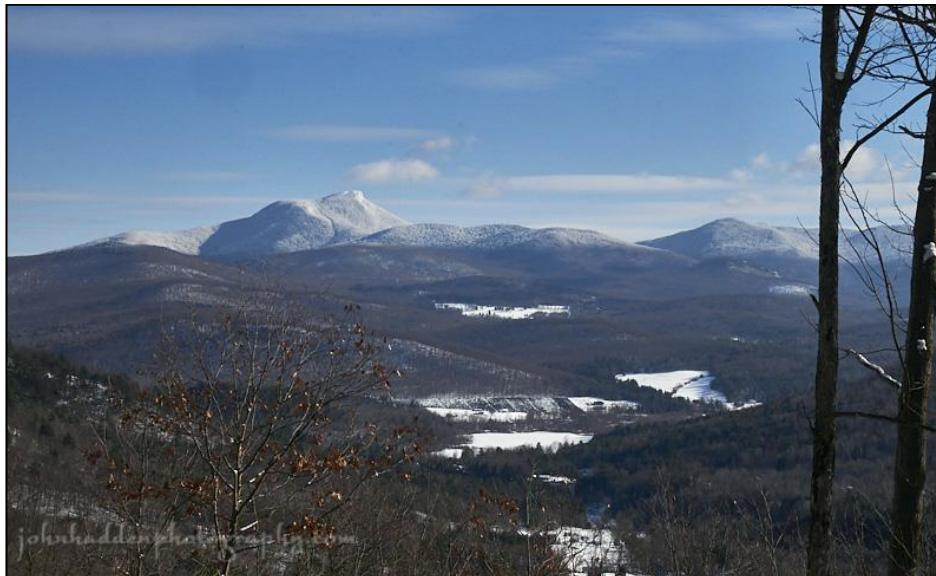


LAND USE REGULATIONS

TOWN OF HUNTINGTON
VERMONT

Approved on March 7, 2023

Amendments approved by the Huntington Selectboard January 16, 2024



**This document was approved by the voters of the
Town of Huntington on March 7, 2023.
Australian ballot: 261 yes · 124 no**

**Certified by Huntington Town Clerk Heidi Racht on March 16, 2023
pursuant to 24 VSA 4441, 4442, 4444 and 4447.**

Document prepared for March 7, 2023 Vote

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Huntington Planning Commission

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CERTIFICATE OF MUNICIPAL BYLAW AMENDMENT

I, Heidi Racht, Clerk of the Town of Huntington, in Chittenden County, State of Vermont, do hereby certify pursuant to 24 VSA, §§ 4441, 4442, 4444, and 4447 that the proper actions were taken by the designated parties with the respect to the adoption/amendment/repeal of the proposed municipal bylaw for the Town of Huntington, of which the attached is a true copy.

Signed:

Date March 16, 2023 & January 22, 2024:



Amendments to the Regulations, as follows:

January 16, 2024 Approved by the Huntington Selectboard

Article IV: Land Use Districts

Table 4.01 Land Use Table – Permitted, Conditional and Prohibited Use

Section 5.06 Preservation of Significant Natural Features

Section 5.08 Accessory Dwelling Units

Article VII. Definitions

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Source of Images (for those not credited throughout):

Cover Photo: Camels Hump and the Huntington valley from the ski trails at Sleepy Hollow Inn, Ski and Bike Center.
John Hadden, photographer

Figure 1. Development Flow Chart. Modeled after Town of Fletcher, Vermont Zoning Regulations

Figure 2. Glazing Figure in Section 4.02. PlaceSense, from Town of Westford, Vermont Land Use & Development Regulations.

Figure 3. Height Illustration. Unknown.

Figure 4. Riparian Buffers. Aaron Worthley, Arrowwood Environmental.

Figure 5. Increasing the Degree of Non-conformity. Town of Fletcher, Vermont Zoning Regulations

Figure 6. Site Circulation. Site Concern Inc., Landscape Architects + Planners (for the City of Winooski in 1993). Funded by a Planning Grant from Vermont Department of Housing & Community Affairs.

Introduction

These Huntington Land Use Regulations replace the Huntington Zoning Regulations, Subdivision Regulations and Flood Hazard Regulations. It combines them into one set of Regulations to guide the implementation of and conformance to portions of the Town Plan adopted October 7, 2019. The Introduction and the Flow Chart are intended to help understand and use these Regulations. This section provides responses to some common questions. Additional details are provided in the rest of the regulations.

When do I need a Permit?

A Permit is normally required whenever you develop or subdivide your land. “Develop” means to build something on the land, add to a structure, alter vegetation along a river or creek, or change the use of the land or structure. Note that there are additional definitions for flood areas and river corridors.

How does the permit process work?

The flow chart in Figure 1 (page 4) presents an overview of the process. It is recommended that you meet with the Administrative Officer (AO) to discuss your plans before filling out a Permit application, so the AO can guide you through the process. Fill out the Permit application and submit it to the Administrative Officer with the application fee. If the application has all the required information, the Administrative Officer will, within 30 days, either issue the permit or advise you to obtain DRB approval, or if it doesn't comply with the regulations, deny it. If you don't agree with the decision, you may submit an appeal to the Development Review Board (DRB) within 15 days of the decision. The Permit application requirements, procedures and standards are in Article II.

What is DRB Approval and when is it required?

Sometimes you will be required to obtain DRB Approval before a Permit can be issued. DRB Approval is required for all **subdivisions, conditional uses**, and other circumstances listed in Section 3.01 and Article V. Your first step is to fill out the permit application and pay the fee to meet with the DRB in Sketch Review, which will be scheduled through the Clerk of the DRB. At Sketch Review, you explain the development objectives and work with the DRB to refine the project. More than one Sketch Review meeting may be necessary. During this process, you are required to notify the neighbors, so that they can attend a presentation of the development plan and provide comments to the DRB.

When the Sketch Review is complete, you, the applicant/landowner, file an application for DRB Approval. The DRB schedules a formal hearing and neighbors are notified. At the hearing the DRB collects evidence from the applicant and interested parties pertaining to the proposal outlined in the application. Within 45 days after the DRB declares the close of evidence, it shall issue a written decision. The decision is either to approve the application, normally with conditions, or to deny it. **If the DRB issues an Approval, your Application will go to the Administrative Officer, who will issue your Permit following the appeal period of the DRB Approval.** No work can begin until your Permit has been issued, even if you have received DRB Approval. The DRB Approval procedures and standards are in Article III.

What if the applicant or an interested party doesn't agree with the DRB decision?

If you, or an interested party, don't agree with the DRB decision, you may appeal to the Environmental Court, which is a Division of Vermont Superior Court.

What standards does the DRB use in considering applications for Approval?

That answer depends on what kind of DRB Approval you are seeking. For example, the process for DRB Approval for a subdivision is different than for a conditional use. The general standards are in Article III, but there may be additional standards depending on the District where the property is located, as listed in Article IV or the specific clause in Article V requiring DRB review. (See Vermont Statutes, Title 24, Chapter 117 Vermont Planning and Development Act.)

What are Districts and how are their standards different?

The Town is divided into Districts shown on the Zoning Map in Addendum B. The regulations of each District reflect its character, the density of habitation, the recreational resources and the development within it, the natural resources to be preserved, and the goals of the Town Plan for that District.

Each District allows some development with only a Permit issued by the Administrative Officer and does not require DRB Approval. Therefore, a landowner should carefully consider the District standards, in Article IV, as well as the general standards applicable to all Districts, in Article V, before making development plans or even considering a change of use.

What is the difference between a waiver and a variance?

A waiver (Section 3.07) is usually requested to reduce dimensional requirements, like setbacks, for non-conforming structures or lots. Waivers are not granted to expand a conforming structure into a setback or to construct a new structure on a conforming lot. Waivers allow a modest

Introduction

additional encroachment into the setback area and are limited to instances that do not negatively impact neighbors or public safety. An example is to construct a front porch on an old farmhouse now sited too close to the road.

A variance (Section 3.08) is allowed where Land Use requirements, combined with unique physical circumstances, prohibit any reasonable development in strict conformity with the Land Use Regulations. Variances are not intended as a workaround of generally applicable Land Use regulations. Variances are rarely approved, often because existing development (including legal nonconforming structures) demonstrates an ability to conform with the Land Use Regulations. It requires unique circumstances that justify the DRB in diverging from the actual standards of the Regulations. An example is a narrow undeveloped lot, unique to the neighborhood, where the Land Use Regulations would not allow any development permitted in the Land Use District.

For further guidance, please consult the Administrative Officer.

Are there standards for signs or parking?

Yes. Signs and parking standards are contained in Article V.

Do the Regulations contain sewage and septic standards?

No. The Vermont Department of Environmental Conservation issues water and wastewater permits.

Will I need other permits?

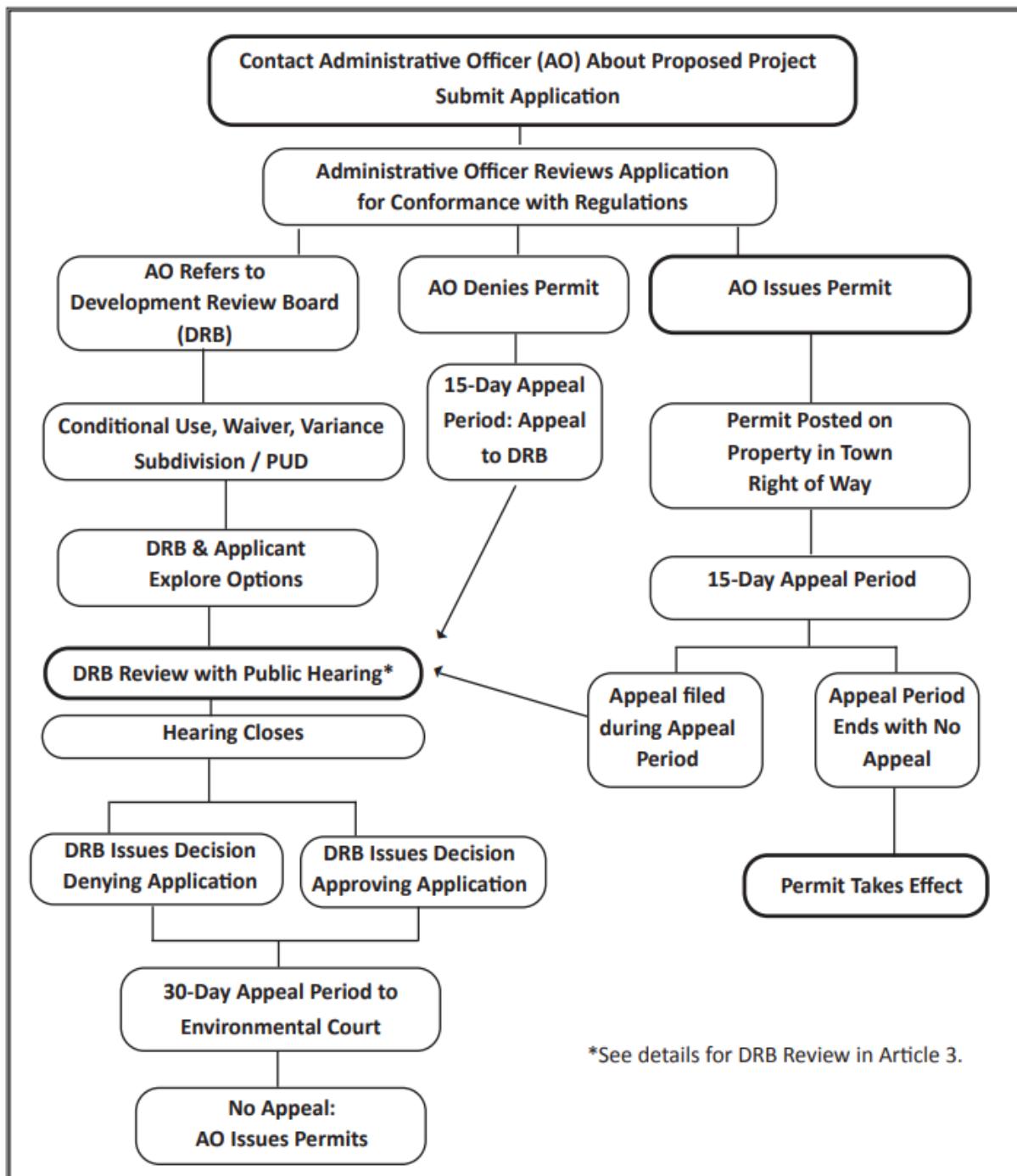
Anyone planning land development should consult with a [Permit Specialist](#) at the Vermont Department of Environmental Conservation for any applicable state permit requirements. (<http://dec.vermont.gov/environmental-assistance/permits/specialists>).

As you read the Regulations, you may need to refer to the Definitions in Article VIII.

If you are not sure how to proceed, please contact the Administrative Officer for help.

Permit Flowchart

Figure 1 - How to Get a Permit: At a Glance



Article I. General

Section 1.01 Authority, Purpose, Maps

1. These Huntington Land Use Regulations (“Regulations”), are adopted by the Town of Huntington, Vermont as provided for in the Vermont Planning and Development Act, Chapter 117 of Title 24 of Vermont Statues Annotated (referred to herein as the “Act”). The purpose of these Regulations is to guide the implementation of and conformance to the most recently adopted Town Plan.
2. These Regulations replace and supersede the following previously enacted municipal bylaws:
 - 2.1. Subdivision Regulations, Town of Huntington, Vermont, adopted November 3, 1992 and amended through July 9, 2012;
 - 2.2. Zoning Regulations, Town of Huntington, Vermont, adopted November 7, 1972 and amended through July 9, 2012.
 - 2.3. Flood Hazard Area Regulations, Town of Huntington, Vermont, adopted March 21, 2011.
 - 2.4. The above-referenced bylaws are repealed as of the effective date of the Huntington Land Use Regulations.
3. The following maps are incorporated in these Regulations:
 - 3.1. The Huntington Town Plan maps, as most recently adopted: Natural Resources, Hydrologic Features, Agricultural Soils and Conserved Lands, Overlay Districts, and Land Use Districts.
 - 3.2. The River Corridors map as published by the Vermont Agency of Natural Resources including the Statewide River Corridors map and refinements to that data based on field-based assessments are hereby adopted by reference (see <http://anr.vermont.gov/maps/nr-atlas>). The Huntington River Corridor Reach (HRCP Reach) Maps of August 2013 may also be used as a reference and are on the Town website. The Statewide maps are the official reference, however.
 - 3.3. The Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations.

4. The following additional maps may be used as resources by the Administrative Officer, the DRB and in planning generally:

- 4.1. Vermont Science To Action maps and layers of Huntington area, available at
<http://map.ccrpcvt.org/huntingtonmap/>
- 4.2. Maps showing potential community well and septic field sites to be developed, as available.
- 4.3. Vermont Agency of Natural Resources Atlas maps, including those depicting rare, threatened and endangered species and significant natural communities, forest blocks and critical wildlife habitat, such as deer wintering areas, <http://anr.vermont.gov/maps/nr-atlas>

Section 1.02 Amendments

1. These Regulations may be amended as provided in §§ 4441, 4442 and 4444 of the Act.
2. Proposed changes to these regulations or the zoning map shall be submitted in writing to the Huntington Planning Commission for consideration, as required under the Act [§ 4441].

Section 1.03 Application and Interpretation

These regulations, and their administration and enforcement, are subject to all provisions of the Act as may be amended from time to time.

1. Where these regulations impose a greater restriction upon the use, or standards applicable to development than that imposed or required by a statute or some other ordinance, rule or regulation, or by an easement, covenant legal restriction on property, the provisions of these Regulations shall rule.
2. These regulations are not intended to repeal, annul, or in any way impair any previously issued permit or approval. **All land subdivisions, uses, and structures legally in existence as of the effective date of these regulations are allowed to continue.** Changes or alterations to pre-existing subdivisions, structures or uses must meet all applicable requirements of these Regulations, including requirements for nonconforming lots, uses and structures.

Section 1.04 Severability

The provisions of the Regulations are severable. Should any portion of these Regulations, or their application by the Town, be held invalid by a court of jurisdiction, this shall not affect the validity or application of other provisions in these Regulations.

Article II. Permits and Appeals

Section 2.01 Permit Required

1. A Land Use Permit (“Permit”) is required for all land development that is not exempted under Section 2.02.
2. For development where DRB Approval is required in accordance with Section 3.01, the property owner may obtain a Permit from the AO only after DRB Approval is granted. Before applying for a Permit or seeking DRB Approval, a landowner should review the requirements for the Land Use District (“District”) where the land is located.

Section 2.02 Exemptions from the Permit Requirement

1. Unless located in the Special Flood Hazard Area or the River Corridor (4.07) or Riparian Buffer (5.07), the following do not require a Permit:
 - 1.1. Non-habitable structures or additions to structures, of less than 150 sq. ft. and less than 10 feet in height but must otherwise conform to the requirements of these Regulations.
 - 1.2. Pedestrian, bicycle, ski and snowmobile trails.
 - 1.3. Use of public or private land for hunting, fishing, or trapping in accordance with state regulations.
 - 1.4. Minor fill, grading or excavation that is incidental to regular driveway maintenance, and to residential lawn and yard maintenance and which does not change the existing elevation of land by more than two feet over a total area of no more than 2,000 square feet.
 - 1.5. Normal maintenance and repair of existing structures, utilities and infrastructure which does not result in any expansion or relocation, including any change to the footprint or height of a structure beyond the threshold described in Section 2.02.1.1.
 - 1.6. A change of use from one similar commercial business to another. For example, a change from one restaurant to another, or one retail business to another; but a change from an office to a restaurant, or a retail business to a restaurant would require a Permit or DRB Approval as applicable within these regulations.
2. In all land use districts the following do not require a Permit:
 - 2.1. State regulated utilities and agricultural and forestry practices ([§ 4413(d)] of the Act), although farmers must notify the Administrative Officer in writing of any planned construction activity.
 - 2.2. Public utility power generating plants and transmission facilities regulated under 30 V.S.A. § 248.

- 2.3. Holiday lighting and decorative flags less than 12 square feet.
- 2.4. Businesses within a home in accordance with Section 5.23.
- 2.5. A garage sale, yard sale, auction, or similar sale of personal property occurring not more than 3 consecutive days and not more than a total of 6 days in any calendar year.

Section 2.03 Application and Fee

To obtain a Permit the landowner, lease holder or an authorized agent submits an application and the fee, as adopted by the Selectboard, to the Administrative Officer (AO) on the AO's form.

Section 2.04 Application Contents

1. The Permit application shall contain the following minimum information:

TABLE 2.04.A PERMIT APPLICATION REQUIREMENTS

- | |
|--|
| 1. Name and address of the owner(s) of record, and name of the applicant(s) if different from the owner of record. |
| 2. Location of the property, parcel ID number, and tax map ID numbers. |
| 3. A statement of the existing and intended use of land and structures. |
| 4. The application fee. |
| 5. A statement of the existing and intended use of land and structures. |

TABLE 2.04.A PERMIT APPLICATION REQUIREMENTS

6. A sufficiently detailed site plan (at least 8 ½" X 11"), or plans as necessary, drawn to scale, with north arrow and date of preparation, to include the following information in a clear and legible manner:

- a. The shape, dimensions, and location of the lot noting principle relevant features, including existing structures, and lot boundary markings.
- b. The shape, size, height and location of all structures to be erected, altered or moved.
- c. The location of existing and proposed utilities and accesses (curb cuts, access to public roads, driveway location and widths, and configuration of parking areas).
- d. The location of any required setbacks, "build to" zones, and existing and proposed wells, well shields and septic fields.

When necessary:

- e. The location of any existing or proposed easements.
- f. Any additional requirements prescribed for the District where the property is located.
- g. When necessary, location of existing waterways and buffer zones and a stormwater management plan.
- h. Any natural resources described in Section 5.06.

7. A list of names and most recent mailing addresses of all abutting property owners, without regard to public rights of way (i.e., properties across the roadways or water bodies are considered to be abutting).

8. Copies of any legal restrictions or covenants, existing town subdivision approval conditions, existing town land use approval conditions, any state or federal permit applications or approvals, and a State Project Review Sheet applicable to the property.

2. **The Administrative Officer may reject the application if any of the required information is not provided.** The Administrative Officer may exempt any of the above requirements if the requested information is not relevant to that which the applicant is seeking approval. The AO will document any exception.
3. **The Administrative Officer or Development Review Board may require supplemental information to ensure compliance with these regulations.**

Section 2.05 Action on Permit Application

1. **In accordance with the Act [§ 4449(a)], when an application for a permit seeking approval of a structure is submitted, the AO shall provide the applicant with a copy (or electronic link) of the applicable building energy standards under 30 V.S.A. §§ 51 (residential building energy standards) and 53 (commercial building energy standards).** However, the AO need not provide a copy of the standards if the structure is a sign or a fence or the application certifies that the structure will not be heated or cooled. In addition, the AO may provide a copy (or electronic link or copy) of the Vermont Residential Building Energy Code Book published by the Department of Public Service instead of the full text of the residential building energy standards.
2. **Within 30 calendar days after the Administrative Officer's (AO) acceptance of an application, the AO shall either approve, deny, determine to be incomplete, or refer the Applicant to the DRB for additional review.** If the AO fails to act within the 30-day period, a permit shall be deemed issued on the 31st day. If the permit is approved, the Administrative Officer promptly issues a permit with any conditions required by these Regulations and DRB Approval. In considering whether to issue or deny a permit, the Administrative Officer verifies what applicable permit conditions already exist and applies the standards of these Regulations, including those of the District and overlay District where the property is located.
3. **The Permit shall contain a statement that the applicant should contact state agencies to determine what state permits may be required before commencing development, as required by the Act [§ 4449(e)]:** "Before beginning development, the applicant is obligated to identify, apply for and obtain all necessary state permits relating to this project by contacting the Vermont Agency of Natural Resources Office, 111 West Street, Essex Junction, VT; 802-879-5676." See: <http://dec.vermont.gov/environmental-assistance/permits/specialists>
4. **Within three days following the issuance of a permit, the Administrative Officer shall:**
 - 4.1. Deliver a copy of the permit to the Town Listers.
 - 4.2. Post a copy of the permit in a public place in Huntington.
 - 4.3. Deliver copies to the Town Clerk for recording in the land records and filing in the permit records once it is in effect.
 - 4.4. Post a copy of the permit on the Town's website.
5. **On the day of approval, the applicant shall post a notice of the permit within view from the public right-of-way most adjacent to the subject property for 15 days from the date of issuance and shall ensure that it remains posted for the 15 days.**

6. **The applicant or other interested parties may appeal the granting of a permit by giving written notice to the Administrative Officer within 15 days of the posting.** The appeal shall state the objections to the granting of the permit with reference to these Regulations. Timely appeals will be heard by the DRB, or the Vermont Environmental Court if appealing a DRB decision, as provided in Section 2.07.
7. **The Permit shall not take effect until 15 days following the issuance of the permit during which appeals can be filed as provided in Section 2.07 below.** In no event shall any development, including site preparation, occur until the issued permit takes effect. In the event that an appeal is filed, the permit is suspended until the appeal is decided by the DRB, and all further appeals are exhausted.

Section 2.06 Certificate of Occupancy

When development is completed sufficiently for occupancy or use as specified in the permit, the holder of the permit must obtain a Certificate of Occupancy from the Administrative Officer. The Administrative Officer will inspect the property to confirm compliance with the requirements and conditions of the permit. Within 15 days of the permit holder's request for a Certificate of Occupancy, the Administrative Officer shall either issue the Certificate of Occupancy or provide the Permit holder a statement listing the items of non-compliance. After the holder of the permit has remedied the items of non-compliance, and re-applied, the Administrative Officer shall issue a Certificate of Occupancy. Provision of a certificate as required by 30 V.S.A. § 51 (residential building energy standards) or § 53 (commercial building energy standards) shall be a condition precedent to the issuance of any such Certificate of Occupancy, per 24 V.S.A. § 4449.

Section 2.07 Appeal

The applicant or an interested party, as defined in the Act [§ 4465(b)], may file an appeal of a decision by the Administrative Officer within 15 days from date of the decision. The appeal must be filed with the Town Clerk, must be in writing and specify the objections of the party making the appeal of the Administrative Officer's decision. The filing fee must accompany the appeal. The hearing before the DRB on the appeal will be held with the same formalities as with a hearing for DRB Approval. The DRB may deny the appeal or grant it, with or without conditions. As with all DRB Approvals, a DRB decision concerning an appeal specifies the reasons for its decision referencing applicable laws and regulations. Further appeal of a DRB decision may be taken up with the Vermont Environmental Court.

Section 2.08 Permit Expiration

Permits expire two years from the effective date of the permit. The applicant may also obtain a one-year extension by request to the Administrative Officer before the end of the initial two years. If a permit expires before the work is substantially complete, a new permit approval must be obtained before any additional action or work is undertaken.

Article III. Development Review Board (DRB) Processes

Section 3.01 When DRB Approval Required

DRB Approval is required for:

1. Conditional Uses as defined in each Land Use District, and as called for in Article V. The DRB will review these applications for both external impacts of the proposal (see Section 3.05.4) and internal site layout and design (see Section 3.05.5). When more than one use is requested, even a Permitted Use, it shall be reviewed as a Conditional Use, except in the Village District.
2. Subdivisions of property, except where exempt as set forth in Section 3.02.
3. Appeals to the DRB regarding actions of the Administrative Officer.
4. Waivers.
5. Variances.

Section 3.02 Exceptions of DRB Approval Requirement for Subdivisions

- 1. A subdivision requires prior Approval by the DRB before a Permit for development can be issued. The following exceptions do not require DRB Approval, but still require a Permit:**
 - 1.1. Boundary adjustments between two adjoining parcels where the movement of the boundary and the boundary adjustment do not create:
 - 1.2. A non-conformity under Section 5.10 or an increase in the degree of non-conformity,
 - 1.3. A new lot, or
 - 1.4. A lot that does not comply with the requirements in the District where the lot is located.
 2. Applications for a permit for a boundary adjustment or transfer under this Section shall be accompanied by a proposed deed and a surveyed land plat depicting at least the lands conveyed, both to be recorded in the Land Records upon permit approval.

Section 3.03 Development Review Board Process – Sketch Review

- 1. Applicability.** For all subdivisions subject to DRB Approval, a Sketch Review is a required first step. For conditional uses, including mixed uses outside of the Village, the DRB may require or the AO may suggest Sketch Review as a necessary first step.
- 2. Purpose.** The purpose is to acquaint the DRB, the applicant's neighbors, and interested parties with the proposed development without requiring the presentation of detailed surveying, engineering and design data by the applicant. The plans can be presented in an informal way that

invites comment and discussion of alternatives. The applicant (the owner or appointed representative) should request a Sketch Review by submitting the Administrative Officer's-Sketch Review Applicant Checklist and accompanying documents to the DRB Clerk. Such submission grants permission to the DRB to visit the subject property with prior coordination with the applicant.

3. The goals of the Sketch Review are to:

- 3.1. Explore options and examine the details of the applicant's proposed development to produce the best development plans possible.
 - 3.2. Provide the applicant with a clear understanding of whether approval of the proposed development is possible, and if so, with what terms and conditions.
 - 3.3. Familiarize neighbors and other interested parties with the applicant's development plans and relevant regulations, and to acquaint the applicant and the DRB with the nature of their comments.
 - 3.4. Make the DRB Approval hearing process thorough, efficient and transparent.
 - 3.5. Before its first Sketch Review meeting the applicant is obligated to provide notice, and associated fees, in the same manner as is required for DRB Approval hearings, except that newspaper publication is not required. To facilitate this notice, the applicant shall provide the DRB or the DRB Clerk with stamped envelopes addressed to all adjoining property owners, neighbors, and others specified by the DRB.
 - 3.6. During Sketch Review, the applicant and the DRB shall explore development options that are consistent with these Regulations and the goals of the Town Plan. The representations of the applicant and the DRB shall not be binding in future DRB Approval hearings. The DRB or the applicant may request a continuation of the Sketch Review to a future DRB meeting to allow for project reconfiguration, the presentation of additional data or to allow for a site visit of the property by the DRB.
 - 3.7. The Sketch Review process is designed so that important resource areas are identified and considered prior to determining where and in what manner any development could occur. In preparation for this, applicants planning to subdivide and/or develop property should provide a map showing various features for review or a draft plat which contains much of the basic information needed for DRB Approval of a subdivision.
4. Step 1 - Identify and map existing resources and development on the property and adjacent properties. Resources shall include natural features, as described in Section 5.06, trails and roads, recreation facilities, and open land by type, including agricultural and forestry land. Development includes current and former uses of the property by type, structures, utilities, and other alterations of

the natural landscape. The DRB may require site specific studies and data beyond what is publicly available or provided by applicant.

5. Step 2 - Determine an appropriate location for applicant's proposed development on the property, considering protection and mitigation of the resources identified in Step 1, and appropriate connections with neighboring properties. Include proposed building and related development envelopes, vehicle and pedestrian access and, in the case of subdivision, appropriate locations for lot lines.
6. During, or shortly after the conclusion of the Sketch Review the DRB shall provide the applicant with a short, written summary of the meeting and any recommendations of the DRB. While the Sketch Review does not suggest approval or rejection of an applicant's development plans, the Sketch Review gives an indication of what evidence, as outlined in these Regulations, may be required for DRB Approval such as wetlands delineation, a wildlife habitat study, a storm water management plan, a shared parking or traffic study, or a clustered housing plan.
7. Normally, at this point in the process, the Chair of the DRB will assign a contact person for the applicant to facilitate coordination with the DRB. The DRB contact person has no authority to act or to make substantive representations for the DRB, and their communications with the applicant are not binding on the DRB. This contact is not an advocate for the applicant.

Section 3.04 Development Review Board Approval Procedures

1. **Applicability.** All development requiring DRB Approval shall follow the procedures in this section. This will serve as the second and final stage of review for all subdivisions, and where Sketch Review was required for conditional uses, including mixed uses outside of the Village; and the first and final stage of review for waivers, variances, appeals, and where Sketch Review was not required for conditional uses, including mixed uses within the Village. The final review may be continued as necessary.
2. For applications that went through Sketch review, the owner of the property, or an appointed representative, must apply for DRB Approval within eight months following the most recent Sketch Review meeting.
3. All Applications for DRB Approval shall include the relevant application requirements as listed in Addendum A.
4. Within 7 days after submission of the application, a member of the DRB or staff shall review it for completeness. If the application is incomplete, the applicant is to be promptly notified and have the option of withdrawing the application or submitting the missing information. A public hearing will be scheduled on the application between 20 and 90 days following the submission of a complete

application. Notice of the public hearing must be made 15 days or more prior to the hearing by publication in a newspaper of general circulation in Huntington, by posting the notice in three public places in Huntington and on the Town website, and by written notice to adjoining property owners. The notice to the adjoining property owners shall include a brief description of the proposed development or subdivision, a statement that additional information is available at the Town Office and a statement that participation in the hearing is required to become an interested party, as defined by the Act [§ 4465(b)].

