

FAIRLEE ZONING REGULATIONS

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Article I. GENERAL PROVISIONS

Section 1.1 Enactment

In accordance with the Vermont Planning and Development Act, 24 V.S.A. Section 4401 (a), there are hereby established Zoning Regulations for the Town of Fairlee, Vermont.

Section 1.2 Intent

It is the intent of these regulations to provide for the efficient use of land and water resources in the Town of Fairlee such as to promote and protect the public health, safety and welfare of its citizens and to further the purposes established in 34302 of the Act.

Section 1.3 Title

This bylaw shall be cited and known as the Fairlee Zoning Regulations.

Section 1.4 Separability

The invalidity of any provision of these regulations shall not invalidate any other part.

Article II. ZONING DISTRICTS and OVERLAY AREAS

§2.1 Establishment of Zoning Districts and Overlay Areas

For the purposes of these regulations the following **Zoning Districts** are hereby established within the Town of Fairlee:

- A. Village Area**
- B. Interchange Area**
- C. Lakeshore Resort Area**
- D. Lake Area**
- E. Mixed Use Area**
- F. Residential Area**
- G. Industrial Area**
- H. Flood Hazard Area**

For purposes of these regulations the following **Overlay Areas** are hereby established within the Town of Fairlee:

- A. Village Center**
- B. Source Protection Areas**
- C. Water Service Area**
- D. Geological Overlay Areas**

§2.2 Purposes of Zoning Districts

The specific purposes of the **Zoning Districts** established in Article II are as follows:

- A. Village Area** – to provide a location for a dense mix of commercial, civic and residential uses that sustain and improve the vitality of the community’s core.
- B. Interchange Area** – to allow for a dense mix of multi-family housing, professional offices, primary retail and other commercial uses.
- C. Lakeshore Resort Area** – to maintain and support the recreational value of the urban waterfront while allowing for planned resort and recreational development among existing residential uses.
- D. Lake Area** – to maintain existing residential and recreational access to Lakes Morey and Fairlee while protecting the character of the lakes. Commercial development is not appropriate in this area.

E. Mixed Use Area – to provide a location for a mix of uses that benefit from access to US Route 5, including residential, home business and commercial uses to the exclusion of primary retail.

F. Residential Area – to provide areas for residential development with the densest development to be nearest to the Village Area with access to municipal water.

G. Industrial Area – to provide a location for light industrial and commercial uses, to the exclusion of primary retail, near to US Route 5 and the railroad. Residential development in this area is to be discouraged.

H. Flood Hazard Area – to ensure the public health, safety and welfare during flood events, limit the threat of property damage that flood events pose, prevent increases in flooding caused by uncontrolled development of lands in the area, and to ensure continued participation in the Federal Flood Insurance Program. These areas are regulated to effect the purposes of 10 VSA Chapter 32 in accordance with the Vermont Planning and Development Act, 24 VSA Chapter 117, §4412.

§2.2.1 Zoning Map

The location and boundaries of Zoning Districts are established under Section 2.1 and outlined on the official zoning map for Fairlee. The official zoning map is hereby made a part of these regulations, together with all future amendments. No amendment to this ordinance which involves matter portrayed on the official zoning map shall become effective until after such change and entry has been made on a final version for vote on such map, signed by the Selectmen of the Town of Fairlee and attested to by the Town Clerk. No changes of any nature shall be made to the official zoning map except in conformity with §4402 and §4403 of the Act. Regardless of the existence of copies of the map which may from time to time be made or published, the official zoning map shall be located in the office of the Town Clerk and shall be the final authority as to the current status of land and water areas. Regarding specifically the Flood Hazard Area, the map entitled Flood Insurance Rate Map (FIRM), Town of Fairlee, Vermont and any revisions thereto, shall be considered the Official Flood Hazard Area Map.

§2.2.2 Interpretation of Zoning District Boundaries

If uncertainty exists with respect to the boundary on the official zoning map, the location of such boundary shall be determined by vote of the members of the Development Review Board after public hearing. In rendering its decision, the Development Review Board shall interpret zoning district boundaries in a manner consistent with the intent and purpose of this zoning ordinance. Where boundaries outlined on the official map are at variance with the provisions of this ordinance the more restrictive interpretation or that imposing the higher standard shall govern.

§2.2.3 Application of Regulations

Except for maintenance, repair or replacement of existing uses of land or structures which are permitted and conform to the requirements of their respective zoning districts, no building or

structure or part thereof, shall be erected, moved, or extended; and no land, building, structure or part thereof, shall be occupied or used unless in conformity with the regulations herein specified for the district in which it is located.

§2.3 Classification of Lots

For purposes of these regulations lots are classified as follows:

Class A Lot: Off lot water supply, on lot sewage disposal

Class B Lot: On lot water supply, on lot sewage disposal

§2.4 Purposes of Overlay Areas

The specific purposes of the **Overlay Areas** established in Article II are as follows:

A. Village Center Overlay Area: The mapped area designated by the Vermont Agency of Commerce and Community Development, which is subject to special revitalization programs and tax credits and which contains core community assets.

B. Source Protection Overlay Areas: The districts established to protect the quality of public water supplies and their source aquifers by minimizing contamination of vulnerable aquifers and preserving and protecting existing and potential sources of public drinking water supplies. These provisions have been prepared and adopted pursuant to the provisions of 24 V.S.A. Chapter 117 §4414(2).

C. Water Service Overlay Area: As defined on the official map, those areas served by the Town of Fairlee municipal water system. Minimum area of a lot serviced by municipal water supply is 20,000 square feet and is classified as a Class A lot.

D. Geological Overlay Areas: Overlay areas to address public safety. The Planning Commission may from time to time designate special overlay areas in order to address public safety by (1) identifying areas of geologic instability, hazardous steep slopes and poor septic capacity; (2) enabling well planned development by the identification of soils of superior septic carrying capacity; or (3) promoting the preservation of resources through the conservation of significant soils or earth resources. The Planning Commission may recommend the delineation of such districts and overlay regulations for consideration to the Selectboard, as the need may arise, for possible adoption.

Article III. ZONING DISTRICT and OVERLAY AREA REGULATIONS

§3.1 Purposes of Zoning Districts

The specific purposes of the Zoning Districts established in Article II are as follows:

A. Village Area – to provide a location for a dense mix of commercial, civic and residential uses that sustain and improve the vitality of the community’s core.

B. Interchange Area – to allow for a dense mix of multi-family housing, professional offices, primary retail and other commercial uses.

C. Lakeshore Resort Area – to maintain and support the recreational value of the urban waterfront while allowing for planned resort and recreational development among existing residential uses.

D. Lake Area – to maintain existing residential and recreational access to Lakes Morey and Fairlee while protecting the character of the lakes. Commercial development is not appropriate in this area.

E. Mixed Use Area – to provide a location for a mix of uses that benefit from access to US Route 5, including residential, home business and commercial uses to the exclusion of primary retail.

F. Residential Area– to provide areas for residential development with the densest development to be nearest to the Village Area with access to municipal water.

G. Industrial Area – to provide a location for light industrial and commercial uses, to the exclusion of primary retail, near US Route 5 and the railroad. Residential development in this area is to be discouraged.

H. Flood Hazard Area – to ensure the public health, safety and welfare during flood events, limit the threat of property damage that flood events pose, prevent increases in flooding caused by uncontrolled development of lands in the area, and to ensure continued participation in the Federal Flood Insurance Program. These areas are regulated by §3.3 of the FZR to effect the purposes of 10 VSA Chapter 32 in accordance with the Vermont Planning and Development Act, 24 VSA Chapter 117, §4412.

§3.2 Zoning District Regulations

§3.2.1 Village Area

A. Description – Per the zoning map, running the length of US Route 5 between the railroad frontage to the east and Interstate 91 to the west, from the north boundary of the Interchange Area north to the Palisades and the road frontages along VT Route 25A and running the length of US Route 5 between the railroad frontage to the east and Interstate 91 to the west, from the south boundary of the Interchange Area south to the intersection of Birch Meadow Road.

B. Permitted Uses

The following uses shall be permitted upon issuance of a Zoning Permit by the Zoning Administrator:

1. One and two family dwellings and additions
2. Home occupation
3. Residential accessory structures and uses

These uses shall be permitted upon site plan approval by the Development Review Board and issuance of a Zoning Permit by the Zoning Administrator:

1. Primary retail 3500 square feet or less, second floor occupancy required
2. Professional offices and services
3. Personal services
4. Restaurant 70 seat maximum
5. Apartment houses
6. Home based business or service

C. Conditional Uses

The following uses may be permitted upon issuance of a conditional use permit and site plan approval by the Development Review Board and issuance of a Zoning Permit by the Zoning Administrator:

1. Vehicle fuel sales
2. Single family dwellings semi-detached

D. Land Area and Structural Requirements

Class A Lots:

1. Lot Area Minimum: 20,000 square feet per principal use
2. Lot Frontage Minimum: 100 feet
3. Building Setback Minimum: 50 feet from center of highway right-of-way.
4. Side and Rear Setback Minimum: 15 feet
5. Maximum height for all structures 35 feet from street grade.

Class B Lots: *None in this zone*

§3.2.2 Interchange Area

A. Description –Per the zoning map, running the length of Lake Morey Road east of I-91 and then north on US Route 5 east of the railroad right of way to school street, south to Adams Road on the west side of US Route 5 and south to parcel 09-00-15.11 on the east side of US Route 5 to include all lots in the zone with frontage on either US Route 5 and Lake Morey Road east of I-91.

B. Permitted Uses

The following uses shall be permitted upon issuance of a Zoning Permit by the Zoning Administrator:

1. One and two family dwellings and additions
2. Home occupation
3. Residential accessory structures and uses

These uses shall be permitted upon site plan approval by the Development Review Board and issuance of a Zoning Permit by the Zoning Administrator:

1. Primary retail 6500 square feet or less
2. Professional offices and services
3. Personal services
4. Medical outpatient clinic
5. Restaurant 100 seat maximum
6. Apartment houses
7. Apartment buildings
8. Home based business or service

C. Conditional Uses

The following uses may be permitted upon issuance of a conditional use permit and site plan approval by the Development Review Board and issuance of a Zoning Permit by the Zoning Administrator:

1. Vehicle fuel sales
2. Single family dwelling semi-detached

D. Land Area and Structural Requirements

Class A Lots:

1. Lot Area Minimum: 20,000 square feet per principal use
2. Lot Frontage Minimum: 100 feet
3. Building Setback Minimum: 50 feet from center of highway right-of-way.
4. Side and Rear Setback Minimum: 15 feet
5. Maximum height all structures 40 feet from street grade.

Class B Lots: *None in this zone.*

§3.2.3 Lakeshore Resort Area

A. Description – Per the zoning map and to include the following parcel numbers: 22-21-39, 24-20-44, 24-20-45 and 24-20-54; broadly described as the Lake Morey Golf Resort.

B. Permitted Uses

The following uses shall be permitted upon issuance of a Zoning Permit by the Zoning Administrator:

1. Seasonal dwellings and additions
2. Residential accessory structures and uses

These uses shall be permitted upon site plan approval by the Development Review Board and issuance of a Zoning Permit by the Zoning Administrator:

1. Hotel/Motel
2. Resort Accommodations
3. Golf course
4. Outdoor recreation

C. Conditional Uses

The following uses may be permitted upon issuance of a conditional use permit and site plan approval by the Development Review Board and issuance of a Zoning Permit by the Zoning Administrator:

1. One family dwellings (year round use)

D. Land Area and Structural Requirements

Class A Lots:

1. Lot Area Minimum: 20,000 square feet per principal use
2. Lot Frontage Minimum: 100 feet
3. Building Setback Minimum: 50 feet from center of highway right-of-way.
4. Side and Rear Setback Minimum: 15 feet
5. Maximum height all structures 40 feet from any walkout grade.

Class B Lots: *None in this zone.*

§3.2.4 Lake Area

A. Description

Lake Morey-Per the zoning map and defined as 500 feet from the mean high water mark of Lake Morey to the exclusion of that area zoned Lakeshore Resort Area.

