

# **LAND USE & DEVELOPMENT REGULATIONS**

**for the  
TOWN OF BOLTON, VT**

**Adopted by the Bolton Select Board:**

**January 5, 2005, Effective January 26, 2005**

**Amendments:**

**July 19, 2010, Effective August 9, 2010**

**December 17, 2018, Effective January 7, 2019**

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**October 17, 2022, Effective November 7, 2022**

These land use regulations constitute zoning, subdivision and flood hazard area regulations for the Town of Bolton, adopted and subsequently amended in accordance with the Vermont Planning and Development Act. The official zoning map, application forms and other referenced materials are available at:

**Bolton Town Office**  
**3045 Theodore Roosevelt Highway (RT 2)**  
**Bolton, VT 05676**  
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**Prepared by the Bolton Planning Commission**  
with the assistance of the  
Municipal Planning Grant Committee,  
Burnt Rock Inc., Associates in Community Planning  
and the Chittenden County RPC  
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# BOLTON LAND USE & DEVELOPMENT REGULATIONS

Effective Date: November 7, 2022

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## Attachments

- Zoning District Summary Table** [Dimensional Standards, Allowed Uses]  
**Zoning Map** [Reproduction – Official Zoning Map is in the Bolton Town Office]  
**Setback Reduction Table** [Setbacks by Zoning District]

## ARTICLE I. AUTHORITY & PURPOSE

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### Section 1.1 Enactment

In accordance with the Vermont Planning and Development Act [24 V.S.A. Chapter 117], hereinafter referred to as the “Act,” there are hereby established zoning, site plan review, and subdivision regulations for the Town of Bolton, Vermont. These regulations shall be known and cited as the **“Bolton Land Use & Development Regulations.”**

### Section 1.2 Purpose

(A) The purposes of these regulations are to:

- encourage the appropriate and efficient use of all lands in the Town of Bolton in a manner which promotes and protects public health, safety and the general welfare of the community;
- facilitate the adequate and efficient provision of public facilities and services;
- implement the *Bolton Town Plan* as most recently amended, in accordance with the Act [§ 4410];
- further the goals and purposes established in the Act [§ 4302];
- integrate regulatory provisions enabled under the Act [§ 4419] into one unified set of development regulations to promote coordinated and expedited municipal review of subdivisions and land development; and to
- protect the individual property rights of landowners to the extent consistent with the other purposes of these regulations as stated above.

### Section 1.3 Application & Interpretation

(A) The application of these regulations is subject to all provisions of the Act as most recently amended.

(B) In accordance with the Act [§ 4446], no land development or subdivision of land shall commence in the Town of Bolton except in conformance with these regulations (see Table 1.1). Any land development or subdivision of land not specifically authorized under these regulations, unless otherwise exempted under the Act or Section 9.2 (Exemptions) is prohibited.

(C) 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, including provisions applying to pre-existing, nonconforming lots under Section 3.7, and nonconforming uses and structures under Section 3.8.

(1) Note: “Development” as defined for purposes of flood hazard area management and regulation under Section 10.3 includes uses, structures or activities that otherwise may be exempted from municipal regulation under the Act or Section 9.2 of these regulations. [Amended effective 8/9/2010.]

**Land Development:** the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land [§ 4303(10)].

**Subdivision:** The division of any parcel of land into two or more parcels for the purpose of offer, transfer, sale, conveyance, lease or development. The term also includes the re-subdivision of a previously subdivided parcel, amended subdivisions, the division of land held in common among several owners, and planned residential and planned unit developments.

(D) These regulations are not intended to repeal, annul or in anyway impair any permit or approval previously issued. Where these regulations impose a greater restriction on the use of land or a structure than is required by any other statute, ordinance, rule, regulation, permit, easement or agreement, the provisions of these regulations shall control.

### **Section 1.4 Effective Date**

(A) In accordance with the Act [§ 4442(c)], these regulations shall take effect twenty-one (21) days from the date of adoption by a majority of the members of the Bolton Select Board, or immediately upon adoption as the result of a petitioned or warned town meeting vote.

(B) All zoning and subdivision regulations previously in effect for the Town of Bolton are repealed as of the effective date of these regulations.

### **Section 1.5 Amendment**

(A) These regulations, including any zoning maps incorporated by reference, may be amended or repealed only in accordance with the requirements and procedures established in the Act [§§ 4441, 4442].

(B) Proposed amendments shall be submitted to the Planning Commission for consideration. If a proposed amendment is supported by a petition signed by not less than five percent (5%) of registered Bolton voters, the Planning Commission shall make only technical corrections to the proposed amendment and shall prepare a written report as required under the Act [§ 4441(c)].

(C) Proposed amendments to Flood Hazard Area Overlay District regulations shall be sent to the Vermont Agency of Natural Resources, River Management Program, at least fifteen days prior to the first public hearing to be reviewed for conformance with federal and state program requirements. [Amended effective 8/9/2010.]

### **Section 1.6 Severability**

The provisions of these regulations are severable. In the event that any part of these regulations, or their application, is judicially determined to be invalid, such determination shall not affect the validity of any other part of these regulations or their application.

**Table 1.1 Municipal Permits & Approvals**

| Permit/Approval                                                                 | Required for                                                                                                                                                                           | Issued by                     | See             |
|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-----------------|
| <b>Zoning Regulations</b>                                                       |                                                                                                                                                                                        |                               |                 |
| Zoning Permit<br>[§ 4449]                                                       | All development, as defined in Section 10.2, including signs, conversions or changes of use, and boundary (lot line) adjustments, unless specifically exempted from these regulations. | Zoning Administrator          | Section 9.3     |
| Access approval<br>[§ 4412(3)]                                                  | Development without frontage on a maintained public road or public waters                                                                                                              | Development Review Board      | Section 3.2     |
| Site Plan Approval<br>[§ 4416]                                                  | All "permitted" uses except for forestry, agriculture, single and two family dwellings, and associated accessory structures or uses. Conditional uses do not require site plan review. | Development Review Board      | Section 5.3     |
| Conditional Use Approval<br>[§ 4414(3)]                                         | All uses classified as "conditional uses" by district, or as otherwise specified in these regulations                                                                                  | Development Review Board      | Section 5.4     |
| Variance Approval<br>[§ 4469]                                                   | Requests on appeal for a variance from the provisions of these regulations                                                                                                             | Development Review Board      | Section 9.6     |
| Planned Unit or Planned Residential Development (PUD, PRD) Approval<br>[§ 4417] | Subdivisions of land which modify the provisions of these regulations as specified for PUDs and PRDs, to be approved simultaneously with approval of a subdivision plan                | Development Review Board      | Article VIII    |
| Certificate of Occupancy<br>[§ 4449]                                            | Use of a dwelling or structure constructed after the effective date of these regulations for which a zoning permit has been issued                                                     | Zoning Administrator          | Section 9.4     |
| <b>Subdivision Regulations</b>                                                  |                                                                                                                                                                                        |                               |                 |
| Subdivision Approval<br>[§4418]                                                 | All subdivisions of land as defined in Section 10.2, including resubdivisions, amended subdivisions, and PRDs and PUDs                                                                 | Development Review Board      | Article VI      |
| Sketch Plan Approval<br>[§ 4418(2)]                                             | All applications for subdivision approval                                                                                                                                              | Development Review Board      | Section 6.3     |
| Preliminary Plan Approval<br>[§ 4418(2)]                                        | All applications for major subdivisions [the creation of four or more lots]                                                                                                            | Development Review Board      | Section 6.4     |
| Final Plan Approval<br>[Including plat approval]<br>[§§ 4418, 4463]             | All applications for the subdivision of land                                                                                                                                           | Development Review Board      | Section 6.5     |
| Plat Recording<br>[§ 4463(b)]                                                   | All approved subdivisions of land, including boundary or lot line adjustments                                                                                                          | Development Review Board      | Section 6.6     |
| Certificate of Compliance<br>[§§ 4449, 4464(b)]                                 | Improvements required by the Development Review Board in association with subdivision approval, prior to further land development                                                      | Zoning Administrator          | Section 9.4     |
| <b>Other</b>                                                                    |                                                                                                                                                                                        |                               |                 |
| Wastewater System                                                               | On-site septic systems                                                                                                                                                                 | VT DEC                        | State Rules     |
| Access (Curb Cut) Approval                                                      | Access onto town or state highways                                                                                                                                                     | Select Board or VTrans (RT 2) | Access Policy   |
| Road Cut Approval                                                               | Work within town rights-of-way                                                                                                                                                         | Select Board                  | Road Cut Policy |
| Road Upgrade/Acceptance                                                         | Road upgrades, acceptance of private roads                                                                                                                                             | Select Board                  | Road Policy     |

## **ARTICLE II. ZONING DISTRICTS**

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### **Section 2.1 Zoning Districts & Zoning Map**

(A) For the purposes of these regulations, the Town of Bolton is divided into the following zoning districts, in accordance with the Act [§ 4414(1)]:

|                                |             |
|--------------------------------|-------------|
| Village District               | (V)         |
| Resort Village District        | (RV)        |
| Resort Residential District    | (RR)        |
| Rural I District               | (RI)        |
| Rural II District              | (RII)       |
| Forest District                | (FOR)       |
| Conservation District          | (CON)       |
| Flood Hazard Overlay Districts | (FHO I, II) |

(B) The location and boundaries of each zoning district are shown on the official “Town of Bolton Zoning Map,” which is incorporated and adopted by reference as part of these regulations. Flood Hazard Overlay District boundaries for Special Flood Hazard Areas are shown in and on the most current Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) issued for the Town of Bolton by the Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources [10 V.S.A. § 753], which are adopted by reference and declared to be part of these regulations. The official zoning map and overlay district maps located in the Bolton Town Office shall be the final authority as to the current zoning status of land and waters in the town. [Amended effective 8/9/2010.]

(C) The official “Town of Bolton Zoning Map” shall be identified by the signatures of the Select Board, as attested to by the Bolton Town Clerk. Changes may be made to the zoning map only in accordance with the bylaw amendment process specified in Section 1.5 and the Act. A reduced copy of the official zoning map is included in these regulations.

### **Section 2.2 Boundary Interpretations**

(A) Where uncertainty exists as to the location of district boundaries shown on the zoning map, the following rules shall apply.

- (1) Boundaries indicated as following roads, transportation or utility rights-of-way shall be interpreted as following the centerlines of such features.
- (2) Boundaries indicated as following lot lines shall be interpreted as following delineated property boundaries.
- (3) Boundaries indicated as following rivers or streams shall be interpreted as following the channel centerlines of such features, and shall move with the river or stream channel.
- (4) Boundaries indicated as following shorelines shall be interpreted as following the mean high water level, and shall move with the shoreline.
- (5) Boundaries indicated as following contour lines shall be interpreted as following a constant, specified elevation as measured from mean sea level or other accepted reference datum.

- (6) Boundaries indicated as following a compass heading shall be interpreted as following such headings.
  - (7) Boundaries indicated as parallel or perpendicular to, or extensions of, the above features shall be interpreted as such on the ground.
  - (8) Distances not specifically indicated on the map shall be determined from the scale on the official zoning map.
- (B) The abandonment or relocation of a right-of-way, or the change in a line or feature that references a district boundary line, after the effective date of these regulations, shall not affect the location of the district boundary, except as specified for streams, rivers and shorelines.
- (C) In the Flood Hazard Area Overlay District (designated Special Flood Hazard Areas), where available (i.e., in Zones A1-A30, AE and AH) base flood elevations and floodway limits provided by the National Flood Insurance Program (NFIP) in the Flood Insurance Study and accompanying maps shall be used to administer and enforce flood hazard area overlay district provisions of these regulations. In areas where base flood elevations and floodway limits have not been provided by the NFIP (i.e., Zone A), it is the applicant's responsibility to develop the necessary base flood elevations and floodway information. Where available, the applicant shall use data provided by the Federal Emergency Management Agency, other federal agencies, or the state. [Amended effective 8/9/2010.]
- (D) When the Zoning Administrator cannot definitely determine the location of a district boundary, the Planning Commission and/or appropriate state or federal official may be consulted prior to issuing a determination. A determination by the Zoning Administrator regarding the location of a district boundary may be appealed to the Development Review Board under Section 9.5.
- (1) If uncertainty exists with respect to the boundary of a Special Flood Hazard Area or floodway within Flood Hazard Area Overlay Districts (Table 2.8), a Letter of Map Amendment (LOMA) issued by the Federal Emergency Management Agency shall constitute proof of boundary location. [Amended effective 8/9/2010.]
- (E) Where there is a dispute as to where a district boundary lies, the Development Review Board may require that the property owner verify the location through a survey by a licensed surveyor.
- (F) Where a zoning district divides a lot in single ownership as of the effective date of these regulations, or as subsequently amended, the Development Review Board may allow, subject to conditional use review under Section 5.4, the extension of district standards, except for road frontage requirements, up to a distance of 100 feet into either portion of the lot. Frontage requirements for the district in which the road frontage is located shall apply.
- (G) Where a lot is divided by a town boundary, the standards of these regulations shall be applied to that portion of the lot located in the Town of Bolton in the same manner as if the entire lot were located in the town.

### **Section 2.3 Application of District Standards**

- (A) The following Tables 2.1-2.8 set forth the stated purpose, allowed uses and specific standards for each zoning district.

(B) All uses and structures, unless specifically exempted from these regulations under Section 9.2, and all development within the Flood Hazard Area Overlay District, as defined under Section 10.3 for purposes of flood hazard area management, must comply with applicable standards for the district(s) in which they are located, as found in Tables 2.1-2.8. The standards for each district shall apply uniformly to each class of use or structure, unless otherwise specified in these regulations. Nonconforming uses and structures must meet the requirements of Section 3.8. [Amended effective 8/9/2010.]

(C) Overlay district standards, including Flood Hazard Area Overlay District standards, shall be applied concurrently with the standards for the underlying zoning district(s). Where the overlay district imposes more restrictive standards on the use of land or structures, the standards of the overlay district shall apply. [Amended effective 8/9/2010.]

(D) Uses for each district are classified as “permitted uses” to be reviewed by the Zoning Administrator prior to the issuance of a zoning permit under Section 9.3; or “conditional uses” to be reviewed and approved by the Development Review Board in accordance with Section 5.4 prior to the issuance of a zoning permit. Both permitted and conditional uses must meet applicable zoning district requirements, and also general standards under Article III. Site plan review under Section 5.3 also may be required for specified permitted uses.

**TABLE 2.1 VILLAGE DISTRICT (V)**

**(A) Purpose.** The Village District along Route 2 in Bolton serves as the town's historic governmental, civic and commercial center, as well as the gateway to Bolton Valley. The purpose of the Village District is to allow for the continuation of existing commercial, residential and public uses, and to encourage future development that is compatible with and promotes a compact, historic village settlement pattern. This may include higher densities of development, as supported by existing and planned infrastructure.

**(B) Permitted Uses:**

1. Accessory Structure/Use (to a permitted use)
2. Accessory On-Farm Business
3. Agriculture [see Section 9.2]
4. Bed & Breakfast [max: 4 guest rooms; see Section 4.6]
5. Day Care Facility [see Section 4.8]
6. Dwelling/Accessory [see Section 4.2]
7. Dwelling/Multi-family [max: 4 units]
8. Dwelling/Single Family
9. Dwelling/Two Family
10. Forestry [see Section 9.2]
11. Group Home [see Section 4.12]
12. Home Child Care [see Section 4.8]
13. Home Occupation [see Section 4.13]
14. Mixed Use [max: 4,000 sf, permitted uses only; see Section 4.14]
15. Office
16. Personal Service
17. Place of Worship [see Section 4.17]
18. Public Facility [see (E)(6); Section 4.17]
19. Retail Store [max: 4,000 sf]
20. Snack Bar

**(C) Conditional Uses:**

1. Accessory Structure/Use (to a conditional use)
2. Adaptive Reuse [see Section 4.3]
3. Cemetery
4. Community Center
5. Cultural Facility
6. Dwelling/Multi-family [max: 8 units]
7. Financial Institution
8. Funeral Home
9. Gas Station [see Section 4.10]
10. Health Clinic
11. Home Industry [see Section 4.13]
12. Inn [max: 24 guest rooms; see Section 4.6]
13. Light Industry [max: 20,000 sf]
14. Mixed Use [max: 20,000 sf; see (E)(4), Section 4.14]
15. Mobile Home Park [see Section 4.15]
16. Mobile Home Sales
17. Motor Vehicle Sales & Service [see Section 4.16]
18. Outdoor Market
19. Parking Facility
20. Private Club
21. Recreation/Indoor
22. Recreation/Outdoor
23. Residential Care Facility
24. Restaurant [max: 90 seats; no drive-throughs]
25. Retail Store [max: 20,000 sf; see (E)(4)]
26. School [see Section 4.17]
27. Transit Facility
28. Veterinary Clinic

[Amended effective May 24, 2021.]

**(D) Dimensional Standards (unless otherwise specified for a particular use):**

|                                  | <b>Residential Uses</b> | <b>Other Uses</b>   |
|----------------------------------|-------------------------|---------------------|
| Minimum Lot Area                 | 1 acre                  | 1 acre              |
| Minimum Frontage/Road            | 100 feet                | 150 feet            |
| Minimum Setback/Front (from ROW) | 15 feet                 | 15 feet             |
| Minimum Setback/Side             | 10 feet                 | 25 feet             |
| Minimum Setback/Rear             | 10 feet                 | 25 feet             |
| Minimum Setback/Surface Waters   | See Section 3.17        | See Section 3.17    |
| Maximum Height (see Section 3.5) | 35 ft.                  | 35 ft.              |
| Maximum Building Coverage        | None                    | 40%                 |
| Maximum Lot Coverage             | None                    | 60%                 |
| Planned Residential Development  | Allowed, see (E)(7)     | Not Applicable      |
| Planned Unit Development         | Allowed, see (E)(7)     | Allowed, see (E)(7) |

**TABLE 2.1 VILLAGE DISTRICT (V), CONTINUED**

**(E) Supplemental District Standards**

- (1) All allowed uses within this district must meet applicable general standards for development under Article III. Specified uses are also required to meet applicable use standards under Article IV.
- (2) All permitted uses are subject to site plan review under Section 5.3 except for agriculture, forestry, single and two family dwellings, and associated accessory structures and uses (including group homes, home child care and home occupations). Such uses must receive site plan approval from the Development Review Board prior to the issuance of a zoning permit. Conditional uses are subject to conditional use review under Section 5.4 and must receive conditional use approval from the Development Review Board prior to the issuance of a zoning permit.
- (3) All lots fronting upon Route 2 shall maintain a vegetated, landscaped area 15 feet in depth or greater running the length of the highway right-of-way, with the exception of approved accesses (curb cuts) and pedestrian walkways.
- (4) Maximum square footage [sf] limitations listed above for specified uses within this district refer to the maximum allowed gross floor area. In addition, the maximum building footprint for a mixed use or retail structure shall not exceed 10,000 square feet.
- (5) For development subject to site plan or conditional use review, the Development Review Board may limit outdoor display and storage areas to designated areas of the site, require that outdoor storage areas be located to the side or rear of the property, and be screened from Route 2 and/or adjoining properties.
- (6) Public facilities allowed within this district are limited to municipal or other government facilities open to the public and intended for general public access or use (e.g., town office, town hall, post office, public park, playground); or which otherwise serve the public (e.g., fire and ambulance stations, town garage, transfer station, municipal or community water or wastewater facility). Solid and hazardous waste management facilities, correctional facilities, and other institutional uses which are closed to the general public are specifically excluded from this district.
- (7) Planned residential and planned unit developments are allowed and encouraged within this district to promote the development of affordable housing and to support a compact, village development pattern. District dimensional standards may be modified or varied accordingly under Article VIII.

**TABLE 2.2 RESORT VILLAGE DISTRICT (RV)**

**(A) Purpose.** The Resort Village District includes land comprising the Bolton Valley Resort's village base area. The purpose of this district is to allow for coordinated, well planned, higher density development, including a mix of recreational, commercial, and multi-family residential uses within a compact village setting, in a manner that supports the development of the ski resort as a year-round destination while protecting significant natural features and environmentally sensitive areas. Development in this district should occur in accordance with a comprehensive base area plan that establishes a clear indication of the intended type and pattern of future development.

**(B) Permitted Uses:**

1. Accessory Structure/Use (to a permitted use)
2. Accessory On-Farm Business
3. Agriculture [see Section 9.2]
4. Day Care Facility [see Section 4.8]
5. Forestry [see Section 9.2]
6. Mixed Use [max: 4,000 sf; permitted uses only; see Section 4.14]
7. Office [max: 4,000 sf; only in a PUD or Mixed Use]
8. Personal Service [max: 4,000 sf]
9. Place of Worship [see Section 4.17]
10. Public Facility [see (E)(4); see Section 4.17]
11. Retail Store [max: 4,000 sf]
12. Snack Bar

**(C) Conditional Uses:**

1. Accessory Structure/Use (to a conditional use)
2. Alpine Ski Facility [only in a PUD; see (E)(6)]
3. Community Center [only in a PRD or PUD]
4. Convention Facility [only in a PUD or Mixed Use]
5. Cultural Facility
6. Dwelling/Multi-Family [only in a PUD]
7. Events Facility [only in a PUD or Mixed Use]
8. Golf Course [see Section 4.11]
9. Hotel [only in a PUD or Mixed Use; Section 4.6]
10. Inn [max: 24 guest rooms; see Section 4.6]
11. Kennel [only in a PUD or Mixed Use]
12. Mixed Use [see Section 4.14]
13. Nordic Ski Facility [see Section (E)(6)]
14. Office [> 4,000 sf; only in a PUD or Mixed Use]
15. Parking Facility
16. Private Club
17. Recreation/Indoor [only in a PUD or Mixed Use]
18. Recreation/Outdoor
19. Restaurant
20. Retail Store [> 4,000 sf; only in a PUD or Mixed Use]
21. Telecommunications Tower [see Section 4.19]

[Amended effective May 24, 2021.]

**(D) Dimensional Standards** (unless otherwise specified for a particular use):

|                                  |                             |
|----------------------------------|-----------------------------|
| Minimum Lot Area                 | 0.5 acre                    |
| Maximum Multi-Family Density     | 12 dwelling units/acre      |
| Maximum Lodging Density          | 24 rooms/acre               |
| Minimum Frontage/Road            | 75 feet                     |
| Minimum Setback/Front (from ROW) | 15 feet                     |
| Minimum Setback/Side             | 10 feet                     |
| Minimum Setback/Rear             | 10 feet                     |
| Minimum Setback/Surface Waters   | See Section 3.17            |
| Maximum Height (see Section 3.5) | 50 feet                     |
| Maximum Building Coverage        | 50%                         |
| Maximum Lot Coverage             | 75%                         |
| Planned Residential Development  | Not Applicable              |
| Planned Unit Development         | May be required, see (E)(5) |

**(E) Supplemental District Standards**

- (1) All allowed uses within this district must meet applicable general standards for development under Article III. Specified uses are also required to meet applicable use standards under Article IV

**TABLE 2.2 RESORT VILLAGE DISTRICT (RV), CONTINUED**

- (2) All permitted uses are subject to site plan review under Section 5.3 except for agriculture, forestry, single and two family dwellings, and associated accessory structures and uses (including group homes, home child care and home occupations). Such uses must receive site plan approval from the Development Review Board prior to the issuance of a zoning permit. Conditional uses are subject to conditional use review under Section 5.4 and must receive conditional use approval from the Development Review Board prior to the issuance of a zoning permit.
- (3) Maximum square footage [sf] limitations listed above for uses within this district refer to the maximum gross floor area.
- (4) Public facilities allowed within this district are limited to the following: post office, public parks, auxiliary public safety (fire and ambulance) and equipment storage facilities, and municipal or community water supply and wastewater facilities. Solid and hazardous waste management facilities, correctional facilities, and other institutional uses which are closed to the general public are specifically excluded from this district.
- (5) Planned residential and planned unit developments are encouraged within this district to protect significant natural resources and to support a compact, village development pattern. All major subdivisions within this district shall be subject to review as a Planned Residential or Planned Unit Development under Article VIII. Dimensional standards may be modified or varied accordingly under Article VIII. As noted above, certain specified uses may be allowed only within a planned unit development.
- (6) Alpine and Nordic ski facilities allowed within this district as conditional uses include base lodges and centers, ski lifts, ski trails, ski rental, instruction, patrol, and maintenance facilities, and associated office, ticket, and parking facilities. Restaurant, retail, indoor recreation and lodging, convention and events facilities also may be included in association with planned unit development.

**TABLE 2.3 RESORT RESIDENTIAL DISTRICT (RR)**

**(A) Purpose.** The Resort Residential District encompasses areas adjoining the Resort Village District and serves as the gateway to the Bolton Valley Resort. The purpose of this district is to allow for moderate densities of coordinated, well-planned recreational, lodging and residential development in the immediate vicinity of the resort village, in an area that is served by centralized infrastructure and utilities, in a manner that reinforces the function of Bolton Valley as a compact resort village and protects significant natural features and environmentally sensitive areas. Development in this district should occur in accordance with a comprehensive development plan that establishes a clear indication of the intended type and pattern of future development.

**(B) Permitted Uses:**

1. Accessory Structure/Use (to a permitted use)
2. Accessory On-Farm Business
3. Agriculture [see Section 9.2]
4. Bed & Breakfast [max: 4 guest rooms; see Section 4.6]
5. Day Care Facility [see Section 4.8]
6. Dwelling/Accessory [see Section 4.2]
7. Dwelling/Single Family
8. Dwelling/Two Family
9. Forestry [see Section 9.2]
10. Group Home [see Section 4.12]
11. Home Child Care [see Section 4.8]
12. Home Occupation [see Section 4.13]
13. Place of Worship [see Section 4.17]
14. Public Facility [see (E)(4); see Section 4.17]

**(C) Conditional Uses:**

1. Accessory Structure/Use (to a conditional use)
2. Alpine Ski Facility [only in a PUD; see (E)(6)]
3. Community Center
4. Cultural Facility
5. Dwelling/Multi-Family [only in a PUD]
6. Events Facility [only in a PUD or Mixed Use]
7. Golf Course [see Section 4.11]
8. Hotel [only in a PUD or Mixed Use; Section 4.6]
9. Inn [max: 24 guest rooms; see Section 4.6]
10. Kennel [only in a PUD or Mixed Use]
11. Mixed Use [see Section 4.14]
12. Nordic Ski Facility [see Section (E)(6)]
13. Office [only in a PUD or Mixed Use]
14. Parking Facility
15. Private Club
16. Recreation/Indoor [only in a PUD or Mixed Use]
17. Recreation/Outdoor
18. Restaurant
19. Retail Store [only in a PUD or Mixed Use]
20. Telecommunications Tower [see Section 4.19]

[Amended effective May 24, 2021.]

**(D) Dimensional Standards** (unless otherwise specified for a particular use):

|                                  |                             |
|----------------------------------|-----------------------------|
| Minimum Lot Area                 | 2.0 acres                   |
| Maximum Multi-Family Density     | 3 dwelling units/acre       |
| Maximum Lodging Density          | 12 rooms/acre               |
| Minimum Frontage/Road            | 100 feet                    |
| Minimum Setback/Front (from ROW) | 15 feet                     |
| Minimum Setback/Side             | 25 feet                     |
| Minimum Setback/Rear             | 25 feet                     |
| Minimum Setback/Surface Waters   | See Section 3.17            |
| Maximum Height (see Section 3.5) | 35 feet                     |
| Maximum Building Coverage        | 40%                         |
| Maximum Lot Coverage             | 65%                         |
| Planned Residential Development  | May be required, see (E)(5) |
| Planned Unit Development         | May be required, see (E)(5) |

**(E) Supplemental District Standards**

- (1) All allowed uses within this district must meet applicable general standards for development under Article III. Specified uses are also required to meet applicable use standards under Article IV.

**TABLE 2.3 RESORT RESIDENTIAL DISTRICT (RR), CONTINUED**

- (2) All permitted uses are subject to site plan review under Section 5.3 except for agriculture, forestry, single and two family dwellings, and associated accessory structures and uses (including group homes, home child care and home occupations). Such uses must receive site plan approval from the Development Review Board prior to the issuance of a zoning permit. Conditional uses are subject to conditional use review under Section 5.4 and must receive conditional use approval from the Development Review Board prior to the issuance of a zoning permit.
- (3) Maximum square footage [sf] limitations listed above for uses within this district refer to the maximum gross floor area.
- (4) Public facilities allowed within this district are limited to the following: post office, public parks, auxiliary public safety (fire and ambulance) and equipment storage facilities, and municipal or community water supply and wastewater facilities. Solid and hazardous waste management facilities, correctional facilities, and other institutional uses which are closed to the general public are specifically excluded from this district.
- (5) Planned residential and planned unit developments are encouraged within this district to protect significant natural resources and to support a compact, village development pattern. All major subdivisions within this district shall be subject to review as a Planned Residential or Planned Unit Development under Article VIII. Dimensional standards may be modified or varied accordingly under Article VIII. As noted above, certain specified uses may be allowed only within a planned unit development.
- (6) Alpine and Nordic ski facilities allowed within this district as conditional uses include base lodges and centers, ski lifts, ski trails, ski rental, instruction, patrol, and maintenance facilities, and associated office, ticket, and parking facilities. Restaurant, retail, indoor recreation and lodging facilities also may be included in association with planned unit development.

**TABLE 2.4 RURAL I DISTRICT (RI)**

**(A) Purpose.** The Rural I District includes areas with access to public roads, including Bolton's traditional neighborhood areas, which are generally suitable for residential development and existing in-holdings on the Duxbury Road located within the Conservation District. The purpose of this district is to allow for traditional uses such as forestry and agriculture, moderate densities of residential development in appropriate locations, and limited commercial development along Route 2, in a manner that maintains the town's rural character.

**(B) Permitted Uses:**

1. Accessory Structure/Use (to a permitted use)
2. Accessory On-Farm Business
3. Agriculture [see Section 9.2]
4. Bed & Breakfast [max: 4 guest rooms; see Section 4.6]
5. Dwelling/Accessory [see Section 4.2]
6. Dwelling/Single-family
7. Dwelling/Two-family
8. Forestry [see Section 9.2]
9. Group Home [see Section 4.12]
10. Home Child Care [see Section 4.8]
11. Home Occupation [see Section 4.13]
12. Recreation/Outdoor
13. Wildlife Management Area
14. Snack Bar

Allowed only on lots with frontage on Route 2:

15. Place of Worship [see Section 4.17]

**(C) Conditional Uses:**

1. Accessory Structure/Use (to a conditional use)
2. Adaptive Reuse [see Section 4.3]
3. Campground [see Section 4.5]
4. Cemetery
5. Community Center
6. Contractor's Yard [see Section 4.7]
7. Dwelling/Multi-family [max: 4 units]
8. Day Care Facility [see Section 4.8]
9. Extraction & Quarrying [see Section 4.9]
10. Golf Course [see Section 4.11]
11. Home Industry [see Section 4.13]
12. Inn [max: 24 guest rooms; see Section 4.6]
13. Kennel
14. Neighborhood Store [max: 2,500 sf]
15. Public Facility [see (E)(5); Section 4.17]
16. Recreation/Outdoor
17. Sawmill
18. Veterinary Clinic

Allowed only on lots with frontage on Route 2:

19. Garden Center
20. Light Industry [max: 20,000 sf]
21. Mixed Use [see Section 4.14]
22. Mobile Home Park [see Section 4.15]
23. Motor Vehicle Sales & Service [Section 4.16]
24. Residential Care Facility
25. School [see Section 4.17]
26. Transit Facility

[Amended effective May 24, 2021.]

**(D) Dimensional Standards** (unless otherwise specified for a particular use):

|                                  |                     |
|----------------------------------|---------------------|
| Minimum Lot Area                 | 2 acres             |
| Minimum Frontage                 | 200 feet            |
| Minimum Setback/Front (from ROW) | 35 feet             |
| Minimum Setback/Side             | 35 feet             |
| Minimum Setback/Rear             | 35 feet             |
| Minimum Setback/Surface Waters   | See Section 3.17    |
| Maximum Height (see Section 3.5) | 35 ft.              |
| Maximum Building Coverage        | 30%                 |
| Maximum Lot Coverage             | 50%                 |
| Planned Residential Development  | Allowed, see (E)(6) |
| Planned Unit Development         | Allowed, see (E)(6) |

**TABLE 2.4 RURAL I DISTRICT (RI), CONTINUED**

**(E) Supplemental District Standards**

- (1) All allowed uses within this district must meet applicable general standards for development under Article III. Specified uses are also required to meet applicable use standards under Article IV.
- (2) All permitted uses are subject to site plan review under Section 5.3 except for agriculture, forestry, single and two family dwellings, and associated accessory structures and uses (including group homes, home child care and home occupations). Such uses must receive site plan approval from the Development Review Board prior to the issuance of a zoning permit. Conditional uses are subject to conditional use review under Section 5.4 and must receive conditional use approval from the Development Review Board prior to the issuance of a zoning permit.
- (3) All lots fronting upon Route 2 shall maintain a vegetated, landscaped area 15 feet in depth or greater running the length of the highway right-of-way, with the exception of approved driveways (curb cuts) and pedestrian walks.
- (4) Maximum square footage [sf] limitations listed above for specified uses within this district refer to the maximum total gross floor area.
- (5) Public facilities allowed within this district are limited to municipal or other government facilities that serve the public, but are not intended for general public access or use (e.g., fire and ambulance stations, town garage, transfer station, public water or wastewater facility), and public parks. Solid and hazardous waste management facilities, and other institutional uses not open to the general public may also be allowed subject to conditional use review.
- (6) Planned residential and planned unit development is allowed and encouraged within this district to protect significant natural resources, to promote the development of affordable housing in appropriate locations, and to preserve open space. Dimensional standards may be modified or varied accordingly under Article VIII.

**TABLE 2.5 RURAL II DISTRICT (RII)**

**(A) Purpose.** This district includes upland areas with access and/or development constraints. The purpose of this district is to allow for limited, compatible, lower densities of development that maintain Bolton's rural character, and protect significant natural resources, while discouraging subdivision and development in areas with limited access to public roads and facilities.

**(B) Permitted Uses:**

1. Accessory Structure/Use (to a permitted use)
2. Accessory On-Farm Business
3. Agriculture [see Section 9.2]
4. Bed & Breakfast [max: 4 guest rooms; see Section 4.6]
5. Camp
6. Campground [primitive only; see Section 4.5]
7. Dwelling/Accessory [see Section 4.2]
8. Dwelling/Single Family
9. Dwelling/Two Family
10. Forestry [see Section 9.2]
11. Group Home [see Section 4.12]
12. Home Child Care [see Section 4.8]
13. Home Occupation [see Section 4.13]
14. Wildlife Management Area

**(C) Conditional Uses:**

1. Accessory Structure/Use (to a conditional use)
2. Adaptive Reuse [see Section 4.3]
3. Alpine Ski Facility [see (E)(3)]
4. Cemetery
5. Community Center
6. Contractor's Yard
7. Extraction & Quarrying [see Section 4.9]
8. Golf Course [see Section 4.11]
9. Home Industry [see Section 4.13]
10. Kennel
11. Nature Center
12. Nordic Ski Facility [see (E)(3)]
13. Public Facility [see (E)(4); Section 4.17]
14. Recreation/Outdoor
15. Sawmill

Allowed only on lots with frontage on the Bolton Valley Access Road:

16. Inn [max: 24 rooms; see Section 4.6]
17. Mixed Use [see Section 4.14]
18. Retail Store [max: 2,500 sf]
19. Restaurant

[Amended effective May 24, 2021.]

**(D) Dimensional Standards** (unless otherwise specified for a particular use):

|                                  |                     |
|----------------------------------|---------------------|
| Minimum Lot Area                 | 10 acres            |
| Minimum Frontage/ Road           | 300 feet            |
| Minimum Setback/Front (from ROW) | 35 feet             |
| Minimum Setback/Side             | 50 feet             |
| Minimum Setback/Rear             | 50 feet             |
| Minimum Setback/Surface Waters   | See Section 3.17    |
| Maximum Height (see Section 3.5) | 35 feet             |
| Planned Residential Development  | Allowed, see (E)(5) |
| Planned Unit Development         | Not Allowed         |

**(E) Supplemental District Standards**

- (1) All allowed uses within this district must meet applicable general standards for development under Article III. Specified uses are also required to meet applicable use standards under Article IV.
- (2) All permitted uses are subject to site plan review under Section 5.3 except for agriculture, forestry, single and two family dwellings, and associated accessory structures and uses (including group homes, home child care and home occupations). Such uses must receive site plan approval from the Development Review Board prior to the issuance of a zoning permit. Conditional uses are subject to conditional use review under Section 5.4 and must receive conditional use approval from the Development Review Board prior to the issuance of a zoning permit.

**TABLE 2.5 RURAL II DISTRICT (RII), CONTINUED**

- (3) Alpine and Nordic ski facilities allowed within this district as conditional uses are limited to ski lifts, parking areas, ancillary storage and maintenance facilities, trails and warming huts.
- (4) Public facilities allowed within this district are limited to municipal or other government facilities that serve the public, but are not intended for general public access or use (e.g., fire and ambulance stations, town garage, transfer station, public water or wastewater facility), and public parks. Solid and hazardous waste management facilities, and other institutional uses not open to the general public may also be allowed subject to conditional use review.
- (5) Planned residential development is allowed and encouraged within this district to protect significant natural resources and to preserve open space. Dimensional standards may be modified or varied accordingly under Article VIII. Planned unit development is specifically prohibited within this district.

**TABLE 2.6 FOREST DISTRICT (FOR)**

**(A) Purpose.** The Forest District includes all land above 1,500 feet in elevation (except for such land within the Resort Village, Resort Residential and Conservation Districts) and several additional parcels that include the resources of this district, as shown on the Bolton Zoning Map. The Forest District includes significant headwater, aquifer recharge and designated source protection areas, unique and fragile natural areas, critical wildlife habitat, and mountainsides and ridges characterized by shallow soils and steep slopes. The purpose of this district is to protect Bolton's more remote and inaccessible forested upland areas from fragmentation, development, and undue environmental disturbance, while allowing for the continuation of traditional uses such as forestry, outdoor recreation and compatible low density residential development. [Amended effective May 24, 2021]

**(B) Permitted Uses:**

1. Accessory Structure [to a permitted use]\*
2. Accessory On-Farm Business
3. Agriculture [see Section 9.2]
4. Camp\* [see (E)(5)]
5. Campground [primitive only; see Section 4.5; (E)(8)]
6. Forestry [see Section 9.2]
7. Dwelling/Accessory\* [see (E)(5)]
8. Home Child Care [see Section 4.8]
9. Home Occupation [see Section 4.13]
10. Wildlife Management Area

**(C) Conditional Uses:**

1. Accessory Structure/Use [to a conditional use]\*
2. Alpine Ski Facility [see (E)(3)]
3. Extraction & Quarrying [see Section 4.9]
4. Home Industry [see Section 4.13]
5. Dwelling/Single Family\* [see E(5)]
6. Group Home\* [see Section 4.12]
7. Nature Center\*
8. Nordic Ski Facility [see (E)(3)]
9. Public Facility [see (E)(4); Section 4.17]
10. Recreation/Outdoor
11. Telecommunications Tower [see (E)(9); Section 4.19]

*\*only within an approved building envelope [see (E)(5)]*

[Amended effective May 24, 2021.]

**(D) Dimensional Standards** (unless otherwise specified for a particular use):

|                                                       |                       |
|-------------------------------------------------------|-----------------------|
| Minimum Lot Size                                      | 25 acres              |
| Minimum Lot Width [see (E)(10)]                       | 1000 feet             |
| Minimum Setback/Surface Waters                        | See Section 3.17      |
| Maximum Height (see Section 3.5)                      | 35 feet               |
| Maximum Building Envelope/Residential                 | 1 acre                |
| Maximum Building Coverage/Nonresidential [see (E)(9)] | 4,000 sf              |
| Planned Residential Development                       | Required, see (E)(11) |
| Planned Unit Development                              | Not Allowed           |

**(E) Supplemental District Standards**

- (1) All allowed uses within this district must meet applicable general standards for development under Article III. Specified uses are also required to meet applicable use standards under Article IV.
- (2) All permitted uses are subject to site plan review under Section 5.3 except for agriculture, forestry, camps, single family dwellings, and accessory structures and uses (including accessory dwellings, group homes, home child care and home occupations) associated with existing single family dwellings. Such permitted uses must receive site plan approval from the Development Review Board prior to the issuance of a zoning permit. Conditional uses are subject to conditional use review under Section 5.4 and must receive conditional use approval from the Development Review Board prior to the issuance of a zoning permit. [Amended effective May 24, 2021].
- (3) Alpine and Nordic ski facilities allowed in this district as conditional uses are limited to ski lifts, trails, warming huts and ancillary storage and maintenance facilities.
- (4) Allowed public facilities in this district are limited to federal, state or municipal parks, forests, wildlife management, and outdoor recreation areas, and associated facilities.

**TABLE 2.6 FOREST DISTRICT (FOR), CONTINUED**

- (5) A structure within this district must be located within a designated building envelope approved by the Development Review Board either under subdivision review (Article VII), or for lots subdivided prior to the effective date of these regulations, under conditional use review (Section 5.4). In addition, no building envelope or structure in this district, excluding a ski lift facility or telecommunications tower, shall be sited on exposed ridgelines that are visible from public vantage points, including public roads.
- (6) For development in this district that is subject to conditional use review under Section 5.4, the Development Review Board may:
  - (a) limit the extent of site clearing and disturbance, including the removal of existing vegetation;
  - (b) require screening or reforestation as necessary to minimize the environmental or visual impacts of development; and/or
  - (c) require the submission of environmental or visual impact assessments, lighting plans, forest, wildlife habitat, erosion control and/or stormwater management plans for board review and approval.
- (7) To the extent feasible, in addition to the requirements of Section 3.2, access roads and driveways in this district shall be designed and located to:
  - (a) share existing rights-of-way and/or follow existing linear features (e.g., tree or fence lines)
  - (b) minimize their visibility as viewed from public vantage points, including roads,
  - (c) minimize the extent and number of stream crossings, and
  - (d) avoid the fragmentation of wetlands, significant wildlife habitat, natural areas and timber stands.
- (8) Campgrounds within this district are limited to designated tenting areas and tent sites. No facilities or structures other than tent or yurt platforms, a central lean-to, composting-type toilets or saunas are allowed (see Section 4.5).
- (9) Telecommunications facilities allowed in this district are limited to telecommunications towers and small scale facilities that meet the requirements of Section 4.19.
- (10) There is no road frontage requirement for this district; lot width shall be calculated as defined under Section 10.2. Building coverage within this district is defined as the total (combined) footprint area(s) of all structures on a lot.
- (11) Planned residential development under Article VIII is required for all major subdivisions of land within this district intended for residential development to protect environmentally sensitive high elevation areas and significant natural resources, to limit the fragmentation of large tracts of productive forest land and critical wildlife habitat, to preserve open space, and to reduce the overall density of development. Dimensional standards may be modified or varied accordingly under Article VIII. Planned unit development is specifically prohibited within this district. [Amended effective May 24, 2021].

**TABLE 2.7 CONSERVATION DISTRICT (CON)**

**(A) Purpose.** The Conservation District includes all land above 2,500 feet in elevation, the town's permanently conserved lands, including town and state owned parks, forests and conservation land, and existing private in-holdings on Honey Hollow Road and several additional parcels that include the resources of this district, as shown on the Bolton Zoning Map. The purpose of the Conservation District is to protect Bolton's generally remote and inaccessible mountainous areas—which include significant headwaters and aquifer recharge areas, unique and fragile natural areas, critical wildlife habitat, and mountainsides and ridges characterized by shallow soils and steep slopes – from fragmentation, development, and undue environmental disturbance, while allowing for the continuation of traditional uses such as forestry and outdoor recreation. [Amended effective May 24, 2021].

**(B) Permitted Uses:**

1. Accessory Structure/Use\* [to an allowed use]
2. Accessory On-Farm Business
3. Agriculture [see Section 9.2]
4. Forestry [see Section 9.2]
5. Wildlife Management Area

Allowed only on lots with frontage on Honey Hollow Road

6. Camp\* [see (E)(4)]

**(C) Conditional Uses:**

1. Alpine Ski Facility [see (E)(2)]
2. Campground [primitive only; see (E)(7); Section 4.5]
3. Nordic Ski Facility [see (E)(2)]
4. Public Facility [see (E)(3); Section 4.17]
5. Recreation/Outdoor
6. Telecommunications Tower [see (E)(8); Section 4.19]

Allowed only on lots with frontage on public roads

7. Nature Center\* [see (E)(4)]

\*only within an approved building envelope [see (E)(4)]

[Amended effective May 24, 2021.]

**(E) Dimensional Standards** (unless otherwise specified for a particular use):

|                                             |                  |
|---------------------------------------------|------------------|
| Minimum Lot Size                            | 25 acres         |
| Minimum Lot Frontage (on Honey Hollow Road) | 500 ft.          |
| Maximum Height [see Section 3.5]            | 35 feet          |
| Minimum Setback/Surface Waters              | See Section 3.17 |
| Maximum Building Envelope                   | 1 acre           |
| Maximum Building Coverage [see (E)(9)]      | 2,000 sq. ft.    |
| Planned Residential Development             | Not allowed      |
| Planned Unit Development                    | Not allowed      |

**(E) Supplemental District Standards**

- (1) All allowed uses within this district must meet applicable general standards for development under Article III. Specified uses are also required to meet applicable use standards under Article IV.
- (2) Alpine and Nordic ski facilities in this district are limited to ski lifts, trails and warming huts.
- (3) Public facilities in this district are limited to federal, state or municipal parks, forests and outdoor recreation areas, and associated facilities.
- (4) A structure within this district must be located within a designated building envelope approved by the Development Review Board under subdivision review, or for lots subdivided prior to the effective date of these regulations, under conditional use review. In addition, any structure(s) in this district, excluding a ski lift or telecommunications facility, shall not:
  - (a) have a total footprint area greater than 2,000 square feet,
  - (b) be connected to or served by off-site utilities,

**TABLE 2.7 CONSERVATION DISTRICT (CON), CONTINUED**

- (c) be sited on exposed ridgelines, or with the exception of seasonal camps or nature centers, be visible from public vantage points, including public roads.
- (5) For development in this district that is subject to conditional use review under Section 5.4, the Development Review Board may:
  - (a) limit the extent of site clearing and disturbance, including the removal of existing vegetation;
  - (b) require screening or reforestation as necessary to minimize the environmental or visual impacts of development; and/or
  - (c) require the submission of environmental or visual impact assessments, lighting plans, and forest, wildlife habitat, erosion control and/or stormwater management plans for board review and approval.
- (6) To the extent feasible, in addition to the requirements of Section 3.2, access roads and driveways in this district must be designed and located to:
  - (a) share existing rights-of-way and/or follow existing linear features (e.g., tree or fence lines)
  - (b) minimize their visibility as viewed from public vantage points, including roads,
  - (c) minimize the extent and number of stream crossings, and
  - (d) avoid the fragmentation of wetlands, significant wildlife habitat, natural areas and timber stands.

[Amended effective May 24, 2021].
- (7) Campgrounds within this district are limited to designated tenting areas and tent sites. No facilities or structures other than tent or yurt platforms, a central lean-to, composting-type toilets or saunas are allowed (see Section 4.5).
- (8) Telecommunications facilities allowed in this district are limited to telecommunications towers and small scale facilities that meet the requirements of Section 4.19.
- (9) Within this district, minimum lot frontage requirements apply only to lots fronting Honey Hollow Road. Building coverage within this district is defined as the total (combined) footprint area(s) of all structures on a lot.
- (10) Planned residential and planned unit developments are specifically prohibited within this district.

**TABLE 2.8 FLOOD HAZARD AREA OVERLAY DISTRICTS I, II (FHO I,II)**

**(A) Purpose.** The purpose of the Flood Hazard Area Overlay Districts are to (1) protect public health, safety, and welfare by preventing or minimizing hazards to life and property due to flooding, to (2) manage development, as specifically defined for this purpose, within designated Special Flood Hazard Areas (SFHAs) according to the town's adopted municipal and hazard mitigation plans; and to (3) ensure the town is eligible for continued membership in the National Flood Insurance Program (NFIP) so that the town, its residents and businesses may qualify for federal flood insurance and available federal disaster recovery and hazard mitigation funds. [Amended effective 8/9/2010.]

