

1 (As of 10/2019)

2
3 **Strafford Vermont**
4 **Unified Bylaw**

5
6 **Draft**

DRAFT

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1 **1. Authority and Purpose**

2 **1.1 Enactment**

3
4 Whereas the Town of Strafford, Vermont, has created a Planning Commission and Development
5 Review Board (DRB) and has adopted and has in effect a plan under the Vermont Municipal and
6 Regional Planning and Development Act, 24 V.S.A. § 117, herein referred to as the Act, there is
7 hereby established a unified bylaw for the Town of Strafford.

8 **1.2 Title**

9
10 This Unified Bylaw shall be known and cited as the Strafford Vermont Unified Bylaw.

11 **1.3 Purpose**

12
13 ~~It is the purpose of this Unified Bylaw to implement the Strafford Town Plan by providing for the~~
14 ~~appropriate use of all lands in the Town of Strafford in a manner which will promote and protect the~~
15 ~~public health, safety, prosperity, comfort, convenience, efficiency, and general welfare; to protect~~
16 ~~ridgelines, steep slopes, open fields and prime agricultural soils, commercially or ecologically~~
17 ~~significant forests, shore lands, wetlands and other natural resources; to encourage the density and~~
18 ~~distribution of settlement to be in character with the rural residential environment of the town; and to~~
19 ~~further the purposes set forth in Section 4302 of the Act.~~

20
21 **This Unified Bylaw is** hereby adopted for the following purposes:

- 22
- 23 1. To insure that development conforms to the policies set forth in the Strafford Town Plan. The
24 DRB shall refer to the goals, objectives, policies, and data contained in the Town Plan in
25 making discretionary decisions.
 - 26 2. To insure that all development is compatible with the ecology, topography, geology, natural
27 drainage, surface water runoff, groundwater resources, agricultural resources, historical
28 resources, and present and potential uses of land as identified in the maps and text of the Town
29 Plan.
 - 30 3. To insure conformity and compatibility of development with other applicable laws, as
31 presently enacted or as from time to time hereinafter enacted, including but not limited to:
32 Flood Hazard Bylaw and Health Ordinance.
 - 33 4. To protect and provide for the health, safety, and general welfare of the Town of Strafford, its
34 property owners and its inhabitants.
 - 35 5. To guide the future growth and orderly development of the Town.
 - 36 6. To provide the most beneficial relationship between uses of land and buildings and the safe
37 and convenient movement of pedestrian and vehicular traffic.
 - 38 7. To provide for the conservation and protection of the natural, visual, and historical assets of
39 the Town; the preservation of the existing rural character of the Town through the proper
40 arrangement of uses on development parcels; the preservation of adequate open space between
41 developments; and the preservation of land values and an adequate tax base.
 - 42 8. To provide for the protection of natural habitat and wildlife corridors **and to limit forest**
43 **fragmentation.**
 - 44 9. To insure that development encourages efficient and economic uses of energy that are

1 consistent with current technology.

2 10. To insure that adequate public facilities and services such as parks and open spaces, recreation
3 areas, schools, police and fire protection are provided.

4 11. To control the rate of growth in Strafford in order to insure that existing public services and
5 facilities are available and will have a sufficient capacity to serve any proposed subdivision.
6

7 **1.4 Effective Date**

8
9 This Unified Bylaw or any amendments thereto, shall become effective upon date of their adoption by
10 a vote of the Selectboard at a duly warned public hearing or by vote of the town by Australian Ballot.
11 (24 V.S.A. § 117)

12 **1.5 Interpretation**

13
14 In their interpretation and application, the provisions of this shall be held to be minimum
15 requirements. Except for 24 V.S.A. § 4413 (c) of the Act, and where this Unified Bylaw specifically
16 provides to the contrary, it is not intended to repeal or annul, or in any way impair any permits
17 previously issued. However, where this Unified Bylaw imposes a greater restriction than the Vermont
18 Statutes, [or any other federal, state, or local permit](#), the provisions of this Unified Bylaw shall control.

19 **1.6 Separability**

20
21 The invalidity of any provision of this Unified Bylaw shall not invalidate any other part.

22 **1.7 Status of Prior Ordinance**

23
24 Upon the effective date of this Unified Bylaw, the Strafford Zoning Ordinance adopted March 6,
25 2001, as amended, is hereby amended in its entirety.
26

27 **1.8 Prior Development**

28
29 [A permit or approval shall not be required for any development which has lawfully begun, received a
30 permit, or within which a use has been lawfully established, prior to the adoption of this Unified Bylaw
31 provided that the construction is substantially completed for its intended use within the expiration
32 date of any permit, or if none, one year from the date of adoption of this Unified Bylaw. In the case of
33 subdivision, a subdivision which is lawfully in existence, has lawfully filed a plat prior to adoption of
34 this Unified Bylaw, or which has received a permit or approval from the Town or a state subdivision
35 permit shall be considered as prior development and shall not require a new permit unless such
36 previous approvals expire.](#)
37
38

2. Application of Bylaw

2.1 Zoning Administrative Permits - General Requirements

No land development, change in use or subdivision of land may be commenced within the area affected by this Unified Bylaw without an Administrative Permit being issued by the Administrative Officer, unless the development has been specifically exempted from requiring an Administrative Permit by state or federal law, or elsewhere in this Unified Bylaw.

Assuming the application for an Administrative Permit is for a permitted use in compliance with this Unified Bylaw and is complete, with the correct fee, no hearing will take place on the application and the applicant will have a permit issued to them within 30 days which will become valid 15 days after issuance unless appealed.

Except where exempted under this Unified Bylaw, no person shall undertake the following without a permit as provided for in this Bylaw:

- the division of a parcel into two or more parcels;
- the combination of parcels;
- the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure;
- any mining, excavation or fill;
- the construction of a private road or utility;
- any change in the type or intensity of use of any building or other structure, or land; and any development in the Flood Hazard Overlay District.

2.1.1 Application for Permit

An application for an Administrative Permit shall be filed with the Administrative Officer on forms approved by the DRB, and accompanied by fees set by the Selectboard. In addition to the information requested on the form, additional information may be required such as surveys, site plans, or drawings to enable the Administrator or DRB to adequately review the proposed development. An application shall not be accepted unless :

1. signed by the applicant (who must be the owner of record, or the owner and future developer) and
2. accompanied by the required fees.

You need a permit!

See chart on page 26.

Just because a use or type of development is “permitted” it does not mean you don’t need a permit. You do!

Permits allow the town to track development throughout town and to be aware of any potential health or safety hazards that might exist.

Some uses are exempted from the permitting process by statute or by the town. See section 2.2 for more information.

If you are unsure whether or not you need a permit, contact the Strafford Administrative Officer.

1
2 ~~Within the Floodplain Overlay District, the following additional requirements apply:~~

3
4 ~~3. Where applicable, a site plan that depicts the proposed development, all water bodies,~~
5 ~~Special Flood Hazard Areas, floodways, Fluvial Erosion Hazard Zone, the shortest~~
6 ~~Horizontal distance from the proposed development to the top of bank of any stream,~~
7 ~~any existing and proposed drainage, any proposed fill, and pre and post development~~
8 ~~grades, and the elevation of the proposed lowest floor, as referenced to the same vertical~~
9 ~~datum as the elevation on the current Flood Insurance Rate Maps;~~

10
11 ~~4. A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The~~
12 ~~Project Review Sheet shall identify all State and Federal agencies from which permit~~
13 ~~approval is required for the proposal, and shall be filed as a required attachment to the~~
14 ~~municipal permit application. The identified permits, or letters indicating that such permits~~
15 ~~are not required, shall be submitted to the AO and attached to the permit before work can~~
16 ~~begin.~~

17
18 ~~Upon receipt of a complete application for a substantial improvement or new construction, the~~
19 ~~Administrative Officer shall submit a copy of the application and supporting information to the State~~
20 ~~National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources,~~
21 ~~in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments~~
22 ~~from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency,~~
23 ~~whichever is sooner.~~

24
25 ~~If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the~~
26 ~~application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the~~
27 ~~Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall~~
28 ~~be provided to the NFIP Coordinator at the Vermont Agency of Natural Resources, Department of~~
29 ~~Environmental Conservation. A permit may be issued only following receipt of comments from the~~
30 ~~Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was~~
31 ~~mailed to the VT Agency of Natural Resources, or whichever is sooner.~~

32 33 **2.1.2 Relationship of Administrative Permit to Other Approvals/Permits**

34
35 Granting of a permit under this Unified Bylaw does not relieve the applicant of the need for any other
36 local, state or federal permit under other regulations. When other municipal permits, approvals, or
37 authorizations are required by this Unified Bylaw, the Administrator shall notify the applicant of
38 these, and refer the application within 30 days to the appropriate body. The Administrator should
39 coordinate a unified effort on behalf of the municipality in administering the various local
40 development review programs. These include:

- 41
42
- 43 • An access permit from the Selectboard if there is a new or modified access onto the
44 property. This is not a permit under this Unified Bylaw, but is a prerequisite to most
45 Administrative Permits.
 - 46 • Conditional Use Approval from the DRB is an approval needed under this Unified
47 Bylaw prior to the issuance of an Administrative Permit for construction if a
48 Development, [site plan](#) or [subdivision](#) involves a conditional use.
 - The Administrator shall inform any person subdividing a lot that a state

- 1 Administrative Permit or required statement on the deed is also needed.
2 • A waiver or variance under this Unified Bylaw may be needed prior to an
3 Administrative Permit if a project does not conform exactly to the requirements of this
4 Unified Bylaw.
5

6 The Administrator shall also inform any person applying for municipal permits or authorizations that
7 the person should contact the regional Permit Specialist employed by the Agency of Natural
8 Resources to fill out a Project Review Sheet in order to assure timely action on any related state
9 permits. Nevertheless, the applicant retains the obligation to identify, apply for, and obtain relevant
10 state permits.
11

12 2.1.3 Completion or Expiration of Permit Application

13
14 An application for an ~~Zoning~~ Administrative Permit will not be considered complete by the
15 Administrative Officer and acted upon until it includes:

- 16
17 1. all required information and fees,
18 2. any applicable necessary approvals as required by law, and
19 3. for any permit for the development of land within the area of special flood hazard area, a
20 copy of such flood development permit in accordance with section 4424 of the Act.
21

22 When additional information is requested from the applicant by the Administrative Officer in order to
23 consider the permit application complete, and such information is not presented within 90 days of the
24 request, the application will expire and be deemed rejected.
25

26 2.1.4 Approval or Denial of Permit

27
28 Within 30 days of the submission of a completed application per section 4.4, the Administrative
29 Officer shall either issue or deny the ~~Zoning~~ Administrative Permit or refer it to the DRB.. If the
30 permit is denied, the Administrative Officer shall notify the applicant in writing, stating the reasons
31 for denial, and the procedure for appeal. Denials shall be filed in the permit and land records in the
32 same manner as approvals.
33

34 If the Administrative Officer fails to act within 30 days, a permit shall be deemed issued on the 31st
35 day.
36

37 2.1.5 Effective Date of Zoning Permit and Posting

38
39 Administrative Permits shall not take effect until 15 days after issuance by the Administrative Officer,
40 or in the event that a notice of appeal is properly filed, such permit shall not take effect until final
41 adjudication of the appeal. Each permit or notice of permit issued under this section shall contain a
42 statement of the period of time within which an appeal may be taken.
43

44 Within three (3) days following the issuance of a permit, the Administrative Officer shall:

- 45
46 1. deliver a copy of the permit to the liters of the municipality;
47 2. post a copy of the permit at the Town Office until the time for appeal has passed; and
48 3. post a copy of notice of permit on a form prescribed by the DRB within view from the

1 public right-of-way most nearly adjacent to the subject property.

2
3 **2.1.6 Filing**

4
5 After the 15-day appeal period has closed, but within 30 days after an Administrative Permit has been
6 issued, the Administrative Officer shall also deliver the original or a legible copy of the notice of
7 permit to the Town Clerk for recording in the town's land records along with a form that describes:

- 8
9
- 10 1. as grantor, the owner record title to the property at the time the municipal land use permit
 - 11 or notice of violation is issued;
 - 12 2. as grantee, the municipality issuing the permit, certificate or notice;
 - 13 3. the municipal or village office where the original, or a true, legible copy of the municipal
 - 14 land use permit may be examined;
 - 15 4. whether an appeal of such permit, certificate, or notice has been taken; and
 - 16 5. tax map lot number or other description identifying the lot.

17 For permits granted within the Floodplain Overlay District the Administrative Officer shall properly
18 file and maintain a record of:

- 19
- 20 1. all permits issued in areas covered by this Unified Bylaw;
 - 21 2. an Elevation Certificate with the as-built elevation (consistent with the datum of the
 - 22 elevation on the current Flood Insurance Rate Maps for the community) of the lowest
 - 23 floor, including basement, of all new, substantially improved, or flood-proofed buildings
 - 24 (not including accessory buildings) in the Special Flood Hazard Area;
 - 25 3. all flood-proofing and other certifications required under this regulation; and
 - 26 4. all decision of the DRB (including variances and violation) and all supporting findings
 - 27 of fact, conclusions and conditions.

28
29 The Town Clerk may charge the applicant for additional recording fees as allowed by law.

30
31 The Administrator shall also file a copy of the effective Permit, along with any necessary approvals,
32 conditions, maps or drawings in the permit files in the Town Office where full copies of all municipal
33 land use permits are kept.

34
35 **2.1.7 ~~Permit Duration~~ Commencement**

36
37 All projects, as authorized by an ~~Zoning~~ Administrative Permit, shall be commenced within a period
38 of two (2) years unless constructon has been delayed by litigation to secure other permits or approvals.
39 A permit extension can be requested from the Administrative Officer for an additional two (2) years.
40 Projects not commenced by the time of expiration of a Zoning Permit must reapply for a new permit
41 and any other necessary approvals.

42
43 **2.1.8 Appeal of Administrative Officer's Actions or Zoning Permit**

44
45 See section 8 for information on the appeals process.

46
47 ~~Except where exempted under this Bylaw, no person person shall undertake the following without a~~

1 permit as provided for in this Bylaw:

- 2 ● the division of a parcel into two or more parcels;
- 3 ● the combination of parcels;
- 4 ● the construction, reconstruction, conversion, structural alteration, relocation or enlargement of
- 5 any building or other structure;
- 6 ● any mining, excavation or fill;
- 7 ● the construction of a private road or utility;
- 8 ● any change in the type or intensity of use of any building or other structure, or land; and
- 9 ● any development in the Flood Hazard Overlay District

11 ~~2.2 Permit Process Overview~~

12
13 A zoning permit issued by the Administrative Officer shall take effect until the time for appeal has
14 passed. In the event a notice of appeal is properly filed, such permit shall not take effect until final
15 adjudication of the appeal.

16
17 Each zoning permit issued under this Bylaw shall contain a
18 statement of the period of time, as specified in Section 4.13,
19 within which an appeal may be taken. Within three days
20 following the issuance of a zoning permit, the Administrative
21 Officer shall deliver a copy of the permit to the Town Listers and
22 post a copy in the Town Offices for a period of at least fifteen
23 days from date of issuance.

24
25 In the event that the Administrative Officer fails to act in writing
26 with regard to an application for a zoning permit within thirty
27 days of filing of a complete application, a permit shall be deemed
28 issued on the 31st day.

29
30 Unless the applicant is delayed by litigation, all land
31 development, as authorized by a zoning permit, shall be
32 commenced within a period of one year and all projects shall be
33 substantially completed within three years of the effective date of
34 issuance, except as provided for below. At the request of the Permittee, the Administrative Officer
35 may extend the completion date up to an additional two years. In determining whether or not to grant
36 the extension, the Officer shall first find that the facts and conditions on which the original permit was
37 based are substantially the same, the applicant has commenced construction of the project as
38 originally approved, progress has been continuous, and the project has not been abandoned. Land
39 development incomplete at the time of final expiration of a zoning permit may only be continued
40 following issuance of a new zoning permit.

41
42 Permits for uses that have been authorized but have been discontinued for a period greater than
43 eighteen (18) months shall be deemed expired. A new permit will be required to resume the use.

44
45 A fee for a zoning permit shall be required. The Board of Selectmen, in consultation with the
46 Development Review Board, shall adopt a fee schedule for zoning permits.

Other Permits Required

An applicant for a zoning or subdivision permit should be aware that their proposed development may require additional permits beyond the scope of this unified bylaw prior to development.

It is advisable that before applying for municipal permits or authorizations the applicant should contact a regional Permit Specialist employed by the Agency of Natural Resources to fill out a Project Review Sheet in order to assure timely action on any related state permits. The applicant has the obligation to identify, apply for, and obtain relevant state permits.

1
2 **2.2 Exempt Land Development**
3

4 This Unified Bylaw does not regulate the uses or structures noted below. Accordingly, an ~~zoning~~
5 **Administrative** Permit shall not be required for:

- 6
7 1. normal maintenance and repair of an existing building or structure that does not
8 result in any change to the footprint or height of the structure or use, **except in the**
9 **flood overlay**;
- 10
11 2. interior renovations to a building or structure that does not change the present
12 use of the building or structure except for buildings or structures located in a
13 flood hazard area, **except in the flood overlay**;
- 14
15 3. reconstruction of a non-conforming structure, or resumption of a non-
16 conforming use (Subject to Section 3.15), **except in the flood overlay**;
- 17
18 4. accepted agricultural and forestry practices, including the construction of farm
19 structures, provided setback requirements are met. See 24 V.S.A § 4413(d).
20 Such structures shall meet all setback requirements under these regulations,
21 unless specifically waived by the Secretary of Agriculture;
- 22
23 5. **power generation and transmission facilities, which are regulated under 30 V.S.A. §248**
24 **by the Vermont Public Service Board. Such facilities, however, should conform to**
25 **policies and objectives specified for such development in the Town Plan**;
- 26
27 6. fuel and propane tanks not used for commercial uses, **except in the flood overlay**;
- 28
29 7. construction of a **trail, woods** road or driveway (Access Permit may be needed from
30 Town or State), **except in the flood overlay**;
- 31
32 8. fences or walls not exceeding 8 feet in height **except in the flood overlay**;
- 33
34 9. drainage facilities or similar work, **except in the flood overlay**;
- 35
36 10. dish antennae twenty-four inches or less in diameter, provided setback requirements are
37 met;
- 38
39 11. home Occupations (See **Sections 5.1 and 5.2.**);
- 40
41 12. minor structures with a floor area not more than 120 square feet and less than 35 feet in
42 height that meet setback requirements, **except in the flood overlay**;
- 43
44 13. small and temporary signs (see **Section 5.4**); and
- 45
46 14. any use or structure not clearly regulated by this Unified Bylaw and determined by the
47 Administrative Officer to be of such a minimal nature as to have no, or only a negligible
48 (de minimus) impact on the property and surrounding land uses, and to be in

1 conformance with the Town Plan. Such a decision is appealable to the DRB.

2 **2.3 Certificate of Compliance**

3
4 To insure ~~In order~~ that there be a determination that all buildings and structures altered, enlarged,
5 moved or constructed and all uses of land, buildings and structures are in accordance with the
6 provisions of the Administrative zoning Permit authorizing such activity, a Certificate of Compliance
7 shall be required prior to the permitted use or occupation of any land, building, or structure or part
8 thereof.

9
10 ~~The certificate shall be recorded in the Land Records and a copy retained by the Applicant.~~

11
12 In order to receive the Certificate of Compliance, an applicant shall inform the Administrative Officer
13 in writing that the project is completed and meets ~~has met~~ the requirements of the Administrative
14 Permit and shall supply the Residential Building Energy Standards (RBES) or commercial
15 certification as applicable. The request for a Certificate of Compliance shall be acted upon by the
16 Administrative Officer within fifteen (15) days of receiving the request. ~~this notification.~~ A
17 Certificate of Compliance shall be issued by the Administrative Officer upon determination, after such
18 inspection deemed necessary, that the building, structure or use authorized by the Administrative
19 Zoning Permit is in substantial compliance with the standards and conditions of the permit. ~~Refusal by~~
20 ~~the applicant to allow an inspection may be grounds for denying a Certificate of Compliance.~~

21
22 The Certificate of Compliance shall be recorded in the Town Land Records. ~~and a copy retained by~~
23 ~~the applicant.~~

24
25 If the Administrative Officer, ~~after such final inspection,~~ refuses to issue a Certificate of Occupancy
26 Compliance, the reasons shall be stated in writing ~~he or she shall state the reason(s) in writing~~ for such
27 and immediately give notice by certified mail to the applicant at the address indicated on the
28 application. An Appeal from a decision of the Administrative Officer to deny a Certificate of
29 Compliance shall be taken to the DRB. If the Administrative Officer fails to act within 15 days of the
30 applicant's request for a Certificate of Compliance, such failure to act shall be deemed an approval,
31 and the DRB shall issue the Certificate.

32 **2.3.1 Inspections**

33
34 The Administrative Officer, being duly authorized to enforce this Bylaw, is empowered to enter upon
35 land or any building for the purpose of assuring that any land development, as defined or approved, is
36 in compliance with the requirements of this Unified Bylaw and any zoning Administrative Permit as
37 may have been granted. ~~Prior to entry on private property the Administrating Officer shall obtain~~
38 ~~permission of the owner and any other involved party of interest. Permission shall not be~~
39 ~~unreasonably withheld.~~

1 **3. General Regulations**

2 **3.1 Existing Small Lots**

3
4 Any lot held in separate and non-affiliated ownership from surrounding lots and in existence on the
5 effective date of this Bylaw, including an interim Zoning Bylaw, may be developed for the purposes
6 permitted in the District in which it is located, even though not conforming to minimum lot size
7 requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth
8 dimension of forty feet. Nothing in this section shall be construed so as to prevent the sale or transfer
9 of such a lot.

10
11 If such **non-conforming** lot subsequently comes under common ownership with one or more
12 contiguous lots, the lot shall be deemed merged with the contiguous lot for the purposes of this
13 section. However, such lot shall not be deemed merged and may be separately conveyed, if:

- 14 1. the lots are conveyed in their preexisting, non-conforming configuration; and
- 15 2. on the effective date of this Bylaw, each lot has been developed with a water supply and
16 wastewater system; and
- 17 3. at the time of the transfer, each water supply and wastewater system is functioning in an
18 acceptable manner; and
- 19 4. deeds of conveyance create appropriate easements on both lots for replacement of one or
20 more wastewater disposal systems in case a wastewater system fails to function as
21 defined under 24 V.S.A. Section 4412 (2) (B) (iv).

22
23
24
25
26 **3.2 Required Frontage On, or Access To, Public Roads or Waters**

27
28 No land development may be permitted on lots that do not have frontage on a public road or public
29 water except under conditions below. **No lot may be created without such frontage or an approved
30 right of way of at least 50 feet.**

31
32 In the event that a lot does not have frontage on a public road or public water, the owner of said lot
33 shall submit to the DRB an easement acceptable to the affected parties which establishes a permanent
34 right-of-way of at least 50 feet in width, the benefit and burden of which shall run permanently with
35 the lot.

36
37 Based upon ~~the above~~ **review of the** easement submitted, the DRB shall conclude whether or not said
38 lot has permanent access to a public road or public water prior to approving development.

