

Town of Corinth

Proposed Unified Development Bylaws

Planning Commission Draft
July 19, 2010

Professional assistance to the Town of Corinth provided by:
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Funded in part by a Municipal Planning Grant from the VT Dept. of Housing and Community Affairs

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ARTICLE I – GENERAL PROVISIONS

1.1 TITLE

These regulations shall be known and cited as the TOWN OF CORINTH UNIFIED DEVELOPMENT BYLAWS.

1.2 ENACTMENT

These bylaws are enacted pursuant to the Vermont Planning and Development Act, 24 V.S.A., Chapter 117 and 10 V.S.A. Chapter 32, and consist of this text and the Official Development Map, adopted concurrently.

Development will be subject to these bylaws in accordance with the authority given by the Vermont Municipal Planning and Development Act (24 V.S.A., Chapter 117).

1.3 EFFECTIVE DATE AND AMENDMENT

These bylaws or any amendments thereto, shall become effective 21 days after the date of adoption. No permit or approval shall be required for any building upon which construction had lawfully begun before that time, provided that such construction is substantially completed for its intended use within one (1) year from the date of such adoption of or amendment to these bylaws; for any use lawfully established prior to the adoption or amendment to these bylaws; or for any subdivision which has received either town or state approval.

Any amendment or revision to the provisions of these bylaws shall be prepared in accordance with the Vermont Planning and Development Act.

1.4 INTENT

It is the intent of these bylaws to implement the Town Plan and to qualify the Town for participation in the National Flood Insurance Program.

1.5 VALIDITY AND SEVERABILITY

If any section or provision of these bylaws is held to be invalid, such decision shall not affect the validity of these bylaws as a whole or any part thereof other than the part held to be invalid.

1.6 INTERPRETATION

In their interpretation and application, the provisions of these bylaws shall be held to be minimum requirements adopted for the promotion of public health, safety, comfort, convenience and general welfare.

1.7 EXEMPTED DEVELOPMENT (NO PERMITS REQUIRED UNDER THESE BYLAWS)

Outside the Flood Hazard Overlay District, the following types of development are allowed without a development permit or subdivision permit, so long as they meet the General Standards of Section 3.2:

- a. Renovation to existing dwellings;
- b. Structures incidental and customary to residences;

- c. Motor homes, campers and travel trailers used for temporary habitation (not exceeding 6 months per year);
- d. Ponds of less than 10,000 cubic feet in size (average width x average length x average depth);
- e. Up to a total of three (3) box trailers, ISO containers, or other trailers used for storage;
- f. Replacement of an existing non-conforming, non-residential structure destroyed by fire or other disaster provided that it is placed on the same footprint, it does not increase in size or intensity of use, and that reconstruction begins within two years of the date of destruction;
- g. Farm structures as defined in 24 VSA Section 4413. Farmers must notify the Administrative Officer in writing of the proposed activity;
- h. Public utility power generating plants, transmission facilities, and telecommunications facilities regulated under 30 VSA, Section 248;
- i. Placement of antennae used to transmit, receive, or transmit and receive communications signals if the aggregate area of the largest faces of the antennae is not more than eight square feet, and if the antennae and any mast support does not extend more than 12 feet above the roof of that portion of the building to which the mast is attached;
- j. Amateur ham operator towers or antennae less than 40 feet in height;
- k. Any use or structure not clearly regulated by these bylaws and determined by the Administrative Officer to be of such a minimal nature as to have no, or only a negligible (de minimus) impact on the property and surrounding land uses, and to be in conformance with the Town Plan. Such a decision is appealable to the Zoning Board of Adjustment;
- l. The removal of a building or other structure in whole or in part; and
- m. Maintenance of existing roads and storm water drainage systems.

1.8 AGRICULTURE AND FORESTRY EXEMPTIONS

Accepted agricultural practices, or accepted management practices for silviculture, as such practices are defined by the Secretary of Agriculture, Food and Markets, or the Commissioner of Forests, Parks, and Recreation, respectively under Subsections 1021(f) and 1259(f) of Title 10 and Section 4810 of Title 6 are exempt from these bylaws.

1.9 CONTINUATION OR EXPANSION OF NON-CONFORMITY (NON-CONFORMING STRUCTURE OR NON-CONFORMING USE)

Any legal and valid non-conforming use or non-conforming structure, which was in existence on the date of adoption of these bylaws, may be continued indefinitely without change. Nothing in this section shall be deemed to prevent normal cosmetic maintenance and superficial repair of a non-conforming structure provided that such action does not increase the degree of non-conformity. When there is a question as to whether a use or structure was pre-existing, the burden of proof shall be on the landowner.

Any expansion, extension, enlargement, or relocation of a non-conforming structure or any alteration, expansion, relocation, or change in a non-conforming land use must be approved by the Zoning Board of Adjustment using the same notice and hearing procedure as for conditional use approval.

Where the existing structure is non-conforming, the sole standard for review by the Zoning Board of Adjustment will be that the overall degree of non-conformity will not increase. For example, a house that is already within the front setback area can expand sideways, but no farther toward the road. Where the existing use is not a permitted use, there shall be no significant increase in the overall degree of non-conformity, and the standards for conditional use approval shall also apply.

When there is a question as to what is the current level or degree of use, the burden of proof shall be on the applicant to prove that such use was in compliance when it was established.

Where the non-conformity is within the Flood Hazard Overlay Area, the Zoning Board of Adjustment may, after public notice and hearing, approve the repair, relocation, replacement, or enlargement of a nonconforming structure within a flood hazard area provided that:

- a. The proposed development is in compliance with all the development standards in Article III of these bylaws;
- b. 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;
- c. Nonconforming structures or uses shall be considered abandoned where such structures or uses are discontinued for more than 24 months; and
- d. 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 these bylaws.

1.10 WHEN PERMITS ARE REQUIRED

No development, including preparatory site work or construction of utilities or roads, shall begin until a development permit has been issued, if it will be required. All fees shall be doubled for development seeking permits after construction has begun.

1.10.1 Allowed Uses

Allowed uses are those uses listed as allowed in Sections 3.1 and 3.3 and only require filing an application form with the town Administrative Officer, paying any fee as set by the Selectboard, and posting a copy of the permit on the property. No public hearings are needed. The Administrative Officer shall deny or issue a development permit for allowed uses within 30 days of receipt of a completed application. For more details, see Section 6.3.

1.10.2 Conditional Uses

Conditional uses are listed in Sections 3.1 and 3.3 and are potentially allowable with conditions established by the Zoning Board of Adjustment. They require the filing of an application form with the Administrative Officer, paying a fee, and receiving comments through a public hearing held by the Zoning Board of Adjustment in accordance with the procedures set forth in Section 6.5. Conditional use approval is needed from the Zoning Board of Adjustment prior to the issuance of a development permit.

1.10.3 Subdivisions

All new lots require a development permit from the Town as well as a State subdivision permit from the State. State subdivision permits are issued by the Vermont Department of Environmental Conservation for the purpose of permitting potable water supply and wastewater treatment on residential lots. There is no required order in which applicants must obtain these permits; however, the permits must be in conformance with each other.

All subdivisions, except as exempted in Section 5.5, require a subdivision permit from the Planning Commission. For more details on the permit process, see Section 5.6.

1.11 PRECEDENCE

If these bylaws have stricter standards than other local, state, or federal permitting processes, the standards of these bylaws shall apply to the extent allowed by law. The standards of any overlay district in these bylaws that are stricter than the standards for the underlying district will take precedence.

Nothing in these bylaws shall supersede the conditions or criteria for approval set forth in other bylaws, statutes, ordinances, or rules including Vermont State Subdivision rules, Act 250, and Highway Ordinances.

The flood hazard provisions of these bylaws shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where flood hazard provisions of these bylaws impose a greater restriction than other regulations, the provisions here shall take precedence.

1.12 PROHIBITED DEVELOPMENT

All development that is not listed in these bylaws as allowed; exempted; permitted; or potentially allowed to be permitted following a process such as conditional use approval, waiver or variance is prohibited.

1.13 WARNING OF DISCLAIMER OF LIABILITY

These bylaws do not imply that land outside of the flood hazard overlay district will be free from flood or erosion damage. This regulation shall not create liability on the part of the Town of Corinth, or any municipal official or employee thereof, for any flood or erosion damage that results from reliance on these regulations, or any administrative decision lawfully made hereunder.

ARTICLE II – DEVELOPMENT DISTRICTS

2.1 ESTABLISHMENT OF DISTRICTS

2.1.1 General Development District

All lands within the Town of Corinth are in the Corinth General Development District.

2.1.2 Flood Hazard Overlay District

The Flood Hazard Overlay District contains all lands within:

- a. The Fluvial Erosion Hazard Zone, as determined on the most current Fluvial Erosion Hazard Zone Map published by the Vermont Agency of Natural Resources, which are hereby adopted by reference and declared to be part of these regulations, and
- b. 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.

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 other Federal agencies.

2.2 DISTRICT MAP

The areas and boundaries of the Districts referenced above are delineated on a map that is hereby designated as the Official Development Map for the Town of Corinth. Immediately following adoption of these bylaws, this map shall be signed and dated by the Selectboard, and filed with the Town Clerk. Such map shall remain at the Town Offices. Copies of this map and small-scale versions of this map shall be made available to the public, as necessary. The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.

If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the floodway, the location of the boundary shall be determined by the Administrative Officer. If the applicant disagrees with the determination made by the Administrative Officer, a Letter of Map Amendment from FEMA shall constitute proof.

If uncertainty exists with respect to the boundaries of the Fluvial Erosion Hazard Zone, the location of the boundary shall be determined by the Administrative Officer. If the applicant disagrees with the determination made by the Administrative Officer, a letter of determination from the Vermont Agency of Natural Resources shall constitute proof.

ARTICLE III – DEVELOPMENT DISTRICTS AND STANDARDS FOR ALLOWED USES

3.1 GENERAL DEVELOPMENT DISTRICT

The allowed uses and conditional uses requiring separate approval are set forth for the General Development District as follows:

Allowed Uses: Allowed uses (listed below) require obtaining a development permit from the Administrative Officer, but do not require a public hearing (see Sections 1.10 and 6.3).

- New single or duplex dwelling unit on a separate lot
- Accessory dwelling unit
- Church
- Government building or use
- Home occupation (see definition in Article VII)
- Creation of a lot through primary subdivision (as allowed by Subdivision Standards – see Article V)
- Pond with storage between 10,000 and 100,000 cubic feet (measured by average width x average length x average depth)

Conditional Uses: Conditional uses (listed below) may be approved after a public hearing, with conditions determined by the Zoning Board of Adjustment. If approved, they require obtaining a development permit prior to construction (see Sections 1.10, 6.3 and 6.5).

