

Tinmouth



Town Plan

Adopted January 9, 2020

The 2007 version of the Tinmouth Town Plan was declared
“2007 Plan of the Year”

by the Vermont Planning Association.

The 2012 version contained only minor changes, as the 2007 version
incorporated a very thorough update.

In 2016, amendments were added, including a new energy section, a modified flood
hazard section, and a list of historically significant sites.

This 2017 version contained significant revisions to the sections on
energy, flood hazards, and education, as well as a few other minor changes.

The 2020 amendment includes an enhanced energy plan.

Acknowledgements

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Vision

Tinmouth is a friendly, family-centered, civic-minded, rural community that values peace and quiet

Residents of our town gathered for a visioning session to define and focus the direction of the town at the start of the last Town Plan update, in 2012. The following vision represents the input from Tinmouth residents, as developed in 2000 and re-validated by surveys in 2006 and 2017 and open meetings and hearings. It represents a durable vision of the town and its future:

Tinmouth residents hope to

- Maintain the rural aspects of the town including active, productive farms, open meadows, substantial forests, and scenic mountains vistas.
- Balance the needs of residents for housing, safe roads, good schools, public services, and recreational opportunities with clean waters, mixed wildlife habitat, and undeveloped land.
- Promote a small-town, neighborly atmosphere by continuing to improve Tinmouth center and support civic activities and efforts.

Objectives

It is the purpose of this Plan to guide future growth and development within the Town of Tinmouth by providing a framework of planning policies and recommendations which will assure that decisions made at the local, regional, and state levels are consistent with the following specific objectives:

1. Preserve the rural character of Tinmouth.
2. Maintain sustainable agriculture as an economic base that minimizes impact on soil, water and air quality.
3. Protect and preserve scenic and historic features, open spaces, fragile and wildlife habitats and other natural resources.
4. Maintain a population consisting of residents and families of all incomes, ages, and types.
5. Allot sufficient space in appropriate locations for agricultural, residential, recreational, and commercial development in order to meet the needs of the town.
6. Prohibit incompatible and uncoordinated development activity.
7. Allow for future growth to occur in a way which will not place an undue burden on the town to provide community facilities and services.
8. Assure that basic needs of health, safety, education, and housing will be met and maintained at satisfying levels in accordance with population growth.
9. Foster local activities, programs, development patterns, and town governance that build the town's strong sense of community.
10. Require that public utilities be located in such a way that they will not have an undue adverse effect on the scenic quality and land values of the town.
11. Require that town highways permit safe and efficient movement of vehicles through the town.



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Chapter I: Introduction

The Tinmouth Planning Commission

The Vermont Planning and Development Act enables the legislative body of all municipalities to create a Town Planning Commission which may consist of not less than three nor more than nine members. Members are appointed by the Tinmouth Selectboard. At least a majority of the Commission must be permanent residents of the community. In accordance with the Act, the Tinmouth Planning Commission is given the authority to prepare a Municipal Development Plan and to recommend this document to the Selectboard and the voters. The Tinmouth Planning Commission was formed in the early 1970's. Currently there are nine members serving staggered three-year terms.

The Tinmouth Town Plan

A Municipal Development Plan, once approved by the Tinmouth Planning Commission and adopted by the Select Board, is the official policy of the community with regard to future growth and development. It is intended that the Plan be used in a positive manner as a tool in guiding the direction of growth in a way that is both economically feasible and environmentally acceptable.

The first Tinmouth Town Plan was written in 1973 and has been updated and amended multiple times in the ensuing decades. This most recent version was prepared over the course of 12 months, from April 2011 to March 2012, by the Tinmouth Planning Commission, and amended in 2016. Both the 2016 version and this revision contain only modest changes, the principal difference being in the energy and flood hazard sections.

The 2017 Tinmouth Town Plan will be implemented through (1) following recommended actions to be completed in the next eight years; (2) changing and adopting zoning and subdivision regulations and other land use controls as recommended, (3) cooperating with other government agencies, and (4) further studies.

Local, Regional, and Statewide Planning in Vermont

The Tinmouth Town Plan is an integral part of the regional and statewide planning process. In adopting the Town Plan, citizens of Tinmouth may anticipate the future with the knowledge that a significant step has been taken in the development and preservation of their community. The Plan was prepared in conformance with the requirements in the Vermont Municipal and Regional Planning and Development Act (Chapter 117 Section 4382. The plan for a municipality.) As well, the Tinmouth Town Plan is consistent with the



Rutland Regional Plan, readopted in June 2015, and is also compatible with approved plans from surrounding communities. Under the authority of the Select board, the Tinmouth Planning Commission prepared this Town Plan. It was approved by the Rutland Regional Planning Commission on September 19, 2017.

In terms of its significance in relation to State land use controls and growth policy, the Town Plan plays a key role. Vermont's Act 250 includes a provision for a review procedure through which all applications for subdivision and development must pass. During the review process, the feasibility of each project is weighed against ten criteria, guidelines set forth as environmental and economic safeguards. The tenth criterion requires that any subdivision or development must be in conformance with a duly adopted development plan, land use or land capability plan which exists on the state level. The tenth criterion insures that the proposed development is in compliance with the policies set forth in the regional plan and the more detailed local town plan. In this way planning and development at the three levels of government, state, regional and local, are integrated to form a consistent approach to the problems caused by rapid growth.

Continued Maintenance of the Plan

Because planning is a flexible, continuing process, the Tinmouth Town Plan will be reviewed and amended from time to time in light of new developments and changed conditions affecting the municipality. In accordance with Section 4387 of the Act, the Plan shall expire and have no further force and effect eight years from the date of its adoption, unless it is readopted by the Select board. The Plan may be readopted in the form as expired or about to expire, and shall remain in effect for the next ensuing eight years or until amended. The Tinmouth Planning Commission should review the Plan on a regular basis to ensure it remains a current vital document.

Implementation of the Plan

Land Use Bylaws:

As a policy document, the Plan provides the legal as well as the conceptual basis of all land use control. The specific controls are accomplished by the enactment of bylaws. Since the bylaws are intended to implement the Plan, their content must reflect the findings, recommendations, and policy statements embodied in the Plan. Zoning and Subdivision Regulations were revised November 2014 to ensure compatibility with the 2012 Town Plan. This link between the Plan and any implementing regulations was made more direct with the Legislature's 2004 revisions to the enabling statutes. The 2017 Tinmouth Plan addresses these needs. Permanent zoning regulations, first adopted in 1977 and last amended in 2014, allow the town to permit, prohibit, restrict, regulate and determine land development, including, without limitation, the following:

1. Specific uses of land, water courses and other bodies of water.
2. Dimensions, location, erection, construction, repair, maintenance, alteration, razing, removal, and use of structures.
3. Areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, yards, and other open spaces and distances to be left unoccupied by uses and structures.
4. Density of population and intensity of use.

Zoning and subdivision regulations apply to all lands and uses of land within the municipality except as specifically exempted. A zoning map depicts the separate districts and their correspondent use classifications. All provisions for each class of uses or structures within each district are uniform in nature. The regulations are developed and revised by the Planning Commission and adopted by the town's voters. The regulations are enforced by the zoning administrator. Permits requiring board approval are reviewed by the Planning Commission or Zoning Board of Adjustment. Decisions by these boards may only be issued following public hearings.

Capital Budget and Program

Expenditures of public funds will be required to implement some of the recommendations contained in the Plan. The Town has several capital accounts: the Equipment Fund, the Highway Reserve Fund, the Capital Building and Repairs Fund, and the Road Construction and Paving Fund. The Selectboard administers these funds.

Non-Regulatory Implementation Tools

Use of the town plan is not limited to regulations and adopted capital budgets. A wide range of projects, sponsored by the town itself or groups serving the town, can implement the goals of the Plan and ensure that Tinmouth's future is being coordinated. Examples could include:

- Working with non-profit housing agencies to build affordable housing in the town.
- Providing residents with information brochures on water quality issues identified in the Plan.
- Establishing a working group in town to help landowners maintain historic structures.

Relationship Between Plan and Plans for Surrounding Areas

The relationship between this Plan and the development trends and plans for the surrounding area has been considered. For purposes of this Plan, the surrounding area includes the Towns of Wallingford, Clarendon, Ira, Middletown Springs, Wells, Danby and Pawlet and the Rutland Region as a whole.

This Plan promotes residential, agricultural, conservation and small-scale commercial activities at levels consistent with the community's place at the rural, agricultural edge of the Rutland Region and the Town's rich endowment of natural resources. This Plan recognizes the need to accommodate some population and housing growth within the Town, although the amount is relatively small given Tinmouth's unsuitable soils, varied topography and land cover, and its distance from job centers.

Review of the land use plans of surrounding communities suggests that the future land use pattern promoted by this Plan is generally compatible with those of our neighbors. Surrounding communities promote low-density land development and continuation of resource-based uses (such as agriculture) in outlying areas and higher density and commercial uses in existing built-up areas. Sensitive areas (such as flood plains) are also identified and targeted for conservation, as they are in Tinmouth. Policy statements in the Plan are also generally compatible with those of surrounding communities' plans.

Tinmouth has a long history of cooperation with its neighbors. Students were formerly tuitioned to Mill River and West Rutland schools. The town school district merged with Clarendon, Shrewsbury, and Wallingford in the Mill River Unified Union School District, with a single Board, budget, and tax rate, in 2016. The Fire Department has mutual aid agreements with surrounding communities; the Wallingford Rescue Squad, Poultney Rescue Squad and Middletown Springs First Response cover us for emergency care. Tinmouth is a member of the nine-town Solid Waste Alliance Communities.



Chapter II: Who and What Makes up our Town?

Two critical components make up the Town of Tinmouth: its people and its landscape. The way in which we interact with one another, and with the land, is our community. Below is a short description of the basic parts that make up this town: the people we call neighbors and the land we have the ability and responsibility to manage. The rest of this plan will focus on how we have chosen - and are choosing - to provide for ourselves and our neighbors, and make use of our land.

Who We Are

The population in the town of Tinmouth fluctuated greatly during the twentieth century as compared to Rutland County and the State of Vermont. The general trend from 1900 to 1960 was a decrease in resident population. However, in recent decades, the town has experienced a sharp increase of population, from 268 in 1970 to 567 in 2000 and to 613 in 2010. Since 1970, Tinmouth has had the 2nd highest percentage change in population (129%) and ranked 13th in absolute growth. In recent years, the pace of growth, as compared with the rest of the region, has been increasing. ¹ (Endnotes are on page 66.) Between 1990 and 2010, the town has had the 2nd highest percentage change in population (35%) and ranked 6th in absolute growth.

Tinmouth's population, as a whole, is aging. Since 1990, the average age of the town's residents jumped from 33.7 to 40.1 years in 2000 and 44 in 2010. The number of children under 19 years of age declined from 125 to 108 (a decrease of 14%). During the same time, the over-65 population increased from 50 to 74 (an increase of 80%). It is expected that all of these trends have continued to today as the nation's baby boomer population is reaching retirement age.

A parallel trend increased the proportion of non-family households. In 2010, families made up 68% of all households. This figure remains high by Rutland County standards, but is substantially lower than the 85% they comprised a decade earlier. It is not surprising, given this increase in non-family households, that the average household size dropped to 2.41 persons in 2010 from over 2.6 in 1990.



Town Fun Day, 2001



The U.S. Census American Community Survey from 2011-2015 estimates only 9.6% of Tinmouth residents (24 people) reported having lived in a different house five years prior. That compares to 24.3% of the Rutland County population and 25.7% of the Vermont population.

Population Analysis:

Many variable factors influence the population changes in

Tinmouth. These include economic conditions, the availability of loans for land purchase and home construction, commuting costs to places of employment, as well as changing rates of migration and birth, and the availability of housing opportunities. These figures indicate that the availability of housing options for greater diversity of household types – notably non-family households, elderly persons, and smaller households in general, has become an important issue in Tinmouth. Locally, growth pressure extending outward from Manchester and Rutland are reverberating in Tinmouth. Between 2000 and 2010, housing units rose from 330 to 362. Seasonal homes represented approximately 27% of these units, the majority of which are located adjacent to Tinmouth Pond, though more recent new development has been scattered throughout the town. In 2010, 83.5% of Tinmouth's units are owner occupied.

Our Work

Many residents are employed in towns throughout the Region. According to U.S. Census American Community Survey estimates from 2011-2015, there are 279 Tinmouth people in the work force: 237 work in Rutland County, 32 work outside of Rutland County, and 10 work outside of Vermont. ² (Superscripts refer to notes on page 67) people both live and work in the town and 30 workers who do not live in Tinmouth work in the town.

According to 2011-2015 U.S. Census American Community Survey estimates, health & social services (25.9%), manufacturing (11.1%), agriculture/mining & forestry (10.5%), and retail (10.2%) were the leading sources of employment for Tinmouth residents. Despite the loss of employment in farming and agriculture, these fields still employ higher percentages of local residents than most of the communities in Rutland County. Evidence also suggests that residents are employed in a variety of home occupations (8.6% or 24 people, according to ACS 2011-2015).

Our Community

When people speak of “community” in Tinmouth, it means much more than just the sum of the people who live in the Town. When we speak of community, we speak of how individuals respect one another, interact, and relate to the land.

Respect

Tinmouth strives to be a community that is open to diverse ideas, perspectives, and lifestyles. We have a long history of making our living off the land through agricultural and forestry, but recognize that this is broadening

to include commuters, retirees, and seasonal residents. Though new ideas and change bring out differences of opinion, we work hard to resolve the issues and move ahead together as neighbors.

Interacting with each other

The easiest way to quantify the notion of “community” in Tinmouth is by listing all of the different ways in which we come together for everyday events and special occasions. The *Tales of Tinmouth* is a testament to this, with residents from throughout the community putting it together monthly and announcing all of the issues and events going on in town. While these events are by no means the only way in which people interact, or even the only way in which residents of Tinmouth should or do relate to the Town, it frames at least part of the picture. Below is a sampling of the kinds of events that Tinmouth residents have come together to do over the years.



Large groups of coordinated volunteers have:

- Brought in the whole first cut of hay for a farmer who was injured in a tractor accident.
- Rebuilt a couple of homes after house fires.
- Built two additions to the school, renovated the firehouse, and built the community center.
- Raised the funds and built a barn for a dairy farmer who lost his to a fire.
- Arranged for months' worth of meals for the sick or injured.
- Organized and participated in weekly softball, volleyball, and basketball games.
- Hosted annual Tinmouth Community Day parade, races, games, and exhibits.
- Held monthly contra dances.
- Staged regular concerts at the Old Firehouse.
- Created the Tinmouth Handbell Ensemble, with bells and other equipment paid for with donations.
- Pooled garden flowers to decorate Tinmouth family weddings.

The Anne and Roy Wilbur Fund is supported annually with donations of money and food to provide holiday food baskets and help with fuel, electricity, etc. It was created by members of the Tinmouth Community Church.

The Tinmouth Community Fund, established with funds left over from completion of the Community Center and held by the Vermont Community Trust, annually awards small grants for projects within the town.

Tinmouth Community Scholarship Fund, begun with local contributions, provides scholarships for post-secondary education and camp attendance. It was expanded in 2016 when the Town Meeting voted to give it a large amount from the former School Tax Stabilization Fund when the school district merged into the Mill River Unified Union School District.

The Town now has a website—tinmouthvt.org—that includes much information about the town; and the town participates in Front Porch Forum, an online newsletter and bulletin board.

Our Land

Bedrock Geology

The geologic formations underlying the town of Tinmouth are composed of bedrock units running in a north-south direction. These rocks were originally sedimentary (shale, limestone, dolostone, sandstone), deposited in a marine environment during the Cambrian to early Ordovician period (540-480 million years ago). Some of the rock units were metamorphosed into schist, marble, quartzite, and other metamorphic rocks during the mid-Ordovician period (about 470-440 million years ago). Folding and faulting also took place at this time, resulting in the town's existing geologic structure.

Tinmouth Valley is chiefly underlain by carbonate rocks (e.g. marble, dolostone and limestone). These formations are relatively soft in comparison to those of the highlands flanking the valley, and therefore are more susceptible to erosion. A band of Shelburne Marble, of economic importance elsewhere in Vermont, underlies the lower eastern slope of Tinmouth Mountain. In the early 19th Century marble was quarried in Tinmouth for gravestones.

Surface Geology

Overlying the bedrock formations are surficial materials of varying depth and composition. Their deposition is primarily the result of glacial activity approximately 40,000-10,000 years ago. Unsorted unconsolidated glacial material, known as till, was laid down directly by glacial ice and now mantles most of the town. A moraine along the eastern slopes of Tinmouth Mountain marks an extensive buildup of till when the glacial front probably was temporarily stabilized. Glacial melt waters deposited sands and gravels, forming kame moraines and kame terraces along the lower slopes of the valleys. On the floor of Tinmouth Valley, a sinuous esker was formed by the subglacial deposition of sand

and gravel along a melt water channel. The bedrock of the mountains and valleys was modified by the action of the moving ice.

At one point Tinmouth Valley was dammed by ice, which created a high-level lake of substantial size. Surface deposits related to lake sediments are therefore found along the sides of the valley floor. They consist of horizontally bedded gravel, sands and clays.



Soils

Detailed information about soil classifications for individual sites can be found in the Soil Survey of Rutland County, Vermont, last updated in 1998 by

the Natural Resources Conservation Service and Forest Service of the United States Department of Agriculture.

Tinmouth's seasonal high water tables, steep slopes and high stone content can limit land use options.

"Prime" and "Statewide" agricultural soils, the Dutchess - Bomoseen - Pittstown and Georgia and Amenia soil associations with 3-8% slopes and minimal stoniness, exist in pockets surrounding the Channel valley and extend up Harrington Crossroad into the northern Gulf valley. The largest occurrence bounds East Road, starting south of Channel Road and extending north along North East Road.

Topography

Northwestern Tinmouth has a narrow valley with gentle slopes, bordered by mountainous terrain to its east and west.

The **only connection** between the eastern and western parts of the town occurs through a gap in the northern part of the ridge.

An **undulating upland valley** lies between Tinmouth Mountain and Spoon Mountain in the west-central area, separated from the eastern half of the town.

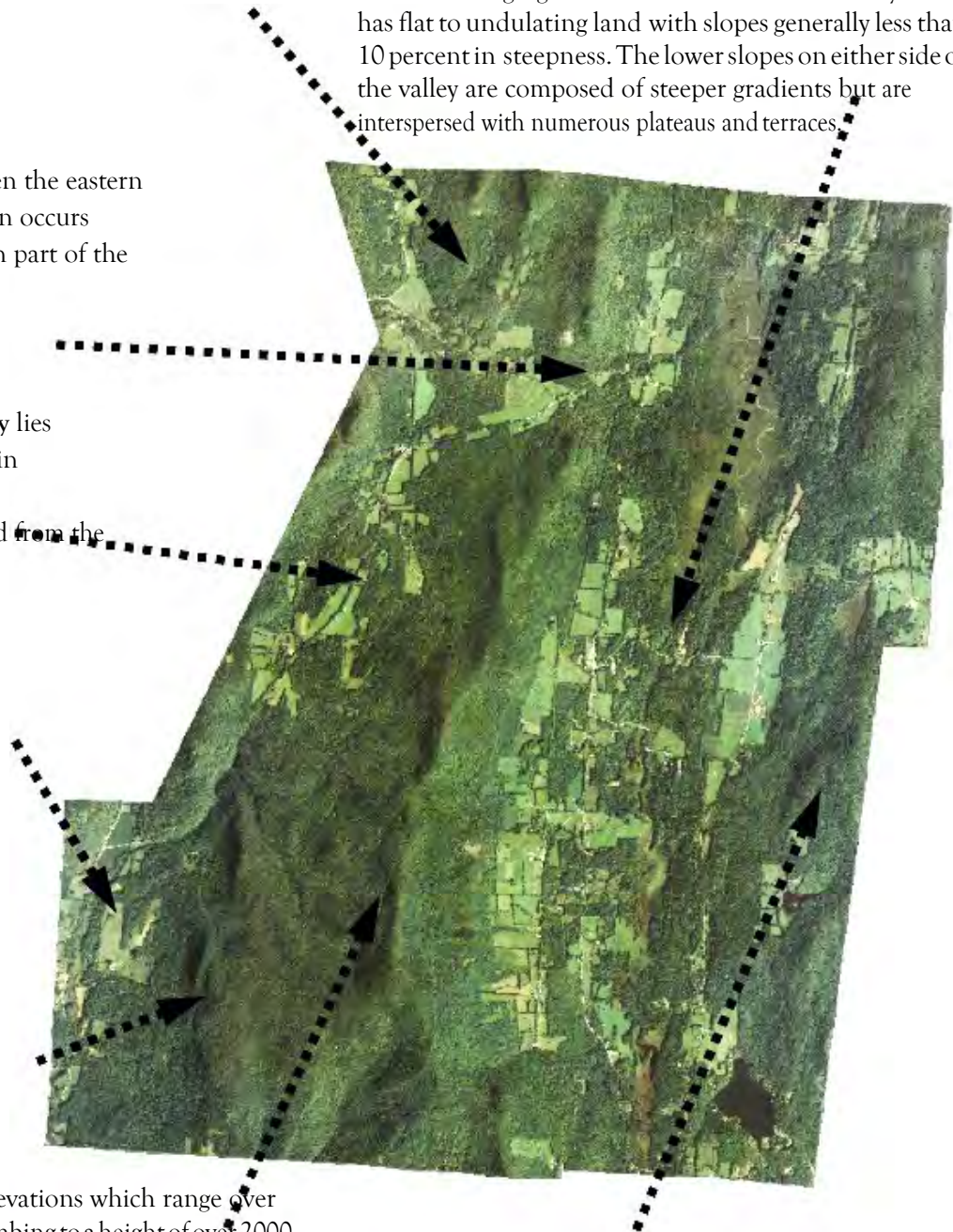
Narrow lowland **Valley** rests in the Southwest corner of the town, bordered by Tinmouth Mountain and mountains in the town of Wells.

The Gulf is a narrow and steep-sloped ravine through which the headwaters of Wells Brook cascade.

Tinmouth Mountain has elevations which range over 2000 feet with one summit climbing to a height of over 2000 feet with one summit climbing to 2835 feet. The slope forming walls of this mountain ridge is generally steeper than 20 percent, with the upper east-facing slopes becoming precipitous at higher elevations.

Tinmouth Valley, broad and U-shaped in cross-section, has elevations ranging from 1000 to 1500 feet. The valley floor has flat to undulating land with slopes generally less than 10 percent in steepness. The lower slopes on either side of the valley are composed of steeper gradients but are interspersed with numerous plateaus and terraces.

Clark Mountain borders the eastern side of Tinmouth Valley. Its elevations reach a summit of 1965 feet above sea level. The slopes are steep along this ridge, but they are not as extensive as those on Tinmouth Mountain.



Lower slopes of the Clark and Tinmouth Mountains have mixed soil types of the Paxton – Georgia – Amenia Association with seasonal high water tables, limiting agricultural activities and septic development. Higher elevation areas on both mountains have much shallower soils with heavier rock content. The Tinmouth Channel wetland area is generally covered with the high organic matter Pinnebog muck soil. Remaining valley areas in the northwest and southwest sections of the town have the deep soils of the Dutchess – Bomoseen – Pittstown Association.

Watersheds

Surface water drains in two key directions: westward, into the Poultney-Mettowee Watershed and eastward, into the Otter Creek Watershed. Both eventually lead into Lake Champlain and the Great Lakes watershed that drains via the St Lawrence River. Five sub-watersheds direct water into these two. See watershed map at right.

1. The Tinmouth Channel flows north, becoming the Clarendon River, a major tributary of Otter Creek.
2. The east slopes of Clark Mountain drain into the Valley of Vermont and the Otter Creek.
3. The southwest corner of Tinmouth drains westward through the Wells Brook into the Mettowee River.
4. The south end of Tinmouth Mountain drains towards Flower Brook, which flows westward and joins the Mettowee River.
5. The northwest section is drained by the headwaters of the Poultney River.



Streams and Rivers

Tinmouth serves as the headwaters for a series of streams and rivers that serve the two watersheds described above. The three largest bodies of flowing water are the Tinmouth Channel, the Poultney River, and the Wells Brook.



Chipman Lake

Chipman Lake, in the southeast corner of the town, known also as Tinmouth Pond, is the only significant water body. It is approximately 79 acres in surface area, has an average depth of seven feet, and drains into the Tinmouth Channel. In recent years, lake residents have been grappling with an invasion of Eurasian milfoil.

According to the Vermont Department of Environmental Conservation, the lake is in a mesotrophic state, meaning that it has moderate nutrient concentrations. “Mesotrophic lakes have moderate algae growth and relatively clear water. Often these lakes support plant growth around much of their shoreline and may have some shallow areas with abundant plant growth.”³

“Trophic state is a classification of the degree of nutrient enrichment of a lake. As a lake ages it progresses naturally from an oligotrophic state, through mesotrophic, to a eutrophic state. The addition of cultural sources of nutrients, however, can greatly accelerate this process and result in premature eutrophication and associated water quality problems.” (Cultural sources of nutrients would be septic discharge, as well as agricultural, lawn, and storm water runoff).⁴

There are no other significant lakes or ponds within Tinmouth’s borders, though numerous wetlands stretch across the town.

Wetlands

Wetlands are Vermont’s most productive ecosystems and serve a variety of beneficial functions: protecting water quality and quantity, retaining storm water runoff and reducing flooding, providing crucial habitat for fish, mammals, reptiles, amphibians, birds, insects and plants, serving as valuable resources for education, research and recreation, and contributing to the open space character of the landscape.

The Tinmouth Channel Wetland is one of only three Class I wetlands in the state of Vermont. Class I wetlands are considered “exceptional or irreplaceable in their contribution to Vermont’s natural heritage and are therefore so significant that they merit the highest level of protection” according to the 2002 update for Water



Resources Board's Vermont Wetland Rules. The extensive and diverse wetland habitats range from open fens to shrubby and wooded swamps and represent numerous state significant natural communities due to the limey (calcareous) bedrock.

At the southern end tamarack swamps and a rare open calcareous peat landform the headwaters. The waterway eventually broadens so that the northern end is navigable by canoe. Historically this end was straightened or channelized, likely so that iron ore could be transported from Clark Mountain to early iron furnaces downstream. Early surveys showed the wetlands subdivided into hay lots for nearby farmers, though these earlier agricultural disturbances are no longer evident.

Class II wetlands, also considered "significant," and any wetlands contiguous to mapped Class I and II wetlands are regulated as well and mapped by the State of Vermont and included in this Plan's Natural Resource maps.

Class III wetlands, although greater in number, are not protected by the Vermont Wetland Rules of 2002 because of their small size or intermittent nature, but may have local significance and may be protected by other federal, state or local regulations.

Ground Water

Groundwater resources have not been reliably mapped in Tinmouth. In general, the occurrence of groundwater is controlled by the existence and permeability of fractures and pore spaces in sediment and bedrock. The deep deposits of glacial sands and grounds in Tinmouth valley, and to a lesser extent along the narrow valleys of Wells Brook and the Poultney River, have the greatest potential for shallow groundwater storage. The groundwater supply is sustained by the infiltration of precipitation and surface water through soil and rock material. The permeable sand and gravel deposits of the valleys allow direct recharge from the surface. The upland hills and mountains covered with thin soils are also important recharge areas. Because the bedrock is highly fractured in most parts of town, it is the primary aquifer for many Tinmouth residents. Bedrock well depth varies depending on the density of water-bearing fractures.

Three major groundwater sources emerge at the Hepburn, Merrill, and Wright springs on the east side of Tinmouth Mountain.

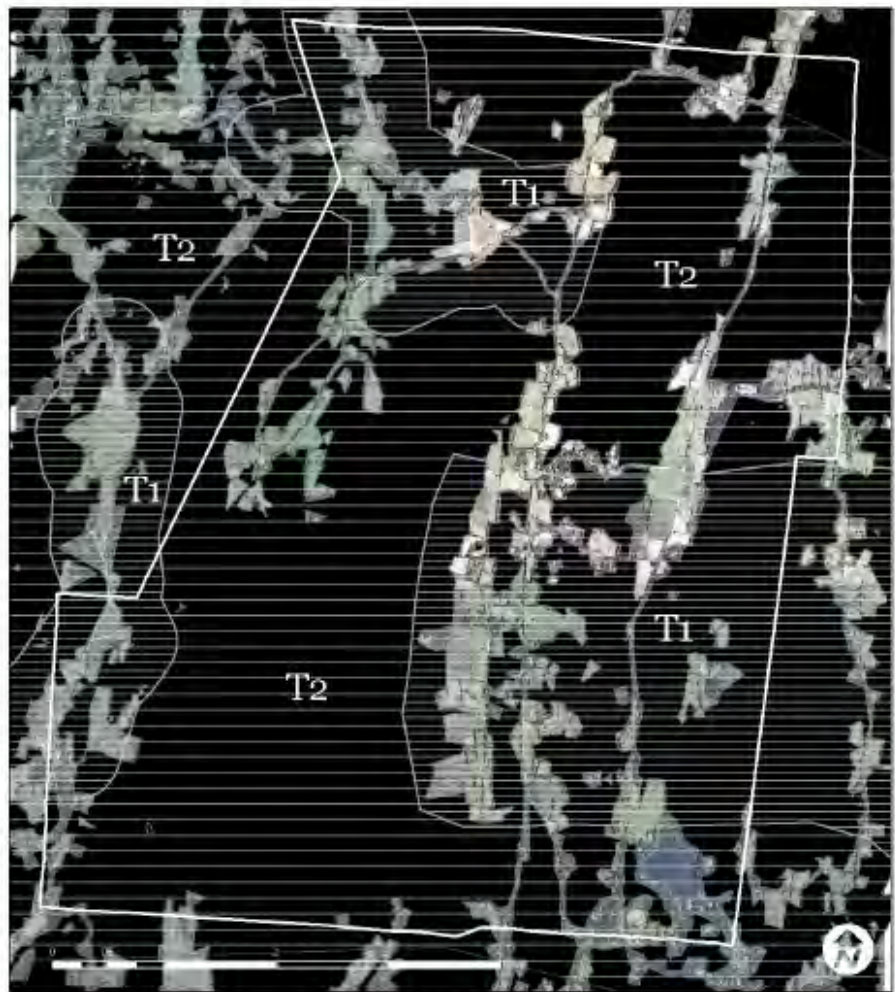
Vegetation

The composition and extent of vegetation which existed when the town was first settled was quite different from that which exists now. Early settlers modified the forest by clearing trees to open fields for crops and pasture and/or to harvest products for industry (charcoal, potash, cedar oil). Successive cuttings for timber followed this activity. In the past eighty years, there has been extensive re-growth of forests as farms have shrunk or disappeared on the town's more marginal agricultural lands.

Most of the town is covered with a relatively young northern hardwood forest. The trees commonly comprising this forest are beech, birch, and maple in association with hemlock, white pine, and some spruce. The Tinmouth Channel is covered with various species of wet-tolerant plants. Typical are red maple, larch, white cedar, willow, alder, sweetgale and sedges.

Approximately one-quarter of the town is in open fields. These are predominantly used for pasture or cropland to support the dairy industry.

Adjacent to these open fields are numerous 'old field' upland areas. They are in vegetative transition with many pioneer species.



Continuous Forest Blocks/Wildlife Connectivity

- (T2) Coarse-Scale Connected Wildlife Network:** Habitat most suitable for wide-ranging mammal connectivity between Green Mountains and the Adirondacks
- (T1) Fine-Scale Connecting Lands:** Locations where small patches of riparian habitat, strips of forest cover, hedgerows and fencerows are critical for wildlife connectivity
- Continuous Forest Blocks**

Sources: Vt. F&W Dept. & Staying Connected

Connectivity

- allows animals to move freely across their range;*
- allows plants and animals to colonize new habitat as climate change, succession, or other ecological processes force them to migrate;*
- reduces the risk of population isolation and provides for the exchange of genetic information among populations of animals and plants;*
- allows animals to access suitable habitat to meet their daily and annual life needs;*
- allows seasonal movements (migrations) to essential range or habitat;*
- allows young adult animals to access new range, away from natal range; and*
- allows adult animals to interact with potential mates, thus improving reproductive success and genetic fitness.*

Wildlife

Tinmouth is a unique network of ecological communities supporting a variety of animal, plant and insect life: from its small vernal pools in the forested uplands down through the pasture grasslands and woodland edges to the varied swamps, fens and rare plant communities in its wetlands. Intercontinental migrating waterfowl visit our extensive wetlands. Neo-tropical migrants (our common summer songbirds) breed and nest in our older growth forests (providing interior forest conditions), woodland edges and brushy pastures. Moose, bear, coyotes and bobcat have smaller seasonal migrations following corridors connecting the Tinmouth Channel with the large forested blocks on the Tinmouth Mountain and Spoon Mountain ridges that run north through Ira and south through Danby, and on Clark Mountain, that is contiguous with major forest blocks in Clarendon and Wallingford. Deer rely on the Tinmouth Channel for winter cover and move through the fields, woodland edges and upland forests as their diet changes through the seasons. More localized still are the diverse amphibians relying on the brief appearance of woodland vernal pools, Tinmouth's many species of dragonflies needing pristine wetland habitats, butterflies requiring specific host plants and fish spawning in Tinmouth's brooks.



The town is situated at the crossroads of two critical wildlife migration corridors in the Rutland Region. In part because development is concentrated along the Route 30 and Route 7 corridors, the upland plateaus and mountains of the Taconic Mountains provide excellent connectivity for wildlife in a north-south direction. In addition, Tinmouth is critical for east-west movement of wide-ranging mammal species and is central to one of the few networks of forested habitat connecting the Green Mountains and the Adirondacks.

Contiguous forest habitat provides a significant contribution to the local community's interests in its natural heritage, identity, and working landscape.

These lands provide many ecological functions for fish, wildlife, plants, and all the natural processes that sustain them. Further, they provide extremely valuable connections for people to enjoy and appreciate the land and its abundant resources. To this end, we will work to inform landowners of these values and offer assistance for any conservation actions that are in keeping with the local community's conservation interests. See the Wildlife Habitat Suitability Analysis on page 79.

Climate

The 2011 precipitation in Tinmouth was 39.12" inches. Evaporation and the transpiration of plants return a large percentage of this amount directly to the atmosphere. The remaining water forms surface water or it replenishes the ground water supplies underlying the valley floors. The temperature ranges from a mean January temperature of 9.8 degrees F to 82.1 degrees F in July. The annual chance of sunshine in Tinmouth is 53%. The mean length of growing season is 130-140 days.

Chapter III: How We Use the Land

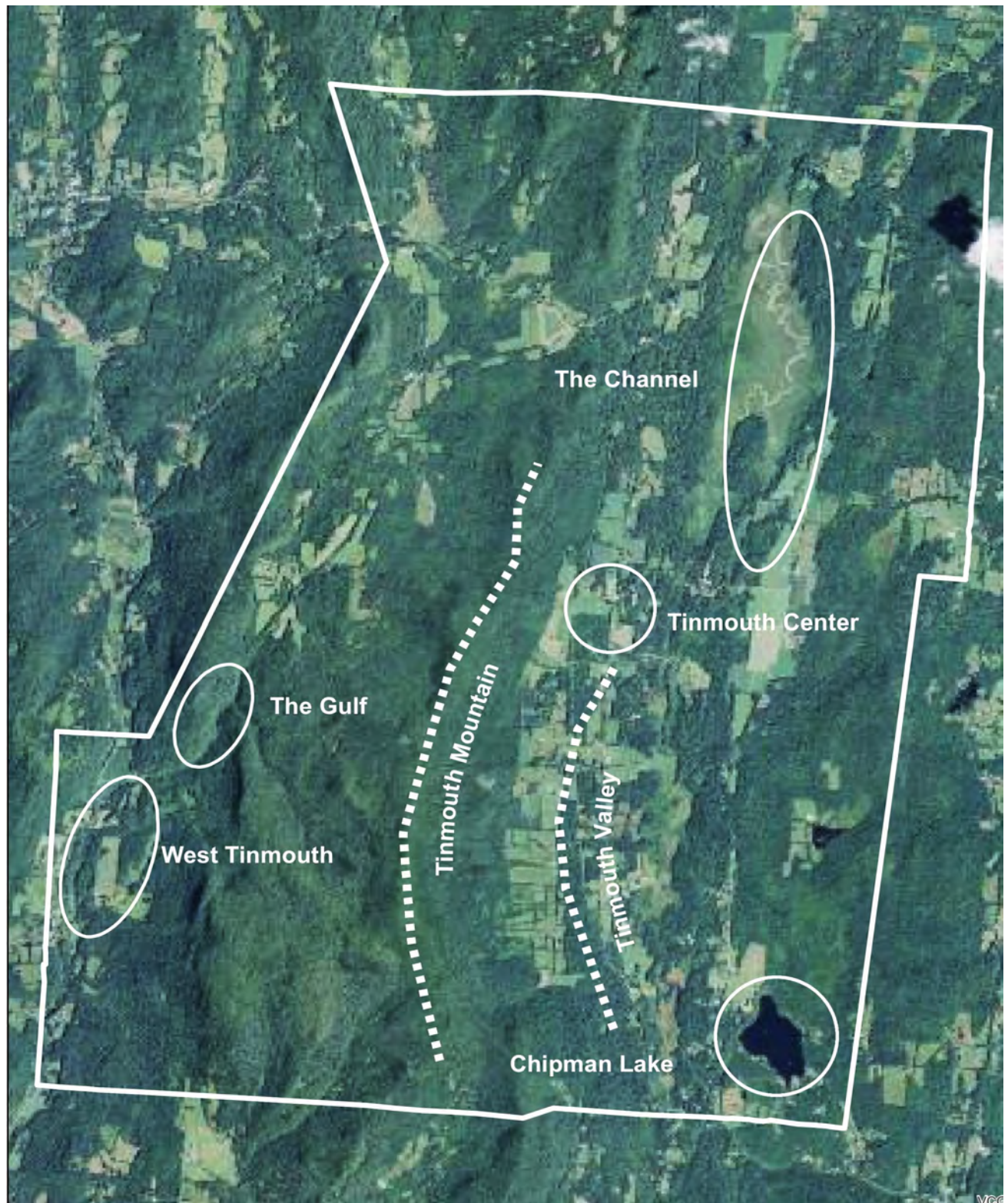
This chapter of the Plan organized to cover the ways in which landowners, residents, and visitors use the land in Tinmouth; the challenges we face with the ways we currently use the land and water; and ways in which we can solve the problems we have today. How we would like to see the land and water used in the future is addressed in Chapter 5: "Making Good Decisions about the Future."

Historic and Current Settlement Patterns

Present land use in Tinmouth is rural-residential in character and is related to agriculture. The density of settlement is very low, and its distribution has been influenced by the physical composition of the land. Tinmouth Valley contains the major concentration of settlement. At its center is a small hamlet, which serves as the focus of community activity. It contains the town's community facilities, the town office, school, firehouse, community church, and a seasonal snack bar. A National Historic District, it has only a few houses, many of them historic, and fewer than 20 inhabitants.

The southern portion of the valley has a relatively high proportion of settlement, mostly occurring along town roads. This area is also the location of a major concentration of seasonal dwellings which ring the shoreline of Tinmouth Pond (Chipman Lake). Other concentrations of settlement occur in the valleys in the West Tinmouth area and are quite remote from the eastern portion of the town.

Settlement and Land Features of Tinmouth



Settlement Pattern Analysis

Tinmouth remains a community founded upon farming, even though for a long time the majority of its residents have worked outside the town. As development slowly takes place, however, it is possible that the town's agricultural character and landscape may continue to wane. Although the number of working farms has continued to decline in Tinmouth, those that remain have taken over land from abandoned farms. Dairy farming is predominant in Tinmouth as in the rest of Vermont.

Despite the diminishing number of farms, Tinmouth has a considerable amount of undeveloped open land and forest areas. Preserving these spaces and encouraging working use of the landscape is vital to maintaining the rural character valued by Tinmouth residents.

Land Ownership

There were 445 parcels in town in 2017. The majority of land in town is owned and managed by individuals or small businesses. Approximately 49% of all private parcels are over 10 acres in size. The largest category of parcels includes those under two acres, none of which is developable. About 200 parcels lie between 2 and 25 acres in size, about 37% of the parcels, but only 11% of the land. Approximately 330 of all parcels in town have at least one home or other principal structure on them.

Tinmouth Acreage Analysis

Acreages	Number of Parcels	% of Total Parcels	Total acres in Category	% of Total Acreage
0 to 1.99 (1)	92	20.7%	89	0.5%
2 - 9.99	101	22.7%	502	2.7%
10 - 24.99	97	21.8%	1421	7.7%
25 - 49.99	56	12.6%	2001	10.8%
50 - 99.99 (2)	53	11.9%	3713 (1)	20.1%
100 - 249.99	33	7.4%	5162	28.0%
250 - 1200 (3)	12	2.7%	5492 (2)	29.8%
Totals	445	99.8%	18,380	99.6%

(1) Includes 80-acre Tinmouth Pond (Chipman Lake)

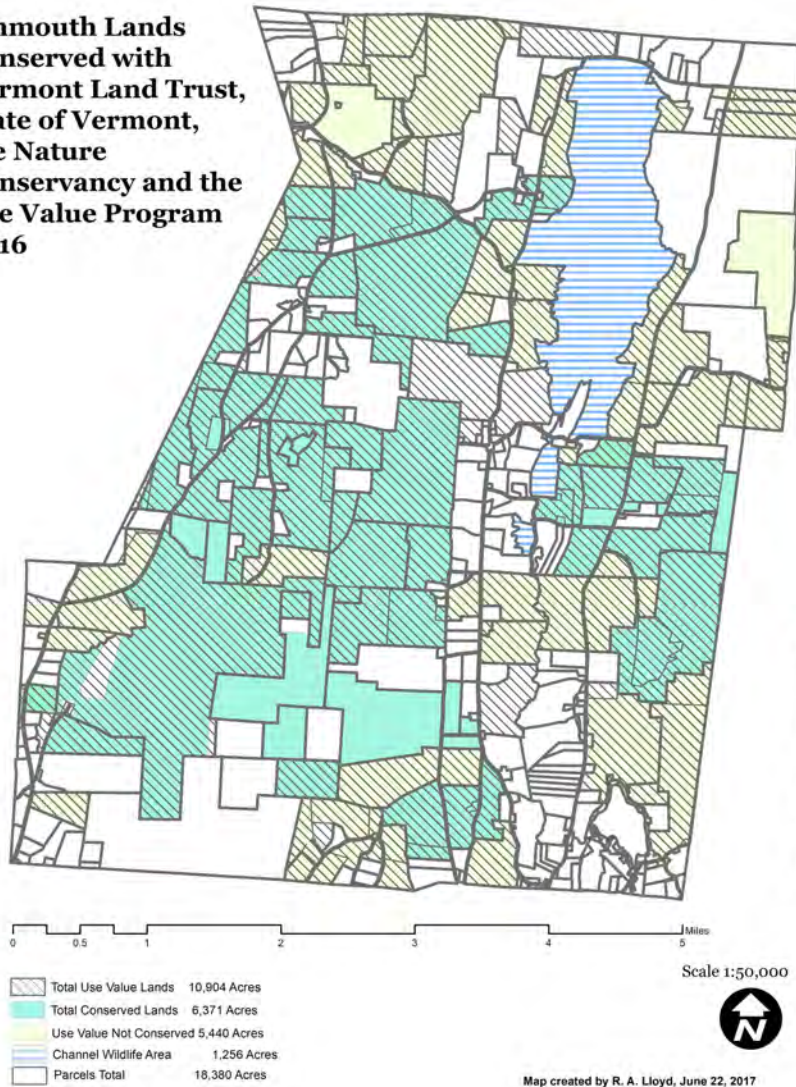
(2) Includes large Tinmouth Channel Parcel. Acreages do not include roads.

