Town of Pawlet
Unified Bylaws

Adopted January 3, 2017

PAWLET

All revisions pursuant to amendments of these Unified Bylaws since they were originally adopted on August 24, 1978 as Zoning Regulations are incorporated herein.

The history of amendment and revision appears at the end of this document.

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ARTICLE I. ENACTMENT, OBJECTIVES, ESTABLISHMENT OF ZONING DISTRICTS, AND MAP

Section 1 Enactment

In accordance with 24 V.S.A., Chapter 117, Subchapter 6, Section 4401 and 4419 of the Vermont Municipal and Regional Planning and Development Act, hereinafter referred to as the "Act," there are hereby established Unified Bylaws for Town of Pawlet which are set forth in the text and map that constitute these regulations. These regulations shall be known and cited as the "Town of Pawlet Unified Bylaws."

Section 2 Objectives

The standards and policies established by these Zoning Regulations are intended to accomplish the following objectives:

1. Promote the health, safety, and general welfare of all the inhabitants of the Town.
2. Protect and conserve the value of property.
3. Conserve and encourage the value of community, as reflected in the examples of:
    a) Voluntarism,
    b) Neighborhood cohesion,
    c) Spontaneous assistance offered by townspeople to each other,
    d) Social supports provided by churches, schools, scouts, 4-H, and other formal and informal groups.
4. Maintain the integrity of Pawlet and West Pawlet as respective villages within the framework of the Town.
5. Achieve the best possible quality of environment for the Town's residents.
6. Provide appropriate sites in the Town for residences that will be required by population growth in the foreseeable future, including accommodating the need for inexpensive housing.
7. Minimize the tax burden on property owners by maintaining a community that operates efficiently and economically.
8. Encourage agriculture to continue, in areas where soil and land are appropriate, by favorable zoning, tax policies, and other means, in recognition of the fact that agriculture is an important part of the Town's economic base and its historic character.
9. Permit, where appropriate, commercial and industrial enterprises that provide gainful employment for Town residents and augment the tax base of the Town.
10. Encourage home and cottage industries in the Town to continue and new ones to develop, as a means of enhancing the Town's community character.
11. Control residential development required for anticipated population in order to minimize both the need for additional roads in the Town and the costs of servicing them.
12. Keep the rugged and poorly accessible mountain and forest areas free from development, reserving them for forestry and other uses appropriate to their wilderness character.
13. Develop long range plans for recreation and education in cooperation with other towns and the region. Acquire sites for these facilities before development makes acquisition more difficult and costly.
14. Develop long range plans for public water supply and sewage disposal systems for village areas. In areas not served by the public systems, require a population density low enough to insure the permanent feasibility of private water supply and sewage disposal.

Section 3 Establishment of Zoning Districts

The Town of Pawlet is hereby divided into the following Zoning Districts, as shown on the Town Zoning Map:

H	Highland
FP	Flood Plain Overlay
RC	River Corridor Protection Area Overlay
FA	Forest & Agriculture
I	Industrial
VC	Village & Commercial
ARR	Agriculture & Rural Residential

Section 4 Zoning Map

The location and boundaries of Zoning Districts are established according to the Zoning Map ratified on March 7, 1994 and maintained in the Town Clerk's Office. The Zoning Map is hereby made a part of these regulations, as it stands now, and subsequent amendments shall henceforth amend it. Supplemental zoning maps for the Village and Commercial Districts are maintained in the Town Clerk's Office.

Section 5 Interpretation of Zoning District Boundaries

If uncertainty exists with respect to the boundary of any Zoning District on the Zoning Map, the Zoning Administrator, after consultation with the Planning Commission, shall determine the location of such boundary.

ARTICLE II. ZONING DISTRICT REGULATIONS

Section 1 District #1 Highland H

Purpose: The Highland District consists of all land in the Town of Pawlet above 1500 feet elevation. This district is established to protect the forest resources, the natural beauty, the purity of the watershed headwaters, and the delicate ecological balance of these areas.

Permitted uses:

1. Non-commercial recreation when permitted by the property owner.
2. Non-commercial wildlife refuge.
3. Accessory use, limited to shelters, non-permanent buildings, or structures not used for residential purposes (non-permanent buildings can include lean-tos, tents, and similar structures intended for short-term use).
4. Historic site.

Dimensional requirements: None.

Section 2 District #2 Flood Plain Overlay FP

All descriptions, definitions, and specifications regarding Flood Plain are contained in Article VII: Flood Hazard Area Regulation. Lands to which these Flood Hazard Area Regulations apply include those designated Special Flood Hazard Areas 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.

The Flood Plain Overlay District shall be superimposed over any other zoning districts. Where there is a conflict between the underlying zoning district and the Flood Plain Overlay District, the more restrictive regulation shall apply.

Section 3 District #3 River Corridor Protection Area Overlay RC

All descriptions, definitions, and specifications regarding River Corridor Protection Areas are contained in Article VII: River Corridor Protection Area and Stream Setbacks.

The River Corridor Protection Area Overlay District is depicted on the most current River Corridor Protection Area maps on file at the municipal office as well as on the Town of Pawlet Zoning Map. These maps, prepared for the Town of Pawlet in accordance with state-accepted stream geomorphic assessment and mapping protocols, are hereby adopted by reference and declared to be part of these bylaws. If uncertainty exists with respect to the location of a district boundary, the location shall be determined by the Zoning Administrator from the map, in consultation with the Vermont River Management Program.

New development may be allowed within the River Corridor Protection Area Overlay District if, based on a review by the River Management Program (RMP) of the Vermont Agency of Natural Resources, it is determined that the proposed development is not located or should not be located within the River Corridor Protection Area Overlay District due to an error in delineating the River Corridor Protection Area Overlay District boundary. A letter of determination from the RMP shall constitute proof of that adjustment.

The River Corridor Protection Area Overlay District shall be superimposed over any other zoning districts. Where there is a conflict between the underlying zoning district and the River Corridor Protection Area Overlay District, the more restrictive regulation shall apply.

Section 4 District #4 Forest and Agriculture FA

Purpose: The Forest and Agriculture District consists primarily of land below the 1500 feet elevation most of which has slopes of more than 15%. The purpose of this district is to limit residential use therein to a sufficiently low density to preserve water purity and insure safe and adequate sewage disposal.

Permitted uses:

1. Agriculture, including agricultural buildings.
2. Forestry.
3. One-family dwelling.
4. Non-commercial wildlife refuge.
5. Reservoir, pond type.
6. Non-commercial recreation when permitted by the property owner.
7. Accessory use or building.
8. Home occupation.
9. Historic site.

Dimensional requirements:

Minimum set back from any property boundary ..... 25 feet
Minimum set backs on a *surveyed* property:
From the centerline of the traveled roadway ..... 65 feet
From the edge of the right of way ..... 40 feet
Minimum set back on a *non-surveyed* property:
From the centerline of the traveled roadway ..... 65 feet
Minimum frontage if on public road..... 150 feet
Minimum lot size ..... 25 acres
Maximum building height (agricultural buildings excepted)..... 35 feet

Density……..... 1 Unit per 25 acres

Section 5 District #5 Industrial I

Purpose: The Industrial District is in the western part of the Town adjacent to and including the present location of quarrying operations. The purpose of the Industrial District is to promote the general welfare and the sound economic development of the Town and to encourage the best use of land in areas most appropriate for the location of suitable industrial establishments, but not excluding agricultural use.

Permitted uses:

1. Parking.
2. Accessory use.
3. Non-commercial recreation when permitted by the property owner.
4. Agriculture & forestry.
5. Historic site.
6. Enclosed warehouse or wholesale use.
7. Machinery and transportation equipment, sales, service and repair.
8. Enclosed industrial processes and service.
9. Freight or trucking terminal.
10. Contractor's yard.
11. Animal hospital, veterinary clinic.
12. Quarry, sand, or gravel pit.
13. Research laboratory.
14. Enclosed service and repair.
15. Automobile service station or garage.
16. Car wash.

Conditional uses:

1. One family dwelling on a five-acre lot.
2. Wireless telecommunications facilities.
3. Accessory dwelling unit.
4. Regional solid waste management facilities certified under 10 V.S.A. Chapter 159.
5. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.
6. Major Development Projects (see Article IV, Section 4 for Definitions)
7. Park and Ride Lots

Dimensional requirements:

Minimum set back from any property boundary ..... 25 feet*
Minimum set backs on a *surveyed* property:
From the centerline of the traveled roadway ..... 65 feet
From the edge of the right of way ..... 40 feet
Minimum set back on a *non-surveyed* property:
From the centerline of the traveled roadway ..... 65 feet
Minimum lot size ..... 1 acre
Minimum frontage on a public street ..... 150 feet
Maximum building height..... 35 feet
* Except where a lot line is adjacent to a railroad siding, in which case the siding shall be considered as the yard requirement.

Section 6 District #6Village and Commercial VC

Purpose: The purpose of the Village and Commercial District is to combine residential use with compatible commercial establishments in the traditional village pattern in order to provide pleasant living conditions and to promote convenient shopping and service facilities.

Permitted uses:

1. One-family and two-family dwelling.
2. Historic site.
3. Home occupation.
4. School.
5. Religious institution
6. Public sewer and water installations.
7. Telephone exchange.
8. Accessory use or building.
9. Non-commercial recreation when permitted by the property owner.
10. Craft shop.
11. Accessory dwelling unit.

Conditional uses:

1. Retail store.
2. Professional and business office and financial institution.
3. Personal service.
4. Appliance repair shop.
5. Mortuary, funeral home.
6. Public park or playground.
7. Community center.
8. Hospital.
9. Clinic.
10. Municipal fire or police station.
11. Town hall
12. Rooming house and tourist home with not more than 10 roomers or tourists.
13. Convalescent or nursing home. Home for the aged.
14. Restaurant.
15. Hotel or motel.
16. Automobile service station or garage.
17. Multiple-family dwelling.
18. Building-trades or excavation contractor.
19. Craft shop in an existing building on a lot that does not include the owner's principal residence.
20. Wireless telecommunications facilities.
21. Major Development Projects (see Article IV, Section 4 for Definitions)
22. Microbrewery/distillery
23. Agricultural processing plant
24. Park and Ride Lots

Dimensional Requirements:

Minimum set back from any property boundary ..... 15 feet
Minimum set backs on a *surveyed* property:
From the centerline of the traveled roadway ..... 40 feet

From the edge of the right of way ..... 15 feet
Minimum set back on a *non-surveyed* property:
From the centerline of the traveled roadway ..... 40 feet
Minimum lot area:
When municipally operated sewage disposal is not available..... 1 acre
When municipally operated sewage disposal is available..... 12,000 sq. ft.
Minimum lot width ..... 75 feet
Maximum building height..... 35 feet
Maximum building coverage:
For 1 acre lot..... 20%
For 12,000 sq. ft. lot 30%
Density-Allowance:
When municipally operated disposal is not available..... 1 Unit per acre
When municipally operated disposal is available..... 1 Unit per 12,000 sq ft

Section 7 District #7 Agriculture and Rural Residential ARR

Purpose: The Agriculture and Rural Residential District is established to insure preservation of the natural resources and the rural and scenic qualities of areas, which are planned to be predominantly agricultural and residential in character.

Permitted uses:

1. Farming, including but not limited to, dairying, orchards, wood lots and forestry, truck gardening and keeping of poultry.
2. One-family dwelling on five (5) acre lot, except that the owner of a lot of record at the time of the original adoption (August 24, 1978) of these Regulations, notwithstanding any other provisions of these Regulations, may create from the original lot as many as three (3) lots of at least one (1) acre each for one family dwellings only. All the other restrictions of the district as to uses and dimensions of lots, including the remaining portion of the original lot of record if any, will apply.
3. Two-family dwelling on ten (10) acre lot.
4. Wildlife refuge, non-commercial.
5. Farm stand for the sale of produce primarily raised on the premises.
6. Plant nursery.
7. Clinic.
8. Cemetery.
9. Tourist home or boarding house.
10. Riding stable.
11. Community center.
12. Tennis club.
13. Swimming club.
14. Public park.
15. Municipally operated water, sewer or waste disposal facility.
16. School
17. Religious institution
18. Accessory use or building.
19. Non-commercial recreation when permitted by the property owner.
20. Craft shop.
21. Historic site.
22. Accessory dwelling unit.

23. Home Occupation

Conditional uses:

1. Sand or gravel pit.
2. Agriculture-related industry or processing plant.
3. Building trades or excavation contractor yard.
4. Auction barn.
5. Restaurant.
6. Professional offices in historic buildings.
7. Craft shop or office space in an existing building on a lot that does not include the owner's principle residence.
8. Wireless telecommunications facilities.
9. Kennel, provided that any structure for the housing of animals shall be at least 200 feet from any residential use other than those on the same lot.
10. Child-care/Day-care/Adult-care facility.
11. Municipal/State Building/Garage for sand and salt storage.

Dimensional requirements:

Minimum set back from any property boundary ..... 25 feet
Minimum set backs on a *surveyed* property:
From the centerline of the traveled roadway ..... 65 feet
From the edge of the right of way ..... 40 feet
Minimum set back on a *non-surveyed* property:
From the centerline of the traveled roadway ..... 65 feet
Minimum lot size ..... 5 acres*
Minimum lot width ..... 150 feet
Maximum building height (agricultural buildings excepted)..... 35 feet

* Except for one-acre lots as provided for in Article II, Section 6, item 1.

ARTICLE III. CONDITIONAL USES

Section 1 Procedure

Every use listed in this section shall comply with the regulations of the district in which it is located and with the conditions and requirements specified herein. Every application for the use of property subject to conditions shall be filed with the Zoning Administrator in accordance with the provisions of Article 6, Section 2 and shall be subject to approval by the Development Review Board in accordance with the provisions of Article 4, Section 16 and Article 7, Section 3, item 2C.

A zoning permit shall be issued by the Zoning Administrator for any use or structure, which requires conditional use approval only after the Development Review Board grants such approval, taking into consideration the following and the appropriate conditions of Section 2 through Section 13.

In considering its action, the Board shall make findings that the proposed conditional use shall not result in an undue adverse effect on any of the following:

1. The capacity of existing or planned community facilities;

2. The character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan.
3. Traffic on roads and highways in the vicinity;
4. Bylaws and ordinances in effect;
5. Use of renewable energy resources.

The Board shall also consider the Site Plan requirements detailed in Article V Section 16.

In granting conditional use approval, the Board may attach such reasonable conditions, in addition to those outlined, as it deems necessary.

Independent consulting assistance may be engaged by the Development Review Board to review an application for conformance with the Unified Bylaws and Town Plan. Consistent with State law (24 V.S.A. 4407) the applicant will be required to pay any costs associated with that review. Payment shall be received before the Development Review Board may issue its decision.

