

TOWN OF SUNDERLAND
ZONING BYLAWS
DEVELOPMENT REGULATIONS
LAND USE

ADOPTED: *May 7, 2012*

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**Town of Sunderland
Land Use and Development Regulations**

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Notes: Fee Schedules are set separately by the Selectboard and not adopted as part of the bylaw.

Section 1 Authority and Purpose

1.1 Enactment

In accordance with the Vermont Municipal and Regional Planning and Development Act [24 V.S.A., Chapter 117], hereinafter referred to as the "Act," there are hereby established a unified development bylaw pursuant to section 4419 of the Act. These regulations shall be known and cited as the "Town of Sunderland Land Use and Development Regulations."

1.2 Purpose

The purpose of the Unified Development Regulations is to provide a unified and comprehensive regulation for land use, development, and subdivision of land to implement the Sunderland Town Plan as most recently amended including;

- encourage the appropriate and efficient use of all lands in the Town of Sunderland in a manner which promotes public health, safety, and general welfare;
- provide methods for the prevention, minimization and future elimination of such land use problems as may presently exist or which may be foreseen;
- preserve and enhance the present open and rural character of the Town, its scenic historic and cultural resources, surface and groundwater, forest and agricultural soils and other natural resources through effective land development and compatible densities;
- provide for orderly community growth, and facilitate the adequate and efficient provision of public facilities and services without creating demands or burdens for services beyond the Town's ability;
- further the goals and purposes established in the state enabling Act[s.4302]; and
- integrate administrative and regulatory provisions in the Town's zoning, subdivision, flood hazard and related land use regulations into a single set of regulations authorized by the Act [4419].

1.3 Application and Interpretation of Bylaws

In their application and interpretation, the provisions of this Bylaw shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. It is not intended by this Bylaw to repeal, abrogate, annul, or in any way to impair or interfere with existing provisions of the law or ordinance, or any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises; nor is it intended by this Bylaw to interfere with or abrogate or annul any easements, covenants, or other agreement between parties, provided, however, that where this Bylaw imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger yards, courts, or other open spaces than are imposed or required by existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, the provisions of this Bylaw shall control.

1.4 Effective Date and Amendment

In accordance with the Act [s.4442], these regulations and any amendments thereto shall take effect 21 days after the date of their adoption by the Town of Sunderland. Zoning, subdivision regulations and other related regulations are hereby repealed as of the effective date of these regulations.

1.5 Severability

If any section or provision of this Bylaw is adjudged to be unconstitutional or otherwise invalid, such decision shall not affect the validity of this Bylaw as a whole, or of any part thereof other than the part so adjudicated.

Section 2 General Regulations

The following general regulations, including required provisions under the Act apply to all uses and structures as specified.

2.1 Compliance with Bylaws

1. No land, building or premises, or part thereof, shall hereafter be used, and no building or part thereof, or other structure, shall be constructed, reconstructed, extended, enlarged, moved or altered, except in conformity with this Bylaw. No lot shall have an area, width, or a front, side or rear yard, less than that set forth in the applicable paragraph hereof, except as otherwise specifically provided in this Bylaw. No building or buildings shall occupy in the aggregate a greater percentage of lot area, nor be greater in height, than set forth in the applicable paragraph hereof, except as otherwise specifically provided in this Bylaw.
2. Except as otherwise specifically provided by this Bylaw, any permitted building or permitted use may be located in that portion of the lot not contained in any required front, side or rear yard.
3. No lot shall be diminished, nor shall any yard, court, or any other open space be reduced, except in conformity with this Bylaw.
4. In the case of lots lying in more than one district, the provisions of any district may be applied for a distance of not over thirty feet into any other adjacent district.

2.2 Frontage and Access

No land development is permitted on lots which do not have frontage on a public road or, with the approval of the Planning Commission, access to such a road by a permanent easement at least 50 feet in width. However, the Planning Commission may approve access to no more than two lots via a right-of-way of at least 20 feet in width. Such rights-of-way shall not be part of the required area or frontage of an adjoining lot.

2.3 Height and Lot Dimensional Requirements

1. Nothing in this Bylaw shall prohibit the projection of not more than one foot into required open space of pilasters, columns, belt courses, sills, cornices, or other similar architectural features, nor the planting or landscaping of such open space, except as provided in §2.3.4 hereof.
2. No building in any district shall exceed a height applicable to the district, but this limit shall not apply to spires, cupolas, chimneys, ventilators, tanks, or similar parts of a building, occupying in the aggregate not more than 10 percent of the ~~roof~~ area of such building, and not used for any human occupancy, nor to farm silos, or other farm equipment defined in 24 VSA, Ss 4413(d), flagpoles, radio or television aerials, ski lift towers, rooftop solar collectors less than 10 feet high which are mounted on complying structures, or similar features. Wind turbines with blades less than 20 feet in diameter which exceed the district height limit may be permitted if the Board of Adjustment approves a variance for a renewable energy resource structure pursuant to Section 6.9, of the bylaw. See Section 4.13, for commercial telecommunication towers and antennas.
3. If more than one dwelling is to be placed on any one lot, such dwelling shall be located so that each such dwelling, and any building accessory to it, could be set off as a separate lot conforming to all of the applicable provisions of this Bylaw, and no building shall pass into separate ownership except in compliance with the above.
4. Notwithstanding other requirements for front yards, on lots abutting a street with a right-of-way less than 50 feet wide, the required front yard facing such street shall be increased by one half the difference between the actual street right-of-way and 50 feet.

2.4 Use Regulations

1. No building, structure or portion thereof, shall be erected or moved, and no land or buildings, or part thereof, shall be used for any use other than one listed as permitted use in the district in which it is located. Except as otherwise provided herein, any use not specified as permitted shall be deemed to be prohibited.
2. The use of land for access or for parking in connection with a use shall be considered to be accessory to and part of such use. Except as otherwise provided in this Bylaw, access to or parking in connection with a permitted use may take place in any portion of the lot, including the required front, side or rear yard.

2.5 Limitations

In accordance with 24 V.S.A. Section 4413, the following uses may be regulated only with respect to location, size, height, bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, and landscaping and screening requirements. **No permit for any such use shall be granted until a Site Plan, prepared in accordance with the applicable requirements of §2.12 shall have been approved by the Planning Commission.**

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

2. Public and private schools and other educational institutions certified by the Vermont Department of Education;
3. Churches, convents and parish houses;
4. Public and private hospitals;
5. A state licensed or registered residential care home or group home, serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. s.4501, 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 locates within 1,000 feet of another such home.
6. Pursuant to 24 V.S.A. Section 4412(5), a state registered or licensed family child care home serving six or fewer children, not including children of the proprietor, shall be considered by right to constitute a permitted single-family residential use of property. A family child care home serving no more than six full-time and four part-time children, as defined in 33 V.S.A. Section 4902(3)(A), shall be considered to constitute a permitted single-family residential use of property, but shall be subject to site plan approval pursuant to section 2.12 of this bylaw. A family childcare home serving in excess of six full-time and four part-time children may be permitted as a conditional use.

2.6 Existing Small Lots

1. Any lot in individual and separate and nonaffiliated ownership from surrounding properties in existence on the effective date of any zoning regulation may be developed for the purposes permitted in the district in which it is located, even though it does not conform to minimum lot size requirements if the lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet and if such lot can meet the standards required in state and local sanitary regulations.

If an existing small lot comes under common ownership with one or more contiguous lots, the nonconforming lot shall be deemed to be merged with the contiguous lot. However, a nonconforming lot shall not be deemed merged and may be separately conveyed if all the following apply:

- (1) The lots are conveyed in their pre-existing nonconforming configuration, and
- (2) On the effective date of this Bylaw, each lot was developed with a water supply and wastewater disposal system, and
- (3) At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner, and
- (4) The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems in case a wastewater system fails, as defined in 10 V.S.A., Chapter 64, as amended.

2.7 Nonconforming Buildings and Uses

2.71 General Requirements

Any nonconforming use of a building or premises, which was lawfully existing at the time of the adoption of this Bylaw, or any pertinent amendment thereto, may be

continued, and any building so existing, which was designed, arranged, intended for, or devoted to a nonconforming use, may be reconstructed and structurally altered, and the nonconforming use therein changed, subject to the following regulations.

1. No nonconforming use may be changed, except to a conforming use, or, with the approval of the Board of Adjustment, to another nonconforming use not more objectionable in character.
2. No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.
3. No nonconforming use shall be extended or expanded, except with the approval of the Board of Adjustment, provided that said Board shall have found that such extension or expansion will have no adverse effect upon the public health, safety, convenience, and upon property values in the vicinity, and where, in the opinion of the Board, strict enforcement of this Bylaw would result in exceptional and unnecessary hardship on the owner of an established nonconforming use.

2.72 Enlargement of Non-complying Buildings

No building which does not conform to the requirements of this Bylaw regarding building height limit, area, and width of lot, percentage of coverage, and required yards and parking facilities, shall be enlarged or substantially altered unless such enlarged or altered portion conforms to the regulations, including use regulations, applying to the district in which it is located.

2.73 Reconstruction after Damage

Nothing in this Bylaw shall prevent the restoration or reconstruction within 3 years of a building damaged or destroyed by fire, explosion, accident, or by the public enemy, subsequent to the adoption of this Bylaw, to its condition (original footprint and setback) prior to such damage or destruction, nor prevent the restoration of an unsafe wall or structural member.

2.74 Discontinuance of Nonconforming Uses

Nothing herein shall require the discontinuance of a nonconforming building already lawfully in use prior to passage of this Bylaw.

2.8 Screening and Fencing

No fence, wall, hedge, shrubbery, or other obstruction to vision in excess of 3 feet in height, as measured above the nearest portion of the traveled way, shall be placed or allowed to grow at street intersections within the area formed by a line joining points 20 feet from the intersection of such streets.

2.9 Inoperative Motor Vehicles, Scrap, and Waste

No inoperable motor vehicle without valid registration may be stored on any lot for a period in excess of thirty days, except within a building. No scrap or waste material not originating on the premises may be stored or disposed of on any lot, except at a municipal solid waste disposal

area. No scrap or waste material originating on the premises may be stored on any lot unless within a building or screened from view from off the premises, except that a reasonable time shall be allowed for removal of scrap or waste material resulting from a construction operation, or from fire, flood, or similar emergency.

In addition to these zoning provisions, the Vermont Agency of Natural Resources (ANR) Regulates Salvage Yards which are required to obtain a Certificate of Registration and are renewable annually (V.S.A., T. 24, Chapter 61). Prior to issuance of a Certificate of Registration from the ANR, a certificate of approved location must be obtained from the municipality. Examples of Regulated salvage yards is any place of outdoor storage or deposit of junk/junk motor vehicles, whether or not in connection with a business and any place of outdoor storage. The definition also includes four (4) or more junk vehicles that are visible to any portion of a public highway.

2.10 Exterior Lighting

Any use, under normal operating conditions shall not cause an undue impact due to lighting, glare, Or reflection which constitutes a nuisance to other property owners or tenants, or which could impair the driver of a motor vehicle or other passenger craft.

2.11 Conditional Uses

A conditional use may be approved by the Board of Adjustment only after a public hearing, provided that the Board shall have found that such use will not have an **undue** adverse affect the capacity of existing or planned community facilities, the character of the area affected as defined by the purpose of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan, traffic on roads and highways in the vicinity, the utilization of renewable energy resources, and is in accord with other provisions of ordinances, regulations and bylaws of the Town applicable thereto, and each use so approved shall meet any standards applicable to the specific use as to lot and building dimensional requirements, landscaping, design, and locations of signs and service areas. Approval of the Board shall be based on a Site Development Plan, prepared in conformance to the requirements of §2.12 and failure of the development to conform to such Site Plan shall constitute a violation of this Bylaw.

The Zoning Board shall promptly refer the application for a conditional use together with a copy of the proposed Site Development Plan to the Planning Commission, and Planning Commission shall report its findings and recommendations on such application and site plan and shall be made a part of the record of the hearing. The Board shall act to approve or disapprove any such requested conditional use within forty five (45) calendar days after the date of the final ZBA hearing and failure to so act within such period shall be deemed approval on the 46th day.

2.12 Site Development Plan

Where required by provisions of this Bylaw, a Site Development Plan shall be submitted with an application for a permit or other approval. Such Site Development shall be at a scale prescribed by the Planning Commission and shall show, where applicable the boundaries and area of the lot, existing and proposed buildings on the lot and on adjacent lots within a distance of 200 feet from the subject lot, proposed vehicular circulation and parking, proposed pedestrian circulation, open space, park and playground facilities, landscape details, proposed grading and drainage.

2.13 Subdivision Review

In addition to the requirements for land development requiring a zoning permit is the approval of subdivisions included in these regulations and any associated installation of roads, utilities, or other site improvements.

Section 3 Zoning Districts & Standards

3.1 Establishment of Zoning Districts

For the purpose of this Bylaw, the Town is divided into the following classes of zoning districts, to be designated by the abbreviations set forth below:

Agriculture and Rural Residence	RR Districts
Village Residence	VR Districts
Forest	F Districts
Rural Commercial Residential	RCR Districts
Commercial-Industrial	CI Districts

3.2 Official Zoning Map

The boundaries of these districts are hereby established, as shown on the Zoning Map of the Town, and amendments thereto, which map and amendments are hereby declared to be part of this Bylaw. Other maps adopted as part of this bylaw may include: Flood Hazard Areas, AWC Well Head Protection Overlay, Fluvial Erosion Hazard Areas, and Town Plan maps by reference when applicable for project reviews and approval.

3.3 Zoning of Streets and Land Under Water

Zoning Districts shall include the beds of streets lying within them. Where opposite sides of a street lie in different districts, the boundary shall be deemed to be the center of the right-of-way.

Zoning Districts shall include any land under rivers, streams, lakes or ponds lying within them. Where opposite sides of a river or stream lie in different districts, the boundary shall be the thread of the river or stream. Where opposite sides of a lake, pond, swamp or water body lie in different districts, the boundary shall be deemed to be the center thereof.

3.4 Interpretation of Zoning District Boundaries

Any uncertainty as to the location of a district boundary line on the Zoning Map shall be resolved by the Zoning Administrator with appeals of any such decisions made to the Board of Adjustment. A report from the Planning Commission may be requested before making a decision.

3.5 Residential Districts and Purpose

The purpose of the regulations applicable to Residential Districts is to provide opportunity for development of as wide a variety of residences as possible, including different densities and cost levels. The lack of public sewer and water supply high density compact development difficult in Sunderland; therefore the highest density development permitted requires one acre per unit in Village Residential (VR-1) areas. Rural Residential Districts (RR-2) insure the preservation of the natural rural and scenic qualities with minimum density of 2 acres per unit unless community septic systems allow cluster development. Density must also take into account land suitability for development and the desire to protect important resources. In addition to the zoning district density standards, density guidelines are also provided for major subdivisions.

Overall, It is the intent of these regulations to maintain and enhance scenic and environmental qualities, encourage the preservation of open space, provide for residential development as needed for anticipated future population, and to require density of development which will permit on-site water supply and sewage disposal to be effective and satisfactory for the foreseeable future. Any uses within the residential districts will not create a nuisance or alter the essential residential character of the property or surrounding area.

3.5.1 Rural Residence (RR) Districts

a. Permitted Uses in RR Districts

The following uses, subject to the limitations and requirements of §2.5.

1. Public and semipublic uses, as enumerated in §2.5.
2. Single family and two family dwellings, subject to the requirements of §3.5.1.d.
3. Rooming houses, tourist homes or boarding houses for not more than six roomers or tourists, operated by the occupant of the dwelling, and meeting the [REDACTED] Vermont Wastewater System and Potable Water Supply Rules (10 V.S.A., Chapter 64).
4. Home Occupations

A permit shall not be required for any home occupation which does not change the outward appearance of the premises, is conducted entirely within a dwelling or accessory structure, and which does not:

- ... Employ any person other than the applicant and/or members of his/her household.
- ... Generate any additional traffic to or from the premises.
- ... Create noise which is audible on neighboring properties.
- ... Create any visual impact, i.e. require a sign, additional parking, outside storage, or any other physical modification of the premises.

(A Conditional Use Permit is required in all other instances as provided in Section 2.11.)

5. Farming, including dairying, orchards, woodlots and forestry, truck gardening, nursery and greenhouses, raising or harboring of livestock including but not limited to horses, cattle, sheep, goats, and poultry. Structures relating to the above activities require a zoning permit.

Agricultural practices are allowed provided that they do not endanger or adversely affect the public health and safety. Consideration shall be given to:

- a. Surface runoff and isolation distances to shallow wells/water supplies, especially down gradient.
- b. Surface runoff to surface and groundwater.
- c. Stormwater retention or diversion via retention ponds, soil berms, or other accepted practices to minimize nutrient and contaminant transport.

Pursuant to Ss.4413(d), a zoning permit may not be required for accepted agricultural and silvicultural practices including the construction of farm structures as defined and approved by the VT Secretary of Agriculture and Commissioner of Forests, Parks and Recreation. However, a person shall notify the municipality of the intent to build a farm structure and shall abide by setbacks approved by the Secretary.

6. Farm stands not exceeding 400 square feet in area for the sale of produce, crops, or other farm products, provided:
 - a. They are erected at least fifty (50) feet back from the nearest edge of the roadway surface,
 - b. They are used exclusively for the sale of agricultural produce,
 - c. Parking spaces are provided off the road right-of-way,
 - d. A temporary sign, not exceeding twenty-four square feet, is permitted for a roadside sign. Said sign shall be removed during periods or seasons of the year when the stand is not open for business.
7. Residential Care or Group Home (see 2.5.5)
8. Family Child Care Home (See 2.5.6)
9. Woodlots and forestry, including on-site preparation of firewood/cordwood at a temporary Location by the landowner or as part of a logging contract if the operation produces less than 20 10 cords per year.

b. Conditional Uses Permitted in RR Districts

The following may be permitted as conditional uses in RR Districts in conformance with the provisions of §2.11.

1. A public park or playground, a community recreation building or center operated by a governmental unit or nonprofit corporation or a community association.
2. A library, museum, or hospital, clinic, or similar philanthropic use.
3. A municipal fire or police station, municipal office, sewer or water pumping station, standpipe, water tank, reservoir, electric transformer station or telephone exchange.
5. A convalescent home, or home for the aged.
6. A cemetery, owned by a church or a cemetery association located in the town.