Lake Fairlee-Per the zoning map and that area defined by the Lake Fairlee shoreline, 500' from the high water mark of Lake Fairlee on the Vermont Route 244 road frontage, Quinibeck Road to the mean high water mark of Lake Fairlee and the Thetford town line.

B. Permitted Uses

The following uses shall be permitted upon issuance of a Zoning Permit by the Zoning Administrator:

1. One family seasonal dwellings and additions
2. Home occupation (year round dwellings only)
3. Residential accessory structures and uses

These uses shall be permitted upon site plan approval by the Development Review Board and issuance of a Zoning Permit by the Zoning Administrator:

1. Commercial summer camps

C. Conditional Uses

The following uses may be permitted upon issuance of a conditional use permit and site plan approval by the Development Review Board and issuance of a Zoning Permit by the Zoning Administrator:

1. One and Two Family Dwellings (conforming lots only)

D. Land Area and Structural Requirements

Class A Lots:

1. Lot Area Minimum: 20,000 square feet per principal use
2. Lot Frontage Minimum: 100 feet
3. Building Setback Minimum: 50 feet from center of highway right-of-way.
4. Side and Rear Setback Minimum: 15 feet
5. Lakeshore setback 50 feet
6. Maximum height all structures 35 feet from any walkout grade.

Class B Lots:

1. Lot Area Minimum: 40,000 square feet per principal use
2. Lot Frontage Minimum: 150 feet
3. Building Setback Minimum: 50 feet from center of highway right-of-way
4. Side and Rear Setback Minimum: 15 feet
5. Lakeshore setback 50 feet
6. Maximum height all structures 35 feet from any walkout grade.

§3.2.5 Mixed Use Area

A. Description – Per the zoning map and described as three discrete areas, parcels running east of I-91 and west of the rail right of way and running south along US Route 5 from parcels 08-03-17 and 08-03-18.21 to the Industrial Area beginning at the intersection of US Route 5 and VT Route 244; west of the rail right of way and on the east side of US Route 5 to where slope makes development impossible from the north of the Village Area to parcel 06-00-05; and between the rail right of way on the east side of US Route 5 and to where slope makes development impossible on the west side from parcel 02-00-37 to the Bradford town line.

B. Permitted Uses

The following uses shall be permitted upon issuance of a Zoning Permit by the Zoning Administrator:

1. One and two family dwellings and additions
2. Home occupation
3. Residential accessory structures and uses

These uses shall be permitted upon site plan approval by the Development Review Board and issuance of a Zoning Permit by the Zoning Administrator:

1. Home based business or service
2. Professional offices and services
3. Personal services
4. Hotels/motels
5. Commercial nursery, landscape yards

C. Conditional Uses

The following uses may be permitted upon issuance of a conditional use permit and site plan approval by the Development Review Board and issuance of a Zoning Permit by the Zoning Administrator:

1. Cottage industry
2. Motor vehicle sales
3. Drive in movie theaters
4. Heavy equipment yards
5. Light industrial uses

D. Land Area and Structural Requirements

Class A Lots:

1. Lot Area Minimum: 20,000 square feet per principal use
2. Lot Frontage Minimum: 100 feet
3. Building Setback Minimum: 50 feet from center of highway right-of-way.
4. Side and Rear Setback Minimum: 15 feet
5. Maximum height all structures 35 feet from any walkout grade.

Class B Lots:

1. Lot Area Minimum: 40,000 square feet per principal use
2. Lot Frontage Minimum: 150 feet
3. Building Setback Minimum: 50 feet from center of highway right-of-way
4. Side and Rear Setback Minimum: 15 feet
5. Maximum height all structures 35 feet from street grade.

§3.2.6 Residential Area

A. Description – Per the zoning map, broad classification of all lands lying outside of all other zoning districts.

B. Permitted Uses

The following uses shall be permitted upon issuance of a Zoning Permit by the Zoning Administrator:

1. One and two family dwellings and additions
2. Home occupation
3. Residential accessory structures and uses

These uses shall be permitted upon site plan approval by the Development Review Board and issuance of a Zoning Permit by the Zoning Administrator:

1. Home based business or service

C. Conditional Uses

The following uses may be permitted upon issuance of a conditional use permit and site plan approval by the Development Review Board and issuance of a Zoning Permit by the Zoning Administrator:

1. Cottage Industry
2. Apartment houses (Class A lots only)

D. Land Area and Structural Requirements

Class A Lots:

1. Lot Area Minimum: 20,000 square feet per principal use
2. Lot Frontage Minimum: 100 feet
3. Building Setback Minimum: 50 feet from center of highway right-of-way.
4. Side and Rear Setback Minimum: 15 feet
5. Maximum height all structures 35 feet from street grade.

Class B Lots:

1. Lot Area Minimum: 40,000 square feet per principal use
2. Lot Frontage Minimum: 150 feet
3. Building Setback Minimum: 50 feet from center of highway right-of-way
4. Side and Rear Setback Minimum: 15 feet
5. Maximum height all structures 35 feet from street grade.

§3.2.7 Industrial Area

A. Description – Per the zoning map and to include portions of parcels 08-03-45, 08-03-46, 08-03-50.11, 08-03-50.12, 08-03-53, 08-03-54, 08-03-55, 08-03-56, 08-03-57, 08-03-57.1, 08-03-58, 08-03-59, 08-03-60 and 08-03-61 that do not fall into the Flood Hazard Area.

B. Permitted Uses

The following uses shall be permitted upon issuance of a Zoning Permit by the Zoning Administrator:

1. Home Occupation
2. Residential accessory structures and uses

These uses shall be permitted upon site plan approval by the Development Review Board and issuance of a Zoning Permit by the Zoning Administrator:

1. Light Industrial
2. Sawmills
3. Home based business or service
4. Cottage Industry
5. Mobile Home Parks
6. Commercial camp sites and campgrounds
7. One and two family dwellings and additions
8. Commercial nursery, landscape yards

C. Conditional Uses

The following uses may be permitted upon issuance of a conditional use permit and site plan approval by the Development Review Board and issuance of a Zoning Permit by the Zoning Administrator:

1. Medium industrial
2. Uses greater than 35 feet in height

D. Land Area and Structural Requirements

Class A Lots: *None in this zone.*

Class B Lots:

1. Lot Area Minimum: 40,000 square feet per principal use
2. Lot Frontage Minimum: 150 feet
3. Building Setback Minimum: 50 feet from center of highway right-of-way
4. Side and Rear Setback Minimum: 15 feet
5. Maximum permitted height all structures 35 feet above street grade, additional height per conditional use findings by the Development Review Board.

§3.3 reserved for future use

§3.4 Purposes of Overlay Areas

The specific purposes of the **Overlay Areas** established in Article II are as follows:

A. Village Center Overlay Area: The mapped area designated by the Vermont Agency of Commerce and Community Development, which is subject to special revitalization programs and tax credits and which contains core community assets.

B. Source Protection Overlay Areas: The districts established to protect the quality of public water supplies and their source aquifers by minimizing contamination of vulnerable aquifers and preserving and protecting existing and potential sources of public drinking water supplies. These provisions have been prepared and adopted pursuant to the provisions of 24 V.S.A. Chapter 117 §4414(2).

C. Water Service Overlay Area: As defined on the official map, those areas served by the Town of Fairlee municipal water system. Minimum area of a lot serviced by municipal water supply is 20,000 square feet and is classified as a Class A lot.

D. Geological Overlay Areas: Overlay areas to address public safety. The Planning Commission may from time to time designate special overlay areas in order to address public safety by (1) identifying areas of geologic instability, hazardous steep slopes and poor septic capacity; (2) enabling well planned development by the identification of soils of superior septic carrying capacity; or (3) promoting the preservation of resources through the conservation of significant soils or earth resources. The Planning Commission may recommend the delineation of such districts and overlay regulations for consideration to the Selectboard, as the need may arise, for possible adoption.

§3.5 reserved for future use

§3.6 Source Protection Areas Regulations

These provisions shall be known as the Source Protection Overlay Areas Regulations of the Town of Fairlee.

§3.6.1 (A) Purpose and Intent: The Town of Fairlee recognizes that many residents rely on groundwater for their safe drinking water supply, and that certain land uses can contaminate groundwater, particularly in shallow/surficial aquifers, or where contaminants can get into a bedrock aquifer. To ensure the protection of these public drinking water supplies, this bylaw establishes a zoning overlay district to be known as the Source Protection Overlay District. The purpose of the Source Protection Overlay District is to protect public health and safety by minimizing contamination of vulnerable aquifers and preserving and protecting existing and potential sources of public drinking water supplies. It is the intent of the Town of Fairlee to accomplish this through the adoption of this Source Protection Overlay District. The Source Protection Overlay District allows for appropriate land use regulations, in addition to those currently imposed by existing zoning districts or other state and federal regulations. It is intended that public education and cooperation will complement this effort. The Source Protection Overlay District is superimposed on all (or specific) current zoning districts and shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses.

Applicable activities/uses allowed in a portion of one of the underlying zoning districts that fall within the Source Protection Overlay District must additionally comply with the requirements of this district. Uses prohibited in the underlying zoning districts shall not be permitted in the Source Protection Overlay District.

§3.6.1 (B) Authority:

- a. These provisions have been prepared and adopted pursuant to the provisions of 24 V.S.A. Chapter 117 (§ 4414(2)), known as the Vermont Municipal and Regional Planning and Development Act.
- b. Pursuant to 24 V.S.A. Chapter 117, the Development Review Board of the Town of Fairlee is authorized to review, approve, conditionally approve, and deny applications for land development, including sketch, preliminary and final plans, and installation. Pursuant to 24 V.S.A. § 4440(d) the [Board] is authorized to hire qualified persons to conduct an independent technical review of applications and to require the applicant to pay for all reasonable costs thereof.

§3.6.2 Zones Within The Source Protection Overlay District:

§3.6.2(A) Well Head Protection Area; is defined as the area within the combined two-year time-of-travel distance and zone WHPA as identified in an existing water system's Source Protection Plan these zones have been mapped around a public water supply well(s) or around the location designated for a potential future water supply;

- a. **Permitted Uses:** The following uses are allowed within zone WHPA provided they meet the appropriate performance standards outlined in Section 2 below and are designed so as to prevent any groundwater contamination; parks, greenways, or publicly-owned recreational areas such as foot, bicycle and/or horse paths, playgrounds, ball fields and tennis courts; necessary public drinking water supply related facilities, including the construction, maintenance, repair, and enlargement of source, treatment, storage, pumping, or distribution facilities; conservation efforts for soil, water, plants, and wildlife;
- b. **Conditional Uses:** The following uses are allowed only under the terms of a conditional use permit and must conform to the provisions of the underlying zoning district and meet the performance standards outlined in Section 2 below. Non-conforming uses may only be expanded to the extent permitted by the underlying zoning district, and their expansion must conform to the performance standards outlined in Section 2 below; automobile body/repair shop; gas station; fleet/trucking/bus terminal; dry cleaner; electrical/electronic manufacturing facility; machine shop; metal plating/finishing/fabricating facility; chemical processing/storage facility; wood preserving/treating facility; junk/scrap/salvage yard; mines/gravel pit; irrigated nursery/greenhouse stock; proposed land developments

which utilize an “enhanced prescriptive” or “performance based” approach for wastewater systems according to the State of Vermont, Environmental Protection Rules effective 1/1/05; expansion of existing non-conforming uses to the extent allowed by the underlying district. The applicant should consult the local zoning plan to confirm nonconforming uses. The Town of Fairlee reserves the right to review all applications and shall not grant conditional use approval unless it finds such expansion does not pose greater potential contamination of groundwater than the existing use; equipment maintenance/fueling areas; injection wells/dry wells/sumps, except for single-family residences directing gutter downspouts to a drywell; underground storage tanks, (except septic tanks and those with spill, overflow, and corrosion protection requirements in place); all other facilities involving the collection, handling, manufacture, use, storage, transfer or disposal of any hazardous material or hazardous waste having potentially harmful impact on groundwater quality; all uses not listed as allowed or conditional shall be prohibited.