Section 2 Automobile Service Station or Garage

1. A gasoline station lot shall not be located within 300 feet of any lot occupied by a school, hospital, library or religious institution.
2. Lot frontage shall be at least 150 feet.
3. Lot depth shall be at least 125 feet.
4. Pumps, lubricating and other service devices shall be located at least 50 feet from the front lot line and side and rear lot lines.
5. All fuel and oil shall be stored at least 35 feet from any property line.
6. All automobile parts and dismantled vehicles are to be stored within a building.
7. No signs shall extend beyond the pumps, nor exceed 15 feet in height.
8. There shall be no more than two (2) access driveways from the street. The maximum width of each access driveway shall be 25 feet.

Section 3 Sand and Gravel Pits

1. Before approval of any new sand or gravel operation, the applicant shall agree that upon completion of extraction, the site shall be left in a safe and useful condition. The owner shall submit a plan of proposed improvements to accomplish this end to the Development Review Board for approval.
2. All surface drainage affected by excavation operations shall be controlled by the owner to prevent erosion, debris and other loose materials from filling any drainage course, street or private property. All provisions to control natural drainage shall meet with the approval of' the Development Review Board.
3. Excavation, blasting, stockpiling of material, power-activated sorting machinery or equipment shall not be permitted within 200 feet of any street or property line unless agreed to by the owners of such properties. Rock crushing machinery shall be permitted.
4. Stripping of topsoil for sale or for use on other premises, except, as may be incidental to a construction project or sand or gravel operation on the same premises, shall be prohibited.
5. A sand or gravel pit on a farm shall be deemed accessory to an agricultural use and shall not be subject to provisions (1) and (4) of this Section, if all of the following requirements are met:
   a) Provisions (2) and (3) are complied with.
   b) The excavation area is confined to one-half acre or less.

c) The sand or gravel pit is not a primary source of income for the owner thereof.

Section 4 Multiple-Family Dwelling

1. When served by a municipally operated sewage disposal system, the minimum lot size shall be 12,000 sq. ft. per dwelling unit. Otherwise, the minimum lot size shall be one acre per dwelling unit.
2. All dimensional requirements of the Village and Commercial District shall apply to the lot.
3. Four (4) off-street parking spaces shall be provided for every three (3) units, as required by Article V, Section 15.

Section 5 Hotel or Motel

1. When served by a municipally operated sewage disposal system, the minimum lot size shall be 12,000 sq. ft. per unit. Otherwise, the minimum lot size shall be one acre per unit.
2. All dimensional requirements of the Village and Commercial District shall apply.
3. One (1) off-street parking space shall be provided for each guest room or unit, as required by Article V, Section 15.

Section 6 Agriculture-Related Industry or Processing Plant

1. The plant must be related to the agricultural products of the local area.
2. There shall be a setback of 100 feet from all lot lines.

Section 7 Building-Trades or Excavation Contractor

1. There shall be no more than ten (10) employees (excluding members of the family) working on the premises, which shall be the principal residence of the owner. Not more than 20% of the land area of the property shall be used in the operation of this business.
2. If parked or stored equipment or material are in view of and less than 300 feet from a residence on adjoining property, the Development Review Board shall have the authority to require suitable screening.

Section 8 One Family Dwelling in Industrial District

1. The Development Review Board, after public hearing, shall determine whether the residential use will interfere with present or future industrial uses in the district and whether the location will be hazardous for a residence.
2. Buildings shall be set back at least sixty (60) feet from all lot lines.

Section 9 Auction Barns

1. Any structure shall be at least 200 feet from any residential use other than those on the same lot.
2. The applicant shall show that sufficient off-street parking space is available for peak periods of operation.
3. This use shall be permitted only when the owner's principal residence is located on the same lot.

Section 10 Restaurants

1. Any structure shall have a minimum side yard of 100 feet and a minimum rear yard of 100 feet.
2. The Development Review Board may require suitable planting, screening structures and landscaping at the property perimeter so as to provide protection for adjacent properties.
3. Off-street parking space shall be provided as in Article V, Section 15, item 3.

Section 11 Craft Shop or Office Space in an existing building on a lot that does not include the owner's principal residence.

1. An existing building shall be a building that existed on its present foundation or footprint as of November 1, 2001. In no case shall remodeling, renovating, or other change expand the footprint or foundation area of the building so that it more than one hundred and twenty-five per cent of the footprint or foundation area that existed as of November 1, 2001.
2. Minimum lot size shall be one acre. A building may not be deeded, leased, rented, or otherwise let by the existing owner unless it is on a lot legally divided from rest of the owner's contiguous property. Only one business may occupy a lot.
3. All uses shall be confined to the existing building, except parking as provided below.
4. No retail trade may be conducted on the premises of businesses availing these conditional uses in the Agriculture and Rural Residential Zone. No such business may be a subsidiary, franchise, or similar enterprise not under complete commercial control of the local owner(s).
5. The existing agricultural and residential or village and commercial character, according to the respective zone, shall not be substantially changed by the conditional use for the building or lot, the surrounding area, or adjacent buildings.
6. The maximum number of employees allowed, exclusive of the owner(s) of the business, shall be six.
7. Uses in the area surrounding the existing building shall not be impaired by the conditional use, nor shall the conditional use be incompatible with surrounding uses.
8. No noise, vibration, electrical interference, dust, fumes, odors, or other disturbances shall be created, except as permitted and customary in the respective zones.
9. Any signs must be externally illuminated. Any outdoor lighting must be safe for passers-by, efficient as to its use, and it may not adversely affect the viewshed or the nighttime environment.
10. No substantial increase in traffic or parking activity shall be incurred by the conditional use.
11. Adequate off-street parking for employees, clients, customers, and any other regular users of the building must be provided or demonstrated, according to District Commission guidelines. In no case shall parking take place within twenty-five feet of any adjacent residential property.
12. Equipment, material, and other storage on the lot of the existing building in conditional use shall be limited to that used by the business exercising the conditional use and shall be contained in an enclosed structure or screened from surrounding view by effective fencing or planting compatible in character with the surrounding area.
13. Hours of operation shall be limited to 7 a.m. through 6 p.m., Monday through Saturday, except for office uses and insofar, as they do not create a nuisance.

Section 12 Wireless Telecommunications Facilities

1. An application for a zoning permit must include:
   a) A detailed site plan,
   b) A report, plans, and elevations, stamped by qualified engineers,
      i. Describing the height, design, and elevation of all proposed infrastructure,

ii. Documenting the height of all proposed antenna mounting positions on a tower,
iii. Describing the tower's proposed capacity, including number, height(s), and type(s) of antennas that the tower is expected to accommodate,
iv. Documenting the need for the proposed site and structure(s), and demonstrating why no other alternative or site will provide adequate coverage or capacity,

c) Any other information that may be required for administration and procedures of the zoning regulations,
d) Photographs of existing conditions at the proposed site, and accurate photo simulations showing post-construction conditions at the site.
e) Any additional information that may be required by the Administrator.

2. An applicant must be a wireless service provider or FCC licensee, or landowner with an executed contract to provide land or facilities to one of those entities. No permit shall be granted for facilities to be built on speculation. The principle of co-location shall be employed to the greatest extent possible.
3. The applicant shall demonstrate that there are no other existing tower sites that can accommodate the proposed use(s). If other sites do exist, then the applicant must demonstrate that they are technically inadequate, and/or that bona fide, good faith negotiations with that landowner have failed. The duration and terms of any offer shall be disclosed to the Development Review Board.
4. Insofar as is reasonably possible, antennas shall be located within existing tall structures such as church steeples or barn silos, or disguised as natural objects. Some standards herein stipulated may be modified to accommodate these situations.
5. All towers and related infrastructure shall be designed to minimize the visual impact of height and mass. Materials shall be of a type, style, color, and location so as to blend into the site, minimize glare, and not result in undue adverse visual impacts to the natural landscape or the built environment.
6. No tower or structure shall exceed 130 feet in height. No tower or structure may be higher than 10 feet above the average height of buildings within 300 feet of the proposed facility. If there are no nearby buildings, then no tower or structure shall be higher than 20 feet above the average tree canopy height measured within 100 feet of the proposed facility.
7. The minimum setback requirement for any telecommunications tower or associated structure shall be as required in the applicable zoning district, plus an additional setback equal to the height of the tower (the "fall zone"). The minimum setback for any tower taller than 100 feet shall be 300 feet from any dwelling or road or adjacent property line. Where a tower is mounted on an existing structure such as a barn silo, church steeple, or utility pole, and the tower does not increase the height of the structure more than ten feet, then the additional "fall zone" setback is not required.
8. Towers requiring lighting shall not be permitted, unless the Development Review Board finds it the only viable alternative to meet reasonable facility requirements of a communications service provider. The only tower lighting that may be permitted is that required by FAA regulation. All lighting shall be shielded to minimize or prevent glare onto adjoining properties or into the night sky
9. A study from a qualified engineer regarding the maximum projected noise from the proposed facility, measured in dB Ldn (decibels, logarithmic scale, and accounting for greater sensitivity at night) may be required by the Development Review Board as a condition of the permit. This study shall include existing or ambient measurements, plus noise that may be created or caused by the proposed facility. The Development Review Board shall require that the noise not constitute an unacceptable nuisance.
10. Screening shall be required at the perimeter of the site, unless it is demonstrated that existing natural foliage is sufficient. Required screening shall be at least ten feet in depth, and at least ten feet tall, with the potential to grow to significant size at maturity. Disturbance to existing

topography or vegetation shall be minimized, unless found necessary to mitigate visual or aesthetic impacts. The location and type of security fencing shall be shown and described on the site plan.

11. Any roads or above ground utilities shall follow the contour of the land, and be sited and constructed to minimize visual impacts to the greatest extent possible.
12. Telecommunications facilities and associated infrastructure shall avoid adverse impacts to the greatest extent possible on areas described in the Town Plan and otherwise designated by the Town as environmentally sensitive, including steep slopes, wetlands, floodways, river corridor protection areas, unique natural features, wildlife habitat, historic sites, high elevations, ridgelines, and scenic resources and viewsheds. Where there may be adverse impacts, these impacts shall be mitigated to the greatest extent possible.
13. Other wireless service providers shall be allowed to co-locate on any new or existing tower. The applicant shall provide written evidence as to how it will comply with this requirement, and under what terms such co-location will be allowed. Any permit granted shall include a condition detailing the terms of such co-location.
14. The owner/operator shall make an annual report to the Town Clerk on the status of the facility, including adherence to permit conditions, operations, appearance, structural integrity, safety, noise, screening, landscaping, service roads, utility connections, and compliance with all applicable federal regulations or permit license conditions shall be provided by the owner/operator.
15. At least 30 days prior to abandonment or discontinuation of use, the owner/operator shall provide written notice by certified mail to the Town Clerk of any intent to abandon or discontinue the use of the facility or site. Upon abandonment or discontinuation of use, the owner/operator shall physically remove all structures and facilities and return the site to its original condition.
16. A bond or other means of security approved by the Town Selectboard, sufficient to pay all costs for removal of all structures and restoration of the a site, should the owner/operator be unwilling or unable to do so, shall be required as a condition of permit approval by the Development Review Board.
17. Any change in the number or size of facilities or equipment, or change in technology from the original permit, shall require an amendment to that permit.
18. Independent consulting assistance may be engaged by the Development Review Board to review the application for conformance with the Unified Bylaws and Town Plan. Consistent with State law (24 V.S.A. 4407) the applicant will be required to pay any costs associated with that review. Payment shall be received before the Development Review Board may issue its decision.
19. These regulations are consistent with the Telecommunications Act of 1996: They do not prohibit the provision of wireless telecommunications services, do not discriminate among service providers, and do not pre-empt FCC regulations governing radio frequency emissions.

Section 13 New and Expanded Accessory Dwelling Units (ADU)

Existing Accessory Dwelling Units are a permitted use. For all Accessory Dwelling Units which involve a new accessory structure, an increase in the height or floor area of an existing dwelling or an increase in the dimension of the parking area, the following shall apply:

1. The ADU must be appurtenant to an owner-occupied single-family dwelling, or the ADU must be occupied by the owner of the single-family dwelling.
2. A single-family dwelling may have only one ADU.
3. The property to which the ADU is appurtenant must have sufficient wastewater capacity.
4. The unit must not exceed 30 percent of the total habitable floor area of the single-family dwelling to which the ADU is appurtenant.

5. Applicable setback, coverage, and parking requirements specified in the bylaws must be met.

Article IV. MAJOR DEVELOPMENT PROJECT REVIEW

Section 1 Purpose

The purpose of this section is to accommodate growth in an orderly and deliberate pace without undue burden on the community, private property, and the natural as well as man-made environment. To achieve the above purpose, major development projects which are deemed to have substantial impact on the community are defined. The projects so defined will be subject to the special review procedures and standards hereinafter set forth.

Section 2 Geographic Areas Affected

This section shall apply to Zoning Districts of the Town of Pawlet in which Major Development Projects are deemed a Conditional Use (see Article II).

Section 3 Relationship to Existing Zoning Bylaws

Where the provisions of this section impose a greater limitation, restriction, or requirement than other sections of the bylaw, or other land use controls, the provisions of this section shall control. Where the provisions of this section are in conflict with other sections of the Unified Bylaws, the provisions of this section shall control. The only exceptions to this shall be as described in Article IX, Section 5: Exemptions.

Section 4 Definitions: Major Development Projects Subject to Review - Conditional Uses

Major projects considered a special class of use subject to the special provisions of this section include the following: (if a development project is not clearly related to the list below, the Zoning Administrator may determine which category is most similar and process the application accordingly. Such determination may be appealed to the Development Review Board when considering these points of definition and procedure.)

MAJOR DEVELOPMENT PROJECTS

Residential:

New Development - Five (5) lots or five (5) units or more.

Expansion of Existing Development - Five (5) lots or five (5) units or more including existing lots/units, in a previously approved or platted development.

Retail Service, Professional & Office:

New Development - Three thousand (3000) square feet* or more.

Expansion of Existing Development - Three thousand (3000) square feet* or more (including the existing building area).

Motel - Hotel:

New Development - Ten (10) units/rooms or more.

Expansion of Existing Development - Ten (10) units/rooms or more including the existing units/rooms.

Restaurant:

New Development - Three thousand (3000) square feet* or more.

Expansion of Existing Development - Three thousand (3000) square feet* or more (including the existing building area).

Industrial

New Development - Five thousand (5000) square feet* or more.
Expansion of Existing Development - Five thousand (5000) square feet* or more (including the existing building area).

Places of Public Assembly:

New Development - Five thousand (5000) square feet* or more.
Expansion of Existing Development - Five thousand (5000) square feet* or more (including the existing building area).

Combined Uses:

New Development - Three thousand (3000) square feet* or more of any combination of uses above.
Expansion of Existing Development - Three thousand (3000) square feet* or more (including the existing building area)

**square footage applies to gross floor area of building, including primary and any accessory buildings, excluding only usable floor area, as determined by the DRB.*

Any building renovation shall be considered a new development subject to the requirements of this section if it is determined by the Development Review Board that the following two conditions occur as part of the renovation: (1) the total building area (renovated and un-renovated portions) exceeds the minimum areas (or units for motels/hotels) noted above; and (2) the renovation or any associated change in the use of the building can reasonably be expected to significantly impact any of the performance standards of this section.

