of this bylaw, "substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. However, the term does not include either of the following:

a. Any project or improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions;

b. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places. [§4303(8)(E)]

Subdivider: The owner of record of the land to be divided, including any subsequent owner of record making any subdivision of such land or any part thereof.
Subdivision: The division of a parcel of land into lots of any size for present or future transfer of ownership.

Subdivision Plat: The final drawing or drawings on which the subdivider's plan of subdivision is indicated, prepared as required under the provisions of this regulation, which, when approved by the Commission, is in form to be filed in the offices of the Town Clerk and Listers.

Survey plat shall mean a map or plan drawn to scale of one or more parcels of land, showing, but not limited to, boundaries, corners, markers, monuments, easements and other rights (27 V.S.A. §1401).

Town means the Town of Wolcott.

Traditional Vermont Building Types. Building types common in 18th and 19th century Vermont, as described in "The Historic Architecture of Vermont; Guide to Vermont Architecture" (1996) published by the Vermont Division for Historic Preservation. This definition refers to the external appearance and style of a building only. ***This definition shall not require use of specific building materials,***

***construction techniques, or color palettes.*** Examples include, but are not necessarily limited to:

Barn, Bank**.** A barn whose basement is built into the side of a hill or bank and whose first floor is at grade level.

Barn, Ground Level Stable. A barn that has its main floor at ground level with a hayloft above, usually with a gambrel roof (a roof with two double-pitched slopes meeting at a ridge)

Barn, Monitor. A barn with a gable roof with a section along the ridge that is raised to accommodate a row of windows on each side.

Adirondack. Rustic, late 19th century log camps. These buildings were designed to blend into forests and tree shaded areas with log or log veneer, wood-shingled roofs, rough fieldstone foundations or chimneys, and "rustic" ornamentation made of tree branches applied to porches, window surrounds, gable peaks, and other surfaces.

Bungalow**:** The word bungalow comes from India where, in the late 19th century, the British used it to describe low, single-family houses with large verandas well-suited to tropical environments. American bungalows, "homey" early 20th century 1 or 1 ½ story residences, have broad gable, hip, or jerkinhead roofs, often with dormer windows and deep overhanging eaves, and deep, wide front porches.

Colonial Revival. The Colonial Revival style, popular from the late 1800s through the 1930s (and still used today), was derived from American architectural styles of the 18th century. Houses (traditional Georgian, sidehall, or other plans with gable, gambrel, or hip roofs), commercial blocks, and public buildings are decorated with features derived from the earlier styles but distinguishable by their larger scale and often unusual placement on the building. Among the most typical details are Palladian windows, porches with classical columns, doorways topped by fanlights or pediments, and full entablatures under the eaves.

Federal. The Federal style, with its light and delicate detailing inspired by the classical architecture of ancient Rome, was the first major style in Vermont. It was widely used from the late 1700s through the 1830s to trim churches and the symmetrical gable, hip, or gambrel roof Georgian plans, I-house, or Cape Cod houses of the period. The main stylistic focus is on the entryway: a paneled door often flanked by sidelights and thin columns or pilasters, and crowned by a semi-elliptical fan or fanlight, transom, or delicate entablature. Other features include Palladian windows and molded cornices or entablatures that are sometimes enriched with dentils or fretwork.

French Second Empire Popular in Vermont during the 1870s and 1880s, the elegant French Second Empire style, used for residences, public buildings, and commercial blocks, is characterized by use of the Mansard roof. Other features, shared with the Italianate style, include eavesline brackets paired windows, and sweeping verandas with chamfered posts and matching brackets.

Gothic Revival. The Gothic Revival style was first used in Vermont from the 1820s to 1840s for churches, which were built in the common New England meetinghouse form but with pinnacles and cresting atop belfry towers and pointed arch windows with diamond panes. Churches from the 1850s to 1870s have the same features but often were built of stone. Houses in the style, irregular in form or symmetrical Classic Cottages built in the 1850s and 1860s, have steeply

pitched roofs and wall dormers edged with barge-boards, molded label lintels over windows and doors, and porches with octagonal posts.

Greek Revival. Inspired by the ancient architecture of Greece, the Greek Revival style was the most popular 19th century style in Vermont, in widespread use from the 1830s through the 1870s, and later in remote rural areas. Residences (often sidehalls, Georgian plans, or Classic Cottages), churches, courthouses, stores, and other buildings are detailed with pilasters, full entablatures, and pediments. Most of the stylistic emphasis is often on the main entry -- a paneled door flanked by sidelights and robust columns or pilasters, and topped by a transom and three part entablature.

Italianate. The Italianate style, influenced by the architecture of Italian countryside villas, became popular in Vermont after the Civil War and was used mainly for houses, commercial blocks, and outbuildings. Houses are either cube-shaped, with shallow hip roofs and sometimes projecting pavilions or towers, or gable-roofed Georgian or sidehall plans. Features include cornice brackets under overhanging eaves, rooftop cupolas or belvederes, windows that are often paired with arched tops, and porches with chamfered posts and scrolled brackets.