§3.6.2(B) Two Year Time of Travel: Approval of septic disposal systems within the two-year time of travel boundary is prohibited unless it can be demonstrated that the discharge from the septic disposal site is not hydraulically connected to the drinking water aquifer, or that additional information is presented to document that a two-year time of travel is met or exceeded to the existing or potential water supply source.

§3.6.2(C) Liability: Nothing in this ordinance shall be construed to imply that the Town of Fairlee has accepted any of an owner/developer's liability if a permitted facility or use contaminates groundwater in any aquifer.

§3.6.2(D) District Boundary Disputes: If the location of the Source Protection Overlay District boundary in relation to a particular parcel is in doubt and the application already requires conditional use approval because of the requirements of the underlying zone, the Town Zoning Administrator, interpreting the municipal zoning bylaw literally, shall inform the applicant whether he/she believes the project is located within the Source Protection Overlay District. If the project would not need conditional use approval based on the requirements of the underlying district, the Zoning Administrative Officer may still determine, based on the official map, that such project is located within the Source Protection Overlay District. Such decision may be appealed to the Development Review Board. The burden of proof shall be upon the owner(s) of the land to demonstrate where the boundaries of the district should be located with respect to their individual parcel(s) of land. If the owner(s) request that the Town of Fairlee determine more accurately the boundaries of the district with respect to individual parcels of land, the Town may engage a professional engineer, hydrologist, geologist, or soil scientist and charge the owner(s) for the cost of the investigation.

§3.6.3 ENFORCEMENT AND PENALTIES: A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. §§ 4451, 4452 and 4454. A civil penalty of not more than \$200.00 per violation of the ordinance each and every day of the violation may be imposed. The Zoning Administrative Officer shall issue a notice of alleged violation, which shall include the opportunity to cure the violation within seven days. If it is not

cured after seven days, a notice of violation may be issued immediately. The Zoning Administrator may institute, in the name of the municipality, any appropriate action seeking an injunction, or other appropriate relief to prevent, restrain, correct, or abate that construction or use. Such action may be initiated in either the Vermont Environmental Court, or in the Vermont Judicial Bureau, as appropriate. Each day that the violation continues shall constitute a separate violation of this ordinance.

§3.6.4 Severability: If any portion of this ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

§3.7 *reserved for future use*

§3.8 *reserved for future use*

Article IV. GENERAL REGULATIONS

§4.1 Lots and Parcels

§4.1.1 Pre-existing Lots and Subdivision Plots

Notwithstanding the other provisions of this Regulation, any owner or subsequent owner of land who has acquired title to a parcel of land or submitted a plan of subdivision recorded and filed with the Fairlee Town Clerk prior to January 1, 1975, may develop such a lot or recorded subdivision for purposes permitted in the district in which it is located even though not conforming to minimum lot size requirement, provided such a lot or resulting lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty (40) feet.

§4.1.2 Deemed Merger of Non-Conforming Lots of Less Than One-Eighth Acre

Lots of less than one-eighth acre in area that come into affiliated ownership with a contiguous lot shall be deemed merged per the provisions of VSA T.24 §4412(2)(B).

§4.1.3 Lots in Two Districts

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

§4.1.4 Required Frontage on, or Access to, Public Roads

No land development may be permitted on lots which do not either have frontage on a public road or public waters or with the approval of the Development Review Board, access to such a road or waters by a permanent easement or right-of-way. Any new rights-of-way shall be at least 49.5 feet in width or 3 rods in width. In a situation where a lot is to be developed that does not have frontage on a public road, the front setbacks shall be measured from the lot line of the adjoining property which falls between the public road to which the right-of-way has access and from the lot where the development is to occur, not from the center-line of the public road. Every application made to the Development Review Board for Access Approval shall be accompanied by the following materials:

- A. A copy of the proposed easement language
- B. A plan or sketch map showing the right-of-way and any outstanding physical features
- C. A written description of the land characteristics, topography, etc. along the right-of-way, sufficient for the Board to conclude that an access road is reasonably feasible. All new buildings or additions shall have a setback of at least 50 feet from the centerline of a right-of-way; all new buildings or additions on corner lots shall be setback at least 50 feet from the centerline of each right-of-way.
- D. A special permit for Forest Product Removal is required from the Board of Selectmen whenever land is entered from a town road for the purposes of removal of forest products and either of the following conditions exist: (1) where no existing driveway is present or (2) where entrance by an

existing driveway has the potential to damage town property because of weight or size of equipment used.

§4.1.5 Reduction in Lot Area

No lot shall be so reduced in area that the area, yard, lot width, frontage, coverage or other requirements of these regulations shall be smaller than therein prescribed for each district.

§4.2 Recreational Vehicles and Travel Trailers on Residential Lots

§4.2.1 Recreational vehicles and travel trailers may be parked on residential lots provided they are currently tagged and parked in such a way as to meet the front and side setbacks for the zone in which they are parked.

§4.2.2 Recreational vehicles and travel trailers parked on a residential lot may be used for guest quarters for no more than 60 days a year provided required setbacks are met and sewage is entirely self-contained.

§4.2.3 Recreational vehicles and travel trailers may be occupied on vacant lots for no more than 28 days a year provided required setbacks are met and sewage is entirely self-contained unless the lot has received a state Wastewater and Potable Water Supply Permit and the required improvements have been installed in which case the recreational vehicle or travel trailer shall be regulated in a way consistent with provisions for seasonal dwellings.

§4.3 Structures Exempt from Permit Requirements

§4.3.1 Agricultural Exemptions, the state of Vermont, for purposes of exempting farm activities and structures from local zoning, defines agricultural enterprise and farming as meeting one of the following four categories:

- (a) is used in connection with the sale of \$1000.00 (one thousand dollars) or more of agricultural products in a normal year;
- (b) is used in connection with the raising, feeding, and management of at least the following number of adult animals: four equines; five cattle or American bison; fifteen swine; fifteen goats; fifteen sheep; fifteen fallow deer; fifteen red deer; fifty turkeys; fifty geese; one-hundred laying hens; two-hundred and fifty broilers, pheasant, Chukar partridge, or Coturnix quail; three camelids; four ratites (ostriches, rheas, and emus); thirty rabbits; one hundred ducks; or one-thousand pounds of cultured trout;
- (c) is used by a farmer filing with the Internal Revenue Service a 1040 (F) income tax statement in at least one of the past two years;
- (d) is on a farm with a business and farm management plan approved by the Vermont Secretary of Agriculture.

Activities and structures that meet one of these four categories are exempt from local permit requirements and shall submit an Agricultural Notification Form rather than make application for a zoning permit. If a structure under this provision does not meet the required setback requirements for the

land use zone, the notifying party must present a waiver issued by the Secretary at the time of the notification.

§4.3.2 Removable items installed by utility providers, fuel distributors and consumer communications providers are exempt from permit requirements. Examples would include propane tanks; electrical, cable television and telephone lines; consumer sized satellite dish antennae.

§4.3.3 Temporary structures such as event tents, farmer's market and flea market stalls, event signage, project office trailers and the like are exempt from permitting requirements provided they are removed within five (5) days of the end of the event, project or construction.

§4.3.4 Small residential accessory structures that meet all of the following criterion are exempt from permit requirements:

- (a) shall not exceed 32 square feet in area;
- (b) shall not exceed eight (8) feet in height;
- (c) shall not be attached to the ground by foundation, pins or stakes.
- (d) shall meet all the required setbacks for the zoning district.
- (e) exemption shall apply to one such structure on the lot.
- (f) shall notify the Administrative Officer that such a structure is being constructed on forms provided for that purpose.

§4.4 Multi-family Dwellings

§4.4.1 Any lot developed with a multi-family dwelling shall maintain an area of at least 1000 square feet of common open outdoor area per dwelling unit in addition to any parking, required buffers, screening or service areas.

§4.4.2 All dumpsters, trash cans and other rubbish receptacles shall be screened from public view and maintained in good order. Overflowing receptacles or rubbish accumulating on the lot shall be considered a violation of this provision.

§4.4.3 Where a multi-family dwelling is proposed on a lot adjacent to a lot containing a one or two family dwelling a 15 foot wide landscaped buffer strip shall be maintained.

§4.4.4 All land development that entails the construction of new multi-family units, the redevelopment of existing structures into multi-family units or the addition of units to an existing multi-family dwelling shall be subject to a site plan review per Article V of this bylaw.

§4.4.5 The requirements of this section (4.4) are in addition to any requirements, special conditions or stipulations that may be imposed by the Development Review Board under a Site Plan Review proceeding per Article V of this bylaw and may not be waived.

§4.5 Residential Based Businesses

For the purposes of preserving the home occupation accessory use rights of home owners as protected under VSA T.24 §4406, preserve the residential character of established neighborhoods and mitigating and controlling impacts of residential commercial uses on neighboring property owners and residents, the classifications and use criteria are established in this subsection and Article III. These classifications and criteria consist of Home Occupation, Home Based Business or Service, and Cottage Industry.

Home Office uses that do not employ persons from outside the home, do not generate client traffic or delivery traffic in excess of regular parcel delivery service and that are not advertised with signage and yard or garage sales that meet the definition in Article VI are specifically exempt from these provisions and permit requirements.

§4.5(A) Home Occupations

In all districts where one-family dwellings are a permitted use, a home occupation shall comply with the following criteria:

- 1) The home occupation shall be incidental to the use of the building as a residence. It shall not affect the character of the principal building as a dwelling or the character of the neighborhood.
- 2) The home occupation shall be conducted entirely within a minor portion of the dwelling not to exceed 35% of the gross living area above grade. Family Child Care Homes serving six or fewer children as defined in the Fairlee Zoning Regulations §4.20 shall be explicitly exempt from this criterion. Exterior alteration of the dwelling to indicate its use as a home occupation is prohibited.
- 3) Open storage of materials of any kind related to the home occupation is prohibited.
- 4) Nuisances such as excessive noise, smoke, dust, odors, dirt, vibration, electrical interference, glare, light, etc., shall not be produced.
- 5) No traffic or vehicle parking shall be generated greater than would be expected in the neighborhood. The home occupation may attract business related traffic only between the hours of 8:00 AM and 6:30 PM; Family Child Care Homes shall be explicitly exempt from this criterion.
- 6) The owner of the home occupation business operation shall reside in the dwelling that is the subject of the home occupation permit.
- 7) No more than one individual who does not reside in the dwelling shall be employed by the home occupation. The owner of the home occupation shall provide on-site parking for that employee.

If an application meets these criteria the Administrative Officer shall issue the required permit. In the event that an application does not meet these criteria the Administrative Officer shall refer the application for a site plan review and/or conditional use review before the DRB, under the Fairlee Zoning Regulations §4.5(B) and §4.5(C) below, upon payment of fees for a public hearing. A sign to advertise the home occupation may be allowed as provided in Article IV §4.17 of the Fairlee Zoning Regulations.

§4.5(B) Home Based Business or Service

In districts where a permitted use or conditional use permit is required, a home based business or service as allowed in Article III of the Fairlee Zoning Regulations shall comply with the following criteria:

- 1) The home based business or service shall be incidental to the use of the building as a residence. It shall not affect the character of the principal building as a dwelling or the character of the neighborhood.
- 2) The home based business or service may be conducted from a portion of a dwelling not to exceed 50% of the gross living area above grade, or from an accessory structure; in no circumstance shall more than 25% of a residential lot be devoted to a home based business or service, including the footprints of the portions of all structures used for the residential business or service, any permitted open storage areas, and any required parking areas; family child care homes are explicitly exempt from this criterion. Exterior alteration of the accessory structure or dwelling to indicate its use as a business or service is prohibited.
- 3) Upon site plan approval by the DRB, open storage of materials or inventory may be allowed if properly screened from view of neighbors and the public roadway.
- 4) Nuisances such as excessive noise, smoke, dust, odors, dirt, vibration, electrical interference, glare, light etc., shall not be produced.
- 5) Additional traffic generated by the home based business or service shall not place excessive increased demand on local roads and shall not have a negative impact on the residential character of the neighborhood.
- 6) The owner of the home based business or service shall reside in the dwelling that is the subject of the home based business or service use permit.
- 7) No more than three individuals who do not reside in the dwelling shall be employed by the home based business or service. The owner of the home based business or service shall provide on-site parking for all employees.
- 8) The owner of the home based business or service shall provide adequate on-site parking for clientele as determined by the DRB.
- 9) A family child care home serving no more than six full-time children and four part-time children, shall be a permitted use of property but requires site plan approval outlined in §5.9 and §5.10 of this ordinance. Family child care facilities serving more than six full-time and four part-time children require site plan and conditional use approval as outlined in §5.6, §5.9 and §5.10 of this ordinance.

