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FAIRLEE
UNIFIED DEVELOPMENT BYLAW

ADOPTED:

proposed

This document was prepared by the Fairlee Planning Commission

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Article I GENERAL PROVISIONS

§1.1 Enactment

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

§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 §4410 of the Act.

§1.3 Title

This bylaw shall be cited and known as the Fairlee Unified Development Bylaw.

§1.4 Separability

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

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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.

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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.

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§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, used or land subdivided, 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.

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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.

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§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***

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§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.***

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§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.***

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§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.

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§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.

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§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.

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§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.

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§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

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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;

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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, overfill, 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 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.

proposed

§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*

proposed

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.

proposed

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;

proposed

(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, exemptions may not apply in flood hazard zones:

(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.

proposed

§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.

proposed

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

proposed

children require site plan and conditional use approval as outlined in §5.6, §5.9 and §5.l0 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.

proposed

§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 due to 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.

E. Single family dwellings shall have at least two off-street parking spaces that meet these provisions.

proposed

§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 memorandum 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 l5 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.

proposed

§4.14 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.

§4.15 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 shalt 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.l0 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.

§4.16 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 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.

proposed

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;

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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.

proposed

Article V ADMINISTRATION AND ENFORCEMENT

§5.1 Zoning Administration

§5.1.1 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 Agency of Natural Resources for wastewater disposal and potable water supply; state of Vermont shoreland development approval; road access permitting from Vermont Department of Transportation or the Fairlee Selectboard; and any required Fairlee Development Review Board approvals, reviews or permits.

§5.1.2 Zoning Permit

No land development shall commence unless a zoning permit has 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. The Administrative Officer shall provide to interested persons such forms, checklist and information necessary for the proper filing and processing of zoning permit applications.

§5.1.3 Appointment: Administrative Officer, the Zoning Administrator

A. The Administrative Officer shall be appointed by the Selectboard, with the advice of the Planning Commission, for a term of three years. Appointments to fill a vacancy shall be for the period of the current unexpired term.

B. Employment terms, compensation, reimbursement of reasonable expenses, and hours of operation shall be set by the Selectboard consistent with state laws concerning municipal employees.

C. The Administrative Officer may be removed upon the recommendation of the Planning Commission by a simple majority of the Selectboard or at any other time by a unanimous vote of the Selectboard.

§5.1.4 Duties and Powers of the Administrative Officer

A. The Administrative Officer shall literally enforce the land use and development regulations as adopted by the Town of Fairlee. Any discretion as may be construed in the administration of these regulations is only as explicitly granted under the bylaw language.

B. Prior to the issuance of any zoning permit the Administrative Officer shall first be satisfied that the subject of the application is in conformance with any and all land use regulations in effect in the Town of Fairlee. The Administrative Officer may require from the applicant any information deemed necessary for this purpose. No permit shall be issued unless an application fee, plot or site plan and/or any approvals by the Development Review Board required by the applicable bylaws have been properly obtained and are submitted in connection with the application.

proposed

C. Prior to the administrative issuance of a zoning permit for a commercial change in tenancy, the Administrative Officer shall establish that the application is for a use or activity of an equal or lesser intensity in terms of parking, circulation and traffic. This permit may be included with permits for commercial signage. Where the use or activity will increase intensity of burdens on parking, circulation and traffic or entail the construction of or addition to any structure, the Administrative Officer shall refer the application to the Development Review Board for a site plan review and shall only issue the required permit upon Development Review Board approval of the site plan.

D. Any decision made under these provisions may be appealed to the Development Review Board per the process for appeal per 24 VSA Chapter 117 as amended.

§5.2 The Development Review Board (DRB)

§5.2.1 Creation and Powers

There is hereby established a Development Review Board appointed as provided by law, having the powers and duties set forth in 24 VSA Chapter 117, as amended. The 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, requirement, decision, or determination made by the Zoning Administrator.

B. To hear and adjudicate each request for a zoning permit for a conditional use.

C. To review and approve or reject site plans.

D. To hear and adjudicate each request for a waiver of setback requirements.

E. To review and approve or reject plats.

F. To hear and adjudicate a request for variance.

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 VSA T.24 Chapter 117.

§5.3 Conditional Uses

A. Any structure or use of a 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:

l. the capacity of existing or planned community facilities,
2. the character of the zoning district affected,
3. traffic on roads and highways in the vicinity,
4. bylaws then in effect,
5. utilization of renewable energy resources.

proposed

The DRB's review of a Conditional Use Permit for the conversion of seasonal dwellings to year-round dwellings shall apply the following performance standards:

1. Wastewater and potable water supply systems shall be permitted for year-round use by the Wastewater Division of the Agency of Natural Resources.
2. Emergency access shall be approved by the Fire Chief.
3. Off street parking for two vehicles shall be provided.

Conditional Use permits for year-round use shall be issued only to conforming lots.

B. In granting or denying a Conditional Use Permit, the procedures followed by the Development Review Board shall be in accordance with §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:

1. An application deemed complete by the Zoning Administrator;
2. A scale map showing the location of the site, including existing roads and highways and adjacent land uses;
3. A statement that includes the names and addresses of the owners of the land immediately adjacent to and across the road from the property at issue.
4. Sign-off statements of all appropriate Town Departments that they have the capacity to service the proposed conditional use.

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.

§5.4 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 an 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 would therefore be necessary to enable reasonable use of the property.

C. The unnecessary hardship has not been created by the applicant, i.e., an applicant who has purchased a non-conformity has created the hardship for themselves.

proposed

D. The variance, if authorized, would not alter the essential character of the neighborhood or district in which the property is located, would not substantially or permanently impair the appropriate use or development of adjacent property, would not reduce access to renewable energy resources, or would not be detrimental to the public welfare.

E. The variance, if authorized would represent the minimum variance that would afford relief and would represent the least deviation possible from the bylaw and from the plan.

§5.5 Setback Waivers

Applicants may apply for site waivers of setback requirements in some circumstances. The Administrative Officer may waive requirements only where necessary for ADA compliance and/or EMS access. The Development Review Board may waive setback requirements only after a warned public hearing. The Development Review Board may not waive lot dimensional requirements, Permitted or Conditional Use lists as cited in Article III or other provisions of the development bylaws.

§5.5.1 Waiver Criteria: Administrative Waiver

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

A. Reductions in front or side setbacks as necessary to allow for ADA compliant disability access;
B. Reductions in side setbacks to allow for necessary EMS access improvements.

§5.5.2 Waiver Criteria: Warned Public Hearing

In all districts, waivers for setbacks may be granted after a hearing and approval by the Development Review Board if at least <u>one</u> of the following criteria is met:

1. The proposed waiver is less non-conforming than existing conditions or the proposed waiver reduces non-conformity associated with the land use district;
2. The proposed development will cluster development and more effectively preserve open land, forest land, or scenic vistas; or
3. In the Village Center Area, front setbacks may be reduced by the DRB to those found on adjacent properties as long as traffic and pedestrian safety is maintained.

