

# **Town of West Windsor**

## **Land Use & Development Regulations**

### **Zoning & Subdivision Bylaws**

Prepared by: West Windsor Planning Commission

With assistance from: Mount Ascutney Regional Commission

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**LAND USE & DEVELOPMENT REGULATIONS  
TOWN OF WEST WINDSOR, VERMONT  
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Note: Defined terms are indicated in **BOLD** throughout the text and defined in Section 10.2.

### **Important Abbreviations**

**The Act:** The Vermont Planning & Development Act, 24 V.S.A., Chapter 117  
**Bylaw:** West Windsor Land Use and Development Regulations  
**DRB:** Development Review Board  
**PC:** Planning Commission  
**PUD:** Planned Unit Development  
**V.S.A.:** Vermont Statutes Annotated

## **ARTICLE 1 - AUTHORITY & PURPOSE**

### **Section 1.1 Enactment**

In accordance with the Vermont Planning and Development Act (hereinafter referred to as "the Act") 24 V.S.A., Chapter 117, and 10 V.S.A. Chapter 32, there are hereby established Zoning and **Subdivision** Regulations for the Town of West Windsor which are set forth in the following text and maps that constitute these Regulations. These Regulations shall be known as the "Town of West Windsor Land Use and Development Regulations," and shall supersede the Town of West Windsor Zoning Ordinance adopted February 3, 1973. Mandatory requirements enacted by the Vermont legislature will automatically become a part of these Zoning Regulations. It is the **applicant's** responsibility to comply with all state and federal requirements and, upon request by the **Administrative Officer** or the DRB, to provide proof of compliance.

### **Section 1.2 Purpose**

It is the purpose of these Regulations to promote the health, safety and general welfare of the residents, protect the natural resources, and provide for the orderly development of the Town of West Windsor. These Regulations also strive to implement the goals and policies of the **Town Plan** as established in the Act, Section 4302, to integrate all administrative and regulatory provisions of **municipal** zoning and **subdivision** regulations as authorized by the Act (4411, 4418, and 4419) into a single set of land use regulations.

### **Section 1.3 Application & Interpretation**

A. The application of this bylaw is subject to the provisions of all subchapters of the Act as most recently amended. In accordance with the Act [§4446], no land development as defined herein shall commence within the jurisdiction of the Town of West Windsor until a zoning permit has been issued by the Administrative Officer, as provided for in the Act [§§4448, 4449], and no appeal is pending. **Any land development not specifically authorized or exempted under this bylaw is prohibited.**

B. This bylaw is intended to repeal the previous bylaw but is not intended to annul or in any way impair other regulations or permits previously adopted or issued. If any development subject to

these regulations, under this bylaw, is also subject to other Town or State regulations, the most stringent or restrictive regulations shall apply.

### **Section 1.4 Amendments**

These Regulations may be amended according to the requirements and procedures established in §4441 of the Act and, unless otherwise acted upon by the voters of the Town of West Windsor, shall be adopted, as amended, by a majority vote of the Selectboard as provided in §4442 of the Act.

### **Section 1.5 Effective Date**

These Regulations became effective on March 2, 1982, except as amended on May 11, 1984, on November 8, 1988, on March 6, 1990, on June 10, 1991 (on an interim basis for Flood Hazard Regulations), on March 3, 1992, on March 7, 1995, on March 4, 1997 (as interim regulations) on September 12, 2005, on July 22, 2008, on February 2, 2015, on January 1, 2018, and on November 18, 2024.

### **Section 1.6 Severability**

The provisions of this bylaw are severable. The invalidity of any provision of these Regulations shall not invalidate any other part.

### **Section 1.7 Exemptions**

Except as provided in the Town of West Windsor Flood Hazard Area Regulations, no local zoning permit shall be required for the following: however, State Permits may be required. See Section 1.9 for information about State permits.

- A. **Required Agricultural Practices** (RAPs), including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets, in accordance with the Act [§4413(d)] and Section 4.3. Written notification, including a **sketch plan** showing structure **setback** distance from road rights-of-way, property lines, and surface waters shall be submitted to the **Administrative Officer** prior to any construction, as required for RAPs. Such structures shall meet all **setback** requirements under these regulations, unless specifically waived by the Secretary of Agriculture.
- B. **Accepted Management Practices** (AMPs) for silviculture (forestry) as those practices are defined by the Commissioner of Forests, Parks and Recreation, in accordance with the Act [§4413(d)].
- C. Electric generation, energy storage and transmission facilities which are regulated under 30 V.S.A. §248 or subject to regulation under 30 V.S.A. § 8011. Such facilities, however, should conform to policies and objectives specified for such development in the **Town Plan**.
- D. Hunting, fishing, and trapping as specified under 24 V.S.A §2295 on private or public land. This exemption does not include facilities that support such activities, such as firing ranges or

rod and gun clubs, etc., which shall be reviewed as **conditional uses** and shall conform to these regulations.

- E. Normal maintenance and repair of an existing structure which do not result in exterior **alterations** or expansion or a **change of use**.
- F. Interior **alterations** or repairs to a structure which do not result in exterior **alterations** or expansion or a change in use.
- G. Exterior **alterations** to structures which do not result in any change to the **footprint** or height of the structure or a change in use (see Sections 2.3 and 3.3) or an increase in the degree of nonconformance (see Section 3.9).
- H. Residential entry stairs (excluding decks and porches), handicap access ramps, and uncovered walkways.
- I. Essential Services (see definition).
- J. Routine excavation and fill associated with: utility lines, road and **driveway** maintenance (e.g., including culvert replacement and resurfacing), gardening, landscaping, or which is otherwise incidental to an allowed, permitted, or **conditional use**.
- K. Outdoor recreational trails (e.g., walking, hiking, biking, horseback riding, cross-country skiing and snowmobile trails), including treadway **improvements** such as steps, waterbars, walkways and railings, which do not require the installation of structures or parking areas.
- L. Small accessory buildings associated with residential uses which are less than 120 square feet of floor area and less than twelve (12) feet in height and are not located within required **setback** areas.
- M. Filling in, with sand, gravel, soil or similar material, previously permitted in-ground swimming pools.
- N. Garage sales, yard sales, auctions, or similar activities (and associated temporary **signs**) that do not exceed three (3) consecutive days, nor more than twelve (12) total days in any calendar year. Such events may require a public assembly permit.
- O. **Fences**, stonewalls, earthen berms, **hedgerows**, and other similar vegetation, any of which are five (5) feet high or less, located outside of a town or state highway right-of- way and located interior to a property.
- P. Home Occupations that meet all the requirements of Section 4.10.
- Q. Solar energy devices that heat water or space or generate electricity, mounted on the flat roof of an otherwise complying structure; residential-scale solar panels (ground or roof mounted); solar collectors; clotheslines; or other energy devices based on renewable resources.

## **Section 1.8 Limitations on Zoning Bylaws**

- A. The following uses are subject to Site Plan Review by the DRB, but only with respect to location, size, height, building bulk, **yards**, courts, **setbacks**, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:
1. State- or community-owned and operated institutions and facilities.
  2. Public and private schools and other educational institutions certified by the state Agency of Education.
  3. Churches and other **places of worship**, convents, and parish houses.
  4. Public and private hospitals.
  5. Regional solid waste management facilities certified under 10 V.S.A. Chapter 159.
  6. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.
  7. Emergency shelters. Regulating the daily or seasonal hours of operation of an emergency shelter shall constitute interfering with the intended use.
- B. Except for State-owned and -operated institutions and facilities, a municipality may regulate each of the land uses listed in (A) above for compliance with the National Flood Insurance Program and West Windsor's Flood Hazard Area Bylaws, consistent with the requirements of 24 V.S.A. § 2291(25) and § 4424, provided that these regulations shall not have the effect of interfering with the intended functional use.

## **Section 1.9 State Permits**

The applicant is obligated to obtain all necessary state permits. For projects on a single parcel, the applicant can use the VT Department of Environmental Conservation's on-line Permit Navigator tool to determine whether state permits are required. For assistance with the Permit Navigator tool, or more complex projects, the applicant may contact a Community Assistance Specialist. See the Department of Environmental Conservation's website, or contact the Administrative Officer for the name, email address, and phone number of the Community Assistance Specialist serving this area.

## ARTICLE 2: - ZONING DISTRICTS & DISTRICT STANDARDS

### **Section 2.1 Establishment of Zoning Districts**

For the purpose of these Regulations, the Town of West Windsor is divided into the following zoning districts as shown on the current Zoning Map:

| Table 1.1 Zoning Districts in West Windsor |                     |
|--|---------------------|
| <b>District Name</b>                       | <b>Abbreviation</b> |
| Primary Growth Village                     | PGV-1               |
| Secondary Growth Residential               | SGR-4               |
| Rural Residential                          | RR-5                |
| Resort/Residential                         | R/R                 |
| Recreation/Conservation PUD                | R/C PUD             |
| Light Industrial/Commercial                | IND/COM             |
| Conservation                               | CON-30              |

## **Section 2.2 West Windsor Zoning Map**

Please contact the West Windsor Zoning Administrator or visit the [Town of West Windsor website](#) for the current Zoning Map.

The boundaries of these districts are hereby established as shown on the Zoning Map of the Town of West Windsor entitled "Zoning Map 2023." This map is hereby declared to be a part of these Regulations. Regardless of the existence of copies of any map, which may be made or published, the Official Zoning Map located in the Town Clerk's office shall be the final authority as to the current status of zoning district boundaries.

### **MEASURING FRONT SETBACKS**

Determining setback distances can be difficult, especially for front setbacks. The following are step- by-step instructions to help determine the front setback for a structure:

1. Contact the Administrative Officer or Road Foreman for information regarding the right-of-way width for the road adjacent to your property. Most public rights-of-way in West Windsor are 50 ft. (3 rods) wide. It is assumed that most roads are located in the middle of their right-of-way.
2. Once the right-of-way width has been determined, divide the number in half (ex. 25 ft. for a 50 ft. wide right-of-way). This is approximately the distance from the middle of the road to your front property line.
3. Safely measure from the middle of the road to the approximate location of your property line. Use a type of marking to note the location. Repeat this step several times along the frontage of your lot along the right-of-way to determine the general path of your front property line.
4. Use a tape measure to measure from the front property line to any structure. The shortest distance between the front property line and a structure is the front setback.

**Disclaimer: this is just a tool to help determine front setbacks. The Administrative Officer is the authority in charge of determining whether or not a setback has been measured correctly or incorrectly.**

## **Section 2.3 District Objectives, Uses and Standards**

The following pages outline uses, both permitted and conditional, allowed in each district and certain lot and building requirements for these uses.

## **Section 2.4 Primary Growth – Village (PGV-1)**

The purpose of the Primary Growth - Village district is to allow for a concentrated mix of residential and limited commercial uses within the district in a manner that respects and reflects the existing historic settlement pattern, anticipated patterns of growth, existing and future public facilities and services, building styles, materials, scale and orientation. The development of this district affords the best opportunity for the existing and future provision of economically feasible public facilities and services, while providing an orderly separation of these uses from other land uses within West Windsor. Higher densities of residential, commercial development and many public and quasi-public facilities and services are intended to develop in this district.

| Permitted Uses                      | Conditional Uses                         |
|-------------------------------------|--|
| 1. Single- or Two-unit Dwelling     | 1. Restaurant/Bar/Tavern                 |
| 2. Accessory Use or Structure       | 2. Inn                                   |
| 3. Agricultural Use/Farm Structure  | 3. Multi-unit Dwelling (5 units or more) |
| 4. Forestry Use/Structure           | 4. Bed and Breakfast                     |
| 5. Home Business                    | 5. Home Industry                         |
| 6. Accessory Dwelling Unit          | 6. Auto Service Station                  |
| 7. Group Home (serving 8 or fewer)  | 7. Low impact Non-residential Use        |
| 8. Child Care Home                  | 8. Park or Playground, public recreation |
| 9. Retail Service                   | 9. Hostel                                |
| 10. Retail Store                    | 10. Rooming House                        |
| 11. Business Office                 | 11. Group Home (serving 9+)              |
| 12. Multi-unit Dwelling (3-4 units) | 12. Mixed Use                            |
| 13. Short Term Rental               | 13. Child Care Facility                  |
| 14. Accessory on-farm business*     | 14. Cemetery                             |
| 15. Health Care Facility †          | 15. Indoor Recreational Use              |
| 16. Library †                       | 16. Outdoor Recreational Use             |
| 17. School †*                       | 17. Hotel                                |
| 18. Public Facility †*              | 18. Private clubhouse/fraternal org.     |
| 19. Place of Worship †*             | 19. Veterinary Clinic                    |
|                                     | 20. Bridge                               |

† =See Section 1.8 and 24 VSA § 4413 Limitations on Municipal Bylaws

\* requires site plan review

Dimensional Standards PGV-1

|                                  | Class A (Municipal Sewer) | Class B (On-Site Septic)  |
|----------------------------------|---------------------------|---------------------------|
| Min. Lot Size                    | 1/2 acre                  | 1 acre                    |
| Min. Frontage                    | 60 feet                   | 75 feet                   |
| Min. Front Property Line Setback | 20 feet*                  | 20 feet*                  |
| Min. Side Property Line Setback  | 15 feet                   | 20 feet                   |
| Min. Rear Property Line Setback  | 20 feet                   | 20 feet                   |
| Max. Height                      | 3 stories (up to 40 feet) | 3 stories (up to 40 feet) |
| Coverage                         | 75%                       | 50%                       |

\*The front setback is reduced to 5 feet in the state-designated village center (see Sec. 2.2, zoning map).

**Section 2.5 Secondary Growth – Residential (SGR-4)**

The purpose of the Secondary Growth Residential District is to allow for moderate density residential development within relative proximity to the village, school, and general store.

| Permitted Uses                     | Conditional Uses                       |
|------------------------------------|--|
| 1. Single or Two-unit Dwelling     | 1. Rooming House                       |
| 2. Accessory Use or Structure      | 2. Private Clubhouse or Fraternal Org. |
| 3. Agricultural Use/Farm Structure | 3. Inn                                 |
| 4. Forestry Use/Structure          | 4. Retail store & Services             |
| 5. Accessory Dwelling Unit         | 5. Group Home (serving 9+)             |
| 6. Group Home (serving 8 or fewer) | 6. Home Industry                       |
| 7. Child Care Home                 | 7. Cemetery                            |
| 8. Home Business                   | 8. Outdoor Recreational Use            |
| 9. Short Term Rental               | 9. Bed and Breakfast                   |
| 10. Accessory on-farm business*    | 10. Multi-unit Dwelling (3+ units)     |
| 11. Public Facility †*             | 11. Mixed Use                          |
| 12. Place of Worship †*            | 12. Veterinary Clinic                  |
|                                    | 13. Mobile Home Park                   |
|                                    | 14. Child Care Facility                |
|                                    | 15. Bridge                             |
|                                    | 16. PUD                                |
|                                    |  |

\*requires site plan review

† =See Section 1.8 and 24 VSA § 4413 Limitations on Municipal Bylaws

**Dimensional Standards SGR-4**

|  |                           |
|--|---------------------------|
| Min. Lot Size                          | 4 acres                   |
| Min. Frontage                          | 200 feet                  |
| Min. Front Property Line Setback       | 25 feet                   |
| Min. Side & Rear Property Line Setback | 40 feet                   |
| Max. Height                            | 3 stories (up to 40 feet) |
| Coverage                               | 10%                       |

**Section 2.6 Rural Residential (RR-5)**

The purpose of the Rural Residential District is to maintain a clean, healthy environment, maintain the town’s historic working landscape, encourage the productive use and protection of natural resources, and provide for moderate residential development in appropriate locations.

| Permitted Uses                     | Conditional Uses                       |
|------------------------------------|--|
| 1. Single or Two-unit Dwelling     | 1. Rooming House                       |
| 2. Accessory Use or Structure      | 2. Private Clubhouse or Fraternal Org. |
| 3. Agricultural Use/Farm Structure | 3. Inn                                 |
| 4. Forestry Use/Structure          | 4. Mixed Use                           |
| 5. Accessory Dwelling Unit         | 5. Cemetery                            |
| 6. Group Home (serving 8 or fewer) | 6. Outdoor Recreational Use            |
| 7. Child Care Home                 | 7. Bed and Breakfast                   |
| 8. Home Business                   | 8. Child Care Facility                 |
| 9. Short Term Rental               | 9. Group Home (serving 9+)             |
| 10. Accessory on-farm business*    | 10. Bridge                             |
| 11. Public Facility †*             | 11. PUD                                |

\*requires site plan review

† =See Section 1.8 and 24 VSA § 4413 Limitations on Municipal Bylaws

**Dimensional Standards RR-5**

|  |                           |
|--|---------------------------|
| Min. Lot Size                          | 5 acres                   |
| Min. Frontage                          | 300 feet                  |
| Min. Front Property Line Setback       | 25 feet                   |
| Min. Side & Rear Property Line Setback | 50 feet                   |
| Max. Height                            | 3 stories (up to 40 feet) |
| Coverage                               | 10%                       |

**Section 2.7 Resort/Residential (R/R)**

The purpose of the Resort/Residential District is to provide for orderly growth in a manner compatible with adjacent districts and land uses. The mix of uses in this district (intensely developed residential and commercial areas, large tracts of **open space** dedicated to non-structural **recreational uses**, and established recreational activities) requires special care to provide for the needs and character of each. Growth in accordance with an approved comprehensive **master plan** is anticipated in the district, but it must not upset the delicate balance that exists between its interests and those of adjacent uses and the rest of the Town. Clustering of buildings is expected in order to maintain **open space**. All development within this district is part of a **Planned Unit Development**. (See Article 8 for PUD requirements)

| Permitted Uses                     | Conditional Uses                          |
|------------------------------------|---|
| 1. Single or Two-unit Dwelling     | 1. Indoor Recreational Use#               |
| 2. Accessory Use or Structure      | 2. Restaurant/Bar/Tavern#                 |
| 3. Agricultural Use/Farm Structure | 3. Retail Service#                        |
| 4. Forestry Use/Structure          | 4. Retail Store#                          |
| 5. Home Business                   | 5. Home Industry#                         |
| 6. Accessory Dwelling Unit         | 6. Inn#                                   |
| 7. Group Home (serving 8 or fewer) | 7. Multi-unit Dwelling (5 units +)        |
| 8. Child Care Home                 | 8. Outdoor Recreational Use#              |
| 9. Multi-unit Dwelling (3-4 units) | 9. Bed and Breakfast                      |
| 10. Short Term Rental              | 10. Hotel#                                |
| 11. Public Facility †*             | 11. Hostel                                |
|                                    | 11. Other Resort Activity#                |
|                                    | 12. Business Office#                      |
|                                    | 13. Health care facility#                 |
|                                    | 14. Mixed Use#                            |
|                                    | 15. Child care facility#                  |
|                                    | 16. Park or Playground, public recreation |
|                                    | 17. Private clubhouse/fraternal org.      |
|                                    | 18. Bridge                                |
|                                    | 19. PUD                                   |

# **Conditional uses** permitted in a PUD only.

† =See Section 1.8 and 24 VSA § 4413 Limitations on Municipal Bylaws

\*requires site plan review

Dimensional Standards R/R

|                              | Class A (public water & sewer) | Class B (public sewer)    | Class C (on-site septic)  |
|------------------------------|--------------------------------|---------------------------|---------------------------|
| Min. Lot Size (residential)* | 1/5 acre                       | ¼ acre                    | 1 acre                    |
| Affordable Housing           | 1/7 acre                       | n/a                       | n/a                       |
| Min. Frontage                | 50 feet                        | 50 feet                   | 100 feet                  |
| Min. Front Setback           | 20 feet                        | 20 feet                   | 30 feet                   |
| Min. Side Setback            | 5 feet                         | 5 feet                    | 20 feet                   |
| Min. Rear Setback            | 20 feet                        | 20 feet                   | 30 feet                   |
| Max. Height                  | 3 stories (up to 40 feet)**    | 3 stories (up to 40 feet) | 3 stories (up to 40 feet) |
| Lot coverage                 | n/a                            | n/a                       | 50%                       |

\*The minimum lot size for non-residential uses is two acres. The minimum lot size and dimensional requirements for non-residential uses may be increased or decreased upon the conditions set forth in the **conditional use**, site plan and PUD review.

\*\*For Class A lots, affordable housing developments are allowed to exceed height limitations by one floor, provided that the structure complies with VT fire & building safety code.

**Section 2.8 Recreation/Conservation PUD District (R/C PUD)**

A PUD with a master plan that is consistent with the goals of the Recreation and Economic Development chapters of the Town Plan, and makes a demonstrable contribution to the area’s recreational development, shall be allowed to develop up to 1 dwelling unit per every 5 acres. All development that does not make a demonstrable contribution to the recreational development of the area in accordance with the goals of the Recreation and Economic Development chapters of the **Town Plan** shall follow the 30-acre standards set forth in the Conservation District.

| Permitted Uses                     | Conditional Uses                         |
|------------------------------------|--|
| 1. Agricultural Use Structure      | 1. Outdoor recreation facility           |
| 2. Forestry Use Structure          | 2. Bridge                                |
| 3. Single or two-unit dwelling*    | 3. Park or Playground, public recreation |
| 4. Accessory use or structure*     | 4. PUD                                   |
| 5. Accessory dwelling unit         |  |
| 6. Child care home                 |  |
| 7. Group Home (serving 8 or fewer) |  |
| 8. Short Term Rental               |  |
| 9. Accessory on-farm business**    |  |
| 10. Public facility†**             |  |

\*permitted when part of an approved PUD

\*\*requires site plan review

† =See Section 1.8 and 24 VSA § 4413 Limitations on Municipal Bylaws

**Dimensional Standards R/C PUD**

|  |  |
|--|--|
| Min. Lot Size                            | 30 acres or<br>max. density of 1 unit/5 acres w/<br>approved PUD |
| Min. Frontage                            | 100 feet or per approved PUD                                     |
| Min. Front Property Line Setback         | 30 feet  |
| Min. Side and Rear Property Line Setback | 30 ft./30 ft. or per approved PUD                                |
| Max. Height                              | 3 stories (up to 40 feet)  |

**Section 2.9 Light Industrial/Commercial (IND/COM)**

The purpose of the Light Industrial/Commercial District is to allow for a limited and orderly expansion of commercial and industrial uses within this district.

| Permitted Uses                     | Conditional Uses                         |
|------------------------------------|--|
| 1. Agricultural Use/Farm Structure | 1. Lumberyard/Sawmill                    |
| 2. Forestry Use/Structure          | 2. Contractor’s yard                     |
| 3. Accessory Use or Structure      | 3. Research and Development Facility     |
| 4. Public Facility †*              | 4. Industrial Accessory Use or Structure |
|                                    | 5. Veterinary/Animal Care Facility       |
|                                    | 6. Enclosed Light Manufacturing          |
|                                    | 7. Enclosed Warehouse                    |
|                                    | 8. Retail                                |
|                                    | 9. Bridge                                |
|                                    | 10. Industrial or Commercial PUD         |

\*requires site plan review

† =See Section 1.8 and 24 VSA § 4413 Limitations on Municipal Bylaws

**Dimensional Standards IND/COM**

|                                      |                           |
|--------------------------------------|---------------------------|
| Min Lot Size                         | 2 Acres                   |
| Min. Frontage                        | 150 feet                  |
| Min. Front Property Line Setback     | 50 feet                   |
| Min. Side/Rear Property Line Setback | 50 feet                   |
| Max. Height                          | 3 stories (up to 40 feet) |
| Coverage                             | 60%                       |

Conditional Uses - Other industrial uses upon finding by the **Development Review Board** that such uses are of the same general character as those permitted and will not be detrimental to the other uses within the district or to the adjoining land uses.