Publicly Owned Land

The town owns several parcels of land on which the municipal buildings – town office, Old Firehouse, fire station, creamery, church, town garage, transfer station, and cemetery. In addition:

- A tract of land, consisting of 1,256 acres that includes almost all of the Tinmouth Channel wetland, which is owned by the State of Vermont.
- The 260-acre Tinmouth Purchase Recreation Area, owned by the town.
- A power line right-of-way owned by Green Mountain Power which extends the entire length of the Tinmouth

**Tinmouth Lands
Conserved with
Vermont Land Trust,
State of Vermont,
the Nature
Conservancy and the
Use Value Program
2016**



Tinmouth Mapping Total conserved & UV 2017 no labels

Restricted Land

Several organization associated with the Town have been active in conserving land in Tinmouth in perpetuity. The Selectboard worked with the Vermont Land Trust and the Vermont Housing and Conservation Board to buy land for the Tinmouth Purchase Recreation area in 1997, and with the State of Vermont to designate the Tinmouth Channel a Class I wetland in 2003. The Tinmouth Land Trust has worked with landowners to broker the donation or sale of development rights to the Vermont Land Trust. Most of the Vermont Land Trust projects have also incorporated and set aside land for future residences, approximately 25 total. Several of these have been designated specifically for affordable housing. Future conservation work should pay close attention to supporting farming and forestry in the town and conserving the town's natural heritage while ensuring that economic opportunity and the ability for new housing to be built at an affordable cost is not lost.

Most of the conserved land is also in Vermont's Current Use program, which like the conservation easements, prohibits subdivision and prescribes good forestry and farm management practices. It should be noted that these lands are conserved due to private landowner initiatives.

Restricted Land Acreage Analysis

Total town parcels acreage	18,380 (does not include roads)
Total land in town	18,532
Total conserved land	6,371
Tinmouth Channel	1,256
Total in Current Use, not conserved	5,440

Total conserved, and/or in Current Use Program, and in Channel 13,067, or 70.5% of total land in town

Current Uses of Land, Analysis, and Solutions

Homes and homesteads

Tinmouth's year round and seasonal residents live, for the most part, in widely dispersed, single-family housing along the major roads in town. There is slight, but by no means large, concentration of housing at the junction of Route 140 and Mountain View Road near the town center and another along the southern portion of East Road. The highest density of residential development is the largely seasonal housing surrounding Chipman Lake in the southeast corner of Tinmouth.

Since 2000, the number of homes in Tinmouth has increased by 9%. Of Tinmouth's 362 housing units in 2010, 254 were occupied and 108 were vacant which includes 100 for seasonal, recreational or occasional use. Most housing units are owner-occupied: 83.5% in 2010, with the remaining 16.5% renter-occupied. Both types saw increased numbers in the 2000s. Owner-occupied homes increased by 9%, from 194 units to 212 units. Renter-occupied homes increased from 37 to 42, an increase of 13.5%. The number of mobile home housing units declined from 2000 to 2017, from 46 to 38.

Tinmouth has a sizeable but declining number of seasonal housing units. On the 2017 Grand List, 83 parcels are classified as "vacation" out of 316 total residential parcels. The 2007 Grand List showed 97 vacation homes out of 304 total residential parcels.) Seasonal housing units typically have fewer rooms than year-round housing units. The high concentration of summer camps around Chipman Lake account for most of these units in Tinmouth, though in recent years a number of these homes have been converted to year-round units.

Recent trends in housing construction

A total of 47 permits were issued over the past ten years for houses and mobile homes, however nine were not constructed. Of the 38 built, 79% were for constructed homes and 21% were for manufactured housing which included mobile homes. Of note is that 15 other properties received permits to construct an addition to an existing home. Of the total permits issued, 10 were for the replacement of existing structures, five of those a new manufactured home on the existing foundation, one mobile home was replaced with a house and four houses were constructed to replace existing houses. The average size of all new homes built was approximately 2,200 square feet with the largest new home at 4712 square feet and the smallest at 784 square feet.

There were 14 permits issued for subdivision development during this time creating 32 lots. These included three affordable housing projects which created eight affordable housing lots, of which only two had dwellings constructed on them. Most of additional lot which had a single



family home constructed on it, five created lots that have not yet been built upon.

The number of home sales between 2007 and 2017 totaled 41. These figures include both R1 (house with less than six acres) and R2 (house with more than six acres) properties as well as manufactured housing. The average lot size, for all home sales, was 23.5 acres. The smallest residential lot (with home) sold was 1/3 acre and the largest was 600+ acres.

Of the 41 total home sales transactions, 49% were on lots with 6 or less acres and averaged 2.6 acres in size. The remaining 51% were on lots larger than 6 acres and averaged 41.5 acres in size. Manufactured housing sales were 17% of all home sales over this 10 year period.⁵

Home and Homestead Analysis

The new homes added to the town over the past 35 years have generally been well integrated into the community and followed principles that make Tinmouth unique: small homesteads in valley areas surrounded by mowed fields and/or forested areas. All additional housing places increased burdens on the town's transportation network (see below for details) and services (see chapter 4), but recent growth has not overwhelmed either of these.

Three recent features of new housing development have, however, highlighted issues worth noting and addressing in this Plan. They are:

1. *Homes placed in the center of fields:* A small number of new homes have been located in the middle of former agricultural fields, effectively splitting the fields into two or three segments. More creative development of the site could have allowed for equal access and amenities to the landowner while preserving the future viability of agricultural activities for decades into the future. The Tinmouth zoning regulation's agricultural overlay was designed to address this issue. This regulation should be monitored for its effectiveness over time and altered if necessary.

2. *Homes built in key wildlife habitat areas or corridors.* Identification of wildlife habitat and corridors is an ongoing effort in Tinmouth. Key areas were identified in 2002 and were afforded some additional protection through larger lot sizes connecting the Tinmouth Channel to highland areas across North East Road and across North End Road in two places. Lot size requirements appear to be addressing the issue at least partially, though they do not address small habitat areas.

3. *Conversion of homes around Chipman Lake for year-round use.* Town records indicate that several homes in the immediate vicinity of Chipman Lake have been converted to year-round homes. This has had the positive impact of ensuring that there are more people to watch over the neighborhood during the winter and allowing more people who love the town to live here throughout the year. Two key concerns, however, are the increased use of private roads that may not have been designed for winter use, and additional use of septic systems, lawn fertilizers, etc., that may be contributing to phosphorus loading and the growth of Eurasian Milfoil in Chipman Lake.

Homestead Policies

The preservation and renovation of existing housing stock is encouraged over demolition and re-building. D Land should be managed and developed in ways that sustain a variety of future uses, including agriculture and woodland management.

- New construction and renovations that increase homestead energy efficiency are strongly encouraged

Homestead Actions

- Provide residents with information about how individuals can support wildlife habitats and corridors.
- Provide residents with information about increasing energy efficiency through house siting, design, and renovation, and ways to help finance such work. An Energy Committee has been formed to work on these and other issues.

Economic Development

During the first part of the 19th century, Tinmouth evolved as a small rural community. The population, greater than exists now, supported a diverse economic base. Iron mines, blast furnaces and forges, marble quarries, sawmills, agriculture, and commercial establishments provided this relatively large economic structure. People of varied backgrounds and economic levels lived and worked together in what was essentially a self-contained and self-sufficient community.

Significant modification of that economic base has taken place over the years. In the more recent past, the town's economy was primarily related to agriculture, particularly the dairy industry (see below). The economic base is also influenced by a seasonal increase in population during the summer, related to the development of vacation homes within the town. But since 1960 employment has been dominated by residents commuting to out-of-town jobs. However, computers and our fiber-optic cable connections have offered increased opportunities for work at home. The changing nature of employment has a significant effect on land use. The Tinmouth Town Plan intends to accommodate these changes, especially the growth of home occupations by local residents.

A seasonal snack-bar and auto-detailing facility are located in the hamlet of Tinmouth, but most commercial uses are dispersed throughout the southern part of Tinmouth Valley. These consist of: an auto detailing shop, seasonal cottages, a campground, B&B's, and a seasonal guest lodge, among others. One farm runs a seasonal farm stand. Another offers a community supported agriculture (CSA) program. Tinmouth's Farm to School Committee helps promote nutritional education throughout the community by connecting students with local farmers and adding local produce to school meals. Many home-based businesses operate in town. The 2016 Town Phone Directory lists over 50 businesses or services offered, mostly by individuals.

Businesses Analysis

The impact of commercial uses is minimal within the town. Businesses draw mostly local patrons and do not generally present traffic, pollution, or noise concerns. The town is not likely to see a substantial increase in commercial activity in the near future because of its location and small population. In the 2017 residents' survey, percentages of those who favor or moderately favor various types of economic development were 93% agriculture, 76% bed & breakfast, 74% independent artisans (arts and crafts), and 72% home-based businesses. Percentages of those who oppose or moderately oppose various types of economic development were 82% heavy industry, 74% used or new car businesses, 56% gas stations, and 41% retail stores.

Businesses Policy

The town of Tinmouth supports the development and expansion of agriculture (including forestry), B & B enterprises, independent artisans and home-based businesses.

Open Fields and Forests

Open fields and forestland dominate the town's landscape. The degree to which this landscape is actively managed varies by property and location within the town. Today, 75% of the town's land is considered to be forested, while 25% is in open fields. These figures underscore a slow, but dramatic change in land use over the past century. It is estimated that in the early 1900s, 75-80% of lands in Vermont were in farm use, with Tinmouth as no exception.

Residents of Tinmouth identify strongly with the open fields that cover most of the Tinmouth valley and other flat or rolling parts of the town. Historically, much of these areas – save the wettest parts of the Tinmouth Channel – were actively farmed in one form or another. Today, open fields are still common on the less-steep slopes in town and make up approximately half of the 8,500 acres of land enrolled in the State's Current Use Program. The program,



which reclassifies land to a lower taxable rate in exchange for farm and forest conservation, has been a popular choice for Tinmouth residents. The State of Vermont reimburses the Town for the majority of the difference in taxes collected. Agricultural use includes:

Dairy and beef farms. There are nine active dairy and beef farms in Tinmouth. The Census reported 40 Tinmouth residents working fulltime in the agriculture, forestry, fishing, or mining industry in 2000, up from 31 in 1990. These four

industries employed 14.4% of the population over age 16 in Tinmouth between 2011 and 2015

Hayfields. Approximately 40 hayfields are used to support farms in the Tinmouth area and beyond. Landowners facilitate this system in part to make some income from the land and in part to keep the land open and to retain the town's character.

Horse Boarding: The care of horses has grown as a business in southern Vermont in recent years. There are currently three active horse boarding facilities in Tinmouth, but the potential exists for more given the availability of open fields and the overall growth of the market. Forested areas cover virtually all of the land not actively cleared or considered to be wetlands, including the overwhelming majority of land on steep slopes or at high elevations in the community. Logging has remained a source of income and employment for town residents. Managed forest area accounts for approximately 6,100 acres of land enrolled in the State's Current Use program. Those lands are scheduled with 20-30 year harvest rotations.

Open Fields and Forestry Analysis

Open fields and forest land are both closely tied to the town's identity. In the town's 2006 resident survey 86% of respondents said that working farms in Tinmouth were "important" or "very important" to them. These results were consistent among both year-round and seasonal residents. The same survey revealed large numbers of respondents who said they would *not* want to see retail development on working farms (74%), forest land (69%) and former farm fields growing back up (43%). In the 2017 survey (as reported above), 93% of the respondents favor the conversion of farmland to forest over the past century has taken place primarily on poor soil and/or steeper slopes. Dairy farming in particular has suffered in recent decades because of competition from large-scale farms across the country and this problem will continue for the foreseeable future because of national agriculture policies. In addition, it should be noted that larger farms in neighboring communities have suffered equal, and perhaps more substantial declines in recent years. At this point, the number of active farming operations in Tinmouth makes the town somewhat of an anomaly in the area. This is due, at least in part, to the dedication of landowners and town officials to

promoting farming through perseverance, assistance between neighbors, and land use policies that support farming and open space conservation.

Open Fields and Forestry Policies

- Keep active, sustainable agricultural and forestry practices a top priority for land use in Tinmouth.
- Logging operations should take place at appropriate times of year.
- Remind qualifying landowners of the current use program option.
- Retain farms and large contiguous forest blocks wherever possible.

Open Fields and Forestry Actions

- Review land use regulation to ensure that sustainable agriculture and forestry practices are a top priority and information is available to landowners.
- Provide information to residents about the importance of undisturbed vegetated buffers
- Identify patches of contiguous forest, those that are relatively large, in good condition (e.g., relatively unfragmented or un-developed).



Water Quality Issues

Similar to other areas of Vermont, nonpoint source pollution is the major source of water quality concerns in the Town of Tinmouth. Unlike point source pollution, such as a direct discharge or outfall pipes, nonpoint source pollution is more diffuse, harder to quantify and more difficult to control. Examples are runoff from parking lots, back roads, fertilized lawns, and runoff from agricultural fields. According to the Vermont Department of Environmental Conservation, the working landscape contributes more than half of the phosphorus polluting Lake Champlain. Agricultural and forestlands together produce 57% of Vermont's total phosphorus load to Lake Champlain. Stream instability, such as erosion, makes up 21% and developed lands (including paved roads) and unpaved roads contribute 13% and 5% respectively.

To a large extent, nonpoint source pollution control and nonpoint source pollution prevention focuses on the watershed approach, through land use management.

Water Quality Analysis

The majority of the threats and impairments to lakes and ponds in Tinmouth are caused by non-native nuisance aquatic species. The Poultney and Mettowee Basin has the highest concentration of lakes with dense populations of Eurasian water milfoil statewide. Tinmouth Pond has been documented as having a “moderate” level of milfoil infestation, indicating that locally abundant water milfoil growth here and there along the shoreline is evident. Members of the Tinmouth Pond Milfoil Project (TPMP) have experimented with the use of a suction harvester to remove milfoil beds. With support from the town, the TPMP has purchased two “Solarbees”, devices that aerate the water, improves water quality and possibly inhibits milfoil propagation and growth. There are many other methods used for controlling Eurasian water milfoil on lakes and ponds in Vermont, including hand-pulling, the use of bottom barriers, mechanical harvesting, and biological

controls. Adequate resources are a significant limiting factor to Eurasian water milfoil management at Chipman Lake and elsewhere in the state as recreational activities continue to spread it. One factor that should hamper its spread to nearby lakes and ponds is the lack of a formal public access to the Pond.

Wetlands protection is gaining momentum in southwestern Vermont. The Tinmouth Channel, that lies within the Otter Creek watershed, was designated in 2001 as one of three Class One wetlands in the state. Wetlands are usually associated with riparian areas and forested areas. Other wetland conservation efforts are underway in the West Rutland Marsh and Otter Creek headwaters.

Water Quality Policies

- Drainage, filling, and fragmentation of wetlands associated with agriculture, forestry, development and road construction should be minimized.

Water Quality Actions

- Increase public awareness of the important functions and values of wetlands.
- Invite conservation districts and other partners to provide workshops for citizens as to the value of wetlands to reduce flooding, filter nutrients, and recharge ground water.
- Direct landowners towards federal and state programs available for enhancement or protection wetlands. Several sources of funding are listed at the Vermont Department of Environmental Conservation.

Changes in Plant Diversity and Ecosystems

Tinmouth has a rich diversity of plant and animal species, as identified in Chapter II of this Plan. Some of our land development practices have dramatically impacted these ecosystems, however. Early forestry and agricultural endeavors changed the types of plants and animals most common to the Town, replacing forested areas with limited numbers of grasses and crops grown on the land. In recent years, while some of the biodiversity of the forests has grown back, residents have begun to introduce non-native, and in some cases, invasive plant species to the town. Invasive plants, once introduced to an area, typically spread very quickly and overtake existing species.

In Tinmouth, several invasive plant species have gained a foothold. These include barberry, buckthorn, honeysuckle, purple loosestrife, garlic mustard, Japanese knotweed, Eurasian milfoil, and wild parsnip. The plants have been introduced in two ways: by gardeners inadvertently planting these species and by those undertaking construction or road work, disturbing soils and allowing plants carried by the wind, vehicles, boats, or wader, to settle without competition.

Diversity Analysis

Invasive plants are extremely difficult to control. By definition, they tend to thrive in their new host communities because they have few or no predators and adapt quickly to changing environments.

In recent years, several newer homes have also created more manicured lawn area than had previously taken place in Tinmouth. Keeping diversity among the Town's plants is critical not only for the health of the Town's wildlife and its unique natural areas such as the Tinmouth Channel.

Diversity Policies

- Where planting is to take place, native plant species should be considered and invasive species completely avoided.

Diversity Actions

- Inform residents about the harmful effects that over-use of fertilizers on lawns and gardens can have on the growth of invasive plants and algae in nearby streams and ponds

- Inform residents about ways to minimize the disturbance of lands when clearing or digging on their lands.
- Inform residents of the benefits of allowing native plants to grow, undisturbed, at the edges of streams and ponds.
- Require undisturbed vegetated buffers along all stream banks and shorelines in the town's zoning regulations.
- Limit the disturbance of natural habitats when performing maintenance on town roads.
- Identify locations of known wildlife crossings along town and state roads.
- Incorporate a map of wildlife crossing areas into the Town Plan and prioritize these areas for conservation.

Movement Across the Land (Tinmouth Transportation Network)

The rural character of Tinmouth, like many other small Vermont communities, is supported in large part by its network of rural roads comprising the town highways system. The road system is an integral part of the town's scenic landscape, settlement patterns, and economic well-being. The network of highways and roads forms a system that provides for the efficient and safe movement of traffic and ease of access to individual properties, while at the same time maintaining the rural character of the town.

There are 39.68 miles of roads in the town, most of which are maintained locally. Route 140, which is the main east-west passageway, serves Tinmouth Center and provides an important link with the adjacent municipalities of Wallingford and Middletown Springs. East Road, North East Road, Mountain View Road, Route 140, North End Road and, seasonally, the Gulf Road offer north-south passage through Tinmouth, at lesser volumes, and connect the community to the towns of Clarendon and Ira to the north, and Danby and Pawlet to the south. Some portions of Route 133 – state maintained and state controlled – lie in Tinmouth's southwest and northwest corners. The most heavily traveled roads in Tinmouth are Route 133 near the intersection of Route 140 (with counts ranging from 1,300 to 1,500 vehicles a day over the past decade) and Route 140 near West Hill road (with a 2011 - 2016 count of 1100 to 1178 cars daily). East Road and Route 140. are also heavily traveled.⁶ (See Transportation Map, page 75.)



“Many of Vermont’s back roads have been widened, straightened, paved, or otherwise ‘improved’ to accommodate increased traffic and provide new access. Often, these modifications have caused unnecessary damage to environmental features and in turn have degraded the scenic, economic, and cultural values associated with the community.” The Vermont Back Road⁷



Transportation Network Analysis:

As presently constituted and maintained, the road system is adequate to the needs of the town and, barring significant changes in the town settlement patterns, should not be changed. On a few occasions each year (Town Meeting and the Volunteer Fire Department's Game Supper, for example), parking in and around the Town Center is over congested

Buildings and uses located within close proximity to highways and roads may result in unsafe conditions or high public costs if the road requires widening. These situations can be avoided if buildings are set back an adequate distance from the highway.

Transportation Network Policies

- The roads in Tinmouth should be designed and engineered primarily for local use and maintenance, low traffic volumes and axle-weights, lower speeds, tolerant of curves, grade changes, and minimal shoulders (if they are paved at all).
- Improvements to town roads shall be carried out in a manner which will protect, conserve, and enhance scenic features and wildlife.
- Maintain or improve the current level of service on all roads on town; give priority to maintenance

Transportation Network Actions

1. Rural Character and Safety

- Balance the needs for mobility and accessibility with the need to preserve the valuable scenic, natural, historic, cultural and community resources.
- Maintain or enhance the rural environment or setting as a primary design goal. Design criteria for improvements should include esthetics and the project's setting equally with engineering considerations.
- Limit heavy truck use on all roads. Prohibit regular heavy industrial truck use of roads as thoroughfares.
- Post and enforce speed limits on selected Class 2 and Class 3 roads.
- Designate the seasonal road through the "gulf" as a scenic back road; only improvements which would not disrupt its scenic qualities should be allowed on this road.
- Discourage planning and construction of traffic thoroughfares through Tinmouth.
- Road improvements must be fit to the community rather than have the community fit to the road.
 - Maintain a transportation system that promotes the other goals and policies of this plan and makes it easier to direct desired community patterns of land use and economic development.

2. Maintenance and Improvements

- Ensure that all roads are maintained and upgraded to be safe for not only automobile and farm traffic, but allow for pedestrian, bicycle, horses and other shared uses.
- Plan land use and take actions to avoid the need to expand the capacity of town highways.
- Plan investments in roads to support desired land use patterns and to improve the livability of Tinmouth. Road improvements must be fit to the community rather than have the community fit to the road improvements.

The impacts on erosion, siltation, and aquatic life of stream crossings necessary for development should be minimized by maintaining fish passage, preserving or enhancing habitat, and limiting in-stream disturbance. Before supporting any new transportation projects, policies or improvements, analyze and compare a reasonable range of alternatives:

- 1) Evaluate alternatives in terms of environmental costs, energy use or conservation, social costs, and public investment; and
- 2) Compare the ability of each alternative to meet the goals and policies of the town plan.

Utility Transmission Lines

Running in a north-south direction along the base of the eastern slopes of Tinmouth Mountain is the GMP transmission lines and right-of-way corridor (formerly owned by the Vermont Marble Company).

Utility Transmission Analysis

The distribution of a system must be efficient, but if improperly located, the character of scenic areas, views, and contiguous land uses can be adversely affected. In this regard, the town is concerned that they would be inconsistent with the objectives set out on page 3.

See also the discussion of transmission lines in Chapter V, under “Commercial Energy Generation and Transmission Facility Siting.”

Utility Transmission Policy

- The town supports the continued use of the existing Proctor-Danby power transmission line by GMP to supply power to the Danby Quarry. It should not be upgraded to accommodate other uses.
- The town strongly advocates for a public and open local debate over the construction of any new utility grade power generation or transmission facilities.

Utility Transmission Action

- New electric transmission lines and major transmission facilities are strongly discouraged.

Historic Sites and Structures

Learned House, the stone house on North East Road, and the Sawyer House in the village, built in 1815 by ironmaster Wait Rathbun, have statewide significance.



The majority of Tinmouth’s historic structures are related to the town’s agricultural heritage. When we think of “historic structures” in Tinmouth, we generally think of long-standing farmsteads, barns, and the stone walls that were built both to show property lines and stow rocks that turn up each year in the soil. A handful of places in town – most notably the hamlet, which been designated as an Historic District on the National Register of Historic Places – have historic structures that remind us of our civic past.

Several of the historic structures indicated on the Scenic and Historic Sites Map (see page 80) are worthy of preservation. The 'old store' in Tinmouth Center has been renovated to house town offices and a library. Next door is the Old Tinmouth Firehouse, which has been renovated into a public gathering place and concert venue.

Historic sites and structures are offered a limited degree of protection under the Vermont Statutes, Act 250 being the only regulatory mechanism addressing them. In granting permits for subdivision of lands, the District Environmental Commission must find that the proposed project "will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas."⁸

A list of historic structures and their location appears in Appendix A, page 69.

Historic Sites and Structures Analysis

While residents of Tinmouth have a great love for the history of the town and its structures, there are, at present, no town-sponsored regulations or programs supporting their continued existence. The greatest challenge to keeping these structures is upkeep and maintenance. There does not appear to be substantial pressure to remove or redevelop these sites.

Historic Sites and Structures Policy

- The Town of Tinmouth strongly supports the conservation and maintenance of historic sites and structures within the town. Future development should retain these elements of our past. Any highway work should pay special attention to the presence of stone walls. Whenever feasible, structures of historical significance shall be adaptively converted to new uses which would maintain their architectural or cultural value to the community.



Historic Sites and Structures Actions

- Work with landowner to apply for historic structure (including barn) preservation funds.
- Create an Old Barn Commission that will work with landowner to rehabilitate barns through grants programs, low interest loans, and town events.



Chapter IV: How We Provide for our Neighbors

This chapter of the Plan is focused on the services and assistance that we, as Tinmouth residents, are responsible for or choose to provide to our neighbors.

Affordable Housing

Housing, for the most part, is a land use issue. How many houses should the town permit to be constructed, and where? The ground rules are set out in the Zoning Regulations. Housing is also a social issue of concern to some residents. When housing in Tinmouth is unaffordable, there may be less diversity in its population and, potentially, the loss of its younger and older residents to other communities.

Housing in Tinmouth is “affordable” when households with incomes at or below the county median income pay no more than 35% of their gross income on housing costs. (HUD standard is 30%) In Tinmouth, costs normally associated with rural housing development, such as on site sewerage, drilling and piping for water supply, larger lot sizes (whether due to zoning or consumer tastes), telephone, TV, and electric connection fees, among others, may contribute to a smaller proportion of housing units in town being considered “affordable.”

The housing market has changed dramatically since the boom ended in 2008. Instead of rising prices for existing housing, prices have fallen since then, and sales are still slow though prices have stabilized. When these houses are resold they drag the market down further, but they also create opportunities for financially qualified buyers to purchase an affordable house in many cities and towns.

A study commissioned by several housing organizations in Rutland County in 2004 identified two key factors affecting the affordability of housing:

"The market for moderate-income, first time homebuyers is tied closely to mortgage rates. If mortgage rates increase substantially, the market will become very tight. The greatest concern for all potential first-time homebuyers is the need for a stronger local job base to provide households with the minimum income of about \$32,000 to afford a first home." In 2011, the median house price in Rutland County was \$138,500. The estimated income needed to afford a median home was \$42,355. As reported in the US Census (2011-2015), the median household income in Tinmouth was \$46,719.

In the 2009-2013 U.S. Census estimates, less than a third (27.7%) of Tinmouth homeowners were paying 30% or more of their income in housing costs and 13.8% were paying more than 50%. However, these residents did own a dwelling (house or mobile home on a lot), and may not be a significant market for new "affordable" housing if it was offered.

How Tinmouth Relates to Housing Needs Throughout Rutland County

Tinmouth is not an island, but an artificial set of boundaries created in the 18th Century and largely erased by the automobile. The "Tinmouth" housing market is simply a subset of the Rutland County market or, more broadly, the southwestern Vermont market. It may or may not be more expensive than some other towns, due to the cost factors described above. But in that market there are now a substantial number of homes for sale for \$100,000 or less --mostly, to be sure, in Rutland City. A mobile home or doublewide on a lot in Tinmouth also might cost as little as \$100,000. Either could be purchased with FHA financing by a family with an income of \$32,000, good credit, and \$5,000 for down payment and closing costs. Various subsidies available through Neighborworks of Western Rutland County could reduce these requirements. However new construction, whether built on site or in a factory, costs substantially more. In 2015, the median price of a single family home in Tinmouth was \$141,000. But families with relatively modest incomes are not necessarily priced out of the Rutland County market.

Local Subsidized Housing

Tinmouth is not a very suitable place, from a countywide perspective, to build affordable single-family housing – if indeed it can be built anywhere in the county without substantial subsidies. The town offers few jobs or services. So life in Tinmouth is life with the automobile. Most families, even of modest means, find it essential to own and operate two cars, despite the high cost of gasoline. Heating oil is rising in cost after a period of very low prices. Thus the cost of living in an "affordable" house in Tinmouth is not insubstantial, and notably more than living nearer the county's towns and urban areas.

One solution to the cost of constructing affordable housing is to cluster small houses on small lots. Some of the land that would otherwise have been part of each building lot is turned into common open space. This solution was invented in growing suburbs where open space was disappearing. The open space was regarded as the benefit received by the public at large for higher density than would otherwise be allowed. Tinmouth has ample open space -- two thirds or more of the town -- so this solution offers the town very little. Conversely, closely spaced housing on small lots is inconsistent with the town plan, the town's zoning (save for a planned unit development), and the desire of current residents for a rural rather than a suburban environment.

One recent, subsidized affordable housing project in Tinmouth has four half-acre building lots on 10 acres, with the remaining 8 acres to be held in common and managed jointly by all the owners. The land was donated by the owners of 215 adjacent acres of open land held under a conservation easement

prohibiting further subdivision. In the planning stage there was interest expressed by several Tinmouth families in these houses. To date, only one house has been built and sold, and not to a Tinmouth resident or relative of one. To make it affordable, the purchase was heavily subsidized by the developer, using various sources of public (mostly federal) grant money. Several reasons for the slow success of this project present themselves. Due to affordability limitations on the subsidies, some interested parties had incomes too high or too low to qualify. Several had credit problems or couldn't raise even a small down payment. The communal ownership arrangement was not satisfactory to some. Others were put off by the legal limitations on the amount of appreciation the purchaser could enjoy on resale, imposed to keep the houses "perpetually affordable" -- a requirement of the original subdivision permit. Several prospective purchasers simply said they didn't want to live in a subdivision, but on a large lot of their own. Others calculated the costs of commuting to distant jobs, and found Tinmouth unaffordable.

Housing Affordability Analysis:

Tinmouth is a small community, and efforts to alleviate affordable housing needs should be implemented on a scale appropriate to the population. In a rural town, efforts to provide affordable housing units may include: zoning which allows for living situations such as "mother-in-law" apartments and duplex houses, both allowed here; identification of existing structures that could be rehabilitated for affordable or senior housing; construction of mobile homes and "doublewides" on individual lots; and informal counseling and assistance to families in need of affordable housing. In addition, Tinmouth's tradition of volunteer service might make housing constructed by Habitat for Humanity feasible.

Housing Affordability Policies

- Proposals for high-density affordable housing projects should be carefully considered to be sure that any proposed compromise with our rural environment is worthwhile.

Housing Affordability Actions

- Collaborate with not-for-profit housing organizations and government agencies to pursue affordable housing options consistent with the character of the town, to meet housing needs of Tinmouth residents and their families.

The Future

This plan is for eight years, based on conditions in 2017. Real estate trends are slow to change, so it should remain realistic for that time. However, economic and political conditions can change quickly, and could invalidate this section of the plan in less than eight years. Therefore, the Planning Commission should keep abreast of economic changes, and propose modifications to the Plan or the Zoning Regulations if it believes that this section is no longer appropriate.

Child Care

The availability of childcare for our residents is a big factor related to the affordability of living in Tinmouth. Parents of young children need to have safe, accessible, and affordable childcare options; otherwise, choices have to be made between earning a living or raising a family. There currently is least one licensed or registered childcare facility in Tinmouth, located at the School.

Child Care Analysis:

It is difficult to assess the need for child care facilities in Tinmouth because of the high proportion of adults who commute to other communities to work. It is expected that many parents choose to have their children near to their places of work, thus potentially reducing the need for facilities in Tinmouth. Parents and/or child care providers in Tinmouth should be asked to provide input on the need for additional child care facilities.

Tinmouth offers school 3 half-days a week for 3 year olds and five days a week for four year olds.

School procedures allow K-6 children to be left at school as early as 7:30 and picked up as late as 5:30.

After-school programs involve small fees. State and federal aid is available to help with before and after school fees. While Tinmouth School does not operate in the summer, our district, Mill River Unified Union School District, offers all-day summer programs at Clarendon Elementary for much of the summer.

Child Care Policies

- Encourage maximum flexibility for parents to have access to quality child care providers.

Child Care Actions

- Permit the use of single family homes in Tinmouth for small-scale family child care facilities.
- Meet with current child care providers and parents of young children to determine if there is a need for additional child-care capacity in town.

Childhood and Lifelong Education

Mill River Unified Union School District

In 2014 The Vermont Legislature determined that a key driver in the cost of education was that there were too many small school districts. Act 46 of that year required consolidation of local school districts (but not schools) into districts with at least 900 students. Reduced tax rates for five years were offered. For those who did not consolidate, the state would produce a mandatory merger plan in 2018. The five school boards in the Rutland South Supervisory Union, Clarendon, Shrewsbury, Tinmouth, Wallingford, and Mill River Union Middle/High School felt that the comfortable working relationship established as a supervisory union meant that we could combine with a minimum of difficulty and some advantages. Taxes were reduced for four years, and in the second budget the district produced there were significant savings, some unanticipated. With voter approval the boards were combined into the Mill River Unified Union School District in 2016. Tinmouth no longer has a school board of its own, but has developed substantial influence on the larger District Board.

Tinmouth Elementary School

Tinmouth has a five-room school for its elementary students, pre-K through grade 6. The school, though small, is a focal point for the entire community,

drawing together parents, children, voters, and citizens from throughout the community. In 2000 town



residents donated time and money to construct the Tinmouth Community Center, which is attached to the school. It serves the school as lunchroom and gymnasium, as well as providing a fifth classroom. While the town owns the school building and the Community Center, the school maintains both of them.

School Enrollment

2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
53	49	45	50	50

The current level of those numbers is due to a large increase in Pre-K enrollment in the last two years. If Pre-K enrollment continues as it has been recently the overall enrollment will increase in future years. Some have expressed concerns that the small size will make Tinmouth a target for closing by the new district. The last Tinmouth School Board foresaw this, and secured a provision in the Articles of Agreement that no school would close without a unanimous vote of the District Board (including the Tinmouth representative) and a vote of the town in which it is located. Therefore, Tinmouth School will not close unless the town wants it to.

High School Students

Students in grades 7-12 formerly attended classes as tuition students at public and private high schools in surrounding towns. Primarily these students attended Mill River Union High School in Clarendon. Enrollment at Mill River, as at most Vermont high schools, has declined steadily over the past five years, and is substantially smaller than its 1997-98 peak of 796 students. The merger Articles of Agreement provide that the Tinmouth students attending schools other than Mill River in 2015-16 would have their tuition paid to the school of their choice until they graduate. Students who were attending other public schools were placed on the state limited school choice program, under which the sending District does not pay tuition – a healthy saving for the newly merged district.

Secondary Students	2012-13	2013-2014	2014-2015	2015-2016	2016-2017
	35	35	35	30	31

The number of secondary students is expected to remain about the same until the large Pre-K and Kindergarten classes in 2016-17 start entering seventh grade six years from now.

PreK-12 Education Policies

- Provide Tinmouth students with the highest possible opportunities for education, not only by public policies but by supporting school activities and volunteering at the school. Participate vigorously in the activities of the Mill River Union School District School Board, so that Tinmouth continues to be regarded as an equal partner.
- Ensure that proposals over the future of Tinmouth Elementary School strictly adhere to the Articles of Agreement, which require a vote of the town to close it. Any discussions in the community about closing it should take place in an open and inviting setting, and that residents are kept well-informed.

Post-Secondary Education

Tinmouth, like many communities throughout Vermont, generally loses its college-aged population to other locations. Several post-secondary choices do exist in the Rutland region: Castleton University, Green Mountain College, College of St. Joseph, Community College of Vermont, and for some trades Stafford Technical Center (essentially a high school program). However, a substantial number of students from Tinmouth choose to leave the area for the many personal reasons that cause people to choose their colleges. Not many return; nor do many of those who attend local colleges choose to return here. Of the town's 613 residents in 2010, 22 were between the ages of 20 and 24.

The Tinmouth Community Fund has instituted a Scholarship Fund. It grants scholarships to Tinmouth residents who are attending post-secondary schools. When the Tinmouth School District merged into the Mill River Unified Union School District, over \$75,000 in the school Tax Stabilization Fund was transferred to the Scholarship Fund. An annual plant sale, held for 35 years, contributes several thousand dollars a year, along with many individual contributions.

Post-Secondary Education Analysis

Youth relocation from Tinmouth and other rural communities is nothing new, and will likely continue in the future. Students are encouraged in school to learn about world cultures, economies, and political systems. It should be no surprise that many take the opportunity to learn about these firsthand. In Tinmouth the challenge of losing college aged students to other areas is coupled with an ongoing opportunity to attract other young people who want to explore living and working in a rural community. This is especially the case for younger individuals and families who would like to develop or take over a farm. The Town can support this by welcoming new residents and providing newcomers with mentoring in how to build a successful enterprise here.

Post-Secondary Education Policies

- Work with local landowners, the University of Vermont's Landblink, the Vermont Land Trust, the Vermont Housing and Conservation Board, and others to connect new farmers with farmlands available for lease or purchase in Tinmouth.

Lifelong Learning

Learning includes both formal and informal education. We are fortunate to have many different avenues for education in our community. For adults, this includes activities at the Tinmouth Library and Rutland Free Library, and concerts and lectures in the Old Firehouse and the Community Center. The town support of the Rutland Free Library entitles every Tinmouth resident to a library card there. The Paramount Theater's programs are ever-expanding, and now include a dozen Metropolitan Opera company operas in High Definition, British National Theater productions, classical music concerts, and a variety of programs for every taste. In the summer Dorset and Weston Playhouses produce outstanding theater. The Killington and Manchester music festivals bring classical music at moderate cost in the summer. Libraries in Manchester and Rutland offer the Vermont Humanities Council First Wednesday lectures – different in each town.



Lifelong Learning Analysis

It is important that all Tinmouth residents have access to ongoing education. It spurs creativity and ingenuity at home and at work, and helps to fulfill our lives.

Lifelong Learning Policies

The Town will continue to support the Tinmouth Library and the Rutland Free Library.

The Town will continue to make its buildings available for educational events of interest to its residents.

Effective Emergency Management

Having emergency services available is among the basic needs of residents in Tinmouth. The Town, together with its non-profit partners, is active in all four phases of emergency management: mitigation, preparedness, response, and recovery.

Mitigation

In November 2015, the Town re-adopted a Pre-Disaster Hazard Mitigation Plan. The Plan identifies the most likely types of emergency incidents and locations where these incidents are most likely to take place. The Plan also sets forth a prioritized list of tasks to be completed to reduce the damage from future emergencies. Key issues in Tinmouth include the potential for flooding or road closures in a handful of locations, as well as the presence of students at the Tinmouth Elementary School during school hours. Priorities in the Mitigation Plan include ensuring that Town records are safely stored, that the Town maintains an up-to-date Rapid Response Plan, and that the Town seek entry into the National Flood Insurance Program. Refer to the Mitigation Plan for details.

The Town has also completed an inventory of its bridges and culverts and adopted a series of codes and standards for road maintenance that ensure sustainable practices. Having these programs in place can reduce the Town's match against State dollars for certain public works maintenance projects.



Preparedness

The Town has an appointed Emergency Management Coordinator who is responsible for working with town officials and first responders to maintain an up-to-date Rapid Response Plan. The RRP should be examined and re-adopted on an annual basis to ensure that the phone numbers for key individuals are correct and that other key elements -- such as making sure that all shelters are approved by the American Red Cross -- are maintained.

Response

Fire Protection: The Tinmouth Fire Department is a volunteer organization. It belongs to a Mutual Aid Pact with Clarendon, Danby, Middletown Springs, Pawlet, Poultney, Ira, Wallingford and the Wells Fire Departments. The Fire Station is located in Tinmouth Center next to the Town Office and all fire protection equipment is owned by the department. The Fire Department has faced the challenge of retaining membership, as have most departments in the State. The recruitment of many junior firefighters to support the adult crew has helped the Department to remain a vital and effective organization in recent years.

Emergency Medical Services: The eastern portion of Tinmouth is covered by Wallingford Rescue Squad, which is five miles away. The west part of Tinmouth is served by the Poultney Rescue Squad and Middletown Springs First Response. The distances of these services from the town is a limiting factor in providing immediate emergency aid. The town has also participated in the state E-911 numbering system.

Police Protection: Tinmouth is covered to a limited extent by Rutland County's Sheriff's Deputies under contract between the town and the sheriff. Major crimes bring in the State Police. Tinmouth constables no longer have law enforcement authority, under recently passed laws to promote law enforcement professionalism.

Recovery

The Town maintains records of costs incurred in the recovery from disasters, including road repairs, culvert replacements, etc. Recording and reporting this information to Vermont Emergency Management and the local Agency of Transportation District Office helps the State to apply for Presidential declarations of disaster in larger events and can make the town eligible for substantial reimbursement of costs. The Town's emergency management officials, as well as residents in general, have also historically been very supportive of residents who have suffered damage or losses in an emergency and provided whatever assistance is needed or available.

Emergency Management Analysis

The Town of Tinmouth has been every active in its emergency management responsibilities. Because of the town's small population and rural setting, response to some types of emergencies will not be as quick as they might be in larger communities, but the town's residents have taken strides to be as self-sufficient as possible in the event of an emergency.

Emergency Management Policies:

- Facilities and effective equipment as well as training for fire protection shall be provided within the financial capabilities of the fire department and town.
- Actively participate in multi-town emergency preparedness activities while striving to be self-sufficient wherever possible.

Emergency Management Actions

- Consideration should be given to the formation of an inter-town police force drawn from Tinmouth and adjoining communities.
- Consideration shall be given to the formation of a First Response Squad to work with the Wallingford and Poultney Rescue Squads.

- Encourage town residents to join the Volunteer Fire Department
- Promote emergency safety among households in Tinmouth by including preparedness tips in the *Tales of Tinmouth*

Recycling and Solid Waste Disposal

Sewage and solid wastes can cause serious health and environmental problems if not properly treated and disposed of. It is essential for the Town to require and, where appropriate, to provide adequate and safe disposal systems for these waste products.

In 2002, Tinmouth voted to adopt an Interlocal Contract with the towns of Benson, Chittenden, Fair Haven, Middletown Springs, Rutland Town, Shrewsbury, Sudbury, and West Haven as the way to help address the solid waste needs of these communities. The contracting towns are known as the Solid Waste Alliance Communities (SWAC). SWAC contracts with a part-time administrator to represent the member towns at state-wide solid waste and hazardous waste meetings, disseminate information to the towns, obtain grants for the benefit of the SWAC towns, coordinate recycling pickups, oversee shared equipment, and help maintain a Solid Waste Implementation Plan (required by State regulations) covering all SWAC towns. SWAC arranges household hazardous waste collections that are available to residents four days per year with drop-off service available through an agreement with the Rutland County Solid Waste Management District throughout the year. The cost of these collections is shared by the SWAC towns.