§5.5.3 Waiver Limitations

1. Setback waivers to extend a non-conforming building line may be applied to only one lot line.
2. Lot coverage by footprints of all structures on the lot after the application of the lot line waiver may not exceed 25%.
3. In the Village Center Area, center of the road setbacks may be waived to a distance of the average of the abutting properties.

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§5.5.4 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 and 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; and landscaping plans, including site grading, landscape design and screening.
3. Other information pertinent to the issue before the DRB.

§5.5.5 Waiver Review Criteria

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

1. The waiver requested is for a use permitted within the district.
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 one's neighbors.
4. The design used incorporates elements, screening, or other remedies to reasonably limit impact or the potential for impact upon ones neighbors.

§5.5.6 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.

§5.5.7 Conditions

In approving a project, the DRB shall act to ensure, and may impose conditions requiring that the waiver, if authorized, would represent the minimum waiver that would afford relief and would 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.

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§5.6 Development Review Board Approval of Site Plans

In accordance with §4402 and §4414 of the Act, no zoning permit shall be issued by the Zoning Administrator for any multi-family dwellings, commercial or industrial uses that require new construction or increase the intensity of use for existing structures and parcels, 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.

§5.6.1 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, north point, and the date.

B. Perimeter lines of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights-of-way, lakes, rivers, streams, land use and deed restrictions.

C. Site 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 and water systems used.

D. Proposed construction sequence and scheduled timeline for completion of each phase of the entire development.

§5.6.2 Site Plan Review Criteria

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 only to 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 the site and the street network.

C. Adequacy of circulation, parking and loading facilities within the site with particular attention to safety.

D. Adequacy of landscaping, screening and setbacks in regard to achieving maximum compatibility and protection to adjacent property.

In order to achieve these objectives, the DRB shall apply the performance standards in §5.6.3, §5.6.4, §5.6.5, §5.6.6 and where applicable the specific performance standards imposed in the Village and Interchange Areas per §5.6.7 and §5.6.8.

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§5.6.3 Harmonious Relationship

A. Where the proposed project site abuts a residential use a 15 foot buffer strip shall be maintained.

B. Site lighting shall be night sky compliant and shall not cause glare or other unwarranted intrusions into abutting properties.

C. Stormwater run-off and treatment shall be dealt with on-site.

D. Dumpsters and trash storage shall be located in an accessible location to the rear of the building or site. This area shall be screened from view of abutting properties and the public roadway.

§5.6.4 Vehicular Circulation and Access

A. The applicant shall obtain state and town access permits prior to the site plan review.

B. The applicant is responsible for vehicle stacking and may be required to upgrade public roadways with turn lanes if trip-end estimates call for them.

§5.6.5 Circulation, Parking and Loading

A. Aisles between parking rows shall be as follows:

Parking Angle	Space Width	Space Length	Aisle Width 1-way	Aisle Width 2-way	Width At Curb
90	10’	20’	24’	24’	10’
60	10’	20’	18’	20’	11’
45	10’	20’	15’	20’	13’
30	10’	20’	12’	20’	18’
Parallel	10’	20’	12’	24’	20’

B. The number of off-street parking spaces shall meet the requirements of §4.7 unless it can be demonstrated the public interest is served by an increase or decrease in the number of specified spaces. Stalls shall be oriented so that vehicle headlamps do not illuminate residential properties. Site limitations shall not be grounds for alteration of these requirements.

C. Loading and delivery docks shall be located to the rear of the building; delivery vehicles shall be able to maneuver within the site without using the public right of way.

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§5.6.6 Landscaping, Screening and Setbacks

A. The property owner shall plant materials appropriate to the soil and moisture conditions of the particular location. All plant stock intended to fulfill these landscaping requirements must be hardy to USDA Zone 4 or lower.

B. Tolerance for Site Conditions: Plantings should be tolerant for salt, drought, hydrophilic soils, wind, and any other adverse site conditions.

C. Plants on the list of invasive species (available at Vermont Agency of Natural Resources, Vermont Invasive Exotic Plant Committee) shall not be used.

D. Where a site abuts a residential use, a 15' buffer strip shall be maintained. Where tree lines currently exist at the property line, they shall be maintained at current densities; otherwise, trees and shrubs shall be planted at sufficient densities to screen the residential properties.

E. Landscape requirements for public road frontage: Where possible, suitable hardwood shade trees shall be planted where there are or otherwise would be no trees. Where possible at least one shade canopy tree shall be planted, or maintained every 40' along the frontage of each lot. All new trees shall measure at least 2-1/2 inches in diameter measured at a point one foot above ground line at the time of planting. Where overhead utility lines prevent taller trees the applicant shall substitute dwarf or semi-dwarf varieties.

F. Function: Plantings should be suited to the aesthetic and functional needs of the site and should not be put in unsafe locations.

G. All landscaping required by a notice of decision, finding of fact or permit condition shall be installed before the issuance of a final Certificate of Compliance and any such landscaping shall be maintained for the life of the use.

§5.6.7 Village and Interchange Area Site Plan Provisions

A. Approved buildings in the Village and Interchange Areas shall be two and a half story gabled roof structures or buildings of at least two stories in the Colonial or Federalist styles in the general generic shape of those illustrated below.

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Dutch colonial *Georgian hipped* *gothic center gable* *Italian hipped*

prairie *Victorian* *federal side gabled* *Greek revival side-wing*

B. Wherever possible in the Village and Interchange Area, parking shall be to the rear of the site. In the Village Area, where not possible, parking shall be to the side of the building. Parking shall never be located in front of a new building in the Village Area.

C. Landscaping: Provide grass, trees, shrubs, flowers and similar landscaping in new site development, particularly in the front and highly visible areas of the property.

D. Identify any existing trees on the property survey which have a caliper of eight inches or more. These trees should be shown on all plans during site plan review. Attempt to incorporate these existing trees into new site plan development to reduce waste and salvage older trees.

E. Outdoor storage of materials, inventory or equipment shall be located to the rear of the site and screened from both abutting property and the public roadway by landscaping or fencing sufficient for the purpose.

§5.6.8 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 notify the Development Review Board of all actions made under this section within 48 hours via email.

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§5.7 Hearing and Notice Requirements and Procedures

§5.7.1 Notice Procedures

All development review applications before the Development Review Board under procedures set forth in this section shall require notice as follows.

A. A warned public hearing shall be required for conditional use review, variances, waivers, administrative officer appeals, site plan reviews and final plat review for subdivisions. Any public notice for a warned public hearing shall be given not less than fifteen days prior to the date of the public hearing by all of the following:

   1. Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality;
   2. Posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. § 312(c)(2), including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made;
   3. Written notification to the applicant and to owners of all properties adjoining the property subject to development, including the owners of properties which would be contiguous to the property subject to development but for the interposition of a highway or other public right-of-way and, in any situation in which a variance is sought regarding setbacks from a State highway, also including written notification to the Secretary of Transportation. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

B. The applicant may be required to bear the cost of the public warning and the cost of notification of adjoining landowners through the payment of application fees.

C. The AO will also make public notice through other effective means such as a notice board, municipal website and email list.

D. No defect in the form or substance of any requirements in A. (1) or (2) of this subsection shall invalidate the action of the Development Review Board where reasonable efforts are made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Environmental Division of the Vermont Superior Court or by the Development Review Board itself, the action shall be remanded to the applicable municipal panel to provide new posting and notice, hold a new hearing, and take a new action.

