

**Request for Proposals for Site Location Services
Manchester Center, Vermont**

INTRODUCTION

The Town of Manchester, Vermont, is requesting proposals from qualified firms to provide services to locate and identify best locations for telecommunication structures within the Town that will benefit the Town as well as the wireless telecommunication providers.

Proposals are to be submitted by 12:00 noon Friday, October 11, 2024 via USPS Mail or Email to:

Town of Manchester
40 Jeff Williams Way
Manchester Center, VT 05255
Attn: Scott Murphy Town Manager
S.Murphy@Manchester-vt.gov

The Town of Manchester reserves the right to reject any or all proposals submitted. Proposals will be evaluated by the Town based on the firm's experience and reputation, understanding of Town requirements, and price. During the evaluation process, the Town reserves the right, where it may serve in the Town's best interest, to request additional information or clarification from proposers. At the discretion of the Town, firms submitting proposals may be requested to make oral presentations as part of the evaluation process.

Please direct all questions regarding this request for proposals to Scott Murphy at (802) 362-1313 Option 2.

NATURE OF SERVICES REQUIRED

The Town of Manchester, Vermont, desires the chosen firm to provide the following services:

- conduct meetings with Town Representatives to review areas to locate telecommunication structures that will benefit the Town and telecommunication providers.
- coordinate discussions or meetings, either in-person or electronically, with four main carriers (Verizon, AT & T, T-Mobile, and Dish) or others that might provide service to the Town.
- discuss with the carrier representatives possible locations and areas that could house potential telecommunication facilities that would provide service to the Town and be suitable for the carrier.
- The identified locations should meet Town zoning requirements as well as any state or federal codes or other Town regulations.
- Prepare a property survey map showing the possible locations in a prioritized format with the benefits and detriments of each site listed.
- List a project timeline for completion of all requested services.

The Town does not anticipate spending in excess of \$10,000 in local funds for this project.

The final deliverables will include 6 copies of the completed summary report and will deliver an electronic copy of the report to the Town Manager's office. All documents shall be considered property of the Town.

At the conclusion of the evaluation and report, the chosen firm will meet with the Selectboard to discuss the results of the report and explain any findings that are included.

DESCRIPTION OF THE GOVERNMENT

The Town of Manchester, VT has a population of approximately 4,500. The Town provides the following services to its citizens:

Police, Fire, Highways, Recreation, Planning and Zoning, Water/Sewer, Assessing and General Administrative Services (Manager, Town Clerk, Finance).

PROPOSAL REQUIREMENTS

Interested firms shall submit its proposal addressing two sections: the **technical proposal** and the **cost proposal**.

The purpose of the technical proposal is to demonstrate the qualifications, competence and capacity of the firms seeking to undertake the project within the requirements of this request for proposals. The technical proposal should demonstrate the qualifications of the firm and of the particular staff to be assigned to this engagement. The technical proposal shall provide the following information:

- Background of the firm.
- Partner, supervisory and staff qualifications and experience.
- Similar engagements with other government or business entities.
- Specific approach to be used to conduct the project. The work plan should include a description of tasks, estimates of work effort, time budgets, and a detailed breakdown of responsibilities of all personnel.

The structure the cost proposal should include:

- The cost proposal should include a “Not To Exceed” total project cost.
- A breakdown of costs.
- Out-of-pocket expenses included in the total all-inclusive maximum price and reimbursement rates.
- Progress payments expectations and interim billing plans, if any.

EVALUATION CRITERIA

The final selection of the chosen firm will be based on two criteria: technical qualifications and price. The technical qualifications will compare each proposer’s expertise and experience in providing similar services and the quality of the firm’s professional personnel who would conduct the analysis. Cost will not be the only factor in the selection of the firm.

There is no expressed or implied obligation on the part of the Town of Manchester to reimburse responding firms for any expenses incurred in preparing or presenting proposals in response to this request.

The Town of Manchester reserves the right to retain all proposals and to use any ideas in a proposal regardless of whether the proposal is selected. The Town of Manchester reserves the right to accept or reject any proposal, at their sole discretion, and to award a contract based on the best interests of the Town.