7. A seasonal camp for adults, families or children whether operated for profit or not, provided that the entire lot area of the facility is not less than 25 acres.
8. A commercial golf course, provided that the lot area is not less than 20 acres, and that all buildings are located not less than 50 feet from any street line or other lot line.
9. A private recreational, hunting or fishing camp, consisting of a building or tent not suitable for use as a dwelling, but used occasionally or seasonally for temporary shelter in connection with recreational activity.
11. Conversion of an existing single family dwelling to a two-family.
12. A continuous "tag", "yard", or "garage" sale which occurs for not more than four weekends annually, conducted clearly as an accessory use on a residential site, provided that:
 - b. The total site measures at least two acres in area, and
 - c. No merchandise shall be displayed less than fifty (50) feet from the front lot line, nor less than thirty-five (35) feet from any other property line, and
 - d. Provision be made for adequate parking and access, as approved by the Planning Commission, after reviewing a detailed site plan clearly showing the location of all merchandise display areas, all structures, parking, access, and screening, and
 - e. No heavy equipment or large machinery be sold.
13. A trailer camp or tent sites as defined in the 10 V.S.A., Chapter 64 and Vermont Wastewater System and Potable Water Supply Rules on a lot of at least 10 acres, provided that:
 - a. All state and local sanitary regulations are met, and
 - b. There be a continuous landscaped buffer of at least 300 feet from the front lot line and 200 feet from any other property line, and
 - c. Each tent or trailer site measure at least 5,000 square feet in area.
14. A firewood/cordwood processing operation that produces ten (10) or more (4'x4'x8') cords per year.
15. The barns of the Hill Farm are important historic and cultural asset of the town. To encourage their continuation and rehabilitation, a flexible use provision is provided for these existing buildings. Uses within any of the zoning districts that lend themselves to adaptive reuse are conditionally permitted, except as provided herein. Uses may include a studio for creation and sale of art and craft objects produced principally on the premises or similar type uses. General commercial retail uses are not allowed. Multiple family residential units shall be allowed without restriction on the number of units. Any modifications to the existing structures shall maintain the integrity of the original building. The standards include lot area and setbacks as provided in 3.5.1.d and any other standards such as parking most closely related to the use.
16. Home occupations that are clearly incidental and secondary to the use of a dwelling, and customary in residential areas in the Town and Region, permit a resident to use a portion of a dwelling or accessory building for an occupation, provided such use does not alter the essential character of the building, lot, or neighborhood, and complies with the following:

- a) The use is conducted entirely within the dwelling or accessory building, and such use does not exceed 30% of the floor area of the principal dwelling unit up to a maximum of 600 square feet.
 - b) The use is carried on by a member(s) of the family residing in the dwelling and not more than three non-resident employees.
 - c) There is no more than one unlighted sign not more than four square feet in face area (counting all sides).
 - d) All products sold must be solely a result of the resident's/employee's own labor and produced on the premises.
 - e) Equipment and materials may be stored on the premises if they are screened from the adjoining properties and traveling public by natural or artificial materials or kept in a building.
 - f) Finished merchandise outside the building is limited to 200 contiguous square feet of the property.
 - g) No noise, vibrations, dust, smoke, odor, heat, light, or glare is produced which is not consistent with the character of the neighborhood.
 - h) Does not create a health, environmental, or safety hazard or create interference with radio and television reception in the vicinity.
 - i) Traffic safety and parking must satisfy the zoning bylaw requirements (Section 4.2).
17. A State registered or licensed family child care home serving in excess of six full-time and four part time children (not including children of the proprietor).
18. A State licensed or registered residential care home or group home serving nine or more persons who have a handicap or disability.

c. Accessory Uses Permitted in RR Districts

- 1. Accessory uses customarily incidental to a permitted use on the same lot, including buildings used for permitted home occupations.
- 2. Uses accessory to a Conditional Use, §3.5.1 b., are permitted only when applied for and granted by the Zoning Board of Adjustment, or as initially granted as part of the Conditional Use.
- 3. Pursuant to 24 V.S.A. Section 4412 (1)(E) and (F), an accessory dwelling unit, as defined in this bylaw, shall be a conditionally permitted use subordinate to a one-family dwelling, provided such accessory dwelling unit meets all applicable setback, coverage, and parking requirements. The accessory dwelling unit may be located in the one-family dwelling structure or in an existing or new accessory structure. There shall be a minimum of four (4) on-site parking spaces (total) for the primary and accessory dwelling with adequate on-site turning movements or ingress and egress and allowance for snow piling.
- 4. Solar Panels

Roof Mounted

Solar panels less than 10 feet in height do not require a zoning permit. Panels greater than 10 feet in height require conditional use approval including consideration of undue adverse impacts on nearby properties due to glare.

Free Standing

Solar panels located on the ground and supporting framework including accessory equipment extending no more than six feet in height at its highest point from the existing grade. Consideration shall also be given to the following:

- a. The solar system and appurtenant equipment will comply with the setback requirements for the District;
- b. The distance from a neighboring dwelling is a minimum of 150 feet;
- c. Reflective glare is minimized (mitigated without compromising functionality) and does not cause an undue adverse impact on nearby properties particularly those in close proximity;

Free standing solar systems exceeding eight feet in height or an array of solar panels serving more than one dwelling unit shall be reviewed as a conditional use together with the above considerations in this section

Solar systems connecting to the grid come under jurisdiction of the Public Service Board requiring a Certificate of Public Good (CPG). Recent legislative amendments (Act 47) also apply to solar net metering systems of five kW or less.

d. Dimensional Requirements--RR Districts

District	RR-2
Minimum Lot Area, Acres	2 Acres
Minimum Lot Area Per Family Unit, Sq. Ft.	60,000
Minimum Lot Width Feet	200
Minimum Front Yard Feet from road centerline	75
Minimum Side Yards Each Feet	30
Minimum Rear Yard Feet	50
Maximum Building Height Feet	30
Maximum Building Coverage Percent	10

Note: Also see density requirements for major subdivisions in section (5.2.6)

e. Signs Permitted in RR Districts

One sign not over 4 square feet in area for each dwelling unit bearing the name or occupation (in the case of customary home occupations) of the occupant.

For uses other than dwellings, one sign not over 16 square feet in area pertaining to such use.

One temporary sign not exceeding 6 square feet in area advertising the sale, rental, or improvement of the premises on which it is located.

No sign shall be flashing, illuminated in color, or lit internally. Directional signs not over 2 square feet in area may be placed near street intersections, provided that they comply with all provisions of State law. No sign shall project into, or be located 10 feet from a front or side lot line. The longest dimension of any sign shall not exceed 10 feet.

3.5.2 Village Residence (VR-1) Districts

a. Permitted Uses in VR-1 Districts

The following uses, subject to the limitations and requirements of §3-5 2.5.

1. Public and semipublic uses, as enumerated in 2.5.
2. Single-family and two-family dwellings, subject to the requirements of 3.5.2 d. regarding dwellings for more than one family.
3. Rooming houses, tourist homes or boarding houses for not more than six roomers or tourists, operated by the occupant of the dwelling, and meeting the Vermont Wastewater and Water Supply Rules.
4. Home Occupations

A permit shall not be required for any home occupation which does not change the outward appearance of the premises, is conducted entirely within a dwelling or accessory structure, and which does not:

- ... Employ any person other than the applicant and/or members of his/her household.
- ... Generate any additional traffic to or from the premises.
- ... Create noise which is audible on neighboring properties.
- ... Create any visual impact, i.e. require a sign, additional parking, outside storage, or any other physical modification of the premises.

A Conditional Use Permit is required in all other instances as provided in Section 3.5.2 b. 16.

5. Conversion of an existing house more than 20 years old to a two-family house, provided there shall be no unnecessary or other alterations to exterior walls that will change the present character of the building.
6. Residential Care or Group Home (see 2.5.5)
7. Family Child Care Home (see 2.5.6)

b. Conditional Uses Permitted in VR Districts

The following may be permitted as conditional uses in VR Districts in conformance with the provisions of §2.11.

1. A public park or playground, a community recreation building or center operated by governmental unit, nonprofit corporation, or a community association.
2. A library, museum, hospital, clinic or other philanthropic use.
3. A municipal fire or police station, municipal office, sewer or water pumping station, standpipe, water tank, reservoir, electric transformer station or telephone exchange.
4. A convalescent home or home for the aged.
5. Home occupations (Same as 3.5.1 b. #16)
6. A state registered or licensed family child care home serving in excess of six full-

- time and four part time children (not including children of the proprietor).
7. A state licensed or registered residential care home or group home serving nine or more persons who have a handicap or disability.

c. Accessory Uses Permitted in VR Districts

1. Accessory uses customarily incidental to a permitted use on the same lot including buildings used for permitted home occupations.
2. Uses accessory to a Conditional Use, §3.5.2 b. are permitted only when applied for and granted by the Zoning Board of Adjustment, or as initially granted as part of the Conditional Use.
3. Pursuant to 24 V.S.A. Section 4412 (1)(E) and(F), an accessory dwelling unit, as defined in this bylaw, shall be a conditionally permitted use subordinate to a one-family dwelling, provided such accessory dwelling unit meets all applicable setback, coverage, and parking requirements. The accessory dwelling unit may be located in the one-family dwelling structure or in an existing or new accessory structure. There shall be a minimum of four (4) on-site parking spaces (total) for the primary and accessory dwelling with adequate on-site turning movements for ingress and egress and allowance for snow piling.

d. Dimensional Requirements – VR-1 Districts

District	VR-1
Minimum Lot Area, Acres	1 Acre
Minimum Lot Area Per Family Unit Sq. Ft.	25,000
Minimum Lot Width Feet	150
Minimum Front Yard Feet from road centerline	55
Minimum Side Yards Each Feet	25
Minimum Rear Yards Feet	40
Maximum Building Height Feet	30
Maximum Building Coverage Percent	10

e. Signs Permitted in VR Districts

One sign not over 4 square feet in area for each dwelling unit bearing the name or occupation (in case of customary home occupations) of the occupant.

For uses other than dwellings, one sign not over 16 square feet in area pertaining to such use.

One temporary sign not exceeding 6 square feet in area advertising the sale, rental, or improvement of the premises on which it is located.

No sign shall be flashing, illuminated in color, or lit internally. Directional signs not over 2 square feet in area may be placed near street intersections, provided that they comply with all provisions of State law. No sign shall project into, or be located 10 feet from a front or side lot line. The longest dimension of any sign shall not exceed 10 feet.

3.6 Rural Commercial-Residential and Commercial/Industrial Districts and Purpose

This District is located along both sides of Route 7A (Historic – Shires of Vermont Byway), and has a history of having small-scale roadside businesses and is a primary connector to Manchester and Arlington. The purpose of the Rural Commercial Residential District (RCR) is to provide for a mix of low density commercial uses which are compatible with the mixed rural residential uses in the district. The District should maintain a careful balance of mixed uses to retain the rural character and compatibility of such uses. Planned Residential Developments are allowed in the RCR District to encourage flexibility in design and to protect open space. Any uses within the residential districts will not create a nuisance or alter the essential residential character of the property or surrounding area.

The purpose of the Commercial-Industrial (CI) District is to provide appropriate locations for business and industrial establishments that promote the sound economic development of the Town. Any uses within the residential districts will not create a nuisance or alter the essential residential character of the property or surrounding area.

3.6.1 Rural Commercial Residential RCR Districts

3.6.10 Approval of Plans and Performance Standards

No permit shall be issued for the erection, alteration, enlargement, or the relocation of a building or use, or change of use, in an RC District, except for a one or two family dwelling, until a Site Development Plan in accordance with Section 3.6 shall have been approved by the Planning Commission. Additionally, the Planning Commission shall determine compliance with each of the standards in Section-4.12 for the uses listed below: 3.6.12 -- 1, 3 through 8, or similar uses as determined by the Planning Commission.

3.6.11 Public Hearing

The Planning Commission shall hold a public hearing on the proposed site plan submitted with any application for a permit in a Roadside Commercial District.

3.6.12 Uses Permitted in RCR Districts

1. Public and semipublic uses, as enumerated in 2.5.
2. Any use permitted or conditionally permitted in RR Districts, subject to the requirements of Section 3.5.1, except that any such requirements may be modified by provisions of this Section.
3. Business or professional offices, and financial institutions.
4. A retail business or retail service occupation, including the manufacture or processing of materials only as incidental to a permitted retail occupation, and provided that no objectionable noise, smell, or unsightly condition is created which is noticeable off the premises.
5. A hotel, motel, bed and breakfast, provided that the lot area shall not be less than 5,000 sq. ft. for each guest accommodation. Campgrounds in accordance with State standards.
6. Restaurants, diners, and other suitable places serving food and beverages, provided that all food and beverages are served to customers seated at tables or counters inside the building,

or at tables outside the building, but this shall not prevent a catering operation where food is sold and taken out for home consumption.

7. Commercial or public recreation, sports, or cultural facilities such as theatre, tennis courts, health center, but not including uses such as go-carts or motocross.
8. Any use which the Planning Commission finds to be similar to a permitted use in its effect upon the character of the vicinity, traffic, and the emission of noise, vibration, odor, smoke, dust or glare, and its effect on the value of adjacent property.
9. Planned Residential Development

1. Purpose

The purpose of the Planned Residential Development is to enable and encourage flexibility and development of land in such a manner as to promote the most appropriate use of land while preserving the rural character of the town; encourage creative design including building envelopes and architecture, protection of open space and scenic qualities; economical provision of streets and utilities; cluster development to avoid the fragmentation of important resources such as farmland, wildlife habitat, wetlands and other natural features of the land; energy conservation, and consistency with the purposes of the zoning bylaw (1.2), zoning district and Town Plan. It is also the intent of the PRD to limit the scale and size of the PRD to closely fit with the rural character of the town while avoiding high density projects out of scale with the rural residential setting by limiting the amount of dwellings in a project while providing a density bonus for projects consistent with the purpose of this section. The potentially higher density of a PRD can be accommodated and efficiently accessed from Route 7A.

2. Where Permitted

A PRD may be approved by the Planning Commission within the Rural Commercial Residential (RCR) District.

3. General Requirements

A PRD may be approved by the Planning Commission provided that the design is consistent with the objectives of the town Plan, applicable to the area in which it is located, and is consistent with the stated purposes of the District in which it is located including the purposes of this section. A PRD may only be permitted on a parcel of not less than eight nor more than sixteen acres to achieve a desirable scale of development consistent with the purpose of this section, and such parcels must exist at the time of adoption of these regulations. Such parcels may have one existing residential dwelling situated on it prior to an application and integrated as part of the PRD plan. Such a dwelling will be in addition to the density incentive provision. An existing dwelling subsequently added to a PRD shall require an amended permit and approval by the PC.

4. Density of Dwellings

The density of dwellings shall not exceed the density for the district in which it is located. However, the Planning Commission may approve a density bonus of 25% for developments

consistent with the purpose herein and provided fifty (50) percent of the total acreage is set aside as green space.

Example: for a 16 acre parcel – maximum lot size and density

RCR District say all two family dwellings @ 60,000 sq.ft./DU: 16 acres x 43,560/acre = 696,960 sq.ft. 696,960 divided by 60,000 = 11.6 say (12 units) x 25% bonus (3) = 15 total units (16w/one pre-existing dwelling).

5. Green Space, Common Land, Common Use Facilities

The plan for the entire project area shall take fullest advantage of all natural features including agricultural land and usable recreation lands and trails, scenic qualities, and other topographic or special resources on the parcel. Green space may consist of both open and/or wooded areas, water features, access roads or trails, and common use facilities. All “Green Space” shall be protected from any additional residential development, and shall be preserved for its intended purpose. There shall be a homeowners association, co-operative, or other entity governed by an agreement with conditions, covenants, and regulations [C,C & Rs] that defines the roles and responsibilities of all parties. This agreement shall provide the legal means to assure continuation and maintenance of all “Green Spaces.” Green space may be transferred to the “Homeowners Association” in accordance with Vermont law, and in conformance with the homeowners agreement.

6. Permitted Uses In Planned Residential Developments

Allowed uses include single family, two family and not more than one multiple family dwelling with up to 3 units, or any combination thereof. Accessory apartments are permitted for a single family dwelling but not for two and multiple family dwelling units. Other accessory uses are permitted whether used in common by residents of the PRD, or individually or by other means as set forth in the “Homeowners Agreement.” This may include for example, shared garages, community buildings, natural or man-made water features, tennis courts, golf links or other similar facilities. Such common facilities shall be for use by homeowners, family and guests. Certain recreation uses that are permitted, may be made available for public use. This may be for a fee and will be managed in accordance with the “Homeowners Agreement.” These “in common” uses and recreation facilities may be completed at the developers sole discretion. The PC shall first review and approve any such public use to ensure conformance with the PRDs purpose and regulations.

7. Review Procedure

One or more pre-application conferences are encouraged at which the Planning Commission, other municipal officials or interested parties may exchange information with the applicant about the nature and scope of the project and relationship to municipal services. The applicant is encouraged to provide a preliminary sketch plan and other supporting documentation for the project. Any preliminary discussions are neither binding nor an indication of approval of the final application. The applicant shall file with the Zoning Administrator an application for approval of a PRD which shall include a site plan, a corresponding subdivision plat (if applicable), a description of the project and any other supporting mapped information of the site consistent with the purpose of this section and the Town Plan. The Planning Commission review standards may include where applicable the standards for conditional use approval (2.11) and the performance standards (4.12).

The Planning Commission shall hold at least one public hearing. Within 45 days after the close of the final public hearing, the Planning Commission shall approve, approve with conditions, or deny the PRD application. Site Plan approval for specific uses and structures within the development (and, if applicable, subdivision and lot layout approval) may be granted simultaneously with the approval of the PRD. The applicant shall be notified by certified mail of the decision.

8. Site Plan

A site development plan, appropriately scaled shall be submitted with the application as provided in 2.12. Additionally, it shall show the location, height, and spacing of buildings, dimensional setbacks and buffers, open spaces and natural features, landscaping, water and sewage facilities, physical features of the site, adjoining land uses, phasing, and any other unique features of the site.

9. Dimensional Requirements and Subdivision

Dimensional requirements for lots sizes and minimum setbacks may be modified to achieve the plan and design objectives of the PRD while providing an effective buffer at the perimeter of the property. All zoning requirements for the district shall be met except that the following may be modified or waived: lot area, lot width/depth minimum, and setbacks. Where the development may affect the character of the adjacent properties, the Planning Commission may require special buffer setbacks and treatments which must be kept free of buildings. Landscaping, screening, or protection by natural features may minimize adverse effects on surrounding areas.

10. Subdivision Review Coordination

In an instance where a PRD includes or has the potential for subdivision or re-subdivision, the applicable subdivision provisions shall be reviewed simultaneously. Where a conflict occurs between the subdivision and PRD provisions that which most reflects the purpose of the district and the purpose of this section shall take precedence.

3.6.13 Accessory Uses Permitted in RCR Districts

Accessory uses customarily incidental to a permitted use.

3.6.14 Signs Permitted in RC R Districts

No sign shall be erected, placed, altered or changed without a permit issued by the Zoning Administrative Officer.

1. Only signs pertaining to a business on the same premises are permitted. Signs shall not project into nor be located within 10 feet from a front or side lot line. No sign or advertising device shall have a surface area exceeding 32 square feet, nor a dimension greater than 8 feet. No sign may extend more than 15 feet above ground level; if affixed to, suspended from, or incorporated as part of a building, no sign may project more than 36 inches from the building.
2. There shall be no more than one free-standing, pedestal, or post supported sign per premise. In the case of two or more businesses sharing the same premise, they shall share a single free-standing sign not to exceed 32 square feet.

3. In addition to one free-standing sign per premise, there may be one flush mounted sign on either the rear, front, or side of a building on the premises where the advertised activities are conducted. Such signs shall be limited to 32 square feet or 4% of the area of said wall, whichever is larger, with a dimension no greater than 50% of the length of said wall.
4. No off-premise or on-premise sign may be erected or maintained which:
 - a. Prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic.
 - b. Contains, includes, or is illuminated by any flashing, intermittent or moving lights, or moving devices.
 - c. Is illuminated from within, unless (a) said illumination is confined to the sign's lettering or logo and (b) the area of the sign so illuminated represents no more than 50% of the total area of the sign, including the frame.

On State Roads:

1. Signs shall comply with the State sign regulations (Title 10 VSA, Chapter 21).

Abandoned Signs

Any sign that advertises any enterprise or activity, including but not limited to a business, service, commodity, accommodation, or attraction that is no longer operating or being offered or conducted and has been vacated for a period of more than 180 ~~or 90~~ days of the enterprise or activity ceasing shall be removed. Temporary signs may be removed by the Town Highway Department.

Nonconforming Signs

A nonconforming sign shall come into compliance no later than two (2) years from the date of adoption of this bylaw. The Town will inventory existing signs and notify property owners who have nonconforming signs and the requirements of this provision.

3.6.15 Dimensional Requirements

District		RCR
Minimum Lot Area, Acres		2 Acres
Minimum Lot Width Feet		200
Minimum Front Yard Feet from road centerline (for existing structures)		55
Minimum Front Yard Feet from road centerline (for new structures)		75
Minimum Side Yards Each Feet		50
Minimum Rear Yard Feet		50
Maximum Building Height Feet		40
Maximum Building Coverage Percent:	2-3 acres	10%
	3-4 acres	15%
	4-6 acres	20%
	6+ acres	25%

3.6.16 Driveways

Driveways and their intersections with streets and highways shall be located and designed, as approved by the Planning Commission; there shall not be more than one highway access driveway for lots with less than 200 feet of frontage, and one additional highway access driveway for each 200 feet of frontage in excess of 200 feet. Driveways shall be located not less than 150 feet from street intersections and shall enter streets in such a manner as to provide the maximum sight distance possible.