§5.7.2 Decisions

A. The Development Review Board may recess the proceedings on any application pending submission of additional information. The Development Review Board should close the evidence

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promptly after all parties have submitted the requested information. The Development Review Board shall adjourn the hearing and issue a decision within 45 days after the adjournment of the hearing, and failure of the Development Review Board to issue a decision within this period shall be deemed approval and shall be effective on the 46th day upon granting of a petition to that effect by the Environmental Division of the Vermont Superior Court. Decisions shall be issued in writing and shall include a statement of the factual bases on which the Development Review Board has made its conclusions and a statement of the conclusions. The minutes of the meeting may suffice, provided the factual bases and conclusions relating to the review standards are provided in conformance with this subsection.

B. In rendering a decision in favor of the applicant, the Development Review Board may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of this chapter and the pertinent bylaws and the municipal plan then in effect. A bylaw may provide for the conditioning of permit issuance on the submission of a bond, escrow account, or other surety in a form acceptable to the Selectboard of the Town of Fairlee to assure one or more of the following: the completion of the project, adequate stabilization, or protection of public facilities that may be affected by a project.

C. Unless waived by the applicant in an uncontested application, any decision shall be sent by certified mail within fifteen days to the applicant and the appellant in matters on appeal. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing and a copy of the decision shall be filed with the administrative officer and the clerk of the municipality as a part of the public records of the municipality.

D. Conditions may require that no zoning permit, except for any permits that may be required for infrastructure construction, may be issued for an approved development unless the streets and other required public improvements have been satisfactorily installed in accordance with the approval decision and pertinent bylaws. In lieu of the completion of the required public improvements, the Development Review Board may require from the owner for the benefit of the municipality a performance bond issued either by a bonding or surety company approved by the Selectboard of the Town of Fairlee or by the owner with security acceptable to the Selectboard of the Town of Fairlee in an amount sufficient to cover the full cost of those new streets and required improvements on or in those streets or highways and their maintenance for a period of two years after completion as is estimated by the Development Review Board or such municipal departments or officials as the Development Review Board may designate. This bond or other security shall provide for, and secure to the public, the completion of any improvements that may be required within the period fixed in the subdivision bylaws for that completion and for the maintenance of those improvements for a period of two years after completion. The performance bond required by this subsection shall run for a term to be fixed by the Development Review Board, but in no case for a longer term than three years. However, with the consent of the owner, the term of that bond may be extended for an additional period not to exceed three years. If any required improvements have not been installed or maintained as provided within the term of the performance bond, the bond shall be forfeited to the municipality and upon receipt of the proceeds

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of the bond, the municipality shall install or maintain such improvements as are covered by the performance bond.

E. The Selectboard may enter into an agreement governing any combination of the timing, financing, and coordination of private or public facilities and improvements in accordance with the terms and conditions of a municipal land use permit, if agreement complies with all applicable bylaws in effect.

§5.8 Certificate of Compliance

Where a Development Review Board adjudication or approval is required, no use, occupancy or public accommodation shall be allowed until the Administrative Officer has confirmed compliance with permit terms and any special conditions imposed and certified as such through the issuance of a Certificate of Compliance. Prior to the issuance of any required Certificate of Compliance, the Administrative Officer shall first be satisfied that the proposed use of the structure or the land conforms to the requirements of the DRB approval, zoning permit and any applicable Town of Fairlee bylaws. If the Administrative Officer determines that the use or occupancy is not in conformance with the bylaws, the Administrative Officer shall refuse to issue a Certificate of Compliance, stating the cause for the denial in writing to the applicant. Such a denial is a decision liable to appeal.

§5.9 Appeals

§5.9.1 Appeals of Decisions of the Administrative Officer

An interested person may appeal any decision or act taken by the Administrative Officer by filing notice of appeal with the Development Review Board. If the appeal is taken with respect to a decision or act of an Administrative Officer, 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 Administrative Officer fails to act with regard to an application for a permit within thirty (30) days, a permit may be deemed approved upon the petition of the applicant for relief from the Development Review Board or Environmental Court.

§5.9.2 Appeals of 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 the property is located in accordance with Sections 4471, Title 24 VSA. Such appeal shall be taken within thirty (30) days of the date of issuance of a decision.

§5.10 Penalties

Violations of these Regulations shall be regulated as outlined in 24 VSA Sections 4444 and 4445. Prior to the issuance of a notice of violation, the Administrative Officer shall conduct a good faith investigation of the alleged violation and be satisfied that such a violation has in fact occurred. Notification shall be by return receipt postage and copies of the violation complaint and a report of the investigation shall be made available to the Planning Commission, the Development Review Board, and the Selectboard. The

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Administrative Officer shall pursue further enforcement action, if required, in a manner as provided for under Town of Fairlee bylaws, ordinances, and state statute.

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ARTICLE VI SUBDIVISIONS

§6.1 Subdivision Approval Procedures

Minor Subdivision Application Procedures: (three or fewer lots, characterized by lot counts below the trigger for Act 250 permitting, that lack complicated site conditions and involve relatively simple access and easement arrangements).

Sketch Plan Phase (discussion): Initial meeting with Development Review Board (DRB) and classification of project.

Within 180 days after initial sketch plan discussion: final plan/plat submission for public hearing.

Within 30 days after final plan submittal: DRB Public Hearing (including written evidence of approval by all governmental agencies where approval is required by statute or administrative procedure).

Within 45 days after adjournment of the Public Hearing: Notice of Decision issued by DRB.

Within 180 days after DRB approval: Plat recording mylar is delivered to the ZA.

On completion: Submission of as-built drawings, if applicable.

Major Subdivision Application Procedures: (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).

Sketch Plan Phase (hearing): Initial public hearing with Development Review Board (DRB) and classification of project.

Within 180 days after initial public hearing: Preliminary Plan Application.

Within 45 days after preliminary plan application: second Public Hearing.

Within 180 days after preliminary plan approval: Final Plan Application.

Within 30 days after final plan application: Final Public Hearing (including written evidence of approval by all governmental agencies having jurisdiction over the project).

Within 45 days after Final Public Hearing: Notice of Decision by the DRB.

Within 180 days after DRB approval: Plat recording mylar is delivered to the Zoning Administrator.

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§6.1.1 Sketch Plan Phase

The sketch plan phase is an informal presentation to the Development Review Board and is not a warned public hearing. A sketch plan presentation enables the DRB and the applicant to discuss site features, lot layouts, roads and maintenance arrangements and agreements in a give and take conversation. It is designed to give the subdivider informed knowledge of the expectations of the DRB in the public hearing stages of the application. While a scale drawing is not required for a sketch plan presentation, the map presented should be sufficiently accurate to determine the relative sizes of the lots, indicate all rights of way, major natural or man-made features and all property lines. A sketch plan is required for all major and minor subdivision applications, is highly recommended for lot line adjustments, and is optional for annexations. At the conclusion of the sketch plan discussion, the DRB may:

A. Recommend further discussion at the sketch plan level. The subdivider, however, retains the right to make application for a preliminary review hearing;
B. Refer major subdivision proposals to preliminary hearing; where found useful, may refer both minor subdivision and lot line adjustments to a preliminary hearing;
C. Refer minor subdivision proposals, lot line adjustments and annexations directly to a final approval hearing.