A sign to advertise the home based business or service may be allowed as provided in Article VI §4.21 of the Fairlee Zoning Regulations.

§4.5(C) Cottage Industry

The term cottage industry is here in used to describe home businesses that involve the manufacture of goods or the provision of services using: chemical processes; high heat; equipment or technique that produces high levels of sound or vibration; or produces emission of dust, smoke or odors, dirt, vibration, electrical interference, glare or light. In all districts where cottage industry is a conditional use, it shall comply with the following criteria:

- 1) The cottage industry shall be incidental to the use of the building as a residence. It shall not affect the character of the principal building as a dwelling or the character of the neighborhood.
- 2) The cottage industry may use a minor portion of the dwelling not to exceed 20% of the gross living area above grade space for office purposes; the manufacture of goods or the provision of services is to be conducted entirely within an accessory structure; in no circumstance shall more than 25% of a lot be devoted to a cottage industry including; the footprints of the portions of the dwelling and accessory structures used for the cottage industry, all areas used for open storage, and any required parking areas. Exterior alteration of the dwelling or the accessory structure to indicate its use as a cottage industry is prohibited.
- 3) Upon site plan approval by the DRB, open storage of materials or inventory may be allowed if properly screened from view of neighbors and the public roadway.
- 4) Neighboring properties and residents shall be protected from nuisances such as excessive noise, smoke, dust, heat, vibration, odors, dirt, vibration, electrical interference, glare, light etc., by means deemed adequate by the DRB.
- 5) Additional traffic generated by the cottage industry shall not place excessive increased demand on local roads and shall not have a negative impact on the neighborhood.
- 6) The owner of the cottage industry shall reside in the dwelling that is the subject of the cottage industry conditional use permit.
- 7) No more than three individuals who do not reside in the dwelling shall be employed by the cottage industry. The owner of the cottage industry shall provide on-site parking for all employees.
- 8) The owner of the cottage industry shall provide adequate on-site parking for clientele as determined by the DRB.

A sign to advertise the cottage industry may be allowed as provided in Article VI §4.21 of the Fairlee Zoning Regulations.

§4.6 Non-Conforming Uses and Structures

Any structure and/or use of land existing on the effective date of these Regulations and all uses that in the future do not conform by reason of subsequent amendment to these Regulations, may be continued indefinitely subject to the following limitations:

- A. A non-conforming use of land and/or structures may be altered, enlarged or expanded only if the change does not increase the degree of non-conformity, and upon approval of a Conditional Use Permit by the DRB.
- B. A non-conforming use of land and/or structures may be changed to another non-conforming use only if such new use is of the same or a more restricted nature, and upon approval of a Conditional Use Permit by the DRB.
- C. A non-conforming use which has been discontinued for a period of one year shall not be thereafter resumed.
- D. A non-conforming structure, one that does not meet all district area and dimension requirements for a given use, may be altered or enlarged only if the change does not increase the degree of nonconformity and upon approval of a Conditional Use Permit by the DRB.
- E. A non-conforming structure which has been badly damaged or destroyed shall not be restored unless application for a Conditional Use Permit for such restoration has been made within one year or unless restoration results in the discontinuance of the structure's non-conformity. In either case, approval of a Conditional Use Permit by the DRB is necessary.

§4.7 Minimum Off-Street Parking Requirements

For every building hereafter erected, extended or substantially changed in use, there shall be provided off-street parking space as provided below. A parking space shall consist of 200 square feet of area per car. Deviation from these specifications either in terms of an increase or decrease in the number of spaces for the uses listed below shall be solely at the discretion of the Development Review Board.

- A. Places of public assembly, including but not limited to community centers, churches and schools shall have one parking space for every three seats or capacity thereof.
- B. Commercial and/or industrial uses shall have one parking space for every business and employee vehicle, plus one parking space for every 400 square feet of gross retail floor space.
- C. Required off-street parking facilities shall be located on the same lot as the building or other use which they serve, but may be located elsewhere subject to approval by the Development Review Board.
- D. Multi-family structures shall have at least one parking space for every bedroom in the structure.

§4.8 Sub-Surface Sewage Disposal

No Zoning Permit under these Regulations shall be issued for land development involving the alteration, expansion or installation of sub-surface sewage disposal systems until the applicant has obtained a State of Vermont Wastewater Discharge and Potable Water Supply Permit, an amendment to an existing State of Vermont Wastewater Discharge and Potable Water Supply Permit or a document from the Agency of Natural Resources stating that such a permit is not required or deferred.

§4.9 Extraction of Soil, Sand and Gravel

The removal of soil, sand, gravel, or mineral for sale shall be permitted only upon approval by the Development Review Board after the receipt of an acceptable plan for the rehabilitation of the site at the conclusion of the operations and a bond or other security to assure the rehabilitation.

§4.10 Abandonment of Structure

Within six months after any building or structure has collapsed, been destroyed, demolished, or abandoned, the Zoning Administrator, after a public hearing, shall require the owner of the property to remove all structural materials from the site, fill to grade any remaining excavations and screen or landscape the property.

§4.11 Lakeshore and Shoreland Development

No permit for land development within 250 feet of the normal mean water mark of Lake Morey or Lake Fairlee, except where a public road bisects the 250 feet of regulated distance or grandfathers attach to existing footprints, shall be issued before the issuance of a state Shoreland Development Permit, a deferral of permit requirements or a memoranda of non-requirement.

§4.12 Hazardous Waste

Nuclear and/or radioactive waste may not be stored or disposed of in the Town of Fairlee. Other hazardous chemicals and/or their wastes may not be stored in the Town of Fairlee, except with the permission of the local Board of Health and the Fairlee Fire Chief.

§4.13 Private Swimming Pools

Private swimming pools which are designed to contain water depth of 36 inches or more, both above the ground and in-ground, are considered structures and shall not be less than 15 feet from the water's edge to the lot lines. Development Review Board may waive this requirement if unnecessary hardship can be shown by the applicant. Any in-ground pool shall be surrounded by a fence at least four feet high capable of limiting accessibility by children, which must be erected before the pool is filled with water.

§4.14 Wireless Communication Facilities

A. Legislative Findings - Technological developments in the telecommunications and broadcast industries have resulted in demands for development of property to accommodate these land uses. Wireless communications facilities have become increasingly important to the security and economic needs of residents and businesses in the Town. This trend will continue, creating new opportunities for commerce and reducing demand for travel by conventional modes. Given the potential impacts these facilities may have on the public good, safety and welfare of Fairlee citizens, it is therefore, in the Town's interest to plan and regulate the orderly development of such facilities.

B. Purpose - The purpose of this section shall be to regulate the placement, design, construction and modifications of wireless communication facilities so as to promote the economic viability of the Town and to protect its historic, cultural, natural, and aesthetic resources.

C. Conditional Use Approval for Wireless Communications Facilities - No permit for the development of a wireless communication facility shall be granted by the Zoning Administrator without Conditional Use Approval by the Development Review Board. Prior to granting such approval the Board shall make affirmative findings for each of the following criteria in addition to the other applicable provisions set forth in these regulations:

1. Yard Requirements - Equipment, buildings and other structures shall conform to the minimum front, side and rear setbacks for the district in which they are located.

2. Height Limitations - The height limit for towers, antenna, and tower related fixtures in all districts shall not exceed twenty (20) feet above the average height if the tree line measured within one hundred (100) feet of the highest vertical element of the wireless communication facility. Notwithstanding the above, additional height maybe approved upon finding by the Board that it is necessary to provide adequate coverage to Fairlee, or to accomplish collocation as outlined in subsection (7) below and does not have an undue adverse visual impact on scenic or natural beauty as outlined in sub-section (9) below.

3. Setbacks - All wireless communications facilities shall comply with the setback provisions of the zoning districts in which facilities are located. Notwithstanding the above, in order to ensure public safety, the minim distance of any wireless communication facility to any property line, dwelling, or other occupied structure shall be no less than the height of the tower, including antennas or other vertical appurtenances. This setback shall be referred to as a fall zone. In the event that an existing structure such as a barn silo, church steeple, or utility pole is proposed as a mounting for a wireless communication facility, a fall zone setback shall not be required.

4. Lighting - Towers requiring lighting shall not be permitted unless deemed necessary by the Board as the only viable alternative to meet reasonable facility requirements of a communications service provider. The only tower lighting to be permitted by the Board shall be, required by FAA regulation or by special necessity to ensure aviation safety where FAA standards apply. All tower lighting shall be shielded to minimize glare and impact on neighboring properties.

5. Bulk, Height and Glare - All wireless communication facilities shall be designed in such a manner as to minimize the visual impact of height, mass, guy wire supports and disruption of existing vegetation. Materials utilized for the exterior of any structure shall be of a type, style, color and location so as to minimize glare and not result in an undue adverse visible impact on any scenic or historic view shed, public vantage point or abutting properties.

6. Screening - Screening shall be required at the perimeter of the site unless it can be demonstrated that existing natural foliage is adequate. A planted or natural vegetative screen shall be a minimum of ten (10) feet in depth with a minimum height of six (6) feet and shall have a potential to grow to a height of at least fifteen (15) feet at maturity. Existing on-site vegetation outside the site for the wireless facility shall be preserved or improved. Disturbance to existing topography shall be minimized, unless the disturbance is demonstrated to result in less visual impact on the wireless facility on surrounding properties and vantage points.

7. Collocation - The principle of collocation, shall be employed, where feasible, to minimize the number of towers necessary to provide competition by FCC licensed providers. This shall impose burden upon applicant to demonstrate that there are no existing sites within a twenty (20) mile radius of the proposed site which are suitable to the applicants needs despite a due diligence search, and that if such facilities do exist that they are either technically inadequate or that the owner, after a process of good faith negotiation, will not allow collocation. The duration and terms of the offer shall be disclosed to the Board. It shall be the burden of the applicant to perform air analysis of technical feasibility. The applicant shall be required by permit condition to allow other wireless service providers to collocate on any new or existing tower subject to reasonable terms and conditions. Notwithstanding, there shall be no affirmative obligation on the applicant to increase the height or width of a tower in order to accommodate the equipment or facilities another user nor shall the applicant be required to engineer the tower to accommodate another potential user. The applicant shall provide evidence in writing on how it intends to comply with this requirement and to provide copies of any such proposed agreements for proposed collocation or new tower construction.

8. Access Roads and Above Ground Utilities - Where new and wireless communication facilities require construction of or improvement to access roads, to the extent practicable, roads shall follow contour of the land. Access roads, when consistent with the purposes of this section and economically feasible, shall be constructed or improved within existing forest or forest fringe areas and not in open fields. Utility or service lines shall be designed and located so as to minimize or prevent disruption to the scenic character or beauty of the area; and

9. Protection of Scenic Ridges and Hillsides - Where, the Board, after consultation with the Zoning Administrator and the applicant determines that a proposed wireless communication facility with likely be visible against the skyline from at least one vantage point on a State highway or Class I or II highway, or at least two vantage points on a Class III town highway no less than 1000 feet apart, or Lake Morey or Lake Fairlee, the applicant shall prepare a report identifying the duration and frequency for which the tower would be visible to a passing motorist or a boater in feet and the distance to the proposed facility from the vantage points. The Board may require the report to include the elevation of the ground level of the facility site, the average elevation of vegetation within 100 feet of the facility within the affected view shed, the slope of the facility site, the vertical height of the facility, appropriate design measures and recommendations to minimize impact on scenic quality.

To assist the Board in its review of a likely visual impact of proposed facility under this subsection, the Board may require the applicant to fly or raise a three foot diameter balloon at the maximum height of the proposed facility at a location within fifty (50) horizontal feet of the center of the proposed facility. The applicants shall provide to the Board photographs of the balloon test taken from at least four vantage points previously designated by the Board.