Murphy, Scott <s.murphy@manchester-vt.gov>

Tectonic Referral

3 messages

Murphy, Scott <s.murphy@manchester-vt.gov>
To: pschuster@lakegeorgetown.org

Fri, Oct 18, 2024 at 8:40 AM

Patty,

We have just completed an RFP for cell tower locations in Manchester and Tectonic is the low bidder. I am just trying to check some of their references and they apparently have done some work for Lake George in the past. Can you give me a brief review of your experiences with them? How was the finished product? Did they complete it on time and within budget? Were they responsive to your questions and met your needs as contracted? Any information you can provide would be helpful.

Thank you for your help!

Scott Murphy
Manchester Town Manager
p - 802-362-1313
c - 802-362-0201

Patty Schuster <pschuster@lakegeorgetown.org>
To: "Murphy, Scott" <s.murphy@manchester-vt.gov>

Fri, Oct 18, 2024 at 11:13 AM

Good Morning -

I can only say great things about our experience with Tectonic Engineering. They were very responsive and helpful. They completed the project in a timely manner and yes, it was within the budget allocated for this project. They always made themselves available to answer any questions and very professional when appearing before the Board members. I would highly recommend Tectonic Engineering for your cell tower project..

If I can be of any further assistance, please let me know. Have a great weekend

Patty Schuster
Town of Lake George
Town Clerk/Receiver of Taxes
[20 Old Post Road](#)
Lake George, New York [12845](#)
518-668-5722, ext. 2

From: Murphy, Scott <s.murphy@manchester-vt.gov>
Sent: Friday, October 18, 2024 8:40 AM
To: Patty Schuster <pschuster@lakegeorgetown.org>
Subject: Tectonic Referral

[Quoted text hidden]

Murphy, Scott <s.murphy@manchester-vt.gov>
To: Patty Schuster <pschuster@lakegeorgetown.org>

Fri, Oct 18, 2024 at 11:18 AM

Town 004

Thanks Patty for your quick response!

Scott Murphy
Manchester Town Manager
p - 802-362-1313
c - 802-362-0201

[Quoted text hidden]



Murphy, Scott <s.murphy@manchester-vt.gov>

Fwd: Tectonic

1 message

Peter Brabazon <p.brabazon@manchester-vt.gov>

To: Wilbur Rice <wilbur@equipesport.com>, Scott Murphy <s.murphy@manchester-vt.gov>, Elias Schroeder <e.schroeder@manchester-vt.gov>

FYI

Sent from my iPhone

Begin forwarded message:

From: "Frawley, Edward F." <EFrawley@tectonicengineering.com>
Date: July 30, 2024 at 9:41:21 AM EDT
To: "Brabazon, Peter" <p.brabazon@manchester-vt.gov>
Cc: "Smith, Kelly" <KSmith@tectonicengineering.com>
Subject: Tectonic

Peter,

My apologies for the delay in getting this to you.

I will follow this up with a formal proposal by COB today.

I am copying Kelly Smith as she will be writing the proposal for my review. Kelly is one of our BOS personnel and she will ensure I get the final proposal to you today (she will nag me u

In short order, Tectonic proposes to provide the following to the Town of Manchester:

Meet with the town and its' representatives to review areas to locate telecommunication structure(s) that will benefit the town and any service providers	\$1,000.00
Meet with the town and the carriers to look at the potential structure area(s) to ensure the area(s) work for all parties	\$1,000.00
Coordinate with the town to offer meetings with the four main carriers in the market (Verizon, AT&T, T-Mobile and Dish) and anyone else the town requires	Hourly rate

Services that can be offered if the town requires:

Lease negotiation

Engineering

Environmental services

PLS Land Survey Fixed Fee to be determined

I will breakdown the hourly services fees in our proposal. Often, you will not need me, or my bill rate, and we can achieve the same results with a Site Acquisition Specialist or a Back C
Performing the services.

I look forward to sending you the proposal this afternoon.