Dual driveways shall be considered as one driveway. Driveways shall be flared where they meet the street pavement by curves having radii of not less than 20 feet. The Planning Commission may require the installation of acceleration and deceleration lanes on the street or highway adjacent to any driveway, installed at the applicant's expense, if it deems necessary. Where the lot fronts upon a State Highway, the owner shall first obtain the approval of the Vermont Highway Department for all driveway access, and shall submit evidence of such approval with his proposed site plan.

3.6.2 Commercial-Industrial (CI) Districts

3.6.20 Approval of Plans and Performance Standards

No permit shall be issued for the erection, alteration, enlargement, or relocation of a building or use within a CI District, except for a one- or two-family dwelling, until a site development plan in accordance with Section 2.12 shall have been approved by the Planning Commission. Additionally, the Planning Commission shall determine compliance for commercial or industrial uses (or similar uses) with each of the performance standards in Section 4.12 and other applicable standards, such as parking.

3.6.21 Public Hearing

The Planning Commission shall hold a public hearing on the proposed plan submitted with any application for a permit in a CI District. However, applications for signs in the CI District shall be submitted to the Zoning Administrative Officer for approval. Signs must blend in with the neighborhood character.

3.6.22 Uses Permitted in CI Districts

1. Public and semi-public uses, as enumerated in 2.5.
2. Any use permitted in RR Districts, subject to the requirements of §3.5.1.d, except as any such requirements may be modified by the provisions of this section.
3. Professional and business offices and financial institutions.
4. Stores, sales, and showrooms for the conduct of retail business.
5. A convenience shopping center, which provides for the sale of daily living needs and convenience goods such as food, drugs, hardware, personal service (laundry, dry cleaning, barber, shoe repair), etc.
6. Restaurants, diners, and other suitable places serving food and beverages, provided that all food and beverages are served to customers seated at tables or counters inside the building, or at tables outside the building.
7. Hotels, motels, and tourist lodges, provided that the lot area shall not be less than 3,000 square feet for each guest accommodation. Campgrounds, tent and RV sites in accordance with State standards.

8. Wholesale warehouses and salesrooms, provided that merchandise and products are not sold on the premises.
9. Commercial or public recreation, sports, or cultural facilities such as theatre, tennis courts, health center, but not including uses such as go-carts or motor-cross.
10. A research laboratory, printing, publishing, bookbinding, photo engraving, and graphic arts establishment.
11. Any manufacturing, compounding, processing, or packaging of materials or products excluding meats and the rendering or refining of fats and oils.
12. Carpentry, woodworking and upholstery manufacture, and the fabrication and installation of glass.
13. An automobile service station, or garage, auto sales, farm machinery sales, boat and other recreational equipment sales.
14. Solid waste management facilities certified by the State of Vermont and included in the Regional Solid Waste Plan. Such facilities may only be located in the Industrial District which borders the Town of Manchester.
15. Any use in the CI District which encompasses the former landfill shall consider the effects of former and present usage. Site restoration and environmental protection are foremost considerations.
16. Fuel storage and flammable materials are only permitted as an accessory use to any of the other uses. This must conform to all applicable state and federal regulations.
17. Commercial kennels, veterinary hospitals, or riding stables, provided that the lot area is not less than 5 acres for a kennel or veterinary hospital or two acres per horse for a commercial riding stable, and that no building or open enclosure for the keeping of dogs shall be located within 100 feet from any side or rear lot line. Consideration shall also be given to the standards in 3.5.1a; 5 a.b.c.
18. A sawmill or commercial cordwood production operation, provided that:
 - a. There be at least two acres devoted exclusively to such use. There be a landscaped buffer of at least 100 feet from the perimeter of the property.
 - c. A detailed site plan, in accordance with Section 2.12 of this Bylaw, shall be approved by the Planning Commission. Such approval may include appropriate conditions with respect to landscaping, noise, screening, parking, access, and circulation.
 - d. Such use will not create a nuisance or alter the essential character of the area.
19. Any use which the Planning Commission finds to be similar to a permitted use in its effect upon the character of the vicinity, traffic, and the emission of noise, vibration, odor, smoke, dust, or glare, and its effect on the value of adjacent property.

3.6.23 Accessory Uses Permitted in CI Districts

Accessory uses customarily incidental to a permitted use.

3.6.24 Signs Permitted in CI Districts

No sign shall be erected, placed, altered or changed without a permit issued by the Zoning Administrative Officer.

1. Only signs pertaining to a business on the same premises are permitted. Signs shall not project into nor be located within 10 feet from a front or side lot line. No sign or advertising

device shall have a surface area exceeding 32 square feet, nor a dimension greater than 8 feet. No sign may extend more than 15 feet above ground level; if affixed to, suspended from, or incorporated as part of a building, no sign may project more than 36 inches from the building.

2. There shall be no more than one free-standing, pedestal, or post supported sign per premise. In the case of two or more businesses sharing the same premise, they shall share a single free-standing sign not to exceed 32 square feet.
3. In addition to one free-standing sign per premise, there may be one flush mounted sign on either the rear, front, or side of a building or the premises where the advertised activities are conducted. Such signs shall be limited to 32 square feet or 4% of the area of said wall, whichever is larger, with a dimension no greater than 50% of the length of said wall.
4. No off-premise or on-premise sign may be erected or maintained which:
 - a. Prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic.
 - b. Contains, includes, or is illuminated by any flashing, intermittent or moving lights, or moving devices.
 - c. Is illuminated from within, unless (a) said illumination is confined to the sign's lettering or logo and (b) the area of the sign so illuminated represents no more than 50% of the total area of the sign, including the frame.

5. Signs shall comply with the State sign regulations (Title 10 VSA, Chapter 21), when applicable.

6. Abandoned Signs

Any sign that advertises any enterprise or activity, including but not limited to a business, service, commodity, accommodation, or attraction that is no longer operating or being offered or conducted and has been vacated for a period of more than 180 days of the enterprise or activity ceasing shall be removed. Temporary signs may be removed by the Town Highway Department.

7. Nonconforming Signs

A nonconforming sign shall come into compliance no later than two (2) years from the date of Adoption of this bylaw. The Town will inventory existing signs and notify property owners who have nonconforming signs and the requirements of this provision.

3.6.25 Dimensional Requirements – CI Districts

District	CI
Minimum Lot Area (acres)	2
Minimum Lot Width (feet)	200
*Minimum Front Yard (feet):	
For single family dwellings	50
For all other uses	100
Minimum Side Yard (feet):	
For single family dwellings	30
For all other uses	50
Minimum Rear Yard (feet)	50
Maximum Building Height (feet)	40

Maximum Building Coverage (%):	
2 to 3 acres	15%
3 to 6 acres	20%
6 or more acres	25%
Minimum Required Green Space (%)	30%
*From Highway Right-of-Way	

3.6.26 Driveways

Driveways and their intersections with streets or highways shall be located and designated as approved by the Planning Commission, there shall not be more than one highway access driveway for lots with less than 200 feet of frontage, and one additional highway access driveway for each 200 feet of frontage in excess of 200 feet. Driveways shall be located not less than 150 feet from street intersections and shall enter streets in such a manner as to provide the maximum sight distance possible.

Dual driveways shall be considered as one driveway. Driveways shall be flared where they meet the street pavement by curves having radii of not less than 20 feet. The Planning Commission may require the installation of acceleration or deceleration lanes on the street or highway adjacent to any driveway, installed at the applicant's expense, if it deems necessary. Where the lot fronts upon a State Highway, the owner shall first obtain the approval of the Vermont Highway Department for all driveway access, and shall submit evidence of such approval with his proposed site plan.

3.7 Forest (F) District

3.7.1 Purpose

To guide the growth of the region in an orderly manner by concentrating residential and other development where it will most efficiently be served by public facilities, utilities and roads; to preserve tracts suitable for perpetuating the forest resources and forest related industries which have been an important part of the State's economy; to protect the vital sources of pure water for public supplies; and to maintain a high quality environment for forest or mountain based recreation.

3.7.2 Permitted Uses in F Districts

For the purposes of this Bylaw, the forest district shall consist of all lands in Sunderland above the 1250 foot elevation.

Allowed uses

1. Commercial forestry and related uses, including sawmills and cordwood production.
2. Forestry carried on for research, demonstration, education, and related uses.
3. Temporary accommodations for personnel employed on the premises, or permanent housing for a caretaker.
4. Recreation areas operated by a governmental unit, hiking or touring trails, or trail shelters operated by a nonprofit organization.

3.7.3 Conditional Uses Permitted in Forest Districts

The following may be permitted, as conditional uses in F Districts, in conformance with the provisions of §2.11

1. A summer camp for adults, families or children, whether operated for profit or not, provided that the lot area is not less than 25 acres.
2. A private recreational, hunting, or fishing camp on no less than 3 acres, consisting of a building or tent not suitable for use as a dwelling but used occasionally or seasonally for temporary shelter in connection with a recreational activity but not as a year-round dwelling unit. Only chemical, incinerator or privy-type toilet facilities will be permitted.
3. Extractive industries for the removal of minerals provided that there is compliance with all applicable state and federal laws.
4. Forestry

3.7.4 Signs Permitted in the Forest District

For dwellings, one sign not over 2 square feet in area bearing the name or place.
For uses other than dwellings, one sign not over 16 square feet in area pertaining to such use.

One temporary sign not exceeding 6 square feet in area advertising the sale, rental, or improvement of the premises on which it is located.

No sign shall be flashing, illuminated in color, or lit internally. Directional signs not over 2 square feet in area may be placed near street intersections, provided that they comply with all provisions of State law. No sign shall project into, or be located 10 feet from a front or side lot line. The longest dimension of any sign shall not exceed 10 feet.

3.8 **Flood Hazard Areas (The following existing regulations are being updated to comply with new requirements and updated maps.)**

3.8.2 Flood Hazard Overlay District

In addition to the purposes of the zoning district(s) underlying the flood hazard areas, the purpose of this Section is to protect the public health and safety, persons and property against the hazards of flood water inundation, and the protection of the community against the costs which may be increased when unsuitable development occurs in areas subject to flooding.

3.8.20 Flood Hazard Area Map and Studies

The Sunderland, Vermont Flood Hazard Boundary Map dated November 1, 1985 is hereby declared to be a part of this Bylaw.

3.8.21 Review Procedure and Development Standards

1. Permitted Uses: The following uses are permitted within the flood hazard area.

Agricultural uses subject to 5.11.5 and 5.11.6 such as farming or pasture, recreational uses

such as camps, preserves, sport and play areas; residential uses such as lawns, parking and play areas. Structures associated with the above uses shall be treated as land development (conditional use) and subject to the standards herein.

Substantial improvements such as repair, reconstruction or improvement of a structure less than 50 percent of the market value. Substantial improvements of 50 percent or more shall be treated as conditional uses and subject to the standards herein. Attaining 50 percent shall be based on all improvements commencing on and subsequent to the first improvement and the fair market value determined at the time of the first improvement. However, land developments which would cause any increase in the base flood level including substantial improvements are not permitted in the regulatory floodway after such time when the floodway boundaries are determined.

2. Conditional Uses:

Land development including the division of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining or any change in the use of any building or other structure, or land, or extension of use of land, or stream alteration may be permitted only by the Zoning Board of Adjustment as a conditional use in accordance with the procedures of Section 2.11 of the zoning bylaw.

Upon receipt of an application and plans, the Zoning Board of Adjustment shall transmit one copy to the Vermont Department of Environmental Conservation – ANR. No permit for new construction or substantial improvement shall be granted for a flood or other hazard area until after both the following: (i) A copy of the application is mailed or delivered by the zoning administrator or by the ZBA to the Department of Environmental Conservation – ANR, and (ii) Either 30 days have elapsed following the mailing or the agency delivers comments on the application. The ZBA shall consider all comments received from the Department of Environmental Conservation.

3. Minimum Standards:

In addition to the existing zoning district requirements, the Board of Adjustment shall require that the land development is:

- 1) Designed and anchored to prevent flotation, collapse, or lateral movement of the structure.
- 2) Constructed of materials and utility equipment that are resistant to flood damage.
- 3) Constructed using methods and practices that will minimize flood damage.
- 4) Designed so that all public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
- 5) Designed so that adequate drainage is provided so as to reduce exposure to flood hazards.
- 6) New or replacement water supply systems and/or sanitary sewage systems are designated to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters and that onsite disposal systems are located so as to avoid impairment of them or contamination from them during flooding.
- 7) Structure is designed to minimize flood damage.

4. Additional Standards:

In addition to the zoning district requirements and minimum standards, the following standards shall be required by the Zoning Board of Adjustment based on the 100 year flood elevation (base flood) contained in the Flood Insurance Rate Study or, if absent, the best flood elevation data available.

- 1) The lowest floor (including basement) of residential buildings shall be elevated to or above the base flood level.
- 2) The lowest floor (including basement) of non-residential buildings shall be elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight. A registered engineer or architect shall certify that such floodproof measures are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100 year flood.
- 3) Storage of materials or equipment may be permitted if not subject to damage by floodwater and firmly anchored or secured to prevent flotation.
- 4) No fill shall be permitted in the floodway, except as a flood control measure.
- 5) Prohibit land development within the regulatory floodway that would result in any increase in the base flood level.
- 6) In riverine situations, notify adjacent communities and the State Department of Water Resources and Regional Commission prior to any alteration or relocation of a watercourse and submit copies of such notifications to the Federal Insurance Administration. Within the altered or relocated portion of any watercourse, assure that the flood carrying capacity is maintained.

5. Burden of Proof

In reviewing the proposed land development, the burden of proof shall be on the applicant.

4. Prohibited Uses

The following shall not be permitted within the flood hazard area:

- a. Junkyards as defined in (24 VSA, 2241)
- b. Solid waste disposal sites
- c. Mobile homes
- d. Storage or maintenance of hazardous materials in the flood hazard area. Within one year from the effective date of this regulation, the Planning Commission shall identify hazardous materials within the flood hazard area. Upon notification by certified mail, the property owner shall remove such hazards within six months. From time to time, the Planning Commission may update the inventory of hazardous materials and the Zoning Administrative Officer shall take action as provided herein.

5. Application Requirements

Application shall include in addition to any other requirements of this Bylaw, plans in triplicate drawn to scale showing the nature, location, dimensions and elevations of the lot, plat or parcel, existing and proposed structures and utilities, fill and storage of materials, flood-proofing measures and the relationship of the above to the channel, flood hazard area, and regulatory floodway.

Uses identified under 2.a. of this section may be issued a permit by the Zoning Administrative officer. Conditional use permits which are subject to Board of Adjustment review shall include plans in triplicate drawn to scale showing the nature, location, dimensions and elevations of the lot, plat or parcel, existing and proposed structures and utilities, fill and storage of materials, flood-proofing measures and the relationship of the above to the flood hazard area, regulatory floodway and channel. The Board of Adjustment shall consider the relationship of the

development to the 100 year flood elevation. For subdivisions greater than 50 lots or 5 acres, whichever is less, the applicant shall include base flood elevations of such subdivisions. A valley cross-section showing the stream channel, elevation of land adjoining each side of the channel and areas of the proposed development may be required.

The applicant shall certify that application has been made or processed to state and federal agencies from which approval is required.

6. Precedent of Law

Where this flood regulation imposes a greater restriction upon the use of land than other ordinances, regulations or bylaws, the provisions of this section shall control.

7. Administration and Enforcement

The provisions of this section shall be administered and enforced as provided for in Section 9 of this Bylaw. Variances shall be granted by the Board of Adjustment only:

- a. In accordance with the provisions of 24 VSA, Section 4468;
- b. Upon a determination that the variance will not result in increased flood heights that pose threats to public safety, extraordinary public expense, create nuisances or victimization of the public or conflict with existing local laws or ordinances.

8. Disclaimer

This section shall not be construed to imply that areas outside of the flood hazard areas, or land uses permitted hereunder, within such flood hazard areas, will be free from flooding or flood damage. No permit issued hereunder or development permitted in accordance herewith shall create any liability on the part of the Town of Sunderland or any officer, agent, or employee thereof.

9. Records

For developments in flood hazard areas, a record shall be maintained of the elevation in relation to mean sea level of the lowest floor including basement, of all new or substantially improved structures and whether or not such structures contain a basement. If flood-proofed, a record shall be maintained of the elevation of such measures.

Section 4 Special Regulations

4.1 Water Resources

Sunderland has a complex network of water resources. The protection of these resources and features are shown on maps in the Town Plan and are vital to the provision of a quality water supply for the Town and its residents. Any project involving a State regulated wetland shall be referred to the VT Agency of Natural Resources for consideration prior to issuance of a permit. The construction and maintenance of man-made or artificial ponds or water features must not cause any pollution or erosion and provide protections to assure a high quality of surface waters.

A one hundred (100) foot buffer measured perpendicular from the banks of the Batten Kill, Tanner Brook, Roaring Branch and Fayville Branch is hereby designated. This area is intended to be kept in a natural condition without homes, buildings, structures, or site development.

Exceptions to the buffer setback may include: (e.g. access, paths, bank stabilization, habitat restoration, erosion or flood control or recreation facilities.

Contaminants: If required, the generation, handling, transportation, and storage of hazardous waste shall comply with the Vermont Hazardous Waste Management Regulations (VHWMR) pursuant to 3 V.S.A. s. 2853(5) and 10 V.S.A., Chapter 159. All necessary measures shall be taken to ensure that materials, which because of their chemical or suspended nature or temperature may contaminate surface or ground waters, are not discharged into a private sewer system, surface watercourse or waterbody, or the ground. Storage facilities for fuel, toxic chemicals, industrial wastes, and potentially harmful raw materials shall be located on an impervious surface and enclosed in a manner that will prevent any spillage or overflow from leaving the containment area.

4.2 Parking Facilities

Off-street parking shall be provided for each commercial (or industrial) establishment, and for each place of public assembly, including schools, churches, theatres, bowling alleys, night clubs, restaurants, and similar establishments. Such parking spaces shall be provided with necessary passageways, which shall be considered as part of the required parking space. No required parking space shall be encroached upon or reduced in any manner at a later date. Buildings and uses pre-existing the Zoning Bylaw or developed under previous requirements of this Bylaw shall not be required to conform to this section, unless such building or use is extended or expanded. However, no existing off-street parking facility shall be reduced to create or increase any nonconformity with these regulations.

Commercial and industrial uses shall make provision for safe ingress and egress from or to a public road and include a discrete point of entry and exit vs. non-discrete (multiple) access points. Backing out directly onto a public highway shall not be permitted unless it can be demonstrated that there is no other alternative.

Non-residential uses shall provide for a reasonable amount of handicapped parking spaces conveniently located to the primary entrance.

Parking spaces for one use shall not be considered as providing the required facilities for any other use, however, the Planning Commission may permit such sharing where it is clearly demonstrated that the need for parking occurs at different times.

The following minimum requirements for off-street parking shall be met as a condition of the granting of a permit:

1. Dwelling: Two hundred and fifty (250) square feet for each dwelling unit.
2. Retail Commercial Establishments: Three (3) square feet of parking space for each square foot of floor area used for business, excluding storage.
3. Theatres, Restaurants, Churches, Bowling Alleys, Night Clubs, and Other Places of Public Assembly: Two hundred and fifty (250) square feet of parking space for every three seats, plus two hundred and fifty (250) square feet for every person normally employed at one time.
4. Offices and Permitted Home Occupations: Two (2) square feet of parking space for every square foot of floor area used for such purposes.