39 **3.3 Lot Line Adjustments**

40
41 An ~~zoning~~ **Administrative** Permit shall be required for any lot line adjustment. An ~~zoning~~
42 **Administrative** Permit for a minor lot line **adjustment** between two adjacent lots, ~~provided when~~ there
43 is no change in the number or use of lots and the adjustment involves less than ~~an~~ **one** acre of land of
44 any involved lot, may be issued by the Adminstrative Officer. An ~~zoning~~ **Administrative** Permit for

1 any other lot line adjustment shall be issued by the DRB. For the purposes of this bylaw a lot line
2 adjustment is not considered a subdivision. ~~Permits or written exemptions from the Agency of Natural~~
3 ~~Resources (ANR), State of Vermont, are required prior to consideration by either the Administrative~~
4 ~~Officer or the DRB.~~ **In no case shall a nonconforming lot be created by a lot line adjustment.**

5 **3.4 Lot Annexation**

6
7 **An zoning Administrative Permit** for annexation that results in the merger of any existing adjacent lots
8 in their entirety into a single lot ~~need only a zoning permit~~ **may be** issued by the Administrative
9 Officer **and does not require subdivision approval**. All annexations shall be recorded with the Town
10 Clerk by filing a deed and plat. ~~with the Town Clerk. Permits or written exemptions from the Vermont~~
11 ~~ANR may also be required.~~

12
13 Subsequent division of any lots resulting from such an annexation shall require a subdivision permit.
14 Upon annexation of abutting land to an existing lot, the property shall be considered merged and
15 classified as a single lot.

16 **3.5 Temporary Structures and Buildings**

17
18 Temporary structures or buildings may be erected or placed on a lot in non-compliance with the area,
19 structural, and setback requirements of this Unified Bylaw upon approval of the Administrative
20 Officer. Prior to granting an ~~zoning~~ **administrative** permit for a temporary structure or building, the
21 Administrative Officer shall first find that its intended purpose is only temporary and that adequate
22 assurance is established that such a structure or building shall remain on the lot for a period not to
23 exceed twelve months from date of issuance of such permit. Permits for temporary structures or
24 buildings shall be for a period of one year. Permits may be extended once for a period of one year
25 upon application to the Administrative Officer.

26 **3.6 Sewage Disposal**

27 An applicant for an ~~zoning~~ **administrative** permit whose land
28 requires a Potable Water and Wastewater Permit from the
29 Protection Division of the Agency of Natural Resources shall
30 obtain such permit prior to the issuance of an ~~zoning~~
31 **administrative** permit.

In addition, pursuant to the State Environmental Protection Rules, Chapter 1, related to small scale wastewater treatment and disposal, certain activities require a State permit. These activities include camps, tent sites, recreational vehicles.

32 **3.7 More Than One Principal Building Per Lot**

33
34 With the exception of Planned Unit Developments, no more
35 than one principal building may be placed on a lot unless the
36 DRB grants Conditional Use Approval. In rendering approval,
37 the Board shall find the following:
38

- 39 1. the lot on which such buildings (and any buildings accessory to such buildings)
40 are located is eligible to be subdivided into two separate and individual lots, and
41 that all lots and their respective uses and structures conform to all applicable
42 provisions of this Bylaw;
43

- 1 2. a scaled site plan or survey map has been prepared that depicts the location of all
2 existing and proposed buildings, structures, uses, water supply systems,
3 wastewater disposal systems, roads, access drives, and parking areas on the lot;
4
- 5 3. all permanent roads or access drives leading to and from the lot, that connect to
6 Town highways, have been approved by the Town of Strafford for access to such
7 highways;
8
- 9 3. if the construction, alteration, or replacement of onsite sewage disposal systems
10 are incidental and necessary to a proposed building, such systems must satisfy
11 minimum design and construction standards required by the State of Vermont
12 Environmental Protection Rules. A Wastewater Permit issued by the State or a
13 letter from a Vermont registered engineer stating that the system is in compliance
14 with such rules and any applicable permit shall satisfy the requirements of this
15 section.

16 **3.8 Lots in Two Zoning Districts**

17 sample language:

18 Where **If** a district boundary divides a lot of record on the effective date of this Unified Bylaw, such
19 lot may be developed according to the following:

- 20 1. for the purposes of calculating the permissible density of uses permitted on the lot, the
21 area of the entire lot may be used;
22
- 23 ~~2.~~ notwithstanding the density provisions set forth above, all structures and/or uses, and
24 any uses or structures accessory to those uses or structures shall comply with the
25 provisions
26 of the District within which such structure or uses are to be located;
27
- 28 ~~3.~~ where all or a portion of the area of a lot is used for purposes of calculating the
29 permitted density of uses or structures on the entire lot, but where such portion of the lot
30 is not otherwise developed, the undeveloped portion shall be deemed to be reserved for
31 purposes of compliance with the density requirements of the developed portion of the
32 lot. **The non-compliant lot may be counted only once.**
33
34
35

36 **3.9 Height Limitations**

37
38 Except for farm structures, silos, private home antennae, belfries, steeples, cupolas, water tanks,
39 chimneys, solar equipment, small-scale wind energy systems or other appurtenances not used for
40 human occupancy, all structures, unless otherwise stated, shall not exceed a height of 35 feet above
41 average ground level unless a waiver is approved by the DRB.
42

43 **3.10 Exterior Lighting Mixed Use (wording coming form KG)**

44
45 All lights shall be shielded so light is directed downward and not into the night sky. Lighting shall be

1 directed towards the property and not towards neighboring properties. Lighting shall be placed to
2 avoid glare or ~~avoid creating~~ **creation of** a traffic hazard. Lighting shall be consistent with the
3 character of the neighborhood. For commercial or industrial uses, substantial changes to exterior
4 lighting, as determined by the Administrative Officer, requires site plan review.
5

6 **3.11 Equal Treatment of Housing**

7
8 This Bylaw shall not have the effect of excluding mobile homes, modular housing, or other forms of
9 prefabricated housing, except on the same terms and conditions as conventional housing is excluded.

10 **3.12 Accessory Dwelling Units**

11
12 Notwithstanding other requirements of this Bylaw, and except for the provisions of the Strafford
13 Flood Plain Ordinance and pursuant to 24 V.S.A. § 4412 (1) (E-F), an accessory dwelling unit shall be
14 allowed in districts where one family dwellings are permitted. An accessory dwelling unit shall meet
15 with the following requirements:

- 16
17 1. floor space is limited to 50 percent of floor space of the existing living area **of the primary**
18 **dwelling** or 1000 square feet, whichever is larger ~~of the primary dwelling~~; and
- 19
20 2. the primary dwelling is occupied by the owner; and
- 21
22 3. the property has sufficient proven wastewater capacity to allow the additional housing unit as
23 evidenced by a state Potable and Wastewater Permit.

24
25 The ~~unit~~ **accessory dwelling** may be ~~either~~ attached or detached from the primary dwelling unit. There
26 may be only one accessory dwelling, whether attached or detached, per primary dwelling. A detached
27 ~~house~~ **accessory dwelling** shall not be subdivided from the lot containing the primary residence unless
28 the resulting lots meet the minimum area and dimensional standards for the district; and setback,
29 coverage and parking provisions of this Unified Bylaw are met.
30

31 A Conditional Use Permit is required if the accessory dwelling unit is a new structure; if there is an
32 increase in the footprint or an increase in the height or floor area of the existing dwelling; or an
33 increase in the dimension of the parking areas.

34 **3.13 Day Care Facilities**

35
36 A state registered day care facility or licensed family care home serving six or fewer full-time children
37 and four part-time children shall be considered by right to constitute an accessory use to a dwelling
38 and is exempt from local review provided a certified letter of approval from the Vermont Agency of
39 Human Services is filed with the Administrative Officer.
40

41 A state registered day care facility or licensed facility care home serving more than six full-time and
42 four part-time children shall require Conditional Use Approval and Site Plan Approval.
43

44 A day care facility or family care home is defined under 33 V.S.A. § 4902 (3) (A).

1 **3.14 Residential Care and Group Homes**

2
3 A residential care or group home serving not more than eight persons who are developmentally
4 disabled or physically handicapped shall be considered by right to constitute a single-family dwelling,
5 provided no such home is located within 1,000 feet of another such home.
6

7 **3.15 Nonconformities**

8 **3.15.1 Non-Conforming Use**

9 A non-conforming use may be continued, subject to the following conditions:

- 10
11 1. A nonconforming use may be changed to another nonconforming use with the
12 approval of the DRB, subject to conditional use review and a determination by the
13 DRB that the new use is less disruptive and more similar in character and impact
14 with other uses in the district.
15
16 2. If a non-conforming use has been discontinued for a period of one (1) year, it shall
17 not be re-established.

18 **3.15.2 Non-conforming Structures**

19 A non-conforming structure may be continued, subject to the following conditions:

- 20
21 1. Except as allowed by waiver ~~(see section 6.6)~~, **provided under Section 6.6**, non-conforming
22 structures shall not be moved, enlarged, altered, extended, or reconstructed in any way that
23 increases the degree of non-conformity (See definitions: Nonconformity, Degree of). **See also:**
24 **Flood Hazard Area Zoning Ordinance.) Additions to nonconforming structures which result in**
25 **coverage of additional ground area but do not extend the structure any closer to a roadway or**
26 **property line are not be considered as an increase in the degree of non-conformity.** Additions
27 to a nonconforming structure may not create a greater nuisance, detriment to the public health,
28 safety or welfare than the original nonconforming structure.
29
30 2. A non-conforming structure which has been damaged or destroyed by any cause may be
31 reconstructed to its prior condition, but only if such reconstruction is commenced within one
32 (1) year and completed within two (2) years of such damage or destruction. If the nature of the
33 damage or destruction is such that reconstruction within the foregoing time period would
34 create a hardship, the DRB may permit such reconstruction within such time as it deems
35 reasonable.
36
37 3. Non-conforming signs may not be continued.

38
39 **3.16 Buffer Requirements**

40
41 No structures shall be allowed within 50 feet of the top of the bank of designated permanent streams,
42 **as seen on the Zoning Map**, except those that by their nature must be located near streams. No ground
43 disturbance, except for agriculture uses, is allowed within 35 feet, excepting that incidental to bridge
44 or culvert construction, or permitted bank stabilization. This provision shall apply to all rivers and
45 streams that appear on USGS topographical maps.

1 **3.17 Emergency Services**

2
3
4
5
6
7
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9

Land development shall be designed to ensure adequate provision of facilities necessary for emergency services. Access drives, including appropriate turnarounds, shall be designed to safely accommodate emergency vehicles. Fire ponds and/or dry hydrants may be required when determined necessary for water supply by the Strafford Fire Department.

DRAFT

1 **4. Zoning District Regulations**

2 **4.1 Zoning Map**

3
4 The boundaries of the zoning districts established in Section 4.4 below are depicted on a map
5 designated as the Town of Strafford Zoning District Map, dated ~~March 6, 2004~~ January 10, 2007. This
6 map is made a part of this Unified Bylaw, together with all future amendments or attachments.

7
8 A copy of the Zoning District Map, with attachments, shall be used and interpreted by the Town of
9 Strafford in the administration and enforcement of this Bylaw and shall be on file with the
10 Administrative Officer and Town Clerk.

11
12 While not an official part of the Zoning District Map, prospective applicants whose land may be
13 subject to flooding should consult the Flood Hazard Area and Fluvial Erosion Hazard Maps on file
14 with the Town Clerk. Wetlands may exist in all districts. Consult the Agency of Natural Resources
15 for jurisdictional determinations and further regulations.

16 **4.2 Determination and Interpretation of Zoning District Boundaries**

17
18 If uncertainty exists with respect to the location of boundaries of any District on the Official Zoning
19 Map, the location of such boundary shall be determined by the Administrative Officer as follows:
20 a)boundaries indicated as following roads, railroad or utility rights-of-way shall be interpreted to follow
21 the centerlines of such features;b)boundaries indicated as following rivers or streams shall be
22 interpreted to follow the channel centerline and shall move with the centerline of such
23 features; c)boundaries indicated as following shorelines shall be interpreted as the normal mean
24 water level. In the event of change in the shoreline the boundary shall move with the
25 shoreline;d)boundaries indicated as following lot lines shall be interpreted to follow the delineated
26 property boundary as it existed as of the effective date of the zoning map as adopted;e)boundaries
27 indicated as parallel or perpendicular to, or extensions of the above features, shall be so interpreted
28 on the ground.
29

30 If a lot is located in two or more districts, the portion of land in each district shall be governed by the
31 rules of that district, provided that there is sufficient acreage in such district to allow for a conforming
32 lot. When lots only have a complying portion in one district, the entire lot shall be treated as being in
33 that district. Lots without conforming dimensions in any district will be treated as being entirely in the
34 district with the majority of the lot acreage.

35
36 If the Administrative Officer's determination of a zoning district boundary is challenged, the applicant
37 or an interested party may appeal such determination or action to the DRB. ~~The DRB, as part of its~~
38 ~~review, may require that the applicant or interested party submit information relevant to the~~
39 ~~topography of the site, typical soil conditions, existing highway locations, adjacent land uses and~~
40 ~~property boundaries. In the conduct of its review the DRB may, with permission, enter upon said~~
41 ~~lands in dispute to perform any inspections, as necessary. The existing conditions of the site and~~
42 ~~vicinity and purposes of the district shall be considered by the DRB.~~

43 **4.3 Uses in Various Districts**

1 ~~Within the various zoning districts established in Section 4.4 certain land uses are exempt or require~~
2 ~~conditional use site plan subdivision approval.~~ permitted or conditionally permitted. Permitted uses
3 are those uses allowed in a district. Permitted uses may require a zoning permit (see Section 2.1).
4 Conditional Uses are those uses permitted following Conditional Use Approval by the DRB, as
5 provided for in Section 6.4.

6
7 The chart of **Zoning Districts and Uses** on page 25 designates the type of use and kind of approval
8 necessary for specified activities within each district. In addition, general area, land and structural
9 requirements for uses in each of the districts are included. The column on the left lists types of land
10 uses. The various kinds of zoning districts are listed on the top of the chart. Land uses permitted, **site**
11 **plan required** or conditionally permitted are identified as P, SP, or CU, respectively. Uses that are
12 prohibited are identified X.

13
14 Uses not listed in the Zoning Districts and Uses chart on page 25, but of a similar type or character to
15 those listed within the district, may be conditionally permitted following a determination by the DRB
16 that the use meets with the purpose of the district.

18 **4.4 Establishment of Zoning Districts**

19
20 For the purpose of this Bylaw, the following zoning districts are hereby established within the Town
21 of Strafford:

22	VILLAGE CENTERS	VC
23	RURAL RESIDENTIAL I	RR I
24	RURAL RESIDENTIAL II	RR II
25	LAND & FOREST CONSERVATION	LFC
26	RIVER VALLEY CONSERVATION CORRIDORS	RV RC
27	MILLER POND SHORELINE	MP
28	ELIZABETH MINE WATER QUALITY OVERLAY	EM
29	FLOOD PLAIN HAZARD OVERLAY	

31 **4.5 Purpose of Zoning Districts**

32
33 It shall be the purpose of this Unified Bylaw to implement the goals and policies of the proposed land
34 use areas as set forth in Strafford Town Plan.

35
36 The specific purposes of the zoning districts as established in Section 4.4 shall be as follows:

37 **4.5.1 Village Centers - "VC"**

38
39 Purpose: To provide for the continuance of areas known as Strafford and South Strafford villages as
40 social and physical centers of community services; to enable higher density residential and non-
41 residential uses in the traditional village setting and to protect and enhance their character and quality
42 in the future.

43
44 District Descriptions:

1
2 South Strafford - Beginning at the intersection of TYSON RD. AND RTE 132 along Tyson Rd. to
3 Mine Rd. and down Mine Rd. to Rte 132 to include dwellings within 300 feet on both sides of the
4 roads on the southern end of the Village at Town Bridge #29 by the Catholic Chapel and the
5 intersection of Town Highways No. 4 (Mine), No. 13 (Turnpike) and No. 38 (Redden). Thence in a
6 northerly direction on Highways No. 1 (Route 132) and No. 4 to the northern end of the Village
7 Center. Stopping on Route 132 by the New England Telephone Company Building and on Town
8 Highway No. 2 (Justin Morrill Highway) to the property line between 19 Justin Morrill Highway and
9 23 Justin Morrill Highway.

10
11 **The village boundaries extend 300 feet on each side of the center line on the above designated**
12 **roads.** ~~The East and West limits are 300 feet of the center line of the road of said Town Highways No.~~
13 ~~132, No. 4 and No. 2 within the North and South boundaries.~~

14
15 Strafford - **From Eastburn Road to the intersection of Justin Morrill Highway with Old City Falls**
16 **Road, extending to 300 feet on each side of the centerline of Justin Morrill Highway. And from the**
17 **power lines west of Odell Road to the intersection with Justin Morrill Highway also extending 300**
18 **feet from the centerline of Brook Road.** ~~Line starts on Town Highway No. 5 (Brook Road) from a~~
19 ~~point immediately west of the garage at 34 Brook Road (TH 5) and runs at right angles to the road~~
20 ~~down to the river. Thence SE along the river behind 34, 32, and 26 Brook Road to the shortest point~~
21 ~~between the river and the NW corner of the cemetery. Line follows rear boundary of the cemetery to~~
22 ~~the NE corner, then directly to the Morrill Highway at a point directly opposite the north end of the~~
23 ~~residence at 248 Justin Morrill Highway. From the east side of the road at the same point, the line~~
24 ~~runs at right angles to the road a distance of 300 feet from the center of the road; then turns south and~~
25 ~~parallels the Morrill Highway at a distance of 300 feet from the center of the road. Line turns west at~~
26 ~~a point directly opposite the south end of the residence at 201 Justin Morrill Highway and runs across~~
27 ~~the Morrill Highway to the river. Line follows the river northward to Hemenway property at the point~~
28 ~~closest to Brook Road **up to the power line** and from this point on the river to a point on TH 34 300~~
29 ~~feet from the center of the Brook Road. Thence along TH 34 and across Brook Road to starting point.~~

30 **4.5.2 Rural Residential I - "RR I"**

31
32 Purpose: ~~This district is established~~ To provide for and to maintain an environment outside the
33 villages which is primarily residential/agricultural in use and rural in character. This goal is to be
34 accomplished by permitting: a moderate density of residences compatible with agricultural uses,
35 preserving ~~prime and good agricultural land for agricultural~~ **land with agricultural and silva culture**
36 **potential** uses, permitting other land uses which can augment the local economy by providing services
37 or sources of employment, and promoting patterns of land use which preserve or improve open space.
38

39 **District Description: See Current & Prospective Land Use map #1, Town Plan 2017.**

40 ~~District Description: All lands remaining after excluding Village Centers, River Valley Conservation,~~
41 ~~Miller Pond, Land and Forest Conservation, and the Elizabeth Mine Water Quality Overlay.~~

42 43 **4.5.3 Rural Residential II - "RR II"**

44
45 Purpose: **This district is to provide for very low-density residential development while allowing for**
46 **continued use of agricultural and forested lands. Only those commercial enterprises directly connected**
47 **to farming, agriculture, forestry and outdoor recreation and small-scale home occupations are to be**

1 allowed. The concentration of planned unit developments of not more than five units is encouraged to
2 maximize the land area available for farming and forestry and wildlife habitat, including the
3 preservation of plant species.

4
5 District Description: See Current and Prospective Land Use map #1, Town Plan 2017.

6 7 **4.5.4 Land and Forest Conservation - "LFC"**

8
9 Purpose: To identify lands which are subject to development restrictions due to public ownership or
10 to conservation easements or covenants; to encourage a pattern of land and forest conservation which
11 sustains the rural and natural characteristics of the Town.

12
13 District Description: All lands which are owned by the State of Vermont or the Town of Strafford; all
14 privately-owned lands subject to conservation easements held by land trusts or any other conservation
15 organizations. [See overlay](#)

16 17 **4.5.5 River Valley Conservation - "RV"**

18
19 Purpose: To lessen or avoid the hazards to persons and damage to property caused by floods; to
20 ensure conservation of lands ~~immediate to~~ **bordering** rivers and streams.

21
22 **District Description:** This area consists predominantly of agricultural and open land making up the
23 valley floor between the villages of South Strafford and Strafford and extending along the West
24 Branch of the Ompompanoosuc east of South Strafford village.

25
26 Additionally, the area includes FEMA Flood Hazard Areas and Fluvial Erosion Hazard Areas.

27 28 **4.5.6 Miller Pond Shoreline District - "MP"**

29 Purpose: ~~This district is established~~ To protect the high quality of water and to maintain high
30 standards for permitted development so as to protect the pristine character of the pond and the scenic
31 and recreational assets of the shore land. This is accomplished by protecting and preserving the shore
32 lands which are unsuitable for development; maintaining a low density of development on those shore
33 lands suitable for development; and providing compatible use of the public water by the general
34 public.

35
36 Shoreline buffer and agricultural setbacks: a 50-foot strip of permanent vegetation of natural character
37 shall be maintained from the mean water mark, or a 25 foot strip from the highest known water level,
38 whichever distance is the greater, to retard runoff and reduce erosion. ~~Animal feed lots and stockpiles
39 of manure shall not be located within 200 feet of this buffer strip.~~

40
41 Additional Conditional Use Standards: when reviewing an application for conditional use approval,
42 the DRB shall evaluate the following issues in addition to matters set forth in Section 6.4:

- 43
44 1. **the requirement of the Vermont Shoreline Protection Act, 10 V.S.A. 1441 et seq.,**
45 **restricting activities within 250 feet of the shoreline;**
46
47 2. the need for the proposed use to be located in the shore land area;

- 1
- 2 3. maintenance of safe and healthful conditions;
- 3
- 4 4. the prevention of water pollution;
- 5
- 6 5. the erosion potential of the site based upon the degree and direction of slope, soil type, and
- 7 vegetative cover;
- 8
- 9 6. existing topographic and drainage features;
- 10
- 11 7. the use's compatability with uses on adjacent land; and
- 12
- 13 ~~8. the amount of liquid wastes to be generated and the adequacy of the proposed disposal~~
- 14 ~~systems.~~
- 15
- 16

17 **Boundaries****District Description:** A belt of land with Town Highway #3 (Miller Pond Road) as the
18 eastern boundary and extending 750 feet from mean water level around the remaining area of pond as
19 shown on the Zoning Map.

20

21 **4.5.7 Elizabeth Mine Water Quality Overlay**

22

23 As a result of possible ground water contamination from mining activities, permits may be required
24 from the Environmental Protection Agency or the State of Vermont. No zoning permits will be issued
25 by the Administrative Officer or the DRB until written evidence of permit approvals or letters of no
26 concern from the Environmental Protection Agency and the State of Vermont are provided.