5. Coordination of Review. If multiple types of DRB Approval are required for a proposed development, for example, subdivision and conditional use, these reviews may be conducted concurrently if the application, notice, procedural requirements and review standards for each are met.
6. The public hearing shall be recorded by written summary, or audio recording and written summary. The Chair shall open the hearing and ask whether any DRB members must recuse themselves because of a conflict of interest or because of having *ex parte* contacts with the applicant concerning merits of the application. The Chair shall state that the purpose of the hearing is for the DRB to take statements and evidence, along with the application for consideration by the DRB. The Chair shall remind those who would like to speak that statements should address the merits of the proposed development and whether it complies with the specific requirements of these Regulations. The applicant and/or representatives may make statements introducing the application and then interested parties may make statements and present relevant evidence. All questions should be directed through the Chair. The Chair may set and enforce time limits on oral statements.
7. In considering an application, the DRB may retain independent consultants to facilitate the review of applications. These services shall be paid for by the applicant. The consultant(s) shall work at the DRB's direction and shall provide the DRB such reports and assistance as the DRB deems necessary to determine compliance with this bylaw. The scope of the independent review shall be as narrow as possible, and the cost shall be minimized to the extent practical. The applicant shall be notified as to the choice of the consultant(s) and the estimated cost prior to the independent consultant(s) starting work.
8. The DRB may recess the hearing for the submission of additional information, but in no event for more than 45 days without the agreement of the applicant. At the conclusion of the statements, questions by DRB members and submission of additional information, the Chair will close the public hearing. Within 45 days from the close of the hearing the DRB will deliberate and issue a findings of fact, conclusions of law and decision either denying or granting the application, with or without

conditions. All decisions must include a statement of explanation on the appeal period and process for appealing. Conditions of approval may include the following, among others:

- 8.1. A certificate from a consulting engineer as to the completion of all improvements required by the DRB.
- 8.2. A performance bond to secure completion of such improvements and their maintenance for a period of two years in accordance with the Act [§ 4464].
9. DRB Approval for subdivisions expires unless the final subdivision mylar plat is filed in the Huntington land records within 180 days of approval. Upon applicant request, the AO may extend the date for filing the plat by an additional 90 days, if final local or State permits or approvals are still pending.
10. The applicant or an interested party may appeal a decision of the DRB within 30 days to the Environmental Court, which is a division of the Vermont Superior Court. The standards for appeal and who qualifies as an interested party are provided in the Act [§ 4471] (and in the Rules of the Environmental Division, the Vermont Rules of Appellate Procedure and otherwise by law).
11. Upon DRB Approval, the Administrative Officer shall be furnished with the completed Application and Approval documents. The Applicant may then apply for a Permit. The AO will then issue a Permit following the 30-day appeal period of the DRB Approval, and in accordance with all notification and distribution requirements described in Section 2.05.

Section 3.05 Conditional Use Review

- 1. Applicability.** DRB Approval of a conditional use is required for uses listed in Table 4.01 as a conditional use, for mixed uses, and as called for in Article V.
- 2. Purpose.** The purpose of Conditional Use Review is to regulate the external impacts of development; and the intent and purpose of Site Plan Review is to examine the development's internal site layout and design and assure its conformance with the required standards in the District, and relevant standards in Article V. Pursuant to the Act [§§ 4414(3) and 4416], Site Plan review criteria are hereby incorporated into Conditional Use Review.
- 3. Application Requirements.** For DRB Approval of a new conditional use or change in conditional use, the application shall include the information as required in Addendum A.
- 4. Criteria for Review for External Impacts.** DRB Approval for conditional use shall be granted only upon finding that the proposed development shall not result in an undue adverse impact on any of the following:
 - 4.1. The capacity of existing or planned community services or facilities.

- 4.2. The character of the area affected, as defined by the purpose or purposes of the land use district where the project is located.
 - 4.3. Traffic congestion and safety on roads and highways in the vicinity.
 - 4.4. Pedestrian and bicycle access and safety.
 - 4.5. Compliance with applicable regulations and ordinances in effect.
 - 4.6. The utilization of existing renewable energy resources.
 - 4.7. The appropriate use or development of adjacent property.
 - 4.8. The public welfare in any other manner.
 - 4.9. Significant natural features are protected in accordance with Section 5.06.
5. **Criteria and Standards for Review for Internal Impacts.** The DRB will consider the following criteria when reviewing the proposed development's internal site layout and design. The standards for meeting these criteria are in the sections referenced herein. In considering an application, the DRB shall ensure that:
- 5.1. Site layout and design is adequate for vehicle, bicycle and pedestrian access and circulation, including loading and unloading in accordance with the purposes of the District(s) in which the development is located (see Article IV), Section 5.02 and Section 5.29;
 - 5.2. Parking is provided in accordance with Section 5.04;
 - 5.3. Landscaping and screening is provided in accordance with Section 5.21;
 - 5.4. Exterior lighting is provided in accordance with Section 5.20;
 - 5.5. Signs are located in accordance with Section 5.22;
 - 5.6. There is adequate provision for potable water supply, wastewater treatment/disposal (see Section 5.01), soil stabilization, erosion control and stormwater management (see Section 5.12); and
 - 5.7. Public road frontage or access in accordance with Sections 5.03 and 5.29.
 - 5.8. Applicable district dimensional standards in accordance with Article IV.
 - 5.9. Significant natural features that are protected in accordance with Section 5.06.

Section 3.06 Subdivision

1. **Applicability.** The subdivision of land that creates one or more lots shall be subject to the requirements of this Section, unless exempt in accordance with Section 3.02.
2. **Purpose.** The purpose of subdivision regulations is to ensure that the division of land into smaller units results in lots or parcels that are useable and safe and reflect the physical characteristics of the site.

- 3. Application Requirements.** For DRB Approval, the applicant shall provide a plat as required by 27 V.S.A. Sec. 1403, and plans or series of plans that together include the items listed in Addendum A. However, any item may be waived during the Sketch Review if the DRB views the item as not being relevant to the proposed development.
- 4. Criteria and Standards for Review.** The DRB will consider the following criteria when reviewing subdivisions. The standards for meeting these criteria are in the sections referenced herein. In considering an application, the DRB shall ensure that:
 - 4.1. New lots are laid out according to the dimensional requirements and intent and purpose of the District where the property is located (see Article IV) thereby ensuring consistency with the purposes and intent for the district in which the new lot(s) are located (see Article IV), and to avoid the creation of nonconforming or oddly shaped lots (see Sections 5.10 and 5.29);
 - 4.2. Each lot has adequate access for its intended use and emergency vehicle access (see Section 5.02);
 - 4.3. New roads, sidewalks, and pedestrian paths, whether public or private, effectively connect to existing and planned roads and pedestrian facilities in the surrounding area (see Section 5.02 and Section 5.03);
 - 4.4. Each lot has adequate public road frontage (Table 4.02); and
 - 4.5. That the created parcels contain a suitable building envelope that could enable future development, including:
 - 4.5.1. There is adequate provision for potable water supply, wastewater treatment/disposal (see Section 5.01), soil stabilization, erosion control and stormwater management (see Section 5.12), and that these and other utilities and improvements are provided in a timely and efficient manner;
 - 4.5.2. Significant natural features are protected (see Section 5.06); and
 - 4.5.3. Municipal services and facilities, including roads, utilities, emergency services and schools can absorb the increased demand from the proposed subdivision.
 - 4.5.4. The DRB may allow a subdivision creating a lot that would not enable future building, provided the Subdivision is conditioned on creating a non-building lot, such as a woodlot or conserved parcel. The DRB may also require a permanent conservation easement for newly created, non-buildable parcels.

Section 3.07 Waivers

- 1. 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 not in strict conformance with setback requirements does not have an undue adverse effect on public safety, adjoining properties, resources, or uses.

2. **Applicability.** An Applicant, in association with a site plan review, conditional use review, or an appeal of the AO's determination, may request a waiver to reduce the minimum district setback requirements (under Tables 4.02 and Article IV) as necessary to:
 - 2.1. Allow for the reasonable development and use of a nonconforming lot under Section 5.10;
 - 2.2. Allow for an addition or improvement to a nonconforming structure under Section 5.10;
 - 2.3. Comply with federal or state public health, safety, access or disability standards, or
 - 2.4. Allow for the siting of a renewable energy structure.
3. **Limits.** A waiver may reduce a side or rear setback up to 25%. A front setback reduction has no limit, as long as the conditions in Section 3.07.5 are satisfied.
4. **Waiver Request.** A waiver request shall be submitted in writing with the application for site plan review, conditional use permit, or appeal of an AO determination that the proposed development does not conform to required setbacks, and shall include information regarding the specific circumstances, need and justification for the waiver, and any proposed mitigation measures.
5. **DRB Approval for Waiver.** In granting a waiver under this section, the DRB shall find, based upon clear and convincing evidence, that the standards of 3.07(2) and (3) have been met, and that:
 - 5.1. 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.
 - 5.2. The waiver, if authorized, will not:
 - 5.2.1. Alter the essential character of the neighborhood or district in which the property is located;
 - 5.2.2. Substantially or permanently impair or interfere with the use or development of, or access to, adjacent properties, or rights-of-way;
 - 5.2.3. Will not encroach into the town right-of-way;
 - 5.2.4. Be detrimental to the public welfare.
 - 5.3. The waiver, if authorized, represents the minimum setback reduction necessary to allow for the proposed development; and
 - 5.4. Any potential adverse impacts to adjoining properties or rights-of-way, 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 DRB.

6. In granting a waiver under this Section, the DRB 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.

Section 3.08 Variances

1. **Applicability and Purpose.** In accordance with the Act [§ 4469], if unique physical circumstances of the site prevent development in strict conformance with the Regulations, the applicant may apply to the DRB for a variance following AO denial of a permit, or by referral of the AO to the DRB. Variance approval requires special circumstances that justify the DRB in diverging from the actual standards of the Regulations.
2. **Variances within the Flood Hazard Area District.** In addition to the requirements herein, variances from flood hazard area development standards are also subject to requirements in Section 4.07.5.8. Variances in the Special Flood Hazard Areas, Floodways and River Corridors will only be granted after complying with the criteria and insurance notice requirements of Section 60.6 (a) of the National Flood Insurance Program Floodplain Management Regulations, as periodically updated, at this link:
[\(http://www.gpo.gov/fdsys/pkg/CFR-2010-title44-vol1/pdf/CFR-2010-title44-vol1-sec60-6.pdf\)](http://www.gpo.gov/fdsys/pkg/CFR-2010-title44-vol1/pdf/CFR-2010-title44-vol1-sec60-6.pdf)
3. **Application Requirements.** See Addendum A for the application submittal requirements.
4. **Criteria and Standards for Review.** The DRB shall grant a variance, and render a decision in favor of the applicant or appellant, only if all of the following facts are found, and the findings are specified in its written decision:
 - 4.1. 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.
 - 4.2. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these Regulations and that the authorization of a variance is necessary to enable the reasonable use of the property.
 - 4.3. The unnecessary hardship has not been created by the applicant or appellant.
 - 4.4. 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.

4.5. 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 Town Plan.

Section 3.09 Appeals of Administrative Officer Decisions

1. **Applicability.** Appeals of Administrative Officer decisions shall be filed with the DRB in accordance with Section 2.07.
2. **Application Requirements.** See Section 2.07.

Article IV. Land Use Districts

Section 4.01 Introduction

1. **The official zoning map, 'Town of Huntington Land Use Map' is hereby adopted as part of these Regulations and is on file with the Town Clerk.** The Land Use Districts Map shall be amended in accordance with the Act [§§ 4441, 4442 and 4444]. Any uncertainty as to the location of a district, overlay, or flood hazard area boundary line on the Land Use Map shall be determined by the AO with rights of appeal to the DRB.
2. Development of lots may only be permissible based on the uses and dimensional criteria defined in this Article, and in accordance with the review procedures defined in this Regulation and all applicable local, state and federal ordinances and regulations.
3. All lots created after the effective date of these Regulations must meet minimum applicable frontage requirements along public road rights-of-way, and area and yard dimensional requirements for the district(s) in which they are located unless modified or waived by the DRB based on provisions herein, except where a condition of DRB Approval for subdivision expressly prohibits development of any kind.
4. **The standards and requirements for the Special Flood Hazard Areas, Floodways, and River Corridors (Section 4.07) and Groundwater Protection District (Section 4.08) are in addition to the standards and requirements for the other Districts.**

Table 4.01 –Land Use Table – Permitted, Conditional, and Prohibited Use

Use	Land Use District						
P - Permitted Per Development Standards (i.e. Land Use Permit)	Village Center District*	Neighborhood District	Rural Residential District	Woodland District	Conserv-ation District	Flood Hazard Areas	Ground-water Protection Overlay District
C - Conditional Use & Site Plan Review (i.e. DRB & Land Use Permit)							
X - Prohibited (i.e. not allowed)							
Single Family Dwelling	P	P	P	X	X		
Two Family Dwelling	P	P	P	X	X		
Multi-Family Dwelling	C – max 4	C – max 4	C – max 4	X	X		
Seasonal Dwelling	X	X	C	C	X		
Accessory Dwelling	P	P	P	X	X		
Non-dwelling Structure	P	P	P	C	C		
Home based businesses, including day care centers (larger than a home day care)	P	P	C	C	X		
Cottage Industries, Retail Sales, Restaurants, Large Commercial Uses	C	C	C	X	X		
Specific Commercial uses: health clinic, financial institution, funeral homes, Gasoline Sales, Motor Vehicle Sales	C	C	X	X	X		
Home occupation vehicle repair service	C	C	C	X	X		
Contractors Yard	C	C	C	X	X		
Heavy Industrial or Manufacturing Development	C	C	X	X	X		
Bed and breakfast and Inns (not exceeding 15 bedrooms)	C	C	C	X	X		
Mixed Uses	C	C	C	X	X		
Group Home & Residential Care Home (serving 8 or fewer persons and not within 1,000 feet of another group home)	P	P	P	X	X		
Group Home or Residential Care Home (serving more than 8 persons but not exceeding 15 persons, and/or within 1,000 feet of another group home)	C	C	C	X	X		
Senior housing, max 15 units	C	C	C	X	X		
Riparian Buffer Vegetation Management	C	C	C	X	X		
Cemetery	C	C	C	C	X		
Schools and educational centers	C	C	C	C	X		
Places of worship, libraries, public meeting houses, private clubs	C	C	C	X	X		
Cultural Facility	C	C	C	X	X		
Nature Center	C	C	C	C	X		
Indoor Recreational Facilities	C	C	C	X	X		
Outdoor Recreational Facility Structures	C	C	C	C	C		

See
Section
4.07See
underlying
Zoning
Districts

Table 4.02 – Land Use Table – Dimensional Standards Related to Lots & Buildings

Standard	Village Center	Neighborhood*	Rural Residential*	Woodland	Conservation
Minimum lot size	1 acre	1 acre	5 acres	25 acres	25 acres
Minimum frontage on public roads	40 feet	120 feet	180 feet	200 feet	N/A
Min front set back from centerline of road**	40 feet	50 feet	50 feet	50 feet	N/A
Min side and rear yard set back	10 feet	15 feet	20 feet	50 feet	N/A
Max Number of principal dwelling structures per lot***	1	1	1	1	N/A
Max Height	35 ft	35 ft	35 ft	35 feet	35 feet
Maximum cumulative enclosed square footage above grade for the permitted use(s)	5,000 square feet	4,000 square feet	N/A	1,500 square feet	1,000 square feet

* Dimensional requirements in these districts may be waived to promote clustering through the PUD provision.

** ROW easements may vary. The Village Center min/max setbacks assumes a 4-rod ROW. The Development Review Board may adjust the front setback requirement accordingly, under conditional use review, if the applicant demonstrates another ROW dimension applies in front of their property.

*** Excluding accessory dwelling units.

Section 4.02 Village Center Districts

1. **Intent and Purpose.** The purpose of the Village Center District is to allow higher density residential and commercial development while restraining rapid, large-scale, or otherwise inappropriate growth. Future development should maintain a traditional village settlement pattern, which will enrich village life, provide efficient community services, promote agricultural usage where appropriate, and encourage the social, cultural, and historic aspects of village community life. For the purposes of these Regulations, a traditional village settlement pattern is defined as a cohesive group of residential, civic, religious, commercial, and mixed-use buildings arranged along a main street and intersecting streets that are within walking distance for residents who live within and surrounding the core. Pedestrian and bicycle access will be prioritized without sacrificing automobile accessibility; and parallel and diagonal on-street parking for automobiles will be available. The intent is to foster a sense of community connection where the public and private realms come together within and along the street frontage.

This photo provides an example of an important building in Huntington that houses the post office and other commercial development. The building has a large number of windows, or in the language of these Regulations “glazing requirements”, facing the street that foster a sense of connection between public areas and private while being consistent with other architecture in the village.

Photo: Mark Smith



2. **Uses and Review.** See Table 4.01 for identification of Permitted and Conditional Uses. In addition to the Conditional Uses on Table 4.01, the following circumstances require DRB Approval for conditional use before a Permit will be issued:
 - 2.1. Commercial uses
 - 2.2. Residential projects with more than two separate residential units (i.e., multi-family dwellings).
 - 2.3. Exceeds one acre developed.
 - 2.4. Includes a new public street.
 - 2.5. Alters the exterior of an historic structure, or any structure in an historic district.
 - 2.6. Includes a shared parking plan.
 - 2.7. Includes an on-street diagonal parking scheme or other on-street parking scheme within or adjacent to an existing or proposed town or state highway.

- 2.8. Requests to reduce setbacks or modify building location, per Section 3.07, or a shared parking plan, per Section 4.02.4.
3. **Building and Parcel Dimensional Standards.** See Table 4.02 for the dimensional standards. The following apply to the Village Center District:
 - 3.1. Building Heights. Buildings shall be a maximum height of 35 feet to the roofline and a minimum height of 15 feet. Cupolas, antennas, lightning rods, and similar are excluded.
 - 3.2. Driveways for single- and two-family dwellings shall be no wider than 12 feet. In the setback area, road and underground utility lines are allowed for access to development on the property. Pedestrian and bicycle ways are allowed in the setbacks. Residential garages shall be located behind the residence or no closer to the public street than the residence.
4. Parking. In addition to the Off-Street Parking Standards in Section 5.04, the following apply to the Village Center District:
 - 4.1. Parking shall not interfere with pedestrian travel areas and sidewalks.
 - 4.2. On-street parking may be allowed with DRB Approval. If the existing right-of-way is not wide enough to accommodate the on-street parking, the Applicant may propose a development scheme where the lot owner conveys to the Town sufficient property along the front of the lot to widen the public right-of-way to accommodate the on-street parking. The lot owner shall be responsible for construction and the costs associated with the parking area, street alterations and sidewalk realignment. Both DRB and Selectboard approval would be required for such a conveyance.
 - 4.3. Off-street parking shall not be located along or adjacent to the street frontage. Instead, parking areas shall be behind street facing buildings, under the building's first floor, or beside the buildings; or alternatively, at least 60 feet from the street right-of-way.
 - 4.4. With prior DRB Approval, two or more property owners may enter into a shared parking plan agreement reflecting their complementary needs (e.g., different peak hours, sporadic use) to comply with parking standards. However, the parking shall not be located more than 600 feet from development it supports. The DRB shall ensure the parking plan does not adversely affect public health or safety, and incorporate plan compliance as a condition of permit approval, subject to periodic change by the parties with DRB approval.

Section 4.03 Neighborhood District

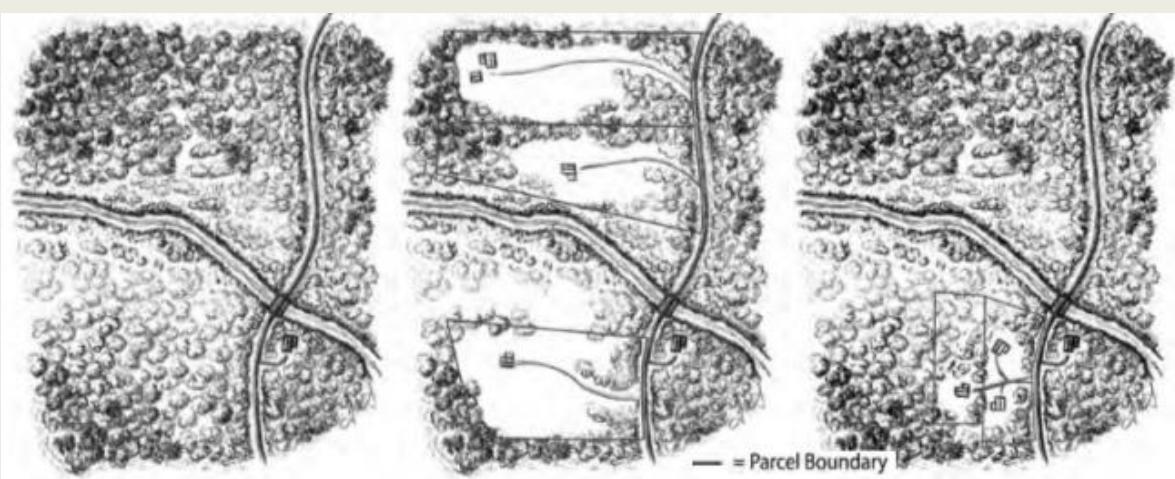
1. Intent and Purpose. The purpose of the Neighborhood District is to allow mixed use, moderately dense residential with some commercial and civic development, to further support commercial establishments in the Village Districts that this district surrounds, and to protect open space areas. Rapid, large-scale and otherwise inappropriate development should be restrained. The goals for the District are to provide residential opportunities and community services in a compact development pattern, while preserving existing open space and prime agricultural soils, promoting safe and efficient pedestrian and other transportation capability, and encouraging the social and cultural aspects of neighborhood community life. Pedestrian and bicycle uses are prioritized without sacrificing automobile accessibility.



1. **Uses.** See Table 4.01 for identification of Permitted and Conditional Uses.
2. **Building and Parcel Dimensional Standards.** See Table 4.02 for the dimensional standards. The following apply to the Neighborhood District:
 - 2.1. The allowed residential density in the District is one principal dwelling structure per 1 acre lot, except for an approved Planned Unit Development (PUD).
 - 2.2. Front setback from the adjacent center of road is 50 feet.
 - 2.3. Side and rear setbacks are 15 feet minimum. In the setback area, road and underground utility lines are allowed for access to development on the property. Pedestrian and bicycle ways are allowed in the setbacks. Parking and loading areas are not allowed in setback areas.
 - 2.4. The minimum road frontage on a public road is 120 feet.
 - 2.5. Maximum cumulative square footage above ground is limited to 4,000 square feet.
3. **To comply with the minimum lot size requirement the Administrative Officer shall consult with the Town Lister's acreage data to confirm compliance or an up-to-date survey from a licensed land surveyor.** One accessory dwelling unit, which complies with the standards in Section 5.08, shall be counted as part of the existing single-family dwelling for density purposes.
4. **For a subdivision requested as part of DRB Approval review, no lot shall be less than 1 acre or have public road frontage less than 120-feet, unless with a DRB Approved PUD.**
5. **Planned Unit Developments (PUDs) are allowed in this District as provided in Section 5.09. The purpose of a PUD is to cluster development to limit the extent of the infrastructure needed, and to protect open space.** The density bonus incentive for a PUD in this District is 25% more dwelling units than would be allowed with the base allowable density of 1 principle dwelling structure per 1 acre lot, up to a maximum of 10 total units. The designated open space shall be a minimum of 50% of the property being subdivided and shall be conserved from future development.

Section 4.04 Rural Residential

1. Intent and Purpose. The purpose of the Rural Residential District is to allow development while limiting its impact on the rural character of the District, usable agricultural land, unfragmented forests, environmentally significant areas, aquifer protection areas, wetlands, and scenic views. Restraining rapid, large-scale, and otherwise inappropriate growth inconsistent with the rural character is paramount. Protection of rural resources by efficient and limited development of land and PUDs is a high priority in this District. Development in the District is to be sited with consideration of nearby recreation facilities and trails, agriculture, roads and transportation facilities, and possible future uses.



From left to right: 1. Parcel before development. 2. Parcel developed with conventional road frontages and “spaghetti lots” that reduce forest cover and habitat. 3. Parcel with clustered development, minimizing forest fragmentation while preserving privacy and the functionality of the remaining forestland. #3 is the intent of this Rural Residential Land Use District. Illustration: Vermont Natural Resources Council

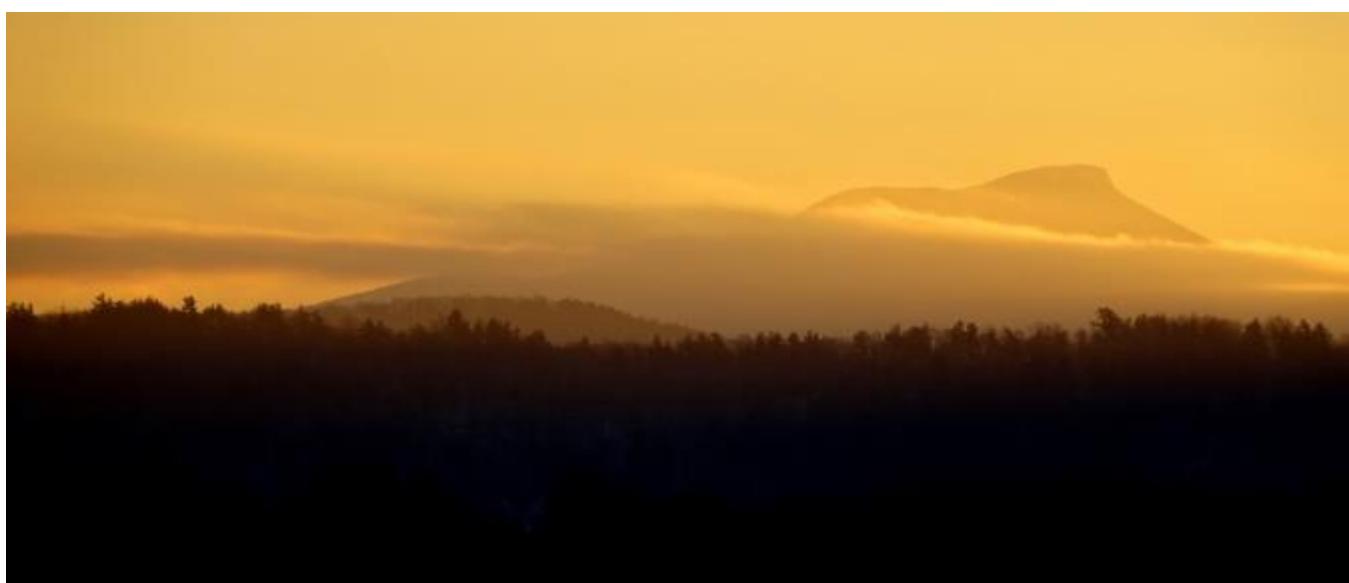
1. **Uses.** See Table 4.01 for identification of Permitted and Conditional Uses.
2. **Building and Parcel Dimensional Standards.** See Table 4.02 for the dimensional standards. The following apply to the Rural Residential District:
 - 2.1. The allowed residential density in the District is one principle dwelling structure per parcel, except for an approved Planned Unit Development (PUD).
 - 2.2. Front setback from the center of road is 50 feet.
 - 2.3. Side and rear setbacks are 20 feet minimum. In the setback area, road and underground utility lines are allowed for access to development on the property. Pedestrian ways are allowed in the setbacks. Parking and loading areas are not allowed in setback areas.
3. There is minimum frontage of 180 feet on a public road.
4. For lots approved under a PUD, development shall not exceed 15% of the total lot area.
5. To comply with the minimum lot size requirement the Administrative Officer shall consult with the Town Listers acreage data or request an up-to-date survey from a licensed land surveyor. One accessory dwelling, which complies with the standards in Section 5.08 (Accessory dwelling units), shall be counted as part of the existing single-family dwelling for density purposes.
6. Where a subdivision is requested as part of DRB Approval, no lot shall be less than 5 acres or have public road frontage less than 180 feet, unless with a DRB Approved PUD.
7. Planned Unit Developments are allowed in this District as provided in Section 5.09. The allowed density bonus for a PUD in this District is one additional unit for every four units allowed without a PUD in this district, as determined by the DRB. The designated open space for a PUD in this District shall be a minimum of 90% of the property being subdivided.

Section 4.05 Woodland District

1. **Intent and Purpose.** The purpose of the Woodland District is to protect environmentally fragile high elevation areas between 1,500 and 2,000 feet above sea level from incompatible use. Maintenance of unfragmented forest land and wildlife habitat is imperative, as is the protection of the natural scenic beauty of exposed ridgelines.
2. **Uses. See Table 4.01 for identification of Permitted and Conditional Uses.**
3. **Building and Parcel Dimensional Standards. See Table 4.02 for the dimensional standards.** In addition to Table 4.02 the following apply to the Woodland District:
 - 3.1. The minimum lot size is 25 acres.
 - 3.2. Front setback from the center of road is 50 feet.
 - 3.3. The side and rear setbacks are 50 feet minimum. In the setback area access drives, road and underground utility lines are allowed for access to development on the property. Pedestrian ways are allowed in the setbacks. Parking and loading areas are not allowed in setback areas.
 - 3.4. The maximum footprint of a structure(s) is 1,500 square feet on the lot.
 - 3.5. Structures may be served by on-site utilities.
 - 3.6. Structures shall not be located on exposed ridgelines or visible from public vantage points.

Section 4.06 Conservation District

1. Intent and Purpose. The purpose of the Conservation District is to protect pristine and sensitive areas above 2,000 feet in elevation from the adverse effects of development and growth. Maintenance of large tracts of forest, upland watersheds, significant wildlife habitat, connectivity between habitats, and natural scenic beauty of the mountain ridges and skyline is imperative. Uses in this district are primarily forestry, agriculture and outdoor recreation. Relatively small structures are allowed only as an accessory to forestry and recreational uses as necessary.