The definition of major development includes construction on a lot or contiguous lots, owned or controlled by a person, after the effective date of this bylaw amendment.

Section 5 Presenting Evidence - Burden of Proof

In evaluating a major development project as defined herein, the burden of proof shall lie with the applicant. In reaching its conclusions, the Development Review Board may request the applicant to prepare additional environmental and/or traffic assessments to ensure proper resolution.

Section 6 Conditional Uses

Major developments as defined herein are conditional uses in zones where the underlying use is otherwise a permitted use.

Section 7 Review Procedures

All major development projects are classified as conditional uses subject to the procedures of Article III: Section 1 Procedure, and the performance standards provided herein:

1. Preliminary Review Procedures: Prior to official submission of an application, an applicant may request a preliminary review by the Development Review Board at a properly notified meeting. Consideration may be given to the standards in this section and other requirements or information which may have bearing on the project. Other town officials may participate

as appropriate to the specific areas of concern. Any actions or recommendations shall not be binding on either party and they shall not become part of the record of any subsequent application submission and review.

2. Exception: The Zoning Administrator may refer an application which satisfies the definition of a major development project to the Development Review Board for a recommendation as to whether such project should be treated as a major development project. The Zoning Administrator and Development Review Board shall consider the potential for significant impacts on the: capacity of existing or planned community facilities, character of the area affected, traffic on roads and highways in the vicinity, and utilization of renewable energy resources in making such a decision. Based upon this review, the Development Review Board shall recommend to the Zoning Administrator either: that the application be treated as a major development project subject to all of the provisions of this section, or that the application be treated as a regular permitted or conditionally permitted use subject to review under all applicable sections of the Unified Bylaws except the provisions of Article IV. However, it is the Zoning Administrator's responsibility to decide how to process zoning applications. Thus, a decision made by that Administrator to consider a project a Major Development may be appealed to the Development Review Board when considering these points of definition and procedure.

Section 8 Rapid Building and Rate of Growth

A major development project reviewed herein shall not cause an undue impact with respect to the performance standards provided below. The Development Review Board may approve, approve with conditions, or deny a permit at the conclusion of its review. Additionally, the Board may impose conditions to limit the impact of projects and/or require the time phasing of projects in total or in part, to mitigate undue impact as determined by the Board.

Section 9 Performance Standards

Before granting a permit the Development Review Board shall find that a major development project:

CAPACITY OF PLANNED COMMUNITY FACILITIES

1. Has sufficient water available for the short and long term needs of the project, and will not cause an undue impact on an existing water supply. If connection is to a public water supply, a letter granting connection and demonstrating adequacy of supply may satisfy this standard.
2. Complies with sanitary waste disposal regulations of the Town, and does not cause an undue impact on the municipal sewer system if it is to be utilized. If connection is to the municipal system, a letter indicating that sufficient capacity exists to serve the project may satisfy this standard.
3. Will not cause an undue impact on the ability to provide educational services. Considerations shall be given to the capacity and policies of the Mettowee Community School. The applicant shall identify the number of students the project will generate. A letter of approval from the affected school systems may satisfy this requirement.
4. Will not cause an undue impact on the municipality to provide service or facilities. Consideration shall be given to police and fire protection, parks and recreation, emergency rescue services, solid waste generation, collection, disposal, etc.

CHARACTER OF AREA AFFECTED

5. Will not result in water pollution or cause an undue impact on air quality. Consideration shall be given to the nature of soils and sub-soils, slope, proximity to streams, aquifer recharge areas and groundwater, floodplains, storm-water runoff, and drainage. Consideration shall also be given to protection of the natural terrain, shoreline protection, retention of vegetation,

and erosion control. Consideration of air quality includes types and quantity of air emissions, odors or hazardous substances, and dust control. Consideration may be given to SO2 and suspended particulate due to the strict Class I air quality standards for the area.

6. Will not have an undue adverse effect on the scenic or natural beauty of the area, natural landscape, or rare and irreplaceable natural areas. Consideration shall be given to the retention of significant topographic features of the site, and the relationship to surrounding properties Buildings and structures shall be sited below ridgelines; certainly, below any primary sight lines to the ridgeline, so that buildings to not intrude upon the skyline, consistent with the goals and policies as described in the Town Plan.
7. Will not have an undue adverse effect on historic sites. The applicant may be required to retain the services of a professional to satisfy this standard. If available, existing studies and/or documentation may be used. It is the intent of this standard to avoid destruction of historic properties/buildings unless it is clearly demonstrated by the applicant that there can be no reasonable use of the property without destruction of the building. If demolition of a historic structure (defined for this purpose as a structure which is listed on the Vermont Historic Sites and Structures Survey) is proposed, then the applicant shall provide written notice to adjoining landowners and the Pawlet Historical Society via US Mail at least 7 days prior to the Development Review Hearing. This will allow time for parties to explore other alternatives, and ensure that demolition is a reasonable solution given the circumstances.
8. The site plan shall incorporate an open space and landscape plan. Consideration shall be given to natural terrain and mature trees, new landscaping, screening, edges/perimeter of the parcel, and linkages to adjacent parcels.
9. The total number of dwelling units shall not exceed the number determined by dividing the acreage of developable land within the parcel by the minimum lot area requirement of the zone in which such tract is located. Undevelopable land is land which shall not be developed in any way and which shall not be considered developable in making density determinations. The burden of proof in determining the allowable number of lots or dwelling units shall be upon the applicant; the number calculated by the applicant being subject to final approval by the Development Review Board.
10. For any residential development considered a major development project, a 100 foot front, side and rear yard shall be required between the street line and side and rear property lines of the development. These are baseline standards, which are generally intended to be met. However, the DRB may permit lesser setbacks, where it is clearly demonstrated that site specific circumstances do not require such wide setbacks, and where it is demonstrated that the planning goals and policies for subdivision design described in the Town Plan and Unified Bylaws are better satisfied if lesser setbacks are permitted.
11. The minimum setback between any two adjacent residential buildings within a development shall be at least 20 feet.

TRAFFIC ON ROADS AND HIGHWAYS IN THE VICINITY

12. Will not cause unreasonable congestion or unsafe conditions with respect to the use of transportation facilities existing or proposed. Consideration shall be given to vehicular and pedestrian movement, parking, design and layout of streets and driveways, intersections, grades and profiles, adjoining land uses, sight distances, trip generation and road capacity, turning movements, peak traffic flows, and surface treatment. In connection with any application to change an existing use, consideration shall only be given to impacts of the proposed new use that differ from the impacts associated with the existing use. Additional traffic studies may be requested of the applicant if necessary to satisfy the above considerations.

UTILIZATION OF RENEWABLE ENERGY RESOURCES

13. That the project reflects the principles of energy conservation and incorporates the best available technology that is economically justified. Consideration may be given to location, orientation, aesthetics, surrounding land use, and the length and placement of utility lines, type of heating, etc.

OTHER CONSIDERATIONS

14. Prior to approval of a major development project, the Development Review Board may require the landowner to file with the Town a performance bond, letter of credit, or other approved means of security, in order to insure the proper installation of all improvements shown on the plan. The amount and effective time period of this security shall be determined by the Development Review Board, and the form, sufficiency, manner of execution, and surety shall be to the Town's satisfaction. The applicant shall pay within 30 days of billing for any costs incurred by the Town for outside expert review (legal counsel, engineer, etc.) related to the required security.
15. The proposed development shall be in conformance with local and regional plans and the capital facilities program in effect at the time of the application submission.

ARTICLE V. GENERAL REGULATIONS

Section 1 Construction Approved Prior to Adoption or Amendment to Regulations

Nothing contained in these Regulations shall require any change in plan or construction of a nonconforming structure for which an interim zoning permit has been issued and which has been completed within one year from the effective date of these Regulations.

Section 2 Nonconformities

1. Scope. Any lawful use of land or a building existing at the date of passage of these Regulations and located in a district in which it would not be permitted as a new use under the provisions of these Regulations, is hereby declared to be a non-conforming use, and not in violation of these Regulations at the date of adoption of these Regulations; provided, however, a non-conforming use shall be subject to the provisions of Article 4, Section 2, items 1 through 6 of these Regulations.
2. Record of Non-conforming Uses. Within one year after the adoption of these Regulations or any amendments thereto, the Zoning Administrator shall prepare a complete record of all non-conforming uses of lands, buildings and structures existing at the time of the adoption of these Regulations or amendments and shall notify the owners of record of said lands, buildings and structures. Such record shall contain the names and addresses of the owners of record of such non-conforming use and of any occupancy other than the owner, and the nature and extent of such use. Such list shall be available at all times in the office of the Zoning Administrator. The Zoning Administrator shall also record any extensions or changes of non-conforming uses permitted under Article 4, Section 2, items 3 and 4.
3. Change of Non-conforming Use. A non-conforming use may be changed to another non-conforming use only with the approval of the Development Review Board and providing no structural changes are made in the building. Whenever a non-conforming use has been changed to a conforming use, it shall not revert to a non-conforming use.
4. Extension of a Non-conforming Use. A non-conforming use may be extended on the same lot provided that:
   a) All provisions of these Regulations, except type of use, are complied with,
   b) The Development Review Board determines that the character of the neighborhood will not be changed substantially by this extension,

c) The total extension or the sum of separate extensions does not exceed 50% of the area of the non-conforming use in existence at the time of the adoption of these Regulations, and
d) The use, if located in the Flood Plain Overlay District, meets the requirements of Article XII.

5. Restoration of Non-conforming Building. Nothing in these Regulations shall prohibit, within a period of one year from the date of damage or destruction of a non-conforming building, the securing of a permit for the restoration of said building, provided that its size or degree of nonconformance is not extended.
6. Discontinuance of Non-conforming Use. Any non-conforming use of land or building which has ceased by discontinuance for a period of one year shall thereafter conform to the provisions of these Regulations. However, any such structure located in the Flood Plain Overlay District shall meet the requirements of Article VII.

Section 3 Development of Existing Small Lots

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

Section 4 Required Frontage On, or Access to, Public Roads

No land development may be permitted on lots which do not have 50 feet of frontage on
a public road or deeded access to such a road by a permanent easement or right-of-way at least 50 feet in width, providing that the permanent easement or right-of-way (i) incorporates a written agreement for maintaining the right-of-way and any existing of future roadway thereon that runs with the parcel being served and (ii) the right-of-way shall be excluded from and not count towards minimum lot size.

Section 5 Protection of Home Occupations

No regulation herein is intended to infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not have an undue adverse effect on the character thereof.

Section 6 Front Yard Setback

Notwithstanding provisions for front yards elsewhere in these Regulations, on streets with less than 50 foot right-of-way, the front yard requirement shall be measured from the center line of the existing roadway and 25 feet shall be added to the front yard requirement.

Section 7 Non-conforming Lots

The following govern development or alteration:

1. Development on a nonconforming Lot or Parcel: An existing nonconforming lot or parcel may be normally developed provided that all provisions of these regulations, except those that create the nonconformity, are complied with, provided that the development also complies with the conditions for existing small lots (See also Section 3 of this Article, Development of Existing Small Lots.)
2. Alteration of a nonconforming Lot or Parcel: The boundaries of a nonconforming lot or parcel may be altered only in a manner that decreases, or does not increase, its degree of nonconformity.

Section 8 Limitations on Municipal Bylaws

In accordance with Section 4413 of the Act, certain uses, practices, etc. may not be regulated by the municipality or the municipality must observe specific statutory qualifications in its regulation of these certain uses, practices, etc.

Section 9 Lots in More than One Zoning District

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

Section 10 Building Coverage, Open Porches, Carports and Garages

In determining the percentage of building coverage of a lot or the size of yards, porches or carports open at the sides but roofed, and all principal and accessory buildings shall be included.

Section 11 Reduction of Lot Area

No lot shall be so reduced in area that the area, yards, lot width, frontage, coverage or other requirements of these Regulations shall be smaller than herein prescribed for each district. The provisions of this section shall not apply when part of a lot is taken for a public purpose.

Section 12 Required Area or Yards

Space required under these regulations to satisfy area, yard or other open space requirements in relation to one building shall not be counted as a part of a required open space for any other building.

Section 13 Temporary Uses and Structures

Temporary permits may be issued by the Zoning Administrator for a period not exceeding one (1) year, for non-conforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one (1) year.

Section 14 Destroyed or Demolished Structures

Within one (1) year after a permanent or temporary building or structure has been destroyed or demolished, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled to the normal grade by the owner.

Section 15 Off-Street Parking Space Requirements

For every building, except for one-family dwelling units, hereafter erected, altered, extended or changed in use, there shall be provided off-street parking spaces at least as set forth below. A required driveway shall be at least 20 feet clear in width.

1. Residential Uses. Multiple-family dwelling units--four (4) parking spaces for every three (3) units.
2. Hotel, Motel, Tourist Home. One (1) space for each guest room.
3. Places of Assembly. Every structure used as an amusement facility, auditorium, community center, club, library, museum, church, lodge halls, or any other place of public or private assembly which provides facilities for seating people--One (1) parking space for every five (5) seats. Where there are no seats provided, one (1) Parking space shall be provided for every 200 square feet of floor area.

4. Professional and Medical Offices. One (1) space for every 200 square feet of office space.
5. Commercial, Business and Unspecified Uses. One (1) parking space for every motor vehicle used in the business, plus one (1) space for every 200 square feet of floor area.
6. Restaurant. One (1) parking space for every 150 square feet of floor area.
7. Industrial, Wholesale, Warehouse Storage, Freight and Trucking Uses. One (1) parking space for every motor vehicle used in the business, plus one (1) parking space for every employee in the largest work shift, plus one (1) space for every 200 square feet of office floor Space.

Section 16 Site Plan Approval

For all conditional uses and all uses in the Village and Commercial District with the exception of one-family dwellings and accessory uses, but including all Child Care Facilities whose owner or operator is required to be licensed or registered by the State, a zoning permit shall be issued by the Zoning Administrator only after the Development Review Board grants Site Plan Approval.

The Owner shall submit two (2) sets of maps and supporting data to the Development Review Board which shall include the following: Site plan drawn to scale, showing existing features, contours, structures, easements, and proposed structure locations and land use area; and also showing streets, driveways, circulation, parking, and loading spaces, pedestrian walks, and landscaping, including site grading and screening.

In the light of these maps and data, the Development Review Board shall consider the features of the proposed development for adequacy of traffic access, circulation and parking, and landscaping and screening before granting or denying Site Plan Approval.