- Small enterprise (see definition in Article VII)
- Large enterprise (see definition in Article VII)
- Multi-unit dwelling
- Mobile home park
- Pond with storage greater than 100,000 cubic feet (measured by average width x average length x average depth)

3.2 GENERAL STANDARDS FOR ALLOWED USES IN CORINTH

All new development (except as limited by Section 4413 of the Vermont Planning and Development Act) within the Town following the date of adoption of these bylaws must conform to the following:

- a. All new lots require a State Subdivision Permit to address water and septic system requirements, or deed notice, in addition to any town authorization. This requirement is separate from these bylaws.
- b. All new lots must conform to Town Subdivision Standards (see Article V).
- c. All new or modified access onto a Town highway, or changes to an existing access, requires an access permit from the Road Commissioner. This requirement is separate from these bylaws.
- d. All structures shall be set back from the road at least 45 feet as measured from the center of the traveled way.
- e. All structures, except fences, shall be set back from the front, side, and rear property lines by a distance that equals at least 100% of the structure's height. Residential setbacks may be waived down to setback distances found on adjacent lots. See Section 6.4, Waivers.
- f. No ground disturbance is allowed within 100 feet of the top of the bank of the Waits River, South Fork Waits River, Tabor Branch of the Waits River or the delineated edge of Class I wetlands (as classified by the Vermont Agency of Natural Resources), or within 50 feet of the top of the bank of any other stream, mean high water level of ponds, or the delineated edge of Class II wetlands

(see Definitions in Article VII), excepting that incidental to bridge or culvert construction, bank stabilization, or public infrastructure.

- g. All principal structures shall have at least two (2) parking spaces outside the town road right-of-way. For home occupations, public use buildings or other buildings, parking for all employees and patrons must be provided.
- h. Only one principal structure is allowed per lot.
- i. No new lot may be created without direct access from a public road, or by a right-of-way to a public road of no less than 50 feet in width. Rights-of-way require approval by the Planning Commission.

3.3 FLOOD HAZARD OVERLAY DISTRICT

The allowed uses and conditional uses requiring separate approval are set forth below for the Flood Hazard Overlay District and replace the Allowed and Conditional Uses in the General Development District. The standards of this Flood Hazard Overlay are in addition to the underlying General Development District Standards.

Allowed Uses: *Allowed uses require obtaining a development permit from the Administrative Officer, but do not require a public hearing (see Sections 1.10 and 6.3).*

For purposes of review under these regulations, the following development activities in the Flood Hazard Overlay District, where outside of the floodway and outside of the Fluvial Erosion Hazard Zone, and meeting the Development Standards in Section 3.4, only require obtaining a development permit from the Administrative Officer:

- Creation of a lot by primary subdivision (as allowed by Subdivision Standards – see Article V)
- Non-substantial improvements to an existing structure that do not change the footprint or add fill
- Accessory structures of 500 square feet or less that represent a minimal investment
- Recreational vehicles

Conditional Uses: *Conditional uses (listed below) may be approved after a hearing, with conditions determined by the Zoning Board of Adjustment, and then require obtaining a development permit prior to construction (see Sections 1.10, 6.3 and 6.5).*

- Substantial and non-substantial improvements to an existing structure, except as allowed above
- Parking
- All other development, as defined in Article VII, except that which is listed as permitted or prohibited
- Outdoor recreation
- Subdivision of more than 5 acres or 50 lots with subdivision permit
- Substantial improvement, elevation, relocation, or flood proofing of existing structures
- New or replacement storage tanks for existing structures
- Grading, excavation; or the creation of a pond
- Improvements to existing roads
- Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing
- Public utilities and building utilities

Special Use Restrictions: The following uses are prohibited within the Flood Hazard Overlay District:

- New principal buildings
- New residential or non-residential structures (not including accessory structures, but including the placement of manufactured homes and critical facilities)
- Exterior storage or junk yards
- New fill except as necessary to elevate structures above the base flood elevation
- Accessory structures in the floodway
- All development not exempted, permitted, or conditionally permitted

3.4 GENERAL STANDARDS IN THE FLOOD HAZARD OVERLAY DISTRICT

All development within the Flood Hazard Overlay District 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,
- h. Designed with any fuel storage tanks (as needed to serve an existing building in the Flood Hazard Overlay District) located a minimum of one (1) foot above the base flood elevation. Such tanks shall be securely anchored to prevent flotation. Alternatively, storage tanks may be placed underground, if securely anchored as certified by a qualified professional.

New subdivisions of more than 5 acres or 50 lots, whichever is less, shall:

- a. Include base flood elevation data;
- b. Minimize flood damage within the flood-prone area;
- c. Provide adequate drainage to reduce exposure to flood hazards; and
- d. Locate and construct utilities and facilities, such as sewer, gas, electrical, and water systems, so as to minimize or eliminate flood damage.

Recreational vehicles on sites within special flood hazard areas shall be:

- a. On the site for fewer than 180 consecutive days, be fully licensed and ready for highway use; or
- b. Permitted in accordance with the elevation and anchoring requirements for “manufactured homes” in Section 4.2.2.

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 shall:

- a. Be used only for parking or storage of non-hazardous material;
- b. Be designed to have low flood damage potential;
- c. Be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- d. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) 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;
- e. Be firmly anchored to prevent flotation; and,
- f. Have service facilities such as electrical and heating equipment, elevated or flood proofed to at least one foot above base flood elevation.

ARTICLE IV – CONDITIONAL USE STANDARDS AND ADMINISTRATION

4.1 STANDARDS FOR ALL USES NEEDING CONDITIONAL USE APPROVAL

All development needing Conditional Use Approval must meet the following standards (except as limited by Section 4413 of the Vermont Planning and Development Act), which shall be incorporated as permit conditions:

- a. Noise – Persistent discernable noise, except that customary and incidental to residences, beyond the property line is not permitted from 7:00 pm until 7:00 am. From 7:00 am to 7:00 pm, such noise shall be limited to 70 decibels (DbA) at the property line. In the case of uncertainty by the Zoning Board of Adjustment of future or existing noise, the owner or occupant shall hire a qualified engineer at their expense who must certify that the sound levels will be/are being met.
- b. Dust/smoke and Odor – No visible dust/smoke or discernable objectionable odor beyond the property line is permitted, excepting as is incidental and customary to residences, farms or permitted burning.
- c. Vibration – Continuing vibration which is readily discernable without instruments on adjacent property is prohibited.
- d. Character – All conditional uses must demonstrate that the proposed use can be performed without an undue adverse effect on the quality of life or the character and setting of the surrounding neighborhood and the Town, and in conformance with specific policies and standards of the town plan.
- e. Stormwater and erosion control – Erosion control during construction and stormwater control for operations shall comply with state standards, regardless of whether the development requires a state stormwater permit.
- f. Renewable energy – Development may not adversely affect the use of renewable energy, principally by blocking solar access to adjacent properties.
- g. Development may not have an undue adverse effect on the capacity of existing or planned community facilities.
- h. Parking – Adequate parking for employees and the general public must be provided outside the right-of-way.
- i. Traffic and circulation – The development shall not have an undue adverse effect on traffic, roads and highways in the vicinity. Adequate travel lanes on the site must allow customers, employees, business vehicles and delivery/service vehicles to enter and exit the site without backing onto a public road. Lanes must be provided for emergency access to the building. The Zoning Board of Adjustment or Planning Commission may require an engineered traffic circulation plan for the site and an impact study on town highways, and may prohibit uses that would require upgrades to town highways or that would adversely affect a road's ability to safely and efficiently carry all modes of transportation.
- j. Signs – Signs that move and signs with flashing lights are prohibited. Any visible face of an on-premise sign shall not exceed 32 square feet. Lighted signs are permitted to be lit only during the hours of operation. All illumination must be directed away from roads and adjoining property.
- k. Exterior storage – Outside storage of materials, supplies, equipment or vehicles incidental to a commercial use may be required to be adequately screened from view.
- l. Growth: Businesses must state projected number of customers, deliveries, and employees so that limitations may be put into the permit approval. Increases above the approved limits will require seeking a revised approval and permit.
- m. The Zoning Board of Adjustment or Planning Commission may also require specialized studies at the applicant's expense, if needed to adequately review technical issues.

4.2 SPECIFIC CONDITIONAL USE STANDARDS FOR FLOOD HAZARD OVERLAY DISTRICT

4.2.1 Development Review in Flood Hazard Areas

A permit is required from the Administrative Officer for all development in the Flood Hazard Overlay District. Development that requires conditional use approval, non-conforming use approval, or a variance from the Zoning Board of Adjustment under these flood hazard regulations, must have such approvals prior to the issuance of a permit by the Administrative Officer. Any permit issued will require that all other necessary permits from State or Federal agencies be received before work may begin.

4.2.2 Development Review Standards

The criteria listed below are the minimum standards for development in the Flood Hazard Overlay District. Zones are as defined by FEMA's Special Flood Hazard areas. Where more than one zone or area is involved, the most restrictive standard shall take precedence.

- a. 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 one (1.0) 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 registered professional engineer.
- b. 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 (1.0) foot above base flood elevation. This must be documented, in as-built condition, with a FEMA Elevation Certificate;
- c. Manufactured homes to be replaced or substantially improved that are:
 - 1) Located in a new manufactured home park or subdivision, outside of a manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in a manufactured home park or subdivision which has incurred substantial damage from a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one (1.0) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement during the occurrence of the base flood.
 - 2) Located in an existing manufactured home park (created before the Flood Insurance Rate Maps), where elevating a replacement home to or above base flood elevation is not possible, the lowest floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and be securely anchored to resist flotation, collapse, and lateral movement.
- d. Non-residential structures to be substantially improved shall:
 - 1) Meet the standards in this Section and in Section 3.4, or
 - 2) As an alternative, such structures may have the lowest floor, including basement, together with attendant utility and sanitary facilities designed so that 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 for two (2.0) feet above the base flood elevation. A permit for flood proofing shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design

and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

- e. Fully enclosed areas below the lowest floor, in buildings being substantially improved, shall:
 - 1) Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
 - 2) 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 registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - i. A minimum of two (2) openings on two walls having a total net area of not less than one (1.0) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one (1.0) foot above grade.
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- f. Replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- g. Replacement 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.
- h. Replacement on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- i. 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;
- j. Bridges and culverts, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Vermont Agency of Natural Resources.
- k. Existing buildings 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 Flood Insurance Rate Maps, or at least two (2.0) feet if no depth number is specified.
- l. Structures to be substantially improved must be accessible by dry land access outside the special flood hazard area.

Floodway Areas

- a. Encroachments or development above grade and below the elevation of the floodway are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a registered professional engineer, certifying that the proposed development will:
 - 1) Not result in any increase in flood levels (0.0 feet) during the occurrence of the base flood; and
 - 2) Not increase any risk to surrounding or downstream properties, facilities, or structures from erosion or flooding.
- b. Public utilities may be placed underground, and the above analyses may be waived, where a registered professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.

Fluvial Erosion Hazard Zones

- a. Improvements to existing structures, and any associated fill as needed to comply with elevation requirements in the Special Flood Hazard Area (see Definition in Article VII), shall not decrease the distance between the existing primary building and the top of bank;
- b. Accessory structures may not be located closer to the top of bank than the existing primary building;
- c. Development shall not increase the susceptibility of that or other properties to fluvial erosion damage;
- d. 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;
- e. 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;
- f. Bridge and culvert projects must have a Stream Alteration Permit; and
- g. Channel management activities must be authorized by the Agency of Natural Resources.