27

28 District Description: See attached map for description of area affected. **(Map will be available upon**
29 **completion by the EPA)**

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Zoning Districts and Uses

Districts & Uses							
Use	Village Centers	Rural Residential I	Rural Residential II	Land & Forest Conservation*	River Valley Conservation	Miller Pond Shoreline	Elizabeth Mine Water Quality
Accessory Dwelling Unit	P	P	P	P	P	P	CU
Accessory Use or Building	P	P	P	P	SP/CU	SP/CU	CU
Bed & Breakfast & AirBnB	SP/CU	SP/CU	X	X	SP/CU	X	CU
Church	SP/CU	SP/CU	X	X	SP/CU	X	CU
Commercial Summer Camp	X	SP/CU	SP/CU	SP/CU	SP/CU	SP/CU	CU
Commercial Accessory	SP/CU	SP/CU	SP/CU	SP/CU	SP/CU	X	CU
Commercial, Light	SP/CU	SP/CU	X	X	X	X	CU
Commercial, Medium/Heavy	SP/CU	SP/CU	X	X	X	X	CU
Day Care Facility	SP/CU**	SP/CU**	SP/CU**	SP/CU**	SP/CU**	SP/CU**	CU
Dwelling, Multi-Family	SP/CU	SP/CU	X	X	X	X	CU
Dwellings, One & Two-Family	P	P	P	P	CU	CU	CU
Guest House	SP/CU	SP/CU	SP/CU	SP/CU	SP/CU	X	CU
Home Occupation 1	P	P	P	P	P	P	P
Home Occupation 2	SP	SP	SP	SP	SP	SP	SP
Industrial, Light	SP/CU	SP/CU	SP/CU	SP/CU	X	X	CU
Industrial, Medium/Heavy	X	SP/CU	SP/CU	X	X	X	CU
Lodge/Inn	SP/CU	SP/CU	X	SP/CU	X	X	CU
Museum	SP/CU	SP/CU	SP/CU	SP/CU	X	X	CU
Non-Exempt Agriculture	P	P	P	P	P	P	CU
Occasional Use Structure	X	P	P	P	CU	CU	CU
Outdoor Camping Facilities	X	SP/CU	SP/CU	SP/CU	SP/CU	SP/CU	CU
Outdoor Recreation Facilities	SP/CU	SP/CU	SP/CU	SP/CU	SP/CU	SP/CU	CU
Permanent Signs	P	P	P	P	P	P	CU
Planned Unit Development	SP/CU	SP/CU	SP/CU	SP/CU	SP/CU	X	CU
Professional Office	SP/CU	SP/CU	SP/CU	SP/CU	SP/CU	X	CU
Public Building	SP/CU	SP/CU	SP/CU	SP/CU	SP/CU	X	CU
Repair or Service Shop	SP/CU	SP/CU	SP/CU	SP/CU	X	X	CU
Resource Extraction (Gravel, Soil, Sand, Minerals)	X	SP/CU	SP/CU	SP/CU	SP/CU	X	CU
Restaurant	SP/CU	SP/CU	X	X	X	X	CU
Retail Establishment	SP/CU	SP/CU	X	X	X	X	CU
School	SP/CU	SP/CU	SP/CU	SP/CU	X	X	CU
Small Enterprise	SP/CU	SP/CU	SP/CU	SP/CU	SP/CU	SP/CU	CU
Temporary Structure	P	P	P	P	P	P	CU

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Dimension Requirements	VC	RR I	RR II	L&F Cons	RV Cons	MP	EM
Lot Area Minimum	1 acre	3 acres	3 acres	3 acres	3 acres	2-10 acres	N/A
Lot Frontage Minimum	80 ft.	300 ft.	300 ft.	300 ft.	300 ft.	100 ft.	N/A
Front Setback Minimum	45 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	N/A
Side Setback Minimum	15 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	N/A
Rear Setback Minimum	15 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	N/A
Building Height Maximum	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	N/A
Waterfront Setback Minimum	N/A	N/A	N/A	N/A	N/A	200-400 ft.	N/A
Optional Requirements	PUD	PUD	PUD	PUD	PUD	PUD	N/A
*Front setback minimum is measured from the road centerline.							
**See section 5.7 for PUD requirements.							

1 P = Permitted Use

2 SP = Site Plan Review Required

3 CU = Conditional Use

4 X = Prohibited

5 * More restrictive deed covenants automatically override any permitted uses and/or requirements of
6 this Unified Bylaw.

7 ** Some Day Care facilities are considered single family homes for the purpose of this Bylaw. See
8 page 14 for details.

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5. Specific Regulations

5.1 Home Occupation

This Unified Bylaw provides the right for any resident to use either a minor portion of the dwelling in which he or she resides or its accessory building for an occupation which is customary in a residential area, does not have an undue impact on the character of the area, and meets the following standards:

1. The conduct of a home occupation shall be clearly secondary to the principal or residential use of the premises.
2. The home occupation shall be conducted by the resident and may employ only full-time residents of the house and/or two (2) other full-time-equivalent (forty-hour work week) non-resident person working on site.
3. The home occupation (excluding home day care centers) shall be operated entirely within either the residence or accessory building; if operated in the residence, it shall not exceed fifty percent (50%) of the total floor area of that building.
4. The project home occupation shall not result in a significant increase in annual average daily traffic or alterations in historic traffic patterns. No project home occupation shall cause unsafe conditions or result in an undue increase in congestion on highways in the vicinity of the site.
5. Storage of goods, parts, supplies, and machinery used in the home occupation shall be inside a building or screened from public view and adjoining properties.
6. Obnoxious or excessive noise, vibration, heat, dust, glare, smoke, odors, or other forms of interference not characteristic of residential uses and intruding beyond the property lines of a home occupation shall not be permitted.
7. Home occupations may not include businesses engaging in on-site retail sales (except sales of agricultural or hand-crafted products assembled and produced on the premises). Examples of uses not considered home occupations include auto and heavy equipment service repair and restaurants.

~~5.2 Home Occupation II~~

~~This Unified Bylaw provides the right for any resident to use a minor portion of the dwelling in which he resides and/or its accessory building for an occupation which is customary in a residential area, does not change the character thereof, and meets the conditions listed above for Home Occupation I with the following additional condition:~~

- ~~1. The home occupation shall be conducted by the resident and may employ only full-time residents of the house and/or up to two (2) other full-time-equivalent (forty hour work week) non-resident persons working on site.~~

5.3 Rural Small Enterprise

Small enterprises are encouraged provided that their size, type, appearance and setting fit with the overall character of the community and do not cause undue or unnecessary hardship on community services such as highways or fire protection. In order to protect the rural character of the area, the impact of additional traffic on the rural highway system and hours of travel ~~shall~~ **should** be an important factor in the review process. Many of the town's rural roads cannot support additional traffic especially during mud season and snow season.

1. The owner of the enterprise shall work on the property
2. No more than five (5) **on-site** employees shall be permitted, exclusive of the owner. Notwithstanding the above, the DRB may authorize additional employees on finding that such does not materially impair the purposes of this section or other requirements of this Unified Bylaw.
3. Exterior displays and signs, other than those normally permitted in the district, and exterior storage of materials in public view ~~and substantial variation from the dominant character of the area~~ shall be prohibited.
4. The ~~project~~ **enterprise** shall not result in a significant increase in Annual Average Daily Traffic or alterations in historic traffic patterns. ~~No project~~ **enterprise** shall cause unsafe conditions or result in an undue increase in congestion on highways in the vicinity of the site.
5. Design and placement of structures and buildings ~~should~~ **shall** be compatible with the rural character and complement architectural values of surrounding buildings or the neighborhood. Structures or buildings that are highly visible from town roads and are not intended to be screened, as well as relatively large structures or buildings that are dominant features of the landscape shall be closely evaluated under this provision.

5.4 Signs

Unregulated outdoor advertising is detrimental to the scenic resources of Strafford which are considered vital to the town's prosperity and social culture. It is also hazardous to highway uses, and adversely affects property values. For these reasons, it is the policy of the Town to regulate the size, type, number, and location of signs erected in the town.

Except for signs necessary for public safety or signs exempted from an ~~zoning~~ **administrative** permit, no person shall construct, erect, display, or change the location or size of an outdoor sign without first obtaining a administrative permit.

1. No sign shall be larger than 12 sq. feet ~~in total area~~ **on each side** or extended more than 5 feet above the ground unless attached to a building.
2. No sign shall be placed in such a way as to obstruct visibility or create a safety hazard.

- 1 3. No sign attached to a building shall extend beyond or above that building by
2 more than 4 feet.
- 3 4. All signs, other than directional, must be located on the premises to which
4 they refer.
- 5 5. No sign shall contain any moving parts, nor be illuminated by neon or
6 flashing light.

7
8 The following signs are permitted without an ~~zoning~~ administrative permit:

- 9
- 10 1. Two real estate "for sale" signs not to exceed 6 square feet each;
- 11 2. One sign not to exceed 3 square feet for home identification, instructional or
12 directional purposes; and
- 13 3. Temporary signs advertising an event or activity sponsored by a civic or
14 community organization.

15 5.5 Extraction of Gravel, Sand, Soil and Minerals

16
17 State permits may be required.

18
19 The extraction of gravel, sand, soil and minerals or the extension of such activities from existing
20 operations shall require Conditional Use Approval. The DRB, in its review of such projects, shall
21 ~~require that the project comply with the following standards:~~ ~~consider the following matters in~~
22 ~~addition to the provisions of Section 6.8.1:~~

- 23
- 24 1. Plans for the restoration of the disturbed portions of the site during and following the
25 operation shall be adequate to ensure that a safe, attractive, and useful condition
26 results.
- 27
- 28 2. Plans for the operation of the facility shall be sufficient to ensure that the operation
29 will not have an undue adverse impact on water quality, drainage patterns, or create
30 excessive dust, traffic, vibration, and noise at the site or areas in close proximity to
31 the site. **If power activated crushing or sorting operations are to be allowed on the**
32 **site, such activity shall not unduly affect the character of the immediate neighborhood**
33 **area.**
- 34
- 35 3. ~~The Plans for operation of the facility shall be managed~~ to prevent the creation of
36 excessively steep slopes, overhangs, exposed boulders, uprooted stumps, and other
37 debris.
- 38
- 39 4. **Plans for limiting** the scale and intensity of the operation ~~shall not place to prevent~~
40 excessive demands on bridges, culverts, and roadways leading to and from the project
41 site.
- 42
- 43 5. Plans to ensure that the rehabilitation of the site is properly managed, the DRB
44 shall, as a condition to its approval, require that a performance bond or other forms
45 of surety **acceptable to the Selectboard** be posted to cover the costs of restoration.
46 **The DRB may order** that no more than a predetermined area of the site be exposed
47 at any one time.

1
2 6. The frequency and duration of operation of the facility and its probable impacts on
3 neighboring uses.

4
5 The DRB may require a bond for restoration of the site location.
6

7 **5.6 Flood Hazard Area Zoning Bylaw Ordinance**

8
9 The Town of Strafford has ~~in effect~~ a Flood Hazard Area Zoning Ordinance (which includes Fluvial
10 Erosion Hazards as well as FEMA flood plains) which ~~outlines~~ **specifies** provisions to be followed for
11 land development proposed in areas subject to flooding.

12
13 Landowners contemplating development in these areas should be aware that an additional permit may
14 be required under that Bylaw and may be subject to additional requirements, if any.

15
16 Copies are available from the Town Clerk.
17

18 ~~5.7 General Standards - Density~~ **moved to 7.12.2**

19
20 ~~In order to carry out the requirements of the Strafford Town Plan to preserve wildlife habitat, scenic~~
21 ~~vistas, and to protect against flood and fluvial erosion hazards and to maintain the open, rural~~
22 ~~character of the town, this Unified Bylaw establishes density limitations as distinct from minimum lot~~
23 ~~size and frontage requirements listed elsewhere. A parcel being considered for subdivision shall be~~
24 ~~limited in potential density by excluding from consideration of maximum number of possible~~
25 ~~conforming lots those lands having a slope of 25% or more, those lands within 50 feet of any stream~~
26 ~~or body of water, any class I or class II wetlands or other wetlands identified by the town as~~
27 ~~significant to wildlife and native plants.~~

28 **5.7 PLANNED UNIT DEVELOPMENT**

29 **5.7.1 General Intent and Purposes**

30
31 The purpose of a Planned Unit Development (“PUD”) is to encourage growth and development in
32 harmony with the town plan and to provide the DRB with the flexibility to encourage growth in a
33 manner that is appropriate for the community. PUDs allow the DRB to relax dimensional and spatial
34 standards such as setbacks and density to encourage clustering and concentrated development to
35 further the goals of the town plan including the protection of open space, energy efficiency and
36 affordable housing. Such growth and development will:

- 37
- 38 1. encourage a range of housing options, emphasizing availability of affordable homes typically
39 underrepresented in the commercial housing market;
 - 40
 - 41 2. promote the highest standards of energy-efficient building that retains value and
42 respects the need for energy conservation;
 - 43
 - 44 3. conserve and enhance the natural resources that sustain agriculture, wildlife, water
45 quality and recreation in a manner that is consistent with the Strafford Open Space

1 Plan; and

- 2
3 4. retain the distinct character of Strafford’s villages and rural areas, encouraging mixed
4 and business opportunities in villages and rural development sensitive to
5 Strafford’s character and heritage.

6 **5.7.2 Applicability**

7
8 PUD provisions may be applied—~~at the request of an applicant~~, to any sized parcel within any district.
9 Any change to an approved PUD shall require an amendment to the prior approval in accordance with
10 this Section. Adjoining landowners may combine all or a portion of contiguous parcels for the purpose
11 of submitting a joint PUD application provided such property owners intend that each of their
12 properties will:

- 13
14 1. be subject to all requirements and conditions of PUD approval issued in accordance with this
15 Section; and
16
17 2. upon approval of the application, be subject to the terms and conditions ~~established in granting~~
18 ~~of the permit.~~

19
20 **5.7.3 Application Requirements**

21
22 ~~Every PUD application shall be accompanied by a site plan map and supporting data, including the~~
23 ~~following:~~

- 24
25 1. ~~lot, block and section number or other description of the subject property, as shown on the~~
26 ~~current tax records;~~
27
28 2. ~~a survey of the property showing existing features, including contours, structures, large trees,~~
29 ~~streets, utility easements, rights of way, and any land use or deed restrictions;~~
30
31 3. ~~the location of existing and proposed structures and land use areas, streets, driveways, traffic~~
32 ~~circulation, parking and loading spaces and pedestrian walks;~~
33
34 4. ~~any landscaping plans, including site grading, landscape design and proposed screening; and~~
35
36 5. ~~a proposed sequence of construction and time schedule for completion of all improvements to~~
37 ~~the subject property, including buildings, parking spaces and landscaping.~~
38
39

40 ~~An application for a PUD shall include submission of the following plans and supporting documents~~
41 ~~to the DRB:~~

- 42
43 1. ~~A map showing the general location of the property within the Town and its relationship to~~
44 ~~existing public roads and highways.~~
45
46 2. ~~A statement including the uses of adjacent property, and the names and current addresses of all~~

1 abutting owners of land and those directly across from all public highways to the property at
2 issue.

- 3
4 3. A statement and/or map sufficient to demonstrate the compatability of the proposed
5 development to adjacent land uses, both existing and proposed.
6
7 4. A proposed site plan, drawn to an appropriate scale, showing the location, height, spacing, uses,
8 and architectural relationships of all **existing and proposed** buildings, ~~existing and proposed~~
9 open spaces, landscaping, utility lines, streets, drive-ways, off-street parking facilities, unique or
10 manmade features and the physical conditions of the site.
11
12 5. Quantitative data which indicates the number and types of dwelling units and or other uses,
13 parcel size, proposed coverage of buildings, structures, roads, driveways, and parking areas;
14 area of proposed open space not to include roads, utilities, rights of way, parking and loading
15 areas or small inter-structural yards.
16
17 6. A development schedule indicating the approximate dates when construction of the project or
18 stages of the project is expected to begin and be completed.
19
20 7. Existing and proposed future ownership of the property involved.
21
22 8. In the event land development is proposed which involves condominium ownership, the
23 proposed Declaration of Condominium and the Condominium Association Bylaws.
24
25 9. The DRB may require additional documentation, information or professional review at the
26 applicants expense to assist in the review and evaluation of the proposal.
27

28 One or more pre-application conferences (**hearings?**) are encouraged at which the DRB and interested
29 municipal officials may exchange information with the applicant in order to understand the nature and
30 scope of the applicant's proposal.
31

32 **5.7.4 General Standards**

33
34 In its review and approval of a proposed PUD, the DRB shall ~~find in its~~ **make** written **findings in its**
35 decision that the PUD meets all of the following criteria and/or standards:
36

- 37 1. The PUD involves only those Permitted or Conditional Uses as provided for in the Village
38 Centers or Rural Residential Districts I and II.
39
40 2. The minimum parcel area for PUD is as follows:

41 Village Centers	± 2 acre
42 Rural Residential	± 6 acres

- 43
44
45 ~~3. It shall be a condition of any PUD permit that a Vermont Residential Building Energy~~
46 ~~Standards certification must be filed with the Town Clerk and the Vermont~~
47 ~~Department of Public Service in accordance with 21 V.S.A. § 266.~~

- 1
- 2 4. It shall be a condition of any permit that buffers of native vegetation and trees shall be
- 3 established and protected along water bodies as outlined in Section 7.20 **and surface waters**
- 4 **and wetlands shall be protected as outlined in Section 7.11.**
- 5
- 6 5. The PUD shall be consistent with the goals and objectives of the Town Plan.
- 7
- 8 6. The PUD shall result in no greater burden on present and planned municipal services
- 9 and facilities than would result from traditional development of the parcel with the
- 10 same number of units as proposed in the PUD. The available public or private
- 11 facilities and services, including schools, streets, emergency services, and utilities,
- 12 will be adequate to provide service to the proposed PUD. The DRB shall require
- 13 written certification from town departments that the town has adequate resources to
- 14 support any proposed PUD with five or more units, and may require this certification
- 15 for any proposed PUD with less than five units.
- 16
- 17 7. The PUD is in conformance with any duly adopted Capital Budget, Plan or Program of
- 18 the Town of Strafford.
- 19
- 20 ~~8. In considering a PUD the DRB shall determine that highway access has been or will~~
- 21 ~~be permitted by the Strafford Selectboard.~~

22

23 **5.7.4.1 Uses**

24

25 Any residential use permitted in the district in which the PUD is located is permissible under the
26 PUD, including home based businesses **allowed in Sections 5.1-.3**. A PUD may include, at the
27 discretion of the DRB, dwelling units of varied types, including single- and two-unit dwellings
28 and multi-unit dwellings in districts where permitted.

29
30 Non-residential uses that are permitted or conditional uses in the district may be allowed in the
31 PUD provided that the DRB determines that they are appropriate to the character and purpose of
32 the PUD, its open space and surrounding area..

33

34 **5.7.4.2 Design and Character**

35

- 36 1. The character, architectural features and siting variations incorporated in the PUD
- 37 shall be consistent with the purpose of this section.
- 38
- 39 2. When reviewing character, design and siting, the DRB shall consider the
- 40 following:
- 41
 - 42 a. siting, visual focal points, use of existing physical features such as topography,
 - 43 building orientation, variation in building groups such as clusters;
 - 44 b. design features, architectural styles, harmonious use of building materials,
 - 45 landscaping, and pedestrian ways; and
 - 46 c. extent and location of open space reservation relative to total project area, proposed
 - 47 plans for the use and management of such areas, and the degree of preservation of
 - 48 natural features for any unimproved areas;

- 1
- 2 3. PUDs involving mixed commercial and residential uses shall be designed and
- 3 arranged so as to provide both visual and acoustical privacy to residents of the
- 4 development and the neighborhood;
- 5
- 6 4. The design and layout of the project shall preserves any recognized historic
- 7 sites or structures and to the greatest extent feasible any natural features or
- 8 resources of the site;
- 9
- 10 5. The PUD shall be designed so as to reduce or eliminate negative impacts on
- 11 surrounding properties whether presently developed or not;
- 12
- 13 6. The PUD shall not cause unreasonable traffic congestion, safety problems, or a
- 14 significant reduction in the existing level of service on adjacent or connecting
- 15 roadways.

16 **5.7.4.3 Density**

17
18 The overall density of a PUD may not exceed the number of units permitted if the land were
19 subdivided into lots in accordance with the standards for the district(s) in which the land is located,
20 except as noted in Sections 5.8.4.4 and 5.8.4.5.

21
22 Refer to 7.12.2.

23 **5.7.4.4 Affordable Housing and Elderly Housing**

24
25 Since the Town of Strafford encourages the development of affordable housing, especially with
26 proximity to the village centers and school transportation routes, and since housing for the elderly has
27 been identified as a needed resource within the Town, the DRB may offer a density bonus of up to
28 25% for any PUD containing housing for the elderly and/or affordable housing units. The density
29 bonus shall be calculated based on the percentage that elderly and/or affordable units bear to the total
30 number of units otherwise allowed in the PUD. Thus, a maximum bonus of 25% would only be
31 achieved if 100% of the units are either affordable or for the elderly.

32 **5.7.4.5 Open Space Protection**

33
34 The protection of open space is encouraged. The Strafford DRB may offer a density bonus for any
35 PUD that preserves open space in accordance with the Strafford Open-Space Plan. This exemption
36 from section 5.7 may not exceed a 25% increase in the number of units and may be fewer based in
37 other features of the land to be developed.

1 **5.7.5 General Procedures**

2

Time Line
1. Pre-application conference
2. Up to 45 days for Admin. Officer & DRB to review completeness of application.
3. Within 30 days of acceptance of application, public hearing scheduled.
4. DRB decision to approve or disapprove within 45 days from conclusion of public hearing.
5. Substantial development of the PUD must commence within one (1) year of PUD approval.
6. Major completion of PUD not to exceed four (4) years from approval,

The DRB invites prospective applicants to meet informally with it to learn how their project might be structured as a PUD. One or more pre-application conferences are encouraged at which the DRB and interested municipal officials may exchange information with the applicant in order to understand the nature and scope of the applicant's proposal.

Upon receipt of an application for a PUD, the Administrative Officer, in consultation with the DRB, shall have up to ~~forty five (45)~~ **thirty (30)** working days to ascertain if the application is complete or if any items require correction or completion, as described in Section 5.8.3.

A request for PUD approval shall be scheduled for a Public Hearing commenced by the DRB within thirty days (30) from the date of acceptance of the completed application for the purpose of hearing comment and testimony on the proposed PUD.

The DRB shall act to approve or disapprove the proposal by written decision setting forth both findings and conclusions of law within a period not to exceed forty-five (45) days from the conclusion of the **final** public hearing. Failure to act within 45 days shall constitute approval of the PUD by the DRB.

The DRB in its discretion may attach such reasonable conditions to its approval of a PUD as it finds necessary to

31 protect the public health, safety, and general welfare and to further the purposes of this Unified
32 Bylaw and 24 V.S.A., Chapter 117.

33
34 The DRB may require that a performance bond, or other forms of surety **acceptable to the Selectboard,**
35 be furnished and filed with the Treasurer of the Town of Strafford to guarantee that the various stages
36 and elements of the total development will be constructed as planned and approved. Where public
37 and/or private roadways or other common amenities are to be constructed or acquired following
38 erection of buildings or other structures, such financial guarantees shall be of sufficient amount to
39 cover in full the estimated construction costs and engineering of such amenities.

40
41 If the PUD application results in land available for park, recreation, open space or other municipal
42 purposes, the DRB, as a condition to its approval, may establish such conditions on the ownership,
43 uses, and maintenance of such lands as it deems necessary to assure the preservation of such lands for
44 their intended purposes. The DRB may determine that grants of easement or sale to the Town or
45 qualified conservation organization are acceptable methods for meeting approval conditions.

46
47 In its approval of a PUD, the DRB shall limit the period in which the PUD must be substantially
48 completed, such period not to be in excess of four (4) years.

1 Prior to the expiration date for substantial completion, the permittee may request an extension. In
2 deciding whether to grant such extension, the DRB shall consider the standards and conditions on
3 which original approval was authorized and any new or changed conditions on the site or in proximity
4 to the site that potentially may affect the proposed project. The DRB shall consider such action at a
5 Public Hearing.

- 6
7 1. No land development for which PUD approval has been granted shall
8 commence unless the Administrative Officer has issued a ~~zoning~~ administrative permit for
9 such land development.
- 10
11 2. The Administrative Officer shall issue an ~~zoning~~ administrative permit following the
12 submission of a complete application upon finding that the application is in
13 substantial compliance with the PUD requirements as applied for and approved
14 by the DRB.
- 15
16 3. No material change to the PUD approved by the DRB shall be permitted unless
17 the DRB grants, following public hearing, an amendment to the original
18 approval and/or any preceding amendments thereto.
- 19
20 4. **Commencement of substantial development shall occur within one year of approval of PUD**
21 **unless delayed by litigation.**
- 22
23 5. No amendments to the original PUD approval shall have the effect of extending the time
24 period within which substantial ~~construction~~ development must commence. ~~as set forth in~~
25 ~~Section 2.2(4).~~
- 26
27 6. In the event that substantial ~~construction~~ development has not **commenced within one year**
28 **of PUD approval**, ~~been undertaken during the time period specified pursuant to Section 4.0~~
29 ~~above~~, PUD approval shall **be void** have no further effect and any ~~zoning~~ administrative
30 permits or amendments to the PUD approval shall be considered to have been canceled.