**(B) Permitted Uses:**

1. Accessory Structure [max: 500 sq. ft.; see Section 5.5]
2. Accessory On-Farm Business
3. Agriculture [see Section 9.7]
4. Forestry [see Section 9.7]
5. Group Home\* [see Section 4.12]
6. Home Child Care\* [see Section 4.8]
7. Home Occupation\* [see Section 4.13]
8. Public Utility [as reviewed, approved by the state]
9. Recreational Vehicle [see Section 5.5]
10. Storage Tank [see Section 5.5]
11. Water Supply, Wastewater Systems [as reviewed, approved by the state]
12. Stream Crossings [bridges, culverts; as reviewed, approved by the state]
13. Stream channel or floodplain management activities [as reviewed, approved by the state]

\* Only within an existing single family dwelling.

**Note:** Applications for permitted uses that are subject to the requirements of these overlay districts under Section 5.5 shall be referred by the Zoning Administrator to the state for review. State recommendations for compliance with applicable requirements shall be incorporated as conditions of zoning permit approval

[Amended effective 8/9/2010].

**(C) Conditional Uses:**

**Village I District (FHO I):**

Development, as defined under Section 10.3 and regulated by the municipality to meet the purposes of this district, including all uses allowed within the underlying Village District, unless specifically prohibited within this overlay district under Subsection (E)(5).

**All Other Districts (FHO II):**

Development, as defined under Section 10.3, and limited in the FHO II to the following uses, infrastructure and activities, unless specifically prohibited within this overlay district under Subsection (E)(5):

1. Accessory Structure [only to an existing, allowed use; see Section 5.5]
2. Excavation/Grading [only as necessary for and incidental to an allowed use]
3. Fill [only as needed to elevate structures; see Section 5.5]
4. Improvements [only to an existing structure – i.e., addition, replacement, relocation, elevation, floodproofing; see Section 5.5]
5. Parking [at grade, for existing, allowed uses]
6. Pond
7. Public Facility [only if functionally dependent on stream access; see Section 5.5]
8. Public Utility [see Section 5.5]
9. Recreation/Outdoor [no structures]
10. Road Improvements [to existing roads]

[Amended effective 8/9/2010.]

[Amended effective May 24, 2021.]

**(D) Dimensional Standards** (unless otherwise specified for a particular use):

As required for the underlying zoning district.

**(E) Supplemental District Standards**

- (1) Where the standards of this overlay district differ from underlying district standards, the more restrictive shall apply.
- (2) "Development" for purposes of flood hazard area regulation is separately defined under Section 10.3 and shall apply to the regulation of all uses, associated infrastructure and activities within Flood Hazard Area Overlay Districts, including those uses and activities that may otherwise be exempted from regulation under Section 9.2. Any development that is not specifically listed under (A) or (B), or prohibited in this district, shall be regulated as a conditional use. [Amended effective 8/9/2010.]

- (3) No new development shall be allowed in a Flood Hazard Area Overlay District (SFHA) if it can reasonably be located outside of the district on the parcel to be developed, or on another parcel in common ownership. [Amended effective 8/9/2010.]
- (4) **Uses.** Uses allowed within Flood Hazard Overlay districts include agriculture and forestry, and undeveloped open space; those uses generally allowed within existing single family dwellings which do not require structural alterations (i.e., home child care and home occupations); minor accessory uses and structures, if found by the Zoning Administrator, following state review, to meet applicable flood hazard area management requirements under Section 5.5; and uses that are otherwise regulated by the state. All other uses and structures including but not limited to new or expanded single family dwellings, additions and accessory structures, are subject to review under Sections 5.4 and 5.5, as well as other applicable municipal and state regulations. A “permitted” use in the underlying zoning district shall be reviewed only in accordance with the standards set forth in Section 5.5, and not other conditional use standards under Section 5.4. [Amended effective 8/9/2010.]
- (5) **Prohibited Development.**
  - (a) The following development is specifically prohibited within all Flood Hazard Area Overlay Districts (all designated SFHAs): (i) storage and salvage yards; (ii) accessory structures within floodways; (iii) new fill, except as necessary to elevate structures or for approved channel or floodplain management activities; (iv) excavation and grading, except as required for and incidental to allowed uses; and (v) critical facilities as defined under Section 10.3. New critical facilities are also prohibited within the 500-year floodplain (0.2% annual chance of flooding) as mapped by the Federal Emergency Management Agency. [Amended effective 8/9/2010.]
  - (b) The following development also is specifically prohibited within Flood Hazard Area Overlay District II (outside of the underlying Village District): (i) new principal buildings, including both residential and nonresidential buildings; (ii) public facilities except for public facilities that, because of their function, require siting within a flood hazard area for stream or river access; and (iii) new roads, except as required to serve stream crossings approved by the state. [Amended effective 8/9/2010.]
- (6) **Mandatory Requirements.** Mandatory state [§ 4412, 4424] and federal [44 CFR 60.3 and 60.6] requirements for continued community eligibility in the National Flood Insurance Program including, but not limited to, associated structural standards, definitions, administrative and variance requirements, are hereby adopted by reference and shall be applied to all development in this district. Accordingly:
  - (a) Applications for development within a Flood Hazard Area Overlay District must include information required under Section 5.5(D), and are subject to state and federal agency referral requirements under Section 5.5(E).
  - (b) Development in a Flood Hazard Area Overlay District shall be subject to flood hazard area review standards under Section 5.5(F), in addition to applicable requirements of the underlying zoning district and these regulations.
  - (c) Requests for variances for development within a Flood Hazard Area Overlay District must meet the requirements of Section 9.6(C), in addition to variance requirements under Section 9.6(A).
  - (d) Permits, certifications and variance actions for development within a Flood Hazard Area Overlay District shall be recorded by the Zoning Administrator in accordance with Section 9.9(F)(2).  
[Amended effective 8/9/2010.]
- (7) **Liability Warning and Disclaimer.** These regulations do not imply that land outside of Flood Hazard Area Overlay Districts (SFHAs) will be free from flood damages. These regulations shall not create liability on the part of the Town of Bolton, or any municipal official or employee thereof, for any flood damages that result from reliance on these regulations, or any administrative decision lawfully made hereunder. [Amended effective 8/9/2010.]

## **ARTICLE III. GENERAL REGULATIONS**

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### **Section 3.1 Abandoned & Damaged Structures**

(A) **Abandoned Structures.** Structures which are not substantially commenced within two (2) years of the issuance of a zoning permit, or within one (1) year of being substantially damaged or destroyed, shall be considered abandoned for the purposes of these regulations. For such structures, the owner shall either:

- (1) apply for a zoning permit under Section 9.3 to resume construction or repair, and thereby confirm the intent not to abandon the structure; or
- (2) remove all materials from the site, restore the site to a normal grade, and establish ground cover sufficient to prevent erosion.

(B) **Damaged Structures.** No zoning permit shall be required for the stabilization of a damaged structure to prevent hazards to public health and safety, or to adjoining properties, structures or uses; nor for the timely repair or reconstruction of a damaged structure to the extent of its prior condition and use. However:

- (1) Repair or reconstruction of a damaged structure must begin within one (1) year and be substantially completed within two (2) years of the date of the event resulting in its damage or destruction.
- (2) A zoning permit shall be required for any repair or reconstruction that results in changes in structural dimensions (e.g., height or footprint), density (e.g., number of units), or use under applicable provisions of these regulations.
- (3) Any repair or restoration of a nonconforming structure that increases the degree of noncompliance is subject to review by the Development Review Board under Section 3.8.
- (4) The repair or replacement of a damaged structure within a Flood Hazard Overlay District is subject to conditional use review and must comply with all applicable requirements under Section 5.5. The reconstruction of a substantially damaged or destroyed nonconforming structure within a Flood Hazard Overlay District may be reconstructed in the same location only if it cannot be relocated to a less hazardous location on the parcel. The lowest floor of the reconstructed structure must be elevated above the base flood elevation, and the structure must otherwise comply with all applicable requirements of the National Flood Insurance Program under Section 5.5(F). [Amended effective 8/9/2010.]

### **Section 3.2 Access & Driveways**

(A) **Frontage.** No development, except for forestry and agriculture, may be permitted on lots which do not have either frontage on a maintained public road (Class I, II or III town highway or state highway) or public waters or, with the approval of the Development Review Board, access to a public road or water by means of a Class IV road, or a permanent easement or right-of-way at least 20 feet in width, in accordance with the Act [§ 4412(3)]. All lots subdivided after the effective date of these regulations shall meet applicable frontage requirements for the district in which they are located.

(B) **Nonfrontage Lots.** The Development Review Board may grant approval for access to a lot legally in existence as of the effective date of these regulations which does not have the required minimum frontage in accordance with the following:

- (1) The Board may consider the intended use of the property, safety, traffic, road, and site conditions, and the recommendations of the Bolton Fire Chief and Road Foreman in granting, conditioning, or denying access approval. Conditions may be imposed by the Board as appropriate to ensure public safety and welfare. These include, but may not be limited to conditions that:
    - (a) the town shall not be required to provide school bussing beyond maintained public rights-of-way;
    - (b) the owner(s) of the property shall have the responsibility to maintain the right-of-way for year-round access by emergency vehicles; and
    - (c) public rights-of-way used for a private access shall remain open to the public.
  - (2) If a Class IV road is to be used for development that requires year-round access, the road shall be upgraded and maintained by the applicant and subsequent property owners, at minimum to meet town driveway (B-71) standards, in accordance with Subsection (E).
  - (3) The development of a nonfrontage lot to be accessed by a right-of-way or easement 20 feet in width shall be limited to one (1) principal use or structure, as allowed for the district in which it is located.
  - (4) The Board shall consider an application for access approval, within 45 days of the date of submission, at a regular or special meeting of the Board. The decision of the Board shall be issued in writing within 45 days of the meeting, to include findings of fact supporting the decision and a statement of the proposed time in which the decision may be appealed under Section 9.5, and shall be recorded in the land records of the town as required under Section 9.8. The decision shall be sent by certified mail to the applicant, and copies shall be filed with the Zoning Administrator and Town Clerk. No zoning permit for development of a nonfrontage lot shall be issued until access approval has been granted by the Development Review Board, and by the Bolton Select Board or the Vermont Agency of Transportation under Subsection 3.2 (C).
- (C) **Highway Access (Curb Cut) Permit.** Access onto public highways is also subject to the approval of the Bolton Select Board, and for state highways, the Vermont Agency of Transportation. As a condition of access approval, compliance with these regulations is required. In the event that subdivision, site plan and/or conditional use approval from the Development Review Board is required, highway access approval shall be obtained following the issuance of such approvals. Town or state highway access permits must be obtained prior to the issuance of a certificate of occupancy.

**(D) Access (Curb Cut) Management Standards.**

- (1) No lot shall be served by more than one (1) access (curb cut) except for:
  - (a) a temporary or permanent access used only for farming or forestry purposes, as approved by the Bolton Select Board;
  - (b) a temporary access used for construction purposes or special events, as approved by the Bolton Select Board;
  - (c) a lot for which it has been determined, subject to subdivision, site plan or conditional use review by the Development Review Board, that additional access is necessary to ensure vehicular and pedestrian safety; or that given physical site constraints (e.g., streams, wetlands, or steep slopes) strict compliance with this requirement would result in a less desirable site layout.

- (2) For development subject to review by the Development Review Board, the Board may require, in consultation with the Bolton Road Foreman or the Vermont Agency of Transportation, the elimination, consolidation and/or relocation of existing accesses to meet the requirements of these regulations.
  - (3) The width of an access shall be limited to the width as approved, and shall not extend along the length of road frontage. The installation of curbing, landscaping, or other edge-defining features may be required for accesses subject to review by the Development Review Board.
  - (4) Shared access is encouraged and may be required for development subject to review by the Development Review Board. For shared access, the interests of the owner of each lot shall be protected by an easement recorded in the deed of each lot.
  - (5) No access shall be provided to serve a lot located in another zoning district which is to be used for a use that is prohibited within the district in which the access is located.
  - (6) Where a lot has frontage on two roads (e.g., a corner or through lot), access to the lot shall be provided from the secondary (less traveled) road unless otherwise approved by the Development Review Board.
- (E) **Driveways.** All driveways shall meet town driveway (B-71) standards for culverts, grading, ditching and design. In addition:
- (1) Driveways may be located within side or rear yard setback areas.
  - (2) No driveway shall exceed an average grade of 15% within any 50-foot section. The approach area within 20 feet of the road right-of-way shall not exceed a 3% grade.
  - (3) Driveways 500 feet or more in length shall include, at minimum, one (1) 10-foot by 30-foot pull-off area and a turn around (a "Y" or "T") at the end.
  - (4) Driveways, to the extent feasible, shall be sited to avoid areas of steep slope (15% or more), primary agricultural soils, and surface waters, wetlands and associated buffer areas (see Sections 3.16 and 3.17) and to minimize the number and extent of stream crossings.
  - (5) Shared driveways serving up to three (3) lots are encouraged and may be required for development subject to review by the Development Review Board. For shared driveways, the interests of the owner of each lot shall be protected by an easement recorded in the deed of each lot.
- (F) **Class IV Roads.** The town, in accordance with state law and adopted town road policies, is not required to maintain Class IV roads for year-round use. Upgrade and maintenance of the road as required for development of adjoining parcels, and for emergency vehicle access, shall be the responsibility of the applicant and subsequent landowners under a maintenance agreement approved by the Select Board. At minimum, the applicant shall upgrade the road to meet town driveway (B-71) standards. The reclassification of a Class IV road may be considered by the town only in accordance with state statutes and applicable town road policies currently in effect.
- (G) **Private Roads.** For the purposes of these regulations, any access driveway or road serving four (4) or more lots shall be considered a private road, which must meet town road (A-76) standards and the requirements of Section 7.6. Private roads may be taken over by the town only in accordance with town road policies and state requirements for the dedication and acceptance of such roads as public highways.

(H) **Improvements.** The applicant shall bear the cost of installing any access, driveway or road improvements and traffic control measures, located on or off-site, which are specifically required to serve the development and to ensure public safety and welfare.

### **Section 3.3 Conversion or Change of Use**

(A) A conversion or change in the use of land, existing buildings and other structures is subject to the following requirements:

- (1) The proposed use must meet all the requirements of these regulations pertaining to such use, including but not limited to any district, access, and parking requirements, as well as any other applicable municipal regulations currently in effect.
- (2) A conversion or change of use from one permitted use to another permitted use requires a zoning permit issued by the Zoning Administrator in accordance with Section 9.3. Site plan approval also may be required under Section 5.3 depending upon the type of permitted use.
- (3) A conversion or change in use from a permitted use to a conditional use, or from one conditional use to another conditional use, requires conditional use approval under Section 5.4 prior to the issuance of a zoning permit.
- (4) A conversion or change of use of a nonconforming use or structure also must meet the requirements of Section 3.8.
- (5) A conversion or change of use that involves the subdivision of land also requires subdivision approval under Article VI.

(B) Where a conversion or change of use results in increased wastewater generation, including but not limited to the conversion of a camp or accessory dwelling to a single family dwelling; a single family dwelling to a two-family or multi-family dwelling; or a single principal to a mixed use, a zoning permit shall not be issued by the Zoning Administrator until an approved wastewater system design has been submitted in accordance with Section 3.18.

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

(A) In accordance with the Act [§ 4412(1)], no provision of these regulations shall have the effect of excluding the following from the Town of Bolton: [Amended effective January 7, 2019.]

- (1) mobile homes, modular housing, or other forms of prefabricated housing, except upon the same terms and conditions as conventional housing is excluded; [Amended effective January 7, 2019.]
- (2) housing necessary to meet the needs of the population, as identified in the *Bolton Town Plan*; [Amended effective January 7, 2019.]
- (3) mobile home parks, as defined by the state [10 V.S.A. Chapter 153] (see Section 4.15);
- (4) multi-family dwellings;

- (5) one (1) accessory dwelling, as a permitted use, which is accessory to a principal, single family dwelling and meets the requirements of Section 4.2 and is located outside of a designated flood hazard area or river corridor protection area (see Table 2.8, Section 4.2); or [Amended effective May 24, 2021.]
- (6) a state or licensed or registered residential care home, or group home, serving not more than eight (8) persons who have a disability as defined by the state [9 V.S.A. § 4501], which shall be considered by right to constitute a permitted single family residential use of property (see Section 4.12). [Amended effective January 7, 2019.]

As required by the Act, provisions have been made for each of the above types of housing, within designated zoning districts where applicable.

(B) No provision of these regulations, nor their application, shall have the effect of discriminating in land use decisions or the permitting of housing as specified in 9 V.S.A. § 4503 and 24 V.S.A. § 4453. Accordingly, it shall be unlawful for any person or board to discriminate in land use decisions or the permitting of housing because of race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, disability, the presence of one or more minor children, income, or because of the receipt of public assistance, except as otherwise allowed by law, e.g., for age-restricted housing. [Amended effective January 7, 2019.]

**Height:** The distance above ground of a structure as measured vertically from the average finished grade at the base of the structure to the highest point of the structure.

### Section 3.5 Height Requirements

(A) No structure shall exceed maximum district height requirements except as allowed under Subsection (B), or for the following structures which are specifically exempted from these requirements:

- (1) farm structures, including barns and silos, in accordance with the Act [§ 4413(d)];
- (2) church steeples, spires and belfries;
- (3) the following accessory structures which, as mounted or installed, do not exceed 40 feet in height from ground level: antennas, satellite dishes less than three (3) feet in diameter, wind generators with blades less than 20 feet in diameter, rooftop solar collectors, chimneys, belvederes, cupolas, weathervanes, and flag poles;
- (4) structures subject to review by the Vermont Public Service Board, including wind generation and electrical transmission towers, which are exempted from these regulations (see Section 4.17);
- (5) telecommunications towers which meet the requirements of Section 4.19; and
- (6) ski lift towers associated with an approved alpine ski facility.

(B) In accordance the Act [§ 4414(8)], the Development Review Board may waive district height requirements and approve a structure in excess of the maximum allowed height as a conditional use subject to conditional use review under Section 5.4, and upon finding that:

- (1) the additional height is necessary to accommodate the proposed use, which is an allowed use within the district in which it is located;

- (2) the structure does not constitute a hazard to public safety, or to adjoining properties;
- (3) that portion of the structure above the district height requirement shall remain unoccupied except for normal maintenance and repair activities;
- (4) front, side and rear yard setbacks are sufficient to protect adjoining properties and public rights-of-way in the event of structural collapse;
- (5) the structure is not to be used for advertising purposes;
- (6) access to the structure, particularly for climbing, is restricted;
- (7) adequate fencing and screening are provided; and
- (8) lighting, if deemed necessary by the Board in accordance with state and federal regulations, shall be restricted to the minimum required for security and safe operation (also see Section 3.9); and
- (9) the increased height shall not result in an undue adverse visual impact, as viewed from adjoining properties or public rights-of-way.

### **Section 3.6 Lot, Yard & Setback Requirements**

- (A) Only one principal use or structure shall be located on a single lot, unless otherwise allowed as an adaptive reuse under Section 4.3, a mixed use under Section 4.14 or, with the approval of the Development Review Board, as part of a planned residential or planned unit development under Article VIII.
- (B) An accessory structure or use must be clearly subordinate in size, function, and overall appearance to the principal structure and use, and conform to all lot, setback, coverage and other dimensional requirements for the district in which it is located, unless specifically exempted from such requirements under Section 9.2.
- (C) No lot shall be so reduced in area that it cannot meet area, yard, setback, frontage, coverage and other dimensional requirements for the district in which it is located, except as approved by the Development Review Board for a planned residential or planned unit development under Section 8.1.
- (D) Space required under these regulations to satisfy area, yard or other open space provisions in relation to one structure shall not be counted as part of the open space for any other structure.
- (E) District frontage requirements for lots served by private roads, to include all private rights-of-way serving four (4) or more lots, shall be the same as frontage requirements for lots served by public roads.
- (F) For lots which do not have frontage on a public or private road or public waters, the minimum setback distance from all property lines shall equal the district minimum side yard setback distance.
- (G) Any yard adjoining a public or private road shall be considered a front yard (e.g., a corner lot shall be considered to have only front and side yards); frontage and front setback requirements shall apply along each road right-of-way.

(H) For development subject to subdivision, site plan or conditional use review, the Development Review Board may increase minimum required setback distances, required buffers, and landscaping and/or screening within designated setback areas; and may also limit or prohibit the use of setback areas for parking and storage as necessary to protect public health, safety, and welfare, and adjoining properties and uses (see Sections 5.3 and 5.4).

### **Section 3.7 Nonconforming Lots**

(A) In accordance with the Act [§ 4412(2)], any lot in individual, separate and nonaffiliated ownership from surrounding properties legally in existence on the effective date of these regulations may be developed for the purposes allowed in the district in which it is located, even though not conforming to minimum lot size requirements, if the lot is not less than one-eighth (1/8) of an acre in area and has a minimum width or depth dimension of not less than 40 feet.

(B) If a nonconforming lot subsequently comes under common ownership with one or more contiguous lots, the lot shall be deemed merged with the contiguous lot(s), for the purposes of these regulations. However, the lot shall not be deemed merged and may be separately conveyed if:

- (1) the lots are conveyed in their preexisting, nonconforming configuration; and
- (2) on the effective date of these regulations, each lot had been developed with a water supply and wastewater disposal system; and
- (3) at the time of transfer, each water supply and wastewater disposal system is functioning in an acceptable manner; and
- (4) the deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined in state statutes [10 V.S.A.. Chapter 64].

(C) **Structure on a Nonconforming Lot.** In order to allow for the reasonable use and development of a nonconforming lot, including the construction, enlargement, expansion, modification or relocation of a structure on the lot, in accordance with the Act [§ 4414(8)] the Development Review Board may reduce a required setback distance by no more than 50% as necessary to accommodate physical site or lot line constraints, subject to review under Section 9.6(B) (Waivers). In granting a waiver, a minimum setback distance of ten (10) feet shall be maintained; any further reduction in the minimum setback distance beyond 50% or ten feet shall require variance approval under Section 9.6(C).

[Amended effective January 7, 2019.]

### **Section 3.8 Nonconforming Uses & Structures**

(A) **Nonconforming Use.** In accordance with the Act [§ 4412(7)], any use of land or a structure legally in existence as of the effective date of these regulations which does not meet the requirements of these regulations shall be considered a nonconforming use. A nonconforming use may be continued indefinitely in accordance with the Act, subject to the following limitations:

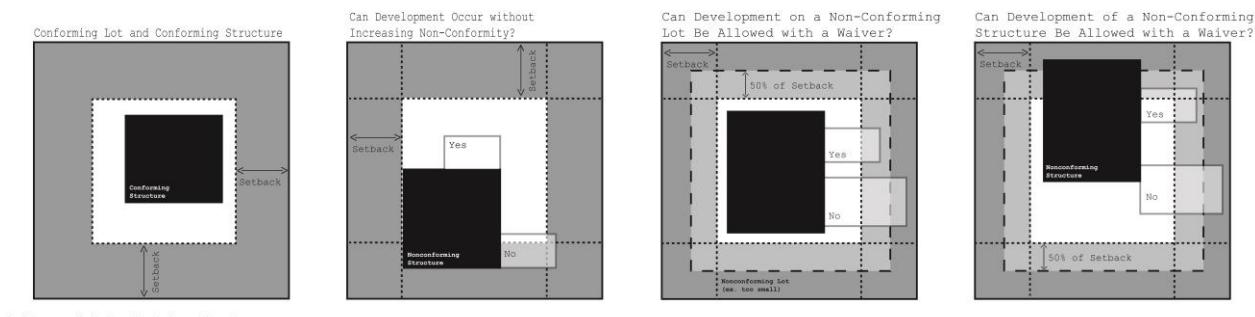
- (1) A nonconforming use may be changed to another nonconforming use that is of the same or a more restrictive nature only with the approval of the Development Review Board, subject to conditional use review under Section 5.4.
- (2) A nonconforming use shall not be re-established if it has been changed to or replaced by a conforming use, or it has been discontinued for a period of one (1) year, regardless of the intent to resume the nonconforming use.

- (3) A nonconforming use may be re-established within a structure or portion thereof which has been damaged or destroyed, only if repair or reconstruction of the structure is started within one (1) year of the date of such damage or destruction, and is completed and the use reestablished within one (1) year thereafter in accordance with Section 3.1.

**(B) Nonconforming Structure.** In accordance with the Act [§ 4412(7)], any structure, or portion thereof, legally in existence as of the effective date of these regulations which does not meet the requirements of these regulations shall be considered a nonconforming structure. A nonconforming structure may continue to be occupied indefinitely, subject to the following limitations:

**Degree of Nonconformance:** For purposes of these regulations, any enlargement or other structural alteration which extends the footprint of a structure within a required setback area, or increases the height of a structure above the maximum allowed height, shall be considered to increase the degree of nonconformance (§ 10.2). [Amended effective January 7, 2019.]

- (1) A nonconforming structure may undergo normal maintenance and repair without a zoning permit, provided that such action does not increase the degree of nonconformance. [Amended effective January 7, 2019.]
- (2) A damaged nonconforming structure may be repaired or reconstructed in accordance with Section 3.1, provided that the repair or reconstruction does not increase the degree of nonconformance. [Amended effective January 7, 2019.]
- (3) A nonconforming structure may be structurally enlarged, extended, expanded, modified or moved, with the issuance of a zoning permit under Section 9.3, provided that the enlargement, expansion, modification or relocation does not increase the degree of nonconformance, and meets all other applicable requirements of these regulations. [Amended effective January 7, 2019.]
- (4) In accordance with the Act [§ 4414(8)], in the event that no reasonable siting alternative exists due to physical site or lot line constraints, the Development Review Board may reduce a required setback distance by no more than 50% as necessary to allow a nonconforming structure to be structurally enlarged, expanded, modified or relocated in a manner that increases the degree of nonconformance, subject to review under Section 9.6(B) (Waivers). In granting a waiver, a minimum setback distance of ten (10) feet shall be maintained; any further reduction in the minimum setback distance beyond 50% or ten feet shall require variance approval under Section 9.6(C). [Amended effective January 7, 2019.]
- (5) A nonconforming structure located in a Flood Hazard Overlay District may be relocated, structurally improved, enlarged or reconstructed as allowed under these regulations, subject to conditional use review and applicable flood hazard area requirements under Section 5.5 (F). [Amended effective 8/9/2010.]



## Section 3.9 Outdoor Lighting

(A) **Purpose.** The town's rural character is enhanced by the ability to clearly view and enjoy a night sky that is free of light pollution. While limited outdoor lighting may be necessary for safety and security, or desirable to promote nighttime recreational activities such as downhill skiing; inappropriate, poorly designed or improperly installed outdoor lighting can result in unsafe conditions and nuisances for adjoining property owners and motorists, sky glow which obstructs views of the night sky, and unnecessary power consumption.

(B) **General Standards.** To allow for outdoor lighting, while minimizing its undesirable effects, the following standards apply to all outdoor lighting installations in the Town of Bolton, with the exception of temporary holiday light displays which are exempted from these regulations:

- (1) All outdoor lighting shall be kept to the minimum required for safety, security, and intended use, consistent with the character of the neighborhood in which it is located.
- (2) Permanent outdoor lighting fixtures shall not direct light upward or onto adjacent properties, roads, or public waters, or result in excessive lighting levels that are uncharacteristic of the surrounding neighborhood or area.
- (3) Outdoor lighting fixtures shall be cast downward or be designed to minimize glare. Such fixtures may include recessed, shielded, or cutoff fixtures, or low luminance lamps.
- (4) Outdoor lighting fixtures should include timers, dimmers, and/or sensors to reduce energy consumption and eliminate unnecessary lighting.

(C) **Specific Standards.** For outdoor lighting installations associated with development that is subject to subdivision, site plan or conditional use review, the Development Review Board also may require the following, and condition approval accordingly:

- (1) Information regarding exterior lighting fixtures, including fixture type, mounting locations and heights, illumination levels and distribution, and color, to be submitted as part of the subdivision or development review application. A lighting plan, prepared by a qualified engineer or lighting expert, may be required for projects requiring ski slope, parking, street, or security lighting. The Board also may require an independent technical analysis of potential impacts and appropriate mitigation measures, prepared by a qualified lighting expert, to be paid for by the applicant.
- (2) The burial of electrical lines to outdoor lighting fixtures.
- (3) The use of security lighting only if unusual or hazardous conditions require it. Security lighting, where deemed necessary by the Board, shall be shielded and aimed so that only designated surfaces or areas are illuminated.
- (4) The use of timers, dimmers, and/or sensors to reduce energy consumption and eliminate unnecessary lighting.
- (5) Street lighting shall not be provided except in Village zoning districts where it is deemed necessary by the Board for safety or security, such as at road intersections or pedestrian crossings.
- (6) Outdoor lighting, except for approved security lighting, shall be on only during business hours, unless otherwise specifically approved by the Development Review Board.

(D) **Waiver.** The Development Review Board may waive or modify the requirements of this section if it finds that doing so will not:

- (1) jeopardize the stated intent of these provisions under Subsection (A), or that
- (2) such a modification or waiver is needed for public safety, or to meet an overriding public purpose, such as the illumination of a public building or monument, or for the nighttime display of the national flag; and that appropriate conditions are attached to minimize adverse impacts to adjoining properties.

### **Section 3.10 Outdoor Storage**

(A) **Solid & Hazardous Wastes.** The dumping or outdoor storage of trash, garbage, construction debris, or hazardous or corrosive wastes or chemicals, or any refuse is prohibited except in solid or hazardous waste management facilities or salvage yards approved in accordance with these regulations and state law. The disposal of brush, yard, and organic kitchen waste generated as part of the normal operation and maintenance of a household or property, done in a manner that meets applicable health and safety regulations, is exempted from these regulations.

(B) **Motor Vehicles.** The storage on any lot of more than three (3) unregistered motor vehicles (see "Motor Vehicle" in Article X) is prohibited, with the following exceptions:

- (1) unregistered motor vehicles being stored in an approved salvage yard,
- (2) unregistered motor vehicles being stored for less than 90 days within an approved motor vehicle repair facility, and
- (3) unregistered motor vehicles that are maintained, operational, and legally operated on private property. [Amended effective 11/7/2022]

No one may discard or abandon any motor vehicle upon the land of another, with or without the permission of the landowner, except in an approved motor vehicle repair facility or salvage yard.

(C) **Aboveground Storage Tanks.** The storage of any highly flammable or hazardous liquid or gas in an above ground tank with a unit capacity exceeding 550 gallons must meet all applicable state and federal construction, storage and safety standards, and the following:

- (1) a tank with a capacity of up to 10,000 gallons must be located at least 100 feet from all lot lines,
- (2) a tank with a capacity in excess of 10,000 gallons must be located at least 200 feet from all lot lines, and
- (3) tanks shall be properly retained with dikes having a capacity of not less than 1.5 times the capacity of the tank.

Where applicable, the applicant shall submit a copy of the permit issued for storage tank installation by the Vermont Department of Labor and Industry prior to the issuance of a zoning permit.

(D) **Flood Hazard Areas.** Outdoor storage of materials within the Flood Hazard Area Overlay District (Special Flood Hazard Areas), including above ground storage tanks, is also subject to review and approval under Section 5.5. Salvage yards and storage facilities for floatable materials, chemicals, explosives, flammable liquids or other hazardous or toxic materials are specifically prohibited within a Flood Hazard Overlay District. [Amended effective 8/9/2010].

### **Section 3.11 Parking, Loading & Service Areas**

(A) **Parking.** Off-street parking spaces shall be provided on the same lot as the associated use, or on an adjacent lot in the same ownership or under permanent easement, as set forth below:

- (1) All required parking spaces shall have a minimum width of nine (9) feet, a minimum length of 18 feet, unobstructed access and maneuvering room, and a gravel or paved surface sufficient for year-round use.
- (2) A minimum number of parking spaces as determined by the proposed use shall be provided in accordance with the requirements listed in Table 3.1, unless otherwise waived under Subsection (C).

**Table 3.1 Minimum Off-Street Parking Requirements**

| Use                                                                             | Parking Spaces                                                                                            |
|---------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| Bed & Breakfast                                                                 | 2 per dwelling unit, and 1 per guest room                                                                 |
| Dwelling/ Accessory                                                             | 1 per dwelling unit                                                                                       |
| Dwelling/ Multi-Family Dwelling                                                 | 3 per every 2 dwelling units                                                                              |
| Dwelling/ Single or Two Family Dwelling                                         | 2 per dwelling unit                                                                                       |
| Funeral Home                                                                    | 1 per 2 employees, and 5 per visiting room                                                                |
| Health Clinic                                                                   | 5 per physician, dentist or other primary care giver                                                      |
| Home Child Care                                                                 | 2 per dwelling unit, and 1 per nonresident employee                                                       |
| Home Business<br>[Home Occupation/Home Industry]                                | 2 per dwelling unit, and 1 per nonresident employee                                                       |
| Light Industry                                                                  | 1.25 per employee, for the largest shift                                                                  |
| Lodging (hotel, motel, inn)                                                     | 1 per guest room                                                                                          |
| Mixed Use                                                                       | Total (sum) required per each individual use                                                              |
| Motor Vehicle Service Station                                                   | 5 per service bay                                                                                         |
| Office/ Professional, Government, Business                                      | 1 per 200 sq. ft. of gross floor area                                                                     |
| Personal Service                                                                | 1 per employee, and one per customer service station                                                      |
| Private Club                                                                    | 1 per 4 members                                                                                           |
| Public Assembly<br>(church, theater, meeting hall, etc.)                        | 1 per 200 sq. ft. of gross floor area, or 1 per 5 seats at capacity, whichever is greater                 |
| Public Facility [with limited/no public access]<br>(e.g., garage, fire station) | 1 per 1,000 sq. ft. of gross floor area, and 1 per employee                                               |
| Residential Care Facility                                                       | 1 per 4 beds, and 1 per employee for the largest shift                                                    |
| Restaurant , Bar                                                                | 1 per 4 seats, and 1 per employee for the largest shift                                                   |
| Retail Sales & Service                                                          | 1 per 300 sq. ft. of gross floor area                                                                     |
| School/ Day Care Facility                                                       | 3 spaces per 10 children enrolled at the facility                                                         |
| Warehouse                                                                       | 1 per 1,000 sq. ft. of gross floor area, and 1 per employee                                               |
| Unspecified                                                                     | As determined by the Development Review Board in accordance with accepted transportation (ITE) standards. |

- (3) Heavy equipment, commercial tractor trailers and similarly large commercial vehicles, excluding commercial passenger cars, vans, and trucks, shall not be parked on residential lots, except in association with a home industry approved under Section 4.13. Diesel or commercial vehicles shall

not be run overnight while parked anywhere in the Village, Resort Village or Resort Residential Districts.

- (4) Parking areas associated with multi-family, public, commercial and industrial uses are to be located to the side or rear of buildings, unless otherwise specifically approved by the Development Review Board.
- (5) In addition to the requirements listed in Table 3.1, all multi-family, public, commercial and industrial uses must provide adequate, clearly marked handicapped parking spaces in accordance with state and federal (ADA) requirements, and at least one bicycle rack for use by employees and/or the general public.
- (6) All off-street parking areas in excess of eight (8) parking spaces shall incorporate landscaped areas which at minimum equal 10% of the total parking area, unless otherwise approved by the Development Review Board. Landscaped areas shall be integrated into parking lot and stormwater management design, and shall be regularly maintained.
- (7) For development subject to site plan or conditional use review, shared parking and/or landscaping, screening, lighting, snow removal, pedestrian or transit facilities may be required as a condition of approval.

(B) **Loading & Service Areas.** Where a proposed development will require the frequent or regular loading or unloading of goods or passengers, sufficient on-site service areas shall be provided. Service areas also may be required for emergency vehicles, waste disposal and collection, bus, taxi, or van service, and other purposes as may be necessitated by the proposed use. All loading and service areas shall be clearly marked and located in such a manner so that parked vehicles will not block or obstruct sight visibility at intersections, or from any internal road or access.

(C) **Waivers.** For development subject to subdivision, site plan or conditional use review, the Development Review Board may waive on-site parking, loading and/or service area requirements based on the determination under one or more of the following provisions that, due to circumstances unique to the development, the strict application of these standards is unnecessary or inappropriate:

- (1) green areas are to be set aside and maintained as open space for future conversion to parking, loading and/or services areas in the event that the spaces initially permitted are subsequently deemed inadequate to meet demonstrated need;
- (2) adequate shared parking, loading, and/or service areas for use by two (2) or more businesses exist on the same or contiguous lots, under common ownership or a long-term lease;
- (3) adequate off-site public parking exists within reasonable walking distance of the establishment; or
- (4) the proposal is for the development of affordable housing as defined under Section 10.2.

### **Section 3.12 Performance Standards**

(A) No land or structure in any zoning district shall be used or occupied in any manner that creates dangerous, injurious, noxious or otherwise objectionable conditions which adversely affect the reasonable use of adjoining or nearby properties.

(B) In accordance with the Act [§§ 4414(5), 4413(d)], the following performance standards, as measured at the property line, must be met and maintained for uses in all districts, except for agriculture and forestry. In determining ongoing compliance, the burden of proof shall fall on the applicant, property owner, and/or all successors and assigns. No use, under normal conditions, shall cause, create or result in:

- (1) **noise** in excess of 60 decibels that is not the result of occasional, customary activities associated with an allowed use (e.g., lawn mowing); or noise that otherwise represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the surrounding area;
  - (2) **clearly apparent vibration** which, when transmitted through the ground, is discernable at property lines without the aid of instruments;
  - (3) **smoke, dust, noxious gases, or other forms of air pollution** which constitute a nuisance or threat to neighboring landowners, businesses or residents; which endanger or adversely affect public health, safety or welfare; which cause damage to property or vegetation; or which are offensive and uncharacteristic of the affected area;
  - (4) **releases of heat, cold, moisture, mist, fog** or condensation which are detrimental to neighboring properties and uses, or the public health, safety, and welfare;
  - (5) **electromagnetic disturbances or electronic transmissions or signals** which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which are otherwise detrimental to public health, safety and welfare (except from facilities which are specifically licensed and regulated through the Federal Communications Commission);
  - (6) **glare, lumen, light or reflection** which constitutes a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is otherwise detrimental to public health safety and welfare (also see Section 3.9);
  - (7) **liquid or solid waste or refuse** which cannot be disposed of by available methods without undue burden to municipal or public disposal facilities, which pollutes surface or ground waters, or which is otherwise detrimental to public health, safety and welfare (see also Section 3.10); or
  - (8) **undue fire, safety, explosive, radioactive emission or other hazard** which endangers the public, public facilities, or neighboring properties, or which results in a significantly increased burden on municipal facilities and services (also see Section 3.10).
- (C) Agricultural operations shall at minimum observe **Accepted Agricultural Practices (AAPs)** as defined and administered by the Vermont Agency of Agriculture (see Section 9.2).
- (D) Forestry operations shall at minimum observe **Accepted Management Practices (AMPs)** as defined and administered by the Vermont Department of Forests, Parks and Recreation (see Section 9.2).
- (E) The Zoning Administrator or Development Review Board may consult with state and federal regulatory agencies in determining accepted performance standards for a particular use.

### **Section 3.13 Ponds [Constructed]**

- (A) **Intent.** The construction of any pond that impounds more than 100,000 cubic feet of water, other than a fire pond, snowmaking pond, or detention or retention pond constructed as part of a stormwater management, water or wastewater treatment system approved in accordance with these regulations, shall require a zoning permit. The intent of regulating pond construction is to protect the lives and property of Bolton residents, the infrastructure of the community, and the natural environment by:
- (1) reducing the possibility of impoundment failure resulting from improper design or construction,
  - (2) minimizing the potential for flood damage to upstream properties by the storage of flood waters; and

- (3) minimizing damage caused by the sudden release of stored water from impoundment failure or intentional rapid draining of the impoundment.

**(B) Requirements.** Prior to issuance of a zoning permit, the applicant shall submit copies of the following issued by the Vermont Department of Environmental Conservation and/or the U.S. Army Corps of Engineers, as applicable to a particular project:

- (1) a dam permit for any pond that will impound, or be capable of impounding 500,000 cubic feet or more of water;
- (2) a stream alteration permit for any pond that necessitates work in a stream that drains an area of 10 square miles or more;
- (3) approval of the Fish and Wildlife Commissioner for the placement of obstructions in streams that block the passage of fish;
- (4) a wetlands permit for any pond located in or near a wetland (see also Section 3.17); and
- (5) approval from the US Army Corps of Engineers where required (e.g., if dredge or fill material is to be placed in a wetland or water body, or a wetland will be impacted by pond construction).

**(C) Excavated Ponds.** Excavated (dug) ponds which do not require the construction of embankments, may be issued a permit by the Zoning Administrator in accordance with the following requirements:

- (1) All earth work shall be conducted between June 1<sup>st</sup> and October 1<sup>st</sup>.
- (2) Clearing limits shall be confined to the immediate construction area to avoid unnecessary disturbance.
- (3) During the excavation process, soil will be disposed of in an upland site at least 50 feet from the edge of surface waters and wetlands.
- (4) Pond banks shall not exceed a 3:1 slope (three feet horizontally to one foot vertically).
- (5) All areas stripped of vegetation, except the ponded area, shall be seeded and mulched immediately following the completion of excavation.

**(D) Embankment Ponds.** Embankment ponds that require the construction, reconstruction or installation of water control structures such as earthen dikes, concrete dams, and/or spillways may be allowed as a conditional use subject to conditional use review by the Development Review Board under Section 5.4, and the following requirements:

- (1) The pond shall be designed by a professional engineer, licensed by the state, with expertise in pond design and construction.
- (2) The design of all water control structures shall be based on the size of the watershed area that drains into the pond and, at minimum, a 25-year storm event.
- (3) It shall be demonstrated to the satisfaction of the Board that the pond and associated spillway areas will not adversely affect municipal facilities, adjoining properties, or downstream drainage. Easements from adjoining landowners shall be submitted for impoundment and/or spillway areas that will extend on to or have the potential to flood adjoining properties.

- (4) An erosion control plan that incorporates appropriate erosion control methods from the *Vermont Handbook for Soil Erosion and Sediment Control* as most recently amended shall be submitted for review and approval.
  - (5) All earth work shall be conducted between June 1<sup>st</sup> and October 1<sup>st</sup>.
  - (6) The pond shall be maintained on a regular basis. As a condition of approval, the Board may require periodic safety inspections by a professional engineer, and the submission of safety reports.
- (E) **Flood Hazard Areas.** For any pond constructed within a Flood Hazard Area Overlay District (Special Flood Hazard Area), conditional use review and approval under Section 5.5 is required prior to the issuance of a zoning permit. [Amended effective 8/9/2010.]
- (F) **Warning and Disclaimer.** Any zoning permit issued for pond construction shall clearly state that the applicant and his or her successors and assigns is responsible for the pond's safety and retains liability for its failure if the pond is not constructed, maintained, operated, or repaired in a safe and proper manner. The municipality, in approving pond construction, assumes no liability in the event of failure.

### Section 3.14 Signs

- (A) **Purpose.** These sign regulations are established to achieve the following objectives:
  - (1) to ensure businesses, activities, events, or products are provided with sufficient opportunity for identification and promotion;
  - (2) to ensure the safety and well being of the users of streets, roads and highways in the Town of Bolton;
  - (3) to reduce distractions and obstructions from signs which would adversely affect traffic safety, and to alleviate hazards caused by signs projecting over or encroaching upon public ways;
  - (4) to discourage visual competition in signage and ensure that signs aid orientation and adequately identify uses and activities to the public; and
  - (5) to protect the natural and historic beauty of Bolton's rural highways and scenic vistas from indiscriminate outdoor signage.
- (B) **Applicability.** No outdoor sign shall be erected, displayed, moved or modified in size, height or lighting without the issuance of a zoning permit by the Zoning Administrator, except for signs which are either exempted from the requirement to obtain a zoning permit, or are otherwise prohibited in the Town of Bolton (see Table 3.2).
- (C) **General Standards.** All signs, other those specified under Subsection (A), shall require a zoning permit issued by the Zoning Administrator in accordance with the following requirements:
  - (1) No outdoor advertising signs shall be permitted in any district except for the purpose of identifying an existing, on-premise use in those districts where such a use is allowed.
  - (2) Signs placed on or which are a part of an awning or canopy are subject to all requirements of these regulations.
  - (3) No sign shall be erected, relocated or maintained so as to prevent free entrance to or exit from any right-of-way, driveway, door, window, fire escape or public street or road.
  - (4) No sign shall be erected or placed within a municipal right-of-way except with the approval of the Bolton Select Board or the Vermont Agency of Transportation.

- (5) No sign shall be permitted which prevents a clear and unobstructed view of official signs or impairs sight distances at intersections.
- (6) No sign shall be mounted on a roof, or extend above the highest roof eave.
- (7) No sign shall have more than two (2) faces.

**Table 3.2 Exempted & Prohibited Signs**

(A) **Exempted Signs.** The following signs shall not require a zoning permit, but shall be subject to all other applicable requirements of Section 3.14:

- (1) Signs erected and maintained by the town or state on public roads for directional, safety or public service purposes, including tourist information services.
- (2) Small unlit, directional, warning or informational signs which do not exceed two (2) square feet in area, which are intended to inform the public (e.g., that identify restrooms, public telephones, freight entrances, vacancies) and are located on the premises.
- (3) Legally posted, trespassing, hunting or safety zone signs.
- (4) One private home identification sign not exceeding one (1) square foot in area.
- (5) One unlit sign advertising a home-based business (e.g., home child care, home occupation, home industry or bed & breakfast), that does not exceed eight (8) square feet in area.
- (6) One unlit sign advertising an active farming operation, which does not exceed 16 square feet in area.
- (7) One unlit residential subdivision sign, placed at the main entrance of a subdivision, which does not exceed 16 square feet in area.
- (8) One sign or bulletin board incidental to a school, church, library, public park or other government facility, which does not exceed 16 square feet in area.
- (9) One unlit sandwich board or other moveable sign per business, which does not exceed four (4) feet in height, nor twelve (12) square feet in area, and is displayed only during hours of operation.
- (10) One temporary real estate "for sale" or "for rent" sign per front yard that does not exceed six (6) square feet in area, and is removed immediately following property sale or rental.
- (11) Temporary on-premise signs for the sale of seasonal agricultural products, not exceeding four (4) square feet in area, which are in place for no longer than six (6) months during any one year period.
- (12) One temporary sign erected for a fair, exposition, or other municipal, philanthropic, or community sponsored special event that does not exceed 16 square feet in area, is installed on the premises or in another off-site location approved by the Select Board no more than two (2) weeks prior to the event, and is removed immediately following the event.
- (13) Temporary auction, lawn or garage or similar sale signs, not exceeding six (6) square feet in area per side, which shall be removed immediately following the sale.
- (14) One temporary, unlit advertising sign, not exceeding 16 square feet, for an approved construction project or residential subdivision, which shall be removed when construction is completed or 75% of residential lots have been transferred into individual ownership.
- (15) Temporary election signs to be posted and removed in accordance with state law. Such signs may be displayed not more than 30 days prior to an election, and shall be removed within seven (7) days of the vote.
- (16) One unlit historic or landmark sign per historic property, not to exceed six (6) square feet in area.
- (17) Decorative, wall-mounted nostalgic or replica signs that are not used for advertising purposes, and do not exceed eight (8) square feet in area.
- (18) Wall murals intended solely for artistic, non-advertising purposes.
- (19) Window signs and displays which do not exceed 30% of the total window pane area.

**(B) Prohibited Signs.** The following signs are specifically prohibited in the Town of Bolton:

- (1) Signs which impair highway safety.
- (2) Off-premise signs, except for those that conform to state laws.
- (3) Signs that are internally illuminated, animated, flashing, oscillating, revolving, or made of reflective material or paint, with the exception of public safety signs, time and temperature signs, and barber poles.
- (4) Streamers, pennants, ribbons, spinners or other similar devices.
- (5) Signs identifying businesses that are no longer in existence.
- (6) Signs mounted on or attached to parked rolling stock (e.g., a motor vehicle or trailer) that is not in active use as a vehicle, but is used primarily as a support or foundation for the sign.