§6.1.2 Preliminary Approval

The preliminary approval takes place in a warned public hearing conducted per public hearing procedures as specified in §5.7. The purpose of the preliminary approval is to ensure issues discussed in the sketch plan phase have been addressed, other state and local permits which may be required are in process or have been obtained, and identify other deficiencies to be addressed for final approval. At the conclusion of the preliminary approval hearing, the DRB may:

A. Recess the hearing to a date certain to generate further information or plat elements;
B. Refer the application to a final approval hearing.

§6.1.3 Final Approval

The final approval takes place in a warned public hearing conducted per public hearing procedures as specified in §5.7. This is the final public hearing for major subdivision proposals and the plat as presented shall meet all requirements per this article and be ready for acceptance as a mylar printed plat. At the conclusion of a final approval hearing, the DRB may:

A. Recess the hearing to a date certain to allow submission of an acceptable plat as required by this Article, or to conform to DRB conditions;
B. Accept the plat and sign any presented mylar;
C. Accept the plat and require the submission of a mylar for signing within 180 days of the closing of the hearing.

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§6.1.4 Plat Signing

The plat mylar shall be submitted within 180 days of approval by the Development Review Board. Before a plat mylar is recorded, it shall be inspected by the DRB to ensure it complies with the final approval map. The mylar shall be 24”x18” in dimension. This plat mylar shall then be stamped with an ink stamp provided for this purpose and signed by two members of the DRB, certifying compliance with the final approval. The plat mylar must be submitted within 180 days of the close of the final approval hearing or the approval is void per VSA T.24§4418.

§6.2 Plat Submission Requirements

Submission requirements are determined by classification as either major or minor subdivisions. Major subdivisions by definition are subject to the full requirements of this Article and classification as such can be triggered by the Development Review Board when it is found that site conditions (e.g. topography, slope, soils, wetlands, etc.) require greater definition, or at any time an Act 250 Land Use Permit is required by the Agency of Natural Resources. Minor subdivisions are characterized by lot counts below the trigger for Act 250 permitting, they lack complicated site conditions and involve relatively simple access and easement arrangements.

§6.2.1 General Requirements

All submitted plats shall conform to the following standards and requirements:

A. The submittal shall be made in three copies.
B. Maps shall be at a scale per table 1, include boundaries of the subdivision parcel(s), date, true north point, and scale.

Table 1

Distance on map in inches	feet on Ground	Scale
1	200	1:2400
1	400	1:4800
1	1000	1:12000
1	2000	1:24000

C. A completed subdivision permit application form obtainable from the Zoning Administrator or available on the Fairlee town website.
D. All supplemental information requested by the DRB from the sketch plan (discussion) phase.
E. Description of the proposed water supply. If source is an existing community water supply system, evidence of the right to use such system and the adequacy of such a system to meet water supply requirements shall be shown. All design criteria shall be in accordance with applicable State and local health regulations.
F. Description of the proposed sewage disposal system(s). If on-site sewage disposal is proposed, a registered professional engineer's or certified site technician's report and plans prepared in conformance with State and local health regulations shall be submitted. If a community sewage disposal system is to be used, evidence of the right to use such system and an engineer's statement

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of the adequacy of the system to handle the additional sewage shall be submitted.

G. All existing and proposed right of way lines, widths of roads, typical road profiles, dimensions of all lot lines and size of all lots, locations of all buildings, walkways, amenities, utilities, and other man made improvements.
H. A description of any proposed covenants and/or deed restrictions which are intended to cover all or part of the subdivision.
I. A description of the homeowners' association or other forms of management organization, if one is proposed.
J. Lots should be of ordinary shape and compact layout unless a compelling public interest or site feature can be identified that dictates otherwise.

§6.2.2 Additional Requirements for Boundary Adjustments and Annexations

Boundary adjustments shall be heard only for joint applications by both property owners. In the case of annexations, the applicant shall demonstrate legal ownership of both parcels in question.

§6.2.3 Classification Trigger for Major Subdivision Application

Any subdivision of land requiring an Environmental Board Act 250 Land Use Permit shall be treated under this Article as a major subdivision subject to sketch plan and hearings. Major subdivisions are subject to the requirements listed above and the increased requirements as listed in §6.3.

§6.2.4 Suitability Restrictions

All land to be subdivided shall be, in the judgement of the Development Review Board, of such a character that it can be used for the intended purposes without danger to public health or safety, to the environment or to critical resources, as identified in the Town Plan. Land designated as flood hazard areas or characterized by poor drainage or steep slopes, or subject to other hazardous conditions shall not ordinarily be subdivided. No lot shall be created that is smaller in area than the minimum lot size required for the land use district in which it is located nor shall any lot be created without frontage on a public road or legally deeded and defined private right of way.

§6.3 Major Subdivision Design Requirements and Performance Standards

§6.3.1 Lot Layout/Siting

The layout of lots and the siting of structures shall conform to the requirements of the Zoning Regulations and shall be appropriate for the intended construction. Consideration in lot layout and siting shall be given to aesthetics, and topographic and soil conditions.

A. Due regard shall be given to the preservation and protection of existing features such as, but not limited to, trees, scenic points and roads, brooks, streams, rock outcroppings, water bodies, forest resources, other natural resources, forest blocks, wildlife habitat connectors and corridors, historic resources, prime agricultural soils, and open meadowland per T.24 VSA Chapter 117. Specifically, the following areas shall be treated as follows:

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1) Wetlands, as identified and defined by the State of Vermont, shall not be drained, filled or altered to accommodate subdivision. Proposals for the subdivision of a lot involving or adjacent to an identified wetland shall provide for adequate setbacks of roads, buildings, structures and sewage systems from the wetland. Adequate setbacks shall be no less than 100 feet, but may be increased by the Development Review Board accordingly to protect the following wetland values:

    a. water quality control;
    b. groundwater supply;
    c. flood and erosion control;
    d. flora and fauna;
    e. education and recreation

2) Subdivision immediately adjacent to a deeryard, forest blocks, wildlife habitat connectors and corridors identified and mapped by the State of Vermont shall be designed, sited and undertaken in a manner compatible with the continued viability of the protected areas. Subdivision within a protected area boundary shall be permitted only where the Development Review Board makes the following findings:

    a. the parcel to be subdivided includes no land that is practical for subdivision except that which is in the protected area as stated above; and

    b. the subdivision can be designed and undertaken in a manner that minimizes the impact of the subdivision on the continued viability of the protected area as stated above.

    Proposals for subdivision of a lot involving or adjacent to an identified wildlife habitat, corridors or deeryards shall be based upon consultation with representatives of the Vermont Department of Fish and Wildlife and shall provide evidence of such consultation. Where subdivision takes place within a forest block, wildlife habitat corridors or deeryards or includes part or all such areas in the land base for the subdivision or the determination of its density, the remainder of the sensitive area owned by the applicant shall be managed in a manner compatible with the continued viability of those protected areas. This may include the preparation and implementation of a forest management plan approved by the Vermont Department of Fish and Wildlife.