Upon review of the applicant's report, supporting materials, testimony from the parties, and inspections from the designated vantage points, the Board shall find that the proposed wireless communications facility shall not have an undue adverse visual impact on the scenic or natural beauty of the land proposed to be developed as viewed from public highway or water body within the Town.

Where a tower would break or cross the skyline when viewed from the identified vantage points, the Board may designate an alternative location for the tower to be evaluated by applicant. In consideration

of this, the applicant may revise its application to include such a site, assuming it is available to the applicant and reasonably technically feasible to meet the applicant's broadcast objectives.

§4.15 Accessory Dwellings

An accessory dwelling unit that is located within or appurtenant to an owner-occupied single family dwelling shall be a permitted use so long as the unit is in compliance with the following:

- (a) the property has sufficient wastewater capacity;
- (b) the unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling;
- (c) applicable setback, coverage and parking requirement as stipulated in the Regulations are met.

§4.16 Child Care

Child care facilities shall be allowed as defined in VSA 24 §4412 (5), as either permitted or conditional use as specified in these regulations. A family child care home serving six or fewer children shall be a permitted use in any single-family residence in all zoning districts. A family child care home serving no more than six full-time children and four part-time children, shall be a permitted use of property but requires site plan approval outlined in Section 5.9 and Section 5.10 of this ordinance.

Family child care facilities serving more than six full-time and four part-time children require site plan and conditional use approval as outlined in sections 5.6, 5.9 and 5.10 of this ordinance.

Site Based (non-home based) child care facilities are commercial enterprises and are permitted in the commercial zone. Site based child care facilities are allowed by waiver in the Residential and industrial zones. Site based child care facilities are subject to site plan review as outlined in sections 5.9 and 5.10 of this ordinance. On-site, employer based child care is permitted in all districts.

§4.17 Signs

- A. Signs are exempt from the setback requirements of each district. Signs shall be located so as not to be a visual obstruction to vehicle or pedestrian traffic.
- B. All signs must be constructed of durable materials and shall be maintained in good repair at all times.
- C. For purposes of this provision, sign area is calculated per display area. In cases where a permitted two sided free standing sign is to be limited to x number of square feet, x is for each display area (i.e. x=32 square feet per side for two sided road sign, 32 square feet per side is allowed).
- D. In all districts where applicable, a sign not exceeding twelve square feet is permitted which announces the name, address, profession, home occupation.
- E. A bulletin board not exceeding thirty-two square feet mounted on the building is permitted in connection with any church, school or similar public structure.

- F. A temporary real estate sign, not exceeding six square feet is permitted on the property being sold, leased or developed shall not require a permit; however such sign shall be removed promptly when it has fulfilled its function.
- G. Within the Commercial district, a new business sign shall be permitted with the issuance of an administrative permit upon submission of a complete application, design plan and required fees, in connection with any legal business or industry, in accordance with the following requirements:
- 1) Two signs are permitted for any legally established business, one free standing and the other attached to the building, except as provided below.
 - 2) A business located on a corner lot shall be allowed one free standing sign and one sign attached to the building on each side of the building that faces a street or highway.
 - 3) The primary purpose of the sign shall be for identification purposes and not for advertising. Legal businesses permitted to sell motor vehicle fuels may post current unit prices on signs that meet the requirements of this provision.
 - 4) Signs shall not extend above the roof or parapet of the building. The height of a free standing sign shall not exceed 15 feet without approval of a Development Review Board site plan review.
 - 5) 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 or from within the sign itself.
 - a. Illumination by use of floodlights or spotlights used for external lighting of signs shall be mounted above the sign targeted for lighting, and illumination shall be properly focused upon and confined to the area of the sign.
 - b. Illumination for internally lit signs shall be designed with an opaque background so that only the lettering, symbols (i.e. logos) or design shall appear to be lighted in order to produce no glare visible from adjacent streets or public rights of way.
 - 6) Exterior signs which are neon, animated, flashing, or with intermittent illumination are prohibited.
 - 7) Signs shall not project over the public right of way or property lines.
 - 8) Sign size shall be in proportion to the land use, lot and building size. Maximum square footage of any free standing sign approved under an administrative permit shall be 32 square feet, with the building sign not to exceed 10% of the total area of the building façade to a maximum of 64 square feet. Signs that exceed these limits must be approved by the Development Review Board in a site plan review proceeding.
 - 9) In the event that a business occupies two or more contiguous retail units or store fronts, that business shall be allowed one sign on the building up to 10% of the total area of the façade occupied by that business to a maximum of 64 square feet.
 - 10) Sign size for mall and business complexes shall be computed as follows:

- a. Malls and business complexes (up to four businesses) - 80 square foot free standing sign, one building sign per business up to 20 square feet;
 - b. Malls and business complexes (five or more businesses) - 60 square foot free standing sign with an additional 10 square feet per business to a maximum of 100 square feet of total area, one building sign per business up to 20 square feet;
 - c. For complexes with nine or more businesses, an additional directory sign may be erected with Development Review Board site plan approval no less than 50 feet from the entrance to the complex.
- 11) Temporary, moveable signs, banners, balloons or other portable advertising devices designed to advertise products for sale are exempt from permitting for a time period not to exceed fourteen consecutive days.
 - 12) Signs that are built into or are an integral part of the edifice of a building are permitted and are not considered to be a sign attached to the building, provided they conform to the provisions of this section.
 - 13) Signs located in design overlay districts must conform to any applicable design control regulations.
 - 14) Signs shall only be illuminated during hours of operation.

Article V. ADMINISTRATION AND ENFORCEMENT

Section 5.1 Zoning Administrator

A Zoning Administrator shall be appointed by the Planning Commission, with approval of the Selectmen, for a term of three years, to administer the zoning regulations as provided for in §4442 of the Act. The Zoning Administrator shall administer the zoning regulations literally and shall not have the power to permit any land development which is not in conformance with these Regulations. The Zoning Administrator may be removed for cause at any time by the Planning Commission.

Section 5.2 Related Permit Programs

No zoning permit application will be accepted by the Zoning Administrator until such time as the applicant has secured, where required, a permit from the Town of Fairlee Board of Health for construction of or alteration to a subsurface sewage disposal system and/or permit from the Board of Selectmen/District Highway Engineer for planned access from a Town/State highway.

Section 5.3 Zoning Permit

No land development may commence unless a zoning permit shall have been duly issued by the Zoning Administrator, as provided for in §4443 of the Act. The fee for such zoning permit shall be established by the Town Selectmen.

Section 5.4 Issuance of Permit

The Zoning Administrator shall not issue a permit unless an application, fee, site plan and any other approvals required by these regulations have been properly submitted. The Zoning Administrator shall within 30 days of submission of application, data and approvals, either issue or deny a zoning permit. If denied, the Zoning Administrator shall so notify the applicant in writing stating his reasons therefor. If the zoning permit is approved, all activities authorized by its issuance shall be completed within two years of its date of issue, or the zoning permit shall become null and void and reapplication to complete any activities shall be required. Each zoning permit issued under this section shall contain a statement of the period of time within which an appeal may be taken. Within three (3) days following the issuance of a Zoning Permit, the Zoning Administrator shall:

- A. Deliver a copy of the permit to the Listers of the municipality; and
- B. Post a copy of the permit in at least one public place in the municipality until the expiration of fifteen (15) days from the date of issuance of the permit.

Section 5.5 Development Review Board

There is hereby established a Development Review Board appointed as provided by law, having the powers and duties set forth in 24 VSA Chapter 717, as amended. Development Review Board shall have the following powers and duties:

- A. To hear and decide appeals including, without limitation, where it is alleged that an error has been committed in any order, requirements, decision, or determination made by a Zoning Administrator.
- B. To hear and grant or deny a request for variance.
- C. To hear and grant or deny a request for a zoning permit for a conditional use.

Rules of procedure, nature of appeals, public notice, conditions for variance relief, and all other matters shall be established as provided in Sub-Chapter 8 of the Act.

Section 5.6 Conditional Uses

A. Any use or structure which requires a Conditional Use Permit shall not be granted a zoning permit by the Zoning Administrator unless the Development Review Board determines that the proposed use shall conform to the specific standards prescribed in these Regulations and shall not adversely affect:

- 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 then in effect
- 5. Utilization of renewable energy resources

B. In granting or denying a Conditional Use Permit, the procedures followed by the Development Review Board shall be in accordance with Section 4414.3 of the Act.

C. Every application for a Conditional Use Permit for any use shall include the submission of the following plans and supporting information: A map showing the location of the site within the community including existing roads and highways, adjacent land uses, and a statement including the names and addresses of the owners of the land immediately adjacent to and across the road from the property at issue.

D. The effective date of a zoning permit issued as a conditional use shall be thirty (30) days from the date of issuance, during which time appeals from the decision may be filed, in which case the result of the appeal shall determine outcome"

Section 5.7 Waivers and Variances

Section 5.71 Variances

The Development Review Board may grant a variance for specific cases, as authorized under VSA 24 §4469, only if all of the following facts apply, and such findings are specified in its written decision:

- a. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located.
- b. Because of these physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable reasonable use of the property.

- c. Unnecessary hardship has not been created by the applicant.
- d. 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, or be detrimental to the public welfare.
- e. The variance, if authorized will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

(a) On an appeal under section 4465 or 4471 of this title in which a variance from the provisions of a bylaw or interim bylaw is requested for a structure that is not primarily a renewable energy resource structure, the development review board or the environmental court created under 4 V.S.A. chapter 27 shall grant variances and render a decision in favor of the appellant, if all the following facts are found, and the finding is specified in its decision:

Section 5.72 Waivers

As an alternative to the Variance procedures, Applicants may apply for site waivers of dimensional requirements pursuant to the criteria below:

Section 5.73 Waiver Criteria

In all districts, waivers from the provisions of these bylaws may be granted by the Zoning Administrator without a hearing for:

1. Reductions in front or side setbacks as necessary to allow for disability access;
 2. Reductions in side setbacks to allow for necessary life safety improvements;
- In all districts, waivers for setback and lot size may be granted after a hearing by the Development Review Board, if at least one of the following criteria is met:
1. The proposed development conforms to the existing or desired development patterns of the district;
 2. The proposed development will cluster development and more effectively preserve open land, forest land, or scenic vistas; or
 3. The proposed development will result in permanently affordable housing units.
 4. Additionally, in the Village, front setbacks may be reduced by the DRB to those found on adjacent properties so long as traffic and pedestrian safety is maintained.
 5. All other waivers from the provisions of these bylaws shall be granted by the Development Review Board following a duly warned public hearing.

Section 5.74 Waiver Procedures

Application

The applicant shall submit to the Zoning Administrator, at least 30 days prior to the meeting of the DRB, a complete A1, W1, form and other forms appropriate to the proposed waiver, and all other information necessary to illustrate compliance with these regulations and for the DRB to make its decision, including property identification numbers of the property taken from the latest

tax records; Name and address of the owner of record and those of adjoining lands; Name and address of person or firm preparing the map; Scale of Map, north point and date.

In addition to the information noted above, the DRB may require the following:

1. An accurate map of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights of way, land use and deed restrictions.
2. A scaled plan, showing proposed structure locations and land use areas; streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks; landscaping plans, including site grading, landscape design and screening.
3. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development.
4. A description of energy utilization and conservation measures for each heated structure.
5. Other information pertinent to the issue before the Board of Adjustment.

Public Notice and Review

Public notice of hearing shall be given as required by these regulations. The DRB shall review this application pursuant to the review procedure established for Variances from these Regulations and pursuant to any rules of procedure it adopts.

Review Criteria

The DRB may grant waivers to reduce dimensional requirements, if the applicant can satisfy the following standards:

1. The waiver requested is for a use permitted within the district in question as by right use (as opposed to a conditional use).
2. The waiver requested is in conformance with the town plan and the goals set forth in the town plan.
3. The waiver requested is designed to conform to the character of the land use area in which it lies as defined in the Plan and further designed to reasonably limit impact or the potential for impact upon ones neighbors.
4. The design used incorporates design techniques (restricted height, lack of windows) screening (fencing or plantings) or other remedies to reasonably limit impact or the potential for impact upon ones neighbors.
5. The waiver requested accommodates structures providing for disability accessibility, fire safety and other requirements of land or energy conservation or renewable energy structures.