Section 17 Signs

No signs or billboards shall be permitted in any district except as specifically permitted herein:

1. Signs in Agriculture and Rural Residential District. The following signs are permitted when located on the immediate property:
   a) One (1) professional or home occupation Sign, not exceeding four square feet.
   b) One (1) temporary real estate sign, not exceeding six square feet.
   c) Signs identifying any non-residential building or use permitted in residential districts, not exceeding a total of 20 square feet.
   d) Directional or information sign, not exceeding four square feet.
   e) Signs necessary for public safety or welfare.
2. Signs in Village and Commercial District and in Industrial District.
   a) All Signs permitted under Article 4, Section 17, item 1.
   b) One (1) business sign not larger than one square foot for each one lineal foot of frontage occupied by the establishment.
   c) One (1) directory Sign not exceeding 10 square feet in area.
3. General Conditions.
   a) Every wall sign shall not exceed the highest point of the building's roof.
   b) Every projecting sign shall:
      Not extend more than four feet from the building wall, and
      Not be less than 10 feet above the surface of a public walkway area.
   c) Every ground sign shall:
      Not exceed 20 feet in height above the finished grade, and
      Be set back at least 10 feet from any street line, and at least 10 feet from any other lot line.
   d) Roof signs shall not be permitted in any zoning district.

4. Computation of Permissible Sign Area. When computing the total permissible sign area for any use:
   a) Existing signs shall be included.
   b) The total area of all signs shall not exceed the requirements as set forth in these Regulations.
   c) Signs consisting of free standing letters, numerals or other device shall include any intervening spaces between them.
   d) Back to back signs may be counted as one sign.
5. Illuminated and Flashing Signs.
   a) Illuminated signs shall be shielded so as not to cast direct light onto any residential district or onto any property or building used in whole or in part for residential purposes.
   b) Flashing, oscillating and revolving signs shall not be permitted, unless necessary for public safety or welfare.

Section 18 Camping Trailers

It shall be unlawful for any person to park a camping trailer, travel trailer, pick-up coach or motor home on any public or private property, except in accordance with the following regulations:

1. The owner of a camping trailer may park it on his own property provided it is not used as a permanent living quarters.
2. A camping trailer may be occupied on any lot for a period not to exceed 90 days in any 12-month period. A camping trailer may be used as permanent living quarters only by complying with all regulations of the zoning district in which it is located.

Section 19 Housing Needs

No provision of this bylaw may have the effect of excluding from the municipality housing to meet the needs of the population based upon inventories, studies, and analyses of current trends and considering the probable social and economic consequences as presented in the Town Plan in accordance with 24 V.S.A. Section 4382(c).

Section 20 Merger of Existing Small Lots

Existing small lots will be deemed merged when held in common ownership except in the case of lots with pre-existing structures, in which circumstance the owner has the option of maintaining the lots as separate.

Section 21 Mobile Home Parks

The following tables and specifications detail standards for a Mobile Home Park:

Basic Requirements		
	With Municipal Water/Septic	With On-Site Water/Septic
Minimum Mobile Home Park units.	5	5
Minimum land per individual mobile home lot.	12,000 sq ft	1 acre
Maximum mobile home lots in a Park.	20	5

Mobile Home Lot Dimensions		
	Municipal Water/Septic	On-Site Water/Septic
Minimum Area.	12,000 sq ft	1 acre
Minimum Average Width.	100 ft	100 ft
Minimum Average Depth.	120 ft	120 ft

Minimum Setbacks	
From all mobile home lot edges.	15 ft
Buildings not physically connected to a mobile home.	15 ft

Access		
	Municipal Water/Septic	On-Site Water/Septic
Minimum width of right-of-way (ROW) to the Park and its lots.	25 ft	25 ft
Minimum width of traveled portions of an ROW road.	20 ft	20 ft
Minimum road base depth within ROW.	15 in. gravel	15 in. gravel
Minimum radius of curves on access ROW.	30 ft	30 ft

Additional requirements for a Mobile Home Park:

1. On-Site septic systems shall meet State requirements,
2. A minimum of 20% of total land area of a Mobile Home Park shall be common open space,
3. Two off-street parking spaces must be provided per mobile home with a gravel or better surface. The spaces may be included in the minimum lot area requirement and shall be indicated on the site plan,
4. Units must have individual lots, adequate driveways, sufficient parking, and open or recreational space,
5. There must be suitable provisions for the protection of pedestrian traffic,
6. The following facility provisions may be made by the Park owner: laundry, recreation building, central maintenance shed, central TV antenna system, and underground utilities, including fuel storage.

Section 22 Setback from Rivers and Streams

No Zoning Permit shall be issued for any structure having a setback of less than fifty feet from any designated river or stream, as measured from the centerline (or measured to the top of the nearest bank if not possible to measure to the centerline) of any mapped stream channels. Where development is proposed within the River Corridor Protection Area Overlay District as depicted on the River Corridor Protection Area Map, the regulations of Article VII shall apply.

ARTICLE VI. SUBDIVISION STANDARDS

Section 1 Boundary Adjustments and Two-Lot Subdivisions

1. Boundary Adjustment. The ZA may approve boundary adjustments that meet all of the criteria below:
   a) Neither lot (nor any structure or use on it) is, or shall become if the proposed adjustment is approved, nonconforming based on the standards of the zoning district(s) in which it is located. Notwithstanding, the ZA may act on a boundary adjustment involving an existing nonconformity if the proposed adjustment will result in the elimination or reduction of the nonconformity.
   b) The boundary adjustment shall not make either lot more developable based on the standards of the zoning district(s) in which it is located (by increasing the acreage or road frontage to allow for further subdivision or the potential for a greater number of lots, for example).

2. Two-Lot Subdivision. The ZA may approve a two-lot subdivision that meets all of the following:
   a) The lot being subdivided from the parent parcel shall meet all dimensional requirements of the district in which it is located.
   b) The lot being subdivided from the parent parcel shall meet the access requirements set forth by the Pawlet Selectboard and shall not require the development of a private road.
   c) The subdivision shall not be under Act 250 jurisdiction.
   d) There have been no lots subdivided from the parent parcel, or any contiguous parcels in common ownership to the parent parcel, during the previous 5-year period.

3. Submission Requirements. Applicants shall submit a subdivision application and sketch plans for review by the ZA. Sketch plans shall be drawn to scale and include the following:
   a) Existing and proposed lot lines;
   b) Zoning district boundaries;
   c) Existing and proposed roads/drives and associated rights-of-way; and
   d) Existing building footprints and development envelopes.

4. Survey Required. A survey, stamped by a surveyor registered in Vermont, shall be completed. If any lot involved is 5 acres or greater in area, the applicant shall not be required to survey it in its entirety and may survey only those portions necessary to establish any new boundaries, unless the ZA requires a full boundary survey to determine whether the creation of a new lot complies with the district's density requirements.

5. State Permits Required. The ZA shall condition approval upon the applicants filing copies of the state Potable Water and Wastewater permits for each lot or a written determination from the Agency of Natural Resources exempting the boundary adjustment from the requirements of the state regulations. [See Chapter 1 of the Environmental Protection Rules §1-403(12)]

6. Filing Required. Within 180 days of approval by the ZA, applicants shall file a final plat for recording in the town land records as required in Article VII: Section 6(E) of these regulations. Failure to file within 180 days voids approval of the plat. Applicants shall also file new deed descriptions that eliminate any reference to the old boundary and correctly

describe the new configuration, or attach revised descriptions that shall be incorporated into the deeds at the time of conveyance.

Section 2 Subdivision Review Standards

1. Applicability. Except as provided for in Article VI: Section 1 of these regulations, the DRB shall evaluate any subdivision of land in accordance with the standards set forth in this article and all other applicable provisions of these regulations.
2. General Standards:
   a) **Character of the Land.** All land to be subdivided shall be, in the judgment of the DRB, of such a character that it can be used for intended purpose(s), as stated in the application, without danger to public health or safety, and without undue adverse impacts to the environment, neighboring properties, or the character of the area as described in the purpose of the zoning district in which it is located and the Pawlet Town Plan.
   b) **Compatibility with Existing Settlement Patterns**. Subdivisions shall be designed and laid out to achieve the purpose and desired settlement pattern of the district in which they are located. To the extent feasible, new subdivisions of land shall:
      i. Maintain and extend desired settlement patterns, including lot area and configuration, road layout, and building locations, for the neighborhood or district in which they are located;
      ii. Maintain contiguous tracts of open land with adjoining parcels; and
      iii. Connect to, and extend where appropriate, existing road, path, utility and open space corridors.
   c) **Density and Lot Layout**. Density, lot size and layout shall conform to zoning district standards, and general standards pertaining to frontage, lot and yard requirements, unless modified or waived by the DRB under the PUD provisions below. In addition:
      i. Lower densities of development may be required by the DRB based on site limitations.
      ii. Lot layout shall be appropriate for the intended use and reflect the purpose of the district in which the lots are located.
      iii. Lots with frontage on more than one road shall have sufficient width to permit a front yard setback from each road.
      iv. Side lot lines shall be generally at right angles to straight roads, or radial to curved roads.
      v. Lots with irregular shapes (curves, jogs, dog-legs, flag lots, etc.) shall not be created unless warranted by conditions of topography, the location of natural features, or existing roads.
   d) **Establishment of Development Envelopes**. All newly created lots shall have a designated development envelope. Development envelopes shall be designated to identify and limit the location of principal and accessory structures, parking areas, and associated site development (excluding road and utility rights-of-way or easements, and water and wastewater systems) on one or more portions of a lot. The size and shape of development envelopes shall at minimum be determined by district setback requirements, unless otherwise specified in these regulations or established by the DRB.
3. Protection of Natural Resources. Subdivision boundaries, lot layouts, the location of roads, driveways and infrastructure, and development envelopes shall be located and configured to avoid undue adverse impact to natural and scenic resource features as identified in the Pawlet Town Plan and in field evaluations by natural resource professionals.
   a) **Design Process**. All subdivisions shall be prepared with a process that first identifies

natural and scenic resources and then lays out the subdivision to preserve the identified resources to the greatest extent feasible.

b) **Field Evaluations**. The DRB may require an applicant to conduct independent evaluations and mapping where the DRB finds there are likely important natural resource features, habitat or scenic vistas that would be affected by a project and need to be delineated and evaluated to properly include these in the design of a project.

c) **Development Envelopes**. Development envelopes shall be located and configured to avoid or minimize impact on natural resource features and highly scenic vistas, ridgelines and knolls that are visible from public vantage points.

d) **Clearing Limits**. The DRB may establish clearing limits to minimize forest fragmentation, maintain contiguous forest cover, preserve wildlife habitat and travel corridors, and limit the visibility of new development.

e) **Resource Fragmentation**. Lot lines, infrastructure and road, driveway and utility corridors shall be located to avoid and minimize the parcelization, fragmentation, or destruction of resource features and natural scenic beauty. The design and layout of the project shall complement adjacent preserved lands, conservation easements, and private deed restricted areas.

f) **Existing Site Features**. Where sites include features such as existing roads, tree lines, mature specimen trees, stone walls, fence lines, trails or paths, streams and wildlife corridors, the design shall work around, conserve or utilize those as appropriate to minimize new impacts and preserve desirable elements.

g) **Infrastructure.** Roads, driveways and utility corridors shall be laid out to minimize impact and shall be shared where practical.

4. Disclosure of Subsequent Development Plans. Whenever a proposal is submitted for development on a minor portion of a parcel, the DRB may ask the applicant to provide a general indication of the intended use of the remaining portion of the land. Such indication shall include at minimum a written description of the proposed type and intensity of use, access and approximate timeframe for the development of the remainder of the parcel. Such an indication shall not be used to restrict the future development possibilities of the remaining portion of the land.

5. Master Plan for Phased Subdivisions. For phased subdivisions, the DRB may require submission of a conceptual master plan for the entire parcel that at a minimum identifies:
   a) Conservation areas and other common land and open space;
   b) Proposed development areas;
   c) The general location of proposed infrastructure, including road, utility and green space corridors; and
   d) An estimate of the type, density, and timing of future development.

Section 3 Subdivision Approval

1. Applicability. Except as specifically exempted under Paragraph (B) of this section, subdivision approval by the DRB is required prior to undertaking:
   a) The issuance of any permit for any land development involving land to be subdivided; or
   b) The filing of a subdivision plat with the Town Clerk.
2. Exemptions. The following are specifically exempted from subdivision review under this section:
   a) The conveyance of rights-of way or easements that do not result in the subdivision of land.
   b) Boundary adjustments and two-lot subdivisions approved administratively under Article V: Section 4 of these regulations.
3. Subdivision Design and Review Process. Except as specifically exempted under Paragraph 2 of this section, all subdivisions shall be designed and reviewed as follows:

a) Step One – Context and Site Analysis.

i. *Context Map*. The applicant shall prepare and submit a Context Map showing all elements required by these regulations and including all land within 1⁄2 mile of the parcel to be subdivided. The Context Map may consist of multiple sheets if necessary to clearly show multiple data layers, but the entire area should be shown on each sheet. The purpose of the Context Map is to acquaint the applicant/property owner, DRB and other interested persons with the resources and development patterns near the development site at an early stage in the process.

ii. *Existing Resources Plan*. The applicant shall prepare and submit an Existing Resources Plan showing the features and resources on the parcel to be subdivided as per the requirements of these regulations at a scale of not more than 1 inch = 200 feet. The Existing Resources Plan may consist of multiple sheets if necessary to clearly show multiple data layers, but the entire area should be shown on each sheet. The purpose of the Existing Resources Plan is to provide the applicant/property owner, DRB and other interested persons with virtually everything they need to know about the property in terms of its noteworthy natural and cultural features. Supplementing the Existing Resources Plan with photographs of the property is encouraged.

iii. *Qualified Professionals and Data Sources*. The applicant is encouraged to work with one or more qualified professionals such as a landscape architect, planner with natural resources expertise, forester, conservation biologist, etc. in developing the materials needed for Step One through Step Three of the subdivision design and review process. The use of existing GIS information or handheld GPS units to document the location of site features is encouraged; no surveying or engineering will be required until Step Four of the process.

iv. *Submission of Materials.* The applicant shall submit 8 copies of the Context Map and Existing Resources Plan to the ZA, along with 8 copies of the town's subdivision application. Within 30 days of receipt of the required materials and applicable fees, the ZA shall work with the applicant and DRB to schedule Step Two of the subdivision process.

b) Step Two – Site Walk and Informational Meeting.

i *Site Walk*. Because it is impossible to completely understand a site only by examining a two- dimensional paper document inside a meeting room, the DRB should walk the property with the Context Map and Existing Resources Plan to gather firsthand knowledge of the site.

ii. *Informational Hearing.* The DRB shall hold an informational hearing with the applicant to be noticed as per Article XI of these regulations to discuss the potential subdivision. This hearing should provide an opportunity for review of the Context Map, Existing Resources Plan and Site Walk, as well as the applicable provisions of these regulations. It should also allow for communication between all parties before significant time and money has been spent on the subdivision plan with the goal of reducing the potential of future conflicts and the need for multiple revisions to the proposed plan. The applicant may request a waiver of application requirements as per Article VIII: Section 10(3) required for Step Three at this stage of the process.

iii. *Action by the DRB*. Within 45 days of the date of adjournment of the public hearing, the DRB shall issue in writing:

(A) The granting or denial of any waiver requests;

(B) A preliminary determination of whether or not the subdivision plan envisioned by the applicant generally conforms to applicable development review standards

under Article V and Article VI, or would be in conflict with the *Pawlet Town Plan* and other municipal regulations currently in effect; and

(C) Any recommendations for proposed changes in subsequent submissions and any requests for additional studies or supporting documentation.

c) <u>Step Three – Preliminary Design</u>. In Step Three, the overall concept for the subdivision should be outlined, showing areas of proposed development and areas of proposed conservation or open/public space.

i. *<u>Design Process.</u>* Applicants are strongly encouraged to use the following process when designing their subdivisions:

(A) Determine location of open space.