Article IV: Land Use Districts

1. **Uses.** See Table 4.01 for identification of Permitted and Conditional Uses. Building and Parcel Dimensional Standards: See Table 4.02 for the dimensional standards. The following apply:
 - 1.1. The minimum lot size in the District is 25 acres.
 - 1.2. No structure shall:
 - 1.2.1. Have a footprint area greater than 1000 square feet.
 - 1.2.2. Be connected to off-site utilities.
 - 1.2.3. Be accessible by motor vehicles except snowmobiles and all-terrain vehicles,
 - 1.2.4. Be sited on exposed ridgelines, public vantage points or locations visible from a public road.
2. **DRB Approval**, for a subdivision and structures, may include the following conditions:
 - 2.1. Limit site clearing or disturbance, except for forestry or agriculture, in accordance with Section 5.06.
 - 2.2. Require screening or reforestation as necessary to minimize the environmental or visual impacts of development.
 - 2.3. Require the submission of environmental or visual impact assessments, such as, but not limited to, necessary wildlife habitat, significant natural communities, wildlife corridors, intact forest blocks and wetlands.

Section 4.07 Special Flood Hazard Areas, Floodways, and River Corridors

- 1. Statutory Authorization and Effect.** In accordance with 10 V.S.A. Chapter 32, and the Act [§§ 4424, 4411-4414], and 24 VSA Chapter 59, there is hereby established a bylaw for areas at risk of flood damage in the Town of Huntington, Vermont. Except as additionally described below, all administrative procedures follow municipal procedures under the Act.
- 2. Statement of Purpose. It is the purpose of this bylaw to:**
 - 2.1. Implement the goals, policies, and recommendations in the Town Plan.
 - 2.2. Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding related inundation and erosion.
 - 2.3. Ensure that the selection, design, creation, and use of development in hazard areas is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair fluvial geomorphic equilibrium, flood plain services, and ensures that cumulative development in the hazard zone does not adversely affect others.
 - 2.4. Manage all flood hazard areas designated pursuant to 10 V.S.A. Chapter 32 § 753; the municipal hazard mitigation plan; and make the Town of Huntington, its residents, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available.
- 3. Other Provisions:**
 - 3.1. Precedence of Bylaw. The provisions of these flood hazard bylaws shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this flood hazard regulation imposes a greater restriction the provisions here shall take precedence.
 - 3.2. Validity and Severability. If any portion of this bylaw is held unconstitutional or invalid by a competent court, the remainder of this bylaw shall not be affected.
 - 3.3. Warning of Disclaimer of Liability. This bylaw does not imply that land outside of the areas covered by this bylaw will be free from flood or erosion damages. This regulation shall not create liability on the part of the Town of Huntington, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

4. Lands to Which these Regulations Apply:

- 4.1. **Regulated Flood Hazard Areas.** These regulations shall apply to the Special Flood Hazard Areas and River Corridors (hereafter called “hazard areas”) in the Town of Huntington, Vermont as described below. These hazard areas overlay any other existing land use districts and the regulations herein are the minimum standards that must be met before meeting the additional standards applicable in the underlying district. These hazard areas include:
- 4.1.1. The **Special Flood Hazard Area** (which includes floodways) in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations.
- 4.1.2. The **River Corridors** as published by the Agency of Natural Resources (ANR) including refinements to that data based on field-based assessments which are hereby adopted by reference. Where River Corridors are not mapped, the standards in Section 4.07.6.4 shall apply to the area measured as fifty (50) feet from the top of bank for small streams with a watershed area between 0.5 and 2 square miles.
- 4.2. **Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas.** Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations. In Special Flood Hazard Areas where base flood elevations and/or floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant’s responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies.
- 4.3. **Interpretation.** The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.
- 4.3.1. If uncertainty exists with respect to the boundaries of the **Special Flood Hazard Area or the floodway**, the location of the boundary shall be determined by the Administrative Officer (AO) who will utilize the data provided by FEMA, or State, or Federal agencies. If the applicant disagrees with the determination made by the AO, a Letter of Map Amendment (LOMA) from FEMA shall constitute proof.
- 4.3.2. If uncertainty exists with respect to the boundaries of the **River Corridor**, the location of the boundary shall be determined by the AO who will utilize maps published by the

Vermont Agency of Natural Resources or measure as specified in Section 4.07.4.1.2. If the applicant disagrees with the determination made by the AO, the applicant has the option to either:

- 4.3.2.1. Hire a licensed land surveyor or registered professional engineer to stake out the River Corridor boundary on the property; or
- 4.3.2.2. Request a letter of determination from ANR which shall constitute proof of the location of the river corridor boundary. When ANR receives a request for a letter of determination, ANR evaluates the site and existing data to see if a change to the river corridor delineation is justified, necessitating a river corridor map update. An ANR letter of determination will either confirm the existing river corridor delineation or will result in an update to the river corridor delineation for the area in question. If a map update is justified, an updated map will be provided with the letter of determination.

5. Development Review in Flood Hazard Areas

5.1. Permit. A permit is required from the Administrative Officer for all development in all areas defined in Section 4.07.4 as indicated below. Development that requires conditional use approval, non-conforming use approval, or a variance from the Development Review Board (DRB) under these flood hazard regulations, must have such approvals prior to the issuance of a permit by the AO. Any development subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in Sections 4.07.6 and 4.07.7. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

5.2. Exempted Activities within Special Flood Hazard Areas.

- 5.2.1. The removal of a building or other improvement in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged.
- 5.2.2. Routine maintenance of existing buildings in the usual course of business required or undertaken to conserve the original condition, while compensating for normal wear and tear. Routine maintenance includes actions necessary for retaining or restoring a piece of equipment, machine, or system to the specified operable condition to achieve its maximum useful life and does not include expansions or improvements to development.
- 5.2.3. Interior improvements to existing buildings that cost less than five hundred dollars.
- 5.2.4. Maintenance of existing sidewalks, roads, parking areas, or stormwater drainage; this does not include expansions.

- 5.2.5. Maintenance of existing bridges, culverts, and channel stabilization activities; this does not include expansions.
- 5.2.6. Streambank armoring and stabilization, retaining walls, and abutment work that do not reduce the cross-sectional flow area of the river or stream channel and have coverage under a Stream Alteration Permit, if required, under 10 V.S.A. Chapter 41 and the rules adopted thereunder.
- 5.2.7. The following activities are exempt from municipal regulation, but may require a permit under the State's "Vermont Flood Hazard Area and River Corridor Rule" (Environmental Protection Rule, Chapter 29):
 - 5.2.7.1. State-owned and -operated institutions and facilities.
 - 5.2.7.2. Forestry operations and silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation.
 - 5.2.7.3. Agricultural activities conducted in accordance with the Vermont Agency of Agriculture Food and Market's Required Agricultural Practices (RAPs). Prior to the construction of farm structures, the farmer shall notify the AO in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks.
- 5.2.8. Public utility power generating plants and transmission facilities regulated under 30 V.S.A. § 248.
- 5.2.9. Planting projects which do not include any construction or grading activities in accordance with 24 V.S.A. § 4424(c).
- 5.2.10. Subdivision of land that does not involve or authorize development.

5.3. Exempted Activities within River Corridors

- 5.3.1. The removal of a building or other improvement in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged.
- 5.3.2. Any changes, maintenance, repairs, or renovations to a structure that will not result in a change to the footprint of the structure or a change in use.
- 5.3.3. Maintenance of existing sidewalks, roads, parking areas, or stormwater drainage; this does not include expansions.
- 5.3.4. Maintenance of existing bridges, culverts, and channel stabilization activities; this does not include expansions.

- 5.3.5. Construction or repair of stream crossing structures (bridges and culverts), associated transportation and utility networks, dams, dry hydrants, and other functionally dependent uses that must be placed in or over rivers and streams that are not located in a flood hazard area and that have coverage under a Stream Alteration Permit, if required, under 10 V.S.A. Chapter 41 and the rules adopted thereunder.
- 5.3.6. The following activities are exempt from municipal regulation, but may require a permit under the State's "Vermont Flood Hazard Area and River Corridor Rule" (Environmental Protection Rule, Chapter 29):
- 5.3.6.1. State-owned and -operated institutions and facilities.
 - 5.3.6.2. Forestry operations and silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation.
 - 5.3.6.3. Agricultural activities conducted in accordance with the Vermont Agency of Agriculture Food and Market's Required Agricultural Practices (RAPs). Prior to the construction of farm structures, the farmer shall notify the AO in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks.
- 5.3.7. Public utility power generating plants and transmission facilities regulated under 30 V.S.A. § 248.
- 5.3.8. Planting projects which do not include any construction or grading activities in accordance with 24 V.S.A. § 4424(c).
- 5.3.9. Subdivision of land that does not involve or authorize development.
- 5.4. **Permitted Development.** For the purposes of review under these regulations, the following development activities in the River Corridor and/or Special Flood Hazard area where outside of the floodway, and meeting the Development Standards in Section 4.07.6, require only a permit from the AO:
- 5.4.1. Permitted Development within a Special Flood Hazard Area Outside of Floodway**
- 5.4.1.1. Non-substantial improvements and repairs costing less than the equivalent of five hundred dollars in time and materials for the year;
 - 5.4.1.2. New or replacement storage tanks for existing structures;
 - 5.4.1.3. Non-dwelling structures, poles and fences that do not obstruct flood flows;
 - 5.4.1.4. Development related to on-site septic, water supply systems or utilities;

- 5.4.1.5. Public utilities;
- 5.4.1.6. At-grade parking for existing buildings; and,
- 5.4.1.7. Channel management activities, public projects, or replacement bridges and culverts, which are functionally dependent on-stream access or stream crossing and have an ANR Stream Alteration Permit.

5.4.2. Permitted Development within a River Corridor:

- 5.4.2.1. Small accessory structures not larger than 500 square feet.
- 5.4.2.2. Improvements to existing utilities that are along an existing right of way and serve a building.
- 5.4.2.3. Replacement of on-site septic systems.
- 5.4.2.4. An attached deck or patio to an existing structure that is 200 square feet or less and is located no less than 100 feet from the top of bank.
- 5.4.2.5. River or floodplain restoration projects that do not involve fill, structures, utilities, or other improvements, and which have written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw.

5.5. Prohibited Development in Special Flood Hazard Area.

- 5.5.1. New residential or non-residential structures (including the placement of manufactured homes) outside of the State Designated Village Center. The boundaries of the State designated village centers are available on this on-line map:
<http://maps.vermont.gov/ACCD/PlanningAtlas/index.html?viewer=PlanningAtlas>. The boundaries of the State designated village centers may not be aligned with the boundaries of the Town of Huntington Village Center zoning district.
- 5.5.2. Any increase in footprint to existing structures in the floodway;
- 5.5.3. Storage or junk yards;
- 5.5.4. New fill except as necessary to elevate structures above the base flood elevation;
- 5.5.5. Non-dwelling structures in the floodway;
- 5.5.6. Critical facilities are prohibited in all hazard areas including the 0.2% annual chance hazard area within the Special Flood Hazard Area;
- 5.5.7. New encroachments within the regulatory floodway, except for floodplain restoration projects; channel management activities; health and safety measures; public utilities; and minor improvements to existing structures or relating to bridges, culverts, roads; and,
- 5.5.8. All development not exempted, permitted, or conditionally permitted.
- 5.5.9.

5.6. Prohibited Development in River Corridors

- 5.6.1. New structures, fill, development, and accessory dwellings that do not meet the Development Standards in Section 4.07.6;
- 5.6.2. Any other development that is not exempt, permitted, or listed as a conditional use which would cause or contribute to fluvial erosion hazards.

5.7. **Conditional Use Review.** Conditional use review and approval by the DRB, is required prior to the issuance of a permit by the AO for the following proposed development:

5.7.1. Conditional Uses in Special Flood Hazard Areas

- 5.7.1.1. New residential or non-residential structures (including the placement of manufactured homes) in the State Designated Village Center. The boundaries of the State designated village centers are available on this on-line map:
<http://maps.vermont.gov/ACCD/PlanningAtlas/index.html?viewer=PlanningAtlas>.
The boundaries of the State designated village centers may not be aligned with the boundaries of the Town of Huntington Village Center zoning district;
- 5.7.1.2. Substantial improvement, replacement, elevation, relocation, or flood proofing of existing structures;
- 5.7.1.3. Grading, excavation; or the creation of a pond;
- 5.7.1.4. Improvements to existing roads in the special flood hazard area;
- 5.7.1.5. New development in the floodway which is functionally dependent on stream access or stream crossing (floodplain restoration projects; channel management activities; health and safety measures; public utilities; additions to existing structures, or relating to new bridges, culverts, roads, or public projects)

5.7.2. **Conditional Uses in River Corridors.** In accordance with 24 V.S.A. § 4414, conditional use review and approval by the DRB is required prior to the issuance of a permit by the AO for any activity in the River Corridor that is not exempt per 4.07.5.3 or permitted per 4.07.5.4.2.

5.8. **Variances.** Variances may be granted in writing by the DRB only in accordance with all the criteria in the Act [§ 4469], and 44 CFR Section 60.6, after a public hearing noticed as described in Section 3.04 and:

- 5.8.1. A variance for development within the River Corridors may be allowed if, based on a review by Vermont ANR, it is determined that the proposed development will not obstruct the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse.
- 5.8.2. Any variance issued in the Special Flood Hazard Area will not increase flood heights or velocities and will inform the applicant in writing over the signature of a community official

that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

- 5.9. Nonconforming Structures and Uses.** The DRB may, after public notice and hearing, approve the repair, relocation, replacement, or enlargement of a nonconforming structure within a hazard area if:
- 5.9.1. The proposed development follows all the Development Standards in Section 4.07.6 of this bylaw;
 - 5.9.2. A nonconforming structure that is substantially damaged or destroyed may be reconstructed only in circumstances when the structure cannot be relocated to a less hazardous location on the parcel. The lowest floor of the reconstructed structure must be rebuilt to one foot or more above the base flood elevation, and the structure must otherwise comply with all requirements of the National Flood Insurance Program;
 - 5.9.3. Nonconforming structures or uses shall be considered abandoned where such structures or uses are discontinued for more than 12 months; and
 - 5.9.4. An individual manufactured home lot in an existing manufactured home park that is vacated shall not be considered a discontinuance or abandonment of nonconformity. Replacement manufactured homes must be placed to meet the development standards in this bylaw.

6. Development Standards

- 6.1. The criteria below are the minimum standards for development in the special flood hazard areas, floodways, and river corridors. All other requirements of the underlying district or another overlay district such as the Ground Water Overlay District, shall apply in addition to the provisions herein, unless it is otherwise so indicated. If there is a conflict with another such district, the stricter provision shall apply.

6.2. Development Standards within Special Flood Hazard Area

- 6.2.1. All development shall be:
 - 6.2.1.1. Reasonably safe from flooding;
 - 6.2.1.2. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
 - 6.2.1.3. Constructed with materials resistant to flood damage;
 - 6.2.1.4. Constructed by methods and practices that minimize flood damage;

- 6.2.1.5. Constructed so that all applicable electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding;
 - 6.2.1.6. Adequately drained to reduce exposure to flood hazards;
 - 6.2.1.7. Located to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
 - 6.2.1.8. Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Area) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.
- 6.2.2. In Zones AE, AH, and A1 – A30, as indicated on the FEMA Flood Insurance Rate Map, where base flood elevations and/or floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1.00 foot at any point within the municipality. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a licensed professional engineer.
- 6.2.3. New substantially improved or replacement primary structures in the special flood hazard area must not increase base flood elevations or flood velocities. Such development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a licensed professional engineer; or,
- 6.2.3.1. The proposal provides compensatory storage for floodwater (in the same reach and at elevations up to one foot above the base flood elevation) to offset the impacts of the proposal. A volumetric analysis and supporting data must be provided by the applicant and certified by a registered professional engineer; or,
 - 6.2.3.2. The volumetric analysis will be waived for replacement or relocated primary structures where the proposal indicates no increase in the structure's footprint; or for

new structures proposing a lowest floor elevation of at least two feet above the base flood elevation, an open foundation design, and no new fill.

6.2.4. New, substantially improved, rebuilt or relocated structures in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least one foot above base flood elevation, this must be documented, in as-built condition, with a FEMA Elevation Certificate;

6.2.5. New, substantially-improved non-residential structures shall:

6.2.5.1. Meet the standards in Section 4.07.6.2.1; or,

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

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

6.2.7. Fully enclosed areas that are above grade, below the lowest floor, below base flood elevation and subject to flooding, shall

6.2.7.1. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,

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

6.2.8. Recreational vehicles must be registered and ready for highway use.

6.2.9. A small non-dwelling structure of 100 square feet or less need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site to offer the

minimum resistance to the flow of floodwaters and shall meet the criteria in Section 4.07.7.1.f (above).

6.2.10. Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

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

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

6.2.13. The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability.

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

6.2.15. Subdivisions and Planned Unit Developments must be accessible by dry land access outside the special flood hazard area.

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

6.2.17. Minor above-ground improvements outside of the floodway, such as poles or fences that minimally displace or divert floodwaters, do not require compensatory storage.

6.3. Development Standards within Floodway Areas

6.3.1. New encroachments within the regulatory floodway, except for minor improvements to existing structures or relating to bridges, culverts, roads, stabilization projects, access to water, public utilities or health and safety measures, are prohibited.

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

6.3.2.1. Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;

6.3.2.2. Not increase flood velocities; and

6.3.2.3. Not increase flood or erosion risk to surrounding properties, facilities, or structures.

- 6.3.3. Public utilities may be placed underground, and the analyses may be waived, where a licensed professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.
- 6.3.4. For any proposed encroachment within the regulatory floodway where hydrologic and hydraulic analyses are required, the applicant should provide a FEMA Conditional Letter of Map Revision (CLOMR) as proof to demonstrate that the proposed activity, if completed as proposed, will not result in any increase in flood levels (0.00') during the occurrence of the base flood.
- 6.4. Development Standards within River Corridors.** The criteria below are the minimum standards for development in the River Corridor. Where more than one district is involved, the most restrictive standard shall take precedence.
- 6.4.1. Development **within the State-designated village centers** shall be allowed within the river corridor if the applicant can demonstrate that the proposed development will not be any closer to the river than pre-existing adjacent development. The boundaries of the State designated village centers are available on this on-line map:
<http://maps.vermont.gov/ACCD/PlanningAtlas/index.html?viewer=PlanningAtlas>. The boundaries of the State designated village centers may not be aligned with the boundaries of the Town of Huntington Village Center zoning district.
- 6.4.2. Development **outside of State-designated village centers** shall meet the following criteria:
- 6.4.2.1. In-Fill Between Existing Development: Development must be located no closer to the channel than the adjacent existing primary structures, within a gap that is no more than 300 feet (see Figure 1), or
- 6.4.2.2. Down River Shadow: An addition to an existing habitable structure, or an accessory structure that is adjacent to an existing structure, shall be located in the shadow area directly behind and further from the channel than the existing structure, or within 50 feet to the downstream side and no closer to the top of bank. Below-ground utilities may also be placed within the same shadow dimensions of an existing below-ground system (see Figure 2).

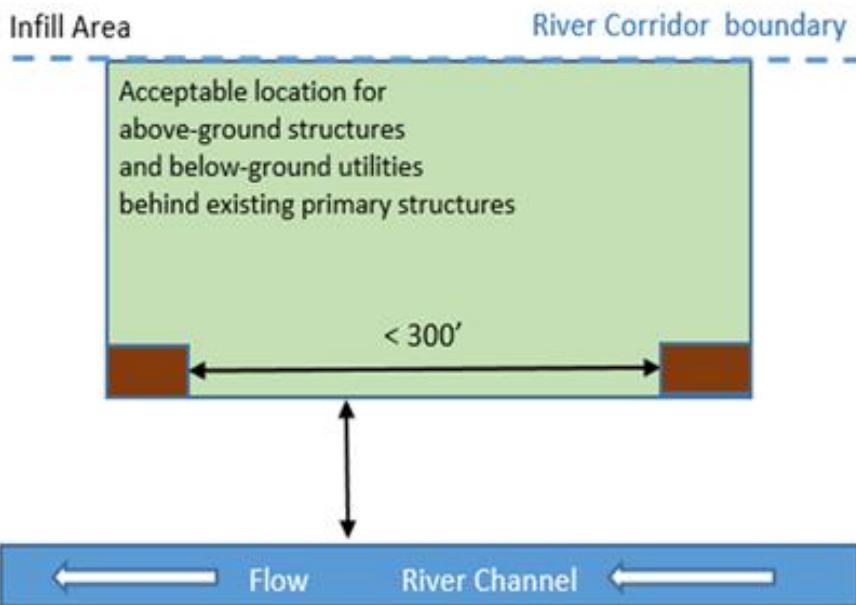
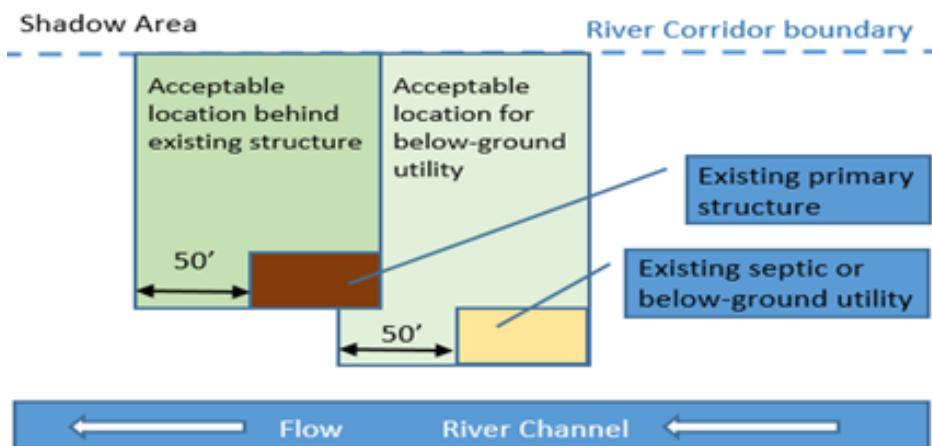


Figure 1: In-fill Development Standard



6.4.3. River Corridor Performance Standard

6.4.3.1. Proposals that do not meet the infill criteria in Section 4.07.6.4.2.1 or the shadowing criteria in Section 4.07.6.4.2.2 must demonstrate and the DRB must find that the proposed development will:

6.4.3.1.1. Not be placed on land with a history of fluvial erosion damage or be imminently threatened by fluvial erosion;

- 6.4.3.1.2. Not cause the river reach to depart from or further depart from the channel width, depth, meander pattern, and slope associated with natural stream processes and equilibrium conditions; and
- 6.4.3.1.3. Not result in an immediate need or anticipated future need for stream channelization solely as a result of the proposed development, that would increase flood elevations and velocities or alter the sediment regime triggering channel adjustments and erosion in adjacent and downstream locations.
- 6.4.3.2. Proposals that meet the infill or shadowing criteria in Sections 4.07.6.4.2.1 or 4.07.6.4.2.2, are presumed to meet the River Corridor Performance Standard. However, The DRB has the option to require an applicant to demonstrate that a proposal meets the River Corridor Performance Standard if there is a concern that the proposed development is at particular risk from fluvial erosion or may increase fluvial erosion, based on location or past flood damage.
- 6.4.3.3. The DRB may request or consider additional information to determine if the proposal meets the River Corridor Performance Standard, including:
 - 6.4.3.3.1. A description of why the shadowing and infill criteria in Sections 4.07.6.4.2.1 or 4.07.6.4.2.2 cannot be met;
 - 6.4.3.3.2. Data and analysis from a consultant qualified in the evaluation of river dynamics and erosion hazards;
 - 6.4.3.3.3. Comments provided by the DEC Regional Floodplain Manager on whether the proposal meets the River Corridor Performance Standard.

6.5. River Corridor Permit Conditions. Permits for public water accesses and unimproved paths that provide access to the water for the general public and promote the public trust uses of the water shall include a condition prohibiting the permittee from actively managing the section of river to solely protect the public water access from lateral river channel adjustment.

7. Administration

7.1. Application Submission Requirements. Applications for development within a regulated flood hazard area shall include:

- 7.1.1. where applicable, a site plan that depicts the proposed development, all water bodies, special flood hazard areas, floodways, river corridors, the shortest horizontal distance from the proposed development to the top of bank of any stream, any existing and proposed drainage, any proposed fill, pre and post development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;

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

7.2. Referrals

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

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

7.3. **Decisions.** The DRB shall consider comments from the NFIP Coordinator at ANR. The DRB may recess the proceedings on any application pending submission of additional information.

7.4. **Records.** The Administrative Officer shall properly file and maintain a record of:

7.4.1. All permits issued in areas covered by this bylaw;

7.4.2. An Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, substantially improved, or flood proofed buildings (not including accessory buildings) in the Special Flood Hazard Area;

7.4.3. All flood proofing and other certifications required under this regulation;

7.4.4. All determinations related to Substantial Damage and Substantial Improvement; and,

7.4.5. All decisions of the DRB (including variances and violations) with the supporting findings of fact, conclusions and conditions.

8. Certificate of Occupancy. In accordance with Chapter 117 § 4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure within Special Flood Hazard Area or River Corridors until a Certificate of Occupancy (CO) is issued therefore by the Administrative Officer, stating that the proposed use of the structure or land conforms to the requirements of these bylaws. A CO is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw. Within 14 days of the receipt of the application for a CO, the AO shall inspect the premises to ensure that all permits identified on the Project Review Sheet have been acquired and that all work has been completed in conformance with the Permit and associated approvals. If the AO fails to grant or deny the CO within 14 days of the submission of the application, the certificate shall be deemed issued on the 15th day. If a Certificate of Occupancy cannot be issued, notice will be sent to the owner and copied to the lender. See also section 2.06.

9. Enforcement and Penalties

- 9.1. This bylaw shall be enforced under the municipal land use bylaw in accordance with the Act [§§ 4451 and 4452] and 24 VSA Chapter 59 §1974a. A copy of the notice of violation will be mailed to the State NFIP Coordinator.
- 9.2. If any appeals have been resolved, but the violation remains, the AO shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.
- 9.3. Violations of the Required Agricultural Practices shall be enforced under this Section as violations of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement, per state law.

Section 4.08 Groundwater Protection Overlay District

1. **The purpose.** The purpose of the Groundwater Protection Overlay District is for the protection of sources of groundwater from pollution and the types of development that may lead to pollution.

1.1. Where a proposed development encroaches upon a mapped Groundwater Source

Protection Area, the proposed development shall be subject to DRB Approval. The DRB shall protect current and future sources of potable water for use in individual and community water systems. The DRB shall rely on expert evidence in considering whether to approve a proposed development and what conditions to attach.

2. **Performance Standards.** The following permitting standards shall apply to uses in Zones A and B of the Groundwater Protection Overlay District, as shown on Addendum B: Town Plan Zoning District Maps, Huntington Zoning Overlays, Maps A-C:

- 2.1. Any conditionally permitted facility involving the collection, handling, manufacture, use, storage, transfer or disposal of hazardous material or hazardous wastes must have a secondary containment system that is easily inspected and whose purpose is to intercept any leak or release from the primary containment vessel or structure. Underground tanks or buried pipes carrying such materials must have double walls and inspectable sumps.
- 2.2. Open liquid waste ponds containing hazardous material or hazardous wastes will not be permitted without a secondary containment system.
- 2.3. Gas stations and other storage of petroleum products in quantities exceeding 100 gallons at one locality in one tank or series of tanks must be in elevated tanks; such tanks must have a secondary containment system as noted above.
- 2.4. All permitted facilities must adhere to appropriate federal and state standards for storage, handling and disposal of any hazardous material or hazardous waste.
- 2.5. All conditionally permitted facilities must prepare an acceptable contingency plan for preventing hazardous materials and/or hazardous wastes from contaminating the shallow/surficial aquifer should floods, fire, or other natural catastrophes, equipment failure, or releases occur:
 - 2.5.1. All conditionally permitted underground facilities shall include, but not be limited to a monitoring system and secondary standpipe above the 100-year flood control level, for monitoring and recovery. For above-ground conditionally permitted facilities, an impervious dike, above the 100-year flood level and capable of containing 110 percent of the largest volume of storage, will be provided with an overflow recovery catchment area (sump).

- 2.5.2. All conditionally permitted facilities shall include fire-fighting plans and procedures, a fire retarding system, and provide for dealing safely with any other health and technical hazards that may be encountered by disaster control personnel in combatting fire. Hazards to be considered are pipes, hazardous materials, hazardous wastes, or open flames in the immediate vicinity.
 - 2.5.3. For equipment failures, plans for conditionally permitted facilities that use, maintain, store, process or produce hazardous materials and/or hazardous wastes shall include, but not be limited to, below-ground level, removal and replacement of leaking parts, a leak detection system with monitoring and an overfill protection system; and above-ground level, liquid and leaching monitoring of primary containment systems, the replacement or repair and cleanup and/or repair of the impervious surface.
 - 2.5.4. For any other release occurring, the owner and/or operator shall report all incidents involving liquid or chemical material to the Town of Huntington Health Officer.
3. Since it is known that improperly abandoned wells can become a direct conduit for contamination of groundwater by surface water, all abandoned wells shall be properly plugged according to local and state regulations.