**Section 2.10 Conservation (CON-30)**

The purpose of the Conservation District is to limit growth in this district which because of severe physical limitations, such as steep **slopes** and unsuitable soils for on-site septic disposal, the presence of **floodplains**, headwater areas, **ridgelines**, unbroken expanses of wildlife habitat, and special recreational and scenic qualities, should be protected from most forms of development. In addition to physical limitations, this district contains agricultural soils of national and state significance which deserve special protection. Although very low intensity uses are permitted, they should be preceded by careful inspection and thorough site planning to minimize soil erosion, groundwater pollution and other adverse impacts on these very important natural and scenic resources.

| Permitted Uses                     | Conditional Uses                 |
|------------------------------------|----------------------------------|
| 1. Single or Two-unit Dwelling     | 1. Outdoor Recreational Facility |
| 2. Accessory Use or Structure      | 2. Bridge                        |
| 3. Agricultural Use Structure      |                                  |
| 4. Forestry Use Structure          |                                  |
| 5. Child Care Home                 |                                  |
| 6. Accessory Dwelling Unit         |                                  |
| 7. Public Facility†*               |                                  |
| 8. Group Home (serving 8 or fewer) |                                  |
| 9. Short Term Rental               |                                  |
| 10. Accessory on-farm business*    |                                  |

\*requires site plan review

† =See Section 1.8 and 24 VSA § 4413 Limitations on Municipal Bylaws

**Dimensional Standards CON-30**

|                                      |                           |
|--------------------------------------|---------------------------|
| Min. Lot Size                        | 30 acres                  |
| Min. Frontage                        | 500 feet                  |
| Min. Front Property Line Setback     | 30 feet                   |
| Min. Side/Rear Property Line Setback | 50 feet                   |
| Max. Height                          | 3 stories (up to 40 feet) |
| Coverage                             | 2%                        |

## ARTICLE 3: - GENERAL REGULATIONS

### **Section 3.1 Applicability**

The following general standards, including provisions required under the Act [ §§4412, 4413], apply to all uses and structures as specified within the Town of West Windsor.

### **Section 3.2 Access and Frontage Requirements**

No **land development** may be permitted on lots which do not have **frontage** on a public road or access to such a road by a permanent easement or right-of-way at least fifty (50) feet in width, approved by the **Development Review Board** under subdivision review. For accesses subject to Development Review Board approval, the Development Review Board will consider intended use, safety, traffic, and road and site conditions in granting or denying such approval. The **easement** or right-of-way, if approved by the **Development Review Board**, shall be surveyed and described in a deed, both of which shall be recorded in the Town land records.

- A. The applicable zoning district minimum lot frontage requirements apply to lots served by private development roads as well as lots served by public roads. Where there is the proposed **subdivision** of land, provision for shared access between adjoining properties may be required by the **Development Review Board** as a condition of **approval** of the subdivision. Where shared access is required, shared **frontage** may be permitted.
- B. Any development that proposes access from a Class 4 town highway must meet the requirements of the Town of West Windsor Class 4 Road Policy.
- C. All new accesses proposed after the effective date of this bylaw are subject to all access and frontage requirements contained herein, as well as all applicable provisions of the subdivision standards in Section 7.6 and town standards for driveways, town highways and bridges as most currently adopted by the Selectboard. A change in use, expansion of an existing use or significant modification of an existing access shall be subject to these provisions.
- D. Access onto town highways is subject to the approval of the Selectboard or their designee, and approval by the Vermont Agency of Transportation is required for access onto a state highway. Local access permits or state access letters of intent must be included in a complete zoning permit application.
- E. Any existing forestry or farming access proposed as a development access must be upgraded to meet these driveway standards to provide safe access to the proposed development.
- F. No lot shall be served by more than one residential (1) driveway unless otherwise approved by the Development Review Board under site plan review (Section 5.1) and in accordance with the following criteria:
  - 1) The additional access is necessary to ensure vehicular and pedestrian safety; or,
  - 2) The strict compliance with this standard would, due to the presence of one or more physical features (e.g. rivers and streams, steep slopes, wetlands), result in a less desirable development design than would be possible with the allowance of an additional access; or,
  - 3) A traffic management plan is developed in association with a subdivision or planned unit development approval by the Development Review Board.

- G. For parcels having direct access to more than one public road, access to the property will be from a side street or secondary road unless otherwise approved by the Development Review Board under Section 5.1.
- H. An access shall be located at least 100 feet from any intersection of public road rights-of-way, for all uses except single and two-unit dwellings, which shall be at least 50 feet from such intersections, unless otherwise approved in accordance with site plan review or subdivision approval.
- I. Private Development Roads: Accesses serving three (3) or more lots must employ the lane and shoulder width criteria from the table below as well as the slope criteria from the latest revision of the A-76 standard. Unless otherwise determined, the average daily traffic per housing unit shall equal 10.

| <b>Lane and Shoulder Widths for Rural Roads</b> |                              |       |        |         |           |
|---|------------------------------|-------|--------|---------|-----------|
| Design Volumes<br>(average daily traffic)       | 0-25                         | 25-50 | 50-100 | 100-400 | 400-1,500 |
| Design Speed (mph)                              |                              |       |        |         |           |
|   | Width of Lane/Shoulder (ft.) |       |        |         |           |
| 25  | 7/0                          | 8/0   | 9/0    | 9/2     | 9/2       |
| 30  | 7/0                          | 8/0   | 9/0    | 9/2     | 9/2       |
| 35  | 7/0                          | 8/0   | 9/0    | 9/2     | 9/2       |
| 40  | 7/0                          | 8/0   | 9/2    | 9/2     | 9/2       |
| 45  | n/a                          | n/a   | 9/2    | 9/2     | 9/2       |
| 50  | n/a                          | n/a   | 9/2    | 9/2     | 10/2      |

*Source: Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets, October 1997.*

### **Section 3.2-1 Driveways**

Driveways: Accesses serving no more than two (2) lots must meet the following standards:

1. Driveways shall be constructed to town driveway standards (see the driveway access standards in West Windsor Town Highway and Bridge Standards and B-71 Standards) unless otherwise required under subdivision or site plan review.
2. No driveway shall exceed a slope of 3 percent within 35 feet of an intersection with the travel-way of a road, nor shall it intersect with a road at a horizontal angle of less than 70°.
3. Driveways shall not exceed a 15 percent grade, to be measured as the average finished grade in any 100-foot section (i.e. that means that a driveway should not rise more than 15 feet in elevation over a horizontal distance of 100 feet).
4. If the topography of the land makes it impossible or unduly expensive for a landowner to comply with this standard, the landowner may apply for a steeper driveway, subject to site plan review approval from the Development Review Board. In addition to meeting the requirements in Section 5.1, such an application must also include detailed plans of the proposed driveway (including elevation changes) and associated drainage systems, and must demonstrate that the proposed driveway will not have an adverse impact on public safety or the intersecting public road. The applicant may provide a letter from the Fire Chief and the Highway Foreman as evidence that the project will not have an adverse

impact on public safety or adequate emergency vehicle access to the development. In no case, may the driveway grade exceed twenty (20) percent, to be measured as the average grade in any 100-foot section.

5. Driveways exceeding 400 feet in length must include, at minimum, one 12-foot by 50-foot pull-off area.
6. No **driveway** shall be constructed within 10 (ten) feet of a property line unless the driveway is going to be used as a shared **driveway**.
7. Driveways off private roads require a zoning permit and must meet the Agency of Transportation B-71 Standards, as most recently amended, as well as all applicable access and frontage standards in these bylaws. The administrative officer reserves the right to refer the driveway application to the DRB where it is deemed that site plan review is appropriate or necessary.

### **Section 3.3 Conversions or Changes of Use**

Changes or conversions in the use of land and/or structures are subject to the provisions of this bylaw as follows:

- A. The proposed use shall be subject to all the requirements of this bylaw pertaining to such use, including but not limited to any district, specific use or general standards, as well as other applicable **municipal**, state and federal regulations.
- B. A conversion or change from one **permitted use** to another **permitted use**, or from a **conditional use** to a **permitted use**, shall require a zoning permit issued by the **Administrative Officer**.
- C. A conversion or change from a **permitted use** to a **conditional use**, or from a **conditional use** to a different **conditional use**, shall be subject to **Conditional Use approval** by the **Development Review Board**, with a zoning permit to be issued by the **Administrative Officer**. (See Administration, Appeals and Enforcement)

### **Section 3.4 Equal Treatment of Housing**

In accordance with the Act [§4412(1)], a **mobile home** shall be considered a **single-unit dwelling** and shall meet the same zoning requirements applicable to **single-unit dwellings**, except when allowed as a temporary structure under Section 3.15 of these regulations. No provision of these regulations shall have the effect of excluding **mobile homes**, **modular housing**, or other forms of **prefabricated housing** from the municipality except upon the same terms and conditions as conventional housing is excluded. For **mobile homes** in a **Special Flood Hazard Area**, see also the Town of West Windsor Flood Hazard Area Regulations.

### **Section 3.5 Erosion Control & Development on Steep Slopes**

All development involving the mechanical excavation, filling and/or re-grading of land (e.g. using bulldozer, backhoe, grader or similar heavy equipment) characterized by a **slope** gradient in excess of 25% shall be subject to review and **approval** by the **Development Review Board**.

All applications for **approval** shall include a sketch, drawn to scale, showing existing and proposed **slopes**, existing and proposed development (buildings, roads, and utilities), and surface waters (e.g. **wetlands**, **streams** or ponds). Applications shall also include erosion and sedimentation control plans.

If, after review, the DRB determines that the **erosion control** plan presented is inadequate, the DRB may require such plans to be prepared and monitored by a professional engineer licensed by the State of Vermont, and may require detailed information regarding proposed erosion and sedimentation control measures to be employed during all stages of the development (including site preparation, construction and post-construction).

### **Section 3.6 Existing Small Lots**

Except as indicated below, any lot that is legally subdivided and is in existence prior to the enactment of any zoning ordinance, including an interim zoning ordinance, may be developed even if it no longer complies with minimum lot size standards. Existing small lots are subject to all requirements as set forth for the zoning district in which the lot is located except for lot size. A lot that is less than one-eighth (1/8) of an acre in area, or has a width or depth dimension of less than 40 feet, may only be developed if it is served by, and able to connect to, a municipal sewer system.

### **Section 3.7 Height Requirements**

- A. The maximum height of structures in all districts shall be three stories, and up to forty (40) feet, as measured from the lowest natural grade at ground level to the highest point of the structure, except as permitted under Subsection (B), or for the following which are specifically exempted from the height requirements of this bylaw:
1. agricultural structures in accordance with the Act [§4413(d)];
  2. church steeples, spires and belfries;
  3. flag poles and residential chimneys;
  4. residential antenna structures, wind generators with blades less than 20 feet in diameter, and rooftop solar collectors less than 10 feet high, which are mounted on complying structures [§4412(6)].
- B. The **Development Review Board** may permit non-residential structures in excess of 40 feet in height subject to **conditional use** review under Section 5.2, provided that:
1. the structure does not constitute a hazard to public safety or adjoining properties;

2. the structure is not used for advertising purposes;
3. lighting, if deemed necessary by the Board in accordance with state and federal regulations, shall be restricted to that which is required for security and safe operation;
4. the proposed structure height and scale is consistent with the character of the immediate surroundings; and,
5. the structure is not deemed by the DRB to have an **undue adverse** impact on aesthetics.

### **Section 3.8 Lot and Yard Requirements**

There shall be one principal structure or use on a single lot, unless otherwise specifically approved as a **mixed use**, or as part of a **Planned Unit Development (PUD)**. Any other use of the lot must be accessory to this principal use or structure.

- A. No lot shall be so reduced in size that the area, **yards**, lot width, **frontage**, **setbacks**, or other dimensions are smaller than prescribed in this bylaw, except as permitted for Planned Unit Development (PUD) pursuant to Section 8.2. The provisions of this Section shall not apply when part of a lot is taken for public purposes.
- B. Space required under these regulations to satisfy **yard**, area, or other **open space** requirements in relation to one building shall not be counted as part of the required open space for any other building. In calculating the required area, width or depth of a lot, existing and proposed rights-of-way shall be excluded.
- C. For lots in all districts, there shall be no impediment to vision within twenty-five feet of a street intersection or highway entrance between the height of three (3) feet and ten (10) feet above the average grade of each street, unless approved by the Selectboard and the Highway Foreman.
- D. Side and rear **setbacks** are to be measured from the property line to the closest point of the structure. Front **setbacks** are to be measured from the edge of the highway right-of-way to the closest point of the structure. On roads with less than a fifty (50) foot right-of-way, or where the width of the road right-of-way has not been established, the **front-yard** requirement shall be measured from the centerline of the existing roadway and twenty-five (25) feet shall be added to the **front yard** requirement.
- E. Lots at an intersection of roads shall have the required **frontage** on both roads. All **yards** adjoining a road shall be considered **front yards**.

### **Section 3.9 Nonconforming Uses and Nonconforming Structures**

In accordance with the Act [§4412(7)], these regulations address three categories of nonconformity: **Nonconforming structures** (see subsection (A)), **Nonconforming uses** (see Subsection (B)), and Existing small lots (see Section 3.6).

A. **Nonconforming Structures:** Any legal structure or part thereof, which is not in compliance with the provisions of these bylaws concerning **setback**, height, size, or other structural requirements (including such things as parking, lighting, **buffers**, and lowest floor elevation in **floodplain** zoning) shall be deemed a nonconforming structure. Legal **nonconforming structures** exist as a result of construction prior to adoption of bylaws, or construction under an earlier set of less restrictive bylaws. Any **nonconforming structure** may be allowed to exist indefinitely, but shall be subject to the following provisions:

1. Subject to **conditional use approval** by the DRB, a **nonconforming structure** may be restored or reconstructed after unintentional loss provided the reconstruction is commenced within two years and does not increase the degree of nonconformance that existed prior to the damage.
2. A **nonconforming structure** which has been intentionally demolished shall not be reconstructed except in conformance with these bylaws. The DRB may grant a waiver from this provision if a hardship would be created by rebuilding in strict conformance with the requirements of these bylaws. In considering a waiver from these provisions, the DRB shall take into consideration the ability of the **applicant** to use remaining features of the property such as foundation, water supply, sewage disposal system, underground utilities, etc.
3. A **nonconforming structure** shall not be moved, altered, extended, or enlarged in a manner which will increase the existing degree of non-conformance. The phrase 'shall not increase the degree of non-conformance' shall be interpreted to mean that the portion of the structure which is nonconforming shall not increase in size (or decrease in the event of failing to meet minimum standards such as parking and lighting). Therefore, portions of a structure within a setback area cannot be enlarged, portions above the maximum height cannot be expanded, a nonconforming deck or porch cannot be enclosed, where parking is deficient the number or size of spaces cannot be reduced, etc. This phrase is not intended to prevent existing unfinished space from being finished or other similar scenarios provided there is no increase in size.
4. Nothing in this section shall be deemed to prevent normal maintenance and repair of a **nonconforming structure** provided that such action does not increase the degree of nonconformance.
5. The DRB shall permit the **alteration** or expansion of a **nonconforming structure** for the sole purpose of compliance with mandated or required environmental, safety, health, or energy codes.

B. **Nonconforming Uses:** Any use, which does not conform to uses allowed in the district in which it is located or is otherwise not in compliance with the provisions of these bylaws, shall be deemed a **nonconforming use**. **Nonconforming uses** are those that do not conform to the current bylaws, but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the current bylaws. Except as provided in Section 4.26 (Short-term Rentals), any **nonconforming use** may be continued indefinitely, but shall be subject to the following provisions:

1. The **nonconforming use** shall not be changed to another **nonconforming use** without **approval** by the DRB, and then only to a use that, in the opinion of the DRB, is of the same or of a more conforming nature.
2. The nonconforming use shall not be re-established if such use has been discontinued for a period of at least two years or has been changed to, or replaced by, a conforming use. Intent to resume a **nonconforming use** shall not confer the right to do so.
3. The **nonconforming use** shall not be expanded, extended, moved or enlarged unless the DRB finds that such expansion, extension, movement, or enlargement does not increase the degree of nonconformance. Examples of enlarged or expanded uses can include increased hours of operation, increased numbers of tables, number of employees or an increase in the size of the operation through the expansion of a complying structure.
4. The DRB shall permit the **alteration** or expansion of a **nonconforming use** for the sole purpose of compliance with mandated environmental, safety, health, or energy codes.

### **Section 3.10 Parking and Loading Requirements**

Except as otherwise approved by the DRB under (F)(4) of this section, adequate provision shall be made so that normal vehicular traffic associated with any use shall be parked off public roads and rights-of way. Spaces shall be provided whenever any new use is established, or when the existing use is expanded or changed. For purposes of rough computation, an off-street **parking space** is estimated to be approximately 300 square feet.

- A. A minimum number of **parking spaces**, as determined by proposed use, shall be provided in accordance with the requirements listed in Table 3.10.

**Table 3.10**

| Use  | Required Parking Spaces                        |
|--|--|
| Residential in district w/public water & sewer*  | 1 per dwelling unit                            |
| Residential in district w/o public water & sewer | 1.5 per <b>dwelling</b> unit**                 |
| Lodging  | 1 per lodging unit                             |
| Clinics, <b>group homes</b> , etc.               | 1 per bed + 1 per employee                     |
| Non-profit club                                  | 1 per four members                             |
| Churches, schools, public assembly               | 1 per 4 seats in main assembly room            |
| Professional office & business service           | 1 per 400 sq. ft. of floor space               |
| Retail   | 1 per 300 sq. ft. of floor space               |
| Restaurants                                      | 1 per 4 seats + 1 per employee (busiest shift) |
| Industry   | 1 per employee                                 |
| Other non-residential uses                       | as required by the DRB                         |

\* unless proposed development is > 0.25 miles from public parking

\*\*rounded up to the nearest whole number

- B. An off-street **parking space** shall have a minimum width of nine (9) feet, a minimum length of twenty (20) feet, adequate maneuvering room and access to a public road. For purposes of initial calculation, an off-street **parking space** with access and maneuvering room may be estimated to be three hundred (300) square feet.
- C. Out of necessity, the parking of motor vehicles may be allowed in **setback** areas in the Primary Growth - Village district only, following **conditional use approval**.
- D. Parking areas associated with proposed **conditional uses** shall be located and landscaped in accordance with the standards set forth in **Conditional Use** and Site Plan Review.
- E. Public parking areas shall comply with at least the minimum requirements of the Americans with Disabilities Act (ADA).
- F. The on-site parking requirements specified in Table 3.10 may be reduced or waived under conditional use review if the DRB determines that one or more of the following circumstances makes the strict application of these standards unnecessary:
  - (1) The proposal is for the development of multi-unit, elderly, or affordable housing;
  - (2) An equivalent number of off-site parking spaces have been procured (e.g. through lease agreements) in an adjacent private or municipal parking lot;
  - (3) Adequate provisions have been made for the shared use of a parking area on the same lot, or on contiguous lots, by two or more establishments;

- (4) Sufficient on-street parking spaces are available during the times (of the day, week and year) that the proposed non-residential use is open and operating, in which case on-street parking spaces may be substituted for off-street parking spaces on a one-to-one basis in the Primary Growth Village district.
- G. Whenever a new parking area is established, or an existing parking area is expanded, for a business, commercial, civic, or multi-unit residential use, secure facilities (e.g. U bar bike racks) shall be provided for the storage of bicycles.

### **Section 3.11 Performance Standards**

As provided in §4414(5) of the Act, the following standards apply to all uses, with the exception of agriculture and forestry, in all districts. In determining ongoing compliance, the burden of proof shall fall on the **applicant** and/or all assessors and assigns. No use shall cause, create or result in:

- A. smoke, dust, odors, noxious gases, or other forms of air pollution which constitute a nuisance to neighboring landowners, businesses, or residents; which endanger or adversely affect public health, safety, or welfare; or which are offensive or uncharacteristic of the area;
- B. noise which is excessive at the property line and represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the surrounding area;
- C. noticeable, or clearly apparent vibration which, when transmitted through the ground, is discernible at property lines without the aid of instruments;
- D. excess lighting beyond the minimum amount required for safety and security and/or lighting which is inconsistent with the character of the neighborhood. No excessive direct light shall be visible from the property line. The use of motion-activated LED, infra-red controlled, timer controlled, and down lighting is encouraged. Shielded up lighting or down lighting of the American flag, in accordance with federal regulations, is allowed;
- E. fire, explosion, or other hazards, which endanger the **applicant's** or neighboring properties, or the general public or which result in a significantly increased burden on **municipal** facilities and services;
- F. liquid or solid wastes, or other types of solid or hazardous wastes that are generated in amounts which cannot be disposed of by available or existing methods without undue burden to the municipality, public health, safety, and welfare or the environment.

### **Section 3.12 Protection of Natural Resources**

Proposed development shall not have an **undue adverse impact** on important natural resources or fragile features located on the **parcel**, including **wetlands** currently under federal or state jurisdiction, steep **slopes**, rivers and **streams**, critical wildlife habitat and/or **floodplains** identified in the **town plan** or through field investigation. In approving a **conditional use**, the **Development Review Board** may impose conditions to ensure the protection of natural resources and fragile features such as:

1. The establishment of **buffer** areas.
2. Permanent protection through conservation **easements** or other deed restrictions.
3. The designation of established building locations and or building envelopes to ensure that activities incidental to the operation of the **conditional use**, including **clearing** and **yard** areas, do not adversely impact identified resources.

### **Section 3.13 Development near Waterways**

A. In accordance with current Vermont Wetland Rules, to prevent soil erosion, protect and enhance wildlife habitat, and maintain water quality, a natural, vegetated **buffer** shall be maintained for a minimum of fifty (50) feet from all **wetlands** currently under federal or state jurisdiction, and from **streams** and rivers located on the U.S. Geological Survey map. The 50' **buffer** shall be measured from the top of the bank or **slope**, or from the delineated wetland boundary. No new development, excavation, landfill, **clearing**, or grading, shall occur within the **buffer** strip, except as necessary:

1. To accommodate approved **stream crossing** structures (see Section 3.13-1);
2. To allow for **stream** bank stabilization and restoration projects, in accordance with applicable state and federal regulations;
3. To provide **essential services** (see definition). The repair, maintenance, or replacement of existing transportation infrastructure within public rights-of-way, including but not limited to bridges and culverts, is an essential service exempt from local zoning regulations. The town is responsible for obtaining all required state and/or federal permits.
4. As an emergency measure, to prevent or repair damage to existing structures or natural features caused by flooding or other natural causes. The **applicant** shall obtain written authorization from the appropriate town, state and/or federal officials, who shall concur that the situation presents an imminent threat to public safety and/or infrastructure.
5. Buffer areas in the Designated Village area (as mapped in 2018) may be developed when in strict conformance with the Flood Hazard Area & River Corridor Bylaws, as amended from time to time.

**B. Stream** bank stabilization projects and emergency measures require review and **approval** by the **Administrative Officer**. Applications for **approval** shall include copies of all applicable authorizations and permits. Any development other than an approved **stream crossing**, an approved **stream** bank stabilization, an **essential service**, or an authorized emergency measure, shall require **conditional use** review and **approval** by the **Development Review Board**. Upon completion of the project, all disturbed areas shall be stabilized.

The following activities shall be **allowed uses** within the fifty-foot **buffer**:

1. Routine maintenance of existing, approved **stream crossing** structures, **stream** bank stabilization projects, and recreational trails;
2. Limited tree pruning;
3. Removal of trees (not including stumps) that pose a hazard to people or property;
4. Annual mowing (i.e. no more than once per year) to maintain tall-grass habitat, on or after August 1st;
5. Removal of invasive plants; and
6. Planting of non-invasive trees, vines, grasses and shrubs.

### **Section 3.13-1 Bridges & Stream Crossings**

A zoning permit is required for the construction of a **bridge** or **stream crossing**.

Applications for pedestrian, bicycle, and snowmobile bridges or stream crossings, not located in a **Special Flood Hazard Area** (SFHA), for which all required state and federal permits have been obtained, shall be approved by the **Administrative Officer**. Applications for pedestrian, bicycle, and snowmobile **bridges** or **stream crossings** that are located in a SFHA shall be subject to flood hazard review and **conditional use** review by the **Development Review Board** (DRB).

Applications for all **bridges** and **stream crossings** providing access to a structure shall:

1. Include plans, prepared by a professional engineer licensed by the State of Vermont, that meet minimum standards including, but not limited to, H-20 loading capacity.
2. Include copies of all required state and/or federal permits.
3. Require **conditional use approval** by the **Development Review Board** (DRB).

A **Certificate of Occupancy** shall not be issued for a bridge or stream crossing that provides access to a structure until a professional engineer has certified that the structure, as built, meets the required minimum standards.

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

## **Section 3.14 Signs**

### **Off-Premises Signs**

No person may erect or maintain an off-premises sign except as provided in 10 V.S.A., Chapter 21.

### **On-Premises Signs**

On-premises signs constructed in accordance with this Section shall be considered accessory structures. No on-premises signs shall be permitted except as hereinafter provided:

#### *Signs for Home Occupation or Home Business.*

One unlit sign not exceeding six (6) square feet, per side, and not to exceed six (6) feet in height is permitted in any district.