- (8) Permanent signs, with the exception of posted trespassing, hunting and safety zone signs, shall not be erected, attached, drawn or painted on fences, utility poles, trees, rocks, or other natural features.
- (9) Freestanding signs shall not extend above the roof eave of the business establishment, nor be located within 12 feet of a side or rear property line, or within any right-of-way.
- (10) Projecting signs shall not extend into a vehicular right-of-way, nor be less than nine (9) feet above a pedestrian right-of-way.
- (11) No sign shall be illuminated during hours when premises are unoccupied or are not open for business. Internally illuminated signs are specifically prohibited. Illuminated signs shall not produce undue glare, hazards or distractions. A constant, shielded light source of one color may be used, provided that the light fixture is mounted on the top or side of the sign, is directed downward onto the sign surface, and does not cast light onto neighboring properties, public rights-of-way, or vehicular traffic. The light source shall not be visible from adjacent properties or roads.
- (12) All signs shall be maintained in a safe and secure condition. Nothing in these regulations shall prevent the normal maintenance and repair of an existing sign, including the replacement of broken parts. If the Zoning Administrator determines that a sign is not secure, safe, or in a good state of repair, a written warning and/or notice of violation may be issued under Section 9.7 with a request that any defect be immediately corrected.

**(D) District Sign Standards.**

- (1) **Village District.** Within the Village District:
  - (a) The total area of all signs, including all freestanding, wall, and projecting signs, shall not exceed 40 square feet per lot or development.
  - (b) No more than one (1) freestanding sign, identifying one or more businesses, is allowed per lot or development.
  - (c) A freestanding sign identifying an individual business shall not exceed 16 square feet in area.
  - (d) Directory signs identifying multiple businesses shall not exceed 24 square feet in area.
- (2) **Resort Districts.** Within the Resort Village and Resort Residential Districts the number and location of signs is subject to Development Review Board approval in association with site plan, conditional use or planned development review. In addition:
  - (a) All signs in these districts shall have a consistent design and color scheme, and may incorporate the resort logo.

- (b) One (1) "welcome sign" may be allowed along the access road identifying the entrance or gateway to the resort. This sign shall not exceed 32 square feet in area.
  - (c) Directional signs, to be located at vehicular arrival points, shall not exceed 50 square feet in area.
  - (d) Wall-mounted building identification signs shall not exceed 30 square feet in area.
  - (e) An individual business sign may include a wall-mounted or projecting sign. Such signs shall be located near the business entrance(s), and shall not exceed 10 square feet in area.
  - (f) Directory signs identifying multiple businesses shall not exceed 30 square feet in area.
  - (g) Informational signs, intended to inform guests and facilitate traffic flow, shall not exceed 10 square feet in area.
  - (h) Temporary signs for the promotion and management of special events, including banners, inflatable signs and sandwich boards, are allowed in approved locations for a maximum of seven (7) days before an event, and must be removed immediately following the event.
- (3) **Other Districts.** Within all other zoning districts:
- (a) The total area of all signs, including all freestanding, wall, or projecting signs, shall not exceed 16 square feet per lot or development.
  - (b) No more than one (1) freestanding sign, identifying one or more businesses, is allowed per lot or development.
  - (c) A freestanding sign identifying an individual business shall not exceed 8 square feet in area.
  - (d) Directory signs identifying multiple businesses shall not exceed 16 square feet in area.

(E) **Measurement.** The sign area shall be defined as the total area of one sign face as measured from the outer edges, excluding any supporting frames or panels. Signs consisting of freestanding characters shall include any intervening spaces (the entire message area) in the calculation of total sign area. The height of a sign shall be measured from ground level to the highest point of the supporting structure.

(F) **Nonconforming Signs.** Any sign lawfully in place prior to the effective date of these regulations which does not conform to these regulations with respect to area, height, setback, location, number or lighting, shall be considered a nonconforming sign. Such signs may receive normal maintenance and repair; however no nonconforming sign shall be enlarged, extended, changed in design or altered to advertise a different business or product, unless it is brought into conformance with these standards. A nonconforming sign that has been damaged or destroyed beyond 50% of its appraised value, abandoned for a period of six (6) months or more, or which identifies a business, activity or product that has not existed at that location for more than six (6) months, must be removed.

### **Section 3.15 Source Protection Areas**

- (A) To protect the quality of public water supplies, and associated source protection areas:
- (1) no development shall be allowed within a 200-foot radius of a well or spring that serves a public water supply, except for activities, structures and uses that are directly related to the water system.
  - (2) to the extent feasible, all on-site septic systems, including leach fields, shall be located outside of a designated source protection area.
- (B) All development within designated source protection areas, except for agriculture, forestry, single and two family dwellings, associated accessory uses and structures, and uses that are specifically prohibited under Subsection (C), shall be subject to conditional use review by the Development Review Board under Section 5.4, to include findings that:

- (1) The proposed development is consistent with the Source Protection Plan as most recently adopted and approved by the state, does not include a prohibited activity or use under Subsection (B), and does not present a threat to the public water supply.
- (2) There shall be no on-site discharge of hazardous materials from floor drains; all floor drains will drain into holding tanks.
- (3) Dry wells shall be used only when other methods are unfeasible, and shall be preceded by oil, grease, and sediment traps to facilitate removal of contaminants. All drainage ways, dry wells, and sediment traps shall be regularly maintained in full working order by the owner.
- (4) Site clearing and disturbance, and on-site paving, roofing, and other impervious surfaces that increase surface runoff and limit water infiltration and recharge, are minimized. All runoff from impervious surfaces shall be diverted to areas covered with vegetation for surface infiltration.
- (5) The storage and application of fertilizers, pesticides, herbicides and other chemicals shall comply with all state and federal regulations and best management practices.
- (6) Above ground storage tanks for oil, gasoline or other petroleum products shall be placed in a building or other impervious containment area to prevent spills and leaks from reaching groundwater (also see Section 3.10).
- (7) The use of sodium chloride for ice control shall be minimized.

The Board, as a condition of approval, may require groundwater monitoring on-site or in the immediate vicinity of the project.

(C) The following uses and activities are specifically prohibited within designated source protection areas:

- (1) Operations, including home based businesses, which manufacture, use, process, store or dispose of hazardous materials or wastes in amounts that could threaten public water supplies, including but not limited to metal plating, chemical manufacturing, wood preserving, photographic processing, motor vehicle service, auto body repair, furniture stripping, and dry cleaning materials.
- (2) Solid and hazardous waste landfills, storage and transfer facilities, dumps, salvage and junk yards.
- (3) Outdoor storage of salt, de-icing materials, snow dumps, pesticides or herbicides.
- (4) The storage or spreading of sludge from wastewater treatment facilities.
- (5) Cemeteries.
- (6) The storage of unregistered vehicles unless stored in an enclosed structure and parked on an impervious surface or drained of all fluids.
- (7) Installation of floor drains or sumps that discharge directly to the ground.
- (8) Underground storage tanks, and above ground storage tanks that lack an adequate impervious containment area.

### **Section 3.16 Steep Slopes**

(A) Development on steep slopes equal to or in excess of 15%, or which results in such slopes, shall be subject to conditional use review under Section 5.4 and the following provisions:

- (1) The site development plan submitted under Section 5.2 shall include contour intervals of five (5) feet or less, slope profiles showing existing gradients and proposed cut and fill sections, and a stormwater management and erosion control plan, prepared by a professional engineer licensed by the state, that covers all phases of development including site preparation, construction and post construction.

- (2) Development shall be sited and constructed, and slopes stabilized in accordance with accepted engineering and best management practices for stormwater management and erosion control to:
- (a) prevent runoff, erosion, slumps, and other down slope movements of material, and
  - (b) minimize associated risks to surface and ground waters, public facilities and roads, and neighboring properties.
- (3) Development, including road and utility corridors, shall be sited and designed to minimize visual impacts from public vantage points. The use of landscaping and natural screening materials is encouraged, and may be required to lessen the visual impact of such development.
- (B) All development is specifically prohibited on very steep slopes in excess of 25% except for the following which may be allowed by the Development Review Board subject to conditional use review and the requirements of Subsection (A):
- (1) ski lifts and ski trails associated with an approved alpine or Nordic ski facility,
  - (2) hiking and rock climbing trails, and
  - (3) development on pre-existing lots legally in existence as of the effective date of these regulations for which the Board determines that there is no portion of the lot on which the slope does not exceed 25% and, as such, that the total prohibition of development on slopes in excess of 25% would unduly preclude reasonable use of the lot.

### **Section 3.17 Surface Waters & Wetlands**

- (A) No alteration of the natural course of any stream or brook shall be allowed except by approval or permit from the State of Vermont or FEMA to rectify a natural catastrophe or prevent future catastrophic events for the protection of the public health, safety, and welfare, or to cross a stream or brook for the purpose of access. [Amended effective 11/7/2022.]
- (1) Within a Flood Hazard Area Overlay District (Special Flood Hazard Area), the carrying capacity of any altered or relocated watercourse shall be maintained as required under Section 5.5. [Amended effective 8/9/2010.]
- (B) To prevent surface runoff and soil erosion, and to protect water quality and riparian wildlife habitat, all structures and impervious surfaces, except for allowed encroachments under Subsection (F) below, shall be set back at least:
- (1) 150 feet from the Winooski River, as measured from the top of the bank;
  - (2) 100 feet from Joiner Brook, Duck Brook, Goose Pond Brook, Gleason Brook, Honey Hollow Stream, Preston Brook, Mill Brook, Pinneo Brook, and the South Branch of Mill Brook (paralleling Stage Road), as measured from the top of the bank of the main stream channel; and
  - (3) 200 feet from Goose Pond, Preston Pond and Upper Preston Pond, as measured from the annual mean high water mark.
- (C) In addition, all structures and other impervious surfaces shall be set back at least 50 feet from:
- (1) other naturally occurring streams and rivers (as measured from the top of the bank, or channel centerline where no bank is discernable), as identified on USGS topographic maps, Vermont Base Mapping Program orthophotos, or through field investigation;

- (2) the shorelines of all other naturally occurring lakes and ponds with a surface area greater than one (1) acre, as measured from the mean water line, and
- (3) wetlands identified on Vermont Significant Wetland Inventory (VSWI) maps or through field investigation, as measured from a delineated boundary.

(D) New on-site septic systems shall be sited to meet applicable Vermont state standards for such systems, including required isolation distances from all surface waters and wetlands specified under Subsections (B) and (C).

(E) The setback distance for wetland areas may be reduced in accordance with a wetland permit issued by the state under the Vermont Wetland Rules. In the event that a wetland permit has been issued, the setback requirements specified in the determination shall apply. [Amended effective 11/7/2022.]

(F) At minimum, one-half of the required setback distance, as measured from the surface water or wetland, shall be maintained as a naturally vegetated buffer. No development, excavation, landfill, or grading shall occur within the buffer area, and vegetation shall be left in an undisturbed state, with the exception of limited clearing and site development associated with the following encroachments, allowed subject to conditional use review and approval under Section 5.4:

- (1) road, rail, driveway and utility crossings,
- (2) bank stabilization or restoration projects, designed and constructed in accordance with applicable state and federal regulations,
- (3) unpaved pedestrian and recreation paths,
- (4) landscaping to maintain physical and visual access (including pruning and selective cutting), and
- (5) pond or river access improvements (e.g., piers, docks, and boat ramps).

Such encroachments shall be sited and designed to minimize surface runoff, channeling, and soil erosion. [Amended effective 8/9/2010.]

(G) The removal of dead or heavily damaged standing trees in a stream buffer is allowed with appropriate municipal evaluation and approval. Administrative approval for trees within a stream buffer is only allowed for dead or heavily damaged trees that create a hazard to fixed property or human life. The death and damage of such trees must be from natural or other accidental causes. Up to 3 trees per year can be removed from a buffer area with a zoning permit, after a consultation and recommendation of the Town of Bolton Tree Warden, provided that no more than 2 of these trees are located within 15 feet of the stream bank. The following applies to trees located within 15 feet of the stream bank receiving a zoning permit for removal:

- (1) trees to be removed are no less than 50 feet apart; and
- (2) roots and woody material at or below grade are not disturbed; and
- (3) the surrounding buffer area has sufficient remaining trees and vegetation to maintain stream bank and buffer stability.

All other tree removal proposals must receive conditional use approval. [Amended effective 11/7/2022.]

(H) For development subject to subdivision, site plan, or conditional use review, the Development Review Board may require increased setback distances, limited or shared access to surface waters and wetlands, and/or a buffer area management plan to protect water quality, if it is determined that such measures are needed based on site, slope and soil conditions and the nature of the proposed use.

(I) The expansion or enlargement within required setback areas of any structure or portion thereof lawfully in existence prior to the effective date of these regulations shall be subject to review as a nonconforming structure under Section 3.8.

(J) **Exemptions.** The following activities are exempt from the rules of this section:

- (1) One primitive footpath per property, no more than six feet wide, to provide access to surface waters. Creation of the footpath shall involve no clearing of trees greater than 3" diameter as measured at four feet off the ground.
- (2) Removal of invasive species, nuisance plants and noxious weeds, as defined by the Vermont Agency of Agriculture, Food and Markets [Amended effective 11/7/2022.]

### **Section 3.18 Water Supply & Wastewater Systems**

(A) **Applicability.** No building or structure intended for human occupancy shall be erected, altered or converted to another use unless adequate water supply and wastewater disposal systems are provided in compliance with all applicable municipal and state regulations. This includes:

- (1) all new accessory or single family dwellings, multi-family dwellings, commercial, industrial and mixed use buildings;
- (2) alterations to existing structures which could result in the addition or expansion of a water system or increased wastewater generation, including but not limited to the addition of bedrooms or accessory apartments;
- (3) changes in use that could result in the increased water demand or the generation of wastewater, including but not limited to the conversion of a seasonal dwelling to year-round use, or the conversion of a single family dwelling to a two-family or multi-family dwelling.

These provisions shall not apply to the normal maintenance of existing water supply and sewage disposal systems, including periodic pumping and cleaning; to failed systems regulated under Bolton's municipal health ordinance; nor to structures that are to be connected to approved community water or wastewater treatment systems.

(B) **Standards.** Water supply and wastewater disposal systems shall be designed and installed by qualified professionals licensed by the state (i.e., a professional engineer, designer, site technician, installer) in accordance with the following:

- (1) All new wastewater and potable water supply systems shall meet specifications in the Vermont Department of Environmental Conservation's Environmental Protection Rules as most recently amended.
- (2) An existing disposal system subject to the provisions of this section shall be inspected by a qualified professional, licensed or registered by the state, to determine whether the system is functioning properly and has the capacity to adequately treat the amount of increased wastewater to be generated. If the system does not have sufficient capacity for the intended use, any addition, replacement or alteration of the system must be upgraded or replaced to comply with the Vermont Environmental Protection Rules as most recently amended.
- (3) Water supply and wastewater disposal systems located within a Flood Hazard Area Overlay District shall also meet requirements specific to such systems under Section 5.5.

- (4) Wastewater disposal systems shall meet minimum setback requirements from surface waters and wetlands under Section 3.17.
- (5) To the extent feasible, wastewater systems shall not be located within designated source protection areas, in accordance with Section 3.15.

**(C) Off-site Systems.** A lot or use may be served by water supply and/or sewage disposal systems located on an adjoining or noncontiguous parcel. In no event, however, shall a lot or structure outside the Resort Village or Resort Residential Districts be connected to the public water and wastewater systems serving Bolton Valley. The use of, or connection to, an off-site system shall be secured through an easement or other form of legal conveyance.

**(D) Issuance of a Certificate of Occupancy.** In addition to the requirements of Section 9.4, the Zoning Administrator shall not issue a certificate of occupancy for any structure or use that requires new or upgraded potable water supply and/or wastewater disposal systems until copies of applicable state permits and associated certifications have been received.

**(E) Warning & Disclaimer of Liability.** The issuance of a zoning permit shall not imply that a state approved water supply or wastewater system will be free of malfunction. The provisions of this section shall not create liability on the part of the municipality or any municipal official or employee for any system malfunction.

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## ARTICLE IV. SPECIFIC USE STANDARDS

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### **Section 4.1 Applicability**

The following standards apply to specified uses in all districts in which such uses are allowed under Article II. Specified uses also may be subject to site plan review under Section 5.3 or conditional use review under Section 5.4. If there is a conflict between a standard in this section and a standard in another section of these regulations, the more restrictive shall apply.

### **Section 4.2 Accessory Dwelling**

(A) In accordance with the Act [§ 4412(1)(E)], one (1) accessory dwelling unit which is accessory to a principal, single family dwelling, and is located within, attached to, or on the same owner-occupied lot as the principal dwelling, may be allowed as a permitted use in any zoning district in which a single family dwelling is allowed, subject to the issuance of a zoning permit by the Zoning Administrator under Section 9.3, and the following requirements: [Amended effective May 24, 2021.]

- (1) The single family dwelling, or the accessory dwelling, must be occupied by the owner of the lot, or a member of the owner's family. [Amended effective May 24, 2021.]
- (2) The accessory dwelling unit must be a distinct unit that is clearly subordinate to the single family dwelling, and has facilities and provisions for independent living, including separate sleeping, food preparation, and sanitation facilities. [Amended effective May 24, 2021.]
- (3) The accessory dwelling unit shall not exceed 30% of the existing total habitable floor area of the single family dwelling, or 900 sq. ft., whichever is greater ("Habitable floor area" excludes unfinished attics, basements and garages). [Amended effective May 24, 2021.]
- (4) The accessory dwelling must meet all setback, building, lot coverage and parking requirements applicable to the single family dwelling for the district in which it is located. If an accessory dwelling is to be located within a pre-existing, nonconforming structure, it shall not increase the degree of nonconformance, in accordance with Section 3.8. [Amended effective May 24, 2021.]
- (5) It is demonstrated that sufficient wastewater system capacity exists to serve both the single family dwelling and the accessory dwelling unit.
- (6) The accessory dwelling shall share the access (curb cut) and driveway serving the single family dwelling.

(B) The zoning permit issued for an accessory dwelling shall clearly state that the dwelling is permitted only as an accessory to the principal single family residential use of the property and as such shall be retained in common ownership. An accessory dwelling unit may be subdivided or converted for conveyance or use as a principal dwelling only if it is found to meet all current municipal regulations applying to a two-family dwelling (for an attached unit), or two single family dwellings (for a unit in an accessory structure), including all lot, density and dimensional requirements for the district in which it is located. All applicable municipal permits and approvals shall be obtained prior to conversion to, or conveyance as, a principal dwelling. [Amended effective May 24, 2021.]

(C) Any fixed or portable structure may be used as an accessory dwelling unit, provided that it conforms to all the requirements in Section 4.2(A). With the exception of structures affixed to a permanent chassis, accessory dwelling units must conform to Vermont's residential energy standards. A portable accessory dwelling unit between 320 and 900 square feet is defined as a mobile home by these regulations (see "Mobile Home" in Article X.), by the State of Vermont, pursuant to 10 V.S.A. § 6201, and by the U.S.

Department of Housing and Urban Development, and is subject to all standards as defined therein.  
[Amended effective May 24, 2021.]

### **Section 4.3 Adaptive Reuse of Historic Structures**

(A) Adaptive reuse is intended to allow for the continued, economically viable use of historic structures, such as historic barns, that have outlived their original purpose but contribute to the historic, architectural and/or cultural fabric of the community. Accordingly, in designated zoning districts an alternative use may be allowed within the current dimensions of a historic structure, subject to conditional use review under Section 5.4, and the requirements of this Section.

(B) Structures eligible for adaptive reuse are limited to those which:

- (1) are no less than 50 years old and are listed, or eligible for listing, on the *Vermont Historic Sites and Structures Survey* for the Town of Bolton, maintained by the Vermont Division for Historic Preservation; or
- (2) have historical or architectural significance to the town, as determined by the Development Review Board based on application information and/or evidence presented in hearing;
- (3) have a minimum habitable floor area of 600 square feet; and
- (4) can safely house and support the intended use.

(C) The Development Review Board may consult with the Vermont Division for Historic Preservation; and/or require the applicant to submit an independent evaluation prepared by a qualified architectural historian, to be paid for by the applicant, in order to make a determination regarding the structure's historic or architectural significance and structural integrity.

(D) Structures determined to be eligible for adaptive reuse by the Board may be used for one or more of the following uses in any zoning district, subject to conditional use review under Section 5.4:

- (1) Any use allowed within the district the structure is located, subject to any restrictions specified as follows.
- (2) Accessory Dwelling
- (3) Bed & Breakfast
- (4) Cultural Facility (e.g., theater, museum, nature center, performance space)
- (5) Multi-family Dwelling (maximum: 4 units)
- (6) Office or Studio
- (7) Production Facility (limited to specialty food or wood products)
- (8) Restaurant
- (9) Retail Sales (limited to agricultural and wood products, antiques, arts and crafts; e.g., a gallery, farmers market, furniture or antiques store)
- (10) Single Family Dwelling
- (11) Storage Facility (enclosed)
- (12) Two-family Dwelling.

(E) It shall also be demonstrated, to the satisfaction of the Board that:

- (1) adequate water supply capacity, wastewater system capacity, and off-street parking exist to accommodate the proposed use; and
- (2) any proposed exterior renovations will be compatible with the original architectural design of the

structure and maintain its historic integrity in accordance with accepted standards for the treatment of historic properties, as set forth in the most recent edition of the U.S. Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.

#### Section 4.4 Camper (Recreation Vehicle, Temporary Shelter)

(A) A camper (e.g., a recreational vehicle or travel trailer) or other temporary shelters (e.g., a tent, tepee or yurt) may be parked, stored, or located on public or private property only if it meets the following requirements:

- (1) Campers and other temporary shelters may be located in approved campgrounds (see Section 4.5) and sales establishments and for a specified period on construction sites for use as a temporary structure (see Section 4.20).
- (2) Campers or shelters may be stored on a lot, provided they are not:
  - (a) located within required setback areas,
  - (b) occupied on the premises for dwelling purposes for more than 120 days in any one-year period,
  - (c) connected to a water or wastewater system on the premises. [Amended effective November 7, 2022].

(B) Any camper or temporary shelter that is used for dwelling purposes for more than 120 days in any one-year period, is sited so as not to be readily moveable, or is connected to a water or wastewater system, shall be deemed an accessory or single family dwelling, and shall be subject to all applicable requirements of these regulations pertaining to an accessory or single family dwelling.

(C) Wastewater generated by a camper shall be disposed of only in accordance with all applicable municipal and state regulations.

(D) **Flood Hazard Areas.** A camper stored within a Flood Hazard Area Overlay District (Special Flood Hazard Area) must meet requirements under Section 5.5 applying to Recreational Vehicles, as defined under Section 10.3 for purposes of flood hazard area management. Accordingly, in addition to the above requirements, recreation vehicles stored within a Flood Hazard Area Overlay District must be fully licensed and ready for highway use. [Amended effective 8/9/2010.]

#### Section 4.5 Campground

(A) **General Standards.** A new or expanded campground may be allowed in designated zoning districts subject to conditional use review under Section 5.4, applicable state agency referral requirements, and the following provisions:

- (1) The parcel of land for a campground shall be no less than five (5) acres in area, or the minimum lot size for the district in which it is located, whichever is greater.
- (2) A minimum of 20% of the total area shall be set aside as open space, for outdoor recreation or conservation purposes.
- (3) A campground shall meet minimum setback requirements for the district in which it is located. In addition, buffer areas at least 50 feet wide along property boundaries, and 100 feet wide along public rights-of-way, surface waters and wetlands shall be maintained. No building, campsite, parking or service area shall be located within required buffer areas.
- (4) Landscaping and/or fencing may be required along property boundaries or within designated areas of the campground as necessary to provide security, privacy, and screening from adjoining properties or

public rights-of-way.

- (5) Each campsite shall be at least 4,000 square feet in area, with a minimum width of 25 feet. Adequate access and parking shall be provided.
- (6) Campground roads shall be designed in accordance with minimum standards set forth in Table 4.1:

| <b>Table 4.1 Campground Road Standards</b> |                      |                      |
|--------------------------------------------|----------------------|----------------------|
|                                            | <b>One-Way Roads</b> | <b>Two-Way Roads</b> |
| Right-of-Way                               | 18 feet              | 33 feet              |
| Gravel Width                               | 10 feet              | 20 feet              |
| Gravel Depth                               | 12 inches            | 12 inches            |

- (7) Campgrounds shall provide lavatory and shower facilities sufficient to serve all campsites. Water and wastewater disposal systems shall be designed and installed in accordance with applicable state regulations. An enclosed area for the collection, storage and disposal of trash and recyclables shall be provided.
- (8) The campground may include as accessory to the campground, subject to conditional use review, an office, communal dining, laundry, indoor recreation, and/or camp store facility, and outdoor recreation facilities for the use of campers.
- (9) The campground shall operate for a period not to exceed six (6) months during any one (1) year period.

(B) **Undeveloped “Primitive” Campgrounds.** For substantially undeveloped, primitive camping areas, consisting of designated tenting areas, the Development Review Board may waive or modify any or all of the requirements of Subsection (A) above if it is demonstrated to the Board’s satisfaction that access, total lot area, campsite area, setback distances and buffers are adequate to:

- (1) support the intended level of use; and
- (2) avoid any adverse impacts to water quality, critical wildlife habitat areas, or adjoining properties and uses.

Undeveloped, primitive camping areas may only consist of structures that are:

- (1) a single floor,
- (2) less than 500 square feet in total area, and
- (3) without interior plumbing or wastewater facilities. [Amended effective November 7, 2022].

#### **Section 4.6 Commercial Lodging [Bed & Breakfast, Inn, Hotel]**

(A) Three categories of commercial lodging, as defined in Section 10.2, may be allowed in designated zoning districts, subject to site plan review under Section 5.3, conditional use review under Section 5.4, or as allowed only within a planned unit development, as specified for a particular zoning district under Article II. Additional standards for Bed & Breakfasts, Inns and Hotels are summarized in Table 4.2.

**Table 4.2 Summary of Lodging Facility Requirements**

|                                                         | <b>Bed &amp; Breakfasts</b> | <b>Inns</b>                                                                  | <b>Hotels</b>      |
|---------------------------------------------------------|-----------------------------|------------------------------------------------------------------------------|--------------------|
| Number of guest rooms                                   | Maximum: 4                  | Maximum: 24                                                                  | More than 24       |
| Owner/operator must reside on the premises              | Yes                         | No                                                                           | No                 |
| Off-street parking required                             | Yes (Section 3.11)          | Yes (Section 3.11)                                                           | Yes (Section 3.11) |
| On-site dining for guests                               | Breakfast only              | Yes                                                                          | Yes                |
| On-site dining for non-guests (public)                  | No                          | As a "Mixed Use" only if a restaurant is allowed in the applicable district. | Yes                |
| Exterior appearance must maintain residential character | Yes                         | Yes                                                                          | No                 |

## **Section 4.7 Contractor's Yard**

(A) A contractor's yard may be allowed as a type of home industry subject to review and associated standards under Section 4.13; or as a principal use in designated zoning districts subject to conditional use review by the Development Review Board under Section 5.4 and the following requirements:

- (1) The outdoor storage of vehicles, heavy equipment, and materials, including building and construction materials, shall be confined to a designated yard area approved by the Board. Activities associated with the operation of the yard, including the maintenance and repair of vehicles and equipment, shall be allowed only within the designated yard area.
- (2) The designated yard area shall be set back a minimum of 50 feet from all road rights-of-way and adjoining properties, and 100 feet from surface waters and wetlands.
- (3) The Board may require landscaping and/or fencing around one or more yard area boundaries as necessary for public safety, or to screen the yard area year-round from the view of neighboring properties and public rights-of-way.
- (4) Yard operation shall meet all performance standards under Section 3.12. The Board may, as a condition of approval, place conditions on the hours of operation to minimize nuisances to neighboring properties and uses.
- (5) A contractor's yard may include as accessory to the yard, subject to conditional use review, an office, or equipment storage and maintenance facility.
- (6) On-site storage of hazardous materials shall be allowed only in accordance with applicable state and federal regulations. Fuel storage shall be limited to that needed for heating and the operation of equipment and vehicles, in accordance with Section 3.10.

**Section 4.8 Day Care Facility [Family Child Care Home, Day Care Facility]**

(A) Consistent with the Act [§ 4412(5)], a family child care home, which is owned or operated by a family child care provider licensed or registered by the state and which serves ten (10) or fewer children, shall be considered to constitute a permitted single family residential use of property. A zoning permit issued by the Zoning Administrator is required under Section 9.3 only to document and record this use of the dwelling and associated outdoor yard areas in the land records of the town. Prior to the issuance of a zoning permit, the applicant must provide a state permit or other documentation of state-approved potable water supply and wastewater systems. Site plan approval by the Development Review Board under Section 5.3 is required prior to the issuance of a zoning permit for a family child care home that serves more than ten (10) children. [Amended effective January 7, 2019.]

(B) A nonresidential child or adult day care facility may be allowed in designated zoning districts subject to site plan review under Section 5.3 or conditional use review under Section 5.4, depending upon the zoning district where the day care facility is proposed to be located. [Amended Effective: January 7, 2019.]

**Section 4.9 Extraction & Quarrying**

(A) The extraction or removal of topsoil, sand, gravel, rock, minerals or other similar earth resource, unless specifically exempted from regulation under Subsection (E), may be allowed in designated zoning districts subject to conditional use review under Section 5.4 and the following requirements.

(B) In addition to application information required in Section 5.2, the applicant shall submit operation, stormwater management and erosion control, and site reclamation plans describing and depicting the following:

- (1) existing grades, drainage patterns and depths to bedrock and seasonal high water tables;
- (2) the extent and magnitude of the proposed operation, to include a description of the type, amounts and locations of materials to be extracted or quarried, the areas to be allocated for on-site storage and processing, the types of processing equipment, and the proposed phasing and timing of development;
- (3) stormwater management and erosion control practices to be used and installed on and off-site, for all phases of the operation;
- (4) finished grades at the conclusion of the operation; and
- (5) a detailed plan for the restoration of the site, including final grading and revegetation.

(C) No extraction, excavation, dredging or filling activities shall occur within required riparian and wetland buffer areas, in accordance with the requirements of Section 3.17. Within a Flood Hazard Area Overlay District (Special Flood Hazard Area) extraction, excavation, dredging or filling activities are subject to conditional use review under Section 5.5; fill is allowed only as necessary to elevate a structure above the base flood elevation. [Amended effective 8/9/2010.]

(D) In granting approval, the Development Review Board shall find that the proposed extraction will not cause any hazard to public health and safety, or adversely affect neighboring properties, property values or public facilities and services, surface water and groundwater supplies, critical wildlife habitat, or other natural, cultural, and historic features. To ensure compliance with this section, the Board may impose conditions or limits with regard to any of the following factors:

- (1) depth of excavation or quarrying;
- (2) slopes created by the removal of materials;
- (3) effects on surface drainage on and off-site;
- (4) storage of equipment and stockpiling of materials on-site;
- (5) hours of operation for blasting, trucking, and processing operations;
- (6) effects on adjacent properties due to noise, dust, or vibration;
- (7) effects on traffic and road conditions, including potential physical damage to public highways;
- (8) creation of nuisances or safety hazards;
- (9) temporary and permanent erosion control, including project phasing to limit exposed area;
- (10) effect on ground and surface water quality, and drinking water supplies;
- (11) effect on designated natural, cultural, and historic resources, including critical wildlife habitat, on-site or in the vicinity of the project;
- (12) effect on agricultural land in production, and primary agricultural soils; and
- (13) public health, safety and general welfare.

(E) In accordance with the Act [§ 4464(2)], a performance bond, escrow account, or other surety acceptable to the Bolton Select Board shall be required to ensure reclamation of the land upon completion of the excavation, to include any re-grading, reseeding, reforestation or other reclamation activities that may be required.

(F) This section shall not apply to on-site excavations which are associated with normal maintenance, landscaping and gardening activities, agricultural and/or forestry operations, municipal and state road construction (excluding extraction of sand or gravel for off-site use), the operation of a cemetery, or that is incidental to permitted construction or maintenance activity.

## **Section 4.10 Gas Station**

(A) A gasoline station may be allowed in designated zoning districts subject to conditional use review under Section 5.4, and the following requirements:

- (1) All buildings, service, parking and storage areas shall meet all setback requirements, including setback and buffering requirements for streams and wetlands under Section 3.17. No vehicles may be parked or serviced within front, side or rear setback areas. The Development Review Board may require increased setbacks and/or buffers as needed to protect water quality, based on local site and drainage conditions, or to protect adjoining properties and uses.
- (2) All pumps and other service equipment shall be located at least 30 feet from front, side and rear lot lines.
- (3) Notwithstanding the requirements of Section 3.2, there shall be no more than two (2) accesses (curb cuts) providing ingress and egress to adjoining roads. On corner lots, one or both accesses may be limited to the secondary road. The width of each curb cut shall not exceed 40 feet.
- (4) A vegetated, landscaped area at least 15 feet in depth shall be maintained along all road frontage, excluding designated access (curb cut) areas.

- (5) Additional curbing, landscaping and screening, and pedestrian walkways may be required by the Board as needed to safely manage vehicle and pedestrian circulation on- and off-site, and to minimize adverse impacts to adjoining properties.
  - (6) In addition to signs allowed under Section 3.14, a gasoline station may have one freestanding (1) pricing sign which does not exceed 12 square feet in area, and/or pump-top pricing signs, each not to exceed two (2) square feet in area.
  - (7) Site layout and building design shall be compatible with the character of the neighborhood in which the gasoline station will be located. Building facades shall not be used for advertising purposes, except as allowed for the placement of wall signs or graphics in accordance with Section 3.14.
  - (8) Station canopies, if determined by the Board to be necessary and appropriate to their context, shall be limited to the minimum area required for adequate pump and apron coverage, and the minimum ceiling height necessary to meet applicable state and federal safety requirements. Canopy scale and design shall be compatible with station design and with surrounding buildings. Corporate logos are specifically prohibited on station canopies. Canopy fascias shall not be illuminated or used for advertising.
  - (9) The Development Review Board may require the submission of an outdoor lighting plan for review and approval in accordance with Section 3.9. In addition:
    - (a) light fixtures mounted on station canopies shall either be recessed so that the lens cover is flush with the bottom surface (ceiling) of the canopy; or for indirect lighting, mounted and shielded or skirted so that direct illumination is focused exclusively on the underside of the canopy;
    - (b) lights shall not be mounted on the top or sides (fascias) of canopies, nor shall canopies be internally illuminated; and
    - (c) interior station lighting shall not be used to contribute to or increase outdoor lighting levels, nor for advertising purposes.
  - (10) All underground storage tanks shall meet state applicable state requirements for design and installation. Monitoring may be required by the Development Review Board as needed to ensure that ground water quality and wells in the vicinity are protected from contamination in the event of a leak.
- (B) The use of a gasoline station is limited to the retail sale of gasoline, diesel fuel and other automotive fluids and products. The sale of other types of retail items (e.g., food or convenience items), or the provision of other services (e.g., motor vehicle repair, sales or rentals, car washes, towing services or restaurant seating) may be allowed only as a “Mixed Use” (see Section 4.14), and as such shall be required to meet applicable standards of these regulations pertaining to each use.

#### **Section 4.11 Golf Course**

- (A) **Applicability.** New golf courses and driving ranges, or the expansion of existing golf courses and ranges, may be allowed in designated zoning districts subject to conditional use review by the Development Review Board under Section 5.4, and the following standards. Miniature golf courses and “chip and putts” (included under the definition of “outdoor recreation”) are specifically exempted from the requirements of this section.

(B) **Application Requirements.** In addition to the application information required under Section 5.2; applicants for a golf course or driving range shall also submit the following:

- (1) a site development plan showing:
  - (a) existing elevation contours, and areas of steep (15-25%) and very steep (more than 25%) slope;
  - (b) field located site features, including existing land cover; surface waters, wetlands, and delineated setbacks and buffer areas as required under Section 3.17; and designated floodplains and water supply source protection areas; and critical wildlife habitat areas;
  - (c) golf course or range layout including the location of existing and proposed tees, greens, fairways, traps, putting greens, practice ranges, structures, roads, driveways, cart and walking paths and parking areas;
  - (d) proposed site modifications including clear cutting, grading and filling; and
  - (e) the location of existing and proposed wells and water quality monitoring stations.
- (2) information regarding anticipated ball trajectories (directions, distances) in relation to adjoining properties and public rights-of-way, and associated landscaping, screening and/or other protective barriers;
- (3) a course management plan, including operation and monitoring protocols.

(C) **Minimum dimensional requirements:**

|                                                    | Golf Course | Driving Range |
|----------------------------------------------------|-------------|---------------|
| Minimum Lot Area (or portion thereof for use)      | 20 acres    | 10 acres      |
| Minimum Setback from Rights-of Way, Property Lines | 100 feet    | 100 feet      |

(D) **General Design Standards.** Golf courses shall be designed to:

- (1) preserve and enhance the ecological function of existing natural features, including but not limited to surface waters, wetlands, and critical wildlife habitats and corridors within and adjacent to the site;
- (2) incorporate natural terrain to the extent feasible, to minimize the amount of site modification (clear cutting, grading and filling) required and to avoid areas of steep slope;
- (3) minimize the number and length of stream crossings;
- (4) preserve and/or re-establish riparian habitat within required buffer areas; and
- (5) minimize the use of fertilizers and pesticides and associated impacts to water quality through the selection of disease resistant turf grass, integrated pest management, resource efficient irrigation and drainage systems, biofilters, and other similar best management practices.

(E) **Groundwater Separation.** Greens and tees shall be located in areas where the depth to bedrock or maximum high water table is greater than four (4) feet below the surface, as determined by field tests. Under drain systems for greens and tees must also maintain four (4) feet of soil separation between subsurface leaching systems and bedrock and/or high water tables.

(F) **Pesticides.** Golf courses and driving ranges must meet all applicable state and federal regulations for the storage, application and disposal of pesticides, including pesticide application on golf courses as regulated by the Vermont Department of Agriculture, Food and Markets. Pesticides and other hazardous materials shall be stored in an enclosed, secured building.

(G) **Monitoring.** The Board may require the establishment of preconstruction (baseline) surface and ground water quality conditions, and the subsequent monitoring of surface and ground waters to determine the effects of golf course development and operation on water quality.

## Section 4.12 Group Home

(A) In accordance with the Act [§ 4412(1)(G)], a residential care home or group home to be operated under state licensing or registration, serving not more than eight (8) persons who have a disability as defined in 9 V.S.A. § 4501, shall be considered by right to constitute a single family residential use of property. No zoning permit shall be required for the use of an existing single family dwelling as a group home serving eight (8) or fewer persons. [Amended effective January 7, 2019.]

(B) Other types of residential care facilities may be allowed in designated zoning districts as conditional uses subject to conditional use review under Section 5.4.

## Section 4.13 Home Business [Home Occupation, Home Industry]

(A) **Home Occupation.** In accordance with the Act [§ 4412(4)], no provision of these regulations may infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in a residential area and which does not have an undue adverse impact on the character of the residential area in which the dwelling is located. No zoning permit shall be required for a home office within a principal dwelling or attached garage which is carried on by a resident of that dwelling, and which involves no signs, public access or outdoor storage or displays. For other home occupations that meet the following requirements, a zoning permit issued under Section 9.3 shall be required to document and record the use in the land records of the town:

- (1) The home occupation shall be conducted by residents of the dwelling and up to a maximum of two (2) nonresident employees on-site at any time.
- (2) The home occupation shall be conducted within the principal dwelling, an attached garage, or an accessory structure on the same lot, and shall not occupy a gross floor area greater than 1,000 square feet.
- (3) Outdoor storage, displays or equipment associated with a home occupation, other than those that are customarily associated with a residential use, are prohibited.
- (4) The home occupation shall meet all performance standards set forth in Section 3.12.
- (5) No traffic shall be generated in substantially greater volumes than would normally be expected from a residential use (a maximum of 10 vehicle trips per day).
- (6) Off-street parking for residents of the dwelling, employees and customers shall be provided in accordance with Section 3.11. No commercial vehicles other than passenger vehicles (e.g., cars, vans, pick-up trucks) associated with the business shall be parked on the premises.
- (7) Adequate provisions shall be made for water, wastewater and the disposal of solid waste, in accordance with applicable municipal and state regulations.

- (8) One (1) sign shall be allowed in accordance with Section 3.14.
- (9) Retail sales or services on-site are limited to the sale of goods or services produced on the premises, and related products, by appointment only.

**Table 4.3 Summary of Home Occupation & Home Industry Standards**

|                                          | Home Occupation                                                                              | Home Industry                                                            |
|------------------------------------------|----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Secondary/subordinate to residential use | Yes                                                                                          | Yes                                                                      |
| Within principal dwelling                | Yes                                                                                          | Yes                                                                      |
| Within accessory structures              | Yes                                                                                          | Yes                                                                      |
| Maximum square footage                   | 1,000 sq. ft.                                                                                | Not specified                                                            |
| Outdoor storage of materials             | No                                                                                           | With approval                                                            |
| Nonresident Employees                    | Max: 2                                                                                       | Max: 5                                                                   |
| Parking Spaces                           | See Section 3.11                                                                             | See Section 3.11                                                         |
| Traffic                                  | Residential (10 trips per day)                                                               | Characteristic of other uses allowed in district                         |
| Landscaping/Screening                    | No                                                                                           | May be required                                                          |
| Signs                                    | See Section 3.14                                                                             | See Section 3.14                                                         |
| Retail Sales                             | Limited to products, services produced on-premises and related products; by appointment only | Limited to products, services produced on premises, and related products |
| Zoning Permit                            | Yes                                                                                          | Yes                                                                      |
| Conditional Use Review                   | No                                                                                           | Yes                                                                      |

(B) **Home Industry.** Home industry, as distinguished from “home occupation” under Subsection (A), may be allowed as an accessory to a single family dwelling in designated zoning districts subject to conditional use review under Section 5.4, and the following provisions:

- (1) The home industry shall be conducted on-site by residents of the dwelling, and up to five (5) full-time nonresident employees at any given time.
- (2) Exterior storage of materials and equipment associated with a home industry shall be limited to a clearly designated yard or storage area approved by the Development Review Board, which meets all applicable setbacks for the district in which the property is located. The Board may require greater setbacks as deemed necessary to avoid adverse impacts to neighboring properties or public rights-of-way. The Board also may require that such areas be adequately screened year-round from public view and neighboring properties, and secured to protect public safety.
- (3) Exterior yard or storage areas shall also meet surface water and wetland setbacks and buffers as required under Section 3.17.

- (4) The storage of hazardous materials anywhere on the premises shall be limited to those materials necessary for the operation of the home industry and shall be stored in accordance with all applicable state and federal regulations.
- (5) The home industry shall not change the character of the neighborhood, nor result in a change in the outward appearance of the dwelling or the accessory structure.
- (6) The home industry shall not generate traffic, including delivery traffic, in excess of volumes characteristic of other uses allowed in the district in which the home industry is located.
- (7) Off-street parking shall be provided for residents, employees, delivery vehicles and customers in accordance with Section 3.11. Commercial vehicles or equipment associated with the home industry shall be parked within designated yard or parking areas, approved by the Board. The Board may also require that parking areas are adequately screened year-round from public view and adjoining properties.
- (8) Adequate provisions shall be made for water, wastewater and the disposal of solid waste, in accordance with applicable municipal and state regulations.
- (9) A home industry shall meet all applicable performance standards under Section 3.12. In addition to other conditions, the Board may limit the hours of operation as deemed necessary to minimize adverse impacts to neighboring properties and protect the character of the area.
- (10) One (1) sign may be allowed in accordance with Section 3.14.
- (11) On-site retail sales or services are limited to the sale of goods or services produced on the premises, and related products.

#### **Section 4.14 Mixed Use**

(A) In designated zoning districts, more than one principal use may be allowed within a single building, or on a single lot, subject to conditional use review by the Development Review Board under Section 5.4 and the following requirements:

- (1) Each of the proposed uses is allowed as a permitted or conditional use within the zoning district in which the mixed use is located.
- (2) The uses in combination meet all applicable standards for the district in which the mixed use is proposed, including but not limited to minimum lot, frontage and setback, and maximum lot coverage and height requirements; or the mixed use is part of a planned unit development (PUD) which has been approved in accordance with Article VIII.
- (3) The mixed use meets all applicable general regulations under Article III, including but not limited to access, sign and parking requirements. Shared access and parking to serve all uses shall be required unless it is determined by the Board that a safety hazard may result due to site, traffic or road conditions.

#### **Section 4.15 Mobile Home Park**

(A) In accordance with the Act [§ 4412((B))], no municipal zoning regulation shall have the effect of excluding mobile home parks from the town. New and expanded mobile home parks may be allowed in designated districts subject to conditional use review in accordance with Section 5.4 and the following provisions:

- (1) The parcel of land for a new mobile home park shall have a minimum area of no less than three (3) acres, or the minimum lot area for the district in which it is located, whichever is greater.
  - (2) A minimum of 20% of the total land area in any new mobile home park shall be set aside for common recreational use or open space.
  - (3) Mobile home parks shall meet minimum setback requirements along their perimeter for the district in which they are located. Setback areas shall not be included in the calculation of recreation land or open space required under Subsection (A)(2). Landscaping along the perimeter of the park is recommended, and may be required by the Board as it deems necessary to screen to the park year-round from adjoining residential properties.
  - (4) A mobile home park shall meet all applicable requirements of these regulations, including all applicable general requirements under Article III.
  - (5) Proposed parks shall comply with all applicable state regulations, including regulations pertaining relating to potable water supply and wastewater disposal systems.
  - (6) Each mobile home shall be located on a dedicated site of not less than 10,000 square feet in area as depicted on the site development plan required under Section 5.2. Each site shall include adequate vehicle and pedestrian access, and shall be landscaped with one (1) or more trees of a native species.
  - (7) Each mobile home, and associated accessory structures, shall be setback a minimum of 20 feet from adjoining mobile home sites.
  - (8) All roads within a mobile home park shall comply with Section 7.6. Pedestrian paths connecting mobile home sites to common facilities and areas, or to public rights-of-way or pedestrian paths are recommended, and also may also be required by the Board as deemed necessary to provide safe, interconnected pedestrian circulation.
  - (9) Parking shall be provided in accordance with Section 3.11 and may include a combination of individual and shared parking areas.
  - (10) A mobile home park may include as accessory to the park, subject to conditional use review, an office and common laundry, storage, parking and recreation facilities for use by park residents and their invited guests.
- (B) The mobile home park owner, or designated operator, as a condition of Board approval, shall:
- (1) maintain all park buildings, roads, parking areas, paths, utilities, infrastructure, landscaping, open space and common areas in good condition, and shall provide for the regular collection and removal of recyclables, waste and garbage; and
  - (2) remove snow from all park roads, parking and service areas.

Failure to meet these operation and maintenance requirements shall constitute a violation of permit conditions and these regulations, subject to enforcement action under Section 9.7.

- (C) Changes or alterations to park area, design, layout or common facilities are subject to conditional use review in accordance with the above provisions. The owner of a mobile home within an approved mobile home park, however, may apply for a zoning permit under Section 9.3 for a replacement home, deck, accessory structure or addition which meets site setback requirements under Subsection (A), without additional approval by the Development Review Board.

(D) In accordance with the Act [§ 4412(7)(B)], if a mobile home park legally in existence as of the effective date of these regulations is determined to be nonconforming under these regulations, its nonconforming status shall apply only to the park as a whole, and not to individual mobile home sites within the park. Accordingly, the requirements of Section 3.8 shall not apply to an individual mobile home site for the purpose of replacing an existing mobile home on the site with a mobile home of the same or larger footprint. Sites within an existing park that are vacated shall not be considered discontinued or abandoned. [Amended effective January 7, 2019.]

- (1) Any mobile home within the mobile home park may be altered, expanded or replaced on an existing mobile home site, with the issuance of a zoning permit by the Zoning Administrator, provided that adequate water and wastewater capacity exists, and the expansion or replacement will not:
  - (a) be sited less than thirty (30) feet from an adjoining mobile home or other principal structure;
  - (b) obstruct or prohibit access to or the replacement of an adjoining mobile home or other principal structure; or
  - (c) obstruct existing rights-of-way or utilities or prohibit the provision of emergency services.[Amended effective January 7, 2019.]

- (2) Should these standards have the effect of prohibiting mobile home replacement on an existing site, the DRB may reduce the minimum required separation distance between mobile homes or other principal structures, subject to review under Section 9.6(B) (Waivers), and provided that the reduction represents the minimum deviation from these standards to necessary to afford relief, fire and safety considerations are addressed, and any adverse impacts to adjoining mobile home sites or principal structures within the park are minimized through siting, landscaping, screening or other similar measures. [Amended effective January 7, 2019.]