Tinmouth operates a solid waste transfer station, open for use by residents twice a week. Non-recyclable trash is disposed of by dumpster with a fee of \$2 per bag. Cans, glass, and plastics are combined in a partial zero sort container, while paper is separated into 3 categories (mixed paper, newspaper and cardboard). Large metals, wood and computer equipment go into separate containers. Food waste is accepted for composting.

Recycling and Solid Waste Analysis:

Reducing the quantity of waste materials is essential to controlling the cost of solid waste disposal. Recycling and reusing materials keeps them from the landfill as does composting organic matter.

Recycling and Solid Waste Policies:

- The town shall continue to meet the requirements of all State solid waste laws.
- The town should work with the State, SWAC, and private organizations to educate residents on the importance of reduction and recycling of waste materials and actions we can take to achieve goals.

Recycling and Solid Waste Actions:

- Complete a comprehensive plan for the transfer station's facilities and operations
- Regularly publish recycling guidelines in the *Tales of Tinmouth*
- Provide residents with information about at-home composting through the *Tales of Tinmouth*.

Community-Sponsored Recreation

Recreational activities are both a use of land and a service supported by residents and town officials. The use of land for outdoor recreational purposes is discussed in Chapter III. The Town supports many recreational activities in several different facilities. The activities that take place within these facilities make up a big part of the community that is Tinmouth.

Recreational facilities owned or supported by the town include:

- The **Tinmouth Community Center**, opened in 2000. The facility was built using money and time donated by many Tinmouth residents. Today, it serves as a lunchroom and gymnasium for the Tinmouth Elementary School, a large meeting hall, and a public recreation facility for residents and

visitors to Tinmouth. It is also the home of the Volunteer Fire Department's annual game supper and is a staging area for the Tinmouth Community Celebration each year.

- The **Tinmouth Library**, located behind the Town Offices, is open two days per week. The Library is staffed by a volunteer librarian and several others who work to keep the Library's holdings current and offer reading and writing groups and educational talks to residents of all ages. The number of users of the library has increased substantially over the past ten years. All residents are also members of the **Rutland Free Library**, which has a wider range of books, periodicals, and programs. The two libraries complement each other, together providing services which are among the best in the Region.
- **Ball field and children's' playground near the Community Center.**
- **The Old Firehouse**, a small meeting area and concert hall, located between the Town Offices and the new Fire Station. The Stage was refurbished in the late 1990s thanks to multiple grants from the Vermont Division for Historic Preservation and the work of Tinmouth residents. It offers one of a handful of community-supported concert series in the area.
- **The Tinmouth Purchase Recreation Area**, a 280-acre woodland lot near the top of Tinmouth Mountain, purchased by the Town in 1997 with assistance from the Vermont Land Trust and the Vermont Housing and Conservation Board. Accessible by foot, snowmobile, or horse for hiking, riding, picnicking, etc.0

Recreational Program Analysis

Tinmouth has a lot going on for a community of its size. This can be attributed to the ongoing efforts of volunteers who organize the events and to residents and visitors who attend regularly and make events a tremendous success.

Recreational Program Policies

- The town strongly supports the use of its facilities for recreational activities of interest to residents.
- Continue membership with the Rutland Free Library and support for the Tinmouth Library

Recreational Program Actions

- Publicize recreational events in the *Tales of Tinmouth* to encourage participation by all town residents.
- Consider developing a recreation area on town lands adjacent to the town garage if this seems the best use of that land.

Outdoor Recreation

Residents of Tinmouth and visitors to the town use the land for all types of recreation: hunting, fishing, trapping, snowshoeing, hiking, cross country skiing, cycling, snowmobiling, ATV riding, boating, and horse-back riding, among others. The impacts of these activities vary widely, though most affect defined areas. The town's expansive forest and open areas make it ideal for these and many other recreation activities. Enjoyment of the land and water in the town is one of its key binding features and one of the reasons that residents are so strongly connected and committed to the long-term health of these natural features. The Tinmouth Purchase Recreation Area is a Town owned tract of land for the use and enjoyment of its residents and visitors. In 2014 with a grant from the State of Vermont to repair damage from hurricane Irene, the town created the Tinmouth Purchase Loop Trail, accessible from



Pent Road. In 2016, the newly formed Tinmouth Conservation Commission erected a cabin on the site of the former “Blanchard Camp,” open to the public for overnight recreation. In addition, construction was started on the Tinmouth Ridge Trail, which will connect the school field to the Purchase Loop Trail. Of particular note are the activities that have potential impacts on wildlife and natural resources within the town and on the quality of life of neighbors. They include:

- Erosion caused by overuse of trails by ATVs, mountain bikes, hikers, and horses. Repeated wear on the same trails – especially during the springtime – can create ruts and develop erosion patterns on steeper slopes. In general, users of trails in Tinmouth have been respectful of this and have not caused significant problems. If use of these trails increases in the future, steps may need to be taken to limit soil erosion.
- Noise pollution created by ATVs and snowmobiles. Overuse of trails can alter wildlife habitat and travel corridors because of the noise created by engines. Little research has been done in this area in Tinmouth to determine whether the current use has had a substantial impact.
- Aquatic nuisance species can be carried between bodies of water by boats and fishing gear.

Outdoor Recreation Analysis

Recreational uses of the land and water in Tinmouth are generally low-impact, both because of the types of recreation most commonly exercised, and because of the limited use most trails, lands, and waterways receive. The slow conversion of land around residents’ homesteads, as more people make their living inside the house or outside the town instead of using the land – will mean a change in the town’s appearance; it could alter the plant and animal habitat in the town and exacerbate water quality issues in the town’s streams.

Outdoor Recreation Actions

- Provide residents with information about trail designs and maintenance techniques that prevent erosion. Provide information to boaters and anglers reminding them to clean their gear carefully between outings to prevent the spread of aquatic nuisance species.



Efficient Use of Energy

Over the past few years, energy consumption has again become an important topic across the state and Country. In Tinmouth, overall energy use is low because of the sparse population and few businesses or town facilities. Transportation is the leading source of energy use in the Rutland Region and throughout the State. In 2017, it

accounts for 36.8 percent of all energy consumed in the State ⁹ and 44.7% of carbon dioxide emission. ¹⁰ In 2015, 255 Tinmouth residents commuted to work, of whom 214 drove alone and 31 carpooled.

Home energy use in Tinmouth is a combination of heating oil, electricity, and wood. The Total annual electric energy use in Tinmouth is 2.35 GWh. The average home uses 6,808 KWh. ¹⁴ A number of homes in town use household-scale windmills, active solar panels, or passive solar design to provide energy, reduce heating costs, or heat water. There are 12 solar sites in Tinmouth, of which 4 are ground-mounted PV, 6 are roof-mounted and 2 produce hot water. Together they produce 46,662 kWh of electricity per year. ¹¹ No town-wide energy efficiency programs have been established in Tinmouth, though the Select board created an energy committee in the spring of 2007 to address local energy consumption.

Energy Use Analysis

It is no surprise that energy use for transportation is high in Tinmouth. Because of the town's rural setting, most residents need vehicles to commute to work, school, and services. At this point, there are no viable alternatives, however, as the numbers of jobs in town are limited, and the small population of the town will likely not support a local store. Carpooling to work may be an option, since over 1/3 of all employed Tinmouth residents work in Rutland City or Rutland Town. Local wind energy production is an option for some Tinmouth residents and businesses. Western slopes of the town's mountains have relatively strong sustained wind speeds. Solar systems used for heating water and providing electricity are also becoming increasingly competitive options.

Energy Use Policies

- The town of Tinmouth advocates for greater energy efficiency in all forms.

Energy Use Actions

- The town will provide assistance to the energy committee to reduce energy consumption in Tinmouth.
- In any future construction of town buildings, attention should be explicitly given to ways to minimize the potential future costs of energy.
- The town should explore means of alerting potential builders to such simple energy conservation information as findings that a south facing design, without any other considerations, reduces heating costs by about 10%. This information could be provided when a building permit is applied for.
- Establish a regular car-pool program for Tinmouth residents headed to the Rutland area for work, school, or errands.
- Establish a park & ride area for residents.

Town Governance

Our town operates on the shoulders of volunteers dedicated to Tinmouth, and is supported by a small team of employees who keep our roads clear, our records in order, our school running effectively, and our transfer station operational.

There are six town-based boards in town:

- *The Select board* is an elected, three person board responsible for overall governance of the town. It oversees the work of town employees, proposes budgets for voter review, and sets town policies.
- *The Planning Commission*, appointed by the Select board, currently has nine members and is responsible for developing the town plan, zoning regulations, and subdivision regulations, as well as

reviewing subdivision and planned unit development applications. It is also responsible for working with the Select board and other organizations and individuals in town to implement the plan.

- *The Zoning Board of Adjustment*, appointed by the Select board, currently has seven members and is responsible for reviewing applications for conditional uses and variances from the zoning regulation and for hearing appeals of decisions made by the zoning administrator.
- *The Energy Committee*, newly formed in 2007, is appointed by the Select board and is responsible for assisting the town and its residents to reduce energy consumption wherever possible.
- *The Tinmouth Community Center Board*, elected by the organization's members, is responsible for the maintenance and any new projects associated with the Community Center.
- *The Tinmouth Housing Rehabilitation Loan Board*.

In addition to these town-sponsored boards, there are a handful of non-profit organizations whose missions are to serve the town.

- *The Tinmouth Land Trust* works with landowners to encourage land conservation and affordable housing and, where appropriate, sale of land or development rights to organizations such as the Vermont Land Trust for conservation purposes.
- *The Tinmouth Volunteer Fire Department* currently has 26 members, including several juniors. The Department's mission is to provide emergency response services to the town and to neighboring communities on a mutual aid basis. The Fire Department typically receives half of its annual budget from taxpayers in town, with the rest coming from fund raising events, donations, and grants.
- *The Tinmouth Library Board* maintains our small library and runs activities throughout the year to encourage literacy.
- *The Tinmouth Conservation Commission* steward of the town's natural resources, including wildlife, forests, recreational trails, and to educate the public on conservation topics.
- *The Tinmouth Community Church Administrative Council* is responsible for the upkeep and programming at our church located in the Center.
- *The Tinmouth Community Fund* gives small grants to support town spirit and a sense of community.
- *The Tinmouth Historical and Genealogical Society*.
- *The Tinmouth Pond Milfoil Project*.

The town is supported by a small staff that includes a town clerk / treasurer / zoning administrator, town office assistants, road commissioner and road crew, and transfer station attendants.

Governance Analysis:

Tinmouth has a long history of open and public decision-making. In 2006, voters adopted the Australian ballot system for election of town officers, but Town Meeting continues to discuss Town and School expenses, and to vote them up or down. Boards and committees are served by dedicated individuals from various backgrounds. The community of Tinmouth is a vitally important piece of the town. Work and school schedules, which regularly send residents outside the town's borders, bring with them challenges for the town's sense of community, but also opportunities to bring new ideas together in service of one another.

Governance Policies

- The Town of Tinmouth seeks to engage in open and public governance at all times.

Governance Actions

- Continue to support the publication of the *Tales of Tinmouth*.
- Participate in Front Porch Forum

Health Care and Elderly Services

In Rutland County, a variety of health and human services are available to residents. These include the Rutland Regional Medical Center, Rutland Area Visiting Nurses, Rutland Area Community Services, the Southwestern Vermont Area Agency on Aging, Long Term Care Ombudsman, Legal Service Attorney for Elders, One-to-One Program, InterAge Program, Vermont Department of Health, Association for Retarded Citizens, Rutland County Parent/Child Center, Vermont Association for the Blind, Rutland County Women's Network and Shelter. Tinmouth residents draw on the services of many medical practitioners in the area, as well as more distant resources such as the Dartmouth Hitchcock Medical Center in Lebanon, NH, and the UVM Medical Center in Burlington, VT.

Chapter V: Making Good Decisions About our Future

The future character and prosperity of Tinmouth will be a reflection of how we use the land. If uses change, so will the character. The purpose of this plan is to propose where changes in use might have minimal effect, as well as where present uses should be conserved. The broad goal is to allow new development of varying types, new uses and, at the same time, to preserve the overall character of the town.

Future Land Use Districts

The Land Use Districts, defined in the following paragraphs, are a guide for the growth and development of the Town. The four land use districts in Tinmouth are the Rural Residential, Lake Shore, Protection, and Conservation Districts. There also Agricultural, Ridgeline and Flood Hazard Overlay Districts. These land use areas provide for a variety of residential, commercial, agricultural, and recreational opportunities for the future while considering local environmental constraints as well as existing land use patterns. This Plan is not a zoning regulation, although it provides guidance for zoning changes and updates. The future land use map, designating the boundaries of each district, is an integral part of the plan. (See map p.71)

Tinmouth Center

Tinmouth Center is a hamlet in the center of town, and the town's historic focal point. It is in the rural residential district, but is worth considering on its own. This village is a road junction containing a very low density grouping of buildings without any water, sewer, or sidewalks.

School, church, and town office each have small parking areas, and there is some roadside parking. Primarily a governmental center, the town office, town library, fire station, elementary school, and

Community Center attached to the school are located here. It is a registered National Historic District, with some town buildings and several houses of a historic nature. The town's only retail facility, a seasonal snack bar, is located here. Thus it provides a center for community interaction, a container for community memories, and a focus of community identity. However, it lacks the elements of a village, such as a store, gas station, or other commercial services, has no public utilities, and has a population of less than 20. It is not the kind of village that development can be built upon. Its inhabitants must work at home or commute to jobs, and find stores and services in other towns the same as residents on scattered lots.

Tinmouth Center Analysis

It is hoped and expected that Tinmouth Center will remain the gathering spot for town residents. It is not anticipated that this will be a location for substantial future development, however. Poor soil conditions, the lack of any public infrastructure and lack of commercial services make future development no more feasible in the hamlet than elsewhere in the community. The 2017 survey found that residents were 2-1 against allowing smaller lots adjacent to the village, so any future development must be on five acre lots.

Tinmouth Center Policies

Tinmouth Center shall remain the focus of the Town in terms of town services and gatherings. Any development in or near the hamlet shall be compatibly integrated with its appearance and its existing form. Its status as a National Historic District shall be protected by the community and the town government.

Tinmouth Center Actions

- Maintain the historic appearance of the Tinmouth Village National Historic District.
- Complete the stabilization and restoration of the Old Creamery.
- Apply for and support a Village Center Designation.

Rural Residential District

Settlement in the outlying areas of the town historically has been associated with farming and related agricultural uses. For this reason, homes have been generally located on land that is suitable for residential purposes and at the same time, they have been compatibly related to the pattern of open fields and woodlands.

Rural Residential District Analysis

Recent rural settlement has not been related to farming, but rather to permanent residences or vacation homes. This type of housing and country lifestyle is highly valued, yet usually breaks up continuous tracts of land formerly used for agriculture and forestry and often contributes to sprawl. The creation of a Rural Residential District is an attempt to accommodate the demand for rural housing, (usually a single-family home, a few farm animals, a garden and one or two small out-buildings), with minimal economic and environmental impacts.

The development of residential housing in Tinmouth (described in detail in the Housing section of the Plan) creates the largest growth pressure in town. Every effort should be made, within this district, to have development sited in locations that preserve open space, forested areas and natural resources.

Rural Residential District Policies

- The Rural Residential District shall promote densities that maintain a rural character.
- Buildings, driveways, and other structures should be in places with lower quality agricultural soils and away from key wildlife habitats and other areas with sensitive natural environments.

- Density of development should be guided by the limitations of the land and specified in the town plan and zoning bylaws (as described in Chapter I).
- Regulations may provide for special considerations or increased densities of development if the proposed development conserves or protects important natural features, historic buildings or vistas, or includes the establishment of affordable housing.



Lakeshore District

Chipman Lake (commonly known as Tinmouth Pond) has long been the focus of seasonal recreation activities ~ swimming, boating, etc. The shoreline is characterized by numerous pre-existing small lots, with minimal setbacks from side lot lines and the lake, accommodating vacation camps and cottages, sometimes with small outbuildings. During the summer, the lakeshore is also home to the largest single concentration of population in the town.

Lakeshore analysis

In recent years, some seasonal cottages have been converted to year-round residences or, in some cases, torn down and replaced by more substantial buildings. If this trend continues, there may be a need to examine road conditions and access to properties for year-round emergency services.

Lakeshore Policies

- New structures should be sited with the greatest possible sensitivity to minimizing intrusion on neighbors and the shoreline.
- New construction should include measures to limit the amount of sedimentation and nutrients delivered into the Pond.
- Wherever possible, undisturbed vegetated buffers should be established along the shoreline to promote health of the Pond.

Lakeshore Actions

- State Lakeshore regulations should be strictly enforced in any new construction.
- Examine road conditions and access to properties for year-round emergency services.

Conservation District

Conservation areas contain lands that are very sensitive to development for a variety of reasons. They generally contain significant natural resources such as large forest blocks, high elevations, steep slopes

In 2002, the town added land to this district in the areas surrounding the Tinmouth Channel and connecting the Channel to Tinmouth Mountain. The decision to add this land followed an extensive public input process and is intended to help maintain the quality and function of this unique wetland and wildlife habitat.

Conservation District Analysis

While the goal of maintaining larger, less disturbed land area in the town has been supported by the



Conservation District, land development over the past 25 years has not always forwarded the intent of maintaining viable agricultural and forestry lands or wildlife habitats. The Planning Commission has learned that supplemental tools, in addition to minimum lots sizes, are necessary to help landowners identify and conserve sensitive areas within the Conservation district.

Conservation District Policies

- Conserve sensitive areas within the Conservation District while allowing for limited, low intensity development.

Protection District

Protection areas contain land that is unconditionally protected from development such as lands above the 2,500-foot contour, lands that are in the floodplain, and significant natural features and wetlands. These include the 1245-acre Tinmouth Channel (a Class 1 wetland), the Poultney River source wetland, Crow Hill Wetland, Ballou's Swamp, the top of Tinmouth Mountain above 2500 feet, and the narrow, steep sided Tinmouth Gulf.

Protection District Analysis:

Lands in the protection areas are suitable for low-impact recreational uses, such as hiking and nature trails, hunting, and other human-powered low impact recreation. Intensive motorized recreational activities, such as "four-wheeling", are not appropriate or should occur only in designated areas. The state of Vermont requires that agriculture and forestry be allowed in all zones, including the protection areas.

Protection District Policies

- The Town of Tinmouth shall prohibit permanent structures in the Protection District.
- Subdivision of land within the Protection District is strongly discouraged.

Agricultural Overlay District

Agriculture is an important part of the economy, image, and lifestyle of Tinmouth. The continued economic success of this activity is directly related to the availability of large amounts of undeveloped land with moderate slope and productive agricultural soils. Retaining large tracts of undeveloped land in areas identified as high resource value for agriculture is vital to ensuring the future viability of farming in Tinmouth. Based on current land use as well as consideration of soil associations and slopes, some lands have been identified as of the greatest agricultural resource value that require protective measures. These lands were incorporated into a special "Agricultural Overlay" district in the town's zoning regulations in 2002. This district's regulations strongly encourage new development to be situated on the edge of farms and other open fields instead of in their centers. Development in this district requires a conditional use permit.

Agricultural Overlay District Policies

- Maintain the Conditional Use policy in this district with a flexible approach to siting.

Ridgeline Protection Overlay District

To retain the undeveloped character of these prominent features of the Tinmouth landscape, protect important habitat corridors for wildlife as well as viewsheds from Tinmouth and surrounding communities, and prevent development on shallow soils and/or steep slopes, a “Ridgeline Protection Overlay District” has been created. Development in this district requires a conditional use permit.

Where and How Development is Encouraged

Intermediate Slopes and Terraces

The area of intermediate slopes and terraces is a transitional zone between the valley floor and steep slopes. Its landscape form is characterized by undulating topography interspersed with small terraces, plateaus and knolls. Because of this diversity, settlement in these areas will have minimum visual impact if properly sited.

Intermediate Slope and Terrace Policies

- Settlement shall occur in areas of intermediate slopes and terraces and be sited to take advantage of natural terrain and other scenic features.

South-Facing Slopes

In the winter, cold prevailing winds are from the northwest. During the same season, the sun’s orientation and altitude decreases, reducing the duration and angle of exposure on northern slopes. Snow and frost accumulations tend to be greater and remain longer than on southern slopes. These factors produce a stressful microclimate. Consequently, buildings usually require greater amounts of insulation and/or energy to produce comfortable interior climates. By contrast, buildings oriented towards a southern exposure benefit from longer periods of sun during the winter, protection from northerly wind, and longer growing seasons.

South Facing Slope Policy

- Where practical, settlement should occur on south-facing slopes.

Forest/ Open Field Edge

Open fields are the foundation of the town’s agricultural heritage and future (See Chapter III). In addition, the contrast between open fields and the woodlands that enclose them form the most apparent visual aspect of the town's landscape pattern. The fields open up long views across Tinmouth’s valleys. Therefore, their scenic quality is highly vulnerable to settlement. Tinmouth’s landscape pattern has evolved primarily as a result of agricultural pursuits. The isolated groupings of farm dwellings and buildings are characteristic of these activities. They provide focal points of scenic and historic interest.

Maintaining Tinmouth’s active farms, open fields, wildlife corridors, and unbroken productive forests are all top priorities of this plan. It is also important, however, for residents and landowners to have room for future development. Building along the border between these open and forested areas will have the least impact on the community’s economic potential and natural habitat and will give all residents and visitors the opportunity to share the scenic beauty of the town.

Forest/Open Field Edge Policy

- Development is strongly encouraged to take place on the border between open fields and forested land to avoid the loss of either resource.
- Views to farms shall generally be preserved, and settlement should be clustered to emulate the isolated groupings of farm structures.

Areas sensitive to development

An analysis of the natural processes and formation comprising Tinmouth indicates that there exist certain areas which, because of their fragile nature, irreplaceable value, or vital function in maintaining the environmental health and quality of the town, require special conservation and protective measures related to future development. While some of these areas are protected under current planning and zoning, e.g. the Protection District and the Wellhead Protection Areas, some are not. Below, the nature and importance of these fragile areas are described and policies are set forth for any future development in the town.



Steep Slopes

When the steepness of slopes exceeds 15 percent, the suitability of land for settlement decreases significantly. On steep slopes, surface water runoff is high. When vegetation is removed for the construction of roads and buildings, the area for absorption of precipitation is reduced. In turn, the susceptibility to increased rates of runoff may result in excessive erosion. The proper functioning of subsurface disposal systems is severely limited on steeper slopes. Slopes greater than 20 percent in steepness present difficulty in complying with the Vermont Health Regulations governing septic systems for subdivisions. In addition, settlement on steep slopes can be costly to the town for the maintenance of roads and possible construction of potential utilities. Settlement on these areas will be extremely visible from other areas within the town.

Steep Slope Policies

- Construction or other development activities on slopes greater than 15% should include erosion control measures.
- Settlement shall avoid areas where the steepness of slope is over 20 percent.
- Settlement on steep slopes shall be restricted to low densities and locations which will have the minimal visual impact on scenic quality.

Ridgelines and Elevations Above 2500 Feet

As part of the Taconic Mountain Range, the land in Tinmouth rises to relatively high elevations and presents two prominent north-south ridgelines. At high elevations, generally above 2500 feet, and ridgelines precipitation is greater, air and soil temperatures are lower, soils are shallow and low in nutrients, slopes are steep, wind speeds are

higher, and re-establishing vegetative cover is typically a slow process. Such characteristics create an environment which is intolerant to intensive use. If significantly disturbed, excessive erosion may result. These high mountain areas also play a vital role in the water cycle. The greater amounts of precipitation filter through the thin soils, eventually reaching major ground water supplies. Uses which result in the removal of vegetation and soil cover are especially detrimental to the natural drainage of water. In addition, areas of high elevation and ridgelines are strong visual features and form a large part of what residents consider to be the town's unique landscape. Clear-cutting or development in these areas stand out dramatically from long distances.

The debate over large-scale wind turbines is growing in Vermont. One older wind farm in Searsburg has operated for several years with relatively small turbines. It is now expanding with much larger ones along two ridgelines. Others have been built in Lowell and Sheffield in the Northeast Kingdom and in Milton. Their turbines are up to 499 feet high and in arrays of up to 22 machines stretched along miles of ridgeline. The size and weight of the components requires construction of roads 60 feet wide with moderate grades, requiring large amounts of blasting and grading up to and along the ridgeline. Utility scale wind turbines over 125 feet at the maximum blade height and "wind farms" of two or more turbines are incompatible with the scenic beauty and rural residential character of our town. Although the town lacks legal jurisdiction over such development, the Public Utility Commission should be made aware that it is incompatible with the town, as demonstrated by our ridgeline ordinance. Smaller turbines for individual family or farm use, under 125 feet high and not on ridgelines, are permitted by the Zoning Regulations. For further discussion of renewable energy production, and Tinmouth policies please see the section on Commercial Energy Generation and Transmission Facility Siting on pp. 58 to 64.

Ridgelines and Elevations Above 2500 Feet Policy

- Maintain and enforce the Conditional Use policy in the Ridgeline Overlay district.

High Water Table

Areas with a seasonal or year-round high water table within 4 feet of the ground surface place very critical constraints on settlement. Use of subsurface sewage disposal results in pollution of surface and ground water. Cellars are frequently filled by excessive seepage of water. While high water tables may occur in many areas throughout the town, available soils information generally suggests that this condition is directly related to the occurrence of the Muck and Peat association and commonly related to the Bernardston-Pittstown association. In addition to the constraints above, the Muck and Peat association, because of its low bearing capacity, cannot provide stable support for the construction of buildings.

High Water Table Policies

- Development is strongly discouraged in areas with high water tables.

Shore and Stream Banks

As the interface between land and water, shorelines and stream banks must be considered as being fragile areas. Certain species of wildlife are greatly dependent upon the particular habitat of these areas. Vegetation along the water's edge acts as a stabilizing force, preventing erosion and siltation, and providing shade to cool water temperatures. Streams are under state ownership, but permission may be required to cross private lands for fishing and hunting. Building too close to shorelines reduces the scenic quality of surface water, as evidenced by the settlement which has occurred around Tinmouth Pond. Effluent leaching from septic systems placed too close to the water's edge is very likely to pollute ground water and surface water.

Landowners should be aware of Vermont's Shoreland Protection Act of 2014, which requires a permit for any new development within 250 feet of a shoreline.

Shore and Stream Bank Policies

- Shorelines and stream banks shall be retained in a natural state and protected from uses and settlement which would cause erosion, prohibit public access, and reduce scenic qualities.
- Vegetated shoreline and stream bank buffers shall be required for all new development near year-round water bodies.
- Surface water shall be protected from settlement and uses which would reduce their water quality or despoil the scenic appeal of their stream banks and shorelines through setbacks, buffer strips, and minimal land disturbance for construction erosion control.

Shore and Stream Bank Actions

- Prepare and publicize information for residents about the ecologic and long term financial benefit of protecting stream banks and shorelines.

Wildlife Habitats and Corridors

The Town of Tinmouth is positioned in the center of key wildlife corridors and habitat areas. Mostly unbroken forest areas stretch from Dorset through Danby and Tinmouth into Ira and beyond through the mountain ranges. Of particular importance are links between mountain areas and the Tinmouth Channel, a critical water source and habitat area for mammals, insects, birds, and reptiles. Those developing land throughout the Town of Tinmouth should be careful to minimize impacts on wildlife by ensuring the continuance of connected forest and wet areas. See the Wildlife Habitat Suitability Analysis on page 74.

Wildlife Habitat Policies

- Wildlife habitats (wetlands, deer yards, bear range and surface water) and corridors between habitats shall be retained in their natural state and protected and buffered from uses and settlement that would reduce their vital function. Rare and endangered plants and animals and their habitats shall be protected and preserved.
- Fragmentation of forest blocks shall be avoided and connectivity between blocks encouraged.

Glacial Eskers

The glacial eskers, on the floor of Tinmouth Valley, define a rare and unique geological area. They contain a large and porous gravel deposit which serves as a large-scale cache for water serving the Tinmouth Channel. While mostly located within the town's Protection District, they stretch into neighboring land use districts.

Glacial Esker Policy

- Tinmouth's glacial eskers shall be protected from use and settlement which would destroy their scientific or water-carrying value.

Aquifer Recharge Areas

The quantity and quality of the town's groundwater supply is directly related to the type and intensity of uses which occur in areas of high aquifer recharge. Extensive settlement can greatly reduce these areas of recharge and also increase surface runoff, thus decreasing infiltration of surface water. Also, the quality of ground water may be threatened through numerous subsurface sewage disposal systems. Because a potable water supply of sufficient

Aquifer Recharge Area Policy

Aquifer recharge areas shall be protected from uses and settlement which would significantly reduce their permeability or be of danger to the quality and/or quantity of ground water supplies.

Wetlands

The wetland areas within the town contain special vegetative communities. They form a distinctive and unique landscape pattern of high scenic quality.

Wetland Policies

Wetland areas shall be retained in their natural state for the provision of wildlife habitats, retention areas for surface runoff, recreation, and scientific value. A naturally vegetated buffer strip of at least 100 feet in width will be maintained around all wetlands identified on the town's wetland inventory map. Direct discharges into wetlands are prohibited.

Wetland areas shall be protected from uses which would reduce their scenic quality. Class I and II wetlands and Class III wetlands of concern to Tinmouth are mapped on the plan's Natural Resources map.

Reminder concerning Class I and II wetlands: Information regarding actual wetland boundary and conditional use determination for individual sites can be obtained from the Department of Environmental Conservation. The current Vermont Wetland Rules should be consulted for allowed uses and zoning permit restrictions.

Productive Woodlands

Timber is a potential resource of commercial value. Productive growth and management are dependent upon extensive areas of connected forestland with suitable soil conditions for tree growth.

Woodland Policies

Maintain large forested blocks of land within the Town of Tinmouth and between Tinmouth and neighboring communities.

New development should take place on the edges of forest areas to avoid the interruption of connected woodland areas and loss of viable silvicultural activities.

Floodways and floodplains

Future development in floodways or floodplains is discouraged. The potential for flood damage in these areas is high and is likely to cause expense to landowners, the town, and state and federal government.

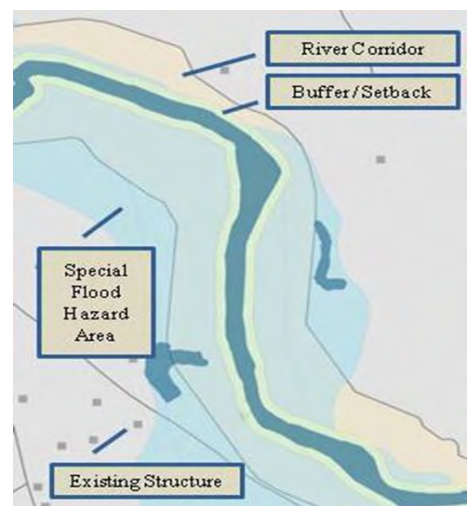
Floodplains Policies

- The town shall review development in the floodplain in accordance with National Flood Insurance Program regulations and the town's flood insurance rate maps.

Flood Resilience

Flood events are Vermont's most frequent and costly type of natural disaster. There are two types of flooding that impact communities like Tinmouth: inundation and flash flooding. Inundation occurs when water rises onto low-lying land. Flash flooding is a sudden, violent flood, which often entails fluvial erosion (stream bank erosion). The combination of flash flooding and fluvial erosion causes the most flood-related damage in the state.

To meet the new state requirement of identifying flood hazard and fluvial erosion areas and designating areas to be protected, maps are an essential aid. The National Flood Insurance Program (NFIP) was created by the Federal Emergency Management Agency

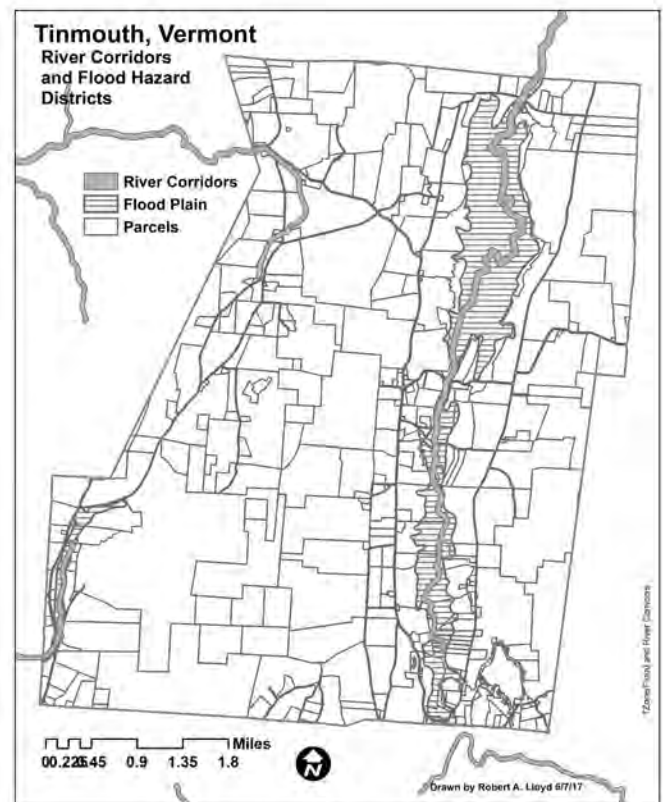


(FEMA) to address inundation hazards. Flood insurance rates are based on Flood Insurance Rate Maps (FIRMs) or Digital Flood Insurance Rate Maps (DFIRMs), which delineate areas of the floodplain likely to be inundated during a flood. These are identified as a Special Flood Hazard Area (SFHA) or with a 1% chance of flooding (100-year flood). Town participation in NFIP is voluntary.

However, in Vermont, two thirds of flood damages occur outside of federally mapped flood areas. Vermont's River Corridor and Floodplain Management Program, developed by the Vermont Agency of Natural Resources (ANR), delineates areas subject to fluvial erosion. River corridor maps are designed with the recognition that rivers are not static. A certain amount of erosion is natural when floods reach Tinmouth because of the town's relatively steep terrain and frequent storms.

Because the methods of mapping inundation and fluvial erosion corridors differ significantly, flood maps and river corridor maps differ to some degree. Figure above a generic depiction showing how the Special Flood Hazard Area differs from the River Corridor.

Tinmouth is committed to making knowledgeable and strategic decisions about how to best protect, manage, and restore watershed resources and minimize flooding. Riparian buffers reduce flood hazards and stabilize stream banks, attenuate floods, provide aquatic and terrestrial habitat and wildlife corridors, filter runoff, absorb nutrients, and shade streams, keeping them cool. Wetlands, like the Tinmouth Channel, also prevent flood damage and are a vital component for maintaining the ecological integrity of land and water. In addition, upland forests also moderate flood impacts and attenuate flood impacts. Steep slopes, on the other hand, can be a detriment during flooding by amplifying water volume and velocity in rivers and streams. A map of Tinmouth flood and river corridors is shown on the next page.



History of Flooding in Tinmouth

Flooding is a relatively low hazard risk for Tinmouth. Because of the town's system of east-west roads and north-south orientation of its waterways and proactive actions by the road foreman, the town experiences relatively minimal damages during flooding events. Compared to neighboring towns, in 2011 damages from Tropical Storm Irene were minor. A few roads in Tinmouth were damaged by erosion and the town received \$18,655 in FEMA funding for replacement gravel. Other recent flooding in Tinmouth:

- December 2000—Countywide flooding, FEMA declared disaster, cost to Tinmouth—\$25,684.
- January 1996—Countywide flooding, FEMA declared disaster, cost to Tinmouth—\$2,515.

In Tinmouth, road damage due to flooding and fluvial erosion usually consists of road and culvert damages. Problem areas are: 1) Near the intersection of Rt. 133 and Rt. 140. This area also has three trailers in it that could be adversely affected in a 100-year flood.; and 2) Pent Road where it turns to Class 4.

Current Conditions

Very few structures are built in the flood plain, so the danger of flooding to residences and other structures is minimal. E-911 mapping data indicate 11 structures are within the SFHA (the 1% annual chance flood hazard areas) and none in the 0.2% annual chance flood hazard areas of the town. The types of structures are listed below.

Existing Structures in the Mapped Flood Hazard Areas

E-911 Structures	1 % (SFHA)	0.2 %
Camp/bungalow	4	
Church		
Commercial		
Educational this district also typically have shallow depths to bedrock.		
Fire		
Government		
Lodging		
Mobile Home	2	
Multi-Family		
Other Commercial		
Other Residential		
Single Family	5	
Total E-911	11	

In 2010, Tinmouth adopted flood hazard regulations to reduce flooding and fluvial erosion by avoiding new development/fill/removal of wetlands in the Special Flood Hazard Area. The town is not enrolled in the National Flood Insurance Program (NFIP) and Tinmouth has no flood insurance policies through the NFIP. Because of its lack of NFIP participation and river corridor regulations, the town is only eligible for the lowest level of state post-disaster funding through the Emergency Relief Assistance Fund (ERAF) – 7.5%.

Flood Resilience Actions:

- Explore the removal of structures in flood areas. Existing homes and businesses at serious risk of flood damage should be identified and prioritized by the town for mitigation actions such as elevation/relocation or purchase and demolition.
- Limit percentage of impervious surfaces. Because impervious surfaces prevent the infiltration of water into the soil, these man-made surfaces exacerbate flooding by increasing the amount and velocity of storm water runoff, particularly in areas where such surfaces are prevalent.
- Maintain vegetated buffer strips in riparian zones surrounding streams and rivers.
- Maintain upland forests and watersheds for predominately forest use.
- Require new development to preserve vegetated riparian buffer zones that are consistent with state riparian buffer guidelines.

Standards for New Development, Regardless of Location

General Development Policies

- Include provisions in both the zoning and subdivision regulations which allow for review of site conditions, settlement patterns, natural features, the placement of driveways, the location of buildings, and other aspects of residential development that may impact sensitive natural areas,

water quality, open spaces, the working landscape, and important views and vistas. Upon completion of the Town Plan, re-evaluate the zoning ordinance for compatibility with the Plan.

- Consider ‘incentive/flexible zoning’ to allow for higher density (clusters) housing developments to preserve farmland and undeveloped land.
- Minimize functional conflicts and require that developers be responsible for relieving traffic problems which are generated by their developments.
- Critically review and evaluate proposed development which generates unsafe traffic conditions, especially along sections of highway with low sufficiency ratings.

Conflicting Activities

Tinmouth residents have a tradition of sharing living and working space. Unlike many communities which have slowly segregated their land uses from one another – including farming from housing – Tinmouth retains a rural character precisely because of its mix of homes and small, home-based businesses and farming operations. At the same time, residents recognize that there are certain activities which can create conflict if located in proximity to one another, most notably activities that include blasting or drilling. Because of Tinmouth’s widespread residential and agricultural activities, essentially all of the town is located in an area of potential conflict.

Conflicting Activities Policies:

- Quarrying, mining, blasting and working for mineral resources shall be prohibited. Removal of naturally occurring sand and gravel deposits should be permitted, with suitable screening from neighbors, and without any blasting.

Forest Protection

Development pressures can pose problems for maintaining forest blocks, wildlife habitat, and habitat connectors. Once fragmented, the movement of plants and animals is inhibited. This restricts breeding and gene flow and results in long-term population decline. Besides a long-term loss of biodiversity, fragmentation can lead to an increase in invasive plants, pests and pathogens, and reduction in water quality. Connected forest habitats are a key component of forest adaptation and response to climate change, while fragmentation is a threat to this natural resilience.

Fragmentation of timberland into smaller holdings can make it more difficult to use the forest in traditional ways. Silviculture and wood harvesting can become impractical and economically nonviable as well as a potential loss of biomass for renewable energy generation. Functional connections among forest and wildlife blocks should be maintained in such a way to allow for wildlife dispersal and movement safely across large areas. Many of the large habitat blocks in Tinmouth lie under conservation easements, either private or governmental, that prevent further fragmentation.

“The term ‘parcelization’ is used to describe changes in ownership patterns whereby large tracts are divided into smaller parcels. The act of parcelization is mostly a legal exercise where large tracts of land are divided into smaller ownerships or land holdings. The result of parcelization may simply be an increase in the number of people who own a specific parcel of land. However, when larger parcels are divided and sold or transferred into multiple parcels, often through the process of subdivision, the result can be disjointed land ownership patterns that promote new housing and infrastructure development (roads, septic, utility lines, etc.). When this development occurs, it can fragment the landscape and negatively affect plant and animal species, wildlife habitat (called habitat fragmentation), and water quality. It can also affect the viability of large tracts of forestland to contribute to Vermont’s rural economy. Forest fragmentation and habitat fragmentation are often the result of parcelization and its associated development.”

From Final Report of the Forest Parcelization Roundtable 2007 Jamey Fidel, Vermont Natural Resource Council

Wooded habitat on both sides of the road for 1000 feet or more is the model for optimal wildlife movement. Habitat connectivity can also be realized in the riparian zones of surface water and wetlands. Steep slopes adjacent to roads should be kept but the use of perched culverts, which inhibit fish migration, should be limited.

Forest Protection Policies

- Using the maps created by the town supplemented by state forest block data as a guide, the town should keep critical habitats functionally linked with larger blocks of habitats (forest lands and other natural communities).
- These large “core” habitats should be bordered by compatible land uses and be interconnected by unfragmented open spaces and contiguous forest

Prevention of Strip Development

Because of the topographical constraints on Tinmouth’s highway system, growth may tend to occur in strip-like fashion. Strip development is a form of residential settlement occurring in a linear path along rights-of-way of roads and highways which often restricts visual and physical access to interior lands. Numerous “curb cuts” providing access to both homes and businesses increase the possibility of automobile accidents from entering and exiting traffic. As development proceeds, the value of these roads as transportation corridors is reduced. Traffic is often impeded, and the cost of snow removal and busing for school children may rise dramatically when secondary roads become settled.

In effect, inefficient utilization of land results from development strung along road networks. Access controls and setback requirements can be effective in controlling this type of growth

Strip Development Policies:

- Important scenic views shall be protected from strip development or other patterns of settlement which would substantially disrupt their scenic values.
- Strip development does not encourage community integrity and results in traffic congestion, excessive use of town roads and hazardous traveling conditions. The number of curb cuts along town highways and roads shall be limited.
- The function which each town highway serves is directly influenced by adjacent settlement patterns. To maintain efficient and safe vehicular movement, settlement must not adversely affect these functions.

Accessibility of Properties

Numerous and uncontrolled accesses along town highways may create hazardous conditions for the safety of the traveling public. They may also result in unwarranted damage by obstructing or diverting the flow of water onto a highway. The Select Board is empowered by Vermont State Law to impose reasonable conditions on any proposed plan for development of land in order to reduce the number of access points required for that project. At their discretion, the Select Board may make such regulations as are necessary to protect and promote the safety of the traveling public, but shall in no case deny reasonable ingress and egress to property abutting the roadways.

The municipal costs for provision and maintenance of the town highway system is a substantial share of the town's annual budget. New public roads to land which is not reasonably accessible can significantly increase these costs beyond the revenue generated by new settlement.

Accessibility Policies

- Access to town highways is controlled by the Select Board via their driveway ordinance and by the Planning Commission in Site Plan Review . This policy should be reviewed periodically and kept in force.