3) Subdivision in an Aquifer Recharge Area shall not result in the pollution of ground or surface waters or an unreasonable reduction of the supply of groundwater. The Development Review Board shall consider such factors as the amount and type of wastes to be generated by the proposed use and the adequacy of design for the proposed disposal system and the capability of the land and water to sustain such use without degradation. In considering an application, the DRB may consult with the Vermont Department of Water Resources for assistance or require certification by a registered professional engineer that the project will not result in degradation.

4) Subdivision of meadowlands shall be permitted only where the Development Review Board makes the following findings, the subdivision:

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a. minimizes the disruption of the scenic quality of the site;
b. retains the maximum possible meadowland for agricultural use through such means as clustering under PRD provisions, reduction in allowable density, sale, or donation of development rights;
c. maximizes the use of the least productive land and the protection of primary agricultural soils;
d. shall not conflict with existing or potentially viable agricultural uses in the area.

B. Preservation of the productivity of forest land and the economic viability of the industry are matters of public good. Subdivision which significantly prohibits the management or use of forest resources should only be permitted when the public interest is clearly benefitted thereby. Subdivision of forest resource areas shall be permitted only where the Development Review Board makes the following findings.

1) The subdivision will not significantly reduce the potential of the resource for forestry.

2) The applicant has demonstrated that the subdivision has been planned to minimize the loss of forestry potential by providing for reasonable population densities, lot sizes, rates of growth, and the use of cluster planning and new community planning designed to economize on the costs of roads, utilities, and land usage.

C. Subdivision adjacent to those Town or State roads officially designated as scenic highways or highways generally accepted as exhibiting exceptional scenic character values shall be reviewed by the Development Review Board to ensure that the siting of any proposed structure and any site alterations, including grading, filling, removal of trees, stonewalls or other existing landscape features, are consistent with the scenic quality of the road, roadside and area and to minimize an interference with views or vistas afforded from the scenic road. To accomplish this purpose, the DRB may guide the location of structure(s) by varying setbacks, height and other requirements of the district and may restrict or require landscaping or screening measures.

D. Energy conservation and energy efficient site planning and layout shall be encouraged in the review of a proposed subdivision.

§6.3.2 Roads

A. Layout: All roadways and intersections shall be designed to ensure the safe and efficient movement of vehicles. Roads shall be logically related to the topography so as to produce usable lots and reasonable road grades. Wherever extensions of proposed roads could rationally provide public access to adjacent properties or connection to existing public State or Town highways, a right of way across the subdivider's property may be required.

B. Traffic Management: If, in the judgement of the Development Review Board a proposed subdivision presents the potential for significant traffic impact on Town or State roads, Village centers, or historic areas, a traffic impact study may be required. The purpose of such a study shall be to identify the traffic impact potential of a proposed subdivision and to identify necessary and

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appropriate mitigating measures. When warranted, such studies shall be funded by the applicant, prepared by a qualified transportation planner or registered professional engineer selected jointly by the applicant and the DRB.

C. Such studies shall include:

1) a description of the general location of the project;
2) a statement of existing traffic conditions and projected traffic conditions in five (5) years;
3) a statement comparing the operating Level of Service (LOS) of the roadways(s) and/or intersection(s) in the Town with and without the proposed project(s) 1) at the opening date of the project, and 2) in five (5) years;
4) a statement of recommendations outlining any adverse traffic impact of a proposed project and the necessary improvements to provide an acceptable operating Level of Service.

Based upon a review of the study, the Development Review Board shall set appropriate conditions to avoid or mitigate any traffic congestion or safety problems associated with the proposed subdivision.

D. Location and Design of Intersection: Intersections with existing roadways shall be as close to 90 degrees as possible. Approaches to intersections with existing roads shall be at a maximum grade of 3% for a distance of 100 feet from the edge of the travel lane. Intersections shall be located so as to provide at least a minimum sight stopping distance in accordance with the following standards of the American Association of State Highway Officials in Table 2:

Table 2
Minimum Stopping Sight Distance

Design Speed of Roadway Section (MPH)	Sight Stopping Distance (Feet)
30	176
40	263
50	369

The Development Review Board may restrict the frequency of access or impose special intersection design requirements along all Town highways at the direction of the Town Road Commission.

E. Design Standards for Town Roads: All highways proposed for acceptance by the Town shall comply with A-76, State of Vermont Design Standards and any revisions made thereto, as adopted by the Road Commission.

F. Cul de Sacs: All dead-end roads in excess of 800 feet in length shall terminate in a turnaround having a minimum outside radius of 50 feet and a travel lane width of 20 feet unless otherwise required for emergency vehicle access.

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G. Road Maintenance: The maintenance of all roads, not designated as Class 3 Town Highways or higher, shall be the responsibility of the subdivider. The subdivider shall supply evidence and assurance that said roads will be adequately maintained either by the subdivider or by an owners' association.

H. Curb Cuts on Existing Roads: The total number of curb cuts permitted on each side of a continuous length of road frontage on a parcel shall not exceed the number set forth in the following table. These limits shall not apply to farm entrances used solely to gain access to a field for agricultural or temporary forestry purposes. In calculating the number of curb cuts permitted, any curb cut in existence prior to the effective date of adopting these regulations or constructed thereafter shall be included per Table 3:

Table 3

Continuous Road Frontage of Parcel	# of Curb Cuts Permitted
0 - 799 feet	2
800 - 1599 feet	3
Each additional 800 feet	1 additional curb cut

Re-subdivision of a parcel after the effective date of adoption shall not create a right to construct any curb cut in addition to those permitted in the above table.

§6.3.3 Parking

Parking requirements shall be as established in §4.7 of this ordinance. However, the Development Review Board may require additional parking if, in its judgement, more parking is needed to accommodate the proposed development.

§6.3.4 Pedestrian Access

The Development Review Board shall require right of way to facilitate pedestrian circulation within the subdivision and to ensure public access through the property to adjoining properties or uses.

§6.3.5 Power and Telecommunication Infrastructure

The Development Review Board may require the underground installation of power and telecommunication infrastructure, wherever it is duly necessary to maintain and protect the visual character of a highly sensitive area. A diagram showing location of utility lines shall be submitted with the as-built drawings.

§6.3.6 Drainage and Erosion Control

A. The Development Review Board shall require such temporary and permanent drainage and erosion control techniques as may be necessary to control surface runoff in compliance with Vermont Water Quality Standards. Factors to be considered in determining the types of controls necessary

proposed

shall include vegetation and ground cover, slopes, soil types, percentage of land covered by impermeable surfaces, distances to streams, and impact on adjacent properties.

B. The Development Review Board may require the phasing of construction to reduce the amount of land disturbed by construction at any one time, and may stipulate deadlines for the installation of erosion control or soil stabilization measures.

C. For the purposes of calculating the amount of surface runoff, a minimum 100 year storm precipitation factor shall be used.