(B) Select house locations.

(C) Align streets and trails to connect the homes.

(D) Draw lot lines and/or development envelopes.

ii. *<u>Conceptual Preliminary Plan</u>*. The Conceptual Preliminary Plan should be drawn to scale so that it can be laid on top of the Existing Resources Plan to illustrate the relationship between the proposed layout and the natural and cultural resources existing on the site.

iii. *<u>Submission of Materials</u>*. Not more than 12 months from the date the informational hearing was closed, the applicant shall submit 8 copies of the Conceptual Preliminary Plan (one of which shall be drawn on a translucent or transparent overlay sheet) and any supporting materials, along with any associated fees, to the ZA. Within 30 days of the receipt of all required materials, a DRB hearing shall be scheduled and warned.

iv. *<u>Preliminary Design Hearing</u>*. The DRB shall hold a public hearing on the preliminary design as presented in the Conceptual Preliminary Plan. The applicant may request a waiver of application requirements as per Article VIII, Section 10(3) required for Step Four at this stage of the process.

v. *<u>Action by the DRB.</u>* Within 45 days of the date of adjournment of the public hearing, the DRB shall issue in writing:

(A) The granting or denial of any waiver requests;

(B) A determination of whether or not the preliminary design as presented in the Conceptual Preliminary Plan conforms to applicable development review standards under Articles V and VI, or would be in conflict with the *Pawlet Town Plan* and other municipal regulations in effect; and

(C) Any recommendations for proposed changes in subsequent submissions and any requests for additional studies or supporting documentation.

d) Step Four – Final Design.

i. *Engineered Master Plan.*

ii. *Submission of Materials*. Not more than 12 months from date the preliminary design hearing was closed, the applicant shall submit 8 copies of the Engineered Final Plan and any supporting materials, along with any associated fees, to the ZA. Within 30 days of the receipt of all required materials, a DRB hearing shall be scheduled and warned.

iii. *Final Design Hearing.* The DRB shall hold a public hearing on the final design as presented in the Engineered Final Plan.

iv. *Action by the DRB.* Within 45 days of the date of adjournment of the public hearing, the DRB shall act to approve, approve with conditions, or deny the final plan, based on a determination of whether or not the plan and associated plat conform to the development and subdivision review standards under Articles 5 and 6 of these

regulations, or would be in conflict with the Pawlet Town Plan and other municipal regulations in effect. Approval, conditions of approval, or grounds for denial shall be set forth in a written notice of decision.

4. Effect of Final Plan Approval. The approval by the DRB of a final subdivision plan and associated plat shall not be construed to constitute acceptance of any legal interest by the town of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Selectboard, in accordance with state statute. Approval for a final subdivision plan may contain a time limit within which all improvements necessary for the subsequent development of the subdivided lots (e.g., roads, utilities) shall be completed, not to exceed 3 years unless otherwise required or extended by the DRB.

5. Plat Recording Requirements**.** Within 180 days of the date of receipt of final plan approval, the applicant shall file 3 copies of the final subdivision plat, including one mylar copy and 2 paper copies, for recording with the town in conformance with the requirements of 27 V.S.A., Chapter 17. Approval of subdivision plats not filed and recorded within this 180-day period shall expire. The ZA may, however, grant one 90-day extension for plat filing in the event the applicant documents that other required local and/or state permits are still pending.

6. Amendments to an Approved Plat. No changes, modifications, or other revisions that alter the plat or conditions attached to an approved subdivision plan shall be made unless the proposed revisions are first resubmitted to the DRB and the DRB approves such revisions after public hearing noticed in accordance with Article XI. In the event that such subdivision plan revisions are recorded without complying with this requirement, the revisions shall be considered null and void.

Section 3 Planned Unit Development Review Standards

1. Purpose**.** These planned unit development (PUD) provisions are intended to accommodate new development in a manner that maintains the town's traditional settlement patterns, is compatible with the character of the area as described in the Pawlet Town Plan and the purpose of the zoning district(s) in which the project is located, and which offers owners the flexibility to creatively develop their property. The purpose of these provisions is to implement the goals and policies of the Pawlet Plan as most recently amended as of the effective date of these regulations.

2. Applicability. The PUD provisions may be applied to any land development in the Town of Pawlet within the Village and Commercial and Agriculture and Rural Residential Districts at the request of the applicant. Planned Unit Developments are permitted subject to the following:
   a) **Uses Permitted**. Within a Planned Unit Development, one-family or multiple-family residential uses, accessory uses, or any combination thereof, are permitted. Within the Village and Commercial District, mixed-uses may also be considered when the proposed uses are compatible with the character of a traditional village as described in the Pawlet Plan.
   b) **Base Density**. The overall density of the project shall not exceed the number of lots or dwelling units permitted as set forth in the standards for the district(s) in which the land is situated (base density), except as specifically provided for in this article.
   c) **Parcels in Multiple Districts**. Where a district boundary line divides a parcel, the

development of a single PUD shall be allowed with a total density based on the combined allowable density of each district. Development may be located on any portion of the parcel, regardless of zoning district, in accordance with the standards set forth in these regulations.

d) **Maximum Height Limit**. No residential structure shall exceed a height of 35 feet.

e) **Common Open Space**. PUDs shall be designed to preserve open space areas, working land, and/or common land for parks, recreation, greenways, scenic resource protection, historic resource protection, and/or preservation of agricultural or forest lands, wildlife habitat and environmental quality, except that, where appropriate, such open spaces may be left unimproved. The Development Review Board shall stipulate such provisions for the ownership and maintenance of the common open space as will insure its continuity and conservation.

i. Minimum Open Space Requirements. PUDs in the:

(A) Agriculture and Rural Residential district shall set aside a minimum of 50% of the parcel as open space.

(B) Village and Commercial District shall set aside a minimum of 10% of the parcel as open space.

ii. Preservation of Open Space. The location, size and shape of lands set aside to be preserved for open space shall be approved by the DRB, in accordance with the following:

(A) Designated open space may include the portion of a single lot outside of the development envelope that is characterized by important natural resources and/or may encompass the contiguous boundaries of important natural resources located on multiple lots.

(B) The location, shape, size and character of the open space shall be suitable for its context and intended use. A single, contiguous area of open space is preferred unless the DRB agrees that multiple, non-contiguous open space areas would better protect the specific resources or features of a particular property and/or allow for a better overall development pattern on the site.

(C) Open space land shall be located to conform with and extend existing areas sharing similar characteristics or natural features and resources on adjacent parcels.

(D) Provisions shall be made to enable open space designated for agriculture and forestry to be used for these purposes. Management plans may be required by the DRB as appropriate to ensure the long-term protection and management of working lands. Areas conserved for agricultural and forestry use should be of a size suitable for their intended use and that retains their eligibility for available tax abatement programs.

(E) Utility and road rights-of-way or easements, access and parking areas shall not be counted as open space areas, except where the applicant can prove, to the satisfaction of the DRB, that those uses in no way disrupt or detract from the values for which the open space is to be protected. Wastewater treatment and stormwater management practices or facilities that require, incorporate or establish open space areas may be counted as open space.

f) **Ownership and Legal Requirements**. The DRB may require that protected open space be dedicated, either in fee simple or through a conservation easement approved by the DRB, to the town, a community association comprising all of the present and future owners of property within the development, or a non-profit land conservation organization. The DRB may allow open space land conserved for agricultural or silvicultural use to be transferred or sold to a private owner to facilitate ongoing

productive use. At a minimum, designated open space shall be indicated with appropriate notation on the final plat. Land held in common shall be subject to deed restrictions stipulating the permitted and restricted use of such land, and establishing the person or entity responsible for maintenance and long-term stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of the applicant and subsequent landowners.

g) **Landscaping**. The Development Review Board shall require that a Planned Unit Development provide suitable planting, and screening structures and landscaping at its perimeter so as to provide protection for adjacent properties.

h) **Failure to Begin Planned Unit Development**. If no construction has begun or no use established in the Planned Unit Development within twelve (12) months from the issuance of the zoning permit, the zoning permit for the Planned Unit Development shall become null and void. In its discretion, and for good cause, the Development Review Board may, upon request of the applicant, extend for an additional six (6) months the period for the beginning of construction or establishment of a use. If the zoning permit becomes null and void under the provisions of this section, the zoning regulations applicable before the zoning permit was issued shall be revived and in effect.

i) **Failure to Complete Planned Unit Development**. If any Planned Unit Development, or portion thereof, is not completed within two (2) years from the issuance of the zoning permit, the zoning permit for the project shall become null and void. In its discretion, and for good cause, the Development Review Board may, upon request of the applicant, extend for one (1) additional year the period within which the Planned Unit Development shall be completed. If the zoning permit becomes null and void under the provisions of this sections, the zoning regulations applicable before the zoning permit was issued shall be revived and in effect.

j) **Performance Bond**. The Development Review Board shall require the posting of performance bonds in adequate amounts to protect the Town for any failures to meet the terms of these Regulations.

k) **Amendments and Changes**. Any and all amendments or changes to the Planned Unit Development shall require approval by the Development Review Board and the issuance of an additional zoning permit by the Zoning Administrator in accordance with the provisions set forth in this section.

l) **Site Plan Approval**. No permit shall be approved for the erection, alteration enlargement or relocation of a building or use in a Planned Unit Development until a site Development Plan shall have been approved by the Development Review Board. The site plan shall include the location, height and spacing of buildings, open spaces and their landscaping, streets, driveways and off-street parking spaces and all other physical features, accompanied by a statement setting forth the nature of all proposed modifications, changes or supplements of existing zoning regulations.

3. Rural Standards. PUDs in the Agricultural and Rural Residential (ARR) district shall be designed to blend new development into the agricultural or forest landscape, and to maintain the town's rural character, both visually and as a functional working landscape. To this end:

a) PUDs in this district shall set aside a minimum of 50% of the project area as undevelopable land in accordance with the following principles:

i. If the parcel to be developed is currently productive agricultural land, the acreage set aside should be of a quality, size and configuration that makes continued agricultural use possible unless the DRB agrees that doing so would result in undue adverse impact to any important natural resources identified on the parcel.

ii. If the parcel to be developed is largely forested, forest fragmentation and tree removal should be kept to a minimum.

b) PUDs to be located on primarily open agricultural land should be designed to do one or more of the following:
   i. Preserve working land by locating house sites along the edges of fields, pastures and woodlots. Roads, drives and property lines are encouraged to follow existing site features such as walls, fence lines and hedgerows. Homes should be located to provide an adequate buffer between the residential and agricultural use.
   ii. Replicate a traditional Vermont farmstead, characterized by a variety of building scales reminiscent of the appearance of a principal dwelling and a mix of barns and agricultural outbuildings located within a compact area surrounded by open farmland. Use of multi-unit structures and/or accessory units is encouraged.
   iii. Replicate a traditional Vermont hamlet or crossroads, characterized by a concentration of primarily residential structures, located at a road intersection, bounded by farm or forest land. Buildings should be oriented towards roads, one another and/or the green or park.

c) PUDs to be located on primarily forested land shall be designed to maintain the appearance of an unbroken forested canopy and to blend new development into the landscape as viewed from off-site, to protect natural resources and wildlife habitat, and to provide for the sustainable, ongoing management of forest resources to the greatest extent feasible by:
   i. Maintaining a forested buffer between homes and along the public road;
   ii. Minimizing lot coverage and building footprints;
   iii. Avoiding long driveways or large parking areas;
   iv. Clearing only as much vegetation at the edge of the road as necessary to create a driveway entrance with adequate sight distance and proper drainage control;
   v. Retaining existing or planting additional woody vegetation in undisturbed, naturalistic groupings, rather than singly as specimen trees or in a linear or regular pattern, within cleared areas;
   vi. Using native vegetation;
   vii. Minimizing lawn area; and
   viii. Selectively cutting small trees and the lower braches of large trees, rather than removing mature trees, to create narrow view corridors between trees and beneath tree canopies.

4. Village Standards. PUDs in the Village and Commercial district shall be designed to be compatible with the character of a traditional New England village as described in the Pawlet Town Plan and the purposes of the zoning district in which the project is located. To this end, PUDs in this district:
   a) Shall propose lot sizes and setbacks typical of a traditional village business district or residential neighborhood, as appropriate, unless the DRB agrees that this is not feasible due to issues such as provision of septic and water.
   b) Shall propose roads that will establish, extend or allow for future connections to a village street network, unless the DRB agrees that this is not feasible due to site conditions such as topography. The DRB may require the establishment of rights-of-way and/or street stubs to allow for future road connections to adjacent properties.
   c) Are encouraged to provide a range of housing opportunities. To this end:
      i. The DRB may approve a density bonus of up to 50% if the excess units are

dedicated to providing housing for residents age 55 or older, people with disabilities, and households with low to moderate incomes (as defined by the Pawlet Town Plan). The units shall be dedicated to such a purpose through legally binding means for a period of not less than 25 years.

ii. The DRB may approve a range of housing types including, but not limited to, apartments, attached dwellings, condominiums, mixed-use structures, mobile homes and multi-unit structures. Consideration shall be given to whether the proposed structures and site design will be compatible with the character of a traditional village as described in the Pawlet Town Plan and the purposes of the zoning district(s) in which the project is located.

d) Are encouraged to include a mix of uses within a single project or building. To this end:

i. The DRB may waive the maximum footprint requirement for mixed-use projects that include both residential and non-residential uses. Consideration shall be given to whether the proposed structure and uses will be compatible with the character of a traditional village as described in the Pawlet Plan and the purposes of the zoning district(s) in which the project is located.

Section 4 Planned Unit Development Approval

1. Application Requirements. Applications for PUD review shall be submitted in conjunction with a subdivision application.
2. Coordination with Other Review Processes:
   a) A PUD application shall be reviewed simultaneously with the subdivision application.
   b) Approval for a PUD that involves the development of one or more conditional uses shall not exempt the project from conditional use review. The applicant may request that the conditional use or any other applicable review be done concurrently with the PUD review.
3. Application Process. The PUD review shall follow the procedures applicable to subdivisions as specified in this Article.
4. Review and Decision. The DRB shall review and issue a decision on an application for a PUD in accordance with all applicable provisions of this article. At the time of PUD approval, the DRB shall include in its written decision a clear indication of all approved modifications of the district(s) development standards. The DRB may approve PUDs with conditions related to the location, scale, density, intensity and/or overall design of future development within the PUD.