- Lands which do not lie within 1/2 mile of a town or state highway, which are presently maintained year round, are considered to be not reasonably accessible. Roadways providing access to such lands, which might be maintained by the town, shall not be taken over by the town unless evidence is given that sufficient revenue will be generated by the new settlement to provide adequate funds for maintenance of such roads. This policy shall not preclude the construction of roadways of distance greater than 1/2 mile from a town road, providing they are maintained under private ownership.

Subsurface Sewage Disposal

Development has traditionally been limited by the restrictions on individual subsurface sewage disposal systems to treat domestic wastes. The capability of the land to accommodate the proper installation and functioning of these systems so as not to result in a hazard to public health has been a major constraint in Tinmouth. Areas characterized by shallow depth to bedrock, steep slopes, and high water tables have been identified as presenting critical constraints on settlement using subsurface sewage disposal. For areas not presenting critical constraints, the general capability for on-site subsurface disposal of sewage has been identified from an analysis of soil associations and slopes. These areas have been classified and mapped as having slight to moderate, moderate to severe, or severe limitations.

The Agency of Natural Resources has universal jurisdiction over sewerage or wastewater and water supplies. New regulations allow the use of innovative and/or alternative disposal systems. Administration of the regulations is by the State Wastewater Division, and the town has no control over what has been permitted or installed. However, the town should use its control of zoning permits to stay current on approvals by the state.

Commercial Energy Generation and Transmission Facility Siting

The purpose of the Tinmouth Energy Plan is to conduct comprehensive energy planning at the local level while also achieving state energy goals – most importantly, the goal to have renewable energy sources meet 90% of the town’s energy needs by 2050. This in-depth energy planning is essential for addressing three crucial issues for the people of Tinmouth: energy security, environmental protection, and economic needs and opportunities. Tinmouth recognizes that as conventional fuel resources dwindle, future resilience relies on lowering dependence on fossil fuels, tapping local energy sources for enhanced self-reliance, and improving efficiency while maintaining a standard of living residents are accustomed to.

VT Energy Goals and Policies (CEP 2016):

- Obtain 90% of energy for all uses from renewable sources by 2050;
- Reduce greenhouse gas emissions to 50% below 1990 levels by 2028 and 75% by 2050;
- Rely on in-state renewable energy sources to supply 35% of energy use by 2025;
- Improve energy efficiency of 25% of homes by 2025;
- Meet the Vermont Renewable Energy Standard through renewable generation and energy transformation.

The Town will participate in the Public Utility Commission’s review of new and expanded generation facilities as necessary to ensure that local energy, resource conservation and development objectives are identified and considered

in proposed utility development. This may include joint participation in collaboration with other affected municipalities and the Rutland Regional Planning Commission for projects that may have significant regional impact. Act 56, passed in 2015, gives the host municipality the right to appear as a party in the PUC permitting

Tinmouth Energy Goals and Policies:

- Decrease overall energy consumption through conservation and efficiency;
- Reduce reliance on fossil fuels and imported energy sources;
- Develop renewable energy resources locally.

process. It is acknowledged that the PUC's prime focus is on administering state public policy, not on local land use planning.

This plan has been written to conform with the Energy Planning Standards for Municipal Plans set forth by the Department of Public Service. It has been given an affirmative "determination of energy compliance" by the Rutland Regional Planning Commission] and therefore will be given substantial deference in the Public Utility Commission's review of whether an energy project meets the orderly development criterion in the Section 248 process. Specifically, the Commission shall give substantial deference to the land conservation measures and specific policies in this plan. "Substantial deference" means that a land conservation measure or specific policy shall be applied in accordance with its terms unless there is a clear and convincing demonstration that other factors affecting the general good of the State outweigh the application of the measure or policy.

The State of Vermont has adopted a set of ambitious energy goals through its Comprehensive Energy Plan (CEP) which was updated in 2016. To help communities reach the sustainable energy future envisioned by the CEP, a central goal is to attain 90% renewable energy by 2050.

However, to achieve this goal, development of new renewable energy sources will not be enough. Since renewable sources yield less energy per unit than fossil fuel-based counterparts, a drastic reduction in overall energy consumption is critical to meeting this target.

A critical facet of improved efficiency will be a greater reliance on electricity to power everyday needs. Since electricity generated from renewable resources and electric-powered technologies such as heat pumps and electric vehicles is highly efficient, switching to electricity will help lower overall energy consumption while at the same time maintaining current lifestyles in Tinmouth. According to the 2016 Vermont Comprehensive Energy Plan, significant growth in electricity consumption is expected and 60% of all energy will be supplied through electricity by 2050. Though this major shift in energy use is a formidable challenge, there are opportunities to lower costs and bolster the local economy through a transformation of the energy sector, which costs Tinmouth more than \$2.3 million a year or \$3,830 per person each year (U.S. Energy Information Administration (EIA) estimates.)



Courtesy: Rob Stubbins Solar Energy

This energy plan is intended to provide the residents and local leadership of Tinmouth with the information and strategies needed to maintain a vibrant community in coming decades while the energy sector is transformed to better preserve the environment, lower energy costs, promote local renewable energy development, and enhance the town's self-reliance. This plan is based on 2019 technologies that may be replaced by technology innovation in the future.

Current and Future Energy Use

The Rutland Regional Energy Plan (2018) estimates current and future regional energy consumption using a computer modeling program known as LEAP (Long Range Energy Alternatives Planning System) that was developed by the Vermont Energy Investment Corporation. Tinmouth's estimates are based on these projections. The town uses nearly 109 billion BTUs (British Thermal Units) per year and should aim to reduce consumption to about half that or 53 billion BTUs by 2050.

Several charts on the following pages have been produced by LEAP (Long Range Energy Alternatives Planning), an energy modeling program used by state agencies assisting regions and towns. Although the charts represent projections of the use of energy from different sources in great detail, our assumption is that as it unfolds, the actual amounts will vary from these charts as they apply to the Town of Tinmouth. In particular, we suspect that the use of wood for heating will continue and become cleaner. We understand that the LEAP projections are aspirational more in the nature of “may be possible” than “this shall happen.” The production of biodiesel, for example, remains beyond the horizon and awaits the creation and evolution of an industry that sees profit in it, probably outside Vermont. It should also be noted that pure biodiesel fuel contains fewer BTUs than petro diesel and is therefore less efficient. The prime reason for moving to pure biodiesel is that it is cleaner than diesel, producing less greenhouse gas and unhealthy pollutants. It also is renewable and its production sustainable. Likewise, a greater reliance on electricity will depend on a large increase in the production of electricity – most of it produced outside Tinmouth – and workable pricing, again beyond our control.

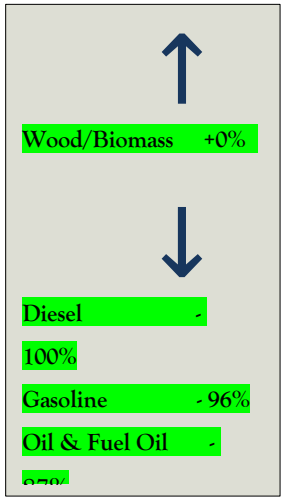
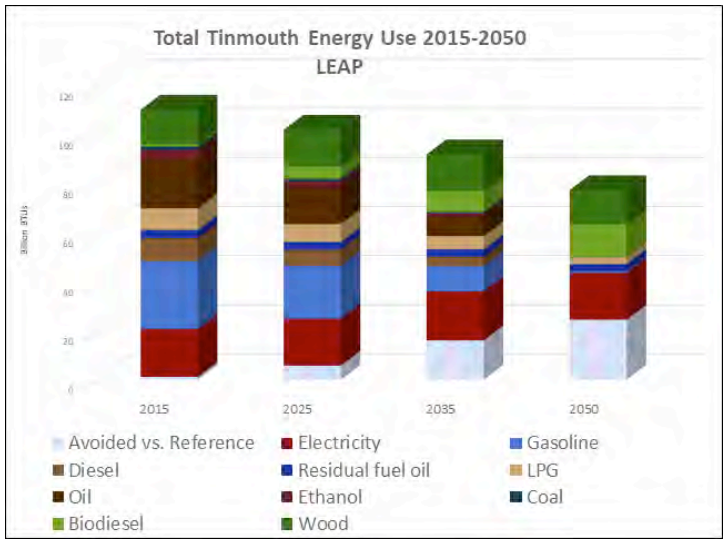
The LEAP projections are based on state- and county-wide perspectives. Tinmouth’s share of consumption and production is created by applying the percentage that Tinmouth’s population bears to Rutland County. The results may seem unlike Tinmouth as we know it, but no more accurate numbers are available. The “90 by 50” goal is a grand scheme that has many components, some small. Tinmouth is a small town, and our contribution will be small.

Current Energy Use

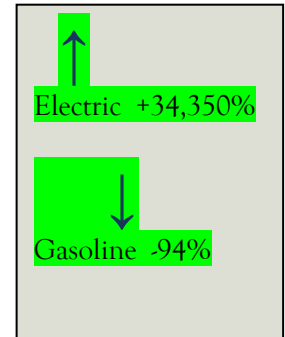
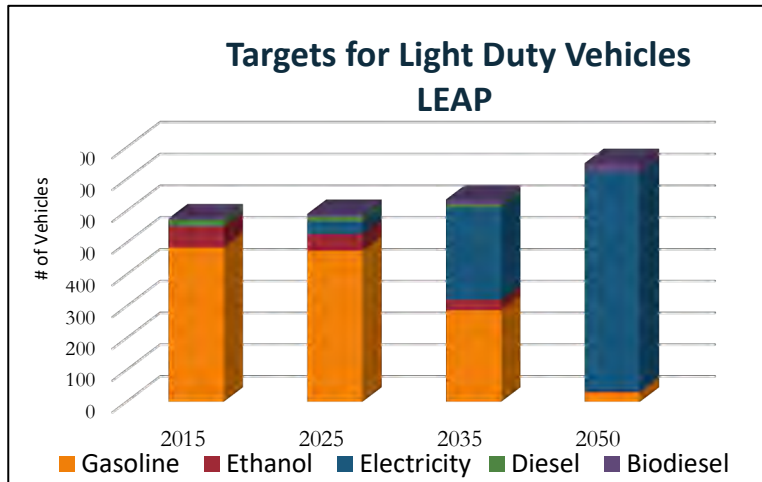
Energy use can be grouped into three major sectors: transportation, thermal (heating and cooling) and electricity. Tinmouth’s 232 households and 3 commercial entities consume significant amounts of energy for

transportation and to power equipment, to heat space and water, and to power lights and appliances with electricity. Tinmouth could see significant savings in energy consumption and costs by adopting conservation strategies, replacing outdated appliances and switching to more efficient technologies, and participating in weatherization programs. By looking at consumption in three sectors – light-duty transportation, residential and commercial heating, and electricity use – a clearer picture emerges about what impact the town can have on overall energy use and in meeting the state’s energy goals.

The avoided energy indicates how much weatherization, conservation, and greater efficiency needs to occur if the state is to meet the targets set in the LEAP model.



In Tinmouth, as in other municipalities in Vermont, transportation consumes the most energy of any sector. There are an estimated 478 light-duty vehicles in the town traveling 6 million miles a year - at a cost of more than \$709 thousand a year and at a consumption rate of 37 billion BTUs. In Tinmouth, an average of \$1,157 a year per capita is spent on gasoline. Of the 306 residents in the labor force, 242 (or 79%) drive to work alone. In the next few decades, total fossil fuel use for transportation will fall gradually to about 35% of current levels for light-duty vehicles. The efficiencies of electrification and a switch to biodiesel will account for



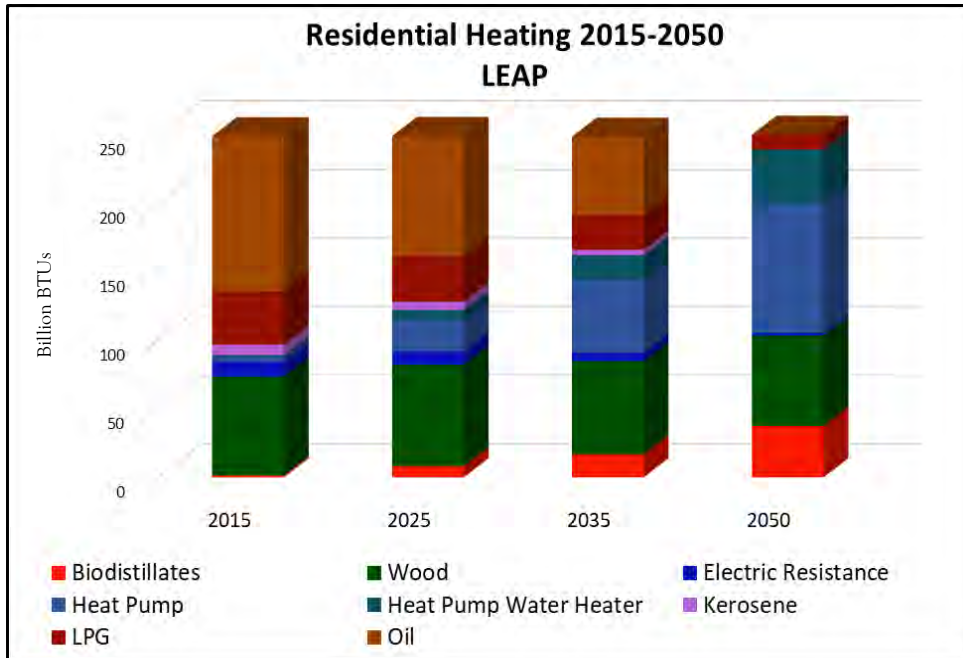
much of this reduction. By 2050, electric vehicles are estimated to comprise more than 90% of the light-duty fleet in Tinmouth. It is expected that by 2050, there will be 689 electric light-duty vehicles in the town, up from 39 in 2025 and 290 in 2035. This represents less than 7% of the fleet of light-duty vehicles in 2025; 46% in 2035; and 92% in 2050.

Residential and Commercial Energy Use

For the seven-month heating season, more than 41% of Tinmouth homes are heated with oil or propane; 48% heat with wood. Even though there is a high percentage of households heating with wood, LEAP suggests that wood may help us get away from use of oil and propane. Solar hot water is an effective, affordable, and direct method of displacing fossil fuels with renewable energy

Current Tinmouth Residential Heating Energy Use (American Community Survey, US Census, 2011-2015)

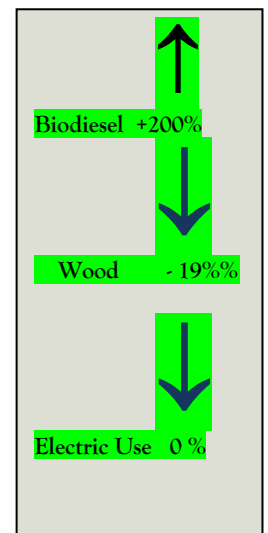
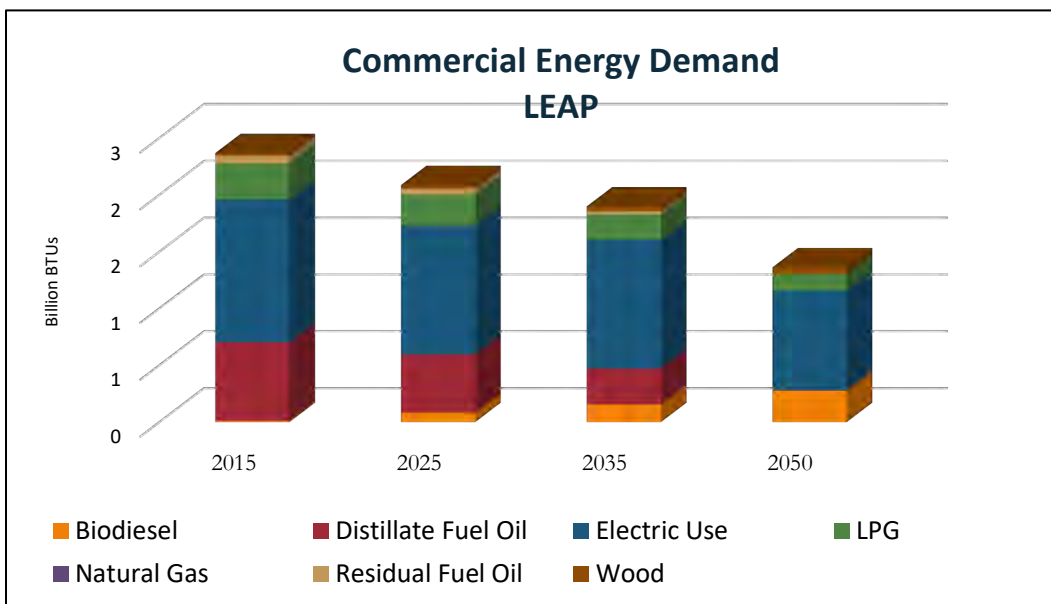
Fuel	# of Households	% of Households	BTUs (in billions)
Natural Gas	0	0%	0
Propane	28	10.6%	3
Electricity	7	2.7%	1
Fuel Oil	81	30.7%	8
Coal	21	8%	2
Wood	127	48.1%	13
Solar	0	0%	0
Other	0	0%	1
No Fuel	0	0%	0
Total	232	100.0%	25



Conservation

LEAP modeling shows how Tinmouth can conserve energy by transitioning to renewable energy sources for both residential and commercial structures through the increased use electricity. The use of fuel oil for heating drops precipitously in this modeling.

Currently there are an estimated 3 commercial establishments using about one Billion BTUs of thermal energy use per establishment for a total of 2 billion BTUs a year in Tinmouth. Energy use is projected to decrease due to less use of fossil fuels and a heavier reliance on more efficient renewable sources. Due to efficiencies, overall energy use declines, but as a percentage of overall energy use electricity increases by 2050.



By switching fuels and relying on efficient heat pumps systems for both residential and commercial, the town's target is 26 units by 2025; 66 by 2035; and 129 by 2050.

The projected growth in the percentage of heating energy use coming from renewable sources is sharp: rising from 46% in 2025 to 93% in 2050.

Efficiency

Tinmouth is committed to meeting its residential and commercial thermal targets through increased conservation. The percentage of Tinmouth households that will need to be weatherized between now and 2050 to meet the state's goals is: 14% by 2025; 39% by 2035; and 85% by 2050. For commercial structures, weatherization targets are 29% by 2025; 47% by 2035; and 84% by 2050.

Electricity

Electricity is the third major sector of energy use so reducing usage and converting to renewable sources is critical to meeting the state's energy goals. Although electricity use will increase dramatically in the future since it is a conduit for making local renewable energy sources available for use, widespread adoption of efficient appliances, vehicles and thermal technologies powered by electricity is critical to achieving the state's energy goals for efficiency.

Tinmouth KWh Usage by Year (Efficiency Vermont)

Sector	2014	2015	2016
Commercial & Industrial	220,171	225,013	236,753
Residential	2,265,352	2,340,474	2,342,668
Total	2,485,523	2,565,488	2,579,421
Average Residential Usage	6,547	6,804	6,751

Data also show that overall electrical use in the town is affected by electric efficiencies. Additional figures from Efficiency Vermont indicate that the town is seeing electric savings from efficiency measures, particularly in the residential sectors.

Further electricity efficiency savings are included in the LEAP modeling. The town's targets are 12.1% by 2025; 39% by 2035; and 69.8% by 2050.

Tinmouth is committed to energy conservation and will take advantage of Efficiency Vermont initiatives to upgrade the insulation of home and buildings to reduce heating and cooling energy consumption. The town has led by example by ensuring all municipal buildings, including the Town Office, fire station, town garage, and school, have been audited for energy use and upgraded. Tinmouth will reduce municipal electricity use by installing renewable energy sources whenever feasible.

Data Sources

Data for the previous analyses comes the following sources:

Efficiency Vermont, 2016

LEAP (Long-range Energy Alternatives Planning, 2017

U.S. Census American Community Survey, 2011-2015

U.S. Energy Information Administration, 2017

Vermont Department of Labor, 2016

Vermont Department of Public Service, 2017

VTrans (Vermont Department of Transportation, 2016

Vermont Community Energy Dashboard, Energy Action Network, 2017

Renewable Energy Sources Resource Maps

The four resource maps described on the following pages locate wind, solar, hydro and biomass resources identified by various state agencies. They consider various conditions, such as ecological zones that may impact the feasibility of renewable energy development. These conditions are identified by the Public Service Department as Known and Possible Constraints in the maps' legends. Known constraints (listed on page 16) have been removed from the raw resource potential mapping layers. Known and Possible constraints are listed in the section (below) on Siting Renewable Energy.

Readers of this plan who would like to view maps in color or at a larger scale can view them at the Tinmouth Town web page <https://www.tinmouthvt.org/> under Resources, Town Documents, Town Plan. This is a PDF file that can be opened, zoomed and downloaded.

These maps are good indicators but not definitive siting tools. They are based on the best data available at the time of the map production.

Wind Resource Areas Map (page 67)

-Areas where there is likely to be sufficient wind at a specified height for industrial scale wind energy development.

The mapping analysis used digital wind speed at various heights (30, 50, and 70 meters) and identified areas with the highest wind speeds at each of those heights. The mapping also considers various other conditions, such as ecological zones that may impact the feasibility of renewable energy development. The strongest wind resources are generally located at higher elevations and that is where the state's utility-scale installations are located. But Vermont does have nearly 200 small-scale wind projects ranging from 0.95 kW to 100 kW of generating capacity.



photo: Vermont Dept. of Agriculture

In keeping with the Rutland Regional Plan, Tinmouth has decided not to include industrial scale wind (greater than 1 MW) in its renewable energy generation targets. Few of the prime wind areas identified on the wind resource map could accommodate industrial scale wind; most of the wind resources identified are secondary and *may not be suitable for energy development*. Instead of industrial-scale wind, the Town of

Tinmouth envisions residential scale and commercial scale turbines or windmills in areas throughout the town. Residential or commercial scale wind generation is referred to as **Distributed Wind**. Small Distributed Wind turbines can range from 1kW to 100kW (located at homes and farms).

Due to anticipated technological advances, small scale wind generation is projected to be feasible throughout most of the town at lower elevations in coming decades. It is town policy that the areas identified on the wind resource map as resource areas for primarily industrial scale wind shall be designated as unsuitable given their valuable natural resource values and scenic resources values that limit other development.

Solar Resource Areas Map (page 68)

-Areas where there is likely to be sufficient solar radiation for solar energy development (solar photovoltaic or PV).

The GIS-based analysis factored in direction, slope and location of land to map areas with high solar radiation potential. Certain areas where development was not possible – such as rivers and roads – were removed. The mapping also considers various other conditions, such as ecological zones that may impact the feasibility of renewable energy development. These conditions are known as constraints.

Community solar is a solar PV generation system that provides electricity, net metering, and return on investment to multiple participants. A community solar project – referred to as a solar farm, garden, shared renewable energy plant, or microgrid – is a solar power plant whose electricity is shared by more than one household. Instead of installing panels on rooftops, these are ground-mounted solar projects. Participants subscribe to a portion of the energy produced in the community solar project, along with other residents (or investors). It could be a viable option for some of Tinmouth’s neighborhoods.



Screening, Fencing and Setbacks

While the preferred screening is vegetation already in place, commercial solar facilities larger than 15 kW shall be screened from roads and adjacent property with native evergreen trees placed inside the required setback. Dead or dying trees shall be replaced promptly by the owner of the array. If not, the Town of Tinmouth shall have the right to enter onto the property to plant replacement trees. The owner of the array shall be responsible for the cost of the trees, the time and usage charges for town personnel and equipment, and costs of any contracted work. The Tinmouth Planning commission shall review the plans for any array over 15KW. If it determines that more screening, such as higher trees, or less screening is required, the applicant shall make appropriate changes in its plans and construction activities. Solar arrays must not produce glare visible from roadways or neighboring properties. To keep wildlife corridors open, fencing is not always required. There is precedent in Vermont for non-fenced solar arrays; the posts supporting solar panels are specially protected so that they are not safety hazards. Ground-mounted solar arrays sited in Tinmouth shall not be fenced.

Tinmouth endorses the minimum setbacks required for ground-mounted solar generation facilities as enumerated in 30 VSA §248(s). See below:

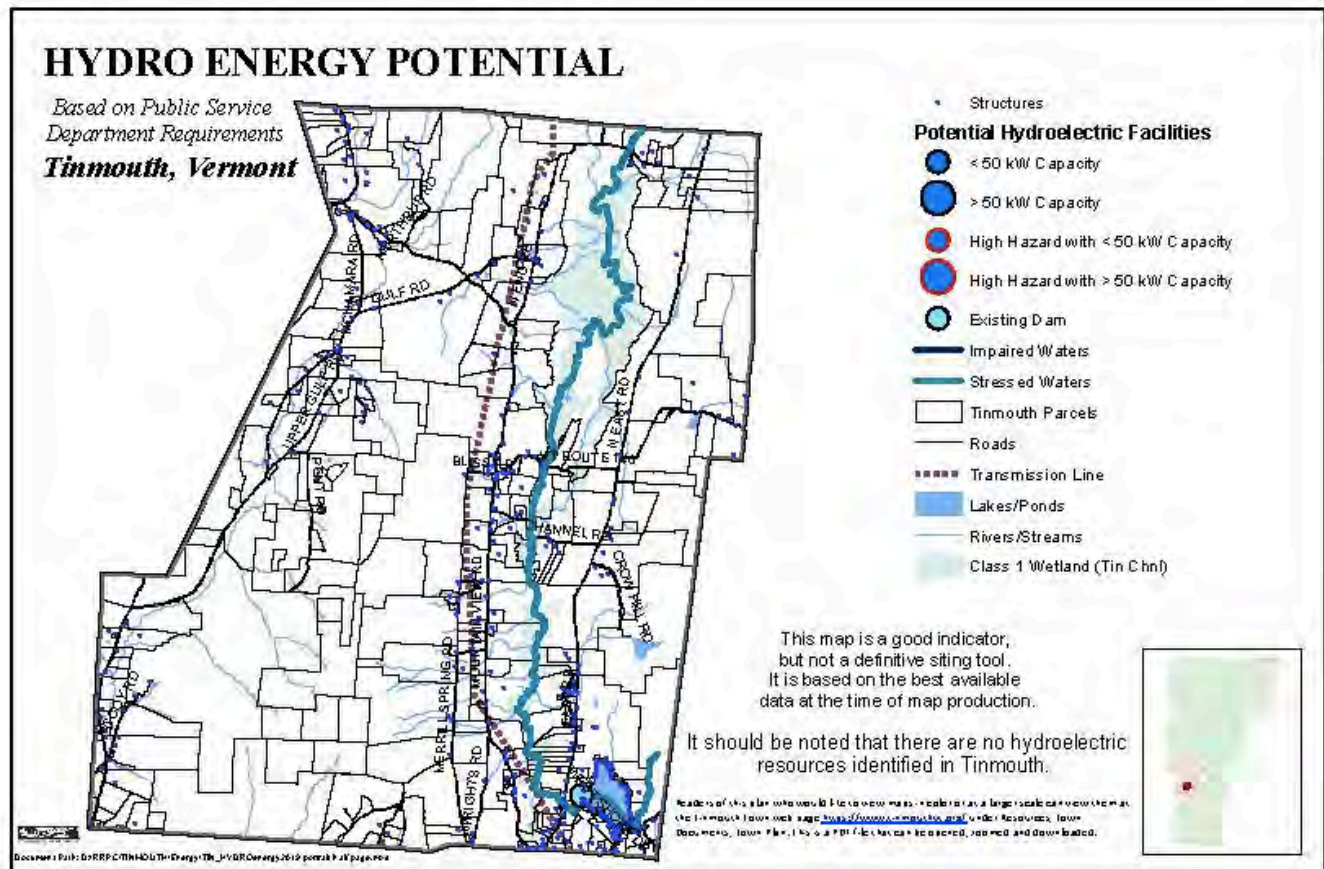
Minimum Setbacks for Solar	
From a state or municipal highway	100 feet for capacity exceeding 150 kW; 40 feet for capacity between 15 and 150 kW
From each property boundary that is not a state or municipal highway	50 feet for capacity exceeding 150 kW; 25 feet for capacity between 15 and 150 kW

Tinmouth is projecting to help meet its renewable energy generation target with mostly non-utility and non-Standard Offer Program scale solar (≤ 500 kW). Because of the rapid pace of technological advances in the field of PV solar, it is expected that residential, commercial and industrial scale projects will dominate the region’s solar generation by 2050. Solar generation facilities of a capacity less than 150 kW are highly encouraged throughout the town.

Hydro Resource Areas Map (below)

-Areas where there is likely to be capacity to accommodate hydroelectric energy development.

The mapping shows areas of potential electricity generation from hydro; locations where renewable energy generation would likely be most feasible according to the natural conditions of an area. Existing, powered and existing non-powered dam sites where a generator could be installed or existing hydropower sites where equipment could be upgraded or expanded to provide additional generation (with potential production) were mapped.



It should be noted that there are no hydroelectric resources identified in Tinmouth.

Biomass Resource Areas Map (page 69)

Areas where there are likely to be efficient biomass resources for biomass energy development.

The mapping shows areas of potential electricity generation from biomass totaling 9,624 acres of prime and secondary biomass resource – locations with high woody biomass potential and where renewable energy generation would likely be most feasible according to the natural conditions of an area. Any industrial scale project shall operate under sustainable harvest guidelines as defined by the Vermont Department of Forests, Parks and Recreation.

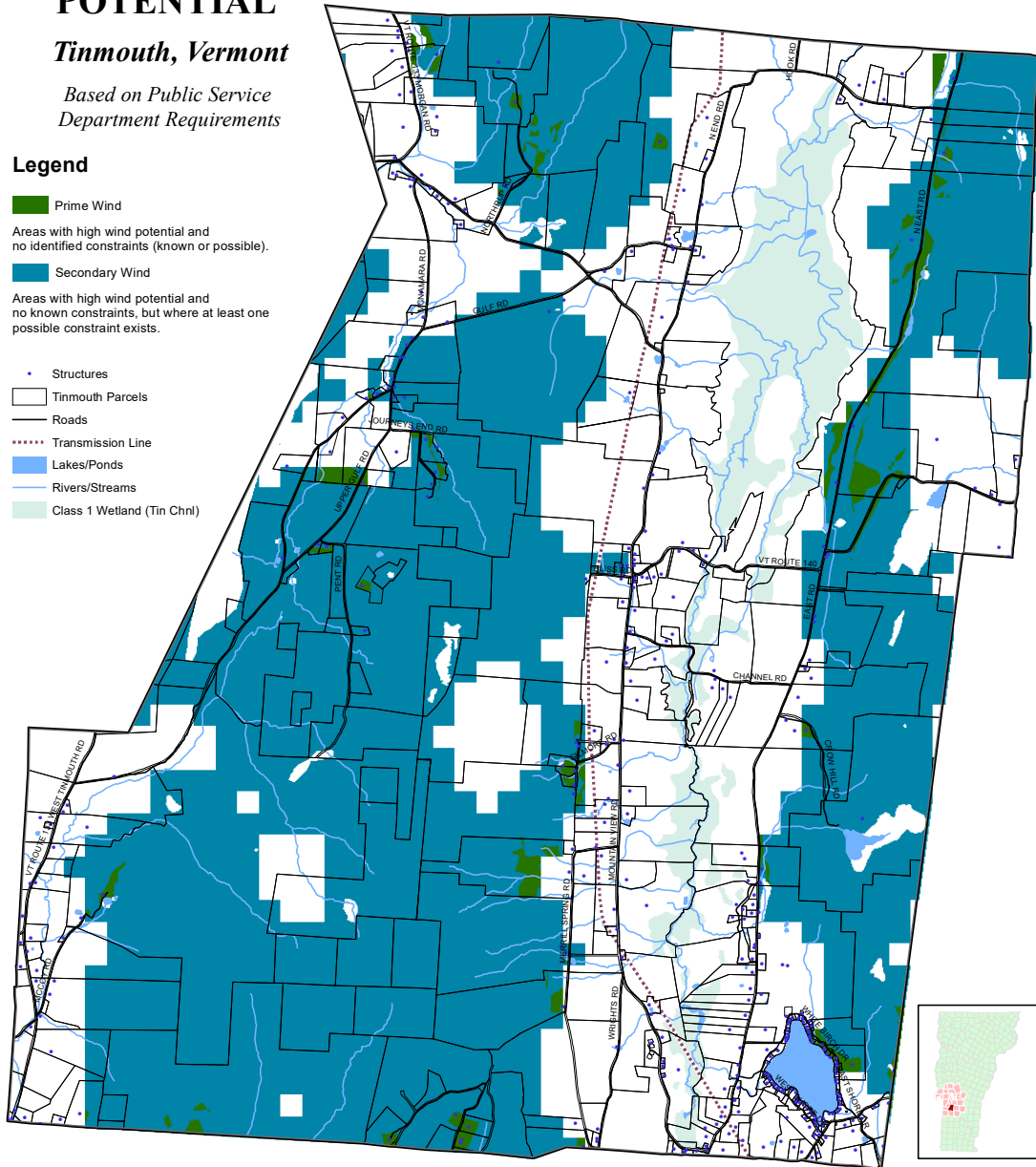
WIND ENERGY POTENTIAL

Tinmouth, Vermont

Based on Public Service
Department Requirements

Legend

- Prime Wind
- Areas with high wind potential and no identified constraints (known or possible).
- Secondary Wind
- Areas with high wind potential and no known constraints, but where at least one possible constraint exists.
- Structures
- Tinmouth Parcels
- Roads
- Transmission Line
- Lakes/Ponds
- Rivers/Streams
- Class 1 Wetland (Tin Chnl)



Known Constraints

Areas with conditions that are likely to be hazardous or encounter significant obstacles to development, and therefore are very likely to make renewable energy generation development unfeasible, are considered Known constraints. These areas have been removed and are not shown in any way on this map.

Known constraints include:

- FEMA floodways,
- DEC River Corridors,
- Federal Wilderness Areas,
- Rare and irreplaceable Natural Areas (RINAs),
- Vernal Pools,
- Wetlands Class 1 and 2.

This map is a good indicator, but not a definitive siting tool. It is based on the best available data at the time of map production.

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Possible Constraints

Areas that may pose some obstacle to development, but where development is still likely to be feasible, are considered Possible Constraints. These areas ARE shown on the Map, wherever they overlap an area that has potential for solar development. The map only shows where these conditions overlap an area that otherwise has potential for renewable energy development.

Possible Constraint include:

- Deer Wintering Areas
- Public water sources, a 200 foot buffer added around the well head.
- FEMA Special Flood Hazard Areas
- Hydric Soils
- VT Agriculturally Important Soils (prime, statewide and local classifications)
- Act 250 Agricultural Soil Mitigation areas
- Protected Lands (State fee lands and private conservation lands)
- Habitat Blocks only includes areas of 2,000 acres or greater of contiguous forest and other natural habitats that are unfragmented by roads, development, or agriculture.
- ANR's Vermont Conservation Design Highest Priority Forest Blocks (Habitat Blocks 9 & 10).
- Regionally or Locally Identified Critical Resources

Methodology

This map shows areas of potential electricity generation from solar, i.e. locations where renewable energy generation would likely be most feasible according to the natural conditions of an area. This map also considers various other conditions, such as ecological zones, that may impact the feasibility of renewable energy development. These conditions are referred to as constraints. Areas of prime solar potential exist where the natural conditions make development feasible and no Known or Possible constraints exist, as determined by the Vermont Public Service Board.

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SOLAR ENERGY POTENTIAL

Tinmouth, Vermont

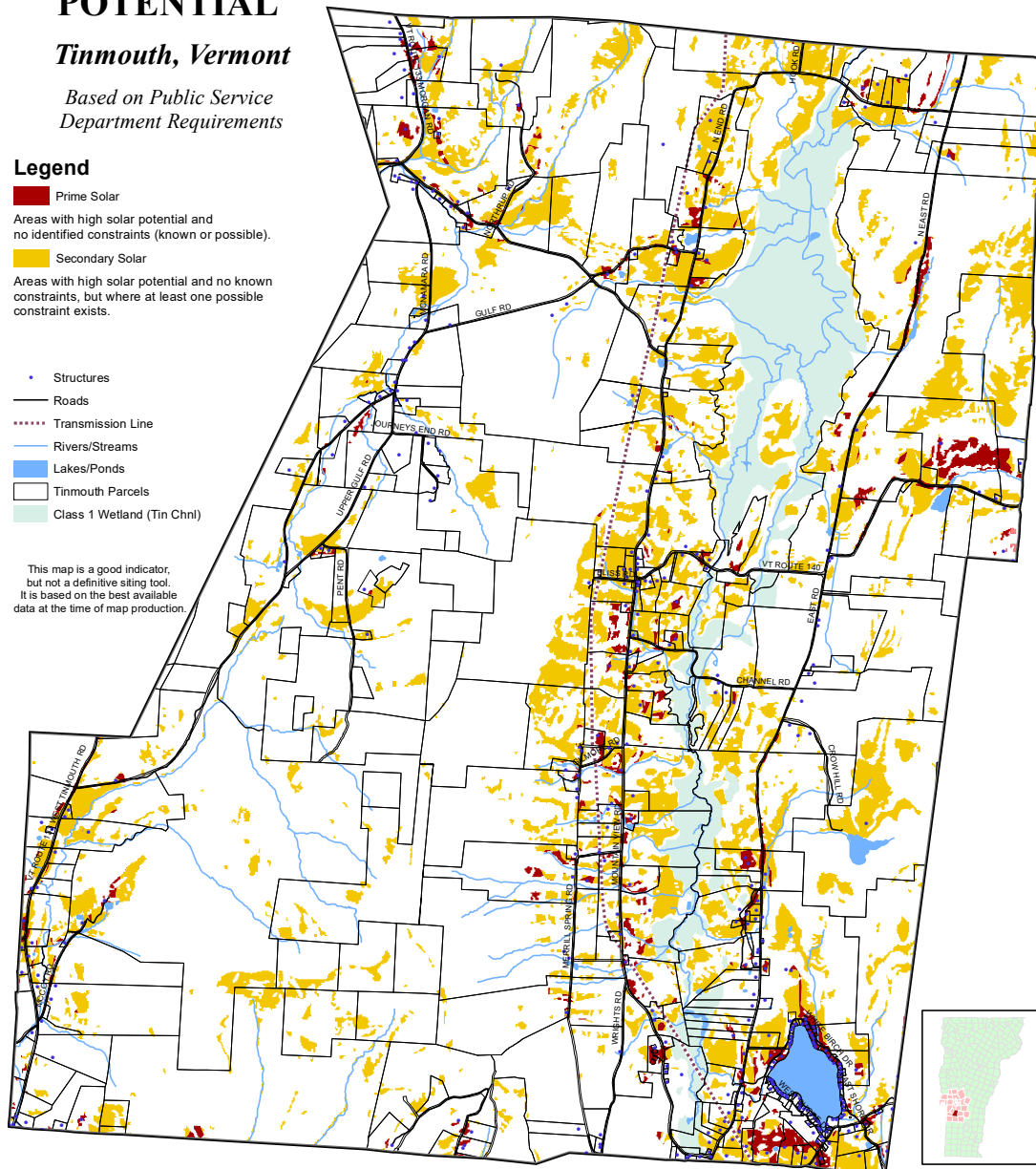
Based on Public Service
Department Requirements

Legend

- Prime Solar
- Areas with high solar potential and no identified constraints (known or possible).
- Secondary Solar
- Areas with high solar potential and no known constraints, but where at least one possible constraint exists.

- Structures
- Roads
- Transmission Line
- Rivers/Streams
- Lakes/Ponds
- Tinmouth Parcels
- Class 1 Wetland (Tin Chnl)

This map is a good indicator,
but not a definitive siting tool.
It is based on the best available
data at the time of map production.



Methodology

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- Federal Wilderness Areas,
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Setbacks

Under H.40, passed in 2015, minimum setback requirements for in-state, ground mounted solar generation facilities approved under Section 248 are:

- From a state or municipal highway - 100 feet for a facility with a plant capacity exceeding 150 kilowatts and 40 feet for a plant capacity between 15 and 150 kilowatts.
- From each property boundary that is not a state or municipal highway - 50 feet for a facility with a plant capacity exceeding 150 kilowatts and 25 feet for a facility with a capacity between 15 and 150 kilowatts.