#### *Signs for Church, Schools, and Public Facilities.*

One sign not exceeding fifteen (15) square feet, per side, and not more than ten (10) feet in height is permitted on the premises of any such use in any district.

#### *Signs for Commercial/Industrial Uses.*

A maximum of two (2) signs not exceeding fifteen (15) square feet, per sign, shall be permitted for any permitted non-residential use. The height of a freestanding sign shall not exceed fifteen feet. Sign area may be combined to allow one **flush-mounted** sign not exceeding thirty (30) square feet.

#### *Construction, Real Estate & Temporary Signs.*

One temporary construction sign, or sign advertising the sale or lease of real estate, may be displayed, subject to the following:

1. The physical structure of such sign shall not exceed eight (8) square feet, not including support posts, which shall be proportional with the size of the sign;
2. The sign is constructed of rigid material;
3. The sign is removed immediately upon completion of construction, or the sale or lease of the advertised real estate.

Temporary signs for irregularly scheduled public events such as auctions, suppers and meetings shall not exceed six (6) square feet.

### ***Exempt Signs***

The following signs are generally exempt from the provisions of this section except those provisions in Prohibited Signs:

- A. Signs on registered and inspected motor vehicles except those which are determined by the administrative officer to be circumventing the intent of this ordinance.

- B. Political signs provided they are erected no more than three weeks before an election and are removed the week after the election. Any person erecting a political sign is responsible for its removal.
- C. Signs erected by the Town of West Windsor or its school district.
- D. Directional signs, not exceeding two (2) square feet in size, which are necessary for and displayed for the direction, instruction, or convenience of the public, including signs which identify entrance or exit, rest rooms, freight entrances, designated accessible parking spaces, posted areas, or the like. Up to four such signs per lot are exempt under this provision. Lettering shall be generic and advertising or logos (including business names) are prohibited on directional signs. These signs shall not be illuminated. Where free-standing, these signs shall not be more than three (3) feet high, and shall not obstruct pedestrian or vehicular safety or circulation.
- E. Informational signs up to ten (10) square feet in size, on lands which have been conserved by easement or other permanent, protective measures.

***General Requirements for All Signs***

- A. A sign may be illuminated only by a continuous, non-flashing light. Such lighting must be effectively focused and shielded so that it does not cause undue glare, impair the vision of drivers or illuminate neighboring properties. All exterior lighting shall be down directed and shielded so as to project only onto the sign.
- B. Signs may not be located within or project over a public or private right-of-way.
- C. Signs shall be located, at every street intersection or **driveway**, in a way that does not prevent the driver of a motor vehicle from having a clear and unobstructed view.
- D. Signs may not present a safety hazard to pedestrians (e.g., by reason of hanging over public sidewalks or of not being securely fixed to a substantial structure or support) and must not stand less than ten (10) feet above a public walkway.
- E. Signs may not interfere with or resemble any official traffic control sign, signal or device, or prevent the driver of any motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching, entering, or merging traffic.
- F. Signs must not be within ten (10) feet of a side or rear **lot line** or within a highway right-of-way (except in the PGV-1 district).
- G. Signs shall not exceed fifteen (15) feet in height if freestanding, or extend above a roof or parapet if attached to a building.
- H. No sign shall flash, oscillate or revolve.

- I. Signs must not be attached to trees or utility poles or drawn on rocks or other natural features.
- J. No sign shall be internally illuminated.
- K. In **Planned Unit Developments (PUDs)**: As approved in the PUD permit or amendment.

### **Section 3.15 Temporary Structures**

A temporary permit may be issued by the **Administrative Officer** for storage containers and office/construction trailers that meet minimum standards for the district and are not used for residential purposes, for a period not to exceed six (6) months, conditioned upon written agreement by the owner to remove the structure upon expiration of the permit. Temporary permits may be renewed for one additional six-month period.

### **Section 3.16 Water Supply & Wastewater Disposal**

**Compliance with State & Local Regulations.** No building or structure intended for human occupancy shall be erected, altered or converted from another use unless adequate water supply and wastewater disposal systems are provided in compliance with all applicable **municipal** and state regulations. For uses requiring **approval** under state on-site sewage disposal regulations, a state Wastewater System and Potable Water Supply permit must be obtained by the **applicant** prior to the commencement of construction of any structures or the initiation of any use associated with the wastewater and water supply system.

### **Section 3.17 Open Storage of Junk and Vehicles**

- A. The dumping, burying, disposing, or burning of garbage, refuse, scrap metal, rubber, or similar materials is prohibited except in salvage, disposal or recycling facilities specifically permitted for such use under applicable municipal and state regulations.
- B. In any district, junk, salvaged materials, or more than two (2) motor vehicles or portions thereof which are non-operating and/or not registered with the state, with the exception of vehicles or materials used in farming or forestry operations, shall be stored in an enclosed area or in an area concealed from public roads.

## ARTICLE 4 - SPECIFIC USE STANDARDS

### **Section 4.1 Accessory Dwelling Units**

Except in special flood hazard areas, an **accessory dwelling unit** that is located within or **appurtenant** to a **single-unit dwelling** on an **owner-occupied** lot shall be a **permitted use** in all districts. The owner of the property may occupy either the single-unit dwelling or the accessory dwelling. An **accessory dwelling unit** is a distinct unit, that is clearly subordinate to a **single-unit dwelling**, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

- A. .The property has sufficient wastewater capacity; and
- B. The total habitable floor area of the unit does not exceed 1000 square feet, or 30% of the total habitable floor area of the **single-unit dwelling**, whichever is greater.

A single-unit dwelling with an accessory dwelling unit shall be subject to the same review procedures, dimensional requirements, and other provisions of these regulations (e.g. parking requirements) as a single-unit dwelling without an accessory dwelling unit.

In accordance with 20 VSA §2730 (b)(4), an owner-occupied single-unit dwelling that includes an accessory dwelling unit is considered a public building for fire safety purposes if any part of the structure is rented out either long-term or short-term.

In addition to a local zoning permit, state permits may be required. Please see Section 1.9 of these regulation for more information on state permits.

### **Section 4.1.5 Accessory On-Farm Business**

- A. **Purpose:** To support farmers diversifying their income stream through Accessory On-Farm Businesses (AOFB), as defined in 24 V.S.A. 4412 (11) and Section 10.2 of these regulations, while also managing associated impacts on the community, such as traffic, noise, parking, wastewater and/or water usage.
- B. **Use of Structures or Land:** AOFBs may take place inside new or existing structures or on the land.
- C. **Application:** An application for an AOFB shall include a copy of the wastewater and potable water supply permit for the property.
- D. **Review/Permit Required:** All new or expanded AOFBs are subject to Site Plan Review under Section 5.1.
- E. **Standards:** All AOFBs must meet the following standards:
  - 1. Site Plan Review Standards (Section 5.1).
  - 2. Parking Standards (Section 3.10)
  - 3. Performance Standards (Section 3.11).

4. A Town Highway Access Permit or State Highway Section 1111 Permit is required for any new access or existing access with expanded use for the proposed AOFB activities.
5. Emergency vehicles, including police, fire and ambulance equipment, must be able to access the proposed AOFB at all times and have sufficient space to maneuver.

## **Section 4.2 Accessory Structures and Uses**

Accessory structures, other than **fences** and **signs**, shall conform to the district **setback** requirements, except that the **yard** dimensions for an accessory structure of no more than 200 square feet with a height of no more than 15 feet are reduced to twenty (20) feet. Non-structural accessory uses may be located in front, side, or rear **yards** and need not comply with district **yard** requirements.

### **Section 4.2.5 Adaptive Reuse**

- A. The purpose of this provision is to encourage the restoration, rehabilitation, continued viability and use of historic carriage houses and historic barns, which have outlived their original function, by allowing specified uses which are not otherwise allowed in the district in which the structure is located.
- B. Adaptive reuse is enabled within all zoning districts and is subject to conditional use review by the Development Review Board in accordance with Section 5.2 and the adaptive reuse provisions of this Section.
- C. Provided that they comply with all applicable local and state regulations, the following uses are allowed in historic carriage houses and historic barn structures:
  - 1) Multi-unit dwellings at a density not more than the density (units/acre) required for the district in which the building is located; except as allowed in Section 4.19 or as part of a planned unit development under Article 8
  - 2) Accessory On-Farm Business (only requires site plan review, not conditional use)
  - 3) Home business (in the Rec/Con and Con-30 districts, where home businesses are not otherwise allowed)
  - 4) Home industry (in the Rec/Con district)
  - 5) Artist Studio or Gallery (with no more than 5 artisans or employees on site at any one time)
  - 6) Cultural Facility
  - 7) Child Care Facility (in the Rec/Con & Con-30 districts)
  - 8) Storage facility, including warehouse
  - 9) A combination of the above-listed uses if “mixed use” is allowed in the underlying district.
- D. In addition to conditional use review requirements under Section 5.2, all applications for adaptive reuses shall meet the following requirements:
  - 1) If the structure is non-conforming, the proposed adaptive re-use shall in no way increase the degree of non-conformance, except in accordance with Section 3.9.

- 2) A structure intended for adaptive reuse, which is accessory to a principal structure, shall be retained in common ownership with the principal structure. However, the proposed enterprise may be owned and operated by a person other than the property owner.
- 3) Accesses (curb cuts), driveways, and parking shall, to the extent feasible, be shared with other uses on the same parcel.
- 4) Any rehabilitation or restoration associated with an adaptive reuse shall not significantly alter the footprint, façade or historic character of the structure.
- 5) The adaptive re-use shall occur within the existing dimensions of the structure.

### **Section 4.3 Agricultural and Forestry Uses**

Agricultural and **forestry uses** are allowed in all districts without the need for a zoning permit. Although listed as **Permitted Uses** in all districts, development of **farm structures** does not require a zoning permit. Prior to breaking ground, however, the **Administrative Officer** must be notified of the project (except for temporary stands as provided for below). If the structure cannot meet the minimum **yard** requirements as provided for in the district where it is proposed, a variance must be obtained from the Commissioner of Agriculture, Food and Markets, or the Commissioner of Forests, Parks and Recreation as provided for in 24 V.S.A §4413(d).

Agricultural produce may be sold in connection with an on-premise **agricultural use** without a permit if:

1. stands are temporary and located at least twenty (20) feet from the edge of a traveled way and from **lot lines**,
2. business is conducted only during daylight hours, and
3. parking is provided off-street and limited to a total of five (5) cars at any one time.

If additional hours of operation are proposed, or off-street **parking space** for more than five (5) cars is needed, site plan review will be required in accordance with Section 4.1.5.

### **Section 4.4 Campers & Recreational Vehicles**

A. **Campers** (travel trailers, recreational vehicles) shall be parked in an approved campground or on an approved sales lot, with the exception that not more than one (1) camper may be located on a residential or undeveloped lot, as an allowed use, subject to the following:

1. **Campers** that are temporarily occupied, in accordance with this Section, shall be located in a side or **rear yard** and may not be located within required **setbacks** for the district.
2. It is not occupied for **dwelling** purposes for more than ninety (90) days within any one calendar year.
3. It is not hooked up to a water or septic system.

4. Any sewage generated shall be disposed of in accordance with all applicable local, state and federal regulations.
- B. Nothing shall prohibit a property owner from parking his or her unoccupied **camper**, travel trailer or recreational vehicle on his or her property.

#### **Section 4.5 Child Care Home**

In accordance with §4412 (5), a state registered or licensed child care facility located within a single-unit residence serving six (6) or fewer children on a full-time basis and not more than four (4) on a part-time basis, (the care-giver's children are not considered in determining total number of children) shall be considered a permitted single-unit residential use of the property. No **conditional use** or site plan permit is required, but a zoning permit is required and may be issued by the **Administrative Officer** subject to the following:

- A. the **applicant** shall submit proof that the facility is properly registered and/or licensed for child care by the State of Vermont and clearly state the number of children to be accommodated by the home-based facility; and
- B. the home-based facility shall meet all zoning district requirements.

#### **Section 4.6 Child Care Facility**

A state registered or licensed **child care facility** serving more than six (6) full-time children and four (4) part-time children may be permitted within the designated districts subject to **conditional use** and site plan review.

#### **Section 4.7 Extraction of Mineral Resources**

Any activities related to mineral extraction are a **conditional use** and require site plan review. The removal of **mineral resources**, except when incidental to the construction of a building or a road on the same premises or except where extraction will not exceed 500 cubic feet per year, shall not be permitted until a plan for rehabilitation of the site has been approved by the **Development Review Board**. The plan shall be submitted by the **applicant** and shall outline excavation procedures which specify **phasing** of the operation whereby upon completion of the phases the excavated sections are left in a safe, attractive and useful condition. In accordance with Section 4464(b)(2) of the Act, the **Development Review Board** may require a performance bond to cover the costs of such phased rehabilitation of the site. Rehabilitation shall at least include **slope**-rounding to 100% grade if possible, mulching, fertilizing and re-planting. Work shall be done under the supervision of, and to the satisfaction of, the **Development Review Board**. All surface drainage affected by the operation shall be controlled by the operator to prevent erosion debris and other loose materials from filling any drainage course, road or private property. All provisions to control natural drainage shall meet with the **approval** of the **Development Review**

**Board.** Stripping of topsoil for sale or for use on other premises, except soil made surplus by a construction project, shall be prohibited, unless not less than a four-inch layer of topsoil is replaced and re-seeded over the entire stripped area.

### **Section 4.7.5 Farm Worker Housing**

**Purpose:** To provide farmers greater flexibility, beyond the accessory dwelling unit provisions, to house employees without strict compliance with housing density provisions. Both the adaptive reuse of existing farm buildings and the construction of new buildings (including mobile homes) are envisioned. Farm worker dwellings may be allowed as a conditional use subject to the review standards in section 5.2 and the following special provisions:

- A. The dwelling(s) must be located on, or adjacent to and in the same ownership as, a parcel with an active farm, as defined in Article 10 of these regulations. The dwelling(s) shall be occupied only by the operator, farm workers and their immediate families. Qualifying farm workers may be part-time or full-time, seasonal, or year-round, but must do substantial work on the farm. Year-round use of the dwelling by a farm worker is allowed regardless of the worker's classification – i.e., full-time or part-time, seasonal or year-round.
- B. The dwelling(s) may be single-unit dwellings, multi-unit dwellings, or farm worker dormitory dwellings (see "Farm Worker Dormitory" definition for limitations); however, the size and type of dwelling(s) must conform reasonably to the size and scope of the farming activity, as farming is defined in 10 V.S.A. 6001(22) and Article 10 of these regulations.
- C. The dwelling(s) shall comply with the same setback and other dimensional and access requirements required of other dwellings for the zoning district in which it is located. The dwelling(s) shall not count toward density calculations for the parcel in question and shall be exempt from the prohibition on multiple structures/uses in section 3.8.
- D. The dwelling(s) shall comply with applicable State and Federal health and safety regulations (e.g., fire code, VT rental housing health code, potable water supply, wastewater disposal system), VT residential building energy standards, and the municipal parking standards in Section 3.10. The dwelling(s) shall also conform to the design of other structures in the neighborhood and comply with all prior permits and approvals (e.g., subdivision) issued for the parcel.

### **Section 4.8 Fences & Walls**

- A. All **fences** and **walls**, other than Boundary Line **Fences** and **Walls**, shall meet the following standards:
  1. A **fence** or **wall** must be set back a minimum of three (3) feet from the property line.
  2. The finished side of the **fence** or **wall** must face the abutter's property.
- B. All fences and walls, including Boundary Line Fences and Walls, shall meet the following standard:

1. No fence or wall shall extend into or obstruct public rights-of-way or interfere with sight distance for vehicular traffic.
- C. Fences in Special Flood Hazard Areas: All fences and walls located in **Special Flood Hazard Areas** (SFHA), including Boundary Line **Fences** Agricultural **Fences**, and fences less than or equal to five (5) feet in height, shall be subject to Flood Hazard Review by the **Development Review Board**.
- D. Fences less than or equal to five (5) feet in height: Except for **boundary line fences**, fences less than or equal to five (5) feet in height, as measured from the ground, that are not located in a SFHA or a public right-of-way, and that meet all standards for **fences** and **walls**, shall not require a zoning permit. (See Section 1.7 (O))
- E. Fences more than five (5) feet high: **Fences** over five (5) feet in height, as measured from the ground, shall meet the standards for **fences** and **walls**, and shall require **conditional use approval** by the **Development Review Board**.
- F. Agricultural fences: **Except in Special Flood Hazard Areas**, **fences** that qualify as **farm structures** (see definition), regardless of height, shall not require a zoning permit but shall meet the standards for **fences** and **walls**. The **Administrative Officer** shall be notified in writing that an agricultural **fence** is being constructed. The notification shall include the physical address and parcel number of the property; the name, mailing address, and signature of the property owner; the reason why the **fence** qualifies as a “**farm structure**,” and a sketch showing the dimensions, location, and **setback** of the **fence**.
- G. Boundary line fences: A **fence** or **wall** may be constructed on the boundary line between two properties if both property owners agree on the design, size, location, orientation (of the face or finished side), and maintenance of the **fence** or **wall**. Constructing a boundary line **fence** or **wall** shall require a zoning permit, regardless of height. An application for a boundary line **fence** or **wall** shall be a joint application, signed by both property owners, and shall include:
1. A survey of the property line on which the **fence** or **wall** will be located.
  2. A written agreement specifying the type of **fence** (e.g. picket, split rail, stockade, stonewall, etc.), the dimensions, the exact location and orientation of the **fence** or **wall**, and the person(s) responsible for maintenance.
- H. Stonewalls: For the purposes of this section, a stonewall is considered a **fence**. A single large boulder, or an unconnected series of boulders, is not considered a stonewall or a **fence**. (See Section 1.7 (O))
- I. Hedgerows: For the purposes of this section, a hedgerow is not considered a **fence**. However, property owners should note the following:

1. Nothing can be placed or planted in a highway right-of-way without written permission from the West Windsor Selectboard.
2. Vegetation that extends onto an **abutting property** may be trimmed back to the property line by the **abutting property** owner without notification or permission.

### **Section 4.9 Group and Residential Care Homes**

In accordance with 24 V.S.A. §4412(1)(G), a **residential care home** or **group home**, to be operated under state licensing or registration, serving not more than eight persons who have a handicap or disability (as defined in 9 V.S.A. §4501) shall be considered a permitted single-unit residential use of property. A **residential care home** or **group home**, to be operated under state licensing or registration, serving nine or more who have a handicap or disability (as defined in 9 V.S.A. §4501) shall be reviewed as a **multi-unit dwelling** and shall be subject to **conditional use** and site plan review.

### **Section 4.10 Home Occupation**

Nothing in these Regulations shall prevent residents from using a minor portion of their **dwelling** for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located. A home occupation does not require a zoning permit provided that the home occupation shall:

1. be carried on only by residents of the premises;
2. involve only a service provided or a product produced by those residents;
3. be operated entirely within a principal and/or accessory structure;
4. result in no external evidence of the enterprise except for permitted **signs**;
5. be clearly secondary to the use of the premises for **dwelling** purposes;
6. meet all performance standards, as specified in Section 3.11; and
7. not result in traffic volumes substantially above that which would normally be expected from a residential use in the neighborhood.

A business activity which exceeds the standards for a Home Occupation as set forth in this Section is not permitted unless otherwise provided for in the district as either a home business or home industry.

### **Section 4.11 Home Business**

In districts as specified in Article 2, home businesses accessory to a **dwelling** must conform to the requirements of this section. A Home Business is a permitted use in the specified districts and requires the approval of the **Administrative Officer**. A home business shall:

- A. be carried on by residents of the premises and not more than two (2) additional on-premise employees who are not residents;

- B. occupy an accessory structure located on the lot, or a portion of the dwelling that includes less than 50% of its total floor area;
- C. not involve external storage of supplies or equipment, except for outdoor parking of two business vehicles, unless they are screened from any adjacent highway or **dwelling** units by fencing or evergreen vegetation;
- D. provide off-street parking for all customer and employee vehicles;
- E. meet all performance standards, as specified in Section 3.11; and
- F. be secondary to the use of the premises for **dwelling** purposes.

Any proposed expansion of the home business beyond that permitted will require a separate zoning permit for a home industry under this section, or other use as appropriate.

### **Section 4.12 Home Industry**

Home industries (as distinguished from Home Businesses) may be permitted in designated zoning districts and are subject to **conditional use** review and must conform to the requirements of this section. A home industry shall:

- A. be carried on by residents of the premises and not more than four (4) additional on-premise employees who are not residents;
- B. be carried on primarily within a principal or accessory structure and may have exterior storage of supplies and equipment if properly screened from any adjacent highway or **dwelling unit**. Exceptions may be made for goods compatible with the neighborhood such as nursery plants and shrubs;
- C. occupy an accessory structure located on the lot, or a portion of the dwelling that includes less than 50% of its total floor area;
- D. not change the residential character of the property or the surrounding area;
- E. not generate traffic that exceeds volumes suitable for the neighborhood and all roads providing access to the site;
- F. provide properly-screened off-street parking that is located to the side or rear areas, for customers and employee vehicles; and
- G. meet all performance standards, as specified in Section 3.11.

The permit shall clearly state that the home industry is accessory to the principal residential use, and shall be retained in common ownership and management.

### **Section 4.13 Landfill**

In all districts, the dumping of refuse, or waste material, is prohibited. Filling of land in a **special flood hazard area** (SFHA) is prohibited unless it complies with the West Windsor Flood Hazard Area Regulations. Outside the SFHA, filling of land with loam, rock, stone, gravel, or sand is a **permitted use** in all districts provided that:

- A. final contours are graded, covered with topsoil, and re-vegetated to prevent erosion;

- B. natural drainage flows are not obstructed or diverted onto adjacent property;
- C. there is no unauthorized disturbance to, or filling of, water bodies, **wetlands, buffers**, or other significant natural areas; and
- D. such filling does not result in a **slope** greater than 25% within 50' of any property line.

Development which cannot meet the above criteria requires review and **approval** by the DRB in accordance with Sections 3.5 and 3.13.

### **Section 4.14 Light Industry**

In addition to **conditional use** and site plan review, manufacturing or fabricating enterprises, which do not meet the standards for a home occupation, home business, home industry, or low-impact non- residential use, must:

- A. be located in the Light Industrial/Commercial district;
- B. be carried on within a principal structure and involve external storage of supplies or equipment only if they are adequately screened from any adjacent highway or **dwelling** unit by fencing, evergreen vegetation, or other compatible screening;
- C. provide off-street parking for all customer and employee vehicles; and
- D. meet all performance standards, as specified in Section 3.11.

### **Section 4.15 Low-impact Non-residential Use**

- A. Low-impact non-residential uses, which meet the requirements of this section, may be allowed in the Primary Growth Village district, following **conditional use** review by the **Development Review Board** (DRB). A low-impact non-residential use shall:
  - 1. Be carried on within an existing principal or accessory structure, or meet the requirements of Section 4.15 (B);
  - 2. Employ no more than ten (10) on-premise workers;
  - 3. Not involve external storage of materials or equipment unless they are adequately screened from adjacent highways or **dwelling** units;
  - 4. Provide adequate off-street parking for all customer and employee vehicles;
  - 5. Meet all the performance standards of Section 3.11; and
  - 6. Establish hours of operations which ensure that the proposed use does not have an **undue adverse impact** on neighboring residential uses.

- B. Any new construction planned in connection with an existing or proposed low-impact non-residential use, must be approved by the DRB and shall:
1. Have the appearance of a residence, garage or barn;
  2. Be designed for easy conversion to a residence or other use allowed in the district;
  3. Be of a size and scale similar to other structures in the neighborhood; and
  4. Have acreage, **yards, frontage, coverage** and **setbacks** sufficient to allow the proposed structure to meet the dimensional requirements for the district in the event that the property is subdivided in the future.

### **Section 4.16 Mixed Uses**

In designated districts, more than one use may be permitted within a single building or on a single lot subject to site plan and **conditional use** review, provided that:

- A. Each of the proposed uses is allowed as a permitted or **conditional use** in the district in which it is proposed.
- B. The combined uses shall meet all applicable standards for the district in which the mixed use is proposed, including **setbacks, frontage, side yards, lot coverage, lot size, and parking.**

### **Section 4.17 Mobile Homes, Modular Housing, Prefabricated Housing**

Pursuant to 24 V.S.A. § 4412(1)(B), a **mobile home** shall be considered a **single-unit dwelling** and shall meet the same zoning requirements applicable to **single-unit dwellings**, except when unoccupied and displayed in a **mobile home** sales establishment or allowed as a temporary structure under these regulations.