D. The Development Review Board shall require determination of the effect of the subdivision on the existing downstream drainage capacity outside of the area of the subdivision. Where the DRB anticipates that the increased runoff will overload the capacity of the downstream system, it may request the subdivider to delay construction until capacities are adequate, and may request the subdivider to assist in the capacity improvements deemed necessary.

§6.3.7 Fire Protection

The Development Review Board shall require the provision of facilities necessary for adequate fire protection. Such facilities shall be designed in consultation with the Fairlee Fire Department and shall be approved by the Town of Fairlee Fire Chief.

§6.3.8 Provision of Buffer Areas

The Development Review Board may require greater setbacks from property boundaries than specified in the Zoning Regulations in order to create buffer zones. Conditions for requiring buffer areas shall include, but not be limited to, lack of dense vegetation, proximity to scenic highways, heightened visibility due to differences in elevation, concentration of uses on the site as permitted by PUD and cluster provisions of the Zoning Regulations, and incompatibility of adjacent uses or other aesthetic considerations. The DRB may request that the subdivider coordinate buffer zones on his parcel with buffer areas on adjoining parcels in order to provide a continuous system of greenbelts.

§6.3.9 Site Preservation and Improvements

A. Natural Cover: Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit stormwater runoff and conserve the natural cover and soil.

B. Shade Trees: The Development Review Board may require that suitable hardwood shade trees be established in areas where trees do not exist. The DRB shall determine the minimum acceptable size of trees.

C. Excavation and Grading: The Development Review Board shall require a program of landscaping, soil stabilization and the establishment of appropriate, permanent vegetative cover following excavation or grading. The DRB may also require embankments to be planted with a stabilizing shrub or groundcover to prevent erosion.

proposed

§6.3.10 Disclosure of Subsequent Development Plans

Whenever a subdivider submits a proposal for development on only a portion of a contiguous parcel, the Development Review Board may require a general indication of the intended uses of the remaining portion of land during the sketch plan phase. Such an indication should include access, type of use, intensity of use, and phasing.

§6.4 General Conditions

§6.4.1 Completion Date

Each approval for a Final Plan shall contain a time limit within which all improvements shall be completed not to exceed 3 years, unless required or extended by the Development Review Board.

§6.4.2 Completed Site Plan

Submittal of an "as built" plan shall be required prior to the use or occupancy of any major subdivision, and may be required by the Development Review Board for a minor subdivision. This plan shall be drawn to scale and shall indicate by dimensions, angles, and distances the location of all utilities, structures, roadways, easements and other improvements as constructed. As-built plans shall be submitted by the subdivider to the Administrative Officer on a mylar of 18" x 24" size.

§6.4.3 Revision of Approved Plat

No changes, modifications or revisions that alter the conditions attached to a Subdivision Permit shall be made unless the plat is first resubmitted to, and the Development Review Board approves such modifications after public hearing. In the event that such subdivision plat is recorded without complying with this requirement, the plat shall be considered null and void.

§6.4.4 Public Acceptance of Roads and Open Spaces

Nothing in these Regulations shall be construed to constitute the acceptance by the Town of any road, easement, utilities, park recreation area or other open space shown on the Final Subdivision Plan. The Development Review Board may require the filing of a written agreement between the applicant and the Board of Selectmen covering future deed and title, dedication and provision of the cost of grading, development, equipment and maintenance of any such improvements, or may require of an applicant an agreement to waive any future rights to petition the Town to have roadways within the subdivision accepted as public streets. The DRB may require the filing of a written agreement between the applicant and the Board of Selectmen waiving any existing or future claim by the applicant and/or its heirs, successors and assigns, regarding the Town's obligation to accept any road or other improvement as a Town facility as shown on the Final Subdivision Plan and providing for the future grading, development, equipment, repair and maintenance of any such road or other improvement by the applicant and/or its heirs, successors and assigns. Consistent with the objectives of the Town Plan, and in accordance with 10 V.S.A., Chapter 155, the Town may accept less than fee interest in property to protect its open, scenic or resource value. Donation of such a conservation easement to a qualified non-profit organization may also

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serve as a means of meeting Town Plan objectives. In either case, written agreements between the parties shall be required.

§6.4.5 Compliance with Other Bylaws

Nothing in these Regulations shall be so construed as to supersede the conditions and criteria for permit approval set forth in other bylaws or ordinances in effect. This includes, but is not limited to, conditional use criteria, planned unit development requirements set forth in the Zoning Regulations, and water and sewer requirements stipulated in an adopted Health Ordinance.

§6.4.6 Performance Bond Requirements

The Development Review Board may require from the applicant, for the benefit of the Town, a performance bond in an amount sufficient to cover the full cost of constructing any public improvements that the DRB may require in approving the project; such performance bond to be submitted prior to Final Plan approval. Security that the project shall be completed, as approved, may be required in the form of:

A. A surety bond, issued by a surety company authorized to do business in Vermont, to be filed with the Board of Selectmen in form and amount satisfactory to it, or

B. A letter of credit, cash, escrow account or savings bank book properly endorsed to the Town in an amount to be determined by the Board of Selectmen, or

C. A performance bond from the developer or contractor.

The performance guarantee shall not be released until the DRB has certified completion of the improvements in substantial accordance with the approved Final Subdivision Plan. The performance bond shall run for a term to be fixed by the DRB, but in no case for a longer term than 3 years. However, the term of such bond may, with the consent of the owner, be extended for an additional period not to exceed 3 years. If any required improvements have not been installed or maintained as provided within the term of such performance bond, such bond shall be forfeited to the municipality and upon receipt of the proceeds thereof, the municipality shall install or maintain such improvements as are covered by such performance bond. The DRB may also require surety covering the maintenance of said improvements for a period of 2 years after acceptance by the Town; said surety to be equal to not less than 10 percent of the estimated cost of those improvements.

§6.4.7 Legal Data

Where applicable to a specific subdivision, the following may be required prior to approval of the Final Plan:

A. An agreement to convey to the Town, land to be used for roads, open space and other public purposes;

B. An agreement to maintain roads, parks, recreation areas and other improvements in the future and to waive any claims regarding the Town's obligation to accept said improvements as Town

proposed

facilities;

C. Descriptions of easements and rights of way over property to remain in private ownership; and

D. Descriptions of easements to drain onto or across other property.

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ARTICLE VII FLOOD HAZARD REGULATIONS

§7.1.1 Statutory Authorization and Effect

In accordance with 10 V.S.A. Chapter 32, and 24 V.S.A. Chapter 117 §4424, §4411 §4414, and 24 VSA Chapter 59, there is hereby established a bylaw for areas at risk of flood damage in the Town of Fairlee, Vermont. Except as additionally described below, all administrative procedures follow municipal procedures under 24 VSA Chapter 117.

§7.1.2 Statement of Purpose

It is the purpose of this bylaw to:

A. Implement the goals, policies, and recommendations in the current municipal plan;

B. Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding related inundation and erosion;

C. Ensure that the selection, design, creation, and use of development in hazard areas is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair stream equilibrium, flood plain services, or the stream corridor;

D. Manage all flood hazard areas designated pursuant to 10 V.S.A. Chapter 32 § 753, the municipal hazard mitigation plan; and make the Town of Fairlee, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

§7.1.3 Other Provisions

A**.** Precedence of Bylaw: the provisions of these flood hazard bylaws shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this flood hazard regulation imposes a greater restriction the provisions here shall take precedence.