4.3 SPECIFIC CONDITIONAL USE STANDARDS FOR EARTH RESOURCE EXTRACTION (SAND AND GRAVEL EXTRACTION, MINING, QUARRYING ACTIVITIES)

In addition to general standards for all development and conditional use standards for the district in which the proposal is located, any new extraction operation, or expansion, must meet the following standards.

When applying for a permit, the applicant must submit:

- A complete site plan and activity description, showing the location of all present and proposed extraction sites, the expected duration and intensity of the activity, whether it is expected to be intermittent or ongoing and a description of any power activated excavation or extraction machinery for crushing, sorting, or processing;
- An access plan, showing all roads and drainage and anticipated traffic volumes; and
- A rehabilitation plan, showing all extraction sites and the proposed method of stabilization with an appropriate permanent vegetative cover. Rehabilitation plans shall provide that the land will have no banks exceeding a 1:2 slope, raw and exposed land cuts, and uprooted stumps. A bond may be required to insure compliance with rehabilitation plans.

In addition, the following standards apply:

- a. No stationary processing machinery will be located within 300 feet of any property line, or 200 feet from a road.
- b. Only intermittent blasting will be allowed and may take place no more than two (2) days per week. Blasting operations must be preceded by written or verbal notice to abutting landowners at least 24 hours in advance and also by an audible warning signal prior to the blasting. In no case can the vibration or shock of blasting be sufficient to damage nearby utilities, structures or their contents.
- c. A 100-foot naturally vegetated minimum buffer zone is required between the top of active excavation sites and the property boundary, as well as between the top of proposed stabilized banks and property lines. Fencing may be required at the top of working faces with grades exceeding over 1:2.
- d. All surface water drainage affected by the operation shall be controlled by stormwater retention methods to prevent erosion groundwater contamination, and keep debris and sediment from entering any wetland or body of water or draining onto adjoining properties.

- e. The depth of excavations shall be such that at least four feet of undisturbed, native material shall be left in place over the seasonal high water table, and excavation may not take place within 100 feet of a perennial stream.
- f. Delivery or transportation of material must not have an undue adverse effect on the community, and must not increase traffic on existing Town roads to the point of becoming a nuisance or a hazard to public safety.

4.4 SPECIFIC CONDITIONAL USE STANDARDS FOR TELECOMMUNICATIONS FACILITIES

In addition to general standards for all development and conditional use standards for the district in which the proposal is located, any new telecommunication facility must meet the following standards:

- a. Facility construction and operation shall meet all State and Federal requirements, including but not limited to FCC requirements for transmissions, emissions and interference. No telecommunication facility, when fully equipped, shall be located or operated in such a manner that it poses a potential threat to public health or safety. Certification by a licensed engineer that the use will be in compliance with any federal radiation standard may be checked by independent review, but may not be cause for denial without conflicting certification by such an engineer.
- b. Specifically exempted from the provisions of these bylaws are:
 - 1) A single ground or structure mounted radio, television, or broadband antenna or satellite dish, not exceeding 36 inches in diameter or 10 feet in length.
 - 2) All citizens band radio antennae, or antennae operated by a federally licensed amateur radio operator, which do not exceed a height of 50 feet above the grade level, whether free standing or mounted, and which meet all setback requirements for the district in which they are located.
- c. Co-location Requirements: An application for a new wireless telecommunications facility shall only be approved by the Zoning Board of Adjustment upon a finding that the new facility cannot be accommodated on an existing or approved tower or structure within the Town of Corinth due to one of the following reasons, as documented by a qualified engineer licensed to practice in the State of Vermont:
 - 1) The proposed antennas and equipment would exceed the structural or spatial capacity of the existing or approved tower or facility. Additionally, the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.
 - 2) The proposed antennas and equipment would cause radio frequency interference (RFI) materially impacting the usefulness of other existing or permitted equipment at the existing or approved tower or facility and such interference cannot be mitigated at a reasonable cost.
 - 3) The proposed antennas and equipment, alone or together with existing facilities, equipment or antennas, would create excessive radio frequency radiation (RFR) in violation of federal standards or requirements.
 - 4) Aesthetic reasons or existing authorization conditions make it unreasonable to locate the planned equipment upon an existing or approved tower or building.
 - 5) All new facilities and lease agreements granted an authorization in Corinth shall be designed and written to reasonably accommodate both the applicant and at least one

additional user if the tower is less than or equal to 75 feet in height, and for two additional users if it exceeds 75 feet in height. Towers must be designed to allow future rearrangement of antennas, and to accept antennas mounted at varying heights. Sufficient power and access to the site may also be required to service additional users.

- d. All towers, including antennae, shall be designed to have the minimum height necessary to reach the coverage objective. Unless it is the only option necessary to comply with FCC regulations, no towers may extend above 75 feet.
- e. New facilities and their associated access and utilities shall be designed and located to minimize their visibility through the use of existing vegetation, topography, landscaping and screening, use of compatible materials and colors, or other camouflaging techniques. Towers shall not be illuminated and shall not display strobe lights, unless such lighting is specifically required by the Federal Aviation Administration or other Federal or State authority. All access roads must meet the same standards as for all other development. In order to minimize the visual impact of a straight line cut through forested areas for access to the tower, the Zoning Board of Adjustment may require a modified access route.
- f. Free standing towers may be required to be enclosed by security fencing at least six (6.0) feet in height, and shall be equipped with appropriate anti-climbing devices.
- g. No signs other than for warning, equipment, and contact information are allowed on the facility. Any exterior lighting must be shielded and motion activated.
- h. Annual Certification: Any conditional use approval shall require that the owner of a facility shall annually, on January 15, file a declaration with the Administrative Officer certifying the continuing safe operation of every facility installed subject to these regulations. Failure to file a declaration shall mean that the facility is no longer in use and may be considered abandoned and subject to removal and forfeiture of bond after notice by certified mail. A copy of the relevant portions of any signed lease, which requires the applicant to remove the tower and associated facilities when abandoned, shall be submitted at the time of application, along with a financial surety bond payable to the Town of Corinth and acceptable to the Selectboard to cover the cost of removal of the facility and remediation of the landscape, should the above clause be invoked.
- i. Removal and Bond: After proper notice, facilities which are constructed in violation of permit conditions or application representations, and facilities deemed to be abandoned shall be removed by the owner within 180 days of notice, certified as required above, or be the subject of a pending application for such development. In the event the tower or facility is not removed within the 180 days, the Town shall notify the owner and may remove the tower or facilities at the owner's cost or through exercising the bond.

4.5 SPECIFIC CONDITIONAL USE STANDARDS FOR WINDMILLS

Any windmill may be no closer than 150 percent of its height to property lines or habitable structures.

4.6 SPECIFIC CONDITIONAL USE STANDARDS FOR PONDS

In order to ensure public safety, all newly constructed or expanded ponds with a storage capacity of more than 100,000 cubic feet (measured by average width x average length x average depth) and a retaining structure shall be designed so that the outflow structure is capable of passing at least a 100-year storm event without risking failure. Greater protection may be required where there are downstream risks to persons or property. Ponds of this size will need conditional use approval by the Zoning Board of Adjustment, which may require an engineer's certification of the soundness of the impounding structure. Dug ponds and impounding dams may be required to meet appropriate setbacks from lot lines, roads and streams.

4.7 CONDITIONAL USE APPROVAL

Development requiring conditional use approval must receive such approval before a development permit may be granted. As its name implies, conditional use approval will entail written conditions on development in order to achieve certain standards. General and specific standards to be used in this process are found in Article III.

4.7.1 Application for Conditional Use Approval

Applications for conditional use approval must be made to the Administrative Officer who shall receive applications for these approvals and transmit them to the Zoning Board of Adjustment. Applications shall be accompanied by such materials as determined by the Zoning Board of Adjustment, and fees as determined by the Selectboard. The Zoning Board of Adjustment shall deem when an application is complete. When additional information is requested from the applicant in order to complete the permit application and such information is not presented within 60 days, the application will be deemed rejected.

4.7.2 Hearing for Conditional Use Approval

At least one public hearing is required prior to approval of a conditional use. See Section 6.5 for proper hearing notice requirements.

4.7.3 Provision for Independent Consultants

To assist the Zoning Board of Adjustment in its review of technical issues in applications under this section, it may, after consultation with the applicant, retain consultants and require the applicant to pay the reasonable cost of their services. Any final reports or documents prepared by the consultant shall be made available to the applicant and other parties to the proceeding at the same time they are available to the Zoning Board of Adjustment.

4.7.4 Conditional Use Approval or Denial

See Section 6.6 regarding the decision process.

4.7.5 Expiration of Approval for Conditional Use Approval

Conditional use approvals shall be attached to the development permit prior to its issuance. Any conditional use approval granted under these bylaws shall expire two (2) years from the date of the written decision granting such approval unless a development permit has been issued by the Administrative Officer for the approved project. If a development permit has been issued, the approval shall remain valid for the life of the permit.

4.7.6 Appeal for Conditional Use Approval

The approval or denial of a conditional use application by the Zoning Board of Adjustment may be appealed to the State Environmental Court in a manner as specified in Section 4471 of the Vermont Planning and Development Act.

ARTICLE V – SUBDIVISION STANDARDS AND ADMINISTRATION

5.1 GENERAL SUBDIVISION STANDARDS

The Planning Commission shall authorize the creation of lots, and the siting of structures and improvements on those lots in accordance with the planning standards described below, unless a written alteration is granted under Section 4.2. Through the use of these standards, the Planning Commission will seek to implement the Town Plan. That plan is designed to reinforce two principal factors: the historical, rural character of Corinth and the natural beauty of its setting. These factors will be strongly influenced by future patterns of land subdivision and development siting decisions.

5.1.1 Site Preservation

Subdivisions shall be designed in reasonable conformity with existing topography to minimize grading, to reduce cuts and fills, and to retain, insofar as reasonable, natural contours, land cover, and soil. Projects involving major disturbance to existing topography must show that there is no feasible alternative. No new slopes may be created with a slope greater than 1:3.

5.1.2 Lot Layout

Lot layout shall avoid irregularly shaped lots (e.g., with curves, jogs, dog-legs, etc.), or “spaghetti lots” (lots that are more than five times longer than they are wide), unless warranted due to topographic constraints, or to minimize the fragmentation of natural, scenic or cultural features.

5.1.3 Intended Use

All subdivisions shall be for stated uses in the subdivision application. A change in use without a new or amended permit is a violation. Where no uses are stated, then no uses shall be allowed without issuance of a new permit. This provision shall be included in the deed for any lots sold within the approved subdivision.

5.1.4 Surface Water, including Wetlands

Stream crossings will need either a Stream Alteration Permit by the Vermont River Management Program or a letter from the program commenting on the design of the crossing. Wetlands, as identified and defined by the State of Vermont, shall not be drained, filled or altered to accommodate subdivisions except upon issuance of a Conditional Use Determination by the Vermont Agency of Natural Resources.

Proposals for subdivisions involving or adjacent to an identified wetland shall delineate wetland boundaries by state qualified biologists. Adequate setbacks from Class I wetlands shall be no less than 100 feet and from Class II wetlands, no less than 50 feet. This provision shall not apply to the use of such areas for the growing of food or crops in connection with farming activities.