Queen Anne**.** Gaudy, colorful, and irregular describe the Queen Anne style, popular in Vermont from about 1885 to 1905 for churches, public buildings, commercial blocks, and particularly for houses. It is identified by its asymmetrical building forms, richly textured wall surfaces, multi-colored paint schemes, unpredictable window spacing, towers, bay windows, gable screens, and porches with turned columns and balusters.

Tree. A woody plant having at least one (1) erect perennial stem (trunk) at least three (3) inches in diameter at a point four and one half (4-1/2) feet above the ground and a definitely formed crown of foliage and a mature height of at least thirteen (13) feet. A shrub shall not be considered a tree.

Tree, Large. A tree having a mature height of 40 feet or greater.

Tree, Medium. A tree having a mature height of between 30 and 40 feet.

Tree, Small. A tree having a mature height of less than 30 feet,

V.S.A. is abbreviation for Vermont Statutes Annotated.

Zoning Administrator shall mean the Zoning Administrator, or the assistant Zoning Administrator appointed in accordance with the provisions of Section 2.01 of Article I Wolcott Zoning Regulations.

Section 3. – **FLOOD HAZARD DEFINITIONS**

The following definitions shall apply for the purpose of administering flood hazard regulations. Where a conflict between the flood hazard definitions and specific definitions in Section 2 occurs, the flood hazard definitions shall control in the flood hazard area. In all other areas, the specific definitions shall control.

"Accessory Structure" means a structure which is: 1) detached from and clearly incidental and subordinate to the principal use of or structure on a lot, 2) located on the same lot as the principal structure or use, and 3) clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, and playhouses.

"Area of Special Flood Hazard" is synonymous in meaning with the phrase "special flood hazard area" for the purposes of these regulations.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the "100-year flood").

"Base Flood Elevation" (BFE) is the elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

"BFE" see Base Flood Elevation

"Channel" means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.

"Channel width" (or bankfull width) is the width of a stream channel when flowing at a bankfull discharge. The bankfull discharge is the flow of water that first overtops the natural banks. This flow occurs, on average, about once every 1 to 2 years.

"Common plan of development" is where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

"Compensatory Storage" means a volume not previously used for flood storage and which shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the base flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. With respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream, or creek.

"Critical facilities" - include police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and other structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station

"Development" means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Fill" means any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

"FIRM" see Flood Insurance Rate Map

"Flood" means (a) a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin

to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood Insurance Rate Map" (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

"Flood Insurance Study" means an examination, evaluation and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flood").

100-year floodplain. Synonymous with the "Special Flood Hazard Area," the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. For purposes of these regulations, the term "area of special flood hazard" is synonymous in meaning with the phrase "special flood hazard area".

500-year floodplain: The Floodplain within a community subject to a 0.2 percent or greater chance of flooding in any given year. This area is usually labeled Zone A, ZA, AH, AE, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency.

"Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that Special Flood Hazard Areas and floodways may be shown on a separate map panels.

"Floodway, Regulatory in Town of Wolcott" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

"Fluvial Erosion" is erosion caused by streams and rivers. Fluvial erosion can be catastrophic when a flood event causes a rapid adjustment of the stream channel size and/or location.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

"Historic structure" means any structure that is: (a) listed individually in the National Register of

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

"Letter of Map Amendment (LOMA)" is a letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by a certified engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement, except an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

"Manufactured home (or Mobile home)" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"New construction" for regulation under this bylaw, means structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

"Nonconforming structure" means a structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer. Structures that were in violation of the flood hazard regulations at the time of their creation, and remain so, remain violations and are not nonconforming structures.

"Nonconforming use" means use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer.
"Nonconformity" means a nonconforming use, structure, lot, or parcel.

"Non-residential" includes, but is not limited to: small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

"Recreational vehicle" means a vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

"River Corridor" means the land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition, as that term is defined in 10 V.S.A. §1422, and for minimization of fluvial erosion hazards, as delineated by the Agency in accordance with the ANR River Corridor Protection Guide.

"Repetitive Loss Structure" is a building covered by flood insurance that has incurred flood-related damages on two occasions during a10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

"Special Flood Hazard Area" is the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. For purposes of these regulations, the term "area of special flood hazard" is synonymous in meaning with the phrase "special flood hazard area". This area is usually labeled Zone A, ZA, AH, AE, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

"Start of construction" for purposes of floodplain management, determines the effective map or bylaw that regulated development in the Special Flood Hazard Area. The "start of construction" includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

"Structure" means, for regulatory purposes under this bylaw, a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions, over the course of 10 years, would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over the course of 10 years, or over a the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work

performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Top of Bank" means that vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope.

"Violation" means the failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.