In all districts, **mobile homes** are permitted on lots as **single-unit dwellings** if they are secured to a permanent foundation. This foundation shall be constructed of stone, concrete or other such materials and may be either a **full basement**, slab, sunken piles enclosed with block facing, or some other permanent construction.

### **Section 4.18 Mobile Home Parks**

**Mobile Home Parks** are permitted in the Secondary Growth Residential district as **Planned Unit Developments**. Mobile home parks shall comply with the provisions of Article V and shall obtain a Mobile Home Park Permit from the State of Vermont prior to occupancy. Nothing herein shall be construed to apply to premises used solely for storage or display of **mobile homes**.

### **Section 4.19 Multi-Unit Dwellings**

Depending upon the district, **multi-unit dwellings** may be reviewed as Permitted Uses, **Conditional Uses** or as part of a **Planned Unit Development**. The lot size for multi-unit dwellings shall equal or exceed the "minimum lot size per unit" for the district times the number of units proposed, except as follows:

- A. In all districts, a **two-unit dwelling** requires the same minimum lot size as a **single-unit dwelling**, provided all required state and local permits are obtained.
- B. In the Rural Residential and Conservation Districts, a multi-unit dwelling with three or four dwelling units, proposed as an adaptive re-use of an historic structure, only requires the minimum lot size for the district (i.e. 5 acres in Rural Residential; 30 acres in Conservation) provided all required state and local permits are obtained.

**Multi-unit dwellings** may also be permitted as part of a Planned Unit Development (PUD) in the Rural Residential and Rec/Conservation PUD districts. In a PUD, a multi-unit dwelling may be either a new structure or a subdivision of a pre-existing structure.

### **Section 4.20 Ponds**

The creation or expansion of ponds and other impoundments may be permitted as an **accessory use** or structure upon application and receipt of a zoning permit in accordance with Sections 9.2 and 9.3. In issuing a zoning permit, the **Administrative Officer** shall find that:

- A. A pond with a water surface area of 10,000 square feet or more shall require **conditional use approval**.
- B. Any pond that will impound, or be capable of impounding, more than 500,000 cubic feet of water must receive a permit from the Vermont Department of Environmental Conservation (VDEC), in accordance with 10 V.S.A. Chapter 43, in addition to a local zoning permit.
- C. If the project necessitates any work within a **stream**, a **stream alteration** permit is required from VDEC in accordance with 10 V.S.A. Chapter 41.
- D. Any application for a pond involving the impoundment of water through the creation of an embankment, berm, or other structure that exceeds the natural grade of the site, or having a water surface area of 10,000 square feet or greater, shall include certification that the pond was designed by a licensed professional engineer. Before a **Certificate of Occupancy** can be issued for the pond, the **applicant** must submit certification by a licensed professional engineer that the pond was built in accordance with the proposed design.

- E. Applications for projects that require **approval** from the VDEC and/or the Army Corps of Engineers shall not be considered complete until such **approvals** are received by the **Administrative Officer**.

A zoning permit is not required for maintenance of an existing man-made pond for which there is a permit, or which predates zoning, as long as the pond is not enlarged, and the maintenance activities conform with state and federal regulations and the Construction Standards for Ponds.

### Conditional Use Review for Ponds

All ponds and all other impoundments, with a water surface area of 10,000 square feet or more, are subject to conditional use review. In granting approval, the Development Review Board shall find that the proposed pond is not located where failure of the embankment, berm, or other structure could cause:

- A. Loss of life;
- B. Injury to persons or livestock;
- C. Damage to residences, commercial or industrial buildings;
- D. Damage to roads, bridges, culverts, or other infrastructure; or
- E. Interruptions of the use of public utilities.

Upon issuance of **conditional use approval**, the **Development Review Board** shall duly note that the owner of the property is responsible for the maintenance and safe functioning of the pond, and for any **undue adverse impacts** on neighboring properties, neighboring water supplies, or adjacent town highways.

### Construction Standards for Ponds

Ponds must be designed and built in accordance with the following standards:

- A. Excavated soil must be disposed of in an upland site so as not to wash back into water bodies and **wetlands**. All areas above the pond's waterline stripped of vegetation during construction must be seeded and mulched as soon as possible after construction is completed.
- B. The banks of ponds should be no steeper than a 3:1 **slope** (i.e., three feet horizontally to one foot vertically) out to a depth of three feet.
- C. Ponds and their supporting structures may be 25 feet from the edge of the highway right-of-way if the elevation of the pond is below the elevation of the road and the landowner has a written agreement with the West Windsor Volunteer Fire Department authorizing the installation of a hydrant.
- D. Zoning applications for ponds with elevations above the elevation of the adjacent highway right-of-way shall include a letter from the West Windsor Highway Foreman approving the proposed pond design.

**Applicants** should be aware that ponds may be considered **wetlands**. Future development within 50' of the pond may be restricted by local, state or federal law.

### **Section 4.21 Ramps**

Ramps, both covered and uncovered, constructed for the sole purpose of providing accessibility to buildings by individuals with disabilities do not need to meet district **setback** requirements provided they do not exceed the dimensions for width set forth in the federal Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities. Any part of an accessibility route with a **slope** greater than 1:20 shall be considered such a ramp. While no application or fee is required for construction, a **sketch plan** showing the proposed location of the ramp on the lot and the ramp dimensions shall be submitted to the **Administrative Officer**. Ramp construction shall not encroach on any public rights-of-way without the prior approval of the Selectboard or the State, where required.

### **Section 4.22 Storage of Flammable Fluids**

The storage of flammable fluids and the equipment in which they are stored is controlled under the Fire Code of Vermont (NFPA Code) as administered by the State Fire Marshal and the local Emergency Management Coordinator. Storage of flammable fluids (other than bulk storage for commercial distribution) which is accessory to another use and is consistent with this Code is permitted in any district, but will require a zoning permit if the storage capacity is over 1000 gallons. Bulk storage for commercial distribution is only permitted in the COM/IND district and must also comply with the Code. Procedures for abandoning storage tanks for flammable fluids must be approved by the Fire Marshal's office.

### **Section 4.23 Swimming Pools**

A swimming pool shall be considered an accessory structure. Swimming pools shall be installed and maintained in conformance with the State Health Code, and shall be surrounded by a barrier (for in-ground pools) or pool side (for above ground pools) no less than four (4) feet high to prevent uncontrolled access. Any gates shall be self-closing and self-latching. Alternative methods to prevent uncontrolled access shall require **conditional use approval** by the DRB.

### **Section 4.24 Two-unit Dwellings**

Ordinarily a **multi-unit dwelling** requires a lot size at least equal to the number of units times the minimum lot size for a **single-unit dwelling**. However, a **two-unit dwelling** only requires the minimum lot size if all state and local permits are obtained.

## **Section 4.25 Wireless Telecommunications Facilities**

Purpose: To regulate the construction, **alteration**, development, decommissioning or dismantling of wireless communication facilities and ancillary structures and **improvements**. Activities regarding the decommissioning or dismantling of communication facilities and ancillary structures may include requirements that a bond, or other security acceptable to the **Development Review Board**, be posted in order to finance the decommissioning or dismantling of all or any portion of the facility. Pursuant to 24 V.S.A §4440(d), the Board is authorized to hire qualified persons to conduct an independent technical review of applications and to require the **applicant** to pay for all reasonable costs thereof.

A wireless communication facility is a **conditional use** in any District. In addition to the relevant bylaws, the Board shall review an application for a wireless telecommunications facility for compliance with this Section as well as the **conditional use** standards in Section 5.2, and may attach certain additional requirements or conditions to a permit.

- A. An **applicant** for a telecommunications tower or facility must be a telecommunications provider or must provide a copy of its lease/contract with an existing telecommunications provider. A permit shall not be granted for a tower to be built on speculation.
- B. In addition to information otherwise required under this bylaw, all applications for wireless communications facilities shall include the following supplemental information:
  1. The name and address of the **applicant**, the record landowners, and any duly appointed agents of the landowners or **applicants**. If the **applicant** is not a natural person, the name of the business and the state in which it is registered shall be provided.
  2. The name, address, and telephone number of the person to be contacted and authorized to act in the event of an emergency.
  3. The names and addresses of the record owners of all **abutting property**.
  4. A report from a qualified and licensed professional engineer that describes the tower height and design including a cross section and elevation.
  5. A written five-year plan for use of the proposed facility, including reasons for seeking capacity in excess of immediate needs, as well as plans for further developments and **coverage** within the Town.
  6. For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successors to permit shared use of the tower if the additional user agrees to meet reasonable terms and conditions for shared use.

7. Vicinity Map showing the entire vicinity within a 2,500 foot radius of the tower site, including the topography, public and private roads and **driveways**, buildings and structures, water bodies, **wetlands**, landscape features, historic sites, and areas designated by the Vermont Agency of Natural Resources as critical wildlife habitat or as known locations of endangered or threatened species. It shall indicate the property lines of the proposed tower site **parcel** and all **easements** or rights of way needed for access from a public way to the tower.
  8. proposed plans of entire development indicating all **improvements** including landscaping, screening, power lines, storage and maintenance buildings, and roads.
  9. Elevations showing all facades and indicating all exterior materials of towers.
  10. **Setback** distances of all buildings and structures accessory to a tower (except for electric power poles where specifically exempted by the Board) shall meet the minimum **setback** requirements of the underlying zoning district. If the minimum **setbacks** of the underlying zoning district are less than the height of the tower, including antennas or other vertical appurtenances, the minimum distance from the tower to any property line or occupied structure shall be no less than the height of the tower, including antennas and other vertical appurtenances.
- C. Before receiving a permit, an **applicant** shall demonstrate, through certification by a qualified Radio Frequency (RF) engineer, which the proposed facility will comply with all applicable Federal Communications Commission (FCC) rules governing RF radiation and interference. The **Development Review Board** may require post-construction monitoring to ensure compliance.
- D. Siting and design of communications facilities (including any support and maintenance structures, necessary access corridors, and utility lines) shall minimize impacts on natural, scenic, and aesthetic resources to the fullest extent possible. The **Development Review Board** is specifically authorized to place, among other conditions, restrictions on the height of a facility above existing roof lines and tree canopies. Lighting shall not be allowed unless specifically required by the Federal Aviation Administration (FAA), and must be shielded from surrounding properties to the greatest extent possible.
- E. For each wireless telecommunications facility installed subject to these regulations, the owner of a facility shall annually, on January 15, file a declaration with the Town of West Windsor's **Administrative Officer** certifying the continuing safe and FCC compliant operation of said facility, including the condition of the tower portion. Failure to file a declaration shall mean that the facility/tower is no longer in use and shall be considered discontinued or abandoned. In the event that the use of a tower or other equipment is discontinued or abandoned, the site shall be restored to its natural condition, or to the condition that existed prior to construction or installation, as appropriate, within 180 days

of discontinuance; the **Development Review Board** may require an **applicant** to secure a bond ensuring removal and site rehabilitation.

- F. If feasible, wireless communications facilities shall be located on existing structures, including but not limited to buildings, water towers, existing communications facilities, and utility poles and towers. An **applicant** for a tower or support structure shall have the burden of demonstrating, to the satisfaction of the **Development Review Board**, that there are no existing structures on which it is feasible to locate. This demonstration shall include, at a minimum:
1. A map showing other FCC-licensed wireless communications facilities within the town and within ten miles of the proposed site;
  2. A propagation study, showing why available structures cannot be used to attain the **coverage** necessary for the **applicant** to provide service to the town.

#### **Section 4.26 Short-Term Rental**

A **Short-Term Rental** is a furnished house, condominium, or other dwelling room or self-contained dwelling unit rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year.

The Town recognizes the benefit of **Short-Term Rentals** to homeowners, visitors and the community. However, it is important to maintain an adequate supply of long-term rentals for the community's housing needs. It is also important not to create a nuisance or change the character of residential areas.

The short-term rental of all or part of a permitted dwelling unit, as defined in these Bylaws, is an allowed use in all districts where residential uses are permitted without a zoning permit, but may be regulated by the Selectboard of the Town of West Windsor by civil ordinance under authority granted in 24 V.S.A. § 2291(29) and 24 V.S.A. § 1971 et seq. Signs for a short term rental may require a sign permit, pursuant to Section 3.14 (Signs) of the Zoning Bylaws. Any sign requiring a permit under these Bylaws is prohibited to advertise or call attention to or direct a person to a short-term rental.

To ensure that the short-term rental use of residential property does not adversely affect the neighborhood in which the short-term rental is located, the following provisions shall apply:

- A. **Short-term rentals** are not allowed in the Industrial/Commercial district. In all other districts, one **Short-Term Rental** is a permitted use provided that it is registered or otherwise compliant with all civil ordinances issued by the Selectboard of the Town of West Windsor.
- B. There shall be only one **short-term rental** on a property except in areas served by a public wastewater system. An application proposing two or more **short-term rentals** on a property requires conditional use review and approval by the DRB.

- C. Occupancy of the **short-term rental** shall not exceed wastewater permit conditions or current wastewater rules.
- D. All associated parking shall be on-site in designated spaces and shall comply with Section 3.10 Parking and Loading Requirements.
- E. Any rubbish storage areas shall not be visible from adjacent properties or roads.
- F. The **short-term rental** owner will register annually with the STR Administrator designated by the Selectboard by April 30 of each year. Failure to file the annual registration or failure to meet the above standards shall result in a notice of violation (see Section 9.5), which may be appealed to the DRB in accordance with Section 9.7 (Appeals from Decisions of Administrative Officer).

In addition to a local zoning permit, state permits may be required. Please see Section 1.9 of these regulations for more information on state permits.

#### **Section 4.27 Airports, Heliports & Restricted Landing Areas**

Except for existing or proposed facilities on public property established or maintained for the purpose of facilitating emergency response, including natural disaster, medical, and law enforcement response, airports, heliports and restricted landing areas, as defined in 5 VSA §202, and including private helipads and airstrips, are prohibited in all zoning districts in the Town of West Windsor.

#### **Section 4.28 – Electric Vehicle Charging Stations**

- A. A private **electric vehicle charging station**, accessory to a residential use, is exempt.
- B. A public **electric vehicle charging station**, within an approved parking area or an approved auto service station area, is a permitted accessory use in all zoning districts and shall:
  - 1. count toward the minimum number of parking spaces required in Section 3.10;
  - 2. be protected from damage (e.g. with bollards or curbing);
  - 3. be accompanied by identifying signage consistent with the Manual on Uniform Traffic Control Devices (MUTCD); and
  - 4. be ADA-accessible where feasible.
- C. In a public parking area with ten or more spaces, use of the **electric vehicle charging station** shall be reserved for electric vehicles only, which shall be indicated with signage (e.g. “No Parking Except Electric Vehicles”) unless this provision is waived by the Zoning Administrator.

## ARTICLE 5 - DEVELOPMENT REVIEW

An **applicant** for a Site Plan Review or **Conditional Use Review** by the **Development Review Board** shall submit, in addition to a zoning application, the information required in Section 5.1 (for Site Plan Review) and/or Section 5.2 (for **Conditional Use Review**). This information is required unless specifically waived by the **Development Review Board**. Minor amendments to previously approved development may be reviewed and approved by the **Administrative Officer** under Section 9.3.

### Section 5.1 Site Plan Review Standards and Procedures

#### 5.1-1 Site Plan Requirements

Site plans shall be prepared to scale (unless waived by the **Administrative Officer**) and show or designate the following:

- A. The location, height, dimensions and spacing of existing and proposed structures;
- B. Streets, **driveways**, power lines, and other utilities;
- C. On-site and off-street **parking spaces**;
- D. All other physical features, including surface waters and **wetlands**, stone walls and **fences**, **open space**, existing and proposed elevations, existing and proposed water, sewer, drainage infrastructure, and contours;
- E. Acreage of entire **parcel**, with existing and proposed lot boundaries;
- F. Areas designated by the Vermont Agency of Natural Resources as critical wildlife habitat or as known locations of endangered or threatened species;
- G. Significant natural or cultural features;
- H. Landscaping and screening;
- I. Lighting design;
- J. **Erosion control**;
- K. Deeded Easements.

#### Section 5.1-2 Site Plan Review

For any **Conditional Use** other than a **one- or two-unit dwelling**, an **accessory use or structure**, or a home occupation, the **approval** of site plans by the **Development Review Board** (DRB) is required. In reviewing site plans, the DRB may impose conditions and safeguards with respect to adequacy of parking, traffic access, circulation for pedestrians and vehicles; landscaping and screening; the protection of the utilization of **renewable energy resources**; exterior lighting; size, location and design of **signs**; and other matters specified in the bylaws which includes, but is not limited to: compatibility with surrounding development; noise, vibration, erosion, and dust; and protection of natural and scenic resources. Consideration shall be given to traffic mobility and safety on affected streets, impacts on surrounding uses, and to desired land use patterns as encouraged by the **Municipal Plan** and the zoning regulations of the affected district(s). Conditions may include, but are not limited to, the following:

- A. Compatibility with surrounding development: The DRB may require the design and placement of structures to be compatible with significant historic and natural features and resources, adjacent/surrounding buildings, and the landscape. The review may include **setback** distances, physical orientation, construction materials, and architectural design. Design shall not be limited to any particular style or period, but should be consistent with established patterns in the surrounding area.
- B. Traffic access and circulation: Among other appropriate safeguards and conditions, the DRB may:
  - 1. limit the number and width of access drives; require consolidation of existing access points.
  - 2. require shared access and/or parking for adjoining properties or for future users of the remainder of a **parcel**; require the reservation of shared rights-of-way for future roads, parking areas, and pedestrian facilities; allow for consolidation or shared use of required **parking spaces** between uses.
  - 3. require the **applicant** to obtain a traffic impact study from a qualified consultant.
  - 4. prohibit the location of parking facilities between the front line of building(s) and the street.
  - 5. accommodate existing or future facilities for non-vehicular travel.
- C. Protection of scenic and natural resources: The DRB may require that structures, parking facilities and other development be located so as to avoid **undue adverse impacts** to adjacent surface waters, **wetlands**, wildlife habitat, agricultural land, important scenic resources, and significant natural and cultural features. These requirements may include modification of the minimum **setback** distances of the zoning district.
- D. Exterior Lighting: The **applicant** will provide information regarding the location, type and level of illumination of all outdoor lighting. Exterior lighting shall be kept to the minimum required for safety and security and be consistent with the character of the neighborhood. To maintain the Town's rural character and preserve the night sky, streetlights are discouraged. However, where it is demonstrated that streetlights are necessary, only downcast, cutoff types of fixtures will be approved.

Hearings for **Conditional Use** and Site Plan **approval** may be consolidated, at the discretion of the **Development Review Board**.

## **Section 5.2 Conditional Use Review Standards and Procedures**

- A. **Application.** An application for **conditional use** review, along with the required fee, shall be submitted to the **Administrative Officer** for consideration by the **Development Review Board** at their next available regularly scheduled meeting.
- B. **Review Procedure.** The **Administrative Officer** shall notify the **Development Review Board** when a complete application is received. The Board shall hold a public hearing

within sixty (60) days of receiving a complete application, and shall issue a written decision within forty-five (45) days of the adjournment of the final public hearing. Failure of the Board to issue a written decision within forty-five (45) days of the date of the adjournment of the final public hearing shall be deemed **approval**, and shall be effective on the 46th day. All decisions, whether to approve, approve with conditions, or disapprove an application for a **Conditional Use** shall be based upon the general and specific standards in these regulations. In approving a project with conditions, the **Development Review Board** may require specific modifications to the scale, layout, design, timing or **phasing** of the project; may place restrictions on its operation and/or intensity to ensure compliance with this section, and may establish additional specific conditions if circumstances peculiar to the proposed **Conditional Use** require it.

C. **Appeals of Development Review Board** decisions shall be to the Environmental Court in accordance with the Act and Section 9.7 of these regulations.

D. **General Standards. Conditional use approval** shall be granted by the Board upon their determination that the proposed use or structure complies with these regulations and does not result in any undue adverse effect on any of the following:

1. The capacity of existing or planned community facilities or services. The Board shall consider the demand for community services and facilities which will result from the proposed development and determine whether that demand will exceed the capacity of existing facilities or services. In making such a determination, the Board will consider any capital program or budget in effect at the time of application and may consult with school, fire department, law enforcement, or other community officials. Conditions may be imposed to minimize the impact on schools and other community facilities, infrastructure, utilities and services.
2. The character of the neighborhood, area, or district affected. The Board shall consider the location, scale and intensity of the proposed development relative to the use and character of adjoining properties and other properties likely to be affected by the proposed use. The Board also shall consider the proposed development's compatibility with the purpose and character of the affected district as defined by these regulations, the **Town Plan**, and the testimony of affected property owners and other interested persons. Proposed activities that would create an **undue adverse impact** on the character of the neighborhood, area or district shall not be approved unless the **undue adverse impacts** can be avoided and/or mitigated through changes to the location, design, scale, operation, composition and/or intensity of the proposed development or use. However, in accordance with 24 VSA §4414 (3)(D), a multiunit dwelling project consisting of four or fewer units, located in a district allowing multiunit dwellings, may not be denied solely due to an **undue adverse impact** on the character of the area affected.
3. Traffic on roads and highways in the vicinity. The Board shall consider the projected impact of traffic resulting from the proposed development on the

capacity, safety, efficiency and use of affected public roads, **bridges**, and intersections. The Board will rely on accepted transportation standards in evaluating traffic impacts, and shall not approve a project that would result in the creation of unsafe conditions for pedestrians or motorists or unacceptable levels of service for local roads, highways and intersections, unless such conditions or levels of service can be mitigated by the **applicant** through physical **improvements** to the road network and/or traffic management strategies.

4. Bylaws now in effect. A **conditional use** must comply with all **municipal** bylaws and regulations in effect at the time the application is submitted, the policies of the West Windsor **Town Plan**, and the conditions of prior permits or **approvals**, including subdivision **approval**.
5. The utilization of renewable energy resources. The **Development Review Board** **will** consider whether the proposed development will interfere with the sustainable use of **renewable energy resources** either by using, restricting access to, or reducing the future availability of such resources.

**E. Specific Standards. Any Conditional Use:**

1. shall not unreasonably interfere with access to, use, or enjoyment of, adjacent properties;
2. shall not deny neighboring properties reasonable and adequate access to light or block existing significant views; and
3. shall allow for construction or maintenance of public utilities and infrastructure, where appropriate.

## ARTICLE 6 - SUBDIVISION REVIEW

### **Section 6.1: Applicability**

- A. Subdivision Approval Required. In accordance with 24 V.S.A. §4418, whenever any **subdivision** of land is proposed in the Town of West Windsor, **subdivision approval** is required before the **applicant** commences any construction, grading, **clearing**, or **land development**.
- B. Existing Subdivisions. All **subdivisions** of land, uses and structures lawfully in existence as of the effective date of these regulations are allowed to continue indefinitely. Changes, **alterations** or expansions to **pre-existing subdivisions**, structures or uses shall be subject to all applicable requirements of these regulations. Where an existing public road right-of-way bisects an existing parcel, the right-of-way shall be considered a boundary dividing the parcel into two lots.
- C. Types of Subdivision. West Windsor recognizes three types of **subdivision**: **Boundary Line Adjustments** (see Section 6.2), Minor **Subdivisions** (see Section 6.3), and Major, or Multi-lot, **Subdivisions** (see Section 6.4)
- D. Administrative Review/Referral to DRB. The Administrative Officer (AO) is authorized to review and approve Boundary Line Adjustments and Minor Subdivisions; however, the AO reserves the right to refer any application to the DRB where it is deemed that board-level review or interpretation is appropriate or necessary. In such cases, the applicant shall be responsible for any additional fees or submittals needed for DRB review.
- E. Administrative Officer Decisions. A decision by the Administrative Officer to issue a permit for a Boundary Line Adjustment or a Minor Subdivision may be appealed to the DRB in accordance with Section 9.7.
- F. Recording of Plats. Pursuant to the requirements of Section 6.6 of these Regulations the **applicant** shall submit for recording a final boundary line or subdivision plat, including a digital copy, within 180 days of the effective date of the permit issued for the boundary line adjustment or **minor subdivision**. Prior to recording, the final plat shall be signed by the Administrative Officer. If the applicant fails to submit a **final plat** within 180 days, the permit shall expire and the **applicant** must re-apply. The Administrative Officer may extend the date for filing the plat by an additional 90 days, if final local or State permits or approvals are still pending.
- G. Inconsistencies. If any development subject to these regulations, under the bylaw, is also subject to other Town, State, or Federal regulations, the most stringent or restrictive regulations apply.