(E) No new or expanded mobile (manufactured) home park or subdivision shall be allowed within a Flood Hazard Area Overlay District (Special Flood Hazard Area). Replacement mobile homes within an existing mobile home park located in a Flood Hazard Area Overlay District must meet requirements for elevation and anchoring under Section 5.5. [Amended effective 8/9/2010.]

(F) A mobile home park shall be considered the principal use of a parcel which shall be retained in common ownership and management. Individual mobile home sites may be subdivided from the rest of the park for sale only in accordance with all applicable requirements of these regulations pertaining to subdivisions and single family dwellings.

(G) Mobile home park sales may be allowed in association with an established or proposed mobile home park only as a “mixed use” subject to conditional use review under Section 4.14.

#### **Section 4.16 Motor Vehicle Service & Sales**

(A) The temporary display for sale of up to two (2) motor vehicles on a residential lot which are owned by the resident are exempted from these regulations. The display or sale of three (3) or more vehicles for sale at any time, or more than three (3) sales transactions in any one year period, shall be considered a commercial motor vehicle sales establishment subject to all applicable requirements of these regulations.

(B) A motor vehicle service facility may be allowed as a type of home industry subject to review and associated standards under Section 4.13; or as a principal use in designated zoning districts subject to conditional use review by the Development Review Board under Section 5.4 and the following requirements:

- (1) Vehicles scheduled for repair shall be parked within an enclosed structure or within a designated yard or parking area approved by the Development Review Board, which meets all setback requirements for the district in which it is located. To the extent feasible, such yard or parking areas shall be located to the side or the rear of the garage or maintenance building. The Board may require landscaping and/or fencing as it deems appropriate for public safety, and to screen the yard or parking area year-round from adjoining properties and public rights-of-way.
  - (2) Parking and yard areas shall also meet surface water and wetland setback and buffer requirements, as specified under Section 3.17.
  - (3) No more than three (3) unregistered vehicles shall be stored on-site unless the property also has been approved by the Development Review Board as "mixed use," to also include a salvage yard (see Section 4.14), in districts in which all such uses are allowed.
  - (4) All maintenance and repair work shall be conducted within an enclosed structure which meets all applicable municipal and state regulations for water supply, wastewater and waste disposal.
  - (5) Fuel and hazardous materials stored and used on the premises shall be limited to those materials necessary for the operation of the business, and shall be stored in an enclosed and secure structure in accordance with all applicable state and federal regulations.
  - (6) The motor vehicle service facility and associated yard and display areas shall comply with applicable requirements of these regulations, including but not necessarily limited to outdoor lighting standards under Section 3.9, parking requirements under Section 3.11, performance standards under Section 3.12, and sign requirements under Section 3.14.
- (C) The sale or lease of new or used vehicles may be allowed in association with a motor vehicle service facility provided that vehicles intended for sale or lease are displayed in an enclosed building, or within a designated exterior display area approved by the Development Review Board. No more than 10 vehicles for sale or lease may be parked in outdoor display areas at any time. The Board may allow such display areas within the front setback area; however no vehicle shall be parked within a public right-of-way.

#### **Section 4.17 Public Facility or Utility**

- (A) In accordance with the Act [§ 4413(a)], the following may be public facilities or uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping and screening requirements, and only to the extent that such regulations do not have the effect of excluding, or interfering with the intended use or function:
- (1) state or community owned and operated institutions and facilities;
  - (2) public and private schools and other educational institutions certified by the Vermont Department of Education;
  - (3) churches and other places of worship, convents, monasteries, and parish houses;
  - (4) public and private hospitals;
  - (5) regional solid waste management facilities certified by the state (under 10 V.S.A. Chapter 159); and
  - (6) hazardous waste management facilities for which a notice of intent to construct has been received by the state (under 10 V.S.A. § 6606a).

- (B) Reasonable provision has been made for siting of the above public facilities and uses within specified zoning districts, as summarized in Table 4.4. Such facilities or uses must meet applicable district requirements, and may be subject to site plan review under Section 5.3 or conditional use review

under Section 5.4; however associated conditions of approval shall not exceed allowed regulation, as specified in the Act and Subsection (A).

(C) In accordance with the Act [§ 4413(b)], public utility power generating plants and transmission facilities regulated by the Vermont Public Utility Commission under 30 V.S.A. § 248 are specifically exempted from municipal land use regulation. This includes wind and solar renewable energy generation facilities that are “net metered” or connected to the electrical grid. [Amended effective January 7, 2019.]

(D) Public facilities and utilites located within Flood Hazard Overlay Districts (Special Flood Hazard Areas) which are subject to municipal regulation must meet applicable requirements for such facilities and utilites under Section 5.5. [Amended effective 8/9/2010]. In accordance with the Act [§ 4413(a)(2)], a state-owned and -operated institution or facility is specifically exempted from municipal flood hazard area review under Section 5.5. [Amended effective January 7, 2019.]

(E) New critical public facilities, as defined under Section 10.3 for flood hazard area management purposes, shall not be located within a Flood Hazard Area Overlay District, including Special Flood Hazard Areas (100-year floodplain) or areas with a 0.2% chance of flooding annually (500-year floodplain) as shown on National Flood Insurance Maps. [Amended effective 8/9/2010.]

**Table 4.5 Public Facilities**

| Facility                                                                                                                                                               | Zoning District    | Supplemental Standards                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| State or community owned and operated institutions and facilities (See Public Facility).                                                                               | V, RV, RR, RI, RII | Specified by facility type, district.                                                                                                         |
| Public and private schools and other educational institutions certified by the Vermont Department of Education (see School).                                           | V, RI              | RI only with frontage on Route 2                                                                                                              |
| Churches, convents and parish houses (see Place of Worship)                                                                                                            | V, RV, RR, RI      | None                                                                                                                                          |
| Public and private hospitals (see Public Facility).                                                                                                                    | RI, RII            | None; note that health clinics are also allowed in VI and VII                                                                                 |
| Regional solid waste management facilities certified by the State [10 V.S.A., Chapter 159] (see Waste Management Facility)                                             | RI, RII            | Minimum Lot Size Transfer Station, Recycling Center: 3 acres or district minimum, whichever is greater<br>Minimum Lot Size Landfill: 50 acres |
| Hazardous waste management facilities for which a notice of intent to construct has been received under state law [10 V.S.A. § 6606a] (see Waste Management Facility). | RI, RII            | Minimum Lot Size: 10 acres or district minimum, whichever is greater                                                                          |

## Section 4.18 Salvage Yard

(A) Salvage yards are prohibited in the Town of Bolton. [Amended effective 5/24/2021.]

## Section 4.19 Telecommunications Facility

(A) **Purpose.** The purpose of these proposed regulations shall be to regulate the placement, design, construction, removal, and modifications of wireless communications facilities in order to preserve the character and the appearance of the Town of Bolton and protect the scenic, historic, cultural, and natural resources of Bolton while accommodating the telecommunications needs of residents and businesses. The Town’s goal is to minimize the number of towers in town while still allowing for adequate coverage. New facilities will be encouraged to co-locate with existing facilities whenever possible.

(B) **Consistency with Federal Law.** These regulations are intended to be consistent with Section 704 of the Federal 1996 Telecommunications Act. Accordingly, they shall not prohibit or have the effect of prohibiting the provision of personal wireless communication services; shall not unreasonably

discriminate among the providers of functionally equivalent services; and shall not regulate personal wireless services based on the environmental effects of radio frequency emissions to the extent that these facilities comply with the Federal Communications Commission Regulations concerning such emissions.

**(C) Applicability.** Wireless telecommunications facilities shall include all facilities subject to licensing or regulation by the FCC, including towers, associated accessory structures, buildings and/or equipment, except as specifically exempted under Subsection (D).

- (1) New, modified or expanded wireless telecommunication facilities, except as specified for small scale and temporary facilities under Subsection (H), may be allowed only in designated zoning districts (Resort Village, Resort Residential, Forest and Conservation Districts) as conditional uses subject to review by the Development Review Board under Section 5.4 and the requirements of this section.
- (2) A new telecommunications tower shall not be permitted unless it is found by the Board that the equipment planned for the proposed tower cannot be accommodated on an existing or approved tower, or other structure or building.
- (3) New telecommunications towers shall not be permitted for speculative purposes only.

**(C) Permit Requirements.** No construction, alteration, modification or installation of a wireless telecommunications facility shall commence without first obtaining all applicable permits and approvals as required under municipal, state and federal regulations. Any alteration or addition to a previously approved telecommunications facility shall require a permit amendment when any of the following are proposed:

- (1) a change in the number of buildings or facilities permitted on the site;
- (2) a change in telecommunications technology used on the site; or
- (3) the addition or change of any equipment resulting in greater visibility or structural wind loading, or additional tower height, to include the profile of additional antennas not specified in the original application.

**(D) Exemptions.** The following are specifically exempted from the provisions of this section:

- (1) Ground or building mounted radio or television antenna, or satellite dishes not exceeding 36 inches in diameter, which are intended solely for residential use, and which do not, as mounted, exceed 40 feet in height above the lowest grade at ground level.
- (2) Single use local business radio dispatch equipment.
- (3) Citizens band radio antennas operated by federally licensed amateur (ham) radio operators which do not exceed a height of 50 feet above the grade level, whether free standing or mounted, and which meet all setback requirements for the district in which they are located.
- (4) Police, fire, ambulance, and other emergency dispatch telecommunications facilities.

**(E) Application Requirements.** In addition to application requirements for conditional use review under Section 5.2, an application for a new telecommunications facility shall also include the following as applicable:

- (1) the name and address of the applicant, landowners of record and authorized agents, and contact information for the person(s) authorized to operate, maintain and ensure the safety of the facility;

- (2) the name and addresses of all adjoining property owners of record;
- (3) for a facility to be installed on an existing structure, a copy of the applicant=s executed contract with the owner of the existing structure;
- (4) a coverage map (USGS Quadrangle) that shows existing topography, the extent of existing and proposed coverage(s), and the location of other towers, suitable buildings or structures located within at least a five (5) mile radius of the proposed site,
- (5) information regarding the feasibility of using antennas, repeaters or microcells on existing structures to achieve desired coverage, including written documentation from other telecommunications facility owners that no other suitable sites are available;
- (6) a vicinity map showing the entire vicinity within 2,500 feet of the facility site, including topography and steep slopes (equal to or greater than 15%), existing vegetation, surface waters, wetlands, critical habitat areas, structures, roads, driveways, utility corridors, property lines, rights-of-way and easements;
- (7) a site plan, drawn to a scale of 1 inch = 40 feet, showing the footprint of all existing and proposed facilities, including towers, supporting and accessory structures; access roads and utility corridors, and landscaping, fencing and screening, in relation to existing site features and adjoining properties;
- (8) a report from a qualified professional engineer, licensed by the state, which documents:
  - (a) facility height, design, construction and structural capacity, including materials, cross-sections, elevations, antennae and equipment mounting locations, and fall zones;
  - (b) proposed modifications, if any, to existing facilities, sites or structures to achieve desired coverage;
  - (c) the number and type of antennas or other equipment to be accommodated;
  - (d) the output frequency, number of channels and power output per channel for each antenna;
  - (e) the steps that will be taken to avoid interference with any established public safety telecommunications system, to include an intermodulation study that indicates no likely interference problems, and written notification to that effect to appropriate public safety agencies;
  - (f) that the facility and equipment will operate in compliance with all FCC regulations, standards and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR) at the proposed site, and will agree to unannounced, independent evaluations of compliance with FCC regulations as may be required by the Board as a condition of approval;
- (9) a written five-year plan for use of the proposed telecommunications facility, including reasons for seeking capacity in excess of immediate need if applicable, as well as plans for additional development and coverage;
- (10) an indication of the timing and construction sequence for each phase of the entire project;
- (11) copies of any state-required Act 250 permit application and/or federally-required draft environmental assessment or impact statement (EA or EIS) which describe the probable impacts of the proposed facility;
- (12) a letter of intent committing the facility owner and his/her successors to allow shared use of the facility if an additional user agrees in writing to meet reasonable terms and conditions for shared use, including compliance with all applicable federal, state, and municipal regulations and associated permits and approvals;

(13) any additional information as needed to determine compliance with the provisions of these regulations, including but not limited to visual impact assessments or independent evaluations of the proposed facility, to be paid for by the applicant, as specified under Subsection (F).

(F) **Independent Review.** In accordance with the Act [§ 4440(d)], the Board may hire a qualified expert to conduct an independent technical review of the application under specified review criteria, the reasonable costs of which shall be paid by the applicant.

(G) **Specific Standards.** In addition to meeting conditional use standards under Section 5.4, the Board, in granting conditional use approval, shall also find that the proposed telecommunications facility complies with the following standards:

- (1) Proposed telecommunications equipment cannot be accommodated on an existing or approved tower or other structure due to one or more of the following reasons, as documented by a licensed professional engineer:
  - (a) There is no existing or approved tower or other suitable structure in the area in which coverage is sought.
  - (b) Proposed telecommunications equipment exceeds the structural or spatial capacity of an existing tower or structure; and the existing tower or structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.
  - (c) Proposed telecommunications equipment will cause interference which materially impacts the usefulness of other existing or permitted equipment at the site, and such interference cannot be prevented at a reasonable cost.
  - (d) Proposed telecommunications equipment, either alone or together with other existing equipment, would create RFI or RFR in violation of federal standards or requirements.
  - (e) Existing or approved towers and structures cannot accommodate the planned equipment at the height needed, or are too far from the area of needed coverage to function reasonably.
  - (f) Aesthetic or other specific considerations under these regulations make it unreasonable to locate the planned telecommunications equipment on an existing or approved tower or building.
- (2) New towers shall be designed to accommodate the collocation of both the applicant=s antennas and comparable antennas for one or more additional users, depending on tower height. Towers must be designed to allow future rearrangement of antennas, and to accept antennas mounted at varying heights.
- (3) Telecommunications facilities, including tower construction and wiring, shall meet all state and federal requirements, including but not limited to FCC requirements for transmissions, emissions and interference. No telecommunication facility shall be located or operated in such a manner that it poses a potential threat to public health or safety, nor interferes with public safety telecommunications. Prior to the siting of new antennas at existing sites, written certification of FCC compliance shall be provided based on the results of a cumulative RFR emissions study performed by the applicant. The Board may also require, as a condition of approval, monitoring and the submission of annual reports by an independent, qualified engineer to document ongoing compliance with FCC regulations.

- (4) All telecommunications facilities, including associated support and accessory structures, shall meet the minimum setback requirements for the district in which they are located. In addition, telecommunications towers shall be set back a minimum of:
- (a) 150 feet from the Winooski River, and 100 feet from all other surface waters and designated wetlands;
  - (b) 500 feet from the habitat of any state listed rare, threatened or endangered species;
  - (c) 500 feet from any property listed on the state register of historic sites and structures survey for the Town of Bolton, and 100 feet from known archaeological sites;
  - (d) 500 feet from a designated scenic road or highway; and
  - (e) the fall zone distance from all property lines, at minimum to be calculated as the total vertical height of the tower, including all attached equipment.
- (5) Towers are exempted from district height requirements; however towers shall not extend vertically more than 20 feet above the average height of the adjoining tree canopy, as measured within 200 feet of the highest vertical element of the proposed facility, unless the Board finds that the additional height is necessary to provide adequate coverage to the town or to allow for collocation. The Board may require the submission of a management plan to maintain average tree height and screening provided by the tree canopy.
- (6) New telecommunications facilities, including towers, supporting and accessory structures, shall be sited and designed to minimize their visibility. Accordingly:
- (a) Towers shall not be sited in the middle of open fields or on exposed ridgelines or hilltops in view of public rights-of-way, unless the Board determines the specific location is necessary to provide adequate coverage to the town or to allow for collocation.
  - (b) New or modified towers and antennas shall be designed to blend into the surrounding environment to the greatest extent feasible, though the use of natural topography, existing vegetation, landscaping and screening, the use of compatible materials and colors, and/or other camouflaging techniques.
  - (c) The Board, to assist in its review, may require that the applicant provide a visual impact assessment of the proposed facility from specified vantage points, to include visual representations (e.g., photographic simulations) and/or field tests (e.g., balloon tests). Such impact assessments shall take into consideration the following:
    - (i) the scenic sensitivity of particular views;
    - (ii) the frequency and length of time the facility would be viewed by the traveling public from a public highway, trail or public body of water;
    - (iii) the degree to which the facility would be screened by existing topography, vegetation and structures;
    - (iv) background features that may emphasize or obscure the facility;
    - (v) the distance of the proposed facility from public vantage points and the degree to which it is visible above the skyline; and
    - (vi) the sensitivity or unique value of a particular view affected by the proposed tower...
- (7) Towers shall be enclosed by security fencing at least six (6) feet in height and gated, and shall be equipped with anti-climbing devices and warning signs. The use of razor wire is prohibited. The Board may require landscaping or screening adjacent to the security fence to minimize visual impacts as viewed from neighboring properties or public vantage points.

- (8) No commercial signs, lettering, logos or other advertising shall be placed on telecommunications towers or associated support and accessory structures. Signs shall be limited to those required under state and federal regulations, and for safety purposes.
- (9) Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration (FAA) or other federal or state authority for a particular tower because of its height. The Board may require tower relocation, or a reduction in tower height to eliminate the need for lighting.
- (10) Access roads or driveways and utility corridors, to the extent feasible, shall be shared, and designed to minimize site disturbance, to follow natural contours and linear features (e.g., tree lines, field edges), and to aesthetically blend in with the surrounding environment. The Board may require closure of access roads to vehicles following facility construction where it is warranted by site conditions and where maintenance personnel can reasonably access the facility site on foot or by air transport.
- (11) All utilities proposed to serve a telecommunications site, to the extent feasible, shall be installed under ground. If burial is not feasible, utilities shall be installed at ground level.
- (12) No new telecommunications facility shall be placed or constructed in such a way as to interfere with public safety communications. The applicant shall certify that all intermodulation studies accompanying the application have been provided to appropriate public safety officials. Providers also shall notify the municipal and public safety officials at least 10 calendar days in advance of testing a new service, or changes to an existing service, to allow monitoring for potential interference.
- (13) Landscaping shall be provided in a manner that preserves and incorporates existing vegetation on-site and in the immediate vicinity of the facility, and fully screens ground mounted equipment from the view of neighboring properties and public vantage points. The Board may require increased setbacks, landscaping and screening as appropriate to minimize adverse impacts to adjoining properties, and/or the submission of a landscaping plan, to include provisions for long-term maintenance.

(H) **Small Scale & Temporary Facilities:** Notwithstanding the requirements of Subsection (G), the following facilities may be issued a zoning permit in any zoning district by the Zoning Administrator without conditional use approval:

- (1) small scale wireless telecommunications equipment, including antennas, microcells or repeaters, which are to be installed on or within approved towers, utility poles, or other structures; or the installation of ground facilities less than 20 feet in height, provided that:
  - (a) no such device is located within 50 feet of an existing residence;
  - (b) no changes are made to the height or appearance of such structure except as required for mounting;
  - (c) the height of the facility as mounted does not extend the total height of the structure by more than 10 feet (except as allowed under conditions of approval for existing towers); and
  - (d) any accompanying equipment shall be screened from view.
- (2) wireless communications facilities designed for temporary use, provided that:
  - (a) the temporary facility is permitted for the duration of the intended use or event, not to exceed five (5) days, as specified in the zoning permit, and is removed immediately upon the expiration of the permit,

- (b) the height of the facility does not exceed 50 feet from grade, and
- (c) the facility complies with all other applicable provisions of these regulations.

(I) **Continuation Obligations.** By January 15<sup>th</sup> of each year, the owner of a telecommunications facility shall:

- (1) Certify in writing that the facility is in compliance with FCC standards, and provide the Zoning Administrator with a list of the most recent RFR readings at the site, their distances from the tower or transmitter, dates of the readings, and the name of the person or company who took the readings.
- (2) Certify in writing that the facility continues to be operated in accordance with all other applicable federal, state and municipal requirements.
- (3) Provide documentation that adequate insurance coverage is being maintained on all telecommunications facilities.

Failure to file required certifications and documentation by January 15<sup>th</sup> may result in the issuance of a notice of violation by the Zoning Administrator under Section 9.7. If certification of continued operation is not filed within period of time specified in the notice, or by February 15th, whichever is sooner, the telecommunications facility shall be considered abandoned for the purposes of these regulations.

(J) **Removal.** All abandoned, unused, obsolete or noncompliant wireless telecommunications facilities, including towers, accessory structures and/or equipment, shall be removed within 180 days of the cessation of operations, and the site shall be restored to its original condition. In the event that facilities are not removed within the 180 period, the municipality may, following notification of the owner, remove the facilities and assess the cost of removal against the property or tower owner. A copy of the relevant portions of any signed lease which requires the applicant to remove the tower and associated facilities shall be submitted at the time of application. A bond or other form of surety acceptable to the Select Board, in an amount sufficient to cover the costs of tower removal and site reclamation, also may be required as a condition of approval.

## Section 4.20 Temporary Structure or Use

(A) **Temporary Structure.** Structures used for temporary office or storage space, including trailers and mobile homes, or for special events requiring a permit under Subsection (B), may be allowed as a temporary accessory structure to an existing or permitted use in any zoning district, in accordance with the following:

- (1) Such structures shall not be used for dwelling purposes, except for campers, tents or yurts permitted to house participants at special events.
- (2) A temporary structure may be issued a zoning permit by the Zoning Administrator, for a specified period of time not to exceed one (1) year from the date of issuance, with the provision that the structure will be dismantled and/or removed upon expiration of the permit. The Zoning Administrator may renew a permit for a temporary structure for a period not to exceed one (1) additional year.

(B) **Temporary Uses (Special Events).** Special events (e.g., weddings, receptions, concerts, festivals, fairs and other cultural events, trade and antique shows), may be allowed as a temporary accessory use to an existing use within any zoning district, provided that such use occurs for no more than seven (7) days within any 12 month period, and adequate off-street parking and circulation, sanitary and trash collection facilities are provided. Temporary uses may be issued a zoning permit by the Zoning Administrator, for a

specified period of time not to exceed one (1) year from the date of issuance, with the provision that the use will be discontinued upon the expiration of the permit. In addition:

- (1) The following uses or activities are specifically exempted from the requirements of this section, and shall not require the issuance of a zoning permit:
  - (a) Family or household events associated with a residential use (e.g., weddings, reunions). Such events may also include temporary shelters on-site, such as campers or tents, to house guests.
  - (b) Auctions, yard and garage and sales, in accordance with Section 9.2.
  - (c) Special events that are held in an approved events or convention facility.
- (2) No zoning permit shall be issued for any event or use which also requires the approval of the Bolton Select Board under the Town of Bolton Special Events Ordinance until such approval is issued.
- (3) A temporary structure located within a Flood Hazard Area Overlay District (Special Flood Hazard Area) is subject to conditional use review under Section 5.5, and must meet applicable requirements for development within these districts. [Amended effective 8/9/2010.]

#### **Section 4.21 Accessory On-Farm Businesses**

(A) In accordance with 24 V.S.A. § 4412(11), the Town of Bolton cannot prohibit an accessory on-farm business at the same location as the farm (see definition of “Accessory On-Farm Business”). However, active farms, as defined by 24 V.S.A. § 4412(11)(A), shall apply for site plan approval from the Development Review Board to add one or more agricultural-related businesses to supplement farm operations. The proposed accessory on-farm business must be operated on the farm by the farm owner, one or more persons residing on the farm, or the lessee of a portion of the farm. Farms applying for approval of accessory on-farm businesses must follow Required Agricultural Practices, as defined in Article 10. Accessory on-farm businesses are subject to site plan review under Section 5.3, pursuant to 24 V.S.A. § 4416. Accessory on-farm businesses may also be subject to the same performance standards otherwise adopted in these bylaws for similar commercial uses pursuant to 24 V.S.A. § 4414(5). [Amended effective 5/24/2021.]

(C) Any new or existing structure and/or addition intended to support an accessory on-farm business is required to obtain a zoning permit. Such structures or additions shall be located outside of required setbacks, and otherwise conform to all other requirements in the applicable zoning district. Site improvements to driveways, parking lots and road cuts must be built to B-71 standards per Sections 3.2 and 3.12. Any new signage must conform to Section 3.14. [Amended effective 5/24/2021.]

(D) The standards in this section do not apply to casual or seasonal sales of produce, eggs, maple syrup and other food products produced on site from homes or farm stands. [Amended effective 5/24/2021.]

## ARTICLE V. DEVELOPMENT REVIEW

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### **Section 5.1 Application**

(A) Development review procedures and related standards under this article apply only to development that requires approval of the Development Review Board prior to the issuance of a zoning permit, under one or more of the following review procedures:

- (1) **Site Plan Review.** Site plan review under Section 5.3, in accordance with the Act [§ 4416], shall apply only to “permitted uses” as listed in Article II, excluding single (one) and two family dwellings and associated accessory structures, specified home child care facilities under Section 4.8, signs, agriculture and forestry, and all other uses specifically exempted from these regulations under Section 9.2. Uses listed as a conditional use under Article II are not subject to site plan review *procedures*, however site plan review *standards* shall be applied through conditional use review under Section 5.4
- (2) **Conditional Use Review.** Conditional use review under Section 5.4, in accordance with the Act [§ 4414(3)] shall apply to all conditional uses as listed in Article II, or to other development as specified in these regulations.
- (3) **Flood Hazard Area Review.** Conditional use approval, including the application of flood hazard area development review standards under Section 5.5, is required for all listed “conditional uses” within designated Flood Hazard Overlay Districts (Special Flood Hazard Areas) including but not limited to new buildings in the underlying Village District (FHO I), and additions or improvements to existing buildings in other underlying zoning districts that are also within the Flood Hazard Area Overlay District (FHO II). If a conditional use in a Flood Hazard Area Overlay District is a “permitted use” in an underlying zoning district, it shall be subject to review only under flood hazard area district standards in Section 5.5(D), and not other conditional use standards under Sections 5.4 (see Table 2.8). [Amended effective 8/9/2010.]

(B) **Coordination of Review.** Subdivision review under Article VI, where required, shall precede site plan, conditional use or flood hazard area review. For the review of development on a lot that has received subdivision approval, the Development Review Board shall incorporate all conditions of subdivision approval applicable to that lot. In the event that a condition of site plan, conditional use or flood hazard area approval is inconsistent with the conditions of subdivision approval, the more restrictive shall apply. A subdivision amendment may be required as appropriate. In accordance with the Act [§ 4462], development subject to both site plan or conditional use review and flood hazard review may be reviewed concurrently by the Board, as long as the application, notice, procedural and review requirements for each are met.

### **Section 5.2 Application Requirements**

(A) An applicant for site plan, conditional use and/or flood hazard area review must submit to the Zoning Administrator, in addition to a zoning permit application under Section 9.3 and required fees, two (2) original and five (5) complete, reduced copies of a development review application that includes the information specified in Table 5.1. The Zoning Administrator shall refer any application requiring site plan, conditional use or flood hazard area approval to the Development Review Board for review and action. An application will not be considered complete by the Board until all necessary materials have been submitted.

(B) The Development Review Board may waive one or more required application materials if they determine that such information is unnecessary for a comprehensive review of the application. Such waivers will be granted at the time the application is deemed complete. The Board also may request

additional information as needed, including independent technical analyses as provided for under Section 9.8(C), to determine conformance with these regulations.

| 5.1 DEVELOPMENT REVIEW APPLICATION MATERIALS [Amended effective January 7, 2019.]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                  |                        |                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------------|--------------------------|
| Required Information (unless waived)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Site Plan Review | Conditional Use Review | Flood Hazard Area Review |
| Names, addresses of property owner(s) of record and persons preparing the application                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | ✓                | ✓                      | ✓                        |
| Names, addresses of the owner(s) of record of adjoining and facing properties; proof of notification of adjoining property owners                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | ✓                | ✓                      | ✓                        |
| Project description (summary, one page maximum)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | ✓                | ✓                      | ✓                        |
| Site location map showing project location in relation to town roads, surface drainage and adjoining and facing parcels                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | ✓                | ✓                      | ✓                        |
| Copy of an approved subdivision plat showing the lot to be developed and any applicable development restrictions or conditions of subdivision approval (for lots within approved subdivisions)                                                                                                                                                                                                                                                                                                                                                                                                                                              | ✓                | ✓                      | ✓                        |
| Statement of compliance with all applicable zoning district standards including overlay district and specific use standards                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | ✓                | ✓                      | ✓                        |
| Site plan, drawn to scale, prepared by a registered land surveyor, civil engineer, architect, landscape architect or other person(s) approved by the Board, showing as applicable:                                                                                                                                                                                                                                                                                                                                                                                                                                                          | ✓                | ✓                      | ✓                        |
| 1. Date, scale, north arrow, title block, preparer information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | ✓                | ✓                      | ✓                        |
| 2. Legal property boundaries                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | ✓                | ✓                      | ✓                        |
| 3. Zoning district boundaries (inc. designated flood hazard areas)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | ✓                | ✓                      | ✓                        |
| 4. Required setbacks and designated building envelope(s), if any                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | ✓                | ✓                      | ✓                        |
| 5. Existing site features: topography, including 5ft. contours, steep slopes (15% to 25%) very steep slopes (>25%), prominent ridgelines and hill tops; land use/cover, including tree lines; surface waters, wetlands, shorelines, and associated setback and buffer areas; critical wildlife habitat areas and wildlife travel corridors; existing structures (e.g., buildings, walls, fence lines, signs); known historic sites and structures; parking, loading and service areas; roads and driveways; utility corridors; water supply and wastewater system locations; rights-of-way and easements. [Amended effective May 24, 2021]. | ✓                | ✓                      | ✓                        |
| 6. Proposed land uses and structures (footprints); accesses, driveways, and pedestrian walkways; parking, loading and service areas; utility corridors; water supply and wastewater system locations; rights-of-way and easements                                                                                                                                                                                                                                                                                                                                                                                                           | ✓                | ✓                      | ✓                        |
| 7. Proposed site grading and drainage                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | ✓                | ✓                      | ✓                        |
| 8. Proposed landscaping, screening, outdoor lighting and signage                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | ✓                | ✓                      |                          |
| 9. Channel, floodway and base elevations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                  |                        | ✓                        |
| Photographs of the site                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | ✓                | ✓                      |                          |
| Traffic (trip) generation rates and circulation patterns                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | ✓                | ✓                      |                          |
| VTrans Letter of Intent (for project accessed from a state highway)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | ✓                | ✓                      |                          |
| Potable water supply, wastewater system designs, capacity information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | ✓                | ✓                      |                          |
| Draft legal documents (e.g., proposed easements, improvement, development and/or maintenance agreements)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | ✓                | ✓                      |                          |
| Construction schedule, including the sequence and timing of proposed site development and related improvements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | ✓                | ✓                      | ✓                        |
| The following information, as applicable for a particular use or zoning district, or as requested by the Board to determine conformance with these regulations:                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                  |                        |                          |
| 1. Landscaping plan (including landscaping material specifications)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | ✓                | ✓                      |                          |
| 2. Outdoor lighting plan (including lighting fixture specifications)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | ✓                | ✓                      |                          |
| 3. Open space management plan (for forest, farm land)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | ✓                | ✓                      |                          |
| 4. Buffer management plan (for surface waters, wetlands)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | ✓                | ✓                      |                          |
| 5. Stormwater management and erosion control plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | ✓                | ✓                      |                          |
| 6. Site reclamation plan (for earth extraction activities)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                  | ✓                      |                          |
| 7. Traffic impact analysis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                  | ✓                      |                          |
| 8. Community service/facility impact analysis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                  | ✓                      |                          |
| 9. Environmental impact analysis (e.g., water quality, habitat)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                  | ✓                      |                          |
| 10. Visual impact analysis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                  | ✓                      |                          |
| 11. Building elevations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | ✓                | ✓                      | ✓                        |
| 12. FEMA Elevation Certificate (for substantial improvements)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                  |                        | ✓                        |

|                                                                      |  |  |   |
|----------------------------------------------------------------------|--|--|---|
| 13. FEMA Floodproofing Certificate (for nonresidential buildings)    |  |  | ✓ |
| 14. Hydraulic analysis (for development located within the floodway) |  |  | ✓ |
| 15. Description of proposed watercourse alterations or relocations   |  |  | ✓ |

### Section 5.3 Site Plan Review

(A) **Purpose.** Site plan review is intended to ensure that site layout and design are functional, safe, attractive, and consistent with the purpose and character of the district(s) in which the development is located. Standards specifically relate to the internal layout of the site, its physical design, and the functional integration of the site with adjoining properties, uses and infrastructure.

(B) **Review Process.** Within 30 days of the receipt of an application, the Development Review Board shall schedule a public hearing at a regular or special board meeting to consider the application, to be warned in accordance with Section 9.8(D). The Board shall act to approve, approve with conditions, or disapprove an application for site plan review within 45 days of the date that the hearing is adjourned, and issue a written decision to include findings, conclusions, any conditions of approval, and provisions for appeal to Environmental Court, in accordance with the Act [§ 4464(b)] and Sections 9.5 and 9.8(F). Failure to act on the application within the 45 day period shall be deemed approval effective on the 46<sup>th</sup> day.

(C) **General Standards.** The Development Review Board may consider and impose appropriate safeguards, modifications and conditions relative to the following standards:

(1) **Site Features.** Site layout and design, to the extent feasible, shall incorporate and/or protect significant site features identified from the town plan or through site investigation, including but not limited to: areas of steep or very steep slope; surface waters, wetlands, and associated buffers designated in accordance with Section 3.17; flood hazard areas; delineated source protection areas (Section 3.15); critical wildlife habitat areas and wildlife travel corridors; scenic resources including prominent hillsides and ridgelines; and historic sites and structures, including buildings, cellar holes, stonewalls and fences. The Board may require the following to ensure the protection of natural and cultural features found on the site:

- (a) increased setback distances and/or undisturbed buffer areas,
- (b) permanent protection of such areas as designated open space,
- (c) the designation of building envelopes to limit the extent of site clearing and disturbed areas within the vicinity of identified resources, and/or
- (d) the preparation and implementation of management plans for protected resources.

[Amended effective May 24, 2021].

(2) **Site Layout & Design.** The location and orientation of structures, and supporting infrastructure on the site shall be compatible with their proposed setting and context, as determined for zoning district objectives, existing site conditions and features, adjoining or facing structures in the vicinity, and other applicable provisions of these regulations, including density, setback, height and buffering requirements. To ensure that development is designed in a manner that is consistent with the existing and desired character of the district within which it is located, the following general standards shall apply as specified for particular districts:

- (a) **Village (V), Resort Village (RV) & Resort Residential (RR) Districts.** Within the V, RV, and RR Districts site design and layout shall reinforce a traditional, compact village settlement pattern characterized by pedestrian scale and orientation, traditional densities and setbacks, well defined streetscapes, sidewalks or paths to facilitate pedestrian circulation, and a well-defined edge to the built environment. Buildings shall be oriented and scaled in relation to adjoining structures to establish well defined streetscapes and/or central greens.
  - (b) **Rural I (RI) & Rural II (RII) Districts.** Site design and layout within the RI and RII Districts shall reinforce the rural character and traditional working landscape of these districts, characterized by wooded hillsides, open fields, and a visual and functional relationship of structures to the surrounding landscape. Buildings shall be sited to minimize, to the extent feasible, encroachments on open fields and prominent ridgelines or hilltops, and be oriented and designed in a manner that is compatible with the residential character and scale of existing development within these districts.
  - (c) **Forest (FOR) & Conservation (CON) Districts.** Development within the FOR and CON Districts shall ensure the preservation of natural resources and environmentally sensitive areas, including steep slopes, wetlands, surface waters, critical wildlife habitat areas and wildlife travel corridors, productive forest land and scenic resources including prominent hillsides and ridgelines. In approving development within these districts the Board may require the designation of a building envelope in accordance with Subsection (C)(1). [Amended effective May 24, 2021].
- (3) **Vehicular Access.** Vehicular access and intersections with roads shall meet all applicable town and state design standards, including those set forth in Section 3.2. Such access shall not result in any hazard to vehicles, pedestrians or bicyclists on the site or on adjoining roads, sidewalks and pathways. In addition, to ensure safety and manage access in a manner that maintains road capacity the Board, in consultation with the Bolton Fire Chief and Road Foreman, or for projects on Route 2, the Vermont Agency of Transportation, may:
- (a) limit the number and size of curb cuts in accordance with Section 3.2;
  - (b) in instances involving pre-existing curb cuts not in compliance with these standards, require the reduction, consolidation or elimination of non-complying curb cuts;
  - (c) for parcels having direct access to more than one road, limit access to a side street or secondary (less traveled) road;
  - (d) require shared access between adjoining properties with compatible uses, to be installed immediately if similar provision has been made on a contiguous parcel, or to be contingent upon the future development of a contiguous parcel(s); or
  - (e) require access and driveway redesign as required to allow for emergency vehicle access.
- (4) **Parking, Loading & Service Areas.** On-site parking, loading and service areas shall be provided in accordance with the requirements of Section 3.11, and the following, with particular attention given to pedestrian and vehicular safety:
- (a) Parking areas shall be located to the rear or side of the principal building(s), unless otherwise permitted by the Board due to site conditions which would prevent the reasonable use of the property or result in unsafe traffic conditions.
  - (b) Parking areas shall be landscaped to avoid large, uninterrupted paved areas in accordance with Section 3.11, and screened to minimize their visibility from public rights-of-way and neighboring properties.

- (c) Shared parking and/or driveway connections to parking areas on adjacent properties, or provisions for future shared parking or driveway connections, shall be required where feasible. In the event that such connections allow for shared parking between properties, overall parking requirements may be reduced pursuant to Section 3.11.
  - (d) Loading and service areas shall be provided on-site in accordance with Section 3.11, and shall be adequate to meet the anticipated needs of the use in a manner that does not interfere with parking, internal circulation, and landscaping. Such areas shall be located, landscaped, and/or screened to minimize their visibility from public rights-of-way and neighboring properties.
  - (e) The outdoor storage or display of goods, supplies, vehicles, equipment, machinery or other materials is prohibited unless specifically approved by the Board, in accordance with Section 3.10 or as otherwise allowed for a specific use. Secured, covered and screened areas shall be provided for the collection and on-site storage of trash and recyclables generated by the proposed development.
- (5) **Site Circulation.** Provision shall be made for adequate and safe on-site vehicular and pedestrian circulation, with consideration given to the intended use of the property and the location of accesses, buildings, parking areas, and existing facilities on-site and on adjoining properties. Clearly marked travel lanes, pedestrian crossings, and pedestrian paths or sidewalks connecting buildings, parking areas, and adjoining properties are encouraged, and may be required by the Board as appropriate to ensure vehicular and pedestrian safety and convenience. In the event that the Town has adopted a sidewalk plan, the Board may require sidewalks or pedestrian paths that are consistent with that plan.
- (6) **Landscaping & Screening.** Landscaping shall be designed to enhance the overall appearance of the site, to integrate new development into its natural and historic surroundings, and to maintain or establish physical and visual compatibility with neighboring properties. Landscaping is required in front and side yards, adjacent to parking areas, and where rear yards abut residential properties or public roads, and shall be designed in accordance with the following, unless waived by the Board upon finding that, due to specific site conditions, the particular requirement is unnecessary to meet the purposes of this section:
- (a) Existing vegetation shall be preserved and incorporated in site design, especially trees that are determined to be of special horticultural or landscape value.
  - (b) The use of native species is recommended and may be required to avoid the introduction and spread of nuisance or exotic species.
  - (c) Shade and street trees shall be a minimum of 2.5" caliper (trunk diameter), measured at a height of five (5) feet, or, in the case of coniferous trees, be a minimum of eight (8) feet in height.
  - (d) Deciduous and coniferous shade trees should be placed in available yard areas, especially in front and side yards and parking areas.
  - (e) Shade trees should be placed to interrupt the facades of buildings, break-up expanses of parking, visually reduce the scale and bulk of large buildings, integrate the site with the surrounding landscape and to enhance environmental quality (e.g., wildlife habitat, soil stabilization, storm water retention, air quality, energy conservation).
  - (f) Street trees, to include a variety of deciduous, salt resistant, shade trees, should be planted to establish a canopy effect along public roads and highways. In the event that the Town has developed a street tree plan for a district or road segment, the Board may require tree plantings that are consistent with that plan.
  - (g) Landscaping beds should enhance the general appearance of the site, define planting strips and buffer areas, and reduce the amount of grass lawn area. Such beds are not to be considered a substitute for tree plantings or other open space requirements.
  - (h) A three (3)-year maintenance plan for all proposed landscaping shall be prepared; bonding or other surety may be required by the Board to ensure installation and maintenance in accordance with Section 9.8(F).

- (7) **Outdoor Lighting.** Outdoor lighting installations shall meet the requirements of Section 3.9. The Board may require the submission of an outdoor lighting plan, prepared by a qualified engineer or lighting expert, for projects determined by the Board to pose a potential for significant off-site impact due to the number, location and/or intensity of proposed lighting fixtures.
- (8) **Stormwater Management & Erosion Control.** Stormwater management and erosion control shall be designed, installed and maintained accordance with best management practices accepted by the state, as appropriate for the proposed drainage area, type and density of development and lot coverage. In addition:
- (a) All stormwater management systems shall be designed to: incorporate natural drainage systems to the extent feasible and minimize the need for system maintenance; maximize on-site infiltration and treatment, and minimize surface runoff; accommodate existing and anticipated runoff, including anticipated flows from storm events, and total runoff generated at build-out; provide well designed storage areas and stormwater treatment to manage runoff and protect water quality; and to avoid flooding or damage to adjoining properties and downstream drainage facilities.
  - (b) The Board may require the submission of stormwater management and/or erosion control plans, prepared by a licensed professional, for all phases of development. Such plans shall incorporate accepted management practices as recommended by the state in the most recent editions of the *Vermont Stormwater Management Manual* and the *Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites*.
  - (c) The applicant shall demonstrate that existing downstream drainage facilities will be able to accommodate any additional runoff from the site. If increased runoff exceeds the capacity of downstream drainage, storage or treatment facilities, the Board may require that the applicant delay construction until such capacity exists, or install off-site improvements as needed to increase downstream capacity.
  - (d) The Board may also require project phasing to minimize the extent of soil disturbance and erosion during each phase of site development.

#### **Section 5.4 Conditional Use Review**

(A) **Purpose.** Conditional use review is intended to ensure compliance with standards addressing the potential impacts of development on adjoining properties, the neighborhood and/or zoning district in which the development is located, and the community at large. Typically, land uses are subject to conditional use review because their scale, intensity and potential for off-site impacts warrant more careful scrutiny by the Development Review Board. Standards and conditions relate to the identification, avoidance and/or mitigation of potential impacts. In order to expedite the local review process, conditional uses are not subject to site plan review under Section 5.3; however, site plan review criteria are incorporated here by reference for consideration under conditional use review.

(B) **Review Process.** Upon determination that an application for conditional use review is complete, the Development Review Board shall schedule a public hearing of the Development Review Board, warned in accordance with Section 9.8(D). The Board shall act to approve, approve with conditions, or disapprove an application for conditional use review within 45 days of the date that the hearing is adjourned, and issue a written decision to include findings, conclusions, any conditions of approval, and provisions for appeal to Environmental Court, in accordance with the Act [§ 4464(b)] and Section 9.8(F). Failure to act on the application within the 45-day period shall be deemed approval effective on the 46<sup>th</sup> day.

(C) **General Standards.** Conditional use approval shall be granted by the Development Review Board upon finding that the proposed development shall not result in an undue adverse effect on any of the following:

- (1) **The capacity of existing or planned community services or facilities.** The Board shall consider the demand for community services and facilities resulting from the proposed development in relation to the available capacity of such services and facilities. Available capacity may be determined in part through consultation with other municipal and/or state officials having jurisdiction over affected services and facilities, and consideration of any duly adopted capital budget and program in effect. Conditions may be imposed as appropriate to ensure that the demand for community facilities or services does not exceed existing or anticipated available capacity.
- (2) **The character of the area affected.** The Board shall consider the location, scale, type, density and intensity of use associated with the proposed development in relation to the character of the area likely to be affected, as defined by the Board based on applicable zoning district purposes and standards and specifically stated policies and standards of the *Bolton Town Plan*. Conditions may be imposed as appropriate to ensure project compatibility with 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 in effect.** The Board shall consider whether the proposed development complies with all municipal bylaws and ordinances in effect at the time of application, including other applicable provisions of these regulations. No development shall be approved in violation of existing municipal bylaws and ordinances. Conditions may be imposed or incorporated as appropriate to ensure compliance with municipal bylaws and ordinances; or to ensure that necessary municipal and state permits including, but not limited to access, water supply and wastewater disposal permits, are obtained prior to the issuance of a zoning permit.
- (5) **The utilization of renewable energy resources.** The Board shall consider whether the proposed development will interfere with the sustainable use of renewable energy resources, including access to, direct use or future availability of such resources. Conditions may be imposed as appropriate to ensure long-term access, use and availability of such resources.

(D) **Site Plan Review Standards.** In addition to the general standards set forth in Subsection (C) above, the Development Review Board shall also apply all applicable site plan review standards set forth in Section 5.3(C). Compliance with such standards shall be a requirement of conditional use approval.

(E) **Specific Standards.** In addition to general standards under subsection 5.4(C) and site plan review standards under 5.4(D), the Board also may consider the following standards and impose conditions as appropriate to reduce or mitigate the adverse impacts of a proposed development:

- (1) **Conformance with the Town Plan.** Applications for conditional use approval shall conform to specific policies and objectives of the *Bolton Town Plan*, as most recently amended prior to the effective date of these regulations, and shall not have an undue adverse effect on significant natural, cultural or scenic features identified in the town plan, including natural areas, wildlife habitat, productive forests and farmland, surface waters, wetlands, water supplies and aquifers, historic sites, and scenic views or vistas in the vicinity of the proposed development. [Amended effective May 24, 2021].

- (2) **Zoning District & Use Standards.** All conditional uses shall comply with dimensional, density and associated standards for the district(s) in which the use or development is located as specified in Article II, except as modified for planned residential or planned unit developments, or as otherwise required for a specific use. The Board may require increased setbacks and buffers, or reduced lot coverage or densities of development to avoid or mitigate adverse impacts to adjoining properties or significant natural, cultural or scenic features in the vicinity of the site.
- (3) **Performance Standards.** The proposed use shall comply with all performance standards set forth in Section 12. In determining compliance, the Board may consult with state officials and consider accepted industry standards. To ensure compliance, the Board may require documentation that a proposed use, process and/or operation of proposed equipment will comply with applicable performance standards; and/or may reasonably limit hours of operation as a condition of approval.
- (4) **Legal Documentation.** The Board may require documentation and assurances that all required improvements, associated rights-of-way and easements, and other common lands or facilities will be installed and adequately maintained either by the applicant, an owners association, or through other legal means acceptable to the Board, in accordance with Section 9.8(F).

## Section 5.5 Flood Hazard Review

(A) **Purpose.** The purposes of Flood Hazard Area Overlay Districts (FHO I, II) under Table 2.8 and associated requirements under this section are to:

- (1) protect public health, safety, and welfare within designated Special Flood Hazard Areas by preventing or minimizing hazards to life and property due to flooding, in accordance with the Act [§ 4424]; to
- (2) manage “development” as specifically defined under Section 10.3 for purposes of flood hazard area management, according to the town’s adopted municipal and hazard mitigation plans; and to
- (3) ensure that the Town of Bolton is eligible for continued membership in the National Flood Insurance Program (NFIP) so that the town, local residents and businesses within designated Special Flood Hazard Areas may qualify for federal flood insurance, and for available disaster recovery and hazard mitigation assistance. [Amended effective 8/9/2010.]

(B) **Applicability.** Flood Hazard Area Overlay Districts (FHO I, II) include all Special Flood Hazard Areas (SFHAs) in and on the most current Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) issued for the Town of Bolton by the NFIP, as provided by the Agency of Natural Resources. All development within a FHO District, with the exception of permitted uses within the district as identified in Table 2.8, shall be subject to conditional use review by the Development Review Board under Section 5.4, and the following flood hazard area regulations. Permitted uses within the underlying district, which would otherwise not be subject to conditional use review, are not required to meet conditional use standards under Subsections 5.4(C) through (E). Conditional uses within the underlying district are subject to both conditional use and flood hazard area requirements. [Amended effective 8/9/2010.]

(C) **Review Process.** Applications shall be reviewed in accordance with the procedures for conditional use review under Section 5.4(B).