31 ~~5.8~~ **5.7.5 Common Facilities and Land to be Conserved**

32 33 ~~5.8.1~~ **5.7.5.1 Common Facilities and Land**

34
35 Land to be dedicated to shared facilities (e.g., private road, community wastewater and water supply
36 systems, or other community facilities), may be held in common or individual ownership or it may be
37 conveyed to the Town, should the Town choose to accept it. Land and/or facilities to be held in
38 common shall be subject to appropriate deed restrictions and/or covenants stipulating their allowed
39 use, and establishing the person or entity responsible for their regular maintenance and long term
40 management. All costs associated with administering and maintaining common land and associated
41 facilities shall be the responsibility of applicant and subsequent property owners.

42 ~~5.8.2~~ **5.7.5.2 Land to be Conserved**

43
44 Land to be dedicated to the preservation and maintenance of significant wildlife habitat, forest
45 resources or agricultural land may be held in common or individual ownership, and may be located on

1 one or more lots, although concentrating such resources on a single lot is preferred by the Town. The
2 ownership of the land or the benefit of an easement preserving such land shall be in a manner and
3 form approved by the DRB; such ownership or easement may be held by the municipality or a
4 nonprofit land conservation organization, if such entities choose to accept such ownership or
5 easement. Conservation and agricultural easement areas ("open space areas") shall be indicated with
6 an appropriate notation on the final plat.

7
8 **5.9 Legal Requirements**

9
10 Documentation shall be provided that all required improvements and associated rights-of-way and
11 easements and other common facilities and land will be adequately maintained either by the applicant,
12 subsequent or other landowners, a homeowners' association, or through other accepted legal
13 mechanism. Such documentation shall be in a form approved by the DRB and filed in the Strafford
14 Land Records.

15
16 All required improvements shall be constructed to approved specifications and in accordance with a
17 construction schedule approved by the DRB. The DRB may require that all such improvements be
18 completed prior to the issuance of an Administrative Permit for subsequent development on approved
19 lots. A performance bond or comparable surety acceptable to the Selectboard may be required to
20 ensure that all improvements are completed to the specifications of this Unified Bylaw and the PUD
21 permit.

1 **6. Development Review**

2 **6.1 Development Review Board (DRB) - Creation and Powers**

3
4 ~~A Development Review Board (hereafter “DRB”) is hereby established.~~ **The Town of Strafford has**
5 **established a DRB pursuant to 24 V.S.A. § 4460.** Except as specifically provided herein and in
6 accordance with the provisions of 24 V.S.A., § 117, the DRB shall not amend, alter or invalidate this
7 Unified Bylaw.

8
9 The DRB shall elect its own officers and shall adopt rules of procedure as it deems necessary to effect
10 the provisions of this Unified Bylaw in accordance with 24 V.S.A. 4461 and 4440(c).

11
12 **An** appeal of a ~~decision of the DRB~~ **decision** shall be made to the Environmental Court.

13
14 **6.2 Development Review Board (DRB) - General Duties**

15
16 The DRB shall discharge its duties in accordance with the procedures outlined in this Unified Bylaw.
17 The DRB shall have the power to act on the following:

- 18
19 1. To hear and rule on appeals concerning any order, requirement, decision, or
20 determination made by the Administrative Officer in the administration and
21 enforcement of this Unified Bylaw in accordance with Section 8.
22
23 2. To hear and grant or deny a request for a variance in accordance with Section 6.6.3.
24
25 3. To hear and grant or deny a request for a waiver in accordance with Section
26 6.6.1.
27
28 4. To hear and approve or deny a request for Site Plan Approval in accordance
29 with section 6.5.
30
31 5. To hear and approve or deny a request for Conditional Use in accordance with
32 Section 6.3.
33
34 6. To hear and approve or deny a request for a zoning permit under 24 V.S.A. §
35 4421 (4) (B) ~~of the Act~~ relating to the placement of structures within the lines
36 of proposed public facilities.
37
38 7. To hear and approve or deny a proposed Planned Unit Development in
39 accordance with section 5.8.
40
41 8. To hear and approve or deny a proposed subdivision in accordance with
42 Chapter 7.
43
44
45

1 **6.3 Application Submission Standards**

2
3 An application for Conditional Use Approval or Planned Unit Development Approval shall include
4 submission of the following plans and supporting documents to the DRB:

- 5
6 1. A map showing the general location of the property within the Town and its relationship
7 to existing public roads and highways.
8
9 2. A statement including the uses of adjacent property, and the names and current
10 addresses of all abutting owners of land and those directly across from all public
11 highways to the property at issue.
12
13 3. A statement and/or map sufficient to demonstrate the compatability of the proposed
14 development to adjacent land uses, both existing and proposed.
15
16 4. A proposed site plan, drawn to an appropriate scale, showing the location, height,
17 spacing, uses, and architectural relationships of all buildings existing and proposed open
18 spaces, landscaping, utility lines, streets, drive ways, off street parking facilities, unique
19 or manmade features and the physical conditions of the site.
20
21 5. Quantitative data which indicates the number and types of dwelling units and or other
22 uses, parcel size, proposed coverage of buildings, structures, roads, driveways, and
23 parking areas; area of proposed open space not to include roads, utilities, rights of way,
24 parking and loading areas or small inter-structural yards.
25
26 6. A development schedule indicating the approximate dates when construction of the
27 project or stages of the project is expected to begin and be completed.
28
29 7. Existing and proposed future ownership of the property involved.
30
31 8. In the event land development is proposed which involves condominium ownership, the
32 proposed Declaration of Condominium and the Condominium Association Bylaws.
33
34 9. The DRB may require additional documentation, information or professional review at
35 the applicants expense to assist in the review and evaluation of the proposal.
36

37 **6.3 Development Review Board (DRB) - Conditional Uses ~~Conditional Use~~**
38 **~~Approval~~**

39
40 No zoning permit shall be authorized or issued by the Administrative Officer for any use listed as
41 conditionally permitted within the various zoning Districts, unless the DRB has first granted
42 Conditional Use Approval. The DRB, upon receipt of a complete application, shall conduct a legally
43 noticed public hearing, and based upon the testimony presented at the hearing and any other
44 information submitted, render a written decision approving or denying the request. In granting
45 approval, the DRB shall find that the proposed use meets with the following general and specific
46 standards prescribed for such uses in this Unified Bylaw:

1
2 **6.3 Conditional Use Approval Needed**
3

4 For certain kinds of development (as listed under each district in section 4), Conditional Use Approval
5 by the DRB is required before an ~~Zoning~~ Administrative Permit may be granted by the Administrative
6 Officer. As its name implies, Conditional Use Approval will entail written conditions on development
7 in order to achieve certain goals. The DRB must hold at least one warned hearing prior to issuing
8 approval.
9

10 If an application is in compliance with this Unified Bylaw and is complete, with the correct fee, at
11 least one hearing will take place on the application, ~~within 30 days,~~ and the applicant will have
12 conditional use approval or denial within 45 days of the close of the last hearing. The DRB must grant
13 or deny the application for conditional use approval within 45 days of the close of its final hearing on
14 the application, or approval will automatically be given on the 46th day. Assuming approval is granted,
15 and not appealed, an ~~Zoning~~ Administrative Permit will be issued which will become valid 15 days
16 after issuance unless appealed.
17

18 **6.3.1 Application for Conditional Use Approval**
19

20 Application for Conditional Use Approval must be made on forms approved by the DRB and given to
21 the Administration Officer, who shall transmit them to the DRB for action. Applications shall be
22 accompanied by such materials as determined by the Administrative Officer to be necessary for
23 conditional use review by the DRB, and fees determined by the Selectboard. In nondiscretionary
24 matters, the Administrator may determine that the application is not complete and request needed
25 items. The DRB may also request additional items to deem an application complete. When additional
26 information is requested from the applicant by the Administrator or the DRB in order to consider the
27 permit application complete, and such information is not presented within 90 days, the application
28 will be deemed rejected.
29

30 **6.3.2 Hearing for Conditional Use Approval**
31

32 At least one public hearing is required prior to approval of a conditional use. See section 8.2 for
33 proper notice requirements.
34

35 **6.3.3 Provision for Independent Consultants**
36

37 To assist the DRB in its review of technical issues in applications under this section, it may, after
38 consultation with the applicant, retain independent consultants and require the applicant to pay the
39 reasonable cost of their services. Any final reports or documents prepared by the consultant shall be
40 made available to the applicant and other parties to the proceeding.
41

42 **6.3.4 Approval or Denial**
43

44 The DRB must grant or deny the application for conditional use approval within 45 days of the close
45 of the final hearing on the application, or approval will be automatically given on the 46th day. Any
46 approval or denial shall contain written findings of fact setting forth reasons for approval or denial, list
47 any conditions, and address each of the standards relevant to the proposed development. Copies of the

1 decision approving or denying the conditional use will be promptly mailed to the applicant by
2 certified mail, and by first class mail to every person or body appearing and having been heard at the
3 hearing(s), and also filed with the Administrative Officer and the Town Clerk.

4
5 Conditional Use Approval is not a permit to construct. An ~~Zoning~~ Administrative Permit is still
6 needed and the Conditional Use Approval shall be attached to the application for an ~~Zoning~~
7 Administrative Permit for the property seeking approval.
8

9 **6.3.5 Expiration of Approval for Conditional Use Approval**

10
11 Any conditional use approval granted under this Unified Bylaw shall expire one (1) year from the date
12 of the written decision granting such approval, unless an Administrative Permit has been issued by the
13 Administrative Officer for the approved project.

14 **6.3.6 Appeal for Conditional Use Approval**

15
16 The approval or denial of a conditional use approval by the
17 DRB may be appealed to the Environmental Court in a
18 manner specified in section 4471 of the Act. See section ???
19 for further details on appeals.
20

21 **6.3.7 Conditional Use Criteria**

22
23 The purpose of this conditional use review is to ensure
24 compliance with standards addressing the potential impacts
25 of development on adjoining properties and town facilities
26 and services to thereby avoid or mitigate adverse impacts of
27 that development.
28

29 **6.3.8 Conditional Use Standards**

30
31 In granting an approval, the DRB shall find that the
32 proposed use shall not result in an undue adverse effect on
33 any of the following:
34

35
36 **1. The character of the area affected.** The
37 DRB shall consider the character of the area
38 affected as defined by the purpose(s) and
39 standards of the district in which the proposed
40 project is located as well as by the specifically
41 stated policies and standards of the town plan.

42
43 **2. Traffic on roads and highways in the**
44 **vicinity.** Adequate travel and pedestrian lanes
45 on the site must allow residents, employees,
46 business vehicles and delivery/service vehicles
47 to safely enter and exit the site. The DRB

Undue Adverse Impact - Aesthetics

The procedure to determine if an **aesthetic/scenic effect** is an "undue adverse effect" was defined by the State Environmental Board's 1985 Quechee Lakes Decision (Quechee Lakes Corporation #W04-110A-EB (11/4/85)).

Under the Quechee Lakes test, "adverse" effects are assessed by considering the harmony and fit of a project with its surroundings. If a project fits in its context, it will not have an adverse effect. The five elements that should be considered in the determination of whether an effect is adverse are: the context of the surrounding landscape, the project design, color and materials, project visibility and effects on open space.

Once an effect has been defined as adverse, the following three questions must be answered affirmatively for the adverse effect to be considered "undue":

1. Does the project violate a clear written community standard intended to preserve the aesthetics or scenic natural beauty of the area?

2. Does the project offend the sensibilities or the average person... when viewed as a whole is (it) offensive or shocking, because it is out of character with its surroundings, or significantly diminishes the scenic qualities of the area?

3. Has the applicant failed to take generally available mitigating steps which a reasonable person would take to improve the harmony of the proposed project with its

surroundings?

1 shall determine that the traffic generated by the proposed development shall not result in
2 unreasonable traffic congestion or exceed the capacity of roads and intersections in the
3 vicinity of the development. The DRB may request the preparation of a traffic impact
4 study to identify impacts and mitigation measures necessary to ensure road safety and
5 efficiency and may require that mitigation measures be implemented.
6

7 **3. The utilization of renewable energy resources.** The proposed development ~~will~~
8 **shall** not interfere with the sustainable use of renewable energy resources, including
9 access to, direct use of, or future availability of such resources.
10

11 **4. Compliance with other regulations and Town Plan.** The development shall be in
12 compliance with all Town bylaws and ordinances. ~~and shall not result in an undue~~
13 ~~adverse effect on the character of the area affected, as defined by the purposes of the~~
14 ~~district the development is located in and specifically stated policies and standards of~~
15 ~~the Town Plan.~~
16

17 **5. Exterior storage.** Outside storage of materials, supplies, equipment or vehicles
18 incidental to a commercial use ~~may~~ **shall** be required to be adequately screened from
19 view.
20

21 **6. Growth.** Businesses must state anticipated numbers of customers, deliveries, and
22 employees so that limitations ~~may~~ **shall** be put into the approval. Increases above the
23 approved limits ~~will~~ **shall** require seeking a revised approval and permit.
24

25 **7. Scenic resources.** Development shall be located and configured to avoid undue
26 adverse impacts (see sidebar) to the scenic character of the area.
27

28 **8. Lighting.** Exterior lighting (including type of lights, location and direction of
29 lighting) ~~may~~ **shall** be limited in order to reduce light pollution.
30

31 **9. Historic resources.** Land development located within areas recognized as containing
32 a historically significant site or structure ~~may~~ **shall** be required to be designed to retain
33 or enhance the unique characteristics of the site/structure.
34

35 **10. Forestry and agricultural resources.** Conservation of productive forestland and
36 primary agricultural soils shall be incorporated in development planning. Land
37 development involving tracts of such resources ~~will~~ **shall** be approved on the
38 determination that it has been planned to maximize the agricultural and silvicultural
39 potential of the land through the use of cluster planning concepts, and the layout of
40 roads, utilities, or similar improvements on land less suited to agriculture.
41

42 **11. Mass and scale.** Multi-unit residential and non-residential structures ~~may~~ **shall** be
43 required to resemble the general size, style, and shape of structures in the same district.
44

45 **12. Community facilities.** Development shall not result in an undue adverse effect on
46 existing or planned community facilities.
47

48 **13. Landscaping.** Landscaping, screening or the retention of vegetation ~~may~~ **shall** be

1 required of new development, or any expansion of conforming and nonconforming uses,
2 to lessen its visual effect from public roads.

3
4 **14. Stormwater and erosion control.** Appropriate drainage must control stormwater
5 run-off, prevent erosion and protect neighboring land, water, and roads from undue
6 impacts. Erosion control measures shall comply with the latest standards by the
7 Vermont Department of Environmental Conservation.

8
9 **15. Noise.** Persistent discernible noise, except that customary and incidental to
10 residences, beyond the property line is not permitted from 7 PM until 7 AM, or on
11 weekends. From 7 AM to 7 PM, such noise shall be limited to 70 decibels (DbA) at the
12 property line.

13
14 **16. Dust/smoke and odor.** No visible dust/smoke or discernible objectionable odor
15 beyond the property line is permitted, excepting as is incidental and customary to
16 residences, farms or permitted burning.

17
18 **17. Renewable resources.** Development shall not result in an undue adverse
19 effect on the utilization of renewable energy resources.

20
21 **18. Vibration.** Ongoing vibration which is readily discernible without instruments
22 on adjacent property is prohibited.

23
24 In granting such approval, the DRB may attach such additional reasonable conditions and safeguards
25 as it deems necessary to implement the purposes of the Unified Bylaw.

26
27 The DRB shall act to approve or deny in writing any such requested conditional use within forty-five
28 (45) days after the date of the final public hearing held under this section. Failure to so act within such
29 period shall be deemed approval.

30 **6.4 Site Plan Approval**

31
32 For those activities requiring both site plan and conditional use approvals, an applicant must receive
33 site plan approval before obtaining a conditional use approval.

34 **6.4.1 Uses Where Site Plan Approval is Not Required**

35
36 One or two family dwellings, temporary or seasonal dwellings, and Home Occupations do not
37 require site plan approval.

38 **6.4.2 All Other Uses**

39
40 Before an administrative permit may be issued for any use other than one specified in Section 6.5(1),
41 a site plan must be approved by the DRB.

42 **6.4.3 Change or Intensification of Use**

43
44 Any change or intensification of use shall require a review of the existing site plan approval.

45 **6.4.4 Application for Site Plan Approval**

46
47 Every application for a permit for a use other than one described in Section 6.4.1 shall be

1 accompanied by a site plan map, **and survey if required by the DRB**, and supporting data, including
2 the following:

- 3
- 4 a. lot, block and section number or other description of the subject
- 5 property, as shown on the current tax records;
- 6 b. ~~a survey of the property showing~~ existing features including contours,
- 7 structures, large trees, streets, utility easements, rights of way, and any
- 8 land use or deed restrictions; ~~may shall be required~~
- 9 c. the location of existing and proposed structures and land use areas,
- 10 streets, driveways, traffic circulation, parking and loading spaces and
- 11 pedestrian walks;
- 12 d. any landscaping plans, including site grading, landscape design and
- 13 proposed screening; and
- 14 e. a proposed sequence of construction and time schedule for completion
- 15 of all improvements to the subject property, including buildings,
- 16 parking spaces and landscaping.
- 17

18 **6.4.5 Standards for Approval of Site Plan**

19 ~~In approving or denying a site plan, the DRB shall only consider the following objectives:~~ **reviewing**
20 **a site plan application, the DRB shall require the applicant to demonstrate the following:**

- 21
- 22 a. The adequacy and safety of parking and loading facilities.
- 23 b. The access for fire equipment, and on-site pedestrian safety.
- 24 c. The adequacy of landscaping, screening and setbacks to achieve maximum
- 25 compatibility with, and protection of other properties in the area.
- 26 d. The adequacy of exterior lighting and avoidance of excessive glare.
- 27 e. The adequacy of surface drainage facilities.
- 28 f. The protection of the utilization of renewable resources and natural resources.
- 29 g. The provision of municipal services.
- 30 h. The maximum safety of vehicular and pedestrian circulation between the site and
- 31 street network and adjacent traffic generators.
- 32

33 **6.4.6 Decision by DRB**

34 The DRB shall act to approve or deny a site plan within ~~60~~ **45** days after the date upon which it
35 receives the proposed plan. Failure to so act within such period shall be deemed approval.

36 **6.5 Waivers and Variances**

37
38 There are times when a proposed use does not fit the requirements of a permitted or conditional use.
39 In such circumstances this Unified Bylaw provides limited remedies to an applicant but only within
40 the provisions that follow. Development that is ~~already a non-conforming use~~, due to valid land uses
41 that predate this Unified Bylaw, may be changed with approval from the DRB **per 3.1.5**. Applications
42 for new development requiring only a dimensional change from the established standards (such as a
43 reduction in setback) may be ~~able to get~~ **eligible for** a waiver. An application for development that is
44 not eligible for a waiver and that cannot be permitted in strict conformance with this Unified Bylaw
45 may be eligible for a variance from the DRB after meeting a rigorous five-part test (see 6.5.2).

1 **6.6.1—Qualifying for a Waiver**

2 ~~Waivers shall be granted by the Administrative Officer to reduce dimensional requirements only as~~
3 ~~specified under each district in section 6.6.2, and waivers may be granted by the DRB, after a formal~~
4 ~~public hearing, to reduce any dimensional requirements in any district if the proposed development~~
5 ~~meets the criteria in section 6.6.2.~~

6 **6.5.1 Waiver Standards**

7 In all districts, waivers may be granted by the Admonistrative officer without a hearing for: ~~by the~~
8 ~~Administrative Officer for:~~

- 9
- 10 1. reductions in front or side setbacks as necessary to allow for disability access;
 - 11 2. reductions in side setbacks to allow for necessary life safety improvements (eg,
12 fire escape).

13

14 In all districts, waivers may be granted after a hearing by the DRB if the waiver will not result in a
15 greater than 50% decrease in any dimensional requirement (provided that the structure does not enter
16 the right-of-way), and any one or more of the following criteria are met:

- 17
- 18 1. the waiver allows for the siting of structures within the proposed development to
19 more effectively preserve open land, forest land, wetlands, scenic vistas; or other
20 policies of the town plan; or
 - 21 2. the waiver allows for the installation of energy conservation or renewable
22 energy structures; or
 - 23 3. the proposed development maintains the existing pattern of lot layouts in the area
24 in which it is located and cannot be reasonably accommodated within the
25 dimensional standards of the Unified Bylaw.

26

27 ~~Renewable energy generation facilities (excluding wind towers) are not subject to the 50% maximum~~
28 ~~decrease provision of this waiver standard, and in districts where setbacks would not allow the~~
29 ~~placement of such a facility, the dimensional standards shall be reduced to the minimum amount~~
30 ~~necessary to accommodate the structure.~~

31 **6.5.2 Appeal for Variance**

32 When approval or a permit for a structure or use has been denied, an applicant may appeal to the DRB
33 for a variance under 24 V.S.A. § 4469(a). Except as specified in 24 V.S.A. § 4469(b) for renewable
34 energy structures, variances shall ~~be, and~~ only be granted upon a written finding that ALL of the
35 following facts are true:

- 36
- 37 1. That there are unique physical circumstances or conditions, including
38 irregularity, narrowness, or shallowness of lot size or shape, or exceptional
39 topographical or other physical conditions peculiar to the particular property,
40 and that unnecessary hardship is due to these conditions, and not the
41 circumstances or conditions generally created by the provisions of this Unified Bylaw,
42 in the neighborhood or district in which the property is located.
 - 43
 - 44 2. That because of these physical circumstances or conditions, there is no possibility
45 that the property can be developed in strict conformity with the provisions of this

1 Bylaw, and that the authorization of a variance is therefore necessary to enable
2 the reasonable use of the property.

- 3
- 4 3. That the unnecessary hardship has not been created by the appellant. That the variance, if
5 authorized, will not alter the essential character of the neighborhood or district in which
6 the property is located, substantially or permanently impair the appropriate use or
7 development of adjacent property, reduce access to renewable energy resources, or be
8 detrimental to the public welfare.
- 9
- 10 4. That the variance, if authorized, will represent the minimum variance that will
11 afford relief and will represent the least deviation possible from this Unified Bylaw and
12 from the Town Plan.
- 13

14 In rendering a decision in favor of an appellant under this section, the DRB may attach such
15 conditions to the variance as it may consider necessary and appropriate under the circumstances to
16 implement the purposes of 24 V.S.A. Chapter 117 and the Town Plan. The DRB must grant or deny
17 the variance within 45 days of the final hearing or approval will be automatically given on the 46th
18 day. Copies of the decision will be promptly mailed to the applicant by certified mail, and by first
19 class mail to every person or body appearing and having been heard at the hearing(s), and also filed
20 with the Administrative Officer and the Town Clerk.

21

22 **6.5.3 Variances for Renewable Energy Resource Structures**

23

24 The DRB shall hear and decide an appeal for a request for a variance from the provisions of a Unified
25 Bylaw for a structure that is primarily a renewable energy resource structure as required by 24 V.S.A.
26 § 4469(b) of the Act. The DRB shall grant a variance and render a decision in favor of the appellant if
27 **all of the following facts are found**, and the findings are specified in its written decision:

28

- 29 1. it is unusually difficult or unduly expensive for the applicant to build a suitable
30 renewable energy resource structure in conformance with the Unified Bylaw;
- 31
- 32 2. the hardship was not created by the applicant;
- 33
- 34 3. the variance, if authorized, will not alter the essential character of the
35 neighborhood or district in which the property is located, substantially or
36 permanently impair the appropriate use or development of adjacent property,
37 reduce access to renewable resources, or be detrimental to the public welfare;
38 and
- 39
- 40 4. the variance, if authorized, will represent the minimum that will afford relief
41 and will represent the least deviation possible from this Unified Bylaw and
42 from the Town Plan.