5. For Hotels, Motels, Lodging Houses, Convalescent Homes, and Boarding Houses: Two hundred and fifty (250) square feet for every unit (unit = individual room intended for the accommodation of guests or patients) plus two hundred and fifty (250) square feet for every person normally employed at one time.
6. Gasoline Filling Station: Seven hundred and fifty (750) square feet for each lubricating or repair bay, or two hundred and fifty (250) square feet for each seventy five (75) square feet of gross floor area (whichever provides the greater number of parking spaces), plus two hundred and fifty (250) square feet for each person normally employed at one time.
7. Industrial Establishments, Wholesale Establishments, and Similar Buildings: Two hundred and fifty (250) square feet of parking space for every two persons normally employed on any one shift.

4.3 Mobile Home and Travel Trailer Occupancy

4.3.1 General Regulations

1. Nothing herein shall prevent the use of a mobile home or travel trailer at a campground operated by the State of Vermont on State land, or at a private campground in compliance with 6.22.
2. A trailer, trailer coach, mobile home or travel trailer may be used temporarily as a field office, accessory to a construction operation being executed on the premises, for a period not to extend beyond the time of contract.
3. On any lot meeting the area and other requirements of this Bylaw, the permanent resident of the dwelling thereon may store an unoccupied travel trailer, camp or boat trailer, or boat, anywhere except in the required front and side yards areas.

4.3.2 Mobile Home as a Dwelling

1. A mobile home may be used as a one-family dwelling, provided that it is located on a lot meeting all of the requirements of this Bylaw applicable to a single family dwelling in the district in which it is located, is suitably anchored to a permanent masonry foundation, complies with the provisions of the Town and State Sanitary Code; and for which a valid building permit has been obtained.
2. A travel trailer may be temporarily parked on and used as a dwelling by the owner of a lot during and until completion of construction thereon of a permanent dwelling which shall be in conformance with this Bylaw. Said period shall not exceed one year.
3. A travel trailer may be occupied on any lot by a non-paying guest of the occupant of such lot for a period not exceeding thirty days in any twelve-month period.

4.3.3 Mobile Home Park

A mobile home park may be permitted as a conditional use in the Rural Residence (RR) District subject to the provisions of Subsection 2.11. Mobile home parks must be located on not less than five acres and shall fully comply with all requirements of the Vermont Statutes regulating Mobile Home Parks, 10 VSA, Chapter 153.

4.4 Earth Products Removal

4.4.1 Removal Restricted

Except as otherwise provided in this subsection, there shall be no removal, from the premises in any district, of earth, sand, gravel, clay or stone, except as surplus material resulting from a bona-fide construction, landscape or agricultural operation being executed on the premises, and provided that no permanent damage is done to the landscape.

4.4.2 Existing Sand and Gravel Operations

Existing sand and gravel operations must conform to this Bylaw from its effective date with respect to any enlargement of the area on which such operations are conducted.

The Board of Adjustment, after a public hearing, may grant a permit for the removal of earth, sand, gravel, clay or stone, under the following conditions:

1. The applicant shall submit a plan showing existing grades in the area from which the above material is to be removed, together with finished grades at the conclusion of the operation.
2. The operator shall provide for proper drainage of the area of the operation during and after completion, and no bank shall exceed a slope of one foot of vertical rise in two feet of horizontal distance, except in ledge rock. No removal shall take place within twenty feet of a property line, except that where the grade from a property line rises towards the lot where removal is to take place, material lying above the grade at the property line may be removed.
3. At the conclusion of the operation, or of any substantial portion thereof, the whole area where removal takes place shall be covered with not less than 4 inches of top soil, and seeded with a suitable cover crop, except where ledge rock is exposed.
4. If the extraction is wholly or partly from a stream bed, it shall be carried on in such a manner that there shall be no obstruction or substantial change in normal flow, and at the conclusion of work in any section there shall be no increase in erosion or flood hazards.
5. Operations must conform to all applicable state and federal regulations.

4.5 Site Work Prior to Development Approvals

Landscape improvements, the creation of vegetation features, other allowed uses such as forestry or routine maintenance do not require a permit. Any work performed on a site such as earth removal, grading, tree removal, or other land modifications in preparation for future residential or commercial development requiring a permit under these regulations shall be a violation. In addition to any other violation remedies, a permit application shall be filed immediately indicating the nature of any site preparation activities. The zoning administrator may issue a permit in consultation with the Planning Commission.

4.6 Campers (Recreational Vehicles RV) and RV Parks

A travel trailer and camping areas may be permitted as a conditional use in the RR, RCR, and CI Districts subject to the provisions of subsections 3.5.1 b. #13 and 4.12. Travel trailer camps must be located on not less than ten acres and shall fully comply with all applicable State requirements.

4.7 Fluvial Erosion Hazard Areas (FEH)

4.7.1 The purpose of FEH is to prevent increases in fluvial (river) erosion resulting from development in FEH mapped areas, loss and damage due to such erosion and the potential danger to health and safety. FEH mapped areas are on file at the Town Clerks Office.

4.7.2 Definition: FEH Area: The land area adjacent to stream channels subject to fluvial erosion Processes or other channel adjustments as delineated on the current Fluvial Erosion Hazard map.

4.7.3 Any use requiring a permit shall be referred to the Vermont Department of Environmental Conservation – River management Program for review and a basis for approval, approval with conditions, or denial.

4.7.4 Exempt uses include existing uses, silvicultural and agricultural activities not involving structures in accordance with Best Management Practices. Prohibited uses include storage of floatable materials (except recreational floats), chemicals, explosives, flammable liquids or other toxic materials.

4.8 On-site Water Supply & Wastewater Disposal

Any construction, development, use, or change in use requiring or affecting a water supply or wastewater disposal system shall not proceed if a permit is required and until it is approved pursuant to 10 V.S.A., Chapter 64, and Vermont's Wastewater System and Potable Water Supply Rules. The State has universal jurisdiction for water supply and wastewater disposal permits and enforcement. A copy of the State application for a permit shall be filed with the Town prior to or upon application to the State for review by the Planning Commission. Permits, denials, and supporting documentation shall be filed with the Town for recording with the land records pursuant to 24 V.S.A. sections 1154 and 1161. Nothing in this section shall be construed to restrict the authority of the Town, acting through the Sunderland Board of Health, to abate public nuisances or to abate or remove public health risks or hazards. (optional: A notice shall be filed in the Town Clerk's Office immediately following installation of the system certifying completion of the system in accordance with the permit.

4.9 Steep Slopes

All development involving the excavation, filling, or re-grading of land having a slope of 15% or greater shall be approved by the Zoning Administrator following consultation with the Planning Commission. The submission of erosion control and storm-water management plans, prepared by a forester, or licensed engineer may be required and incorporating best management practices. Minimal modifications may not require a permit in the judgment of the ZA. Decisions are appealable to the to ZBA. On that portion of a lot where slopes exceed 20%, no excavation shall occur;, no structure shall be constructed; no water or wastewater system shall be installed; no roads or driveways shall be constructed, and no clearing shall occur unless associated with an erosion control and re-vegetation plan.

4.10 Groundwater Withdrawal

It is the general intent of this section to disallow the commercial withdrawal of groundwater in residential districts for redistribution and/or resale, not including public water supply systems for local use. Residents in the Town of Sunderland and future growth are highly dependent on groundwater for their water supply and the quality and quantity of groundwater is essential to maintain the public health and welfare of the Town. Groundwater withdrawal is appropriate for: domestic residential use, public emergencies, farming and related processing, public water systems, and closed looped geothermal heat pump systems. Groundwater withdrawal is also appropriate to support non-residential uses as provided for in commercial or industrial zoning districts.

Vermont also regulates groundwater withdrawal pursuant to Title 10 V.S.A. Chapter 48, S. 1418.

4.11 Temporary Uses & Structures

1. Special Events

Special events (e.g. festivals, fairs, receptions, cultural events, trade and antique shows) may be allowed as a temporary accessory uses to an existing use or other open lands, provided that such use occurs for not more than 7 days within any 12 month period and adequate off-street parking and circulation, sanitary and trash collection facilities are provided. Permits may be issued by the Zoning Administrator for a specified period of time and shall expire at the conclusions of the event but no more than one year from the date of issuance. Family or household events (e.g. weddings, graduation, reunions) are exempt. Any event with an expected attendance of over 100 people or more than 7 days within a 12 month period shall be reviewed by the ZBA prior to issuance of a permit. No permit is required for an event or use if it requires approval of the Sunderland Selectboard.

2. Temporary Structures

Temporary structures used in conjunction with a temporary event shall be dismantled and/or removed upon expiration of the permit. Temporary structures such as mobile homes and box trailers may be allowed as temporary accessory structures to an existing or permitted use with approval of the zoning administrator for a period not to exceed 90 days which may be extended in 90 day increments for a maximum of one year from the date of issuance. The one year maximum may be extended if it is in conjunction with the construction of a permanent replacement structure.

Temporary camps and shelters are not allowed in a public right-of-way or on other public lands and must have written consent of the entity responsible for such public lands (Town, State, US Forest Service). Overnight camping on private property other than family and guests of the owner, requires consent from the owner. No use may be allowed without proper disposal of wastewater or sewage generated by such use in accordance with all applicable state or federal regulations. Nothing herein shall limit the Town Health Officer to abate improper disposal of waste.

4.12 Performance Standards (moved from CI district to this section)

The following performance standards are applicable to commercial and industrial uses, or similar uses as determined by the Planning Commission:

1. Lighting

Exterior lighting, including, but not limited to, lighting of exterior walls of buildings and lighting of walks and drives, shall be done in such a manner as to direct light downward away from adjacent lots and public ways. No light standard shall exceed 25 feet in height.

2. Noise

The maximum sound pressure level radiated by any use or facility (other than transportation facilities) at the property line shall not exceed 65 dBA after 7:00 A.M. and before 10:00 P.M., and shall not exceed 60 dBA after 10:00 P.M. and before 7:00 A.M.

3. Vibration

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at, or at any point beyond, the lot line.

4. Dust, Fumes, Vapors, Gases, and Odors

Emission of dust, dirt, fly ash, fumes, vapors, or gases which could be injurious to human health, animals, or vegetation; detrimental to the enjoyment of adjoining or nearby properties; or which could soil or stain persons or property, at any point beyond the lot line of the establishment creating that emission shall be prohibited. In addition, no land use or establishment shall produce harmful, offensive, or noxious odors beyond their lot. The location and vertical height of all exhaust fans, vents, chimneys, or any other sources discharging or emitting smoke, fumes, gases, vapors, or odors shall be shown on the site plan, with a description of source materials.

Any atmospheric emissions of gaseous or particulate matter shall conform to all current provisions of the Air Pollution Control Regulations of the Vermont Agency of Natural Resources.

5. Contaminants (Water Quality moved to 4.1)

All necessary measures shall be taken to ensure that materials, which because of their chemical or suspended nature or temperature may contaminate surface or groundwater, are not discharged into a private sewer system, surface watercourse or water body, or the ground.

Storage facilities for fuel, toxic chemicals, industrial wastes, and potentially harmful raw

materials shall be located on an impervious surface and enclosed in a manner that will prevent any spillage or overflow from leaving the containment area.

6. Refuse Disposal

No refuse shall be dumped upon any part of the lot outside the buildings constructed thereon. Refuse stored outside buildings shall be placed in completely enclosed containers and suitably screened.

7. Explosive and Flammable Materials

Storage and use must comply with all applicable state and federal regulations. Adequate fire prevention and suppression plans and equipment shall be provided for all uses that employ or store flammable or explosive materials.

No highly flammable or explosive materials shall be stored in bulk above ground, unless they are located in anchored tanks at least seventy-five (75) feet from any lot line and public or private street. Underground storage tanks shall be located not less than forty (40) feet from lot lines and streets.

8. Storm Water Run-Off

Increases in storm water discharges shall be minimized and detained on-site whenever possible or practicable. If it is not possible to detain water on-site, downstream improvements to drainage ways may be required of the developer to prevent flooding caused by his project. The Planning Commission may require demonstration of conformance with Vermont storm water discharge requirements.

9. Erosion Control

Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by using the following erosion control practices. Other practices may be used if demonstrated to be equally or more effective.

- Stripping of vegetation, soil removal, and regrading or other development shall be accomplished in such a way as to minimize erosion. Exposed or disturbed areas shall be permanently stabilized within six months of occupancy of a structure.
- During construction, temporary vegetation and/or mulching shall be used to protect exposed areas from erosion. Until a disturbed area is stabilized, sediment in run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Planning Commission.
- Permanent erosion control and vegetative plantings shall be in accordance with erosion/sedimentation/vegetative practices recommended by the Soil Conservation Service.
- All slopes exceeding 15% resulting from site grading shall be either covered with four inches of topsoil and planted with a vegetative cover sufficient to prevent erosion, or be stabilized with retaining walls.

- Dust control shall be employed during grading operations if the grading is to occur within 200 feet of an occupied residence or place of business.
- If significant site disturbance is planned, the applicant shall contact the U.S. Soil Conservation Service and secure comments regarding erosion control.

10. Parking and Access

Vehicular parking and access shall conform to all applicable provisions of Sections 4.2 and 8.4 of these regulations. Parking locations shall consider the character of the area.

11. Screening and Landscaping

A landscaped buffer at least 20 feet wide, continuous except for approved driveways, shall be established adjacent to any public road. The buffer strip shall be planted with grass, medium height shrubs, and trees. At street and driveway intersections, trees and shrubs shall be set back a sufficient distance from such intersections so that they do not present a traffic visibility hazard.

Large parking areas shall be suitably landscaped. All landscaped areas shall be properly maintained. Shrubs or trees which die shall be replaced within one growing season.

Open storage areas, exposed machinery, and loading areas shall be visually screened from roads and surrounding land uses. Suitable types of screening include opaque wood fences and dense evergreen hedges of five feet or more in height. Where evergreen hedges are proposed, a temporary fence shall be built to provide screening until the evergreens are of sufficient height. Where new fencing would create a continuous surface greater than ten feet in length, it shall be softened visually with tree and shrub plantings.

The project shall carefully consider steep slopes and/or unique vegetation.

4.13 Telecommunications Facilities (review for additional administrative type redundancies)

These regulations shall apply unless clearly superseded by federal or state law.

4.01 Purpose

The purpose of these Regulations shall be to regulate the placement, design, construction, and modifications of Telecommunications Facilities so as to promote the public health, safety, and welfare of the Town and to protect its historic, cultural, natural, and aesthetic resources.

4.02 Administration

1. Where Permitted

Telecommunications Facilities shall not be located in Historic Areas or Natural Resource Areas identified in the Town Plan or on a one- or two-family dwelling or accessory structure thereto. In all other areas, Telecommunications Facilities are permitted, as Conditional Uses.

2. Application

No permit for the development of a Telecommunications Facility shall be granted by the Zoning Administrator without Conditional Use Approval from the Sunderland Zoning Board of Adjustment (ZBA). Prior to granting such approval, the ZBA shall make affirmative findings for each of the criteria listed in this Section and the other applicable provisions set forth in these Regulations.

4.03 Site Development Plan

The following application requirements are in addition to those in Section 2.12 of the Town of Sunderland Zoning Bylaw:

1. Name and address of the record landowners and any duly appointed agents of the parties;
2. Names and addresses of the record owners of all abutting property;
3. A map or sketch of the property proposed to be developed, professionally drawn to scale and with the area to be developed clearly indicated;
4. A description of the proposed development;
5. The location of the proposed structure on a USGS Topographic Map or Survey with twenty (20)-foot elevations or a Geographic Information System (GIS) generated map compatible with VCGI standards;
6. A utility and access road plan located on a USGS Topographic Map;
7. Where the Telecommunications Facility is located on that parcel that is forested, the approximate average height of the existing vegetation within one hundred (100) feet of the tower base;
8. A design or plan for all structures, buildings, or facilities proposed for the site;
9. Construction sequence and time for completion of each phase of the entire project shall be provided by the applicant to the ZBA.

4.04 Construction Requirements

1. Site Requirements and Limitations

Equipment buildings and other structures shall conform to the minimum front, side, and rear setbacks for the district in which they are located. No more than four (4) stand-alone equipment buildings shall be permitted or approved in connection with each Tower that receives approval under this ordinance.

2. Height Limitations

The height for towers, antenna, and tower related fixtures in all districts shall not exceed one hundred ten (110) feet. Notwithstanding the above, additional height may be approved upon finding by the ZBA that it is necessary to provide adequate coverage or to accomplish co-location as outlined below and does not have an undue adverse visual impact on scenic or natural beauty as outlined below.

3. Setbacks

- a. All Telecommunications Facilities shall comply with the setback provisions of the zoning districts in which such facilities are located.

- b. Notwithstanding the above, in order to ensure public safety, the minimum distance of any new tower to any property line, dwelling, or occupied structure shall be no less than the height of the tower plus twenty-five (25) feet. This setback shall be referred to as the Fall Zone.
- c. In the event that an existing structure such as barn silo, church steeple, or utility pole is proposed as a mounting for a Telecommunications Facility, a fall zone setback shall not be required.

4.05 Use of Existing Structures

- a. If feasible, Telecommunications Facilities shall be located on existing structures, including but not limited to buildings, steeples, water towers, telecommunications towers, utility poles, and related facilities, provided that such installation preserves the character and integrity of those structures. If the applicant is proposing to construct a new tower, the applicant shall document that there are no feasible existing structures upon which to locate.
- b. The applicant shall submit documentation of the legal right to install and use the Telecommunications Facility at the time of application.

4.06 Standards and Conditions for Telecommunications Facilities

1. Lighting

The only tower lighting permitted shall be required by FAA regulations or by special necessity to ensure aviation safety where FAA standards apply. Any external lighting on facility shelters shall be shielded to minimize glare and impact on neighboring properties. In addition, the external shelter lighting shall be controlled by motion sensors.

2. Bulk, Height, and Glare

All Telecommunications Facilities shall be designed in such a manner as to minimize the visual impact of height, mass, guy wire supports, and disruption of existing vegetation. Materials utilized for exterior of any structure shall be of a type, style, color, and location so as to minimize glare and not result in an undue adverse visual impact on any scenic or historic vista, public vantage point or abutting property.

3. Noise

The facility will not generate undue noise.

4. Security Fence

The facility will be entirely enclosed behind security fence (i.e. chain-link). The fence shall be set back from the property boundary a minimum of twelve (12) feet with a minimum height of six (6) feet. The facility entrance will be gated and the gate will be the same height as the fence. The gate will be locked at all times when the facility is left unattended.

5. Screening, Camouflage

Additional screening shall be required, unless it can be demonstrated that existing foliage is adequate to screen the equipment shelter from offsite. If required, a planted or natural vegetative screen shall be a minimum of ten (10) feet in depth with a minimum height of six (6) feet and shall have a potential to grow to a height of at least fifteen (15) feet at maturity. Types of vegetation shall be specified by the ZBA so that twelve (12) month coverage is provided. Existing on-site vegetation shall be preserved and disturbance to existing topography minimized as much as is feasible. Use of "stealth" applications to camouflage new towers is encouraged.

6. Co-location

The principle of co-location shall be employed, where feasible, to minimize the number of towers necessary to provide service by FCC licensed providers. This shall impose a burden upon the applicant for a new tower to demonstrate that there are no existing sites within a five (5) mile radius of the proposed site which are suitable to the applicant's needs despite a diligent search, and that if such facilities do exist, that they are either technically inadequate or that the owner, after a process of good faith negotiation, will not allow co-location on reasonable terms and conditions. It shall be the burden of the applicant to perform an analysis of technical feasibility or to show that the terms and conditions proposed by the owner were unreasonable, whichever applies. The applicant shall be required by permit condition to allow other telecommunications service providers to co-locate on any new or existing tower subject to reasonable terms and conditions. Notwithstanding the above, there shall be no affirmative obligation on the applicant to increase the height or width of a tower in order to accommodate the equipment or facilities of another user; however the applicant shall engineer the tower to be structurally capable to accommodate another potential user for co-location or extension of the tower.