5.1.5 Primary Agricultural Soils and Productive Forest Soils

In order to maintain options for future agricultural and forest resource needs, subdivisions of all parcels that are 25 acres or larger shall be designed to conserve to the maximum extent possible the following natural resources:

- a. Primary agricultural soils that have a potential for growing food, feed, and forage crops as defined by the State of Vermont (10 V.S.A. Chapter 151, Section 6001); and

- b. Productive forest soils that have a reasonable potential for commercial forestry, as defined by the State of Vermont (10 V.S.A. Chapter 151, Section 6001).

5.1.6 Flood Hazard Areas and Steep Slopes

Land shall not be subdivided so that any lot consists of land designated as flood hazard areas or characterized by poor drainage, steep slopes (more than 25%), or subject to other hazardous conditions to the point where the lot can not be built upon, unless building has been restricted on the lot by conservation easement.

5.1.7 Ridgelines

Structures in a subdivision shall not be placed in a way that breaks the silhouette of the ridgeline, as seen from town roads.

5.1.8 Historical Resources

The subdivision shall preserve historic structures and sites, and stone walls, whenever it is reasonable to do so. In cases when preservation is not possible, mitigating actions may be required.

5.1.9 Energy Conservation

Subdivisions shall be designed to maximize energy conservation and recovery by employing such techniques as windbreaks, solar orientation, shade plantings, shared private utilities, buried power lines, reduced driveway lengths, and clustered buildings.

5.1.10 Roads and Rights-of-way

All shared driveways, roads, rights-of-way, and intersections shall be designed to conform to the new road construction standards of the Town Highway Ordinance.

All new, private roads and rights-of-way shall allow safe pedestrian and/or bicycle circulation within the subdivision and connect to town highways.

The Planning Commission may impose special intersection design requirements along all Town highways.

5.1.11 Access

Access to any lots within a subdivision shall be limited to a single shared access, except for Primary Subdivisions (see Definitions, Article VII), or unless public safety is better served by two accesses or topography precludes single access. No lot may be created that does not have an approved direct access, either through road frontage or a right-of-way, onto a public road or access to such by a private right-of-way. Access roads and driveways shall not interfere with public safety. Subdivision permits shall state that re-subdivision of a parcel after the effective date of adoption shall not create a right to construct another curb cut and that the owners of subsequent subdivisions may be required to use the same access.

5.1.12 Private Road Maintenance

The maintenance of all private roads shall be the responsibility of the applicant. The applicant shall supply evidence and assurance that said roads will be adequately maintained either by him/her or by an owners' association.

Nothing in these bylaws shall be construed to constitute the acceptance by the Town of Corinth of a road, easement, utility, or recreation area shown on a subdivision application or approved plat as publicly owned or maintained.

5.1.13 Performance Security

The Planning Commission in its approval of a subdivision or commercial development may require a performance bond or other surety payable to the Town of Corinth in an amount sufficient to cover the full cost of constructing any public or private improvements detailed in the approved subdivision plan that are designed to ensure public safety or other public good. The Commission may also require surety covering the maintenance of said improvements for a period of two years, said surety to be equal to not less than ten percent (10%) of the estimated cost of those improvements.

Such performance bond, if required, shall be submitted prior to the signing of the final subdivision plat. Security that the project will be completed as approved may be required in one of the following forms:

- A surety bond issued by a surety company authorized to do business in the state of Vermont, to be filed with the Selectboard in form and amount satisfactory to it; or
- A letter of credit, cash, escrow account or savings bankbook properly endorsed to the Town in an amount to be determined by the Selectboard; or
- A performance bond from the developer or contractor.

Unless waived, as-built drawings are required for the use or occupancy of the subdivision. As-built drawings are required and cannot be waived if a bond is required.

The performance guarantee for construction shall not be released until the Selectboard has certified completion of the improvements as shown on the as-built plans are in accordance with the Final Plan Approval (see Section 5.6.4). The construction performance bond shall run for a term to be fixed by the Selectboard, but in no case for a term longer than three years. However, the term of such bond may, with the consent of the owner, be extended for an additional period not to exceed three years. Any performance guarantee for maintenance shall be for two years following the release of the construction bond.

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 Town, and upon receipt of the proceeds thereof, the Town shall install or maintain such improvements as are covered by such performance bond.

Unless waived, prior to the use or occupancy, but not sale, of any subdivision by any person, the subdivider shall submit an "as built" subdivision plan. This plan shall be drawn to scale and shall indicate by dimensions, angles, elevations, and distances the location of all buildings, structures, utilities, roadways, easements, and other improvements as constructed. The subdivider shall submit as built subdivision plans to the Selectboard for use in determining if any performance bonds should be released. The Selectboard shall not release any bonds until they have certified that the planned improvements have been satisfactorily completed.

5.1.14 Public Utilities, Services and Facilities

Electric, telephone and cable distribution systems shall be placed underground in all subdivisions where reasonable. The developer shall coordinate subdivision design with the utility companies to ensure adequate and suitable areas for installation. All utilities shall follow the road right-of-way unless the Planning Commission approves alternative plans based upon a review and demonstration of necessity.

Design of the subdivision shall ensure that the proposed development will not place an unreasonable burden on the ability of the Town to provide municipal or governmental services and facilities.

5.1.15 Drainage and Erosion Control

Subdivisions shall be designed so as not to cause unreasonable soil erosion, storm water run-off, or a reduction in the capacity of the land to hold water so that a dangerous condition might result. Projects disturbing more than one acre shall acquire a State Stormwater General Construction Permit, 3-9020 as required by 10 V.S.A Section 1264. Unless otherwise required, all applicants shall comply with Vermont standards for runoff from construction sites, which are outlined in the “Low Risk Site Handbook for Erosion Prevention and Sediment Control.” The Planning Commission may request a professional engineer or erosion control specialist prepare drainage and erosion control plans. The site shall be planned to minimize the use of pavement, make use of retention ponds and berms, and employ phased construction to reduce runoff and erosion.

5.1.16 Emergency Services

Subdivisions shall be designed to ensure adequate provision of facilities necessary for adequate fire protection. Access drives shall be designed to safely accommodate emergency vehicles. Design of such drives or similar facilities shall be done in consultation with the East Corinth Fire Department.

The Planning Commission may require the provision of storage ponds and dry hydrants necessary for adequate fire protection. Such facilities shall be designed in consultation with the appropriate local fire department.

5.1.17 Water Supply and Wastewater Disposal

Where creation of lots are intended for development requiring on-site sewage systems or potable water, state permits will be required as a condition, and prior to the filing of any final plat. For lots without designed systems and intended to have no buildings, the required deed notice in the Vermont Environmental Protection Rules shall be a condition of final plat approval and be legibly printed on the plat.

5.2 ALTERATIONS

At the request of the applicant or on its own motion, the Planning Commission may alter the provisions of these regulations, including any standards, if, in its judgment, the provisions are not required by the special circumstances of the subdivision; the public health, safety, and general welfare remain protected; and the capacity of existing or planned community facilities, the character of the land affected, the specifically stated policies and standards of the Town Plan, and traffic on roads and highways in the vicinity are not adversely affected. Applicant expense alone shall not constitute good cause for any alteration. Any alteration of these regulations, along with the supportive reason(s) shall be in the written approval record of the Commission pertaining to the specific application.

In granting alterations, the Commission shall require such conditions as will in its judgment substantially secure the objectives of the requirements so altered.

5.3 STATE AND FEDERAL COMPLIANCE

Design of the subdivision shall be in compliance with all applicable federal, state and local laws and regulations. Permits shall be obtained for buildings in or near flood hazard areas, for on-site sewage systems or potable water, and for access onto State or Town highways.

5.4 APPLICATION REVIEW

The Planning Commission may require the hiring of outside professional assistance, to be paid for by the applicant, to assist in their review of the application.

The Planning Commission shall approve a subdivision on finding that its proposed development meets the goals of the Corinth Town Plan, using the standards described in Sections 5.1.1-5.1.17.

5.5 EXEMPT SUBDIVISION

The following subdivisions are exempt from subdivision permitting, however they still require a development permit, which shall specify that they are an exempt subdivision, and may also require a state Subdivision Permit:

- Primary Subdivision
- Annexation
- Lot Line Adjustment

Owners of a parcel(s) of land desiring to create an exempt subdivision shall make application for a development permit to the Administrative Officer. The application shall provide information regarding the owner of all parcels, a general description and references to the book and page numbers of the affected parcel(s) from the town land records, parcel ID numbers, and shall be submitted with a map showing locations of all properties, a sketch plan of the proposed boundaries resulting from the exempt subdivision, and a check to the Town of Corinth for the required fee. A development permit shall be issued by the Administrative Officer upon a finding that the resulting lots are in compliance with these bylaws, or not greater in degree of non-conformity, and that it does not have the effect of circumventing the intent of these bylaws. Upon determination by the Administrative Officer that a proposed subdivision qualifies as exempt, a written Memorandum of Municipal Action stating such shall be attached to the development permit.

5.5.1 Primary Subdivision

For the purposes of these bylaws, for lands located outside of the Flood Hazard Overlay District, a primary subdivision occurs the first time a parcel that existed before March 8, 1995 is divided into two lots, provided that any proposed construction or development on either lot is limited to single-family residential use only, and the resulting lots all have frontage on an existing road. This exemption shall not apply to lands located in the Flood Hazard Overlay District. This exemption shall not apply to the simultaneous or serial first-time division of existing contiguous (adjoining) parcels. The Administrative Officer shall approve or deny the application in writing with copies to the applicant and the Planning Commission.

5.5.2 Annexation

Owners of a parcel of land desiring to transfer a portion of said property to an abutting property owner for the purpose of annexation shall make application to the Administrative Officer.

The annexation of a parcel shall not result in any non-complying lot. Both the merged lot and the remaining lot shall be eligible for exempt subdivision provided they have not previously been subdivided.

5.5.3 Lot Line Adjustment

For the purposes of these bylaws, a lot line adjustment may be made by the owners of two or more abutting parcels of land desiring to alter the boundary between the two parcels, so long as all parcels were purchased before March 8, 1995, the number of resulting lots is the same as the original number of lots, and neither lot size changes by more than one half (1/2) acre.

5.6 SUBDIVISION APPROVAL

5.6.1 Application for Subdivision

A subdivision shall be approved by the Corinth Planning Commission before any title is transferred or construction begun. Application for approval of a proposed subdivision shall be made to the Corinth Planning Commission as defined herein. See Section 5.5 for development permits for an exempt subdivision.

The applicant for a subdivision shall pay an application fee to the Town of Corinth upon submission of an application for approval as defined below. Fees shall be set by the Selectboard.

5.6.2 Pre-Application Meeting

Potential applicants for subdivisions are encouraged to meet with the Administrative Officer and Planning Commission when beginning to consider their projects in order to avoid misunderstandings and to ensure a smooth application process once formal review is started.

Applicants for subdivision permits will participate in a pre-application meeting, unless this phase is waived at the applicant's request, to discuss the overall description of the project, familiarize the applicant with the regulations, and answer basic questions of procedure. The discussion shall be conducted at a public meeting held by the Planning Commission. No written findings, conclusions or decision shall be provided to the applicant and any comments by the Commission, the applicant and interested parties are non-binding.