## **Section 6.2 Boundary Line Adjustments**

**Boundary Line Adjustments** are adjustments to the dividing line between adjacent lots.

- A. **Standards.** In accordance with 24 V.S.A. §4464(c), these regulations authorize the **Administrative Officer** to review applications and issue permits for **boundary line adjustments**, provided that the **applicant** satisfies all of the following standards:
1. The adjustment requested meets the definition of a **Boundary Line Adjustment**;
  2. No new, or non-conforming, lots are created;
  3. Have no adverse impact on access, roads, rights-of-way, neighboring uses, natural resources, designated open space, existing or approved septic or water systems, or the provisions of public services or utilities;
  4. **Yards** of existing structures meet the minimum **yard** requirements of the district in which they are located; and
  5. The **applicant** either has applied for a wastewater and potable water supply permit or has demonstrated that a permit is not necessary.
- B. **Applications.** An **applicant** for a **boundary line adjustment** shall provide the **Administrative Officer** with a complete **boundary line adjustment** application and a survey of the property, drawn to scale, including the information and features specified in Appendix A of these regulations.

## **Section 6.3 Minor Subdivisions**

A Minor Subdivision is the division of a lot, tract or parcel of land into two lots, tracts, or parcels.

- A. **Standards.** In accordance with 24 V.S.A. §4463(a), the **Administrative Officer** may grant a permit for a minor subdivision provided that the proposed subdivision satisfies all the following standards:
1. Both lots meet the minimum dimensional requirements of the district(s) in which the lots are located; and
  2. All structures on the lots either:
    - (a) meet the setback requirements of the district(s) in which the lots are located; or
    - (b) for existing structures that don't meet the setback requirements, such structures either:
      - (i) were granted a variance in a prior proceeding and that variance is on file in the West Windsor Land Records, or
      - (ii) meet the definition of a preexisting non-conforming structure as defined in Section 3.9 (A).; and
  3. The tract of land has not been granted a subdivision permit within 5 years of the date the application is submitted; and
  4. The proposed subdivision does not violate any conditions imposed by prior municipal approvals; and

5. The proposed subdivision will not have an adverse impact on accesses, roads, rights-of-way, neighboring uses, natural resources, designated open space, existing or approved septic or water systems, or the provisions of public services or utilities.

B. **Applications.** Applicants are encouraged to consult with the Administrative Officer prior to submitting an application. An applicant for a minor subdivision shall provide the Administrative Officer with all of the following:

1. A complete subdivision application;
2. A survey of the property, drawn to scale, including the information and features specified in Appendix A of these regulations;
3. A copy of the wastewater system and potable water supply permit for each lot, or a copy of the permit application, or a determination from the Agency of Natural Resources that a permit is not required;
4. Proof that all adjacent property owners have been notified about the proposed subdivision by the applicant via certified mail; and
5. in the case of a subdivision located within 500 feet of a municipal boundary, proof that the applicant has notified the clerk of the adjacent municipality.

## **Section 6.4 Major (multi-lot) Subdivisions**

**Subdivisions** involving the division of a lot into three (3) or more lots must be approved by the DRB, subject to the following review procedures:

1. **sketch plan** review
2. **preliminary plan** review
3. final plan review

which are outlined in more detail below.

### **Section 6.4-1 Sketch Plan Review**

- A. Initial Meeting/Site Visit/Submission Requirements: Prior to meeting with the DRB, the **applicant** shall discuss the proposed **subdivision** with the **Administrative Officer**, who will provide the applicant with the general submission requirements for **sketch plan** review and conduct a preliminary site visit. After the site visit, the **Administrative Officer** will inform the **applicant** about any initial site-specific submission requirements. A complete **sketch plan** review application shall include the information specified in Appendix B of these regulations.
- B. Informal Review: Prior to the official submission of a **sketch plan** application, an **applicant** may request an informal, non-binding review by the DRB at a properly noticed meeting. Consideration may be given to the standards in Article III and other requirements or information which may have bearing on the project. Other town officials may participate as appropriate to the specific areas of concern. Any actions or recommendations shall not be binding on any party and shall not become part of the record of any subsequent

application submission or review. The **applicant** and the Chair or Vice Chair of the DRB shall be required to sign a Memorandum of Understanding acknowledging the non-binding nature of this informal review.

- C. Application for Sketch Plan Review: The **applicant** shall submit the original and seven (7) copies of a complete **sketch plan** application, along with the required fees, to the **Administrative Officer**. Within thirty days of receipt of a complete application, the **Administrative Officer** shall warn a site visit and **sketch plan** review hearing with the DRB as specified in Section 9.14 of these regulations.
- D. Sketch Plan Review Hearing: The **applicant**, or his/her duly **authorized representative**, shall attend the hearing of the DRB to discuss the proposed **subdivision**. The purpose of the **sketch plan** hearing is for the **applicant** and the DRB to agree on a conceptual plan that incorporates the **applicant's** objectives, to the extent possible, while complying with all applicable design standards. The DRB may request additional information from the **applicant** and may continue the **Sketch Plan** hearing pending submission of the requested information.
- E. Action on Sketch Plan: Within forty five (45) days after closing the sketch plan hearing, the DRB shall issue a written determination, which shall include:
  - 1. The granting or denial of any requests for **waivers** to the procedural requirements of Article II and/or the design standards set forth in Article III of these regulations, and
  - 2. Recommendations for proposed changes in subsequent submissions, including any requests for additional studies or supporting documentation. Pursuant to 24 V.S.A. §4440(d), the DRB is authorized to hire qualified persons to conduct independent technical reviews of applications and to require the applicant to pay for all reasonable costs thereof.
- F. Effect of Sketch Plan Determination: The DRB's written determination shall remain in effect for six (6) months after the date of issuance, unless otherwise approved or extended by the DRB. Within six (6) months of the determination, the **applicant** may apply to the DRB for **preliminary plan** review under Section 6.4-2 of these regulations or final plan review/**approval** under Section 6.4-3 if the **applicant** requests and is granted a waiver of the requirement for **preliminary plan** review.

### **Section 6.4-2 Preliminary Plan Review**

- A. Application Requirements: Within six (6) months of the date of the DRB's written determination on the sketch plan, the applicant shall submit the original and seven (7) copies of a complete preliminary plan application, along with the required fees, to the **Administrative Officer**. Within thirty days of receipt of a complete application, the **Administrative Officer** shall warn a preliminary plan review hearing with the DRB as specified in Section 9.14 of these regulations. A complete preliminary plan review

application shall include the information specified in Appendix C of these regulations, unless specifically waived by the DRB under Section 6.5.

- B. Preliminary Plan Review Hearing: The **applicant**, or his/her duly **authorized representative**, shall attend the hearing of the DRB to discuss the proposed **subdivision**. The DRB shall determine whether the project meets the requirements of these Regulations and any other **municipal** regulations in effect. The DRB may request additional information from the **applicant** and may continue the **Preliminary Plan** hearing pending submission of the requested information.
- C. Preliminary Plan Decision: Within forty five (45) days of the closing of the public hearing on the **preliminary plan**, the DRB shall issue, in writing, a decision to approve, approve with modifications, or disapprove the **preliminary plan** and plat. The **approval** of the **preliminary plan** shall be effective for a period of six (6) months following the date of written notice of **approval**, unless otherwise indicated or extended by the DRB in the written decision.
- D. Phasing: At the time that the DRB grants **preliminary plan approval**, it may require the **subdivision** to be divided into two or more phases. The DRB may impose conditions for each phase to ensure the orderly development of the **subdivision**, to avoid overburdening **municipal** facilities and services, and to allow necessary upgrades to existing infrastructure.

### **Section 6.4-3 Final Plan Review**

- A. Application Requirements: Within six (6) months of the date of **preliminary plan approval**, the **applicant** shall submit the original and seven (7) copies of a complete application for final plan and plat **approval**, along with the required fees, to the **Administrative Officer**. **Applicants** who fail to submit a complete final plan application within six months may be required to resubmit a preliminary plan. Resubmissions will be subject to any new zoning and **subdivision** regulations. A complete final plan review application shall include the information specified in Appendix D of these regulations, unless specifically waived by the DRB under Section 6.5.
- B. Final Plan Review Hearing: Within thirty days of receipt of a complete application, the **Administrative Officer** shall warn a final plan review hearing with the DRB as specified in Section 9.14 of these regulations. In the case of a plat located within five hundred (500) feet of a **municipal** boundary, a copy of the notice shall be sent to the Clerk of the adjacent municipality, at least fifteen (15) days before the public hearing. The **applicant**, or the **applicant's** duly **authorized representative**, shall attend the final plan review hearing of the DRB to review the final plan and plat. The DRB shall determine whether the final plan and plat meet the requirements of these and any other **municipal** regulations in effect and conform to the decision issued following **preliminary plan** review. If necessary, the DRB may request modifications to the **final plat** or additional information from the **applicant**

and may continue the Final Plan Review hearing pending submission of the requested information.

- C. Final Plan Approval: Within forty five (45) days of the closing of the public hearing on the final plan, the DRB shall issue, in writing, a decision to approve, approve with modifications, or disapprove the final plan and plat. Failure to act within forty five (45) days shall be deemed **approval**, as certified by the Town Clerk. Provisions for appeal under Section 9.7 of these regulations shall be set forth in the written decision of the DRB.
- D. Effect of Final Plan Approval: The **approval** by the DRB of a final plan and plat shall not be construed to constitute acceptance by the town of any road, **easement**, utility, park, recreation area, or other **open space** shown of the **final plat**. Such acceptance may only be gained through a formal resolution by the Selectboard in accordance with 24 V.S.A. §§4463(c), 4464(b)(5). A final plan **approval** shall contain a time limit by which all **improvements** shall be completed, not to exceed three (3) years unless extended by the DRB.

### **Section 6.5 Waiver Authority**

In accordance with 24 V.S.A. §4418(2)(A), the DRB may waive or modify any of the design standards or procedural requirements of these regulations upon finding that, because of the special circumstances of a particular **subdivision** application, they are not requisite in the interest of public health, safety and general welfare, or are inappropriate due to the inadequacy of connecting facilities adjacent or in proximity to the **subdivision**.

The request for a waiver shall be submitted in writing with the **sketch plan** and/or the **preliminary plan** application. The **applicant** shall provide sufficient information to justify the waiver and to enable the DRB to reach a decision. In granting **waivers**, the DRB shall attach such conditions that, in the DRB's judgment, will substantially achieve the objectives of any waived requirement of these regulations.

### **Section 6.6 Plat Recording Requirements**

- A. In accordance with the Act [§4463(b)], within one hundred eighty (180) days of the date of final plan **approval** under Section 6.4-3 (C) of these regulations, the **applicant** shall file with the town one final copy, and one digital copy, of the approved plat for recording under 27 V.S.A., Chapter 17, §1401-1406. **Final plats** must meet the requirements of the West Windsor Zoning Regulations. **Boundary line adjustments** and **subdivisions** approved and not recorded within the 180-day period shall expire.
- B. For major subdivisions, the **final plat** shall be signed by the Chair or Vice Chair of the DRB and at least one additional member of the DRB. The DRB may require that the conditions of **approval** be included on the **final plat**. For minor subdivisions and boundary line adjustments, the final plat shall be signed by the Administrative Officer.

- C. If a **subdivision** requires the construction of any roads or other public utility **improvements** by the **applicant**, the DRB may require the **applicant** to post a bond or comparable surety prior to the signing of the **final plat**. [See Section 9.14(C)(a)]

### **Section 6.7 Revisions to an Approved Plat**

No changes, erasures, modifications, or revisions to the **final plat** or the conditions of approval shall be made unless approved, in writing, by the DRB. In the event that such **subdivision** plan revisions are recorded without complying with this requirement, the revisions shall be considered null and void.

## ARTICLE 7 - SUBDIVISION PLANNING & DESIGN STANDARDS

### Section 7.1 Applicability

The DRB shall review Plans (Sketch, Preliminary and Final) and evaluate Subdivision Applications involving 3 or more lots, against the following Planning and Design Standards. The DRB may, as a result of findings made concerning the proposed development's conformance with these standards, require modification of the proposed land development, phasing of the proposed subdivision, specific conditions and/or additional measures to avoid or mitigate any adverse impacts likely to result from the proposed land development. The intent of these standards is to accommodate reasonable development in an orderly manner which provides for the safety and welfare of the community while being sensitive to the landscape and natural resources of West Windsor.

### Section 7.2 General Subdivision Standards

#### Conformance with the Town Plan and Other Regulations

Subdivision proposals shall conform to the goals and policies of the West Windsor Town Plan, other provisions of these regulations, the capital budget and program, and all other bylaws, ordinances and regulations of the Town of West Windsor currently in effect.

#### Character of the Land

The DRB shall determine that any land proposed for subdivision is of a character appropriate for the intended purpose and density of use, as proposed in the subdivision application, without inflicting undue adverse impact on public health and safety, the environment, neighboring properties, or the character of the surrounding area and community.

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

#### Lot Layout & Configuration

The **applicant** shall demonstrate that the location, shape, size and character of each lot, including **open space** lots, is appropriate for its intended purpose. To avoid the fragmentation, isolation or destruction of **open space** and existing features, irregular or elongated lots may be restricted or prohibited, and the location of structures or other development may be limited to within certain building envelopes. Building orientation and **setbacks** shall support existing development patterns and contribute to logical (and connective) road and pedestrian networks. Cluster development shall be encouraged and may be required, at the DRB's discretion, when it is deemed necessary to achieve the goals of these regulations.

#### Construction Mitigation

In order to mitigate noise and other impacts during the construction phase of the project, the **applicant** shall demonstrate that they plan to limit the hours of major construction and trucking of material, notify neighbors before any blasting, and comply with the performance standards included in Section 3.12 of the West Windsor Zoning Regulations.

### **Section 7.3 Protection of Natural & Cultural Resources**

Before lots are configured, roads are designed, or **open space** is designated, all of the following natural and cultural resources that are located on the property shall be identified and roughly outlined on the sketch plan. On preliminary and/or final plans, natural and cultural resources shall be accurately located and drawn to scale.

#### **Wetlands**

An undisturbed, vegetated **buffer** shall be maintained around all **wetlands** that:

1. have been identified as significant by the Agency of Natural Resources (ANR), or
2. are found on the National Wetlands Inventory map, or
3. fall under the jurisdiction of the Army Corps of Engineers.

The size of the **buffer** shall be as determined by ANR and/or the Army Corps of Engineers. With respect to ponds, the DRB may allow reasonable access for recreational purposes. Any other disturbance within the wetland or the required **buffer** shall require **approval** from the West Windsor **Development Review Board** (DRB) and may also require **approval** from ANR/DEC and/or the Army Corps of Engineers. A permit from the Wetlands Program may not be required, but applicant shall be required to make contact and request a written determination.

#### **Streams**

An undisturbed, vegetated **buffer** of 50 feet or more shall be maintained along all rivers and **streams** shown on the U.S.G.S. map. **Streams** not appearing on the U.S.G.S. map, including intermittent **streams**, shall require a 25' undisturbed **buffer**, unless otherwise approved by the DRB. Unavoidable disturbances, such as crossings, shall be kept to a minimum and must be approved by the State of Vermont River Management Program and the DRB, following **conditional use** review. A permit from the Rivers Program may not be required, but applicant shall be required to make contact and request a written determination.

#### **Special Flood Hazard Areas**

All **subdivisions** must comply with the Town of West Windsor's Flood Hazard Area Regulations with respect to the **Special Flood Hazard Areas** as shown on the most recently adopted **Flood Insurance Rate Map (FIRM)**.

### Critical Wildlife Habitat

The **applicant** shall demonstrate that the proposed **subdivision** has been designed to minimize, or reasonably mitigate, impacts on critical wildlife habitat, including deer wintering habitat and wildlife travel corridors, identified by the Vermont Department of Fish and Wildlife, or through site investigation. The DRB may require the submission of a wildlife habitat assessment, prepared by a wildlife biologist or comparable professional, to identify the function and relative value of impacted habitat and provide recommended management strategies to maintain or enhance those values and functions. The Board may also consult with Vermont Fish and Wildlife Department staff prior to issuing a decision.

### Threatened or Endangered Species

The **applicant** shall demonstrate that the proposed **subdivision** has been designed to minimize, or reasonably mitigate, impacts on threatened or endangered species as depicted on the Statewide Non-game and Natural Heritage Threatened and Endangered Species GIS data layer produced by the Agency of Natural Resources. The DRB reserves the right to request additional information through field investigation by a wildlife biologist.

### Farm and Forestland Preservation

The **applicant** shall demonstrate that the proposed **subdivision** has been designed to minimize, or avoid adverse impacts to primary agricultural soils, productive farmland and forestland, and large tracts of forestland (>50.0 acres regardless of ownership). Methods for avoiding adverse impacts include, but may not be limited to, clustering development, locating building envelopes at field, orchard, or forest edges and/or on the least fertile/productive soils; designating vegetated buffer areas between agricultural and other proposed uses to minimize land use conflicts; designing access roads, driveways, and utility corridors to follow existing linear features; and sharing access to the extent feasible.

### Ridgelines

Where applicable, building envelopes shall be sited below **ridgelines** to prevent structures from intruding on the skyline when viewed from a public road.

### Historic & Cultural Resources

The **applicant** shall demonstrate that the proposed subdivision has been designed to minimize adverse impacts to historic homes and features including, but not limited to, stone walls and cellar holes, as identified in the West Windsor **Town Plan** or through field investigation.

### Existing Recreation Trails

Where existing recreation trails have been mapped or identified through field investigation, the **applicant** shall demonstrate that reasonable provision has been made for the continued public use of such trails.

### Section 7.4 Open Space

The proposed **subdivision** shall be designed to preserve **open space** and common land for parks, recreation and trails, and/or to preserve the natural and cultural resources defined in Section 7.3 unless the DRB determines that the proposed **subdivision** does not contain resources which merit protection as **open space**. The location, size, shape and character of land set aside as **open space**:

1. shall be suitable for its intended use;
2. shall conform with and extend existing areas sharing similar characteristics or resources on adjacent **parcels**
3. may include the portion of a single lot characterized by one or more of the above referenced resources and/or encompass the contiguous boundaries of the resource located on multiple lots.

Areas preserved for agriculture or forestry should be of a size that retains their eligibility for tax abatement programs. The DRB may require management plans for farmland, forest land or critical wildlife habitat. Sewage disposal areas, utility and road rights-of-way or **easements**, and parking areas shall not be counted as **open space** areas.

The DRB may require that land held in common, for the preservation of **open space** or the provision of shared facilities, be dedicated either in fee or through a conservation **easement** to the Town of West Windsor, a community association comprising all of the present and future owners of lots in the **subdivision**, or a non-profit land conservation organization. At a minimum, designated **open space** shall be indicated as such on the **final plat**. Land held in common shall be subject to deed restrictions stipulating permitted and restricted uses and establishing the person or entity responsible for maintenance and long term stewardship. All costs associated with maintaining **open space** and/or common land shall be the responsibility of the **applicant** and subsequent land owners.

### Section 7.5 Stormwater Management & Erosion Control

The **applicant** shall demonstrate that the proposed **subdivision** incorporates temporary and permanent **stormwater management** and **erosion control** measures designed to control surface runoff, sedimentation, and water pollution both on-site and downstream from the proposed **subdivision**.

### Stormwater

Stormwater drainage, infiltration, retention and treatment facilities, including culverts and ditches, shall be designed to accommodate potential stormwater runoff from the entire upstream drainage area, based on conditions of total potential development, in accordance with the following standards:

- A. Post-development peak storm flows shall not exceed pre-development levels.
- B. All stormwater management facilities shall be designed in accordance with best management practices (BMPs) for stormwater management as most recently amended by the Vermont Agency of Natural Resources. The permittee is required to contact the VT Stormwater District Reviewer to determine if a Stormwater Permit is required for the proposed project.
- C. The preparation and implementation of a stormwater management plan, prepared by a Vermont Licensed Engineer, may be required by the DRB.
- D. For any proposed development in a sensitive location or on a **slope** with a gradient in excess of 20%, the **applicant** must provide the DRB with a **stormwater management** and/or sedimentation and **erosion control** plan.
- E. Off-site easements and/or management facilities may also be required by the DRB as needed to accommodate stormwater runoff on adjoining properties or downstream from the proposed development.
- F. Site **improvements**, including excavation, road construction, **clearing** and grading, shall not have an **undue adverse impact** on neighboring properties or surface waters during or after construction.

### Erosion Control

Land shall be subdivided and improved so as to retain, insofar as possible, the natural contours and to conserve the natural cover and soil. All areas exposed during construction shall be protected in accordance with the standards contained in the Low Risk Site Handbook for Erosion Prevention and Sediment Control published by the Vermont Department of Environmental Conservation, Agency of Natural Resources, including any updated versions of this publication. All areas exposed during construction shall be protected in accordance with standards. A State of Vermont Construction General Permit may be required. Permanent vegetation and structures shall be established according to a schedule as required by the DRB. The DRB may require the preparation and implementation of sedimentation and erosion control plan to ensure the site improvements, excluding excavation, road and driveway construction and site clearing and

grading, shall not unduly impact neighboring properties or surface waters. Such a plan, if required, shall be prepared by a professional engineer licensed by the State of Vermont.

### **Section 7.6 Roads, Pedestrian & Bicycle Access**

The **applicant** shall demonstrate that the proposed **subdivision** shall not generate traffic that exceeds the existing capacity of adjacent public or private roads or intersections. The DRB may require the **applicant** to conduct a traffic study to determine the capacity of existing roads and the projected increase in traffic that will be generated by the proposed **subdivision**. If the projected increase in traffic will exceed the capacity of existing adjacent roads, the DRB may deny the application or require the **improvement** of the existing roads and intersections to accommodate the increased traffic, at the **applicant's** expense.

The **applicant** shall demonstrate that all existing or proposed town highways or private roads within or adjacent to the proposed **subdivision** shall be:

1. logically related to the topography so as to produce usable lots, reasonable grades and safe intersections;
2. designed and laid out to extend to existing streets and sidewalks on accessible adjacent properties;
3. designed and laid out to allow for the future extension of the street and sidewalk network to accessible adjacent land, except where topography or other physical barriers or environmental considerations preclude an extension;
4. accessible by fire, ambulance, and police vehicles. Emergency vehicles must be able to get within 100 feet of the main entrance to all residential or commercial structures;
5. designed to conform to the Vermont Agency of Transportation's Standard A-76 and the West Windsor Development Road Standards, as most recently amended, and to accommodate anticipated traffic loads and volumes;
6. approved by the Selectboard prior to construction; and
7. identified by name on the preliminary and final plats. A proposed extension of an existing road shall bear the E-911 name of the existing road. In no other case shall a proposed road name duplicate an existing road name. All road names must be approved by the Selectboard and the E-911 Committee.

### **Second Entrance**

To ensure accessibility during an emergency situation (e.g. flood, fire, or other natural disaster), the DRB may require subdivisions to have a second entrance point.

### Intersections

If the access road for a proposed **subdivision** intersects a Class 4 Town Highway, the DRB may deny the application. If the access road intersects a Class 3 Town Highway, the DRB may require that the intersection be improved to meet town standards, at the **applicant's** expense.

### Adequacy of bicycle and pedestrian circulation

All proposed subdivision development in West Windsor shall provide bicycle and pedestrian facilities that are adequate in terms of safety, convenience, access to points of destination, and connections with bicycle and pedestrian ways on adjoining properties. The applicant shall demonstrate that the proposed subdivision complies with this standard by including rights-of-way for sidewalks and/or trails in the form of perpetual unobstructed easements at least twenty (20) feet in width that facilitate pedestrian and bicycle circulation within the subdivision and between the subdivision and adjoining properties, uses, or public facilities.

## **Section 7.7 Utilities**

The **applicant** shall demonstrate that the proposed **subdivision** has been designed to provide adequate water supply, wastewater disposal, stormwater discharge and utilities, incorporating energy saving design techniques where feasible. A **subdivision** with a communal water, wastewater, or stormwater system must have an incorporated homeowners' association.