43 ~~6.6.5 Appeal of Change to Non-Conformity Variance or Waiver~~

44 ~~—See Appeals in Section 8.4 for more information on the appeal process.~~

45

46

1 **7. Subdivision Review**

2
3 **7.1 Statement of Intent**

4
5 It is the intent of ~~these Regulations~~ **this Unified Bylaw** to accommodate the subdivision of land and its
6 subsequent use in an orderly and at a deliberate pace without undue burden on the Town, private
7 property, and the natural as well as the constructed environment.
8

9 **7.2 Enactment and Authority**

10
11 It is hereby declared to be the policy of the Town of Strafford to consider the subdivision of land and
12 the subsequent development of the subdivided plat as subject to the control of **this Unified Bylaw** ~~the~~
13 ~~subdivision regulations of the Town of Strafford, Vermont,~~ as expressed herein, pursuant to the
14 Vermont Planning and Development Act, 24 V.S.A. Chapter 117.
15

16 **7.3 Purpose**

17
18 See Section 1.3.

19
20 These Regulations are **This Unified Bylaw** ~~is~~ hereby adopted for the following purposes:
21

- 22 12. To insure that development conforms to the policies set forth in the Strafford Town Plan. The
23 DRB shall refer to the goals, objectives, policies, and data contained in the Town Plan in
24 making discretionary decisions.
- 25 13. To insure that all development is compatible with the ecology, topography, geology, natural
26 drainage, surface water runoff, groundwater resources, agricultural resources, historical
27 resources, and present and potential uses of land as identified in the maps and text of the Town
28 Plan.
- 29 14. To insure conformity and compatibility of development with other applicable laws, as
30 presently enacted or as from time to time hereinafter enacted, including but not limited to:
31 Flood Hazard Bylaw and Health Ordinance.
- 32 15. To protect and provide for the health, safety, and general welfare of the Town of Strafford, its
33 property owners and its inhabitants.
- 34 16. To guide the future growth and orderly development of the Town.
- 35 17. To provide the most beneficial relationship between uses of land and buildings and the safe
36 and convenient movement of pedestrian and vehicular traffic.
- 37 18. To provide for the conservation and protection of the natural, visual, and historical assets of
38 the Town; the preservation of the existing rural character of the Town through the proper
39 arrangement of uses on development parcels; the preservation of adequate open space between
40 developments; and the preservation of land values and an adequate tax base.
- 41 19. To provide for the protection of natural habitat and wildlife corridors **and to limit forest**
42 **fragmentation.**
- 43 20. To insure that development encourages efficient and economic uses of energy that are
44 consistent with current technology.
- 45 21. To insure that adequate public facilities and services such as parks and open spaces, recreation
46 areas, schools, police and fire protection are provided.
- 47 22. To control the rate of growth in Strafford in order to insure that existing public services and

1 facilities are available and will have a sufficient capacity to serve any proposed subdivision.

2 **7.4 What Is a Definition of Subdivision**

3
4 ~~According to these Regulations, A subdivision occurs when~~ **is the division of any lot of land is**
5 **divided into** ~~division of lots, tracts, or parcels of land into two or more lots. tracts, or parcels of land~~
6 ~~takes place. In addition, A highway or road running through a lot one's property does not constitute a~~
7 ~~legal division of the lot. parcels. Division of a lot lands held in common ownership whether~~
8 ~~contiguous or located on both sides of the~~ **a highway or road requires a subdivision permit. must go**
9 ~~through the Subdivision Regulations in order to be legally subdivided.~~

10
11 A Major Subdivision is any ~~residential~~ subdivision containing ~~four~~ **three** or more lots, or requiring any
12 new road in excess of 800 feet in length, or any commercial, industrial or commercial recreational
13 project, multifamily housing project, planned residential development or planned unit development, or
14 a series of minor subdivisions of a ~~tract~~ **lot** of land occurring within a period of five years creating
15 ~~four~~ **three** or more lots. ~~that meets the definition of a subdivision.~~

16
17 A Minor Subdivision is any ~~residential~~ subdivision containing two ~~or more but less than four~~ lots that
18 does not qualify as a major subdivision.

19
20 Whenever any subdivision of land ~~or structure~~ is proposed, before construction is commenced
21 thereon, before any permit for the erection of any building in such proposed subdivision shall be
22 granted, and before any subdivision plat may be filed with the Town Clerk, the subdivider or his/her
23 authorized agent shall apply for and secure final approval of such proposed subdivision in accordance
24 with the procedure outlined below.

25 **7.5 Exemptions**

26
27
28 ~~See sections 3.3 and 3.4 for~~ **Lot line adjustments allowed under Section 3.3 and annexations allowed**
29 **under Section 3.4 do not require subdivision approval.**

30
31 ~~Any owner of land contemplating any action(s) described above must contact the Strafford~~
32 ~~Development Review Board prior to commencing such action.~~

33 **7.6 Subdivision Waivers**

34
35
36
37
38 ~~In the case of a major or minor subdivision,~~ **The DRB may waive or vary, subject to appropriate**
39 ~~conditions, the provisions of any or all application or review procedures~~ **and** ~~submittal and~~
40 ~~development requirements as in its judgment, of~~ **based on** ~~the special circumstances of a particular~~
41 ~~application, plat~~ **are not requisite in the interest of public health, safety and general welfare, nor**
42 ~~required by the Act. The request for a waiver shall be made by the applicant, and~~ **It shall be the**
43 ~~responsibility of the applicant to provide sufficient information to justify the~~ **request for a waiver. and**
44 ~~to enable the Development Review Board to reach a decision. In such a case, The DRB shall impose~~
45 ~~may, following the Discussion Phase referenced in Section 7.6.1 or 7.6.2, move to waive or vary~~
46 ~~certain requirements and approve the project with appropriate conditions~~ **which** ~~In granting waivers,~~

1 ~~the DRB shall require such conditions as will~~ in its judgment secure substantially the objectives of the
2 requirements varied or waived. **Waivers shall be in writing and included in the permit file.**

3 4 **7.7 Minor Subdivisions**

5
6 A minor subdivision is any partition of an existing parcel where the subdivision results in two lots
7 total within the boundary of the parcel, or an amendment, revision, or modification to a recorded plat,
8 the result which creates no more than one additional lot within the bounds of the original parcel. The
9 subdivision, revision, or modification of a lot which results in a third lot and any subsequent lots form
10 an original parcel within a five year period shall be reviewed as a major subdivision.

11
12 Minor subdivisions may be permitted by the Administrative Officer without review from the DRB
13 provided that the proposed minor subdivision meets the requirement of this Unified Bylaw. If, in the
14 opinion of the Administrative Officer, the proposed subdivision requires greater scrutiny, it may be
15 referred to the DRB. In that event, the DRB may require the applicant to provide information listed in
16 section 7.5.3 or other information if needed to determine compliance with the subdivision standards.
17 All minor subdivisions in any district shall require a survey.

18 19 **7.8 Subdivision Application Procedures In Summary**

20 21 **7.8.1 Major Subdivision Overview**

- 22
23 1. Pre-Application Meeting: public meeting with DRB for informational purposes.
24 Refer to section 7.8.2 for information required. Applicant can waive this this
25 Meeting. No binding decisions.
- 26 2. Within six (6) months after the Pre-Application Meeting: Preliminary Plan
27 application.
- 28 3. Within 45 days after Preliminary Plan application: Public Hearing.
- 29 4. Within 45 days after Public Hearing: Action on application.
- 30 5. Within six (6) months after Preliminary Plan approval: Final Plan application
- 31 6. Within 45 days after Final Plan application: Final public hearing (including
32 evidence of application for all government agency permits having jurisdiction
33 over the project).
- 34 7. Within 45 days after final public hearing: Action on Application
- 35 8. Within 180 days after approval: Plat Recording
- 36 9. Within 30 days of recording Final Plat: Administrative Officer to issue
37 Administrative Permit.
- 38 10. On completion: Written request for Certificate of Compliance and Submission of
39 as-built drawings, if applicable.

40 41 **7.8.2 Pre-Application Meeting**

42
43 Potential applicants for subdivision are encouraged to meet with the Administrative
44 Officer and DRB when beginning to consider their projects in order to avoid mis-
45 understandings and to ensure a smooth application process once formal review is
46 started.

1 Applicants for administrative permits will go through the Pre-Application Meeting,
2 unless this phase is waived at the applicant's request, to discuss the overall
3 description of the project, familiarize the applicant with the regulations, and answer
4 basic questions of procedure. The discussion shall be conducted at a public meeting
5 held by the DRB. No written findings, conclusions or decisions shall be provided to
6 the applicant and any comments by the DRB, the applicant and interested parties are
7 non-binding.

8
9 At least 12 days prior to a regular meeting of the DRB, the applicant shall submit to
10 The Administrative Officer at least the following:

- 11 1. The name and address of the owner, the name and address of the applicant if
12 different from the owner, the names and addresses of all abutters, the Book and
13 Page number from the Town Land Records of the parcel proposed to be
14 subdivided, and the Parcel ID Number. In addition, the applicant shall include a
15 brief written description of the proposed subdivision (single-family dwellings,
16 commercial, industrial, or other), the number and size of the lots, the
17 anticipated type of water supply and sewage disposal systems, and the
18 anticipated timing of any construction including initiation and completion of
19 the development.
- 20 2. A sketch map showing the location of the proposed subdivision within the
21 town of Strafford relative to the town highway system and including general
22 topographic features.
- 23 3. A sketch plan of the parcel drawn to adequate scale showing any existing
24 structures and roads; a general layout of proposed roads, lots, and building
25 sites; the general locations of streams, ponds, wetlands, and fields; and
26 approximate locations of abutting properties.

27 ~~7.6.1 Minor Subdivision Application Procedures:~~ **changing**

- 28 1. ~~Discussion Phase: Initial meeting~~ **Preliminary hearing** and classification of project. (Refer to
29 section 7.7.2.1 and 2, items a-e, for information requirements). ~~Notice given to abutters at this~~
30 ~~stage.~~
- 31 2. ~~Within six (6) months after meeting~~ **Preliminary Hearing:** Final plan submittal.
- 32 3. ~~Within 30-45 days after final plan submittal: Public Hearing (including evidence of application~~
33 ~~for all governmental agency permits where approval is required by statute or administrative~~
34 ~~procedure). Notice to abutters given at this stage.~~
- 35 4. ~~Within 45 days after Public Hearing: Action on Application.~~
- 36 5. ~~Within 180 days after approval Public Hearing: Plat recording.~~
- 37 6. ~~On completion: Written request for a Certificate of Compliance and Submission of as-built~~
38 ~~drawings, if applicable.~~

39 ~~7.6.2 Major Subdivision Application Procedures:~~

- 40 1. ~~Discussion Phase: Initial meeting~~ **Preliminary Hearing** and classification of project. Refer to
41 section 7.7.2.2 for information required. ~~Applicant can waive this meeting. Notice given to~~
42 ~~abutters at this stage. No binding decisions on any part.~~
- 43 2. ~~Within six (6) months after~~ **Preliminary Hearing** initial meeting: Preliminary Plan
44 Application.
- 45 3. ~~Within 45 days after preliminary plan application: Public Hearing.~~
- 46 4. ~~Within six (6) months after preliminary plan approval: Final Plan Application.~~

- 1 5. ~~Within 30 days after **final** plan application: Final Public Hearing (including evidence of~~
- 2 ~~application for all governmental agency permits having jurisdiction over the project).~~
- 3 6. ~~Within 45 days after Final Public Hearing: Action on Application.~~
- 4 7. ~~Within 180 days after approval: Plat Recording.~~
- 5 8. ~~On completion: Written request for a Certificate of Compliance and Submission of as-built~~
- 6 ~~drawings, if applicable.~~
- 7 9. ~~Within 180 days after approval for construction: Plat recording.~~
- 8 10. ~~On completion: Request for Certificate of Compliance and submission of as-built drawings,~~
- 9 ~~if applicable.~~

10 ~~7.7 Subdivision Application Procedure~~

11 ~~7.7.1 General~~

12
13 Whenever any subdivision of land ~~or structure~~ is proposed, before construction is commenced
14 thereon, before any permit for the erection of any building in such proposed subdivision shall be
15 granted, and before any subdivision plat may be filed with the Town Clerk, the subdivider or his/her
16 authorized agent shall apply for and secure final approval of such proposed subdivision in accordance
17 with the procedure outlined below.

18 ~~7.7.1 Preliminary Hearing~~ **Initial Meeting**

19
20 The applicant shall submit a completed application form plus, the application fee and four copies of
21 the Preliminary Sketch ~~to the Secretary of the DRB~~ 15 days prior to the regular meeting. The
22 following information is required: ~~Within 45 days of the submission of the materials requested under~~
23 ~~7.7.2.1 and 2 the DRB shall hold a publicly warned preliminary meeting.~~

24 ~~7.7.1.1 Application Form~~ **move to 7.8.1**

25
26
27 A completed subdivision permit application form obtainable from the Town Clerk ~~shall include the~~
28 ~~following:~~

- 29
- 30 ~~a. Name and address of the landowner and/or applicant, names and mailing~~
- 31 ~~addresses of all adjacent property owners including any whose property is~~
- 32 ~~separated by a road or stream, and name of the project.~~
- 33 ~~b. A written description of the proposed development plans, including the number~~
- 34 ~~and size of the lots, and general siting of construction.~~
- 35 ~~c. A written description of the type(s) of water supply and sewage disposal~~
- 36 ~~systems anticipated to serve the application **subdivision.**~~
- 37 ~~d. A written description of any proposed covenants, easements, rights of way~~
- 38 ~~and/or deed restrictions which are intended to cover all or part of the~~
- 39 ~~subdivision.~~
- 40 ~~e. A description of the homeowners association or other forms of management~~
- 41 ~~organization, if one is proposed.~~
- 42 ~~f. A copy of the deed of the lot which is to be subdivided.~~
- 43 ~~g. The provisions of this Unified Bylaw that are applicable to the area to be subdivided and~~
- 44 ~~any zoning district boundaries affecting the lot.~~
- 45

1 — **7.7.1.2 Preliminary Sketch**

2
3 ~~The Preliminary Sketch shall include the following:~~

- 4
5 — ~~a. A map which shall preferably be at a scale no greater less than 100 feet per inch and no less~~
6 ~~greater than 200 feet per inch., which shows the boundaries of the parcel, true north and~~
7 ~~date.~~
8 — ~~b. Identification of areas that are wooded, open, wet or steeply sloped (25% or more), streams~~
9 ~~or other water bodies, the proposed layout of streets, lots and other features, the project~~
10 ~~boundaries, adjacent land uses, and a map showing the general location of the property in~~
11 ~~relationship to the surrounding area.~~
12 — ~~c. The boundaries of the subdivision parcel(s).~~
13 — ~~d. Date, true north point, and scale.~~
14 — ~~c. All existing and proposed right of way lines, widths of roads, typical road~~
15 ~~profiles, dimensions of all lot lines and size of all lots, locations of all~~
16 ~~buildings, walkways, amenities, utilities, and other manmade improvements.~~

17
18 The DRB may require additional information before recommending that the applicant proceed with
19 the application.

20
21 — **7.7.1.3 Classification of the Project**

22
23 At this meeting ~~At the Preliminary Hearing initial meeting~~ the DRB will classify the project ~~as either a~~
24 ~~into one of two categories as defined in section 7.1 above: major subdivision or minor subdivision as~~
25 ~~defined in Section 7.1~~

26
27 The DRB shall review ~~the application form,~~ the sketch plan and other information required to be
28 presented at the ~~Preliminary Hearing initial meeting~~ to determine whether or not it ~~the project~~
29 conforms to, or would be in conflict with, the Town Plan, this ~~Unified~~ Bylaw, and/or any other
30 applicable Town regulations.

31
32 The DRB shall determine whether the project meets the purposes of these Regulations and may make
33 specific written recommendations for changes ~~in the application.~~

34
35 — **7.7.2.4 Minor Subdivision Application and Procedure ~~for Approval of Final Plan Submittal~~**

36
37 Within six (6) months of the classification by the DRB of the project as a Minor Subdivision, the
38 subdivider shall submit ~~to the Secretary of the DRB~~ an application for approval of a ~~final~~ subdivision
39 ~~Plan.~~ to the Secretary of the DRB. The subdivision plan shall conform to the layout presented to the
40 DRB at the ~~initial meeting~~ Discussion Phase, plus any recommendations made by the DRB.

41
42 ~~The Final Plan Submittal shall consist of four copies of the plot plan and project description and shall~~
43 ~~include the following information:~~

- 44
45 — ~~A. All information required for the Preliminary Submittal Initial Meeting shall be required in~~
46 ~~final form including any revision or additional detail requested by the DRB.~~
47 — ~~B. In the event of granting of easements to the Town of Strafford, a written~~
48 ~~acknowledgement of the subdivider's responsibility for maintenance of~~

- ~~1 ————— easement areas until such land has been legally accepted by the Town.~~
- ~~2 ————— C. Description of the proposed water supply. All design criteria shall be in~~
- ~~3 ————— accordance with applicable state and local health regulations.~~
- ~~4 ————— D. Description of the proposed sewage disposal system (s). If on-site sewage~~
- ~~5 ————— disposal is proposed, then a registered professional engineer's or certified site~~
- ~~6 ————— technician's report and plans prepared in conformance with state and local~~
- ~~7 ————— health regulations shall be submitted.~~
- ~~8 ————— E. Maps Surveys shall be at a scale no greater less than 100 feet per inch and no less greater~~
- ~~9 ————— than 200 feet per inch.~~

10
11 The Secretary of the DRB must receive the ~~final subdivision plan~~ fully completed application, any
12 additional information requested by the DRB during the ~~initial meeting~~ preliminary discussion, three
13 copies of the property survey, names and mailing addresses of all adjacent property owners no later
14 than 20 days before the hearing date.

15
16 ~~7.7.2.5 Final Plan Hearing~~

17
18 A public hearing shall be held by the DRB within 30 ~~45~~ days after receipt of the ~~Final~~ Subdivision
19 application. ~~said~~ ~~The~~ hearing to ~~shall~~ be publicly warned ~~and notice given to abutters~~ at least 15 days
20 in advance of the hearing date. Notice to abutters given at this stage. If additional information or
21 corrective data is required, the hearing may be recessed to another date. certain in order that this
22 information can be supplied.

23
24 ~~7.7.2.6 Final Plan Approval~~

25
26 The DRB shall, within 45 days from the adjournment of the Final Plan Hearing, shall approve,
27 modify, or disapprove the Final Plan ~~based on application of the standards set for in Section 7.10~~ and
28 notify applicant accordingly in writing. Failure to act within such 45 days period shall be deemed
29 approval. In the event that the subdivider has no plans for development, the DRB will establish
30 conditions for future development based on steepness of slopes, ridgeline protection, preservation of
31 important agricultural lands, and establishment of buffer zones around wetlands and streams,
32 protection of wildlife habitat, prevention of forest fragmentation, as well as access by safety and
33 emergency vehicles and any other items listed in 7.10.

34
35 ~~Where applicable to a specific subdivision, the following may be required prior to approval of the~~
36 ~~Final Plan:~~

- ~~37~~
- ~~38 ————— A. an agreement to convey to the Town land to be used for roads, open space and~~
- ~~39 ————— other public purposes;~~
- ~~40 ————— B. an agreement to maintain roads, parks, recreation areas and other improvement~~
- ~~41 ————— in the future and to waive any claims regarding the Town's obligation to accept~~
- ~~42 ————— said improvements as Town facilities;~~
- ~~43 ————— C. descriptions of easements and rights of way over property to remain in private~~
- ~~44 ————— ownership; and~~
- ~~45 ————— D. descriptions of easements to drain onto or across other property.~~

46
47
48 ~~7.7.3 Phasing~~

1
2 At the time the DRB grants Final Plan Approval, it may require the plat to be divided into two or more
3 phases to insure conformity with the Town Plan and may impose such conditions upon the filing of
4 application for final plat approval for each phase as it deems necessary to assure the orderly
5 development of the plat and to avoid overburdening Town facilities and services.
6

7 ~~7.7.4~~ **Signing and Approval of Final Plat**

8
9 ~~Where applicable to a specific subdivision, the following may be required prior to approval of the~~
10 ~~Final Plan:~~

- 11 ~~— A. an agreement to convey to the Town land to be used for roads, open space and~~
- 12 ~~— other public purposes;~~
- 13 ~~— B. an agreement to maintain roads, parks, recreation areas and other improvement~~
- 14 ~~— in the future and to waive any claims regarding the Town's obligation to accept~~
- 15 ~~— said improvements as Town facilities;~~
- 16 ~~— C. descriptions of easements and rights of way over property to remain in private~~
- 17 ~~— ownership; and~~
- 18 ~~— D. descriptions of easements to drain onto or across other property.~~

20 21 ~~7.7.5~~ **Plat Recording**

22
23 ~~The subdivision plats must be delivered to the Town Clerk for filing in the Strafford Land Records~~
24 ~~within 180 days of the date of Final Plan Approval or the approval expires. Prior to recording, the plat~~
25 ~~must be signed by an authorized member of the DRB. For any subdivision which requires the~~
26 ~~construction of roads or other public improvements by the applicant, the authorized members of the~~
27 ~~DRB may not sign the approved plat until the subdivider has:~~

- 28 ~~a. met the requirements, if any, of Performance Bond Requirements; or~~
- 29 ~~b. constructed all public improvements in accordance with approved plans as~~
- 30 ~~— determined by the DRB.~~

31
32 A copy of the approved Final Plan shall be filed with the Town clerk. The Plan to be recorded shall be
33 of a size determined by the DRB.
34

35 ~~7.8~~ **Major Subdivision Application and Procedure**

36 37 ~~7.8.3~~ **Preliminary Plan Application**

38
39 Within 6 months after the ~~Pre-Application Meeting~~, classification of the project as a Major
40 ~~Subdivision by the DRB~~, the subdivider shall submit an application for approval of a Preliminary Plan
41 to the DRB which shall ~~include the following~~: conform to the layout shown on the sketch plan plus
42 any recommendations made by the DRB]. Failure to do so will require resubmission to the DRB for
43 Discussion Phase review.
44

- 45 ~~A. A completed application form which may be obtained from the Town Clerk~~
- 46 ~~together with the required fee.~~
- 47 ~~B. All information required for the Pre-Application under section 7.8.2. submitted~~

1 ~~at the Initial Meeting.~~ from the Discussion Phase.

- 2 C. A statement of the compliance of the proposed subdivision with the Town
3 Plan, this Unified Bylaw ~~regulations~~, including reference to any zoning
4 variances, and other ~~regulations~~ ~~bylaws~~ in effect.
- 5 D. A draft survey plat drawn to a scale adequate for showing the subdivision
6 boundary with lot lines and lot size, dimensions, and abutters' names. If
7 construction is proposed, the plat shall also show at least the location(s) of
8 proposed leach fields, existing or proposed wells, existing buildings or
9 proposed building envelopes, flood hazard areas, primary agricultural soils,
10 any land in pasture, stone walls, and existing and proposed roads
- 11 E. Description of proposed water supply system(s). All design criteria shall be in
12 accordance with applicable State and local health regulations.
- 13 F. A description of proposed sewage disposal system(s). If onsite sewage
14 disposal is proposed, then a registered professional engineer's or certified site
15 technician's report and plans prepared in conformance with State and local
16 health regulations shall be submitted.
- 17 G. Preliminary grading plans showing areas of cut and fill and revised contours at
18 a contour interval not greater than 5 feet.
- 19 H. A storm water drainage plan, drawn at a contour interval not greater than 5
20 feet, shall indicate the methods of collecting and discharging of drainage, as
21 well as methods for temporary and permanent erosion control.
- 22 I. All existing and proposed right of way lines, widths of roads, typical road
23 profiles, dimensions of all lot lines and size of all lots, locations of all
24 buildings, walkways, amenities, utilities and other manmade improvements.
- 25 J. Calculation of sight stopping distances for new road or driveway intersections
26 with Town highways.
- 27 K. Typical landscaping plans showing plant types, ground cover, lighting and
28 signage.
- 29 L. All land proposed to be dedicated to open or public uses or to be reserved for
30 screening and buffer purposes, and the methods for assuring and maintaining
31 such dedication or reservation.
- 32 M. A description of any proposed covenants, and/or deed restrictions which are
33 intended to cover all of part of the subdivision.
- 34 N. A description of the homeowners association or other form of management
35 organization, if such is proposed.
- 36 O. Any other information as deemed necessary for the DRB to make its decision.