At least 12 days prior to a regular meeting of the Commission, the applicant shall submit to the Administrative Officer the following:

- a. The name and address of the owner, the name and address of the applicant if different from the owner, the names and addresses of all abutters, the book and page number from the Town Land Records of the parcel proposed to be subdivided, and the parcel ID number. In addition, the applicant shall include a brief written description of the proposed subdivision (single-family dwellings, commercial, industrial, or other), the number and size of the lots, the anticipated type of water supply and sewage disposal systems, and the anticipated timing of any construction including initiation and completion of the development.
- b. A sketch map showing the location of the proposed subdivision within the Town of Corinth relative to the town highway system and including general topographic features.
- c. A sketch plan of the parcel drawn to adequate scale showing any existing structures and roads; a general layout of proposed roads, lots, and building sites; the general locations of any streams, ponds, wetlands, and fields; and approximate locations of abutting properties.

The applicant is advised to retain copies of all materials.

5.6.3 Formal Application and Preliminary Plan Approval

Preliminary plan approval is the major review stage for subdivisions. Prior to the Planning Commission's hearing on preliminary plan approval, the applicant shall submit the following, along with the appropriate fee, to the Administrative Officer for the Planning Commission's consideration at the hearing for preliminary plan approval:

- a. Duplicate copies of a completed development application form, which may be obtained from the Town Clerk.
- b. A location map showing the proposed subdivision relative to abutting properties, streams and other water bodies, any rights-of-way, and existing public and private roads.
- c. Copy of the deed (available from the Town Land Records) and the Town parcel number (available from Town Clerk or Listers).
- d. Names and addresses of all abutting property owners (also available from the Town Clerk or Listers).
- e. A draft survey plat drawn to a scale adequate for showing the subdivision boundary with lot lines and lot size, dimensions, and abutters' names. If construction is proposed, the plat shall also show the locations of proposed leach fields, existing or proposed wells, existing buildings or proposed building envelopes, flood hazard areas, primary agricultural soils, productive forest soils, any land in pasture, stone walls, existing and proposed accesses, and existing and proposed roads.
- f. The Planning Commission may also require that contour lines at an interval not greater than five feet; grading plans showing any areas of cut and fill; storm water drainage plan, which shall indicate the methods for collecting and discharging drainage, as well as methods for temporary and permanent erosion control; proposed lighting and signage, if any; covenant or easement language detailing the maintenance responsibilities for any common areas or improvements, any articles of incorporation if needed to create legal entities, and other existing and proposed facilities be located on the plat.
- g. Any other information requested in writing by the Planning Commission following the pre-application meeting.

Incomplete applications will be returned to the applicant. If the development application for preliminary plan approval is determined to be complete by the Administrative Officer, a site visit shall be scheduled with the Administrative Officer within 15 days, if he determines it is necessary. Testimony is not taken at the site visit, but rather this is the time to clarify any items in the application or to mark on the ground items shown in application materials.

Within 30 days of receipt of a completed application and any necessary site visit, the Planning Commission shall schedule a public hearing as per Section 6.5. At the hearing the Planning Commission shall take testimony as to whether the project meets the purposes of this bylaw and each relevant standard, and may make specific written recommendations for changes necessary for such compliance. If additional information is needed, the applicant shall have up to 60 days to supply such, which if not provided, shall be grounds for denying the application. People seeking interested party status must participate in this hearing either in person or in writing to retain appeal status.

When the Commission is satisfied that all relevant issues have been discussed and addressed sufficiently and is ready to decide on preliminary plan approval, it shall close the hearing prior to any decision. The Commission shall deliberate in closed session and either deny the application if it clearly will not be permissible, or approve the preliminary plan with such conditions as it deems appropriate.

Applicants should note that while items such as wastewater permits are not required prior to approval, they are advised that coordinating all permit applications at this stage can help to avoid conflicting permits, which would require resubmitting an application to bring all permits into conformance with each other.

At the time the Commission grants preliminary plan approval, it may require the subdivision to be divided into two or more phases to insure conformity with the Town Plan and may impose such conditions upon the filing of the application for final plat approval for each phase as it deems necessary to assure the orderly development of the plat and to avoid overburdening Town facilities and services.

Following preliminary plan approval, the application shall have 6 months to seek final approval.

5.6.4 Final Approval

Within six months of the preliminary plan approval, the applicant shall submit a final plan for approval to the Planning Commission materially conforming to the layout and information shown on the preliminary plan, with any modifications required which have been required by the Planning Commission. If the applicant fails to do so, the preliminary plan approval shall be void.

The Planning Commission shall hold a public hearing on the final plan, with notice as required, and shall, within 45 days from the adjournment of the final plan hearing, approve the final plan if it meets the requirements of the preliminary plan approval and has, or is conditioned to have, any necessary federal, state and/or local permits. Copies of the decision shall be promptly mailed by certified mail to the applicant, delivered to the Administrative Officer, and mailed by first class by the Administrative Officer to every person or body appearing (in person or in writing) and having been heard at the hearing.

Failure to approve or deny the final plan within such 45 day period shall be deemed approval on the 46th day. In the event of such failure to act, the applicant must obtain certification from the Town Clerk documenting the Planning Commission's failure to act within the specified period of time.

The Planning Commission in its approval may require a performance bond or other surety as provided for under Section 5.1.15.

Each final plan approval shall contain a time limit, not to exceed three years, unless required or extended by the Planning Commission or by the Selectboard, within which all construction required under the permit shall be substantially completed. In granting final plan approval, the Planning Commission may include a phasing plan. If the roads, utilities, and other improvements required for a phase of the subdivision are not substantially completed by the date specified in the phasing plan for the relevant phase of development, the final plan approval shall be rendered null and void, and all work on the project shall cease until such time as a new subdivision application has been submitted and has received final plan approval from the Planning Commission.

Notwithstanding the above, if good cause is demonstrated for delay of the project, one-year extensions may be granted by the Planning Commission after a public hearing. Such extensions shall be filed in the permit file. If extensions are granted any performance bonds shall also be extended likewise.

5.6.5 Subdivision Permit

Following approval of the final plat, the Administrative Officer shall promptly issue a subdivision permit for the actions as described in the approval. Within three days of issuance, notice of the pending permit shall be supplied to the Listers of the town and posted by the Administrative Officer as prescribed in

Section 4449 of the Vermont Planning and Development Act, as presently in effect or hereinafter from time to time amended.

5.6.6 Signing of Approved Final Plat

The final plat must be a Mylar copy of the survey, and must not differ in any material way from the plat approved at the final public hearing. Prior to filing and recording the plat, but after the appeal period has expired, the plat must be reviewed at a regularly scheduled meeting of the Planning Commission for compliance with the final plan approval, and signed by the chair or vice chair of the Planning Commission. The authorized members of the Planning Commission may not sign the Mylar plat unless the applicant has provided any required items of approval, including a bond or surety, a written agreement with the Selectboard, an easement or covenant, etc.

Any changes, erasures, modifications or revisions made to any final Mylar plat after it has been approved and signed by the Planning Commission shall render the subdivision approval null and void.

5.6.7 Filing of Approved Final Plat/Effect of Failure to File Within 180 Days

Within 180 days following the date of approval of a subdivision, the applicant must submit the final signed Mylar plat to the Town Clerk for filing in the land records of the Town of Corinth. Filing of the plat shall be in accordance with the provisions of the Act as presently enacted and as hereinafter from time to time amended. The plat to be recorded shall be in compliance with state law, 27 V.S.A., Chapter 17. Filing fees shall be paid directly to the Town of Corinth through the Town Clerk. Filing of the approved plat, any denials, notices of violation, and other matters of record shall be in accordance with the provisions of the Vermont Planning and Development Act as presently enacted and as hereinafter from time to time amended.

If an accurate Mylar map is not filed within 180 days following approval of the subdivision, the subdivision approval shall be rendered null and void. It is the responsibility of the applicant to present the Mylar in a timely manner so as not to render the approval void.

ARTICLE VI – ADMINISTRATION

6.1 ADMINISTRATIVE OFFICER

An Administrative Officer shall be appointed by the Selectboard to administer these bylaws, as provided for in the Vermont Planning and Development Act. The Selectboard may also appoint an Acting Administrative Officer to function in the absence of the Administrative Officer. The Administrative Officer shall literally enforce the provisions of these bylaws and in so doing, shall inspect developments, maintain records and perform all other necessary tasks to carry out the provisions of these bylaws. The Administrative Officer shall provide an applicant with forms required to obtain any municipal permit or other municipal authorization relating to the regulation by the Town of land development. If other municipal permits or authorizations are required, the Administrative Officer shall coordinate a unified effort on behalf of the municipality in administering the development review processes. The Administrative Officer shall also inform any person applying for municipal permits or authorizations that the person should contact the regional permit specialist employed by the Vermont Agency of Natural Resources in order to assure timely action on any related state permits; nevertheless, the applicant retains the obligation to identify, apply for, and obtain relevant state permits.

Other than for exempt subdivisions, matters involving discretion, including non-exempt subdivisions shall be referred to the Planning Commission, and conditional uses and specific conditional uses shall be referred to the Zoning Board of Adjustment.

In accordance with Sections 4464 - 4468 of the Vermont Planning and Development Act, an interested person (see Definitions, Article VII) may appeal any act or decision of the Administrative Officer by filing notice of appeal to the Planning Commission. Such notice must be filed within 15 days of the date of the act or decision of the Administrative Officer.

6.2 ZONING BOARD OF ADJUSTMENT

The Zoning Board of Adjustment shall be charged with the proper interpretation of these bylaws, including the following:

- a. To hear and rule on appeals concerning any order, requirement, decision, or determination made by the Administrative Officer or in the administration and enforcement of these bylaws
- b. To hear and grant or deny a request for a waiver or variance or changes to a non-conforming use.
- c. To hear and approve or deny a request for a conditional use approval or a specific conditional use

6.3 PLANNING COMMISSION

The Planning Commission shall be charged with the proper interpretation of these bylaws, including the following:

- a. To hear and rule on appeals concerning any order, requirement, decision, or determination made by the Administrative Officer or in the administration and enforcement of these bylaws.
- b. To hear and approve or deny a request for a non-exempt subdivision

6.4 DEVELOPMENT PERMIT

No land development or change in use may be commenced within the Town without a development permit being issued by the Administrative Officer, unless the development has been specifically exempted

by state or federal law, or elsewhere in these bylaws from requiring a permit. No development permit may be issued by the Administrative Officer, except in conformance with these bylaws and the following subsections.

6.4.1 Development Permit Application

Applications for development permits shall be made to the Administrative Officer on forms approved by the Planning Commission. In addition to the information requested on the form, the Administrative Officer may require additional information, surveys, site plans, or drawings, to document that the proposed development is in compliance with these bylaws. A fee schedule for applications shall be set by the Selectboard.

When conditional use approval is necessary before acting on a permit, a separate application for such approval will need to be filed with the Administrative Officer, and reviewed by the Zoning Board of Adjustment.