Decision

The DRB shall make its decision on the request for waiver by applying the facts presented in the application and at hearing to the criteria, listed above, and incorporating all into its decision. Upon the close of the hearing, the DRB shall issue its decision pursuant to the procedure established for Variances.

Conditions

In approving a project the DRB shall act to ensure, and may impose conditions requiring that the waiver, if authorized, will represent the minimum waiver that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan. The nature of any

waiver and any conditions attached to it shall be entered on the face of the zoning permit, incorporated therein and shall be enforceable in the same manner as all other applicable requirements of these regulations.

Section 5.8 Development Review Board Approval of Site Plans

In accordance with §4407 (5) of the Act, no zoning permit shall be issued by the Zoning Administrator for any multi-family dwellings, commercial or industrial uses, or for public and quasi-public uses, or parking and recreation facilities made available to the public, until the Development Review Board grants Site Plan approval. In instances where conditional use approval from the-Development Review Board is also necessary, Site Plan approval must be obtained first.

Section 5.9 Site Plan Information

Every application for a site plan approval shall include submission of the following plans and supporting information:

- A.** Name and address of the owner of record and also adjoining lands. The name and address of person preparing the map, the scale of the map, northpoint, and the date.
- B.** Perimeter lines of the properly showing existing features, including contours, structures, large trees, streets, utility easements, rights-of-way, lakes, rivers, streams, land use and deed restrictions.
- C.** Plan showing proposed structures, locations, and land use areas; streets, driveways, traffic circulation, parking and loading spaces, and pedestrian walks; landscaping plans, including site grading, landscaping design and screening, septic systems and water systems used
- D.** Construction sequence and time schedule for completion of each phase of the entire development
- E.** Where the Development Review Board finds that extraordinary and unnecessary hardships may result from strict compliance to the above procedures, the Board may waive or vary such, where it is found that substantial justice may be done and the public interest secured.

Section 5.10 Site Plan Review Procedure

Upon receipt of the Site Plan, the Development Review Board shall review the plans and supporting information. In rendering its approval, the Development Review Board may impose appropriate conditions and safeguards with respect to only the adequacy of traffic areas, circulation and parking, and landscaping and screening. In rendering its decision, the Development Review Board shall give specific consideration to the following objectives:

- A.** Harmonious relationship between proposed uses and existing adjacent uses.
- B.** Maximum safety of vehicular circulation between site and the street network.
- C.** Adequacy of circulation, parking and loading facilities with particular attention to safety'
- D.** Adequacy of landscaping, screening and setbacks in regard to achieving maximum compatibility and protection to adjacent property.

The Development Review Board shall act on any Site Plan within 60 days after the date upon which it receives the proposed plan, and failure to do so shall be deemed approval.

Section 5.10a Administrative Review

The Zoning Administrator may review and approve minor amendments to previously approved development that would otherwise require review by an appropriate municipal panel in accordance with the provisions of the act, where no material changes or impacts are expected, and where bylaw conformance is found. Any decision by a Zoning Administrator under this subsection may be appealed as provided in Section 6.7 (4465 and 4466). However, the authority to approve an application administratively does not mean that the administrative officer is required to do so. The administrative officer reserves the right to refer any application to the Development Review Board where it is deemed that Board level review or interpretation is appropriate or necessary. In such cases, the applicant shall be responsible for any additional fees or submittals needed for Board review. The Zoning Administrator shall inform the Development Review Board of all actions made under this section at the first meeting following the action taken.

Section 5.11 Appeals From Decisions of the Zoning Administrator

An interested person may appeal any decision or act taken by the Zoning Administrator by filing notice of appeal with the Secretary of the Development Review Board. If the appeal is taken with respect to a decision or act of a Zoning Administrator, such notice of appeal must be filed within fifteen (15) days of date of such decision, and a copy of the notice of appeal shall be filed with such officer. If the Zoning Administrator fails to act with regard to an application for a permit within thirty (30) days, a permit shall be deemed issued on the 31st day.

Section 5.12 Appeals From Decisions of the Development Review Board

An interested person may appeal a decision of the Development Review Board to the court of the county in which is located the property at issue in accordance with Sections 4471 and 4475, Title 24 VSA. Such appeal shall be taken within thirty (30) days of the date of issuance of a decision.

Section 5.13 Penalties

Violations of these Regulations shall be regulated as outlined in 24 VSA Sections 4444 and 4445.

Section 5.14 Public Notice

Any public notice required for public hearing under these Zoning Regulations shall be given by the publication of the date, place and purpose of such hearing in a newspaper of general circulation in the municipality, and the posting of a notice in one or more public places within the municipality not less than fifteen (15) days prior to the date of the public hearing.

ARTICLE VI. DEFINITIONS

For the purpose of these Regulations, definitions of the following words and terms are to be interpreted as defined below and all other words shall be presumed to be as defined in Webster's Unabridged Dictionary, unless such definition runs counter to the purposes and objectives of these Regulations. The definition of terms defined in §4303 of the Act is hereby incorporated and made part thereof.

Accessory Dwelling - An accessory dwelling is defined as located within or appurtenant to an owner-occupied single-family dwelling, that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation (Section 4.19) and does not exceed 35% of the livable floor area of the primary dwelling.

Accessory Use or Structure - A use or building customarily incidental and subordinate to the principal use or building and located on the same lot. When applied to agriculture, this shall be deemed to include farm stands. An accessory use or building shall not be used for human habitation.

Act - The Vermont Municipal and Regional Planning and Development Act, 24 V.S.A. Chapter 117.

Administrator – The Federal Insurance Administrator.

Administrative Officer (AO) – The Zoning Administrator for the Town of Fairlee.

Adverse Impact – Inadequate, unsafe or unhealthy conditions that result from a Land Development.

Affordable Housing – 1. Housing that is owned by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income as defined by the US Department of Housing and Urban Development and the total annual cost of the housing, including principal, interest, taxes, insurance and association fees is not more than 30 percent of the household's gross annual income; 2. Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income as defined by the US Department of Housing and Urban Development and the total annual cost of the housing including rent, utilities, and association fees is not more than 30 percent of the household's gross annual income.

Agricultural Purpose - Agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, silviculture, and animal and poultry husbandry. The terms shall not include the slaughtering of animals or poultry for commercial purposes.

Agricultural Use - The use of land containing at least two acres that is used for agricultural purpose.

Alluvial Fan Flooding – flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high velocity flows; active processes of erosion, sediment transport and deposition with unpredictable flow paths.

AMP – Appropriate Municipal Panel, global term for a municipal board with the jurisdiction over one matter or another. AMPs include Selectboards, DRBs, Planning Commissions and BCAs.

Antenna - A device attached to a tower or other structure for transmitting or receiving electromagnetic waves.

Apartment Building - A multi-family dwelling containing five or more dwelling units.

Apartment Houses – A multi-family dwelling containing three to four dwelling units.

Apex – a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Applicant - The owner of land proposed to be subdivided or his/her representative. Any party with a legal interest in the property may apply in cooperation with the owner of the property.

Approval - The form of approval shall be a written resolution prepared by the Development Review Board and attached to the subdivision application, or in the event that the Development Review Board should fail to act within the 45 day time limit specified in Article II, Section 3 of these Regulations, certification of such failure to act by the Town Clerk, and recording of the approved application and subdivision plan with the Town Clerk, in accordance with the conditions set forth in Article II, Section 3 of these Regulations.

Aquifer – A geological formation, group of formations or part of a formation either composed of unconsolidated rock, sand, gravel, or other unconsolidated soils, or composed of bedrock with an interconnected series of crevasses, fractures, joints, faults, cleavages, bedding planes, porosity, or other geologic features which allow groundwater to move in the subsurface environment and are capable of storing and yielding groundwater to wells and springs.

Area of Shallow Flooding – a designated AO or AH zone on a town's Flood Insurance Rate Map (FIRM) with a one percent or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity of flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard – The land in the floodplain within a town subject to a one percent or greater chance of flooding in a given year.

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

Basement – any area of a building having its floor sub-graded (below ground level) on all sides.

Buffer - Any space between adjoining uses intended and designed to reduce the impact of one use upon the other including open space, woodland, landscaped areas and other types of visual and sound barriers.

Building - A structure having a roof supported by columns or walls, to include gas or liquid storage tanks and intended for the shelter or enclosure of persons, animals or chattel.

Buildings Accessory - A building customarily incidental and subordinate to the principal building and located on the same lot.

Building Setback - The distance measured from the centerline of a permanent right-of-way or public road to the front portion of a building closest to said centerline. Such a distance shall include porches, whether enclosed or unenclosed but does not include steps.

Buildout Analysis – A form of analysis predicting the total amount of development that could possibly occur in a given area under existing or proposed legal constraints (e.g. zoning ordinance) and environmental constraints (e.g. wetlands, floodplains, steep slopes, etc.).

Bylaws – Municipal regulations applicable to land development adopted under the authority of Chapter 117 (including Zoning and Subdivision Regulations, Flood Hazard Bylaws, Source Protection Regulations, Official Map). See 24 VSA §4403(4).

Capacity Study – an inventory of available natural and manmade resources, based on detailed data collection, which identifies the capacities and limits of those resources to absorb land development.

Carrying Capacity – The capability of a resource to sustain a level of use without having its qualitative features degraded in any significant way.

Certificate of Occupancy – A permit, typically issued at the completion of construction but preceding the use or change in use of a property, documenting compliance with all of a community’s land use regulations and building codes and authorizing the owner to use the property for the purposes specified in the permit.

Character of the Neighborhood – Qualities that make a neighborhood distinct relative to factors such as architectural styles, structures, appearance, physical components street design, etc.

Child Care - A home or facility where the owner or operator is to be licensed or registered by the state for child care.

Class A Lot – A parcel with a potable water supply sourced by a public water system (*see definition “Public Water System”*). Class A lots have a minimum area of 20,000 square feet.

Class B Lot – A parcel with a potable water supply sourced on the parcel. Class B lots have a minimum area of 40,000 square feet.

Cluster Development – Land Development that concentrates Land Uses on lots that sometimes have been reduced in size below the minimum size required by the zoning bylaw to allow the remaining land on a site to be used for recreation, common open space, community infrastructure and services, or the preservation of environmentally sensitive areas.

Commercial Use - Use of a building or land for the manufacture, purchase, sale, or exchange of goods and commodities, services, and amenities.

Commercial Camp Sites and Campgrounds – Commercial use for the accommodation of transient guests sleeping in tents or recreational vehicles.

Commercial Nursery, Landscape Yard – Commercial use entailing the growing of plants for sale, the storage and sale of landscaping materials and equipment.

Commercial Summer Camps – Commercial use entailing the housing, feeding, entertainment and education of both children and adults in an outdoor setting for seasonal lengths of time.

Community Sewage Disposal System - Any sewage disposal system, other than a municipal sewage disposal system, owned by the same person, that disposes of sewage created by two or more domestic, commercial, industrial, or institutional sources.

Community Water System - Any water system owned by the same person that supplies water for domestic, commercial, industrial, or institutional uses to two or more customers or users.

Compatibility – The characteristic when multiple land uses may be located next to or near one another without causing significant adverse impacts on one another.

Construction - The undertaking of the first improvement on a tract of land, including work preparatory to construction such as clearing, the staking out or use of a right-of-way or in any way incidental to the altering of land according to a plan or intention to improve or to divide land by sale, lease, partition or otherwise transfer an interest in the land. Activities which are principally for the preparation of plans and specifications that may be required and necessary for making application for a permit such as test wells and pits, percolation tests and line of sight clearing for surveys are not commencement of construction.

Contamination - An impairment of water quality by chemicals, biologic organisms, or other extraneous matter whether or not it affects the potential or intended beneficial use of water

Cul de Sac - A road intersecting another road at one end, and terminated at the other end by some form of vehicular turnaround.

Dedication - The formal acceptance by the Town of Fairlee of title to streets, easements, or land to be used for public purpose.