Article V. Specific Standards Applicable in More than One District

Development Requirements

Section 5.01 Water and Wastewater Systems and Plans

- 1. This section shall apply to development in all Land Use Districts.**
- 2. The applicant shall demonstrate to the satisfaction of the Administrative Officer or DRB that adequate potable water supplies and wastewater system capacities exist to serve the proposed development.** A State Wastewater and Potable Water Supply Permit can be used to meet this requirement.
- 3. Water and wastewater systems may be located off site from the proposed development, so long as site control is secured.**
- 4. Water and wastewater needs may be accommodated via a community system.**

Section 5.02 Driveway and Street Access Standards

- 1. Applicability.** This section is applicable to all Land Use districts.
- 2. Purpose.** The purpose of this section is to ensure safe emergency vehicle access and to ensure safety and efficiency for the traveling public through proper location and design of new driveways and proposed streets on to public roads.
- 3. Permit Requirements.** All new dwelling units, including Accessory Dwelling Units, require a driveway that satisfies Vermont Agency of Transportation's B-71 Standards and the local standards below. Where standards conflict, the stricter standard applies. The DRB may approve a Seasonal Dwelling Unit without a driveway to the dwelling unit (i.e., a "walk-in camp"), provided adequate parking is available and a condition of approval expressly prohibits vehicle access to the dwelling unit. All new driveways and proposed street connections accessing a public road must have a Driveway Permit from the Selectboard. Permit applications for driveway and street access shall include a design sketch and cross-sections drawn to scale with points of entry, distances from nearby driveways and street intersections, existing and proposed grades, and sight distances. The application shall also be accompanied by letters or statements on the driveway permit from the Huntington Road Foreman and the Huntington Fire Chief stating that the proposed design is safe and including any recommended conditions. The application shall include the design of any necessary culverts or bridges.
- 4. Standards. The following standards shall be adhered to:**

Article V: Specific Standards Applicable in More than One District

- 4.1. A driveway shall extend from the public road access point to within 200-feet of the principal structure and any additional dwelling units, including accessory dwelling units.
 - 4.2. Driveway access shall be within 20 degrees of a right angle with the public road.
 - 4.3. The grade of the driveway shall be no more than 3% for the 50 feet nearest to the public road.
 - 4.4. For commercial structures, the first 15 feet of a driveway accessing a paved road shall be paved.
 - 4.5. Driveway culverts and bridges shall comply with the standards in the Town Road and Bridge Standards.
 - 4.6. Private drives and driveways shall be constructed to divert stormwater and material on site as referred to in the Low Risk manual.
https://dec.vermont.gov/sites/dec/files/wsm/stormwater/docs/StormwaterConstructionDischargePermits/LowRiskSiteHandbookForErosionPreventionAndSedimentControl_Small-Booklet_February_2020.pdf.
 - 4.7. Sight distances shall adhere to the minimums provided in the Vermont Agency of Transportation Access Management Program Guidelines
<http://vtrans.vermont.gov/sites/aot/files/highway/documents/publications/AccManProgGuidelinesRev7-22-05.pdf>.
 - 4.8. No new driveway shall have an average grade greater than 15% and no 50-foot section shall exceed 15%.
 - 4.9. A driveway shall be a minimum of twelve feet wide, with a minimum two-foot shoulder (grassed or aggregate) on each side. Vertical clearance shall be a minimum of fourteen feet high.
 - 4.10. Any horizontal curves in the driveway shall have a minimum inside radius of 45 degrees.
 - 4.11. To minimize the number of access points on a public road, shared driveways are encouraged.
 - 4.12. The applicant's design shall provide for safe access for pedestrians and bicyclists minimizing potential conflicts with motor vehicles.
 - 4.13. Proposed new streets shall be designed and constructed in accordance with the town road standards, except that surfacing requirements may be varied for private roads.
5. **Approval.** The Selectboard (SB) will approve or deny Driveway Permits, or may delegate approval authority to the DRB. The approving Board may, in addition to addressing the standards above, require additional information from the applicant and condition the Permit. Considerations may include:

- 5.1. Traffic congestion and safety, pedestrian or bicycle access and safety, accessibility and loading and unloading of commercial vehicles and buses, and emergency vehicle access.
- 5.2. A transportation impact study, consistent with the Vermont Agency of Transportation Impact Study Guidelines, to evaluate potential transportation impacts and to identify mitigation if necessary.
- 5.3. A stormwater and erosion management plan in accordance with Section 5.12.

Section 5.03 Frontage on, or Access to, Public Roads

No Permit may be issued or land developed upon a lot unless the lot has the minimum road frontage on a public road for the District in which the development is located or has access by means of a permanent deeded easement or right-of-way ("ROW") through a lot(s) possessing the minimum road frontage on a public road for the District in which the development is located, in accordance with the following:

1. **Public Road Access** – Lot access from a Class 4 town highway shall require DRB Approval for conditional use if access is sufficient for the intended use (i.e. a seasonal camp or outdoor recreation facility may require different access than a year round residence). As a condition of DRB Approval, the DRB may impose permit approval conditions to limit allowed uses consistent with the proposed access.
2. **Private Easement or Right-of-Way**
 - 2.1. Lot access by easement or right-of-way in the Village Center District shall be a minimum twenty-five (25) feet wide. Minimum width in all other Districts shall be a minimum fifty (50) feet.
 - 2.2. Maintenance Agreements – All new subdivisions with easement or right-of-way lot access, and all new development on lots accessed by easement or right-of-way, shall contain a written agreement binding current and subsequent landowners that specifies the permitted and prohibited uses, if any, and maintenance responsibilities. The agreement shall be signed by all affected property owners, approved by the DRB and recorded in the Town Land Records with the Town Clerk.
 - 2.3. Easements or rights-of-way satisfying this Section shall be located where practical to construct and use.
 - 2.4. All driveways and rights-of-way entering onto public roads must meet town specifications for grade, culvert, ditching, and visibility in effect at the time the applicant applies for a Permit or DRB Approval.

Section 5.04 Off Street Parking Standards

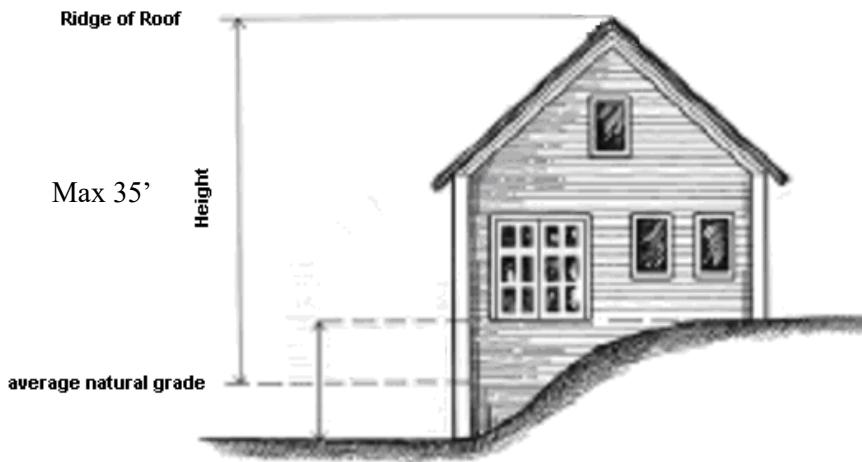
1. **Applicability.** This section is applicable to all Districts.
2. **Purpose.** The purpose of the off-street parking standards is to assure adequate off street vehicular parking associated with a proposed development or subdivision that is sufficient to avoid dangerous and congested parking on streets and roads. Particularly in the Village District, shared parking that fosters ride sharing, walking and public access is encouraged.
3. Parking spaces for passenger cars and pickup trucks, or smaller vehicles, shall be 9 feet wide by 18 feet long.
4. Applicants for a Permit or for DRB Approval will provide a parking plan as part of the application that satisfies the reasonable parking needs associated with the proposed development and complies with the standards in this section.
5. Property owners shall provide adequate parking associated with the uses on the property but no less than the following:
 - 5.1. Each dwelling unit shall have at least two parking spaces.
 - 5.2. Retail, commercial and office uses shall have a minimum of two parking spaces and, for any interior space exceeding 500 square feet, an additional parking space for every additional 250 square feet of interior space associated with the use.
 - 5.3. The DRB may vary or amend the parking requirements for a development as part of DRB approval, when two or more property owners enter into a shared parking plan agreement reflecting their complementary needs (e.g., different peak hours, sporadic use) to comply with parking standards. However, the parking shall not be located more than 600 feet from development it supports.
 - 5.4. Where there is a change of use that does not require a permit, the owner of the property is obligated to upgrade the parking to comply with the above standards.
6. Applicable permits shall include the specific number of parking spaces required as a condition.



*Example of shared parking at the Library, which also serves as a Park-and-Ride.
Photograph: Mark Smith*

Section 5.05 Maximum Building Height

1. **Applicability.** This section is applicable to all land use districts.
2. **Purpose.** The purpose of this section is to maintain the rural character of Huntington, and to limit new construction to heights that the Town can access for firefighting purposes.
3. **Standards.** No structure's main roofline shall exceed 35 feet in height. Church steeples/belfries, chimneys, antennas, cupolas, silos, wind towers and industrial equipment are exempt from this height limit. Figure 3. Measuring Height:



Section 5.06 Preservation of Significant Natural Features

1. **Applicability.** This section shall apply to all subdivisions and to all land development in all Districts.
2. **Purpose.** The intent of this section is to ensure that development is sited to avoid significant impacts on natural resources, and that subdivisions enable future potential development that avoids significant impacts on natural resources.
3. **Application.** Applications for a permit shall include a map of the property that identifies the areas of proposed subdivision or development and the locations of known and suspected natural features listed and defined below. Mapping software is available from the Administrative Officer, or at:
<https://huntingtonvt.org/zoningmap>.
 - 3.1. Wetlands and their buffers - Class 1 or 2 wetlands, as determined by the Vt. Agency of Natural Resources, and 50' measured from the outside of the formally delineated boundary.
 - 3.2. Rare plant and animal species - As defined by the *State of Vermont Natural Heritage Inventory*.
 - 3.3. Steep slopes - Any slope exceeding 25%, as identified in the Huntington Land Use Map.

- 3.4. Significant wildlife habitat - Concentrated habitat which is identifiable and is demonstrated as being decisive to the survival of a species of wildlife at any period in its life including breeding and migratory periods. Necessary wildlife habitat includes, but is not limited to, bear mast stands, bear wetlands, deer winter areas, bobcat denning sites, vernal pools that provide habitat for amphibians, and great blue heron rookeries.
 - 3.5. Prime agricultural soils - As defined and mapped by the USDA and the NRCS in web soil survey.
4. **DRB Subdivision Review Standards.** The DRB may not allow the subdivision of land unless all parcels contain a potential building envelope that allows building in conformance with this Section, unless a condition of approval expressly creates a deeded non-buildable lot and expressly prohibits future building (ex. a wood lot). Applicants are encouraged to utilize the PUD process to cluster potential development and minimize impacts on natural resources, but the standards of this Section may not be reduced through a PUD.
 5. **Development Standards.** DRB approval is required, unless exempted below, where any portion of the subdivision or land development occurs within a mapped natural resource identified in this section.
 - 5.1. Exemptions
 - 5.1.1. Wetlands and their buffers. To ensure proposed development conforms with state wetlands regulations. The Applicant may submit documentation that the Vermont Agency of Natural Resources has reviewed the project for impacts to wetlands and their buffers, and has issued either (a) a state wetlands permit, or (b) a written determination that a state wetlands permit is not required. Such documentation shall demonstrate the proposed project conforms with this Section as to wetlands and their buffers.
 - 5.1.2. Prime Agricultural Soils. DRB review and authorization is not required for: (a) additions or other modifications to an existing structure, or (b) a permitted use completely within 300 feet of an existing structure.
 - 5.1.3. Rare Plant and Animal Species. DRB review and authorization is not required for:
 - 5.1.3.1. (a) permitted uses on regularly mowed residential lawns, cultivated areas, paved or gravel driveways and parking areas,
 - 5.1.3.2. (b) additions and other modifications to existing structures, or
 - 5.1.3.3. (c) the Applicant submits documentation that the Vermont Agency of Natural Resources has reviewed the project for impacts to rare plant and animal species, and has issued either (a) a state Threatened & Endangered Species Takings

Permit, or (b) a written determination that a state Threatened & Endangered Species Takings Permit is not required.

5.2. DRB Review Standards. The DRB will apply the following standards as to issuing a permit impacting a mapped natural resource. The DRB may also apply the following standards to suspected natural resource identified by credible evidence.

5.2.1. Steep Slopes. The DRB may allow development on steep slopes where the Applicant demonstrates:

5.2.1.1. 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. The DRB shall require professionally engineered plans where the proposed project impacts more than 1000 square feet of steep slopes.

5.2.1.2. 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.

5.2.2. Significant wildlife habitat. The DRB may allow development impacting Significant Wildlife Habitats only where the applicant demonstrates there is no other reasonable alternative to avoid the impact. To determine if an alternative is reasonable, the DRB shall consider its degree of impact, feasibility, cost, and impact on other protected natural resources. If there is no reasonable alternative the DRB may allow development if the applicant takes steps to minimize the impact and/or takes mitigation measures as recommended by a qualified expert including, but not limited to, steps to conserve and permanently protect significant wildlife habitats..

5.2.3. Prime Agricultural Soils. The DRB may allow development on prime agricultural soils to the minimum extent necessary where the applicant demonstrates:

5.2.3.1. There is no other reasonable alternative to avoid the impact. To determine if an alternative is reasonable, the DRB shall consider its degree of impact, feasibility, cost, and impact on other protected natural resources. If there is no reasonable alternative the DRB may allow development if the applicant takes steps to minimize

the impact and/or takes mitigation measures as recommended by a qualified expert including, but not limited to, steps to conserve and permanently protect prime agricultural soils., and

- 5.2.3.2. The subdivision or development has been planned to minimize impact on prime agricultural soils through innovative land use design, compact development patterns, and minimized fragmentation so that the remaining prime agricultural soils remain intact, and
 - 5.2.3.3. The development or subdivision will not significantly interfere with or jeopardize the continuation of agriculture or forestry on adjoining prime agricultural soils or reduce their agricultural or forestry potential.
6. The DRB may reduce setback and/or lot size requirements per Table 4.02 by up to 50%, where the DRB finds:
- 6.1. A setback modification will allow for the substantial reduction in impacts to Prime Agricultural Soils; and
 - 6.2. The remaining contiguous Agricultural Soils under the Applicant's ownership or control, as mapped per Section 5.06.3, are permanently protected through a conservation easement or a deed restriction that would exclude future development within the protected areas.
7. **Site Specific Review.** The Applicant may contest the proposed project impacts on identified or suspected natural resources, either during DRB conditional use review, DRB waiver review, or through an appeal of the AO determination, by providing site-specific studies conducted by a qualified expert (biologist, ecologist, etc.) on behalf of the Applicant. The DRB shall presume the State maps are accurate, subject to evidence to the contrary provided by a qualified professional.

Section 5.07 Riparian Buffers

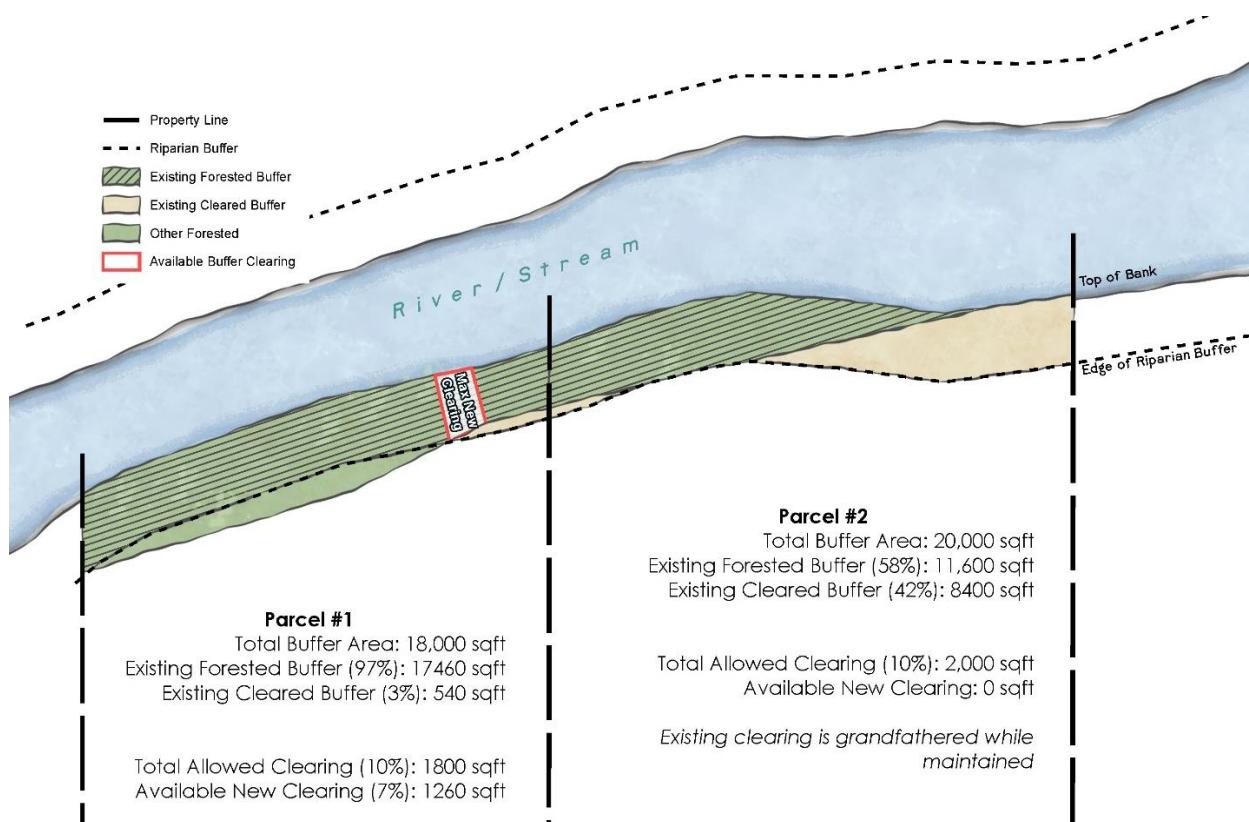
1. **Purpose.** To prevent surface runoff and soil erosion, and protect water quality and critical wildlife habitat, the Town of Huntington has adopted a vegetated riparian buffer requirement from identified surface waters.
2. **Applicability.** This section is applicable in all Land Use Districts, and shall encompass 50' measured laterally from top-of-bank, or top-of-slope or from the regular high watermark in instances where no stream bank is discernible (see definitions) from the Huntington River, or the major named tributaries- Sherman Hollow Brook, Texas Brook, Fargo Brook, Brush Brook, Cobb Brook, Baker Brook, Carpenter Brook, Hollow Brook, Johns Brook, Jones Brook, Otter Brook, Weaver

Brook An undisturbed, naturally vegetated buffer shall be maintained along identified rivers and streams.

3. **Permit Requirement.** A permit is required for all development within the riparian buffer, including vegetation cutting or removal, unless exempted below.
4. **Application Requirements.** Applicants shall provide information about the distance between proposed land development and all rivers and streams located within the vicinity of the subject property. This requirement shall apply to all applications for land development in Huntington (e.g. Permit applications and DRB Approval).
5. **Standards.** No development, excavation, landfill, or grading shall occur within the buffer area, and vegetation shall be left in an undisturbed state with the following exemptions:
6. **Exemptions.** The following activities are exempt; no permit is required for:
 - 6.1. Continued maintenance of managed, cleared, or otherwise impacted riparian buffer areas in existence at the adoption of this regulation, and maintained in a similar condition or use consistently. Areas that have been unmanaged or uses abandoned for more than 3 years are subject to permitting under this regulation.
 - 6.2. Exempt agricultural and silvicultural activities per Vermont Statute.
 - 6.3. Streambank stabilization and restoration projects constructed in accordance with State and Federal regulations.
 - 6.4. Primitive footpaths no more than three feet wide with no clearing of trees greater than 3" diameter at four feet off the ground.
 - 6.5. Small structures such as picnic tables and benches when no tree clearing greater than 3" diameter at four feet off the ground is conducted for their placement.
 - 6.6. Removal of hazard trees that pose a serious and documented risk to person or property.
 - 6.7. Public and community utilities including electric, telecommunications, water supply, wastewater where clearing and encroachments are at the minimum required for utility use.
 - 6.8. Public highway maintenance.
 - 6.9. Existing private road maintenance where a maximum 24' clearing width is allowed.
 - 6.10. Removal of invasive species, nuisance plants and noxious weeds, such as Japanese knotweed, purple loosestrife, common buckthorn or poison ivy.
 - 6.11. Reconstruction of existing constructed features (as of the date of adoption of this regulation) without increasing or changing the current footprint, such as rebuilding a house, deck or driveway in the exact same footprint.
 - 6.12. Excavation consistent with 10 V.S.A. § 1021.

7. Administrative Review. The AO may issue a permit for tree and shrub clearing to maintain physical and visual access. Proposed clearing may include pruning or tree cutting with no more than 10% of the total riparian buffer area on the subject parcel being cleared for combined new and existing activities (see Figure 4). Area is measured as the ground area within which vegetation management is occurring as a percentage of the total area of riparian buffer present on the parcel. Tree clearing area is measured from the edge of canopy. If 10% or more of the possible riparian buffer on the parcel is already cleared and/or managed, no additional tree cutting or clearing is permitted.

Figure 4:



8. DRB Review. The DRB may, under conditional use review, approve:

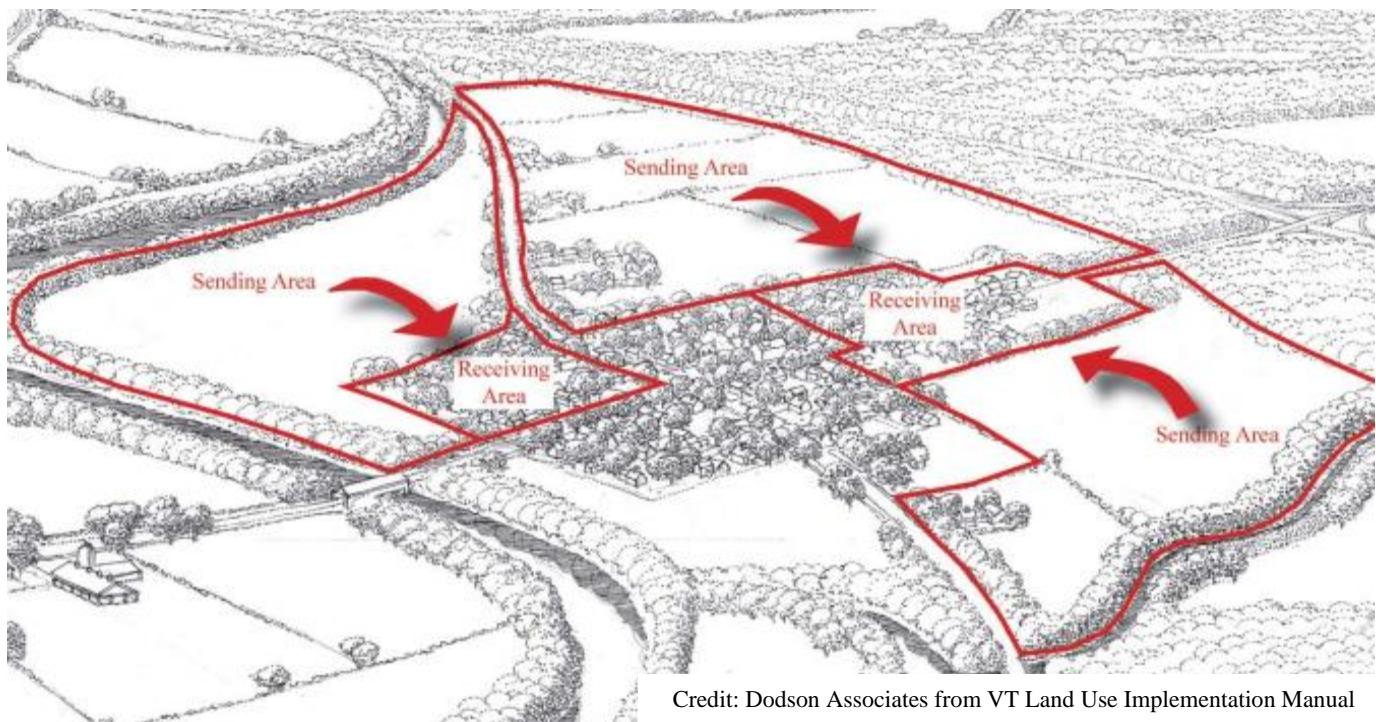
- 8.1. Improved (i.e. paved, graveled, graded, drained, etc.) recreation paths no more than six feet wide. Paths approved under this regulation should provide public access and be part of a larger existing or planned trail or network extending off the subject property.
- 8.2. Private roads and driveways that cross rivers and streams at a right angle to access developable land. The proposed road or driveway shall cross the riparian buffer in the shortest, most direct route possible, resulting in the minimum riparian buffer impact possible, and comply with all applicable stream crossing standards and regulations. When private roads or driveways travel parallel to the stream or river channel, they shall be located outside of the riparian buffer. Maximum clearing width shall be 20', to include all driveway improvements, infrastructure, stormwater management, etc.
- 8.3. Expansion of primary residential structures already located within the riparian buffer, which shall not result in additional clearing closer to the riverbank than allowable under the 10% exemption rule in Section 5.07.7.

Section 5.08 Accessory Dwelling Units

1. **Applicability.** These standards are applicable in all Districts where single family dwellings are allowed.
2. **Purpose.** The purpose of the Accessory Dwelling is to allow for the addition of a small dwelling unit, attached to or detached from an existing single-family dwelling.
3. The owners of a single-family dwelling are allowed to add one accessory dwelling unit. An accessory dwelling unit means a distinct unit that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation.
4. The accessory dwelling unit must comply with the following standards:
 - 4.1. The property has sufficient wastewater capacity.
 - 4.2. The floor area of the accessory dwelling unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling or 900 square feet, whichever is greater.
 - 4.3. .
 - 4.4. The accessory dwelling unit otherwise complies with the standards in the District where the property is located.
 - 4.5. To minimize the number of access points on a public or private road, shared driveways are encouraged .

Section 5.09 Planned Unit Development (PUD)

1. **Applicability.** This section is applicable to the Neighborhood and Rural Residential Districts; and may only be used for developments with four or more lots or dwelling units.
2. **Purpose.** The purpose of a Planned Unit Development (PUD) is to provide incentives for clustered development and to perpetually preserve contiguous open space. Such open space may be for public use, such as parks or recreation, or for agriculture, forests and the preservation of natural and significant resource features as described in Section 5.06.
3. A PUD requires DRB approval as a Conditional Use. DRB Approval for a subdivision may also be required if a subdivision of land is proposed. Conditional Use and subdivision review may be combined if both are needed.
4. A PUD allows the transfer of development density from one area of the property to another, or from one property to another property, to cluster the development efficiently in one location, while permanently protecting the remaining open space, as can be seen in the following illustration. To incentivize this type of development, additional single-family dwelling units beyond the maximum for which the property is zoned may be permissible by the DRB. The additional dwelling units are called a density bonus and the resulting contiguous open space is called designated open space.



No density bonus is available for duplex or multi-family homes. Additionally, to promote clustering, the DRB will consider reductions to the dimensional requirements in Table 4.02 for smaller lot sizes.

5. The applicant requesting DRB Approval for a PUD, either as a Conditional Use and/or subdivision, shall identify:
 - 5.1. The requested density bonus, dimensional requirement waivers, and designated open space and how they are calculated.
 - 5.2. How the lots or units will be clustered to facilitate efficient layout of roads, driveways and utilities; and connectivity to adjoining infrastructure.
 - 5.3. The applicant's specific plans for the designated open space and its specific location, contiguousness to other open space, and intended use.
 - 5.4. Mechanisms for the permanent preservation and maintenance of the open space, including deed restrictions, conservation easements, associated costs of development and long-term costs of maintenance.
6. In deciding whether to approve the application for a PUD, including the needed dimensional waivers, the DRB shall consider the following:
 - 6.1. If the proposed PUD is in conformance with the district intent and purposes, and satisfies other relevant standards in Article V of this bylaw.
 - 6.2. If the additional development can be accommodated by Town services and infrastructure.
 - 6.3. The importance and value to the local area and the Town of the open space, its contiguousness to other similar open space and nature of the applicant's plans.
 - 6.4. The quality of the applicant's development scheme in achieving economies of scale and its conformance with other local development.
7. The DRB shall, as a condition of PUD Approval, ensure no future development on the portion dedicated to open space, and shall require that the open space be dedicated:
 - 7.1. Either by conveyance or granting of a conservation easement to the Town, or a land trust, or other public, not-for-profit or private entity that will abide by the requirements of the conservation easement and/or,
 - 7.2. Through deed restrictions and covenants specifying what uses and development is allowed and what is prohibited.
8. The PUD standards, including density bonus and designated open space, are in in the Rural Residential District in Section 4.04.6, and in the Neighborhood District in Section 4.03.6.

Section 5.10 Non-conformities

1. **Applicability.** This section is applicable to all land use districts, however non-conformities within the Special Flood Hazard Areas, Floodways and River Corridor District are regulated in Section 4.07.
2. **Purpose.** Any lot, structure, part of a structure or use that is not in compliance with the provisions of these Regulations, but was lawfully established prior to the effective date of these Regulations, shall be deemed a nonconformity. It is the goal of the Town of Huntington that nonconformities shall over time cease to exist, become conforming or at a minimum continue to be used in a manner that does not increase their degree of nonconformity. Nonconformities shall be regulated and only allowed to continue indefinitely as outlined in this section.
3. **Development of Nonconforming Lots.** An undeveloped nonconforming lot may be developed in accordance with Section 5.13.
4. **Use of Nonconforming Lots.** A lawfully developed nonconforming lot (such as insufficient road frontage or lot size):
 - 4.1. May continue in its current use and configuration.
 - 4.2. May, after receiving all applicable approvals and permits, be further developed in accordance with these Regulations and used in accordance with the standards of the district in which it is located.
5. **Nonconforming Structures.** A nonconforming structure:
 - 5.1. May undergo normal repair and maintenance without a permit if such action does not increase the structure's degree of nonconformity.
 - 5.2. May be restored or reconstructed after a natural disaster or house fire or other damaging event, provided that the reconstruction does not increase the degree of nonconformity that existed prior to the damage, and if a permit is obtained within 12 months and construction is completed within 36 months from the date the damage occurred. Delayed maintenance, abandonment, or neglect shall not be damaging events. The DRB may require evidence of a damaging event.
 - 5.3. May be structurally enlarged, expanded or moved, after receiving a Permit from the AO, if the degree of nonconformity is not increased.
6. The DRB may allow the expansion of a nonconforming structure or use that increases the nonconformity only by waiver (Section 3.07) or variance (Section 3.08).

The building 'A' is the original nonconforming structure, which encroaches into the setback. Additions 'B' and 'C' increase the degree of nonconformance because they add building footprint, floor area or height within the setback. Addition 'D' also increases the degree of nonconformance because it encroaches further into the setback than Building 'A'. Addition 'E' does not increase the degree of nonconformance because it is not within the setback area.

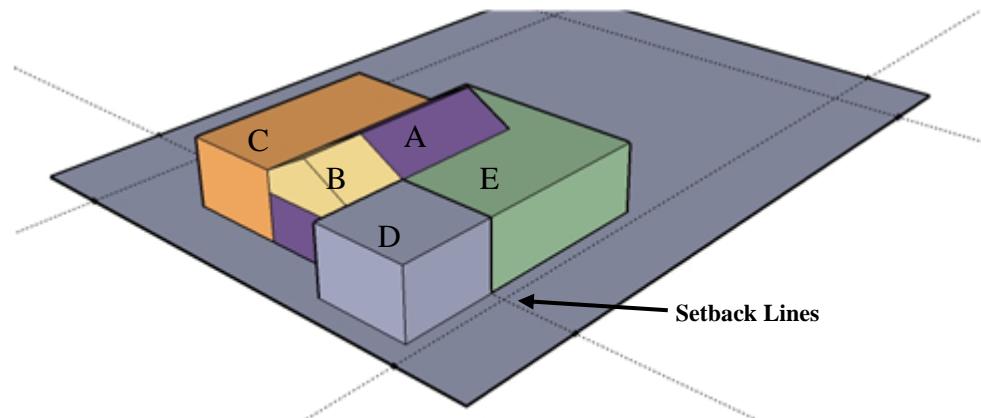


Figure 5. Increasing the Degree of Non-conformity

7. Nonconforming Uses. A nonconforming use:

- 7.1. Shall not be moved from one lot to another where it is also a nonconforming use.
- 7.2. Shall not be re-established if the use has been discontinued for a period greater than 12 months. The user has the burden of proving continued use.
- 7.3. Shall not be intensified by any means whatsoever, except with DRB Approval for conditional use.
- 7.4. Shall not be extended to displace a conforming use.
- 7.5. May be changed to another non-conforming use with DRB Approval for conditional use.