Application Submission Requirements

Applications for development shall follow municipal procedures of the Town of Corinth, under Chapter 117 of the Vermont Planning and Development Act. The Administrative Officer shall refer all applicants to the State permit specialist for 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 Town permit application for projects in the Flood Hazard Overlay District. The identified permits, or letters indicating that such permits are not required, shall be submitted to the Administrative Officer and attached to the permit before work can begin;

6.4.2 Referrals in the Flood Hazard Overlay District

Upon receipt of an application for a development in the Flood Hazard Overlay District, the Administrative Officer 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 of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Agency of Natural Resources, whichever is sooner.

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 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.

6.4.3 Completed Permit Application

An application for a development permit shall not be acted upon until it is considered complete by the Administrative Officer. For an application to be complete, it must include a signed application form, all required information, any necessary approvals (septic permit, access permit, conditional use approval, etc.) and the required application fee.

If additional information is requested from the applicant by the Administrative Officer in order to consider the permit application complete, and such information is not presented within 60 days, the application will be deemed rejected.

When an application involves a use in the Flood Hazard Overlay District, an application will not be deemed complete until the Agency of Natural Resources provides comments or the 30 day comment period in Section 6.3.2 expires.

6.4.4 Approval or Denial of Permit

For allowed uses, no hearing is held for a development permit. Within 30 days of the completion of an application the Administrative Officer shall either issue or deny the permit.

If the permit is denied, the Administrative Officer shall notify the applicant in writing, stating the reasons for denial and the procedure for appeal to the Zoning Board of Adjustment or Planning Commission. If the Administrative Officer fails to act within 30 days, a permit shall be deemed issued on the 31st day.

For conditional uses, review and conditional use approval by the Zoning Board or Adjustment or Planning Commission is required before the permit can be approved. Conditional use approval requires a public hearing (see Sections 6.6, 6.7 and 6.8).

6.4.5 Effective Date of Permit

Development permits shall not take effect until 15 days after issuance by the Administrative Officer, or in the event that a notice of appeal is properly filed in accordance with the Vermont Planning and Development Act, such permit shall not take effect until final adjudication of said appeal.

Each permit or notice of permit issued under this section shall contain a statement of the period of time within which an appeal may be taken.

6.4.6 Recording and Filing

Within three days following the issuance of a permit, the Administrative Officer shall:

- a. Deliver a copy of the permit to the Listers of the municipality,
- b. Post a copy of the permit at the Town Office until the time for appeal in has passed; and
- c. Post a copy of the notice of permit on a form prescribed by the Planning Commission within view from the public right-of-way most nearly adjacent to the subject property.

After the 15-day appeal period has closed, but within 30 days after a development permit has been issued, the Administrative Officer shall deliver the original or a legible copy of the notice of permit to the Town Clerk for recording in the town's land records on a form and in a manner as provided in Section 1154 of the Vermont Planning and Development Act; who shall then also file a copy of the effective development permit, along with any necessary approvals, conditions, maps or drawings in the Town Office where all Town development permits shall be kept.

When the development permit involves a new lot, the permit shall also list:

- a. As grantor, the owner of record title to the property at the time the municipal land use permit or notice of violation is issued;
- b. As grantee, the municipality issuing the permit, certificate or notice;

- c. The municipal or village office where the original, or a true, legible copy of the municipal land use permit may be examined;
- d. Whether an appeal of such permit, certificate, or notice has been taken; and
- e. The tax map lot number or other description identifying the lot.

The Town Clerk may charge the applicant a fee for the cost of the recording, as required by law.

6.4.7 Certificate of Occupancy

In accordance with Chapter 117 §4449, it shall be unlawful to use or occupy any development requiring a permit under these bylaws until a certificate of occupancy is issued by the Administrative Officer, stating that the proposed use of the structure or land conforms to the requirements of these bylaws. Within 14 days of the receipt of the application for a certificate of occupancy, the Administrative Officer shall inspect the premises to ensure that all permits identified on the project review sheet have been acquired and that all work has been completed in conformance with the building permit and associated approvals. If the Administrative Officer fails to grant or deny the certificate of occupancy within 14 days of the submission of the application, the certificate shall be deemed issued on the 15th day. Certificates of occupancy, or their denial, shall be filed as under Section 6.3.6.

6.4.8 Appeal of Administrative Officer's Actions or Development Permit

An interested person, as defined in §4465 of the Vermont Planning and Development Act (see Definitions, Article VII), may appeal any decision or act taken by the Administrative Officer by filing a notice of appeal with the secretary of the Planning Commission, or with the Town Clerk if no such secretary has been elected. This notice of appeal must be filed within 15 days of the date of that decision or act, and a copy of the notice of appeal shall be filed with the Administrative Officer.

The Planning Commission shall conduct a hearing of the appeal, as provided in §4465-69 of the Vermont Planning and Development Act. The Planning Commission shall render its decision within 45 days after completing the final hearing. The decision shall include findings of fact setting forth its basis. Failure to render a decision within the 45 days noted above will result in an automatic granting of the appeal. Copies of the decision will be promptly mailed to the applicant and appellant by certified mail, and by first class mail to every person or body appearing and having been heard at the hearing(s), and also filed with the Administrative Officer and the Town Clerk.

Appeals of Planning Commission of Zoning Board of Authority decisions must be made to the Environmental Court in accord with Section 4471 of the Vermont Planning and Development Act.

6.4.9 Expiration of Development Permit

A development permit shall expire two (2) years after the date it was issued by the Administrative Officer, unless the development or use authorized by its issuance has been substantially completed. To extend or continue a project that is not substantially completed within the two year timeframe will require re-applying for a development permit.

6.5 VARIANCES AND WAIVERS

When approval or a permit for a use has been denied, or is not possible using the requirements of these bylaws, an applicant may apply for a waiver to the Administrative Officer in some circumstances, and in others would have to appeal this denial to the Planning Commission for a waiver or a variance. If the matter has only to do with dimensional requirements (for example a smaller setback than was usually

required), a waiver may be possible. For special and rare circumstances a variance may be needed. Variances will only be issued if the specific circumstances meet a five-part test as described in Section 6.4.2.

6.5.1 Qualifying for a Waiver

Waivers may be granted for a permitted use by the Administrative Officer to reduce dimensional requirements as needed to allow for disability accessibility, fire safety, and other requirements of law; or in cases where the footprint of an addition to an existing structure will be not be closer to the setback(s) than the pre-existing structure and the footprint of the addition will be less than 25% of the footprint of the existing structure.

Waivers for other situations may be considered by the Zoning Board of Adjustment following the review and notice process in Section 6.5. The Zoning Board of Adjustment may grant waivers to reduce any dimensional requirements up to 50%, if the Zoning Board of Adjustment finds that proposed development does not reduce the dimensional requirements by more than the minimum amount necessary, *and* that the proposed development meets any of the following criteria:

- a. The proposed development conforms to the existing development patterns of the immediate neighborhood.
- b. The proposed development will more effectively preserve open land or scenic vistas.
- c. The proposed development will provide for energy conservation and renewable energy structures.
- d. The proposed development will result in permanently affordable housing.

6.5.2 Qualifying for a Variance

A variance is not a form of relief, but rather a process that takes into account individual factors that may have precluded the issuance of a permit under the more standard permitting or approval processes. Variances may be granted in writing by the Zoning Board of Adjustment or Planning Commission 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 6.5. Variances shall follow the same review and notice process as for a conditional use in Section 5.7. Except as specified in §4469(b) of the Vermont Planning and Development Act for renewable energy structures, variances shall only be granted by the Zoning Board of Adjustment or Planning Commission upon a written finding that ALL of the following facts are true:

- a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of these bylaws in the neighborhood or district in which the property is located.
- b. That because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these bylaws, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- c. That the unnecessary hardship has not been created by the appellant (including any previous development done by the applicant).
- d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
- e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from these bylaws and from the plan.

If the proposed project is within the Flood Hazard Overlay District the following findings will also apply:

- f. A variance for development within the Fluvial Erosion Hazard Zone may be allowed if, based on a review by Vermont Agency for Natural Resources, it is determined that the proposed development will not obstruct the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse.
- g. 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.

In rendering a decision in favor of an appellant under this section, the Zoning Board of Adjustment or Planning Commission may attach such conditions to such variance as it may consider necessary and appropriate under the circumstances to implement the purposes of the Vermont Planning and Development Act and the Town Plan. The Zoning Board of Adjustment or Planning Commission must grant or deny the variance within 45 days of the final hearing or approval will be automatically given on the 46th day. Copies of the decision will be promptly mailed to the applicant by certified mail, and by first class mail to every person or body appearing and having been heard at the hearing(s), and also filed with the Administrative Officer and the Town Clerk.

6.5.3 Expiration of Variance or Waiver

Any variance or waiver approval granted under these bylaws shall expire two (2) years from the date of the written decision granting such approval unless a development permit has been issued by the Administrative Officer for the approved project.

6.5.4 Appeal of Variance or Waiver

The approval or denial of a variance or waiver by the Zoning Board of Adjustment or Planning Commission may be appealed to the Environmental Court in a manner as specified in Section 4471 of the Vermont Planning and Development Act.

6.6 PUBLIC HEARING

At least one warned public hearing shall be required for conditional use approval, variances, Administrative Officer appeals, and final plat review for subdivisions. Notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all of the following:

- a. Publication in a newspaper of general circulation in the town of the date, place, and purpose of the hearing; and that participation in the hearing is a prerequisite to the right to take any subsequent appeal.
- b. Posting of the same information in three or more public places within the municipality, and within view from the public right-of-way most nearly adjacent to the property for which an application is made. Such outdoors posting shall be of a form as prescribed by the Planning Commission, and if within the town right-of-way shall be posted no closer than seven (7.0) feet to the traveled surface. Posting on private property outside the right-of way requires landowner permission.

- c. Written notification by first class mail to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the hearing is a prerequisite to the right to take any subsequent appeal.
- d. Written notification to any relevant neighboring town's clerk, as described in C above, if the proposed subdivision is within 500 feet of that town.

A record of such notice is required, whether undertaken by the Administrative Officer or the applicant, and shall include a copy of the newspaper notice and a signed certification as to the postings. Proof of the mailings may be either by certified mail, return receipt requested; written notice hand-delivered; or a sworn certificate of service of first class mailing. Costs for all notices will be paid by the applicant at the cost to the town or on a fee schedule as set by the Selectboard.

Sufficient hearings on the proposed development will be held to allow the Zoning Board of Adjustment or Planning Commission to reach conclusions on compliance with all standards of these bylaws. At the first hearing, all attendees will be advised that participation in the hearing is necessary to retain any appeal rights. Testimony at hearings may be required to be under oath. The Zoning Board of Adjustment or Planning Commission will keep a record of the hearings, the name and address of any participants and the nature of their participation, and all evidence and testimony submitted.

If, during any hearing, additional information is needed, the hearing may be recessed by the Zoning Board of Adjustment or Planning Commission to a later date and time specified at the hearing without requiring new notice. If the applicant does not know when the additional information will be ready, the hearing shall be closed until the applicant notifies the secretary of the Zoning Board of Adjustment or Planning Commission that the additional information requested is ready. Any additional (not continued) hearings shall be at the applicant's expense and the notice requirements apply again.