7. Access Roads and/or Right-of-Way

- a. Where new Telecommunication Facilities require new construction or improvement to an existing road, all designs adopted shall be guided by the Vermont Agency of Transportation B-71 Standards for Residential and Commercial Drives, as amended.
- b. Unrestricted use of the access road to construct the project may cause unreasonable soil erosion during the construction period. Therefore, it may be prudent to impose the following conditions:
 1. Construction shall satisfy all applicable requirements of the State of Vermont Agency of Natural Resources Department of Environment Conservation General Permit 3-9020 for Stormwater Runoff from Construction Sites, as amended. Construction activities not requiring a Construction General Permit shall at a minimum meet the requirements of the Low Risk Site Handbook for Erosion Prevention and Sediment Control, produced by the State of Vermont of Environmental Conservation, as amended. (the Handbook);
 2. Post-construction conditions shall at all times satisfy applicable requirements of the Handbook;

3. The applicant shall provide the Town with a performance bond to ensure that construction and maintenance of the access road comply with the Handbook;
4. The applicant shall provide the Town with copies of documents necessary to demonstrate the applicant has an interest in the lands traversed by the access road sufficient to allow the applicant to construct, maintain, and operate the project.

8. Power and Telephone Utilities

Utility lines shall be designed and located so as to minimize or prevent disruption to the scenic character or beauty of the area. Metal telephone cabinets, power sub-stations and similar structures, shall be hidden behind vegetation giving twelve (12) months of coverage.

9. Protection of Scenic Ridges and Hillsides

When the ZBA, after consultation with the Zoning Administrator and the applicant, determines that a proposed new tower will likely be visible against the skyline from at least one (1) vantage point on a state highway, or a Class I or II highway, or at least two (2) vantage points no less than one thousand (1,000) feet apart on a Class III town highway, may request the applicant to perform the balloon height test described below.

The ZBA may require the applicant to fly or raise a three (3) -foot diameter balloon at the maximum height of the proposed new tower at a location within fifty (50) horizontal feet of the center of the proposed tower. The applicant shall provide notice to the ZBA the date and time of the test. The applicant shall provide to the ZBA photographs of the balloon test taken from at least four (4) vantage points mentioned in Section 1.05.11 or, if the balloon is visible from fewer vantage points, photographs taken from each of those points.

10. Protection of Historic Landmarks and Their Surrounding Areas

- A. The attached Town of Sunderland Zoning Map provides most of the historic landmarks located within the Town boundaries.
- B. The construction of a Telecommunications Facility within a historic landmark area is strictly prohibited. Any uncertainty as to the location of the landmark area boundaries shall be resolved by the ZBA.

11. Antenna Tower Height Test - Points to Consider

In determining whether or not a tower would have an undue adverse visual impact on the scenic or natural beauty of a ridge or mountainside, the ZBA shall consider the following:

- a. The period of time during which the proposed tower would be viewed by the traveling public on the Town's highways;

- b. The frequency of the view of the proposed tower as experienced by the traveling public;
- c. The degree to which the view of the tower is screened by existing vegetation, the topography of the land, and the existing structures;
- d. Background features in the line of sight to the proposed tower that obscure the facility or make it more conspicuous;
- e. The distance of the proposed tower from the viewing vantage point and the proportion of the antenna tower that is visible above the skyline;
- f. The number of vehicles traveling on a highway or waterway at or near the vantage point;
- g. The sensitivity or unique value of the particular view affected by the proposed tower, and
- h. Significant disruption of a vista that provides context to an historic or scenic resource.
- i. The degree to which the tower employs camouflage or other methods or reducing its visibility.

12. Environmentally Sensitive Areas

The Town Plan identifies several environmentally sensitive areas including Natural Hazard Areas (flood hazard areas, steep slopes) and Natural Resource Areas (public water system aquifer areas, spring recharge areas, wetlands, water resources, wildlife habitat areas, natural/fragile areas, and rare and endangered plant and animal communities). When the ZBA, after consultation with the Zoning Administrator and the applicant, determines that a proposed Telecommunications Facility will impact a sensitive area, the applicant shall be required to prepare a report identifying the impact areas together with the appropriate proposed design or other mitigation measures demonstrating that the facility will not, after the proposed corrective measures are completed, have an undue impact. The ZBA may require graphic presentations, site examinations, and such other means as it deems necessary to best evaluate the impacts on the sensitive area or resource under consideration.

13. Monitoring, Maintenance, and Security

- a. The owner/operator shall maintain the Telecommunications Facility in good condition. Such maintenance shall include, but not limited to, painting (if applicable), structural integrity of the tower and security fence and maintenance of the buffer area, landscaping, and providing twenty-four (24)-hour emergency vehicle access.
- b. A structural integrity report shall be given to the Zoning Administrator when any new equipment is installed at the facility.

4.07 Notice of Decision with Conditions

Decisions on Telecommunications Facility Permit applications must be in writing, and must contain Findings of Fact and Conclusions of Law on each issue raised during the hearing process. The Findings of Fact set out all the facts which the ZBA considered relevant and used as basis for their decision. The Conclusions explain the ZBA's decisions on the issues raised during the hearing process, including whether each applicable Bylaw has been satisfied. If the project is approved, the Zoning Administrator will issue a Zoning Permit. The permit enables the applicant to proceed with the project according to specific plans and conditions.

F. C. C. License

A copy of the owner/operator's FCC Station License shall be provided with the application.

4.08 Amendments

An amendment to a prior approved Telecommunications Facility may be considered by the ZBA and shall require Conditional Use Approval from the ZBA when any of the following are proposed:

1. Change in the number of users on the site;
2. Addition of any exterior equipment or additional height not specified in the original application.

4.09 Abandonment, Discontinuation of Use, Removal of Antennas and Towers

If there are plans to abandon or discontinue operation of a Telecommunications Facility, the owner/operator shall notify the Town by certified mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation. Failure to provide notice shall be considered abandonment. Upon abandonment or discontinuation of use, the owner/operator shall physically remove all facilities and return the site to its original condition.

Any Telecommunications Facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Exceptions to continuous operation include shutdowns for routine maintenance, repairs, or to repair or replace damage as a result of so-called Acts of God such as a tornado, which would require longer periods. The owner shall remove the abandoned structure within ninety (90) days of receipt of a Declaration of Abandonment from the Town notifying the owner of such abandonment. A Declaration of Abandonment shall only be issued following a noticed public hearing conducted by the ZBA with notice to the last known owner/operator and occupants of the tower. If the abandoned tower is not removed within ninety (90) days, the Town shall have the tower removed. The ZBA, as a condition to approval, shall require the applicant to provide a performance bond, or similar form of surety payable to the Town at an amount sufficient to cover the full costs of removal of a tower in the event that the facility is declared abandoned.

4.0.10 Application and Town Inspection Fees

For the administration of the owner/operator's application review, the ZBA shall establish reasonable fees which may include the cost of publishing notices and holding public hearings and for periodic inspections during the Telecommunications Facility's installation period. Such fees shall be payable by the applicant upon submission of the application for Telecommunications Facility Permit approval.

4.011 Liability and Property Damage Insurance

The ZBA will also require the Telecommunications Facility owner/operator to show evidence of sufficient general liability and property damage insurance.

4.012 Burden of Proof

The burden of proof is placed upon the applicant to prove his/her application meets all applicable requirements of this Bylaw.

4.013 Consistency with Federal Law

These Regulations are intended to be consistent with Section 704 of the 1996 Telecommunications Act. Accordingly, they shall not prohibit, or have the effect of prohibiting, the provision of personal telecommunications services; shall not unreasonably discriminate among providers of functionally equivalent services; and shall not regulate personal wireless services based on the environmental effects of radio frequency emissions to the extent that these facilities comply with Federal Communications Commission Regulations concerning such emissions.

4.014 24-Hour Emergency Contacts

The owner/operator of each Telecommunications Facility will provide the Town with emergency and routine business telephone numbers which will allow Town officials to contact appropriate personnel in case of a site emergency and for normal business activities. These contact numbers will be kept on file in the Town Clerk's office.

Section 5 Subdivision Review And Regulations

5.1 Subdivision Definitions – Minor and Major (Also see Section 7, Definitions)

5.1.1 Minor Subdivision

A minor subdivision consists of the subdivision of any parcel with a gross size of 15 acres or less as of the date of adoption of these regulations for subdivision, or any subdivision containing 4 or less new lots which will either have frontage on a public street, access to a public street from a private roadway with a 50-foot roadway, or, with approval by the Planning Commission, a 20 foot right of way.

A minor subdivision shall not be subject to these special subdivision regulations applicable for major projects, but shall conform to all other local and state permit requirements.

However, re-subdivision of one or more of the original lots of a minor subdivision within 10 years from the date of approval of the original subdivision shall be considered a major subdivision, and shall be subject to these regulations, provided that the total number of lots from the original and the re-subdivision equals or exceeds 5 lots.

5.1.2 Major Subdivision

Any subdivision containing 5 or more new lots, or, which requires an Act 250 Permit review, or, consists of two or more parcels in two towns, or, is not considered to be a Minor Subdivision.

5.2 General Planning Standards

5.2.1 Overview

No subdivision of land shall be made and no lots or any land in any subdivision shall be sold, transferred in ownership, or contracted to be sold or leased, and no street construction shall be started until a subdivision permit has been granted by the Planning Commission, and other required local and state permits have been issued. The sub-divider shall familiarize themselves with all state and town regulations relative to health, buildings, roads and other pertinent issues so that they are aware of the obligations and standards expected. The sub-divider may avail themselves of the assistance of the Planning Commission before preparation of the application or plans. Standards for the design and layout of necessary public improvements not otherwise provided for in this bylaw shall conform to the standards set by the agencies having jurisdiction over the improvements.

5.2.2 Character of Land for Subdivision

Land considered for subdivision shall be of such character that it can be appropriately used in conformance with these subdivision bylaws for the residential subdivision of land, associated improvements, and for building purposes without danger to public health or safety, or any adverse impacts to the environment or character of the surrounding area.

5.2.3 Natural Resources

The Planning Commission is charged with ensuring the protection and conservation of natural, rural, and scenic resources of Sunderland, while allowing uses permitted by the Zoning Bylaws. Particular attention will be given to the following:

1. Vital and valuable resources and other assets of a community nature shall be identified and protected by the Planning Commission. These include but are not limited to:
 - A. Streams: year-round watercourses shall be preserved in a free-flowing state with a buffer of at least fifty (50) feet maintained between the stream bank and development.
 - B. Hillsides, Mountains, and Ridgelines: Development shall be carefully planned through proper placement of structures and protection of natural vegetation to minimize environmental damage and visual impacts particularly in areas where natural slopes exceed twenty (20%) and on sites predominantly exposed to public views.

During construction, builders shall utilize conservation practices which minimize or prevents erosion, lessen impact on roads, and protect streams, wildlife habitats, and

prevents environmental hazards.

C. Wetlands: Development should be carefully planned when there are any state identified or regulated wetlands within or in the vicinity of a proposed subdivision.

D. Aquifers, watersheds, and Recharge Areas: Development shall be planned to minimize any adverse impact on these areas with vital water resources.

5.2.4 Lot Layout

The layout of lots shall be appropriate for the intended construction and shall conform to the requirements of the municipal zoning regulations. Consideration in lot layout shall be given to topographic conditions, aesthetics, surface and ground water resources, fragile (natural resource and natural hazard) lands as identified in the Town Plan, important agricultural land and soil conditions. Lot layout shall not result in an undue modification of the natural conditions of the land.

5.2.5 Dimensional Requirements, Major Subdivisions

- a. District: Any district where subdivision is allowed.
- b. Minimum lot area: 2 acres
- c. Density: as determined by "DENSITY GUIDELINES". [see section 5.2.6]
- d. Minimum lot area per family unit; 2 acres, single family residences only.
- e. Building Setbacks: Front yard, 100 feet
Side yard, 50 feet
Rear yard, 50 feet
- f. Boundary buffer zone: 25 feet
An undisturbed and undevelopable buffer strip shall be designated, mapped, and marked on site, preserving all vegetation, running parallel along both sides of all neighboring building lot boundaries.
- g. Maximum building coverage: ("Building Envelope") 10% of lot size.

5.2.6 Subdivision Density:

1. Density Guidelines Residential density in any subdivision should maintain a level of density based on land capability. Sunderland has a predominant rural character, and has a limited amount of land available for future use and growth. It lacks any public wastewater facilities or water supply systems, and has little or no capacity to provide necessary municipal services. Also, because of Sunderland's unique location, our towns growth is impacted by adjacent towns. Considering the potential cumulative impacts on the environment and Town's rural character from of a large scale subdivision and compact development, these regulations for the development of residential subdivisions have been implemented.

To control undesirable high density and the rate of growth; and to provide as wide a variety of rural residential types and lot sizes as possible, the development of "Major Subdivisions" shall be guided by these regulations, and determined in accordance with the following guidelines.

2. Net Developable Area;

The maximum number of building lots allowed in a major subdivision is based on the size (amount of acreage) of the area that is determined to be suitable for development. The developer/applicant shall first identify all areas within the entire subdivision parcel that are considered unsuitable for development. (see list 3. below) The total number of acres that are unsuitable shall be subtracted from the gross size of the entire subdivision parcel. This calculation determines the size of the remaining "Net Developable Area".

3. Land Areas Unsuitable for Development:

1. Surface waters, rivers, streams, ponds etc.
2. Wetlands, floodplains, and any buffer zones.
3. Areas of land with slopes in excess of 20%.
4. Any area of the subdivision in the "Forest & Recreation" zone
5. Sand and Gravel pits [unless reclaimed]
6. Land encumbered by easements, "right-of-ways", and roadways
7. Essential wildlife areas.
8. Areas identified to contain significant natural features or "landmarks".
9. Protection areas for endangered species, Plants & Wildlife.
10. Any other unforeseen significant or important areas as determined by the Planning Commission.

4. The "building envelope" of any lot shall not contain any areas of undevelopable land; however, portions of building lots, (but no more than 50% of the gross lot size) may consist of land defined as unsuitable. No structure or related systems or any part of the building envelope may be located within any "Land Area Unsuitable for Development" as provided above.

5. Building Lots; Quantity and Sizes

Having determined the size of the "Net Developable Area", now refer to the "Density Guideline Chart" (see section 6 that follows) and determine the number of building lots that are permitted in each of the three "Lot Size Categories".

6. Density Guideline Chart

<i>Size of calculated "Net Developable Area"</i>	<i>Lot Size Categories (maximum # of permitted building lots per category)</i>		
	<u>2 up to 3. acres</u>	<u>3 up to 5 acres</u>	<u>more than 5 acres</u>
Up to 20 acres =	3 lots permitted	+ 4 lots permitted	+ (none)
20 Up to 40 acres =	4 lots permitted	+ 6 lots permitted	+ # based on size
40 Up to 80 acres =	5 lots permitted	+ 8 lots permitted	+ # based on size
More than 80 acres =	6 lots permitted	+ 10 lots permitted	+ # based on size

7. Other possible limitations on development suitability:

The Planning Commission may impose additional conditions due to concerns posed by other factors that may result with adverse impacts from cumulative subdivision development.

1. Remote location, lack of infrastructure.

2. Inadequate or unimproved access
3. Preservation of the natural environment.
4. Topographic limitations,
5. Poor soils for wastewater treatment systems.
6. Erosion and water quality, and wellhead concerns
7. Demands on municipal services
8. Burden to provide educational facilities or other town services such as fire, emergency, etc.
9. Protection of rural residential low density, & character of town.

5.2.7 Erosion Control

An erosion-control plan shall be prepared as part of the approval process which details procedures that will be used to:

- (1) Minimize the potential for increased runoff of surface waters;
- (2) Minimize the potential for erosion and siltation of drainage ways
- (3) Stabilize exposed soils.
- (4) No site plan or preliminary plan shall be approved unless it includes a soil erosion and sediment plan. The applicant shall bear the full responsibility for the installation and construction of all required erosion and sediment control measures, as per the regulations.

5.2.8 Growth Management

A subdivision shall not cause an undue impact with respect to the ability of the community to provide municipal, emergency, or education services. If, after consulting with the school board and municipal officials, the Planning Commission determines that the subdivision will result in a rate of growth whereby the Town cannot adjust financially or provide necessary services, the Planning Commission may impose conditions to limit the impact of the project and/or require the time phasing of project to mitigate undue impact.

5.3 Street Standards

5.3.1 Street Layout

Streets shall be logically related to the topography so as to produce usable lots, reasonable grades, good drainage, and safe intersections in relation to the proposed use of the land to be served by such streets.

5.3.2 New Streets

Street specifications; a. streets shall have a minimum "Right Of Way" of 50 feet. Any new street within a subdivision shall meet the following minimum requirements whether intended for acceptance by the Town or not.

1. Gradient: All roads shall have a maximum grade of eight percent (8%) and a minimum grade of two percent (2%), as provided for in the Town's policies and specifications for highways. A grade of over eight percent (8%) may be accepted under certain conditions only, if the Select Board finds it would be in the best interest of the Town, but nothing over ten percent (10%) will be accepted.

2. Access:

A. All lots within a subdivision shall have at least fifty (50) feet of frontage on a roadway or be served by a permanent easement or right-of-way of at least fifty (50) feet in width. Such access shall be legally recorded, improved to the standards set forth herein, free from mortgage and with all drainage rights provided. The Planning Commission may approve an easement or right-of-way not less than twenty (20) feet wide serving one lot only and legally recorded along with the provision that the single lot will not be further subdivided.

B. Rights-of-way serving lots which do not front on an existing public or private street shall not intersect said existing street at intervals less than .. three hundred (300) feet, unless the Planning Commission determines .that a greater interval is appropriate based upon the resulting character of the lot(s) through which the rights-of-way pass.

C. When a parcel to be created has no available access, but is adjacent to other holdings of the applicant, the access requirements preceding may be waived, provided that, as a condition of the waiver, the following language is made a term of any contract of sale or lease of the parcel and is recited in any deed and contained upon the final plat for filing purposes.

"The parcel may not be developed or conveyed: (1) without first receiving approval by the Sunderland Planning Commission pursuant to Section 5.3.2.1 of these regulations; or (2) unless the parcel is conveyed to the owner of an adjacent parcel, the two parcels are legally and effectively merged, and the resulting combined parcel complies with all applicable regulations."

D. The Planning Commission may require that the development of three or more abutting lots be designed to reduce direct access to a highway from the lots individually, with maximum of one direct access for every two lots.

E. Anytime access to a parcel is by means other than a public road, a maintenance agreement in a form acceptable to the Planning Commission shall be required.

3. Culverts: Adequate drainage culverts, not less than eighteen (18) inches in diameter, must be installed at all necessary points. Culverts may be of the corrugated or spiral type used for road work and all sections joined with bands recommended by the companies which manufacture the culvert. If concrete culverts are used, they must be of an approved make with joints well cemented and meet the state specifications on concrete pipe. All culverts must be installed well below the surface of the road with not less than sixteen (16) inches of gravel over the top. An elliptical culvert of equivalent size to an eighteen (18) inch culvert may be used where necessary to obtain the necessary sixteen (16) inch covering of gravel. All culverts must be installed with adequate pitch and proper ditches to carry run-off away from the road.

4. Drainage: An adequate storm water drainage system for the entire subdivision area shall be provided, unless, in the judgment of the Commission, the natural topography and easy access to natural water courses, or connect to existing storm drains. If the storm water drainage system creates a discharge over any adjacent property, the sub-divider shall obtain an easement therefore from the adjacent owner and shall hold the Town harmless from any claims for damage resulting.
5. Width of Traveled Portion and Shoulders: The width of the traveled portion shall be at least twenty (20) feet, with a two-foot shoulder on each side of the traveled portion. Guard rails will be required as advised by the Road Foreman and/or Planning Commission.
6. Road Composition: Sub-grade is to be firm and free of excess moisture and stabilized with two-inch (or less in size) crushed gravel, in any soft spots known to exist. The road shall be constructed to one of the following standards:

Paved Road Base - well drained subsoil: Sub-base of not less than twelve (12) inches (after compaction) of six-inch (or less in size) crushed gravel, and a top of six inches (after compaction) of workable, fine crushed gravel for the full shoulder-to-shoulder width -- a total of eighteen (18) inches of gravel.