Section 5.11 Temporary Uses and Structures

1. A Temporary Permit is required for the following uses, which may be issued by the Administrative Officer:

- 1.1. For non-conforming uses or non-complying structures incidental to construction projects, provided all temporary uses shall cease and all temporary structures be removed upon the expiration of the construction project Permit.
- 1.2. Temporary and seasonal roadside stands, provided sufficient customer parking is provided off the traveled surface of the road and the stand is erected at least twenty (20) feet back from the nearest edge of the highway right-of-way, unless otherwise exempted under Section 5.24.

- 1.3. In the case of the loss of a building, the Administrative Officer may issue a Permit for such temporary structures, including a mobile home, as are necessary to continue a prior use. Said Permit shall expire six (6) months from date of issue, and may be renewed for one (1) additional six-month period.
2. No permit is required for:
 - 2.1. A garage sale or similar, provided that no more than six (6) garage/lawn sales shall be conducted on the same premises in any 12-month period. These sales are not to exceed three (3) days in duration each.
 - 2.2. Temporary structures of less than 320 square feet, including green houses, large collapsible or inflatable pools, tent-garages, shipping containers, or vehicles used for storage, provided the structures are present no more than six (6) months of any 12-month period. The presence of a temporary structure for more than six (6) months but less than one year requires a Temporary Permit. Structures in existence for more than one year shall be considered permanent, require a Permit, and meet all applicable standards. All structures must be kept in good repair.

Section 5.12 Stormwater Management & Erosion Control

- 1. Applicability.** This section applies to all development in all Districts, except where exempted below.
- 2. Purpose.** Water quality protection in the Town Plan and Land Use Regulations will promote projects that improve and enhance water resources and provide protection from projects that fall below State Permitting thresholds.
- 3. Exemptions.** The following projects are exempted from the application requirements of this section:
 - 3.1. Projects requiring any State stormwater permits and forestry subject to the State Accepted Management Practices.
- 4. Application Requirements.** During construction, the standards of the Low-Risk Site Handbook shall be followed. Also, for project design, the Low Impact Development Standards described in this Section shall be incorporated. For further information see the following: *Low Risk Site Handbook for Erosion Prevention and Sediment Control and the Vermont Low Impact Development Guide for Residential and Small Sites* at the Vermont Department of Environmental Conservation's Stormwater Management website at <http://dec.vermont.gov/watershed/cwi/green-infrastructure> or check with Huntington's AO.
- 5. Sediment and Erosion Control Standards.** All development is subject to the following pre-development and construction site standards to ensure that all sources of soil erosion and sediment

on the construction site are adequately controlled, and that existing site features that naturally aid in stormwater management are protected to the maximum extent practical.

- 5.1. Minimize land disturbance. Development of a lot or site shall require the least amount of vegetation clearing, soil disturbance, duration of exposure, soil compaction and topography changes as possible.
 - 5.2. To the extent feasible, soils best suited for infiltration shall be retained and natural areas consisting of tree canopy and other vegetation shall be preserved, preferably in contiguous blocks or linear corridors.
 - 5.3. The time the soil is left disturbed shall be minimized. The AO or DRB may require project phasing to minimize the extent of soil disturbance and erosion during each phase of site development.
 - 5.4. There shall be no soil compaction except in the construction disturbance area, which shall be identified and delineated in the field with appropriate safety or landscape fencing. In areas outside the disturbance area there shall also be no storage of construction vehicles, construction materials, or fill, nor shall these areas be used for circulation.
 - 5.5. Development on steep slopes equal to or in excess of 15%, or which results in such slopes, shall be subject to the provisions of Section 5.06.
 - 5.6. Mature trees intended to be retained shall be protected during construction or site work from disturbance and soil compaction by fencing, or other appropriate barrier, placed around the tree at least 1.0 – 1.5 times the diameter of the dripline of the tree; and shall also be protected from below ground disturbance by underground utility lines or pipes.
6. **Preserve natural areas.** Development shall not result in an undue adverse impact on fragile environments, including wetlands, wildlife habitats, streams, lakes, steep slopes, floodplains and vegetated riparian buffers.
 - 6.1. Open space or natural resource protection areas shall be retained preferably in contiguous blocks or linear corridors where feasible, for the protection of the best stormwater management features identified in the site assessment.
 - 6.2. Forested lands located on stream and wetland buffers and steep slopes are priority areas and shall be preserved, as more specifically defined in Section 5.06.
 - 6.3. Lot coverage and building footprints shall be minimized and where feasible, development clustered to minimize site disturbance and preserve large areas of undisturbed space. Environmentally sensitive areas, such as steep slopes shall be a priority for preservation and open space.

7. **Manage water, prevent erosion and control sediment during construction.** Applicants shall maintain compliance with the accepted erosion prevention and sediment.
 - 7.1. Runoff from above the construction site must be intercepted and directed around the disturbed area.
 - 7.2. On the site itself, water must be controlled, and kept at low velocities, to reduce erosion in drainage channels.
 - 7.3. The amount of sediment produced from areas of disturbed soils shall be minimized by utilizing control measures such as vegetated strips, diversion dikes and swales, sediment traps and basins, check dams, stabilized construction entrances, dust control, and silt fences.
 - 7.4. Immediate seeding and mulching or the application of sod shall be completed at the conclusion of each phase of construction, or at the conclusion of construction if not phased.
 - 7.5. The applicant shall follow the erosion prevention and sediment control practices for construction that occurs from October 15th to April 15th found in Section 3.2 Winter Construction Limitations as outlined in the [Vermont Standards and Specifications for Erosion Prevention and Sediment Control](#), or the most recent Agency of Natural Resources standards for winter construction.
8. **Low Impact Development (LID) Standards and Guidelines for Stormwater Management.** All applications for development are subject to the following post construction stormwater management standards and guidelines to ensure that stormwater management approaches maintain natural drainage patterns and infiltrate precipitation to the maximum extent practical.
 - 8.1. The use of LID design approaches shall be implemented given the site's soil characteristics, slope, and other relevant factors. To the extent that LID design approaches are not included in the stormwater management plan, the applicant shall provide a full justification and demonstrate why the use of LID approaches is not possible before proposing to use conventional structural stormwater management measures which channel stormwater away from the development site.
9. Standards are statements that express the development and design intentions of this Article. The guidelines suggest a variety of means by which the applicant might comply with the standards. The guidelines are intended to aid the applicant in the design process and the AO and the DRB when reviewing applications. Options for compliance with the standards are not limited to the guidelines listed.

- 9.1. Vegetation and Landscaping. Vegetative and landscaping controls that intercept the path of surface runoff shall be considered as a component of the comprehensive stormwater management plan.
 - 9.1.1. Design parking lot landscaping to function as part of the development's stormwater management system utilizing vegetated islands with bioretention functions.
 - 9.1.2. Incorporate existing natural drainage ways and vegetated channels, rather than the standard concrete curb and gutter configuration to decrease flow velocity and allow for stormwater infiltration.
 - 9.1.3. Divert water from downspouts away from driveway surfaces and into bioretention areas or rain gardens to capture, store, and infiltrate stormwater on-site.
 - 9.1.4. When necessary, construct vegetative LID stormwater controls (bioretention, swales, filter strips, buffers) on land held in common.
- 9.2. Development on Steep Slopes. Development on steep slopes equal to or in excess of 15% shall be sited and constructed, and slopes stabilized to minimize risks to surface and ground waters and to protect neighboring properties from damage. With the exception of land development associated with the operation, maintenance and expansion of an alpine ski area, development shall not take place on slope gradients of 25% or more. All development on slopes equal or in excess of 15% is subject to Conditional Use Review under Section 3.05.
 - 9.2.1. Locate house sites, subsurface sewage systems and parking areas on the flattest portion of the site.
 - 9.2.2. Minimize crossing steep slopes with roads and driveways and lay them out to follow topographic contours in order to minimize soil and vegetation disturbance. Avoid long driveways.
- 9.3. Reduce Impervious Surfaces. Stormwater shall be managed through land development strategies that emphasize the reduction of impervious surface areas such as streets, sidewalks, driveway and parking areas and roofs.
 - 9.3.1. Evaluate the minimum widths of all streets and driveways to demonstrate that the proposed width is the narrowest possible necessary to conform to safety and traffic concerns and requirements.
 - 9.3.2. Reduce the total length of residential streets by examining alternative street layouts to determine the best option for increasing the number of homes per unit length.
 - 9.3.3. Reduce driveway lengths by minimizing setback distances. Encourage common driveways.

- 9.3.4. Use permeable pavement for parking stalls and spillover parking, sidewalks, driveways and bike trails.
- 9.4. Low Impact Integrated Management Practices (IMPs). Stormwater shall be managed through the use of small-scale controls to capture, store and infiltrate stormwater close to its source.
 - 9.4.1. Create vegetated depressions, commonly known as bioretention areas or rain gardens that collect runoff and allow for short-term ponding and slow infiltration. Rain gardens consist of a relatively small depressed or bowl-shaped planting bed that treats runoff from storms of one inch or less.
 - 9.4.2. Locate dry wells consisting of gravel or stone-filled pits to catch water from roof downspouts or paved areas.
 - 9.4.3. Use filter strips or bands of dense vegetation planted immediately downstream of a runoff source to filter runoff before it enters a receiving structure or water body. Natural or man-made vegetated riparian buffers adjacent to waterbodies provide erosion control, sediment filtering and habitat.
 - 9.4.4. Utilize shallow grass-lined channels to convey and store runoff.
 - 9.4.5. When paving, use permeable paving and sidewalk construction materials that allow stormwater to seep through into the ground.
 - 9.4.6. Consider other LID techniques such as rooftop gardens and/or rain barrels and cisterns of various sizes that store runoff conveyed through building downspouts. Rain barrels are generally smaller structures, located above ground. Cisterns are larger, often buried underground, and may be connected to the building's plumbing or irrigation system.
 - 9.4.7. Add minerals and organic materials to soils to increase its capacity for absorbing moisture and sustaining vegetation.

Section 5.13 Development of Small Lots and Merger

1. **This section shall apply to all of the Land Use Districts.**
2. **Existing small lots.** Any lot that is legally subdivided, is individual and separate and nonaffiliated ownership from surrounding properties, and is in existence on the date the bylaws were adopted, may be developed for the purposes permitted in the district in which it is located, even though the small lot no longer conforms to minimum lot size requirements of these bylaws; unless:
 - 2.1. The lot is less than one-eighth acre in area; or
 - 2.2. The lot has a width or depth dimension of less than 40 feet.

3. **Small lot merger.** If an existing small lot subsequently comes under common ownership with one or more contiguous lots, the nonconforming lot shall be deemed merged with the contiguous lot. However, a nonconforming lot shall not be deemed merged and may be separately conveyed if all the following apply:
 - 3.1. The lots are conveyed in their preexisting, nonconforming configuration;
 - 3.2. On the effective date these bylaws are adopted, each lot was developed with water supply and wastewater system;
 - 3.3. At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner;
 - 3.4. 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 10 V.S.A. chapter 64.

Section 5.14 Abandonment

1. **In this section, an abandoned structure consists of any building that is in a state of damage or disrepair incompatible with its permitted use, or if unpermitted, intended use.**
2. Within one (1) year after the abandonment of any structure or use, which has been destroyed by fire or damage from any cause, the owner shall either remove all ruins and structural materials and restore the site to a smooth grade or resume construction or repair of the structure. This one-year period may be extended by the Administrative Officer if evidence is provided to demonstrate that an insurance claim for the structure or use has not been settled. However, such an extension may only be granted if the site is reasonably secured to address public safety.
3. The Administrative Officer may identify an abandoned structure and notify the property owner of the requirements of this section. Notification shall commence the one-year removal or repair period outlined above. The property owner may challenge the abandonment of the structure by appealing to the DRB and producing a written opinion of a qualified expert (i.e. engineer or health officer) demonstrating the structure is fit for its permitted or intended use.
4. An abandoned structure in a dangerous or unsafe condition is a public nuisance and is prohibited. With the authority of the Selectboard, the Administrative Officer is empowered to take such actions, including legal proceedings, to abate such a nuisance.

Section 5.15 Mobile Homes and Mobile Home Parks

A mobile home shall be considered a single-family dwelling and shall meet the same land use requirements applicable to single-family dwellings, except when occupied and displayed in a mobile home sales establishment or allowed as a temporary structure under this Regulation.

1. **Mobile Home Parks** (Note: the State definition of a Mobile Home Park shall be applicable for this section).
 - 1.1. A mobile home park shall have a contiguous area of not less than five (5) acres nor more than fifty (50) acres.
 - 1.2. A new mobile home park shall maintain a strip of land at least 50 feet wide as a landscaped area abutting all park boundary lines. No mobile home unit, office, or service building may be placed in this buffer area. However, the Development Review Board may reduce or eliminate this landscaped area, provided that privacy for adjacent property owners can be maintained.
 - 1.3. The minimum mobile home lot size in a mobile home park shall meet the district requirement unless all lots are provided with off-site sewage disposal, in which case the minimum mobile home lot size in a mobile home park shall be 10,000 square feet.
 - 1.4. Each mobile home lot in a mobile home park shall have at least fifty (50) feet of frontage on a mobile home park road. Said road shall be constructed to the Town Road Standards.
 - 1.5. A suitable non-porous pad at least four (4) inches thick shall be provided for each mobile home lot in a mobile home park.
 - 1.6. Sewage disposal, water supply, and garbage facilities shall comply with state regulations. All electric, telephone, and other utility lines shall be underground.
 - 1.7. Each mobile home park shall provide at least 10% of its total size for recreational purposes. All open space is subject to the provisions of Planned Unit Developments.
 - 1.8. New mobile home parks, and any addition or alteration to an existing mobile home park, shall require subdivision review by the Development Review Board. "Addition" shall mean modifying an existing mobile home park by increasing the number of sites or mobile homes in the park. Alterations involving the erection, construction, or placement of non-dwelling structures shall not be required to obtain Conditional Use Approval by the Development Review Board; however, a permit will be required for all non-dwelling structures greater than 150 square feet (2.02.1.1).
 - 1.9. Mobile Home and Non-dwelling Structure placement on a lot in a mobile home park shall conform to the following minimum setback requirements:

- 1.9.1. Front yard (from the center line of park access road): 30 feet
- 1.9.2. Side yard (from mobile home lot line or mobile home park 50-foot buffer): 10 feet
- 1.9.3. Rear yard (from mobile home lot line or mobile home park 50-foot buffer): 10 feet
- 1.9.4. From stream or pond: see Sections 5.06, 5.07.
- 1.10. From the centerline of any public road that serves as a rear yard: 50 feet.
 - 1.10.1. Replacement of a mobile home is permitted in a mobile home park subject to the requirements of this section and State Law.
 - 1.10.2. Replacement of an existing mobile home in an existing park with the same or smaller size mobile home shall require a Permit from the Administrative Officer.
 - 1.10.3. Replacement of an existing mobile home in an existing park with a larger mobile home that meets the setback requirements above shall require a permit from the Administrative Officer.
 - 1.10.4. Replacement of an existing mobile home in an existing park with a larger mobile home, which would not meet the setback requirements of Section 5.15.1.9, shall require DRB Approval for conditional use. In granting such Approval, the DRB may modify the mobile home setback standards of Section 5.15.1.9 by up to 50%, upon a finding that the modification does not unduly harm the health or safety of adjoining lots, and shall ensure that the expansion does not encroach upon any public or private right-of-way.
- 1.11. Individual tenants of a mobile home park may erect, construct or place no more than two (2) non-dwelling structures on a mobile home lot, with setbacks in accord with setback requirements provided that such structures combined do not exceed sixty percent (60%) of the floor area of the mobile home. Individual permits shall be required for each such structure in each case. Section 2.02.1.1.

1. Mobile Homes *not* in Mobile Home Parks.

- 1.1. New mobile homes are permitted on lots under the same district standards as single family homes.
- 1.2. Replacement of an existing mobile home on any lot, excluding in mobile home parks, with a larger mobile home which would not meet the setback requirements of the zone in which the lot is located may be allowed under DRB conditional use review. In all cases, the following shall be assured:
 - 1.2.1. The existing mobile home is of a size no longer available or not up to present standards for permanent housing.

- 1.2.2. Replacement of the existing residence, to include its appearance and placement on the lot constitutes an improvement in the surrounding neighborhood.
- 1.2.3. Siting of the new residence shall consider existing trees and other significant vegetation on the lot with an interest in preserving natural features.
- 1.2.4. Replacement will not have an undue adverse impact on adjoining properties, the character of the neighborhood or impact any other public interest, which would be protected in maintaining the existing setbacks to adjoining properties.
- 1.2.5. Screening, which may include fencing, or plantings, may be required by the Development Review Board.

Section 5.16 Camping Vehicles and Campgrounds

1. Camping Vehicles

- 1.1. Camping vehicles, such as campers, recreational vehicles, or similar, may be parked or stored on the owner's property, or, with permission, upon the property of a relative or friend. The parked vehicle must meet district setback requirements.
- 1.2. Any camping vehicle used for living quarters or sited so as not to be readily movable shall be deemed a dwelling and shall be subject to all land use and health regulations applicable to dwellings, if occupancy exceeds fourteen (14) days in any six (6) month period.

2. Campgrounds

- 2.1. Owners of lots used for camping are responsible for the sanitary disposal of wastewater in conformance with State wastewater rules.
- 2.2. New campgrounds, and any addition or alteration to any existing campground, shall be subject to the following regulations:
 - 2.2.1. DRB Approval for conditional use with incorporation of site plan approval standards is required.
 - 2.2.2. Campgrounds shall provide for lavatory, shower, and toilet facilities, and individual camping vehicle or tent spaces. All campgrounds shall comply with State regulations.
 - 2.2.3. A strip of land at least one hundred (100) feet wide shall be maintained as a landscaped or buffer area abutting all campground property lines. No camping vehicle, tent, or service building shall be located in this buffer area.
 - 2.2.4. Every campground operator shall maintain a register available to any authorized person inspecting the facility or emergency officials. Said register, which shall contain the

names and addresses of all campground occupants, shall be preserved for a period of at least one (1) year.

Section 5.17 Public Facilities

By state law (the Act [§ 4413a]), certain uses listed below may only be regulated by municipalities 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. These Regulations may only restrict land development with respect to these items and then only where these Regulations do not interfere with the intended functional use.

1. State or community owned and operated institutions and facilities.
2. Public and private schools and other educational institutions certified by the State Department of Education.
3. Churches and other places of worship, convents, and parish houses.
4. Public and private hospitals.
5. Regional solid waste management facilities certified by the State, and,
6. Hazardous waste management facilities certified by the State.

Section 5.18 Telecommunication Facilities

1. New or expanded telecommunication facilities, including but not limited to towers and non-dwelling structures may be permitted in designated Land Use Districts subject to conditional use review under Section 3.05 and the following provisions:
 - 1.1. A proposal for a new tower shall not be permitted unless it is determined by the DRB that the equipment planned for the proposed tower cannot be accommodated on an existing approved tower, building or structure that accomplishes the same project purpose.
 - 1.2. New towers shall be designed to accommodate the co-location of both the applicant's antennas and comparable antennas for at least 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.
 - 1.3. All towers, including antennae, shall be less than 150 feet in height as measured from the lowest grade at ground level to the top of the highest structure or component.

- 1.4. Towers shall be set back from all property lines, dwelling, occupied structure and public rights-of-way for a distance equaling their total height, including attached antennas. The DRB may waive this requirement:
 - 1.4.1. If tower design and construction guarantees that it will collapse inwardly itself, and that no liability or risk to adjoining private or public property shall be assumed by the municipality; or
 - 1.4.2. To allow for the integration of a tower into an existing or proposed structure such as a church steeple, light standard, utility pole, or similar structure, to the extent that no hazard to public health, safety or welfare results.
- 1.5. Tower construction and wiring shall meet all state and federal requirements, including but not limited to Federal Communication Commission requirements for transmissions, emissions and interference.
- 1.6. Towers shall be enclosed by security fencing at least 6 (six) feet in height and shall be equipped with appropriate anti-climbing devices.
- 1.7. New towers shall be sited and designed to minimize their visibility. No tower shall be located on an exposed ridge line or hilltop. New or modified towers and antennae shall be designed to blend into the surrounding environment to the greatest extent feasible, through the use of existing vegetation, landscaping and screening, the use of compatible materials and colors, or other camouflaging techniques.
- 1.8. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required for a particular tower by the Federal Aviation Administration or other federal or state authority.
- 1.9. The use of any portion of a tower and/or fencing for signs other than warning or equipment information signs is strictly prohibited.
- 1.10. Access roads, and all accessory utility buildings and structures shall be designed to aesthetically blend in with the surrounding environment and meet all other minimum requirements for the district in which they are located. Ground-mounted equipment shall be screened from view, per Section 5.21. Setback, landscaping and screening requirements may be increased as appropriate based on-site conditions, and to protect neighboring properties and uses. All utilities proposed to serve a telecommunications site shall be installed underground.
- 1.11. All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site, and the site shall be restored to its original

- appearance. A copy of the relevant portions of any signed lease that 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 Selectboard may be required to ensure tower removal and site reclamation.
2. Notwithstanding the requirements of Section 5.18.1, wireless telecommunications equipment to be mounted on existing towers, utility poles, ski lifts, or other structures may be permitted by the Administrative Officer without DRB Approval for conditional use or site plan review provided that:
 - 2.1. The existing structure (tower, utility pole, etc.) can safely carry the added static and dynamic load of the new equipment;
 - 2.2. No changes are made to the height or appearance of such structure except as required for mounting;
 - 2.3. The height of the antenna as mounted shall be less than 150 feet in height;
 - 2.4. No panel antenna shall exceed 72 inches in height or 24 inches in width;
 - 2.5. No dish antenna shall exceed 3 feet in diameter; and
 - 2.6. Any accompanying equipment shall be screened from view.
 3. **Application Requirements.** In addition to the application requirements set forth in Section 3.05 and Addendum A, applications for new towers shall also include the following:
 - 3.1. A report from a qualified and licensed professional engineer that describes tower height, construction design and capacity, including cross-sections, elevations, potential mounting locations, electric power requirements, electromagnetic radiation patterns, and fall zones. The construction design shall include allowable loading for possible future shared use of the tower. The AO or DRB reserves the right to select the engineer;
 - 3.2. Information regarding the availability of existing towers and buildings located within the site search ring for the proposed site, including written documentation from other tower owners within the search ring that no suitable sites are available.
 - 3.3. A letter of intent committing the tower owner and his/her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
 - 3.4. Written documentation that the proposed tower shall comply with all requirements of the Federal Communications Commission, and the Federal Aviation Administration;
 - 3.5. Any additional information needed to determine compliance with the provisions of these regulations.

4. **Exemptions.** The following are minor alterations and are specifically exempted from the provisions of this Section and no Permit shall be required:
 - 4.1. Placement of an antenna used to transmit, receive, or transmit and receive communications signals on that property owner's premises if the area of the largest face of the antenna is not more than 15 square feet, and if the antenna and any mast support do not extend more than 12 feet above the roof of that portion of the building to which the mast is attached;
 - 4.2. Antenna structures less than 20 feet in height with a primary function to transmit or receive communication signals for commercial, industrial, municipal, county, or state purposes;
 - 4.3. Telecommunication facilities that are used exclusively for municipal radio dispatch service or emergency radio dispatch service and which do not exceed 100 feet in height;
 - 4.4. A single ground or building mounted radio or television antenna or satellite dish not exceeding 36 inches in diameter that is intended solely for residential use, and does not, as mounted, exceed 35 feet in height above the lowest grade at ground level;
 - 4.5. All citizens band radio antennae or antennae operated by a federally licensed amateur radio operator that do not exceed a height of 50 feet above the grade level, whether free standing or mounted, and that meet all setback requirements for the district in which they are located.

Section 5.19 Performance Standards

1. **Applicability.** This section shall apply to development in all Land Use Districts.
2. **Purpose.** The purpose of the Performance Standards is to restrict specific activities which may prevent the reasonable use and enjoyment of nearby properties or adversely impact the character of the area. The DRB may waive or modify one or more of these restrictions during construction activities for specified periods. In determining compliance with these standards, the burden of proof falls on the applicant and subsequent property owners. Normal forestry and agricultural activities are exempt from these standards and subject to Required Agricultural Practice and Acceptable Management Practices as provided in Section 5.24 and Section 2.02.2.1.
3. Excessive noise generated by a proposed development is not allowed when it extends beyond the property boundary. Excessive noise means over 60 dB for more than 30 minutes during any 24-hour period and over 80 dB for any length of time. Noise related to typical property maintenance and management activities such as lawn mowing, snow removal, non-commercial cutting and splitting firewood limited to personal use, and building repair are exempt from this restriction. Excessive noise is also restricted by the Huntington Noise Ordinance.

(<http://huntingtonvt.org/forms-documents/ordinances-regulations/selectboardtown/511-noise-ordinance-signed-jan-4-2010/file.html>)

4. Clearly apparent vibration, transmitted through the ground, which is discernable without the aid of instruments at a property boundary, is not allowed.
5. Fires, explosions or the storage of hazardous materials must comply with the Vermont Fire and Building Safety Code and applicable environmental protection laws.
6. Emission of unusual smoke, dust, gases and air pollution that inhibits vision at the property line of the parcel on which the smoke is being generated that pose a hazard or harm to the health of people, animals or vegetation are not allowed.
7. Excessive odors clearly discernible at the property boundary are not allowed, including odors from animal waste or storage of waste products.
8. Except for telecommunication facilities or similar activities regulated by the Federal Communications Commission or exclusively by other state or federal agencies, no electromagnetic disturbances or electronic signal that regularly and repeatedly interfere with radio, television or cell phone reception or WIFI use is allowed.
9. Radioactive emissions or other hazardous emissions that create harm to public health, safety and welfare or significantly increase the burden on municipal facilities and services, are not allowed.
10. Liquid or solid waste or refuse are not allowed to be discharged into a sewage disposal system, river or stream or onto the ground except in accordance with Vermont Departments of Health, Environmental Conservation or other applicable state or federal agencies. The accumulation and storage of liquid or solid waste or refuse which is conducive to breeding rodents or insects or is injurious to public health is not allowed.

Section 5.20 Outdoor Lighting

1. **Applicability.** This section is applicable to all Land Use Districts.
2. **Purpose.** The purpose of this section is to prohibit improperly installed or unshielded lighting to prevent nuisance, unsafe conditions, affecting the ability to see the night sky free of light pollution and unnecessary power consumption.
3. **Standards.**
 - 3.1. All outdoor lighting shall be kept to a minimum required for the safety, security or other intended use consistent with the character of the neighborhood.

- 3.2. All exterior lighting shall be shielded at least 15 degrees below horizontal from the lowest point of light source and shall not shine directly or indirectly on a neighboring lot or property, or public road, or public waters.
 - 3.3. All outdoor lighting shall be shielded such that the point source light illumination shall not extend more than 70 degrees deviation from vertical directly under the light. For light sources larger than a point, including light sources bunched together in one fixture, all portions of the light source shall be considered a point source. An exception to the shielding requirement set forth in this section shall be permitted for exterior residential lighting illuminating doors, stairs and walkways where the light source point illumination does not exceed 700 lumens (that light emitted by a standard 60-watt incandescent light bulb).
 - 3.4. Security or street lighting shall only be permitted where unusual or hazardous conditions require, shall be shielded as provided above and shall be aimed so that only designated services or areas are illuminated.
 - 3.5. Exterior lighting that flashes, pulses, rotates, moves or simulates motion is not permitted, except that motion sensor security lighting shall be permitted so long as it otherwise complies with the preceding sections set forth above.
 - 3.6. Installation of commercial exterior lighting fixtures shall require a zoning permit.
 - 3.7. Electrical service to outdoor lighting fixtures shall be buried, except where the applicant or property can show that above ground wiring is neither a hazard nor an eyesore.
 - 3.8. Where a property has been cited for non-compliance with this regulation, and in all applications for zoning and subdivision permits, the property owner or applicant shall submit an exterior lighting plan specifically describing all intended and existing exterior lighting on the property, the nature and purpose thereof and how the lighting as designed is consistent with the purpose. As a part of the application or compliance process, the Development Review Board or Administrative Officer may require a lighting plan prepared by a qualified lighting expert for illumination of an exterior parking area or for street or security lighting.
 - 3.9. Outdoor lighting fixtures associated with nonresidential uses, except for approved security lighting, shall be illuminated only during normal business hours.
4. **Exemptions.** Holiday lighting is not restricted by this Section.

Section 5.21 Landscaping and Screening

1. **Applicability.** Land development requiring DRB Approval within the Village, Neighborhood, and Rural Residential districts may be required to provide landscaping and screening as specified in this

section. The specific landscaping and screening standards below are minimum requirements and the DRB may require additional landscaping or screening as necessary to further the purposes of these regulations.

2. **Purpose.** The provisions of this section are intended to protect quality of life and Huntington's rural character by:
 - 2.1. Providing a landscaped buffer between incompatible uses;
 - 2.2. Screening land uses that create visual clutter and distraction;
 - 2.3. Enhancing the appearance of development; and
 - 2.4. Conserving energy and improving environmental quality.
3. **Street Trees.** Street trees may be required for subdivisions. The Development Review Board may require street trees or more naturalistic planting along roads, as appropriate, given the characteristics and context of the site. Applicants must select trees recommended as street trees in the Vermont Tree Selection Guide published by the Vermont Urban and Community Forestry Program unless otherwise specified in a landscaping plan prepared by a licensed landscape architect or certified horticulturalist.
4. **Perimeter Landscaping.** Perimeter landscaping, unless the DRB reduces or eliminates as impractical or counter to the purposes of this section discussed above, is required for all newly constructed nonresidential structures, multi-family residential buildings, and contractors yards that have a footprint of 1,000 square feet or more and expansions to such buildings of 500 square feet or more as specified below:
 - 4.1. Front and side yard landscaping must include at least, 2 medium trees, and 4 small trees or shrubs for each 100 feet of building perimeter.
 - 4.2. Front and side yard landscaping must be located to screen mechanical equipment, utilities, and service areas associated with the building; to enhance and shade building entrances and walkways; and to provide visual breaks along blank building facades.
 - 4.3. Landscape designs must feature a diversity of trees and shrubs planted in naturalistic clusters.