### Utility Easements

In order to reduce wind and ice damage to lines and protect the scenic character of the community, the DRB shall require that all utility lines be located underground throughout the subdivision except when there are significant topographical or technological constraints. Where inclusion of utilities in the road right-of-way is impractical, perpetual, unobstructed utility **easements** of sufficient width shall be provided, along with satisfactory road access, to serve both the proposed development and existing and anticipated development outside the area or parcel. Such easements shall be shown on the final plat. The **applicant** shall submit a plan, prepared in consultation with the utility companies, showing all necessary line extensions.

## **Section 7.8 Outdoor Lighting**

To maintain the Town's rural character and preserve the night sky, streetlights are discouraged. However, where it is demonstrated that streetlights are necessary, only downcast, cutoff types of fixtures will be approved. Outdoor lighting fixtures must be designed to shield the light source and adjusted so as not to cast light directly on adjacent roadways or properties. All lighting must comply with the performance standards detailed in these Regulations.

## **Section 7.9 Communal Water and Wastewater Systems**

The water supply must be sufficient for the long-term needs of the **subdivision** and must not cause an undue impact on an existing water supply. **Subdivisions** of four (4) or more lots must comply with the requirements of Article 8 of these bylaws regarding communal water and wastewater systems. All **subdivisions** must comply with state regulations and Section 3.16 of these Regulations.

## **Section 7.10 Energy Efficient Design**

Developments are encouraged to incorporate energy-efficient siting of buildings, such as:

- A. Orienting buildings on the site to optimize passive solar heating and cooling opportunities.
- B. Placing and appropriately shading windows to maximize solar penetration during the winter months and minimize solar penetration during the summer months.
- C. Demonstrate that road, sewer and utility **easements** have been laid out as efficiently as possible to minimize the acreage reserved for such purposes.

## **Section 7.11 Facilities & Services**

The **applicant** shall demonstrate that the proposed **subdivision** shall not place an unreasonable burden on **municipal**, governmental or educational services.

- A. The Highway Foreman shall confirm that the roads, intersections, bridges and culverts in the immediate vicinity of the proposed subdivision are adequate to accommodate the additional traffic generated by the subdivision. If new roads or improvements are required, please also see Section 3.3 of these Regulations.
- B. The Fire Chief shall confirm that the proposed subdivision is designed to include adequate firefighting infrastructure and to allow sufficient access for emergency response vehicles. In addition, the Fire Chief must confirm that the West Windsor Volunteer Fire Department has the ability to provide service to the proposed subdivision. No Certificates of Occupancy for any buildings or uses within the subdivision shall be issued until all required firefighting infrastructure has been installed.
- C. The School District Superintendent or the Albert Bridge School Principal shall confirm that the proposed subdivision will not cause the school population to exceed the capacity of the existing school facility or place an undue burden on the school system. If the proposed subdivision will cause the school population to exceed the capacity of the existing school or place an undue burden on the school system, the proposal may be denied or phased, or conditions may be imposed to mitigate the impact.
- D. The Selectboard Chair shall confirm that town officials can adequately serve the residents of the proposed subdivision without electing, appointing, or hiring additional employees or increasing the work hours of existing employees. Consideration shall be given to police, emergency rescue and administrative services.

## ARTICLE 8 - PLANNED UNIT DEVELOPMENT

### Section 8.1 Purpose

In accordance with the Act [§4417], **Planned Unit Developments** (PUDs) are allowed in the Town of West Windsor, subject to review and **approval** by the **Development Review Board** (DRB), to permit flexibility in the application of land development regulations for the purposes of §4302 of this title and in conformance with the Town Plan. The purposes of Planned Unit Development in West Windsor are:

- A. To encourage compact, pedestrian-oriented development and redevelopment, and to promote a mix of residential and nonresidential uses, especially in the Primary Growth, Resort/Residential, and Secondary Growth districts.
- B. To implement the policies of the West Windsor **Town Plan**.
- C. To encourage any development in the countryside to be compatible with the use and character of surrounding rural lands.
- D. To provide for flexibility in site and lot layout, building design, placement and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking, and related site and design considerations that will best achieve the goals for the area as articulated in the **Town Plan** and the Land Use Regulations.
- E. To conserve **open space** features recognized as worthy of conservation in the **Town Plan** and the Land Use Regulations, such as agricultural land, forest land, trails and other recreational resources, critical and sensitive natural areas, and scenic resources.
- F. To provide protection from hazardous conditions.
- G. To provide for efficient use of public facilities and infrastructure.
- H. To encourage energy-efficient development and redevelopment.

### Section 8.2 Review and Application Procedures

The **Development Review Board** (DRB) shall review PUD applications concurrently with **conditional use** and site plan review. In addition to the **conditional use** and site plan application requirements, an application for PUD **approval** shall include a statement describing all proposed modifications to existing bylaw requirements. Modifications of this bylaw approved by the DRB shall be noted in writing and appended to a plat depicting the project to be recorded in the West Windsor Land Records. All other provisions of this bylaw not specifically modified shall remain in effect and be applicable to the project.

If a PUD application proposes more than one **conditional use**, the DRB may review the uses separately or concurrently.

- A. Development of a PUD must conform to a comprehensive conceptual development **master plan** prepared by the **applicant** in consultation and agreement with the Planning Commission and the **Development Review Board**, which shall conduct public meetings to engage townspeople in its preparation and review. Before the Planning Commission

and **Development Review Board** can take action on a **Master Plan**, the plan must address the following criteria:

1. A general description of the project including the total acreage; the number, location and approximate dimensions of buildings, parking areas, roads, **bridges** and other structures; and the timing and **phasing** of construction.
  2. A site plan map and a natural resources map showing all the elements listed in Section 5.1 of these regulations as well as soils, headwaters, and existing and proposed recreational trails. The plan must identify the type, spacing and density of buildings and uses, and include a description of the probable effect of the proposed development on the natural resources of the area.
  3. A **municipal** and regional impact study showing the probable effect that the project will have on utilities (including electric, water and wastewater), roads and traffic, schools, emergency services, town services, and the tax base. The study shall provide information on existing usage and conditions and projected usage and conditions (after the completion of the projects proposed in the **Master Plan**).
  4. An estimate of the number of additional workers to be employed as a result of the project and a plan for housing those workers.
  5. An estimate of the number of permanent residents who will move to the Town as a result of the project.
  6. An explanation of how the project conforms to the **Town Plan**.
- B. Any **Master Plan** will expire five years from the date of agreement between the property owner and the Planning Commission/**Development Review Board** unless the original signatories or their heirs and assigns request that the **Master Plan** be reviewed and readopted. A **Master Plan** may be readopted for another five-year term after consultation and agreement with the Planning Commission and **Development Review Board**. Each phase of the **Master Plan** must be permitted in accordance with these regulations.
- C. The acceptance of the **Master Plan** by the Planning Commission/**Development Review Board** does not preclude the Planning Commission/**Development Review Board** from fully participating in any local, regional or state permit hearings related to a project associated with the **Master Plan**.
- D. The minimum **setback** at the periphery of the Recreation/ Conservation PUD shall be 150 feet unless otherwise approved by the PC/DRB.

The Planning Commission may, after public hearing, prescribe from time to time rules and regulations to supplement the standards and conditions for PUD **approval** set forth herein, provided that these rules and regulations are not inconsistent with these zoning by-laws.

### **Section 8.3 PUD Standards**

The modification of zoning regulations by the DRB may be permitted in accordance with the following standards:

- A. The PUD shall meet all applicable **conditional use** standards, and shall be consistent with the West Windsor **Town Plan**, the **Master Plan** for the project (if applicable), and all other applicable **municipal** regulations and ordinances currently in effect, including all local and state regulations for sewage disposal and the protection of water quality.
- B. The PUD shall include provisions for the preservation or protection of **open space** including surface and ground waters; wetland, **stream** bank, and **floodplain** areas; significant topographic features, including hilltops and **ridgelines**; areas of steep **slope**; significant resource lands, including agricultural and forest land; historic or archaeological sites and structures; critical wildlife habitat; and **open spaces**, including scenic views and vistas. Provisions shall be made to enable lands designated for agriculture and forestry to be used for these purposes. The DRB may require management plans for forests and/or wildlife habitat.
- C. As a minimum requirement, each residential **dwelling** unit and each commercial building shall be connected to a communal water and wastewater system at the **applicant's** expense. Bonds may be required by the DRB to ensure the future viability of the communal system. If the DRB finds that this communal system requirement is not reasonable for the proposed PUD, the DRB may require that each residential **dwelling** or individual business unit have its own individual well and septic system, which may be located in the common area. Each such individual system shall be the responsibility of the owner of the individual unit or commercial building. A PUD with a communal water, wastewater, or stormwater system must have an incorporated homeowner's association.
- D. The DRB may allow for greater concentration of development in some section(s) of the PUD, on individual lots which are smaller than the minimum lot size for the district, provided that the greater concentration is offset by a lesser concentration in other sections, and provided that no less than 50% of the land is preserved as **open space**.
- E. The minimum front, side and **rear yard setbacks** at the periphery of the PUD shall be as required for the particular district unless otherwise specified by the DRB. Other than on the periphery, the DRB may allow other **setback** standards, such as **zero lot lines**, as part of PUD approval.
- F. Preserved open space shall be:
  - 1. dedicated, either in fee or through a surveyed and deeded conservation **easement**, to the Town, a community association comprising all of the present and future owners of lots or **dwellings** in the project, or a non-profit land conservation organization. The fee or **easement** is subject to DRB **approval** or approval with conditions.

2. subject to appropriate deed restrictions stipulating permitted and restricted uses, establishing suitable maintenance requirements, and designating the person or entity responsible for maintenance and long term stewardship.
  3. located so as to conform with and extend existing and potential open space lands on adjacent **parcels**.
- G. Where a district boundary line divides a **parcel**, the DRB may allow the development of a single PUD with a total density based on the combined allowable density of each district.
- H. Two (2) or more contiguous **parcels** under the ownership or control of the **applicant** may be combined for review as a PUD. The permitted density on one **parcel** may be increased as long as the overall density for the combined parcels does not exceed that which could be permitted, in the DRB's judgment, if the land were subdivided into lots in conformance with district regulations.
- I. The total number of **dwelling** units shall not exceed that which would be permitted in the DRB's judgment if the **parcel** were subdivided into buildable lots in conformance with the district minimum lot area required for **single-unit dwellings**.
- J. The **dwelling** units permitted may, at the discretion of the DRB, be of varied types, including single-unit, two-unit, or multi-unit construction, and may be attached or detached.
- K. A PUD may include any permitted or **conditional uses** allowed in the district in which it is located. Multiple principal structures and/or uses on a lot, or multiple ownership of a single structure may be permitted at the discretion of the DRB.
- L. Principal buildings and **mixed uses** shall be arranged to be compatible, and buffered as appropriate to maximize visual and acoustical privacy for the residents of the development and for adjacent properties.
- M. In areas without public water and sewer, a density increase of 25% of the allowable number of units shall be allowed in instances in which not less than 50% of the total number of dwelling units created are affordable housing units, as defined in Article 10.

Supplemental Development Standards for PUD in the Recreation/Conservation PUD District: Development, other than infrastructure, in **Mile Long Field** shall be restricted to designated building envelopes on the periphery of **Mile Long Field**. All development in the Recreation/Conservation PUD District shall:

- Minimize the disruption of the scenic and agricultural qualities of **Mile Long Field**;
- Retain the fields, to the maximum extent possible, through the use of **Planned Unit Development**;
- Include permanent trail **easements** that maintain connectivity between and among existing recreational trails on adjacent property;

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- Utilize, where possible, the least productive land and protect primary agricultural & forestry soils;
- Have a maximum density of one unit per five acres;
- Maintain as **open space** at least 50% of the total Recreation/Conservation PUD district acreage;
- Be accessed through the resort, Coaching Lane and/or Route 44;
- Have no above-ground utility lines within **Mile Long Field**, except in designated building envelopes on the periphery of the Field (i.e. all above-ground utilities shall be placed on the periphery of the field or in wooded areas);
- Be in conformance with a **Master Plan** for the property and West Windsor's **Town Plan**.

## ARTICLE 9 - ADMINISTRATION & ENFORCEMENT

### **Section 9.1 Municipal Appointments**

**Appointments.** The following appointments shall be made in association with the administration and enforcement of these regulations as provided for in the Act:

#### **Administrative Officer**

The Selectboard shall appoint an **Administrative Officer** from nominations submitted by the Planning Commission for a term of three (3) years in accordance with the Act [§4448]. The Selectboard may remove an **Administrative Officer** for cause at any time after consultation with the Planning Commission.

An assistant **Administrative Officer** may be appointed by the Selectboard, from nominations submitted by the Planning Commission, who may be given the same duties and responsibilities of the **Administrative Officer** in the **Administrative Officer's** absence. In the event an assistant **Administrative Officer** is appointed, the Selectboard shall, after consulting with the Planning Commission, establish clear policies regarding the authority of the **Administrative Officer** relative to the authority of the assistant officer.

**Administrative Officer(s)** shall literally administer and strictly enforce the provisions of these regulations, and in doing so shall inspect development, maintain records, and perform other related tasks as is necessary and appropriate.

#### **Planning Commission**

The Planning Commission shall consist of not less than three (3) or more than nine (9) members appointed by the Selectboard in accordance with the Act [§4321– §4323]. At least a majority of members shall be residents of the municipality. Any member of the Commission may be removed at any time by a unanimous vote of the Selectboard. Resignations shall be in writing to the Selectboard.

The Commission shall elect a chair and clerk, and adopt rules of procedure deemed necessary and appropriate for the performance of its functions as required under the Act [§4323(b)] and Vermont's Open Meeting Laws [1 V.S.A., §310-314]. The Commission shall have the powers and duties outlined in the Act [§4325], including the following:

1. to prepare proposed amendments to these regulations, and consider proposed amendments submitted by others, including amendments submitted by petition;
2. to prepare and update the Town Plan and prepare amendments to the Plan as necessary;
3. to prepare and approve written reports on any proposed amendment to these regulations as required by the Act [§4441(c)]; and,

4. to hold one or more warned public hearings on proposed amendments to these regulations, prior to submission of a proposed amendment and written report to the Selectboard [§4441(d)].

### **Development Review Board**

The **Development Review Board** shall consist of not less than three (3) or more than nine (9) members appointed by the Selectboard for specified terms in accordance with the Act [§4460(b) and (c)]. The Selectboard also may appoint alternates, for specified terms, to serve on the Board in situations when one or more members of the Board are disqualified or are otherwise unable to serve. Any member of the Board may be removed for cause by the Selectboard upon written charges and after public hearing.

The Board shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under the Act [§4461(a)] and Vermont's Open Meeting Law. The Board shall have all powers and duties as set forth in the Act to administer the provisions of these regulations, including but not limited to the power to hear and act upon:

1. appeals from any decision, act or failure to act by the **Administrative Officer**;
2. variance requests;
3. applications for **conditional use** approval; and
4. applications for site plan review, flood hazard review, **subdivision**, and/or planned unit development.

## **Section 9.2 Applications**

### **Application Requirements**

A completed application for a zoning permit shall be filed with the **Administrative Officer** on form(s) provided by the municipality. Required application fees, as set by the Legislative Body, shall also be submitted with each application. Fees will be doubled and fines may be imposed for any permit application submitted after development has started. Applicants are responsible for the accuracy of the information submitted on the application form. A permit issued based on false information shall be null and void, and the applicant shall be responsible for bringing the project into compliance with the zoning regulations. In addition, the following information will be required as applicable.

### **Permitted Uses**

Applications for a **permitted use** shall include a sketch plan, no smaller than 8.5" x 11", drawn to scale, that depicts the following:

1. the dimensions of the lot, including existing property boundaries;

2. the location, **footprint** and height of existing and proposed structures or additions;
3. the location of existing and proposed accesses (curb cuts), **driveways** and parking areas;
4. the location of existing and proposed **easements**, rights-of-way, or deed restrictions;
5. existing and required **setbacks** from property boundaries, road rights-of-way, surface waters and **wetlands**;
6. the location of existing and proposed water and wastewater systems; and
7. other information, including but not limited to survey information, if deemed necessary by the **Administrative Officer** to determine conformance with these regulations.

### **Applications Subject to Review by the Development Review Board**

For development requiring one or more approvals from the Development Review Board prior to the issuance of a zoning permit, additional information and fees are required and shall be submitted to the Administrative Officer, along with one original and seven copies of the applicable permit application form. Pursuant to 24 V.S.A. §4440(d), the DRB is authorized to hire qualified persons to conduct independent technical reviews of applications and to require the applicant to pay for all reasonable costs thereof.

### **Flood Hazard Area Approval**

Any application for development within a Special Flood Hazard Area shall include copies of application information as required for referral to the Vermont Agency of Natural Resources, the Federal Insurance Administrator, and adjacent municipalities in accordance with the Act [§4424(D)] and the West Windsor Flood Hazard Area Regulations.

### **Section 9.3 Issuance of a Permit**

A zoning permit shall be issued by the **Administrative Officer** only in accordance with the Act [§4449] and the following provisions:

- A. Within thirty (30) days of receipt of a complete application, including all application materials and fees, the Administrative Officer shall act to either issue or deny a zoning permit in writing, or to refer the application to the Appropriate Municipal Panel and/or state for consideration. In accordance with the Act [§§4448, 4449], if the **Administrative Officer** fails to act within the 30-day period, a permit shall be deemed issued on the 31st day.
- B. Except as provided for in the “Administrative Review” subsection below, no zoning permit shall be issued by the **Administrative Officer** for any use or structure which requires the approval of an Appropriate Municipal Panel or the Selectboard until such approval has been obtained. For permit applications that must be referred to a state agency for review, no zoning permit shall be issued until a response has been received from the state, or the expiration of 30 days following the submission of the application to the state.

- C. If public notice has been issued by the Selectboard for their first public hearing on a proposed amendment to these regulations, for a period of 150 days following that notice the **Administrative Officer** shall review any new application filed for compliance with the proposed amendment and applicable existing bylaws. If the new bylaw or amendment has not been adopted by the conclusion of the 150 - day period, or if the proposed bylaw or amendment is rejected, the permit shall be reviewed under all applicable provisions of this bylaw [§4449(d)].
- D. A zoning permit shall include a statement of the time within which appeals may be taken under Section 9.7; and shall require posting of a notice of permit, on a form prescribed by the municipality, within view of the nearest public right-of-way until the time for appeal has expired.
- E. The **Administrative Officer**, within three (3) days of the date of issuance, shall deliver a copy of the zoning permit to the Listers; and shall post a copy of the permit in the municipal offices for a period of fifteen (15) days from the date of issuance.

**Administrative Review.** The **administrative officer** may review and approve minor amendments to previously approved development that would otherwise require review by an appropriate **municipal** panel in accordance with the provisions of the Act (§4464(c)), where no material changes or impacts are expected, and where bylaw conformance is found.

Any decision by an **administrative officer** under this subsection may be appealed as provided in Section 9.7 (§§4465 and 4466).

However, the authority to approve an application administratively does not mean that the **administrative officer** is required to do so. The **administrative officer** reserves the right to refer any application to the DRB where it is deemed that Board level review or interpretation is appropriate or necessary. In such cases, the applicant shall be responsible for any additional fees or submittals needed for Board review.

**Effective Date.** No zoning permit shall take effect until the time for appeal under Section 9.7 has passed, or in the event that a notice of appeal is properly filed, until final adjudication of the appeal.

### **Section 9.4 Permit Expiration**

All development authorized by a zoning permit shall be substantially completed within 2 years from the date of issuance of the permit or the zoning permit shall become null and void. If a permit expires, the applicant shall begin the application and approval process anew. The **Administrative Officer** may grant a single, one-year administrative extension if the extension is requested in writing before the permit expiration date and the Administrative Officer determines that all improvements completed to date conform to permit requirements and these regulations.

## **Section 9.5 Violations & Enforcement**

The commencement or continuation of any **land development, subdivision**, or use, that does not meet the requirements of these regulations shall constitute a violation. All violations shall be pursued in accordance with the Act (§4451, 4452). Each day that a violation continues shall constitute a separate offense. The **Administrative Officer** shall institute, in the name of West Windsor, any appropriate action, injunction or other proceeding to enforce the provisions of these regulations. All fines imposed and collected shall be paid over to the Town of West Windsor.

**Notice of Violation.** 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 the Act [§4451]. The notice of violation also shall be recorded in the land records of the municipality under Section 9.15. 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. A copy of the notice of violation shall be sent to the property owner, the Selectboard Chair, the **Development Review Board** Chair and the Town Attorney.

**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 the Act [§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 9.15.

## **Section 9.6 Certificates of Occupancy and Compliance**

In accordance with the ACT 4449(a)(2), a **Certificate of Occupancy (CO)** issued by the Administrative Officer shall be required prior to the use or occupancy of any land or structure, or part thereof, for which a zoning permit has been issued except for signs and fences. A CO shall not be issued until all necessary approvals and permits required by these regulations have been obtained for the project, and the Administrative Officer determines that the project has been substantially completed in conformance with all such approvals, conditions and permits. The Administrative Officer may require reasonable proof from the applicant that all required setbacks have been satisfied. Reasonable proof may include a survey, certification of setbacks by a surveyor, or demonstrating physical location of property boundaries.

**Residential & Commercial Building Energy Standards.** The Administrative Officer shall not issue a Certificate of Occupancy until the applicant has either:

1. documented compliance with the requirements of 30 V.S.A. § 51 (residential building energy standards) or 53 (commercial building energy standards) by recording a copy of the required RBES or CBES certificate in the town's land records, or
2. demonstrated that the construction is exempt in accordance with 30 V.S.A. § 51 (h) or 53.

An application for a **certificate of occupancy** shall be provided with the zoning permit issued by the **Administrative Officer**.

Within 30 days of receipt of a complete application for a certificate of occupancy, the Administrative Officer shall inspect the premises to ensure that all work has been substantially completed in conformance with the zoning permit and associated approvals, including all applicable permit conditions. If the **Administrative Officer** fails to either grant or deny the **certificate of occupancy** within 30 days of the submission of a complete application, the certificate shall be deemed issued on the 31<sup>st</sup> day.

A **Certificate of Compliance** may be issued upon written request, within 30 days of receipt of the request, by the **Administrative Officer**, certifying that there are no pending zoning violations on a property.

Fees for issuance of Certificates shall be set by the Selectboard.

## **Section 9.7 APPEALS**

**Appealing Decisions of the Administrative Officer.** Any interested person as defined under the Act [§4465] may appeal a decision or act of the **Administrative Officer** within 15 days of the date of the decision or act by filing a notice of appeal with the Secretary of the **Development Review Board** or, if no Secretary has been elected, the Town Clerk, and by filing a copy of the notice with the **Administrative Officer**.

Notice of Appeal {To **Development Review Board**}

A notice of appeal filed under this Section shall be in writing and include the following information, in accordance with the Act [§4466]:

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

The Board shall hold a public hearing on a notice of appeal within 60 days of its filing, as required under the Act [§4468]. The Board shall give public notice of the hearing under Section 9.14 and mail a copy of the hearing notice to the appellant not less than 15 days prior to the hearing date.

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

In accordance with the Act [§4468], all appeal hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in state statutes [3 V.S.A §810]. Any interested person or body may appear and be heard in person or be represented by an agent or attorney at the hearing. The hearing may be recessed by the Board from time to time, provided that the date and place the recessed hearing shall be reconvened is announced at the hearing.

A decision on appeal shall be rendered within 45 days after the final adjournment of the hearing, as required under the Act [§4464(b)]. The decision shall be sent by certified mail to the appellant within the 45-day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Administrative Officer and the **Municipal** Clerk as part of the public records of the municipality, in accordance with Section 9.14. Failure of the Board to issue a decision within this 45-day period shall be deemed approval and shall be effective on the 46th day.

### **Interested Persons**

The definition of an interested person under the Act [§4465(b)] includes the following:

1. a person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case;
2. the Town of West Windsor or any adjoining municipality;
3. a person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or bylaw of that municipality;
4. any ten (10) voters, residents, or property owners within the municipality who, by signed petition to the **Development Review Board**, allege that any relief requested by a person under this Section, if granted, will not be in accord with the policies, purposes or terms of the plan or bylaw of the municipality. In accordance with 24 V.S.A. 4465(b), projects with a residential component that includes affordable housing, shall not be appealed based on the character of the area.; and
5. any department or administrative subdivision of the state owning property or any interest therein within the municipality or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

## **Appealing Decisions of the Development Review Board**

Any interested person who has participated in a municipal regulatory proceeding as defined in the Act [§4471] may appeal any decision of the DRB within 30 days of such decision to the Vermont Environmental Court.