(D) **Application Requirements.** In addition to a development review application prepared in accordance with Table 5.1, an applicant for conditional use review within a FHO District shall submit to the Zoning Administrator the following:

- (1) A site plan showing the location of all water bodies, special flood hazard areas, floodways, and existing and proposed drainage; proposed fill and pre- and post-development grades.
  - (a) Where base flood elevations or floodway limits have not been provided by the National Flood Insurance Program, it is the applicant's responsibility to develop necessary data. Where available, the applicant shall use data provided by the Federal Emergency Management Agency (FEMA), the state or other federal agency.
- (2) The location on the site plan, and elevations of all roads, water supply and wastewater facilities in relation to the channel, floodway, and base flood elevations.
- (3) Building elevations showing the elevation of the lowest floor as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Map (FIRM). A completed FEMA "Elevation Certificate" prepared by a registered surveyor, engineer, architect or other state official who is authorized by the state to certify building elevation information shall be required for substantial improvements to an existing structure.
- (4) Where floodproofing is proposed (as allowed for nonresidential buildings), a completed FEMA "Floodproofing Certificate" prepared by a registered professional engineer or architect who is authorized by the state to certify floodproofing design and construction.
- (5) Hydraulic analyses, prepared and certified by a registered professional engineer, for development located within the floodway or within Zones AE, AH and A1-30 where base flood elevations or flood limits have not been determined.
  - (a) Development shall not be permitted within these areas unless it is demonstrated that the cumulative effect of proposed development, when combined with all other existing and anticipated encroachments, will not increase the base flood elevation more than one (1.00) foot at any point in the community. The demonstration must be supported by technical data that conforms to standard hydraulic principles.
- (6) A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
- (7) The total value of all proposed structural improvements, including the cost of all materials, repairs, built-in appliances, labor, overhead and profit, in relation to the market value of the building, excluding the value of land and existing accessory structures (see application form instructions).

Calculation: (Total Cost of Improvement / Market Value of Building) x 100 = X%

**\*\*Note:** If the estimated cost of the proposed project exceeds 50% of the building's market value, it meets the definition of a "Substantial Improvement" under Section 10.3, and as such must meet all requirements for new construction.

[Amended effective 8/9/2010.]

(E) **Additional Notice & Referral Requirements.** In addition to public hearing notice requirements for conditional use review under Sections 5.4 and 9.8(D), the following shall also apply:

- (1) Prior to issuing a permit or conditional use approval for any development within a Flood Hazard Overlay District, including any allowed permitted or conditional use, a copy of the complete application and supporting information shall be submitted to the State National Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources. A permit may be issued only following the receipt of comments from the Agency, or the expiration of 30 days from the date of application was referred to the Agency, whichever is sooner.
- (2) Applications that include proposals to alter or relocate a watercourse also shall be submitted to adjacent municipalities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the US Army Corps of Engineers. A permit may be issued only following the receipt of comments from the Agency, or the expiration of 30 days from the date the application was referred to the Agency, whichever is sooner.

[Amended effective 8/9/2010.]

**(F) Flood Hazard Overlay District Standards.** The following minimum standards apply within an FHO District to all development, as defined under Section 10.3 for purposes of flood hazard area management. The Development Review Board may impose specific conditions or require project modifications for development within a Flood Hazard Area Overlay District in accordance with the following standards and associated state or federal program requirements:

- (1) **Siting.** No new development shall be allowed in a Flood Hazard Area Overlay District (Special Flood Hazard Area) if it can reasonably be located outside of the district on the parcel to be developed, or on another parcel in common ownership.
- (2) **Prohibited Uses.** The following development is specifically prohibited within Flood Hazard Area Overlay Districts (Special Flood Hazard Areas):
  - (a) new and expanded salvage yards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials;
  - (b) fill, except as necessary to elevate a building above the base flood elevation, or for state-approved channel or floodplain management activities;
  - (c) excavation and grading except as necessary and incidental to an approved use;
  - (d) enclosures that are below grade on all sides, including below grade basements and crawl spaces; and
  - (e) new critical facilities as defined under Section 10.3, which are also prohibited within areas having a 0.2% chance of flooding in any year (the 500-year floodplain) as depicted on current federal Flood Insurance Rate Maps (FIRMs).

New principal structures are prohibited within the Flood Hazard Area Overlay District II (FHO II), including all areas within designated Special Flood Hazard Areas outside of the Village District.

- (3) **Floodways.** Development and other encroachments within floodways are prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood; and will not increase any risk to surround properties, facilities or structures from flooding. Certification shall be supported by hydraulic studies performed in accordance with standard engineering principles.
  - (a) New structures and facilities, including new buildings, accessory structures, fuel storage tanks and water supply and wastewater systems, are prohibited within floodway areas, unless associated with a use that functionally requires stream access.

- (b) Public utilities may be placed underground within floodway areas, and hydraulic analyses may be waived, if a professional engineer certifies that there will be no change in surface grade, and the utilities will be protected from scour.
- (4) All development within Flood Hazard Area Overlay Districts (Special Flood Hazard Areas) shall be designed to:
- (a) be reasonably safe from flooding;
  - (b) minimize flood damage to the proposed development and to public facilities and utilities;
  - (c) provide adequate drainage to reduce exposure to flood hazards; and be sited to;
  - (d) minimize potential conflicts with changes in stream channel location over time.
- (5) All buildings and other structures shall be:
- (a) designed, modified, operated, maintained and adequately anchored to prevent flotation, collapse, release or lateral movement of the structure during the occurrence of the base flood;
  - (b) constructed with materials resistant to flood damage;
  - (c) constructed by methods and practices that minimize flood damage; and
  - (d) constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within components during conditions of flooding.
- (6) Fuel storage tanks required to serve existing or approved uses shall be:
- (a) elevated above the base flood elevation and be securely anchored to prevent flotation; or
  - (b) placed underground and securely anchored, as certified by a qualified professional.
- (7) The flood carrying and sediment transport capacity within any altered or relocated portion of a watercourse shall be maintained, and any alteration or relocation shall not result in any decrease in stream stability.
- (8) New and replacement water supply and wastewater (sanitary sewage) systems shall be designed to minimize or eliminate the infiltration of floodwaters into these systems and discharges from these systems into floodwaters.
- (9) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (10) New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of fill (the pad) under the entire manufactured home is above the base flood elevation.
- (11) The lowest floor, including basement, of all new buildings, except for accessory buildings under subsection (12), shall be elevated above the base flood elevation.
- (12) A small accessory building with a footprint of 500 square feet or less that represents a minimal investment may be constructed below the base flood elevation provided that the building shall:
- (a) not be used for human habitation or the storage of hazardous materials, as specified in the written conditions of approval;
  - (b) be designed to have low flood damage potential;
  - (c) be constructed and placed on the building site so as to offer minimal resistance to the flow of floodwaters,
  - (d) be firmly anchored to prevent flotation which may result in damage to other structures; and
  - (e) have service facilities (e.g., electrical and heating equipment) that are either elevated above the base flood elevation or floodproofed.

- (13) Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of subsection (11) as documented, in as-built condition, with a FEMA Elevation Certificate.
- (14) Existing buildings to be substantially improved for nonresidential purposes shall either: (a) meet the requirements of subsection (11) above; or (b) be designed so that the structure and attendant utility and sanitary facilities are watertight below the base flood elevation with substantially impermeable walls and structural components that have the capability to resist hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a building proposed to be floodproofed shall not be issued a permit or approval until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
- (15) All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding (that are below the base flood elevation) shall be:
- used only for parking, storage and building access, as clearly stated on permits and approvals issued for construction; and
  - designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
    - a minimum of two (2) openings that have a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and
    - the bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other covers or devices provided that allow for the automatic entry and exit of floodwaters.
- (16) Recreational vehicles stored in a Flood Hazard Area Overlay District shall either:
- be fully licensed and ready for highway use, or
  - meet the standards of subsection (10) for manufactured homes, including elevation and anchoring requirements.

[Amended effective 8/9/2010.]

**(G) Other permits.** Proposed development within a Flood Hazard Area Overlay District shall also be reviewed to ensure that all necessary permits have been received from federal or state agencies from which approval is required under federal or state law. The Zoning Administrator or Development Review Board may require the submission of a Project Review Sheet issued by a state permit specialist to determine what other permits may be required for a particular project. No certificate of occupancy or compliance shall be issued under Section 9.4 until copies of all required permits have been submitted to the town.

**(H) Variances.** In addition to the standards for granting variances set forth in Section 9.6(A), requests for variances within a Flood Hazard Area Overlay District must also comply with the standards set forth in Section 9.6(C) specific to variances within flood hazard areas.

(1) Any variance issued within a Flood Hazard Area Overlay District (Special Flood Hazard Area) will not result in an increase flood heights, and will inform the applicant in writing over the signature of a town official that the issuance of a variance to construct a structure below the base flood elevation will increase risks to life and property and result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions. [Amended effective 8/9/2010.]

(I) **Violations.** Violations of flood hazard area regulations, as defined for this purpose under Section 10.3, shall be notices, issued and reported in accordance with Section 9.7. [Amended effective 8/9/2010.]

(J) **Zoning Administrator Duties.** In addition to other permit recording requirements under Section 9.8(G)(1), the Zoning Administrator shall, in accordance with Section 9.8(F)(2), also maintain a record of:

- (1) all permits issued for development in Flood Hazard Area Overlay Districts (Special Flood Hazard Areas), including total estimated construction cost of permitted development;
- (2) the elevation, in relation to mean sea level (consistent with the elevation datum on the Flood Insurance Rate Map), of the lowest floor, including basement, of all new or substantially improved buildings, except for minor accessory structures approved under subsection (F)(12) above;
- (3) the elevation, in relation to mean sea level (consistent with the elevation datum on the Flood Insurance Rate Map), to which buildings have been floodproofed;
- (4) all certifications required under these regulations, including as-built Elevation and Floodproofing Certificates; and
- (5) all variance and violations issued for development within these districts, including supporting findings of fact and justifications for their issuance.

[Amended effective 8/9/2010.]

## ARTICLE VI. SUBDIVISION REVIEW PROCEDURES

### Section 6.1 Applicability

(A) **Applicability.** In accordance with the Act [§ 4418], whenever any subdivision of land is proposed, subdivision approval by the Development Review Board is required prior to:

- the sale or lease of any portion of a parcel of land,
- grading, clearing, construction or installation of site improvements associated with the subdivision of land, or the development of a parcel to be subdivided (excluding forestry, agricultural, and land surveying activities),
- applying for a zoning permit for the development of any parcel to be subdivided, or
- filing a subdivision plat in the land records of the town.

**Subdivision of Land:** The division of any parcel of land into two or more parcels for the purpose of offer, transfer, sale, conveyance, lease or development. The term also includes the re-subdivision of a previously subdivided parcel, amended subdivisions, the division of land held in common among several owners, and planned residential and planned unit developments.

Such approval shall be granted by the Board only in accordance with the procedures and standards set forth below.

(B) **Exemptions.** The following are specifically exempted from subdivision review under this Article:

- (1) parcels leased for agricultural or forestry purposes where no permanent roads or structures are established,
- (2) rights-of-way or easements which do not result in the subdivision of land, and
- (3) a boundary (lot line) adjustment between parcels legally in existence as of the effective date of these regulations that are not part of an approved subdivision, if the boundary adjustment does not result in the creation of new or nonconforming lots under these regulations and the adjustment is surveyed by a licensed surveyor, issued a zoning permit in accordance with Section 9.3, and recorded in the town land records under Section 9.8.

(C) **Minor & Major Subdivisions.** For the purposes of these regulations, subdivisions of land shall be classified by the Development Review Board as “minor” or “major” subdivisions as follows:

- (1) **Minor subdivisions**, to be reviewed under Section 6.5 include:
  - (a) the subdivision of land, or the resubdivision of a previously subdivided parcel, which results in the creation of a total of three (3) or fewer lots, regardless of any change in ownership, and does not require the installation of a road or shared utilities; or
  - (b) an amendment to an approved subdivision, including a boundary (lot line) adjustment, which does not substantially alter the subdivision or conditions of approval, nor result in the creation of a major subdivision.
- (2) **Major subdivisions**, to be reviewed under Sections 6.4 and 6.5 include:
  - (a) the subdivision of land, or the resubdivision of a previously subdivided parcel (e.g., a minor subdivision) which results in the creation of a total of four (4) or more lots and/or requires the installation of a new road or shared utilities;
  - (b) an amendment to an approved subdivision which substantially alters the subdivision or conditions of approval, or which results in the creation of a major subdivision or a new road; and
  - (c) all planned residential and planned unit developments.

**Table 6.1 Subdivision Review At A Glance**

| Action                                                                                                                                                        | Responsibility/Time Frame                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| <b>Sketch Plan [all subdivisions]:</b>                                                                                                                        |                                                                                                        |
| 1. Submission of sketch plan; any waiver requests [in writing]                                                                                                | Subdivider/ at least 10 days prior to a regularly scheduled Development Review Board meeting           |
| 2. Development Review Board meeting                                                                                                                           | Subdivider/ attendance at meeting required                                                             |
| 3. Classification of subdivision as minor or major; action on request for waivers (if any); written recommendations for modifications, additional information | Development Review Board/ within 45 days of the date of the final sketch plan meeting                  |
| <b>Minor Subdivision [3 or fewer lots]:</b>                                                                                                                   |                                                                                                        |
| 1. Submission of final subdivision plan, proposed plat and supporting documentation; any waiver requests [in writing]                                         | Subdivider/ within 6 months of the date of sketch plan review                                          |
| 2. Development Review Board public hearing                                                                                                                    | Development Review Board/ hearing to be warned in accordance with Section 9.8(D).                      |
| 3. Subdivision and plat approval                                                                                                                              | Development Review Board/ within 45 days of the hearing adjournment date                               |
| 4. Final plat recording in the town records                                                                                                                   | Subdivider/ within 180 days of the date of subdivision approval.                                       |
| 5. Certificate of Compliance (if required)                                                                                                                    | Subdivider & Zoning Administrator/ upon completion of all improvements [see Sections 6.5, 9.8(F)]      |
| <b>Major Subdivision [4 or more lots]:</b>                                                                                                                    |                                                                                                        |
| 1. Submission of preliminary subdivision plan, supporting documentation; any waiver requests [in writing]                                                     | Subdivider/ within 6 months of the date of sketch plan approval                                        |
| 2. Preliminary Development Review Board public hearing                                                                                                        | Development Review Board/ hearing to be warned in accordance with Section 9.8(D).                      |
| 3. Preliminary subdivision/plat approval                                                                                                                      | Development Review Board/ within 45 days of the hearing adjournment date                               |
| 4. Submission of final subdivision plan and plat, including supporting documentation                                                                          | Subdivider/ within 6 months of the date of preliminary plan approval                                   |
| 5. Final Development Review Board public hearing                                                                                                              | Development Review Board/ hearing to be warned in accordance with Section 9.8(D)                       |
| 6. Final subdivision and plat approval                                                                                                                        | Development Review Board/ within 45 days of the hearing adjournment date.                              |
| 7. Final plat recording in the town records                                                                                                                   | Subdivider/ within 180 days of the date of final subdivision approval.                                 |
| 8. Certificate of Compliance (if required)                                                                                                                    | Subdivider and Zoning Administrator/ upon completion of all improvements [see Sections 6.5 and 9.8(F)] |

(D) **Coordination with Planned Residential and Planned Unit Development Review.** Applications for planned residential or planned unit developments (PRDs or PUDs) shall be reviewed by the Development Review Board as major subdivisions, concurrently with PRD or PUD review under Article VIII.

## Section 6.2 Waiver Authority

(A) In accordance with the Act [§ 4418((2)(A)], the Development Review Board may waive one or more application requirements specified in Table 6.2, or one or more subdivision standards under Article VII, if the Board determines that the requirement:

- (1) is not requisite in the interest of public health, safety, and general welfare;
- (2) is inappropriate due to the inadequacy or lack of connecting facilities adjacent to or in proximity to the subdivision; and
- (3) will not have the effect of nullifying the intent and purpose of applicable provisions of these regulations, the *Bolton Town Plan* and/or other municipal bylaws and ordinances in effect.

(B) The Development Review Board may waive preliminary subdivision review under Section 6.4 for major subdivisions that do not require the installation of roads or other improvements, and all resulting parcels are 30 acres or more.

(C) The Development Review Board may waive one or more application or review requirements (e.g., boundary survey requirements) for the retained portion of a parcel to be subdivided, if the retained parcel is 30 acres or more and is to remain unimproved and undeveloped. In granting such a waiver, the Development Review Board shall require that any portion of the subdivision to be separately conveyed and/or developed comply with all applicable requirements of these regulations.

(D) The request for a waiver shall be submitted in writing by the subdivider with the sketch plan submitted under Section 6.3. It shall be the responsibility of the subdivider to provide sufficient information to allow the Board to justify the waiver or variance. In granting waivers, the Board may require such conditions that will, in its judgment, substantially meet the objectives of the requirements so waived or varied. No such waiver may be granted if it would have the effect of nullifying the intent and purpose of these regulations or other municipal ordinances or regulations currently in effect.

## Section 6.3 Sketch Plan Review [all subdivisions]

(A) **Purpose.** The purpose of a pre-hearing sketch plan review is to acquaint the Board with a proposed subdivision at a conceptual stage in the design process, prior to the submission of a formal application. This is intended to help identify the type of subdivision and a subdivision design that best meet the needs of the subdivider and the requirements of these regulations prior to the subdivider incurring significant expense. A sketch plan shall be submitted for all proposed subdivisions, prior to the submission of a subdivision application, for the purposes of:

- (1) classification as a minor or major subdivision;
- (2) to allow for initial consideration of a proposed subdivision plan's compliance with the town plan, these regulations, and any other municipal regulations currently in effect; and
- (3) to consider any associated waivers requested under Section 6.2.

(B) **Application Requirements.** The subdivider shall submit to the Zoning Administrator, at least 10 days prior to a regularly scheduled Development Review Board meeting, two (2) originals and five (5) copies of a proposed sketch plan which includes the information specified for conceptual plan review in Table 6.2. The application may also include, in writing, any requested waivers to be considered under Section 6.2 and the reasons for such waivers.

**Table 6.2 Subdivision Application Requirements**

|                                                                                                                                                                                                                                                                                                                                             | Sketch Plan            | Preliminary Plan       | Final Plan             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------------------|------------------------|
| <b>(A) Application Information [unless waived by the DRB]</b>                                                                                                                                                                                                                                                                               |                        |                        |                        |
| Application Form [number of copies]                                                                                                                                                                                                                                                                                                         | 2 originals & 5 copies | 2 originals & 5 copies | 2 originals & 5 copies |
| Application Fee [as set by the Select Board]                                                                                                                                                                                                                                                                                                |                        | ✓                      | ✓                      |
| Name of project, if any                                                                                                                                                                                                                                                                                                                     |                        | ✓                      | ✓                      |
| Name, address of subdivider [landowner and/or subdivider]                                                                                                                                                                                                                                                                                   | ✓                      | ✓                      | ✓                      |
| Written description of proposed development plans, including Number and size of lots; general timing of development                                                                                                                                                                                                                         | ✓                      | ✓                      | ✓                      |
| Waiver request in writing [optional]                                                                                                                                                                                                                                                                                                        | ✓                      | ✓                      |                        |
| Names, addresses of adjoining property owners [from Bolton Grand List]                                                                                                                                                                                                                                                                      |                        | ✓                      | ✓                      |
| Evidence of written notification to all adjoining property owners of intent to subdivide (certificate of service or mailing receipts)                                                                                                                                                                                                       |                        | ✓                      | ✓                      |
| <b>(B) Plan/Plat Mapping Requirements</b>                                                                                                                                                                                                                                                                                                   | Sketch                 | Draft Plat             | Final Plat             |
| Materials [original, copies may be paper]                                                                                                                                                                                                                                                                                                   | Paper                  | Paper                  | Mylar                  |
| Preparer Information, Certifications [Surveyors, Designers, etc.]                                                                                                                                                                                                                                                                           |                        | ✓                      | ✓                      |
| Scale [minimum 1 inch = 200'; or as specified by Board]                                                                                                                                                                                                                                                                                     | ✓                      | ✓                      | ✓                      |
| Date, North Arrow, Legend`                                                                                                                                                                                                                                                                                                                  | ✓                      | ✓                      | ✓                      |
| Project boundaries and property lines                                                                                                                                                                                                                                                                                                       | Drawn                  | Drawn                  | Surveyed               |
| Existing and proposed lot lines, dimensions, numbers                                                                                                                                                                                                                                                                                        | Drawn                  | Drawn                  | Surveyed               |
| Monument Locations                                                                                                                                                                                                                                                                                                                          |                        |                        | ✓                      |
| Adjoining land uses, roads and drainage                                                                                                                                                                                                                                                                                                     | ✓                      | ✓                      | ✓                      |
| Zoning district designations and boundaries                                                                                                                                                                                                                                                                                                 | ✓                      | ✓                      | ✓                      |
| Contour Lines [minimum 5' intervals, 2' in septic areas, or as specified]                                                                                                                                                                                                                                                                   | ✓                      | ✓                      | ✓                      |
| A general indication of land cover, including forested areas and forest type, tree lines, and land in current or recent (prior 3 years) agricultural production                                                                                                                                                                             | ✓                      | ✓                      | ✓                      |
| The location of natural and physical site features, including watercourses, wetlands and associated buffers; special flood hazard areas, including base flood elevations; areas of steep slope (15 to 25%) and very steep slope (>25%); critical wildlife habitat areas; historic sites and structures; and all buildings, fences and walls | General Locations      | Specific Locations     | Specific Locations     |
| Existing and proposed roads, paths, shared parking areas, associated rights-of-way or easements, distances and dimensions                                                                                                                                                                                                                   | Drawn                  | Drawn                  | Surveyed               |
| Proposed building envelopes, dimensions [or footprints if specified]                                                                                                                                                                                                                                                                        |                        | ✓                      | ✓                      |
| Existing and proposed utilities: power, water, wastewater and stormwater systems, and associated rights-of-way or easements                                                                                                                                                                                                                 |                        | Drawn                  | Surveyed               |
| Proposed park, playground or other recreation areas, or areas to be dedicated for public use                                                                                                                                                                                                                                                |                        | Drawn                  | Surveyed               |
| Proposed landscaping and screening                                                                                                                                                                                                                                                                                                          |                        | ✓                      | ✓                      |

**Table 6.2 Subdivision Application Requirements (cont.)**

| <b>(B) Plan/Plat Mapping Requirements, cont.</b>                                                                                                                                                 | <b>Sketch</b>                          | <b>Draft Plat</b>                                     | <b>Final Plat</b>                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-------------------------------------------------------|-------------------------------------------------------|
| Proposed conservation, buffer and/or open space easement areas                                                                                                                                   |                                        | ✓                                                     | ✓                                                     |
| Certification block and associated plat requirements (see section 6.6)                                                                                                                           |                                        |                                                       | ✓                                                     |
| <b>(C) Supporting Information &amp; Documentation</b>                                                                                                                                            | <b>Sketch Plan</b>                     | <b>Preliminary Plan</b>                               | <b>Final Plan</b>                                     |
| Site location map showing proposed subdivision in relation to major roads, drainage ways, and adjoining properties within a minimum radius of 2,000 feet [e.g., USGS or Vermont orthophoto base] | ✓                                      | ✓                                                     | ✓                                                     |
| Statement of compliance with town plan and applicable local regulations                                                                                                                          | ✓                                      | ✓                                                     | ✓                                                     |
| Road profiles; road, intersection and parking area geometry and construction schematics                                                                                                          |                                        | Preliminary                                           | Approved by Road Foreman                              |
| Engineering reports and certifications: water, wastewater and stormwater systems (or copies of relevant state permits)                                                                           |                                        | Preliminary                                           | Final                                                 |
| VTrans Letter of Intent (for a subdivision accessed from a state highway)                                                                                                                        |                                        | ✓                                                     | ✓                                                     |
| Existing and proposed traffic generation rates, volumes                                                                                                                                          |                                        | Estimated                                             | Documented                                            |
| Off-site easements (e.g., water, wastewater, stormwater, access)                                                                                                                                 |                                        | Draft                                                 | Final                                                 |
| Proposed phasing schedule                                                                                                                                                                        |                                        | Draft                                                 | Final                                                 |
| Proposed covenants and/or deed restrictions                                                                                                                                                      |                                        | Draft                                                 | Final                                                 |
| Proposed homeowner or tenant association or agreements                                                                                                                                           |                                        | Draft                                                 | Final                                                 |
| Proposed shared driveway, parking, road management agreements and waivers                                                                                                                        |                                        | Draft                                                 | Final                                                 |
| Standardized subdivision (parcel) data in VGIS-compatible format                                                                                                                                 |                                        |                                                       | ✓                                                     |
| Proposed performance bond or surety                                                                                                                                                              |                                        | Description                                           | Approved by Select Board                              |
| <b>(D) As may be required by the Development Review Board</b>                                                                                                                                    |                                        |                                                       |                                                       |
| Stormwater management and/or erosion control plan                                                                                                                                                | As required under sketch plan approval | As required under sketch plan or preliminary approval | As required under sketch plan or preliminary approval |
| Grading plan (showing proposed areas of cut and fill)                                                                                                                                            |                                        |                                                       |                                                       |
| Open space management plan                                                                                                                                                                       |                                        |                                                       |                                                       |
| Temporary field markers, located on the site, to enable the Board to determine the proposed location of parcel boundaries, building envelopes and associated improvements                        |                                        |                                                       |                                                       |
| Letters from municipal and school district officials and emergency service providers regarding adequacy of existing facilities, capacities                                                       |                                        |                                                       |                                                       |
| Outdoor Lighting Plan                                                                                                                                                                            |                                        |                                                       |                                                       |
| Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)                                                                             |                                        |                                                       |                                                       |
| Fiscal impact analysis (analysis of fiscal costs and benefits to the town)                                                                                                                       |                                        |                                                       |                                                       |
| Historic or archeological assessment                                                                                                                                                             |                                        |                                                       |                                                       |
| Environmental impact assessment (analysis of potential environmental impacts, proposed mitigation measures)                                                                                      |                                        |                                                       |                                                       |
| Visual Impact Assessment (analysis of aesthetic impacts)                                                                                                                                         |                                        |                                                       |                                                       |

[Table 6.2 Amended effective January 7, 2019.]

(C) **Sketch Plan Meeting.** Within 30 days of the date of sketch plan submission, the Development Review Board shall schedule time at a regular or special meeting of the Board to consider the sketch plan. This meeting shall be attended by the subdivider and/or an authorized representative. The Board may schedule additional meetings with the subdivider as needed to consider additional information and alternative subdivision designs. The Board shall conclude its review of the sketch plan within 45 days of the date of the final sketch plan meeting and take action in accordance with Subsection (D).

(D) **Action on Sketch Plan.** Within 45 days of the final meeting at which the sketch plan was considered, the Development Review Board, based on the information provided, shall issue in writing:

- (1) a determination whether the subdivision is a minor subdivision to be reviewed under Section 6.4, or major subdivision to be reviewed under Sections 6.4 and 6.5;
- (2) the granting or denial of any requests to waive any subdivision application requirements or subdivision review standards, as provided in Section 6.2;
- (3) a preliminary determination of whether or not the proposed subdivision plan will conform to applicable subdivision review standards under Article VII, or would be in conflict with the town plan and other town regulations currently in effect; and
- (4) any recommendations for modifications or changes in subsequent submissions, or requests for additional studies or supporting documentation that may be required.

(E) **Effect of Sketch Plan Determination.** A sketch plan determination is a nonbinding determination of subdivision conformance with the town plan and these regulations. It simply authorizes the subdivider to proceed with an application for subdivision approval, and does not in any way imply formal approval of the subdivision by the Development Review Board. Sketch plan determinations and associated recommendations shall remain in effect for six (6) months from the date of issuance, unless otherwise specifically extended by the Development Review Board. Within six (6) months of a sketch plan determination by the Development Review Board, the subdivider may apply to the Board for preliminary subdivision plan and plat approval under Section 6.4 (for major subdivisions) or final plan and plat approval under Section 6.5 (for minor subdivisions).

## **Section 6.4 Preliminary Subdivision Review [major subdivisions]**

(A) **Purpose.** The purpose of preliminary subdivision plan review, which applies to all major subdivisions, is to identify significant issues or concerns associated with a proposed subdivision under the provisions of these regulations, and to provide the subdivider with guidance to address identified issues and concerns prior to preparing final engineering plans for the subdivision and related site improvements.

(B) **Application Requirements.** Within six (6) months of the date of the issuance of a sketch plan determination by the Development Review Board, the subdivider shall submit an application and associated fees for preliminary plan review to include, unless otherwise specified or waived by the Development Review Board under Section 6.3, two (2) originals and five (5) copies of the information specified for preliminary subdivision plans in Table 6.2.

- (1) For subdivisions located with a Flood Hazard Area Overlay District (Table 2.8), a copy of the complete application and supporting information, including mapped base flood elevations, shall be submitted to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources. Preliminary subdivision approval may be issued only following the receipt of comments from the Agency, or the expiration of 30 days of the date the application was referred to the Agency, whichever is sooner. [Amended effective 8/9/2010.]

- (2) Subdivision applications that include proposals to alter or relocate watercourses also shall be submitted to adjacent municipalities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, the US Army Corps of Engineers. Preliminary subdivision approval may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was referred to the Agency, whichever is sooner. [Amended effective 8/9/2010.]

**(C) Public Hearing.** Within 30 days of receipt of preliminary plan application, the Development Review Board shall schedule a public hearing on the preliminary plan, warned in accordance with Section 9.8(D), in order to obtain public comment on the proposed subdivision prior to final plan preparation.

**(D) Preliminary Plan Approval.** In accordance with the Act [§ 4464(b)] and Section 9.8(F), within 45 days of the date of adjournment of the public hearing, the Development Review Board shall approve, approve with modifications, or disapprove the preliminary plan and associated plat based on a determination of whether or not the preliminary plan conforms to applicable subdivision review standards under Article VII, and the town plan and other municipal regulations in effect. Failure to act within this 45-day period shall be deemed approval on the 46<sup>th</sup> day, as certified by the Town Clerk. The Development Review Board also may require, as a condition of approval, the submission of proposed subdivision changes or modifications for consideration under final subdivision review. Approval, conditions of approval, or grounds for disapproval shall be set forth in a written notice of decision. The approval of a preliminary plan shall be effective for a period of six (6) months from the date of written notice of approval, unless otherwise approved or extended by the Development Review Board in their written decision.

**(E) Phasing.** At the time that the Development Review Board grants preliminary plan approval it may require the subdivision to be divided into two or more phases to ensure project conformity with the town plan and capital budget and program in effect. Conditions may be imposed upon the filing of an application for final plat approval for each phase as the Board deems necessary to ensure the orderly development of the plat and/or to avoid overburdening municipal facilities and services.

**(F) Effect of Preliminary Plan Approval.** Approval of the preliminary plan shall not constitute approval of the final subdivision plan and associated plat. As a condition of approval of the preliminary plan, the Development Review Board may require that the subdivider obtain all applicable approvals from municipal officials (e.g., Select Board), and state and federal agencies having jurisdiction over the project. Once preliminary plan approvals by these officials and agencies have been obtained, and all relevant appeal periods have expired, the subdivider may apply to the Development Review Board for final plan approval under Section 6.5.

## **Section 6.5 Final Subdivision Review [all subdivisions]**

**(A) Application Requirements.** Unless otherwise waived or extended by the Development Review Board, the subdivider shall within six (6) months of the date of sketch plan approval (for minor subdivisions) or preliminary plan approval (for major subdivisions), submit an application for final subdivision approval, including final plat approval. If the subdivider fails to do so, s/he may be required to submit a new sketch plan or preliminary plan for review by the Board. The application for final subdivision approval shall include associated fees and, unless otherwise specified or waived by the Development Review Board under Section 6.2, one original and eight copies of the information specified for final plans and associated plats under Table 6.2.

- (1) For subdivisions located with a Flood Hazard Area Overlay District (Table 2.8), a copy of the complete application and supporting information, including mapped base flood elevations, shall be submitted to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources. Final subdivision approval may be issued only following the receipt of comments from the Agency, or the expiration of 30 days of the date the application was referred to the Agency, whichever is sooner. [Amended effective 8/9/2010.]
- (2) Subdivision applications that include proposals to alter or relocate watercourses also shall be submitted to adjacent municipalities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, the US Army Corps of Engineers. Final subdivision approval may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was referred to the Agency, whichever is sooner. [Amended effective 8/9/2010.]

**(B) Public Hearing.** Within 30 days of receipt of an application for final subdivision approval, the Development Review Board will schedule a public hearing on the final plan and associated plat, warned in accordance with Section 9.8(D). Copies of the hearing notice also will be sent, at least 15 days prior to the hearing date to the clerk of an adjacent municipality in the event that the plat is located within 500 feet of a municipal boundary.

**(C) Final Plan Approval.** In accordance with the Act [§ 4464(b)] and Section 9.8(F), within 45 days of the date of adjournment of the public hearing, the Development Review Board shall approve, approve with conditions, or disapprove the final subdivision plan, based on a determination of whether or not the preliminary plan conforms to applicable subdivision review standards under Article VII, and the town plan and other municipal regulations in effect. Failure to act within this 45-day period shall be deemed approval on the 46<sup>th</sup> day, as certified by the Town Clerk. Approval, conditions of approval, or grounds for disapproval, and provisions for appeal under Section 9.5, shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent to the subdivider and any other interested parties appearing at the public hearing within the 45-day period.

**(D) Performance Bonding.** In accordance with the Act [§ 4464(b)(2),(6)] and Section 9.8(F), for any subdivision which requires the construction of roads or other public improvements, the Development Review Board may require that the subdivider post a performance bond or comparable surety to cover the cost and to ensure completion of specified improvements, and their maintenance for two years following completion, in accordance with the conditions of approval. Such bond or surety must be approved by the Bolton Select Board prior to final plan approval. The term of the bond or surety may be fixed by the Development Review Board for a maximum of three (3) years, within which all improvements must be completed. The term of such bond or surety, by mutual consent of Board and subdivider, may be extended for an additional period not to exceed (3) three years.

**(E) Certificate of Compliance.** The Development Review Board may also require, as a condition of subdivision approval, that a certificate of compliance be obtained under Section 9.4 to ensure that required improvements have been installed in accordance with the conditions of subdivision approval prior to any further land development. The satisfactory completion of any improvements shall be determined by the Zoning Administrator in accordance with Section 9.4. A certificate of compliance shall not be issued for any subdivision that is not in compliance with the conditions of subdivision approval. Where a certificate of compliance has been required by the Board, the Zoning Administrator shall not issue a zoning permit for the development of a subdivided lot within the subdivision until the certificate has been issued.

- (1) A certificate of compliance shall be required for all subdivisions within Flood Hazard Area Overlay Districts to also ensure that all required municipal, state and federal permits have been obtained prior to the issuance of the certificate. [Amended effective 8/9/2010.]

(F) **Effect of Final Plan Approval.** The approval by the Development Review Board of a final subdivision plan and associated plat shall not be construed to constitute acceptance by the municipality of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Acceptance of such dedications by the subdivider may be accomplished only by a formal resolution of the Select Board, in accordance with town road policies and state law.

## Section 6.6 Plat Recording Requirements

(A) In accordance with the Act [§ 4463(b)], within 180 days of the date of receipt of final subdivision approval under Section 6.5, the subdivider shall file a mylar plat in the Bolton land records in accordance with the requirements of 27 V.S.A. Chapter 17, and provide two (2) paper copies and one (1) digital copy of the recorded plat to the Zoning Administrator. The approved plat shall:

- (1) be a minimum of 18"x24", or a multiple thereof;
- (2) have a margin of 1.5" outside of the border lines on the left side for binding and a margin of 0.5 " outside the border lines along all other sides;
- (3) be signed by an authorized representative of the Development Review Board,
- (4) carry the following endorsement on the original to be filed with the Town Clerk:

*Approved by Resolution of the Development Review Board of the Town of Bolton, Vermont, on the  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, subject to the requirements and conditions of said resolution.  
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by \_\_\_\_\_, Chairperson.*

(B) Approval of subdivision plats not filed within 180 days shall expire.

(C) The municipality shall meet all recording requirements for subdivision approvals as specified for municipal land use permits under Section 9.8(G).

## Section 6.7 Revisions to an Approved Subdivision

No changes, modifications, or other revisions that alter the plat or conditions attached to an approved subdivision plan shall be made unless the proposed revisions are first resubmitted as a subdivision amendment in accordance with Section 6.1, and are approved by the Board. In the event that subdivision plan or plat revisions are recorded without Board approval, the revisions shall be considered null and void, and subject to municipal enforcement under Section 9.7.

## **ARTICLE VII. SUBDIVISION REVIEW STANDARDS**

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### **Section 7.1 Application of Subdivision Standards**

- (A) The Development Review Board shall evaluate all subdivision applications under applicable standards set forth in this article. The Board, to assist in its evaluation, may require:
- (1) that the subdivider identify the intended use of land to be subdivided, including a general indication of subsequent development plans for retained land when only a portion of an existing parcel is to be subdivided;
  - (2) an independent technical review of the proposed subdivision under one or more standards, prepared by a qualified professional retained by the Board and paid for by the subdivider, in accordance with Section 9.8(C); and
  - (3) the modification of the subdivision design, the phasing of development, and/or additional measures to avoid or mitigate any adverse impacts likely to result from the proposed subdivision.

(B) Standards under this article may be modified or waived by the Board only in accordance with Section 6.2. Any waiver requests should be submitted in writing with the application.

### **Section 7.2 General Standards**

(A) **Development Suitability.** All land to be subdivided shall be suitable for the intended use and proposed density of development, and will not result in undue adverse impacts to public health and safety, the natural environment, neighboring properties and uses, or the character of the area in which it is located. Subdivisions shall set aside as open space, and/or exclude from subsequent development, land that is characterized by periodic flooding, poor drainage, steep slopes, or other hazardous conditions, or that is inadequate to support structures or infrastructure.

(B) **Bolton Town Plan & Regulations.** Subdivisions shall conform to goals and policies specified in the *Bolton Town Plan* as most recently amended, other provisions of these regulations, any duly adopted capital budget and program, and all other municipal bylaws, ordinances and regulations in effect at the time of application.

(C) **District Settlement Patterns.** A subdivision shall be designed and configured to reflect the desired settlement pattern for the zoning district(s) in which it is located, as defined under Article II and the town plan. To this end, the following general standards shall apply to subdivisions within the respective districts.

- (1) Subdivision within the Village, Resort Village, and Resort Residential Districts shall be designed and configured to reinforce a compact, pedestrian scale and pattern of development. Lots and building envelopes should be sized and located to maintain a consistent building line and streetscape along roads. Subdivisions in these districts also should be designed to incorporate, extend, or connect to existing roads, pedestrian paths and utility corridors. Sidewalks and other pedestrian facilities may be required where appropriate; new roads in these districts shall be designed to maximize pedestrian safety and circulation.

- (2) Subdivisions within the Rural I and Rural II Districts shall be designed and configured to reinforce the rural character and historic working landscape of these districts, characterized by forested hillsides and hilltops, open fields, and moderate to low densities of residential development interspersed with large contiguous tracts of undeveloped land. Lots shall be configured to maintain contiguous tracts of open land between adjoining parcels.
- (3) Subdivisions within the Forest and Conservation Districts shall be designed and configured to preserve existing forest resources and environmentally sensitive upland areas, including watersheds, critical wildlife habitat areas and wildlife travel corridors, and to maintain traditional land uses including forestry and outdoor recreation. Fragmentation of productive forest lands and critical wildlife habitat areas shall be avoided using approaches such as those detailed in Table 2.6(E)(6) & (7) and Table 2.7(E) (5) & (6). Lots shall be configured to maintain contiguous tracts of open land between adjoining parcels. Lots created for the purpose of constructing seasonal camps or year-round dwellings in these districts shall not result in the development of environmentally sensitive areas identified in the town plan or through site investigation, and as specified in Section 7.3.  
[Amended effective May 24, 2021].

(D) **Lot Layout.** Lot layout shall:

- (1) be consistent with site topography and the suitability of the land for development, as defined under Subsection (A);
- (2) conform to desired district settlement patterns, as required under (C);
- (3) meet zoning district minimum lot size and density requirements under Article II, except as modified for planned residential or planned unit developments under Article VIII;
- (4) conform to lot and yard requirements under Section 3.6; and
- (5) avoid irregularly shaped lots (e.g., with curves, jogs, dog-legs, etc.), unless warranted due to topographic constraints, or to minimize the fragmentation of natural, scenic or cultural features.

(E) **Building Envelopes.** The designation of building envelopes to limit the location of structures, parking areas, and associated site improvements to one or more portions of a lot shall be required for all subdivided lots intended for subsequent development in the Forest and Conservation Districts, and may be required by the Development Review Board for such lots in other zoning districts, as deemed necessary to protect significant natural or cultural resources under Section 7.3. The size and shape of each building envelope shall be established in accordance with these regulations. The Board also may require the identification of specific building footprints if, in its judgment, such information is needed to determine conformance with these regulations.

(F) **Survey Monuments.** The locations of all proposed permanent surveying monuments and corner markers, as required under the Rules of the Board of Land Surveyors, shall be identified on the final subdivision plat.

(G) **Landscaping & Screening.** The preservation, planting and maintenance of trees, ground cover, or other vegetation, of a size and type deemed appropriate by the Development Review Board, may be required to:

- (1) preserve existing trees, tree lines, wooded areas of particular natural or aesthetic value to the site, or critical wildlife habitat areas;
- (2) provide an undisturbed vegetated buffer between developed and undeveloped portions of the site to protect water quality, or other natural or scenic features;

- (3) provide screening to increase privacy, reduce noise or glare, or to establish a visual or physical buffer between potentially incompatible land uses; or to
- (4) establish a tree canopy along roads or pedestrian walkways where the Development Review Board deems it appropriate, including areas where a substantial loss of existing trees will result from road construction and related site improvements.

(H) **Energy Conservation.** Subdivision design and layout, to the extent feasible, will encourage energy efficiency through:

- (1) the siting and orientation of development (e.g., building envelopes), to take advantage of southern exposures and natural vegetative or topographic buffers;
- (2) the clustering of development (e.g., lots, building envelopes) to minimize road and utility line extensions and reduce travel distances; and
- (3) the effective use of landscaping to provide wind barriers and shading, and to reduce heat loss.

### Section 7.3 Protection of Natural & Cultural Resources

(A) **Resource Identification & Protection.** All applications for subdivision review shall identify and provide for the protection of Bolton's significant cultural and natural features in accordance with these regulations. Applicants are encouraged, but not required, to meet with the Bolton Conservation Commission to discuss their application prior to submission. The Development Review Board may consult with the Bolton Conservation Commission, state officials, and/or other qualified professionals to determine the likely impact of a subdivision on one or more of these resources, and appropriate mitigation measures.

(B) **Surface Waters and Wetlands.** Subdivision boundaries, lot lines and layout, and building envelopes shall be located and configured to avoid any adverse impact to surface waters, wetlands and designated water supply Source Protection Areas (SPAs). Methods for avoiding such impacts include but may not be limited to the following:

- (1) Lot boundaries shall be configured to prevent the fragmentation of these features unless appropriate legal mechanisms are put in place to ensure their permanent protection
- (2) Building envelopes shall be located and sized to exclude these features, and any associated buffer areas. .
- (3) Setback and buffer areas of sufficient width to protect surface waters and wetlands shall be designated in accordance with Section 3.17. The Development Review Board may require increased setbacks or buffers, and/or management plans as deemed necessary to protect water quality in relation to slope, soil, and site conditions.
- (4) Roads, driveways and utility lines or corridors shall be located, to the extent feasible, to avoid the fragmentation of, or encroachment on these features.
- (5) Surface waters, wetlands and associated buffers should be included as designated as open space in accordance with Section 7.4.

[Amended effective 8/9/2010.]

(C) **Flood Hazard Areas.** All subdivisions (and planned unit developments) within Flood Hazard Overlay Districts (Special Flood Hazard Areas) shall meet all applicable flood hazard area standards under Section 5.5 and the following requirements:

- (1) Lot boundaries shall be configured to prevent the fragmentation of Special Flood Hazard Area unless appropriate legal mechanisms are put into place to ensure their permanent protection.
- (2) Building envelopes are allowed only within the Flood Hazard Area Overlay I (FHO I) District, which overlays the Village District. Building envelopes shall be located and sized to exclude Special Flood Hazard Areas within the FHO II District.
- (3) A subdivision shall be designed to avoid siting structures, driveways, roads and other infrastructure and utilities within a Special Flood Hazard Area, and to minimize potential flood damage within this area.
- (4) Utilities and facilities serving the subdivision that are functionally required to be located within a Special Flood Hazard Area shall be located and constructed to minimize or eliminate flooding.
- (5) Adequate drainage shall be provided to reduce exposure to flood hazards.
- (6) The subdivision shall be accessible by dry land during the occurrence of the base flood.

[Amended effective 8/9/2010.]

(D) **Rock Outcrops, Steep Slopes, Hillsides & Ridgelines.** Subdivision boundaries, lot lines and layout, and building envelopes shall be located and configured to minimize adverse impacts to slopes greater than 15%, to avoid disturbance to slopes in excess of 25%, and to avoid the placement of structures on rock outcrops, prominent hilltops and ridgelines. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Building envelopes, to the extent feasible, shall be located to exclude these features.
- (2) On prominent ridgelines and hilltops, the location of building envelopes, and associated development, shall minimize visibility as viewed from public roads or properties. Building envelopes shall be located down-slope of prominent ridgelines and hilltops, and configured so that the height of any structure placed within the envelope will not visually exceed the height of the adjacent tree canopy serving as the visual backdrop to the structure, or the height of land on exposed ridgelines or hilltops. Existing forest cover outside the envelope shall be maintained to provide a forested backdrop to structures, and/or soften the visual impact of new development as viewed from public roads and properties. A tree cutting, landscaping and/or forest management plan may be required to ensure that ridges and hilltops remain wooded. The Board also may require additional plantings at specific locations within the subdivision or on individual lots, to provide screening.
- (3) In the event that development on slopes greater than 15% is necessary to achieve the most desirable subdivision design for a site, associated building envelopes shall be sized and configured to minimize the extent of clearing and disturbance. The Board may require the preparation and implementation of an erosion control plan for subdivision improvements, in accordance with Sections 3.16 and 7.5, as a condition of approval. Excavation, filling and development on slopes in excess of 25% shall be avoided.
- (4) Driveways, access roads (including the conversion of logging roads to private roads or driveways) and utility corridors, shall use or share existing accesses and rights-of-way where feasible; follow existing contours to achieve angled ascents, and avoid areas of steep slope.

- (5) Land characterized by steep slopes, rock outcrops, prominent hilltops and ridgelines should be included as designated as open space in accordance with Section 7.4.

**(E) Natural Areas & Wildlife Habitat.** Subdivision boundaries, lot lines and layout, roads, driveways and building envelopes shall be located and configured to avoid the fragmentation of and adverse impacts to natural areas, critical wildlife habitat areas and wildlife travel corridors, identified in the town plan, by the Vermont Department of Fish & Wildlife, or through site investigation. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Building envelopes shall be located to exclude identified natural areas, critical wildlife habitat areas and wildlife travel corridors.
- (2) A buffer area of adequate size, as determined in consultation with the Conservation Commission, state officials or other qualified consultants, shall be established as needed to protect critical wildlife habitat areas and natural communities.
- (3) Roads, driveways and utilities shall be sited and designed to avoid the fragmentation of identified natural areas, critical wildlife habitat areas and wildlife travel corridors, for example by sharing existing rights-of-way and/or following existing linear features such as roads, tree lines, stone walls, fence lines or field edges to minimize fragmentation.
- (4) The Board may require the submission of a management plan, prepared by a wildlife biologist or comparable professional, to identify the function and relative value of impacted critical wildlife habitat areas, wildlife corridors, and associated management strategies.
- (5) Identified natural areas, critical wildlife habitat areas, associated buffer areas and wildlife travel corridors should be included and designated as open space, in accordance with Section 7.4.

[Amended effective May 24, 2021].