Ed

Edward Frawley

Executive Vice President

Tec

PRACTICAL SO

5G TURN KEY SOLUTIONS FOR THE WIRELESS IND

ENGINEERING - SURVEYING - CONSTRUCTION INSPECTION

36 British American Blvd., Suite 101

Latham, New York 12110

T 518.783.1630 C 518.441.2964 F 518.783.1544

WWW.TECTONICENGINEERING.COM efrawley@tectonicengineering.com

[Download my outlook business card](#)

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Town of Manchester
Attn: Scott Murphy - Town Manager
40 Jeff Williams Way
Manchester Center, VT 05255

October 11, 2024

RE: PROPOSAL FOR SITE ACQUISITION AND ENGINEERING SERVICES

Dear Mr. Murphy,

At your request, Tectonic Engineering Consultants, Geologists & Land Surveyors, D.P.C. Inc. (TECTONIC) is pleased to offer this proposal to provide services to help facilitate and locate telecommunication structure(s) within the town that will be of benefit to the town and wireless providers.

1.0 Background of Firm

Tectonic Engineering Consultants, Geologists and Land Surveyors, D.P.C. (Tectonic) has provided Strategic Planning and Implementation Services, RF Broadband Design, Site Acquisition, A/E Design, Regulatory Oversight and Construction Management for over 200,000 Telecommunication, Wireless and Broadband Sites Nationwide including Vermont and its Counties. Our Team has previously provided similar services for Telecommunication, Wireless and Broadband Clientele including Counties, Major ISP Broadband / Telecommunication firms, municipal and public sector clients. All services were provided for numerous wireless and broadband clientele - many with telecommunication sites located throughout the U.S. - and we are completely familiar with all inherent challenges to telecommunications and broadband.

Similar to the Town's request, in past years, our Team has provided strategic planning services leading to development of regionally approved strategies for broadband and wireless site selection and network deployment plans.

With approximately 500 employees, our professional staff is comprised of RF designers, permitting and zoning specialists, planners, site acquisition specialists; land surveyors; civil, structural, electrical and engineering geologists. This staff utilizes state-of-the-art resources and methodologies for all projects such as the Team's extensive GIS and CAD/computer facilities, and field-testing equipment.

Project Contact Info

36 British American Boulevard, Suite 101 | Latham, NY 12110
518.783.1630 Tel | 518.783.1544 Fax

tectonicengineering.com
Equal Opportunity Employer

Points that make Tectonic uniquely qualified for this engagement;

- Extensive experience managing and leading telecommunications and broadband projects;
- Proven track record of providing practical solutions and exceptional service to local/state municipalities and agencies;
- One of the top 200 firms on Engineering News-Record's Top 500 Design firms and Top 25 firms in Telecommunications since 2001;
- Recipient of numerous Engineering Excellence Awards from the American Council of Engineering Companies

2.0 Project Understanding

We understand the Town of Manchester is in need of services to ascertain mutually agreeable cell tower locations with service providers.

3.0 Scope of Work

The scope of work we will perform under this engineering services proposal for each task is as follows:

In depth review of the carrier provided propagation maps to show where coverage dissipates and where the holes in the networks are as well as coverage received from the new site.

One (1) day in the field to look at the proposed site(s) and to see if any other viable, less intrusive land options exist.

Formal review of any submittal from application through all exhibits (prop maps, A&E drawings, Environmental, FAA filings, site selection analysis, ETC).

Meeting, on site, with any interested carriers to find a suitable site that meets the towns needs and the carriers coverage objectives.

Site Acquisition Services:

I. Expected performed services

i. Meetings:

- One (1) day in field for site acquisition, review of property.
- One (1) day in office pulling up background info and documentation.
- One (1) day in Town of Manchester for meeting with respective carriers.

Meet with town representatives to review areas to locate telecommunication structures that will benefit the town and service providers.

Coordinate with town representatives to offer meetings with four main carriers (Verizon, AT&T, T-Mobile and Dish) and anyone else the town requires.

Meet with town representatives and carriers to look at potential structure areas to ensure the area(s) will work for all parties.