Paved Road Base - poorly or moderately drained subsoil: Sub-base of not less than twelve (12) inches of six-inch (or less in size) bank run gravel placed on a full width stabilization mat, and a top of six inches (after compaction) of workable, fine crushed gravel for the full shoulder-to-shoulder width - a total of eighteen (18) inches of gravel.

There shall be a ditch along the outside of the toe of the shoulder which shall be lower than the bottom of the gravel.

7. Roads with no outlet: Any road which has no outlet shall be provided with a place at the end for turning around equipment, school buses, and emergency vehicles. A cul-de-sac may be used with a sixty (60) foot radius, minimum fifty (50) foot radius traveled area. A "T" or fish tail, minimum fifty (50) feet each arm may also be used. Type of turnaround shall be reviewed by the Road Foreman. Where dead-end roads are a possibility in the development of adjoining land, road and utility right-of-way must be extended to the outer property line of the parcel to accommodate potential future development.
8. Paved Road Entrance: Any new road entering a paved highway or a paved town road must have a blacktop apron twenty-four (24) feet in length from the edge of the highway it is entering. The design of said apron is to be approved by the Road Foreman.
9. Unpaved Road Entrance: Where paved access roads or driveways enter an unpaved town road, written approval by the Road Foreman is required for the distance the paving may extend into the right-of-way. (Generally, this will be along the edge that receives routine road maintenance.) Where culvert repair or other road maintenance requires cutting and replacement of paving, that expense will be borne by the owners of the lots accessing that road.

10. Signs

- a. The applicant/developer is responsible for any road signs necessary. All signs must be purchased from the Town of Sunderland and must conform to E-911 and the manual of uniform Traffic Control Devices (MUTCD). The name of the road shall be approved by the Select Board and the E-911 Commission.

The Planning Commission may impose other road design standards in order to ensure that slopes and horizontal and vertical curvature, embankments, site distances, and soil erosion precautions are adequate to meet the needs of the subdivision and protect the environment. The Commission may seek the advice of a qualified engineer, the Road Foreman, or the Board of Selectmen in making a determination under this subsection.

5.3.3 Existing Private Streets

Any street intended for dedication to the Town shall be constructed to meet the requirements in the Town's policies and specifications for town highways, established by the Road Foreman and Board of Selectmen. Acceptance of such streets shall be at the discretion of the Board of Selectmen.

5.3.4 Existing Public Streets

If the access road to the subdivision is less than the standard for the class of road so designated, the Commission may require the subdivider to improve the access road to the standards cited in Section 5.3.2. The Commission may also require the subdivider to make arrangements for maintenance of the access road satisfactory to the Commission until such a time as the Board of Selectmen may reclassify the road. In the case of subdivisions requiring construction of new streets, any existing street which provides either frontage to new lots or access to new streets shall meet the minimum standards established by the Town of Sunderland for such street. Where a subdivision requires undue expenditures to improve existing town streets to conform to minimum requirements, the Commission may disapprove such subdivision until the Board of Selectmen shall certify that funds for the improvements have been assured.

5.3.5 Dedication to the Town

It has been the policy of the town not to accept any new public streets, however all streets shall be constructed to meet the requirements in the Town's policies and specifications for town highways, established by the Road Foreman and Board of Selectmen. Acceptance of such streets shall be at the discretion of the Board of Selectmen.

5.4 Application and Approval Procedure

5.4.1 Applicability

Application and approval is required for the division of a parcel of land into two or more lots. Whenever any subdivision of land is proposed to be made, before any contract for sale of such subdivision or any part thereof is made, before any grading, clearing, logging, permit for erection of a structure in such proposed subdivision is granted, the sub-divider shall apply in writing to the Planning Commission for and secure approval of the proposed subdivision.

The sale, exchange, or other transfer of parcels between adjoining lot owners, where such transaction does not create additional building sites or cause any existing lot to be made non-complying regarding density and dimensional requirements, shall not be considered a subdivision. The Commission requires review and approval of such transaction and shall consider the proposal, presented in accordance with Section 5.4.4 of these regulations at a regularly scheduled meeting following a fifteen (15) day period after public notice.

The resulting parcel configuration shall be required to illustrate that no additional lot was created, but rather, that the description of the adjacent parcels are rewritten with the adjustment reflected. Proposed deed descriptions showing merged parcels are required to accompany the plans.

5.4.2 Sketch Plan Submission

Prior to submitting an application for subdivision, the applicant shall submit to the Administrative officer three copies of a sketch plan of the proposed subdivision which shall include: existing and proposed property lines; type, location, and size of existing and proposed streets, utilities, and existing structures; name and address of owner of record and applicant; and name of owners of record of adjacent properties. The sketch plan shall be presented at a scale which adequately depicts natural features, proposed improvements and general site conditions. The applicant or his authorized representative shall attend a meeting of the Planning Commission to discuss the requirements of these regulations, and to receive the Commission's decision as to classification of minor or major subdivision category, as defined in Section 1.03 of these regulations. The Commission shall study the sketch plan to determine its conformance to or conflict with the Town Plan and Zoning Bylaws; evaluate its compatibility with existing or proposed private or public developments; assess potential impacts to public facilities and services; and consider any special problems that may be encountered. The Commission shall determine whether the sketch plan meets the purposes of these regulations and may make specific recommendations for changes; such recommendations to be made no later than the time of the next regular meeting of the Commission.

5.4.3 General Application Procedures

The Administrative Officer/Zoning Administrator shall provide to any applicant the necessary forms for any municipal permit (including an application checklist), and will coordinate the municipal effort in administering its development review programs. The Administrative Officer shall also inform applicants that they should contact the Agency of Natural Resources Permit Specialist for possible requisite State permits.

The applicant shall, within six months of the sketch plan approval and classification, proceed to file application on forms provided by the Administrative Officer and prepared/approved by the Planning Commission. Upon submission of the application, the applicant shall pay all required fees in accordance with these regulations, and the fee schedule established by the Planning Commission and approved by the Select Board for the administration of subdivision review. Included in this fee shall be the anticipated costs of any public hearing and/or warning expenses not otherwise provided for herein. In addition, the applicant shall notify all adjacent landowners to the proposed subdivision, in writing, of the intent of application, including the date, time, and location of the first public hearing to be held by the Planning Commission; such notification to be mailed or delivered not less than ten (10) days prior to the first public hearing.

Major subdivisions are required to meet procedures for submission and review of preliminary and final phases. The preliminary stage is waived for minor subdivisions, which shall require only the submission of a final plat.

Lot line adjustments may be approved by the Zoning Administrator. Applications for boundary adjustments which are determined by the ZA to not result in the creation of new lots or non-conforming lots or a change in roads or rights-of-way, or cause an increase in density, may be approved by the ZA as a final plat. Such approved changes shall be filed and recorded in the Towns land records. All other boundary adjustments shall be reviewed as provided herein for subdivisions.

5.4.4 Preliminary Plat Submission Requirements

Four copies of the preliminary plat shall be submitted at least fourteen (14) days prior to the warned public hearing, conforming to the layout shown on the sketch plan plus any recommendations made by the Commission, and shall contain, or be accompanied by, the following information:

1. Proposed subdivision name or identifying title;
2. Name and address of owner of record, with deed identification, subdivider, and designer of the plat, said designer to be qualified to perform such design under applicable regulations of the State of Vermont;
3. Location and dimensions of all boundaries and area of entire parcel and/or contiguous parcels in single ownership, whether or not all land therein is to be subdivided, along with location and dimensions of ... proposed lot lines and any setbacks and areas of proposed lots;
4. Location of existing and proposed easements, structures, watercourses and wetlands, wooded areas, and other essential existing physical features;

5. Names of adjacent landowners of record and evidence of notification, such as a certificate of mailing;
6. Location and details of existing or proposed water mains, sewer lines, drainage ways, drainage structures;
7. Applicable zoning designation and district boundaries;
8. Existing street(s) names, rights-of-way boundaries and present widths, private ways, curb cuts and intersections;
9. Proposed street(s), limits, profiles, cross sections and construction specifications/details;
10. Contours in sufficient details to clearly indicate existing and proposed grades where proposed change in elevation will be five (5) feet or more, and/or in order for the Commission to properly evaluate specific aspects of the project, such as storm water drainage, landscaping, etc.;
11. Proposed location of on-site water supplies;
12. Proposed locations of any wastewater disposal systems, including location and results of test pits and percolation tests;
13. Drainage plan, indicating provisions for collection and discharge of storm drainage;
14. Soil classification, if required by the Commission, taken from the U.S.S.C.S. delineation/designation;
15. Landscaping plan including the proposed erosion control procedures;
16. Vicinity map at a scale not greater than 1"=1500', locating the outline of the entire parcel in relation to surrounding area, and including the nearest street intersection, if possible;
17. Numerical and graphic scale with plan not to exceed a scale of 1"=100', unless a smaller scale is approved by the Planning Commission, original and revision dates, magnetic and true north arrows;
18. Any other pertinent information required by the Planning Commission.

5.4.5 Review and Approval of Preliminary Plat

The Commission shall review the impact of each major subdivision following a fifteen (15) day public notice period, advertised and warned.

The Planning Commission shall review the impact of each major subdivision and determine that such subdivision:

1. Will not result in undue water or air pollution. In making this determination, consideration shall be given to: elevation of land in relation to flood plains, nature of soils and their ability to adequately support waste disposal, slope of the land and its effect on effluents, potential

effects of construction and continued activity on air quality, applicable state and local health and resource regulations.

2. Does have sufficient water available for reasonably foreseeable needs of the development, and will not burden existing water supplies.
3. Will not cause unreasonable soil erosion or undue reduction in the capacity of the land to hold water.
4. Will not cause unreasonable highway congestion or unsafe conditions with respect to use of highways existing or proposed.
5. Will not have undue adverse impact on the scenic or natural beauty of the area, historic sites, or rare and irreplaceable natural areas.
6. Maintains efficiency of allocation and distribution of street, facility, and utility installation, construction and maintenance.
7. Will not cause unreasonable burden on the ability of the municipality to provide services, including education, fire, rescue and police protection, solid waste disposal, water supply and wastewater disposal.

In light of findings made on these standards, the Commission may require reasonable modifications, impose conditions, and/or mandate appropriate phasing of the proposed subdivision.

Within forty-five (45) days after the meeting on the preliminary plat, the Commission shall take action to approve, with or without modifications, or disapprove said preliminary plat. The Commission shall state in its records any modifications which it will require, or the grounds for disapproval. The records and preliminary plat shall also reflect the amount, surety, and conditions of any bonds which will be required before final approval.

Approval of a preliminary plat shall not constitute approval of the subdivision plat. Prior to approval of the final subdivision plat, the Planning Commission may require additional modifications as a result of further review of the subdivision or as a result of new information obtained at any public hearing held pursuant to these regulations.

5.4.6 Final Plat Submission Requirements

Within six months of the preliminary approval for a major subdivision, or sketch plan approval for a minor subdivision, the applicant shall submit four copies of the final plat at least ten (10) days prior to the public hearing, conforming to the layout shown on the preliminary plat and/or sketch plan plus any recommendations made by the Commission, and shall contain, or be accompanied by, the following information:

1. All requirements for a preliminary plat as delineated in section 5.4.4
2. Evidence of acceptance of location, design, and specifications of proposed driveways, private streets and drainage plans by the Town Road Foreman, together with existing and proposed

road profiles and cross-sections, construction plans, and specifications; also, acceptance by the Board of Selectmen of streets intended for dedication to the Town;

3. Evidence of approval by the State, of the design of those required water supply and wastewater system improvements and copies of all permits regarding same.
4. Copies of such covenants or deed restrictions as are intended to cover all or part of the parcel, and methods of dedication of proposed easements, rights-of-way, and open spaces, which may be required by these regulations. A written acknowledgement of the sub-divider's responsibility for maintenance, and the assumption by him/her of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has legally been accepted by the Town;
5. If the subdivision abuts a state highway, or if a proposed street intersects a state highway, a statement from the Vermont Agency of Transportation approving such;
6. The plat shall contain the following statement: "The subdivision regulations of the Town of Sunderland are a part of this plat, and approval of this plat is contingent upon completion of all the requirements of said regulations, excepting only any variances or modifications made in writing by the Planning Commission and attached hereto.";
7. The identifying number and date of approval of all applicable state and local permits, including the Town subdivision permit number;
8. Space shall be reserved on the plat for endorsement by all appropriate parties.

5.4.7 Review and Approval of Final Plat

A public hearing on the final plat shall be held by the Commission within thirty (30) days after the time of its submission to the Administrative Officer. Said hearing shall be advertised and warned in accordance with the 24 V.S.A. S.4464. In addition, notice of such hearing shall be forwarded to the clerk of an adjacent municipality, in the case of a project located within five hundred (500) feet of a municipal boundary, at least fifteen (15) days prior to the hearing.

Within forty-five (45) days following the adjournment of the public hearing, the Planning Commission shall take action to approve, with or without modifications and/or conditions, or disapprove, the final plat. The Commission shall state in its records any modifications and/or conditions which it will require, or the grounds for disapproval.

5.4.8 Performance Guarantee Requirements

To ensure that all required improvements are undertaken and completed in conformance with the final plat, the Planning Commission may require that no building permit be issued for any structure on any lot within the subdivision until a licensed professional engineer certifies that all such improvements have been completed. For a subdivision that is to be developed in phases, all required improvements for a phase must be certified complete prior to the issuance of a building permit for any structure on any lot within that phase of the subdivision.

Alternatively, the Commission may require that the sub-divider follow the procedures set forth in subparagraph (1) and (2) below.

1. In an amount set by the Planning Commission, the sub-divider shall file with the Board of Selectmen a certified check, irrevocable letter of credit, performance bond, or other performance guarantee approved by the Board of Selectmen, to cover the full cost of required improvements. Any such performance guarantee shall be satisfactory to the Board of Selectmen and municipal attorney as to form, sufficiency, manner of execution, and survey. The Commission shall fix the term of any bond up to three years. The term of such bond may, with the consent of the owner, be extended for a period of time which may extend to the date of completion of the improvements covered by the bond. For projects to be completed in phases, the provisions of this section may be applied separately to each phase of the project. As improvements are completed, the developer shall be released from all liability except for the portion of the improvements not yet completed. The Planning Commission shall require the developer/applicant to submit construction cost estimates to establish an appropriate figure for said performance guarantee.

2. In addition to surety guaranteeing completion of improvements, surety covering maintenance of roads and improvements for a period of two years from completion shall be furnished in an amount not to exceed ten percent (10%) of the cost of the improvement.

3. No final plot plan shall be approved by the Planning Commission until filing with the Town Clerk a maintenance bond and a performance bond which provides guarantees to the satisfaction of the Planning Commission.

5.4.9 Filing of Approved Plat

Three copies of the approved final plat shall be submitted and distributed as follows: one each to the Planning Commission files, Road Foreman, and Board of Listers.

No changes, erasures, modifications, or revisions shall be made in any subdivision plat after approval has been given by the Commission and endorsed in writing on the plat, unless the plat is first resubmitted to the Commission and the Commission approves any modifications.

The express approval or assent by omission of the subdivision plat shall expire in 180 days unless within that period the plat shall have been duly filed and recorded in the office of the Town Clerk. An additional 90 days for filing a plat may be granted if final local or state permits are still pending.

5.4.10 Conditions

The Planning Commission may impose reasonable conditions on the subdivision of land for the design, dedications and improvement of land so as to conform to the physical development of Sunderland and for the safety and general welfare of the future land owners in the subdivision and of the community at large.

5.4.11 Modifications

Where the Planning Commission finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations or where there are special circumstances of a particular plat, it may vary these Regulations so that substantial justice may be done and the public interest secured.

Where the Planning Commission finds that, due to the special circumstances of a particular plat, the provisions of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision it may modify such requirements, subject to appropriate conditions.

In granting waivers and modifications, the Planning Commission shall require such conditions as will secure substantially the objectives of the requirements so waived or modified.

No such waiver or modification may be granted if it would have the effect of nullifying the intent and purpose of the Town Plan, the Zoning Regulations, the Capital Budget and Program, or these Subdivision Regulations.

Any subdivision plan/design previously approved by the Planning Commission, that is modified or makes any material or other significant change to any of its plans during the overall permit process, or, any proposed subdivision that is unable to obtain all necessary permits within 18 months of original application, shall be subject to a new re-review in full accordance with these Subdivision Regulations, and subject to any additional fee requirements.

Fees to be taken out of ordinance and approved by Selectboard

5.4.12 Infrastructure Improvements and Security

- A. Also at the time of filing, the applicant is to provide a bond or other acceptable security, in a form acceptable to the Selectboard and town attorney, in an amount not to exceed 120% of the estimated cost of the improvements, as determined by the planning ~~board~~ commission. Applicants shall also make a deposit (cash or certified check) to cover town expenses, such as legal and engineering, not to exceed 10% of the estimated cost and improvements. The balance previously deposited for the review of the plat shall be credited to this new deposit account. If the account in this new account falls below 50% of the amount deposited above, the sub-divider shall deposit an additional amount, not to exceed 10% of the cost estimated by the planning commission to complete the improvements in accordance with the approved preliminary plat of such major subdivision.

All major subdivisions with the cost of improvements exceeding \$100,000 shall require the developer to enter into a builder's agreement with the town of Sunderland. Such agreement shall contain all conditions, exceptions and requirements established by the planning board prior to preliminary approval. The deposit required by Subsection B above shall be in this agreement.

5.4.13 Filing Fee

Major subdivision deposit:

In connection with major subdivision, after preliminary approval by the planning board and before any work is undertaken, the sub-divider shall deposit with the town clerk of the Town of Sunderland an amount equal to 5% of the estimated cost of installing the improvements required by the planning board in connection with such major subdivision, to cover the costs of periodic inspection as the improvements are made, including engineering fees and legal fees connection therewith. If at any time the amount on deposit shall fall below the sum of \$100,000, the sub-divider shall deposit an additional amount representing 5% of the estimated cost to complete the improvements in accordance with the final plat of such major subdivision.

Charges to Deposits:

No deposit required by this article should be charged with an amount unless the same shall represent a reimbursement to the town for payments by it for services rendered, upon proper vouchers, duly sworn to, as provided by law. In every case, any charge to the deposit provided herein shall be reviewed and approved by the town as to the necessity for the performance of the service and the reasonableness of the amount charged therefore to the same extent as if there were no provision for reimbursement to the Town (*) See separate schedule for subdivision fees.

Section 6 Administration and Enforcement

6.1 Zoning Administrator

The provisions of this Bylaw shall be administered and enforced by the Zoning Administrative Officer, nominated by the Planning Commission and approved by the Board of Selectmen, as provided by law 24 V.S.A. 4448. The Zoning Administrator shall literally enforce the provisions of these regulations, inspect land developments, maintain records of his actions, and perform all other necessary and required tasks to carry out the provisions of these regulations, and the duties of the office. A complete and accurate record of all applications, decisions, and violations acted upon shall be filed with the Town Clerk and Board of Listers as provided in 24 V.S.A. Section 4449.

6.2 Permits

Before any type of land development occurs, a permit must be obtained from the Zoning Administrative Officer and the fee, as established by the Board of Selectmen, paid. Land development includes, but is not limited to, the following activities:

1. The subdivision of any land.
2. Any land or structure is devoted to a new or changed use.
3. The construction or moving of a building, accessory building, or any other structure intended for accessory use. Accessory buildings or any other structures intended for accessory use which do not exceed 150 square feet may be constructed or moved without a permit, subject to compliance with all setback stipulations of the applicable zoning district.