Section 5.22 Signs

1. **Applicability.** This section is applicable to all Land Use Districts.
2. **Purpose.** The purpose of this section is to provide consistent and comprehensive standards for the placement of signs for clear and informative communication without visual clutter, glare or distraction. Holiday lighting and decorations less than 12 square feet are allowed and do not require a permit. No permit is needed for repairing or replacing a broken sign with a like sign.

3. **Substitution Clause.** This section is not intended to, and does not restrict speech based on its content, viewpoint, or message. The owner of any sign which is otherwise allowed by this sign ordinance may substitute noncommercial copy in place of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting, provided the size of the sign is the same size or smaller.
4. **Temporary Signs.** Temporary signs not exceeding ten square feet do not require a Permit. Temporary signs shall be promptly removed when the event is over, and shall not be posted for longer than 90 days, with the exception of realtor signs. Temporary signs may be extended for an additional 90-day period with a permit from the AO. Temporary signs are not allowed at the edge of road or in the right-of-way.
5. Permanent On-Premise Signs in Village and Neighborhood Districts require a permit before erection, construction, modification or replacement in accordance with the following:
 - 5.1. Only one free-standing sign is permitted per lot; and it shall not exceed 12 square feet in area, and 10 feet in height.
 - 5.2. Only one building mounted sign is permitted per business in addition to a building marker sign not exceeding 500 square inches.
 - 5.3. Any sign for a street level establishment must be at least 8' above the sidewalk and no higher than the sills of the second floor.
 - 5.4. Signs located in windows and glass doors, do not require a permit, however they shall not exceed 6 square feet in area, and shall not cover more than 25% of the entire window or glass door area.
6. Permanent On-Premise Signs in all other Districts require a permit before erection, construction, modification or replacement except the following:
 - 6.1. One sign not exceeding two square feet and affixed to the building; and
 - 6.2. One free-standing sign not exceeding four square feet and located within the required front yard setback is permitted.
 - 6.3. Restroom, public telephone, no trespassing/hunting, or trail marker signs not exceeding three square feet in area are exempt.
7. The following standards shall apply to all signs:
 - 7.1. Only one free-standing sign structure is allowed on a lot.
 - 7.2. Free standing signs may be erected within setbacks and build-to zones but must be at least five feet from the edge of a public road.
 - 7.3. Free standing signs shall not exceed 10 feet in height.

- 7.4. No more than two commercial or advertising signs relating to a single business or activity are allowed on a lot.
- 7.5. Signs which are hazardous to traffic or a nuisance are not allowed.
- 7.6. Neon or LED, or similar illuminated signs shall not exceed four square feet.
- 7.7. Interior signs or posters shall not cover more than 25% of the area of a window.
- 7.8. Illuminated signs must be fully shielded to direct light downward and turned off when the building is not occupied or open for business.
- 7.9. No sign may be placed on any property without the consent of the owner.

8. The following signs are prohibited:

- 8.1. Signs with electronic messages or any moving or flashing lights, unless temporary, and for highway safety.
- 8.2. Signs located on a roof.
- 8.3. Moving signs (non-stationary).
- 8.4. Free-standing banners, strings of lights or balloons, except for special events. This excludes noncommercial use.
9. The permit application for a sign shall include the proposed sign design, color, illumination, mounting or hanging method and location. Also, the application shall include a description of all existing signs already on the property and on immediately adjoining properties. When considering an application for development approval, waiver, or variance, the DRB may make reasonable modifications to the requirements of this Section to enable clear and informative communication.

Section 5.23 Business Use

- 1. This section is applicable to all Land Use Districts.**
2. The purpose of this Section is to foster the growth of appropriate commercial business consistent with the impacts on traffic, local infrastructure and the nature of the area in which the business is located.
3. **Permit Required.** A permit is required to conduct any commercial, industrial, or other business use, unless exempted below.
4. **Exemptions.** No permit is required for business uses that:
 - 4.1. Are exempt from Huntington Land Use permitting requirements, per Section 2.2;
 - 4.2. Engage in a business in a dwelling unit or accessory structure, so long as the business:
 - 4.2.1. Is incidental to the residential use.

- 4.2.2. Does not occupy more than 25% of the habitable floor area.
 - 4.2.3. Does not conduct retail customer sales from the property.
 - 4.2.4. Does not generate additional traffic or parking beyond that required for residential use; and
 - 4.2.5. All employees, if any, reside within the dwelling unit.
5. **Permit Requirements.** Business Use review is determined by Table 4.01. The AO or DRB shall classify the proposed use into one of the following categories and shall grant a permit where the use satisfies the following criteria. Where the use requires DRB review, the Board shall grant approval only upon finding the use also satisfies the Conditional Use standards, per Section 3.05, and any specific use standards listed below.

6. Home-Based Business.

- 6.1. Definition. An occupation, profession, activity or use conducted on a property that also contains a residential use and is incidental to the residential use.
- 6.2. In addition to the Conditional Use criteria, where applicable, the following limits apply:
 - 6.2.1. Is incidental to a residential use.
 - 6.2.2. Does not occupy more than 1000 square feet.
 - 6.2.3. Has no more than four employees working at the property who do not reside in the dwelling unit.
 - 6.2.4. Generates no more than 20 additional vehicle round trips per day.
 - 6.2.5. Has no more than one non-illuminated sign.
- 6.3. A licensed home day care having no more than 6 full time and four after school children is considered a Home Occupation.

7. Cottage Industries and Retail Sales.

- 7.1. Definition. A small commercial, manufacturing or industrial use, such as woodshops, food processing kitchens, computer services and repairs or small retail sales.
- 7.2. Multiple businesses within the below limitations are considered one Cottage Industry.
- 7.3. In addition to the Conditional Use criteria, where applicable, the following limits apply:
 - 7.3.1. Have no more than 10 employees working on the property.
 - 7.3.2. Occupies no more than 1500 square feet of interior floor space, not including storage.
 - 7.3.3. Occupies no more than one half acre of total lot area.
 - 7.3.4. Does not significantly change the character of the area in which it is located.

7.3.5. Demonstrates adequate parking is available for maximum number of employees and/or retail traffic customers.

8. Large Commercial, Heavy Industrial, or Manufacturing Development.

8.1. Definition. A commercial, industrial, or manufacturing use that exceeds the limits of a Cottage Industry.

8.2. In addition to the Conditional Use criteria, the following limits apply:

8.2.1. Business activities fall between the hours of 7:00AM-9:00 PM on weekdays and 8:00-9:00PM on weekends.

8.2.2. Screening must be consistent with Section 5.21, or as the DRB requires to minimize visual impact from public places and neighboring properties

8.2.3. Demonstrates anticipated commercial activity would not put undue pressure on Town resources (i.e., unpaved roads, especially during mud season) and/or has plan to mitigate any such impact through modification of business activities during such hours.

8.2.4. Performance Standards. Must meet the performance standards set forth in Sections 5.19, and must produce no significant change in the character of the neighborhood.

9. Contractors' Yards.

9.1. A contractor's yard is property which is used for storage and/or repair of heavy equipment and/or material for use in off-site construction including trucks, excavators, graders, and cranes, and trailers for the same. Temporary storage of such equipment for use on the site on which the construction is taking place shall not constitute a contractor's yard.

9.2. In addition to the Conditional Use criteria, the following limits apply:

9.2.1. **Screening** must be consistent with Section 5.21, or as the DRB requires to minimize visual impacts from public places and neighboring properties.

9.2.2. **Amount of Equipment Allowed:** Excluding passenger vehicles and pickup trucks, no more than a total of ten (10) trucks and pieces of equipment may be stored on the site at one time. Any piece of equipment shall be considered a separate piece of equipment for the purposes of this Section if it a) has its own means of propulsion, or b) is registered or registerable, or c) is not intended to be used by attachment to any other piece of equipment normally located on the site.

9.2.3. Off-street parking shall be provided for the maximum number of employees on site at any time.

9.2.4. Any new structures used in connection with the business shall be no larger than 4,000 square feet in floor area, but not to exceed the district maximum cumulative enclosed

square footage per Table 4.02, and shall be designed for easy conversion to residential, accessory, or agricultural use if the business ceases to operate. All contractors' yards shall be kept in neat order and good condition at all times.

- 9.2.5. The DRB, as part of Approval for Conditional Use, shall establish hours of operation for the Contractor's Yard. In any event, except for infrequent, unusual circumstances, a contractor's yard shall not be used before 7:00 a.m. or after 9:00 p.m. on weekdays or before 8:00 a.m. or after 9:00 p.m. on weekends.

9.3. Location:

- 9.3.1. Any structure or portion of the lot used in connection with the business shall be located more than 50 feet from an adjoining property line, and more than 80 feet from the centerline of any road.
- 9.3.2. The business shall be located on a lot which is: a) accessed by a Class 2 or Class 3 public road, or b) accessed by a private right-of-way, which provides access to a Class 2 or Class 3 public road (provided the owners of all land accessed by the private right-of-way have notified the Development Review Board, in writing, at the time conditional use approval is sought, that they have no objection to the use of said road for said business, and also provided that an agreement is entered into by the owner of the business and the other users of the private right-of-way as to the method of paying for the costs of maintenance, repair, and snow plowing of the private right-of-way).

9.4. Performance Standards: The contractor's yard must meet the performance standards set forth in Sections 5.19, and must produce no change in the character of the neighborhood.

10. Home Occupation Vehicle Repair Service. A Home Occupation Vehicle Repair Service is a property containing at least one dwelling unit, and used for the commercial repair of one or more motor vehicles not registered to an owner or tenant of the property.

10.1. Home occupation vehicle repair services which meet the provisions of this Section are permitted only after DRB Conditional Use Review (incorporating site plan approval standards as outlined in Section 3.05). Home occupation vehicle repair services are allowed only if they meet the requirements of this Section.

10.2. Home occupation vehicle repair services are allowed in the Village, Neighborhood and Rural Residential Land Use Districts and are restricted to lots on which the primary residence of an owner of the business is also located.

10.3. Screening must be consistent with 5.21, or as the DRB requires to minimize visual impacts from public spaces and neighboring properties.

- 10.4. Number of Vehicles Allowed: In addition to the homeowners' vehicles, no more than a total of ten (10) passenger vehicles and trucks may be stored on the site at one time. A vehicle shall be considered a separate vehicle for the purposes of this Section if it a) has its own means of propulsion, or b) is registered or registerable, or c) is not intended to be used by attachment to any other vehicle normally located on the site.
- 10.5. Sufficient off-street parking shall be provided for the maximum number of employees on site at any time.
- 10.6. Any new structures used in connection with the business shall be no larger than 4,000 square feet in floor area, but not to exceed the district maximum cumulative enclosed square footage per Table 4.02, and shall be designed for easy conversion to residential, accessory, or agricultural use if the business ceases to operate.
- 10.7. Business to be kept in neat order: All vehicle repair services shall be kept in neat order and good condition at all times.
- 10.8. The Development Review Board, as part of conditional use approval, shall establish hours of operation for the vehicle repair service. In any event, except for infrequent, seasonal, or unusual circumstances, home occupation vehicle repair service shall not be used before 7:00 a.m. or after 8:00 pm on weekdays or before 8:00 am or after 8:00 pm on weekends.
- 10.9. Any structure or portion of the lot used in connection with the business shall be located more than 25 feet from an adjoining property line.
- 10.10. The business shall be located on a lot which is: a) accessed by a Class 2 or Class 3 public road, or b) accessed by a private right-of-way, which provides access to a Class 2 or Class 3 public road, provided the owners of all land accessed by the private right-of-way have notified the Development Review Board, in writing, at the time approval for conditional use approval is sought, that they have no objection to the use of said road for said business, and also provided that an agreement is entered into by the owner of the business and the other users of the private right-of-way as to the method of paying for the costs of maintenance, repair, and snow plowing of the private right-of-way.
- 10.11. Performance Standards: The vehicle repair service must meet the performance standards set forth in Sections 5.19, and must produce no substantial change in the character of the neighborhood.
- 10.12. Traffic: In addition to the homeowner's personal vehicles trips, there shall be no more than an additional 20 vehicles round trips per day. This number of vehicle trips shall be inclusive of all customer and parts supplier round trips.

Section 5.24 Farming and Forestry Management

1. **Applicability.** This section is applicable to all Land Use Districts, however there are more specific requirements in the Special Flood Hazard Areas, Floodways and River Corridor overlay district.
2. **Purpose.** To clarify the jurisdiction of authority on agricultural and forestry activities.
3. A permit is not required for agricultural or forestry activities if they meet the State's regulations and accepted practices.
4. A permit is not required to build a farm structure, but:
 - 4.1. The burden of proof for demonstrating a structure meets the definition of a farm structure, and is therefore exempt from local approval, rests on the applicant. The landowner must complete a Permit application so the Administrative Officer can confirm by letter that the project is exempt. The Administrative Officer will not charge an application fee and will not issue a Permit for an exempt farm structure.
 - 4.2. Farm structures exempt from local approval must meet setback or building envelope requirements unless the landowner provides the Administrative Officer with a written waiver from the Vermont Secretary of Agriculture.
 - 4.3. Farm structures exempt from local approval may exceed building height or footprint requirements.
 - 4.4. A permit will be required to convert a farm structure exempt from local approval to a non-agricultural use. Furthermore, a farming or forestry structure or facility that ceases to meet the State's definition of a structure exempted from municipal regulation shall apply for and receive applicable permits or be removed.
5. Many farm entrepreneurs are augmenting the agriculture focus of their businesses by also pursuing a variety of "rural enterprises" — activities on the farm that support the farm operation, but aren't considered agriculture. The Town of Huntington is in support of these operations generally, however DRB Approval is needed to ensure these uses meet the conditional use criteria within these regulations, including Section 5.23. Examples of these diversified farming activities include:
 - 5.1. The on-site preparation and processing of crops or produce not principally produced on the farm;
 - 5.2. The storage and sale of crops or produce not principally produced on the farm or the resulting products from such crops or produce;
 - 5.3. The sampling and tasting of crops and produce not principally produced on the farm or the resulting products from such crops or produce;

- 5.4. Tours of growing areas and storage and processing facilities;
- 5.5. Sales of non-farm products related to those grown on the farm;
- 5.6. Wedding or event hosting;
- 5.7. Hosting of educational and cultural events incidental to farming or the farm's activities; and/or
- 5.8. Farm worker housing.

Section 5.25 Land Filling, Excavation, and Earth Resource Exploration

- 1. DRB Approval for conditional use is required before commencing new commercial: mineral or gas exploration or drilling; sanitary landfill; earth-resource extraction or processing operation.** A conditional use permit is also required before expansion of any such existing operation, or the resumption of an inactive operation. “Expansion” shall include any substantial increase in the rate of material removed or use of any area not previously used. No Permits shall be issued until all conditions below are met:
 - 1.1. DRB Approval for conditional use has been issued for such operation, in accordance with Section 5.25.3; and
 - 1.2. A site rehabilitation plan, in accordance with Section 5.25.3, approved by the Development Review Board.
- 2. Application for approval.** Applicants shall provide the following:
 - 2.1. Site plan showing the location and scope of all proposed development activity;
 - 2.2. Screening plan;
 - 2.3. Erosion and sedimentation control plan;
 - 2.4. A site rehabilitation plan, including schedule of implementation; and
 - 2.5. A description of the proposed methods of operation including operating hours and the duration of the proposed activities, types and quantity of equipment and trucks, location and method of waste disposal, and a transportation plan addressing both on-and off-site trucking activities.
- 3. Approval for Conditional Use:**
 - 3.1. In considering an application for Approval of a Conditional Use Permit under this section, the Development Review Board shall consider the following specific standards in addition to any other applicable standards specified elsewhere within this Regulation:
 - 3.1.1. Adjoining land areas should be protected from undue adverse impacts resulting from odors, dust, noise, or air pollution. There shall be a minimum setback of 200 feet from adjoining properties for all extraction or processing activities, except for offices and accessory automobile parking. **The burden of proof shall be on the applicant to show**

that the proposed operations may be feasibly undertaken without violating the standards contained within this Section and without substantial damage or hazard to the public or to adjoining properties.

- 3.1.2. Within the required setback areas, the natural vegetation shall be retained and supplementary planting may be required in order to buffer impacts from the proposed operation.
 - 3.1.3. No operation shall be permitted which may result in the pollution of surface or groundwater through by-products of the proposed operation.
 - 3.1.4. Proposed operations shall not create unusual or unreasonable traffic hazards, or the need for special public improvements or maintenance of public streets or bridges, which would place an unreasonable additional financial burden on the Town.
- 3.2. The Development Review Board may require or limit actions as conditions of approval, including:
- 3.2.1. An erosion and sedimentation control plan to ensure increased run-off is captured and contained within the property boundaries of the proposed project area.
 - 3.2.2. Suitable fencing or other appropriate safety precautions may be required around extraction sites, sedimentation ponds, and waste or equipment storage area.
 - 3.2.3. Restrictions on the use of explosives to minimize potential adverse impact on adjoining properties.

4. Site Rehabilitation

- 4.1. Purpose: Activities involving the extraction, exploration, or processing of earth resources, by their very nature disturb the natural landscape and utility of the site. These provisions are intended to ensure that the entire site, at the conclusion of such activities, is restored to a condition which is free of hazards to the public and is conducive to subsequent use for other activities.
- 4.2. Applicants for an earth resources extraction, exploration, or processing operation shall provide a site rehabilitation plan of the entire site affected by the proposed operation which shall include the following information, in addition to other specific materials that may be required by the Development Review Board:
 - 4.2.1. Final grading and topography, including drainage patterns;
 - 4.2.2. Location and depth of relocated topsoil;
 - 4.2.3. Location, type, size, and quantity of restoration plan materials;
 - 4.2.4. Sequence and timing of rehabilitation activities; and

- 4.2.5. Provision for adequate bonding or surety to cover rehabilitation.
- 4.3. In considering a site rehabilitation plan, the DRB shall consider the following specific standards in addition to any other applicable standards specified elsewhere within this Regulation:
 - 4.3.1. Suitability of the site following rehabilitation for uses that are permissible under the applicable land use district;
 - 4.3.2. Landscape in the vicinity of the site;
 - 4.3.3. The top twelve (12) inches of topsoil on all disturbed areas shall be stockpiled for use in rehabilitating the site;
 - 4.3.4. Implementation of rehabilitation activities shall be on a continuing basis commencing as soon as practical where extractive activities have been completed;
 - 4.3.5. Storm water runoff and erosion/sedimentation following rehabilitation shall not exceed that which existed prior to development;
 - 4.3.6. Bonding or surety shall be at a level to cover the costs of rehabilitation of all disturbed areas, and may be adjusted periodically by the DRB.

Section 5.26 Adding/Reducing Dwelling Units, and Converting between a Seasonal Dwelling and a Year-Round Dwelling

1. **Applicability.** This section is applicable to all Land Use Districts, subject to the limitations listed below.
2. **Purpose.** The purpose of this section is to ensure the safe and healthy conversion of a seasonal dwelling to a year-round dwelling, or the change in number of dwelling units to an existing year-round structure, without adversely affecting the district.
3. Converting a year-round dwelling to add or reduce the number of dwelling units shall comply with the following standards:
 - 3.1. Adding a dwelling unit(s) to an existing dwelling, thus creating a two-family or multi-family dwelling, is allowed/prohibited in the same Districts as outlined in Table 4.01. DRB Approval for conditional use review is required for conversion to a multi-family dwelling, as outlined in Table 4.01. Reducing the number of dwelling units is allowed as a permitted use in all Districts.
 - 3.2. Additional dwelling units shall not exceed the maximum number of dwelling units allowed in the District per Table 4.02.
 - 3.3. To increase the number of dwelling units, both the existing dwelling structure and the lot shall have been in existence as of the adoption date of these revised regulations.
 - 3.4. There shall be provided on the lot two (2) parking spaces for each dwelling unit.

Article V: Specific Standards Applicable in More than One District

- 3.5. The conversion complies with the density requirements (minimum lot size) of the District in which it is located.
- 3.6. No additional curb cuts or access points to Town highways to accommodate separate or private vehicle entrances are allowed. Pedestrian access is not restricted.
- 3.7. All new residential units are subject to state wastewater regulations and require state wastewater permits.
4. Converting a seasonal dwelling (camp) to a year-round dwelling is subject to DRB Approval for Conditional Use Review and shall meet the following additional requirements:
 - 4.1. Conversions of seasonal dwellings to year-round dwellings are prohibited in the Woodland and Conservation Districts;
 - 4.2. A State wastewater permit;
 - 4.3. Safe and adequate water supply;
 - 4.4. Adequate road frontage and driveway access, as required for a new subdivision.
5. Converting a year-round dwelling to a seasonal dwelling is allowed only in the Woodlands and Conservation Districts. A condition of DRB Approval shall specify use is limited to 120 days per year.

Section 5.27 Open Storage of Vehicles and Junk

Junkyards, as defined in Article 8, are prohibited in all Land Use Districts. Junk, as defined in Article 8, and vehicles that are non-operative and non-inspected shall not be allowed in any setbacks, and shall be effectively screened from view of a public highway and adjacent private property at all seasons of the year.

Section 5.28 Adaptive Reuse of an Historic Structure

Adaptive reuse is designed to provide for the continued viability of historic structures that have outlived their original intended function by allowing additional uses within the current dimensions of such structures, including nonconforming structures, subject to DRB Approval for conditional use.

1. Structures eligible for adaptive reuse are limited to those which (a) are no less than 50 years old and are listed on, or eligible for listing on, the Vermont Historic Sites and Structures Survey for the Town of Huntington; or (b) have historical or architectural significance to the town, as determined by the Development Review Board from application information, and/or evidence provided in hearing.
2. Structures determined eligible for adaptive reuse may be put to one or more of the following uses in any Land Use District subject to DRB Approval for conditional use:

- 2.1. Any use allowed within the district in which the structure is located;
 - 2.2. Multi-family dwelling (a maximum of 4 dwelling units);
 - 2.3. Storage facility;
 - 2.4. The processing and/or sale of agricultural or forest products (e.g., farm produce store, food cooperative, woodworking or furniture shop);
 - 2.5. Cultural facility (e.g., museum, theatre, performance space); and retail sales, limited to antiques, arts and crafts.
3. Approval for conditional use: It also shall be demonstrated to the satisfaction of the Development Review Board that there exists adequate water supply, septic system, and off-street parking capacity to accommodate the proposed use; and that any proposed exterior renovations to an historic structure must conform to guidelines set forth in the most recent edition of *The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings"* [36 CFR 67].

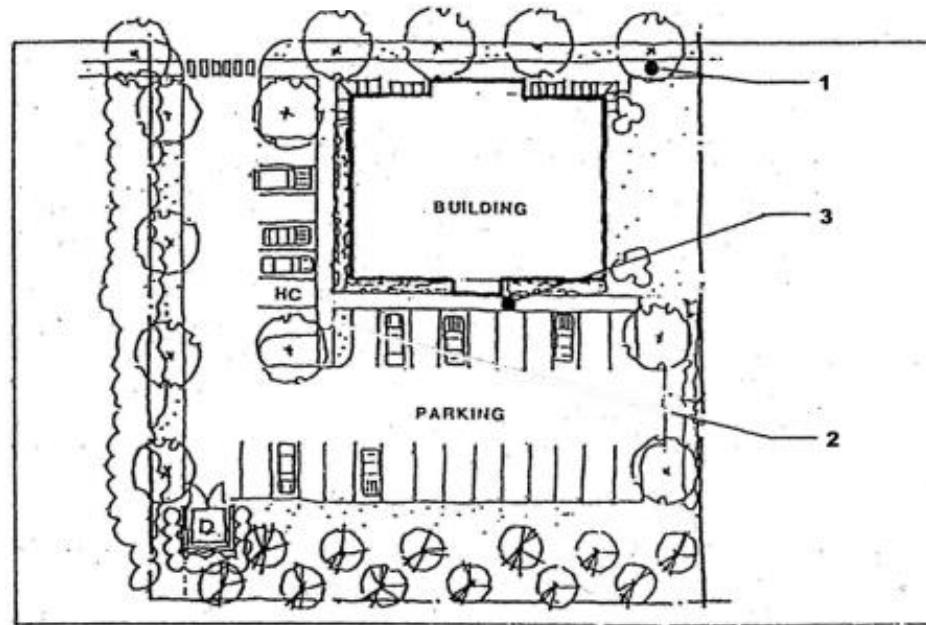
Section 5.29 Site and Lot Layout and Design

1. **Applicability.** This section shall apply to all subdivision or development under DRB Approval for conditional use in all Land Use Districts.
2. **Purpose.** The following standards for site and lot layout and design are established to maintain historic settlement patterns and avoid fragmentation of open lands and resource areas as described in the intent and purpose statements for each District in Article IV.
3. In determining 'appropriateness' under this section, the DRB shall consider if a project constitutes a measure that a reasonable person would take given the context of the site.
4. Site and Lot Layout and Design Standards for All Districts. As appropriate, lot lines, infrastructure, and road, driveway, and utility corridors shall be located to:
 - 4.1. Avoid the parcelization, fragmentation, isolation, or destruction of natural features described in Section 5.06.
 - 4.2. Connect and protect nature through an open space system of:
 - 4.2.1. Natural elements, such as those described in Section 5.06;
 - 4.2.2. Formal elements, such as, parks, greens, playgrounds, and fields; and
 - 4.2.3. Connective elements, such as, tree-lined roads, trails, bicycle and pedestrian paths.
 - 4.3. Location of vehicular access for the purposes of access management, safety and pedestrian oriented design will be done in conformance with Section 5.02. Further, access points shall be located so as to neither obstruct the free flow of traffic on public streets nor from the site; and to

provide adequate separation between intersections and access drives for adequate stacking space, ease of mobility, and vehicle and pedestrian safety.

- 4.4. Ensure the location for current infrastructure needs, affecting the property and the development, including water and wastewater, utility and access rights-of-way, are made so that future connections can be made in the most efficient way possible, and potential impacts to neighbors are minimized.
 - 4.5. Locate utilities underground, unless alternative plans are approved by the DRB.
 - 4.6. Incorporate energy conservation in site design. Clustered development (e.g., planned unit development) should be considered wherever allowed. The siting of buildings should maximize solar access where feasible and landscaping should be effectively used to provide wind barriers and reduce heat loss or gain.
5. Additional Site and Lot Layout and Design Standards for the Village District. As appropriate, in order to maintain the traditional village settlement pattern and surrounding neighborhoods, as described in the intent and purpose sections of the Village and Neighborhood Districts, the following lot and site layout standards shall apply.
 - 5.1. Facilities such as roads, sidewalks, multi-use paths and trails to connect a proposed subdivision or development to adjacent and nearby development shall be considered and provided where appropriate. Easements for future facilities shall be considered and provided where appropriate. Locations 1, 2 and 3 in Figure 6 provide examples of how sidewalks and on-site roads can be designed to accommodate connections to adjacent parcels. Cul-de-sacs and single entrance residential neighborhoods that are not connected to adjacent or nearby developments by walking and/or biking paths should be avoided.
 - 5.2. On-site Pedestrian Circulation. Sidewalks or paths shall be provided between on-site parking areas and buildings to separate vehicular and pedestrian traffic. (Figure 6, #3).

Figure 6.



5.3. Pedestrian walkways along road and around parking lot.

Article VI. Organization

Section 6.01 Administrative Officer

1. **Appointment.** The Administrative Officer is nominated for appointment by the Planning Commission and is appointed by the Selectboard for a term of three (3) years to carry out the provisions of these Regulations and is an appointed Town official subject to the Town of Huntington's Personnel Policy. The compensation is determined by the Selectboard. The Administrative Officer may be removed by the Selectboard for cause after consultation with the Planning Commission and Development Review Board.
2. **Duties. The Administrative Officer shall:**
 - 2.1. Administer and strictly enforce these Regulations. The Administrative Officer does not have the power to authorize or permit any land development except in conformance with these Regulations, other Town ordinances and any applicable conditions of the DRB.
 - 2.2. Inspect properties for compliance with these Regulations and Town permits, conduct enforcement activities, maintain accurate records and perform related tasks, and follow up when permits expire and Certificate of Occupancy has not been issued.
 - 2.3. Provide applicants with all forms required to obtain Permits, to apply for DRB Approval and to appeal to the DRB.
 - 2.4. Assist persons seeking permits and in navigating the Town's regulatory processes in a helpful and responsive manner.
 - 2.5. Periodically meet with and provide reports to the Planning Commission and the DRB, including a monthly list of permit actions and complaints.
 - 2.6. Provide a copy of the issued Permits to the Town Clerk and Listers.
3. The Administrative Officer shall not be a member of the Planning Commission, Selectboard or DRB.

Section 6.02 Development Review Board

1. **Appointment.** The Development Review Board (DRB) consists of five (5) members and two (2) alternates appointed by the Selectboard for three-year terms or for other terms determined by the Selectboard. Where all five DRB members are present, the alternates shall be non-voting members. A member may be removed for cause by the Selectboard upon written charges and after a public hearing.

2. **Organization and Meetings.** The DRB elects its own officers, a Chair and Vice Chair and adopts its own rules of procedure, except as provided in Article III. A quorum is not less than a majority of the Board and a vote of a majority of the Board shall be necessary to complete an action, other than recessing a hearing or adjournment of a meeting. The Officers of the Board may administer oaths and compel attendance of witnesses and compel the production of materials in accordance with the Act and these Regulations.
 - 2.1. The DRB appoints a Clerk.
 - 2.2. The Clerk is a contracted Town employee, subject to the Town of Huntington's Personnel Policy. The compensation is determined by the Selectboard, which accepts recommendation from the DRB.
3. **Duties.** The DRB is authorized to administer its duties as provided in these Regulations and the Act (Section 1.01), specifically, but not limited to:
 - 3.1. Hear and decide appeals from acts of the Administrative Officer.
 - 3.2. Conduct pre-approval review meetings in a helpful and responsive manner.
 - 3.3. Hear and decide DRB approvals; and refrain from *ex parte* communication about the merits of an application to ensure due process rights are retained for the applicants and interested parties.
 - 3.4. Determine such requirements or conditions that are appropriate in carrying out its duties and requirements in accordance with the terms of these Regulations and the Act.
 - 3.5. The DRB is subject to the Town of Huntington's Conflict of Interest and Ethical Conduct Policy.

Section 6.03 Planning Commission

1. **The Planning Commission consists of five (5) members elected by Australian ballot at Town Meeting for staggered three-year terms.**
2. **Organization and Meetings.** The Planning Commission elects its own officers, a Chair and Vice Chair, and adopts its own rules of procedure except as provided in these Regulations. A quorum is not less than a majority of the Commission and a concurring vote of a majority of the Board shall be necessary to act.
 - 2.1. The Planning Commission appoints a Clerk.
 - 2.2. The Clerk is a contracted Town employee, subject to the Town of Huntington's Personnel Policy. The compensation is determined by the Selectboard, which accepts recommendation from the Commission.