Prepare a property survey map showing the possible locations in a prioritized format with the benefits and detriments of each site listed

4.0 Schedule

We will work with you to arrive at a formal schedule for the aforementioned deliverables. Generally speaking, and assuming needed information is made available, we will be able to issue deliverables in the following timeframes:

We envision being able to complete our due diligence in the field, and our office work within 15 business days from receiving an executed contract.

Tectonic would provide our findings to the town within 5 business days from completion of the due diligence.

Upon approval of the due diligence report by the town, Tectonic will reach out to the four (4) carriers via certified mail, return receipt requested to set up a meeting with the carriers. Additionally, Tectonic will email and call local carrier representatives to schedule an agreeable meeting date and time.

Tectonic will be present and lead a meeting with the interested carriers at the scheduled meeting. As well, Tectonic will provide information to the carriers regarding the site they have found. If needed, Tectonic will take interested carriers to the site.

5.0 Clarifications, Limitations, and Exclusions

The following lists details additional limitations to the scope of work listed above. Any item listed as out of scope that is necessary to procure the approvals and permits you need will require authorization of a new engineering services proposal for the required items.

- I. Site visits and Meetings beyond those included with this proposal are out of scope.
- II. Site visits for projects in excess of 2 hours drive time from our office will incur an additional surcharge each way for the trip.
- III. TECTONIC will perform one (1) revision to any and all of the deliverables listed above at the client's request and at the request of the reviewing agency. Revisions beyond this or which could not reasonably be anticipated, are out of scope. Full size hard copies beyond the quantity listed above are out of scope.
- IV. Town of Manchester shall furnish TECTONIC with all available documentation for the proposed tower site(s) including but not limited to existing surveys, site plan drawings, surveys, and environmental reports if applicable.

6.0 Similar Engagements with Other Entities

Our experience with other organizations and municipalities includes:

- American Water Company (Nationwide)
- Dryden, NY
- Lake George, NY
- Woodbury, NY
- Germantown, NY
- Warwick, NY
- New Lisbon, NY
- Norwich, NY
- East Orange, NJ

Additionally, we have worked on thousands of site locations across the nation for many carriers including Verizon Wireless, T-Mobile, AT&T, Dish, Starry Internet, Crown Castle, and Aristotle Unified Communications.

7.0 Staff Qualifications and Experience

Edward F. Frawley, Executive Vice President, Project Deployment – Nationwide, Tectonic
- As Executive Vice President of Deployment, he is responsible for oversight of project as well as site development planning and zoning services, civil engineering, geotechnical, survey, and visual services for all projects nationwide. Responsibilities involve day-to-day operations, marketing, budgeting, hiring of employees, profit and loss reporting, client interaction, project process and procedures and quality control.

Dan Weinheimer, Site Acquisition Specialist, Tectonic - Responsibilities include communication between site acquisition and service providers, coordinating site visits, and assisting with the completion of applications. In addition, he handles lease negotiations with both individuals and corporate entities, planning & zoning, and permitting of sites for service providers.

Christina Littlejohn, Site Acquisition Specialist - Wireless / Utilities / Fiber, Tectonic - Responsibilities include serving as the liaison between the client and site acquisition personnel. Confirming viable wireless communication sites, deed research, aiding with negotiation of lease agreements, zoning research and meetings, coordination of site visits, gathering information to coordinate approvals with necessary parties. Ensuring the client is satisfied with the final product and their pipeline of constructible sites is always full

8.0 Fees

The lump sum fees associated with the proposed scope of work are listed below. In addition to receiving the signed authorization (see bottom of this page) we require a retainer in the amount of \$2,500 prior to TECTONIC commencing the scope of work listed herein on every site assignment.