4. The enlargement or realignment of any building or structure.
5. The change, extension or expansion of a nonconforming use.
6. The reconstruction of a building or structure damaged or destroyed by fire, explosions, accident or by a public enemy.
7. The removal of earth products.
8. The establishment of a home industry or occupation.

Issuance of Permit

The Zoning Administrator shall not issue a zoning permit unless an application, fee, plot plan, and any other approvals required by these regulations have been properly submitted. The Zoning Administrator shall act within 30 days of submission of a complete application, data, and approvals by issuing a decision or by making a referral to the Appropriate Municipal Panel. If the Administrative fails to act with regard to a complete application for a permit, within 30 days, a permit shall be deemed issued on the 31st day. If denied, the Zoning Administrator shall so notify the applicant in writing stating the reasons therefore. If the zoning permit is approved, all activities authorized by its issuance shall be substantially completed within one year of its date of issue, or the zoning permit shall become null and void and reapplication to complete any activities shall be required. Each zoning permit issued under this section shall contain a statement of the period of time within which an appeal may be taken. Within three (3) days following the issuance of a zoning permit, the Zoning Administrator shall:

1. Deliver a copy of the permit to the Listers;
2. Post a copy of the permit in at least one public place in the municipality until the expiration of fifteen (15) days from the date of issuance of the permit;
3. File a copy with the Town Clerk

For any property for which a permit has been issued, a notice of permit shall be posted within view from the public right-of-way most nearly adjacent to the subject property until the time for appeal (24 V.S.A. Section 4465) has passed.

6.21 Effective Date of Permit

The effective date of a permit shall be fifteen days after the date of approval-No zoning permit shall take effect until the time for appeal (24 V.S.A. Section 4465) has passed, or in the event that a notice of appeal is filed property, such permit shall not take effect until final adjudication of said appeal by the ZBA is complete and the time for taking an appeal to the Environmental Court has passed without an appeal being taken. If an appeal is taken to the Environmental Court, the permit shall not take effect until the Environmental Court rules in accordance with 10 V.S.A. Section 8504 on whether to issue a stay, or until the expiration of 15 days, whichever comes first.

6.22 Water Supply and Wastewater Disposal

If required, no permit for any building requiring a water supply or sewage disposal system shall be granted or take effect until the applicable permits have been issued in compliance with the Vermont Water Supply and Wastewater Protection Rules.

6.23 Certificate of Occupancy and Compliance

In accordance with T.24 V.S.A. s.4449, a certificate of occupancy issued by the Zoning administrator shall be required prior to the use or occupancy of any land or structure, or part thereof, for which a zoning permit has been issued.

A. A certificate of occupancy shall not be issued until all necessary approvals and permits required by these regulations have been obtained for the project, and the ZA determines that the project has been fully completed in conformance with all such approvals and permits.

B. In the case of a structure, the ZA shall inspect the premises to ensure that all work has been completed in conformance with the zoning permit and associated approvals, including all applicable permit conditions. In addition, the ZA must inspect the site at the time the footings are in place and again when the structure is completed and deemed by the owner to be ready for occupancy before issuing a Certificate of Occupancy.

C. In the case of a structure or use requiring a State of Vermont on-site waste disposal permit, a copy of the certification that the system was installed as designed shall be submitted to the ZA prior to issuance of the Certificate of Occupancy.

D. Certificate of Compliance

In conjunction with the sale of property, mortgage documentation or legal title and legal research the Zoning Administrator may issue a certificate of compliance which shall indicate that there are no known violations to a use or building under the Land Use Development Regulations. If a violation does exist it shall be so indicated and shall proceed to correct the violation as provided in 6.3 of this bylaw.

6.24 Certificate of Subdivision Compliance

The Planning Commission may require, as a condition of subdivision approval, that a certificate of compliance be obtained to ensure that public and private improvements have been installed in accordance with the conditions of subdivision approval prior to any further land development. An application for a certificate of subdivision compliance shall be submitted to the Zoning Administrator with as-built plans drawn to scale or certifying completion of approved plans indicating any monuments, utilities, structures, roadways, easements, and other improvements as constructed.

Within 14 days of receipt of the application for a certificate of subdivision compliance the Administrative Officer shall inspect the subdivision to ensure that all work has been completed as approved. If the Zoning Administrator fails to act on the application, the certificate shall be deemed issued on the 15th business day.

6.3 Penalties and Enforcement

Any person who violates the provisions of this Bylaw shall be subject to the penalties prescribed in the Municipal and Regional Planning and Development Act, as amended, Title 24 V.S.A. Chapter 117, Sections 4451, 4452, and 4454.

6.4 Public Notice

Any public notice required for public hearing under this Bylaw shall be given as required by law.

6.5 Planning Commission

There shall be a Planning Commission, the number of members and terms of which shall be determined by the Selectmen in accordance with T.24 V.S.A. S. 4323. The Planning Commission shall elect a Chair and Clerk and shall adopt rules as it deems necessary and appropriate for the performance of its functions. It shall keep a record of its resolutions and transactions, which shall be maintained as a public record of the municipality. The power and duties of the Planning Commission are prescribed in S.4325.

6.6 Board of Adjustment

There shall be a Zoning Board of Adjustment (ZBA), created as provided by Subsections 4460 and 4461, inclusive, of the Vermont Planning and Development Act, as amended, with the power and duties as provided therein. The number and term of office shall be determined by the Board of Selectmen. The ZBA shall elect its own officers and shall adopt rules of procedure.

6.7 Appeals

An interested person may appeal any decision or act taken by the Administrative Officer by filing a notice of appeal with the secretary of the Board of Adjustment or with the Town Clerk, as provided by Subsections 4465, 4466 and 4468 , inclusive, of the Vermont Planning and Development Act, as amended.

6.8 Appeals to Environmental Court

An interested person may appeal a decision of the Board of Adjustment or Planning Commission to the Environmental Court under Sections 801 through 816 of Title 3.

6.9 Variances

The Zoning Board of Adjustment may not grant a variance to allow any use which is not Permitted or conditionally permitted in a district, as provided in 24 VSA Section 4473. In rendering a decision in favor of a variance, the ZBA may attach such conditions as it may deem necessary and appropriate under the circumstances, to implement the purpose of this bylaw and Town Plan, as duly adopted or amended and to safeguard the public welfare.

The ZBA may grant a variance for reasonable use of a pre-existing small lot which may not allow for the required setback requirements. In doing so, it shall be the least deviation from the required setback standards. In such circumstances, the hardship shall be deemed not to have been created by the applicant.

6.9.1 Pursuant to 24 V.S.A. s.4468 and 4469 the ZBA may render a decision in favor of the appellant to grant a variance only if it makes a positive finding for all of the following reasons:

- 1) That 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 the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or District in which the property is located.
- 2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- 3) That such unnecessary hardship has not been created by the appellant;
- 4) That the variance, if authorized, will not alter the essential character of the neighborhood or District in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and development of adjacent property, and
- 5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of these Bylaws the zoning regulation and of the Town Plan.

6.9.2 Pursuant to 24 V.S.A. s. 4469(b) an appeal from the decision of the Zoning Administrator in which a variance from the provisions of this Bylaw is requested for a structure that is primarily a renewable energy resource structure, the Board of Adjustment may grant a variance if all the following facts are found:

- 1) It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with the Bylaws;
- 2) The hardship was not created by the appellant;
- 3) The variance, if authorized, will not alter the essential character of the neighborhood or District in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare; and
- 4) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the Bylaw and the Town Plan.

6.9.3 Place holder for variances in flood hazard areas

6.10 Amendments

This Bylaw, or the boundaries of zone districts established herein, may be amended from time to time after a public hearing, as provided in Subsections 4441 and 4442 of the Vermont Planning and Development Act, as amended.

6.11 The adoption of this bylaw shall supersede any previously adopted land use regulations.

Section 10: Definitions

Any of the definitions in this section may apply for land use and development subject to this regulation.

A. ZONING DEFINITIONS

For the purpose of this Bylaw, certain terms or words shall be defined as below. Words in the present tense include the future, the singular number includes the plural, and vice-versa. The word "person" includes a partnership, corporation, or other entity. The word "building" includes the word "structure".

10.1 Accessory Use: A use customarily incidental and subordinate to a principal use on the same lot.

10.2 Building: Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, or materials. Any structure more than eight feet high shall be considered as a building, including a solid fence or wall, but excluding an electric light, telephone or telegraph pole, highway or railroad bridge or flagpole.

Building Accessory: Any building which is subordinate to and whose use is incidental and accessory to the use of the principal building on the same lot, or on an adjoining lot under the same ownership. A detached accessory building shall be one which is not attached to the principal by any covered porch, breezeway, or other roofed structure.

Building Area: The ground area enclosed by the walls of a building, together with the area of all covered porches and other roofed portions.

Building Coverage: The percentage which the aggregate area of all buildings on the lot bears to the area of the lot.

Building Height: The vertical distance from the average finished grade within 10 feet of the walls of the building to the highest point of flat or mansard roofs, including the top of a parapet, or to the mean level between the eaves and ridges for gable, hip, or gambrel roofs.

Building Line: A line parallel to a street at a distance equal to the required front yard, or at a greater distance when otherwise legally established by the municipality or by private covenant.

10.3 Condominium: A Building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned and managed by all the owners (a condominium association) on a proportional, undivided basis. Common elements typically include, but many not be limited to: land, plumbing and wiring, major utility systems, shared or public interior areas, exterior walls, parking areas, roads, and recreational facilities.

10.4 District: A district established by the provisions of Sec. 2 of this Bylaw.

Dog Kennel: The keeping of more than five dogs greater than six (6) months old.

Dwelling, Multiple: A building containing separate dwelling units for up to three families, having separate or joint entrances, services or facilities.

Dwelling, One Family: A detached building designated for or occupied solely as a dwelling by one family.

Dwelling, Two Family: A detached building designated for or occupied solely as a dwelling by two families living independently of each other.

Dwelling Unit: A dwelling or part of a dwelling occupied or intended to be occupied by one family for residential purposes, containing full housekeeping facilities for the exclusive use of the occupants.

Dwelling Unit, Accessory: An efficiency or one bedroom dwelling unit located within or appurtenant to a one-family dwelling that is clearly subordinate to the one-family dwelling, which has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided that the property has sufficient wastewater capacity and that the unit does not exceed 30 percent of the total habitable floor area of the one-family dwelling, but is at least 400 square feet in floor area.

10.5 "E"

10.6 Family: Any number of individuals related by blood, marriage or adoption, living together as a single housekeeping unit, provided that a group of not more than five persons keeping house together, but not necessarily related by blood or marriage, may be considered a family.

Family Child Care Home or Facility: A home or facility where the owner or operator is licensed or registered by the State for childcare. See Section 2.5 .

10.7 Gross Leasable Area: In a commercial development, the leasable floor area including areas for sales and storage.

10.7 Home Occupations: A profession or occupation in a dwelling or accessory building and is clearly secondary to the use as a dwelling. A home occupation may only be conducted by a resident(s) of the dwelling and not more than three full-time employees. Home occupations shall preserve the residential character of the premises and neighborhood, and are subject to the provisions in Sections 3.5.1a.4 and 3.5.1.b.16.

Hotel: A building providing lodging for persons with or without meals, and intended for the accommodation of transients, and so designed that normal access and egress are controlled from a central point. A hotel is not a dwelling unit.

10.9 "I"

10.10 "J"

10.11 "K"

10.12 Land Development: The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land or extension of use of land.

Lot: A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this Bylaw. In the case of multiple dwellings and public, institutional, commercial, industrial, or agricultural buildings, a group of buildings on the same or contiguous premises, all under the same ownership, may be considered as occupying the same lot.

Lot, Corner: A lot at the intersection of and abutting on two or more streets where the angle of intersection is not more than 135 degrees, or where the intersection is rounded by a curve having a radius of less than one hundred feet.

Lot, Interior: A lot other than a corner lot or through lot.

Lot, Through: A lot other than a corner lot which abuts two or more streets which do not intersect at the lot.

Lot Line: The established division line between lots or between a lot and a street.

Lot Line, Front: All dividing lines between a street and the lot shall be considered front lines.

Lot Line, Rear: The line or lines bounding a lot at the rear and approximately parallel to and at the maximum distance from the front lot line.

Lot Line, Side: The line or lines bounding a lot which extends from the street towards the rear in a direction approximately perpendicular to the street. In the case of corner lots, or through lots, all lines extending from streets shall be considered side lot lines.

Lot, Minimum Width of: The distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines, which line of measurement shall touch, but not be in front of the building line. In the case of a corner lot, the minimum width shall be similarly measured and, for the purpose of this measurement only, the front lot line which has the least dimension shall be considered the front lot line, and the lot lines adjacent thereto shall be considered as side lot lines.

10.13 Manufacturing: Shall include fabricating, assembling, treating, processing, and similar operations performed on any materials permitted to be worked upon by the terms of this Bylaw.

Mobile Home: Any vehicle or object on wheels and having no motive power of its own, but which is drawn by or used in connection with a motor vehicle, and which is so designed and constructed, or added to, so as to permit the use and occupancy thereof for human habitation, whether resting on wheels, jacks or other foundation, including the type of vehicle known as a mobile home. The provisions hereof shall also be applicable to any motor vehicle which is designed or added to so as to permit its use and occupancy for human habitation.

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 two or more mobile homes. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes.

Motel: A building or group of buildings providing lodging for persons, intended primarily for the accommodation of transients, having a private outside entrance for each room or suite of rooms, and for each of which rooms or suites of rooms automobile parking space is provided on the premises.

10.14 Nonconforming Building: A building, the location, size, height, or construction of which does not conform to all the applicable provisions of this Bylaw, but which was legally existing at the effective date hereof, or of any pertinent amendment hereto.

Nonconforming Use: A use of land, building, or premises, which is not a use permitted by the provisions of this Bylaw for the district in which such land, building, or premises, are situated, but which was legally existing at the effective date hereof, or of any pertinent amendment hereto.

10.15 Open Space: A space, not occupied by a building or other roofed structure on the same lot as the principal building.

10.16 Planned Residential Development (PRD): An area of land, controlled by an individual, to be As a single entity for a number of dwelling units; the plan for which does not correspond in general lot size, bulk, or type of dwelling, density, lot coverage, and required green space under these regulations except as a planned residential development.

Premises: A lot, as defined in this section.

Principal Building: The building on the lot containing the major permitted use or uses, as opposed to a building containing a minor use customarily incidental to the principal use.

Public Sewer: A system of sanitary sewers owned and operated by a municipality or other governmental unit.

Public Water Supply: A system of water supply owned and operated by a municipality or other governmental unit, or by a corporation authorized and regulated by the State of Vermont for purposes of public water supply.

10.17 "Q"

10.18 Recreation Vehicle Park: A parcel upon which sites are located and maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation and/or vacation purposes.

Riding/Boarding Stable: The keeping or care of more than four horses.

10.19 Street: A town or state highway, a street of an incorporated village or a street shown on a subdivision plan approved by the Planning Commission. The word "street" shall include the entire right-of-way thereof. If a boundary of the right-of-way has not been surveyed and so recorded and is not marked by fence line or other physical feature, the boundary shall be deemed to be 25 feet from the center line of the traveled way.

Street Line: The line dividing the street and the lot.

10.20 Trailer or Mobile Home Park: Any premises used or permitted to be used for parking of more than one occupied trailer or mobile home.

Travel Trailer: A vehicle similar to a mobile home, but not exceeding thirty feet in length, and designed and used primarily for recreational travel purposes. To be considered a travel trailer, such vehicle must rest on its own wheels. The provisions hereof applicable to travel trailers shall also be applied to any motor vehicle not exceeding thirty feet in length, whose body has been equipped for occupancy for recreational purpose.

10.21 "U

10.22 "V"

10.23 "W"

10.24 "X"

10.25 Yard, Front: An open space between the building and the front lot line, extending the full length of the lot, or, in the case of a corner lot, extending along all streets.

Yard, Required Front, Rear or Side: So much of the front, rear or side yard, as required by the applicable provisions of this Bylaw.

Yard, Side: An open space between the building and a side lot line, extending the full length of the lot.

Yards, Depth or Width of: The depth of front and rear yards, and the width of side yards, shall be measured perpendicularly to the respective lot lines.

B. SUBDIVISION DEFINITIONS

Act: Title, 24 V.S.A. Chapter 117, the Vermont Municipal and Regional Planning and Development Act.

Administrative Officer: An individual appointed by the Planning Commission with the approval of the Board of Selectmen, as provided for in 24 V.S.A. S4442, who is responsible for the administration of the municipal subdivision and zoning regulations.

Adjacent Landowner: An owner of contiguous land including land immediately across road or highway or waterway.

Applicant: (developer/sub-divider) Shall mean the owner of record or his agent duly authorized in writing.

Authorized Agent or Representative: A person or group of persons, who have been duly authorized in writing filed with the Commission by the subdivider to act in his or her behalf.

Building Envelope: That portion of a lot which shall contain all principal buildings and systems to be constructed on the lot. The area of the lot where all development shall occur, and any improvements shall be located.

Certified Site Technician: An individual certified by the Vermont Department of Environmental Conservation for design of single-lot creation subdivisions.

Commission: Shall mean the Planning Commission of Sunderland.

Developmental Rights: The right of an owner or lessee of a parcel of land to construct, erect, or place any building or structure the useful occupancy of which will require the installation of plumbing or sewage disposal facilities.

Easement: The authorization of a property owner for the use by another, and for a specialized purpose, of any designated part of his or her property.

Final Subdivision Plat: The final drawings on which the sub-divider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, may be filed for recording with the Municipal Clerk, as per the requirements of Section 5.4.9 of these Regulations.

Forest Land: Land with prime forest soils that is used, or has been used with potential viability for reclamation, for commercial forestry.

Open Land/Open Space: Land unoccupied by structures, buildings, streets, rights-of-way, or parking lots; especially meadow land and agricultural land.

Plat: A map or representation on paper of a piece of land subdivided into lots and streets, drawn to scale.

Preliminary Plat: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration, as per the requirements of sections 5.4.4 and 5.4.5 of these Regulations.

Professional Engineer: An engineer, registered in the State of Vermont, who has been trained in, and engages primarily in, civil or sanitary engineering.

Public Highway: Any Class 1, 2, or 3 Town road or State highway shown on the official highway map of the Town of Sunderland on the effective date of this ordinance.

Registered Surveyor: A land surveyor, licensed and registered in the State of Vermont.

Re-subdivision: A change to a recorded subdivision plat if such change affects any street layout on such plat, or area reserved thereon for public use, or any change of a lot line, or any such change if it affects any map or plan legally recorded. (Also see lot line adjustment Section 5.4.3)

Subdivision: The division of a parcel into two or more lots, or other divisions for the purpose of sale, lease, or development. The word shall refer to the land to be subdivided, or to the process of subdivision, as appropriate to the context, and shall include re-subdivision. (See also 1.03 1.04)

Sketch Plan: A sketch of a proposed subdivision as per the requirements of section 5.02 of these Regulations.

Street: Any road, highway, avenue, street, land, or other way between right-of-way lines, whether publicly or privately owned, used or to be used for vehicular traffic.

Sub-divider: (Developer/Applicant) Any person, firm, corporation, partnership, or association having an interest in land who shall lay out for the purpose of sale, lease, or development any interest, lot, unit, or plat in a subdivision.

Wastewater Disposal System: A system designed by a professional engineer or certified site technician that is used to treat and dispose of domestic, commercial, or industrial wastewater. The design and construction of such a system shall meet all of the requirements of Chapter 5, Subchapter 10 of the Vermont Department of Health Regulations.

C. TELECOMMUNICATIONS DEFINITIONS

Antenna: A device attached to a tower or other structure for transmitting or receiving radio frequency (RF) signals, the following are two common types:

Whip or pole - this antenna's dimension is typically ten (10) to fifteen (15) feet in length, has the appearance of a long whip or thin pole. Its radiation pattern is omni-directional which has the shape of a doughnut with the antenna sitting in its center.