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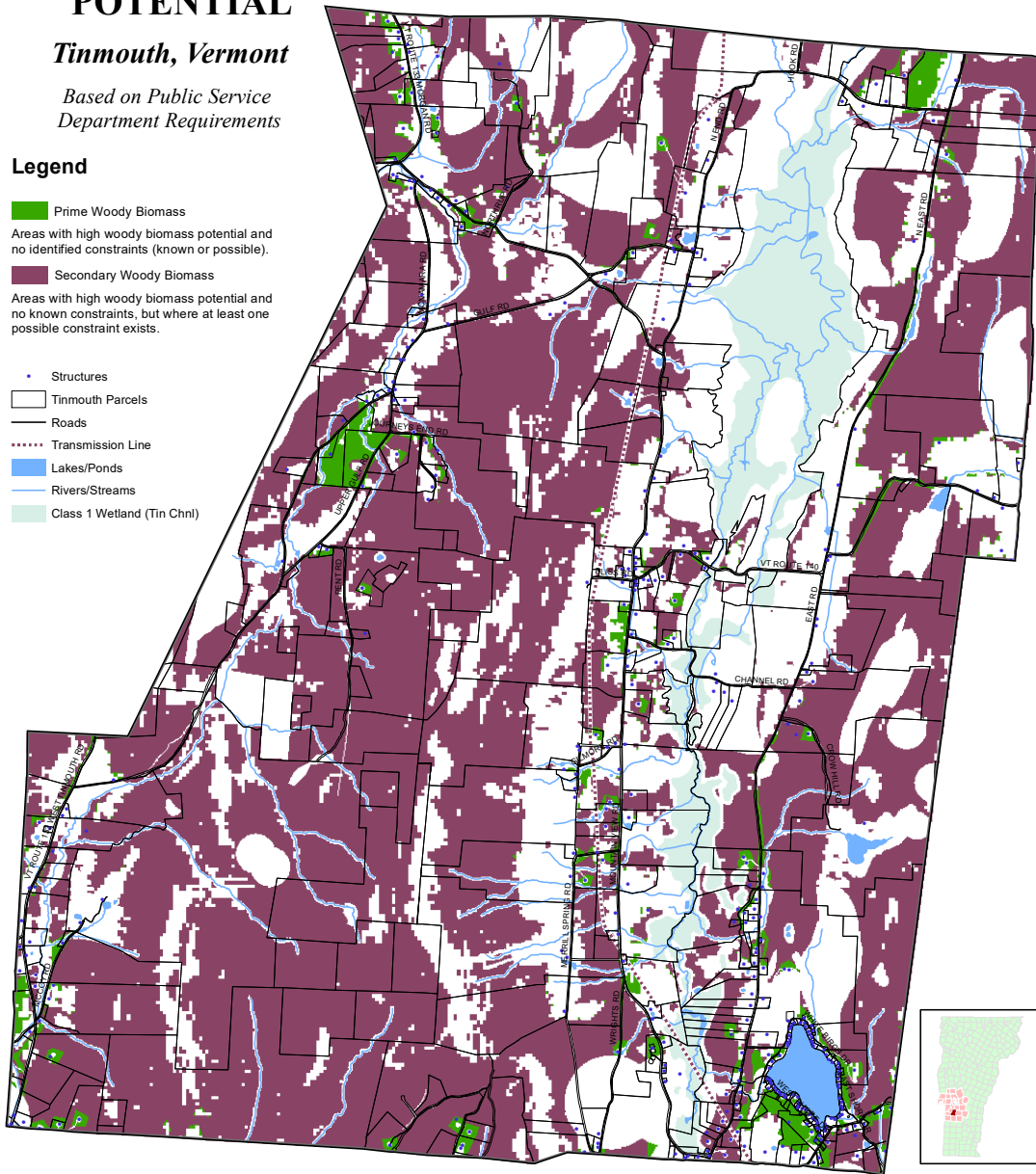
BIOMASS ENERGY POTENTIAL

Tinmouth, Vermont

Based on Public Service
Department Requirements

Legend

- Prime Woody Biomass
Areas with high woody biomass potential and no identified constraints (known or possible).
- Secondary Woody Biomass
Areas with high woody biomass potential and no known constraints, but where at least one possible constraint exists.
- Structures
- Tinmouth Parcels
- Roads
- Transmission Line
- Lakes/Ponds
- Rivers/Streams
- Class 1 Wetland (Tin Chnl)



Known Constraints

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DEC River Corridors,
Federal Wilderness Areas,
Rare and Irreplaceable Natural Areas (RINAs),
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November 14, 2016



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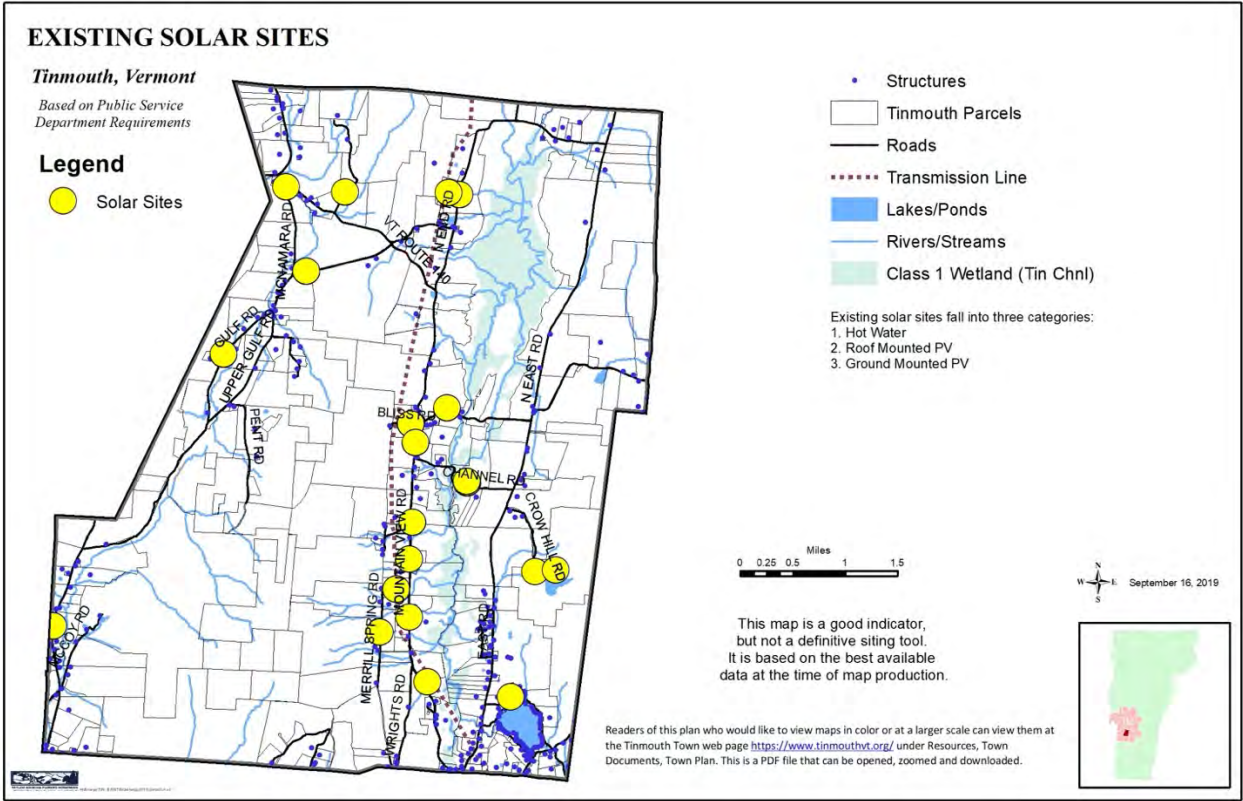
Existing Renewable Energy Generation and GMP Grid Infrastructure (map below)

Sites where there are already renewable energy generation in the town and current Green Mountain Power grid capacity for more energy development

This map is based on data in the Vermont Energy Action Network (VEAN) Community Energy Dashboard which reflects all renewable projects that have received Certificates of Public Good.

As of this year, 2019, Tinmouth has 0.1 MW of total renewable energy generation. The data in this table are based on information available from the Vermont Department of Public Service and the Vermont Community Energy Dashboard. All of the town’s renewable energy comes from its 19 solar sites.

Renewable Type	MW	MWh
Solar	0.1	115
Wind	0	0
Hydro	0	0
Biomass	0	0
Other	0	0
Total Existing Generation	0.1	115



Siting Renewable Energy Generation in Tinmouth:

Here is the estimated renewable energy generation potential for the town. These data were based on mapping completed by the Rutland Regional Planning Commission (RRPC) and are based on the Municipal Determination Standards and associated guidance documents developed by the Vermont Department of Public Service:

Renewable Type	MW	MWh
Rooftop Solar *	1	1300
Ground-Mounted Solar *	366	475,800
Wind (small scale)	2,343	4,686,480
Hydro	0	0
Biomass & Methane	0	0
Other	0	0
Total Renewable Generation Potential	2,710	5,163,100

RRPC has suggested the following targets (in MWh) for Tinmouth for total renewable energy generation to meet the state's 90x50 renewables goal. The target of 14,369 MWh by 2050 is a fraction of the town's generation potential of 5,163,500 MWh.

2025	2035	2050
1,585 MWh	4,742 MWh	14,369 MWh

According to estimates by the RRPC, Tinmouth has sufficient land to reach 2050 targets for solar and wind based on the renewable generation potential in the town. For solar alone, there are 326 acres of prime solar which at 8 acres per MW equates to 52,975 MWh of generation potential ($326 \div 8 = 40.75 \text{ MW} \times 1,300 \text{ Hrs.} = 52,975$). The potential for energy generation is more than enough to meet the town's target. We anticipate the development of a variety of solar collectors and technology that will increase the overall efficiency of overall generation, requiring less area. Even though the Tinmouth has 9,373 acres identified as wind resources, developing these lands will not be needed to meet generation targets.

The Tinmouth Energy Plan allows for the siting of all types of renewable generation resources – wind, solar, and biomass energy generation – but not necessarily all scales of a given technology. There are no identified hydro resources. The town is certain that, if applied regionally, this is a fair and equitable approach that follows town and state priorities and still allows for sufficient land area to meet the town's and Vermont's energy targets and goals. Tinmouth will reduce fossil fuel energy use by utilizing renewable energy sources whenever feasible.

Another key element of the Resource Maps is the location of electric grid infrastructure, including three-phase and other high-capacity distribution lines. These are shown on each of the resource maps as well as the Existing Energy, Local Constraints and Solar Potential Areas maps. The three-phase line running down the center of town is a GMP transmission line serving only the Danby quarry. For this reason, at this time it is not suitable for connecting electric generation facilities. Green Mountain Power's "Solar Map"¹ shows the specific capacity of each section of the utility's grid. On this map, Tinmouth displays all orange lines, with the following legend: "Due to system limitations, interconnections on this circuit may experience higher costs and delayed interconnections."

Community Standards

The following five community standards are to be considered (a) in undertaking Town owned electrical generating projects and programs, (b) in updating the Tinmouth Zoning Regulations and subdivision regulations to address commercial electricity generation and transmission development, to the extent they are subject to local regulation, and (c) in the review of new or upgraded commercial electricity generation facilities and systems by the Town of Tinmouth and the Public Utilities Commission (Section 248 review):

1. Plan Conformance: New commercial, utility-scale electricity generation facilities and proposed system upgrades, should be identified in or be consistent with the Vermont Comprehensive Energy Plan, the Vermont Long-Range Transmission Plan, and utilities' Integrated Resource Planning (IRP) ("commercial solar facilities").
2. Alternatives Analysis. Tinmouth is happy to participate, within limits, in supplying electricity for local needs. Its rural, agricultural nature is inconsistent with industrialization, such as large-scale solar arrays and wind farms not serving local needs but selling electricity on the open market (merchant

¹ <https://www.arcgis.com/apps/webappviewer/index.html?id=4eaec2b58c4c4820b24c408a95ee8956>

facilities). A new commercial electrical facility should be considered only after potential alternatives, including increased energy efficiency, distributed energy systems, and existing facility upgrades are evaluated and found to be insufficient to meet system reliability needs or projected demand in Vermont. Commercial electrical facilities in Tinmouth should serve local needs; if they are grid-tied, the power should be sold to users within the state of Vermont. Local utility-owned facilities are preferred to merchant facilities. Renewable energy credits should not be sold outside Vermont.

3. Benefits: For the town of Tinmouth to support establishment of utility scale commercial solar array, there shall be a demonstrated local public need that outweighs adverse impacts to local residents and resources. Facility development must benefit town residents, businesses, and property owners in direct relation and proportion to the impacts of the proposed development, and should not impede orderly development of the town consistent with this Plan.
4. Impacts: New generation, transmission and distribution facilities must be evaluated for consistency with community and regional development objectives and avoid undue adverse impacts to significant cultural, natural and scenic resources identified by the community.
5. Decommissioning: All facility certificates or impact statements shall specify conditions for system abandonment and decommissioning, including required sureties for facility removal and site restoration to a safe, useful, and environmentally stable condition. All hazardous materials and structures, including foundations, pads and accessory structures [including underground cables](#), must be removed from the site. Development shall be accomplished in such a way that it does not compromise the future agricultural value of the site. Decommissioning funds alone, though essential, are not a substitute for design that will allow the land to revert to agriculture when the facility is removed. Projects falling under 30 V.S.A. §248 shall also meet the decommissioning requirements set forth in Rule 5.900 of the Vermont Public Utilities Commission, effective August 15, 2017 or any subsequent revisions of that rule.

Scenic Resources

The first element of the Vision of the Town of Tinmouth (page 3 of the Town Plan, above) states that “Tinmouth residents hope to maintain the rural aspects of the town including active, productive farms, open meadows, substantial forests, and scenic mountain vistas.” The ten objectives listed there include:

- Preserve the rural character of Tinmouth.
- Protect and preserve scenic and historic features, open spaces, fragile and wildlife habitats and other natural resources.
- Prohibit incompatible and uncoordinated development activity.
- Require that public utilities be located in such a way that they will not have an undue adverse effect on the scenic quality and land values of the town.
- Of particular scenic concern listed under unsuitable areas, page 17, are the open lands at the entrances to the town: lands bordering Vt. Rte. 140 between the Wallingford town line and Ballou’s swamp and lands at the junction of Rte. 140 and Rte. 133. Also lands at the junction of Rte. 140 and Gulf Road and open fields visible from the intersection of Vt. 140 and East Road, the agricultural heart of the Tinmouth Valley.

These areas offer commanding views of open fields, the Green Mountains to the east and north, and the Taconic Mountains to the west as well as Tinmouth Mountain itself. There shall be no renewable energy development visible from these designated scenic areas. If renewable energy generation development is proposed in these scenic resource areas, [they](#) shall have an aesthetic impact analysis completed by a certified landscape professional chosen by the Town, working with the Planning Commission, and paid for by the developer. This analysis will determine whether a proposed generation project will have an

undue adverse effect on aesthetics, historic sites, air and water quality, the natural environment, the use of natural resources, and public health and safety.

At this point, without a more detailed aesthetics analysis of the town's Scenic Resources, it is not possible to estimate exactly how future energy development would be affected, if at all, since it is not known whether renewable resources exist in these areas. This will be determined on a site-specific basis if and when developers propose energy projects at these locations.

Preferred Areas

New commercial solar facilities and transmission facilities shall be sited in locations that reinforce the community's traditional and planned patterns of development, which is of a countryside that includes large amounts of working farm and forest land and scattered homes on large lots. As mentioned earlier in this plan, solar generation facilities with a capacity of less than 150 kW are highly encouraged throughout Tinmouth, especially on residential and commercial rooftops.

The following areas have been identified as suitable for the development of larger, utility-scale commercial solar electricity generation and transmission facilities (150 kW or greater), consistent with this pattern of development:

- Roofs of residential, agricultural, and municipal buildings;
- Disturbed areas such as gravel or sand pits;
- Sealed and sanitary landfills and former quarries and mineral extraction sites;
- Parking lot canopies over paved parking lots;
- Sites where existing hedgerows, hills, or other topographical features naturally screen the proposed array from view by neighbors and by the public on main highways;
- Sites where facilities can be clustered at the edge of timber stands and in previously disturbed areas, such as gravel pits, closed landfills, or former quarries. Clear-cutting forest areas for commercial solar arrays is inconsistent with the nature of the Town of Tinmouth **and shall not be allowed**.
- Solar facilities in working agricultural areas may be feasible, but **shall** be located on the least productive portions.
- Locations that have existing natural vegetation to meet screening requirements, or can accommodate the planting requirements set forth below.

Constraints

Electricity generation and transmission systems powered by renewable energy are regulated by the Public Utility Commission (PUC) under 30 V.S.A. Section 248. As part of that process, the PUC must determine whether a proposed energy facility will have an *undue adverse effect* on aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and the public health and safety, with due consideration having been given to the criteria specified in 10 V.S.A. § 1424a(d) (outstanding resource waters) and the Act 250 criteria set forth in 10 V.S.A. §6086(a)(1) through (8) and 9(K).

§248(b) (5), PUC Rule 5.108(A) requires the PUC to conduct the so-called "Quechee analysis" to assess whether a proposed renewable energy project would have an adverse impact by virtue of being "out of character with its surroundings," and if so, whether the adverse impact qualifies as "undue." A project's location, size, and visibility, together with the context of the surrounding land uses, will be relevant in the PUC's consideration of whether the proposed project would have an undue adverse impact. Among other things, the Quechee analysis requires the PUC to consider whether the proposed project would violate a

“clear written community standard.” Specific community standards for scenic resources have been part of the town’s Municipal Plan since November 2016 (standards #’ 3 and 4, above).

Known Constraints

-High priority constraints that limit where energy can be generated as identified by the Department of Public Service and other state departments. Energy generation facilities are not very likely to be developed in Known Constraints areas due to the presence of natural resources that are regulated at the federal, state or local level. Accordingly, lands under these constraints have been removed from the raw resource potential mapping layers. Site-specific study is required to ascertain whether one of the mapped constraints truly exists on the site and some sites not captured by the Known Constraints mapping may have such high-priority constraints, depending on the results of site-specific study. The maps are good indicators, but not definitive siting tools.

Included:

- Vernal Pools
- DEC River Corridors (= Fluvial erosion)
- FEMA Floodway
- State-significant Natural Communities and Rare, Threatened, and Endangered Species
- National Wilderness Areas
- Class 1 and Class 2 Wetlands

Possible Constraints

-Lower priority constraints that may limit where energy can be generated, as identified by the Department of Public Service. Possible constraints can impact the siting process for generation facilities, should always be considered in planning for these facilities, but do not necessarily preclude placement in corresponding areas. Site-specific solutions are often possible when one of these conditions exists. Site-specific study is required to ascertain whether one of the mapped constraints truly exists on the site and some sites not captured by the Possible Constraints mapping may have such lower priority constraints, depending on the results of site-specific study. The maps are good indicators, but not definitive siting tools.

Included but not limited to:

- Agricultural soils (prime farmland, additional farmland of statewide importance, and additional farmland of local importance)
- FEMA Special Flood Hazard Areas
- Protected Lands (State fee lands and private conservation lands)
- Act 250 Agricultural Soil Mitigation Areas
- Deer Wintering Areas
- ANR’s Vermont Conservation Design Highest Priority Forest Blocks (Habitat Blocks 9 & 10)
- Hydric Soils

Local Possible Constraints on Commercial Renewable Energy Production (page 20)

Shown on this map are the main areas where the Town of Tinmouth discourages commercial renewable energy generation, including:

- Habitat blocks 9 and 10
- Lands in Current Use must be removed from Current Use taxation before beginning construction of the transmission lines on or off site, or the arrays themselves.
- Lakeshore District, Ridgeline Overlay District, Conservation District, Protection District, Flood Hazard District

- Agricultural Overlay District
- Wellhead Protection Area whether or not the state standards permit the development as a conditional use.
- Any location that requires fragmentation of Tinmouth's working landscape, including undeveloped forestland, open farmland in operation, and primary agricultural soils (as mapped by the U.S. Natural Resource Conservation Service. Solar array development should not compromise the future agricultural value of the site. Clear-cutting forest areas for commercial solar arrays is wholly inconsistent with the nature of the Town of Tinmouth, and is prohibited. Clearing forested land for solar arrays is limited to tracts of less than an acre for on-site home or farm arrays.

Local Unsuitable Areas

Because of their distinctive natural, historic or scenic value, and special significance to the Tinmouth community, commercial solar facility development shall be excluded from (prohibited within), or shall not be supported by the town in the following locations

- Land that is subject to a conservation easement, whether or not the easement permits it or the holders of the development rights consent to it.
- Highest priority interior forest blocks as defined by State of Vermont as they overlie the Tinmouth Channel..
- Well head protection zone
- Location where a site cannot be screened from the view of neighbors and thus prohibits them from the peaceful enjoyment of their property
- A site that does not meet Tinmouth's prescribed screening standards
- Open lands at the entrances to the town: Land bordering Vt. 140 between Wallingford town line and Ballou's swamp; open fields at the junction of Vt. 140 and Vt. 133; and open fields visible from the intersection of Vt. 140 and East Road, the agricultural heart of the Tinmouth Valley
- A site that causes significant adverse impacts to historical or cultural resources, including Tinmouth Village National Historic District, state or federally designated historic sites and structures, and locally significant cultural resources identified in the Town Plan. See Vermont Historic Register Map, p. 81 and Appendix A, page 78.

These areas are similarly restrictive to other forms of development. They have a long history in Tinmouth town regulations and are consistent with the rest of the plan. They do not include any arbitrary prohibition or interference with the intended function of any particular renewable resource size or type.

Tinmouth Renewable Energy Summary

Solar Suitability After Subtracting Local Constraints (Page 77)

This map shows the location of prime solar sites from the solar energy resource map on page 67 that remain unlimited by the local constraints listed above and shown on the local constraint map. These remaining sites comprise 584 acres. Also shown are the locally preferred locations of impervious surfaces. These sites comprise 252 acres. The total of these two types of preferred solar sites shown is 836 acres.

Tinmouth Renewable Energy Potential Acreage Summary	
Total Acres in Tinmouth	18,161
Acres Suitable for Renewables (Solar, Wind, Biomass – Prime and Secondary	12,535
Scenic Resource Areas	Note 1)
Local Possible Constraints – Conservation District, Historic District (in acres)	Note 2)
Acres Suitable for Solar (minus Constraints – in acres)	584 Note 3)
Impermeable Surfaces	252
Total Suitable for Solar	836
Solar Acres needed to make total generation target	84.8

For a summary of the information included on pages 74-77, please refer to the table above. Tinmouth's target of 14,369 MWh by 2050 is attainable and planned for in this document. Based on mapping completed by the Rutland Regional Planning Commission and associated guidance documents developed by the DPS for solar capacity, the town needs 84.8 acres suitable.

Table notes:

- 1) Number of acres is unknown pending professional analysis. Data will become available on a site specific basis as renewable projects are proposed.
- 2) Many of the constraints overlap so their combined total is difficult to compute.
- 3) This figure, derived from the Solar Suitability Map shown on the next page, includes only acres suitable for solar. Other renewables will add more energy sources.

All calculations are conservatively based on DPS guidance and solar capacity factors. The numbers shown above and elsewhere in this document do not take into account the higher capacity factors of other renewables or the projected advances in efficiencies for renewable technologies.

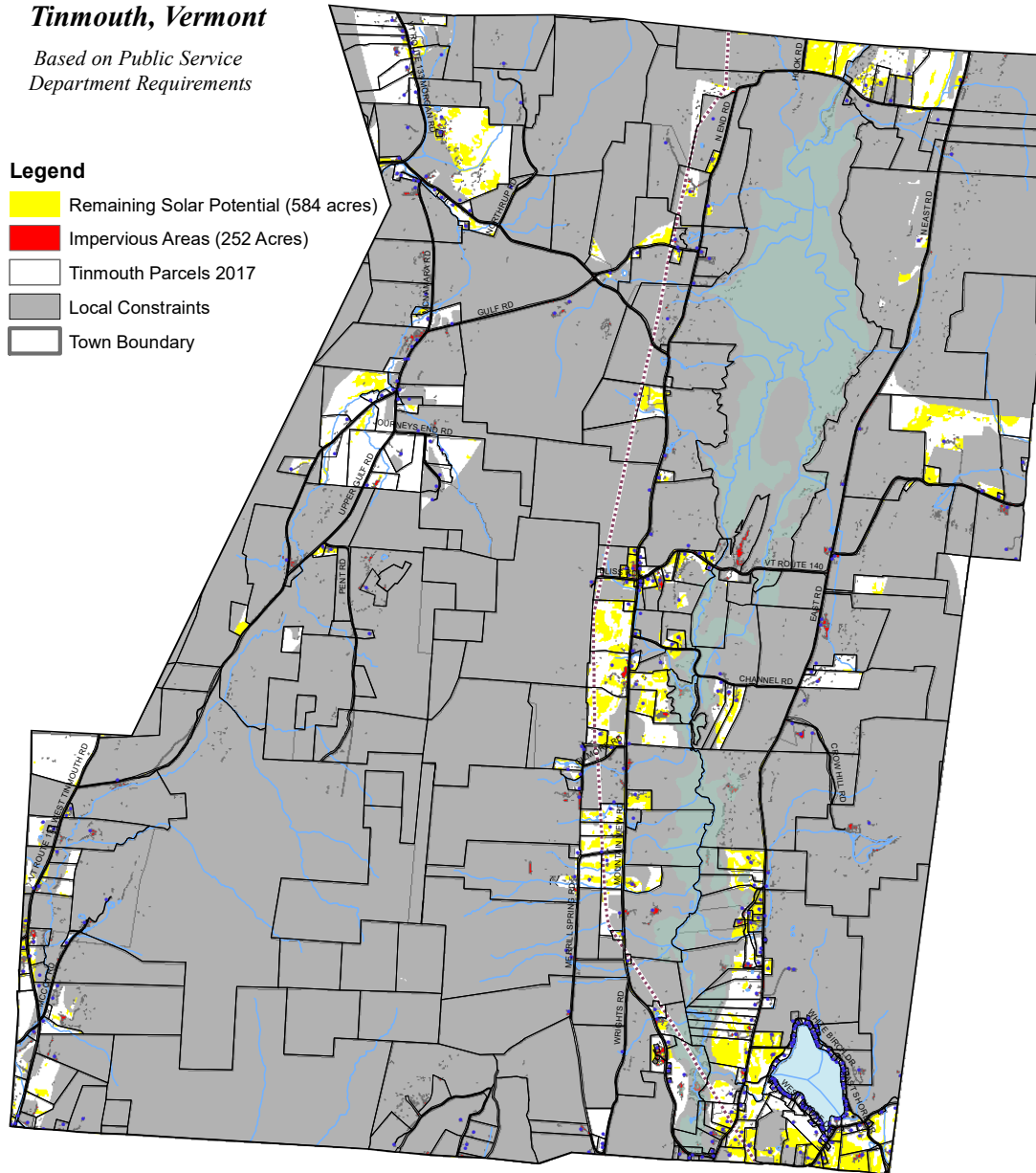
LOCAL CONSTRAINTS & SOLAR POTENTIAL

Tinmouth, Vermont

Based on Public Service
Department Requirements

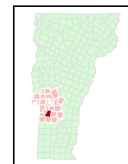
Legend

- Remaining Solar Potential (584 acres)
- Impervious Areas (252 Acres)
- Tinmouth Parcels 2017
- Local Constraints
- Town Boundary



- Structures
- Tinmouth Parcels
- Roads
- Transmission Line
- Rivers/Streams
- Class 1 Wetland (Tin Chnl)

Local Constraints
Habitat blocks 9 and 10
Current Use Parcels
Conserved Lands
Lakeshore District
Ridgeline Overlay District
Conservation District
Protection District
Flood Hazard District
Agricultural Overlay District
Wellhead Protection Area
TNC Conserved lands
Class I Wetlands
Class II Wetlands



This map is a good indicator,
but not a definitive siting tool.
It is based on the best available
data at the time of map production.

Readers of this plan who would like to view maps in color or at a larger scale can view them at
the Tinmouth Town web page <https://www.tinmouthvt.org/> under Resources, Town
Documents, Town Plan. This is a PDF file that can be opened, zoomed and downloaded.

0 0.25 0.5 1 1.5
Miles



November 14, 2016



Document Path: D:\RRPC\TINMOUTH\Energy\TIN_LOCAL\Energy2019\portail.mxd

Energy Strategies and Policies to Achieve Town Targets

The purpose of this section is to identify specific actions that have the greatest potential for Tinmouth to greatly reduce fossil fuel use in a sustainable manner. Specifically, the following are strategies and policies to advance conservation and efficiency in space and water heating (thermal), and transportation and related land use changes.

Conservation and efficient use of energy

To encourage energy conservation, efficient buildings and the efficient use of energy by individuals and the municipality, the Planning Commission and the Energy Committee shall promote local residential and commercial efficiency and conservation improvements through information about programs and technical assistance available to residents. This committee shall advocate for appropriate renewable energy generation throughout the town. The Energy Committee will report annually to the town Select Board.

The Energy Committee shall:

- Create a webpage on the Tinmouthvt.org website which will provide links to programs and offers available to residents by the following organizations and others which may be deemed helpful: Efficiency Vermont, Green Mountain Power, BROOC and Neighborworks.
- Promote energy efficient construction by distributing code information to building permit applicants and encouraging going beyond the Energy Code required insulation levels, air sealing standards and the use of efficient heating and cooling equipment.
- Encourage new municipal building design to include efficiency features that exceed the Energy Code and take advantage of Efficiency Vermont's new construction programs.
- Encourage the use of technologically advanced wood heating systems.
- Provide information to residents via postings on town bulletin boards, postings in Front Porch Forum and the monthly Tales of Tinmouth, and posting in the School's Friday News about programs and support available from:
 - Efficiency Vermont - appliances, lighting, heating and cooling systems and controls, home weatherization
 - Weatherization assistance provided by BROOC Community and NeighborWorks of Western Vermont.
 - Green Mountain Power (GMP) programs to help customers reduce fossil fuel use
 - Neighborworks
- Provide information on the effective use of cold climate heat pumps. Publicize education/presentations in coordination with Efficiency Vermont and GMP.
- Educate the community on options for municipal solar, school solar, and community solar or other renewable energy projects and help viable projects move forward.

To demonstrate the town's leadership by example with respect to the efficiency of municipal buildings

The town implemented comprehensive energy upgrades on all municipal buildings in 2010 including the church, the Town Office, the Fire Department, the School and the Town Garage. In addition, all Town buildings are illuminated by LED or other cost effective efficient light sources. The School is receiving a comprehensive LED upgrade in the summer of 2019.

Transportation

To encourage a shift away from gas/diesel vehicles to electric or other non-fossil fuel transportation options the Energy Committee should:

- Promote the Drive Electric Vermont webpage which connects users to financial incentives, dealers, and recharging stations for EVs.
- The Town will apply for funding for additional parking for a park and ride if use demonstrates a need.
- The Town will be receptive and provide support for locating a charging station/or charging stations in the Town when and if demand develops.
- The Town will advocate for an electric school bus that can feed back into the grid during peak grid events.
- When the time is ripe, the Town will be receptive to hosting a “show and tell” day featuring different EVs and giving people an opportunity to talk with fellow community members who own them.

Land Use

Tinmouth has land use policies that result in the conservation of energy and demonstrate a commitment to reducing sprawl/strip development. The Planning Commission with the assistance of the Energy Committee should:

- Review and update the town Future Land Use Map to reflect the vision and goals of this municipal plan.
- Pursue (application has been submitted) a village Center designation for Tinmouth Village.

Accommodate the safe and effective use of renewable energy systems (residential

Endnote Page

- 1) Source: US Census Bureau, www.census.gov (page 9).
- 2) Figures provided in American Community Survey 5-year estimates, 2015 (page 10).
- 3) Vermont Department of Environmental Conservation, Water Quality Division, Lakes and Ponds Section. http://www.anr.state.vt.us/dec/waterq/cfm/lakerep/lakerep_select.cfm visited 5-22-2007 (page 15).
- 4) Vermont Department of Environmental Conservation, Water Quality Division, Lakes and Ponds Section. http://www.anr.state.vt.us/dec/waterq/cfm/lakerep/lakerep_select.cfm visited 5-22-2007 (page 15).
- 5) Data on housing trends provided by Tinmouth Town Listers (page 23).
- 6) Transportation Data Management System, 2011 and 2016 (page 28).
- 7) Longfield, Jr., Robert F. The Vermont Backroad: A Guide for Protection, Conservation, and Enhancement of Its Scenic Quality. March 1974 (page 28).
- 8) Vermont Statutes Annotated, Title 10, Section 6085 (page 30).
- 9) US Energy Information Administration, State Profile and Energy Estimates (page 43).
- 10) Climate Change in Vermont, Vermont Agency of Natural Resources (page 43).
- 11) Vermont Energy Dashboard 2017 (page 43).



Appendix A: Tinmouth Historic and Culturally Significant Features

Tinmouth Village National Historic District (NHD)

Names in parentheses are from 1869 Beers map (Map 1). SHR numbers from Map 2.
Tinmouth School (front and second sections; 1883/1949) (School No. 6)
Town Office and Library (Rice/Taylor/Weeks store; possible 1791 meeting house (now library) (Store L.R. – Levi Rice)
Old Firehouse (once a Grange Hall; used as fire station, then restored as a meeting space)
Old Creamery
White house, south of store (Packard)
Rice house, Bliss Rd; built 1835 (L. Rice)
Rathbun/Sawyer/Weeks house, Bliss Rd; built 1815 (P.O.; M. Sawyer)
Town sheds (1836/1920; built to cover carriages during Church services)
White house across from school; once Parsonage (parsonage)
Not on Register: Rice Upper Farm house 1790's, west end of Bliss Road (L. Rice)
Sawyer Cemetery (Cem.)

State Historic Register (SHR) and other historic sites

Names from 1869 Beers map (Map 1); SHR numbers keyed to map 2, State Historic Register Map
North East Road
Burr Clark house (also called Leonard house; stone; 1834; B.R. Clark) SHR - 14
Mattocks house (1st on right north of Rte. 140 (J.W.Noble) SHR 15
Ballard house (1st on left north of Rte. 140) (J. Ballard) SHR 13
Former Noble house/country inn, North East Road at corner of 140 (Henry Noble) SHR - 12
Rte. 140 East of North East Road (Cobb Hill)
Frog Rock (not SHR; top of Cobb Hill; best viewed traveling east)
Stone Corral on Young property; not visible from any road (Not SHR)
Hannibal Hopkins farm (H Hopkins) SHR
Truman Young farm – settled by John Hopkins in 1770- still run by his Young descendants.
Bicentennial Farm 1976. All buildings modern, however. (E. Hopkins)
East Road
House; corner Rte. 140 and North East Road, east side; possibly a replacement (L. Cobb)
Brick house on east side (L. Cobb) SHR 16
Small blue house on east side, now Burden (1869 D.G. – Dexter Gilbert, a large landowner and owner of property for rent)
Tinmouth Pond camps. 10 on the State Register. All in the Lakeshore zone. SHR 28-38
Wright's Road
General Clark's marble mill; replica water wheel run by water from the Big Spring (D.G. house occupied by Michael Green, peddler, and family; now replaced)
Marble Quarry. On Merrill Spring Road extension above Wright's Road.
Mountain View Road
Gray gambrel roofed house; c. 1790; one of three English gambrels in Tinmouth. (I. Phillips) SHR 18

South School Now a home and much added to. (School No. 5) SHR 19
 White Cape Cod house (D.G.)
 Red gambrel roofed house, c. 1790, or maybe 1824, one of three English gambrels. (D.G.) SHR 21
 White Cape farmhouse across from red barn (Fish farm – L. Campbell)
 Federal mansion/Greek revival trim (D. Gilbert) SHR 20
 Merrill Spring Road
 Glen Merrill house - where Merrill Spring turns 90 degrees south; once junction with
 back of the lots road (Mrs. Rogers)
 Large black farmhouse (Mrs. Valentine) SHR 23
 White farmhouse on a rise (also Mrs. Valentine) SHR 22
 Gilmore Road
 Farmhouse at south end of the road; parts are 1790's (Campbell)
 Rte. 140 from Village to East Road
 Fallen down c. 1790 gambrel roof house (M. Capron) SHR 10
 Cape on north side; has remains of blast furnace in rear (A. Packard) SHR 11
 Falling in old cheese factory on south side at bridge (Cheese fact)
 Collapsed dam south of Rte. 140 bridge
 Tinmouth Cemetery (south side, east of bridge)
 Rte. 140 North of village to North End Road
 White farmhouse on east side (Valentine) SHR 9
 Yellow farmhouse on east side (A.H.Aldous)
 Cramton Cemetery (east side of Rte. 140; Cem.)
 North End Road
 Tinmouth Channel wetland (including wetlands, dams, and fens from North End Road to
 Mountain View Road at Danby town line).
 Hortonia Power company dam (North End Road at culvert; south side)
 Blast furnace remains, one on dam south of North End Road and another north of the road
 Noble-Squier cemetery
 Harrington Crossroad
 Yellow farmhouse, gable to road; south side (W. Norton)
 Marble Quarry, north of road
 Rte. 140, North End Road to Middletown line
 Cape Cod farmhouse, opposite McNamara Road (C. Crampton) SHR 2
 House, formerly schoolhouse No. 7 at McNamara and Gulf Rds., opposite previous
 house SHR 4
 Lime Kiln, Northrup Road
 Old Cemetery, maybe #1, at Northrup Road
 Vt. Rte. 133, Ira to Middletown line
 White gambrel roofed house; Dutch framing design south; English north
 (H. Thompson) SHR 1
 McNamara Road
 Gambrel roofed barn built 1913 (Clark, though built after his death) SHR 3
 Farmhouse, 2 story, Dr. Theophilus Clark, home, farm and doctor's office for much of
 19th Century (Clark) Not on SHR
 Gulf Road (Lower Gulf Road)

Large barn ¼ mile south of Rte. 140 – SHR 8

Carriage barn, now house, painted red, just before McNamara Road (part of C. Youngs farm)

White Cape Cod farmhouse, intersection of McNamara and Gulf Rd (L. Hathaway)

SHR 5

Cape Cod house, built 1786 by Samuel Allen; moved ¼ mile south of original site.

(C. Youngs) SHR 6

White Cape Cod, Journey's End Rd; built by Archibald Norton around 1840. SHR 7

Yellow house, west side of northern intersection of Gulf and Upper Gulf Roads (W.C.)

Greek revival, gable to road farmhouse, on Lower Gulf near southern intersection with Upper Gulf Road. (E. Ives) SHR 24

The Gulf (Wells Brook ravine) and side hill section of Gulf Road

West Tinmouth

White farmhouse, bottom of Gulf Road. (W.S. Preston) SHR 25

White farmhouse, steep-pitched roof, apparently 1790s, just north of Gulf Road on Rte. 133 (Perhaps Clarke on Beers map)

Large farm complex, Greek revival farmhouse, coaching route stone in stone wall.

(J.P. Grover) SHR 25

1790's farmhouse, very near road, east side of Rte. 133 south of East Wells Road (E. Reed).

SHR 27

Cape Cod style farmhouse, barn, McCoy Road. Once owned by Lt. Phineas Paul, 14th

Vermont (P.C.Paul)

Rollin Cook cheese factory, intersection of Rte. 133 and McCoy Road (Cheese Fact, R. Cook)

Former schoolhouse number 3, once across from Cook cheese factory, at

Brook Road; now at Wells Rd intersection (School No. 3) SHR 26

Lillie-Paul Cemetery (on 133 at Danby boundary; Cem.)

Mountain Land (Special areas)

The Purchase – large forest west of the summit of the Tinmouth Mt. range and east of West Tinmouth. The mountain overlooking West Tinmouth is sometimes shown on maps as The Purchase, but the entire area properly bears that name. In the early 1800's two men acquired this area at tax sales. Locals sneeringly called it the Holland Purchase, after a 5,000 square mile purchase by Dutch investors in Western New York. Neither sold well. "Holland" forgotten within 50 years.

Tinmouth Mountain Range
(all areas on East and West slopes)

Tinmouth Purchase
Recreation Area – town owned
forestland with cabin and trails.
Part of the area known as The
Purchase.



Town Maps

- **Future Land Use (p. 85)**

This map shows the Town's intended land use for the future as reflected in the current Zoning Regulations. The Legend explains the different categories in general terms. More detailed explanations can be found on pages 44 - 48. In obeying regulations, landowners should consult with the Vermont Department of Environmental Conservation to obtain more precise information about the location of the wetlands.

- **Natural Resources (p.86)**

This map highlights significant natural features, some of which—such as slopes of 25% or greater—severely limit development. Others—such as deer and bear areas—indicate wildlife habitat that should be left undisturbed to the extent possible. The rare plant and animal sites should be left undisturbed.

- **Restricted Lands: Public and Private (p.87)**

This third map shows the Tinmouth Channel Wildlife Management Area, which belongs to the State of Vermont, the Tinmouth Purchase Recreation Area, which belongs to the Town of Tinmouth, and the extensive areas of privately owned lands to which either the Vermont Land Trust or the Nature Conservancy holds a conservation easement. Although these easements differ in some details, all of them prohibit further subdivision and generally limit their use to forestry and agriculture. Several of these 24 conservation projects allow the construction of a limited number of single-family residences. The Wellhead Protection Area, set aside to protect the quality of water for sale extracted from an active spring, has virtually the same restrictions as a conservation easement.

Two other areas are represented on the map:

TinHotspots

This dataset is the result of an effort to map biological "hotspots" in Vermont based on the "element occurrences" in the Nongame and Natural Heritage Program database. The NNHP database, compiled and maintained by the VT Department of Fish and Wildlife, records over 4000 locations of rare, threatened, and endangered plants, animals, and exemplary natural communities throughout the state. 2332 of the highest quality and rarest of these point locations were mapped, and polygons were drawn economically around concentrations of mapped points. These polygons, are taken to represent areas of high biological significance or diversity

Representative Landscape Area

This coverage represents the results of an analysis of landscape diversity in Vermont. Polygons in the dataset represent as much as possible of the physical diversity in each of the state's 8 biophysical regions (BPRs)—hence the name "representative landscapes" (RLs). Units of physical diversity were based on elevation, bedrock type, surficial deposits, and landform. An understanding of the location of areas of high landscape diversity offer conservation scientists a key to identifying areas of high biodiversity value.

- **Wildlife Habitat Suitability Analysis from the Vermont Department of Fish and Wildlife (p. 88)**

- **Transportation Map (p. 89)**

This map shows roads, bridges and culverts.

- **Town Facilities (p. 90)**

This map shows the locations of the Town Office, the Old Creamery, the Old Firehouse, The Firehouse, the Church, the School and Community Center, the Town Garage, and the Transfer Station

- **Beers 1869 Map of Tinmouth (p. 91)**

- **Vermont Historic Register Map (p. 92)**

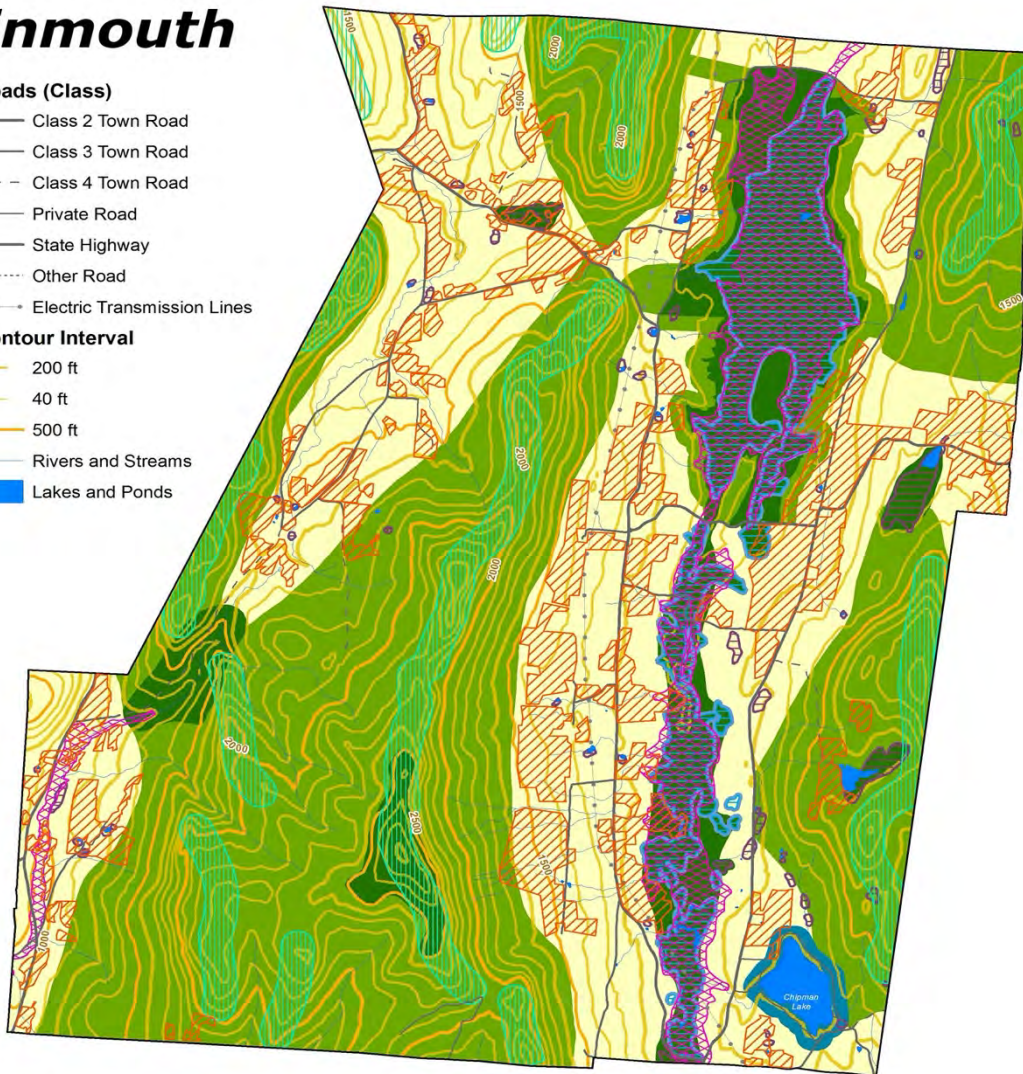
Future Land Use *Tinmouth*

Roads (Class)

- Class 2 Town Road
- Class 3 Town Road
- - - Class 4 Town Road
- Private Road
- State Highway
- Other Road
- + + + Electric Transmission Lines

Contour Interval

- 200 ft
- 40 ft
- 500 ft
- Rivers and Streams
- Lakes and Ponds



Location Map



Legend

- Flood District: No Development
- Agricultural Overlay: Limited Development
- Ridgeline Overlay: Limited Development
- Wetland, Class One: No Development
- Wetland, Class Two: No Development
- Wetland, Class One: 100 Foot Protection Zone; No Development
- Wetland, Class Two: 100 Foot Protection Zone; No Development
- Conserved: 25 Acre Minimum
- Lake Shore: High Density
- Protection: No Development
- Rural Residential: 5 Acre Minimum
- Pond

ROADS: VT Center for Geographic Information.