6.7 DECISIONS

After all testimony and hearings are complete, the Zoning Board of Adjustment or Planning Commission shall deliberate in closed session and render a decision that includes written findings of fact, setting forth reasons for approval, any conditions of approval, or reasons for denial in case of denial. All decisions shall address each of the general standards and any specific standards relevant to the proposed development. The Zoning Board of Adjustment or Planning Commission must grant or deny the application within 45 days of the final hearing or approval will be automatically given on the 46th day. Copies of the decision will be promptly mailed to the applicant by certified mail, and by first class mail to every person or body appearing and having been heard at the hearing(s), and also filed with the Administrative Officer and the Town Clerk.

6.8 RECORDING

Within three days of issuance of a development permit, notice of the pending permit shall be supplied to the Listers of the town and posted by the Administrative Officer as prescribed in Section 4449 of the Vermont Planning and Development Act, as presently in effect or hereinafter from time to time amended.

Within 30 days, any development permit, conditional use approval, variance, notice of violation, denial of any permit or approval, or similar instrument shall be recorded in the Town permit file by the Administrative Officer and notice of same in the Corinth Land Records by the Town Clerk. Notice of recording shall list as grantor, the owner of record title to the property at the time the municipal land use

permit or notice of violation is issued; as grantee, the municipality issuing the permit, certificate or notice; the municipal or village office where the original, or a true, legible copy of the municipal land use permit may be examined; whether an appeal of such permit, certificate, or notice has been taken; and tax map lot number or other description identifying the lot. Such records shall be open to inspection.

Failure to record municipal permits or notices of permits within the 30-day period may limit the right of the Town to enforce these regulations.

In addition to the above, the Administrative Officer shall file with any permit within the Flood Hazard Overlay Area:

- a. 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; and
- b. All flood proofing and other certifications required under this regulation.

6.9 UNDEVELOPED PRE-EXISTING LOTS

Any lot in individual and separate ownership from surrounding properties in existence on the effective date of these bylaws may be developed for purposes permitted in the District in which it is located, so long as such a lot is not less than one-eighth acre in area with a minimum width and depth dimension of forty feet. All other requirements must be met.

Separate lots, where at least one is undeveloped, that come under the same ownership after the adoption of these bylaws shall not be deemed merged for the purposes of these bylaws unless either is less than 40 feet in any dimension or is less than an eighth of an acre.

6.10 DISCONTINUANCE AND ABANDONMENT

If a non-conforming use is discontinued within the Flood Hazard Overlay District, or any structure abandoned, for a period of 24 consecutive months, it shall be deemed discontinued or abandoned. A discontinued use shall not resume or an abandoned structure be used, except subject to the provisions of these bylaws as if it was a new development. Where the Administrative Officer determines that discontinuance or abandonment has taken place, the burden of proof shall be on the owner to prove otherwise.

6.11 PRE-EXISTING VIOLATIONS

Adoption of these bylaws has no effect on uses or structures that were in violation of previous regulations, which shall remain as violations, unless they meet all of the provisions of these bylaws.

6.12 VIOLATIONS AND ENFORCEMENT

6.12.1 Violations

The commencement or continuation of any land development, subdivision, or land use, except as exempted in these bylaws, which is not in conformance with any provision of these bylaws shall constitute a violation. Any person who violates these bylaws may be fined not more \$100 for each offense. Each day that a violation is continued shall constitute a separate offense. In default of payment of the fine, such person shall pay double the amount of such fine.

6.12.2 Notice of Violation

Pursuant to §4451 of the Vermont Planning and Development Act, no legal enforcement action may be brought by the Town under this section unless the alleged offender has had at least seven (7) days written notice of violation by certified mail from the Administrative Officer. The notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. A copy of the notice shall be sent to the Chairs of the Selectboard and Zoning Board of Adjustment or Planning Commission and placed in that property's permit file and with the Land Records. For properties in the Flood Hazard Overlay Area, a copy of the notice of violation will be mailed to the State NFIP Coordinator.

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

6.12.3 Enforcement and Fines

If the violation is not corrected within the allotted time, the Administrative Officer in accordance with §4452 of the Vermont Planning and Development Act shall initiate the appropriate court action in the name of the Town of Corinth to enforce the provisions of these bylaws. To the extent allowed by law, the Administrative Officer will pursue the prosecution of alleged offenders through the Environmental Court, or through the Judicial Bureau as appropriate. The Administrative Officer shall consult with the Selectboard and legal counsel, as necessary, but shall not incur costs without the approval of the Selectboard

All fines imposed by the Court and collected for violations shall be paid to the Town.

If the violation remains after all appeals have been resolved, the Administrative Officer shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance for the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

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

ARTICLE VII – DEFINITIONS

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases used herein shall have the meanings indicated below when used in these bylaws:

- Words, phrases, and terms neither defined herein nor elsewhere in these bylaws shall have their usual and customary meanings except where the context clearly indicates a different meaning.
- Any interpretation by the Administrative Officer may be appealed to the Planning Commission. In such cases, the Commission shall base its ruling upon the following definitions, State statute, and the need for reasonable and effective implementation of these bylaws.
- The words and terms used, defined, interpreted or further described in this Article shall be construed as follows:
 - The particular controls the general;
 - The present tense includes the future tense;
 - Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary;
 - The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for;"
 - The words "shall," "must" and "will" are mandatory; the word "may" is permissive.
 - The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
 - The word "structure" includes "building."
 - The word "lot" includes "parcel."

For the purposes of these bylaws, the meanings of words, terms, and phrases shall be interpreted as defined below and all other words shall be presumed to have their customary meanings. Any decisions or rulings by the Planning Commission that provide further definition shall be maintained as a record to ensure consistent and uniform application of the terms of these bylaws.

ABANDONED – A residential building is defined as abandoned if it is uninhabitable for more than 24 months, unless there were legal or other circumstances that prevented it from being renovated as determined by the Zoning Board of Adjustment. Other buildings meant for use will be deemed abandoned if lacking any major structural element customary to that building type, such as a roof, windows, water supply, etc. for more than 24 months, unless there were legal or other circumstances that prevented it from being renovated as determined by the Zoning Board of Adjustment.

ABUTTER – Landowner who shares a common boundary with any portion of a proposed subdivision. For the purpose of application for subdivision and notification of hearings, abutters include landowners whose property is separated by a state or town highway or by surface water.

ACCESSORY DWELLING UNIT – An accessory dwelling unit means an efficiency or one-bedroom apartment that is clearly subordinate to an owner occupied single-family dwelling; and is either within that dwelling, attached, or in a separate but appurtenant building; and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, or a mobile home that is less than 900 square feet, provided there is compliance with all the following:

- a. The property has sufficient permitted 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 requirements specified in the bylaws are met.

Accessory dwelling units are not counted in the density requirements for a district.

ACCESSORY STRUCTURE – A structure which is:

- a. Detached from and clearly incidental and subordinate to the principal use of or structure on a lot,
- b. Located on the same lot as the principal structure or use, and
- c. Clearly and customarily related to the principal structure or use.

For residential uses these include, but may not be limited to, garages, garden and tool sheds, and playhouses.

ACCESSORY USE – A use customarily incidental and subordinate to the principal use.

ADMINISTRATIVE OFFICER – This term shall also include the Acting Administrative Officer, when acting in their capacity.

AFFILIATED OWNERSHIP – Properties or buildings owned by the same individual or that individual in partnership with any other person or persons is considered affiliated ownership.

ANNEXATION – The combination of existing parcels.

ANTENNA – A device attached to a tower or similar structure for transmitting or receiving electromagnetic waves.

APPLICANT – The owner of land proposed to be subdivided or the designated agent or representative of the owner. A party with a legal interest in a parcel or lot may apply in cooperation with the owner.

AREA OF SPECIAL FLOOD HAZARD – See Special Flood Hazard Area.

BASE FLOOD – The flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as a “100-year flood”).

BASE FLOOD ELEVATION – The elevation of the water surface level resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

BASEMENT – Any area of the building having its floor elevation below ground level on all sides.

BUILDING – A structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals or chattel.

BUILDING HEIGHT – The vertical distance from any point of the post-construction grade alongside the building to the highest point on the finished building’s roof, not including ornamentation, chimneys, antennae, etc.

CHANGE IN USE – Any alteration in the scale, intensity, type of activity, hours of operation, or physical setting of a use. Examples include, but are not limited to, change from a lumber mill to a lumber retail operation, addition of seating to a restaurant, additional exterior storage of materials, increase in number of employees, etc.

CHANNEL – An area that contains continuously or periodic flowing water that is confined by banks and a streambed.

CHANNEL WIDTH (OR BANKFULL WIDTH) – The width of a stream channel when flowing at a bankfull discharge. The bankfull discharge is the flow of water that first overtops the natural banks. This flow occurs, on average, about once every 1 to 2 years.

CENTERLINE – The centerline of a road shall be the marked centerline if present, and the center of the traveled way if unmarked.

CORINTH TOWN PLAN – The plan prepared by the Planning Commission and adopted by the Select Board pursuant to the Vermont Municipal Planning and Development Act (24 V.S.A., Chapter 117) June 25, 2007, or any such subsequent plan in effect.

CRITICAL FACILITIES – These facilities include police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and other structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station that survive a flood and now are the only sources for food and gas.

DEVELOPMENT – Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment or materials, the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, the construction of a road or utility, and any change in the use of any building or other structure, or land or extension or use of land.

DISCONTINUED – A use shall be deemed discontinued if it is changed to any other use for any period of time, ceases operation for more than 24 consecutive months (unless it can be shown to the satisfaction of the Zoning Board of Adjustment that there are efforts to resume use), or the building that houses the use is abandoned.

DRIP LINE – The horizontal boundaries of the structure's limits, including roof and decks.

DUPLEX DWELLING UNIT – A private residential building with separate living quarters for two households, including provisions and facilities for food preparation, sleeping and sanitation.

EDUCATION – A public or private institution whose sole purpose is the instruction of students.

EXCAVATION – The removal of earthen or stone material by machinery.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the initial floodplain management regulations adopted by a community.

EXISTING SUBDIVISION – A subdivision which was approved by the State pursuant to state laws prior to the effective date of these bylaws March 8, 1995 or a plat which was recorded with the Town in accordance with Vermont law prior to the effective date of these bylaws.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – The preparation of additional sites by the construction of facilities for servicing the lots on which the

manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FARM STRUCTURE – A building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as “farming” is defined in subdivision 6001(22) of Title 10, but excluding a dwelling for human habitation.

FENCE – Except as is incidental to an accepted agricultural practice, any structure, or earth berm over 6 feet in height, which has the effect of creating a barrier to visibility or access.

FILL – Any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

FLOOD INSURANCE RATE MAP (FIRM) – An official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD – (a) a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

FLOOD INSURANCE STUDY – An examination, evaluation and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

FLOODPLAIN OR FLOOD-PRONE AREA – Any land area susceptible to being inundated by water from any source (see definition of “flood”).

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

FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that Special Flood Hazard Areas and floodways may be shown on a separate map panels.

FLOODWAY, REGULATORY IN TOWN OF CORINTH – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

FLUVIAL EROSION – Erosion caused by streams and rivers. Fluvial erosion can be catastrophic when a flood event causes a rapid adjustment of the stream channel size and/or location.