Density – The number of dwelling units or units of non-residential use that are authorized or planned for a unit of land area.

Design Standard – A minimum or maximum standard prescribed by a bylaw that governs a physical characteristic of a Land Development, Building or Structure (such as its size or shape).

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

Development Review Board - The Development Review Board of the Town of Fairlee, Vermont, as created under 24 V.S.A. Chapter 117, the AMP intended to interpret and uphold the land use bylaws of the Town of Fairlee.

Disapproval - The form of disapproval is by a written Notice of Decision by the **Development Review Board** and attached an application and a recording of the disapproved application and plan with the Town Clerk, in accordance with the provisions of this bylaw.

Drive In Movie Theater – Commercial accommodation for the viewing of motion pictures from parked motor vehicles.

Dwelling Unit - One room or rooms connected together, constituting, a separate housekeeping unit with independent cooking, sanitary and sleeping facilities, and physically separated from any other rooms or dwelling units which may be in the same structure. Not included are motels, hotels, tourist homes, lodges, clubs, hospitals, or similar structures.

Dwellings, One Family - A detached residential building including mobile and manufactured homes, designed for and occupied by one family only.

Dwellings, Two Family - A residential building designed for or occupied by two (2) .families living independently of each other in individual attached dwelling units.

Dwelling, Multi-Family - A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided, for purposes of this Bylaw multi-family dwelling are broken into the categories of apartment house and apartment building.

Dwelling, Single Family Semi-Detached – dwelling units that share not more than two common walls with neighboring dwelling units, i.e. townhouses and row houses.

Dwellings Year-Round - Building used as living quarters for a family designed and used for year round residence, containing properly functioning sewer and water systems for the proposed or existing intensity of use.

Economic Development – The sustained, concerted actions of the policy makers and communities that promote the standard of living and economic health of a specific area.

FAA - Federal Aviation Administration.

Facility - Something that is built, installed, or established for a particular purpose.

FCC- Federal Communications Commission.

FEMA – Federal Emergency Management Agency.

FHBM – The Flood Hazard Boundary Map, an official map of the Town, issued by FEMA, where the boundaries of the flood, mudslide (i.e. mudflow) related to erosion areas having special hazards have been designated as zones A, M and /or E.

FIRM – The Flood Insurance Rate Map, an official map of a community on which the Administrator has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Hazard Area - Those lands subject to flooding from the 100 year flood, as defined in the existing or subsequently revised "Flood Insurance Study for the Town of Fairlee, Vermont", and the "Flood Insurance Rate Map" (FIRM), published by the Federal Emergency Management Agency (FEMA), and available at the Town Clerk's office.

Flood Insurance Study – an examination, evaluation and determination of flood hazards and if appropriate corresponding surface elevations.

Floodplain - Land adjoining rivers and streams identified by the Army Corps of Engineers and FHBM Flood Hazard Boundary Map as being subject to occasional flooding.

Floodproofing – Any combination of structural and nonstructural additions, changes, or adjustments to structures which eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures or their contents.

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

Fragmentation – Dividing areas used by wildlife for habitat with land uses or development into areas that are too small or lack all of the needed features to serve as habitat for specific species.

Fringe Area – As defined by the floodway schematic.

Frontage - That portion of a lot which is adjacent and parallel to a street, road or right-of-way.

Golf Course – Groomed outdoor area for playing the sport of golf, maybe either a commercial or public use.

Gray Water - All domestic wastewater except toilet discharge water.

Groundwater - Water below the land surface in a zone of saturation.

Growth Center – Land Use term defined by Vermont statute as an area of land that incorporates a mix of uses that typically or potentially include uses such as; retail, office commercial, civic, recreational, industrial and residential within a densely developed, compact area that promotes social interaction. Growth Centers are located in or adjacent to a designated downtown, village center or new town center

with clearly defined boundaries that have been approved by one or more municipalities in their municipal plans to accommodate a majority of growth anticipated over a 20 year period.

Hazard Area – Land subject to landslides, soil erosion, earthquakes, water supply contamination, or other natural or man-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. See 24 VSA §4303(8)(C).

Hazardous Material - means all petroleum and toxic, corrosive or other chemicals and related sludge included in any of the following: 1) any substance defined in section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; 2) petroleum, including crude oil or any fraction thereof; 3) hazardous wastes, as defined in this Article; 4) "Hazardous material" does not include herbicides and pesticides when applied consistent with good practice conducted in conformity with federal, state and local laws and regulations and according to manufacturer's instructions; 5) "Hazardous material" does not include livestock wastes.

Hazardous Waste - Any waste or combination of wastes of a solid, liquid, contained gaseous, or semi-solid form, including, but not limited to those which are toxic, corrosive, ignitable, reactive, strong sensitizers, or which generate pressure through decomposition, heat or other means, which in the judgment of the Secretary of the Vermont Agency of Natural Resources may cause, or contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the state. All special nuclear, source, or by-product material, as defined by the Atomic Energy Act of 1954 and amendments thereto, codified in 42 U.S.C. § 2014, is specifically excluded from this definition. The storage and handling of livestock wastes and by-products are specifically excluded from this definition.

Heavy Equipment Yard – Commercial use of a lot for the storage and sale of heavy equipment.

Historic Preservation – The research, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas and sites significant in the history, architecture, archaeology or culture of the state of Vermont, its communities or the nation (22 VSA §701(5)).

Historical Structure – Any structure that is: a) listed individually in the National Register of Historic Places (a listing maintained 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 historic significance of a registered historic district or a district preliminarily determined to be by the secretary to qualify as a historic district; c) individually listed on a state inventory of historic places in states with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

Home Occupation - Any occupation customarily carried on by a resident occupying a minor portion of a dwelling or accessory structure which is clearly secondary to the principal use and does not materially

change the character thereof, including but not limited to the operation of a beauty parlor, insurance office or professional office as defined and regulated in the Fairlee Zoning Regulations §4.5.

Hotel - A house providing lodging and usually meals and alcoholic beverages for the public, especially transients.

Impact – A consequence of an effect generated by a Land Use. An impact is most often considered to be significant when it is experienced off of the lot or parcel of the Land Use that generated the effect.

Industrial is a principal commercial use as defined by the following categories:

Light Industrial: Mechanical transformation of materials or substances that does not entail the handling of molten metals, the use of chemicals or materials that are hazardous in the quantities or concentrations that would be present at the manufacturing location, does not produce liquid or gaseous waste products requiring special treatment or control processes, or produces solid waste requiring special handling or long term storage at the site of the industrial use. Light industrial shall not produce dust, smoke, noise, vibration, heat, odors or electrical or magnetic disturbances detectable outside of the manufacturing structure or equipment. The assembly of component parts into finished products is considered light manufacturing where the activity does not entail the use of substances or the production of byproducts excluded from this definition.

Medium Industrial: Mechanical or chemical transformation of materials or substances into new products that does not entail the handling of molten metals, does not produce liquid or gaseous waste products that cannot be rendered non-hazardous by onsite treatment and control processes, or produces solid waste requiring special handling. Manufacturing activities shall not use chemicals that would be hazardous in the quantities present at the site, produce dust, vibration, heat, odors or electrical or magnetic disturbances detectable beyond the property line, and noise levels at the property line shall not exceed 50dbL.

Heavy Industrial: Mechanical or chemical transformation of materials or substances into new products that entails the handling of molten metals, the production of liquid or gaseous waste products that cannot be rendered non-hazardous by onsite treatment and control processes, production of solid waste requiring special handling and/or long term on site storage, Where such industrial activity entails the use of chemicals or substances that are hazardous in the quantities or concentrations that would be present at the manufacturing location, open storage of these materials is prohibited, and plans for the control of these materials must be approved by the Development Review Board., manufacturing activities shall not produce dust, vibration, heat, odors, electrical or magnetic disturbances, or noise levels in excess of 50dbL detectable beyond the property line.

Infrastructure – Facilities and installations (such as streets and utilities) that are necessary for the use and development of land. The term’s usual usage is in reference to public facilities but may also be applied to planned improvements for subdivisions or PUDs, especially those that will be dedicated to the town.

Land Development - The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or structure, or any mining, excavation, or landfill, and any change in the

use of any building or structure, or land or extension of use of land, excepting agricultural forestry, outdoor recreation, and wildlife refuge uses within the floodplain district.

Land Use – The purpose for which land or the structures thereon are being utilized (e.g. commercial, residential or retail). Also used as a description of activities found throughout an urban area.

Level of Service - The operating conditions that a driver will experience while traveling on a particular street or highway, including frequency of stops, operating speed, travel time, traffic density.

Liquor Store – a state franchised retail shop that sells prepackaged alcoholic beverages to consumers, typically in bottles, intended to be consumed off the store's premises; liquor store is not a permitted or conditional use in the Town of Fairlee.

Lot - Land occupied or to be occupied by a building and its accessory buildings, together with the required open spaces, having not less than the minimum area, width and depth required for a lot in the district in which such land is situated and having frontage on a street, or other means of access as may be determined by the Development Review Board to be adequate as a condition of the issuance of a zoning permit. A portion of land in a subdivision or plat that is separated from other portions of land by a proposed property line.

Lot Area - The total area within the property lines of the lot, excluding public streets, roads, and rights-of-way and meeting the district requirements of these Regulations. For purposes of subdivision proceedings, the total surveyed land area within the boundaries of a proposed lot, exclusive of any land area designated for a public road as measured to the boundary of such right of way or easement.

Lot Frontage Minimum - That portion of a lot that is adjacent and parallel to a public road or street.

Lowest Floor – The lowest floor if the lowest enclosed area (including basement), an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of §2.63.

Major Subdivision - Any residential subdivision containing four or more lots, or requiring any new road in excess of 800 feet in length, or any commercial, industrial or commercial recreational project, multifamily housing project, planned residential development or planned unit development, or a series of minor subdivisions of a tract of land occurring over a period of five years creating four or more lots, that meets the definition of a subdivision.

Manufactured Home – A structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connect to the required utilities. It does not include recreational vehicles or travel trailers.

Manufactured Home Park or Manufactured Home Subdivision – A parcel of land divided into two or more manufactured home lots for rent or sale.

Marijuana Establishment - a cultivator, product manufacturer, testing laboratory, retailer, dispensary or marijuana lounge involved with the commercial production, manufacture, distribution or commercial sale of marijuana; marijuana establishment is not a permitted or conditional use in the Town of Fairlee.

Marijuana Lounge - an entity registered to sell marijuana or marijuana-infused products to consumers for on-site or off-site consumption; marijuana lounge is not a permitted or conditional use in the Town of Fairlee.

Marijuana Product Manufacturer - an entity registered to manufacture, prepare, and package marijuana-infused products and hashish, and to sell marijuana, including hashish, and marijuana-infused products to a retailer, marijuana lounge, or another product manufacturer; marijuana product manufacture is not a permitted or conditional use in the Town of Fairlee.

Marijuana-infused Products - products that are composed of marijuana and other ingredients and are intended for use or consumption including tinctures, oils, solvents, and edible or potable goods.

Master Plan – An officially adopted plan that describes, analyses and makes Policies about a wide range of topics (such as community facilities, economy, housing, land use, population and transportation) to guide the development of an entire area (municipality, region or state). See 24 VSA §4382 and §4348a.

Medical Outpatient Clinic – A non-profit or for profit medical facility that offers outpatient and emergent care services to the exclusion of inpatient housing.

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

Minor Subdivision - Any residential subdivision containing two or more but less than four lots that does not qualify as a major subdivision.

Mixed Use – Development of land, a building or a structure with a variety of complementary and integrated land uses. See 10 VSA §6001(28).

Mobile Home Park - Any parcel of land under single or common ownership or control which contains at least 10, nor more than 25 mobile home units, or is designed, laid out, or adapted to accommodate homes, nothing herein shall be construed to apply to premises used solely for display or storage of mobile homes.

Motel - Building containing rooms which are rented as a series of sleeping units for automobile transients, each sleeping unit consisting of at least a bedroom and a bathroom.

Motor Vehicle Sales – Commercial use entailing the buying and selling of motor vehicles.