37 38 **7.8.4 Approval of Preliminary Plan**

39
40 Within 45 days after formal submission of all Preliminary Plan information required under section
41 7.8.3, ~~by the DRB~~, the DRB shall conduct a preliminary public hearing to be publicly warned at least
42 15 days in advance of the hearing date. Within 45 days of the date of adjournment of the hearing, the
43 DRB shall approve, with or without modification, or disapprove the Preliminary Plan. Any conditions
44 of the approval or grounds for disapproval shall be set forth in a written notice of decision. A
45 Preliminary Plan hearing may be recessed to a date certain in order to secure additional information.

46
47 The Secretary of the DRB (~~Administrative Officer?~~) must receive the completed application and all
48 information specified in section 7.8.3, ~~additional information requested during at the Preliminary~~

1 ~~Hearing~~ discussion phase, three copies of the property survey and names and mailing addresses of all
2 ~~abutters~~ not less than 20 days before a hearing date.
3
4

5 **7.8.5 Phasing**

6
7 At the time the DRB grants Preliminary Plan approval, it may require the plat to be divided into two
8 or more phases to insure conformity with the Town Plan and may impose such conditions upon the
9 filing of the application for **Final Plat** approval for each phase as it deems necessary to assure the
10 orderly development of the plat and to avoid overburdening Town facilities and services.
11

12 **7.8.6 Validity of Preliminary Plan Approval**

13
14 Approval of the Preliminary Plan shall not constitute approval of the subdivision plan. Prior to
15 approval of the final subdivision plan, the DRB may require additional changes, as a result of further
16 study.
17

18 Subsequent to the approval of the Preliminary Plan, the applicant shall submit the approved plan to the
19 Selectmen, DRB and other local entities with jurisdiction over the project and to such regional, State,
20 and Federal agencies as may be required by law. Upon receipt of evidence of approval of the
21 Preliminary Plan by local officials and boards, the applicant may apply to the DRB for Final Plan
22 approval.
23

24 The approval of a Preliminary Plan shall be effective for a period of 6 months from the date of the
25 written notice of approval.
26

27 **7.8.7 Final Plan Application**

28
29 Within six (6) months of Preliminary Plan approval, the subdivider shall submit an application for
30 approval of a Final Subdivision Plat. If the subdivider fails to do so, he shall be required to resubmit a
31 new plat for Preliminary Plan approval subject to any new zoning and subdivision regulations.
32

33 The final application must conform to the requirements of **this Unified Bylaw** ~~these Regulations~~, and
34 shall conform to the layout shown on the Preliminary Plan plus any recommendations made by the
35 DRB **and shall include:**
36

- 37 A. Four copies of a final plot plan and project description.
- 38 B. All information required for the Preliminary Submittal shall be submitted in
39 final form, including any revision or additional detail requested by the DRB.
- 40 B. In the event of granting of easements to the municipality, a written
41 acknowledgement of the subdivider's responsibility for maintenance of
42 easement areas is required until such land has been legally accepted by the
43 Town.
- 44 C. Written evidence of approval by all local officials and boards having
45 jurisdiction over the project.
46
47

1
2 **7.8.6 Final Plan Hearing**
3

4 A Public Hearing shall be held by the DRB within ~~30~~ 45 days after receipt of the final subdivision
5 application along with any information requested by the DRB in the preliminary approval; said
6 hearing to be publicly warned with notice to abutters, at least 15 days in advance of the hearing date.
7 ~~Notice to abutters given at this stage.~~ The Secretary of the DRB must receive the request for a hearing
8 at least 20 days prior to any hearing date along with any information requested by the DRB in the
9 preliminary approval.
10

11 **7.8.9 Final Plan Approval**
12

13 The DRB shall, within 45 days from the adjournment of the Final Plan Hearing, approve, modify, or
14 disapprove the Final Plan. Failure to act within such 45 day period shall be deemed approval. In the
15 event that the subdivider has no plans for development, the DRB will establish conditions for future
16 development based on steepness of slopes, ridgeline protection, preservation of important agricultural
17 lands, and establishment of buffer zones around wetlands and streams, protection of wildlife habitat,
18 prevention of forest fragmentation, as well as access by safety and emergency vehicles and any other
19 items listed in section 7.12.
20

21 Where applicable to a specific subdivision, the following may be required prior to approval of the
22 Final Plan:
23

- 24 A. an agreement to convey to the Town land to be used for roads, open space and
25 other public purposes;
- 26 B. an agreement to maintain roads, parks, recreation areas and other improvement
27 in the future and to waive any claims regarding the Town's obligation to accept
28 said improvements as Town facilities;
- 29 C. descriptions of easements and rights of way over property to remain in private
30 ownership; and
- 31 D. descriptions of easements to drain onto or across other property.
32
33

34 **7.8.8 Plat Recording**
35

36 See Section 7.7.5 for requirements.
37

38 ~~All subdivisions must be recorded in the office of the Town Clerk within 180 days of the date of Final~~
39 ~~Plan Approval or the approval expires. Prior to recording, the plat must be signed by an authorized~~
40 ~~member of the DRB. For any subdivision which requires the construction of roads or other public~~
41 ~~improvements by the applicant, the authorized member of the DRB may not sign the approval plat~~
42 ~~until the subdivider has:~~

- 43 ~~a. met the requirements, if any, of Article V, Section 7, Performance Bond~~
44 ~~— Requirements, of these Regulations; or~~
- 45 ~~b. constructed all public improvements to the satisfaction of the DRB.~~
46

47 ~~A copy of the approved Final Plan shall be filed with the Town Clerk. The Plan to be recorded shall~~

1 be of a size determined by the Development Review Board.

2 3 **7.8.9 Submission Requirements**

4
5 See Section 7.8.11 (?)

6 **7.9.1 Minor Subdivision – Preliminary Layout**

7
8 The Preliminary Plan shall consist of the following maps and information. The submittal shall be
9 made in three copies. Information may be preliminary. Maps shall be at a scale no greater than 100
10 feet per inch and no less than 200 feet per inch.

- 11
- 12 ~~_____ A. A completed subdivision permit application form obtainable from the Town~~
- 13 ~~_____ Clerk. The form shall contain a mailing address list of all abutters to the~~
- 14 ~~_____ proposed subdivision.~~
- 15 ~~_____ B. All information submitted from the discussion phase.~~
- 16 ~~_____ C. The provisions of the Unified Bylaw that are applicable to the area to be~~
- 17 ~~_____ subdivided and any zoning district boundaries affecting the tract.~~
- 18 ~~_____ D. A sketch plan of the boundaries of the subdivision parcel(s).~~
- 19 ~~_____ E. Date, true north point, and scale.~~
- 20 ~~_____ F. Description of the proposed water supply. All design criteria shall be in~~
- 21 ~~_____ accordance with applicable State and local health regulations.~~
- 22 ~~_____ G. Description of the proposed sewage disposal system(s). If onsite sewage~~
- 23 ~~_____ disposal is proposed, then a registered professional engineer's or certified site~~
- 24 ~~_____ technician's report and plans prepared in conformance with State and local~~
- 25 ~~_____ health regulations shall be submitted.~~
- 26 ~~_____ H. All existing and proposed right of way lines, widths of roads, typical road~~
- 27 ~~_____ profiles, dimensions of all lot lines and size of all lots, locations of all~~
- 28 ~~_____ buildings, walkways, amenities, utilities, and other manmade improvements.~~
- 29 ~~_____ I. A description of any proposed covenants, easements, rights of way and/or~~
- 30 ~~_____ deed restrictions which are intended to cover all or part of the subdivision.~~
- 31 ~~_____ J. A description of the homeowners association or other forms of management~~
- 32 ~~_____ organization, if one is proposed.~~

33 **7.9.2 Minor Subdivision – Final Plan Submittal**

34
35 The Final Plan Submittal shall consist of four copies of the plot plan and project description and shall
36 include the following information:

- 37
- 38 ~~_____ A. All information required for the Preliminary Submittal shall be required in~~
- 39 ~~_____ final form including any revision or additional detail requested by the DRB.~~
- 40 ~~_____ B. In the event of granting of easements to the Town of Strafford, a written~~
- 41 ~~_____ acknowledgement of the subdivider's responsibility for maintenance of~~
- 42 ~~_____ easement areas until such land has been legally accepted by the Town.~~
- 43 ~~_____ C. Description of the proposed water supply. All design criteria shall be in~~
- 44 ~~_____ accordance with applicable state and local health regulations.~~
- 45 ~~_____ D. Description of the proposed sewage disposal system (s). If on site sewage~~

1 ~~disposal is proposed, then a registered professional engineer's or certified site~~
2 ~~technician's report and plans prepared in conformance with state and local~~
3 ~~health regulations shall be submitted.~~
4 ~~E. Maps shall be at a scale no greater than 100 feet per inch and no less than 200~~
5 ~~feet per inch.~~

7 ~~7.9.1 Major Subdivision - Preliminary Layout~~

8
9 The Preliminary Plan shall consist of the following maps ~~survey plat~~ and information. The submittal
10 shall be made in six copies. Information may be preliminary. Maps ~~Surveys~~ shall be at a scale no
11 greater ~~less~~ than 100 feet per inch and no less ~~greater~~ than 200 feet per inch.

- 12
13 ~~A. A completed subdivision permit application form obtainable from the Town~~
14 ~~Clerk. The form shall contain a mailing address list of all abutters to the~~
15 ~~proposed subdivision.~~
16 ~~B. All information submitted at the Initial Meeting, from the Discussion Phase.~~
17 ~~C. A statement of the compliance of the proposed subdivision with the Town~~
18 ~~Plan, the Unified Bylaw regulations, including reference to any zoning variances,~~
19 ~~and other bylaws in effect.~~
20 ~~D. A complete survey of the boundaries of the subdivision parcel by a licensed~~
21 ~~surveyor. You did not include Braintree 7.5.3-5 ppage 63~~
22 ~~E. Description of proposed water supply system(s). All design criteria shall be in~~
23 ~~accordance with applicable State and local health regulations.~~
24 ~~F. A description of proposed sewage disposal system(s). If onsite sewage~~
25 ~~disposal is proposed, then a registered professional engineer's or certified site~~
26 ~~technician's report and plans prepared in conformance with State and local~~
27 ~~health regulations shall be submitted.~~
28 ~~G. Preliminary grading plans showing areas of cut and fill and revised contours at~~
29 ~~a contour interval not greater than 5 feet.~~
30 ~~H. A storm water drainage plan, drawn at a contour interval not greater than 5~~
31 ~~feet, shall indicate the methods of collecting and discharging of drainage, as~~
32 ~~well as methods for temporary and permanent erosion control.~~
33 ~~I. All existing and proposed right of way lines, widths of roads, typical road~~
34 ~~profiles, dimensions of all lot lines and size of all lots, locations of all~~
35 ~~buildings, walkways, amenities, utilities and other manmade improvements.~~
36 ~~J. Calculation of sight stopping distances for new road or driveway intersections~~
37 ~~with Town highways.~~
38 ~~K. Typical landscaping plans showing plant types, ground cover, lighting and~~
39 ~~signage.~~
40 ~~L. All land proposed to be dedicated to open or public uses or to be reserved for~~
41 ~~screening and buffer purposes, and the methods for assuring and maintaining~~
42 ~~such dedication or reservation.~~
43 ~~M. A description of any proposed covenants, and/or deed restrictions which are~~
44 ~~intended to cover all of part of the subdivision.~~
45 ~~N. A description of the homeowners association or other form of management~~
46 ~~organization, if such is proposed.~~
47 ~~O. Any other information as deemed necessary for the DRB to make its decision.~~
48

1
2 ~~7.9.2 Major Subdivision – Final Application~~

3
4 The Final Application shall consist of four copies of a plot plan and project description including the
5 following information:

- 6
7 ~~_____ A. All information required for the Preliminary~~
8 ~~Submittal shall be submitted in~~
9 ~~_____ final form, including any revision or~~
10 ~~additional detail requested by the DRB.~~
11 ~~_____ B. In the event of granting of easements to the~~
12 ~~municipality, a written~~
13 ~~_____ acknowledgement of the subdivider's~~
14 ~~responsibility for maintenance of~~
15 ~~_____ easement areas is required until such land~~
16 ~~_____ has been legally accepted by the Town.~~
17 ~~_____ C. Written evidence of approval by all local~~
18 ~~_____ officials and boards having~~
19 ~~_____ jurisdiction over the project.~~

Other Permits Required

An applicant for a zoning or subdivision permit should be aware that their proposed development may require additional permits beyond the scope of this unified bylaw prior to development.

It is advisable that before applying for municipal permits or authorizations the applicant should contact a regional Permit Specialist employed by the Agency of Natural Resources to fill out a Project Review Sheet in order to assure timely action on any related state permits.

The applicant has the obligation to identify, apply for, and obtain relevant state permits.

20
21 **7.8.10 Signing of Approved Final Plat for Major Subdivisions**

22
23 The Final Plat must be a Mylar copy of the survey, and must not differ in any material way from the
24 plat approved at the final public hearing. Prior to filing recording, but after the appeal period has
25 expired, the plat must be reviewed at a regularly scheduled meeting of the DRB for compliance with
26 the final plan approval, and signed by the chair or vice chair of the DRB. The authorized members of
27 the DRB may not sign the Mylar plat unless the applicant has provided any required items of
28 approval, including bond or surety, a written agreement with the Selectboard, an easement or
29 covenant.

30
31 Any changes, erasures, modifications or revisions made to any final Mylar plat after it has been
32 approved and signed by the DRB shall ender the subdivision approval null nad void.

33
34 **7.8.11 Filing of Approved Final Plat/Effect of Failure to File Within 180**
35 **Days for Major Subdivisions**

36
37 Within 180 days following the date of approval of a subdivision, the applicant must submit the final
38 signed Mylar plat to the Town Clerk for filing in the land records of the Town of Strafford. Filing of
39 the plat shall be in accordance with the provisions of the Act as presently enacted and hereinafter from
40 time to time amended. The plat to be recorded shall be in compliance with state law 27 V.S.A.,
41 Chapter 17. Filing fees shall be paid directly to the Town Clerk. Filing of the approved plat, any
42 denials, notices of violation, and other matters of record shall be in accordance with the provisions of
43 the Act as presently enacted and as hereinafter from time to time amended.

44
45 If an accurate Mylar map is not filed within 180 days following approval of the subdivision, the
46 subdivision approval shall be rendered null and void. It is the responsibility of the applicant to present
47 the Mylar in a timely manner so as not to render the approval void.

1
2 The Administrative Officer, with assistance from the applicant, shall manually transcribe the
3 boundaries of the new subdivision onto the listers' tax maps to ensure that proper records are
4 maintained.

5
6 **7.8.12 Administrative Permit** ~~PLANNING AND DESIGN~~
7 ~~SUBDIVISION STANDARDS~~

8
9 Following recording of the Final Plat, the Administrative Officer shall promptly issue an
10 Administrative Permit for the actions as described in the approval. Within three days of issuance,
11 notice of the pending permit shall be supplied to the Listers of the town and posted by the
12 Administrative Officer as prescribed in section 449 of the Act, as presently in effect or hereinafter
13 from time to time amended.

14 **7.9 General Planning Standards**

15
16 The DRB shall authorize the creation of lots, and the siting of structures and improvements on those
17 lots in accordance with the following planning standards. Through the use of these standards, the DRB
18 will seek to implement the Town Plan. That Plan is designed to reinforce two principal factors: the
19 historical, rural character of Strafford and the natural beauty of its mountain setting. These factors will
20 be strongly influenced by future patterns of land subdivision and development siting. Accordingly, the
21 DRB shall consider and apply the Town's special features, landscape patterns, natural resources and
22 the relationship of land use and road access in rendering its decisions. The DRB may require the
23 hiring of outside professional assistance, to be paid for by the Applicant, to assist in their review of
24 the Application.

25
26
27
28 **7.10 Density**

29
30 In order to carry out the requirements of the Strafford Town Plan to preserve wildlife habitat, scenic
31 vistas, and to protect against flood and fluvial erosion hazards and to maintain the open, rural
32 character of the town, this Unified Bylaw establishes density limitations as distinct from minimum lot
33 size and frontage requirements listed elsewhere. A parcel being considered for subdivision shall be
34 limited in potential density by excluding from consideration of maximum number of possible
35 conforming lots those lands having a slope of 25% or more, those lands within 50 feet of any stream
36 or body of water, any class I or class II wetlands or other wetlands identified by the town as
37 significant to wildlife and native plants.

38
39
40 **7.12.3 Character of the Land**

41
42 All land to be subdivided shall be, in the judgment of the DRB, of such a character that it can be used
43 for the intended purposes without danger to public health or safety, to the environment or to critical
44 resources, as identified in the Town Plan. Land designated as flood hazard areas or characterized by
45 poor drainage or steep slopes, or subject to other hazardous conditions shall not ordinarily be
46 subdivided.

1
2 Land shall be subdivided and improved in reasonable conformity to existing topography in order to
3 minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit stormwater
4 runoff and conserve the natural cover and soil.

5
6 Irregularly shaped lots shall be avoided unless warranted due to topographic constraints, or to
7 minimize the fragmentation of natural, scenic or cultural features. All land to be subdivided shall be,
8 in the judgment of the DRB, of such a character that it can be used for the intended purposes without
9 danger to public health or safety, to the environment, or to critical resources as identified in the Town
10 Plan.

11 ~~7.23~~ **Shade Trees**

12 ~~The DRB may require that suitable hardwood shade trees be established in areas where trees do not~~
13 ~~exist. The DRB shall determine the minimum acceptable size of trees.~~

14
15
16
17 The DRB shall require a program of landscaping, soil stabilization and the establishment of
18 appropriate, permanent vegetative cover following excavation or grading. The DRB may also require
19 embankments to be planted with a stabilizing shrub or groundcover to prevent erosion.

20 21 ~~7.12.4~~ **Lot Layout/Siting**

22
23 ~~The layout of lots and the siting of structures shall conform to the requirements of the Unified Bylaw~~
24 ~~Regulations and shall be appropriate for the intended construction. Consideration In lot layout and~~
25 ~~siting **consideration** shall be given to aesthetics, and topographic and soil conditions.~~

26 27 ~~7.12.5~~ **Preservation of Existing Features**

28
29 The applicant ~~Due regard~~ shall demonstrate they have taken reasonable steps be given to the preserve
30 and protect of existing features such as, but not limited to, trees, scenic points and roads, brooks,
31 streams, rock outcroppings, water bodies, forest resources, other natural resources, wildlife habitat,
32 historic resources, prime agricultural soils, and open pastureland.

33 34 ~~7.12.6~~ **Surface water including Wetlands**

35
36 No development will be allowed within 50 feet of surface waters, except stream crossings which
37 should be avoided when practical. Wetlands, as identified and defined by the State of Vermont (**A**
38 **vegetated ecosystem characterized by abundant water.**) shall not be drained, filled or altered to
39 accommodate subdivision. **Any activity within a Class I or Class II wetland or buffer zone which is**
40 **not exempt or an allowed use under Vermont Wetland Rules requires a state wetlands permit.**
41 Proposals for the subdivision of a lot involving or adjacent to an identified wetland shall provide for
42 adequate setbacks of roads, buildings, structures and sewage systems from the wetland. Adequate
43 setbacks shall be no less than 100 feet, but may be increased by the DRB accordingly to protect the
44 following wetland values:

- 45
46 A. water quality control;
47 B. groundwater supply;

- 1 C. flood and erosion control;
- 2 D. flora and fauna; and
- 3 E. education and recreation.

4
5 This provision shall not apply to the use of such areas for the growing of food or crops in connection
6 with farming activities.

7
8 ~~Where subdivision takes place within a deeryard or includes part or all of a deeryard in the land base
9 for the subdivision or the determination of its density, the remainder of the deeryard owned by the
10 applicant shall be managed in a manner compatible with the continued viability of the deeryard. This
11 may include the preparation and implementation of a forest management plan approved by the
12 Vermont Department of Fish and Wildlife.~~

13 ~~7.12.7~~ **Aquifer Recharge**

14
15 ~~Subdivision in an Aquifer Recharge Area shall not result in the pollution of ground or surface waters
16 or an unreasonable reduction of the supply of groundwater. The DRB shall consider such factors as
17 the amount and type of wastes to be generated by the proposed use and the adequacy of design for the
18 proposed disposal system and the capability of the land and water to sustain such use without
19 degradation. In considering an application, the DRB may consult with the Vermont Department of
20 Water Resources for assistance or require certification by a registered professional engineer that the
21 project will not result in degradation.~~

24 **7.12.8 Scenic Qualities**

25
26 Subdivisions visible from public highways shall be designed to ensure that the subdivision and
27 resulting proposed structures or site alterations, including grading, filling, removal of trees, stonewalls
28 or contributing landscape features are consistent with the scenic quality of the road and roadside areas
29 in order to minimize any adverse effects on views or vistas afforded from the scenic road.

30 Subdivisions shall be designed so that location of any subsequent utilities maintain and protect the
31 character of scenic areas. ~~To accomplish this purpose, the DRB may guide the location of structure(s)
32 by varying setbacks, height and other requirements of the district and may restrict location of
33 structures and improvements and require landscaping or screening measures.~~

36 **7.12.9 Agricultural Lands and Pastureland**

37
38 Subdivision of prime agricultural soils and pasturelands shall be permitted only where the DRB makes
39 the following findings:

- 40 A. The subdivision
 - 41 ~~1. minimizes the disruption of the scenic quality of the site;~~
 - 42 1. retains the maximum possible soils/pastureland for agricultural use
 - 43 through such means as clustering under PUD provisions, reduction in
 - 44 allowable density, sale or donation of development rights; and
 - 45 2. maximizes the use of the least productive land and the protection of primary
 - 46

1 agricultural soils.

2
3 B. The subdivision shall not conflict with existing or potentially viable
4 agricultural uses in the area.

6 **7.12.10 Forest Use Land**

7
8 Preservation of the productivity of forest land, preservation of wildlife habitat, and the economic
9 viability of the forest industry are matters of public good. Subdivision which significantly impairs the
10 management or use of forest resources (including wildlife habitat) ~~should~~ shall only be permitted
11 when the public interest is clearly benefitted thereby.

12
13 Subdivision of forest resource areas shall be permitted only where the DRB makes the following
14 findings:

- 15 A. the subdivision will not significantly reduce the potential of the resource for
16 forestry; or
- 17 B. the applicant has demonstrated that the subdivision has been planned to
18 minimize the loss of forestry potential and wildlife habitat.
- 19 C. ~~where subdivision takes place within a deeryard or includes part or all of a~~
20 ~~deeryard in the land base for the subdivision or the determination of its~~
21 ~~density, the remainder of the deeryard owned by the applicant shall be~~
22 ~~managed in a manner compatible with the continued viability of the deeryard.~~
23 ~~This may include the preparation and implementation of a forest management~~
24 ~~plan approved by the Vermont Department of Fish and Wildlife.~~

26 **7.13 Energy Conservation**

27
28 Energy efficient site planning and layout shall be ~~encouraged~~ required in the review of a proposed
29 subdivision or development envelope. Methods that can be used to achieve energy efficiency in site
30 planning include:

- 31
32 A. Buildings may be oriented to take advantage of shade and airflows for cooling in
33 summer, and of passive solar energy for heating and wind protection in winter.
- 34 B. Windows may be placed, and appropriately shaded, to maximize solar gain during the
35 winter months and minimize solar gain during the summer months.
- 36 C. Landscaping may be designed to provide shading and cooling during the summer
37 months while minimizing reduction of solar heat penetration during the winter months.