**(F) Historic & Cultural Resources.** Subdivision boundaries, lot lines and layout and building envelopes shall be located and configured to minimize adverse impacts to historic and archaeological sites and resources identified in the town plan, by the Vermont Division for Historic Preservation, or through site investigation. Methods to minimize adverse impacts include but may not be limited to the following:

- (1) Historic features, including historic structures, stone walls and cellar holes shall, to the extent feasible, be preserved and integrated into the subdivision design (e.g., driveways may follow stone walls).
- (2) Building envelopes shall be sited to avoid known archaeological sites. Prior to development on sites that have been identified as being archaeologically sensitive in the town plan or through site investigation, the Development Review Board may require a site assessment to identify the presence and relative value of archaeological resources on the site, and to document the archaeological resource and/or recommend strategies for its protection.
- (3) The subdivision of land shall be designed to maintain the historic context of the site, as defined by historic structures located on the property and in the immediate vicinity of the site, and to minimize the impact of new development on the historic and architectural integrity of historic resources.

(G) **Farmland.** Subdivision boundaries, lot lines and layout, and building envelopes shall be located and configured to avoid the fragmentation of and adverse impacts to primary (“prime” and “statewide”) agricultural soils and open fields. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Building envelopes shall be located at field or orchard edges or, in the event that no other land is practical for development, on the least fertile soils in order to minimize the use of productive agricultural land, impacts on existing farm operations, and disruption to the scenic qualities of the site.
- (2) Vegetated buffer areas may be required to separate building lots and subsequent development from agricultural operations and minimize land use conflicts.
- (3) Access roads, driveways and utility corridors shall be shared to the extent feasible; and follow existing linear features such as roads, tree lines, stone walls, fence lines or field edges to minimize the fragmentation of open agricultural land and associated visual impacts.
- (4) Retained farm parcels or open land shall be included as designated as open space in accordance with Section 7.4.; conservation easements, limitations on further subdivision, or comparable site protection mechanisms may be required to ensure their long-term protection.

(H) **Productive Forest Land.** Subdivision boundaries, lot lines and layout, road, driveways and building envelopes shall be located and configured to avoid fragmentation of, or adverse impacts to productive forest land, including large (50+ acres) tracts of forest, land contiguous to other large, undeveloped tracts that have either been protected through public or private land conservation initiatives or are subject to use value appraisal contracts, and forest land that possesses unique or fragile features, including natural areas, critical wildlife habitat areas, wildlife travel corridors, and/or exceptional recreational resources. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) The subdivision of productive forest land shall, to the extent practical, be configured to allow for ongoing forest management of the parcel after subdivision. Lot lines, building envelopes, access driveways or roads, and utility corridors shall be laid out to avoid unnecessary fragmentation of distinct timber stands, and to allow access for long-term forest management.
- (2) Building envelopes should be sized to minimize the extent of forest clearing required for development. Where applicable, the Development Review Board may require that building envelopes be set back and buffered from adjacent forest parcels as needed to protect public recreation areas, conserved open space, critical wildlife habitat and wildlife travel corridors, and to avoid conflicts between new development and existing forest management activities on land that is protected or enrolled in the current use program. Setback and buffer areas shall be included as designated open space, in accordance with Section 7.4
- (3) Lots specifically intended for long-term forest management must be of sufficient size to qualify for enrollment in state and/or municipal tax stabilization programs, and may be included as designated open space in accordance with Section 7.4.

[Amended effective May 24, 2021].

(I) **Modifications for Village Districts & PUDs/PRDs.** The Development Review Board may modify or waive one or more of the standards under this section within the Village, Resort Village or Resort Residential Districts, or within a planned residential or planned unit development, if the Board determines that:

- (1) such modification will result in a more desirable settlement pattern, and
- (2) impacts to identified resources will be mitigated either on- or off-site.

## Section 7.4 Open Space & Common Land

(A) **Open Space.** Provision shall be made for the preservation of open space. The location, size and shape of lands set aside to be preserved for open space shall be approved by the Development Review Board, in accordance with the following:

- (1) Open space land shall include and provide for the protection of natural and cultural features identified and designated for protection in accordance with Section 7.3.
- (2) Open space areas shall be configured to be contiguous with existing and potential open space lands on adjacent parcels.
- (3) Designated open space may include a portion of a single lot, or extend over several contiguous lots. The Development Review Board may require lot configurations that minimize the subdivision and fragmentation of contiguous open space areas.
- (4) The location, shape, size and character of the open space shall be suitable for its intended use.
- (5) Provisions should be made to enable open space designated for agriculture and forestry (silviculture) to be used for these purposes. Management plans for forests, wildlife habitat, and farmland may be required by the Development Review Board as appropriate. Areas preserved for forestry and agricultural use should be of a size that retains their eligibility for state and municipal tax abatement programs.
- (6) The Development Review Board may require the dedication of up to 15% of the total land area of a proposed subdivision for recreational use by its residents. Such area, to be set aside as common land unless otherwise approved by the Board, shall be of suitable character to serve as parkland, a playground or recreational trail network. All subdivisions resulting in the creation of 10 or more lots shall meet this requirement.
- (7) Sewage disposal areas, utility and road rights-of-way or easements, and access and parking areas shall not be counted as open space areas, except where the applicant can prove to the satisfaction of the Development Review Board that they will in no way disrupt or detract from the values for which the open space is to be protected.

(B) **Common Land.** Land held in common for the preservation and maintenance of open space or the maintenance and protection of shared facilities (e.g., community wastewater systems, community water supplies, recreation or community facilities, road and trail rights-of-way) may be held under separate ownership from contiguous parcels and shall be subject to the legal requirements set forth below.

(C) **Legal Requirements.** The Development Review Board may require that protected open space be dedicated, either in fee or through a conservation easement approved by the Board, to the municipality, a community association comprising all of the present and future owners of lots in the subdivision and/or a non-profit land conservation organization. At a minimum, designated open space shall be indicated with appropriate notation on the final plat. Land held in common shall be subject to appropriate deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long term stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of applicant and subsequent land owners (see also Section 7.8).

## Section 7.5 Stormwater Management & Erosion Control

(A) Temporary and permanent stormwater management and erosion control may be required to control drainage, protect water quality and avoid damage to downstream properties. Proposed grading, clearing and construction of driveways shall provide for the preservation of natural drainage systems, retention of native topsoil, stabilization of steep slopes and the prevention of erosion and consequent sedimentation of wetlands, streams and watercourses. Stormwater management of the site shall use an integrated approach to deal with water quantity control, water quality protection, and downstream channel protection. All stormwater management practices shall be designed to use the natural drainage system to minimize the need for maintenance. In addition, the Development Review Board may require:

- (1) the establishment of building envelopes, which shall define the extent of construction, clearing and yard area;
- (2) in addition to minimum requirements under Section 3.17, increased setback and buffer areas, and/or the submission and implementation of a buffer management plan to protect water quality from surface runoff and erosion;
- (3) the submission and implementation of a stormwater management plan that incorporates state design standards and management practices to control stormwater runoff from the subdivision, prepared by a licensed engineer in accordance with the *Vermont Stormwater Management Manual*, as most recently amended; and
- (4) the submission and implementation of an erosion control plan which, at a minimum, incorporates the standards and specifications set forth in the *Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites*, as most recently amended.

## Section 7.6 Transportation Facilities & Infrastructure

(A) **Access.** Access to the subdivision and to individual lots shall be provided in accordance with the requirements of Section 3.2. All access onto town highways shall be subject to the approval of the Bolton Select Board, or for state routes (Route 2), the Vermont Agency of Transportation. Such approval shall be required prior to final subdivision plan approval. To better manage traffic flow and safety, to avoid congestion, and to preserve the capacity of local roads, the Development Review Board may also:

- (1) limit the number of access points onto public highways;
- (2) require shared access, driveways, and/or roads to serve multiple lots;
- (3) require access from secondary roads, if a proposed subdivision has frontage on both primary and secondary roads;
- (4) require rights-of-way for future road extensions to connect to adjoining parcels; and/or
- (5) prohibit the creation of reserved strips adjacent to a proposed road which would deny access from adjacent properties.

(B) **Nonfrontage Lots.** Access to lots legally in existence as of the effective date of these regulations that do not have frontage on a public road, or to lots in districts without frontage requirements, may be approved by the Board in accordance with Section 3.2 concurrently with subdivision approval. All other lots created after the effective date of these regulations shall meet minimum applicable frontage requirements for the district in which they are located, unless otherwise approved by the Board as part of a planned residential or planned unit development under Article VIII.

(C) **Driveways.** Driveways serving three (3) or fewer lots, shall meet the requirements of Section 3.2 and town driveway standards as most recently amended. For the purposes of these regulations, driveways serving four or more lots shall be considered roads subject to the requirements of Subsection (D).

(D) **Roads.** The following road standards shall apply to roads, including public roads and all private rights-of-way serving four (4) or more lots.

- (1) **Capacity.** Traffic to be generated by the proposed subdivision shall not result in unreasonable traffic congestion or delay (below a Level of Service “C”) on public highways, or exceed the functional capacity of roads intersections and related infrastructure in the vicinity of the subdivision. The Development Review Board may require the submission of a traffic impact study to identify impacts and necessary mitigation measures to ensure road safety and efficiency, the cost of which shall be borne by the applicant. The subdivider, as a condition of approval, also may be required to install needed traffic control measures and road improvements, and/or reserve land to accommodate future improvements, as needed to serve the subdivision.
- (2) **Layout.** Roads shall be laid out to:
  - (a) minimize the amount of cut and fill required,
  - (b) maintain reasonable grades and safe intersections,
  - (c) produce useable lots,
  - (d) allow for access by emergency vehicles,
  - (e) avoid adverse impacts to natural, scenic and historic features,
  - (f) follow existing linear features (e.g., field edges, utility corridors, tree and fence lines, stone walls),
  - (g) avoid dead-end streets and cul-de-sacs, particularly in the Village, Resort Village and Resort Residential Districts; and
  - (h) allow for future road extensions, identified as proposed easements on the subdivision plat, to serve adjoining parcels.
- (3) **Design & Construction.** All roads serving the proposed subdivision shall be designed according to the dimensional and geometric design standards for streets and roads contained in the *Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads, and Streets* as most recently amended; and constructed in accordance with the VTrans A-76 construction standard, as most recently amended. Minimum design standards include the following:
  - (a) Rights-of-way for all roads shall be a minimum of 50 feet in width.
  - (b) Dead end roads in excess of 500 feet shall be constructed with a suitable turnaround at the terminus. This may consist of a cul-de-sac with a radius of at least 40 feet or a “T” or other configuration that allows emergency vehicles to turn-around safely and efficiently. Roads in excess of 800 feet in length shall also have a vehicle turnout a minimum of 12 feet wide and 35 feet in length near the half-way point of every 800 feet section, with a suitable turn around at the terminus. Dead-end roads in excess of 2,500 feet in length are prohibited.
  - (c) The width of travel lanes and shoulders shall be based on average daily traffic (ADT) and design (anticipated posted) speeds. Design standards for rural roads outside village areas are included in Table 7.1, which are considered maximum standards. State standards also have been defined for roads within Village areas. The Development Review Board, in consultation with the Road Foreman or Select Board, may modify these standards as appropriate to ensure pedestrian and vehicular safety, or when the strict application of the standards would adversely impact primary or secondary conservation areas or other significant or cultural natural resources on-site or in the vicinity of the subdivision.

| <b>Table 7.1 Travel Lane and Shoulder Widths for Rural Roads</b> |                             |       |        |         |          |           |       |
|------------------------------------------------------------------|-----------------------------|-------|--------|---------|----------|-----------|-------|
| Design Volume (ADT)                                              | 0-25                        | 25-50 | 50-100 | 100-400 | 400-1500 | 1500-2000 | 2000+ |
| Design Speed (mph)                                               | Width of Lane/Shoulder (ft) |       |        |         |          |           |       |
| 25                                                               | 7/0                         | 8/0   | 9/0    | 9/2     | 9/2      | 10/3      | 11/3  |
| 30                                                               | 7/0                         | 8/0   | 9/0    | 9/2     | 9/2      | 10/3      | 11/3  |
| 35                                                               | 7/0                         | 8/0   | 9/0    | 9/2     | 9/2      | 10/3      | 11/3  |
| 40                                                               | 7/0                         | 8/0   | 9/2    | 9/2     | 9/2      | 10/3      | 11/3  |
| 45                                                               | ---                         | ---   | 9/2    | 9/2     | 9/2      | 10/3      | 11/3  |
| 50                                                               | ---                         | ---   | 9/2    | 9/2     | 10/2     | 10/3      | 11/3  |

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

- (4) **Maintenance.** The maintenance of all roads not designated as Class III town highways or higher shall be the responsibility of the subdivider and subsequent adjoining property owners. The subdivider shall provide evidence and assurance that such roads will be adequately maintained by the subdivider and/or an owners' association. In instances involving proposed lots requiring access onto Class IV town highways, a road maintenance agreement approved by the Bolton Select Board shall be required prior to final subdivision approval in accordance with Section 3.2.
- (5) **Acceptance.** A road shall be considered private road unless formally dedicated to the town and accepted by the Bolton Select Board as a public road in accordance with adopted town road policies and state statutes.
- (6) **Names & Signs.** Road names shall be approved by the Bolton Select Board, in accordance with road naming ordinances and policies currently in effect. Approved road names shall be clearly depicted on the final plat, and identified on signs approved by the Select Board.
- (E) **Parking Facilities.** Common or shared parking areas shall be identified on the subdivision plat, and designed in accordance with Section 3.10. Parking areas for individual lots shall be included within designated building envelopes.
- (F) **Transit Facilities.** The Development Review Board may require that subdivisions located on existing or proposed transit routes, including school bus routes, include a sheltered transit stop for use by residents of the subdivision.
- (G) **Pedestrian Access.** To facilitate pedestrian access from the subdivision to adjoining parcels and roads, or to nearby public schools, playgrounds, or public lands, the Development Review Board may require one or more of the following:
  - (1) sidewalks and curbing to connect to existing sidewalks on adjoining properties,
  - (2) sidewalks and curbing along internal subdivision roads within the Village, Resort Village and Resort Residential Districts,
  - (3) the installation of pedestrian crosswalks at designated intersections,
  - (4) unobstructed easements at least 10 feet in width for pedestrian or recreation paths, as indicated on the final plat.

## Section 7.7 Facilities & Utilities

(A) **Public Facilities.** The Development Review Board shall find that the proposed subdivision does not create an undue burden on existing and planned public facilities. The Board may consult with appropriate municipal and school officials and emergency service providers to determine whether adequate capacity exists to serve the subdivision. The Board also may require that the applicant submit documentation from appropriate officials, or a fiscal impact analysis to be paid for by the subdivider, that identifies potential impacts of the subdivision on public facilities and methods for mitigating those impacts, which may include the phasing of development in accordance with a duly adopted capital budget and program.

(B) **Fire Protection.** The Development Review Board, in consultation with the Bolton Fire Department, may require that the subdivider provide adequate water storage and distribution facilities for fire protection in accordance with Department specifications. The subdivider shall install fire hydrants, dry hydrants, or fire ponds as required by the Board, and shall ensure adequate access to developed lots for emergency response vehicles. The Board may also require that fire ponds be designed by a licensed professional engineer in accordance with Section 3.13.

(C) **Water Systems.** The subdivider shall demonstrate to the satisfaction of the Development Review Board that adequate potable water supplies exist on and/or off site to serve the subdivision. In addition:

- (1) Individual or community water supply systems shall be designed in accordance with applicable state regulations. The Development Review Board may require that all water sources, and required isolation distances, be identified on the final subdivision plat.
- (2) Only subdivided lots within the Resort Village and Resort Residential Districts may be served by the Bolton Valley (Fire District) water system; no subdivisions or subdivided lots located within the Forest, Conservation or Rural II Districts shall be connected to this water system.
- (3) Where applicable, designated Source Protection Areas (SPAs) for municipal and community water supplies also shall be identified on the final subdivision plat; and shall be managed in accordance with a state approved source protection plan.

(D) **Wastewater Systems.** The subdivider shall demonstrate to the satisfaction of the Development Review Board that wastewater collection and disposal capacities exist on- or off-site to serve the proposed subdivision. In addition:

- (1) Sewage disposal systems, which may include individual and/or community systems, shall be designed in accordance with all applicable state and municipal regulations, as certified by a professional licensed by the state (see also Section 3.18). Wastewater collection lines and sewage disposal areas are to be identified on the final plat. The Development Review Board also may require that the location of individual on-site septic systems be shown on the final plat.
- (2) Where connection to pre-existing wastewater system is proposed, the subdivider shall provide evidence as to system adequacy, and supporting legal documentation concerning access and available capacity.
- (3) Only subdivided lots located within Resort Village or Resort Residential Districts may be served by the Bolton Valley wastewater treatment system; no subdivision or subdivided lot located in the Forest District, Conservation District or Rural II District may be connected to this facility.

- (4) The Development Review Board may require that a proposed subdivision with adequate on-site capacity for clustered systems be served by a community wastewater system to allow for increased densities of development or reduced lot sizes, or to protect potable water supply sources.
- (5) Septic systems located within designated flood hazard areas (Flood Hazard Overlay District) shall be sited and designed in accordance with applicable requirements of Sections 3.18 and 5.5.

(E) **Utilities.** All existing and proposed utilities, including but not limited to electric, telephone, and cable television utilities, shall be shown on the final plat. In addition:

- (1) All utilities within the subdivision shall be located underground, unless the Development Review Board determines that burial is not necessary to preserve the scenic character of the area, or that it is prohibitively expensive.
- (2) The subdivider shall coordinate subdivision design with utility companies to ensure that suitable areas are available for above ground or underground installation, within and adjacent to the proposed subdivision. Utility easements of sufficient width shall be provided to serve both the proposed subdivision, and future service extensions to adjoining properties. Such easements shall be identified on the final plat.
- (3) Utility corridors shall be shared with other utility and/or transportation corridors where feasible, and be located to minimize site disturbance, adverse impacts to significant natural, cultural and scenic features, and to public health.

(F) **Outdoor Lighting.** Outdoor lighting shall meet the standards under Section 3.9. In the event the applicant proposes parking area or street lighting, lighting fixtures shall be limited to cut-off fixtures and shall be the minimum height necessary to ensure vehicular and pedestrian safety on roads and adjacent sidewalks and paths.

## Section 7.8 Legal Requirements

(A) Land reserved for the protection of significant natural, cultural or scenic features, or other open space areas, may be held in common, or in separate ownership from contiguous parcels. Such land may be dedicated, either in fee or through a conservation easement approved by the Development Review Board, to the municipality, an owners' association comprised of all present or future owners of subdivided lots, and/or a nonprofit conservation organization. At minimum, land designated for protection shall be indicated with appropriate notation on the final subdivision plat.

(B) The subdivider shall provide documentation and assurances that all required improvements, associated rights-of-way and easements, and other common lands or facilities will be adequately maintained either by the subdivider, an owners' association, or through other legal means acceptable to the Development Review Board. Such documentation, as approved by the Development Review Board, shall be filed in the Bolton land records.

(C) All required improvements shall be constructed to approved specifications in accordance with a construction schedule approved by the Development Review Board. The Board may require the issuance of a Certificate of Compliance in accordance with Sections 6.5, 9.4 and 9.8(F) to ensure that all such improvements are completed prior to the issuance of a zoning permit for the subsequent development of subdivided lots. A performance bond or comparable surety acceptable to the Bolton Select Board may be required to ensure that all improvements are completed to specification in accordance with Sections 6.5 and 9.8(F).

## **ARTICLE VIII. PLANNED DEVELOPMENT [PRDs, PUDs]**

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### **Section 8.1 Purpose**

(A) For the purposes of these regulations, planned unit developments as enabled under the Act [§ 4417] shall include planned residential and planned unit developments (PRDs and PUDs) as defined in Section 10.2 and these regulations. The purposes of planned residential or planned unit development are to provide for and promote:

- (1) the efficient subdivision, development and use of land;
- (2) flexibility in the design and layout of lots, structures and infrastructure;
- (3) the clustering of development to retain neighborhood character; and to avoid adverse impacts to, or the fragmentation of, significant natural resources and functional open space in Rural and Forest Districts;
- (4) concentrated, compact, mixed use, pedestrian-scale development that maintains a traditional village character in the Village, Resort Village and Resort Residential Districts;
- (5) master planning for environmentally sensitive, integrated development, particularly within the Resort Village and Resort Residential Districts;
- (6) the economical provision of roads, utilities, and services;
- (7) incentives for the development of affordable housing in appropriate locations; and
- (8) lot layout and site design that encourage energy efficiency and the sustainable use of renewable energy resources.

(B) To achieve these objectives, the Development Review Board may modify the area, density and dimensional requirements of applicable zoning provisions under these regulations, concurrently with the approval of a subdivision plan and plat under Article VI.

### **Section 8.2 Applicability**

(A) Planned residential developments (PRDs) are authorized in the Village, Resort Residential, Rural I, Rural II, and Forest Districts, and are required for all major residential subdivisions (4 or more lots) in the Resort Residential and Forest Districts. Planned unit developments (PUDs) are authorized in the Village, Resort Village, Resort Residential and Rural I Districts, and are required for all other major subdivisions (4 or more lots) in the Resort Village and Resort Residential Districts. Planned development is prohibited in the Conservation District.

(B) A subdivider may apply for PRD or PUD review by the Development Review Board in association with the submission of a sketch plan for subdivision review under Article VI, for any subdivision within the Village, Resort Village, Resort Residential, Rural I, Rural II and Forest Districts. All major subdivisions (four or more lots) within the Forest, Resort Village and Resort Residential Districts shall be subject to PRD or PUD review by the Development Review Board in accordance with Subsection (A).

(C) To encourage integrated master planning, a PRD or PUD may include adjoining parcels in separate ownership if a joint application is submitted under Sections 6.4 and 8.3.

### **Section 8.3 Application Requirements**

(A) In addition to the application requirements for subdivision review (see Table 6.2), the application for PRD or PUD review also shall include:

- (1) a statement setting forth the nature of all requested modifications, changes or supplementations to the zoning provisions of these regulations including, but not limited to, proposed increases in the allowed density of development and variances from district dimensional standards;
- (2) a description of the number and types of structures and uses to be included in the PRD or PUD, including building elevations and exterior design specifications;
- (3) density calculations used to determine the overall density of development within the PRD or PUD, in accordance with the requirements of Section 7.5(C); and density calculations for that portion of the PRD or PUD to be developed;
- (4) management plans for any natural areas or open space to be conserved, and for all common areas, facilities and services within the PRD or PUD, to include a description of ownership, use, and long-term maintenance or management, and associated legal agreements, easements or covenants;
- (5) for projects which include affordable housing, as defined under Section 10.2, associated management plans and legal agreements that ensure the long-term affordability of such units which, at minimum, shall be for 15 years from the date of construction;
- (6) for projects that incorporate adjoining parcels in separate ownership, evidence of established and proposed ownership and interests in land, and for preliminary and final subdivision review, a preliminary and final master subdivision plan and plat, and phasing schedule, depicting the manner in which adjoining parcels will be developed over time in a unified, cohesive, integrated and environmentally sensitive manner.

#### **Section 8.4 Review Process**

(A) Applications for PRD or PUD approval shall be reviewed by the Development Review Board concurrently with subdivision review, in accordance with the review process for major subdivision set forth in Article VI. In addition:

- (1) Any modifications of zoning requirements shall be approved simultaneously with the approval of a subdivision plan and plat. Approved modifications and other conditions of approval shall be specifically identified and noted on or appended to the final plat and recorded in the land records in as required under Section 6.6.
- (2) If the application of PRD or PUD provisions results in land and/or facilities to be held in common, and/or to be reserved for the preservation of open space, it must meet associated management, legal and recording requirements for such lands and facilities under Sections 7.4 and 7.8.
- (3) The Development Review Board, in allowing modifications from zoning density and dimensional requirements, may require lower densities of development on portions of the site to be developed, increased lot sizes and setback distances, and landscaped or managed buffer areas as it deems necessary to protect significant natural and cultural features, designated open space, community facilities and services, and/or neighboring properties from adverse impacts of the proposed development.
- (4) The Development Review Board, in accordance with Section 6.5, may also require that the applicant demonstrate a fiscal ability to install and maintain approved improvements, through the provision of a bond or other surety acceptable to the Bolton Select Board.

- (5) PRD or PUD approval shall not exempt subsequent development from site plan or conditional use review under Article V, as applicable under these regulations. Such review processes may be held concurrently with final subdivision plan review under Section 6.5, in accordance the Act [§ 4462] and the review procedures and standards for each, but shall be separately warned and decided.

## Section 8.5 Review Standards

(A) **General Standards.** In addition to meeting all applicable subdivision review standards under Article VII, a proposed PRD or PUD shall:

- (1) be consistent with the goals and policies of the *Bolton Town Plan* currently in effect, the purpose of the zoning district(s) in which it is located, and all applicable regulations not modified under PRD or PUD review and approval;
- (2) present an environmentally sensitive, effective and unified treatment of the site(s), which to the extent feasible:
  - (a) locates or clusters development on the most developable portions of the site(s), and excludes from development environmentally sensitive areas, including: areas of very steep slope, surface waters, wetlands and associated buffer areas, source protection areas and, outside of the Village District, designated Special Flood Hazard Areas (SFHAs) [amended effective 8/9/2010];
  - (b) designates functional open space that is contiguous with such land on adjoining parcels, which incorporates significant natural and cultural features identified for protection, including environmentally sensitive areas, prominent ridgelines and hilltops, critical wildlife habitat areas and wildlife travel corridors, productive forest land and meadow land, and other open space designated in the *Bolton Town Plan*; [Amended effective May 24, 2021].
  - (c) establishes or reinforces desired patterns and densities of development within the Village, Resort Village or Resort Residential Districts, including lot size and layout, a pedestrian-scale and orientation; and connections to existing roads, utility corridors, sidewalks and pedestrian paths;
  - (d) integrates vehicular and pedestrian circulation with neighboring properties and public rights-of-way; and
  - (e) minimizes site disturbance and infrastructure development costs and, through lot layout, orientation and site design maximizes opportunities for energy efficient design and access to and the sustainable use of renewable energy resources;
- (3) be sufficiently set back, buffered, landscaped and/or screened as needed to maintain district character; and to minimize adverse physical or visual impacts to environmentally sensitive areas, significant natural, cultural and scenic features, and adjoining properties, uses, and public rights-of-way.

(B) **Allowed Uses.** PRDs and PUDs may involve the creation of separate building lots and/or development in which multiple buildings or uses are located on a single parcel in common ownership, however allowed uses shall be limited as follows:

- (1) **PRDs.** PRDs shall be designed for residential use only. Dwelling units may be of varied types, including single family and accessory dwellings, two-family dwellings, and multi-family dwellings

and associated accessory structures and uses, as allowed within the zoning district(s) in which they are located. PRDs also may include, as accessory structures or uses, common areas or facilities for use by residents of the PRD.

- (2) **PUDs.** A PUD may include a mix of uses, including permitted or conditional uses, allowed within the zoning district(s) in which it is located. PUDs also may include, as accessory uses or structures, common areas and facilities for use by occupants of the PUD and/or the general public.
- (3) Within some zoning districts, specified uses may be allowed *only* within a PRD or PUD, as specified in Article II (Tables 2.1-2.8).

**(C) Density Calculations:**

- (1) The maximum number of building units or lots within a PRD or PUD shall not exceed the number which could be developed on a parcel under applicable zoning regulations, unless otherwise specifically approved by the Development Review Board.
- (2) Calculations of the allowed overall density of development shall be based on total parcel acreage, excluding existing and proposed road-rights-of-way, and lot size and density requirements for the zoning district(s) in which the PRD or PUD is located. This calculation of the site's overall "yield" shall be used to determine the number of building units or lots that may be clustered or grouped at higher densities on those portions of the parcel that are suitable for development.
- (3) For PRDs or PUDs within two or more zoning districts, the allowed overall density of development shall be sum of the allowed density calculated for each area of the PRD or PUD within a particular zoning district, using the dimensional standards for that district; however building lots or units may be transferred from that portion of the parcel within the lower density zoning district(s) to developable areas of the parcel within the higher density zoning district(s).
- (4) For PRDs or PUDs on two or more adjoining parcels, the allowed overall density shall be calculated as the sum of the allowed density for each lot, however building lots or units may be transferred from one parcel to developable areas on another parcel.
- (5) Where the developable portion of a parcel and associated facilities and services can accommodate higher densities of development, the Development Review Board may consider, at the request of the subdivider, a density bonus of up to 25%, for PRDs or PUDs that retain 60% or more of the total area as protected, unsubdivided open space, or which include the permanent dedication of land and/or facilities for public access and use.

## **ARTICLE IX. ADMINISTRATION & ENFORCEMENT**

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### **Section 9.1 Permits & Approvals**

(A) **Permit Requirements.** No land development or subdivision of land, as defined under Section 10.2, may commence in the Town of Bolton until all applicable **municipal land use permits** and approvals have been issued as provided for in the Act [§ 4446] and these regulations, unless the development is specifically exempted from these regulations under Section 7.2. Such permits and approvals include:

**Municipal Land Use Permit.** (1) a zoning, subdivision, site plan or building permit or approval, any of which relate to land development as defined in statute, which has received final approval from the applicable board, commission or officer of the municipality; (2) wastewater system permits; (3) certificates of occupancy and compliance, and (4) any amendments to the above [24 V.S.A. § 4303(11)].

- (1) **zoning permits** issued by the Zoning Administrator under Section 9.3 for all development (including signs), except for subdivisions of land requiring subdivision approval and any activity exempted under Section 9.2;
- (2) **site plan approval** issued by the Development Review Board under Section 5.3 for all uses subject to site plan review;
- (3) **conditional use approval** issued by the Development Review Board under Section 5.4 for uses subject to conditional use review, including uses within any overlay district;
- (4) **subdivision approval** issued by the Development Review Board under Section 6.5 for the subdivision or re-subdivision of land;
- (5) **planned residential or planned unit development (PRD or PUD) approval** issued by the Development Review Board under Section 8.4 in association with subdivision approval;
- (6) **certificates of occupancy** issued by the Zoning Administrator under Section 9.4(A), for development for which a zoning permit has been issued prior to occupancy or use; and
- (7) **certificates of compliance** issued by the Zoning Administrator under Section 9.4(B), as required by the Development Review Board in association with final subdivision approval, following the completion of required improvements.

(B) **Additional Permits & Approvals.** Additional permits or approvals may be required for activities associated with land development and subdivision including, but not necessarily limited to, the following:

- (1) **Wastewater Disposal (Septic) System Construction & Use Permits** issued by the Vermont Agency of Natural Resources for any development that will result in the disposal of domestic or other wastewater or effluent, including the expansion, conversion or change of use of a structure that will result in an increase in the volume of wastewater or effluent.
- (2) **Highway Access (Curb Cut) Permit** issued by the Bolton Select Board and/or the Vermont Agency of Transportation (VTrans).

(C) The Zoning Administrator will coordinate the development review process on behalf of the Town of Bolton, refer applications to the appropriate board or municipal officer, and provide information and assistance to applicants for municipal land use permits as appropriate [§§ 4448(c), 4460(e)].

## Section 9.2 Exemptions

(A) In accordance with the Act [§ 4446], the following uses and structures have been determined to impose no impact or a *de minimus* impact on the surrounding area and the overall pattern of land development in the town and are exempted from these regulations, except within Flood Hazard Area Overlay Districts (SFHAs). Outside of these districts no permit or approval shall be required for:

- (1) The normal maintenance and repair of existing structures, utilities and infrastructure which does not result in any change to the footprint or height of a building, nor result in a change of use.
- (2) Residential entry stairs (excluding decks and porches), handicap ramps, walkways, and fences or walls less than six (6) feet in height which do not obstruct public rights-of-way, or interfere with corner visibility or sight distances for vehicular traffic.
- (3) Minor grading and excavation associated with road and driveway maintenance (including culvert replacement and resurfacing), and residential lawn and yard maintenance (e.g., for gardens or landscaping).
- (4) Outdoor recreational facilities which do not involve or require the development, construction or use of structures or parking areas (e.g., walking, hiking, cross-country skiing and/or snow mobile trails).
- (5) Up to two (2) accessory structures per lot, provided that each structure does not exceed eighty (80) square feet in floor area and 10 feet in height and meets all setback distances for the district in which it is located.
- (6) Transit or bus stop shelters which do not exceed two hundred (200) square feet in area and twelve (12) feet in height, are set back at least five (5) feet from edge of the travel lane, and do not otherwise interfere with corner visibility or sight distances for vehicular traffic.
- (7) Signs specifically exempted from these regulations under Section 3.14.
- (8) Garage sales, yard sales, auctions or related activities not exceeding three (3) consecutive days, nor more than twelve (12) days in any calendar year.
- (9) A home office within a principal dwelling or attached garage which is carried on by a resident of that dwelling, and which involves no signs, public access or outdoor storage or displays.

[Amended effective 8/9/2010.]

(B) The following uses are specifically exempted from local land use and development regulations in accordance with the Act. No zoning permit or approval shall be required for:

- (1) Required Agricultural Practices (RAPs), as those practices are defined by the Secretary of the Agency of Agriculture, Food and Markets in accordance with the Act [§ 4413(d)], to include the construction of farm structures, excluding dwellings for human habitation. Written notification, including a sketch plan showing structure setback distances from road rights-of-way, property lines, and surface waters shall be submitted to the Zoning Administrator prior to any construction, as required under the RAPs. Such structures shall meet all setback requirements under these regulations, unless waived by the Secretary. Structures on farms that are not subject to Required Agricultural Practices, as determined by the Secretary, must meet all applicable requirements of these regulations, including minimum setback requirements. [Amended effective January 7, 2019.]

- (2) Accepted silvicultural practices as defined by the Commissioner of Forests, Parks and Recreation, in accordance with the Act [§ 4413(d)], including practices which are in compliance with *Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont* (AMPs), as most recently adopted by the Commissioner. [Amended effective January 7, 2019.]
  - (3) A “forestry operation” as defined under 10 V.S.A. § 2602, in accordance with the Act [§4413(d)], to include the primary processing of forest products of commercial value in association with a timber harvest on the parcel where the timber harvest occurs. This does not preclude the DRB, when issuing a decision for land development, from imposing reasonable conditions to protect wildlife habitat, threatened or endangered species, or other natural, historic or scenic resources, provided that the conditions do not restrict or regulate forestry operations unrelated to land development. [Amended effective January 7, 2019.]
  - (4) Public utility power generating plants and transmission facilities regulated by the Vermont Public Utility Commission under 30 V.S.A. § 248, including net-metered renewable solar and wind energy facilities, in accordance with the Act [§ 4413(b)]. [Amended effective January 7, 2019.]
  - (5) Hunting, fishing and trapping on public or private land as specified under 24 V.S.A. § 2295. This specifically does not include facilities that support such activities, such as firing ranges and rod and gun or fish and game clubs, which are subject to these regulations. [Amended effective January 7, 2019.]
- (B) Decisions of the Zoning Administrator as to whether a use is exempted from permit requirements under this section may be appealed to the Development Review Board under Section 9.5.

### **Section 9.3 Zoning Permit**

(A) **Applicability.** No land development subject to these regulations shall commence in the Town of Bolton until a zoning permit has been issued by the Zoning Administrator in accordance with the Act [§§ 4448, 4449] and these regulations.

(B) **Application Requirements.** The application for a zoning permit must be submitted to the Zoning Administrator on forms provided by the town, along with any application fees as established by the Select Board. In addition, the following will be required as applicable:

- (1) Applications for permitted uses shall include a statement describing the existing and intended use of the land and structures and/or any proposed structural changes, and be accompanied by two (2) copies of a sketch plan, no smaller than 8" x 11", drawn to scale, that accurately depicts the following:
  - (a) the dimensions of the lot, including existing and proposed property boundaries;
  - (b) the location, footprint, and height of existing and proposed structures and additions;
  - (c) the location and dimensions of existing and proposed accesses (curb cuts), driveways and parking areas;
  - (d) the location of existing and proposed easements, rights-of-way and utilities;
  - (e) setbacks from property boundaries, road rights-of-way, surface waters, and wetlands;
  - (f) the location of existing and proposed water and wastewater systems; and
  - (g) such other information as may be needed to determine compliance with these regulations.

- (2) For development requiring one or more approvals from the Development Review Board, Select Board and/or Sewage Officer prior to the issuance of a zoning permit, application information and fees shall be submitted concurrently with the application for a zoning permit. The Zoning Administrator shall refer the application to the appropriate board or municipal official following submission.
  - (3) Additional copies of applications which require referral to a state agency shall be provided by the applicant and will be forwarded by the Zoning Administrator to the appropriate state agency within 10 business days of receipt of the application. This includes all applications for development within Flood Hazard Area Overlay Districts (Table 2.8, Section 5.5). [Amended effective 8/9/2010.]
- (C) Issuance of Zoning Permits.** A zoning permit shall be issued by the Zoning Administrator only in accordance with the Act [§ 4449] and the following provisions:
- (1) No zoning permit shall be issued by the Zoning Administrator for any use or structure that requires approval of the Development Review Board or Select Board until such approval has been obtained.
  - (2) No zoning permit shall be issued by the Zoning Administrator for the development of a lot for which subdivision approval is required until approval has been obtained and, where also required, a certificate of compliance has been issued in accordance with Section 9.4.
  - (3) For uses requiring state agency referral under Section 5.5 (Flood Hazard 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, whichever is sooner. [Amended effective 8/9/2010.] [Amended Effective January 7, 2019.]
- (4) Prior to the issuance of a Zoning Permit, the Zoning Administrator shall determine that: [Amended effective January 7, 2019.]
- (a) the proposed development meets all requirements of these regulations and the conditions of any DRB approval or decision that apply to the property, proposed use or structure; and [Amended effective January 7, 2019.]
  - (b) state and municipal permits required prior to the start of construction have been obtained, including as applicable, a potable water supply and wastewater permit issued by the Vermont Department of Environmental Conservation, and a town or state highway access permit. The Zoning Administrator may require the submission of a state Project Review Sheet and copies of required permits as necessary to make this determination. [Amended Effective January 7, 2019.]
- (5) If public notice has been issued by the Select Board for their first public hearing on a proposed amendment to these regulations, the Zoning Administrator shall issue a zoning permit for development that is subject to the proposed amendment only in accordance with the requirements of the Act [§ 4449(d)]. [Amended Effective January 7, 2019.]
- (6) Within 30 days of receipt of a complete application, including all application materials, fees and required approvals, the Zoning Administrator shall act to either issue or deny a zoning permit in writing, or refer the application to the Development Review Board and/or state for consideration. If the Zoning Administrator fails to act within the 30-day period, a permit shall be deemed issued on the 31<sup>st</sup> day. [Amended Effective January 7, 2019.]

- (7) In accordance with the Act [§ 4449(b)], all zoning permits shall include a statement of time within which appeals may be taken under Section 9.5; and shall require the posting of a notice of permit, on a form prescribed by the town, on the property within view of the nearest public right-of-way until the time for appeal has expired. [Amended Effective January 7, 2019.]
- (8) The Zoning Administrator shall, within three (3) days of the date of issuance, deliver a copy of the permit to the Listers, and post a copy of the permit at the town office. The permit shall be posted for a period of 15 days from the date of issuance. [Amended Effective January 7, 2019.]

**(D) Effective Dates.**

- (1) **Zoning Permits.** No zoning permit shall take effect until the time for appeal under Section 9.5 has passed, or in the event that a notice of appeal is properly filed, until the appeal has been decided. Permits shall remain in effect for one (1) year from the date of issuance, unless the permit specifies otherwise. All development authorized by a zoning permit shall be substantially commenced within this period or the zoning permit shall become null and void and reapplication and approval for further development shall be required. A one (1)-year administrative extension may be granted by the Zoning Administrator if the extension is requested prior to the permit expiration date and the Zoning Administrator determines that there was reasonable cause for delay in the start of development.
- (2) **Board Approvals.** Approvals granted by the Development Review Board, including conditional use approvals and variances, shall expire upon the expiration of the zoning permit issued subsequent to Board approval. The Board may grant a longer period of approval to accommodate phased development or other projects that reasonably require a longer period of time for project commencement and/or completion. In addition, the Board may grant a one (1) year extension to an approval if the extension is requested prior to the permit expiration date, and the Board determines that there was reasonable cause for delay in the start of development, and that the proposed development remains unchanged from the time of the initial approval.

- (E) Display of Zoning Permit.** In accordance with the Act [§ 4449(b)], the notice of a zoning permit must be posted on the property within view of the nearest public right-of-way until the time for appeal under Section 9.5 has passed.

#### **Section 9.4 Certificates of Occupancy & Compliance**

- (A) Certificate of Occupancy.** A certificate of occupancy issued by the Zoning Administrator is required prior to the use or occupancy of land or a principal structure, or part thereof, for which a zoning permit has been issued.

- (1) An application for a certificate of occupancy shall be provided with the zoning permit issued by the Zoning Administrator. The applicant shall submit the application to the Zoning Administrator upon completion of required improvements, but prior to the use or occupancy of the land or structure. The Zoning Administrator may also require the submission of a state Project Review Sheet and copies of required state and federal permits to ensure that all necessary permits and approvals have been obtained by the applicant. [Amended effective 8/9/2010.] [Amended effective January 7, 2019.]
- (2) A certificate of occupancy shall not be issued until the applicant demonstrates that all necessary permits and approvals required by these regulations have been obtained, and the Zoning Administrator determines that the development has been completed in conformance with all such permits and approvals. The applicant also must provide the following, as applicable, prior to the issuance of a certificate of occupancy: [Amended effective January 7, 2019.]

- (a) certification from a professional engineer or site technician licensed by the state that the wastewater system has been installed and tested as approved by the state; [Amended effective January 7, 2019.]
  - (b) a Vermont Residential Building Energy Standards (RBES) Certificate, or Commercial Building Energy Standards (CBES) Certificate, as required under 30 V.S.A. §§ 51(f) and 53(d), for development subject to state energy codes; [Amended effective January 7, 2019.]
  - (c) the required federal inspection form (“HUD Form 309”) issued by the dealer or installer of a new mobile (manufactured) home, following home installation; [Amended effective January 7, 2019.]
  - (d) an as-built FEMA Elevation Certificate and other required floodproofing or inspection certifications for structures constructed within a Flood Hazard Overlay District (Area of Special Flood Hazard), or [Amended effective January 7, 2019.]
  - (e) any other certification, permit or approval required under state or federal law prior to the issuance of a municipal certificate of occupancy. [Amended effective January 7, 2019.]
- (3) The Zoning Administrator may inspect the premises to ensure that all work has been completed in conformance with the zoning permit and associated approvals prior to issuing a certificate. [Amended effective January 7, 2019.]
- (4) A temporary certificate of occupancy may be issued for a development that is substantially complete. A development shall be deemed substantially complete if it meets all applicable permit requirements and conditions, is habitable or otherwise able to be occupied or used for its intended purpose, and all that remains to be done is landscaping, paving or other incidental structural or site improvements which, for practical purposes as demonstrated to the satisfaction of the Zoning Administrator, cannot be completed prior to occupancy or use. Full completion shall occur within a reasonable period of time, not to exceed a period of one (1) year, as specified under the temporary certificate of occupancy. A final certificate of occupancy will be issued upon full completion of all required improvements. [Amended effective January 7, 2019.]
- (5) A final or temporary certificate of occupancy shall be issued or denied by the Zoning Administrator within 14 business days of receipt of a complete application. If the Zoning Administrator fails to either grant or deny the certificate of occupancy within 14 days of the submission of an application, the certificate shall be deemed issued on the 15th day. Temporary and final certificates of occupancy shall be recorded in accordance with Section 9.9(G). The decision of the Zoning Administrator may be appealed to the Development Review Board under Section 9.5. [Amended effective January 7, 2019.]

**(B) Certificate of Compliance.** After the effective date of these regulations the Development Review Board may require that, as a condition of final subdivision approval under Section 6.5, a certificate of compliance be obtained to ensure that public and private improvements have been installed in accordance with the conditions of subdivision approval prior to any further land development.

- (1) The application for a certificate of compliance shall be submitted to the Zoning Administrator, to include plans drawn to scale which show the location of all monuments, utilities, structures, roadways, easements, and other improvements as constructed. The Zoning Administrator shall rely on any information submitted as part of the subdivider’s application for subdivision approval to determine whether the as-built drawings conform to the approved plat and associated conditions of approval. The Zoning Administrator may also require the submission of a state project review sheet and copies of required state and federal permits to ensure that all necessary permits and approvals have been obtained by the applicant. [Amended effective 8/9/2010.]

- (2) A certificate of compliance shall not be issued until the applicant also demonstrates that all other required municipal, state and federal permits and approvals have been obtained, and the Zoning Administrator determines that the development has been completed in conformance with all such permits and approvals. [Amended effective 8/9/2010.]
- (3) Within 14 working days of receipt of the application for a certificate of compliance, the Zoning Administrator may inspect the subdivision to ensure that all work has been completed in conformance with the conditions of final subdivision approval. If the Zoning Administrator fails to either grant or deny the certificate of compliance within 14 working days of the submission of an application, the certificate shall be deemed issued on the 15th day. The certificate of compliance shall be recorded in accordance with 9.8(G). The decision of the Zoning Administrator may be appealed to the Development Review Board under Section 9.5.

## Section 9.5 Appeals

(A) **Zoning Administrator Decisions.** In addition to the applicant, any other **interested person** as defined under the Act [§ 4465] may appeal a decision or act of the Zoning Administrator 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 the Town Clerk if no Secretary has been elected, and by filing a copy of the notice with the Zoning Administrator.

- (1) The Development Review 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 9.8(D), and shall mail a copy of the hearing notice to the appellant not less than 15 days prior to the hearing date.
- (2) The Development Review 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].
- (3) In accordance with the Act [§ 4468] and Section 9.8(E), 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 adjourned by the Board from time to time, provided that the date and place of the adjourned hearing shall be announced at the hearing.

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

- A person owning title to property, or a municipality or solid waste 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.
- The Town of Bolton or an adjoining municipality.
- 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 regulations of the town.
- Any ten (10) registered voters and/or property owners within the town 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 compliance with the plan or regulations of the town; and
- Any department or administrative subdivision of the state owning property or any interest therein within the town or an adjoining municipality, and the Vermont Agency of Commerce and Community Development

(4) A decision on appeal shall be rendered within 45 days after the adjournment of the hearing, as required under the Act [§ 4464(b)] and Section 9.8(F). The decision shall be sent by certified mail to the appellant within the 45-day period. 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 Zoning Administrator and the Town Clerk as part of the public records of the municipality, in accordance with Section 9.8(G).

(B) **Development Review Board Decisions.** In accordance with the Act [§ 4471], the applicant, appellant, or any other **interested person who has participated** in a regulatory proceeding of the Development Review Board may appeal a decision rendered by the board, within 30 days of such decision, to the Vermont Environmental Court.

- (1) “Participation” in a board proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.
- (2) The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Bolton Town Clerk, or the Zoning Administrator 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.

(C) **Notice of Appeal.** A notice of appeal filed with the Development Review Board under this section shall be in writing and include the following information, in accordance with the Act [§§ 4464, 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;
- (5) the alleged grounds why such relief is believed proper under the circumstances; and
- (6) proof of notice by registered or certified mail to all adjoining and facing property owners in accordance with Section 9.8(D).

## Section 9.6 Waivers & Variances

(A) **Purpose.** The purpose of this section is to allow for the reasonable use and development of an existing, legally established nonconforming lot or structure, while ensuring that a proposed development does not have an undue adverse effect on adjoining properties, resources or uses. [Amended effective January 7, 2019.]

(B) **Setback Waivers.** The Development Review Board (DRB), in association with site plan review, conditional use review, or on appeal of a Zoning Administrator's determination under Section 9.5 may, for an existing, legally established nonconforming lot or structure, reduce minimum district setback requirements (under Tables 2.1 – 2.8) or minimum surface water and wetland setbacks (under Section 3.17) in accordance with the Act [§ 4414(8)] and the following requirements: [Amended effective January 7, 2019.]

- (1) A waiver under this section may be granted by the DRB only as necessary to:
    - (a) allow for the reasonable development and use of a nonconforming lot under Section 3.7(C),
    - (b) allow for an addition or improvement to a nonconforming structure under Section 3.8(B),
    - (c) comply with federal or state public health, safety, access and disability standards, or
    - (d) allow for the siting of a renewable energy structure.

[Amended effective January 7, 2019.]
  - (2) A waiver request, including information regarding the specific circumstances, need and justification for the waiver shall be submitted in writing with the application for site plan or conditional use review, or with the filing of an appeal under Section 9.5 of a Zoning Administrator's determination that the proposed development does not conform to required setbacks. [Amended effective January 7, 2019.]
  - (3) The minimum required setback distance shall be reduced by no more than 50% under this provision. In granting a waiver, a minimum setback distance of 10 feet shall be maintained. Variance approval under subsection (C) shall be required for any further reduction in the required setback distance beyond 50% or ten feet. [Amended effective January 7, 2019.]
  - (4) In granting a waiver under this section, the DRB shall find, based upon clear and convincing evidence, that the standards for allowing a waiver under Section 9.6(B)(1) have been met, and that:

[Amended effective January 7, 2019.]