Panel - this antenna's dimensions are typically one (1) foot by four (4) to eight (8) feet, has the appearance of a panel. Its radiation pattern is directional which looks like a pie-shaped wedge with the antenna located at the point of the wedge. Panels are typically mounted in sectors.

Co-location: the use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier.

Decibel (dB): A term that expresses the ratio of power levels used to indicate gains or losses of signals.

EPA: Environmental Protection Agency

EMS: Emergency Medical Service

FAA: Federal Aviation Administration

Fall Zone: The area on the ground within a prescribed radius from the base of a Telecommunications Facility's ground-mounted structure (tower). The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

FCC: Federal Communications Commission

OSHA: Occupational Safety and Health Agency

Radiation Pattern: The spatial distribution of a quantity that characterizes electromagnetic field generated by an antenna.

Telecommunications Facility: A structure that is primarily for communication or broadcast purposes and which will transmit or receive communication signals for commercial, industrial, municipal, county or state purposes.

Tower: A structure more than twenty (20) feet in height above the ground elevation built for the purpose of supporting, elevating, or placement of antennas for use as part of a Telecommunications Facility.

Vantage Point: A point located on a public highway or public water body from which a proposed wireless communication facility will be visible.

UPS: Uninterruptible Power Source (Supply)

USGS: United State Geological Survey

~~ZBA: Zoning Board of Adjustment~~

D. FLOOD HAZARD DEFINITIONS (To be added when new regulations are completed)

Maps

Zoning District Map

Flood Hazard Map Overlay (FHO) (under review 2012)

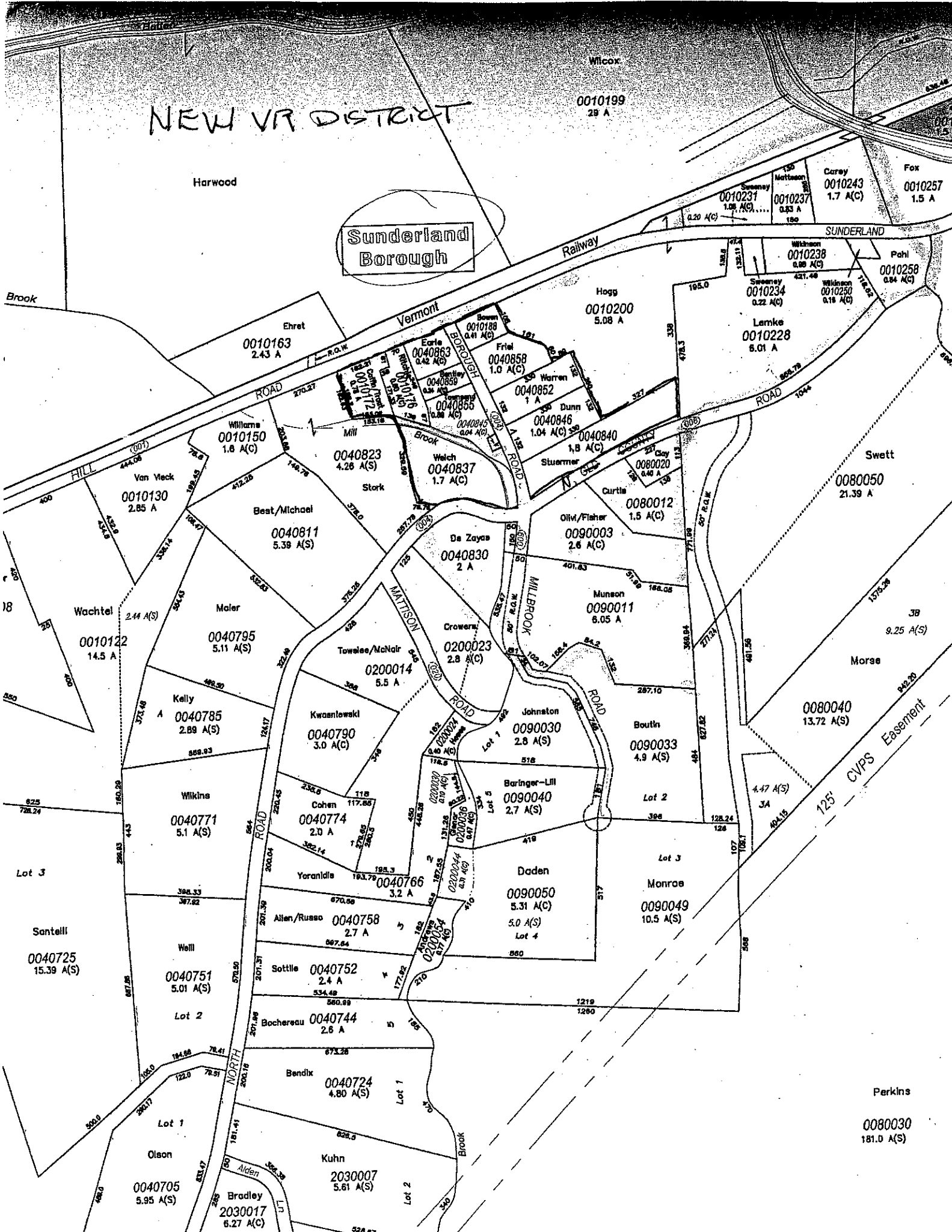
Fluvial Erosion Hazard Map (FEH)

Wellhead Protection Area (Arlington Water System) on the Water Resources Map

Town Plan maps as applicable to development reviews

NEW VR DISTRICT

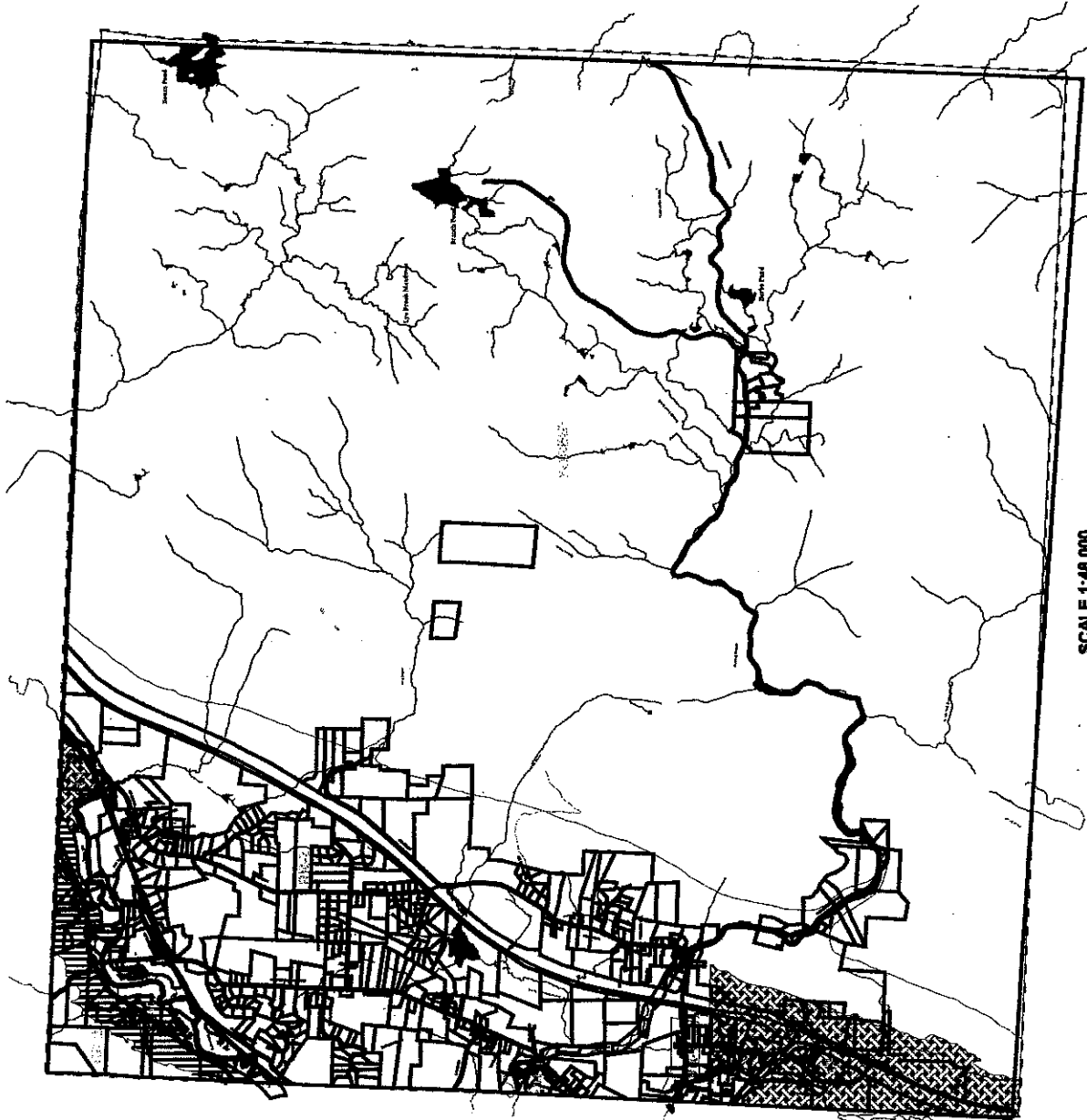
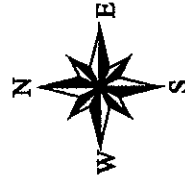
Sunderland
Borough



Harwood
Wicor
0010199
29 A
Sunderland
Railway
0010231
1.08 A(C)
0010237
0.83 A
180
0010243
1.7 A(C)
Fox
0010257
1.5 A
SUNDERLAND
0010238
0.88 A(C)
Pahl
0010258
0.84 A(C)
Sweeney
0010234
0.22 A(C)
Wickson
0010250
0.18 A(C)
Lemke
0010228
6.01 A
Hogg
0010200
5.08 A
Ehret
0010163
2.43 A
Vermont
0010188
0.41 A(C)
Earle
0040863
0.42 A(C)
Friel
0040858
1.0 A(C)
0040852
1 A
0040855
0.58 A(C)
0040845
0.04 A(C)
0040846
1.04 A(C)
0040840
1.8 A(C)
Stuerner
0080020
0.46 A
0080012
1.5 A(C)
Oliv./Fisher
0090003
2.6 A(C)
Currie
0080050
21.39 A
Swett
0080011
6.05 A
Munson
0090011
6.05 A
Wachtel
0010122
14.5 A
Maier
0040795
5.11 A(S)
Towhee/McNair
0200014
5.5 A
0200023
2.8 A(C)
Crowers
0200014
5.5 A
Kwanlowski
0040790
3.0 A(C)
Johnston
0090030
2.8 A(S)
Baringer-Lill
0090040
2.7 A(S)
Lot 1
0090030
2.8 A(S)
518
Lot 2
0090033
4.9 A(S)
Boutin
0090033
4.9 A(S)
Lot 3
0090050
5.31 A(C)
5.0 A(S)
Lot 4
0090049
10.5 A(S)
560
Daden
0090050
5.31 A(C)
5.0 A(S)
Lot 4
0090049
10.5 A(S)
560
Monroe
0090049
10.5 A(S)
Morse
0080040
13.72 A(S)
4.47 A(S)
JA
40.15
125' CVPS Easement
Perkins
0080030
181.0 A(S)

Town of Sunderland, Vermont Zoning Map

- Parcel Lines
- Streams
- Ponds
- Fluvial Erosion Hazard Overlay Zone
- Zoning Districts**
- VR-1
- RR-2
- RCR
- CI
- FOREST



SCALE 1:48,000

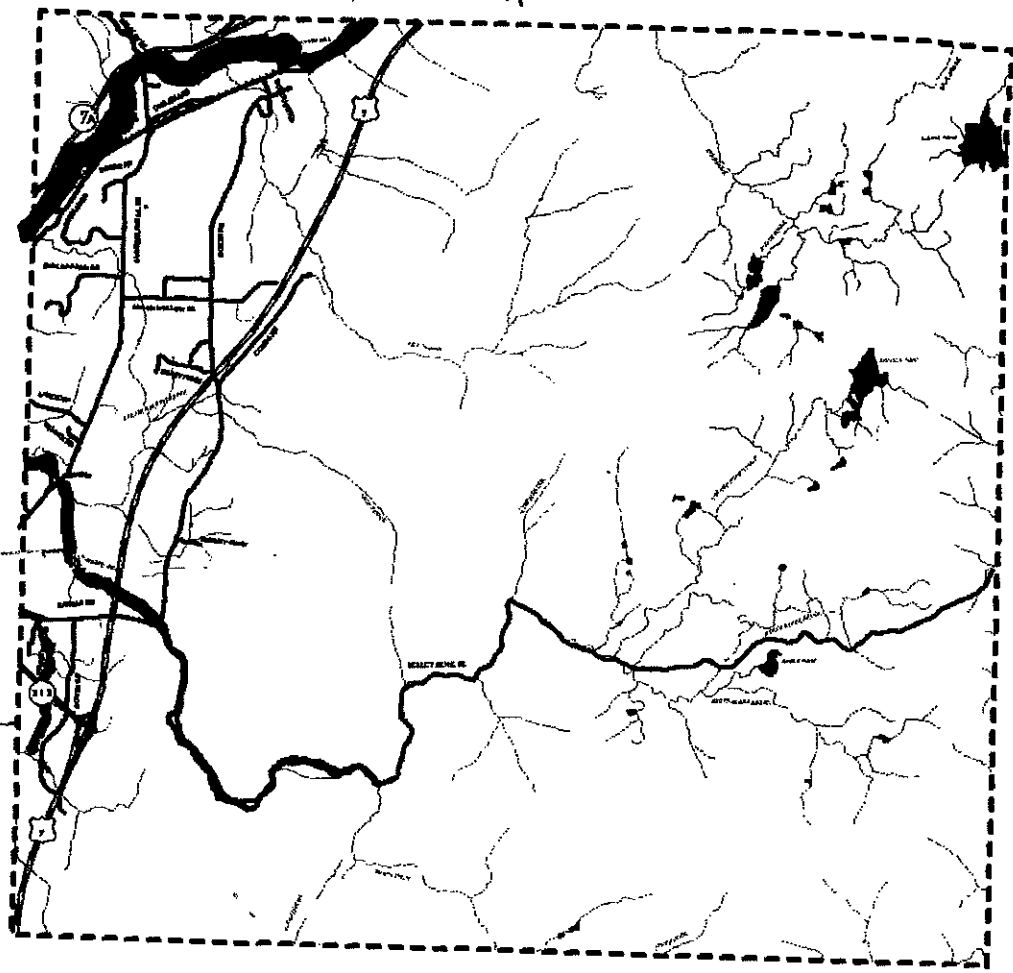


Map produced January 23, 2012 by
Bennington County Regional Commission
111 South Street, Suite 203
Bennington, Vermont 05201

Town of Sunderland, VT
Fluvial Erosion Hazard Zones

BATELI Kill

ROARING BRANCH
FAYVILLE
POND

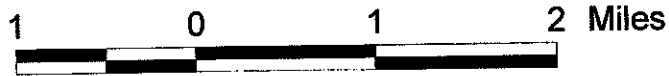
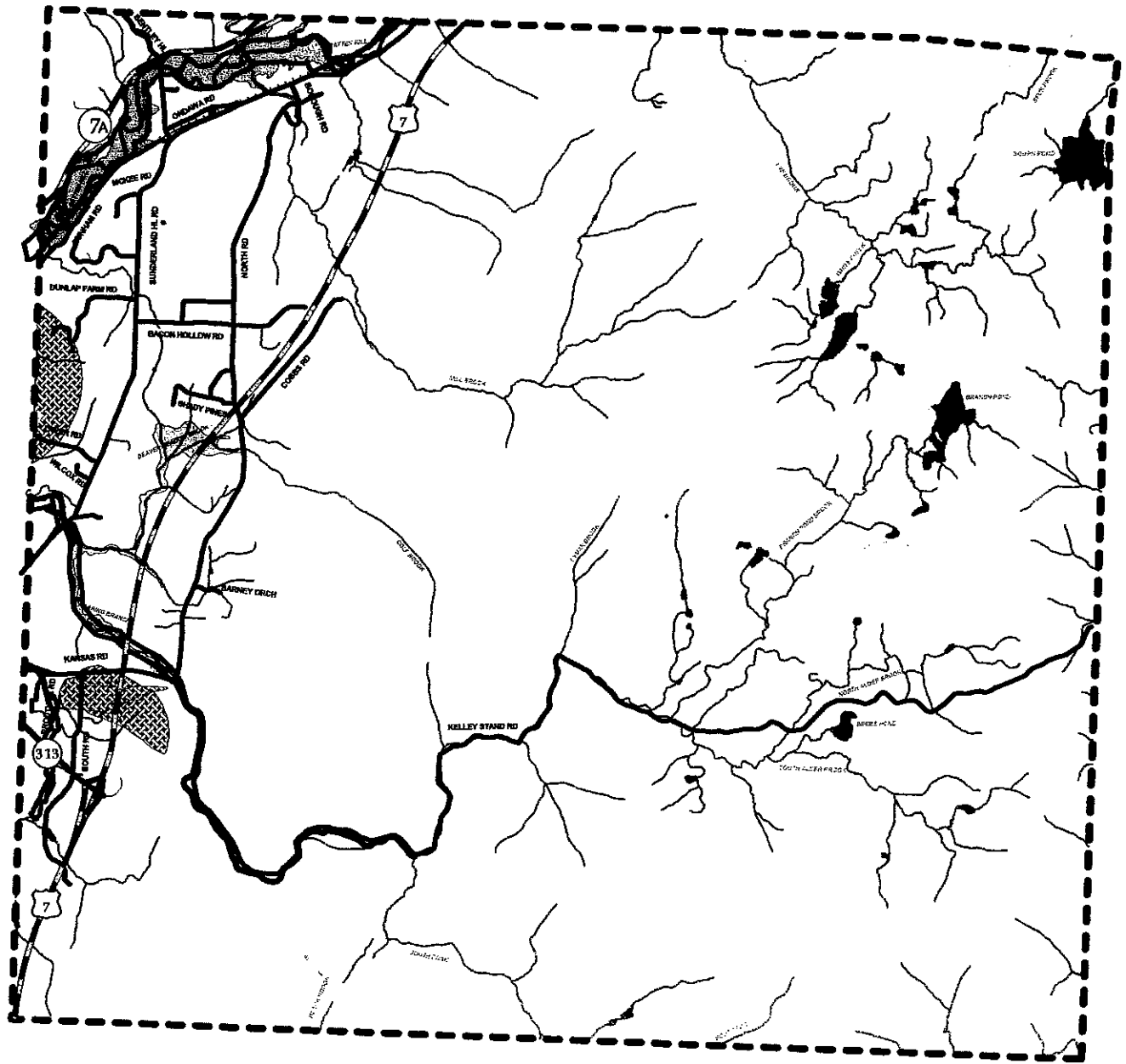


- Town Highway
- State or U.S. Highway
- National Forest Road
- Private Road
- Railroad
- Rivers and Streams
- Ponds
- Fluvial Erosion Hazard Areas



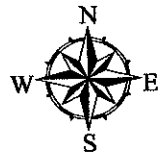
This map was produced January 21, 2010 by the BCRC. It is based on data collected by Field Geology Services, South Mountain Research and Consulting, BCRC and The Vermont River Management Program.

Town of Sunderland, VT Water Resources



- Town Highway
- State or U.S. Highway
- National Forest Road
- Private Road
- Railroad
- Rivers and Streams
- Ponds
- Fluvial Erosion Hazard Areas
- Flood Hazard Areas
- Wetlands
- Well Head Protection Areas

BCRC
GIS



This map was produced January 21, 2010 by the BCRC. It is based on data collected by Field Geology Services, South Mountain Research and Consulting, BCRC, Vermont River Management Program, Vermont ANR and FEMA.