39 **7.14 Parking**

40
41 ~~Parking requirements shall be as established in this Unified Bylaw. However, the DRB may require~~
42 ~~additional parking if, in its judgment, more parking is needed to accommodate the proposed~~
43 ~~development.~~

45 **7.15 Pedestrian Access**

46
47 The DRB may require right of way to facilitate pedestrian circulation within the subdivision. ~~and to~~

1 ~~insure public access through the property to adjoining properties or uses.~~

3 **7.16 Power and Telephone**

4
5 ~~The DRB may require the underground installation of power and telephone lines wherever it is~~
6 ~~necessary to maintain and protect the visual character of a highly sensitive area. A diagram showing~~
7 ~~location of utility lines shall be submitted with the as-built drawings (Article V, Section 3).~~

9 **7.17 Drainage and Erosion Control**

10
11 Subdivisions shall be designed so as not to cause unreasonable soil erosion, storm water run-off, or a
12 reduction in the capacity of the land to hold water so that a dangerous condition might result. The
13 DRB may require that the applicant submit drainage and erosion control plans prepared by a
14 professional engineer or erosion control specialist. The site shall be planned to minimize the use of
15 pavement, make use of retention ponds and berms, and employ phased construction to reduce runoff
16 and erosion. Use of innovative permeable materials is encouraged.

17
18 The DRB may require such temporary and permanent drainage and erosion control techniques as may
19 be necessary to control surface runoff. Factors to be considered in determining the types of controls
20 necessary shall include vegetation and ground cover, slopes, soil types, percentage of land covered by
21 impermeable surfaces, distances to streams, and impact on adjacent properties.

22
23 The DRB may require the phasing of construction to reduce the amount of land disturbed by
24 construction at any one time, and may stipulate deadlines for the installation of erosion control or soil
25 stabilization measures.

26
27 For the purposes of calculating the amount of surface runoff, a minimum 25 year storm precipitation
28 factor shall be used.

29
30 The DRB may request determination of the effect of the subdivision on the existing downstream
31 drainage capacity outside of the area of the subdivision. Where the DRB anticipates that the increased
32 runoff will overload the capacity of the downstream system, it may request the subdivider to delay
33 construction until capacities are adequate, and may request the subdivider to assist in the capacity
34 improvements deemed necessary.

36 **7.18 Emergency Services**

37
38 Subdivisions shall be designed to ensure adequate provision of facilities necessary for adequate fire
39 protection. Access drives shall be designed to safely accommodate emergency vehicles. Design of
40 such drives or similar facilities shall be done in consultation with the Strafford Fire Department. On
41 major subdivisions, the DRB may require the provision of storage ponds and dry hydrants necessary
42 for adequate fire protection. ~~Such facilities shall be designed in consultation with the appropriate~~
43 ~~local fire department.~~

45 **7.19 Lighting**

46
47 The subdivision shall be designed to minimize light pollution by using fixtures that project downward.

1 Lighting designs shall provide adequate outdoor site lighting for pedestrian and vehicular safety but to
2 keep lighting confined to the property. Use of energy efficient fixtures is encouraged.

3 4 **7.20 Signs**

5
6 ~~The DRB may place more restrictive conditions regarding the size, height, location and number of~~
7 ~~signs than those specified in this Unified Bylaw Zoning Regulations or by State Regulations in order~~
8 ~~to maintain the visual character of the area and to insure the safety and efficiency of pedestrian and~~
9 ~~vehicular circulation.~~

10 11 **7.21 Provision of Buffer Areas**

12
13 The DRB may require greater setbacks from property boundaries than specified in the Unified Bylaw
14 in order to create buffer zones. Conditions for requiring buffer areas may include, but not be limited
15 to, lack of dense vegetation, proximity to streams, wetlands, surface waters, scenic highways,
16 heightened visibility due to differences in elevation, concentration of uses on the site as permitted by
17 PUD and cluster provisions of the Unified Bylaw, and incompatibility of adjacent uses or other
18 aesthetic considerations. The DRB may request **shall require buffer zones on the parcel to be**
19 **subdivided** ~~that the subdivider coordinate buffer zones on his~~ **the parcel to be subdivided** on adjoining
20 parcels in order to provide a continuous system of greenbelts **and wildlife corridors with buffer areas.**

21 22 **7.22 Site Preservation and Improvements Natural Cover**

23
24 Land shall be subdivided and improved in reasonable conformity to existing topography in order to
25 minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit stormwater
26 runoff and conserve the natural cover and soil.

27
28 Irregularly shaped lots shall be avoided unless warranted due to topographic constraints, or to
29 minimize the fragmentation of natural, scenic or cultural features. All land to be subdivided shall be,
30 in the judgment of the DRB, of such a character that it can be used for the intended purposes without
31 danger to public health or safety, to the environment, or to critical resources as identified in the Town
32 Plan.

33 34 **7.23 Shade Trees**

35
36 ~~The DRB may require that suitable hardwood shade trees be established in areas where trees do not~~
37 ~~exist. The DRB shall determine the minimum acceptable size of trees.~~

38 39 **7.24 Excavation and Grading**

40
41 ~~The DRB may require a program of landscaping, soil stabilization and the establishment of~~
42 ~~appropriate, permanent vegetative cover following excavation or grading. The DRB may also require~~
43 ~~embankments to be planted with a stabilizing shrub or groundcover to prevent erosion.~~

44 45 **7.25 Disclosure of Subsequent Development Plans**

46
47 ~~Whenever a subdivider submits a proposal for development on only a portion of a contiguous parcel,~~

1 ~~the DRB may require a general indication of the intended uses of the remaining portion of land. Such~~
2 ~~an indication should include access, type of use, intensity of use, and phasing.~~

3
4
5 **7.26 Roads**

6
7 **7.26.1 Layout**

8
9 All private roadways and intersections shall be designed to insure the safe and efficient movement of
10 vehicles. Roads shall be logically related to the topography so as to produce usable lots and reasonable
11 road grades. Wherever extensions of proposed roads could rationally provide public access to adjacent
12 properties or connection to existing public State or Town highways, a right of way across the
13 subdivider's property may be required.

14 **7.26.2 Traffic Management**

15
16 If, in the judgment of the DRB, a proposed subdivision presents the potential for significant traffic
17 impact on Town or State roads, Village centers, or historic areas, a traffic impact study may be
18 required. The purpose of such a study shall be to identify the traffic impact potential of a proposed
19 subdivision and to identify necessary and appropriate mitigating measures. When warranted, such
20 studies shall be funded by the applicant, prepared by a qualified registered professional engineer or
21 transportation planner, who shall be selected jointly by the applicant and the DRB. Such studies shall
22 include:

- 23
24 A. a description of the general location of the project;
25 B. a statement of existing traffic conditions and projected traffic conditions in
26 five (5) years;
27 C. a statement comparing the operating Level of Service (LOS) of the
28 roadways(s) and/or intersection(s) in the Town with and without the proposed
29 project(s) at the opening date of the project and in five (5) years;
30 D. a statement of recommendations outlining any adverse traffic impact of a
31 proposed project and the necessary improvements to provide an acceptable
32 operating Level of Service.
33

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

36 **7.26.3 Location and Design of Intersections**

37
38 Intersections with existing roadways shall be as close to 90 degrees as possible. Approaches to
39 intersections with existing roads shall be at a maximum grade of 3% for a distance of 100 feet from
40 the edge of the travel lane. Intersections shall be located so as to provide a minimum sight stopping
41 distance in accordance with the following standards of the American Association of State Highway
42 Officials:

43	Minimum Stopping	Sight Distance
44	Design Speed of	Sight Stopping
45	Roadway Section (MPH)	Distance (Feet)

1	30	176
2	40	263
3	50	369

~~The DRB may restrict the frequency of access or impose special intersection design requirements along all Town highways.~~

7.27 Design Standards for Private Roads

Private roads (defined as serving three or more ~~dwelling~~s parcels, ~~or being 800ft in length~~ ~~should~~ shall be built according to the Town Road and Bridge Standards as adopted by the Selectboard. Width of the private road shall be the same as the town road which it utilizes for access.

7.28 Design Standards for Town Roads

All ~~proposed public~~ highways ~~proposed~~ shall comply with adopted Road and Bridge Standards and any revisions made thereto, as adopted by the Selectboard.

7.29 Road terminations

All dead end roads in excess of 800 feet in length shall terminate in T-shape that must be adequately sized and landscaped to allow for the turning around of emergency vehicles.

7.30 Road Maintenance

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

7.31 Curb Cuts on Existing Roads

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

Continuous Road Frontage of Parcel	# of Curb Cuts Permitted
0-799 Feet	2
800-1599 Feet	3
1600-2399 Feet	4
2400-3199 Feet	5
3200 Feet or more	6

39

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

3
4 The Selectboard is responsible for issuing all highway access permits. It is advisable for the applicant
5 to communicate with the Selectboard regarding highway access prior to applying for a subdivision
6 permit, but an access permit is not required as part of the subdivision application. Approval of a
7 subdivision permit by the DRB does not guarantee approval of access by the Selectboard.

8 9 **7.32 General Conditions**

10 **7.32.1 Fees**

11
12 Upon submission of an application ~~for minor subdivision approval~~ for major subdivision preliminary
13 plat approval, the subdivider shall pay the application fee as established by the Board of Selectmen.

14 15 **7.32.2 Completion Date**

16
17 Each approval for a Final Plan shall contain a time limit within which all improvements shall be
18 completed not to exceed 3 years, unless required or extended by the DRB.

19 20 **7.32.3 Completed Site Plan**

21 Submittal of an "as built" plan shall be required prior to the use or occupancy of any major
22 subdivision, and may be required by the DRB for a minor subdivision. This plan shall be drawn to
23 scale and shall indicate by dimensions, angles, and distances the location of all utilities, structures,
24 roadways, easements and other improvements as constructed. As-built plans shall be submitted by the
25 subdivider to the Administrative Officer on a permanent recordable print(s) 18" x 24" size.

26 27 **7.32.4 Revision of Approved Plat**

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

32 33 **7.32.5 Public Acceptance of Roads and Open Spaces**

34 Nothing in ~~this Unified Bylaw these Regulations~~ shall be construed to constitute the acceptance by the
35 Town of Strafford of any road, easement, utilities, park recreation area or other open space shown on
36 the Final Subdivision Plan. ~~The DRB may require the filing of a written agreement between the~~
37 ~~applicant and the Board of Selectmen covering future deed and title, dedication and provision of the~~
38 ~~cost of grading, development, equipment and maintenance of any such improvements, or may require~~
39 ~~of an applicant an agreement to waive any future rights to petition the Town to have roadways within~~
40 ~~the subdivision accepted as public streets. The DRB may require the filing of a written agreement~~
41 ~~between the applicant and the Selectboard waiving any existing or future claim by the applicant and/or~~
42 ~~their~~ heirs, successors and assigns, regarding the Town's obligation to accept any road or other
43 improvement as a Town facility as shown on the Final Subdivision Plan and ~~also~~ providing for the

1 future grading, development, equipment, repair and maintenance of any such road or other
2 improvement by the applicant and/or heirs, successors and assigns.

3
4 Consistent with the objectives of the Town Plan, and in accordance with 10 V.S.A., Chapter 155, the
5 Town may accept an easement on property to protect its open, scenic or resource value. Donation of
6 such a conservation easement to a qualified non-profit organization may also serve as a means of
7 meeting Town Plan objectives. In either case, written agreements between the parties shall be
8 required.

9 **7.33 Compliance with Other Bylaws**

10
11 Nothing in this section shall be so construed as to supersede the conditions and criteria for permit
12 approval set forth in other areas of this Unified Bylaw or other bylaws or Bylaws in effect. This
13 includes, but is not limited to, conditional use criteria, planned residential development and planned
14 unit development requirements set forth in this Unified Bylaw, and water and sewer requirements
15 stipulated in an adopted Health Bylaw.

16
17 Subdivisions granted under this section that utilize a development deferral remain subject to this and
18 other bylaws in Strafford. The subdivision with such a covenant may not be developed if it does not
19 comply with this Unified Bylaw or other bylaws and Bylaws in Strafford.

21 **7.35 Performance Bond Requirements**

22
23 The DRB may require from the applicant, for the benefit of the Town, a performance bond **or other**
24 **form of surety** in an amount sufficient to cover the full cost of constructing any public improvements
25 that the DRB may require in approving the project; such performance bond to be submitted prior to
26 Final Plan approval.

27
28 ~~Security that the project shall be completed, as approved, may be required in the form of:~~

- 29
30 ~~—— A. a surety bond, issued by a surety company authorized to do business in~~
31 ~~—— Vermont, to be filed with the Board of Selectmen in form and amount~~
32 ~~—— satisfactory to it, or~~
33 ~~—— B. a letter of credit, cash, escrow account or savings bank book properly endorsed~~
34 ~~—— to the Town in an amount to be determined by the Board of Selectmen, or~~
35 ~~—— C. a performance bond from the developer or contractor.~~

36
37 The performance **bond guarantee** shall not be released until the ~~DRB~~ **Selectboard** has certified
38 completion of the improvements in substantial accordance with the approved Final Subdivision Plan.
39 The performance bond **or other surety** shall run for a term to be fixed by the DRB, but in no case for a
40 longer term than 3 years **or completion of improvements or whichever is later**. However, the term of
41 such bond may, with the consent of the owner, be extended for an additional period not to exceed 3
42 years.

43
44 If any required improvements have not been installed or maintained as provided within the term of
45 such performance bond, such bond shall be forfeited to the municipality and upon receipt of the
46 proceeds thereof, the municipality shall install or maintain such improvements as are covered by **and**

1 ~~to the extent of~~ such performance bond ~~or the surety~~.

2
3 The DRB may also require surety covering the maintenance of said improvements for a period of 2
4 years after acceptance by the Town; said surety to be equal to not less than 10 percent of the estimated
5 cost of those improvements.

6 7 **7.34 Legal Data**

8
9 ~~Where applicable to a specific subdivision, the following may be required prior to approval of the~~
10 ~~Final Plan:~~

- 11 ~~_____ A. an agreement to convey to the Town land to be used for roads, open space and~~
- 12 ~~_____ other public purposes;~~
- 13 ~~_____ B. an agreement to maintain roads, parks, recreation areas and other improvement~~
- 14 ~~_____ in the future and to waive any claims regarding the Town's obligation to accept~~
- 15 ~~_____ said improvements as Town facilities;~~
- 16 ~~_____ C. descriptions of easements and rights of way over property to remain in private~~
- 17 ~~_____ ownership; and~~
- 18 ~~_____ D. descriptions of easements to drain onto or across other property.~~

21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 **8. Administration, Enforcement and Appeals**

42 43 **8.1 Administrative Officer - General Duties**

1
2 The Administrative Officer shall be appointed for a term of three years by the Planning Commission,
3 with the approval of the Board of Selectmen. The Administrative Officer may be paid for his/her
4 services, and may be removed for cause by the Board of Selectmen, after consultation with the
5 Planning Commission. The Planning Commission may also appoint, with the approval of the Board of
6 Selectmen, an Acting Administrative Officer to act in the capacity of the Administrative Officer when
7 the Administrative Officer is absent or unable to conduct his/her duties.
8

9 The Administrative Officer is hereby appointed to administer this Unified Bylaw, as provided for in
10 24 V.S.A. § 4448. The Administrative Officer shall enforce literally the provisions of this Unified
11 Bylaw and in so doing shall receive applications, inspect premises with permission, maintain records,
12 issue permits and perform other necessary tasks as may be necessary to carry out the provisions of this
13 Unified Bylaw.
14

15 **8.2 Notice of Public Hearings**

16
17 At least one warned public hearing shall be required for conditional use approval, variances,
18 Administrative Officer appeals, site plan review, and final plat review for subdivisions. Notice for a
19 warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all
20 of the following:
21

22 Publication of a notice at the applicant's expense by the Administrative Officer in a
23 newspaper of general circulation in the Town of the date, time, place, and purpose of the
24 hearing; a description of the proposed project; where additional information may be
25 obtained; and that participation in the hearing is a prerequisite to the right to take any
26 subsequent appeal.
27

28 Posting of the same information by the Administrative Officer in three or more public
29 places within the municipality, including at least the Town Office.
30

31
32 Posting of the same information by the applicant on a form provided by the town within
33 view from the public right of way most nearly adjacent to the property for which an
34 application is made. Such outdoors posting shall be posted no closer than 7 feet to the
35 traveled surface. Posting on private property outside the right-of way requires
36 landowner permission. The applicant must provide a signed certificate of posting at the
37 hearing.
38

39 Mailing or hand delivery by the applicant of a copy of the public posting by first class
40 mail to owners of all properties adjoining the property subject to development, without
41 regard to any public right-of-way.
42

43 The applicant must provide a signed certificate of service at the hearing, or return
44 receipts if they choose to use certified mail.
45

46 Written notification to any neighboring town's clerk if the proposed subdivision is
47 within 500 feet of that town.
48

1 If additional hearings are needed for additional information, the first hearing may be recessed to a
2 later date and time specified at the first hearing without requiring new notice. If the first hearing is
3 closed and any additional hearings are needed, the notice requirements above apply.

4
5 Any decision shall be sent by certified mail to the applicant, appellant and other parties in accordance
6 with current Vermont statutes.

8 **8.3 Decisions**

9
10 Any action or decision of a DRB shall be taken by the concurrence of a majority of the members of
11 the DRB. In accordance with 24 V.S.A. § 4464(b), the DRB shall issue a decision within 45 days
12 after the adjournment of the **final** hearing. Failure to issue a decision within the 45-day period shall be
13 deemed approval and shall be effective the 46th day.

14 In addition:

15
16 All decisions shall be issued in writing and shall separately state findings of fact and
17 conclusions of law. Findings of fact shall explicitly and concisely restate the underlying
18 facts that support the decision, based exclusively on evidence of the record. Conclusions
19 shall be based on the findings of fact. The decision shall also include a statement of the
20 time within which appeals may be taken under Section 8.4.

21
22 Within the Floodplain Overlay District, the DRB shall consider comments from the
23 NFIP Coordinator at ANR. The DRB may recess the proceedings on any application
24 pending submission of additional information.

25
26 In rendering a decision in favor of the applicant, the DRB may attach additional
27 reasonable conditions and safeguards as it deems necessary to implement the purposes
28 of the Act, these regulations, and the municipal plan currently in effect. This may
29 include, as a condition of approval:

- 30
31 A. the submission of a three-year performance bond, escrow account, or
32 other form or surety acceptable to the Selectboard, which may be
33 extended for an additional three-year period with the consent of the
34 owner, to assure the completion of a project, adequate stabilization, or
35 protection of public facilities that may be affected by a project; and/or
36
37 B. a requirement that no ~~Administrative Permit~~ **Certificate of Compliance** be issued for
38 an approved development until required improvements have been satisfactorily
39 installed in accordance with the conditions of approval.

40
41 All decisions of the DRB shall be sent by certified mail, within the required 45-day period, to the
42 applicant or the appellant on matters of appeal. Copies of the decision also shall be mailed to every
43 person or body appearing and having been heard at the hearing, and filed with the Administrative
44 Officer and Clerk as part of the public record of the municipality.

45 **8.4 Appeals**

1 **8.4.1 Appeals of the Administrative Officer**

2
3 Any interested person may appeal any decision or act taken by the Administrative Officer by filing a
4 notice of appeal with the secretary of the DRB or with the Clerk of the municipality. If the appeal is
5 made with respect to any decision or act of the Administrative Officer, such notice of appeal must be
6 filed within fifteen (15) days of the date of such decision or act, and a copy of the notice of appeal
7 shall be filed with the Administrative Officer.

8
9 A notice of appeal filed under this section shall be in writing and include the following information, in
10 accordance with 24 V.S.A. § 4466:

- 11
12 1. the name and address of the appellant,
13 2. a brief description of the property with respect to which the appeal is taken,
14 3. a reference to applicable provisions of these regulations,
15 4. the relief requested by the appellant, including any request for a variance from
16 one or more provisions of these regulations, and
17 5. the alleged grounds why such relief is believed proper under the circumstances.

18 **8.4.2 Appeal Process**

19
20 The DRB shall hold a public hearing on a notice of appeal within 60 days of its filing, as required
21 under 24 V.S.A. § 4468. The DRB shall give public notice of the hearing under Section 8.2, and mail
22 a copy of the hearing notice to the appellant not less than 15 days prior to the hearing date.

23
24 The DRB may reject an appeal or request for reconsideration without hearing, and render a decision
25 which shall include findings of fact within 10 days of the filing of a notice of appeal, if the Board
26 determines that the issues raised by the appellant have been decided in an earlier appeal or are based
27 on substantially or materially the same facts by or on behalf of the appellant [24 V.S.A. § 4470].

28
29 In accordance with 24 V.S.A. § 4468, all appeal hearings shall be open to the public and the rules of
30 evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested
31 cases in hearings before administrative agencies as set forth in 3 V.S.A. § 810. Any interested person
32 (see 8.5?) or body may appear and be heard in person or be represented by an agent or attorney at the
33 hearing. The hearing may be adjourned by the DRB from time to time, provided that the date and
34 place that the hearing shall be reconvened is announced prior to adjournment.

35
36 A decision on appeal shall be rendered within 45 days after the final adjournment of the hearing, as
37 required under 24 V.S.A. § 4464(b). The decision shall be sent by certified mail to the appellant
38 within the 45 day period. Copies of the decision shall be mailed to every person or body appearing
39 and having been heard at the hearing, and filed with the Administrative Officer and the Municipal
40 Clerk as part of the public records of the municipality, in accordance with Section ???. Failure of the
41 DRB to issue a decision within this 45 day period shall be deemed approval and shall be effective on
42 the 46th day.

43
44 **8.5 Interested Persons**

45
46 The definition of an interested person under 24 V.S.A. § 4465(b) includes the following:

- 1
2 1. a person owning title to property, or a municipality or solid waste
3 management district empowered to condemn it or an interest in it,
4 affected by a Unified Bylaw, who alleges that the Unified Bylaw
5 imposes on the property unreasonable or inappropriate restrictions
6 under the particular circumstances of the case;
7
- 8 2. the Town of Strafford or any adjoining municipality;
9
- 10 3. a person owning or occupying property in the immediate neighborhood
11 of a property which is the subject of a decision or act taken under these
12 regulations, who can demonstrate a physical or environmental impact on
13 the person's interest under the criteria reviewed, and who alleges that the
14 decision or act, if confirmed, will not be in accord with the policies,
15 purposes or terms of the plan or Unified Bylaw of that municipality;
16
- 17 4. any ten (10) voters or property owners within the municipality who, by
18 signed petition to the DRB, allege that any relief requested by a person
19 under this section, if granted, will not be in compliance with the policies,
20 purposes or terms of the plan or regulations of the municipality; and
21
- 22 5. any department or administrative subdivision of the state owning
23 property or any interest therein within the municipality or adjoining
24 municipality, and the Vermont Agency of Commerce and Community
25 Development.