ELECTRIC LINES: VT Electric Power Company.

SURFACE WATER: Vermont Hydrography Dataset using 1:5,000 digital orthophotos, USGS 7 1/2' quadrangles and 1:20,000 color infrared aerial photography and other data sources.

WETLANDS: boundaries are derived from National Wetlands Inventory (NWI) and the Vermont Significant Wetland Inventory (VSWI) and are approximate. Wetlands less than three acres in size may not be shown. The wetlands depicted are those regarded as regulatory by the VT Water Resources Board.

FLOOD PLAIN: DFIRM data from FEMA Flood Insurance Rate Maps. Floodplains for planning purposes only. Refer to the VANR_DEC, Water Quality Division, Floodplain coordinator for official floodplain determinations. (802) 241-37

AGRICULTURAL OVERLAY, RIDGELINE OVERLAY AND LAND USE CLASSES: determined by the Tinmouth Planning Commission.

Map intended for planning purposes only.
For more information, please contact:
Rutland Regional Planning Commission
The Opera House, Third Floor, PO Box 965
Rutland, VT 05702 (802) 775-0871

0 0.25 0.5 1 1.5 Miles

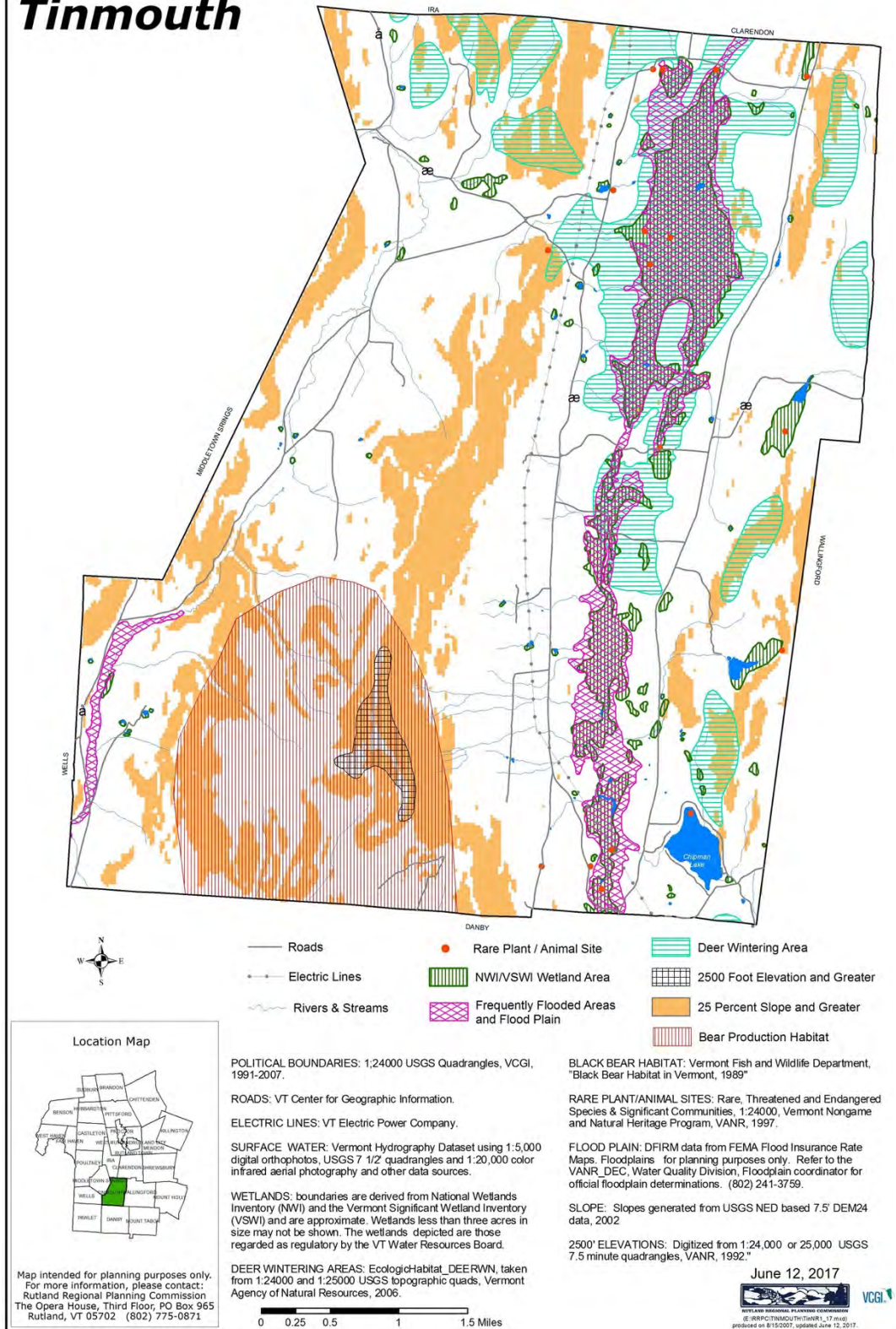
June 12, 2017



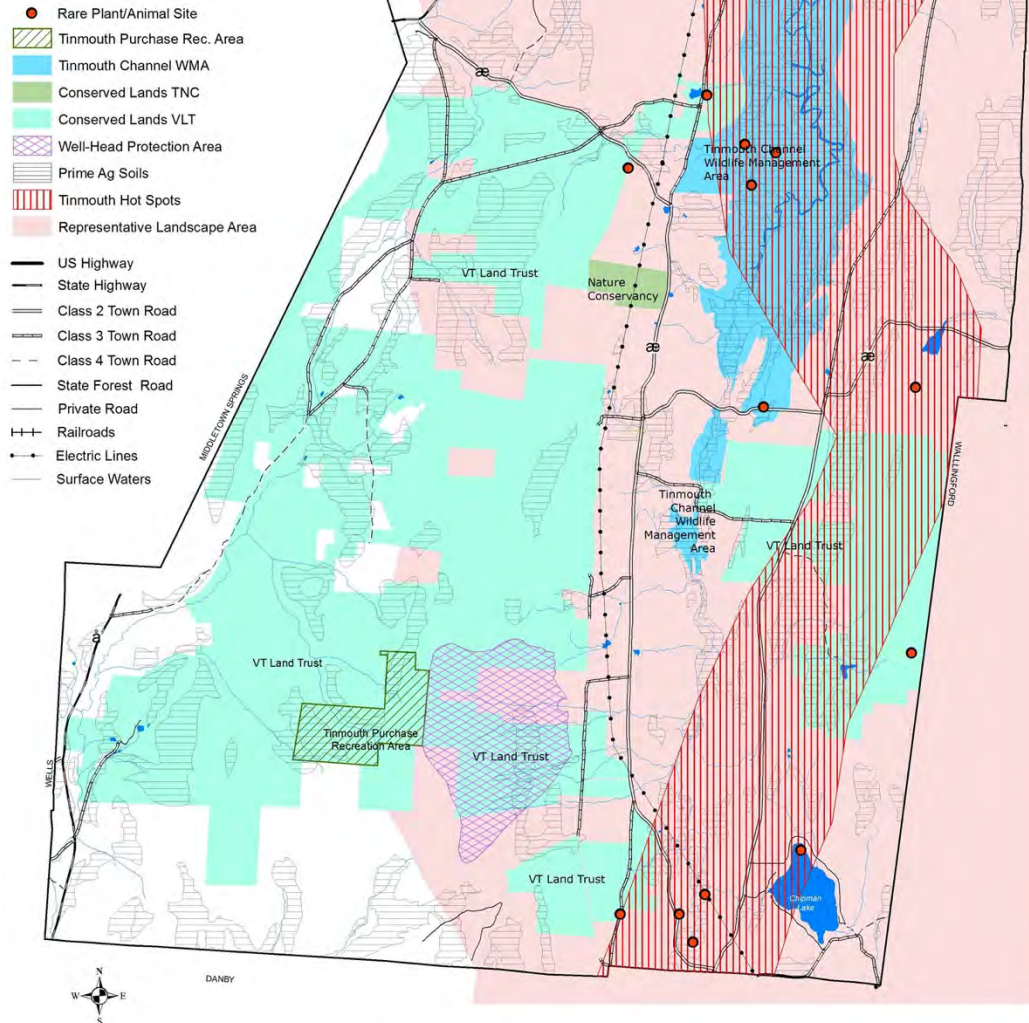
VCGI

Natural Resources

Tinmouth



Restricted Lands Public & Private *Tinmouth*



Tinmouth town boundary is derived from several sources: Tinmouth Parcel data (Russell Graphics, 2002), Middletown Springs Parcel data (Russell Graphics, 2005), Wallingford Parcel data (Russell Graphics, 1999), and a town line survey performed for the town of Middletown Springs by ALX Environmental, 2002.

SURFACE WATER: Vermont Hydrography Dataset (1:5000)

WELLHEAD PROTECTION AREAS: SPA's for groundwater sources (wells, springs), 1:24,000 USGS QUADRANGLES, VANR-DEC- Water Supply Division and VT Department of Health, 1998.

PUBLIC/CONSERVED LANDS: Vermont Conserved Lands Database 1:5000 parcel data, UVM-SNR-SAL, 1999.

SURFACE WATER PROTECTION AREAS: SPA's for surface water sources (stream, pond, etc.) 1:24,000 USGS quadrangles, VANR-DEC-Water Supply Division and the VT Department of Health, 1998.

SOURCE PROTECTION AREAS: Surface and subsurface areas from or through which contaminants are reasonably likely to reach a public water source. GPS coordinate information 1994. Halliburton NUS Corp. original dataset: 1:24,000 USGS quadrangles, VT Department of Health.

SPA's for planning purposes only. Refer to the VANR-DEC, Water Supply Division, for official SPA determinations. (802) 241-3400.

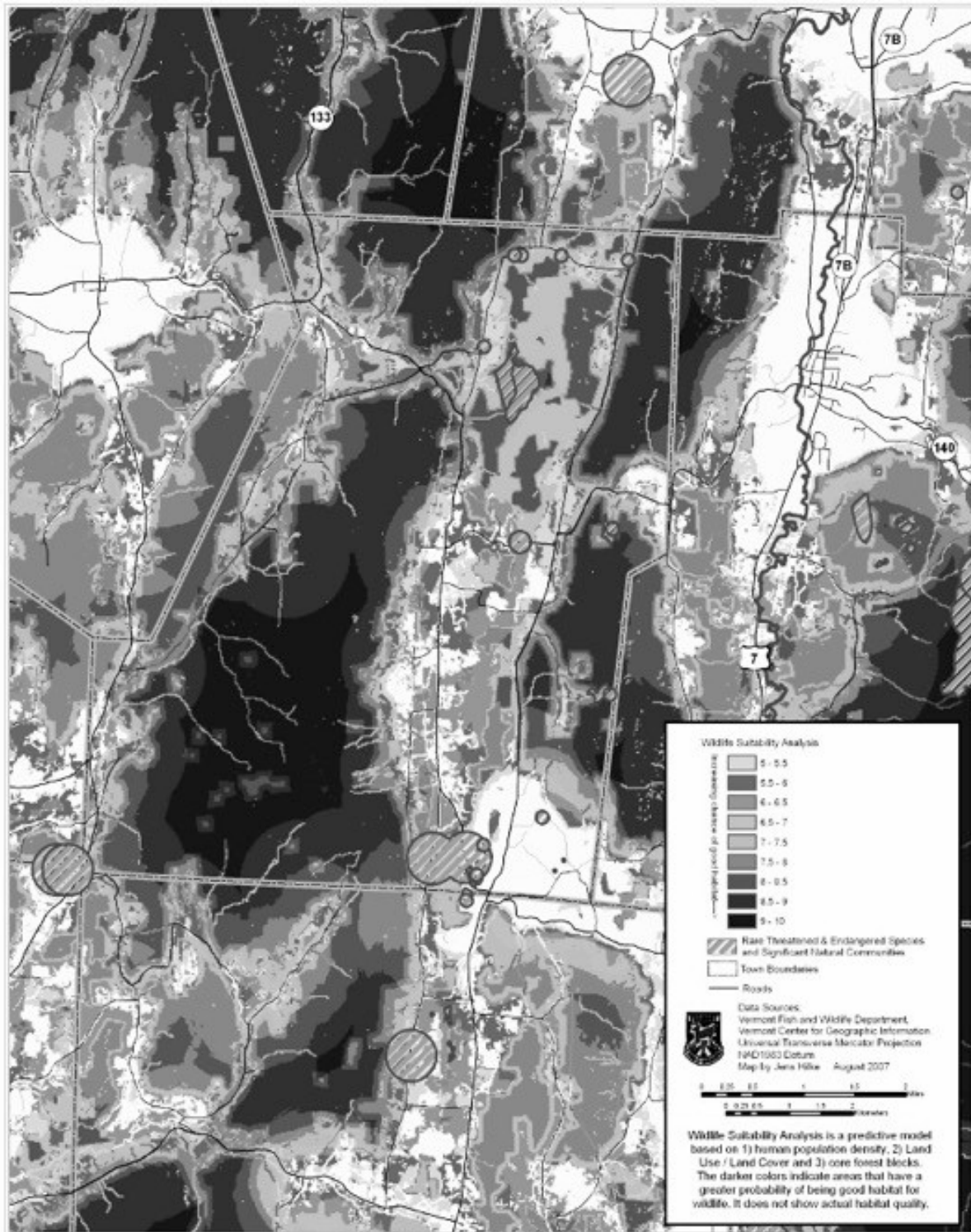
ROADS: VT Enhanced 911 project 1996 -2007.

June 12, 2017



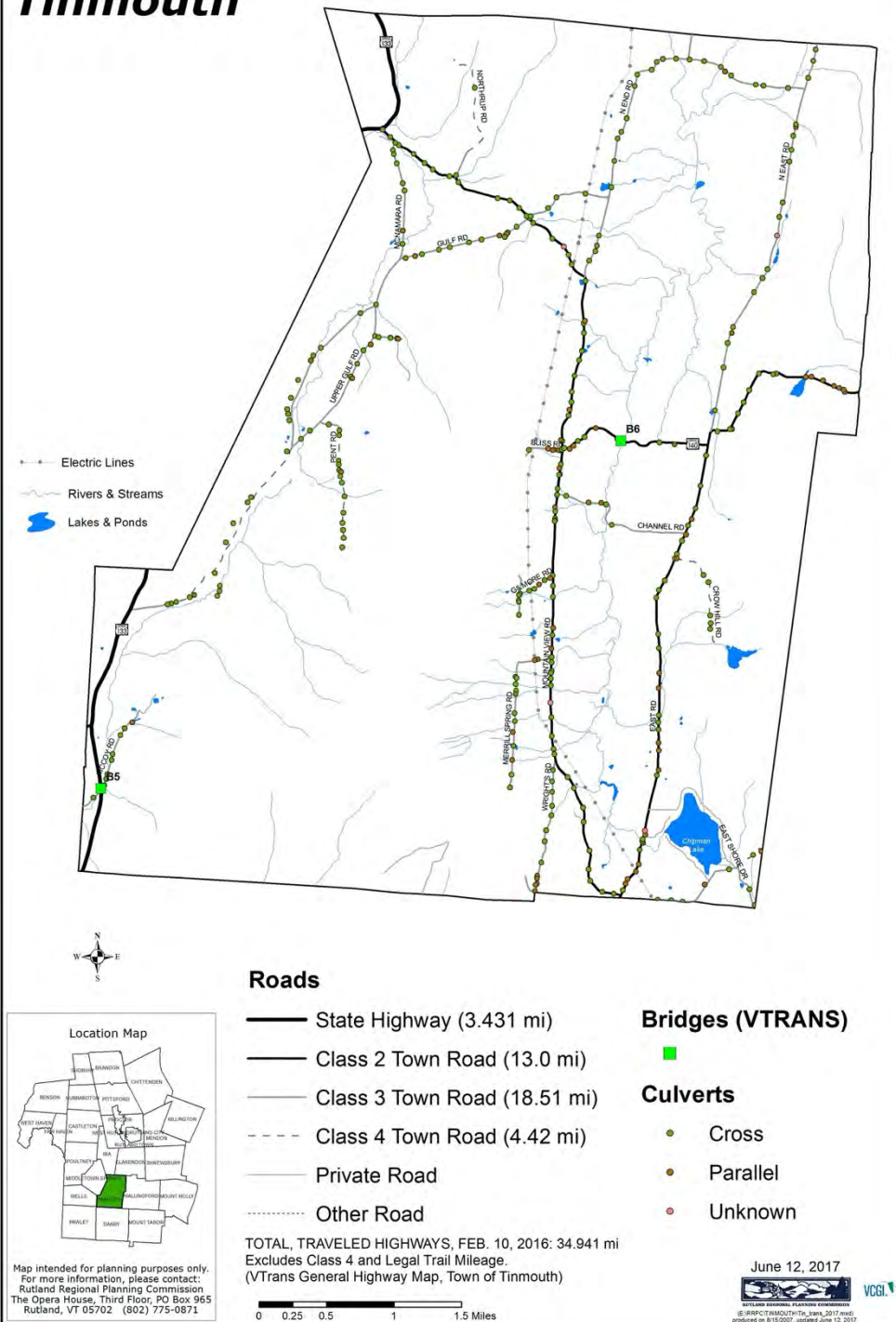
(D:\RRPC\TINMOUTH\MAPS & PROJECTS\restricted lands.mxd)
produced on 8/15/2007, updated June 12, 2017.

Wildlife Habitat Suitability Analysis



Transportation Map

Tinmouth



Tinmouth, Vermont Town Facilities



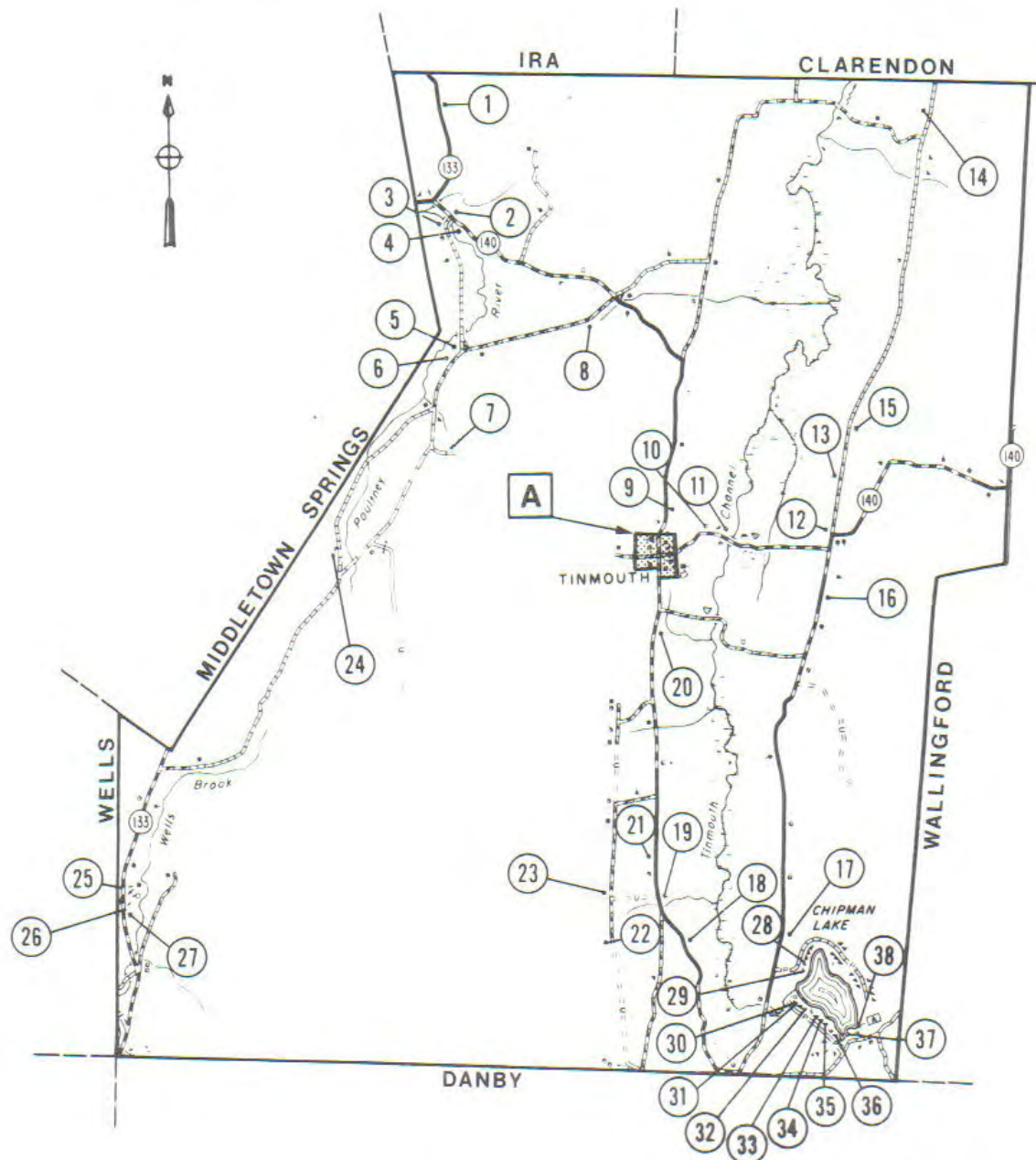
400 200 0 400 Feet



Robert A. Lloyd, 6/14/17

[illegible]

Vermont Historic Register Map



Town of Tinmouth

Zoning Regulations

Adopted June 21, 1977

*Amended 1978, 1980, 1983, 1990, 1992, 1994, 2003,
2004, 2005, 2010, 2014, 2014, 2016, 2018*

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ATTACHMENT A: Flood Hazard Area Regulations

Article I: Enactment and Objectives

Section 101 - Enactment

In accordance with the Vermont Planning and Development Act, hereinafter referred to as the "Act", 24 V.S.A. Chapter 117, there are hereby established Zoning Regulations for the Town of Tinmouth which shall be known and cited as the "Town of Tinmouth Zoning Regulations".

Section 102 – Objectives

1. To implement the policies of the duly adopted Town Plan for Tinmouth, Vermont.
2. To preserve the rural character of Tinmouth.
3. To maintain sustainable agriculture as an economic base that minimizes impact on soil, water, and air quality as the economic base.
4. To protect and preserve scenic and historic features, open spaces, fragile areas and wildlife habitats and other natural resources .
5. To maintain a population consisting of residents and families of all incomes, ages, and types.
6. To allot sufficient space in appropriate locations for agricultural, residential, recreational, and commercial development in order to meet the needs of the town.
7. To prohibit incompatible and uncoordinated development activity.
8. To allow for future growth to occur in a way that will not place an undue burden on the town to provide community services and facilities.
9. To assure that basic needs of health, safety, education, and housing will be met and maintained at satisfying levels in accordance with population growth.
- 10 To foster local activities, programs, development patterns, and town governance that build the town's strong sense of community.
11. To require that public utilities be located in such a way that they will not have an undue adverse effect on the scenic quality and land values of the town.
- 12 To require that town highways permit safe and efficient movement of vehicles through the town while maintaining its rural character.

Article II: Establishment of Zoning Districts and Zoning Map

Section 201 - Establishment of Zoning District

The Town of Tinmouth hereby establishes the following four (4) Zoning Districts and two (2) Overlay Zoning Districts:

- Protection
- Conservation
- Rural Residential
- Lakeshore
- Agricultural Overlay
- Flood Hazard Overlay
- Ridgeline Protection Overlay District

The permitted and conditional uses in each district are as specified in Article III: Table of Uses.

The minimum lot sizes, set back requirements, lot frontage requirements, and height limitations for each district are as specified in Article V: Lot Size, Setbacks, Yards.

A. Protection District

1. Description: Protection areas contain lands that are extremely sensitive to development or which are critical for ensuring public health in the community. Areas of high elevation, significant wetlands, and the Tinmouth Gulf are included.
2. Purpose: To ensure the long-term preservation and sustainability of the land and community in Tinmouth and to promote very low impact recreation.

B. Conservation District

1. Description: Conservation areas contain lands that are sensitive to development. These include large regionally connected forested blocks, steep slopes (often with shallow soils), high elevations, wetlands, stream banks and wildlife corridors, as well as areas of scenic, ecological, cultural, or historic significance.
2. Purpose: To preserve the physical, natural, and scenic characteristics of lands in the district; to ensure the maintenance of existing contiguous forest wildlife habitat and viability of working lands associated with a sustainable forest products economy. to promote low-intensity development on the edge of open fields or forested land to avoid loss of either resource
3. Agricultural Overlay Areas: Some land within this district is within the Agricultural Overlay District. Please examine the Official Zoning Map and see Section E below.

C. Rural Residential District

1. Description: The Rural Residential District contains areas throughout the town historically centered on agricultural development. Homes should continue to be located on suitable land and compatibly related to a pattern of open fields and woodland.
2. Purpose: To preserve a traditional rural development pattern, conserving and maintaining historic sites and structures when possible, while accommodating the demand for new rural housing with minimal economic and environmental impacts. Development shall be located on sites which preserve open space, forested areas, and natural resource areas.
3. Agricultural Overlay Areas: Some land within this district is within the Agricultural Overlay District. Please examine the Official Zoning Map and see Section E below.

D. Lakeshore District

1. Description: The Lake Shore District consists of all land between the normal mean watermark (shoreline at the average lake level as established by the State of Vermont)-and the back of

existing lots with lake frontage, except where a lakefront lot also contains land in another district. The boundary of the Lake Shore District shall be a line drawn across that lot between the outer corners of the adjacent lots. The area is predominantly composed of seasonal homes, with an increasing number of permanent homes.

2. Purpose: The Lake Shore District shall protect Chipman Lake (Tinmouth Pond) from excessive density and from uses which would cause excessive pollution, erosion or invasive plants, prohibit public access, or significantly reduce its scenic qualities.

Note: applicants for projects located within the Lakeshore District are encouraged to contact the Vermont Agency of Natural Resources, to determine the potential need for necessary permits for work that might impact shorelands, wetlands, conservation areas, or waters of the State. Information can be obtained at <http://www.anr.state.vt.us/dec/permits.htm>

E. Agricultural Overlay District

1. Description: The Agricultural Overlay District contains land areas presently used for agricultural purposes or containing agriculturally-friendly soil associations and slopes with the greatest agricultural resource value in the community.
2. Purpose: To retain large tracts of undeveloped, open land in areas identified as having a high resource value for agriculture. This Overlay District will preserve open space and prevent the fragmentation of land into parcels too small to farm .

F. Flood Hazard Overlay District [See Attachment A for District Regulations].

1. Description: The Flood Hazard Overlay District contains land areas identified as areas of special flood hazard on National Flood Insurance Program maps for Tinmouth, as more fully described in Article III of Attachment A.
2. Purpose: To promote the public health, safety and general welfare, to prevent increases in flooding caused by the uncontrolled development of lands in areas of special flood hazard, to maintain the wise use of agricultural land in flood-prone areas, and to minimize losses due to flooding by:
 - a. Restricting or prohibiting uses that are dangerous to health, safety or property in times of flood or cause excessive increase in flood heights or velocities;
 - b. Requiring that uses vulnerable to floods, including public facilities that serve such uses, be protected at the time of initial construction, against flood damage;
 - c. Protecting individuals from buying lands that are unsuitable for their intended purposes because of flood hazard.

G. Ridgeline Protection Overlay District.

1. Description: The Ridgeline Protection Overlay District protects wooded ridge profiles that are highly visible from many directions. The District buffers the ridgelines for a distance of five hundred (500) feet on both sides, the distance measured horizontally.
2. Purpose: To retain the undeveloped character of these prominent features of the Tinmouth landscape, protect important habitat corridors for wildlife, viewsheds from Tinmouth and surrounding communities, and prevent development on shallow soils and/or steep slopes.

Section 202 – Zoning Map

The location and boundaries of Zoning Districts are established as shown on the Official Zoning Map which is hereby made a part of these zoning regulations. No changes shall be made to the Official Zoning Map except in accordance with the procedures for amending zoning regulations. The location and boundaries of the Special Flood Hazard Area Overlay District are controlled by the flood insurance studies and maps published by the Department of Homeland Security as described in Article III of Attachment A.

Regardless of the existence of copies of the Official Zoning Map which may periodically be made or published, the Official Zoning Map shall be that located in the Town Offices and shall be the final authority as to the current zoning status of land and water areas.

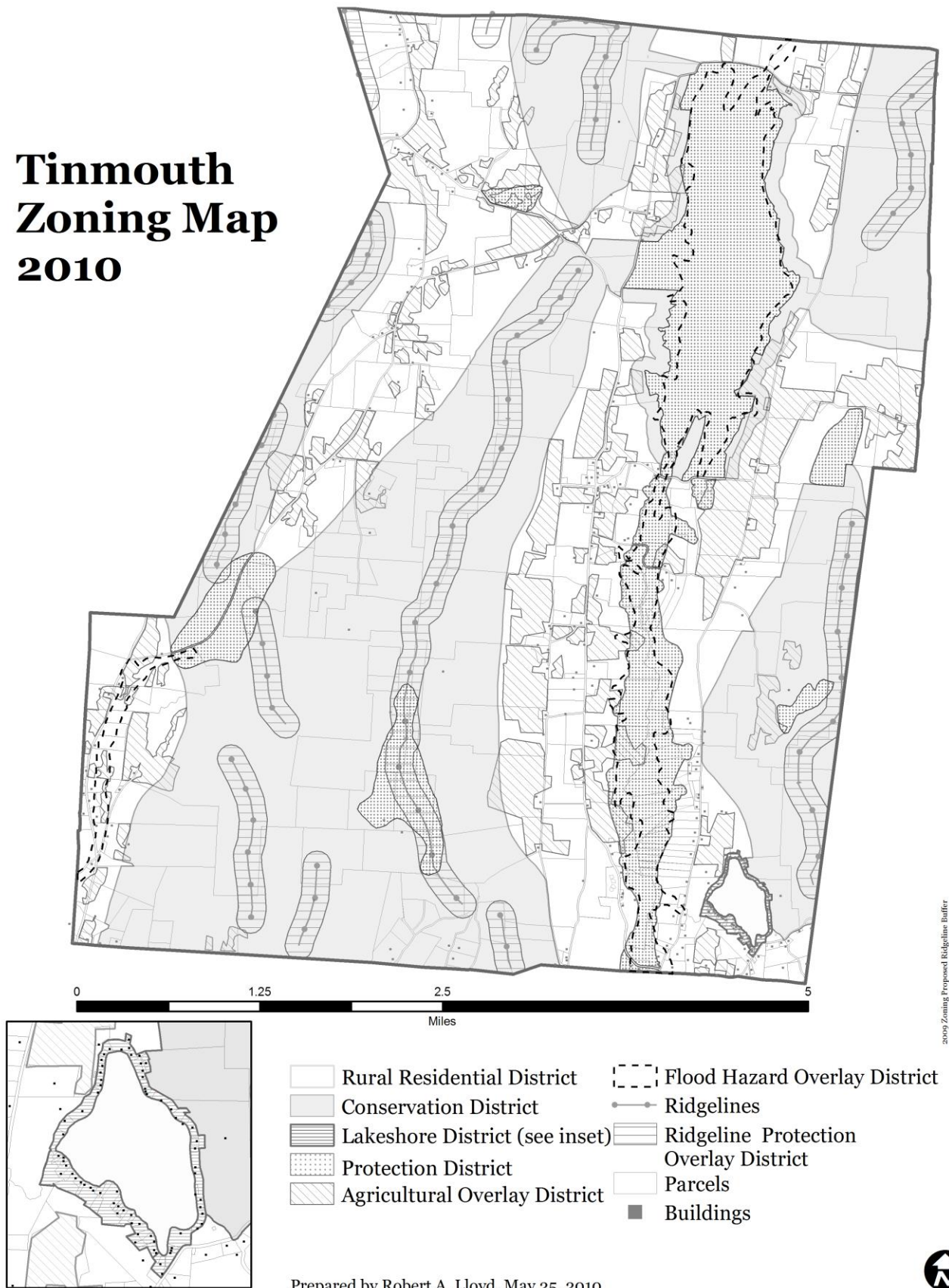
Maps included in the Tinmouth Town Plan are incorporated here by reference.

Section 203 - Interpretation of Zoning District Boundaries

Except in the Special Flood Hazard Area Overlay District, if uncertainty exists with respect to the boundary of any Zoning District on the Zoning Map, the Zoning Administrator, after consultation with the Planning Commission, shall determine the location of such boundary. The following shall serve as determining guidelines:

1. Boundaries which approximately follow the center lines of roads, streams, and transportation and utility rights-of-way shall be construed to follow such center lines;
2. Boundaries which approximately follow lot lines shall be construed to follow such lot lines;
3. Boundaries which follow shorelines shall be construed to follow the low mean water level;
4. Boundaries which are parallel to or extensions of features in (1) through (3) above shall be so construed.

Tinmouth Zoning Map 2010



Article III: Table of Permitted Uses

USES ARE LISTED AS (A) ALLOWED, NO PERMIT REQUIRED; (P) PERMITTED WITH A ZONING PERMIT; (C) CONDITIONAL USE, REQUIRING A CONDITIONAL USE PERMIT FROM THE BOARD OF ADJUSTMENT. USES NOT LISTED SHALL BE PROHIBITED.

All uses are subject to Article V; Non-residential uses are subject to Article VIII; Conditional uses are subject to Article IV

USE	Rural Residential	Conservation	Lakeshore	Protection	Ag. Overlay See Section	FH Overlay See Footnote below	Ridgeline Protection Overlay	Notes
Accessory Apartment	P	P	P		P			See Definition and Section 921
Accessory Dwelling	P	P			P			See Definition and Section 922
Accessory Uses and Buildings	P	P	P		C		C	See Section 908
Adult Care Facility (10 residents or less)	P				C			
Agriculture	A	A	A	A	A	P	A	
Animal Training Facility (incl. dogs)	C	C			C			See Definition
Bed and Breakfast	P	P	P		C			See Definition
Boat Rental Facility			P					
Boathouse, Private			P					
Church, convent, cemetery, parish house	C	C			C			See Section 406
Commercial Spring Water	C	C						
Contractor's Storage Yard	P	P	P		C			See Definition
Convenience Store	P	P	C		C			See Definition
With Small Gas Station	C	C	C		C			See Definition
Community Center	P	P	P		C			

USE	Rural Residential	Conservation	Lakeshore	Protection	Ag. Overlay See Section 407	FH Overlay See Footnote below	Ridgeline Protection Overlay	Notes
Day Care – six or fewer full time kids	P	P	P		P			See Section 916
Day Care – six to ten full time kids	P	P	P		P			See Section 916
Dwelling – Single Family	P	P	P		C		C	See Definition
Dwelling - Two Family	P	P	C		C			
Educational Camp	P	P	P		C			See Definition
Educational Institutions & Schools	C	C			C			See Section 406
Farm Stand	A	A			A			See section 913
Fire Station	P	P	P		C			
Food Processing & Distribution	C	C			C			See Small Industry
Forestry	A	A	A	A	A	P	A	See Section 918 – Seasonal Change of Use
Galleries, Art	P	P	P		C			
Group / Residential Care Home	P	P	P		P			See Section 915
Home Based Business	C	C	C		C			See Section 410
Home Occupations	P	P	P		P		C	See Section 913
Hunting Camp	P	P			C		C	See Definition
Kennel, Commercial	C	C			C			See Definition
Library	P	P			C			
Mobile Home Park	C							See Section 408
Municipal Offices	P	P			C			
Museums	P	P	P		C			

USE	Rural Residential	Conservation	Lakeshore	Protection	Ag. Overlay See Section 407	FH Overlay See Footnote below	Ridgeline Protection Overlay	Notes
Outdoor Lighting – residential	A	A	A		A	P		See Section 909
– non-residential	P	P	P		P			See Section 909
Over 2,000' elevation	C	C			C			See Section 909
Parks, Municipal	P	P	P		C	P	C	
Post Office	P	P	P		C			
Plant Nurseries	C	C	C		C			See Definition
Recreation Areas, Commercial	P	P	C		C			See Definition
Recreation Areas, Public	P	P	P		C	P	C	See Section 918 – Seasonal Change of Use
Recreation Areas, Commercial	P	P	C		C			See Definition
Recreation Areas, Public	P	P	P		C	P		See Def, Sec 918
Restaurant	P	P	P		C			See Definition
Sand and Gravel Pits	C	C			C			See Section 404
Small Industry	C	C			C			See Section 403
Small Professional Office	C	C			C			See Definition
Special Public Uses	C							See Section 406
Telecommunications Facilities	C	C			C		C	See Section 409
Temporary Uses and Structures	P	P	P	P	P		C	See Section 911
Windmills	C	C	C		C		C	See Section 405

Footnote on Flood Hazard Overlay Zone: With the exception of those uses listed as permitted in this column, all other uses listed as (P) or (C) in the underlying district are Conditional in the Flood Hazard Overlay (see Attachment A).

Section 301 - Limitations

Pursuant to 24 VSA §4413, the following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that the regulations do not have the effect of interfering with the intended functional use:

1. State- or community-owned and operated educational institutions and facilities.
2. Public and private schools and other educational institutions certified by the state department of education.
3. Churches and other places of worship, convents, and parish houses.
4. Public and private hospitals, regional solid waste management facilities certified under 10 VSA Chapter 159.
5. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 VSA §6606a.

Further, pursuant to 24 VSA §4413, no zoning permit shall be required for public utility power generating plants and transmission facilities, as these are regulated under 30 VSA §248. Nor shall a zoning permit be required for accepted agricultural and silvicultural practices, including the construction of farm structures, as defined by the appropriate state officials described in statute. However, a person shall notify the Zoning Administrator of the intent to build a farm structure, and shall abide by minimum setbacks for the relevant zoning district unless otherwise approved by the Secretary of Agriculture.

Further, pursuant to 24 VSA §4412: A residential care home or group home to be operated under state licensing or registration, serving not more than eight persons who have a handicap or disability as defined in 9 VSA §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 is located within 1000 feet of another existing or permitted such home.

Article IV: Uses Permitted Subject to Conditions

A zoning permit shall be issued by the Zoning Administrator for any use or structure which requires conditional use approval only after the Board of Adjustment grants such approval. The Board shall consider the appropriate conditions of Sections 401 through 413. One-family and two-family dwellings created following the adoption of the Tinmouth Subdivision Regulations, amended March, 2010, are exempted.

Section 401 - General Considerations

All structures, parking and loading areas, and accesses shall be located and designed to minimize natural resource and aesthetic impacts of the development. Designs which retain the maximum meadowland for potential agricultural use and maximum land of scenic value shall be given favorable consideration.

- A. The proposed development shall not adversely affect:
 - 1. The capacity of existing or planned community facilities, including the Tinmouth grade school, the town offices, the fire department, and any public water supply or sewage disposal systems;
 - 2. Traffic on highways in the vicinity;
 - 3. The potential for renewable energy resources on affected or adjacent properties
 - 4. The safety and efficiency of pedestrian circulation. Walkways shall be maximized.
- B. The proposed development shall be landscaped or screened to ensure compatibility with adjoining areas. In particular, the Board of Adjustment may require structures, parking and loading areas, or accesses to be screened or landscaped according to the following criteria:
 - 1. Visibility of areas from roads and/or adjoining properties.
 - 2. The need to screen parking areas from roads and adjacent properties.
 - 3. Proximity of lots used for residential purposes.
 - 4. All landscaping and screening shall be completed and maintained in accordance with the conditional use permit as approved by the Board of Adjustment. Any dead or diseased planting shall be replaced as soon as seasonally possible.
- C. Parking and loading facilities shall be adequate with respect to on-site circulation, parking, loading, and emergency vehicle access. Particular consideration shall be given to the effect of noise, glare, and odors on adjoining properties and to the general aesthetics of the design.
- D. The applicant may be required to provide a suitable performance bond or other form of security to guarantee the performance and completion of all planting required.
- E. In granting conditional use approval, the Board may attach such reasonable conditions, in addition to those outlined, as it deems necessary.

Section 402 - Applications for Conditional Use

All uses requiring Conditional Use approval shall submit the following to the Zoning Administrator:

- A. Eight (8) sets of a map and plan. The documents shall include the following:
 - 1. Name and address of the owner of record of this and adjoining lands; name and address of applicant, if different than owner; name and address of person or firm preparing the plan; written and drawn description of the property giving location, scale of map, north point, and date.

2. Map of the property drawn to scale showing existing features, including contours, structures, large trees, streets, utility easements, rights-of-way, land use and deed restrictions, zoning classification, zoning district boundaries, existing surface waters (brooks, ponds, etc.), if any..
 3. Scale Map showing proposed structure(s), locations and land use areas; streets, access points, driveways, traffic circulation, parking and loading spaces and pedestrian walks; utilities both existing and proposed; water wells and sewage treatment facilities
 4. Landscaping plans, noting all changes to the pre-existing landscape, including site grading, planting design, screening or fencing, detailed specifications of planting and landscaping materials to be used; existing and proposed above ground equipment such as propane tanks, transformers, etc.
 5. Construction sequence and anticipated time schedule for the completion of each phase for buildings, parking spaces and landscaped areas of the entire development.
 6. The location and size of proposed signs.
 7. Certification that the applicant has notified all adjoining property owners of the application.
- B. Any of the above information can be waived at the discretion of the Board of Adjustment. A request for a waiver shall be submitted to the Board of Adjustment and shall specify which portions are requested for waiver. The applicant shall include a preliminary plan providing sufficient information upon which the Board of Adjustment can make a decision. The Board of Adjustment may request additional information.
- A request for a waiver shall not be considered as submission for purposes of timing requirements relating to action on applications.
- C. The Zoning Administrator shall check to see whether all required information has been submitted and the fee paid and, if so, shall submit the completed application to the Board of Adjustment. Incomplete applications shall be returned to the applicant.