Section 5 Recording and Legal Requirements

1. Open Space Preservation. The following shall apply to lands designated as undevelopable open space:
   a) Open space preservation shall be irrevocable unless otherwise approved by the DRB.
   b) A metes and bounds description of the area(s) to be preserved and limits on use shall be recorded on the subdivision plat, in homeowner covenants, and on individual deeds when open space lands are not held entirely in common. Alternative means of permanent open space preservation may include acceptance by a land conservation trust or a unit of government.
   c) Restrictive covenants shall limit uses to the continuation of certain agricultural activities (pasture, land, crop cultivation), forestry or recreation uses that preserve rural character and any scenic resources visible from public vantage points.
2. Homeowners Associations. Formation of a homeowners association or similar legal arrangement shall be required as a condition of approval for development that includes

private roads, common open space and/or common buildings, infrastructure or facilities to ensure their ongoing maintenance. The obligations of maintenance of common improvements shall be clearly outlined in the deeds to all affected owners. Specifically, each deed shall have a clause stating the town shall not be responsible for maintenance or improvements of private roads or common land or infrastructure. Costs incurred by the town because of default on the part of the association or an owner shall be a lien on the property of the association or owner(s). The following minimum standards shall apply to associations:

a) Creation of the association before any lots or units are sold.
b) Mandatory membership by the original property owner and any subsequent owners.
c) Restrictions on the use and development of common space, buildings, facilities, roads and infrastructure.
d) Powers to assess and collect from each member a fair share of the associated costs.
e) Responsibility for providing adequate maintenance of common space, buildings, facilities, roads and infrastructure.
f) Approval of articles of incorporation, bylaws, convents and deed restrictions by the town's attorney.

3. Special Requirements for Density-Based Districts. The following shall apply to any subdivision involving land in the Village and Commercial or Agriculture and Rural Residential districts:
   a) The applicant shall provide documentation of allocated or maximum allowable density as established by a previous subdivision after the effective date of these regulations, or per district standards for lots not subdivided since the effective date of these regulations.
   b) The applicant shall provide an allocation of allowable density between the parent and subdivided parcel, which shall be shown on the filed plat and on the permit issued by the ZA.
   c) The applicant shall file a notice, to be provided by the ZA, for recording in the town land records documenting the density remaining with the parent parcel.

ARTICLE VII. FLOOD HAZARD AREA AND RIVER CORRIDOR PROTECTION REGULATIONS

Section 1. Statutory Authorization and Effect

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

Section 2. Statement of Purpose

It is the purpose of this bylaw to:

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

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

3. Ensure that the selection, design, creation, and use of development in regulated flood hazard areas is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair stream equilibrium, flood plain services, or the stream corridor,
4. Manage all regulated flood hazard areas designated pursuant to 10 V.S.A. Chapter 32 § 753, the municipal hazard mitigation plan; and make the Town of Pawlet, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

Section 3. Other Provisions

1**.** Precedence of Bylaw

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

2. Validity and Severability

If any portion of this bylaw is held unconstitutional or invalid by a competent court, the remainder of this bylaw shall not be affected.

3. Warning of Disclaimer of Liability

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

Section 4. Lands to Which these Regulations Apply

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

a) The River Corridors as published by the Vermont Agency of Natural Resources including the Statewide River Corridors and refinements to that data based on field-based assessments which are hereby adopted by reference. Where River Corridors are not mapped, the standards in Section 7 (3) shall apply to the area measured as one hundred **(100)** feet from the top of the stream bank or slope.

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.

2. Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas

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

3. Interpretation

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

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

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

Section 5. Summary Table: Development Review in Regulated Flood Hazard Areas

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

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

Section 6. Development Review in Regulated Flood Hazard Areas

1. Permit

A permit is required from the Administrative Officer for all development in all areas defined in Section 4. Development that requires conditional use approval, non-conforming use approval, or a variance from the Development Review Board under these flood hazard regulations, must have such approvals prior to the issuance of a permit by the Zoning Administrator. Any development subject to municipal jurisdiction in the designated regulated flood hazard areas shall meet the criteria in Section 6 and 7. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

2. Permitted Development

For the purposes of review under these regulations, the following development activities in the Special Flood Hazard area where outside of the floodway and outside of the River Corridors, and meeting the

Development Standards in Section 7, require only an administrative permit from the Zoning Administrator:

a) Non-substantial improvements;
b) Accessory structures;
c) Development related to on-site septic or water supply systems;
d) Building utilities;
e) At-grade parking for existing buildings; and,
f) Recreational vehicles.

3. Prohibited Development in Special Flood Hazard Area and River Corridors

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

4. Conditional Use Review

Conditional use review and approval by the Development Review Board, is required prior to the issuance of a permit by the Zoning Administrator for the following proposed development:

a) Substantial improvement, elevation, relocation, or flood proofing of existing structures;
b) New or replacement storage tanks for existing structures;
c) Improvements to existing structures in the floodway;
d) Grading, excavation; or the creation of a pond;
e) Improvements to existing roads;
f) Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing;
g) Public utilities;
h) Improvements to existing primary structures in the River Corridors that do not expand the footprint of the existing structure more than 500 square feet;
i) Accessory structures in the River Corridors, of 500 square feet or less, that represent a minimal investment
j) Building utilities in the River Corridors; and,
k) At-grade parking for existing buildings in the River Corridors.

5. Exempted Activities

The following are exempt from regulation under this bylaw:

a) The removal of a building or other structure in whole or in part;
b) Maintenance of existing roads and storm water drainage;
c) Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices; and,

d) Agricultural activities conducted in accordance with the Vermont Department of Agriculture's Accepted Agricultural Practices (AAP). Prior to the construction of farm structures the farmer must notify the ZA in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.
e) Normal maintenance and repair of existing structures that involved no additions, extensions or relocations.

6. Variances

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

7. Nonconforming Structures and Uses

The Development Review Board 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 Section VII of this bylaw;

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 12 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 this bylaw.

Section 7. Development Standards – The criteria below are the minimum standards for development in the regulated flood hazard areas. Where more than one zone or area is involved, the most restrictive standard shall take precedence.

A. Special Flood Hazard Area

1. All development shall be:

- Reasonably safe from flooding;
- Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
- Constructed with materials resistant to flood damage;
- Constructed by methods and practices that minimize flood damage;

- 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;
- Adequately drained to reduce exposure to flood hazards;
- Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
- Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.

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 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a licensed professional engineer.

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 foot above base flood elevation, this must be documented, in as-built condition, with a FEMA Elevation Certificate;

c) *Non-residential structures to be substantially improved* shall:

   a. Meet the standards in 7 A(1)b; or,
   b. Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; A permit for flood proofing shall not be issued until a licensed professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

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

e) *Fully enclosed areas that are above grade*, below the lowest floor, below Base Flood Elevation (BFE) and subject to flooding, shall

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

f) *Recreational vehicles* must be fully licensed and ready for highway use;

g) A *small accessory* structure of 500 square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in 7 A(1)e (above).

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

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

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

k) *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;

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

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

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

B. Floodway Areas

1) Encroachments or development above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a licensed professional engineer, certifying that the proposed development will:

a) Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;
b) Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

2) Public utilities may be placed underground, and the analyses may be waived, where a licensed professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.

C. River Corridors

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

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

Section 8. Administration

1. Application Submission Requirements

Applications for development shall include:

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

2. Referrals

a) Upon receipt of a complete application for a substantial improvement or new construction the ZA shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

b) If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner. The Board should consider comments from the National Flood Insurance Program (NFIP) Coordinator at VT ANR.

3. Decisions

The DRB shall consider comments from the National Flood Insurance Program (NFIP) Coordinator at ANR. The DRB may recess the proceedings on any application pending submission of additional information.

4. Records

The Administrative Officer shall properly file and maintain a record of:

a) All permits issued in areas covered by this bylaw;
b) 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;
c) All flood proofing and other certifications required under this regulation; and,
d) All decisions of the Development Review Board (including variances and violations) and all supporting findings of fact, conclusions and conditions.

Section 9. Enforcement and Penalties

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

2. If any appeals have been resolved, but the violation remains, the Zoning Administrator shall submit a declaration to the Administrator of the National Flood Insurance Program (NFIP) requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

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

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

Section 1 Administrative Office

[Reference: 24 VSA, Chapter 117, Section 4448]

An Administrative Officer, the Zoning Administrator, is appointed in accordance with Section 4448 (a) of the Act to administer the Unified Bylaws.

Said 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 Zoning Administrator may enter upon property in the performance of his duties, to inspect property for which applications for a zoning permit has been made, or upon which unauthorized development is occurring. This inspection shall take place in the presence of the owner of the property, or with his permission.

An acting Zoning Administrator shall be appointed as provided in Section 4448 (b) of the Act.

Section 2 Zoning Permits

[Reference: Section 4449]

1. No building construction or land development may commence and no land or structure may be devoted to a new or changed use within the municipality without a zoning permit duly issued by the Zoning Administrator in accordance with Section 4449 of the Act.
2. Applications. All applications for a zoning permit shall be accompanied by two copies of a sketch plan drawn to scale showing the dimensions of the lot to be built on, location of the building and accessory buildings to be erected, a surveyor's plot plan of the property, if available, and such other information as may be necessary to determine and provide for the enforcement of these Bylaws.

   For Conditional Use Permit for non-conforming uses in the Flood Plain Overlay District the application shall also include:
   a) Two (2) copies of plans drawn to scale showing the nature, location, dimensions and elevations of the lot,
   b) Existing and proposed structures including the elevation of the lowest floor including basement and confirmation as to whether such structure contains a basement, and
   c) Proposed fill and/or storage of materials information.
3. Fee. The fee for a zoning permit shall be according to the fee schedule by the Selectboard and posted at the Pawlet Town Office.
4. Issuance of Permit. A zoning permit shall be issued by the Zoning Administrator only if an application, fee, and sketch plan have been properly filed and other requirements of this Regulation and relevant state laws have been complied with.
5. Posting of Permit. Within three days following the issuance of a zoning permit, the Administrative Officer shall:
   a) Deliver a copy of the permit to the Listers of the Town, and
   b) Post a copy of the permit in at least one public place in the Town until the expiration of 15 days from the date of issuance of the permit.
6. Time of Issuance. A zoning permit shall be issued or denied by the Zoning Administrator within thirty (30) days of the submission of a complete application. If the Administrative Officer fails to act within that period of time, the permit shall be considered as issued on the thirty-first (31) day.
   If a zoning permit is denied, the Zoning Administrator shall so notify the applicant in writing, stating the reasons for denial.
7. Effective Date. If a zoning permit is issued, it shall not take effect until the expiration of a fifteen (15) day appeal period. In the event that notice of appeal is properly filed, such permit shall not take effect until final adjudication of said appeal.
8. All activities as authorized by the issuance of the permit shall be completed within two (2) years of the date if issue or the permit shall become null and void, and reapplication and reissuance of another zoning permit shall be required to complete the activities as initiated under the original permit.

Section 3 Stay of Issuance of Permit

[Reference: Section 4449 (a) (3)]

The issuance of a permit may be stayed in accordance with Section 4449 (a) (3) of the Act.

Section 4 Enforcement

[Reference: Section 4451]

The Zoning Administrator shall enforce the provisions of this Regulation in conformity with Section 4451 of the Act.

Section 5 Exemptions

[Reference: Section 4413]

a. No zoning permit shall be required for the following activities, as long as such activities are exempted by operation of Vermont Law:

(1) Accepted agricultural (AAPs), including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets, in accordance with the Act [§4413(d)]. Written notification, including a sketch plan showing structure setback distances from road rights- or- way, property lines, and surface waters shall be submitted to the Zoning Administrator prior to any construction, as required for AAPs. Such structures shall meet all setback requirements under these Bylaws, unless specifically waived by the Secretary.

(2) Accepted management practices (AMPs) for silviculture (forestry) as those practices are defined by the Commissioner of Forests, Parks and Recreation, in accordance with the Act [§4413(d)].

(3) Power generation and transmission facilities, which are regulated under 30 V.S.A. §248 by the Vermont Public Service Board. Such facilities, however, should conform to policies and objectives specified for such development in the Municipal Plan.

(4) Hunting, fishing, and trapping as specified under 24 V.S.A §2295 on private or public land. This does not include facilities supporting such activities, such as firing ranges or rod and gun clubs, which for the purposes of these Bylaws are defined as outdoor recreation facilities.

(5) Subdivisions of land that require subdivision approval

b. The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that Bylaws do not have the effect of interfering with the intended functional use:

(1) State- or community-owned and operated institutions and facilities.

(2) Public and private schools and other educational institutions certified by the state department of education.

(3) Churches and other places of worship, convents, and parish houses.

(4) Public and private hospitals.

(5) Regional solid waste management facilities certified under 10 V.S.A. chapter 159.

(6) Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

c. Notwithstanding any provision of law to the contrary, a bylaw adopted under this chapter shall not prohibit or have the effect of prohibiting the installation of solar collectors, clotheslines, or other energy devices based on renewable resources.

d. Except as necessary to ensure compliance with the national flood insurance program, a bylaw under this chapter shall not regulate any of the following:

(1) An ancillary improvement that does not exceed a footprint of 300 square feet and a height of 10 feet.

(2) The following improvements associated with the construction or installation of a communications line:

(i) The attachment of a new or replacement cable or wire to an existing electrical distribution or communications distribution pole.

(ii) The replacement of an existing electrical distribution or communications distribution pole with a new pole, so long as the new pole is not more than 10 feet taller than the pole it replaces.

e. No zoning permit shall be required for the following activities, unless located in the Special Flood Hazard Area or River Corridor Protection Area (See Article VII and VIII):

(6) Normal maintenance and repair of an existing structure which do not result in exterior alterations or expansion or a change of use.

(7) Interior alterations or repairs to a structure which do not result in exterior alterations or expansion or a change in use.

(8) Exterior alterations to structures which do not result in any change to the footprint or height of the structure or a change in use

(9) Residential entry stairs (excluding decks and porches), handicap access ramps, walkways, and fences or walls less than four (4) feet in height which do not extend into or obstruct public rights- of- way, or interfere with corner visibilities or sight distances for vehicular traffic.

(10) Minor grading and excavation associated with road and driveway maintenance (e.g., including culvert replacement and resurfacing), and lawn and yard maintenance (e.g., for gardening or landscaping), or which is otherwise incidental to an approved use. This specifically does not include extraction and quarrying activities regulated under Article III, Section 3 or Section 7.

(11) Outdoor recreational trails (e.g., walking, hiking, cross- country skiing and snow mobile trails) which do not require the installation of structures or parking areas.

(12) Small accessory buildings associated with residential uses which are less than 64 square feet of floor area and less than eight (8) feet in height, and are not located within required setback areas.