26 **8.6 Appeals to Environmental Court**

27
28 An interested person who has participated in a proceeding before the DRB may appeal a decision to
29 the Vermont Environmental Court in accordance with current Vermont statutes. Participation in a
30 proceeding shall consist of offering, through oral or written testimony, evidence or statement of
31 concern related to the subject of the proceeding. In the event that a notice of appeal is properly filed,
32 any permit, approval or action shall not take effect until final adjudication of said appeal.
33

34 **8.8 Violations and Enforcement**

35
36 The commencement or continuation of any land development that does not meet the requirements of
37 ~~these regulations~~ **this Unified Bylaw** shall constitute a violation. All violations shall be pursued in
38 accordance with 24 V.S.A. §§ 4451, 4452. Each day that a violation continues shall constitute a
39 separate offense. ~~The Administrative Officer shall~~ **Selectboard may** institute, in the name of the Town
40 of Strafford, any appropriate action, injunction or other proceeding to enforce the provisions of ~~these~~
41 ~~regulations~~ **this Unified Bylaw**. All fines imposed and collected shall be paid over to the municipality.
42

43 Note that within the Flood Hazard Overlay additional provisions apply.

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8.7 Notice of Violations

No action may be brought under this section unless the alleged offender has had at least seven (7) days' warning notice by certified mail that a violation exists, as required under 24 V.S.A. § 4451. The notice of violation also shall be issued by the Administrative Officer and recorded in the land records of the municipality. ~~under Section 5.7.~~ The notice shall state that a violation exists; that the alleged offender has an opportunity to cure the violation within the seven-day notice period, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the regulations after the seven-day notice period and within the next succeeding 12 months.

Note that within the Flood Hazard Overlay additional provisions apply.

8.9 Limitations on Enforcement

An action, injunction or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required or duly recorded municipal land use permit may be instituted against the alleged offender if the action, injunction or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred, and not thereafter, in accordance with 24 V.S.A. § 4454. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted. No enforcement proceeding may be instituted to enforce an alleged violation of a municipal land use permit unless the permit or a notice of the permit has been recorded in the land records of the municipality under Section 2.2.

1
2
3 **9. Definitions**
4

5 For the purposes of this Bylaw, meanings of the following words and terms shall be interpreted as
6 defined below and all other words shall be presumed to have their normal meaning, unless such
7 meaning runs counter to the purposes and objectives of this Bylaw or the Town Plan. The definitions
8 of terms defined in Section 4303 of the Act, and not otherwise defined herein are made a part of this
9 Bylaw.

10
11 **ACCESSORY BUILDING OR ACCESSORY USE:** A building or use customarily incidental and
12 subordinate to the principal building or use located on the same lot. There can only be one
13 **ACCESSORY DWELLING UNIT** (Section 3.12 of this Unified Bylaw), ~~DETACHED~~
14 ~~APARTMENT~~ (below in this Definitions section), or ~~DETACHED HOUSING UNIT~~ (Section 3.23)
15 ~~per primary residence.~~

16
17 **AFFORDABLE HOUSING:** Affordable housing is defined as that which is a household making the
18 County median income could afford if no more than 30% of its income were spent on housing costs.
19 For homeowners, housing costs include payments for principal and interest on mortgage, taxes, etc.
20 For renters, housing costs include rent and utilities.

21
22 **AGRICULTURAL STRUCTURE:** A building or structure used primarily as part of an agricultural
23 operation including barns, sheds, silos, and storage pits. See section 2.2 (4).
24

25 **AGRICULTURAL USE:** Any use of structures for the raising, storage or maintenance of livestock,
26 field crops, forest crops or any other crops or animals. Examples: Dairy barns, stables, kennels,
27 greenhouses, or poultry houses. Per 24 V.S.A., Section 4413 (d), no municipal permit shall be
28 required for accepted agricultural practices. Agriculture primarily for the purpose of consumption by
29 a single family shall not be considered commercial agriculture.
30

31 **ALTERATION:** Structural change that increases the exterior height, width or length of the building,
32 including a change of location of, or addition to, a building.
33

34 **BED & BREAKFAST:** A building used as a dwelling unit having a capacity of between 5 and 12
35 paying guests for public lodging, providing room and/or meals for lodging guests only, and which
36 does not materially change the character of the immediate area.
37

38 **BUILDING:** A structure having a roof supported by columns or walls and intended for the shelter or
39 enclosure of persons, animals or chattel, excluding fences.
40

41 **BUILDING HEIGHT:** The vertical distance measured from the **highest point of the foundation to the**
42 **highest point of the structure** ~~average elevation of the proposed finish grade around the building to the~~
43 ~~highest point of the structure~~, not including chimneys or smokestacks.

44 **BUILDING HEIGHT** — The vertical distance measured from the average elevation of the proposed
45 finish grade around a building to the highest point of the roof. The distance measured is exclusive of
46 chimneys, lightning rods, antennas, or rooftop solar collectors less than 10 feet high.
47

1 The finish grade represents the average of finished ground level adjoining the building at exterior
2 walls. Where the finish ground level slopes away from the exterior walls, the finish grade shall be
3 established by the lowest points within the area between the building and the lot line or, where the lot
4 line is more than 6 feet from the building, between the building and a point 6 feet from the building.
5

6
7 ~~BUILDING/STRUCTURE, NON-CONFORMING: A building or structure, or part thereof, not~~
8 ~~conforming with this Zoning Bylaw covering dimensions, height, area, density, or off-street parking,~~
9 ~~where such building or structure conformed to all applicable regulations prior to the enactment of this~~
10 ~~Bylaw.~~

11
12 CEMETERY: A parcel of land used exclusively for the burial of humans.

13
14 CERTIFICATE OF COMPLIANCE: A certificate issued by the Administrative Officer certifying the
15 applicant has acted in accordance with all terms and conditions of the zoning permit as granted; this
16 certificate must be issued prior to the use or occupation of any land or building

17
18 COMMENCEMENT OF CONSTRUCTION: Construction of the first improvement to land or to a
19 building or structure, including work preparatory to construction, such as clearing or roadway
20 improvements, the act of which is incidental to a plan or intention to erect or make alterations to a
21 building or structure, or divide land for sale or other means.

22
23 COMMERCIAL (LIGHT): Any use of land or structures primarily for the purpose of buying or
24 selling goods or services, which, after applying the Bylaw standards, could reasonably be carried out
25 on ½ acre of land. ~~Examples: retail shops or general stores.~~

26
27 COMMERCIAL (MEDIUM/HEAVY): Any use of land or structures primarily for the purpose of
28 buying or selling goods and which would reasonably require more than ½ acre of land. Examples:
29 automotive dealership, equipment sales, or building supply outlets.

30
31 CONDITIONAL USE PERMIT: A permit that is issued by the DRB after a public hearing, if the
32 proposed conditional use (see definition under USE, CONDITIONAL) does not adversely affect the
33 capacity of community facilities, the character of the area affected, traffic, the utilization of renewable
34 resources, or the provisions of the Bylaw. To be obtained after a site plan review has been conducted
35 by the DRB, if a site plan review is also required.

36
37 ~~CORPORATE RETREAT: A facility used primarily for educational purposes for training and~~
38 ~~development of business executives, the total of which are not to exceed 24 persons at any one time.~~

39
40 DAY CARE FACILITY: The principal use of a building or lot is to provide supervision, care, or
41 meals, but not overnight lodging, for infants, children, handicapped and/or the elderly.

42
43 ~~DETACHED APARTMENT: An apartment in an accessory structure and not attached to the~~
44 ~~principal single family dwelling or structure. It shall be no more than 900 square feet in area or one-~~
45 ~~third of the living area of the primary dwelling, whichever is less. In determining density or minimum~~
46 ~~lot size requirements, detached apartments shall be considered an additional family dwelling.~~

47
48 DISTRICT: A part, zone or geographic area within the Town of Strafford within which certain

1 zoning or development regulations apply.

2
3 DWELLING, ONE FAMILY: A building containing one dwelling unit.

4
5 DWELLING, TWO FAMILY: A building containing two dwelling units.

6
7 DWELLING, MULTIPLE: A building containing more than two dwelling units.

8
9 DWELLING UNIT: A room or group of rooms ~~to be occupied solely by one family.~~ which provide
10 residential amenities for one or more people.

11
12 ELDERLY HOUSING: A facility that it is occupied solely by persons who are 62 or older or at least
13 one person who is 55 or older in at least 80 percent of the occupied units, and adheres to a policy that
14 demonstrates intent to house persons who are 55 or older.

15
16 FORESTRY USE: Land which is managed and used for the cultivation and harvesting of trees.

17
18 GUEST HOUSE: A building used as a dwelling unit having a total capacity of not more than four
19 paying guests for public lodging, providing rooms and/or meals for lodging guests only, and which
20 does not materially change the character of the immediate area.

21
22 HOME BUSINESS OCCUPATION: Any occupation customarily carried on by a resident at his
23 residence, provided that the use occupies a minor portion of the residence and/or accessory structures,
24 does not materially change the character of the area and is clearly secondary to the principal use as a
25 residence.

26
27 INDUSTRIAL (LIGHT): Any use of land or structures for the purpose of manufacturing, processing
28 or storing goods which after applying the standards of the Bylaw would reasonably be carried out on
29 ½ acre of land. Examples: small assembly operations and craft workshops.

30
31 INDUSTRIAL (MEDIUM/HEAVY): Any use of land or structures for the purpose of manufacturing,
32 processing or storing goods which after applying the standards of the Bylaw would reasonably require
33 more than ½ acre of land. Examples: sawmills, warehouses or large manufacturing processes.

34
35 INTERESTED PERSON: Anyone lawfully afforded the right to appeal a decision or act of the
36 Administrative Officer as defined under 24 V.S.A. § 4465(b).

37
38 JUNK YARDS: Any place of outdoor storage or deposit which is maintained, operated or used in
39 connection with a business for storing, keeping, processing, buying or selling junk or scrap. In
40 addition, the term means any place of outdoor storage or deposit, not in connection with a business,
41 which is maintained or used for storing or keeping four or more junk motor vehicles which are visible
42 from a public highway. This does not mean a garage where wrecked or disabled motor vehicles are
43 stored for less than 90 days for inspection or repairs.

44
45 LAND DEVELOPMENT: The division of a parcel into two or more parcels; the construction,
46 reconstruction, relocation or enlargement of any building or structure, or any mining, excavation or
47 landfill; or any change in use of any building or other structure or land or extension of use of land.

1 LODGE/INN: A building containing central entrances for lodging up to 25 paying guests which may
2 provide meals for guests and the general public.

3
4 LOT: A designated parcel, tract or area of land established by plat, subdivision, or as otherwise
5 permitted by law; to be used, developed or built upon as a unit. A lot cannot be divided by a public
6 highway as defined by 19 V.S.A. § 1.

7
8 LOT AREA: The total area within the property lines of the lot.

9
10 LOT FRONTAGE: That portion of a lot which is adjacent and parallel to **borders** a public highway
11 as defined by 19 V.S.A., Section 1, or a private right-of-way as approved by the DRB pursuant to
12 Section 3.2.

13
14 MUNICIPAL USES: Any use of land or structures for municipal services. Examples: public
15 utilities, **town highways, public recreation areas**, municipal garages, municipal parking lots.

16
17 MUSEUM: A use of a building and land by an institution devoted to the procurement, care, study,
18 and display of objects of interest or value.

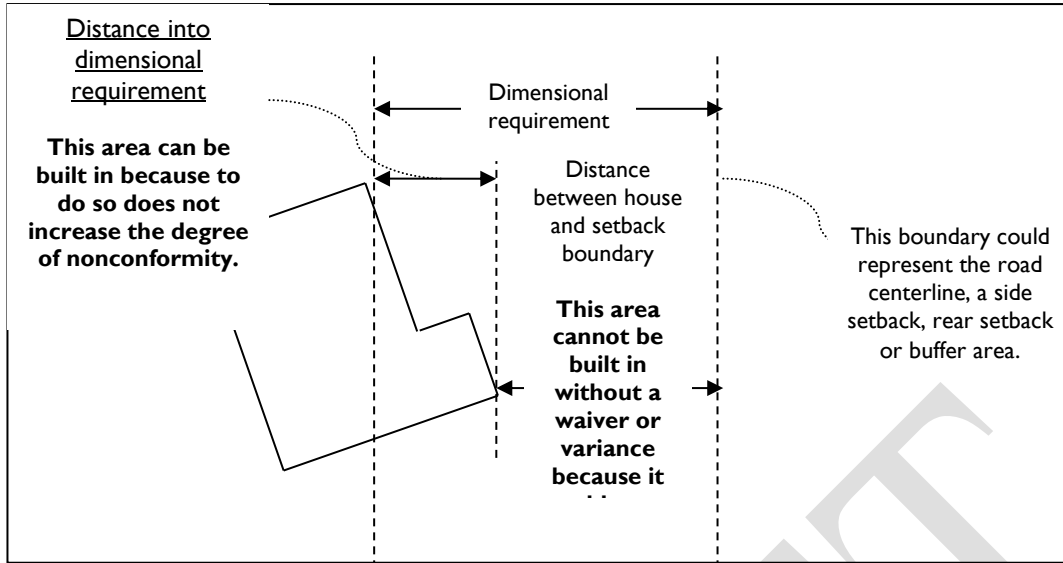
19
20 ~~NEIGHBORHOOD COMMERCIAL FACILITY: Any commercial facility such as a grocery,~~
21 ~~general, newspaper, drug store or retail establishment intended principally to serve the neighborhood~~
22 ~~in which it is located.~~

23
24 NONCONFORMING STRUCTURE: A structure or part of a structure that does not conform to the
25 present Bylaws but was in conformance with all applicable laws, Bylaws, and regulations prior to the
26 enactment of the present Bylaws, including a structure improperly authorized as a result of error by
27 the administrative officer **or a municipal board**. Structures that were in violation of the flood hazard
28 regulations at the time of their creation, and remain so, remain violations and are not nonconforming
29 structures.

30
31 NONCONFORMING USE: Use of land that does not conform to the present Bylaws but did conform
32 to all applicable laws, Bylaws, and regulations prior to the enactment of the present Bylaws, including
33 a use improperly authorized as a result of error by the administrative officer **or a municipal board**.

34
35 NONCONFORMITY: A nonconforming use, structure, lot, or parcel.

36
37 NONCONFORMITY, DEGREE OF - In plain language, the degree of non-conformity is the linear
38 distance that the non-conforming structure protrudes into the setback. (diagram below.)
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NUISANCE: An undue interference with the enjoyment and use of property.

OUTDOOR CAMPING FACILITIES: The term means any tract or parcel of land occupied by more than three (3) automobile trailers, campers, recreational vehicles, tent sites or temporary cabins for a brief period for vacation or recreational purposes. There shall be no distinction made between non-commercial (no charge, no service) and commercial operations. A mobile home used as a residence is considered as a dwelling and this definition is not applicable.

OUTDOOR RECREATION FACILITIES: A principal use of land together with any accessory buildings which typically involves the sale of a service, including but not limited to tennis courts, golf courses, hiking trails, skating rinks, playfields, horse riding and driving, wildlife sanctuaries, cross-country skiing and outdoor swimming pools. The term specifically excludes outdoor movie theaters, firing ranges, bowling alleys, race tracks, motor bike, and ATV activities.

PARKING AREA: An area of land on a lot designated or used exclusively for the maneuvering and storage of motor vehicles and not within the public right-of-way.

PARKING SPACE: A defined space which is at least ten feet wide and twenty feet long, outside of the right-of-way or driveway, ~~used for the parking of one motor vehicle and~~ which affords practical access to the road or right-of-way and which is graveled or is paved sufficiently to permit year-round use.

PLANNED UNIT DEVELOPMENT: An area for which the design and development promotes the most appropriate use of the land, facilitates the adequate and economical provision of streets and utilities, and preserves the natural and scenic qualities of the land. An area of land, controlled by a land-owner, to be developed as a single entity for a number of dwelling units, commercial and/or industrial uses, the plan for which does not correspond in lot size, bulk or type of dwelling, commercial or industrial use, density, lot coverage and required open space to the Bylaw established in any one or more zoning districts.

PRINCIPAL BUILDING: A building ~~or portion thereof~~ in which is conducted the principal use of the lot on which it is located.

- 1 PRINCIPAL USE: The primary or predominate use of any lot.
2
- 3 PRIVATE ROAD: Any roadway serving three or more **dwellings**. ~~properties or any driveway of~~
4 ~~more than 800 feet in length.~~
5
- 6 PROFESSIONAL OFFICE: An office **for professional services** where business of a service nature is
7 provided. ~~principally by the owner and generally not involving multiple employees or partners.~~
8 Examples include a doctor's or real estate broker's office or an insurance office.
9
- 10 PUBLIC BUILDING: A building owned by a municipality, county, state, or federal government or a
11 quasi-public building that is property tax exempt or qualifies for exemption, such as a church, private
12 school, medical clinic, hospital, library or museum.
13
- 14 PUBLIC LAND: Land owned in fee by the State of Vermont, Town of Strafford or other political
15 subdivision.
16
- 17 PUBLIC OPEN SPACE: Public or community owned land available for limited public or park-like
18 uses.
19
- 20 PUBLIC UTILITY: A business or service which is engaged in regularly supplying the public with a
21 commodity such as telephone, **internet**, electric, sewage or water service.
22
- 23 REPAIR OR SERVICE SHOP: A structure utilized exclusively for the sale of goods or services to
24 the general public. ~~typically in~~ **For example**, fixing and reconditioning objects and machinery. ~~Such~~
25 ~~activities are conducted within the structure and not outdoors or in view by the general public.~~
26
- 27 RESTAURANT: A commercial establishment which is open to the public and which provides meals
28 to its patrons.
29
- 30 RESIDENTIAL (1 and 2 FAMILY DWELLINGS): Any use of land or structures comprising the
31 residence of one or two families in a primary structure. Examples: **single family homes**, duplexes,
32 mobile homes, or cabins.
33
- 34 RESIDENTIAL (MULTIPLE FAMILY DWELLINGS): Any use of land or structures comprising
35 the residence of three or more families in a primary structure, cluster or complex. Examples:
36 apartment house or attached townhouses.
37
- 38 RETAIL ESTABLISHMENT: An establishment engaged in selling goods or merchandise to the
39 general public for personal or household consumption and rendering services incidental to the sale of
40 such goods, the use of which does not exceed 6,000 square feet of floor area.
41
- 42 SCHOOL: Includes public, private, and nursery school, college, university and accessory uses, but
43 shall not include commercially operated schools of business, dancing, driving, beauty culture, or
44 similar business establishments.
45
- 46 SETBACK, FRONT: The distance from the centerline of any highway or road right-of-way **which**
47 **abuts a parcel of land** to the nearest part of any building or structure.
48

- 1 SETBACK, REAR: The distance from the rear lot line to the nearest part of any building or structure.
2
- 3 SETBACK, SIDE: The distance from the side lot line to the nearest part of any building or structure.
4
- 5 SIGN AREA: The entire face of a sign, including the advertising surface and any framing, trim or
6 molding, but not including the supporting structure.
7
- 8 SIGN, BUSINESS AND PUBLIC BUILDING: A structure which calls attention to and/or acts as an
9 outdoor display for an establishment, property, or the services and products provided therein.
10
- 11 SIGN, INSTRUCTIONAL: A structure which is used to direct the user of the premises for off-street
12 parking, traffic control, pedestrian areas, loading docks, safety zones or other similar purposes.
13
- 14 SIGN, PERMANENT: Any ~~structure surface, fabric, device or display which bears letter, pictorial or~~
15 ~~sculptured matter~~ designed to convey information visually and which is exposed to public view. The
16 term shall include all structural members and related elements composed to form a single unit.
17
- 18 SIGN, TEMPORARY: A structure which is used to advertise or call attention to a special sale, event,
19 auction, campaign drive, etc., such sign to be erected for a period not to exceed 21 days **per occasion**.
20 ~~within one calendar year.~~
21
- 22 SIGN, REAL ESTATE: A structure which is designed or used to advertise or call attention to real
23 estate available for sale or lease erected on premises offered for sale or lease.
24
- 25 SITE PLAN REVIEW: Prior to the approval of any structure other than a one- or two-family
26 dwelling or any use other than agricultural or Home Occupation I, the DRB shall review applications
27 and may impose conditions and safeguards as they relate to traffic access, circulation and parking;
28 landscaping and screening; the protection of the utilization of renewable energy resources; and other
29 requirements as listed in this Bylaw. The site plan review shall take place prior to the DRB
30 conditional use public hearing.
31
- 32 SMALL ENTERPRISE: A small business located in the Village Center or Rural Residential Districts
33 that is larger than a home occupation in size or scope but meets other performance criteria as listed in
34 Section **5.3**.
35
- 36 STRUCTURE: An assembly of materials with fixed location on or below the ground, or attached to
37 an object having an affixed location on the ground including, but not limited to, towers, dish antennae,
38 **signs**, but excluding mailboxes, fences, roads or driveways, and underground utilities.
39
- 40 STRUCTURE, MINOR: A building less than 120 square feet in area. Minor structures must meet all
41 setback minimums for the district where they are located.
42
- 43 ~~STRUCTURE, NON-CONFORMING: A structure, or part thereof, not in conformance with the~~
44 ~~Strafford Zoning Bylaw covering building height, area, yards, density or off-street parking~~
45 ~~requirements where such structure conformed to all applicable laws and regulations prior to the~~
46 ~~enactment of this Bylaw.~~
47
- 48 STRUCTURE, TEMPORARY: A structure for accessory use, without a permanent foundation or

1 footing and which is removed when the designated time period, activity, or use for which it was
2 erected has ceased.

3
4 **STRUCTURE, OCCASIONAL USE:** A cabin, camp, construction trailer or structure used on an
5 intermittent basis. ~~where, depending on the use, a septic system may be required.~~

6
7 **SUBDIVISION, LAND:** The act of dividing a parcel of land by sale, gift, lease, mortgage
8 foreclosure, court ordered partition or the filing of a plot plan in the Town Records where the act
9 creates or is intended to create two or more lots.

10
11 **SUBSURFACE SEWAGE DISPOSAL SYSTEM:** Any sewage disposal system which treats and
12 disposes of domestic sewage underground and therefore whose proper installation and safe
13 functioning is dependent on suitable conditions of soils, slopes, bedrocks, and water tables **as**
14 **determined by the VT Agency of Natural Resources Waste Management Division.**

15
16 **SURFACE WATER:** Any year-round body of water such as brooks, streams, rivers, ponds or lakes.

17
18 ~~**TOWER:** A structure more than 30 feet in height above the ground elevation built for the purpose of~~
19 ~~supporting, elevating, or placement of antennas for broadcast services or wireless services.~~

20
21 **USE, CONDITIONAL:** Any of the various uses in the zoning districts, as listed in Table 2, which
22 requires a permit from the DRB.

23
24 ~~**USE, NON-CONFORMING:** A use of a building or land legally existing at the time of the adoption~~
25 ~~of this Bylaw, or any amendment thereto, and which is not an allowable use in the district in which it~~
26 ~~is located.~~

27
28 **USE, PERMITTED:** A use which may be approved by the Administrative Officer in any district as
29 set forth by this Bylaw, excluding illegal uses and non-conforming uses.

30
31 ~~**VANTAGE POINT:** A point located on a public highway or public water body in Strafford from~~
32 ~~which a proposed wireless communication facility will be visible.~~

33
34 **VARIANCE:** A deviation from the strict application of the provisions of this **Unified** Bylaw
35 authorized by the DRB **pursuant to 24 V.S.A. Section 4469 (a).**

36
37 ~~**WIRELESS COMMUNICATION FACILITY:** An FCC regulated tower, pole, antenna, guy wire, or~~
38 ~~related fixture intended for use in connection with transmission or receipt of radio or television signals~~
39 ~~or any other electromagnetic spectrum-based transmissions/reception; the construction or~~
40 ~~improvement of a road, trail, building, or structure incidental to an FCC regulated telecommunications~~
41 ~~facility. This definition does not include satellite receivers less than 2 feet in diameter for home use.~~
42 ~~It is the intent of this definition to specifically exclude wireless communication facilities that are not~~
43 ~~regulated by the FCC.~~

44
45 **WETLANDS:** A vegetated ecosystem characterized by abundant water. Any activity within a Class I
46 or a Class II wetland or buffer zone which is not exempt or considered an 'allowed use' under VT
47 **Wetland Rules requires a permit from the VT Agency pf Natural Resources.**