### **Appeals to Environmental Court**

In accordance with the Act [§4471], an interested person who has participated in a regulatory proceeding of the **Development Review Board** or Planning Commission may appeal a decision rendered by the Panel(s) under Section 9.7, within 30 days of such decision, to the Vermont Environmental Court. Appeals to Environmental Court shall also meet the following requirements:

“Participation” in a [Panel] proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.

The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the **Municipal Clerk**, or the **Administrative Officer** if so designated, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

An interested person may, in accordance with §4464 through §4468 of the Act, appeal any provision of these Regulations, by filing a notice of appeal with the **Development Review Board**.

### **Availability of Documents**

In accordance with the Act [§4445], copies of these regulations, other related **municipal** regulations and ordinances, and the **town plan** shall be made available to the public during normal business hours in the Town Clerk’s Office.

## **Section 9.8 Variances**

- A. The Development Review Board shall hear and decide requests for variances as required by the Act [§4469(a)] and appeal procedures under Section 9.7. In granting a variance, the Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. The Board may grant a variance and render a decision in favor of the appellant only if all of the following facts are found, and the findings are specified in its written decision:
  1. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or

- conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located;
2. Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;
  3. The unnecessary hardship has not been created by the appellant;
  4. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare; and
  5. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.
- B. On an appeal for a variance from the provisions of these regulations that is requested for a structure that is primarily a renewable energy resource structure, the Board may grant such variance only if it finds that all of the facts listed in the Act [§4469] are found in the affirmative and specified in its written decision.
- C. In addition to the requirements specified in Section 9.8, variances for development within the Flood Hazard Overlay District shall be granted by the Board only in accordance with the Act and the criteria for granting variances found in the West Windsor Flood Hazard Regulations.
- D. In granting a variance, the DRB may attach such conditions as it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the **municipal** plan currently in effect. In no case shall the Board grant a variance for a use which is not allowed within the zoning district, or which results in an increase in allowable density.

### **Section 9.9 Waivers**

**Purpose.** The intent of this section is to provide flexibility in dimensional requirements in accordance with 24 VSA §4414(8) by allowing reductions in property line **setback** requirements of up to 50% in certain specific circumstances. In no event shall a waiver result in a structure with a **setback** of less than 10 feet from a property line or right-of-way.

**Allowable Waivers.** The DRB may grant a waiver from dimensional standards in the following situations:

- A. To allow for fire safety **improvements**, recommended by the West Windsor Fire Chief, which cannot be accomplished without a waiver.
- B. To allow for disability access **improvements**, or other legally required **improvements**, which cannot be accomplished without a waiver.
- C. To allow for energy conservation and renewable energy structures that cannot be accommodated without a waiver.
- D. To allow for the preservation of **open space**, agricultural land, scenic views, or natural resources including, but not limited to, surface waters, **wetlands**, or **steep slopes**.

**Approval Criteria.** Before approving a waiver, the DRB shall determine that the proposed development:

- A. Meets the criteria for **conditional use** approval.
- B. Is designed to minimize encroachment into the **setback**.
- C. Cannot reasonably be constructed elsewhere on the lot.
- D. Is compatible with the scale and design of structures in the surrounding neighborhood.
- E. In addition, the DRB shall determine that the proposed development shall not:
  - 1. Result in an increase in the degree of nonconformance of a nonconforming structure.
  - 2. Result in a structure with a **setback** of less than 10 feet from a property line or right-of-way.
  - 3. Have an adverse impact on natural resources or encroach on surface water setback requirements.
  - 4. Extend into the highway right-of-way or interfere with sight distances on public or private roads, as determined by the Selectboard and/or the Highway Foreman.
  - 5. Substantially or permanently impair the reasonable or appropriate use or development of adjoining properties, or alter the essential character of the neighborhood.

**Conditions of Approval.** In approving a waiver, the DRB may require certain conditions to meet the stated purpose of the zoning district, or to reduce or eliminate impacts on natural resources or surrounding properties. These conditions may include, but need not be limited to, the following:

- 1. modifications to the design (e.g. window placement) or dimensions of the proposed structure to protect the privacy of neighboring properties and/or reduce the encroachment into the **setback**;
- 2. landscaping and screening; and
- 3. restrictions on the location and number of vehicular access points.

**Application Procedure.** The applicant shall submit the waiver request to the Administrative Officer at least 30 days prior to the next regular meeting of the DRB. The request must include:

the physical address and tax map number of the property for which the waiver is being requested; the name, address, and phone number of the property owner and the applicant; a drawing to scale accurately depicting the location, dimensions and **setbacks** of existing and proposed structures, accesses, **driveways**, parking areas, rights-of-way, surface waters, utilities, wells and wastewater systems; a written explanation of the reason for the requested waiver; and a statement from the Fire Chief, Road Foreman or Selectboard (if applicable).

The Administrative Officer or the DRB shall require applicants to submit a survey or a site plan prepared by a surveyor, engineer, or architect licensed by the state of Vermont, showing the location of affected property lines, existing and proposed structures, and any other information deemed necessary by the Administrative Officer or the DRB.

- A. **Hearings.** A public hearing shall be required prior to the issuance of a waiver. Public hearings shall be warned in accordance with 24 VSA §4464 and Section 9.14 of these Bylaws. See Section 9.14 for more information on public hearings.
- B. **Decisions.** In accordance with 24 VSA §4464(b) and Section 9.14 of the West Windsor Zoning Regulations, the DRB shall issue a written decision on the waiver request with 45 days of the close of the hearing. See Section 9.14 for more information on DRB decisions.
- C. **Appeals of Waiver Decisions.** In accordance with 24 VSA §4471 and Section 9.7, an interested person who has participated in a regulatory proceeding of the DRB may appeal the decision rendered by the panel to the Vermont Environmental Court. See Section 9.7 (Appeals to Environmental Court) for more information.
- D. **Expiration of Waiver Approval.** A waiver granted by the DRB shall expire one year from the date of the written decision if the applicant has not received a zoning permit within that time period.
- E. **Waiver Fee.** The Legislative Body shall set the fee for waiver applications.

### **Section 9.10 Interpretation of Zoning District Boundaries**

Utilizing the following guidelines, the **Administrative Officer** shall determine the boundaries of the Zoning Districts. Upon appeal from the decision of the **Administrative Officer** as to a boundary location, the **Development Review Board** shall make the necessary interpretation.

- A. Where district boundaries are indicated as approximately following a street or highway, the centerline of such street or highway right-of-way shall be construed to be the boundary.
- B. Where district boundaries are so indicated that they approximately follow **lot lines**, such **lot lines** shall be construed to be the boundary.
- C. Where district boundaries are shown as paralleling streets or highways, such boundaries shall be construed as running parallel to the center lines of the rights-of-way of such streets or highways at such distance therefrom as is indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning map.
- D. Where the boundary of a district follows a river or stream, the boundary shall be construed to be the normal high-water mark of the river or stream.

### **Section 9.11 Parcel in Two Districts**

Where a district boundary line divides a **parcel** in two and the portion of the **parcel** in one of the districts does not meet the minimum lot size for that district but exceeds one-eighth (1/8) of an acre, the Regulations for the district shall be extended into the adjoining district the minimum distance necessary to provide for conforming lots in both districts, if development of the small portion is proposed. If conforming lots cannot be so created, the **Development Review Board** shall, after public hearing, establish an appropriate boundary location and may, in accordance with Section 6.8, grant a variance for development of a small lot if necessary. In no case, however, shall any use allowed in one district be extended more than thirty (30) feet into the abutting zoning district if it would not ordinarily be allowed therein.

### **Section 9.12 Records**

The **Administrative Officer** shall maintain a complete record of all the applications, reviews, decisions, appeals and variances made under these Regulations and any administrative actions taken pursuant thereto.

### **Section 9.13 Combined Review**

In accordance with §4462 of the Act, if a proposed development requires more than one review procedure, such as PUD Review, Flood Hazard Review or **Conditional Use** Review, the applicant and the reviewing authority (**Development Review Board**) may agree to consolidation of all the pertinent proceedings into one review process as long as (1) public hearings are held as required, and (2) all parties agree to comply with the specified time limits of one of the review processes. In this case, the applicant shall include in his single submission all the requirements of the pertinent review procedures and the reviewing boards shall include in their decision findings and conditions pursuant to each of these reviews.

### **Section 9.14 Public Hearings**

A. **Public Notice** In accordance with the Act [§4464], a warned public hearing shall be required for conditional use review (Section 5.2), appeals of decisions of the administrative officer (Section 9.7) and variances (Sections 9.8). Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all of the following:

1. publication of the date, place and purpose of the hearing in the Town's adopted "newspaper(s) for public notices";
2. posting of the same information in three (3) or more public places within the municipality, including the posting of a notice by the applicant within view from

- the public right-of-way nearest to the property for which the application is being made;
3. written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

Public notice of all other types of development review hearings, including erosion control review, shall be given not less than seven (7) days prior to the date of the public hearing, and shall at a minimum include the following:

1. posting of the date, place and purpose of the hearing in three (3) or more public places within the municipality; and
2. written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that **participation** in the local proceeding, is a prerequisite to the right to take any subsequent appeal.

No defect in the form or substance of any required public notice under this Section shall invalidate the action of the Appropriate **Municipal** Panel where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the **Development Review Board** or the Environmental Court, the action shall be remanded to the Board to provide new posting and notice, hold a new hearing, and take a new action.

- B. **Hearings.** In accordance with the Act [§4461], all meetings and hearing of the Appropriate Municipal Panel(s), except the deliberative sessions, shall be open to the public. For the conduct of any hearing and the taking of any action, a quorum shall be not less than the majority of members of the Appropriate Municipal Panel(s). The Appropriate Municipal Panel(s), in conjunction with any hearing under this bylaw, may:
1. examine or caused to be examined any property, maps, books, or records bearing upon the matters concerned in that proceeding;
  2. require the attendance of any person having knowledge in the premises;
  3. take testimony and require proof material for its information; and
  4. administer oaths or take acknowledgement in respect of those matters.

In any public hearing there shall be an opportunity for each person wishing to achieve status as an interested person to demonstrate that the criteria set forth in the Act [§4465(b)] are met. The

**Appropriate Municipal Panel(s)** shall keep a record of the name, address, and **participation** of each of these persons as defined in the Act [§4471].

In accordance with the Act [§§4464(b), 4468], the **Appropriate Municipal Panel(s)** may recess a hearing on any application or appeal pending the submission of additional information, provided that the next hearing date and place is announced at the hearing.

C. **Decisions.** Any action or decision of an Appropriate Municipal Panel shall be taken by the concurrence of a majority of the members of the Panel. In accordance with the Act [§4464(b)], the Appropriate Municipal Panel shall issue a written decision within 45 days after the adjournment of the hearing. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective the 46th day. In addition:

All decisions shall be issued in writing and shall separately state findings of fact and conclusions of law. Findings of fact shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions shall be based on the findings of fact. The decision shall also include a statement of the time within which appeals may be taken under Section 9.7. The minutes of a meeting may suffice, provided that the factual basis and conclusions relating to the review standards are provided in accordance with these requirements.

In rendering a decision in favor of the applicant, the **Appropriate Municipal Panel** may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of the Act, these regulations, and the municipal plan currently in effect. This may include, as a condition of approval:

1. the submission of a three-year performance bond, escrow account, or other form or surety acceptable to the Legislative Body, which may be extended for an additional three-year period with the consent of the owner, to assure the completion of a project, adequate stabilization, or protection of public facilities that may be affected by a project; and/or
2. a requirement that no zoning permit be issued for an approved development until required **improvements** have been satisfactorily installed in accordance with the conditions of approval.

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

### **Section 9.15 Recording Requirements**

Within 30 days of the issuance of a **municipal land use permit** or notice of violation, the **Administrative Officer** shall deliver either the original, a legible copy, or a notice of the permit or violation to the **Municipal Clerk** for recording in the land records of the municipality generally as provided in 24 V.S.A. §1154(c), and file a copy in the **Municipal Office** in a location where all **municipal land use permits** shall be kept, as required under the Act [§4449(c)]. The applicant may be charged for the cost of the recording fees.

For development within the Flood Hazard Area Overlay District, the **Administrative Officer** shall also maintain a record of:

1. all permits issued for development in areas of special flood hazard;
2. elevation certificates that show the elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings;
3. the elevation, in relation to mean sea level, to which buildings have been floodproofed; all floodproofing certifications required under this regulation; and
4. all variance actions, including the justification for their issuance.

## ARTICLE 10 - DEFINITIONS

### **Section 10.1 Terms and Uses**

- A. Except where specifically defined herein or in the Act, or where the context clearly indicates a different meaning, all words, phrases and terms in these regulations shall have their usual and customary meanings.
- B. The DRB shall clarify doubt as to the precise meaning of any word used in these regulations. In such cases, the DRB shall base its ruling upon the following definitions, state statute and the need for reasonable and effective implementation of these regulations.

### **Section 10.2 Definitions**

**Abutting Properties** - Two or more parcels which share a common parcel boundary or point.

**Accepted Management Practices (AMP's)** - Accepted silvicultural (forestry) practices as currently defined by the Commissioner of Vermont Department of Forests, Parks and Recreation.

**Accessory Dwelling Unit** – In accordance with 24 V.S.A. §4303(38), an accessory dwelling unit is a distinct unit that is clearly subordinate to a single-unit dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all of the following:

- A. The property has sufficient wastewater capacity; and
- B. The total habitable floor area of the unit does not exceed 1000 square feet, or 30% of the total habitable floor area of the single-unit dwelling, whichever is greater.

**Accessory On-Farm Business** means activity that is accessory to a farm; must be operated by the farm owner, one or more persons residing on the farm parcel, or the lessee of a portion of the farm; and comprises one or both of the following:

- (I) The storage, preparation, processing, and sale of qualifying products, provided that more than 50 percent of the total annual sales are from qualifying products that are principally produced on the farm at which the business is located.
- (II) Educational, recreational, or social events that feature agricultural practices or qualifying products, or both. Such events may include tours of the farm, farm stays, tastings and meals featuring qualifying products, and classes or exhibits in the preparation, processing, or harvesting of qualifying products. As used above, "farm stay" means a paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm that feature agricultural practices or qualifying products, or both. A farm stay includes the option for guests to participate in such activities.

**Accessory Use or Structure** - A use or structure customarily incidental and subordinate to a principal use and located on the same parcel.

**ACT** - 24 V.S.A., Chapter 117, the Vermont Municipal and Regional Planning and Development Act as most recently amended.

**Administrative Officer (AO)** - the West Windsor Zoning Administrator.

**Affiliated** - With respect to a specific owner: (a) such owner's spouse, parents (blood or adoptive), children or grandchildren (blood or adoptive), or any blood relative residing with such owner; (b) a trustee of a trust for the benefit of such owner or of any person identified in the immediately preceding clause; or (c) a corporation, partnership, firm, business or entity of which the majority of the voting interest is owned by such owner or any person identified in subdivisions (a) and (b) above; or (d) a person who is an officer, director, stockholder (15% or more), trustee, employee or partner of any entity or person referred to in subdivisions (a), (b) and/or (c) above

**Affordable Housing** - means either of the following:

- (A) Owner-occupied housing for which the total annual cost of ownership, including principal, interest, taxes, insurance, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 120 percent of the county median income, or the statewide median income, both as defined by the U.S. Department of Housing and Urban Development (HUD), whichever is higher; or
- (B) Rental housing for which the total annual cost of renting, including rent, utilities, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 80 percent of the county median income, or the statewide median income, both as defined by HUD, whichever is higher.

**Affordable housing development** - means a housing development of which at least 20 percent of the units or a minimum of five units, whichever is greater, are affordable housing units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years or longer as provided in municipal bylaws.

**Agricultural Use** - The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, silviculture, and animal or poultry husbandry, including incidental storage of machinery and agricultural produce raised on the property.

**Allowed Use** - A use that is permissible without obtaining a zoning permit from the Administrative Officer.

**Alteration** - Structural change, relocation, or addition to a building or structure, excluding normal maintenance and repair. **Alterations** shall include any construction that changes the number of dwelling units, or increases the size of a building or structure in terms of its height, length, width, footprint, or gross floor area. See also Improvement.

**Applicant** - The owner of land or property proposed to be subdivided and/or developed in accordance with these regulations, and/or his or her duly authorized representative. Any party with a legal interest in land subdivision and/or development may apply in cooperation with the owner of the property.

**Appropriate Municipal Panel** – the Development Review Board, the Planning Commission, or the Selectboard performing development review.

**Approval** - An affirmative decision issued by the DRB or AO, as appropriate, within the statutory time limit or, in the event of the DRB's failure to act within the specified time limit, a certification of such failure to act issued by the Town Clerk, as attached to the permit application and recorded in the land records of the town.

**Appurtenant** – incidental, subordinate, or next to the primary use or dwelling, but sharing the same approved highway access. Appurtenant structures shall not be separately conveyed without an approved subdivision.

**Artist Studio** – Work space for artists or artisans, including individuals engaged in the application, teaching or performance of one of the fine or applied arts or crafts.

**Authorized Representative** - A person or group of persons who have authorization from the owner of record to act on his or her behalf.

**Auto Service Station** – a building or premises used to offer maintenance and repair of motor vehicles and to dispense automobile fuels, lubricants or parts in the course of providing this service.

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

**Basement** – The substructure or foundation of a building, usually below, or partially below, ground level.

**Bed and Breakfast** – A use accessory to a dwelling unit where the homeowner provides travelers with overnight lodging and breakfast.

**Boundary Line Adjustment** - The movement of property boundaries between two or more adjoining parcels and the related revision to plat records and/or deeds legally recorded in the Town's land records. The adjustment shall not create any new or non-conforming lot(s) and shall have no adverse impact on access, roads, rights-of-way, neighboring uses, natural resources (as identified in Section 3.1 of these regulations), designated open space, or the provision of public services or utilities.

**Bridge** – A structure having a clear span designed to convey vehicles and/or pedestrians over a watercourse, public or private right-of-way, or any depression. (see also stream crossing)

**Brook** – see "Stream"

**Buffer** - Any space between adjoining land uses or between a land use and a natural feature, which is intended and designed to reduce the impact of one use on the other use or feature. Buffers may include open space, woodland, landscaped areas, undisturbed vegetated areas, or other types of physical, visual or sound barriers.

**Building** – A walled and roofed structure that is principally above ground.

**Building Density** – The number of acres in a parcel divided by the number of non-residential principal structures and/or dwelling units existing and proposed on that parcel, i.e. the number of acres per principal structure and/or dwelling unit.

**Business Office** - A room or suite of rooms or building used for conducting the affairs of a business, profession or government, or used as an accessory to personal services, industry and other uses. The sale of retail goods on the premises is prohibited.

**Camper (Recreational Vehicle, Travel Trailer)** – A vehicle without permanent foundation which can be towed, hauled, or driven and is designed as a temporary living accommodation for travel, recreational, and camping use. This includes, but may not be limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes (see Section 4.4).

**Certificate of Compliance** – A document issued by the Administrative Officer, upon request, certifying that there are no known zoning violations on a property. The issuance of a Certificate of Compliance does not prevent the town from initiating an enforcement action to ensure compliance with the zoning regulations if a zoning violation is discovered, nor is it an adequate substitute for a thorough title examination.

**Certificate of Occupancy** - A document issued in accordance with 24 V.S.A. §4449(a)(2) by the Administrative Officer, prior to the use or occupancy of a structure, certifying that the structure has been built in accordance with the permit issued approving its construction.

**Change of Use** – A change from one permitted or conditional use to another permitted or conditional use. (Permitted and conditional uses for each zoning district are listed in Article II; see also Section 3.3)

**Child Care Facility** – a facility serving more than ten children where the operator is licensed or registered by the state for child care.

**Child Care Home** – a child care facility that provides care on a regular basis in the caregiver's own residence for not more than ten children at any one time. Of this number, up to six children may be provided care on a full-time basis and the remainder on a part-time basis. These limits shall not include children who reside in the residence of the caregiver; except:

1. these part-time school-age children may be cared for on a full-day basis during school closing days, snow days and vacation days which occur during the school year; and
2. during the school summer vacation, up to twelve (12) children may be cared for provided at least six (6) of these children are school age and a second staff person is present and on duty when the number of children in attendance exceeds six (6). These limits shall not include children who are required by law to attend school (age 7 and older) and who reside in the residence of the caregiver. 33 V.S.A. § 3511(7)

**Clearing** - The removal of vegetation as part of site preparation, for the installation of driveways, utilities, water, wastewater and drainage systems, building sites and construction or yard areas.

**Conditional Use** - A use that conforms to the zoning regulations and is allowed after obtaining approval (with conditions if necessary) from the DRB and a zoning permit from the Administrative Officer.

**Coverage** – That portion (percentage) of a lot area which is covered by buildings, structures and other man-made improvements, such as parking and loading areas, access roads, service areas, tennis courts, and other impermeable surfaces, which prevent the infiltration of stormwater. Lawn areas are specifically excluded from this definition.

**Cultural Facilities** - Establishments offering programs, presentations, or exhibits of cultural, educational, historic, or scientific interest, including libraries, museums, interpretive centers, and similar establishments.

**Development** - See Land Development.

**Development Review Board (DRB)** - The West Windsor Development Review Board, as created under the Act.

**Driveway** - A minor, private traveled way, serving one or two adjoining parcels, which provides vehicular access from an adjoining road to a parking space, garage or other structure.

**Dwelling** – A building or part thereof used as living quarters for one or more persons, containing cooking, sanitary and sleeping facilities built on a permanent foundation.

**Dwelling, Single-unit** – A building with living quarters for one household.

**Dwelling, Two-unit** – A residential building that has two dwelling units in the same building and neither unit is an accessory dwelling unit.

**Dwelling, Multi-unit** – A building that contains three or more dwelling units in the same building.

**Easement** - The legal authorization given by a property owner to another person or party for the use of any designated part of his or her property for a specified purpose.

**Electric Vehicle Charging Station (EVCS)** – means a public or private parking space served by electric vehicle supply equipment (EVSE) where an electric vehicle is recharged, including any necessary signage, fee collection systems, or protective equipment.

**Electric Vehicle Supply Equipment (EVSE)** – means the protective system which communicates with electric vehicles and monitors electrical activity to ensure safe charging, inclusive of all components: the conductors; the undergrounded, grounded, and equipment grounding conductors; electrical vehicle connectors; attachment plugs; and all other fittings, devices, power outlets, or apparatus installed specifically for the purposes of delivering energy from the grid to an electric vehicle.

**Emergency Shelter** – Any facility the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and that does not require occupants to sign leases or occupancy agreements.

**Erosion Control** - Measures to prevent the detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice and gravity.

**Essential Service** – Underground or overhead gas, communication, electric, steam, water or sewer collection, distribution or transmission systems maintained by public utilities or municipal or other governmental agencies, including the equipment and accessory structures customarily associated with such systems, as well as public rights-of-way and associated roads, bridges, and culverts.

**Existing Small Lot** – Any lot that is legally subdivided and is in existence on the date of enactment of any bylaw, including an interim bylaw, which is smaller than otherwise would be allowed within its district.

**Farm** – A parcel or parcels owned, leased or managed by a person, devoted primarily to farming and subject to the **Required Agricultural Practice (RAP)** rules, as established by the VT Agency of Agriculture, Food & Markets, Water Quality Division.

Compliance with the Required Agricultural Practices Rule is required if a person:

- (a) is required to be permitted or certified by the Secretary, consistent with the requirements of 6 V.S.A. Chapter 215 and this rule; or
- (b) has produced an annual gross income from the sale of agricultural products of \$2,000.00 or more in an average year; or
- (c) is preparing, tilling, fertilizing, planting, protecting, irrigating, and harvesting crops for sale on a farm that is no less than 4.0 contiguous acres in size; or
- (d) is raising, feeding, or managing at least the following number of adult livestock on a farm that is no less than 4.0 contiguous acres in size: four equines; five cattle, cows, or American bison; 15 swine; 15 goats; 15 sheep; 15 cervids; 50 turkeys; 50 geese; 100 laying hens; 250 broilers, pheasant, Chukar partridge, or Coturnix quail; three camelids; four ratites; 30 rabbits; 100 ducks; 1,000 pounds of cultured trout; or other livestock types, combinations, or numbers as designated by the Secretary based upon or resulting from the impacts upon water quality consistent with this rule; or
- (e) is raising, feeding, or managing other livestock types, combinations, and numbers, or managing crops or engaging in other agricultural practices on less than 4.0 contiguous acres in size that the Secretary has determined, after the opportunity for a hearing, to be causing adverse water quality impacts and in a municipality where no ordinances are in place to manage the activities causing the water quality impacts; or
- (f) is managed by a farmer filing with the Internal Revenue Service a 1040(F) income tax statement in at least one of the past two years; or
- (g) has a prospective business or farm management plan, approved by the Secretary, describing how the farm will meet the threshold requirements of this section.