B. Validity and Severability: if any portion of this bylaw is held unconstitutional or invalid by a competent court, the remainder of this bylaw shall not be affected.

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

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§7.1.4 Lands to Which these Regulations Apply

A. Regulated Flood Hazard Areas: these regulations shall apply to the River Corridors and Special Flood Hazard Areas (hereafter called "hazard areas") in the Town of Fairlee, Vermont as described below. These hazard areas overlay any other existing zoning districts and the regulations herein are the minimum standards that must be met before meeting the additional standards applicable in the underlying district. These hazard areas include:

1. The River Corridors as published by the Vermont Agency of Natural Resources including the Statewide River Corridors and refinements to that data based on field-based assessments which are hereby adopted by reference. Where River Corridors are not mapped, the standards in VII C shall apply to the area measured as fifty (50) feet from the top of the stream bank or slope.

2. The Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations.

B. Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas: where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations. In Special Flood Hazard Areas where base flood elevations and/or floodway limits *have not* been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies.

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

1. If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the floodway, the location of the boundary shall be determined by the Zoning Administrator (ZA). If the applicant disagrees with the determination made by the ZA, a Letter of Map Amendment from FEMA shall *constitute proof.*

2. If uncertainty exists with respect to the boundaries of the River Corridor, the location of the boundary shall be determined by the ZA. If the applicant disagrees with the determination made by the ZA, a letter of determination from the Vermont Agency of Natural Resources shall *constitute proof.*

proposed

§7.2 Summary Table: Development Review in Hazard Areas

The hazard areas are not appropriate sites for new structures nor for development that increases the elevation of the base flood or obstructs the ability of streams to establish and maintain geomorphic equilibrium.

#	Activity	Hazard Zone		
	P Permitted **C** Conditional Use Review **X** Prohibited **A** Exempted	**Special Flood Hazard Area**	**Floodway**	**River Corridors**
1	New Structures	X	X	X
2	Storage	X	X	X
3	Improvements to Existing Structures	P, C	C	C
4	Small Accessory Structures	P	X	C
5	At Grade Parking	P	C	C
6	Replacement water supply or septic systems	C	C	C
8	Fill as needed to elevate existing structures	C	C	C
9	Fill	X	X	X
12	Grading	C	C	C
13	Road maintenance	A	A	A
14	Road improvements	C	C	C
15	Bridges and culverts	C	C	C
16	Channel management	C	C	C
17	Recreational vehicles	P	P	P
18	Open space, recreation	A	A	A
19	Forestry	A	A	A
20	Agriculture	A	A	A

§7.3 Development Review in Hazard Areas

A. Permit: a permit is required from the Administrative Officer for all development in all areas defined in Section IV. Development that requires conditional use approval, non-conforming use approval, or a variance from the Development Review Board (DRB) under these flood hazard regulations, must have such approvals prior to the issuance of a permit by the ZA. Any development subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in Section VI and VII. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

B. Permitted Development: for the purposes of review under these regulations, the following development activities in the Special Flood Hazard area where outside of the floodway and outside of the River Corridors, and meeting the Development Standards in Section VII, require only an administrative permit from the ZA:

proposed

1. Non-substantial improvements;
2. Accessory structures;
3. Development related to on-site septic or water supply systems;
4. Building utilities;
5. At-grade parking for existing buildings; and,
6. Recreational vehicles.

C. Prohibited Development in Special Flood Hazard Area and River Corridors:

1. New residential or non-residential structures (including the placement of manufactured homes);
2. Storage or junk yards;
3. New fill except as necessary to elevate structures above the base flood elevation;
4. Accessory structures in the floodway;
5. Critical facilities are prohibited in all areas affected by mapped flood hazards; and,
6. All development not exempted, permitted, or conditionally permitted.

D. Conditional Use Review: conditional use review and approval by the DRB, is required prior to the issuance of a permit by the ZA for the following proposed development;

1. Substantial improvement, elevation, relocation, or flood proofing of existing structures;
2. New or replacement storage tanks for existing structures;
3. Improvements to existing structures in the floodway;
4. Grading, excavation; or the creation of a pond;
5. Improvements to existing roads;
6. Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing;
7. Public utilities;
8. Improvements to existing primary structures in the River Corridors that do not expand the footprint of the existing structure more than 500 square feet;
9. Accessory structures in the River Corridors, of 500 square feet or less, that represent a minimal investment
10. Building utilities in the River Corridors; and,
11. At-grade parking for existing buildings in the River Corridors.

E. Exempted Activities: the following are exempt from regulation under this bylaw;

1. The removal of a building or other structure in whole or in part;
2. Maintenance of existing roads and storm water drainage;
3. Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices; and,
4. Agricultural activities conducted in accordance with the Vermont Department of Agriculture's Accepted Agricultural Practices (AAP). Prior to the construction of farm structures the farmer must notify the ZA in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.

F. Variances: variances may be granted in writing by the DRB only in accordance with all the criteria in 24 V.S.A. §4469, §4424 (E), and 44 CFR Section 60.6, after a public hearing noticed as described in Section VIII.

proposed

1. A variance for development within the River Corridors may be allowed if, based on a review by VT ANR, it is determined that the proposed development will not obstruct the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse.
2. Any variance issued in the Special Flood Hazard Area will not increase flood heights, and will inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as $25 for $100 of coverage. Such notification shall be maintained with a record of all variance actions.

G. Nonconforming Structures and Uses: the DRB may, after public notice and hearing, approve the repair, relocation, replacement, or enlargement of a nonconforming structure within a flood hazard area provided that;

1. The proposed development is in compliance with all the Development Standards in Section VII of this bylaw;
2. A nonconforming structure that is substantially damaged or destroyed may be reconstructed only in circumstances when the structure cannot be relocated to a less hazardous location on the parcel. The lowest floor of the reconstructed structure must be rebuilt to one foot or more above the base flood elevation, and the structure must otherwise comply with all requirements of the National Flood Insurance Program;
3. Nonconforming structures or uses shall be considered abandoned where such structures or uses are discontinued for more than 12 months; and
4. An individual manufactured home lot in an existing manufactured home park that is vacated shall not be considered a discontinuance or abandonment of nonconformity. Replacement manufactured homes must be placed so as to meet the development standards in this bylaw.

§7.4 Development Standards

The criteria below are the minimum standards for development in the flood hazard areas. Where more than one zone or area is involved, the most restrictive standard shall take precedence.

A. Special Flood Hazard Area

1. All development shall be:
   a. Reasonably safe from flooding;
   b. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
   c. Constructed with materials resistant to flood damage;
   d. Constructed by methods and practices that minimize flood damage;
   e. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
   f. Adequately drained to reduce exposure to flood hazards;
   g. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,

proposed

h. Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.

2. In Zones AE, AH, and A1 – A30 where base flood elevations and/or floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a licensed professional engineer.