3. **Duties.** The Planning Commission is authorized to administer its duties as provided in this Regulation and the Act, specifically, but not limited to:
 - 3.1. Periodically prepare for adoption of the Town Plan, Land Use Regulations, and other regulations and plans as provided in the Act.
 - 3.2. Collect data, conduct studies, produce reports and organize information regarding planning and such other duties as requested by the Selectboard or provided for in the Act.
 - 3.3. Make recommendations regarding land development, community development, transportation, roads, economic and social development, historic preservation, energy and development of renewable energy resources and conservation and protection of the natural resources.
 - 3.4. Hold public hearings when appropriate or when mandated by the Act.
 - 3.5. Undertake comprehensive planning, including engineering studies, and coordinate with and participate in regional planning programs.
 - 3.6. Oversee implementation of the Land Use Regulations, and advise the Administrative Officer for Zoning and the Development Review Board as necessary.
4. The Planning Commission is subject to the Town of Huntington's Conflict of Interest and Ethical Conduct Policy.

Article VII. Enforcement

Section 7.01 General

1. **Applicability.** The commencement or continuation of any land use or development that does not conform with the provisions of these regulations constitutes a violation.
2. **Type of Ordinance.** These regulations will be considered a civil ordinance within the meaning of 24 VSA Chapter 59.
3. **Action.** In the event of an alleged violation of these Regulations, a valid complaint by a member of the public, or failure to make or maintain a required improvement of or condition of a permit, the Administrative Officer must investigate the validity of the alleged violation. If the Administrative Officer determines that a violation has occurred, the Administrative Officer must commence an enforcement action as follows:
 - 3.1. The Administrative Officer will contact the landowner in writing to inform them of the violation and provide an opportunity for an immediate and informal resolution. If the matter is not resolved in a timely manner, the Administrative Officer shall issue a notice of violation.
 - 3.2. The Administrative Officer shall send the landowner a written notice of violation by certified mail. The notice must:
 - 3.2.1. Describe the violation and include a reference to the specific provisions of these Regulations being violated;
 - 3.2.2. Explain that the landowner has an opportunity to cure the violation within seven days;
 - 3.2.3. List the amount of the fine for the violation and explain that the fine will be imposed for each day the violation continues after the seven-day period for curing the violation elapses; and
 - 3.2.4. Notify the landowner that further enforcement may occur without notice and if the violation is repeated within the next 12 months.
 - 3.3. An alleged offender(s) may appeal the enforcement actions of the Administrative Officer to the DRB. The DRB will conduct an appeal hearing with the same formalities as with a hearing for DRB Approval and the decision of the DRB on such appeal is final. Only when appeals are made within the seven days following notice will enforcement actions be deferred until the decision of the DRB. Otherwise, enforcement will not be deferred.
4. **Limitations on Enforcement.** An action, injunction, or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required municipal land use permit

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may be instituted under Title 24 V.S.A. Chapter 59 §1974a and the Act [§§ 4451 or 4452] against the alleged offender if the action, injunction, or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred and not thereafter in accordance with the Act [§ 4454]. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted.

Section 7.02 Enforcement Procedure and Penalties

After the warning notice requirement is satisfied and the violation or failure remains uncorrected, the Administrative Officer may, in coordination with the Town Administrator, seek an injunction or other suitable remedy to prevent, restrain, correct or abate the violation or failure. In addition, the violator may be fined up to \$200 per day for each offense (violation or failure) by the Environmental Court. In default of payment of the fine, the person, the members of any partnership, or the principal officers of the corporation shall each pay double the amount of the fine. Each day that the violation or failure continues is a separate offense.

Section 7.03 Records

The Administrative Officer shall maintain a record of all enforcement actions and their outcomes and citizen complaints and all actions taken in response. The Administrative Officer must deliver a copy of each notice of violation to the Town Clerk for recording. Upon resolution of the violation, the Administrative Officer will provide a compliance letter for recording.

Article VIII. Definitions

ACCEPTED MANAGEMENT PRACTICES (AMP): *The forestry practices required on all forest harvesting and logging operations to ensure compliance with Vermont's water quality regulations. These are contained in the pamphlet entitled “[Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont](#)”*

(http://fpr.vermont.gov/sites/fpr/files/Forest_and_Forestry/Forest_Management/Library/AMP%20Adopted%20Rule%20Clean%2010-6-16.pdf) that is published by the Vermont Department of Forests, Parks and Recreation (<http://fpr.vermont.gov/>), which also publishes the “[Voluntary Harvesting Guidelines for Landowners in Vermont](#)”

(http://fpr.vermont.gov/sites/fpr/files/Forest_and_Forestry/Your_Woods/Voluntary_Harvesting_Guidelines/VHG_FINAL.pdf)

ACCESSORY DWELLING UNIT: *A dwelling that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation.*

ACT: [Title 24 of Vermont Statutes Annotated, Chapter 117](#) entitled “Municipal and Regional Planning and Development” and referred to as the “Vermont Planning and Development Act”.

APPLICANT: *A property owner or any person acting as an agent for the owner in the application for a Permit or for DRB Approval.*

AMP: Accepted Management Practices.

ADMINISTRATIVE OFFICER (AO): Formerly Zoning Administrator, see Section 6.01

AREA OF SPECIAL FLOOD HAZARD (relevant to Section 4.07 only): *is synonymous in meaning with the phrase “special flood hazard area” for the purposes of these Regulations (see “Special Flood Hazard Area”).*

BANKFULL WIDTH (relevant to Section 4.07 only): *(or Channel width) is the width of a stream channel when flowing at a bankfull discharge. The bankfull discharge is the flow of water that first overtops the natural banks. This flow occurs, on average, about once every 1 to 2 years.*

BASE FLOOD (relevant to Section 4.07 only): *means the flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the “100-year flood”).*

BASE FLOOD ELEVATION (BFE) (relevant to Section 4.07 only): *is the elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any*

Article VIII: Definitions

given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

BASEMENT (relevant to Section 4.07 only): *Any area of the building having its floor sub-grade, below ground level on all sides.*

BEAR MAST STAND: *Stands of beech or oak, and their nuts which are called ‘hard mast’, that exhibit bear scarring made within the past 10 years and include at least 15 to 25 scarred beech trees within a stand. Oak stands are those areas that exhibit bear scarring and include at least 15 to 25 oak trees within a stand. These oak and beech stands are not only important to bear, but a variety of other species.*

BEAR WETLAND: *A springtime wetland feeding area that is used regularly by bear. These areas are critical in providing food resources when food is generally scarce.*

BED AND BREAKFAST: *A place of lodging that is located in an owner occupied dwelling that provides 15 or fewer rooms for rent and serves only breakfasts to guests and not to the general public.*

BOBCAT DENNING SITE: *A ledge or cliff area that provides for a denning and resting site for eastern bobcat. Bobcat will also use overturned brush or stumps, but these are less stable over time.*

BOUNDARY ADJUSTMENT: *The adjustment of a lot line between two parcels by the relocation of a common boundary where no new lot is created and an existing lot is not reduced by below the minimum lot size nor increased enough to allow for increased development in the District where the lot is located.*

BUILDING: *A structure with a roof supported by fixed columns or walls for shelter or enclosure of people, animals or property.*

BUILDING BREAK: *An interruption in the continuous frontage of a building façade facing a street, such as a material change, a stoop, a porch, a permanent structural awning, an inverted dormer or a picture window (that protrudes out from the front of the building at least two feet).*

BUILDING FRONT: *A line formed by the exterior front wall of a building which is to be in the “build to” zone in the Village Center District.*

BUILDING, PRINCIPAL: *The building in which the primary use of the lot is located or conducted.*

BUILD TO ZONE: *In the Village Center District the distance from the street right-of-way where the building front of a new building is to be located.*

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

CAMPGROUND: A place of business providing tenting or camping vehicle accommodations for commercial purposes, including travel trailer parks and the like. See also primitive campground.

CEMETERY: A place for the burial of human or animal remains.

CHANNEL (relevant to Section 4.07 only): means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.

CHARACTER OF THE NEIGHBORHOOD: The image and perception of an area or neighborhood defined by such factors as the area's built environment, land uses, transportation network, landscaping, natural features, open space elements, type of housing, architectural style, infrastructure, including type and quality of public facilities and services.

CONDITIONAL USE: A use allowed in a specified District that requires prior DRB Approval.

COMMON PLAN OF DEVELOPMENT (relevant to Section 4.07 only): Where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

COTTAGE INDUSTRY: A small commercial, manufacturing or light industrial use, such as woodshops, food processing kitchens, computer services and repairs or small retail sales that complies with the standards contained in Section 5.23.

CRITICAL FACILITIES (relevant to Section 4.07 only): Includes police stations, fire and rescue facilities, electric power, telephone and internet infrastructure, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and other structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station.

DEER WINTER AREA: An area of mature or maturing softwood tree cover, often found towards the south, southeast, southwest, or even westerly and easterly facing slopes, in evidence of historic or current use.

DESIGNATED OPEN SPACE: Open space identified as part of a PUD approved by the DRB. No more development can be done on space that is left in a PUD and appropriate mechanisms, such as a

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conservation easement or covenants in the title, must be taken to ensure permanent status. Permit approval shall also contain a condition prohibiting future development in the designated open space and requirement to provide the DRB with executed conservation easement or covenants in the title.

DENSITY: *The number of dwelling units, principal buildings or uses permitted per parcel.*

DENSITY BONUS: *The additional developable lots or units allowed by DRB Approval of a PUD beyond the maximum for which the lot is zoned.*

DEVELOPMENT (*relevant to Section 4.07 only – for development as it relates to the rest of the regulations see LAND DEVELOPMENT*): *Any human-made change to improved or unimproved real estate including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.*

DEVELOPMENT ENVELOPE: *That area on a lot that encompasses all development, including all excavation, fill, grading, storage, demolition, structures, decks, roof overhangs, porches, patios and terraces, pools, any areas of disturbance, access ways, and parking. Approved walkways, driveways and roads may occur outside of a development envelope.*

DEVELOPMENT REVIEW BOARD (DRB): see Section 6.02

DWELLING OR SINGLE-FAMILY DWELLING: *A building or part of a building, containing independent living, sleeping, housekeeping, cooking and sanitary facilities intended for occupancy by one family or household. Pursuant to the Act [§ 4412 (1)(B)], a mobile home [modular housing or prefabricated housing], residential care home, and group homes, shall be considered a single-family dwelling and shall meet the same land use requirements applicable to single family dwellings.*

DWELLING, MULTI-FAMILY: *A building containing three or more individual dwellings with separate cooking and sanitary facilities for each dwelling.*

DWELLING, TWO-FAMILY or DUPLEX: *A building containing two individual dwellings with separate cooking and toilet facilities for each dwelling.*

DWELLING, SEASONAL or CAMP: *A seasonal dwelling is a structure that (a) is specifically permitted as a seasonal dwelling or camp, or (b) predates town zoning, has obtained no town building permit, and lacks one or more basic amenities, services, or utilities required for year-round or all-weather occupancy, such as winterized plumbing, insulated walls or roof, an adequate heating source, or adequate water, wastewater, or electrical services. Seasonal camps are not intended as primary residences, but instead*

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to be occupied only on a part time basis, such as a summer or hunting camp. A seasonal dwelling may not be occupied more than one-hundred-twenty (120) days in a calendar year.

EX PARTE: *On or from one side or party only. More specifically, when a member of a board or commission has unauthorized discussions about the merits of an application with, or receives evidence from, a party who is appearing before the board or commission concerning the matter about which the party is appearing. Ex parte contacts are not allowed because of the appearance of improper bias, favoritism or partiality by the member in the exercise of his or her official duties.*

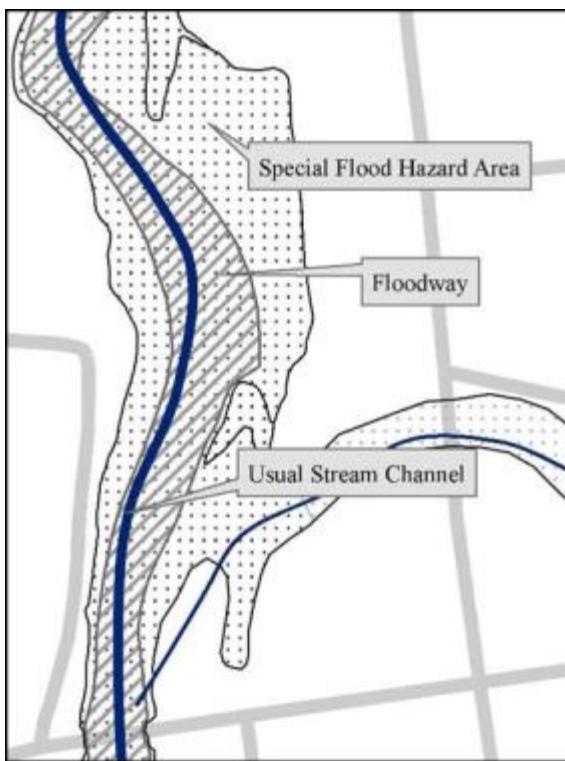
FARM STRUCTURE: *a structure that is customarily used to carry out the agricultural practices defined in Section 3.2 of the Required Agricultural Practices rule, and used by a person who can demonstrate meeting the minimum threshold criteria as found in Section 3.1 of the Required Agricultural Practices rule. A farm structure includes both a barnyard and/or waste management system, including the supporting fill necessary for structural integrity, but excludes a dwelling for human habitation.*

FENCE: *A structure, solid or otherwise, which forms a physical barrier and which is erected to enclose, delineate, divide, screen or separate areas.*

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

FIRM (relevant to Section 4.07 only): See *Flood Insurance Rate Map*.

FLOOD (relevant to Section 4.07 only): *(a) A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a body of water as a result of erosion or undermining caused by 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 by some similarly unusual and unforeseeable event which results in flooding.*



FLOOD INSURANCE RATE MAP (FIRM) (relevant to Section 4.07 only): An official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

FLOOD INSURANCE STUDY (relevant to Section 4.07 only): An examination, evaluation and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood related erosion hazards.

FLOOD PLAIN or FLOOD PRONE AREA (relevant to Section 4.07 only): Any land area susceptible to being inundated by water from any source (see definition of "flood").

FLOOD PROOFING (relevant to Section 4.07 only): Any combination of structural and nonstructural additions, changes or, adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (relevant to Section 4.07 only): 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

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water surface elevation more than one foot at any point. Please note that Special Flood Hazard Areas and floodways may be shown on separate map panels.

FLUVIAL EROSION (*relevant to Section 4.07 only*): *is erosion caused by streams and rivers. Fluvial erosion can be catastrophic when a flood event causes a rapid adjustment of the stream channel size and/or location.*

FLUVIAL GEOMORPHIC EQUILIBRIUM CONDITIONS (*relevant to Section 4.07 only*): *The width, depth, meander pattern, and longitudinal slope of a stream channel that occurs when water flow, sediment, and woody debris are transported by the stream in such a manner that it generally maintains dimensions, pattern, and slope without unnaturally aggrading or degrading (down-cutting) the channel bed elevation. When a stream or river is in an equilibrium condition the stream power and erosive process is minimized reducing damage to public and private infrastructure, reducing nutrient loading, and allowing for bank stability and habitat diversity.*

FUNCTIONALLY DEPENDENT USE (*relevant to Section 4.07 only*): *means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.*

FOREST LAND: *Land that is dominated by trees and shrubs, most often in a natural setting. Areas of forest land where the trees have been removed as part of silvicultural practices, but are planned to grow back, are successional forest land.*

GLAZING: *The part of the wall consisting of glass (i.e. window).*

GROUNDWATER SOURCE PROTECTION AREA: *Groundwater recharge areas that collect precipitation and surface water and carry it to aquifers for use in public water supplies as delineated and mapped by the Agency of Natural Resources.*

GROUP HOME: *A residential facility operated under state licensing or registration, that serves not more than eight unrelated persons who have a handicap or disability as defined in 9 V.S.A. Section 4501, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs. Group homes are considered by right a permitted single-family residential use of property, except shall be considered a Conditional Use when such home is located within 1,000 feet of another existing or permitted group home.*

HISTORIC STRUCTURE (*relevant to Sections 4.02 and 5.28 only*): *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*

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

HOME BASED BUSINESS: *An occupation, profession, activity or use conducted on a property that also contains a residential use and is incidental to the residential use that complies with the standards contained in Section 5.23.*

INN: *A building or buildings where lodging rooms and meals are offered to the public for compensation.*

INTERESTED PARTY: *As defined by the Act [§ 4465(b)].*

JUNK: *Junk means old or scrap metals or materials, including rope, rags, batteries, glass, rubber debris, wood, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or parts thereof.*

JUNKYARD or SALVAGE YARD: *A facility or area for storing, keeping, selling, dismantling, shredding, or salvaging of discarded material or scrap metal. This definition includes “salvage yards.”*

LAND DEVELOPMENT: *Any human-made change to improved or unimproved real estate including construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building, driveway, or other structure or any mining; dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; any change in the use of any building or other structure, or land, or extension of use of land; or any alterations within the riparian buffer as defined in these regulations. Act [§ 4303(10)].*

LETTER OF MAP AMENDMENT (LOMA) *(relevant to Section 4.07 only): a letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by a licensed engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area.*

LIVING SPACE: *Space that is intended for human occupancy and is used as a primary or part-time residence.*

LOCALLY SIGNIFICANT NATURAL COMMUNITY: *Natural community occurrences that fall just below the state significant standard. The locally significant designation puts the community in a local perspective instead of a state-wide perspective. Locally significant natural community occurrences were mapped as part of the Science to Action Project and may be updated in the future by the Huntington Conservation Commission in consultation with the state's Natural Heritage Inventory of the Vermont Fish and Wildlife Dept.*

LODGING: *Transient accommodations offered to the general public.*

LOT: *Any parcel of land with its boundaries separately described in a recorded deed or filed plat. A public road right-of-way constitutes a lot boundary.*

LOT COVERAGE: *The combined total footprint of all structures and related developed areas, including driveways, and pools. Open spaces, such as yards, fields, ponds, septic fields, and similar are not included.*

LOWEST FLOOR (relevant to Section 4.07 only): *The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44CFR Section 60.3.*

MANUFACTURED HOME or MOBILE HOME (relevant to Section 4.07 only): *A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreation vehicle."*

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

MIXED USE: *The development of a lot or building with two or more allowed uses such as residential, office, retail, public, or entertainment.*

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

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condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes. 10 V.S.A. § 6201(2). Mobile homes are permitted where all single family homes are permitted, and mobile home parks are permitted where single family homes are permitted and subject to subdivision regulations under these bylaws. Any addition or alteration to an existing mobile home park, requires conditional use approval by the Development Review Board.

MOTOR VEHICLE SERVICE AND REPAIR FACILITY: *An establishment whose principal purpose is the servicing and/or repair of automobiles and other motor vehicles within an enclosed building, including body shops, general vehicle and engine repair shops, and rebuilding and/or reconditioning shops. The sale of repaired or restored vehicles may be allowed as an accessory to the principal use; however no more than five (5) vehicles shall be stored on the premises at any time. Gas stations are specifically excluded from this definition.*

NATURAL COMMUNITY: *An interacting assemblage of plants and animals, their physical environment, and the natural processes that affect them. Some examples of natural communities are Northern Hardwood Forest, Temperate Calcareous Cliff, Red Maple-Black Ash Swamp, and Cattail Marsh. There are approximately 90 types in the state as tracked by the state's Natural Heritage Inventory of the Vermont Fish and Wildlife Dept.*

NATURAL FEATURES: *Naturally occurring attributes which have not been impacted by human development, including forest land, ridgelines, open land, rivers, streams, ponds, wetlands, vernal pools, necessary wildlife habitat, wildlife corridors, rare and uncommon species and state and locally significant natural communities.*

NECESSARY WILDLIFE HABITAT: *Concentrated habitat which is identifiable and is demonstrated as being decisive to the survival of a species of wildlife at any period in its life including breeding and migratory periods. Necessary wildlife habitat includes, but is not limited to, bear mast stands, bear wetlands, deer winter areas, bobcat denning sites, and great blue heron rookeries.*

NEW CONSTRUCTION (relevant to Section 4.07 only): *Structures for which the start of construction commenced on or after July 17, 1978 (date of acceptance by FEMA of the original Huntington flood hazard regulation) and includes any subsequent improvements to such structures.*

NONCONFORMING LOTS OR PARCELS: *Lots or parcels that do not conform to the present bylaws covering dimensional requirements but were either nonconforming under prior regulations or in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the AO.*

NONCONFORMING STRUCTURE: means a structure or part of a structure that does not conform to the present bylaws but was either nonconforming under prior regulations or in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the AO. Relevant to Section 4.07 only - Structures that were in violation of the flood hazard regulations at the time of their construction, and remain so, remain violations and are not nonconforming structures.

NONCONFORMING USE: means use of land that does not conform to the present bylaws but was either nonconforming under prior regulations or did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the AO.

NON-CONFORMITY: A non-conforming use, structure, lot or parcel.

NON-DWELLING STRUCTURE: A structure located on a lot without a dwelling unit, or a structure on a lot with a dwelling unit that is detached from the dwelling unit and not intended for habitation.

NON-RESIDENTIAL (relevant to Section 4.07 only): Structures not intended for dwelling purposes, including small business concerns, churches, schools, nursing homes, pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

OFFICE: A room, group of rooms or building used for conducting the affairs of a business, profession, service industry or government.

OPEN LAND: Land that is not forested or developed, such as meadows and outcrops.

OPEN SPACE: Land retained for resource protection or as designated for specific development by DRB Approval. See Designated Open Space.

OUTDOOR RECREATIONAL FACILITY STRUCTURE: A non-dwelling structure intended only as an accessory to the recreational use, such as trailhead parking, ski facilities, snowmobile trails.

PARKING, OFF STREET: A parking space for a motor vehicle that is located within a parking lot, parking structure, garage or a residential driveway.

PERENNIAL STREAMS: A watercourse, or portion, segment or reach of a watercourse that, in the absence of abnormal, extended or severe drought, continuously conveys surface water flow.

PLANNED UNIT DEVELOPMENT (PUD): A plan approved by the DRB where the applicant for a subdivision transfers control or ownership over a portion of property in exchange for additional units or lots beyond the maximum for which the property is zoned.

PRIME AGRICULTURAL SOILS: As defined and mapped by the USD and the NRCS in web soil survey.

PRIMITIVE CAMPGROUND: A camping area for tenting only that provides sanitary facilities only.

PRINCIPAL BUILDING: The building in which the primary use of the lot is located or conducted.

PRINCIPAL DWELLING: The single-family dwelling, duplex or multi-family building in which the primary residential use of the lot is located.

PRINCIPAL STRUCTURE: The building in which is conducted the main use of the lot where it is located.

PRINCIPAL USE: The primary or predominant use of a lot, area of land, building or structure.

PUBLIC ROAD: A road owned or maintained by the Town or the State for use by the general public.

RARE AND UNCOMMON SPECIES: Rare species are at risk of being eliminated from the state due to rarity, steep declines, or other factors. Uncommon species are at moderate risk of being eliminated due to restricted range, relatively few populations or recent and widespread declines, or other factors. Some rare species are listed as Threatened or Endangered and protected by the Vermont Endangered Species Law. The Natural Heritage Inventory of the Vermont Fish and Wildlife Department has a database of rare and uncommon species that is made available through the Vermont Natural Resource Atlas which is found at: <http://anrmaps.vermont.gov/websites/anra/>

RARE PLANT AND ANIMAL SPECIES: As defined by the State of Vermont Natural Heritage Inventory.

RECREATIONAL VEHICLE (Relevant to Section 4.07 only): 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.

REQUIRED AGRICULTURAL PRACTICES (RAP): As defined in 6 V.S.A. §§ 4810 and 4810a, the Required Agricultural Practices (RAPs) shall be management standards to be followed by all persons engaged in farming in this State. These standards shall address activities which have a potential for causing agricultural pollutants to enter the groundwater and waters of the State, including dairy and other livestock operations, all forms of crop and nursery operations and on-farm or agricultural fairground registered pursuant to 20 V.S.A. § 3902, and livestock and poultry slaughter and processing activities.

Article VIII: Definitions

The RAPs shall include, as well as promote and encourage, practices for farmers in preventing agricultural pollutants from entering the groundwater and waters of the State when engaged in animal waste management and disposal, soil amendment applications, plant fertilization, and pest and weed control. Persons engaged in farming who are in compliance with these practices shall be presumed to not have a discharge of agricultural pollutants to waters of the State. The RAPs can be found here:

https://agriculture.vermont.gov/sites/agriculture/files/documents/RAPFINALRULE12-21-2018_WEB.pdf

RESIDENTIAL CARE HOME: A place, however named, excluding a licensed foster home, which provides, for profit or otherwise, room, board and personal care to between three and fifteen residents unrelated to the home operator. 33 V.S.A. § 7102(1). It shall be considered by right to constitute a permitted single family residential use of property, except that no such home shall be so considered if it is located within 1,000 feet of another existing or permitted such home. Act [§ 4412(G)].

RESTAURANT: An establishment where food and drink are prepared, served and consumed, mostly within the principal building.

RETAIL SALES: The selling of a specified line of goods and services directly to walk in or walk up customers. Retail Sales, for the purposes of these Regulations, do not include online sales delivered by mail.

RIDGELINES: A ridgeline is a geographical feature consisting of a chain of mountains or hills that form a continuous elevated crest for some distance with terrain descending from each side of lines along the crest formed by the highest points.

RIGHT-OF-WAY: The right-of-way of a specific highway is that which is recorded in the original survey laying out the highway or deed(s) conveying the highway to the town. However, in many instances, such records are either not available or do not specify the width of the right-of-way. In such cases, “a roadway width of one and one-half rods [24'9”; 1 rod = 16½ feet] on each side of the center of the existing traveled way can be assumed and controlled for highway purposes.” 19 V.S.A. §§ 32, 702. The right-of-way for a trail is “three rods unless otherwise properly recorded.” 19 V.S.A. § 702.

RIPARIAN BUFFER: The area adjacent to both sides of the Huntington River, or the major named tributaries—Sherman Hollow Brook, Texas Brook, Fargo Brook, Brush Brook, Cobb Brook, Baker Brook, Carpenter Brook, Hollow Brook, Johns Brook, Jones Brook, Otter Brook, Weaver Brook—measured fifty-feet laterally from top-of-bank, or top-of-slope or from the regular high watermark in instances where no stream bank is discernible (see Section 5.07)

RIVERS AND STREAMS: *Perennial watercourses that are shown on the Vermont 1:5,000 Hydrography Dataset. A brook is considered a stream for these regulations.*

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

RIVER CORRIDOR PROTECTION AREA: *The area within the delineated river corridor subject to fluvial erosion that may occur as a river establishes and maintains the dimension, pattern, and profile associated with its dynamic equilibrium condition and that would represent a hazard to life, property, and infrastructure placed within the area.*

ROAD: *The portion of a right-of-way available for vehicular traffic including on-street parking.*

RURAL CHARACTER: *Sense of place created by a relatively undeveloped landscape that is primarily devoted to working agricultural and forest lands and/or open space.*

SENIOR HOUSING: *In these Regulations, this refers to age-restricted multi-dwelling housing with self-contained living units for older adults who are able to care for themselves. Additional services such as meals or transportation may or may not be provided.*

SHADOW AREA (relevant to Section 4.07 only) – *the area within a river corridor where new structures, additions, access, parking or fill, can take place. See Section 4.07.3.3).*

SIGN: *Any device used for visual communication intended to attract the attention of the public and is visible from the public right-of-way or other properties. Such device may include representation of letters, words, numerals, figures, emblems, pictures, or any part or combination.*

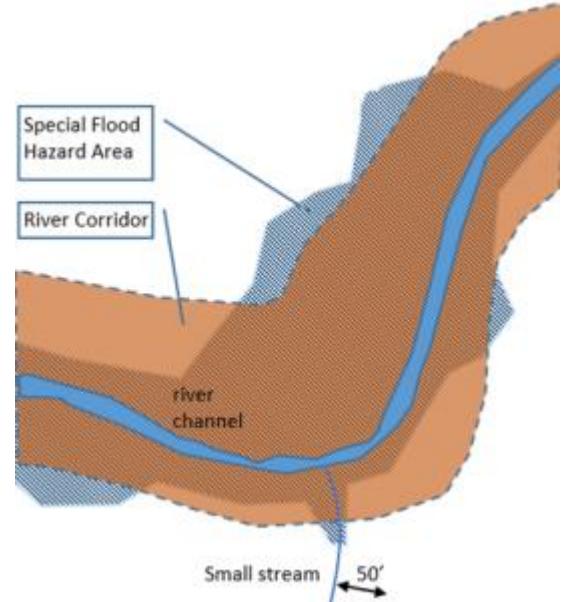
SIGNIFICANT WILDLIFE HABITAT: *Concentrated habitat which is identifiable and is demonstrated as being decisive to the survival of a species of wildlife at any period in its life including breeding and migratory periods. Necessary wildlife habitat includes, but is not limited to, bear mast stands, bear wetlands, deer winter areas, bobcat denning sites, vernal pools that provide habitat for amphibians, and great blue heron rookeries.*

SITE PLAN: *An illustration(s) of a development proposal drawn to sufficient accuracy and detail to be used for the purpose of discussion and review under these regulations; or review of internal impacts of*

a proposed development associated with DRB Approvals of Conditional Uses described in Section 3.05.

SMALL STREAM: Drains between 0.5 and 2 square miles.

SPECIAL FLOOD HAZARD AREA (Relevant to Section 4.07 only): is the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. This area is usually labeled Zone A, AE, AO, AH, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov. Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.