    - (a) Due to physical site or lot line constraints, no reasonable alternative exists for siting the structure, addition or improvement outside of the required setback area, in conformance with the regulations. [Amended effective January 7, 2019.]
    - (b) The waiver, if authorized, will not:

[Amended effective January 7, 2019.]

      - (i) alter the essential character of the neighborhood or district in which the property is located; [Amended effective January 7, 2019.]
      - (ii) substantially or permanently impair or interfere with the use or development of, or access to, an adjacent property, right-of-way, surface water or wetland; [Amended effective January 7, 2019.]
      - (iii) reduce access to renewable energy resources; or [Amended effective January 7, 2019.]
      - (iv) be detrimental to the public welfare. [Amended effective January 7, 2019.]
    - (c) The waiver, if authorized, represents the minimum setback reduction necessary to allow for the proposed development. [Amended effective January 7, 2019.]
    - (d) Any potential adverse impacts to adjoining properties, rights-of-way, surface waters or wetlands resulting from reduced setbacks shall be mitigated through site design, landscaping and screening, additional vegetated buffering or other mitigation measures proposed by the applicant that are acceptable to the Development Review Board. [Amended effective January 7, 2019.]
- (C) Variances.** The Development Review Board shall hear and decide requests for variances in accordance with the Act [§ 4469(a)] and appeal procedures under Section 9.5. A variance may be granted upon approval of the Development Review Board only if literal enforcement of these regulations will result in an undue hardship to the appellant. 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: [Amended effective January 7, 2019.]

- (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 such physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation 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.
- (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.

(D) **Renewable Energy Structures.** Where a variance is requested for a structure that is primarily a renewable energy resource structure (solar structure, wind generator, and other similar renewable energy structures), in accordance with the Act [§ 4496(b)], the Board may grant such variance only if *all* of the following facts are found in the affirmative and specified in its written decision: [Amended effective January 7, 2019.]

- (1) It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with these regulations.
- (2) The hardship was not created by the appellant.
- (3) 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.
- (4) 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.

(E) **Variances within Flood Hazard Areas.** In addition to requirements under Subsection (A), variances for development within a Flood Hazard Overlay District shall be granted by the Development Review Board only in accordance with all of the following, as required under the Act [§ 4424(E)]: [Amended effective January 7, 2019.]

- (1) The criteria for granting variances found in CFR Section 60.6 of the National Flood Insurance Program.
- (2) A determination that during the base flood discharge, the variance will not result in increased flood levels.

- (3) A determination that the structure or other development is protected by methods that minimize flood damages during the base flood and will result in no additional threats to public safety, extraordinary public expenditures, or nuisances.
  - (4) The determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (5) Any variance issued within a Flood Hazard Area Overlay District shall include as part of the written decision, over the signature of a town official, the statement that: "The issuance of a variance to construct a structure below the base flood elevation increases risks to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage." Such notification shall be maintained with a record of all variance actions. [Amended effective 8/9/2010.]
- (F) In granting a waiver or variance under this section, the Development Review Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the town plan currently in effect. [Amended effective January 7, 2019.]

## **Section 9.7 Violations & Enforcement**

(A) **Violations.** The commencement or continuation of any land development, subdivision or land use which is not in conformance with the provisions of these regulations shall constitute a violation. All violations will be pursued in accordance with the 24 V.S.A. §§ 4451, 4452, 4454 and/or as a civil matter enforced in accordance with the provisions 24 V.S.A. §§ 1974a et. seq. at the discretion of the Zoning Administrator. Each day that a violation continues shall constitute a separate offense. [Amended effective November 7, 2022].

- (1) **Flood Hazard Area Violations.** For violations within a Flood Hazard Area Overlay District (Special Flood Hazard Area) a copy of the notice of violation shall be mailed to the State NFIP Coordinator. If the violation remains after all appeals have been resolved, the Zoning Administrator shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance for the property, pursuant to §1316 of the National Flood Insurance Act of 1968. [Amended effective 8/9/2010.]
- (2) **AMP and RAP Violations.** Known violations of state Acceptable Management Practices shall be immediately reported to the Secretary of the Agency of Natural Resources for enforcement under 10 V.S.A. Chapter 201. Known violations of state Required Agricultural Practices shall be immediately reported to the Secretary of the Agency of Agriculture, Food and Markets, for enforcement under 6 V.S.A. § 4812. [Amended effective 8/9/2010.] [Amended effective January 7, 2019.]

(B) **Notice of Violation.** Pursuant to 24 V.S.A. § 4451, no action may be brought under this Section unless the alleged offender has had at least 7 days notice by certified mail that a violation exists. The warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the 7-day period, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the 7-day period. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the bylaw after the 7-day notice period and within the next succeeding 12 months. Violations shall be recorded in the land records pursuant to Section 9.8. A notice of violation shall also state;

- (1) the bylaw provision or permit condition alleged to have been violated;
- (2) the facts giving rise to the alleged violation;
- (3) to whom appeal may be taken and the period of time for taking an appeal; and

(4) that failure to file an appeal within that period will render the notice of violation the final decision on the violation addressed in the notice. [Amended effective November 7, 2022].

(C) **Enforcement.** In accordance with 24 V.S.A. §§ 4451, 4452 and 4454, the Zoning Administrator shall commence or cause to be commenced in the name of the municipality any appropriate action, injunction or other proceeding to enforce the provisions of these regulations. [Amended effective November 7, 2022].

(1) **Vermont Superior Court - Environmental Division.** The Zoning Administrator may pursue or cause to be pursued any appropriate action, injunction or other proceeding in the name of the municipality to enforce the provisions of these regulations through the Environmental Division of Vermont Superior Court. All fines imposed and collected for violations shall be paid over to the municipality. [Amended effective November 7, 2022].

(2) **Civil Enforcement Pursuant to 24 VSA § 1974a.** The Zoning Administrator may pursue or cause to be pursued enforcement action in the name of the municipality through the Judicial Bureau if the penalty for all continuing violations is \$800.00 or less. All enforcement matters under Title 24, Chapter 117 greater than \$800.00 shall be brought in the Environmental Division of Vermont Superior Court. For purposes 24 V.S.A. 1971(b), these Land Use and Development Regulations shall be designated as a civil ordinance. Penalties shall be imposed for violations of any provision of these regulations in accordance with 24 VSA §1974a and the schedule below:

- (a) A civil penalty of \$50 shall be imposed for the first violation of these regulations. The penalty for the second offense shall be \$100. The penalty for each subsequent offense shall be \$200.
- (b) A waiver fee may be collected, in lieu of a civil penalty, for any person who declines to contest a municipal complaint and pays the following waiver amounts for each violation. The waiver fee shall be set at \$25 for the first offense, \$50 for the second offense, and \$100 for each subsequent offense. [Amended effective November 7, 2022.]

(3) **Enforcement Limitations.**

- (a) The municipality shall observe any limitations on enforcement proceedings relating to municipal permits and approvals as set forth in 24 V.S.A. §4454. An action, injunction or other enforcement proceeding relating to any municipal land use permit may be instituted within 15 years of the date the alleged violation first occurred, and not thereafter. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted.
- (b) No action, injunction or enforcement proceeding may be instituted to enforce an alleged violation of a municipal land use permit which received final approval from the applicable board, commissioner, or officer of the municipality after July 1, 1998, unless the municipal land use permit or a notice of the permit was recorded in the land records of the municipality as required by 24 V.S.A. §4449.
- (c) Nothing in this Section shall prevent any action, injunction or other enforcement proceeding by a municipality under any other authority it may have, including, but not limited to, the municipality's authority under Title 18 of the Vermont Statutes Annotated relating to the abatement or removal of a public health risk or hazard. [Amended effective November 7, 2022.]

(4) **Complaints.** Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint with the Zoning Administrator. The complaint shall state fully the

causes and basis for the alleged violation. The Zoning Administrator shall properly memorialize such a complaint, investigate, and take action as appropriate in accordance with these regulations. [Amended effective November 7, 2022.]

## Section 9.8 Administrative Requirements & Procedures

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

- (1) **Zoning Administrator (Administrative Officer).** The Select Board shall, from nominations submitted by the Planning Commission, appoint a Zoning Administrator for a term of three (3) years in accordance with the Act [§ 4448]. In the absence of the Zoning Administrator, an acting Zoning Administrator may be appointed by the Select Board from Planning Commission nominations who shall have the same duties and responsibilities of the Zoning Administrator in the Zoning Administrator's absence. The Zoning Administrator 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.
- (2) **Development Review Board.** Development Review Board members and alternates shall be appointed by the Select Board for specified terms in accordance with the Act [§ 4460]. The Board shall adopt rules of procedure and rules of ethics with regard to conflicts of interest to guide its official conduct. The Development Review 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:
  - applications for rights-of-way or easements for development lacking frontage (Section 3.2);
  - applications for site plan approval (Section 5.3),
  - applications for conditional use approval (Section 5.4),
  - applications for subdivision approval (Article VI),
  - applications for planned unit and planned residential development (Article VIII), and
  - appeals from any decision, act or failure to act by the Zoning Administrator and associated variance requests (Sections 9.5 and 9.6).
- (3) **Conservation Commission.** For purposes of these regulations the Bolton Conservation Commission, as appointed by the Select Board in accordance with the Act [§§ 4433, 4464(d)] and other applicable state statutes [24 V.S.A. Chapter 118], shall have the authority to:
  - review applications and prepare recommendations on each of the review standards under these regulations that are within the Conservation Commission's purview for consideration by the Development Review Board at a public hearing on the application;
  - meet with the applicant, interested parties, or both, conduct site visits, and perform other fact finding that will enable the preparation of Commission recommendations; and
  - inform applicants of any negative recommendations prior to the public hearing, and suggest remedies to correct identified deficiencies in the application.
- (4) **Planning Commission.** Planning Commission members shall be appointed by the Select Board in accordance with the Act [§§ 4322, 4323]. The Commission shall adopt rules of procedure and rules of ethics with regard to conflicts of interest to guide its official conduct as required under the Act and Vermont's Open Meeting Laws. In accordance with the Act [§§ 4441, 4460], the Commission shall have the following duties in association with these regulations:

- prepare proposed amendments to these regulations, and consider proposed amendments submitted by others, include amendments submitted by petition (Section 1.5);
- prepare and approve written reports on any proposed amendment to these regulations as required by the Act [§ 4441(c)]; and
- 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 Select Board [§ 4441(d)].

(B) **Fee Schedule.** In accordance with the Act [§ 4440], the Select Board shall establish a schedule of fees to be charged in administering these regulations, with the intent of covering the town's administrative costs. Such fee schedule may be reviewed and revised periodically.

(C) **Independent Technical Reviews.** Pursuant to the Act [§ 4440(d)], the Development Review Board may require an applicant for development that requires Board approval to pay for the reasonable costs of an independent technical review of the application. Accordingly:

- (1) The Board shall prepare a detailed scope for the technical review. The scope shall be strictly limited and relevant to specific review criteria upon which the Board is required to base its decision on the application, and require that the review be completed in a timely manner, as specified by the Board.
- (2) The Board, in consultation with the Select Board, shall retain a competent and, where applicable, licensed individual or company qualified in the pertinent field(s) to conduct the independent review.
- (3) The cost of the review shall be paid for by the applicant, in accordance with procedures established by the Select Board.

(D) **Public Notice.**

- (1) In accordance with the Act [§ 4464], a warned public hearing shall be required for conditional use review (Section 5.4), appeals and variances (Sections 9.5 and 9.6) and preliminary and final subdivision review (Sections 6.4 and 6.5). 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:
  - (a) publication of the date, place and purpose of the hearing in a newspaper of general circulation in the town,
  - (b) posting of the same information in three (3) or more public places within the municipality in conformance with the requirements of state statute [1 V.S.A., § 312(c)(2)], including the posting of a hearing notice within view from the public right-of-way nearest to the property for which the application is being made;
  - (c) 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; and
  - (d) for hearings on subdivision plats located within 500 feet of a municipal boundary, written notification to the clerk of the adjoining municipality.
- (2) Public notice of all other types of quasi-judicial development review proceedings, including site plan review hearings (Section 5.3), shall be given not less than seven (7) days prior to the date of the public hearing, and shall at minimum include the following:

- (a) posting of the date, place and purpose of the hearing in three (3) or more public places within the municipality in conformance with the requirements of state statute [1 V.S.A., § 312(c)(2)], and
  - (b) 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.
- (3) The applicant shall be required to bear the cost of public warning and the cost and responsibility of notifying adjoining landowners as required under Subsections (D)(1) and (D)(2), as determined from the current municipal grand list. The applicant also shall demonstrate proof of delivery to adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.
- (4) No defect in the form or substance of any required public notice under this section shall invalidate the action of the Development Review Board 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.
- (5) Public hearings concerning proposed amendments to these regulations shall be noticed and warned in accordance with the Act [§§ 4441, 4444].

**(E) Meetings & Hearings.**

- (1) **Development Review Board.** In accordance with the Act [§§ 4461, 4464], all meetings and hearings of the Development Review Board, except for deliberative and executive sessions, shall be open to the public. In addition:
- (a) For the conduct of any meeting and the taking of any action a quorum shall be not less than a majority of the members of the Board.
  - (b) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating this, and shall keep records of its examinations and other official actions which shall be filed immediately in the Town Office as public records.
  - (c) Public hearings shall be noticed and warned in accordance with Subsection (D). In any regulatory hearing of the Development Review Board there shall be an opportunity for each person wishing to achieve status as an interested person, for purposes of participation or appeal under Section 9.5 to demonstrate that the criteria for achieving such status are met. The Board shall keep a written record of the name, address, and participation of each of these persons.
  - (d) The Board may recess the proceedings on any application pending submission of additional information, and should close evidence promptly after all parties have submitted requested information.

- (e) No member of the Board shall communicate on any issue in an application proceeding, directly or indirectly, with any party, party's representative, party's counsel, or any interested person in the outcome of the proceeding while the proceeding is pending without additional notice and opportunity for all parties to participate. All ex parte communications received by Board members, all written responses to such communications, and the identity of the person making the communication shall be entered into the record.
  - (f) Members of the Board shall not participate in the decision on an application unless they have heard all the testimony and reviewed all the evidence submitted in the hearing. This may include listening to a recording, or reading the transcripts of testimony they have missed, and reviewing all exhibits and other evidence prior to deliberation.
- (2) **Conservation Commission.** In accordance with the Act [§ 4464(d)], meetings of the Conservation Commission to review an application under these regulations shall comply with Vermont's Open Meeting Law and requirements of the Commission's rules of procedure, but shall not be conducted as public hearings before a quasi-judicial body. Commission recommendations may be presented in writing at or before Development Review Board public hearing on the application, or may be presented orally at the public hearing.
- (F) **Decisions.** In accordance with the Act [§ 4464(b)], the Development Review Board may recess proceedings on any application pending the submission of additional information. The Board will close evidence promptly after all parties have submitted requested information, and shall issue a 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 46<sup>th</sup> day.
- (1) 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 9.5.
  - (2) In rendering a decision in favor of the applicant, the Board may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of the Act, these regulations, and the town plan currently in effect. This may include, as a condition of approval:
    - (a) the submission of a three (3)-year performance bond, escrow account, or other form or surety acceptable to the Bolton Select Board, which may be extended for an additional three (3)-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
    - (b) a requirement that no certificate of occupancy or certificate of compliance be issued for an approved development until required improvements have been satisfactorily installed in accordance with the conditions of approval.
  - (3) All decisions shall be sent by certified mail, within the required 45-day period, to the applicant or to 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 Zoning Administrator and Town Clerk as part of the public record of the municipality, in accordance with Subsection (G).

- (4) In accordance with the Act [§ 4464(c)], any decision issued by the Development Review Board may authorize that subsequent changes or amendments to an approved project may be allowed subject to administrative review by the Zoning Administrator, rather than Board review, in accordance with the following, which shall be specified in the Board's decision:
- (a) The decision shall clearly specify the thresholds and conditions under which administrative review and approval shall be allowed.
  - (b) The thresholds and conditions shall be structured such that no new development shall be approved that results in substantial impact under the requirements of these regulations, or any of the thresholds or conditions set forth in the decision.
  - (c) No amendment issued as an administrative review shall have the effect of substantially altering the findings of fact of any Board approval in effect.
  - (d) Any decision of the Zoning Administrator authorized in this manner may be appealed to the Board in accordance with Section 9.5(A).

**(G) Recording Requirements.**

- (1) Within 30 days of the issuance of a municipal land use permit or notice of violation, the Zoning Administrator shall deliver either the original, a legible copy, or a notice of the municipal land use permit or notice of violation to the Town Clerk for recording in the land records of the town generally as provided in 24 V.S.A. § 1154(c), and file a copy in the Bolton Town 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.
- (2) For development within the Flood Hazard Area Overlay District, the Zoning Administrator shall also maintain a record of all permits, elevation certificates, elevations, floodproofing certifications and variance actions issued for development within the district as required under Section 5.5(I).

**(H) Availability & Distribution 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 Bolton Town Office.

## ARTICLE X. DEFINITIONS

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### Section 10.1 Terms & Usage

(A) Except where specifically defined herein or in the Act, or unless otherwise clearly required by the context, all words, phrases and terms in these regulations shall have their usual, customary meanings.

(B) In the interpretation of words and terms used, defined, or further described herein, the following shall apply:

- (1) the particular controls the general,
- (2) the present tense includes the future tense,
- (3) the word "shall" is mandatory; the word "may" is permissive; the term "generally shall" indicates that it is mandatory unless the Development Review Board or other applicable body deems otherwise in accordance with these regulations,
- (4) the word "structure" includes "building;"
- (5) the word "road" includes "street," and
- (6) the word "lot" includes "parcel."

(C) General definitions under Section 10.2 shall apply unless otherwise specified or required under these regulations.

- (1) For the purposes of flood hazard area management and regulation under Table 2.8 and Section 5.5, required National Flood Insurance Program (NFIP) definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations. Definitions of some commonly used terms are provided under Section 10.3.
- (2) In the event that more than one definition under Sections 10.2 and 10.3 may apply, the more specific, restrictive or required definition shall control.

[Amended effective 8/8/2010.]

(D) Any interpretation of words, phrases or terms by the Zoning Administrator may be appealed to the Development Review Board under Section 9.5. In such cases, the Board shall base its decision upon the following definitions, state statute, and the need for reasonable and effective implementation of these regulations. The Board shall publish and update from time to time such written interpretations, to ensure consistent and uniform application of the provisions of these regulations.

### Section 10.2 Definitions

**Acceptable Management Practices (AMPs):** *Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont*, as most recently revised and adopted by the Commissioner of Forests, Parks and Recreation under 10 V.S.A. § 2622 (see exemptions under Section 9.2). See also Forestry, Forestry Operation.

**Access:** A defined area of ingress and/or egress between a property and an abutting road right-of-way (e.g., a curb cut) or surface water. See also Driveway, Road.

**Accessory Dwelling:** See Dwelling/Accessory.

**Accessory On-Farm Business:** As defined by 24 V.S.A. § 4412(11), an accessory on-farm business is an activity that is accessory to a farm and may include one or both of the following:

- (1) 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.
- (2) 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. "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 Structure:** A structure which is clearly incidental and subordinate to the principal use of or structure on a lot, located on the same lot as the primary structure or use, and clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, playhouses, and wading or swimming pools which are incidental to the residential use of the premises and not operated for gain. See also Accessory Dwelling, Accessory Use.

**Accessory Use:** A use which is customarily incidental and subordinate to the principal use of a lot, is located on the same lot as the principal use, and is clearly and customarily related to the principal use. See also Accessory Structure.

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

**Adaptive Reuse:** The rehabilitation or renovation of an existing historic structure, as listed on the *Vermont Historic Sites and Structures Survey for the Town of Bolton*, the National Register of Historic Places, or another list prepared and maintained by the town for this purpose, for another use as specified in these regulations (see Section 4.3).

**Adequate Coverage:** Coverage is adequate within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment like Bolton, this would be a signal strength of at least -90 dBm. It is acceptable for there to be holes within the area of adequate coverage, as long as the signal regains its strength farther away from the base station. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain.

**Administrative Officer:** the Bolton Zoning Administrator.

**Affiliate:** For the purposes of regulating telecommunications facilities, (1) when used in relation to an operator, an affiliate is another person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or common control with the operator, or an operator's principal partners, shareholders, or owners of some other ownership interest; or (2) when used in relation to the municipality, an affiliate is any agency, board, authority or political subdivision associated with the municipality or other person in which the municipality has legal or financial interest.

**Affordable Housing:** As defined in 24 V.S.A. § 4303, to include either:

- (1) 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%; or
- (2) renter-occupied housing for which the total annual cost of renting, including rent, utilities and condominium association fees, does not exceed 30% of the gross annual income of a household at 80%, of the highest of the following as defined by the U.S. Department of Housing and Urban Development (HUD): (a) the Chittenden County median income; (b) the median income reported for the Burlington-South Burlington Metropolitan Statistical Area (MSA); or (c) the statewide median income. “**Perpetually affordable**” shall mean housing that meets the affordability requirements of these regulations for a minimum period of 99 years from the date of first sale or lease.

**Affordable Housing Development:** A housing development in which at least 20% of the units, or a minimum of five (5) units, whichever is greater, are affordable housing units.

**Agriculture:** As defined by the Vermont Secretary of Agriculture, to include the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural or orchard crops; the raising, feeding or management of livestock, poultry, equines, fish or bees; the operation of greenhouses; the production of maple sap; the on-site storage, preparation and sale of agricultural products principally produced on the farm; and the on-site production of fuel or power from agricultural products or wastes produced on the farm. The term shall include commercial riding stables, but specifically excludes the slaughtering of animals or poultry for commercial purposes. See also Required Agricultural Practices, Farm, Farm Structure.

**Agricultural Products:** Products produced, prepared and/or processed from an agricultural operation including but not limited to milk, vegetables, fruits, flowers, potting or bedding plants, soil or compost, trees, shrubs, greens, maple syrup or other sap products, meat, poultry, eggs, fish, honey, and other bee products. This also includes products manufactured from these products, including cheese and other dairy products. See also Agriculture.

**Agricultural Structure:** See Farm Structure.

**Alpine Ski Facility:** An area and facility developed for downhill skiing, with trails and lifts, which may also include associated ticketing, parking, ski equipment sales and rentals, ski instruction, safety, patrol, snowmaking and maintenance facilities, and warming hut facilities to be accessed primarily by ski trails or service roads. Other facilities, such as commercial lodging, indoor recreation, cultural and restaurant facilities, which may support year-round use, may be allowed in association with an alpine ski facility subject to review as a mixed use (see Section 4.14) or a planned unit development (Article VIII).

**Alteration:** Any relocation, structural change, rearrangement, or addition to a building or structure, excluding normal maintenance and repair activities. Alterations shall include any construction that changes the number of dwelling units, or increases the size of a building or structure, including its height, length, width, footprint, or gross floor area. It shall also include any increase in the number of bedrooms or bathrooms. See also Conversion, Improvement, Substantial Improvement.

**Antenna:** A device for transmitting and/or receiving electromagnetic signals.

**Antenna Height:** The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades at the base of the structure shall be used in calculating the antenna height.

**Antenna Support Structure:** Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic signals.

**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 for a permit in cooperation with the owner of the property. See also Interested Party.

**Approval:** A written decision issued by the Bolton Development Review Board within the statutory time limit, or in the event of the Board's failure to act within the specified time limit, a certification of such failure to act issued by the Municipal Clerk, as attached to the permit application and recorded in the land records of the municipality.

**Authorized Agent:** A person or group of persons who have been duly authorized in writing by an applicant or subdivider to act on his/her behalf.

**Available Space:** For purposes of regulating telecommunications facilities, the space on a telecommunications tower or structure to which antennas of a telecommunications provider are both structurally able and electromagnetically able to be attached.

**Bar:** See Restaurant.

**Base Station:** The primary sending and receiving site in a telecommunications facility network. More than one base station and/or more than one variety of telecommunications provider can be located on a single tower or structure.

**Basement:** Any area of a building having its floor at subgrade (below ground level) on all sides.

**Bed & Breakfast (B&B):** A single family dwelling occupied by the owner or operator, in which not more than four (4) guest rooms accommodating up to eight (8) guests within the dwelling and/or in an accessory structure located on the same lot, are rented out to provide overnight accommodations to transient travelers. Individual cooking and eating facilities shall not be provided; breakfast shall be the only meal served and shall be limited to overnight guests. The bed and breakfast shall function as a private home with house guests. Parking requirements also apply (see Section 3.11).

**Board:** The Bolton Development Review Board, as established under the Act, unless otherwise specified.

**Boundary (Lot Line) Adjustment:** A division of land for the purpose of adjusting boundaries between adjacent lots or parcels where no new lot is created. A boundary adjustment shall not create a nonconforming lot or use (see Section 6.1). See also Subdivision.

**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 structure having a roof supported by columns or walls and intended for the shelter or

accommodation of persons, animals, goods, chattel or equipment.

**Building Coverage:** As specified by zoning district to mean either 1) that portion (percentage) of a lot area which is covered by buildings and other structures, to be calculated as the sum of all building or structure footprints divided by the lot area: (total building footprint/lot area) x 100 = % building coverage, or 2) the maximum total building footprint allowed per lot, to be calculated based on the sum of all building and structure footprints on that lot.

**Building Elevation:** A flat scale drawing of the front, side or rear of a building that shows building height, dimensions, rooflines, relationship of floor levels to grade, placement of doors and windows, and any additions, attached garages, porches or decks.

**Building Envelope:** A specific area of a lot, delineated on a subdivision plat, within which structures, parking and loading areas, shall be located, and outside of which no structures, parking or loading areas shall be located. A building envelope shall be defined by required minimum setback and height distances, unless otherwise specified in these regulations. This also may be referred to as the “buildable area” of a lot.

**Building Height:** See Height.

**Building Orientation:** The location on a lot of a building or other structure in relation to road rights-of-way and, where present, adjoining and facing structures and/or designated open space areas, such as a common park or green.

**Camp:** A type of detached, seasonal dwelling unit which is not the primary residence of the owner or occupant, is occupied only on a part-time or seasonal basis, and which is structurally not suited for year-round occupancy. This definition shall include 1) a dwelling which is occupied no more than six (6) consecutive months during any one (1) year period, including the summer months, and which lacks one or more of the basic amenities, services or utilities required for year-round or all weather occupancy, including but not limited to a winterized water system, insulated walls and roof, heating source, adequate water or wastewater disposal systems, or utility line connection, or 2) a dwelling that has been specifically permitted as a camp. For purposes of these regulations, a dwelling listed on the Bolton grand list as a single family seasonal residence (S1 or S2) as of the effective date of these regulations shall be deemed a seasonally occupied dwelling; and may be deemed a camp under this definition, unless it has been permitted as a single family dwelling, or it has been documented by the applicant and determined by the Zoning Administrator to be an existing single family dwelling. See also Dwelling, Single Family.

**Camper:** Any vehicle used as temporary sleeping, camping or living quarters, which is mounted on wheels, a truck or a camper body, or towed by a motor vehicle, and includes a holding tank for the storage of sewage if bathroom facilities are present. This definition includes recreation vehicles such as motor homes and travel trailers, but specifically excludes mobile homes (see Section 4.4). See also Mobile Home.

**Campground:** A parcel of land upon which three (3) or more campsites are located as temporary living quarters for recreation, education, or vacation purposes (see Section 4.5). See also Camper and Primitive Campground [Amended effective November 7, 2022].

**Cellular Telecommunications:** A commercial Low Power Mobile Radio Service bandwidth licensed by the FCC to providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.

**Cemetery:** Land used or dedicated to the burial of the dead, including cremains. A cemetery may include as accessory structures mausoleums, columbariums, or maintenance facilities; crematoriums are specifically prohibited. An individual burial site on private land, registered with the Bolton Town Clerk in accordance with state law, is exempted from this definition. See also Funeral Home.

**Change of Use:** See Conversion.

**Channel:** For purposes of regulating telecommunications facilities, the segment of the radiation spectrum to or from an antenna which carries one signal. An antenna may radiate on many channels simultaneously.

**Clearing:** The removal of existing vegetation, e.g., as part of site preparation for the installation of driveways, septic systems, building sites and construction or yard areas.

**Co-location:** Locating wireless telecommunications equipment from more than one provider at a single site or structure.

**Commercial Lodging Facility:** For the purposes of these regulations, a Bed & Breakfast, an Inn or a Hotel (see Section 4.6).

**Commercial Use:** An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

**Commission:** The Bolton Planning Commission, as created under the Act.

**Common Carrier:** An entity licensed by the FCC or a state agency to supply local and/or long distance telecommunications services to the general public at established and stated rates.

**Common Land:** Land within a development or subdivision that is not individually owned, but which is designed to be held in common for the use, enjoyment, management and maintenance by the residents of a development or subdivision. Such land may include but not be limited to open space areas, parking lots, community water and wastewater systems, pedestrian walkways, utility and road rights-of way.

**Community Center:** A building used for recreational, social, and cultural activities which is not operated for profit and is intended primarily to serve the residents of the town or the development in which it is located.

**Community System (Water, Wastewater):** Any water or wastewater disposal system other than a municipally-owned system which provides potable water to or disposes of wastewater from two or more domestic, commercial, industrial, or institutional uses. Such systems shall include associated collection, distribution and treatment facilities.

**Condominium:** Individual ownership of a dwelling unit in a multi-unit structure, such as an apartment building. See also Hotel, Dwelling, Multi-family.

**Construction Drawings:** Drawings showing the location, profile grades, size and types of drains, sewers, water mains, underground fire alarm ducts, underground power and telephone ducts, pavements, cross sections of streets, miscellaneous structures, etc.

**Contiguous Land:** (1) A parcel of land contained within a single, unbroken parcel boundary; or (2) two or more parcels which share a common parcel boundary or point. Where one or more existing road rights-of-way bisect an existing parcel, the right(s)-of-way may be considered a boundary dividing the parcel into two or more lots only if all portions of the parcel divided by the right(s)-of-way meet the minimum lot size requirement for the district within which they are located.

**Contractor's Yard:** A parcel of land with or without buildings thereon to be used for the storage of equipment, materials, and/or vehicles used in the operation of construction and related trades (see Section 4.7). See also Home Industry.

**Convention Center:** An indoor facility used by business, professional and service organizations for the hosting of conventions, conferences, seminars, exhibits, product displays and entertainment functions. Such a facility also may include accessory supporting functions, such as food preparation, sanitation and waste management, but specifically excludes overnight accommodations and restaurant or bar facilities that are open to the general public. See also Events Facility, Inn, Hotel, Mixed Use, Restaurant.

**Conversion:** Changing the original purpose of a building to a different use, with or without structural alteration. This includes, but may not be limited to, the conversion of camps or accessory dwellings to single family dwellings, or the conversion of a single family dwelling to a two-family or multi-family dwelling (see Section 3.3). See also Adaptive Reuse.

**Coverage:** See Building Coverage, Lot Coverage.

**Critical Wildlife Habitat:** Natural features that contribute to the survival and/or reproduction of the native wildlife of Bolton. This shall include, but is not limited to, wildlife travel corridors, deer wintering areas, critical bear habitat areas including concentrated black bear feeding habitat (mast stands), peregrine falcon and bald eagle nesting areas, Bicknell's Thrush habitat, high elevation bird habitat, deer wintering area, habitat for rare, threatened and endangered species (state or federally listed) and habitat identified by the Vermont Department of Fish and Wildlife as either significant wildlife habitat or necessary wildlife habitat in accordance with 10 V.S.A. § 6086(a)(8)(A). Critical wildlife habitat may be mapped in the *Science to Action* report, in the Bolton Town Plan, or on the Vermont Agency of Natural Resources Biofinder or Natural Resources Atlas, subject to field verification by the applicant per Sec. 7.3.E. [Amended effective May 24, 2021].

**Cul-de-Sac:** A road intersecting another road at one end, and terminated at the other end by a vehicular turnaround.

**Cultural Facility:** A museum, theater, concert hall, library or other establishment offering programs, performances or exhibits or cultural, educational, historical, or scientific interest, excluding movie theaters as a principal use. See also Recreation/Indoor.

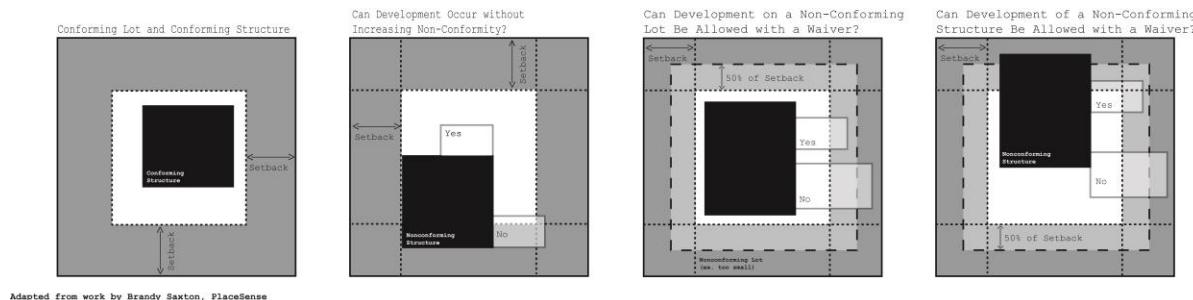
**Curb Cut:** See Access.

**Day Care Facility:** Any establishment, except those supported in whole by tax funds, operated as a business or service on a regular or continual basis, whether for compensation or not, which provides care, protection, supervision and/or education for children or adults for periods of less than 24 hours. This definition shall include all facilities that are required to be licensed by the State of Vermont as a private kindergarten, nursery school, and/or day care facility, except for family child care homes (see Section 4.8). See also Group Home, Family Child Care Home, Residential Care Facility.

**dBm:** Unit of measure of the power level of an electromagnetic signal at the input of a receiver, given its antenna system gain at a particular frequency, expressed as decibels (dB) above one milliwatt. Signal predictions with this measure are applicable at a particular frequency, and may be ambiguous unless all receivers and antenna combinations utilize an identical frequency.

**dBu:** Unit of measure of the field intensity of an electromagnetic signal, expressed as decibels (dB) above one microvolt per meter, an absolute measure for describing and comparing service areas, independent of the many variables (see dBm) introduced by different receiver configurations. This unit shall be used for coverage prediction plots

**Degree of Nonconformance:** The degree to which a structure, or portion thereof, does not meet required dimensional standards, including minimum setback distances or maximum height requirements, as specified in these regulations. For purposes of these regulations, any enlargement or other structural alteration which extends the footprint of a structure within a required setback area, or increases the height of a structure above the maximum allowed height, shall be considered to increase the degree of nonconformance. See also Nonconforming Structure.



**Demolition:** The razing of more than 50% of a structure.

**Density:** The maximum number of dwelling units per acre of lot area, excluding the land area within existing and proposed road rights-of-way, unless otherwise specified in these regulations.

**Development:** See Land Development.

**Development Right:** The right to build or develop on a specific parcel of land in accordance with the zoning regulations for the district in which the parcel is located.

**Drive-through:** An establishment which, by design, physical facilities, and/or service encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

**Driveway:** A private travel way, easement or right-of-way serving up to three (3) parcels, which provides vehicular access to a parking area(s) associated with the principal structure or use (see Section 3.2). See also Access, Road.

**Dwelling/Accessory:** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family dwelling, which is retained in common ownership, is located within, attached to or on the same lot as the primary dwelling, and which otherwise meets applicable requirements of these regulations (see Section 4.2). See also Dwelling/Two-Family.

**Dwelling/Seasonal:** See Camp.

**Dwelling/Multi-Family:** A building or portion thereof containing three (3) or more dwelling units. See also Dwelling Unit, Dwelling/Two Family.

**Dwelling/Single Family:** (1) A detached building containing one (1) principal dwelling unit, and up to one (1) accessory dwelling as allowed under Section 4.2. See also Dwelling/Accessory, Group Home.

**Dwelling/Two Family:** A detached building, such as a duplex, that contains two principal dwelling units.

**Dwelling Unit:** A building, or portion thereof, designed, constructed, or used as separate living quarters for one (1) family, including any domestic employees employed on the premises, which includes food preparation, sleeping and sanitary facilities. This definition specifically excludes boarding or rooming houses, residential care facilities, inns and hotels. See also Family.

**Dwelling Unit, Affordable:** See Affordable Housing.

**Dwelling Unit, Elderly:** See Elderly Housing.

**Easement:** The authorization of a property owner for the use by another of any designated part of the property for a specified purpose.

**Elderly Housing:** Multi-family dwelling(s) in one (1) or more buildings, each unit of which is specifically designed and intended for occupancy by at least one person who is retired and 55 years of age or older.

Such housing may include, as accessories, congregate dining and recreational facilities, and assisted living services. See also Residential Care Facility.

**Enlargement:** Any increase in the height or the footprint of a structure, e.g., through extensions or additions to any side.

**Events Facility:** A designated outdoor site or facility used for the hosting of special events, including fairs, festivals, exhibits, and concerts, and associated temporary or permanent access, parking, food, sanitation and waste management facilities. An events facility may include accessory structures for sanitary facilities, exhibit, and storage space.

**Extraction:** A use involving the on-site removal of surface and subsurface materials, including soil, sand, gravel, and stone. Typical uses include sand and gravel pits and related operations such as the crushing, screening, and temporary storage of materials on-site (see Section 4.9). See also Quarrying.

**Family:** One or more persons related by blood, marriage, civil union, adoption or other form of legal guardianship as recognized by the State of Vermont, or a group of not more than eight (8) unrelated persons, exclusive of domestic servants, living together as a household. See also Group Home.

**Family Child Care Home:** The physical residence of a family child care provider, licensed or registered by the state, who cares for and supervises children outside of their own homes for periods of less than twenty-four (24) hours per day. This includes required indoor and outdoor space, approved by the state, for use by children under care. The family child care provider is responsible for operation of the home, and legally responsible for compliance with municipal and state regulations (see Section 4.8). See also Day Care Facility.

**Farm:** A parcel or parcels of land owned, leased, or managed by a person and devoted primarily to farming, as defined under Required Agricultural Practices (RAPs) and associated thresholds, provided that a lessee controls the leased lands to the extent they would be considered as part of the lessee's own farm. Indicators of control may include whether the lessee makes day-to-day decisions concerning the cultivation or other farming-related use of the leased lands and whether the lessee manages the land for farming during the leased period.

**Farm Structure:** A structure used by a person for farming, including a silo, a building, enclosure or fence to house livestock or raise horticultural or agronomic plants, or that is customarily used to carry out other practices associated with accepted agricultural or farming practices. In accordance with Required Agricultural Practices (RAPs) and the Act [24 V.S.A. § 4413(d)], a farm structure includes a farm building, silo, barnyard, enclosure, fence, and waste management system, but excludes a dwelling for human habitation (see exemptions under Section 9.2). See also Agriculture, Farm, Required Agricultural Practices (RAPs).

**Farming:** See Agriculture.

**FCC:** Federal Communications Commission. The government agency responsible for regulating telecommunications in the United States.

**Fence:** An assemblage of materials, which may include metal, stone, wood, or any combination, erected and placed on the ground for purposes of limiting visual or physical access, and/or to mark a property boundary. Agricultural fences and other fences or walls less than six (6) feet in height which do not obstruct public rights-of-way are specifically exempted from these regulations (see Section 9.2).

**Financial Institution:** A bank, savings and loan, finance, mortgage or investment company.

**Floor Area/ Gross:** The total area of all floors of a building as measured to the outside surfaces of exterior walls, including halls, stairways, elevator shafts, attached garages, enclosed porches and balconies, but excluding interior vehicular parking and loading spaces, or any space where the floor to ceiling height is less than six (6) feet.

**Forest Fragmentation:** The division or physical conversion of a contiguous tract or block of resource land identified for protection under these regulations, including forest land, farm land and critical wildlife habitat, by any land development other than by a recreational trail or use exempt from municipal land use regulation. [This includes the subdivision of resource lands into smaller parcels held under separate or independent management, and the extension of roads and driveways that result in noncontiguous, isolated and remnant resource land that can no longer physically sustain its ecological or productive functions.] [Amended effective May 24, 2021].

**Forestry:** The use and management of timber land for purposes of conservation , forest management, wood production and timber harvesting. This definition specifically excludes sawmills, lumberyards and other similar facilities used for the processing or manufacturing of wood and wood products, with the exception of portable sawmills and other equipment used on site in association with a forestry operation (see exemptions under Section 9.2). See also Acceptable Management Practices (AMPs), Forestry Operation, Light Industry.

**Forestry Operation:** Per 10 V.S.A. § 2602, activities related to the management of forests, including a timber harvest; pruning; planting; reforestation; pest, disease, and invasive species control; wildlife habitat management; and fertilization. "Forestry operation" also includes the primary processing of forest products of commercial value on a parcel where the timber harvest occurs (see exemptions under Section 9.2). See also Accepted Management Practices (AMPs), Forestry.

**Frequency:** The number of cycles completed each second by an electromagnetic wave measured in hertz (Hz).

**Frontage:** See Lot Frontage.

**Funeral Home:** A building or part thereof used for human funeral services. Such building may also contain space and facilities for preparation of the dead for interment or cremation; the performance of autopsies and associated surgical procedures; the storage and sale of caskets, funeral urns and related funeral supplies; and the storage of funeral vehicles.

**Garage Sale:** The casual sale or offering at any one time of new, used, or second hand items of tangible personal property to the general public, which is generally advertised by such terms "garage sale," "yard sale," "rummage sale," "attic sale," "lawn sale," "porch sale" "barn sale" or similar phrase (see Exemptions under Section 9.2). See also Outdoor Market.

**Garden Center:** The use of land, buildings and/or structures for the purpose of selling lawn and garden equipment, furnishings and supplies. This definition specifically does not include nurseries and greenhouses that are defined as AAgriculture@ or AAccepted Agricultural Practices@ and are therefore exempted from these regulations. See also Agriculture, Accepted Agricultural Practices.

**Gas Station:** Any lot or area of land including the building or buildings thereon, which is used for the sale of motor vehicle fuels, lubricants, and related motor vehicles products, and/or which has facilities for fueling, washing or servicing motor vehicles (see Section 4.10). This definition includes gas stations and car washes; but specifically excludes automobile and motor vehicle repair services and sales, and the sale of food and unrelated convenience or grocery items. See also Motor Vehicle Sales & Service, Mixed Use.

**Grade, Finished:** Completed surface of grounds, lawns, walks, paved areas and roads which have been brought to grades as shown in associated plans.

**Grade, Natural:** The initial, original surface of ground within a proposed building or structure footprint, as measured from contour elevations prior to any site clearing, filling or excavation.

**Greenhouse:** A commercial agricultural business or farm structure for growing flowering and other plants for wholesale or retail sale on the premises. See also Accepted Agriculture Practices, Agriculture, Farm Structure, Garden Center.

**Group Home:** In accordance with the Act [§ 4412(1)], a residential care home operating under state licensing or registration which serves not more than eight (8) persons who have a disability as defined in state statute (9 V.S.A. § 4501), and which meets the requirements of Section 4.12. See also Residential Care Facility.

**Health Clinic:** A building or part thereof operated by physicians, surgeons, dentists, chiropractors, therapists, or other licensed health care professionals for the examination and treatment of patients on an out-patient basis. This definition does not include a public or private hospital, or the professional office of a licensed health care provider located in his or her residence. See also Home Occupation, Health Care Facility.

**Height:** The distance above ground of a structure as measured vertically from the average finished grade at the base of the structure to the highest point of the structure or roof surface, excluding the chimney (see Section 3.5). See also Grade, Finished.

**Hertz:** (Hz) One hertz is the frequency of an electric or magnetic field which reverses polarity once each second, or one cycle per second.

**Home Occupation:** A use conducted entirely within a minor portion of a single family dwelling or accessory structure to the dwelling, by one or more residents of the dwelling and up to two (2) nonresident employees, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and which does not change the character thereof (see Section 4.13). See also Bed & Breakfast, Home Child Care, Home Industry.

**Home Industry:** An expanded home-based business conducted by one or more residents of a single family dwelling and up to five (5) nonresident employees, which is carried on within the principal dwelling and/or an accessory structure, and meets all applicable requirements of these regulations (see Section 4.13). See also Home Occupation.

**Hotel:** A type of commercial lodging facility that includes a building or group of buildings with more than 24 guest rooms which provide sleeping accommodations for transient guests on a short-term basis (less than one month on average), and which may include common dining, recreation, and service facilities for the use of guests (see Section 4.6). A hotel may also include, as accessory to the principal use, dining, convention, meeting and recreation facilities that are open to the general public. This definition also includes “**condo hotels**” in which individual units are separately owned and may be equipped with kitchen and dining facilities, but are intended only for short-term occupancy and/or rental to transient guests, and are not to be used as the owners’ or guests’ primary residences. For purposes of these regulations, a hotel consisting of separate dwelling units (apartments) that provides primary or year-round housing shall be considered a multi-family dwelling, subject to review as a multi-family dwelling. See also Condominium, Conference Facility, Dwelling/Multi-Family, Inn.

**Improvement:** Any physical addition to real property, or any part of such addition, including but not limited to any building, structure, parking facility, wall, fencing, or landscaping (see also Substantial Improvement). See also Public Improvement, Substantial Improvement.

**Inn:** A type of commercial lodging facility consisting of a building or group of buildings containing a maximum of 24 guest rooms for occupancy and use by transients on a short-term basis (less than one month on average), and may include common dining, meeting, event, recreation and service facilities for the use of guests (see Section 4.6). Dining, meeting, event, and recreation facilities open to the general public may be allowed as a mixed use, subject to review as a mixed use, in zoning districts in which all such uses are allowed. See also Bed & Breakfast, Mixed Use, Hotel.

**Interference:** An undesirable effect caused by electromagnetic signals. FCC “Type 1” interference refers to interference regulated by the FCC and affecting other FCC licensees or other entities over which the FCC has jurisdiction. FCC “Type 2” interference refers to electromagnetic disturbances to business, institutional, medical, and home electronic equipment.

**Junk:** Any scrap or waste material which is collected, stored, kept, or handled for salvage, resale or conversion to another use.

**Junk Yard:** See Salvage Yard.

**Kennel:** Any premises in which the care, boarding, breeding, grooming, or training of four (4) or more dogs, cats, or other domestic animals is done for primarily commercial or monetary purposes. See also Veterinary Clinic.

**Land Development:** The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining operation, excavation or landfill, and any change in the use of any building or other structure, land or extension of use of land. See also Subdivision.

**Light Industry:** A facility not exceeding 20,000 square feet in total gross floor area, used for the manufacture, processing, fabrication, testing and/or assembly of products. This may also include associated research and development, warehousing and shipping activities. A light industry shall meet all applicable requirements of these regulations, including performance standards. The processing of agricultural products produced on the premises where produced shall not be deemed to be manufacturing. See also Home Industry.

**Loading Area:** One or more spaces logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used. Required off-street loading areas are not to be included as off-street parking spaces in the computation of required off-street parking space (see Section 3.11).

**Location:** For purposes of regulating telecommunications facilities, references to site location shall be the exact longitude and latitude, to the nearest tenth of a second. Bearing or orientation should be referenced to true north.

**Lot:** (1) Any parcel of land which is occupied or which is to be occupied by a principal structure or use, or a mixed use as defined herein and allowed under Section 4.14, and associated accessory structures and/or uses and open space, which has sufficient area to meet the dimensional requirements of these regulations; (2) a portion of land in a subdivision or plat that is separated from other portions by a property line. See also Contiguous Land; Lot, Existing; Lot of Record.

**Lot Area (Lot Size):** The total land area within the boundaries (lot lines) of a lot, exclusive of the area designated for any existing or proposed road rights-of-way as measured within the boundaries of the right-of-way.

**Lot, Corner:** A lot at the junction of and abutting on two or more intersecting roads where the interior angle of the intersection does not exceed 135 degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve are the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.

**Lot Coverage:** That portion (percentage) of a lot area which is covered by buildings, structures and other man-made improvements, including parking and loading areas, access roads, service areas, and other impermeable surfaces which prevent the infiltration of storm water.

**Lot Depth:** The minimum horizontal distance from the street line of the lot to the rear lot line of such a lot, as measured at right angles.