**Farming** – In accordance with 10 V.S.A. 6001(22), farming means:

1. the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or
2. the raising, feeding, or management of livestock, poultry, equines, fish, or bees; or
3. the operation of greenhouses; or
4. the production of maple syrup; or
5. the on-site storage, preparation and sale of agricultural products principally produced on the farm; or
6. the on-site storage, preparation, production, and sale of fuel or power from agricultural products or wastes principally produced on the farm; or
7. the raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines; or
8. the importation of 2,000 cubic yards per year or less of food residuals or food processing residuals onto a farm for the production of compost, provided that:
  - (i) the compost is principally used on the farm where it is produced; or
  - (ii) the compost is produced on a small farm that raises or manages poultry.

**Farm Structure** – As defined in 24 VSA §4413(d)(2), farm structure means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as “farming” is defined in 10 V.S.A. § 6001(22), but excludes a dwelling for human habitation.

The construction and maintenance of farm structures, farm roads, and associated infrastructure on farms that are subject to **Required Agricultural Practices** (see definition of “farm”) are exempt from local zoning regulations.

**Fence** - A structure constructed of wood, stone, plastic, metal, masonry, or similar materials, and used for one or more of the following:

1. As a barrier to prevent escape or intrusion
2. As the demarcation of a boundary
3. To retain soil
4. To provide privacy or screening
5. As a landscaping feature

**Final Plat** - The final drawings of the subdivision or boundary line adjustment, as prepared by a professional surveyor or engineer certified by the State of Vermont. Final Plats must be recorded with the Town Clerk.

**Finished Grade** - The proposed elevation of the earth around a building after site work is complete.

**Flood Insurance Rate Map (FIRM)** - An official map of a community on which the Administrator has delineated both the special hazard area and the risk premium zones applicable to the community.

**Flood Insurance Study** - An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Flood Prone Area** - That land which would be subject to flooding by the 100-year flood or that flood which would have one percent chance of occurring each year Zone A on the Flood Boundary Map.

**Floodplain** – See Special Flood Hazard Area

**Floodproofing** - Any combination of structural or non-structural additions, changes or adjustments to properties and structures made primarily for the reduction or elimination of flood damages to lands, facilities, structures and their contents.

**Flush-mounted** - A sign attached to and mounted parallel to the face of a building or structure, or where architectural features (covered entryways, awnings, or other building elements except where otherwise prohibited) are clearly designed to accommodate a sign mounted parallel to the building face.

**Footprint** - The square footage contained within the foundation and/or the exterior walls of a structure, not including unenclosed, flat courtyards, walkways, or patios. In the absence of exterior walls, the building footprint shall be the area under the horizontal projection of the roof. Attached decks and porches are included in the footprint regardless of whether or not they are enclosed and/or covered by a roof.

**Forestry Use** - The use of land for management, including logging, of a forest or woodland, including the maintenance, construction or alteration of woods-roads, skidways, landings, fences and forest drainage systems.

**Frontage** - Distance along the lot line dividing a lot and a public or private right-of-way or public waters.

**Gallery** - An establishment engaged in the display and sale of art and craft work, but excluding cultural facilities.

**Group Home** – Any residential facility operating under a license or registration granted or recognized by a state agency, that serves not more than eight (8) unrelated persons, who have a handicap or disability as defined in 9 V.S.A. §4501, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs.

**Habitable Floor Area** – Finished living space as specified on the Listers' property record or as calculated using the following criteria: The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, and bedroom, but not including stairways, unfinished basements or attics, utility rooms, closets, or unheated areas. At least 1/2 of the floor area of every habitable room shall have a ceiling height of not less than seven feet, and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the habitable floor area.

**Health Care Facility** - A clinic, hospital, sanitarium or nursing home used by the medical profession for treatment and care of human ailments.

**Hedgerow** - a row of bushes, shrubs or trees forming a hedge.

**Height** – See “Structure Height”

**Hostel** - An establishment providing transient, overnight accommodations, typically characterized by low-cost, shared use of a self-service kitchen, common areas, sleeping rooms, and bathrooms. While often youth- and student-oriented, these facilities may cater to all age groups.

**Hotel** - An establishment providing lodging, or boarding and lodging, for more than twenty four (24) persons, with restaurant and related amenities and accessories thereto, if any, and offered to the public for compensation.

**Improvement** - Any physical addition, alteration or modification to real property, including but not limited to a building, structure, parking facility, wall, deck, fencing, or landscaping.

**Indoor Recreational Use** - A recreational use carried on within a fully enclosed structure.

**Inn** - An establishment providing lodging, or boarding and lodging, for not more than twenty four (24) transient persons, with or without a restaurant, offered to the public for compensation, in which ingress and egress to and from all rooms are from a central point.

**Land Development** - The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, or of any mining, excavation, or landfill, any change in the use of any building or other structure, or land or extension of use of land, unless specifically exempted from these regulations. This definition shall include the construction and/or installation of roads, utilities and site improvements. See also Subdivision.

**Lot** - (1) A plot or parcel of land occupied or capable of being occupied by one principal building or use and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by these regulations. In the case of multiple dwellings and public, institutional, commercial, industrial, or agricultural buildings, a group of buildings on the same or contiguous premises, all under the same ownership, may be considered as occupying the same lot. A lot must have its principal frontage on a road or highway, or must have other means of access as determined by law and the provisions of these regulations; (2) a portion of land in a subdivision or plat that is separated from other portions by a lot (property) line. Where an existing public road right-of-way bisects an existing parcel, the right-of-way shall be considered a boundary dividing the parcel into two lots.

**Lot Line** - The established dividing line between lots or between a lot and a road.

**Lowest Floor** - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided that such

enclosure is not built so as to render the structure in violation of the applicable non- elevation design requirements of Section 60.3 of the National Flood Insurance Program (NFIP) regulations.

**Manufactured Home** - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

**Master Plan** - A conceptual plan that identifies major new development or changes/ improvements that are proposed in the Town of West Windsor. The conceptual plan will include proposed location and numbers of residential and commercial units and recreational facilities, projections for water and sewer usage, traffic, employment, and other impacts on infrastructure as may be required by the appropriate municipal panel (AMP). The Master Plan should include Site Plan maps that illustrate the location of proposed development and natural resources such as streams, critical wildlife habitat, soils and other coverage as identified by the appropriate municipal panel (AMP).

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

**Mile Long Field** - The land enclosed by the following: From the western boundary of Parcel 1 (the Southern Main Parcel) as shown on Farnsworth drawing #88-737 and #88-737A (recorded as map #176 and map #177 in the West Windsor Land Records), then easterly +/- 450 feet to the corner of the Town of West Windsor property and continuing easterly another +/- 450 feet to the brook, then northerly +/- 3600 feet along the brook to a point easterly of Rita Johnson's southeast corner (tax map parcel #3-112), thence westerly +/- 460 feet along Johnson's southern boundary, then +/- 3185 feet southwesterly along a stone wall to the point of beginning.

**Mineral Resources** - Substances obtained from the ground such as sand, gravel, talc or the like.

**Mixed Use** - More than one type of use on an individual parcel or lot (e.g. a store with an apartment over it).

**Mobile Home** - A prefabricated dwelling unit intended for permanent residential use which is designed to be moved on wheels to a site complete and ready for occupancy except for incidental unpacking and assembly. A modular home which is constructed in two or more major sections that are transported to a site and permanently assembled there is not considered a mobile home.

**Mobile Home Park** - Any parcel of land under single or common ownership or control which contains, or is designed, laid out, or adapted to accommodate, more than two mobile homes.

**Modular (or Prefabricated) Housing** - A dwelling unit constructed on-site and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

**Municipal** – of or relating to a town or its local government

**Municipal Land Use Permit** - As defined in the Act [§4303], municipal land use permits include: (1) zoning, subdivision, site plan or building permits or approvals relating to land development that have received final approval from the applicable board, commission, or officer of the municipality; (2) certificates of occupancy, compliance or similar certificates; and (3) any amendments to the previously listed, permits, approvals and/or certificates.

**Nonconforming Structure** - A structure not complying with the building requirements for the district in which it is located, but which conformed to all applicable laws and ordinances prior to enactment of these Regulations.

**Nonconforming Use** - A use of land or a structure which does not comply with all use standards for the district in which it is located but which conformed to all laws and ordinances prior to enactment of these Regulations.

**Nonconforming Lot (or Parcel)** - A lot or parcel that does not conform to these regulations covering dimensional requirements, but was in conformance with all applicable laws, ordinances and regulations prior to the enactment of these regulations, including a lot or parcel improperly authorized by the Administrative Officer.

**Open Space** - The undeveloped portion of any development parcel(s) which is not occupied by buildings, roads, rights-of-way, driveways, parking spaces, sewage disposal areas, commercial recreation facilities, or yard (setback) areas, and which is set aside, dedicated, or designated for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, or for the preservation and continued use of agricultural or forest land, or for the protection of natural or cultural resources.

**Outdoor Recreational Facility/Use** - Any facility for outdoor recreation, including ski lifts, ski lift facilities, tennis courts, golf courses, athletic fields, swimming pools and trails for hiking, horseback riding, bicycling, snowmobiling, and cross country skiing or any other similar commercial recreational activity.

**Owner-occupied** – Used as the primary residence of the person owning title to the property, who must inhabit the residence more than 50% of the year and must be eligible to declare the property as a homestead for VT property tax purposes.

**Parcel** - Any contiguous land owned or controlled by a person. See also Lot.

**Parking Space** - An on- or off-street area, other than a loading or service area, which is to be used exclusively as a temporary storage space for one licensed private motor vehicle.

**Participation** - consists of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.

**Part-time Childcare** – care of a school-age child for not more than four (4) hours a day.

**Permitted Use** - A use that conforms to the zoning regulations and is allowed after obtaining a zoning permit from the Administrative Officer.

**Person** - Any individual, partnership, corporation, association, unincorporated organization, trust, or any other legal or commercial entity, including a joint venture or affiliated ownership which owns or controls land or other property to be subdivided and/or developed under the provisions of these regulations.

**Phasing** - Development undertaken in a logical time and geographical sequence, typically to ensure that development is coordinated with the provision of services and facilities and will not result in adverse municipal or environmental impacts (e.g., erosion).

**Place(s) of Worship** – a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

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

**Pre-existing** - Legally in existence as of the effective date of these regulations.

**Preliminary Plan** - The preliminary drawings for a major subdivision indicating the proposed layout of the subdivision to be submitted to the DRB for its consideration.

**Primitive Camp** – a living unit, the occupancy of which neither exceeds 3 consecutive weeks per calendar year nor exceeds a total of 60 days per calendar year, that has no interior plumbing except for one sink with water. Primitive camps **may** contain a composting or incinerating toilet that does not yield a liquid provided its contents are disposed of in compliance with VT Wastewater Rules.

**Public** - Owned, leased, held, used, and/or controlled exclusively for public purposes by the Town of West Windsor or any other department or branch of government, or publicly regulated utility, unless otherwise specified.

**Public Facility** - A utility or other facility owned, leased, held, used, and/or controlled exclusively for public purposes by a municipal, state or federal government, regulated utility or railroad. Such facilities include but may not be limited to: municipal buildings and garages, water and wastewater facilities, power generation and transmission facilities, reservoirs, solid and hazardous waste management facilities, institutional facilities, recreational facilities and telephone, cable and electrical distribution lines. Facilities that are regulated under 30 VSA §248 (or subject to regulation under 30 VSA §8011) are specifically excluded from this definition.

**Public Improvement** - Any improvement which shall be owned and/or maintained by the Town of West Windsor or by a department or branch of state or federal government.

**Qualifying product** – means a product that is wholly:

- (I) an agricultural, horticultural, viticultural, or dairy commodity, or maple syrup;
- (II) livestock or cultured fish or a product thereof;
- (III) a product of poultry, bees, an orchard, or fiber crops;
- (IV) a commodity otherwise grown or raised on a farm; or
- (V) a product manufactured on one or more farms from commodities wholly grown or raised on one or more farms.

**Recreational Use** - A commercial enterprise organizing and providing an on-premise pastime, diversion, exercise or other resource affording relaxation and enjoyment.

**Renewable Energy Resources** – energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels, including wood and agricultural sources, waste heat and geothermal sources.

**Required Agricultural Practices (RAP's)** - Required practices for agriculture, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture in accordance with 24 V.S.A. § 4413(d).

**Residential Care Home** – a place, however named, excluding a licensed foster home, which provides, for profit or otherwise, room, board and personal care to nine (9) or more residents unrelated to the home operator.

**Retail Service** - The performance for paying customers of work of a helpful or professional nature.

**Retail Store** - An establishment where merchandise is sold, generally to ultimate consumers.

**Ridgeline** - The uppermost point of a ridge, hill, cliff, slope or face. It may coincide with the top (highest elevation) of a rock cliff or, where the bedrock is not exposed, the most obvious break in slope associated with the underlying bedrock. The term does not include intermediate terraces, steps, or elevations along the face of a slope.

**Road** - Any highway, avenue, street, land or other way between right-of-way lines, commonly used for vehicular traffic and serving three or more lots.

**Rooming House** - A multi-tenant dwelling with shared bathroom and kitchen facilities, in which the rooms that are rented out serve as the renter's principal residence.

**Setback** - The horizontal distance from a road, lot line, boundary or other delineated feature (e.g., a stream bank or wetland area), to the nearest part of a building, structure, or parking area on the premises. In the case of a setback from a road, the distance shall be measured from the road right-of-way.

**Short-Term Rental** - Means a furnished house, condominium, or other dwelling room or self-contained dwelling unit rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year.

**Sign** - Any structure, device or representation which is designed or used to advertise or call attention to any business, event, product, organization or philosophy, and which is intended to be read from a public road.

**Sketch Plan** - An informal sketch of the proposed subdivision, the purpose of which is to enable the subdivider to reach general agreement with the DRB, during the Sketch Plan Phase, as to the layout of the subdivision and the objectives and requirements of these regulations.

**Slope** - The deviation of a surface from the horizontal, usually expressed in percent or degrees.

**Special Flood Hazard Area (SFHA)** - The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Insurance Rate Map (FIRM).

**Stream** – Any surface water course in the town of West Windsor as depicted by the US Geological Survey maps, or as otherwise defined by the State of Vermont.

**Stream Crossing** - A structure having a clear span designed to convey vehicles and/or pedestrians over a watercourse that may be located on public or private property.

**Storage Facility** - A place where goods and materials are stored for future use or distribution.

**Stormwater Management** - The collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating or filtering of surface water and/or runoff, together with applicable nonstructural management techniques.

**Story** – A part of a building comprising all the rooms that are on the same level. A basement is not considered a story unless it is partially above ground level and designed, equipped, and permitted for human occupancy, and includes sleeping facilities, in accordance with all local, state, and federal regulations.

**Structure** - An assembly of materials for occupancy or use, which requires a fixed location on the ground in order to be used, including but not limited to a building, mobile home or trailer, billboard, sign, wall or fence, except wall or fence on an operating farm.

**Structure Height** - The vertical distance from the lowest finished grade adjacent to the foundation to the highest point of the structure, including cupolas or other architectural details.

**Subdivider** - Any person, firm, corporation, partnership, or association, or any of these entities working in cooperation, who shall lay out for the purpose of sale or development or otherwise any subdivision or part thereof as defined in these regulations, either for himself or others. The term shall include an applicant for subdivision approval.

**Subdivision** - The division of a lot, tract or parcel of land into two or more lots, tracts, sites, or other divisions of land for the purpose, whether immediate or future, of sale, conveyance, lease or development. The term “subdivision” includes amended subdivisions, lot line (boundary) adjustments, and the division of land held in common among several owners.

**Survey Plat** - a map or plan, drawn to scale by a professional surveyor or engineer certified by the State of Vermont, of one or more parcels, tracts or subdivisions of land, showing boundaries, corners, markers, monuments, easements and other rights, and complying with the composition requirements of 27 V.S.A. §1403.

**Town Plan** - The West Windsor Town Plan as most recently adopted.

**Transient** – A short-term guest whose permanent address for legal purposes is not the lodging facility where they are staying.

**Undue Adverse Impact** - An adverse impact or effect that meets any one of the following criteria:(1) The project violates a clear, written community standard – including a provision of these regulations or a specific policy of the town plan – intended to preserve the aesthetics or scenic, natural beauty of the area; (2) The project offends the sensibilities of the average person; or (3) The applicants have failed to take generally available mitigating steps that a reasonable person would take to improve the harmony of the proposed project with its surroundings.

**Use** - (1) The purpose for which a building, structure, or parcel of land is designed, intended, occupied or used; (2) any activity carried out upon any premises or within any structure upon a premises.

**Veterinary/Animal Care Facility** – A facility used primarily for the treatment of disease and injuries of animals. Such facilities may include the boarding of animals that may or may not be patients of the facility.

**Waivers** - The modification of one or more requirements of these regulations by the DRB in accordance with the authority granted under Section 2.4. Such waiver authority shall be exercised solely at the discretion of the DRB upon positive findings that, because of the special circumstances of a particular subdivision application, the waived or modified requirement(s) are not requisite in the interest of public health, safety and general welfare, or are inappropriate due to the inadequacy of connecting facilities adjacent or in proximity to the subdivision.

**Wall** - See "Fence"

**Wetlands** - Those areas of the Town of West Windsor which are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connections with farming activities (See 24 VSA §4303 (32)).

**Yard** - Space on a lot not occupied by a structure, except certain small accessory structures as herein permitted. Minimum yard dimensions ("set-backs") are the minimum perpendicular distances from the point of a structure nearest to a lot line. No new development may extend into a setback area.

**Yard, Front** - The yard extending across the full width of a lot with a minimum depth measured from the front lot line.

**Yard, Rear** - The yard extending across the full width of a lot with a minimum depth measured from the rear lot line.

**Yard, Side** - The yards extending between the front and rear yards with a minimum depth measured from the side lot line.

**Zero Lot Line** - The lot line on the side yard of a single unit dwelling that is shared with another parcel.

### **Clarification of Word Meaning**

Doubt as to the precise meaning of any word used in these Regulations shall be clarified by the Development Review Board. Words not defined herein shall carry their customary meanings, taking into consideration the latest state and federal definitions.

### **Word Definitions**

For the purpose of these Regulations, words used in the present tense include the future, the singular includes the plural and vice versa. The word "shall" is mandatory. The word "applicant" includes an individual, partnership, association, corporation or other organization.

### **Other Definitions**

The definitions in the Act shall apply to these Regulations unless a different definition is provided herein.

APPENDIX A – Application Requirements for Boundary Line Adjustments and 2-Lot Subdivision

- Name, address and phone number of applicant & landowner
- Name/address of adjoining property owners
- Map, drawn to scale on existing survey
- Map preparer information & certifications
- Map scale
- Existing and proposed property lines, lot lines, lot dimensions & acreage
- Adjoining roads
- Zoning district designations
- Surface waters
- Existing accesses, roads, paths, driveways, parking areas & structures
- Existing rights-of-way or easements
- Existing utilities, water & wastewater
- Existing covenants and/or deed restrictions

APPENDIX B – Application Requirements for Sketch Plan Review

- application form – original & 7 copies
- application fee
- Name, address and phone number of applicant & landowner
- Name/address of adjoining property owners
- Written description of development plans, including # and size of lots; timing of work
- Written statement of compliance with the Town Plan and local regulations
- Written waiver request, if any
- Sketch, drawn on existing survey map, showing:
  - Date, north arrow & legend
  - Project boundaries & property lines
  - Existing and proposed lot lines
  - Lot dimensions & acreage
  - Adjoining land uses, roads & drainage
  - Zoning district designations & boundaries
- General location of significant natural features as specified in Section 5.1 of these regulations, including slopes > 20%
- Existing 20' contour intervals
- Existing roads, paths, driveways, parking areas & structures
- Existing rights-of-way or easements
- Existing utilities, water supply & wastewater systems
- Location of proposed subdivision in relation to major roads, drainage ways & adjoining properties
- Existing covenants and/or deed restrictions
- Description, if applicable, of the following: off-site easements, proposed phasing, proposed covenants or deed restrictions, proposed homeowners' association

APPENDIX C - Application Requirements for Preliminary Plan Review

- application form – original & 7 copies
- application fee
- Name of project, if any
- Name, address and phone number of applicant & landowner
- Name/address of adjoining property owners
- Written description of development plans, including # and size of lots; timing of work
- Written statement of compliance with the Town Plan and local regulations
- Written waiver request, if any
- Paper survey map, showing:
  - Date, north arrow & legend
  - Preparer information & certifications
  - Scale (minimum 1" = 100 feet)
  - Project boundaries & property lines
  - Existing and proposed lot lines
  - Lot dimensions & acreage
  - Adjoining land uses, roads & drainage
  - Zoning district designations & boundaries
- Location of significant natural features as specified in Section 5.1 of these regulations, including slopes > 20%
  - Existing & proposed 10' contour intervals
  - Existing & proposed roads, paths, driveways, parking areas & structures
  - Existing & proposed rights-of-way or easements
  - Existing & proposed utilities, water supply & wastewater systems
  - Engineering reports (water & wastewater)
  - Road profiles; road, intersection & parking area geometry & construction schematics
  - Proposed landscaping & screening

## West Windsor Zoning & Subdivision Bylaws

- Proposed conservation buffer areas or easements
- Existing & proposed traffic rates & volume, estimated
- Location of proposed subdivision in relation to major roads, drainage ways & adjoining properties
- Proposed building envelopes, if applicable
- Existing covenants and/or deed restrictions
- Draft copies, if applicable, of the following: proposed off-site easements, phasing schedule, homeowners' association, covenants and/or deed restrictions
- Description of proposed performance bond
- The following, if required under sketch plan approval:
  - Stormwater & erosion control plan
  - Grading plan
  - Open space management plan
  - Traffic impact analysis
  - Fiscal impact analysis
  - Visual impact analysis
  - Environmental impact analysis
  - Lighting plan

## West Windsor Zoning & Subdivision Bylaws

### APPENDIX D - Application Requirements for Final Plan Review

- application form – original & 7 copies
- application fee
- Name of project, if any
- Name, address and phone number of applicant & landowner
- Name/address of adjoining property owners
- Written description of development plans, including # and size of lots; timing of work
- Written statement of compliance with the Town Plan and local regulations
- Mylar survey map, showing:
  - Date, north arrow & legend
  - Preparer information & certifications
  - Scale (minimum 1" = 100 feet)
  - Surveyed project boundaries & property lines
  - Surveyed lot lines (existing and proposed)
  - Surveyed lot dimensions & acreage
  - Adjoining land uses, roads & drainage
  - Zoning district designations & boundaries
  - Surveyed location of significant natural features as specified in Section 5.1 of these regulations, including slopes > 20%
  - Existing & proposed 5' contour intervals
  - Surveyed roads, paths, driveways, parking areas & structures
  - Existing & proposed rights-of-way or easements
  - Existing & proposed utilities, water supply & wastewater systems
  - Road profiles; road, intersection & parking area geometry & construction schematics
  - Proposed landscaping & screening
  - Proposed conservation buffer areas or easements

## West Windsor Zoning & Subdivision Bylaws

- Monument locations
- Existing & proposed traffic rates & volume, documented
- Location of proposed subdivision in relation to major roads, drainage ways & adjoining properties
- Proposed building envelopes, if applicable
- Existing covenants and/or deed restrictions
- Engineering reports (water & wastewater)
- Draft copies, if applicable, of the following: proposed off-site easements, phasing schedule, homeowners' association, covenants and/or deed restrictions
- Description of proposed performance bond
- The following, if required under sketch plan approval:
  - Stormwater & erosion control plan
  - Grading plan
  - Open space management plan
  - Traffic impact analysis
  - Fiscal impact analysis
  - Visual impact analysis
  - Environmental impact analysis
  - Lighting plan