(13) Garage sales, yard sales, auctions, or similar activities that do not exceed three (3) consecutive days, nor more than twelve (12) total days in any calendar year.

(14) Essential services in any district except regulated flood hazard areas where they shall be treated as conditional uses.

ARTICLE IX. DEVELOPMENT REVIEW BOARD

Section 1 Creation of Development Review Board

There is hereby created a Development Review Board for the Town of Pawlet.

Section 2 Appointment and Term of the Board

[Reference: Sections 4440 and 4471]

1. Members. The Development Review Board shall consist of five members.
2. Appointment. Members of such Board shall be appointed and any vacancy filled by the Selectboard. The terms of three members shall be for two (2) years and 2 members shall be for three (3) years, except that the terms of the members first appointed shall be so fixed that no more than three (3) terms shall expire during any future calendar year. Each member of the Development Review Board may be removed for cause by the Selectboard upon written charges and after public hearing
3. Appropriations. The Town shall make such appropriations in its annual budget as are sufficient to afford the Development Review Board the technical and material assistance necessary to the fulfillment of its duties as outlined herein.

Section 3 General Powers and Duties of the Board

[Reference: Sections 4460, 4461, and 4471]

1. General Powers. The Development Review Board is a body with limited powers. Except as specifically provided herein and in accordance with the provisions of 24 VSA, Chapter 91, the Development Review Board may not amend, alter, invalidate or affect any plan or bylaw of the Town or the implementation or enforcement thereof, or allow any use not permitted by the Unified Bylaws or any other bylaw.

2. General Duties. The Development Review Board shall be charged with the proper interpretation of the Unified Bylaws and their consequent application within the Town, and with the administration of the procedures allocated to it by these Unified Bylaws including the following:
   a) To hear and rule on appeals to any order, requirement, decision or determination made by the Zoning Administrator in the administration and enforcement of the Unified Bylaws.
   b) To hear and grant or deny a request for a variance in the application of provisions for the Unified Bylaws, according to Article 7, Section 9 of this Regulation.
   c) To approve a request for a conditional use within any zoning district if, within sixty (60) days after public notice and hearing as prescribed in Article 10, Section 1 of this Regulation, the Board determines that the proposed use conforms to the Standards as designated in the Unified Bylaws.
   d) To hear, review and decide, after due public notice and hearing as prescribed in Article 10, Section 1, all matters referred to it or upon which it is required to pass according to this or any other regulation.

Section 4 Officers of the Board

[Reference: Section 4461]

The Development Review Board shall elect its own officers and adopt rules of procedure subject to the provisions of these Unified Bylaws and the Act. The officers of the Board may administer oaths and compel the attendance of witnesses and the production of material pertinent to any issue under appeal.

Section 5 Meetings

[Reference: Section 4461]

Meetings of the Board shall be held at the call of the chairman and at such times as the Board may determine. All such meetings shall be open to the public.

Section 6 Rules of Procedure

[Reference: Sections 4461]

The Board shall adopt, from time to time, such rules and regulations as it determines are necessary to effect the provisions of this ordinance in accordance with Sections 4462 and 4463 of the Act.

Section 7 Fees

Fees for actions before the Development Review Board are determined by the Pawlet Selectboard and posted in the Town Office. The payment of the appropriate fee shall be a condition to the validity of the filing of notices of appeal and any other acts under these Bylaws.

Section 8 Appeals to the Board, Applications and Stay of Enforcement

An interested person may appeal any decision or action taken by the Zoning Administrator by filing a notice of appeal with the secretary of the Development Review Board or with the Town Clerk if no such secretary has been elected.

1. Time for Filing.
   If the appeal is made with respect to any decision or action of the Zoning Administrator, such notice of appeal must be filed within fifteen (15) days of the date of such decision or action and a copy of the notice of appeal shall be filed with such Officer.
2. Interested Persons. [Reference: Section 4465]
   For the purpose of these Bylaws, an interested person is as defined in Section 4465 (a) and (b) of the Act.
3. Notice of Appeal. [Reference: Section 4466]
   Any notice of appeal shall be filed on a form prescribed by the Development Review Board and shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is made, a reference to the regulatory provisions applicable to that appeal, the relief requested by the appellant and the alleged grounds why such requested relief is believed appropriate under the circumstances.
4. Hearing on Appeals. [Reference: Section 4468]
   The Development Review Board shall set a date for a public hearing for an appeal under these Bylaws, which shall be within sixty (60) days of filing of the notice of such appeal.

   The Board shall give public notice of the hearing, and shall mail to the appellant a copy of such notice at least fifteen (15) days prior to the hearing date. Copies shall also be sent to adjoining property owners if known, although a failure to comply with this provision shall not invalidate any action taken.

Any person or body empowered by Article X, Section 8 (2) of these Bylaws to take an appeal with respect to that property at issue may appear and be heard in person or be represented by an agent or attorney at such hearing.

Any hearing held under this section may be adjourned by the Board on occasion, provided, however, that the date and place of the reconvened hearing shall be announced at that time.

All hearings held under this section shall be open to the public.

5. Decisions on Appeals. [Reference: Section 4464 (b)]
The Development Review Board shall render its decisions on each appeal, which shall include findings of fact, within forty-five (45) days after completing the hearing, in accordance with Section 4464 (b) of the Act.

   If the Board fails to act within this period, it shall be deemed to have made the decision in favor of the appellant and granted the relief requested by him on the last day of such period.

6. Minutes and Findings. [Reference: Section 4464 (b)]
The Board shall keep minutes of its proceedings, indicating the vote of each member upon each question or, if absent or failing to vote, indicating this, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the clerk of the municipality as a public record.

   All findings and actions of the Board shall be in writing and shall include the reasons for the action taken irrespective of its nature. Findings shall be detailed and in specific terms, discussing the cause of the decisions, beyond such generalities as "in the interest of public health, safety and general welfare." In every instance, a statement of the facts upon which such action is based shall appear in the minutes.

Section 9 Specific Powers of the Board to Grant Variances

[Reference: 24 VSA, Section 4469]

On an appeal, as discussed in Article X, Section 8 of these Bylaws, wherein a variance from the provisions of the Zoning Regulation constitutes the relief requested by the appellant, the Development Review Board may grant such variances, and render a decision in favor of the appellant, if all the following facts are established by the Board and are specified in its decision:

1. That there are unique physical circumstances, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances generally created by the provisions of the zoning regulations in the neighborhood or district in which the property is located.
2. That as a result of such physical problems, there is no possibility that the property can be developed in strict conformity with the provisions of these Unified Bylaws and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare, and
5. That such variance, if authorized, represents the minimum that will afford relief, and provide the least modification possible of the Unified Bylaws and of the comprehensive plan.

Before granting the variance, the Development Review Board in its review of the appeal shall also make a finding of fact that the variance, if granted, will not conflict with one of the several purposes and intents of the Unified Bylaws.

In rendering a decision in favor of an appellant under this section, the Development Review Board may attach such conditions to the variance as it considers necessary and appropriate under the circumstances to implement the various purposes of these Bylaws and the Town Plan then in effect.

No variance granted by the Development Review Board permitting the erection or alteration of a building or structure or the use of a building, structure, or land shall be valid for a period longer than six (6) months unless such use is established within such period or, where the establishment of a use is dependent upon the erection or alteration of a building or structure. All necessary permits for the erection or alteration of such building or structure shall be issued and such erection or alteration shall be initiated and proceed to completion in accordance with the terms of such permits and such use shall be established within six (6) months of the completion of the building or structure.

Section 10 Granting Waivers

Waivers may be granted for a permitted use by the Zoning Administrator to reduce dimensional requirements as need to allow for disability accessibility, fire safety, and other requirements of law.

1. Qualifying for a Waiver
   Waivers may be considered by the Development Review Board for Conditional Uses to reduce dimensional requirements, but not density requirements, if 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) Meeting the dimensional requirements will create an undue hardship on the applicant and the hardship was not created by the applicant

2. Standards for Granting Waivers
   The Development Review Board may grant a conditional use waiver if the Board finds that the proposed development meets ALL the following standards:
   a) The proposed development shall not reduce the dimensional requirements by more than the minimum amount necessary.
   b) The proposed development does not alter the essential character of the neighborhood or district in which the property is located.
   c) The proposed development does not substantially or permanently impair the appropriate use or development of adjacent property.
   d) The proposed development does not reduce access to renewable energy resources.
   e) The proposed development shall not be detrimental to the public welfare including the safety and maintenance of the Town's highways.

3. Expiration of Variance or Waiver
   Any variance or waiver approval granted under this Bylaw shall expire two (2) years from the date of the written decision granting such approval unless a zoning permit has been issued by the Zoning Administrator for the approved project.

4. Waiver of Subdivision Application Requirements.

   The Development Review Board may waive or modify Subdivision application requirements

upon written request from the applicant. It shall be the responsibility of the applicant to provide sufficient information to allow the DRB to justify the waiver. In granting waivers, the DRB may require such conditions that will, in its judgment, substantially meet the objectives of any requirements waived. In determining whether to grant a waiver, the DRB shall find that:

(a) The requirement is not requisite in the interest of public health, safety, and general welfare, as it pertains to the planning goals and policies for subdivision design described in the Town Plan and Unified Bylaws; or,
(b) The requirement is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

Section 11 Appeals From Decisions of the Board

[Reference: Section 4471]
An interested person may appeal a decision of the Development Review Board to the environmental court, in accordance with Section 4471 of the Act.

ARTICLE X. THE PLANNING COMMISSION

Section 1 Continuation of the Planning Commission

The Planning Commission representing the Town of Pawlet is hereby continued.

Section 2 General Review of the Unified Bylaws

The Planning Commission shall carry on a continuous review of these Unified Bylaws and initiate proposals for amendment as required.

As part of the accomplishment of its duties, the Planning Commission shall maintain complete records of its proceedings, studies and recommendations, as well as keep the Selectboard of the Town and the Rutland Regional Planning Commission informed on a current basis of the status of the Unified Bylaws and their effectiveness within the Town.

Section 3 Review of Zoning Amendments

The Planning Commission shall receive and evaluate proposals for amendment of the Unified Bylaws, hold public hearings on such amendments after due public notice as required in Article XIII, and make recommendations to the Selectboard of the Town with respect to such amendments.

Section 4 Advisory Counsel to Other Agencies

Upon request, the Planning Commission shall serve as guide and counsel to the Selectboard of the Town, the Zoning Administrator, the Development Review Board, and other public offices in matters relative to the Unified Bylaws.

Section 5 General Rules of Procedure

No meeting or hearing in any way affecting the Unified Bylaws may be held by the Commission without the attendance of a majority of the commission members; nor may any official action be taken with respect to the Unified Bylaws without the concurrence of a majority of the commission members.

ARTICLE XI. AMENDMENTS AND REPEALS

Scope of Amendments

Any provision of this Regulation, as well as the boundaries of the various zoning districts established herein, may be amended or repealed subject to the provisions 4403 and 4404 of the Act.

ARTICLE XII. PUBLIC NOTICE

Notice of Hearing

[Reference: 24 VSA, Sections 4464 and 4468]

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

Where such hearing is called in reference to any amendment of these Unified Bylaws or any other matter relating to written material, such public notice shall include either the full text or a brief summary describing the principal provisions and a reference to a place within the Town where copies of the proposed material may be examined.

Notwithstanding the provisions of this section, public notice for a stay of enforcement shall be in accordance with the provisions of Section 4466 of the Act.

ARTICLE XIII. PENALTIES FOR VIOLATION

Specific Penalties for Violating the Ordinance

Any person who violates these Unified Bylaws after they have been adopted shall be liable for penalties as prescribed in Section 4451 of the Act.

ARTICLE XIV. FEES

Establishment of Fees

Fees are established by the Pawlet Selectboard and posted in the Pawlet Town Office. No application for any permit may be accepted by the Zoning Administrator unless accompanied by a check or money order made out to the Town of Pawlet for the amount of the specified fee. Additionally, Conditional Use Permit, Variance Permit and Waiver applicants shall be required to bear the cost of the public warning and the cost and responsibility of notification of adjoining landowners. The applicants shall provide a first-class stamped, addressed envelope for each adjacent property owner (Including property owners directly across roads and watercourses).

ARTICLE XV. SEPARABILITY AND EFFECTIVE DATE

Section 1 Separability

Should any court of competent jurisdiction judge any provision of this Regulation to be invalid, such judgment shall not affect the validity of the Regulation as a whole or any part other than the part so declared to be invalid.

Section 2 Effective Date of Amendment or Repeal

[Reference: Sections 4441 and 4442]

This regulation shall take effect in accordance with the voting and other procedures contained in Section 4404 of the Act.

ARTICLE XVI. DEFINITIONS

Except where specifically defined herein, all words used in these Bylaws shall carry their customary meanings. Words used in the present tense include the future and the singular includes the plural; the word "lot" includes "plot"; the word "building" includes "structure"; the word "shall" is mandatory; "occupied" or " used" shall be considered as though followed by "or intended, arranged or designed to be used or occupied"; "person" includes individual, partnership, association corporation, company, or organization.

Doubt as to the precise meaning of any word used in these Bylaws shall be interpreted by the Development Review Board.

Definitions of terms that pertain to Regulated Flood Hazard Areas and Flood Hazard Area Regulations can be found in Article VII, Section 12.

Accessory Dwelling Unit.

An efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. A new accessory dwelling unit is created whenever:

1. A new accessory dwelling structure is constructed,
2. The height or floor area of the existing ADU is increased, or
3. The dimensions of parking areas servicing an ADU are increased.

Accessory Structure.
A structure which is: 1) detached from and clearly incidental and subordinate to the principal use of or structure on a lot, 2) located on the same lot as the principal structure or use, and 3) clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, and playhouses.

Accessory Use or Building.
A use or building customarily incidental and subordinate to the principal use or building and located on the same lot.

Agricultural or Forest Use.
Land which is used for raising livestock, or agricultural or forest products, including farm structures and the storage of agricultural equipment; and, as an accessory use, the sale of agricultural products raised on the property, as defined by the Vermont Secretary of Agriculture in last effective date of the Accepted Agricultural Practices Regulations.

Agricultural Processing Plant Building Area.
Total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces of walls.

Area of Special Flood Hazard.
Synonymous in meaning with the phrase "special flood hazard area" for the purposes of these regulations.

Base Flood.
A flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the "100-year flood").

Base Flood Elevation (BFE).
The elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

BFE.
See Base Flood Elevation.

Buffer.
An undisturbed area consisting of trees, shrubs, ground cover plants, duff layer, and generally uneven ground surface that extends a specified distance horizontally across the surface of the land from the mean water level of an adjacent lake or from the top of the bank of an adjacent river or stream.

Building Front Line.
Line parallel to the front lot line transecting that point in the building face which is closest to the front lot line. This face includes porches whether enclosed or not enclosed, but does not include steps.

Building Height.
Vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs.

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.

Child-Care/Day-Care/Adult-Care Facility.
Daytime care facility for those who cannot be fully dependent, such as the elderly or children.