Section 403 - Small Industry

In addition to the requirements set forth in Sections 401 and 402, for applications proposing small industry uses, the Board of Adjustment shall consider the following:

1. The development or use must not destroy or significantly alter wetlands or natural areas identified in the Comprehensive Town Plan or by the State of Vermont.
2. No noise which exceeds 70dB(A) at the property line or which represents a significant increase in the noise levels in the vicinity of the development so as to be incompatible with the reasonable use of the surrounding area shall be permitted.
3. Fly ash, dust, fumes, vapors, gases and other forms of air pollution. No emission shall be permitted which can cause any damage to health, to animals, vegetation or other forms of property or which can cause excessive soiling at any point on the property of others.
4. Odors. No emission of detectable, objectionable odor beyond the property line shall be discharged, caused, allowed or permitted.
5. Fire, Explosive or Safety Hazard. No fire, explosive or safety hazard shall be permitted which significantly endangers other property owners or which results in a significantly increased burden on Municipal facilities or services.
6. Storage of Flammable Liquids. - The storage of any highly flammable liquid above ground with a total capacity greater than 550 gallons shall be prohibited within 500 feet'

of the nearest lot line and must conform with the State Fire Code regarding the storage of flammable liquids.

7. Hazardous Materials. All generation, handling, and disposal of hazardous materials shall be in compliance with Chapter 6, Subchapter VI of the Environmental Protection Regulations adopted by the Vermont Agency of Environmental Conservation. The storage, handling and disposal of nuclear and radioactive waste shall comply with Title 10, Chapter 157, VSA and Title 10, Code of Federal Regulations (CFR.)
8. Adequate space for loading and unloading must be provided within the boundaries of the lot. At no time shall any part of a truck or van be allowed to extend onto the traveled portion of a public road while the truck or van is being loaded or unloaded.
9. No outdoor storage of materials, equipment, or products of the industry shall occur within the lot setbacks and required yards.
10. Hours of operation – The Board of Adjustment may set hours of operation for an approved business.

Section 404 – Sand and Gravel Pits

In addition to the requirements set forth in Sections 401 and 402, for applications proposing sand and gravel pits, the Board of Adjustment shall consider the following:

1. All surface drainage affected by excavation operations shall be controlled by the owner to prevent erosion debris and other loose materials from filling any drainage course, road, or private property. All provisions to control natural drainage shall meet with the approval of the Zoning Administrator.
2. No excavating or stock piling of materials shall be permitted within 75 feet of the nearest property line or 300 feet of the nearest dwelling.
3. No power-activated sorting machinery or equipment shall be located within 75 feet of the nearest property line or 300 feet of the nearest dwelling.
4. No blasting or crushing shall be permitted.
5. Stripping of top soil for sale or for use on other premises, except as may be incidental to a construction project or sand or gravel operation on the same premises, shall be prohibited.
6. No sand or gravel pit shall be located in a wetland area as designated on the National Wetlands Inventory Map. Said map is incorporated herein by reference.
7. Hours of operation shall be limited to 8:00 am - 5:00 pm, Monday through Friday.
8. Dust must be controlled on any private access road. Dust from a screen must be contained on site.
9. Access to a sand or gravel pit should not be located through a wetland, unless no reasonable alternative is available.
10. Entry access shall have a locked gate.
11. Provisions shall be made to prevent spills/discharges of oil, grease, lubricants, etc.
12. Evergreen buffer screen consisting of a staggered double row of 8' to 10' (minimum) evergreens, 10' on center, must be planted and maintained to screen residential views of site/activities. These may be thinned to maintain the screen. Screen may be required up to 300' from access road or pit.
13. A reclamation/restoration plan shall be submitted and include:
 - a. all boundaries of the area proposed for restoration
 - b. final topography of the area proposed for restoration

- c. final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities
 - d. schedule of final restoration activities including seeding mixtures, cover vegetation, fertilizer types and rates;
 - e. photographs of the site before excavation (from at least two different points); and,
 - f. subsequent use of the site, if known or anticipated.
14. The extension or expansion of existing sand and/or gravel pits by more than 2 acres in 5 years shall require a permit.
 15. The Board of Adjustment may require a bond for reclamation
 16. Applicant must obtain all necessary State permits and comply with all applicable regulations.
 17. A sand or gravel pit on a farm shall be termed accessory to an agricultural use and shall not be subject to provision (5) of this Section if all of the following requirements are met:
 - a. The excavation area is confined to one-half acre or less.
 - b. No trucks whose primary function is hauling sand, gravel or soil are kept on the premises.
 - c. The sand or gravel pit is not a primary source of income or the owner thereof.
 - d. No power-activated sorting machinery or equipment is located on the premises.
 18. Slopes are not to exceed 2 to 1.
 19. No more than 1 acre per year may be excavated.

Section 405 - Windmills (Wind Energy Conversion Systems)

All systems to be connected to the power grid must go through Section 248 of V.S.A. Title 30 and are exempt from town regulation. In addition to the requirements set forth in Sections 401 and 402, the Board of Adjustment shall consider the following when reviewing applications for off grid windmills / Wind Energy Conversion Systems (WECS).

1. Natural screening using existing landscape features is encouraged.
2. Where feasible, structures and facilities shall be sited to avoid open fields.
3. The maximum design output for a facility shall be 30 kw.
4. The maximum height for any windmill facility shall be 130 feet.
5. Towers shall have a minimum setback from all property lines, power lines, and public rights of way of either 100 feet or 1½ times the height of the tower, whichever is greater.
6. Wind energy systems shall not exceed sound levels of 70 dBA as measured at the nearest neighboring property boundary. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
7. No wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator. Off-grid systems shall be exempt from this requirement.

Section 406 - Special Public Use Limitations

- A. This section applies to uses specified under 24 VSA Chapter 117 §4413 and listed below:
 1. State- or community-owned and operated institutions and facilities
 2. Public and private schools and other educational institutions certified by the state department of education
 3. Churches and other places of worship, convents and parish houses

4. Public and private hospitals
 5. Regional solid waste management facilities certified under 10 V.S.A chapter 159
 6. Hazardous waste management facilities for which a notice of intent to construct has been received under section 6606a of Title 10.
- B. In addition to the requirements set forth in Sections 401 and 402, the Board of Adjustment shall consider the following:
1. Additional yard space or setbacks of the use from the property line other than what is already required in the district may be required to protect the privacy of adjoining property owners.
 2. The density, size, height or bulk of buildings may be increased or decreased as needed to ensure compatibility with established patterns of land use in the district, and to ensure orderly growth and development in the community.

Section 407 - Conditional Use in the Agricultural Overlay

For a listing of uses relevant to this section, see Article III, Table of Uses.

In addition to the requirements set forth in Sections 401B and 402, the Board of Adjustment shall consider the following:

Where feasible, all structures, landscaping, and accesses shall:

1. Retain a maximum amount of contiguous open land for agricultural use by
 - a) siting structures in treed areas or on the edges of open land, or
 - b) by implementing other innovative with the permission of the Board or of these regulations;
2. Utilize the least productive land for development
3. Protect historic resources and outstanding natural resources;
4. Be compatible with existing uses; and,
5. Provide shared driveways for separate homes.

Section 408 – Mobile Home Park

In addition to the requirements set forth in Sections 401 and 402, the Board of Adjustment shall consider the following when reviewing an application for the establishment of a mobile home park:

1. Mobile home lots in a mobile home park shall not be located within a flood way, and all mobile home pads within the park, if located in a Flood Hazard Area, shall meet the requirements of Section 411.
 2. All mobile home parks shall have individual lots for units, adequate driveways and sufficient parking.
 3. There shall be no dead-end rights-of-way unless with a turnaround having at least a fifty (50) foot interior radius.
 4. All roads within a mobile home park shall comply with Town road standards, and adequate walkways shall be provided.
 5. The minimum size for a mobile home park shall be ten acres and it shall have at least 2.5 acres per individual mobile home lot.
 6. A mobile home park shall consist of no more than ten (10) mobile home lots. Each mobile home lot shall be at least 20,000 square feet in area; shall have an average width of at least 100 feet and an average depth of at least 120 feet; and shall have planted thereon at least 4 trees of native species at least 1 inch diameter at chest height.
 7. Minimum setbacks shall be 15 feet from all mobile home lot edges. All buildings not physically connected to a mobile home must be at least fifteen (15) feet from any other building or mobile home.
 8. A minimum of twenty (20) percent of the total land area in any mobile home park shall be set aside for common recreational use.
- The project must meet all state and local septic and water standards.

Section 409 - Wireless Telecommunication Facilities

A. Purpose. The purpose of this section is to ensure appropriate review and oversight of wireless telecommunications towers and associated infrastructure, to protect the scenic, historic, environmental, and residential resources and qualities of the community, and to minimize the visual and environmental impacts of these facilities, all within the confines dictated by federal law.

B. Procedure

1. Conditional use approval is required for all wireless telecommunications facilities that are licensed and/or regulated by the Federal Communications Commission, along with any associated equipment, buildings, and infrastructure. However, in accordance with 24 VSA §4412(9), the Zoning Administrator shall issue a permit for a Wireless Telecommunications Facility that is determined to create either no impact or only de minimis impact upon any of the criteria in this Article of the Zoning Regulations. The Zoning Administrator's decision shall be in writing, and may be appealed as with any other decision.
2. No permit shall be required for a Wireless Telecommunication Facility that is subject to or has received a Certificate of Public Good under 30 VSA §248a.
3. Prior to granting any approval, the Board of Adjustment shall make affirmative findings upon the entire general conditional use criteria described in Article IV of the Zoning Regulations; the criteria described below; any other applicable provisions of this Ordinance, and the goals and policies in the Town Plan.
4. A complete application form shall be filed, along with a site plan showing all information required in Section 402, and any other information required in this Section. A complete application shall also include a report, plans, and elevations stamped by qualified engineers that:
 5. Describes the height, design, and elevation of all proposed infrastructure;
 6. Documents the height of all proposed antenna mounting positions on a tower;
 7. Describes the tower's proposed capacity, including number, height, and type(s) of antennas that the tower is expected to accommodate; and
8. Documents the need for the proposed site and structure(s), and demonstrates why no other alternative site will provide adequate coverage or capacity. However, the applicant may at the same time submit the required information for alternative sites acceptable to it. If the Board of Adjustment rejects the primary site, on request of the applicant it will proceed to consider such alternative site or sites without requiring a new application.
9. Applicants shall also submit photographs of existing conditions at the proposed site or sites, and accurate photo simulations showing post-construction conditions at the site.
10. Additional information may be required by the Board of Adjustment.
11. An applicant must be a wireless service provider or FCC licensee, or landowner with an executed contract to provide land or facilities to one of those entities. A permit shall not be granted for facilities to be built on speculation.
12. No permit shall be required for a property owner to place or allow placement of antennae used to transmit, receive, or transmit and receive communications signals on the property owner's premises if the aggregate area of the largest face of the antennae is not more than eight sq ft, and if the antennae and mast to which they are attached do not extend more than 12 feet above the roof of that portion of the building to which they are attached.

13. No permit shall be required for a Wireless Telecommunication Facility that is used exclusively for municipal radio dispatch service or emergency radio dispatch service and which does not exceed 50 feet in height.
14. This section shall not apply to amateur radio, citizens band radio, AM or FM radio, or broadcast television service.

C. Location

1. Prohibited locations. Telecommunications towers and associated equipment, buildings, and infrastructure shall not be located in:
 - a. Land not ordinarily suitable for subdivision under Section 301.1 of the Subdivision Regulations
 - b. Historic Districts as defined in the Town Plan, or designated as such by the State of Vermont or the United States Department of the Interior; unless located within an existing structure, e.g. a church steeple or attic.
 - c. Protection District or the Flood Hazard Overlay Zone;
 - d. any required setback from rivers, streams, or wetlands.
2. Telecommunications towers, and associated equipment, buildings, and infrastructure, including access roads, shall comply with Section **412**, Conditional Use in the Ridgeline Protection Overlay District.
3. Applicants are encouraged to locate antennas within existing tall structures such as church steeples or barn silos; in these instances, the above standards may be modified by the Board of Adjustment.
4. Height. In addition to other standards herein, no tower or structure shall exceed 130 feet in height. No tower or structure may be higher than 10 feet above the average height of buildings within 300 feet of the proposed facility. The Facility will not project more than 20 feet above the average elevation of the tree line measured within 50 feet of the highest vertical element of the Wireless Telecommunication Facility on lands owned or leased by the applicant.
5. Setbacks. The minimum setback requirement for any telecommunications tower or associated structure shall be as required in the applicable zoning district, plus an additional setback equal to the height of the tower (the 'fall zone'). The minimum setback for any tower taller than 100' shall be 300' from a dwelling and residential zoning district boundary. Where a tower is mounted on an existing structure such as a barn, silo, church steeple, or utility pole, and the tower does not increase the height of the structure more than ten feet, then the additional 'fall zone' setback is not required.
6. Lighting. Towers requiring lighting shall not be permitted, unless the Board of Adjustment finds it the only viable alternative to meet reasonable facility requirements of a communications service provider. If a tower tall enough to require lighting is permitted by the Board of Adjustment, the only tower lighting allowed is that required by FAA regulation. All lighting shall be shielded to minimize or prevent glare onto adjoining properties.
7. Bulk, Height, and Glare. All towers and related infrastructure shall be designed to minimize the visual impact of height and mass. Materials shall be of a type, style, color, and location so as to blend into the site, minimize glare, and not result in undue adverse visual impacts to the natural landscape or the built environment.

8. Noise. The Board of Adjustment may require the applicant to provide a study from a qualified engineer as to the maximum projected noise from the proposed facility, measured in dB Ldn (decibels, logarithmic scale, accounting for greater sensitivity at night). This study shall include existing or ambient measurements, plus noise that may be created or caused by the proposed facility. Noise measurements and projections shall be provided for the location of the tower facility itself and at the property line. Noise emissions shall not exceed 70 db at the property line.
9. Screening/Camouflage/Fencing.
 - a. Screening shall be required at the perimeter of the site, unless it is demonstrated that existing natural foliage is sufficient. Required screening shall be at least ten feet in depth, and at least ten feet tall, with the potential to grow to significant size at maturity.
 - b. Disturbance to existing topography or vegetation shall be minimized, unless found necessary to mitigate visual or aesthetic impacts. The location and type of security fencing shall be shown and described on the site plan.
 - c. Towers are not required to be camouflaged as trees. If the applicant chooses to disguise the tower as a tree, it shall closely imitate a native species such as white pine, hemlock, or spruce.
10. Co-location
 - a. The principle of co-location shall be employed to the greatest extent possible. The applicant shall demonstrate that there are no other existing towers that can accommodate the proposed use(s). If other towers do exist, then the applicant must demonstrate that they are technically inadequate, and/or that bona fide, good faith negotiations with that landowner have failed. The duration and terms of any offer by either party shall be disclosed to the Board of Adjustment.
 - b. Any permit granted shall include a condition requiring that other wireless service providers shall be allowed to co-locate on any new or existing tower. The applicant shall provide written evidence as to how it will comply with this condition, and under what terms it proposes to allow co-location. Such terms must be approved by the Board of Adjustment and included in the permit.
11. Access Roads and Above Ground Utilities. Any roads or above ground utilities shall follow the contour of the land, and be sited and constructed to minimize visual impacts to the greatest extent possible.
12. Environmentally Sensitive Areas. The Town Plan and Zoning Regulations describe environmentally sensitive areas including steep slopes, wetlands, floodways, unique natural features, wildlife habitat, historic sites, high elevations, ridgelines, and scenic resources. Telecommunications facilities and associated infrastructure shall avoid undue adverse impacts on these areas to the greatest extent possible. Where there may be adverse impacts, then the project shall be designed to mitigate these impacts to the greatest extent possible. The Board of Adjustment shall approve these mitigations in the permit.

D. Annual Status Report

The owner/operator shall provide an annual report to the town on the status of the facility, including any plans being contemplated or anticipated for modification or removal of the facility.

E. Abandonment or Discontinuation of Use

At least 30 days prior to abandonment or discontinuation of use, the owner/operator shall provide written notice to the Town by certified mail of any intent to abandon or discontinue the use of the facility or site. Upon abandonment or discontinuation of use, Zoning Administrator may require the owner/operator to remove all structures and facilities promptly and return the site to an acceptable condition as determined

by the Zoning Administrator, unless it is demonstrated that good cause exists (for example, time of year or anticipated reuse by another party) to allow these structures and facilities to remain. In either case, a clear and definitive time frame shall be specified for removal.

F. Bond or Security

As a condition of permit approval, the Board of Adjustment may require a bond or other means of security to ensure that sufficient funds will be available to remove all structures and restore a site should the owner/operator be unwilling or unable to do so. If the Board of Adjustment or Select Board determines that such bond must be reviewed by counsel, applicant shall be responsible for paying a reasonable attorney's fee.

G. Modifications

Any change in the number or size of facilities or equipment, or change in technology from the original permit, shall require an amendment to that permit.

H. Independent Review

If needed or requested, the Board of Adjustment may engage independent consulting assistance to review the application for conformance with the Zoning Regulations and Town Plan. Consistent with federal law, the applicant will be required to pay any costs associated with that review. The Board of Adjustment shall not issue a decision until these funds, and any attorney's fee due under F above, are received.

I. Consistency with Federal Law

These regulations are consistent with the Telecommunications Act of 1996, in that they do not prohibit the provision of wireless telecommunications services, do not discriminate among service providers, and do not pre-empt FCC regulations governing radio frequency emissions.

J. Telecommunications Terms

Antenna: A device attached to a tower or other structure for transmitting or receiving wireless signals.

Co-location: The use of a single mount or tower for more than one antenna for one or more telecommunications providers.

FAA: Federal Aviation Administration

FCC: Federal Communication Commission

Telecommunications facility/Wireless telecommunications facility: A tower, pole, antenna, or other structure intended for receipt or transmission of radio, telephone, or television signals or other electromagnetic signals by a telecommunications or wireless service provider. This includes all appurtenant equipment and infrastructure, including but not limited to access trails or roads, guy wires, buildings, or other equipment or structures.

Telecommunications provider/Wireless service provider: an entity licensed by the FCC to provide telecommunications services to individuals or institutions.

Tower: A structure more than 20 feet in height above the ground elevation built for the purpose of support, elevation, or placement of antennas for broadcast services or wireless services.

Section 410 - Home Based Business

In addition to the requirements set forth in Sections 401 and 402, the Board of Adjustment shall consider the following:

1. The dwelling and the lot shall maintain a residential appearance. Accessory structures must not significantly affect the character of the neighborhood. Goods for sale shall only be displayed inside buildings, except to the extent that external display is permitted by the Board of Adjustment. No used goods or components (“junk”), whether intended for reuse or later recycling, shall be visible. All such items must remain within buildings at all times.
2. A single sign consistent with State sign law may be placed at the road frontage. Additional outdoor signs advertising goods produce or for sale are not permitted.
3. The business shall be conducted within a portion of the dwelling or in a building or buildings accessory thereto.
4. The business will be owned and operated by a resident of the dwelling, and shall employ no more than two additional workers, other than members of the owners’ immediate family living in the dwelling. The Board of Adjustment may approve a larger number of employees if the applicant shows that they will not cause excessive traffic for the adjacent roads and neighborhoods, and the number of employee vehicles parked at the site will not create an industrial appearance. The Board may require screening of parking lots.
5. The Board shall take into account the proximity of neighboring dwellings or institutions and the business’s potential effect on neighbors. The business shall not generate unsafe or intrusive traffic, parking, noise, vibration, glare, fumes, odors, or electrical interference in the neighborhood.
6. The conditional use permit is granted to the applicant for the length of time that the applicant occupies the dwelling. The permit shall expire upon relocation by the applicant and shall neither remain with subsequent occupants or the dwelling nor transfer to a new location with the applicant.
7. Fire, Explosive or Safety Hazard. No fire, explosive or safety hazard shall be permitted which significantly endangers other property owners or which results in a significantly increased burden on Municipal facilities or services.
8. Hazardous Materials. All generation, handling, and disposal of hazardous materials shall be in compliance with Chapter 6, Subchapter VI of the Environmental Protection Regulations adopted by the Vermont Agency of Environmental Conservation. The storage, handling and disposal of nuclear and radioactive waste shall comply with Title 10, Chapter 157, VSA and Title 10, Code of Federal Regulations (CFR.)
9. Hours of operation – The Board of Adjustment may set hours of operation for an approved business.

Section 411 – Projects in the Flood Hazard Overlay District

Regulations of projects in the Flood Hazard Overlay District are contained in Attachment A, Town of Tinmouth Flood Hazard Area Regulations. Projects requiring a conditional use permit are described in Attachment A, Section V, “Conditional Use Approval.”

Section 412 - Conditional Use in the Ridgeline Protection Overlay District

In addition to the requirements of Sections 401 and 402, the Board of Adjustment shall consider the following:

1. Structures and access roads shall be sited to avoid ridgelines, designed to be as unobtrusive as possible, and blend into the forest landscape to the maximum extent feasible.
2. When viewed from VT 140, VT 133, Mountain View Road, North End Road, North East Road, East Road, Gulf Road, or Upper Gulf Road, no part of any structure shall appear to be higher than the ridgeline.

3. Structures and access roads shall be sited on land as level as possible, such as benches and terraces, and avoid steep slopes. The highest point on a structure, except for communications towers and residential windmills, shall be at least 50 feet below any nearby ridgeline.
4. Tree cutting shall be limited. Ridgelines shall not be cleared for lawns or other purposes connected with a structure.
5. Access roads shall be designed to avoid steep slopes, and shall be shielded by vegetation from visibility from the valley below. They shall be constructed and maintained at private expense. They must be reviewed by the Chief of the Tinmouth Volunteer Fire Department for accessibility by the Department's equipment. Hunting camps are exempt from this requirement.

Article V: Lot Size, Setbacks, Yards

Section 501 - Setbacks

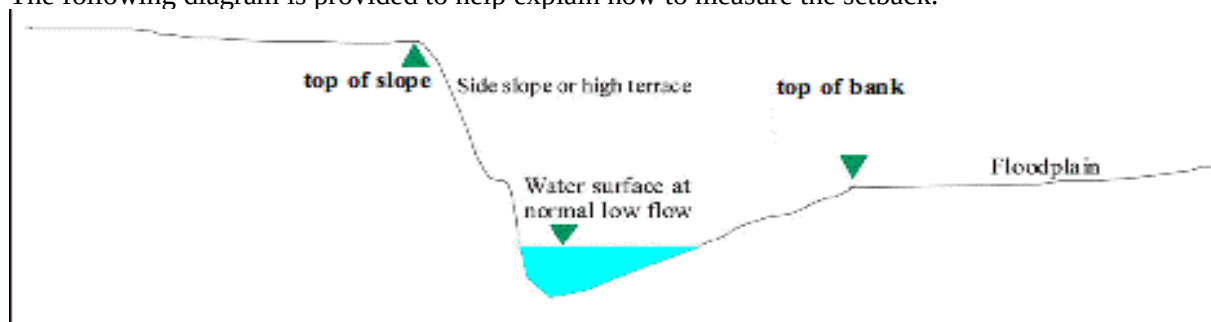
The following requirements apply to all uses shown as Permitted (P) in Article III, Table of Uses. Conditional Uses shall meet the requirements of Article IV and Article V.

District	Min Lot Size	Setbacks					Min Lot Frontage ¹	Max Bldg Height ¹	Notes
		Front	Side	Rear	Lake shore	Rivers & streams			
Protection		-	-	-	-	35'		-	
Conservation	25 acres	50'	35'	35'		35'	400'	35'	
Rural Residential	5 acres	50'	35'	35'	35'	35'	150' plus 50' for each acre above three, up to 400'	35'	
Lakeshore	1 acre	25'	10'	25'	50' ¹	35'	80'	35'	
Agricultural Overlay	Same as underlying district					35'			See Section 407
Flood Hazard Overlay	Same as underlying district								See Section 411
Ridgeline Protection Overlay	Same as underlying district								See Section 412

Section 502 - Rivers and Streams Setback

A 35' buffer of undisturbed natural vegetation, measured perpendicular to the top of slope (see diagram below), shall be left along the edges of rivers and streams. The purpose is to promote the establishment and protection of heavily vegetated areas of native vegetation and trees along the Town's water bodies to reduce the impact of storm water runoff, prevent soil erosion, protect wildlife and fish habitat, and maintain water quality.

The following diagram is provided to help explain how to measure the setback.



Section 503 - Wetland Setbacks

A protected 100 foot buffer zone of natural vegetation shall be maintained around all Class I and II wetlands identified on the Town's Wetland Inventory Map to protect flood control, water quality, ground water recharge and wildlife habitat functions.

If development is being considered within 400 feet of Class I, or within 100 feet of Class II wetlands, the applicant is advised to contact the District Wetlands Ecologist at the regional Department of Environmental Conservation Water Quality Division to delineate the onsite wetland boundary and obtain any required state permit.

Section 504 – Exclusion of Road Right of Way from Lot Area

Lot area for the purpose of establishing minimum lot size shall exclude lands lying within public and private rights-of-way.

Section 505 – Setback for a Deck Attached to a Dock

A deck no larger than 300 square feet attached to a dock in the water, only needs to meet the side setback requirement in the Lake Shore District.

Article VI: Nonconformities

Section 601 – Nonconforming Uses and Nonconforming Dimensions

A nonconforming use is a use of a property or an activity on the property, which is not an allowed or permitted use in that Zoning District. A nonconforming dimension is a physical dimension such as, but not limited to, setbacks, building height or lot frontage, that is not consistent with the rules governing such dimensions in the Zoning District. All nonconformities, whether of use or dimension, are subject to the provisions of this Article.

Section 602 – Construction Approved Prior to Adoption or Amendment to Regulations

Nothing contained in these Regulations shall require any change in a nonconforming use where such nonconformity conformed to all applicable laws, ordinances, and regulations, or the permit for which was issued, prior to the enactment of these regulations.

All nonconformities shall be subject to the provisions of Sections 602 through 605 of this regulation.

Section 603 - Completion of Construction

All construction of nonconforming structures for which permits were granted under the provisions of previous regulations must be completed within one year of the effective date of these regulations.

Section 604 - Changing a Nonconforming Use

A Nonconforming Use may be changed to another Nonconforming Use only with the approval of the Board of Adjustment and then only to a use which in the judgment of the Board is of a lesser, or no more, non-conforming nature. Whenever a Nonconforming Use has become conforming, it shall not revert back to a nonconforming use.

Section 605 – Enlarging a Nonconforming Use or Structure

The area of a structure or structures containing a nonconforming use may be enlarged on the same lot with the approval of the Board of Adjustment, provided that:

1. all provisions of these Regulations, except type of use, are complied with; and
2. the Board of Adjustment determines that there will be no undue, adverse effect on the character of the neighborhood; and
3. only one such enlargement is made; and
4. the total enlargement does not exceed fifty percent (50%) of the area of the structure containing the nonconforming use in existence at the time of the adoption of these Regulations; and
5. such action does not increase the degree of nonconformance.

Section 606 - Restoration of a Nonconforming Use or Structure

1. Lands, buildings, and other improvements used for a nonconforming use which have been damaged or destroyed by fire, explosion, flood, vandalism or act of war, may be restored to carry out the same use within one year. The Board of Adjustment may extend this period for one year when it can be demonstrated that restoration within one year is not possible or, in the judgment of the Board of Adjustment, creates an undue hardship.
2. Buildings and other improvements having dimensional nonconformities which have been damaged or destroyed by fire, explosion, flood, vandalism or act of war, may be restored to the same dimensions within one year with the prior approval of the Board of Adjustment. Otherwise, replacements for the improvements shall comply with the Zoning Regulations in effect at the time of loss.

Section 607 – Discontinuance of a Nonconforming Use or Structure

Any Nonconforming Use or Structure, which has ceased by discontinuance or abandonment for a period of one year shall thereafter conform to the provisions of this Regulation. Intent to resume a nonconforming use shall not confer the right to do so unless actual resumption occurs within the specified time period.

Section 608 – Maintenance of a Nonconforming Use

A Nonconforming Use may be normally maintained or repaired provided that such action does not increase the degree of nonconformance.

Section 609 – Development of Nonconforming Lot

An existing nonconforming lot or parcel may be developed provided that all provisions of these Regulations, except those which create the nonconformity are complied with. See also existing small lots (Section 906).

Section 610– Alteration of a Nonconforming Lot or

The boundaries of a nonconforming lot or parcel may be altered only in a manner that decreases, or does not increase, its degree of nonconformity.

Section 611 – Repair, relocation, replacement, or enlargement of nonconformities within a regulated Flood Hazard Area

[See Attachment A]

Article VII: Repealed (November 2018)

Article VIII: Site Plan Approval

Section 801 - Site Plan Approval

No zoning permit shall be issued by the Zoning Administrator for any use or structure until the Planning Commission grants site plan approval. Notwithstanding, the following uses or structures are exempted:

- One-family and two-family dwellings
- Accessory structures
- Uses or structures requiring a conditional use permit
- Uses or structures approved as part of lot created following the adoption of the Tinmouth Subdivision Regulations, amended November, 2010.

A. Submission of Site Plan Map and Supporting Data

The owner shall submit two (2) site plan maps 24”X36” in size; and in addition, ten (10) sets of 11”X17” photo-reduced copies, and supporting data to the Planning Commission which shall include the following information presented in drawn form and accompanied by written text:

1. Name and address of the owner of record and adjoining lands; name and address of person or firm preparing the map (if different); scale of map, north point and date.
2. Survey or sketch of the property showing existing features, including contours (if available), structures, roads, utility easement, rights of way, zoning classification, zoning district boundaries, land use and deed restrictions.
3. Site plan showing proposed structure(s), locations and land use areas; streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks; landscaping plans, including site grading, landscape design and screening.
4. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development.

B. Site Plan Review Procedure

The Planning Commission shall take into consideration the following objectives in conducting its review:

1. Innovative siting of buildings that considers the Tinmouth Town Plan’s objectives of preserving open fields and regionally connected forested ridges. Site plans that retain the maximum possible meadowland for potential agricultural use and maximum possible land of scenic value shall be given favorable consideration. The Planning Commission shall encourage structures and roads to be located on the edges of properties, where such siting furthers the preservation of meadowland, unfragmented forested blocks, sensitive natural areas, and historic sites and structures.
2. Maximum safety of pedestrian and vehicular circulation between the site and the street network including: location, number and width of access points, curve radii at access points, acceleration or deceleration lanes on adjacent public streets; sight distance improvements; shared access with adjoining properties; and location of sidewalks and/or other walkways. Particular consideration shall be given to visibility at intersections, to traffic flow and control, to pedestrian safety and convenience, and to access in case of an emergency.
3. Consideration shall be given to the items in 2. above and effect of noise, glare, or odors on adjoining properties. Refuse and service areas should be included in this consideration. Provisions for snow removal should also be made.
4. Adequacy of circulation, parking and loading facilities. Adequacy of on-site circulation, parking, and loading facilities. In the case of a Planned Residential Development, no more than eight parking spaces shall be accommodated in any single parking area.

5. Particular attention shall be given to safety, including aisle widths to accommodate emergency vehicles, traffic movement patterns and location of parking areas to prevent conflicts with entering and exiting traffic onto a public street, location of loading docks and number and size of parking spaces.
 6. Adequacy of landscaping, screening and setbacks with regard to achieving maximum compatibility and protection to adjacent properties.
 7. Particular consideration shall be given to preservation of existing vegetation, visibility of unsightly areas from the road and adjoining properties and the adequacy of landscaping materials to meet seasonal conditions and soils conditions.
 8. Protection of existing or proposed renewable energy resources, such as solar collectors and windmills, on this and adjoining properties.
 9. Adequate storm water management measures to ensure that no additional storm water runoff is generated beyond the boundaries of the property and that existing drainage patterns are not altered in a manner which impacts neighboring properties, town highways or surface waters.
 10. Plans for handling storm water runoff shall utilize the best available technology to minimize off-site storm water runoff, increase on-site infiltration, and encourage natural filtration functions.
- C. The Planning Commission shall act to approve, approve with conditions, or disapprove any such site plan within forty-five days after the date upon which it receives the completed set of plans and information required by A. above. Failure to so act within such period shall be deemed approval.
- D. Copies of the Planning Commission's decision, along with findings of fact shall be sent to the applicant and filed with the town clerk.

Article IX: General Regulations

Section 901 - Required Frontage on, or Access to, Public Roads or Waters

No land development may be permitted on lots which do not have either frontage on a public road or public waters, or access to such road or waters by a permanent easement or right-of-way at least 25 feet in width.

Section 902 - Front Yard Setback

Notwithstanding provisions for front yards elsewhere in these regulations; the front yard setback shall be measured starting 25 feet from the center line of the road. This setback requirement shall apply to public and private roads.

Section 903 - Waste Water Disposal and Potable Water Supply

Sewage disposal shall be accomplished by means of on-site systems in locations shown on the submitted site plans. Prior to the start of construction, the developer must 1) submit copies of plans and documents used to obtain a state wastewater and potable water supply permit under the Vermont Wastewater System and Potable Water Supply Rules; 2) submit state certificate that shows full compliance with a state permit issued under those rules; 3) provide timely notice of, and opportunity to observe, any soil testing, such as the digging of test pits. See also Section 1103, Certificate of Occupancy.

Section 904 - Lots in More than One Zoning District

Where a District boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend not more than 30 feet into the more restricted part, provided the lot has frontage on a road in the less restricted district.

To build on a lot which is located in two districts, the building must meet the requirements of the district in which the building will be built.

Section 905 - Reduction of Lot Area

No lot shall be so reduced in area that the area, yards, lot width, frontage or other requirements of these Regulations shall be smaller than herein prescribed for each District. The provisions of this section shall not apply when part of a lot is taken for a public purpose.

Section 906 - Existing Small Lots

Any lot described in a deed in the town land records in existence on the effective date of the most recent relevant amendment to these Regulations may be developed for a purpose permitted in the District in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre or with a minimum width or depth dimension of 40 feet.

Section 907 - More Than One Use on a Lot or of a Structure

Nothing in this ordinance shall prevent two different uses from occupying a single lot (meeting minimum lot size) or structure, provided that each use complies with all other applicable provisions of this ordinance.

Section 908 - Accessory Structures

An accessory structure shall comply with the required lot setbacks and height limitations. Agricultural buildings are exempt from height limitations.

Section 909 - Outdoor Lighting

All private lighting shall be placed, directed, and shielded so that the light points downward and does not create direct light to shine on other properties. Lighting shall not interfere with pedestrian or motorist vision.

Lighting shall be placed in a manner that will not create a nuisance to other premises, interfere with traffic, and which shall be in keeping with Tinmouth's rural character.

Lighting shall not be neon and shall be in a steady, non-fluctuating or non-undulating manner (Temporary holiday lighting is exempt from this requirement)

Section 910 - Off-Street Parking Space Requirements

For every building hereafter erected, altered, extended or changed in use, there shall be provided sufficient off-street parking spaces..

Section 911 - Temporary Uses and Structures

Temporary permits may be issued by the Zoning Administrator for a period not exceeding one year for non-conforming uses incidental to construction projects provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one year.

Section 912 - Parking and Occupancy of Recreational Vehicles

A "recreational vehicle" as used in this section means a Class A, B, or C motor home, a fifth wheel trailer, camping trailer, travel trailer, pick-up coach, or camper, and any other self-propelled vehicle designed or converted for temporary occupancy while traveling or camping. The term also includes all vehicles with facilities for sleeping, eating, and other life activities, except for a permanently established mobile home. It shall be unlawful for any person to park a recreational vehicle on any public or private property, except in accordance with the following regulations:

1. The owner of a recreational vehicle may park it on his own property and no closer than 15 feet to any lot line. A recreational vehicle so parked shall not be used as permanent living quarters and shall not be hooked up to any utilities.
2. A recreational vehicle may be occupied on any lot by a non-paying guest of the owner of the lot for a period not to exceed 45 days in any 12 month period. It shall not be hooked up to any utilities.

Section 913 - Home Occupations

Residents may use a minor portion of a dwelling or accessory structure for an occupation which is customary in residential areas and which does not change the character of those areas as long as:

1. The dwelling, accessory structures and the lot maintain a residential appearance at all times;
2. The home occupation shall be carried on within a minor portion of the dwelling or a minor portion of an accessory building such as garage or barn.
3. Exterior displays of goods and wares, or the exterior storage of materials not customarily associated with residential use, or other exterior indications of the home occupation, including alterations to the residential character of the principal or accessory structures, shall not be permitted. One unlit exterior sign is permitted.
4. The use is conducted within a portion of the dwelling or a building accessory thereto by a resident or the principal practitioner of the home occupation and not more than two (2) employees;
5. The use does not generate unsafe or intrusive traffic, parking, noise, vibration, glare, fumes, odors or electrical interference.
6. A permitted home occupation is granted to the applicant for the length of time that the applicant occupies the dwelling. The permit shall expire upon relocation by the applicant and shall

neither remain with subsequent occupants of the dwelling nor transfer to a new location with the original applicant.

7. A home occupation may include sale on the premises of goods produced by the applicant and employees on the premises. For sales of goods produced by others, retail or wholesale, see Section 410, Home Based Business
8. The home occupation permit does not allow expansion of the occupation into a home based business or small industry, nor does it entitle the applicant to a conditional use permit for such expansion. If expansion is desired, to small industry or home based business a permit will be required. See Sections 403 and 410.
9. A used or new car sales business, other than infrequent casual sales of a resident's personal vehicles, is not a home occupation.
10. A seasonal farm stand is an agricultural use, provided it sells products grown on the farm where it is located. A farm stand may also sell agricultural products grown or produced (e.g., maple products or fresh milk) in the Town of Tinmouth.

Section 914 - Equal Treatment of Housing

This regulation shall not have the effect of excluding mobile homes, modular homes, or other forms of prefabricated housing from the municipality, except upon the same terms and conditions as conventional housing is excluded.

This regulation shall not have the effect of excluding from the municipality housing to meet the needs of the population as determined in the Town Plan.

Section 915 - Residential Care Home or Group Home

A state licensed or registered residential care home, or group home, serving not more than six persons who are developmentally disabled or physically handicapped, 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.

Section 916 - Day Care Facilities

A state registered or licensed family child care home serving six or fewer children shall be considered by right to constitute a permitted single family use of property.

A state registered or licensed family child care home serving no more than ten full time children and five part-time children, as defined in VSA Title 33 4902(3)(A) shall be considered to constitute a permitted use of property, but requires site plan approval .

Section 917 – Open Space Uses in the Flood Hazard Overlay

Open space uses permitted in the Flood Hazard Overlay District as detailed in Article III above are subject to additional requirements due to the District's special environmental sensitivities and public safety concerns. All open space uses detailed in Article III shall be permitted to the extent that they are not prohibited by any other ordinance or Regulation and provided that they do not:

1. require the erection of structures, storage of materials and equipment;
2. require importing fill from outside the flood hazard area;
3. require channel modification or relocation;
4. obstruct flood flows;
5. increase the flood level within the floodway during the occurrence of the base flood;
6. increase off-site flood damage potential; and,
7. propose the construction of water supply, sanitary sewage or on-site waste disposal systems.

Section 918 - Seasonal Use Change

A permit is required for a change of use from seasonal to year-round. Construction shall not begin until proof of a wastewater permit is provided to the Town.

Section 919 - Boundary Line Adjustments

Except as provided in Section 709 3. (PUD's), the Zoning Administrator may approve boundary line adjustments if the following conditions are found to exist:

1. No additional lots will be created.
2. No more than two lots are involved.
3. The adjustment will not make complying lots nonconforming.
4. The adjustment will not increase the nonconformance of any existing lot.

NOTE: A plat map must be filed in accordance with State Statutes within 180 days of the decision to issue the permit. The plat map provided shall show all buildings on the properties and show setbacks to make sure that a complying lot will not become non-complying as far as setbacks are concerned.

Section 920 - Acceptance of Streets; Improvements

Every street or highway shown on a plat filed or recorded as provided in this chapter shall be deemed to be a private street or highway until it has been formally accepted by the municipality as a public street or highway by ordinance or resolution of the legislative body of the municipality. No public municipal street, utility, or improvement may be constructed by the municipality in or on any street or highway until it has become a public street or highway as provided in this section. The legislative body shall have authority after a public hearing on the subject to name and rename all public streets and to number and renumber lots so as to provide for existing as well as future structures.

Section 921 - Accessory Apartment

An efficiency or one-bedroom apartment, located within or appurtenant to a principal single family dwelling, that is clearly subordinate to the principal dwelling, and has facilities and provisions for independent living, is permitted, subject to administrative review to assure that it complies with all of the following:

1. The property has sufficient wastewater capacity.
2. The unit does not exceed 50 per cent of the total habitable floor area of the principal single family dwelling.
3. Applicable setback, coverage, and parking requirements specified in these regulations are met.

Section 922 - Accessory Dwelling

(A) An accessory dwelling that is attached to, or on the same lot as, a single family dwelling, (i.e. not a two family or multifamily dwelling) shall be permitted, provided that the lot contains sufficient land for a second lot in the district in which it is located, e.g., at least ten acres in the rural residential zone. A lot may not contain both an accessory apartment and an accessory dwelling.

1. An accessory dwelling is subject to administrative review for compliance with the following provisions and the issuance of a zoning permit:
 - a) An accessory dwelling shall have facilities for independent living, including sleeping, food preparation, and sanitation.
 - b) The accessory dwelling shall meet all applicable setback and any other dimensional requirements for the district in which it is located; or, for an existing nonconforming structure, the accessory dwelling shall in no way increase the degree of noncompliance under Section 607.
 - c) It shall be demonstrated to the satisfaction of the Zoning Administrator, or Board of Adjustment, as appropriate, that adequate water supply, septic system, and off-street parking capacity exist to accommodate residents of the accessory dwelling.
2. The permit for the accessory dwelling shall clearly state that the dwelling is an accessory structure to the single family residence and shall be retained in common ownership. Sale of the accessory

dwelling separate from the principal dwelling will require subdivision approval. An accessory dwelling may only be subdivided from the primary dwelling if it meets all current local and state regulations applying to such dwellings, including all density, dimensional, and other requirements for the district in which it is located.

Section 923 - Measurement of Building Height in the Lakeshore District

In the Lakeshore District, the height of a building is the vertical distance measured from the proposed finish grade at the lake side of the building to the highest point of the roof. “Roof” does not include a chimney or lightning rod.