START OF CONSTRUCTION (Relevant to Section 4.07

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

STATE SIGNIFICANT NATURAL COMMUNITY: *is a natural community occurrence that has been deemed significant in the state by the Natural Heritage Inventory (NHI) of the Vermont Fish and Wildlife Dept. They are either rare or uncommon types or an outstanding example of a more common type. An occurrence is ranked by size, condition and landscape context. These factors with the rarity of the community determine if it is significant. NHI provides the public with mapped locations.*

STATUTES:

The Act [§ 4413(d)]: (RAPs and AMPs),

The Act [§ 4465(b)]: INTERESTED PARTY

27 V.S.A. Sec. 1403: Composition of survey plats

STEEP SLOPES: *Any slope exceeding 25%, as identified in the Huntington Land Use Map.*

STORAGE: *Material or supplies which are being held in reserve for future use.*

STREAM *(Relevant to Section 4.07 only): means a perennial watercourse, or portion, segment or reach of a watercourse that, in the absence of abnormal, extended or severe drought, continuously conveys surface water flow. Human caused interruptions of flow; i.e. flow fluctuations associated with hydroelectric facility operations, or water withdrawals, shall not influence the determination. A perennial stream does not include the standing waters of wetlands, lakes, and ponds. Streams are indicated on the Vermont Hydrography Dataset viewable on the Vermont Natural Resources Atlas. See Perennial Streams.*

STREET: *Road.*

STREETSCAPE: *A design term referring to all the elements that constitute the physical makeup of a road and that, as a group, define its character, including building frontage, street paving, street furniture, landscaping.*

STRIP DEVELOPMENT: *A form of commercial land use in which each commercial establishment is afforded direct access to a major thoroughfare and parking. Strip development is generally associated with motor vehicle-based customers and intensive use of signs to attract motor vehicle drivers passing by.*

STRUCTURE *(Relevant to Section 4.07 only): For the purposes of this regulation, a walled and roofed building, as well as a manufactured home or mobile home, and any related built systems including gas or liquid storage tanks.*

SUBDIVISION: *The division of land by sale, gift, lease, mortgage foreclosure, court-ordered partition or decree, or filing of a plat, plan, or deed in the town records where the act of division creates one or more lots. A Subdivision shall have occurred on the conveyance of the first lot or the filing of a plat, plan, or deed in the town records, whichever occurs first. A subdivision of land shall have taken place when a lot is divided by a public road or right-of-way.*

SUBSTANTIAL DAMAGE (Relevant to Section 4.07 only): *Any damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.*

SUBSTANTIAL IMPROVEMENT (Relevant to Section 4.07 only): *Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cumulative value of which over three years equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvements. This term also includes repair or restoration of structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:*

1. *Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or*
2. *Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.*

TINY HOMES: *The Huntington Land Use Regulations do not separately address structures commonly called ‘tiny homes,’ which generally refer to small movable dwelling units. These structures are regulated as Dwelling Units or Recreational Vehicles, depending on the design and use.*

TOP OF BANK (Relevant to Section 4.07 only): *means that vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope.*

TREE, LARGE: *A tree with a mature height of at least 50 feet.*

TREE, MEDIUM: *A tree with a mature height of at least 30 and less than 50 feet.*

TREE, SMALL: *A tree with a mature height of less than 30 feet.*

UNDUE ADVERSE IMPACT: *An impact that 1: violates a clear, written community standard under these regulations, and that 2) cannot be mitigated through siting or design modifications or conditions of approval.*

UNIT: *An identifiable physical portion of a building designated for separate ownership, occupancy or habitable use. For example, a unit includes a dwelling house, an apartment or an office but does not include a garage or storage shed.*

USE: *Any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on an area of land.*

VARIANCE: *The variation of the terms of this Regulation because, owing to conditions peculiar to the property and not the result of the action of the applicant/appellant, a literal enforcement of the Regulation would result in unnecessary and undue hardship. The DRB can only render a favorable decision when all of the standards of the Act [§ 4469(a)] are found. See Section 3.08 and Addendum A.*

VERNAL POOL: *A small wetland characterized by vegetation that is sparse or absent resulting from the persistence of standing water for a portion of the year. Vernal pools typically occur in small depressions in upland forests, but they also may be found in the depressions of forested swamps. Surrounding forest canopy stops them from drying out too soon as they are important breeding habitat for amphibians. See Vermont Wetlands Program for more information. Maps are available from the Vermont Natural Resource Atlas and town maps.*

VESTIBULE: *a passage, hall, or antechamber between the outer door and the interior parts of a house or building.*

VIOLATION: *The failure of a structure or other development to be fully compliant with these Regulations. Relevant to Section 4.07 only - 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.*

WETLANDS: *Those areas that are inundated by surface or ground water with a frequency sufficient to support plants and animals that depend on saturated or seasonally saturated soil conditions for growth and reproduction. These areas are commonly known as ponds, bogs, fens, marshes, wet meadows, shrub swamps, and wooded swamps. Wetlands often occur in association with lakes, ponds, rivers, and streams, creating transitional areas between dry land and open water. However, wetlands can also be*

Article VIII: Definitions

isolated from any obvious connection to water when they occur where the topography collects surface water, or where ground water surfaces.

WETLANDS AND THEIR BUFFERS: *Class 1 or 2 wetlands, as determined by the Vt. Agency of Natural Resources, and 50' measured from the outside of the formally delineated boundary.*

WILDLIFE CORRIDOR: *Land that links larger patches of wildlife habitat within a landscape, allowing the movement, migration, and dispersal of animals and plants. Riparian habitat along streams and rivers, strips of forest cover between developed areas, and hedgerows/fencerows all represent potential wildlife habitat. These areas are also known as connecting habitat. Mapped potential corridors for wide ranging mammal species are shown in the Science to Action Project found at: <http://map.ccrpcvt.org/huntingtonmap/>*

WILDLIFE HABITAT: See NECESSARY WILDLIFE HABITAT.

ADDENDUM A: Application Requirements for a DRB Approval for Conditional Use

DRB APPROVAL APPLICATION REQUIREMENTS
A. All Permit application requirements in Table 2.04.A.
B. Application and application fee.
C. Description of intent and purpose of the proposed development. Must include a statement of how the proposed development fits the purposes of the land use district in which it is located.
D. School District statement regarding the district's capacity to absorb the anticipated number of new students resulting from the development (if applicable).
E. Letters by the Huntington Road Foreman and the Huntington Fire Chief regarding safety issues, including any conditions for new driveways and proposed street connections accessing a public road.
F. Written confirmation from the Agency of Transportation confirming that it has reviewed the proposed site plan and is prepared to issue an access permit under 19 V.S.A. § 1111, if the development is connected to a state road.
G. Construction sequence and time schedule for completion of each phase of development (if applicable).
H. Site plan(s), drawn to scale, with north arrow and date of preparation at 24"x36" and 11"x17" and pdfs. Site plans shall be prepared by a licensed engineer or surveyor (the name of which shall be noted on the map) unless the DRB finds that it isn't necessary. The site plan shall show the following information in sufficient detail for the DRB to determine whether the proposal is in conformance with these regulations:
1. Site location map drawn to scale, showing the relation of the site location to adjacent properties, general surrounding area, public roads and nearest intersection; and for subdivisions this should include the entire parcel being subdivided.
2. Boundaries and areas of all contiguous land of the property as an entire parcel of record.
3. Dimensions of the lot and lot acreage, including legal property boundaries.
4. Land use district boundaries.
5. Location, footprint, and height of existing and proposed structures, additions, and land use areas.
6. Means of providing water to the proposed development.
7. Means of providing wastewater disposal to serve the proposed development, including location. Test results to ascertain subsurface soil, rock and ground water conditions, and depth to ground water unless pits are dry at depth of five (5) feet; location and results of percolation tests.

ADDENDUM A: DRB Approval Requirements

DRB APPROVAL APPLICATION REQUIREMENTS			
I. In addition, the following application requirements shall be submitted as applicable to the specific DRB Approval requested:	Conditional Use (with Site Plan) Review	Subdivision	Waiver or Variance Requests
1. Expected impact on existing and planned community facilities.	✓		
2. Estimated daily and peak traffic generation.	✓	As requested	
3. Location, height, and lumens of outdoor lighting.	✓	As requested	
4. Existing and proposed landscaping and screening, including detailed specifications of planting and landscaping materials to be used, and a plan for long term maintenance and replacement of plantings.	✓	As requested	
5. The location of all proposed site grading and excavation.	✓	✓	
6. Onsite erosion control during construction; and post construction stormwater management systems.	✓	✓	
7a. VARIANCE: A statement describing the variance requested from one or more provisions of these Regulations and the alleged grounds why such relief is believed proper under the circumstances based on the five (5) statutory criteria listed in Section 3.08 and § 4449 of the Act.			✓
7b. . WAIVER: A statement identifying which regulations the applicant requests that the DRB waive, and why the waiver should be granted.			✓
8. Title of the proposed subdivision and the name of the town.		✓ on plat	
9. Name and address of owner of record, subdivider and designer of Plat.		✓ on plat	

ADDENDUM A: DRB Approval Requirements

DRB APPROVAL APPLICATION REQUIREMENTS			
10. Number of acres within the proposed subdivision, location of property lines, existing easements, and existing buildings.		✓ on plat	
11. The names and addresses of owners of record of adjacent acreage.		✓ on plat	
12. District boundaries running through the tract.		✓ on plat	
13. The location and size of any existing sewer and water mains, culverts and drains on the property to be subdivided.		✓	
14. Designs of any bridges, culverts, sewer and water mains and drains in or adjoining the subdivision.		✓	
15. Location, names and widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces as well as similar facts regarding adjacent property.		✓ on plat	
16. Typical cross sections of the proposed grading and roadways and sidewalks. Sections and profiles of the roadways within the subdivision shall be provided when requested by the DRB.		✓	
17. True north arrow and scale.		✓ on plat	
18. Complete survey of the property to be subdivided by a licensed land surveyor, dates of survey, including revisions, and land surveyor's license and seal affixed.		✓ on plat	
19. The proposed lot lines with approximate dimensions and suggested locations of buildings or building envelopes. The data should be sufficient and acceptable to the DRB to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. When practicable these should be tied to established reference points.		✓ on plat	
20. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.		✓ on plat	

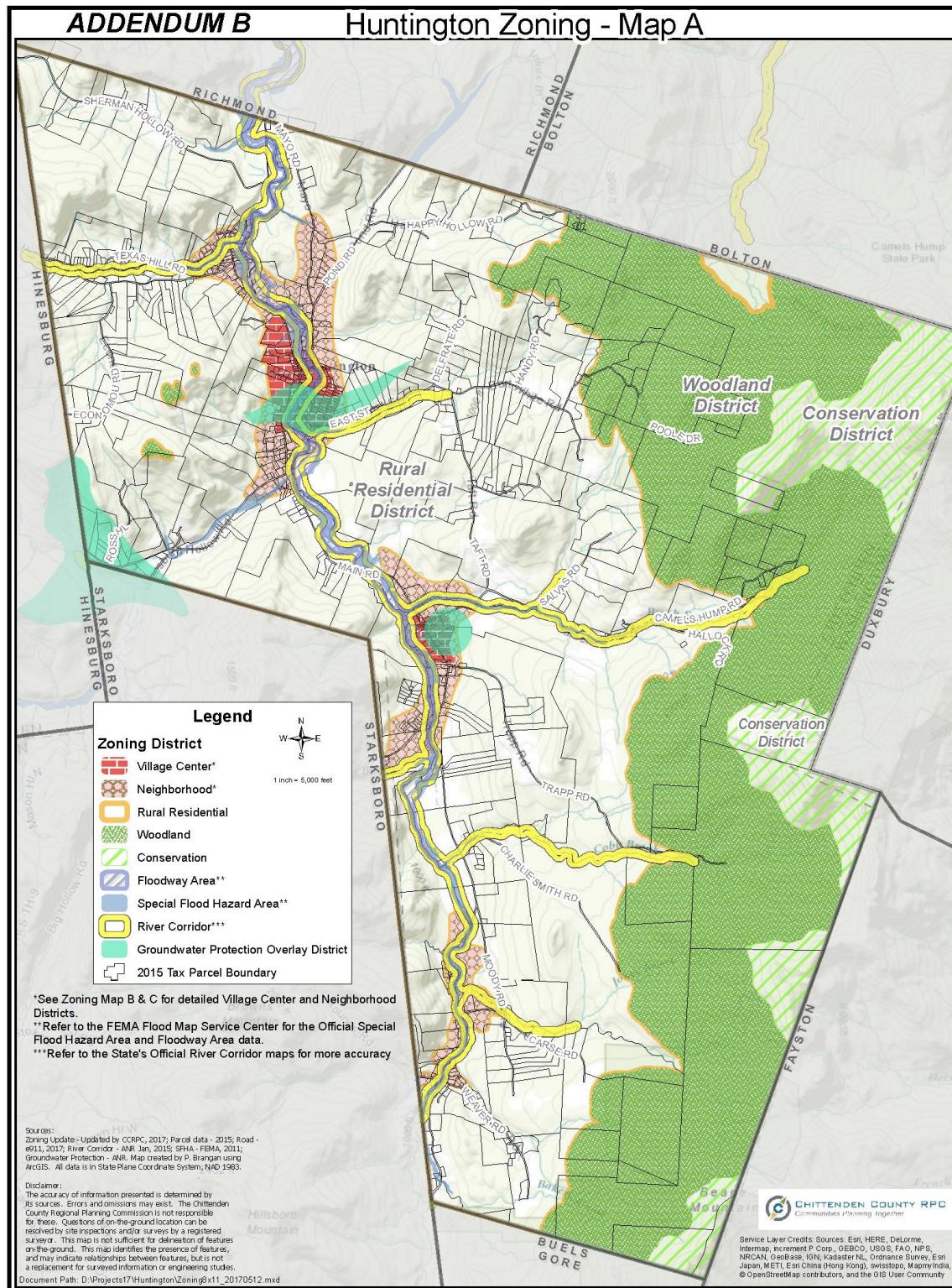
ADDENDUM A: DRB Approval Requirements

DRB APPROVAL APPLICATION REQUIREMENTS			
21. The location of temporary markers adequate to enable the DRB to locate readily and appraise the basic layout in the field during a site visit. Unless an existing street intersection is known, the distance along a street from one corner of the property to the nearest existing street intersection shall be shown.		✓ on plat	
22. All parcels of land proposed to be dedicated to public use or to be subject to development covenants or conservation restrictions and the terms and conditions of each.		✓ on plat	
23. A proposed utility system design. Only basic elements of this design should be shown on the plat. Any detailed design information should be submitted separately as a supporting document. The plat should include a note that the proposed utility locations may be modified slightly when installed, due to unforeseen site constraints (e.g., ledge).		✓ on plat as described	
24. Easements and rights of way appurtenant to or within the property or any proposed lot.		✓ on plat	
25. Proposed streets, easements, open space, pedestrian ways, and alleys pertaining to the proposed subdivision and to the adjacent properties.		✓ on plat	
26. An outline of the subdivision together with its street system and an indication of the future probable street system of the remaining portion of the parcel, if the current proposal covers only part of the <u>applicant's</u> entire holding.		✓	
27. By proper designation on such Plat, all public open space for which offers of conveyance are to be made by the <u>applicant</u> and those spaces which will be reserved by the <u>applicant</u> .		✓ on plat	
28. Lots within the subdivision numbered in numerical order with the parent lot being the lowest number. When practicable historic numbering of lots should be utilized.		✓ on plat	

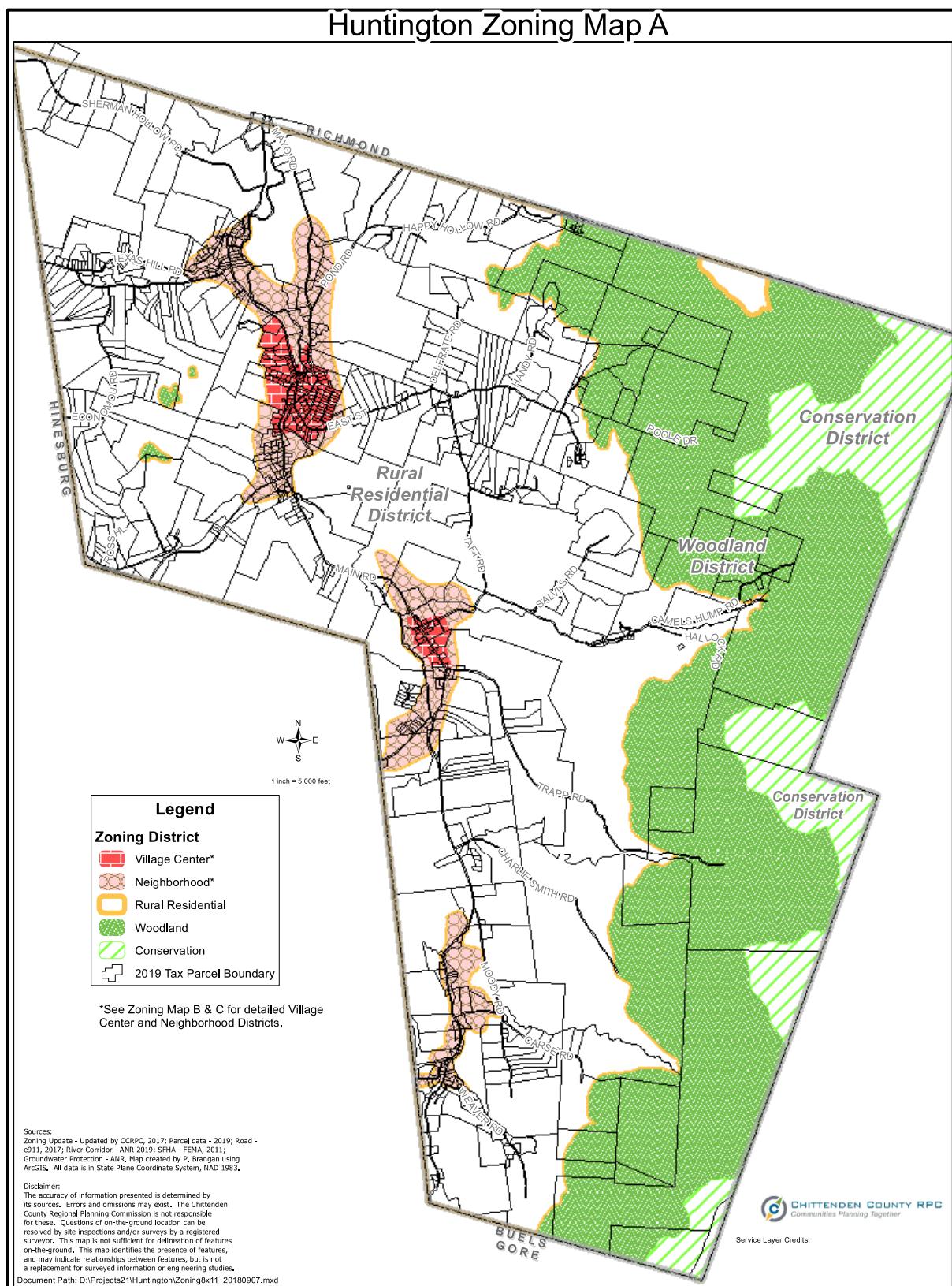
ADDENDUM A: DRB Approval Requirements

DRB APPROVAL APPLICATION REQUIREMENTS			
29. Permanent reference monuments and lot corner markers and the location of temporary markers, which shall be replaced by permanent markers as a condition of approval. Also, monuments required by town specifications for new roads, at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the engineer.		✓ on plat	
30. Copies of proposed deeds, agreements or other documents showing the manner in which trails, sidewalks, streets, open space, including parks, common gardens, recreation areas and school site areas, are to be dedicated, reserved, and maintained.		As requested	
31. DRB Signature block, and recording block.		✓ on plat	
32. Any other information which the Development Review Board requires to ensure that the provisions of these regulations are met.	✓	✓	✓
Mylar plats for recording shall be prepared at 18" x 24."			

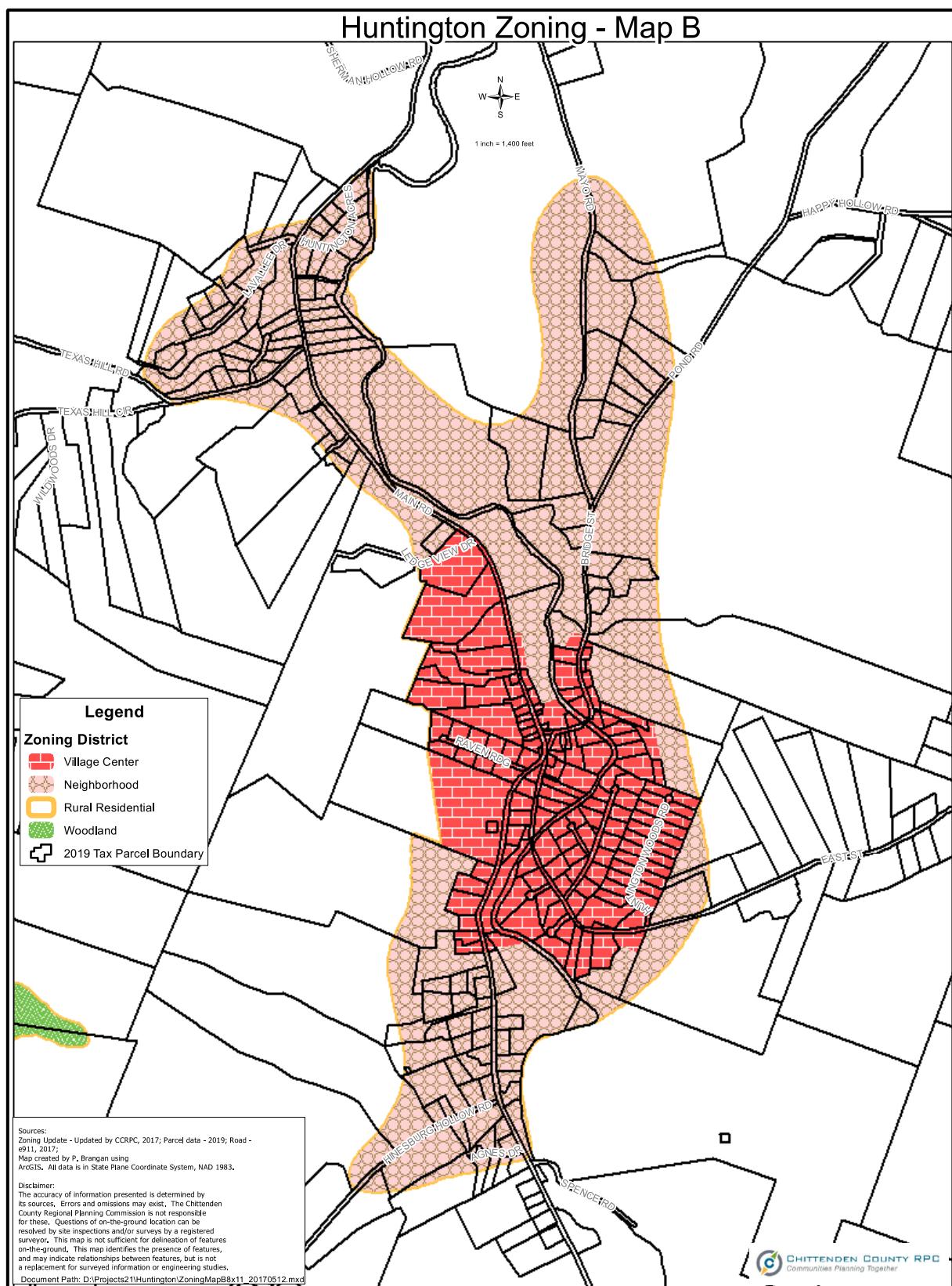
ADDENDUM B Town Plan Zoning District Maps



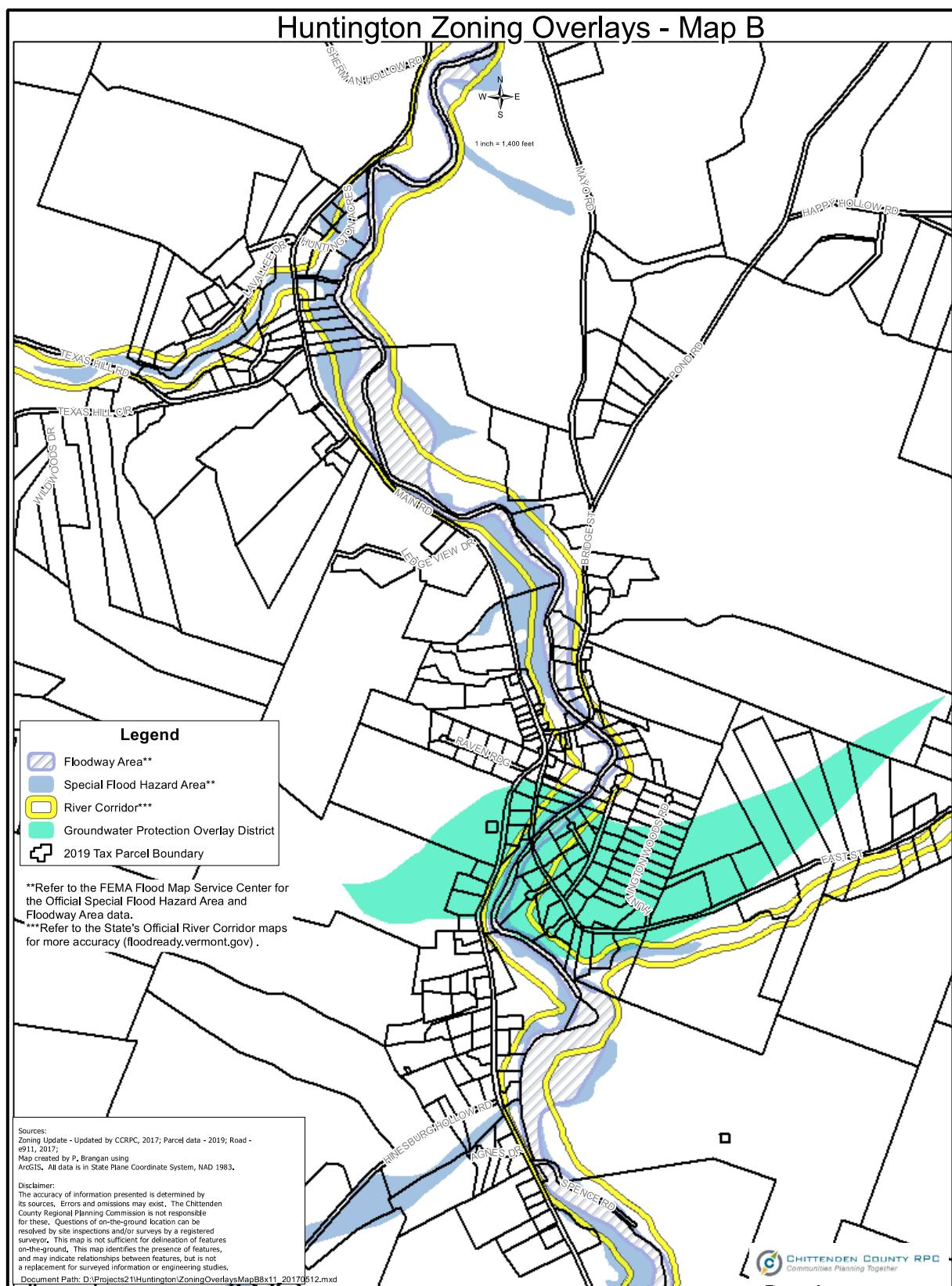
ADDENDUM B: Town Plan Zoning Districts Map



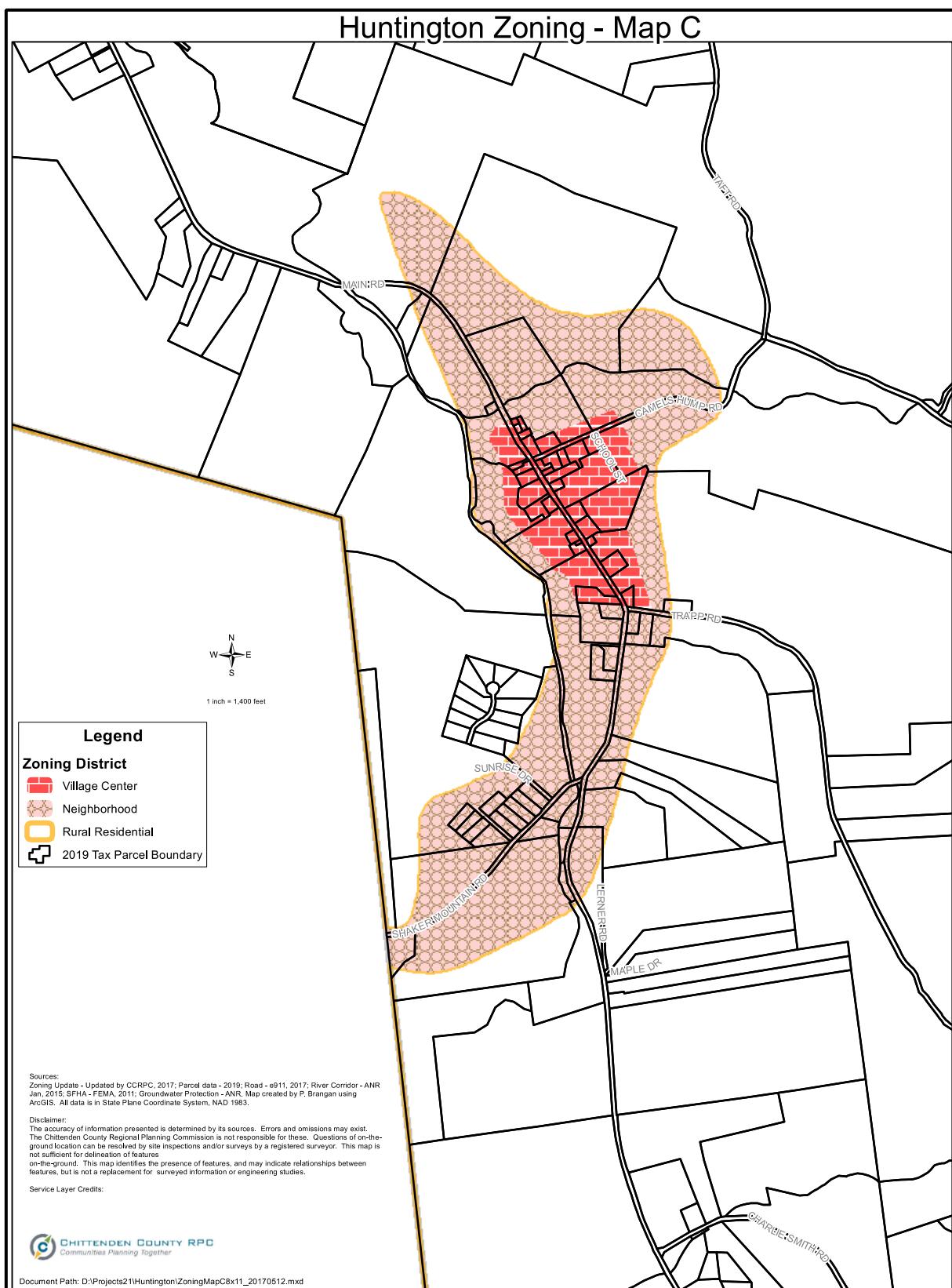
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