Municipal Services – Fairlee municipal water, street lighting, policing, snow clearance, library, transfer station, Town Clerk and Town recreational operations.

Municipality – A town, city, an incorporated village or an unincorporated town or gore.

Natural Area – An area of land or water that is not dominated by manmade features containing significant flora, fauna and geological features.

Neighborhood – An area that shares a common function and/or character. It may refer specifically to an area whose residents regard it to be a separate community or a collection of residential, commercial and institutional land uses that form a basic unit of community planning.

New Construction – For the purposes of determining insurance rates, structures for which the “start of construction” is commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later and includes any subsequent improvements to such structures. For floodplain management purposes “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Noncompliance, also Noncompliant – Nonconformity in violation of the existing ordinances and as such actionable under violation procedures.

Nonconforming Lots or Parcels – 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 a parcel improperly authorized as a result of error by the administrative officer.

Nonconforming Use - A use of land, building, or premises which is not a use permitted by the provisions of this ordinance for the district in which such land, building or premises are situated but which was legally existing at the effective date hereof.

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

Nonconformity – a nonconforming use, structure, lot or parcel; the quality of a use, structure, lot or parcel that is nonconforming to the current bylaw.

Normal Waterfront Facilities - Any docks, wharves, floats, and boat houses without toilet facilities.

Open Space - Land not occupied by structures, buildings, roads, rights of way, recreational facilities and parking lots.

Outdoor Recreation - Uses including public or privately owned golf courses, parks, tennis courts, playing fields, and similar places for outdoor recreation.

Overlay District (Overlay Zone) – A Zoning District (with boundaries that may or may not coincide with those of regular zoning districts) used to define special areas or uses. Overlay Districts may be used to impose regulations that supplement those of the underlying zoning districts.

Parcel – An area of land containing one or more lots under common ownership or control. As applies to subdivision proceedings, a parcel is the original area of land subject to subdivision into lots.

Permitted Use (Permitted by Right Use) – A **residential** Land Use that does not require action by an AMP before a Zoning Permit is issued or a commercial Land Use only subject to site plan review.

Person - Any individual, partnership, corporation, association, unincorporated organization, trust or other legal or commercial entity, including a joint venture or affiliated ownership which owns or controls the tract or tracts of land to be developed. The word "person" also means any municipality or State agency.

Personal Services – a commercial use featuring services provided on site, i.e. barber, hair or nail salon. Retail of goods may only be secondary and directly related to the service offered.

Phased Development – Required timing or other limitations on a particular development under the authority of a Bylaw to avoid or mitigate any undue Adverse Impact on existing or planned community facilities or services. See 24 VSA §4422.

Planned Residential Development (PRD) – A type of Planned Unit Development that provides for a mixture of housing types or densities and typically involves Cluster Development.

Planned Unit Development (PUD) – One or more lots, tracts or parcels of 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. The 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. See 24 VSA §4303(19) and §4417.

Planning Commission – The Planning Commission of the Town of Fairlee, Vermont as created under 24 VSA Chapter 117.

Plat - A map or representation on paper or mylar of a piece of land subdivided into lots and roads, drawn to scale. A plat in this context is submitted by a subdivider or developer to determine if the proposed Land Development will comply with the requirements of the Bylaw. Plats are required to meet standards concerning format and information.

Policy – Any goal, objective, strategy or action that is recommended in a Comprehensive Plan or a special plan as a guide for subsequent decision making.

Premises - A lot as defined in this section, including any buildings thereon.

Primary Retail – A commercial use designed to sell goods directly to the public on a walk-in basis.

Primary Containment Facility - A tank, pit, container, pipe or vessel of first containment of a liquid or chemical, excluding the storage and handling of livestock wastes and by-products

Professional Offices - Offices of an architect, accountant, dentist, doctor of medicine, land surveyor lawyer, real estate or insurance agent and other similar type uses.

Public Improvement - Any improvement which shall be owned or maintained by the Town of Fairlee.

Public Notice – The form of notice prescribed by 24 VSA §4444, §4449 or §4464 as context requires but broadly meant to refer to the required posting in public places, publication in newspaper of record and web listing of the time and place of a public hearing or other proceeding warning of that public hearing or proceeding the required number of days before taking place.

Public Road – a state highway as defined in 19 VSA §1 or a class 1, 2 or 3 town highway as defined in 19 VSA §302(a), or a class 4 town highway if the Town has so selected. For purposes of setting front setbacks all road frontages require front setback distances.

Public Water Supply - Any system(s) or combination of systems owned or controlled by a person, that provides drinking water through pipes or other constructed conveyances to the public and that has at least 15 service connections or serves an average of at least 25 individuals daily for at least 60 days out of the year. Such term includes all collection, treatment, storage and distribution facilities under the control of the water supplier and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. In addition, this includes any water supply system with ten or more residential connections.

Rear Setback - Setback between the principal building or accessory use building and a rear lot line, and extending through from the front yard to the rear yard.

Recreational Vehicle - Is a vehicle used for camping or temporary living quarters' It does not include snow machines, travel bikes or boats.

Redevelopment – The conversion, reuse and/or reconstruction of Buildings, Structures, Neighborhoods and communities.

Release - Any unplanned or improper discharge, leak, or spill of a potential contaminant including a hazardous material and/or hazardous waste, excluding the storage and handling of livestock wastes and by-products.

Residential Development – One or more homes or structures intended to be used as a residence or residences along with accompanying accessory structures such as garages, sheds, storage buildings, etc.

Resort - A multi-faceted recreational facility to which persons go for relaxation, customarily offering lodging and food.

Resort Accommodations – Commercial accessory uses and buildings associated with the housing, feeding and entertainment of resort guests.

Restaurant – Commercial use that features sale of food ready to eat to the public for consumption on site or for take away.

Road - A highway, street or other way which exists for vehicular travel, exclusive of a driveway serving not more than two single family residential uses or lots. The word "road" shall mean the entire right of way. See also Public Road.

Sawmill – Commercial processing of timber into lumber and other wood related products on an industrial scale.

Scale – The size and proportion of a Building, Structure or Land Development in comparison with nearby development.

Seasonal Dwelling – Housing designed for occasional or seasonal use, often of substandard construction, insulation and/or wastewater disposal systems as compared to buildings designed for year round use. Conversion of a seasonal dwelling into a year round home requires a conditional use permit issued by the DRB. Home Occupations are specifically not permitted in Seasonal Dwellings.

Second Floor Occupancy – As required under §3.2.1 Village Area district regulations, new construction in this zone must make provision for a second floor that, if not used in conjunction with the first floor use, must be occupied by other uses permitted or conditional in this zone. Residential and commercial uses may be mixed in these circumstances.

Secondary Containment Facility - A second tank, catchment pit, pipe, or vessel that limits and contains a hazardous material or hazardous waste leaking or leaching from a primary containment area; monitoring and recovery are required excluding the storage and handling of livestock wastes and by-products.

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

Shoreland – Land between the normal mean water mark of a lake, pond or impoundment exceeding 20 acres and a line not less than 500 feet or more than 1,000 feet from such mean high water mark. See 10 VSA §1422(8) and §4424.

Site Plan – A Plat that depicts the general layout of a proposed Land Development.

Site Plan Review – The process by which an AMP reviews the Site Plan for a proposed development to ensure that the development will conform to applicable regulations. See VSA §4416.

Side Setback- Setback between the principal building or accessory use building and a side lot line, and extending through from the front yard to rear yard.

Smart Growth – The pattern of land development that uses land efficiently, reinforces community vitality and protects natural resources. Smart Growth strategies include efforts to maintain Vermont’s historic settlement pattern, encourage concentrated development in and around downtowns and villages while supporting Vermont’s rural working land.

Source Protection Overlay District – Mapped area designed to protect the quality of public drinking water supplies through enhanced regulations and Development Review Board oversight.

Spill Response Plans - Detailed plans for control, re-containment, recovery and cleanup of hazardous material and/or hazardous waste releases, such as during fires or equipment failures.

Sprawl – A scattered untimely and poorly planned development. It is an inefficient planning practice, which is usually motor vehicle dependent and consumes land necessary for agricultural or natural resource protection. Sprawl typically manifests in the form of; leapfrog development, stripmall or ribbon development and large lot single family units, strip commercial land development so each individual establishment has direct access to road and parking areas.

Stormwater Runoff - Precipitation that does not infiltrate the soil, including material dissolved or suspended in it, but does not include discharges from undisturbed natural terrain or wastes from combined sewer overflows.

Stormwater Treatment Practice (STP) - A stormwater treatment practice that is a specific device or technique designed to provide stormwater quality treatment and or quality control.

Start of Construction – Technically defined in §1909.1 of FEMA current National Flood Insurance Program rules and regulations.

Street - Any street, avenue, boulevard, road, alley and other right-of-way excluding private driveways.

Streetscape – The appearance or view of a street.

Structure - An assembly of materials for occupancy or use, including but not limited to a building, mobile home, vehicles used as structures, swimming pools, signs and free standing renewable energy devices. For the purpose of these regulations, the term does not include driveways, fences, stonewalls, mailboxes, flagpoles, dog houses, tents, and other minor structures and installations.

Subdivider - Any person who shall lay out for the purpose of transfer of ownership or right to use any subdivision or part thereof. The term shall include an applicant for subdivision approval.

Subdivision- The division of a parcel of land into two or more lots, plots, or parcels. For the purposes of this regulation, see definitions of major and minor subdivisions.

Subdivision Regulation – A municipal bylaw that may regulate the procedures and requirements for the submission and processing of plats; and establish standards for the design and layout of streets, curbs,

gutters, street lights, fire hydrants, shade trees, water, sewage, drainage facilities, public utilities and other necessary public improvements. See 24 VSA §4418 and §4463.

Substantial Damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial Improvements- Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% 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 include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by a code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Time-Of-Travel Distance - The distance that groundwater will travel in a specified time. This distance is generally a function of the permeability and slope of the aquifer.

Tower- A structure more than 20 feet in height above the ground elevation, built for the purpose of supporting, elevating, or placement of antennas for broadcast services or wireless services.

Variance - An exception to the Zoning Regulations resulting from the physical circumstance, or characteristics of the particular property in question.

Vehicle Fuel Sales – Retail or fleet sale of motor vehicle fuels, this commercial use is conditional in any zone in which it is allowed.

Village Center – A Village Center is a traditional center of the community, typically comprised of a cohesive core of residential, civic, religious and commercial buildings arranged along a main street and intersecting streets. See 24 VSA §2791(10).

Waiver - An exception to the Zoning Regulations due to the individual preference of the applicant.

Waterfront Setback - The distance measured from the mean water level to the nearest building excluding normal waterfront facilities.

Watershed – An area of land that drains water, sediment and dissolved material to a common outlet at some point along a stream channel.

Wetland – An area of the state that is inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. See 24 VSA §4303(32).

Wireless Communications Facility- A tower, pole, antenna, guy wire, or related fixtures or equipment intended for use in connection with transmission or receipt of radio or television signals or any other electromagnetic spectrum based transmission reception and for which a license is sought or has been granted by the FCC; the construction or improvement of a road, trail, building, or structure incidental to a communications facility.

Vantage Point- A point located on a public highway or public water body in Fairlee from which a proposed wireless communication facility will be visible.

Yard Sale, also Garage Sale, Lawn Sale, Tag Sale – The sale of pre-owned household goods by the owner of those goods from a residence on an incidental basis. Yard sales may be held no more than four (6) times a year from any single residence and may not feature the sale of goods specifically purchased for re-sale.

Zoning – A type of land use regulation governing the location, type and density of development within a community through the delineation of one or more zones or zoning districts, as depicted on a zoning map. Local zoning regulations must conform to the municipal plan, including the plan’s land use goals and recommendations and proposed land use map.

Zoning Administrator (ZA) – Local administrator in charge of enforcing the municipal zoning regulations. The ZA is responsible for providing information to the public, reviewing plans and documentation for compliance and assisting applicants with their requests for permits, site plan reviews, conditional use permits, waivers and variances.

Zoning Map (Official Zoning Map) – The map officially adopted as part of a Zoning Bylaw that identifies Zoning District boundaries (Land Use Map).