FLUVIAL EROSION HAZARD ZONE – Includes the stream and adjacent lands necessary to accommodate the slope and plan form requirements of a geomorphically stable channel, and is subject to fluvial erosion as defined by the Vermont Agency of Natural Resources and delineated on the current Fluvial Erosion Hazard Zone Map.

FOOTPRINT – The surface area covered by a building, including areas covered by porches or decks.

FRONT YARD SETBACK –The shortest distance from the centerline of the traveled road to the nearest portion of the building's drip line. If the applicant can prove that the physical centerline is not the same as that of the right-of-way, then the centerline of the right-of way may be used.

FUNCTIONALLY DEPENDENT USE – A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

GOVERNMENT – Public buildings or uses typically associated with local, state or federal government entities or purposes.

HISTORIC STRUCTURE – Any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION – Commercial activities conducted within less than 50% of the floor area of a dwelling or accessory building, which is clearly secondary to the dwelling's use as living quarters, is customary in residential areas and does not have an undue adverse effect on the character of the neighborhood. For a commercial activity to meet the criteria of a home occupation requires that the operator of the business reside on the premises and include two other employees. Adherence to the standards in Sections 3.2 and 3.4 is required. Additional parking spaces for employees are required. At least two additional parking spaces are required if the business caters to the public. Permanent outdoor storage or display is prohibited. Signs may be no larger than 6 square feet and may not be internally or externally lit.

INTERESTED PARTY – Under the Vermont rules of municipal procedure, and interested party is any one of the following:

1. A person owning title to property affected by a bylaw who claims the bylaw imposes unreasonable restrictions of present or potential use.
2. The town that has a plan or bylaw at issue in an appeal.
3. A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or appeal.
4. Any ten persons, who are voters or real property owners within the Town, who sign a petition alleging that if relief is granted under an appeal, it will not be in accord with the purposes of the Town plan or bylaw.

JUNK YARDS – Land used for storage of more than three (3) unregistered or non-functioning vehicles.

LARGE ENTERPRISE – A commercial or industrial business located on a Class 1 or 2 highway, larger than a small enterprise, with more than 10 and less than 50 employees, and has less than 10,000 square feet of indoor work space. Such uses include, but are not limited to manufacturing, professional offices, services, repair shops, outdoor recreation, sawmills, lumber yards, gravel pits, contractors' yards, warehousing, and retail operations.

LETTER OF MAP AMENDMENT (LOMA) – A letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by a certified engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area.

LOT – A single parcel of land, whether created by lease or deed, usually, but not necessarily always, occupied or to be occupied by a building and its accessory buildings. All lots created after the date of adoption of these bylaws must have the required minimum dimensions and access. Where a lot is divided by a town highway, it shall be deemed to be separate lots for the purposes of these bylaws if the resulting lots meet the minimum dimensions for the district.

LOT AREA – The total land area within the boundaries of a lot, exclusive of any land area designated for a public road as measured to the boundary of such right of way or easement.

LOT LINE – A line of record bounding one lot from an adjoining lot or from a Town or State highway right-of-way, water body or railroad line.

LOT LINE ADJUSTMENT – Reconfiguration of the boundary between two or more contiguous parcels purchased before March 8, 1995.

LOT WIDTH – The widest portion of a lot which is parallel to a State highway, Town street, Town road, or Town right-of-way. In the case of corner lots, it shall be the larger road. For lots accessed by rights-of-way with no frontage, it is the lot boundary on the side that the access enters.

LOWEST FLOOR – The lowest floor of the lowest enclosed area, including basement, except an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

MANUFACTURED HOME – see Mobile Home.

MANUFACTURED OR MOBILE HOME PARK – Land, under single ownership, on which two or more mobile homes are parked and occupied for living purposes.

MOBILE 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 connected to the required utilities. It does not include recreational vehicles, travel trailers or a sectional prefabricated house.

MULTIPLE UNIT DWELLING – A building, including accessory buildings, with 3 or 4 dwelling units.

NEW CONSTRUCTION – Structures commenced on or after the effective date of these bylaws and includes any subsequent improvements to such structures.

NONCONFORMING LOTS – Lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the Administrative Officer.

NONCONFORMING STRUCTURE – A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the Administrative Officer.

NONCONFORMING USE – Any use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the Administrative Officer.

NONCONFORMITY – A nonconforming use, structure, lot, or parcel.

NON-RESIDENTIAL BUILDING LOT – A lot with, or intended to have, buildings other than residential, group homes, child care, or home occupations.

NON-RESIDENTIAL USE – All uses of buildings, structures or land except one-family dwellings, two-family dwellings, home occupational uses and accessory structures to these uses.

ORIGINAL – As it existed on the date of adoption of these bylaws.

PARKING – Parking spaces outside of the right-of-way used for the temporary location of one or more licensed motor vehicles which allows at least one space ten feet wide by twenty feet long for each vehicle, not including access driveways, and having direct access to a road or right of way. Handicapped parking spaces shall be at least twelve feet wide by twenty feet long.

PASTURELAND – A field covered with grass or herbage and suitable for grazing by livestock. Synonymous with hay field.

PLAT (PLOT PLAN) – A recordable map representing a tract of land showing the boundaries of lots, roads, and other features drawn to scale. Sometimes referred to as a Mylar. Definition and composition of survey plats are given in 27 V.S.A. 11403 et. seq. To be recordable, a plat must have a licensed surveyor's certification.

POND – A constructed year-round body of surface water without discernable flow.

PRIMARY AGRICULTURAL SOILS – Soils that have the potential to produce food, feed or forage crops, as defined by the State of Vermont. Lands that are used for agriculture as determined by the USDA soil rating system. Vermont soils are identified by USDA Natural Resources Conservation Service in its publication Farmland Classification Systems for Vermont Soils (June 2006 edition).

PRIMARY SUBDIVISION – A primary subdivision occurs the first time a parcel that existed before March 8, 1995 is divided into two lots, provided that any proposed construction or development on either lot is limited to single-family residential use. This exemption shall not apply to the simultaneous or serial first-time division of existing contiguous parcels.

PRINCIPAL STRUCTURE – A dominant building, the use of which is fundamental and superior to any other use of the land or the lot. This includes single and multifamily dwellings. Secondary and accessory dwellings separate from the principal structure are not included in the density calculations.

PRINCIPAL USE – The use dominant on a lot, such use being fundamental and superior to any other use of the land or the lot.

PRODUCTIVE FOREST SOILS – soils that have the potential to produce commercial forest products, as defined by the State of Vermont.

PUBLIC AND PRIVATE UTILITY – A business establishment engaged in supplying on a regular basis the public or private persons with a common commodity such as telephone, electric, sewage, or water service.

REAR YARD SETBACK – The shortest distance between the rear lot line and the nearest drip line of any structure on that lot.

RECREATIONAL VEHICLE – A vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

ROAD – Public or private way for vehicular traffic, which affords the principal means of access to properties, exclusive of a driveway serving one lot.

SCREENING – Natural or newly planted trees and shrubs which at the time of planting would have the effect of essentially concealing from view at all times of the year any building or part thereof located in the Ridgeline District when viewed from a town highway.

SETBACK – The minimal horizontal distance a structure or building needs to be from a lot line. When the lot line is a road the centerline shall be used, and when a stream or river the top of bank shall be used.

SIDE YARD SETBACK – The shortest distance between any structure's drip line and a side lot line.

SIGNS – Any outdoor structure, display, device or representation, freestanding or attached to a structure, which is designed or used to advertise or call attention to any business, activity, place, person or thing. Display does not include the inventory of a business or storage of materials such as lumber, bricks, fencing and similar type materials. Representation shall include color, pictures, shapes and similar things associated with the building or business.

SIGN, AREA CALCULATION – The entire area within the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame, panel or other material or color forming a part of the display to differentiate such a sign from the background against which it is placed; excluding the necessary supports or uprights on which a sign is placed. Where a sign does not include a physical frame or panel, an imaginary rectangular frame or panel will be used.

SIGN, TEMPORARY – A sign, not exceeding six (6) square feet in area, which is being used to advertise any of the following: the sale of property, vacancy, auction, candidate, public or civic event; or activities of a similar nature. Such a sign shall be removed within five (5) days of fulfilling its function.

SINGLE DWELLING UNIT – A private residential building or part thereof with living quarters for one household, including provisions and facilities for food preparation, sleeping and sanitation. There shall be no regulatory distinction made between modular, mobile or site built homes.

SKETCH PLAN – A plan drawn to scale showing all boundary lines for the original lot and proposed subdivision. For Annexation, Boundary Agreement or Lot Line Adjustment the sketch plan should include both the property being divided and the property being annexed. The plan should include the acreage for the original and proposed lots and dimensions for each boundary line. The plan should also include points of reference, such as name and number of town or state highway, street, north arrow, abutting landowners, other land owned by purchaser, seller, or retaining owner, and any structures. The person that prepared the plan must sign and date the plan.

SMALL ENTERPRISE – A commercial business larger than a home occupation or not in connection with a home, with fewer than 10 employees, that is of a nature that generates minimal routine traffic or deliveries, is located entirely within structures or screened from adjacent lots, has less than 4,000 square feet of indoor work space, and that is open to the public only between the hours of 7 a.m. and 7 p.m. Such uses include, but are not limited, to professional offices, services, repair shops, small manufacturing, contractors' central offices, and retail operations where the bulk of sales transactions occur off-site.

SPECIAL FLOOD HAZARD AREA – The floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. For purposes of these regulations, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area”. This area is usually labeled Zone A, AO, AH, AE, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

START OF CONSTRUCTION – For purposes of floodplain management, determines the effective map or bylaw that regulated development in the Special Flood Hazard Area. The “start of construction” includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

STATE SUBDIVISION PERMIT – A permit issued by Vermont Department of Environmental Conservation for the purpose of permitting potable water supply and wastewater treatment on residential lots.

STREAM – Year round, flowing body of water denoted as a perennial stream on the US Geographic Survey topographic maps or VCGI surface water layer.

STRUCTURE - For regulatory purposes under these bylaws, a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks, wall or fence (except a wall or fence on an operating farm).

SUBDIVISION – The division of a parcel of land whether by sale, gift, lease, the recording of any instrument, or by filing a plat (plot plan) in the Town Records, where the act creates two or more lots after the effective date of these bylaws, March 8, 1995.

SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of these bylaws, the cost of which, over three years, or over a the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

TOP OF BANK – That vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope.

UNDUE ADVERSE EFFECT – A negative effect which is offensive, shocking, out of character, or significantly diminishing to the relevant resource.

VIOLATION – The failure of a structure or other development to be fully compliant with these bylaws. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

WALKOUT-ON-GRADE BASEMENT – A basement whose floor is at ground level on at least one side of the house, usually with a door on that side. This is considered the lowest floor as defined by these regulations.

WETLANDS – Class 1 and 2 wetlands as defined by the state of Vermont.

WIRELESS TELECOMMUNICATIONS FACILITY – A tower or antenna which is primarily for communication or broadcast purposes and which will extend vertically 20 feet or more, in order to transmit or receive communications signals for private or public purposes. The construction or improvement of a road, trail, building, powerline, or structure incidental to a telecommunications facility are also included in the definition.