**Lot/Existing:** An identifiable and separate parcel of land legally in existence as of the effective date of these regulations. The merger of any lot prior or subsequent to the effective date of these regulations shall terminate its separate existence for the purpose of these regulations (see also Section 3.7 regarding Nonconforming Lots). See also Nonconforming Lot.

**Lot Frontage:** The distance that a lot fronts a road, measure along the road right-of-way from the intersection of one lot line to the intersection of the other lot line. See also Lot Width.

**Lot Line:** The boundary line of a lot; a property line.

**Lot of Record:** Any lot which individually, or as part of a subdivision, has been recorded in the Bolton Town Office.

**Lot Size:** See Lot Area.

**Lot Width:** For lots without road frontage, the horizontal distance between side lot lines as measured along a straight line paralleling the front lot line at the minimum required setback distance. See also Lot Frontage.

**Manufactured Home:** A structure, transportable in one or more sections, which is built on a permanent chassis and is connected to required utilities.

**Mean Sea Level:** The standard datum to which base flood elevations shown on the Flood Insurance Rate Map and typical contour elevations are referenced.

**Mixed Use:** A building or parcel containing two (2) or more principal uses which are otherwise allowed as permitted or conditional uses in the district in which the building or parcel is located (see Section 4.14). Also see Planned Unit Development.

**Mobile Home:** A structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, cooling, electrical systems therein, and is: (1) transportable in one or more sections, and is at least eight feet wide or 40 feet long or when erected has at least 320 square feet; or if the structure was constructed prior to June 15, 1976, is at least eight feet wide or 32 feet long; or (2) any structure that meets these requirements except for the size requirements, and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the construction and standards established under Title 42 of the U.S. Code [per 10 V.S.A. § 6201(1)] (see Section 3.4). See also Camper; Dwelling, Single Family; Mobile Home Park.

**Mobile Home Park:** A parcel or contiguous lots of land under common ownership or control on which are sited, or which is designed, laid out or adapted to accommodate three (3) or more mobile homes. A parcel or contiguous lots owned by an agricultural employer providing up to four mobile homes for use by full-time workers or employees, and a parcel or contiguous lots used solely on a seasonal basis for vacation or recreational mobile homes shall not be considered a mobile home park (see Sections 3.4 and 4.15). See also Campground, Mobile Home.

**Mobile Home Sales:** An establishment, including land and/or a building, for which the principal use is the sale of mobile homes. This may include customary accessory structures or uses, such as an office, an enclosed sales room, and a parking area.

**Modification of an Existing Telecommunications Facility:** Any change, or proposed change, in power input or output, number of antennas, change in antenna type(s) or model(s), repositioning of antenna(s), or change in number of channels per antenna above the maximum number approved under an existing permit.

**Modification of an Existing Telecommunications Tower or Structure:** Any change, or proposed change, in dimensions of an existing and permitted tower or other structure designed to support telecommunications transmission, receiving and/or relaying antennas and/or equipment.

**Monitoring:** For purposes of regulating telecommunications facilities, the measurement, by the use of instruments in the field, of non-ionizing radiation exposure at a site as a whole, or from telecommunications facilities, towers, antennas or repeaters.

**Monitoring Protocol:** For purposes of regulating and monitoring telecommunications facilities, the testing protocol, such as the Cobbs Protocol , or the FCC Regulations (Title 47, Part 1, Section 1.1307 referenced as IEEE C95.3 1991), or one substantially similar, including compliance determined in accordance with the National Council on Radiation Protection and Measurements, (Reports 86 and 119) which is to be used to monitor the emissions and determine exposure risk from existing and new telecommunications facilities.

**Monopole:** A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal or a wooden pole with below-grade foundations.

**Motor Vehicle:** All vehicles propelled or drawn by power other than muscular power, except farm tractors, vehicles running only upon stationary rails or tracks, motorized highway building equipment, road making appliances, motor-assisted bicycles, electric bicycles, or electric personal assistive mobility devices. [Amended effective 11/7/2022]

**Motor Vehicles Sales & Service:** An establishment, including land and buildings, for which the principal use is the sale and repair of automobiles or other motor vehicles, to include the sale and/or leasing of motor vehicles and accessory products, general vehicle and engine repair shops, rebuilding and/or reconditioning shops, and body shops. This does not including gasoline stations except as may be allowed a mixed use, or home based repair businesses (see Section 4.13). See also Gas Station, Home Industry, Mixed Use.

**Municipal Land Use Permit:** As defined in the Act [§ 4303] to include, as issued by the municipality: (1) final zoning, subdivision, site plan or building permits or approvals relating to subdivision and land development; (2) septic or sewage system permits; (3) final official minutes of meetings which relate to permits or approvals, which serve as the sole evidence of such permits or approvals; (4) certificates of

occupancy, compliance or similar certificates; and (5) any amendments to the previously listed, permits, approvals and/or certificates.

**Municipal Plan:** The municipal plan for the Town of Bolton as most recently adopted in accordance with the Act.

**Nature Center:** A scientific or educational facility open to the public that provides facilities, services, research, materials, educational programs, exhibits and/or displays promoting understanding, sound management and protection of the natural environment.

**Nonconforming Lot:** A lot lawfully in existence as of the effective date of these regulations, which does not conform within these regulations, including zoning district dimensional, density or coverage requirements, or other applicable dimensional requirements of these regulations (see Section 3.7). See also Nonconforming Structure, Nonconforming Use.

**Nonconforming Structure:** A type of nonconformity, defined for purposes of these regulations as a structure or part thereof lawfully in existence as of the effective date of these regulations, which is not in compliance with the provisions of these regulations, including but not limited to building bulk, dimensions, height, setbacks, area, yards, density or off-street parking or loading requirements, where such structure conformed to all applicable laws, ordinances, and regulations prior to the enactment of these regulations (see Section 3.8). See also Nonconforming Use.

**Nonconforming Use:** A type of nonconformity, defined for purposes of these regulations as the use of a land or structure lawfully in existence as of the effective date of these regulations, which does not conform with these regulations, including but not limited to allowed uses within the district in which it is located, where such use conformed to all applicable laws, ordinances and regulations prior to the enactment of these regulations (see Section 3.8). See also Nonconforming Structure.

**Nordic Ski Facility:** An area and facility developed for cross-country and backcountry skiing and snowshoeing on a maintained trail network, which may also include associated ticketing, parking, ski equipment sales and rentals, ski instruction, safety, patrol, snowmaking and trail maintenance facilities, and warming hut facilities to be accessed primarily by ski trails or service roads. Other facilities, such as camping, commercial lodging, indoor recreation, cultural and restaurant facilities, which may support year-round use, may be allowed in association with a Nordic ski facility subject to review as a mixed use (see Section 4.14) or a planned unit development (Article VIII).

**Nursery:** See Greenhouse.

**Office:** A room, suite of rooms or building principally used for conducting the affairs of a business, profession, or service industry. This definition specifically excludes office space which is associated with home occupations or which is clearly accessory to another allowed principal use. It also specifically excludes the on-premise retail sale of goods. See also Home Occupation.

**Open Space:** Land not occupied by structures, buildings, roads, rights-of-way, and parking lots. Open space may or may not be held in common. “Usable open space” is further characterized as open space which is available and accessible to all occupants of the building or buildings on the lot for purposes of active or passive recreation.

**Out Building:** See Accessory Structure.

**Outdoor Market:** An occasional or periodic market held in an open area or structure where groups of

individual sellers offer goods for sale to the public, including “farmers” and “flea” markets. See also Garage Sale.

**Parking Facility:** A separate off-street parking area, garage or similar structure that is the principal use of a lot. See also Transit Facility.

**Parking Space:** An off-street area which is not less than nine (9) feet in width and 18 feet in depth, exclusive of adequate access or maneuvering area, ramps, columns, etc., which is to be used exclusively as a temporary storage space for a single motor vehicle (see Section 3.11).

**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. The word “person” shall also include any municipality or other government agency.

**Personal Service:** A business which provides services of a personal nature, including but not limited to laundry and dry cleaning, beauty and barber shops, tailoring and shoe repair, photographic studios, and similar businesses. Sales of products must be clearly related and incidental to services provided. See also Funeral Parlor.

**Place of Worship:** A building used solely for purposes of assembly and worship by a legally established and recognized religious institution. This definition also includes such customary accessory structures such as parish houses (see Section 4.17). See also Public Facility.

**Planned Residential Development (PRD):** An allowed method of land development for residential use in which an area of land, consisting of one or more parcels, is planned to be developed as a single entity, to include residential dwelling units allowed within a zoning district(s) and associated accessory structures and facilities. In a PRD, zoning district dimensional standards under these regulations (Article II), including lot size, density, coverage, frontage and setback requirements, may be modified or waived to provide flexibility in subdivision and site design in order to promote desired types and patterns of development (see Article VIII). See also Planned Unit Development.

**Planned Unit Development (PUD):** An allowed method of land development for mixed use development in which an area of land, consisting of one or more parcels, is planned to be developed as a single entity for one or more uses allowed within a zoning district(s), and associated accessory structures and facilities. In a PUD, zoning district dimensional standards under these regulations (Article II), including lot size, density, coverage, frontage and setback requirements, may be modified or waived to provide flexibility in subdivision and site design in order to promote desired types and patterns of mixed use development (see Article VIII). See also Mixed Use, Planned Residential Development.

**Plat:** A map or representation on paper, Mylar or other accepted material, of a piece of land subdivided into lots and roads, drawn to scale.

**Post Office:** A facility operated by the United States Postal Service for the collection and distribution of mail, and associated mailing and delivery services.

**Primitive Campground:** An undeveloped camping area that only consists of structures that do not have interior plumbing or wastewater facilities, are a single floor, and less than 500 square feet in total area. [Amended effective November 7, 2022].

**Principal Structure:** A structure or building in which the main, primary or principal use of the property is conducted. Attached accessory dwellings, garages, porches or carports, or other structures which share

a common wall and/or roof, or are connected by an enclosed breezeway, are considered to part of the principal structure.

**Private Club:** An establishment operated for social, recreational, educational or cultural purposes that is open only to members and their invited guests, and not the general public, and is not operated primarily for profit.

**Productive Forest Land:** Forested land including large (27+ acres) tracts of forest, land contiguous to other large, undeveloped tracts that have either been protected through public or private land conservation initiatives or are subject to use value appraisal contracts, and forest land that possesses unique or fragile features, including natural areas, critical wildlife habitat, wildlife travel corridors, and/or exceptional recreational resources. [Amended effective May 24, 2021].

**Public Improvement:** Any improvement which shall be owned or maintained by the Town of Bolton or other government entity.

**Public Facility:** A building or other facility owned, leased, held, used, and/or controlled exclusively for public purposes by a municipality, 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, and educational facilities (see Section 4.17).

**Quarrying:** The removal of rock or minerals by means of open excavation to supply material for construction, industrial or manufacturing purposes (see Section 4.9). See also Extraction.

**Radial Plots:** Radial plots are the result of drawing equally spaced lines (radials) from the point of the antenna, calculating the expected signal and indicating this graphically on a map. The relative signal strength may be indicated by varying the size or color at each point being studied along the radial. A threshold plot uses a mark to indicate whether that point would be strong enough to provide adequate coverage i.e., the points meeting the threshold of adequate coverage. The draw back is the concentration of points close to the antenna and the divergence of points far from the site near the ends of the radials.

**Reasonable Use:** A use of real property which is allowed within the district in which the property is located, which provides some (but not necessarily all) potential benefit to the owner, and which does not lead to unreasonable interference with another's use of property, or with the natural flow of water. Reasonable use does not mean highest and best use; nor does it include accessory uses, structures, or additions which may be customary, but are not necessary, to the existing or intended principal use (e.g., garages, swimming pools).

**Reconstruct:** To replace or rebuild a building or structure which has been substantially destroyed or demolished without regard to cause.

**Recreation/Indoor:** A building or structure designed, equipped and used for sports, leisure time, and other recreational activities, except for such facilities which are accessory to an approved educational facility or a residential use. This includes, but may not be limited to bowling alleys, movie theaters, pool halls, skating rinks, gymnasiums, fitness centers, and swimming pools.

**Recreation/Outdoor:** A facility for outdoor recreation, including but not limited to a stadium, tennis courts, athletic fields, swimming pools, and trails for hiking, horseback riding, bicycling, snowmobiling,

and cross-country skiing; except for such facilities which are accessory to an approved educational facility or a residential use, or are otherwise exempted from these regulations under Section 9.2. Golf courses as separately defined and regulated are specifically excluded from this definition. See also Golf Course.

**Recreational Trail:** A corridor normally documented by way of an easement deed that is not paved and that is used for hiking, walking, bicycling, cross-country skiing, snowmobiling, all-terrain vehicle riding, horseback riding, and other similar recreational activity. [Amended effective May 24, 2021].

**Redemption Center:** A store or other facility certified by the state [10 V.S.A. § 1524] where a person may, during normal business hours, redeem the amount of the deposit for an empty beverage container.

**Repeater:** A small receiver/relay transmitter and antenna of relatively low power output designed to provide service to areas which are not able to receive adequate coverage directly from a base or primary station.

**Required Agricultural Practices (RAPs):** Required management standards, under rules adopted by the Agency of Agriculture, Food and Markets, to be followed by all persons engaged in farming in the state. These include farm and land management practices that control and reduce agricultural nonpoint source pollution from farm fields and production areas. They also establish minimum construction and siting requirements for farm structures, excluding dwellings for human habitation (see exemptions under Section 9.2). Also see Agriculture, Farm, Farm Structure.

**Residential Care Facility:** A facility licensed by the state which provides residential care, including rooming, boarding, recreation and personal care services, to elderly or infirmed individuals, on a 24-hour a day basis (see Section 4.12). See also Group Home.

**Restaurant:** An establishment of which the primary function is to serve food and beverages to the public for consumption only at tables or counters on the premises. This definition includes cafes, bakeries with table or counter service, taverns and bars, but specifically excludes night clubs.

**Restaurant/Fast Food:** An establishment of which the sole or exclusive function is the sale of prepared foods or beverages either on or off the premises, and whose operation is characterized by (1) the service of food or beverage in containers or in paper, plastic or other disposable containers, (2) availability of food or beverages for immediate consumption upon a short waiting time, and (3) insufficient seating facilities within the building for the volume of food being sold. See also Drive-through.

**Resubdivision:** A change of a recorded subdivision plat, including but not limited to changes that affect any lot lines, street or road layouts, areas reserved for public use, or any map or plan that has been legally recorded.

**Retail Store:** Premises where goods or merchandise are offered for retail sale to the general public for personal, business, or household consumption, and where services incidental to the sale of such goods are provided. This definition excludes the retail sale of gasoline and automobiles and other goods and services that are otherwise more specifically identified under these regulations. See also Gasoline Station, Mobile Home Sales, Motor Vehicle Sales & Service, Personal Service, and Restaurant.

**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. A “**prominent**” ridgeline is a ridgeline characterized by an elevation, slope, orientation, and/or relationship to nearby property so as to be highly visible from distant vantage points.

**Road:** Any public or private right-of-way serving four (4) or more lots, which is designed and intended for use by motor vehicles. The word *Aroad@* shall mean the entire right-of-way. See also Driveway.

**Road Classifications:** All town highways are classified into one or another of the following classes, in accordance with state statutes [19 V.S.A § 302]: (1) Class 1 town highways are town highways, designated by the state, which form the extension of a state highway route and which carry a state highway route number. (2) Class 2 town highways are town highways, designated by the Select Board with the approval of the state, as the most important highways in town, including improved highways connecting neighboring towns and places which, by their nature, carry more than normal traffic. (3) Class 3 town highways, as designated by the Select Board in consultation with the state, are all traveled town highways other than class 1 or 2 highways which, at minimum are negotiable under normal conditions all seasons of the year by a standard manufactured pleasure car. This would include but not be limited to sufficient surface and base, adequate drainage, and sufficient width capable to provide winter maintenance. (4) Class 4 town highways, designated by the Select Board, are all other town highways. (5) Legal trails shall not be considered highways and the town shall not be responsible for any maintenance including culverts and bridges.

**Road/Private:** Any road or street which is not publicly owned and maintained, excluding private driveways serving up to three lots. See also Road, Driveway.

**Road/Public:** A road which is constructed within the boundaries of an officially deeded and accepted public right-of-way, including municipal, state and federal highways.

**Roof and/or Building Mount Telecommunications Facility:** A telecommunications facility in which antennas are mounted to an existing structure on the roof (including rooftop appurtenances) or a building face.

**Salvage Yard:** A facility or area for storing, keeping, selling, dismantling, shredding, or salvaging of material, unregistered motor vehicles, or scrap metal. This definition includes, but is not limited to “junkyards” as defined by the state pursuant to 24 V.S.A. § 2241. Salvage yards are not recognized or allowed by these regulations. See also Motor Vehicle Sales & Service. [Amended effective May 24, 2021.]

**School:** A public, private or parochial institution licensed by the State of Vermont to provide educational instruction to students. Such facilities may also include accessory recreational and dining facilities, and may be used as officially designated temporary emergency shelters (see Section 4.17). See also Public Facility.

**Setback:** The horizontal distance from a road, lot line, boundary or other delineated feature (e.g., a stream bank or channel, shoreline, or wetland area), to the nearest part of a building, structure on the premises. In the case of a public highway, the distance shall be measured from the nearest limit of the highway right-of-way (street line) or 25 feet from the centerline of the highway, whichever is greater. In the case of a private road, other than a driveway, the distance shall be measured from the edge of the road right-of-way.

**Sign:** Any structure, display, device, material, object or representation which is designed or used to advertise, direct or call attention to any property, establishment, business, enterprise, profession, product, or service or other matter from any public right-of-way (see Section 3.14). This definition includes logos and other outdoor advertising displayed on walls, canopies, and exterior windows.

**Silviculture:** See Forestry.

**Snack Bar.** A seasonal roadside stand or enclosed structure, operated for a maximum of six (6) months in any calendar year to include the summer months, for the preparation and sale of food and beverages to the general public for consumption on- or off- the premises. A snack bar shall include adequate off-street parking, and may include outdoor seating, as accessory to the use. Indoor restaurant seating, and/or year-round use shall be allowed only as a permitted restaurant. See also Restaurant.

**Storage Facility:** A building for storing goods as an accessory to a retail store, or for the temporary storage of goods (e.g., household goods) by the general public. Self-storage facilities are prohibited in the Town of Bolton, except as an Adaptive Reuse under Section 4.3. See also Adaptive Reuse, Warehouse.

**Story:** That part of any building, excluding cellars and basements, between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between a floor and the ceiling above it. See also Story, Half.

**Story/Half:** Any space partially within the roof framing, where the clear height of not more than 50% of such space between the top of the floor beams and the structural ceiling level is 7½ feet or more.

**Stream:** Any surface water course in the Town of Bolton as depicted by the U.S. Geological Survey on topographic maps, the zoning map, Vermont Base Map orthophotos, or as identified through site investigation; excluding artificially created irrigation and drainage channels. See also Stream Channel, Stream Banks.

**Stream Channel:** A defined area that demonstrates clear evidence of the permanent or intermittent passage of water and includes, but may not be limited to bedrock channels, gravel beds, sand and silt beds, and swales. A stream bank may define the usual boundaries, but not the flood boundaries, of a stream channel. Artificially created water courses such as agricultural irrigation and drainage ditches are specifically excluded from this definition. See also Stream, Stream Banks.

**Stream Banks:** Physiographic features that normally contain streams within a channel. The banks are distinct from the streambed, which is normally wetted and provides a substrate that supports aquatic organisms. For purposes of these regulations (see Section 3.16) “**Top of Bank**” is defined as the point along a stream bank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain only during flows at or exceeding the average annual high water stage. “**Top of Slope**” is defined as a break in the slope adjacent to steep-banked streams that have little or no floodplain.

**Street:** See Road.

**Street Line:** The dividing line between a lot and a public or private road or street, typically defined by the edge of the road right-of-way.

**Structurally Able:** For purposes of regulating telecommunications facilities, the determination that a tower or structure is capable of safely carrying the load imposed by the proposed new antenna(s) under all reasonably predictable conditions as determined by professional structural engineering analysis including the wind load or any other structural requirements.

**Structure:** Any construction, assemblage or other combination of materials on the land for occupancy or use, including but not limited to buildings, additions to buildings, mobile homes, tennis courts, swimming pools, airstrips, satellite dishes, relay or radio antennae, walls and fences, gas station canopies, and tanks for the outdoor storage of gas or oil. Sidewalks, driveways, roads, parking areas, signs, service lines, and the subsurface components of potable water and sewage disposal systems are specifically excluded from this definition. Other structures shall be exempted from these regulations only in accordance with the Act [§ 4446] and these regulations (see Section 9.2). See also Accessory Structure, Building.

**Subdivider:** Any person(s) who shall lay out for the purpose of transfer of ownership or right to use any subdivision or part thereof. The term shall include an applicant for subdivision approval. See also Applicant.

**Subdivision:** The division of any parcel of land into two or more parcels, lots or other legal division of land for the purposes of offer, transfer, sale, lease, conveyance or development (see Section 6.1). The term includes the resubdivision of a previously subdivided parcel, amended subdivisions, and the division of land held in common among several owners; and shall also include the development of a parcel as a planned residential or planned unit development. See Boundary (Lot Line) Adjustment.

**Subdivision/Major:** A subdivision of land resulting in the creation of four (4) or more lots, and all Planned Residential and Planned Unit Developments (see Section 6.1).

**Subdivision/Minor:** A boundary (lot line) adjustment, amendments to an approved subdivision plan that will not substantially change the nature of the previously approved plan or conditions of approval, or a subdivision which results in the creation of three (3) or fewer lots (see Section 6.1).

**Substantial Improvement:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% percent of the market value of the structure either: (1) before the improvement or repair is started, or (2) if the structure has been damaged and restored, before the damage occurred.

**Substantially Commenced:** For purposes of these regulations, to include initial site preparation, the installation of an access, and the installation of a foundation, water and/or wastewater system on-site, in accordance with these regulations and all permits and approvals.

**Substantially Complete:** The completion of a permitted building or structure to the extent that it may be safely occupied for its intended use.

**Substantially Destroyed:** Fifty percent (50%) or more of the structure has been damaged and/or the damaged structure is no longer structurally sound, habitable or safe for its intended use.

**Telecommunications Equipment Shelter:** A structure located at a base station designed principally to enclose equipment used in connection with telecommunications transmissions including any foundation that may be required.

**Telecommunications Facility:** All equipment (including repeaters) with which a telecommunications provider broadcasts and receives radio frequency signals which carry their services. This facility may be sited on one or more towers or structure(s) owned and permitted by the provider or its agent of record or another owner or entity (see Section 4.19).

**Telecommunications Facility Site:** A property, or any part thereof, which is owned or leased by one or more telecommunications providers and upon which one or more telecommunications facilities and any required landscaping are located.

**Telecommunications Provider:** An entity licensed by the FCC to provide telecommunications services to individuals or institutions.

**Telecommunications Tower:** A guyed, monopole, or self-supporting tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

**Temporary Wireless Telecommunications Facilities:** Any tower, pole, antenna, or other facility designed for use while a permanent wireless telecommunications facility is under construction, rehabilitation or restoration.

**Tiled Coverage Plots:** Tiled plots result from calculating the signal at uniformly spaced locations on a rectangular grid, or tile, of the area of concern. Tiled plots (in comparison to radial plots) (1) provide a uniform distribution of points over the area of interest, (2) usually allow the same grid to be used as different sites are examined, and (3) do not necessitate the transmitter site be within the grid or area of interest. As with radial plots, the graphic display or plot can be either signal strength or adequate threshold.

Tile plotting requires more topographic data and longer (computer) execution time than radial plotting, but is preferable for comparative analysis.

**Transfer Station/Recycling Center:** A facility certified by the state that functions as a collection point for solid waste and recyclable material that will subsequently be transported to a state-approved landfill or disposal facility. The facility will include, at minimum, a receiving hopper and compacting equipment (see Section 4.17). See also Public Facility.

**Transit Facility:** A building, structure, or area designed and intended for use by persons changing transportation modes, including but not limited to bus and train stations. For purposes of these regulations, this shall also include park and ride facilities which may also provide access to other forms of public transportation. See also Parking Facility.

**Use:** The specific purpose for which a parcel of land or structure is designated, designed or intended, or for which it may be used and maintained. See also Accessory Use, Structure.

**Veterinary Clinic:** A building or part thereof used for the care, diagnosis, treatment and temporary boarding of animals. See also Kennel.

**Warehouse Facility:** A building used primarily for the storage, wholesale and distribution of manufactured goods and materials, and not as a primary location or outlet for business or retail uses.

**Warming Hut:** A heated trail-side accessory structure to an alpine or nordic ski facility which may be used by skiers as a temporary resting and warming area, or for emergency shelter. This shall not include overnight use, except in emergency situations. The limited sale of light snacks and beverages also may be allowed, subject to Board approval.

**Waste Management Facility:** A public facility licensed or certified by the state of Vermont for the collection, storage, transfer, shipment or disposal of solid or hazardous waste materials (see Section 4.17), to include transfer stations, landfills, and other types of waste management facilities. See also Public Facility, Salvage Yard.

**Wetland:** As defined by Vermont Wetland Rules, as most recently amended, to include “those areas of the State which are inundated by surface or ground water 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, but are not limited to marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds, but exclude such areas where food and crops are grown in connection with farming activities. The location of wetlands on a particular parcel, as indicated on State Wetland Inventory Maps, shall be confirmed through site investigation.

**Wildlife Habitat Connector:** A “habitat connector” as defined under 24 V.S.A. § 4302, including land or water that links wildlife habitat within a landscape, allowing the movement and migration of animals and plants and the functioning of ecological processes. May include recreational trails and agricultural and silvicultural uses currently exempt from municipal land use regulation. For purposes of these regulations, potential wildlife travel corridors include those initially mapped in the 2013 Science to Action Report, as referenced in the Bolton Town Plan, or more recently by the Vermont Agency of Natural Resources, and are subject to field identification and verification by the applicant. [Amended effective May 24, 2019.]

**Wildlife Refuge:** A designated area owned and/or managed by a public or nonprofit entity principally for the purpose of sustaining wildlife habitat and/or wildlife populations, which may also be open to the public for hunting and outdoor recreation. Designated trails and parking areas, and storage and maintenance structures may be allowed as accessory to the principal use.

**Yard:** An unoccupied area of ground, as defined by required setback distances, in which no structure, building or portion thereof, may be located. See also Setback.

**Yard Sale:** See garage sale.

[Amended effective 8/9/2010.]

[Amended effective January 7, 2019.]

### Section 10.3 Flood Hazard Area Regulation Definitions

**Administrator:** The Federal Insurance Administrator.

**Area of Shallow Flooding:** A designated AO or AH zone on a community's FIRM with a one percent (1%) or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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

**Base Flood Elevation (BFE):** The elevation of the water surface elevation resulting from a flood that has a one percent (1%) chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study (FIS) report, or the average depth of the base flood, usually in feet, above the ground surface. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods.

**Construction/New:** (1) For purposes of determining insurance rates pertaining to flood hazard area regulation, structures that commenced on or after the effective date of the initial floodplain management regulations adopted by the town, and includes any subsequent improvements to such structures. (2) For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by the town of Bolton and includes any subsequent improvements to such structures.

**Basement:** Any area of building having its floor subgrade (below ground level) on all sides.

**Critical Public Facility:** A facility critical to the health and safety of the public and the environment, such as hospitals and nursing homes, emergency operations centers (particularly police, fire, and rescue), vital data storage centers, power generation and other utilities (including related infrastructure such as principal points of utility systems) and any facilities that produce, use or store toxic pollutants as defined under the Clean Water Act and other state and Federal statutes. New critical public facilities are prohibited within

floodplains that is subject either to a 1.0% or greater annual chance of flooding (the "100-year" floodplain) or a 0.2% or greater annual chance of flooding (the "500-year" floodplain).

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials within the Special Flood Hazard Area, identified on the most current Federal Insurance Rate Map (FIRM).

**FIA:** The Federal Flood Insurance Administration.

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

**Flood Insurance Rate Map (FIRM):** An official map of the town, issued by the Federal Insurance Administrator, on which both the areas of special flood hazard and the applicable risk premium zones have been delineated. See also SPECIAL FLOOD HAZARD AREA.

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

**Floodplain or Flood-prone Area:** Any land area susceptible to being inundated by water from any source

See also see Flood.

**Floodway (Regulatory):** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note, where floodways have been determined, they may be shown on separate map panels from the Flood Insurance Rate Maps.

**Floodproofed//Floodproofing:** Any combination of structural and nonstructural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

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

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

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

**Manufactured (Mobile) Home:** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to required utilities. For purposes of flood hazard area regulation the term "manufactured home" also includes recreational vehicles that are not fully licensed and ready for highway use. For flood insurance purposes, the term "manufactured home" does not include recreational vehicles, park trailers, campers or other similar vehicles.

**Manufactured (Mobile) Home Park or Subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Manufactured (Mobile) Home Park or Subdivision/Existing:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the initial floodplain management regulations adopted by the town.

**Manufactured (Mobile) Home Park or Subdivision/Expansion:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Manufactured (Mobile) Home Park or Subdivision/New:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the initial floodplain management regulations adopted by the town.

**Mean Sea Level:** The National Geodetic Vertical Datum (NGVD), or other datum to which base flood and other surface elevations are referenced.

**Recreational Vehicle:** For purposes of flood hazard area regulation, a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**Special Flood Hazard Area (SFHA):** The floodplain within a community subject to a one percent (1 %) or greater chance of flooding in any given year. For purposes of these regulations, the term "area of special flood hazard" is synonymous in meaning with the phrase "special flood hazard area." This area is usually labeled Zone A, AO, AH, AE, A1-30, or A99 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. See also Base Flood Elevation, Floodway.

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

**Structure:** A walled and roofed building, as well as a manufactured (mobile) home, and any related built systems, including gas or liquid storage tanks.

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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

**Violation:** The failure of a structure or other development to be fully compliant with this bylaw or conditions of permit approval. With respect to the flood hazard regulation, a structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

[Amended effective 8/9/2010.]

## BOLTON LAND USE & DEVELOPMENT REGULATIONS

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### **Attachments**

**Zoning District Summary Table** [Dimensional Standards, Allowed Uses]

**Zoning Map** [Reproduction – Official Zoning Map is in the Bolton Town Office]

**Setback Reduction Table** [Setbacks by Zoning District]

## Zoning District Summary Table

|                                 | Village<br>(V)           | Resort<br>Village<br>(RV) | Resort<br>Residential<br>(RR) | Rural I<br>(R I) | Rural II<br>(R II) | Forest<br>(FOR) | Conservation<br>(CON) |
|---------------------------------|--------------------------|---------------------------|-------------------------------|------------------|--------------------|-----------------|-----------------------|
| <b>Dimensional Standards</b>    |                          |                           |                               |                  |                    |                 |                       |
| Lot Area (Min)                  | 1 Acre                   | ½ Acre                    | 2 Acres                       | 2 Acres          | 10 Acres           | 25 Acres        | 25 Acres              |
| Lot Width (Min)                 | N/A                      | N/A                       | N/A                           | N/A              | N/A                | 1000 FT         | N/A                   |
| Density (Max)                   |                          |                           |                               |                  |                    |                 |                       |
| Multifamily (Units/Acre)        | N/A                      | 12                        | 3                             | N/A              | N/A                | N/A             | N/A                   |
| Lodging (Rooms/Acre)            | N/A                      | 24                        | 12                            | N/A              | N/A                | N/A             | N/A                   |
| Road Frontage (Min)             | Res:100 FT<br>Oth:150 FT | 75 FT                     | 100 FT                        | 200 FT           | 300 FT             | N/A             | 500 FT                |
| <b>Setbacks (Min)</b>           |                          |                           |                               |                  |                    |                 |                       |
| Front (from Road ROW)           | 15 FT                    | 15 FT                     | 15 FT                         | 35 FT            | 35 FT              | N/A             | N/A                   |
| Side                            | Res:10 FT<br>Oth: 25 FT  | 10 FT                     | 25 FT                         | 35 FT            | 50 FT              | N/A             | N/A                   |
| Rear                            | Res:10 FT<br>Oth: 25 FT  | 10 FT                     | 25 FT                         | 35 FT            | 50 FT              | N/A             | N/A                   |
| Height (Max)                    | 35 FT                    | 50 FT                     | 35 FT                         | 35 FT            | 35 FT              | 35 FT           | 35 FT                 |
| Building Envelope (Max)         | N/A                      | N/A                       | N/A                           | N/A              | N/A                | 1 Acre          | 1 Acre                |
| Coverage (Max)                  |                          |                           |                               |                  |                    |                 |                       |
| Building (Tot Footprint)        | Res: N/A<br>Oth: 40%     | 50%                       | 40%                           | 30%              | N/A                | 4,000 SF        | 2,000 SF              |
| Lot (Tot Impervious)            | Res: N/A<br>Oth: 60%     | 75%                       | 65%                           | 50%              | N/A                | N/A             | N/A                   |
| <b>Planned Unit Development</b> |                          |                           |                               |                  |                    |                 |                       |
| Residential (PRD)               | Allowed                  | Required                  | Required                      | Allowed          | Allowed            | Required        | X                     |
| Other/Mixed (PUD)               | Allowed                  | Required                  | Required                      | Allowed          | X                  | X               | X                     |
| <b>Uses</b>                     |                          |                           |                               |                  |                    |                 |                       |
| Accessory Structure/Use         | P or C                   | P or C                    | P or C                        | P or C           | P or C             | P or C*         | P                     |
| Adaptive Reuse                  | C                        | X                         | X                             | C                | C                  | X               | X                     |
| Agriculture                     | See 9.2                  | See 9.2                   | See 9.2                       | See 9.2          | See 9.2            | See 9.2         | See 9.2               |
| Alpine Ski Facility             | X                        | C-PUD                     | C-PUD                         | X                | C                  | C               | C                     |
| Bed & Breakfast                 | P(S)                     | X                         | P(S)                          | P(S)             | P(S)               | X               | X                     |
| Camp                            | X                        | X                         | X                             | X                | P                  | P*              | P-HH                  |
| Campground                      | X                        | X                         | X                             | C                | P(S)               | P(S)            | C                     |
| Cemetery                        | C                        | X                         | X                             | C                | C                  | X               | X                     |
| Community Center                | C                        | C-PUD/PRD                 | C                             | C                | C                  | X               | X                     |
| Contractor's Yard               | X                        | X                         | X                             | C                | C                  | X               | X                     |
| Convention Facility             | X                        | C-PUD                     | X                             | X                | X                  | X               | X                     |
| Cultural Facility               | C                        | C                         | C                             | X                | X                  | X               | X                     |
| Day Care Facility               | P(S)                     | P(S)                      | P(S)                          | C                | X                  | X               | X                     |
| Dwelling/Accessory              | P                        | X                         | P                             | P                | P                  | P*              | X                     |
| Dwelling/Single Family          | P                        | X                         | P                             | P                | P                  | P or C          | X                     |
| Dwelling/Two Family             | P                        | X                         | P                             | P                | P                  | P or C          | X                     |
| Dwelling/Multifamily            | P(S) or C                | C-PUD                     | C-PUD                         | C                | X                  | X               | X                     |
| Extraction and Quarrying        | X                        | X                         | X                             | C                | C                  | C               | X                     |
| Events Facility                 | X                        | C-PUD/MU                  | C-PUD/MU                      | X                | X                  | X               | X                     |
| Financial Institution           | C                        | X                         | X                             | X                | X                  | X               | X                     |
| Forestry                        | See 9.2                  | See 9.2                   | See 9.2                       | See 9.2          | See 9.2            | See 9.2         | See 9.2               |
| Funeral Home                    | P(S)                     | X                         | X                             | X                | X                  | X               | X                     |
| Garden Center                   | X                        | X                         | X                             | C-US 2           | X                  | X               | X                     |
| Gas Station                     | C                        | X                         | X                             | X                | X                  | X               | X                     |
| Golf Course                     | X                        | C                         | C                             | C                | X                  | X               | X                     |
| Group Home                      | P                        | X                         | P                             | P                | P                  | P*              | X                     |

### Zoning District Summary Table, cont.

|                             | Village<br>(V) | Resort<br>Village<br>(RV) | Resort<br>Residential<br>(RR) | Rural I<br>(R I) | Rural II<br>(R II) | Forest<br>(FOR) | Conservation<br>(CON) |
|-----------------------------|----------------|---------------------------|-------------------------------|------------------|--------------------|-----------------|-----------------------|
| Health Clinic               | C              | X                         | X                             | X                | X                  | X               | X                     |
| Home Child Care             | P              | X                         | P                             | P                | P                  | P               | X                     |
| Home Industry               | C              | X                         | X                             | C                | C                  | C               | X                     |
| Home Occupation             | P              | X                         | P                             | P                | P                  | P               | X                     |
| Hotel                       | X              | C-PUD/MU                  | C-PUD/MU                      | X                | X                  | X               | X                     |
| Inn                         | C              | C                         | C                             | C                | C-BV               | X               | X                     |
| Kennel                      | X              | C-PUD/MU                  | C-PUD/MU                      | C                | C                  | X               | X                     |
| Light Industry              | C              | X                         | X                             | C-RT 2           | X                  | X               | X                     |
| Mixed Use                   | P(S) or C      | P(S) or C                 | C                             | C-RT 2           | C-BV               | X               | X                     |
| Mobile Home Park            | C              | X                         | X                             | C-RT 2           | X                  | X               | X                     |
| Mobile Home Sales           | C              | X                         | X                             | X                | X                  | X               | X                     |
| Motor Vehicle Sales/Service | C              | X                         | X                             | C-RT 2           | X                  | X               | X                     |
| Nature Center               | X              | X                         | X                             | X                | X                  | C               | C-HH                  |
| Nordic Ski Facility         | X              | C                         | C                             | X                | C                  | C               | C                     |
| Office                      | P(S)           | P/C-PUD/MU                | C-PUD/MU                      | X                | X                  | X               | X                     |
| Outdoor Market              | C              | X                         | X                             | X                | X                  | X               | X                     |
| Parking Facility            | C              | C                         | C                             | X                | X                  | X               | X                     |
| Personal Service            | P(S)           | P(S)                      | X                             | X                | X                  | X               | X                     |
| Place of Worship            | P(S)           | P(S)                      | P(S)                          | P(S)-RT 2        | X                  | X               | X                     |
| Private Club                | C              | C                         | P(S)                          | X                | X                  | X               | X                     |
| Public Facility             | P(S)           | P(S)                      | P(S)                          | C                | C                  | C               | C                     |
| Recreation/Indoor           | C              | C-PUD/MU                  | C-PUD/MU                      | X                | X                  | X               | X                     |
| Recreation/Outdoor          | C              | C                         | C                             | C                | C                  | C               | C                     |
| Residential Care Facility   | C              | X                         | X                             | C- RT 2          | X                  | X               | X                     |
| Restaurant                  | C              | C                         | C                             | X                | C-BV               | X               | X                     |
| Retail Store                | P(S) or C      | P/C-PUD/MU                | C-PUD/MU                      | X                | C-BV               | X               | X                     |
| School                      | C              | X                         | X                             | C-RT 2           | X                  | X               | X                     |
| Sawmill                     | X              | X                         | X                             | C                | C                  | X               | X                     |
| Salvage Yard                | X              | X                         | X                             | C                | C                  | X               | X                     |
| Snack Bar                   | P(S)           | C                         | X                             | P(S)             | X                  | X               | X                     |
| Telecommunications Tower    | X              | C                         | C                             | X                | X                  | C               | C                     |
| Transit Facility            | C              | X                         | X                             | C-RT 2           | X                  | X               | X                     |
| Veterinary Clinic           | C              | X                         | X                             | C                | X                  | X               | X                     |
| Wildlife Management Area    | X              | X                         | X                             | C                | P(S)               | P(S)            | P(S)                  |

**Key:**

P – Permitted use, with administrative approval from the Zoning Administrator

P(S) – Permitted use, with site plan approval from the DRB

C – Conditional use, allowed with DRB approval

P or C – Permitted or conditional use (e.g., depending on size, number of units)

X – Prohibited in district

PUD/MU –Allowed only within a PUD or Mixed Use

RT 2 – Allowed only on parcels with frontage on RT 2

BV – Allowed only on parcels with frontage on the Bolton Valley Access Road

HH – Allowed only on parcels with frontage on Honey Hollow Road

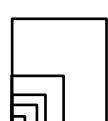
\* – Allowed in the Forest District only within a designated building envelope approved by DRB

**Notes:**

- This table is intended only to provide summary information; please see zoning district tables (Article 2), use definitions (Article 10) and referenced sections for more information relevant to a specific use or project.
- Accepted agricultural practices and forest operations are allowed in all districts without zoning permits (per state law); however notifications may be required (see Section 9.2).
- Other restrictions and review requirements may apply, e.g., for development on steep slopes, within mapped flood hazard areas, water supply source protection areas, or required stream and wetland setbacks.

# Zoning BOLTON, VERMONT

Approved May 3, 2021  
Effective May 24, 2021



1:64,800

0 0.5 1 Mile

| Zoning District |                    |
|-----------------|--------------------|
|                 | Village            |
|                 | Resort Residential |
|                 | Resort Village     |
|                 | Rural I            |
|                 | Rural II           |
|                 | Conservation       |
|                 | Forest             |

## Legend

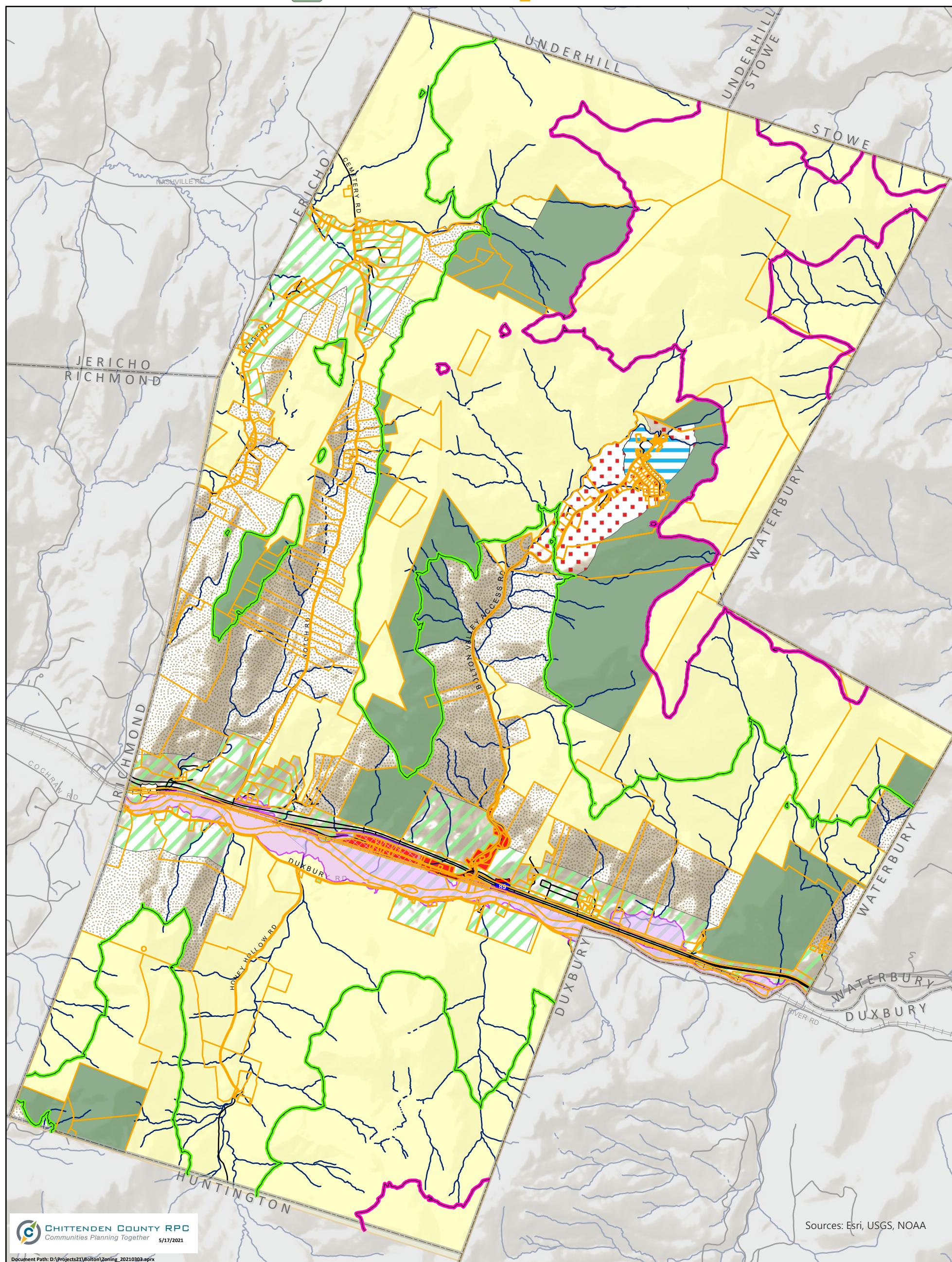
### Flood Hazard Overlay

|                     |                          |
|---------------------|--------------------------|
|                     | FHO I                    |
|                     | FHO II                   |
| <b>Key Contours</b> |                          |
|                     | 1500 Feet                |
|                     | 2500 Feet                |
|                     | Stream Centerline        |
|                     | 2018 Tax Parcel Boundary |

Source:  
Proposed Zoning - CCRPC, 2020  
Wildlife Corridor - Science To Action, 2013  
Parcel Boundary - D.Russell - 2018  
Road Centerline - e911  
Surface Water - VHD, 2008 (VCGI)  
Map created by P. Brangan using ArcGIS. All data is in State Plane Coordinate System, NAD 1983.



Disclaimer:  
The accuracy of information presented is determined by its sources. Errors and omissions may exist. The Chittenden County Regional Planning Commission is not responsible for these. Questions of on-the-ground location can be resolved by site inspections and/or surveys by registered surveyor. This map is not sufficient for delineation of features on-the-ground. This map identifies the presence of features, and may indicate relationships between features, but is not a replacement for surveyed information or engineering studies.



| Setback Reduction Table                                       |                                                                                                              |                                                                                                              |                                                                                        |                                                                                          |                                                                                          |
|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
|                                                               | Village (V)                                                                                                  | Resort Village (RV)                                                                                          | Resort Residential (RR)                                                                | Rural I (RI)                                                                             | Rural II (RII)                                                                           |
| Front Setback                                                 | The front setback shall be reduced no further than 10 feet from the road right-of-way.                       | The front setback shall be reduced no further than 10 feet from the road right-of-way.                       | The front setback shall be reduced no further than 10 feet from the road right-of-way. | The front setback shall be reduced no further than 17.5 feet from the road right-of-way. | The front setback shall be reduced no further than 17.5 feet from the road right-of-way. |
| Side Setback: Residential                                     | Not eligible for a waiver. A minimum setback distance of 10 feet shall be maintained from the property line. | Not eligible for a waiver. A minimum setback distance of 10 feet shall be maintained from the property line. | The side setback shall be reduced no further than 12.5 feet from the property line.    | The side setback shall be reduced no further than 17.5 feet from the property line.      | The side setback shall be reduced no further than 25 feet from the property line.        |
| Side Setback: Other                                           | The side setback shall be reduced no further than 12.5 feet from the property line.                          |                                                                                                              |                                                                                        |                                                                                          |                                                                                          |
| Rear Setback: Residential                                     | Not eligible for a waiver. A minimum setback distance of 10 feet shall be maintained from the property line. | Not eligible for a waiver. A minimum setback distance of 10 feet shall be maintained from the property line. | The rear setback shall be reduced no further than 12.5 feet from the property line.    | The rear setback shall be reduced no further than 17.5 feet from the property line.      | The rear setback shall be reduced no further than 25 feet from the property line.        |
| Setback: Other                                                | The rear setback shall be reduced no further than 12.5 feet from the property line.                          |                                                                                                              |                                                                                        |                                                                                          |                                                                                          |
| Minimum surface water and wetland setbacks for all districts. | The minimum required setback distance shall be reduced by no more than 50%.                                  | The minimum required setback distance shall be reduced by no more than 50%.                                  | The minimum required setback distance shall be reduced by no more than 50%.            | The minimum required setback distance shall be reduced by no more than 50%.              | The minimum required setback distance shall be reduced by no more than 50%.              |

[Added to attachments January 7, 2019.]