Section 924 – Commercial, Ground-Mounted Solar Energy Installations

A. Setbacks. 30 V.S.A. § 248(s) states the following Minimum Setbacks for Ground-Mounted Solar:

Size of installation	From edge of state or municipal highway	From Property Boundaries
Greater than 150kW	100 feet	50 feet
Less than or equal to 150kW	100 feet	50 feet
Less than 15 kW	No requirement	No requirement

In accordance with 30 V.S.A. §248(s), the Board of Adjustment may approve a setback smaller than the minimums stated in 30 V.S.A. § 248(s) if agreed to by the applicant and each owner of property adjoining the smaller setback.

B. Screening. In accordance with 30 V.S.A. §248(b)(1) and 24 V.S.A. §4414 (15) and 24 V.S.A. §2291, the proposed development shall be landscaped or screened with evergreen plantings to ensure compatibility with adjoining areas. Solar arrays or structures shall be screened or landscaped to mask visibility from roads and/or adjoining properties. Natural screening using existing landscape features is encouraged. Any dead or diseased planting shall be replaced as soon as seasonally possible.

Article X: Other Regulations

Section 1001 - Interpretation of Regulation

The provisions of these Regulations shall be held to be minimum requirements adopted for the promotion of the public's health, safety, comfort, convenience and general welfare. Except as provided to the contrary in the Act or these Regulations, these Regulations are not intended to repeal, annul or in any way impair any Regulations or permits previously adopted or issued. Where these Regulations impose a greater restriction upon the use of a structure or land than are required by any other statute, ordinance, rule, Regulations, permit, easement or agreement, the provisions of these Regulations shall control.

Section 1002 - Notice of Hearing

Any public notice required for public hearing under this Zoning Regulation shall be given in accordance with Section 4444 of the Act.

Section 1003 - Fees

Fees may be established by the Select Board in amounts necessary to cover all costs of the Zoning Administrator, the Board of Adjustment and the Planning Commission for processing applications, including costs of material, administrative time, and reasonable overhead such items as postage, telephone, computer use, etc.

Section 1004 - Severability

If any provision of this Regulation is held invalid, the invalidity does not affect other provisions or applications of this Regulation which can be given effect without the invalid provision or application.

Section 1005 - Effective Date

This Regulation shall take effect upon approval in accordance with the voting and other procedures contained in Title 24 VSA, Chapter 117.

Section 1006 - Precedence of Regulation

The provisions of this Regulation shall take precedence over any conflicting and less restrictive local laws.

Section 1007 - Disclaimer of Liability

These Regulations do not imply that land outside the areas of special flood hazard or land uses permitted within such districts will be free from flooding or flood damages.

These Regulations shall not create liability on the part of the Town of Tinnmouth or any local official or employee thereof for any flood damages that result from reliance on this Regulation or any administrative decisions lawfully made there under.

Article XI: Administration and Enforcement

Section 1101 - Municipal Appointments

A. Zoning Administrator

1. The Select Board shall appoint a Zoning Administrator from nominations submitted by the Planning Commission for a term of three (3) years in accordance with the Act [§4448]. The Select Board may remove a Zoning Administrator for cause at any time, after consultation with the Planning Commission.
2. An acting Zoning Administrator may be appointed by the Select Board, from nominations submitted by the Planning Commission, who shall have the same duties and responsibilities of the Zoning Administrator in the Zoning Administrator's absence. In the event an acting Zoning Administrator is appointed, Select Board shall establish clear policies regarding the authority of the Zoning Administrator relative to the authority of the acting Zoning Administrator.
3. The Zoning Administrator shall literally administer and strictly enforce the provisions of these regulations, and in doing so shall inspect development, maintain records, and perform other related tasks as necessary and appropriate.
4. In addition, the Zoning Administrator shall coordinate the municipality's development review programs. If other municipal permits or approvals are required, the Zoning Administrator shall provide the applicant with necessary forms. The Zoning Administrator shall also inform any person applying for municipal permits or authorizations that they should contact the Vermont Agency of Natural Resource's Regional Permit Specialist to assure timely action on any related state permits. The applicant retains the obligation to identify, apply for, and obtain relevant state permits.

B. Planning Commission

1. Continuation of the Planning Commission

There shall be a Planning Commission for the municipality. The Planning Commission shall consist of not less than three (3) or more than nine (9) members appointed by the Select Board in accordance with the Act [§§43214323]. At least a majority of members shall be residents of the municipality. Any member of the Commission may be removed at any time by a unanimous vote of the Select Board

2. Powers and Duties

The Commission shall have all powers and duties as set forth in the Act to administer the provisions of these regulations, including but not limited to

- a) The duty to:
 - i Prepare proposed amendments to these regulations, and consider proposed amendments submitted by others, including amendments submitted by petition;
 - ii Prepare and approve written reports on any proposed amendments to these regulations as required by the act (Section 4441C);
 - iii Hold one or more warned public meetings on proposed amendments to these regulations, prior to submission of a proposed amendment and a written Report to the Legislative Body (Section 4441(d). See also Article XII).
- b) The power to hear and act upon:
 - i applications for site plan approval (Article VIII);
 - ii applications for subdivision approval (Subdivision Regulations);
 - iii applications for planned residential development (Article VII)

As part of the accomplishment of its duties the Planning Commission shall maintain complete records of its proceedings, studies and recommendations, as well as keep the Select Board informed on the current status of the Zoning Regulations and their effectiveness within the Town.

3. Advisory Counsel to Other Agencies

Upon request, the Planning Commission shall serve as guide and counsel to the Select Board of the Town, the Zoning Administrator, the Board of Adjustment, and other public offices in matters relative to the Zoning Regulations.

4. General Rules of Procedure

The Planning Commission shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under the Act [§4461(a)] and Vermont's Open Meeting Law.

5. Quorum and Votes

No meeting or hearing—resulting in official action by the Planning Commission may be held without the attendance of a majority of the members of the Commission in office at the time of the hearing or action; neither shall any official action be taken without the concurrence of a majority of the members of the Commission in office at the time the vote is taken.

C. Board of Adjustment

1. Appointment and Term of the Board

- a. The Board of Adjustment shall consist of seven (7) members unless otherwise determined by the Select Board.
- b. Members of such Board shall be appointed and any vacancy filled by the Select Board. The terms of each member shall be for three (3) years unless otherwise determined by the Select Board [terms are completely up to Select Board]. Members may be reappointed to successive terms. The Select Board may appoint alternates to serve on the Board for a term of two years unless otherwise determined by the Select Board [terms are completely up to Select Board].
- c. Any member of the Board of Adjustment may be removed for cause by the Select Board upon written charges and after public hearing.

2. Appropriations

The Town may make such appropriations in its annual budget as are sufficient to afford the Board of Adjustment the technical and material assistance necessary to the fulfillment of its duties as outlined herein.

3. Officers of the Board

The Board of Adjustment shall annually elect its own officers (Chair, Vice Chair, Secretary and Assistant Secretary). The officers of the Board may administer oaths and compel the attendance of witnesses and the production of material pertinent to any issue under appeal.

4. Meetings

Meetings of the Board shall be held at the call of the Chair and at such times as the Board may determine. All such meetings shall be open to the public, except as otherwise provided by law.

5. Rules of Procedure

The Board shall adopt, from time to time, such rules of procedure as it determines are necessary to effect the provisions of this Regulation. The Board shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under the Act §4461(a)] and Vermont's Open Meeting Law. The Board shall have all powers and duties as set forth in the Act to administer the provisions of these regulations.

The Board, in connection with any proceeding, may examine or cause to be examined any property, maps, books or records bearing upon the matters concerned in such proceeding. The Board may require the attendance of any person having knowledge in the premises, may take testimony and require proof material for its information. The Board may administer oaths or take acknowledgment in respect of such matters. Any of the powers granted to a Board of Adjustment may be delegated by the Board to a specifically authorized agent or representative.

6. Minutes and Findings

The Board shall keep minutes of its proceedings, indicating the vote of each member upon each question or, if absent or failing to vote, indicating this, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the clerk of the municipality as a public record.

All findings and actions of the Board shall be in writing and shall include the reasons for the action taken irrespective of its nature. Findings shall be detailed and in specific terms, discussing the reason for the decisions, beyond such generalities as "in the interest of public health, safety and general welfare." In every instance, a statement of the facts upon which such action is based shall appear in the decision.

7. Quorum and Votes

For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of the members of the Board in office at the time of the hearing or action, and any action thereof shall be taken by the concurrence of a majority of the members of the Board in office at the time of the hearing or action.

8. General Powers and Duties of the Board

a. General Powers.

Except as specifically provided herein and in accordance with the provisions of 24 VSA, Chapter 117, the Board of Adjustment may not amend, alter, invalidate or affect any plan or bylaw of the Town or the implementation or enforcement thereof, or allow any use not permitted by the Zoning Regulations or any other bylaw.

b. General Duties

The Board shall have all powers and duties as set forth in the Act to administer the provisions of these regulations, including but not limited to the power to hear and act upon:

- i. appeals from any decision, act or failure to act by the Administrative Officer (Section 1101),
- ii. applications for conditional use approval (Article IV),
- iii. requests for waivers from one or more dimensional standards (see Section 1104 E)
- iv. requests for a variance in the application of provisions of the Zoning Regulations (Section 1104 A & B), and
- v. requests for the construction, repair, relocation, replacement, or enlargement of a structure within a Flood Hazard District (Section 1104 C).

9. Applications

Requests to the board of Adjustment for review of items in 8.b.ii, iii, and v (above) shall be filed with the Zoning Administrator in accordance with the appropriate provisions of the zoning regulations. Requests to the board of Adjustment for appeals (8.b.i.) and variances (8.b. iv) shall be filed with the Secretary of the Board of Adjustment.

Section 1102 – Zoning Permits

A. Applicability

1. No land development as defined herein, which is subject to these regulations, shall be commenced in the Town of Tinmouth until a zoning permit has been issued by the Zoning Administrator, as provided for in the Act [§§4448, 4449]. All development in the Special Flood Hazard Area must be reviewed as described in Attachment A.
2. “Land Development” means division of a parcel into two (2) or more parcels, the construction, exterior reconstruction, conversion, structural alteration, relocation or enlargement of any building(s) or other structure(s), 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 shall commence only in compliance with all regulations in this bylaw for the district in which such building or land is located. [24 VSA § 4303 (10)]

B. Exemptions

No zoning permit shall be required for the following activities except as they may be located in the Special Flood Hazard Area [See Attachment A].

1. Accepted agricultural practices (AAPs), including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets, in accordance with the Act [§4413(d)]. Written notification, including a sketch plan showing structure setback distances from road rights-of-way, property lines, and surface waters shall be submitted to the Zoning Administrator prior to any construction, as required for AAPs. Such structures shall meet all setback requirements under these regulations, unless specifically waived by the Secretary.
2. Accepted management practices (AMPs) for silviculture (forestry) as those practices are defined by the Commissioner of Forests, Parks and Recreation, in accordance with the Act [§4413(d)].
3. Power generation and transmission facilities, which are regulated under 30 V.S.A. §248 by the Vermont Public Service Board. Such facilities, however, should conform to policies and objectives specified for such development in the Municipal Plan.
4. Hunting, fishing, and trapping as specified under 24 V.S.A. §2295 on private or public land. This does not include facilities supporting such activities, such as firing ranges or rod and gun clubs, which for the purposes of these regulations are defined as outdoor recreation facilities [or other use].
5. Structures less than 100 square feet in area do not require application for zoning permit, but must comply in every other respect with required setbacks and other requirements in this bylaw and may be subject to other State requirements.
6. Normal maintenance and repair of an existing structure which do not result in exterior alterations or expansion or a change of use.
7. Interior alterations or repairs to a structure which do not result in exterior alterations or expansion or a change in use.
8. Exterior alterations to structures which do not result in any change to the footprint or height of the structure or a change in use.
9. Residential entry stairs (excluding decks and porches), handicap access ramps, walkways, and fences or walls less than four (4) feet in height which do not extend into or obstruct public rights-of-way, or interfere with corner visibilities or sight distances for vehicular traffic.
10. Minor grading and excavation associated with road and driveway maintenance (e.g., including culvert replacement and resurfacing), and lawn and yard maintenance (e.g., for gardening or landscaping), or which is otherwise incidental to an approved use. This specifically does not include extraction and quarrying activities regulated under Section 404.
11. Outdoor recreational trails (e.g., walking, hiking, cross-country skiing and snow mobile trails) which do not require the installation of structures or parking areas.

12. Small accessory buildings associated with residential uses which are less than 64 square feet of floor area and less than eight (8) feet in height, and are not located within required setback areas
13. Garage sales, yard sales, auctions, or similar activities that do not exceed three (3) consecutive days, nor more than twelve (12) total days in any calendar year.

C. All Other Uses

1. Permits are required for all other changes, including the addition of a deck, story, or room, a foundation or new roof structure, the finishing of a basement, or the placement of a mobile home on the property
2. If the Zoning Administrator determines that the application must be reviewed by the Planning Commission and/or Zoning Board of Adjustment, the number of copies required shall increase from two to a number up to 15.
3. An application for any permit shall be accepted by the Zoning Administrator only if it is complete and is accompanied by payment in cash, check or money order made out to the municipality for the amount of the specified fee.

D. Application Requirements

An application for a zoning permit shall be filed with the Zoning Administrator on form(s) provided by the municipality. Required application fees, as set by the Select Board, also shall be submitted with each application. In addition, the following information will be required as applicable:

1. Permitted Uses: Applications for a permitted use shall include 2 copies of a sketch plan, no smaller than 8.5" x 11", drawn to scale, that depicts the following:
 - a) the dimensions of the lot, including existing property boundaries,
 - b) the location, footprint and height of existing and proposed structures or additions,
 - c) the location of existing and proposed accesses (curb cuts), driveways and parking areas,
 - d) the location of existing and proposed easements and rights-of-way,
 - e) existing and required setbacks from property boundaries, road rights-of-way, surface waters and wetlands,
 - f) the location of existing and proposed water and wastewater systems,
 - g) a surveyor's plot plan of the property, if available, and
 - h) other such information as required by the Zoning Administrator to determine conformance with these regulations.
2. Uses Subject to Board of Adjustment Review: For development requiring one or more approvals from the Board of Adjustment prior to the issuance of a zoning permit, application information and fees as required for such approvals shall be submitted concurrently with the application for a zoning permit and referred to the Secretary of the Board of Adjustment.

E. Issuance

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

1. Within thirty (30) days of receipt of a complete application, including all application materials, and fees, the Zoning Administrator shall act to either issue or deny a zoning permit in writing, or to refer the application to the appropriate municipal panel and/or state for consideration. In accordance with the Act [§§4448, 4449], if the Zoning Administrator fails to act within the 30-day period, a permit shall be deemed issued on the 31st day.
2. No zoning permit shall be issued by the Zoning Administrator for any use or structure which requires the approval of the appropriate municipal panel or Select Board until such approval has been obtained. For permit applications that must be referred to a state agency for review, no

zoning permit shall be issued until a response has been received from the state, or the expiration of 30 days following the submission of the application to the state.

3. If public notice has been issued by the Select Board for their first public hearing on a proposed amendment to these regulations, for a period of 150 days following that notice the Zoning Administrator shall review any new application filed for compliance with the proposed amendment and applicable existing bylaws. If the new bylaw or amendment has not been adopted by the conclusion of the 150 day period, or if the proposed bylaw or amendment is rejected, the permit shall be reviewed under all applicable provisions of this bylaw [§4449(d)]. Upon request of the applicant, an application that has been denied under a proposed amendment that has been rejected, or that has not been adopted within the 150-day period, shall be reviewed again, at no cost, under the existing bylaw. .
4. A zoning permit shall include a statement of the time within which appeals may be taken under Section **1104**, and shall require posting of a notice of permit, on a form prescribed by the municipality, within view of the nearest public right-of-way until the time for appeal has expired.
5. The Zoning Administrator, within three (3) days of the date of issuance, shall deliver a copy of the zoning permit to the Listers; and shall post a copy of the permit in the municipal offices for a period of fifteen (15) days from the date of issuance.

F. Effective Date

If a zoning permit is issued, it shall not take effect until the expiration of a fifteen (15) day appeal period. In the event that notice of appeal is properly filed, such permit shall not take effect until the final adjudication of said appeal.

No site work or building shall occur until the effective date of the permit.

G. Completion

Zoning permits and associated approvals shall remain in effect for two years from the date of issuance, unless the permit and associated approvals specify otherwise. All development authorized by the permit shall be substantially commenced within this two year period, or reapplication and approval shall be required to continue development. The Zoning Administrator may administratively renew a permit for a period not to exceed one (1) additional year upon finding that there was reasonable cause for delay in the start of the development.

H. Exclusivity of Remedy

The exclusive remedy of an interested person with respect to any decision or act of the Zoning Administrator, or any failure to act, with respect to any one or more of the provisions of this regulation shall be the appeal to the Board of Adjustment.

I. Special Duties Relating to Flood District Permits

The Zoning Administrator shall, to the extent possible, submit to the Federal Emergency Management Administration the information required by the Federal Emergency Management Administration Report Form with respect to the administration and enforcement of the flood hazard area sections of this bylaw. A copy of the Report shall be submitted to the State coordinating agency.

Section 1103 – Appeals

A. Zoning Administrator Actions

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

1. The Board shall hold a public hearing on a notice of appeal within 60 days of its filing, as required under the Act [§4468]. The Board shall give public notice of the hearing under Section 1106, and mail a copy of the hearing notice to the appellant not less than 15 days prior to the hearing date.

2. The Board may reject an appeal or request for reconsideration without hearing, and render a decision which shall include findings of fact within 10 days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts by or on behalf of the appellant [§4470].
3. In accordance with the Act [§4468], all appeal hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in state statutes [3 V.S.A. §810]. Any interested person or body may appear and be heard in person or be represented by an agent or attorney at the hearing. The hearing may be adjourned by the Board from time to time, provided that the date and place of the adjourned hearing shall be announced at the hearing.
4. A decision on appeal shall be rendered within 45 days after the final adjournment of the hearing, as required under the Act [§4464(b)]. The decision shall be sent by certified mail to the appellant within the 45 day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Zoning Administrator and the Municipal Clerk as part of the public records of the municipality, in accordance with Section 1107. Failure of the Board to issue a decision within this 45 day period shall be deemed approval and shall be effective on the 46th day.

B. Interested Persons

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

1. A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case;
2. the Town of Tinmouth or any adjoining municipality;
3. a person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or bylaw of that municipality;
4. any ten (10) voters or property owners within the municipality who, by signed petition to the Board of Adjustment, allege that any relief requested by a person under this section, if granted, will not be in compliance with the policies, purposes or terms of the plan or regulations of the municipality; and
5. any department or administrative subdivision of the state owning property or any interest therein within the municipality or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

C. Notice of Appeal to Board of Adjustment

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

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

D. Hearing on Appeal

In accordance with the Act [§4468], The Board of Adjustment shall set a date and place for a public hearing of an appeal under this chapter that shall be within 60 days of the filing of the notice of appeal.

The Board of Adjustment shall give public notice of the hearing and shall mail to the appellant a copy of that notice at least 15 days prior to the hearing date.

E. Appeals to Environmental Court

In accordance with the Act [§4471], an interested person who has participated in a regulatory proceeding of the appropriate municipal panel(s) may appeal a decision rendered by the panel(s) within 30 days of such decision, to the Vermont Environmental Court. Appeals to Environmental Court shall also meet the following requirements:

1. "Participation" in a proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.
2. The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Town Clerk, or the Zoning Administrator if so designated, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

Section 1104 – Variances and Waivers

A. Variance Criteria

The Board of Adjustment shall hear and decide requests for variances as required by the Act [§4469(a)] and appeal procedures under Section 1103 of the Act. In granting a variance, the Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the Town plan currently in effect. The Board may grant a variance and render a decision in favor of the appellant only if *all* of the following facts are found, and the findings are specified in its written decision:

1. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located;
2. Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;
3. The unnecessary hardship has not been created by the appellant;
4. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare; and
5. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

B. Renewable Energy Structures.

Where a variance is requested for a structure that is primarily a renewable energy resource structure, in accordance with the Act [§4469(b)], the Board may grant such variance only if *all* of the following facts are found in the affirmative and specified in its written decision:

1. It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with these regulations;
2. The hardship was not created by the appellant;
3. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or

development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and

4. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

C. Variances within the Flood Hazard Area. [See Attachment A].

In granting a variance, the Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect.

D. Waivers

1. As an alternative to some variances, the Board of Adjustment may grant a waiver of setbacks, lot frontage and building heights specified in Article V. Such waivers must be in conformance with the municipal plan [§4414(7) (a)] and state planning goals [§4302], and may:

- a. allow mitigation through design, screening or other remedy;
- b. allow waivers for structures providing for disability accessibility, fire safety and other legal requirements; or
- c. provide for energy conservation and renewable energy structures, and

2. The waiver, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations.

3. The process of applying for and/or appealing a waiver is the same as for a variance. A waiver may be granted subject to conditions.

Section 1105 - Administrative Review

The Zoning Administrator may approve applications for one and two family dwellings and accessory structures, changes of use in existing buildings where no new impacts as compared with existing uses may be anticipated, and other amendments to administrative permits where conformance with the bylaws is found. The Zoning Administrator may also approve minor amendments to permits issued by the Planning Commission or the Zoning Board of Adjustment where no material changes or impacts are expected and where bylaw conformance is found.

Amendments that entail any of the following shall not require site plan review by the Planning Commission or the Zoning Board of Adjustment and may be administratively approved by the Zoning Administrator:

changes that do not violate, or require a variance from the provisions of the Zoning and Subdivision Regulations;

changes in land use that do not require an increased requirement of parking spaces;

changes to the building footprint involving less than five hundred (500) square feet or 10% of building area, whichever is less, and that do not affect parking, traffic, access or circulation;

minor changes in location of landscaped areas, sidewalks or bike paths;

substitution of planting materials from approved planting list, provided the substitution does not change the approved overall design concept;

minor changes in the location of structures;

no amendment shall have the effect of substantially altering the findings of fact of any approval in effect;

no new subdivision shall occur, although minor boundary line adjustments may be allowed.

Section 1106 – Violations and Enforcement

A. Violations

The commencement or continuation of any land development **or** subdivision that does not meet the

requirements of these regulations shall constitute a violation. All violations shall be pursued in accordance with the Act [§§4451, 4452]. Each day that a violation continues shall constitute a separate offense. The Zoning Administrator shall institute, in the name of the Town of Tinmouth, any appropriate action, injunction or other proceeding to enforce the provisions of these regulations. All fines imposed and collected shall be paid over to the municipality.

B. Notice of Violation

No action may be brought under this section unless the alleged offender has had at least seven (7) days' warning notice by certified mail that a violation exists, as required under the Act [§4451]. The notice of violation also shall be recorded in the land records of the Town under Section 1107. The notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven-day notice period, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the regulations after the seven-day notice period and within the next succeeding 12 months.

C. Limitations on Enforcement

An action, injunction or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required or duly recorded municipal land use permit may be instituted against the alleged offender if the action, injunction or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred, and not thereafter, in accordance with the Act [§4454]. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted. No enforcement proceeding may be instituted to enforce an alleged violation of a municipal land use permit unless the permit or a notice of the permit has been recorded in the land records of the municipality under Section 1107 of the Act.

Section 1107 – Public Hearings

A. Public Notice

In accordance with the Act [§4464], a warned public hearing shall be required for conditional use review (Article IV), appeals of decisions of the Zoning Administrator, variances, and waivers (Sections 1003, 1004) and final subdivision review (Tinmouth Subdivision Regulations). Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all of the following:

- publication of the date, place and purpose of the hearing in a newspaper of general circulation in the Town;
- posting of the same information in three (3) or more public places within the Town, including the posting of a notice within view from the public right-of-way nearest to the property for which the application is being made;
- written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal; and
- for hearings on subdivision plats located within 500 feet of a Town boundary, written notification to the clerk of the adjoining municipality.

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

- posting of the date, place and purpose of the hearing in three (3) or more public places within the municipality; and

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

The applicant shall be required to bear the cost of public warning and the cost and responsibility of notifying adjoining landowners as required above, as determined from the current municipal grand list. The applicant may be required to demonstrate proof of delivery to adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.

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

B. Hearings

In accordance with the Act [§4464], all meetings and hearings of the Appropriate Municipal Panel (Board of Adjustment or Planning Commission), except for deliberative sessions, shall be open to the public. For the conduct of any hearing, and the taking of any action, a quorum shall be not less than the majority of members of the Appropriate Municipal Panel. The Appropriate Municipal Panel, in conjunction with any hearing under this bylaw, may:

- examine or caused to be examined any property, maps, books, or records bearing upon the matters concerned in that proceeding;
- require the attendance of any person having knowledge of the premises;
- take testimony and require proof material for its information; and
- administer oaths or take acknowledgement in respect of those matters.

In any public hearing there shall be an opportunity for each person wishing to achieve status as an interested person to demonstrate that the criteria set forth under Section 1003B are met. The Appropriate Municipal Panel(s) shall keep a record of the name, address, and participation of each of these persons.

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

C. Decisions

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

1. All decisions shall be issued in writing and shall separately state findings of fact and conclusions of law. Findings of fact shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions shall be based on the findings of fact. The decision shall also include a statement of the time within which appeals may be taken under Section 1103A. The minutes of a meeting may suffice, provided that the factual basis and conclusions relating to the review standards are provided in accordance with these requirements.
2. In rendering a decision in favor of the applicant, the Appropriate Municipal Panel may attach

additional reasonable conditions and safeguards as it deems necessary to implement the purposes of the Act, these regulations, and the municipal plan currently in effect. This may include, as a condition of approval:

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

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

Section 1108- Recording Requirements

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

The Zoning Administrator shall maintain a record of all variance actions, including justification for their issuance;

3.A copy of any permit and/or variance shall be affixed to the copy of the deed of the concerned property on file in the Municipal Clerk's office.

ARTICLE XII: Amendments

Any provision of this Regulation, as well as the boundaries of the various zoning districts established herein, may be amended or repealed subject to Sections 4441 and 4402 of the Act, and to the provisions summarized below.

Section 1201 - Drafting

An amendment may be prepared by the Planning Commission or by any other person or body. A proposed amendment prepared by someone other than the Planning Commission shall be submitted in writing along with any supporting documents to the Planning Commission. The Planning Commission may then proceed as if the amendment or repeal had been prepared by them. However, if the proposed amendment or repeal of a bylaw is supported by a petition signed by not less than five (5) percent of the voters of the municipality, the Commission shall correct any technical deficiency and shall, without otherwise changing the amendment or repeal, promptly proceed as if it had been prepared by the Commission.

Section 1202 – Planning Commission Report

When considering an amendment the Planning Commission may prepare a written report on the proposal. If the proposal would alter the zoning designation of any land area, the report should cover the issues which are detailed in Sections 4441 and 4442 of Chapter 117 of Title 24 of the Vermont Statutes Annotated. The report must include a brief explanation of the proposed bylaw, amendment or repeal, a statement of its purpose as required for public notice, and findings regarding how the proposal:

- conforms with or furthers the goals contained in the municipal plan, including the effect on the availability of safe and affordable housing,
- is compatible with proposed future land uses and densities of development as set forth in the municipal plan, and
- carries out, as applicable, any specific proposals for planned community facilities."

Section 1203 – Planning Commission Hearing

The Planning Commission shall hold at least one (1) public hearing within the town after public notice. At least fifteen (15) days prior to the first hearing, a copy of the proposed amendment and written report shall be delivered with proof of receipt, or mailed by certified mail, return receipt requested, to:

- the chair of the Planning Commission of each abutting municipality, or in the absence of any Planning Commission in a municipality, to the clerk of that abutting municipality;
- the executive director of the Rutland Regional Planning Commission; and
- the Department of Housing and Community Affairs within the Agency of Commerce and Community Development.

Any of the foregoing, or their representatives, may submit comments on the proposed amendment to the Planning Commission, or may appear and be heard in any proceeding with respect to the adoption of the proposed amendment.

Section 1204 – Submission to Select Board

After public hearing, the Planning Commission may make revisions to a proposed bylaw or amendment and to their written report, for submission to the Select Board. The Planning Commission may warn another hearing on the proposed revisions but is not required to do so. When the Planning Commission transmits the proposal and report to the Select Board, it must simultaneously file copies with the municipal clerk for public review.

However, if requested by the Select Board or if a proposed amendment was supported by a petition, the Planning Commission shall promptly submit the amendment, with changes only to correct technical deficiencies, to the Select Board together with any recommendation or option it considers appropriate.

Simultaneously with the submission, the Planning Commission shall file with the Town Clerk a copy of the proposed amendment for public review.

Section 1205 – Legislative Hearing

Not less than fifteen (15) or more than one hundred twenty (120) days after a proposed amendment is submitted to the Select Board they shall hold the first of one or more public hearings, after public notice, on the proposed amendment and shall make copies of the proposal and any written report of the Planning Commission available to the public upon request. Failure to hold a hearing within the one hundred twenty (120) days shall not invalidate the adoption of the amendment.

Section 1206 – Changes

The Select Board may make minor changes to the proposed amendment, but shall not do so less than fourteen (14) days prior to the final public hearing. If at any time the Select Board makes substantial changes in the concept, meaning or extent of the proposed amendment it shall warn a new public hearing or hearings.

When any part of the proposal is changed, the Select Board, at least fourteen (14) days prior to the hearing, shall file a copy of the changed proposal with the Clerk of the municipality and with the Planning Commission. The Planning Commission is then required to amend its report to reflect the changes made by the Select Board and submit the report as amended to the Select Board prior to the public hearing.

Section 1207 – Adoption

A bylaw, amendment or repeal shall be adopted by a majority of the Select Board at a meeting that is held after the last public hearing, and shall be effective 21 days after adoption.

The town, by action of the Select Board or by vote of the town at a special or regular meeting duly warned on the issue, may elect to require that bylaw amendments or repeals shall be adopted by vote of the town by Australian ballot at a special or regular meeting duly warned on the issue. That procedure shall then apply until rescinded by the voters at a regular or special meeting of the town. .

Section 1208 – Timing

If the proposed amendment is not approved or rejected within one (1) year of the date of the final hearing of the Planning Commission, it shall be considered disapproved unless five (5) percent of the voters of the municipality petition for a meeting of the town to consider the amendment, and the petition is filed within sixty (60) days of the end of that year. In that case a meeting of the town shall be duly warned for the purpose of acting upon the amendment by Australian ballot.

Section 1209 – Distribution

Copies of bylaws, amendments and repeals, as adopted, shall be sent to the regional Planning Commission and to the Vermont department of Housing and Community affairs.

Article XIII: Definitions

Section 1301 - Definitions

Except where specifically defined herein, all words used in these Regulations shall carry their customary meanings. Words used in the present tense include the future, and singular includes the plural; the word "lot" includes "plot"; the word "building" includes "structure"; the word "shall" is mandatory; "occupied" or "used" shall be considered as though followed by "or intended, arranged, or designed to be used or occupied"; "person" includes individual, partnership, association, corporation, company or organization.

Doubt as to the precise meaning of any word used in these Regulations shall be clarified by the Planning Commission.

Access: Frontage on a town highway (25' minimum) or a deeded 25 foot minimum right-of-way to a town highway.

Accessory Apartment: An efficiency or one-bedroom apartment, located within or appurtenant to an owner-occupied single family dwelling, and that has facilities for independent living, including sleeping, food preparation, and sanitation. (See Section 921)

Accessory Dwelling: A secondary dwelling unit established in conjunction with and clearly subordinate to a primary single family dwelling unit. It is retained in common ownership and attached to, or on the same lot as the primary dwelling unit, and otherwise meets applicable criteria of this bylaw (see Section 922). An accessory dwelling unit has facilities for independent living, including sleeping, food preparation, and sanitation facilities.

Accessory Use or Structure: A use or building customarily incidental and subordinate to the principal use or building and located on the same lot. Accessory uses or structures are subject to the same requirements as principal structures.

Act, The: The Vermont Planning and Development Act, 24 Vermont Statutes Annotated, Chapter 117. The State law authorizing and regulating local planning and land use regulation.

Affordable Housing: Housing that is owned or rented by its inhabitants whose gross annual household income does not exceed 100 percent of the county median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing is not more than 35% of the household's gross annual income.

Agricultural or Forest Use: Land which is used for raising livestock, or agricultural or forest products, including farm structures and the storage of agricultural equipment; and, as an accessory use, the sale of agricultural products raised on the premises.

Alteration: Structural change, rearrangement, change of location, or addition to a building, other than repairs and modification in building equipment.

Animal Training Facility: A facility for training dogs or other household pets in obedience, tricks or stunts, or other desired attributes. No dogs in residence except personal pets of the residents. The appropriate authorities may place limits on the facility to avoid disturbance to near neighbors. Such a facility is not an agricultural use.

Appropriate Municipal Panel: The Selectboard or Planning Commission when performing development review functions, or the Zoning Board of Adjustment or a Development Review Board.

Bed and Breakfast: An owner-operated lodging facility located within a residential dwelling with up to ten rooms designed for two persons each, or twenty guests.

Boundary Adjustment: Any revision to a plat legally filed with the municipality which creates no new building lots and which will have no impact on roads, right of way, or other public facilities. A boundary adjustment shall not be considered as subdivision under these regulations.

Building: Any structure enclosed by exterior walls and covered by a roof, constructed or used for residence, business, other public or private purposes.

Building Height: The vertical distance from the average finished grade surrounding the buildings to the highest point of the roof. See also Section 923, Measurement of Building Height in the Lakeshore District

Community Center: Includes public or private meeting hall, place of assembly, museum, art gallery, library, place of further education, not operated primarily for profit.

Conditional Use: A use or occupancy of a structure, or a use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions therein.

Conservation Easement: A legally binding agreement that limits certain types of uses or prevents development from taking place on the land in perpetuity while the land remains in private hands. In a conservation easement, a landowner voluntarily agrees to sell or donate certain rights associated with his or her property – often the right to subdivide or develop – and a private organization or public agency agrees to hold the right to enforce the landowner's promise not to exercise those rights.

Contractor: General contractors and builders engaged in the construction of buildings, either residences or commercial structures, or part thereof.

Contractor's storage yard: An unenclosed portion of the lot or parcel upon which a contractor maintains its principal office. Designation of the area as a contractor's storage yard would allow the area to be used to store and maintain construction equipment and other materials customarily used in the trade carried on by the contractor, including up to six trucks. Operations using and storing fewer than three trucks do not require a permit.

Convenience Store: A small retail establishment, whose structure is limited in area to 2,000 square feet, focused primarily on the sale of food and incidental home-care products. A fueling station may be included but requires a conditional use permit. A canopy may be included, but shall not extend more than 6 feet in any direction from a pump.

Day care facility: Any place operated, whether for compensation or not, whose primary function is protection, care and supervision of children under sixteen years of age outside their homes for periods of less than twenty-four hours a day by a person other than a child's own parent, guardian or relative, but not including a kindergarten approved by the state board of education. See Section 918 for details.

Dwelling Unit: Building or part thereof used as, living quarters for one family. The terms "dwelling," "one-family dwelling" or "two-family dwelling" shall not include a motel, hotel, boarding house or tourist home, but shall include mobile-home and modular (prefabricated) housing.

Dwelling, One Family: Building used as living quarters by one family.

Dwelling, Two family: Building used as living quarters by two families living independently of each other, i.e. 2 baths, 2 kitchens, 2 entrances, etc.

Educational Camp: The use of a site for provision of indoor or outdoor activities, including accommodations, arts and crafts, recreation, educational activities, and incidental food services.

Family: Two or more persons living together as a single housekeeping unit.

Highway: A public way; a main direct road or street.

Home Based Business: A business that is conducted at the dwelling of an owner of the business. It may include a service, manufacture of goods, or wholesale or retail sale of goods, other than new or used cars or trucks, but at a scale consistent with the character of the neighborhood and the continued use of the dwelling for residential purposes. It may have more employees, customers, facilities, or commercial activities than a home occupation. It requires a conditional use permit. See Section 410.

Home Occupation: Any use customarily conducted within a dwelling or a building accessory thereto by the residents thereof, which is clearly secondary to the dwelling used for living purposes and does not change the residential character thereof. See Section 913 for details.

Hunting Camp: A residential structure for seasonal occupancy, primarily during hunting seasons. The structure shall not exceed 600 square feet in floor area and shall have only one story. It shall have no public utility hookup. Lot size shall be 25 acres minimum. Occupancy is limited to 45 days in any calendar year.

Junk Yard: A junkyard shall consist of four or more junk motor vehicles. Junk motor vehicle means a discarded, dismantled, wrecked, scrapped or ruined motor vehicle, other than an on-premise utility vehicle. Agricultural vehicles and equipment are excluded from this definition.

Kennel: A facility for the boarding, breeding, raising, grooming or training of four or more dogs, cats, or other household pets, whether or not animals are in full time residence. The appropriate authorities may place limits on the facility to avoid disturbance to near neighbors. Such a facility is not an agricultural use. The owner or an employee shall live on the premises.

Lot: Also a parcel. A plot or parcel of land under undivided ownership, whether freehold or leasehold.

Land occupied or to be occupied by a building and its accessory buildings together with the required open spaces, having not less than the minimum area, width and depth required for a lot in the District in which the land is located.

Lot Width: Lot width shall be measured at the front yard setback. (See Article V and **Setbacks**)

Mobile Home: A structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, includes plumbing, heating, cooling and electrical systems, and is:

- transportable in one or more sections; and

- at least eight feet wide or 40 feet long or when erected has at least 320 square feet or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or

- any structure that meets all the requirements of this provision except for size and for which the manufacturer voluntarily files a certification required by the U. S. Department of Housing and Urban Development and complies with the standards established under Title 42 of the U. S. Code. 10 V. S. A. §6201(1).

Mobile Home Park: Any parcel of land under a single or common ownership or control which contains, or is designed, laid out or adapted to accommodate, more than two mobile homes. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes. Mobile Home Park does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes. 10 V. S. A. § 6201(2).

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

Nonconformity: Nonconforming use, structure, lot, or parcel that was in conformance with all applicable laws, ordinances and regulations prior to the enactment of bylaws, or were improperly authorized as a result of error by the administrative officer.

Open space – Undeveloped land, not to be further subdivided

Parcel: See **Lot**.

Plant Nursery: A facility for growing ornamental flowers, shrubs, bushes, trees or other decorative plants for commercial sale. Not an agricultural use. Retail sales at the nursery are permitted only if the conditional use permit so specifies.

Recreation, commercial: Land use or structure intended for entertainment activities such as hiking trails, cycling paths, swimming pools, and tennis courts, but excluding any uses involving motorized vehicles or firearms.

Recreation, public: Recreational activities on publicly owned lands. May include any types of activities listed under “recreation, commercial”.

Restaurant: An establishment whose principal business is the selling of food and beverages primarily to persons seated within or adjacent to the building. Typical uses include cafes and coffee shops.

Road Frontage: Lot lines which abut a public road.

Road Line: Right-of-way line of a road as dedicated by deed or record. Where the width of the road is not established, the road line shall be considered to be 25 feet from the centerline of the road.

Sand and Gravel Pits: A type of open pit mine, or strip mine, from which the mineral removed is restricted to sand and gravel.

Setback: See **Yard**.

Site Plan: A plan, drawn to scale, showing uses and structures proposed for a parcel of land as required by these regulations. It includes lot lines, streets, building sites, open space, buildings, major landscape features, and proposed utility lines, if any.

Small Industry: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. The total gross floor area of operation does not exceed 10,000 square feet. The number of employees does not exceed 10 full time equivalents.

Small Professional Office: An office or office structure, not greater than 3,000 square feet in total area, whose use is limited to work that causes no noise, odor, air, water, or soil pollution.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something located on the ground, except a wall or fence.

Trailer: An un-powered, wheeled vehicle towed by a self-propelled vehicle. Trailers may be used as temporary living quarters during travel or camping (camping trailers), as fixed living quarters (“mobile homes”), as temporary offices, and for carrying goods, equipment, machinery, and farm products. See Section 408.

Wetlands: Those areas designated as such on the Fragile Areas Map of the duly adopted Town Plan of Tinmouth, or which the Vermont Agency of Natural Resources has designated as wetlands, Class I or Class II.

Wildlife corridor – Connecting habitat that ensures that animals and plant species are able to move freely between conserved lands, undeveloped private lands, contiguous forest habitat, and other important habitats, land features, and natural communities to meet all their requirements for survival, both within the town and regionally.

Wind Energy Conversion System (WECS): A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics and which is intended to primarily reduce on-site consumption of utility power.

Windmill: See Wind Energy Conversion System

Wind Tower Height: Maximum height of rotor blade tip, when vertical.

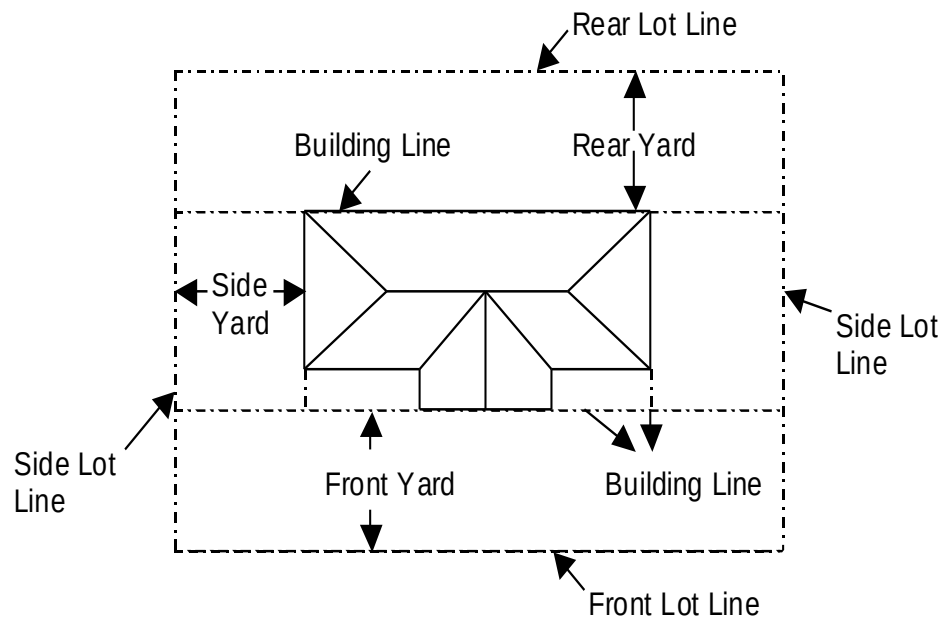
Yard (Setback): An open space at grade between a building and adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or

the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used. Decks, porches, etc. are part of the main building in measuring setbacks.

Front Yard: The yard between the front lot line and front line of a principal building extended to the sidelines of the lot. Any yard adjoining a street or road is a front yard.

Rear Yard: The yard between the rear lot line and the rear line of a principal building extended to the sidelines of the lot.

Side Yard: The yard between the side lot line and the side yard line of the principal building extended to the front and rear yards.



Zoning Administrator: The Town's Zoning Administrator or the person appointed to administer the zoning regulations.