3. Structures to be substantially improved in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least one foot above base flood elevation, this must be documented, in as-built condition, with a FEMA Elevation Certificate;

4. Non-residential structures to be substantially improved shall:
   a. Meet the standards in A. 3 above; or,
   b. Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; A permit for flood proofing shall not be issued until a licensed professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

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

6. Fully enclosed areas that are above grade, below the lowest floor, below BFE and subject to flooding, shall:
   a. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
   b. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a licensed professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

7. Recreational vehicles must be fully licensed and ready for highway use;

proposed

8. A small accessory structure of 500 square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in 6 (above).

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

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

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

12. The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability;

13. Bridges and culverts, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources where applicable.

14 Subdivisions and Planned Unit Developments must be accessible by dry land access outside the special flood hazard area.

15. Existing buildings, including manufactured homes, to be substantially improved in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least as high as the depth number specified on the community's FIRM, or at least two feet if no depth number is specified.

B. Floodway Areas

1. Encroachments or development above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a licensed professional engineer, certifying that the proposed development will:
   a) Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;
   b) Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
2. Public utilities may be placed underground, and the analyses may be waived, where a licensed professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.

C. River Corridors

1. Improvements to existing structures, and any associated fill as needed to comply with elevation requirements in the Special Flood Hazard Area shall not decrease the distance between the existing primary building and the top of bank;

proposed

2. Accessory structures may be located within 50 feet of the existing primary building provided that the location does not decrease the distance between the existing primary structure and the top of bank.
3. Development shall not increase the susceptibility of that or other properties to fluvial erosion damage;
4. Development shall not increase the potential of materials being swept onto other lands or into the stream and causing damage to other properties from fluvial erosion;
5. Development shall not cause an undue burden on public services and facilities including roads, bridges, culverts, and emergency service providers during and after fluvial erosion events.
6. Bridge and culvert projects must have a Stream Alteration Permit; and
7. Channel management activities must be authorized by the Agency of Natural Resources.

§7.5 Administration

A. Application Submission Requirements: applications for development shall include;

1. Where applicable, a site plan that depicts the proposed development, all water bodies, Special Flood Hazard Areas, floodways, River Corridors, the shortest horizontal distance from the proposed development to the top of bank of any stream, any existing and proposed drainage, any proposed fill, and pre and post development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;
2. A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the ZA and attached to the permit before work can begin;

B. Referrals:

1. Upon receipt of a complete application for a substantial improvement or new construction the ZA shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.
2. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner. The Board should consider comments from the NFIP Coordinator at ANR.

C. Decisions: the DRB shall consider comments from the NFIP Coordinator at ANR. The DRB may recess the proceedings on any application pending submission of additional information.

D. Records: the Administrative Officer shall properly file and maintain a record of:

proposed

1. All permits issued in areas covered by this bylaw;
2. An Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, substantially improved, or flood proofed buildings (not including accessory buildings) in the Special Flood Hazard Area;
3. All flood proofing and other certifications required under this regulation; and,
4. All decisions of the DRB (including variances and violations) and all supporting findings of fact, conclusions and conditions.

§7.6 Certificate of Compliance

In accordance with Chapter 117 §4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure within Special Flood Hazard Area or River Corridors until a certificate of compliance is issued therefore by the Administrative Officer, stating that the proposed use of the structure or land conforms to the requirements of these bylaws. A certificate of compliance is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw. Within 14 days of the receipt of the application for a certificate of compliance, the ZA shall inspect the premises to ensure that all permits identified on the Project Review Sheet have been acquired and all that all work has been completed in conformance with the zoning permit and associated approvals. If the ZA fails to grant or deny the certificate of compliance within 14 days of the submission of the application, the certificate shall be deemed issued on the 15th day. If a Certificate of Compliance cannot be issued, notice will be sent to the owner and copied to the lender.

§7.7 Enforcement and Penalties

A. This bylaw shall be enforced under the municipal zoning bylaw in accordance with 24 VSA Chapter 117 §4451, §4452 and 24 VSA Chapter 59 §1974a, A copy of the notice of violation will be mailed the State NFIP Coordinator.

B. If any appeals have been resolved, but the violation remains, the ZA shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to §1316 of the National Flood Insurance Act of 1968, as amended.

C. Violations of the Accepted Agricultural Practices shall be enforced under this Section as violations of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. §4812.

proposed

Article VIII. 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 30% of the livable floor area of the primary dwelling.

Accessory Use or Structure(s) - A use or building(s) 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 building(s) shall not be used for human habitation.

Acre – 43,560 square feet.

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, silverculture, 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.

proposed

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.

Annexation – The merger of previously subdivided lots into a unified parcel, lots subject to an annexation must be in common ownership and may not be bisected by a public ROW or road.

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

Apartment House – 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 of 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 1% 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.

proposed

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 Compliance – A permit, typically issued at the completion of construction that required a DRB approval 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.

proposed

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 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.

Deeryard – A place where deer congregate in the winter; winter deer habitat or winter feeding grounds.

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).

proposed

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 dwellings 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.

proposed

FCC- Federal Communications Commission.

FEMA – Federal Emergency Management Agency.

FHBM – The Flood Hazard Boundary Map, an official map if 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.

proposed

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.

Halfway House, Halfway Housing – Community release institution.

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 serous 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 either: 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; or 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 by the secretary to qualify as a historic district; or c) individually listed on a state inventory of historic places in states with historic preservation programs that have been certified

proposed

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 building and use 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.

proposed

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 a specified 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.

Lot Line Adjustment – A mutually agreed to shift in a boundary line between two parcels.

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.

proposed

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.

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.

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.

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

Methadone Clinic – A medical facility whose primary function is the distribution of methadone or other treatments to patients for the outpatient treatment of opioid addiction. Methadone clinic is not a permitted or condition use in the Town of Fairlee.

Minor Subdivision - Minor subdivisions are characterized by lot counts below the trigger for Act 250 permitting, they lack complicated site conditions and involve relatively simple access and easement arrangements.

Mixed Use – Development of a parcel, building or structure in the Mixed Use Area with a variety of complementary and related uses, e.g. warehousing and other storage would be complementary to industrial and commercial uses. Primary retail is specifically excluded from this definition.

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 transients, each sleeping unit consisting of at least a bedroom and a bathroom.

proposed

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 and 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 of 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 ordnances 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.

proposed

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 ti 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.

proposed

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.

proposed

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.

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.

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 ti ensure that the development will conform to applicable regulations. See VSA §4416.

proposed

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 though 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 qualify 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,

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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.

Trip-end- Traffic count term referring to a vehicle arriving or leaving a location via the public roads.

Variance - An exception to the Zoning Regulations resulting from the physical circumstance, or characteristics of the particular property in question that causes a hardship not created by the property owner (i.e. purchasing a non-conformity is a self-created hardship).

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 setback requirements granted by the AO to improve ADA compliant access or by the DRB to relieve a hardship.

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.

proposed

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).

Wildlife Corridor – An area of habitat connecting wildlife populations separated by human activity or structures such as roads, development or logging.

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 six (6) times a year from any single residence and may not feature the sale of goods specifically purchased for re-sale. Items for sale and display paraphernalia shall be removed upon the conclusion of each event.

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).

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