Common plan of development.
Where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

Community Center.

Includes public or private meeting hall, place of assembly, museum, art gallery, library, place of further education, not operated primarily for profit.

Coverage, Lot.

That percentage of the lot area covered by the building area.

Craft Shop.

An establishment having ten (10) or less employees, (excluding members of the family) located on the same lot as the owner's principal residence.

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

Development.

The division of a parcel into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land. Or any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Dwelling, One- or Single-Family.

A building used as living quarters by one family, including:

1. A *Family Child Care Home or Facility* providing care to up to six children on a full-time basis within a single-family dwelling, whose owner or operator is required to be licensed or registered by the State. All child-care facilities, including facilities that care for up to six full-time children and four part-time children are subject to site plan review.
2. A *Residential Care Home or Group Home* operated under State licensing or registration, serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. § 4501, except that no such home shall be so considered if it is located within 1,000 feet of another existing or permitted such home.

Dwelling, Two-Family.
A building used as living quarters by two families living independently of each other.
Dwelling, Multiple-Family.
Building used as living quarters by three or more families living independently of each other.

Dwelling Unit.
Building or part thereof used as living quarters for one family. The terms "dwelling", "one-family dwelling", or "multiple-family dwelling" shall not include a motel, hotel, boarding house, or tourist home, but shall include mobile home.

Essential Services.
The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies or public buildings and generating or processing plants, transportation facilities, underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public health or safety or general welfare.

Family.
One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit, provided that unless all members are related by blood, marriage, civil union, or adoption, no such single housekeeping unit shall contain more than five members.

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

FIRM
See Flood Insurance Rate Map.

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

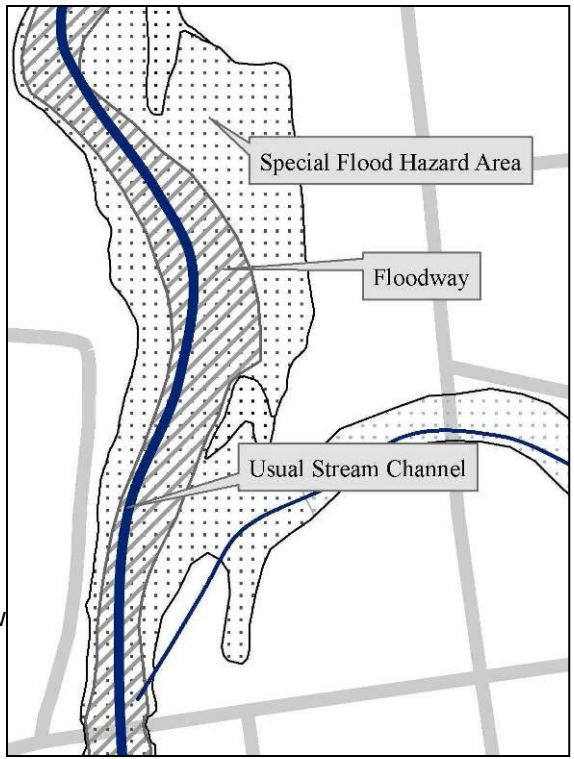
Flood Insurance Rate Map (FIRM).
An official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study.
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 the Town of Pawlet.
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.

Floor Area.

Sum of the gross horizontal area of the floors of a building, excluding the basement. All dimensions shall be measured between interior faces of walls.

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.

Frontage.
The boundary of a lot along a traveled way or along public waters.

Functionally dependent use.
A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

Historic Site.
A building or area deemed worthy of preservation for historical reasons. The building area may be so classified by Federal, State, or Local Authority.

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.

Any use customarily conducted within a dwelling or a building accessory thereto by the residents thereof which is clearly secondary to the dwelling used for living purposes and does not change the residential character thereof, and where not more than two persons outside the family are employed, and using no more than an area equivalent to 30% of the floor area of the dwelling, or 500 square feet, whichever is greater. (See also *Craft Shop*.)

Kennel.

An establishment housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

***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 licensed 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.
Land occupied or to be occupied by a building and its accessory buildings, together with the required open spaces, having not less than the minimum area, width and depth required for a lot in the district in which the land is situated.

Lot Coverage.
See Coverage, Lot.

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 (or Mobile home).
A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Microbrewery/distillery
A facility that produces fermented malt or alcoholic beverages on site and includes an accessory tasting room. The tasting room allows customers to taste samples of products manufactured on-site and purchase related sales items. Sales of alcohols manufactured outside the facility are prohibited.

Mobile Home.
A structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, includes plumbing, heating, cooling, and electrical systems, and is:

1. Transportable in one or more sections; and
2. At least eight feet wide or 40 feet long or when erected has at least 320 square feet or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or
3. Any structure that meets all the requirements of this subdivision except for size and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the standards established under Title 42 of the U.S. Code. [Reference: 10 V.S.A. § 6201 (1) (A, B, C)]

Mobile Home Park.
Any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate, more than two mobile homes. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes. Mobile Home Park does not mean any parcel of land under the ownership of an agricultural employer, who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of

employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes. [Reference: 10 V.S.A. § 6201 (2)]

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

Municipal/State Building/Garage for salt and sand storage.
Structure used for town highway crews and activities.

New construction.
For regulation under these bylaws, means structures for which the *start of construction* commenced on or after the effective date of the floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

Nonconforming structure.
A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer. Structures that were in violation of the flood hazard regulations at the time of their creation, and remain so, remain violations and are not nonconforming structures.

Non-conforming Lot.
A lot which does not conform with all zoning regulations for the district in which it is located, where such use conformed to all applicable laws, ordinances, and regulations prior to enactment of these Bylaws, except that in no case shall a lot be developed that is (a) less than one-eighth acre in area; or (b) has a width or depth dimension of less than 40 feet.

Non-conforming Structure.
Structure not conforming with the zoning regulations for the district in which it is located, where such structure conformed with all applicable laws, ordinances, and regulations prior to enactment of these Bylaws.

Non-conforming Use.
Use of land or structure which does not conform with all zoning regulations for the district in which it is located, where such use conformed to all applicable laws, ordinances, and regulations prior to enactment of these Bylaws.

Nonconformity.
A nonconforming use, structure, lot, or parcel.

Non-residential.
Includes, but is not limited to: small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

Owner Occupied Dwelling.
A dwelling, not rented, used as a full or part-time residence of the owner.

Park and Ride Lots

State parking lots to facilitate commuting and public transportation and not to be used for overnight camping, abandoned vehicles or commercial enterprise.

Parking Space.
Off-Street space used for the temporary location of one licensed motor vehicle, which is at least nine feet wide and 22 feet long, not including access driveway, and having direct access to a street or alley.

Personal Service.
An establishment for the performance of personal services such as barber shop, hair dresser, beauty parlor, shoe repair, shoe shine, laundry, Laundromat, dry cleaner, photographic studio, and businesses providing similar services. (See Home Occupation.)

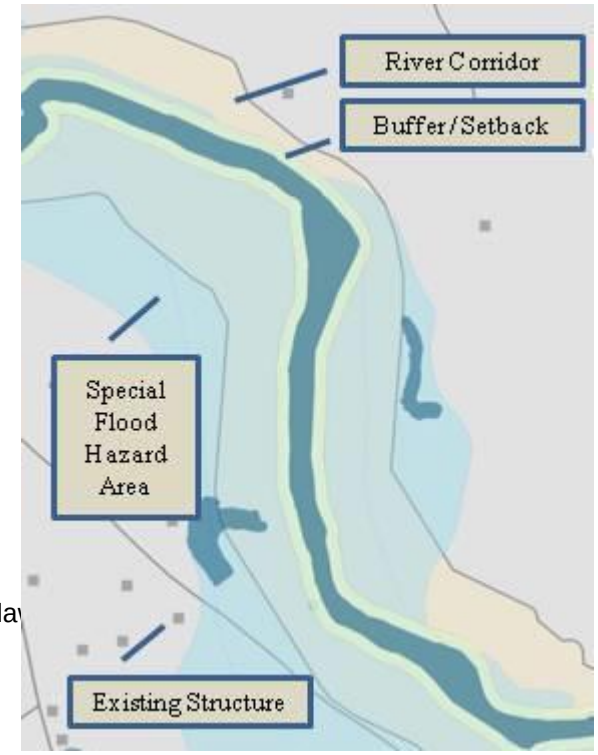
Planned Unit Development (PUD)
One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of allowed land uses. This plan, as authorized, may deviate from the requirements of these that are otherwise applicable to the area in which it is located with respect to lot size, type of dwelling or building, density, intensity, lot coverage, parking, required common open space, or other standards. [See 24 VSA § 4303(19)]

Private Road or Right of Way (ROW)
A way designated by covenant or deed between private property owners.

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.

Retail Store.
An shop or store for the sale of goods at retail.

Restaurant.
An enclosed building for the purpose of serving meals and drinks. Entertainment and/or dancing shall be strictly a secondary and minimal activity at such a facility.



"River Corridor" means the land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition, as that term is defined in 10 V.S.A. §1422, and for minimization of fluvial erosion hazards, as delineated by the Agency in accordance with the ANR River Corridor Protection Guide.

Sign.
Any device, structure, building, or part thereof, for visual communication that is used for the purpose of

bringing the subject thereof to the attention of the public.

Small Accessory Structure.
A small building customarily incidental and subordinate to the principal use or building and located on the same lot that is no larger than 100 square feet.

Special Flood Hazard Area.
The floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. For purposes of these regulations, the term "area of special flood hazard" is synonymous in meaning with the phrase "special flood hazard area". This area is usually labeled Zone A, AE, AO, AH, 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.

Street.
Public way for vehicular traffic which affords the principal means of access to abutting properties.

Street Frontage.
Lot lines which abut a public street.

Street Line.
Right-of-way line of a street as dedicated by deed or record. Where the width of the street is not established, the street line shall be considered to be 25 feet from the centerline of the street.

Structure.

For regulatory purposes under this bylaw, a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something permanently located on the ground. For the purposes of these Bylaws a mobile home is considered a structure and the following are considered exempt structures: Driveways, (state and town permits may be required), fences,

septic systems, walls not more than four (4) feet in height, water wells, and any structure which is less than one hundred (100) square feet in area.

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 repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either (a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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.

Trailer.
Includes any vehicle used as camping or temporary living quarters mounted on wheels or a camper body usually mounted on a truck, and any vehicle which is customarily towed by a motor vehicle and used for carrying goods, equipment, machinery, live-stock, or boats or as an office.

Traveled Way.
The entire right-of-way of a highway, road or other way which exists for vehicular travel, exclusive of a driveway serving not more than two single-family residential uses.

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

Wireless Telecommunications Facilities.
Any and all towers, antennas, and associated equipment, buildings, and infrastructure that are licensed and/or regulated by the Federal Communications Commission for the provision of wireless telecommunications.

Revision History

These Unified Bylaws were originally adopted May 11, 1973 (was August 24, 1978).
Subsequent revisions are incorporated herein as follows:

1. Under Article II, Zoning District Regulations, "Historic Site" is added as a permitted use in all districts. (Ratified by vote of the Town on March 2, 1982.)
2. Under Article V, Definitions, is added the definition, "an Historic Site is a building or area deemed worthy of preservation for historical reasons. The building may be so classified by Federal, State, or Local Authority." (Ratified by vote of the Town on March 2, 1982.)
3. Under Article V, Definitions, is also added the definition of a Structure, "Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something permanently located on the ground. For the purposes of these Regulations a mobile home is considered a structure and the following are considered exempt structures: Driveways (state and town permits may be required), fences, septic systems, walls not more than four (4) feet in height, water wells, and any structure which is less than one hundred (100) square feet in area." (Ratified by vote of the Town on March 2, 1982.)
4. Under Article II, Zoning District Regulations, Section 6, District #6, is added Conditional Use 7, Professional Offices in Historic Buildings. (Ratified by vote of the Town on October 14, 1997.)
5. Under Article III, Conditional Uses, Section 4, Sand and Gravel Pits, item 3, is revised to permit rock crushing machinery. (Ratified by vote of the Selectboard on January 9, 2001.)
6. Article III, Conditional Uses, is amended to add Section 12, Craft Shop or Office Space in an existing building on a lot that does not include the owner's principle residence. Article II, Zoning District Regulations is amended to add this conditional use in District #5, Village and Commercial, and in District #6 Agriculture and Rural Residential. Article V, Definitions, is amended to define this conditional use. (Ratified by vote of the Selectboard on November 27, 2001.
7. Article III, Conditional Uses, is amended to add Section 13, Wireless Telecommunications Facilities. Article II, Zoning District Regulations is amended to add this conditional use in District #4, Industrial, District #5, Village and Commercial, and in District #6 Agriculture and Rural Residential. Article V, Definitions, is amended to define this conditional use. (Ratified by vote of the Selectboard on May 14, 2002.)
8. Major revision incorporating numerous changes required by Chapter 117 of Title 24, V.S.A, pursuant to Act 115, adopted May 2004. Notable among the changes are the following:
    a) Objectives as listed in the Town Plan are incorporated.
    b) Accessory Dwelling Unit regulations are added.
    c) Mobile Home Park regulations are added.
    d) Dimensional specifications have been rationalized across districts and setbacks changed in the Village and Commercial District.
    e) Section 10 "Granting Waivers" is added to Article VII, and the previously existing Section 10 is renumbered to 11.
    f) Article VII, Section 8 (4) "Stay of Enforcement" is removed in accordance with a change to the Act.
    g) Article VII, Sec 10 has been rewritten to refer appeals to the Environmental Court, in accordance with a change to the Act.

    (Ratified by vote of the Selectboard on May 20, 2009.)
9. Article III, creation of the Development Review Board, appointment and terms of its members and its general powers and duties. Article VIII, revised duties of the Planning Commission. Article IV Section 4, frontage on, or access to public roads is revised to 50 feet. Article XII, Establishment of Fees is updated. (Ratified by vote of the Selectboard on March 08, 2011.)

10. Major revision incorporating multiple regulations (Flood Hazard Area, Subdivision, Zoning) into one Unified Bylaw. Notable among the changes are as follows:
    a) Integration of Flood Hazard Area Regulations into Unified Bylaw;
    b) Creation of Subdivision Regulations, including Two-Lot Subdivisions and Boundary Line Adjustments, and integration within Unified Bylaw;
    c) Creation of review standards for Major Developments;
    d) Creation of River Corridor Overlay District to limit new development in areas where geomorphic assessment has identified a high risk of fluvial erosion;
    e) Revisions to Table of Uses to more accurately reflect character of districts and goals of the Pawlet Town Plan;

11. Minor revision to include more stringent river corridor protection regulations and to combine the new set of river corridor protection regulations into the section on Flood Hazard Area Regulations. Other notable changes are minor additions and deletions to the lists of Permitted and Conditional Uses in Section 6/District 6/Village and Commercial; and Section 7/District 7/Agricultural and Rural Residential. Ratified and adopted by vote of the Selectboard on January 3, 2017.