Site Acquisition Services:

- I. Field visits (2 anticipated)

\$1500.00 each

- II. Office due diligence and coordination
 - a. With carriers (maximum 2 days)
- III. Survey with proposed locations
 - a. Of properties/not to scale
- IV. Lease Negotiations if needed

\$1000.00 per day

\$ 750.00 each

\$ TBD

\$5,750
plus out of scope SVCS,
if any

Hourly Fees for out-of-scope items:

Vice President	\$250
Site Acquisition Specialist	\$150
Administrative/BOS	\$80

Sincerely,

Ed Frawley
Executive Vice President

Edward F. Frawley

Acceptance:

Name:

Scott Murphy - *[Signature]*

Signature:

[Signature]

Title:

Town Manager

Date:

10/30/2024

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Bell Atlantic Mobile Systems, LLC
d/b/a Verizon Wireless and Vertex Towers, LLC
for a Certificate of Public Good, pursuant to Case No. 24-3345-PET
30 V.S.A. § 248a, authorizing the construction
Of a telecommunications facility in Manchester Vermont

PRE-FILED TESTIMONY OF DANIEL WEINHEIMER

The following testimony identifies and authenticates a report prepared by
Tectonic Engineering, which the Town may rely on in support of its position in this
docket.

1 Q: Please identify yourself.

2 A: My name is Daniel Weinheimer, and I am a Site Acquisition Specialist at Tectonic
3 Engineering.

4 Q: What is the purpose of your testimony?

5 A: To identify and authenticate a report prepared by Tectonic Engineering relating
6 to siting of a proposed Telecommunications Facility in the Town of Manchester,
7 Vermont, which is dated January 2, 2025 ("Report") (Ex. Town-DW-1).

8 Q: What is the purpose of the Report?

9 A: To identify suitable alternative parcels of land within the Town of Manchester
10 upon which a Communications Tower similar to the one currently proposed in Case No.
11 24-3345-PET ("proposed Facility") may potentially be located within the Town of
12 Manchester.

13 Q: Does the Report identify potential alternative locations for a Communications
14 Tower similar to the proposed Facility could be sited within the Town of Manchester?

15 A: Yes. As set forth in more detail in the Report, there is a more suitable potential
16 location for siting of the proposed Facility (Parcel No. 5 as identified in the Report),
17 which is within a zoning district in which Communications Towers are permitted, which
18 the Town believes should be pursued by the Petitioner.

19 Q: Does that conclude your pre-filed testimony?

20 A: Yes.

Daniel Weinheimer
Tectonic Engineering
1-16-25

Manchester, Vermont

Telecommunications Facility Location Report

January 2, 2025

Project Contact Info

36 British American Boulevard, Suite 101 | Latham, NY 12110
518.783.1630 Tel | 518.783.1544 Fax

tectonicengineering.com
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Table of Contents

- Introduction
- Summary: Site Visit & Review
- Conclusion
- Attachment: Zoning Map

Manchester, Vermont Telecommunications Facility location Report

Regarding the Verizon Wireless/Vertex application for a new cell tower located in the town of Manchester, VT, in a Mixed Use 2 ("MU2") location, at 410 Hunter Park Road, we have visited the proposed location and other nearby potential locations on Wednesday, November 6, 2024.

The Town Plan requires that telecommunications facilities be located "in a manner that protects the scenic, cultural and natural resources of the Town." The Selectboard determined that the proposed facility at this location would have an adverse visual impact on views from the scenic recreational areas in and around the downtown areas, and specifically in recreational areas and trails.

The community appears to mostly agree that improved wireless telecommunications service is needed, however, there is strong community opposition to the proposed site as demonstrated by the petition with more than 450 signatures opposed to the location. Additionally, there have been numerous public comments and letters written in opposition to the proposed site. Among the many points of opposition, the most common include:

- The site will negatively affect views or be an eyesore
- The area is for recreational purposes and should not be compromised
- The site does not comply with land use regulations
- The site is too close to Red Fox Elementary School
- The site is too near helicopter landing area

Certain members of the public also contend that the site would only provide non-substantial coverage (woods and fields) or that no proof of coverage improvement has been demonstrated.

A summary of the property reconnaissance is below:

- 1) Currently Proposed Verizon Site: Hunter & Hand Solar (Riley Rink): 15-20-21.00 (ID#3307S):** This location is on the Riley Rink property. This property is in a mixed-use zoning district (MU2). Telecomm facilities are NOT permitted in this zone, therefore it would require a use variance. It would also require a setback variance as it does not meet setback requirements as currently situated.

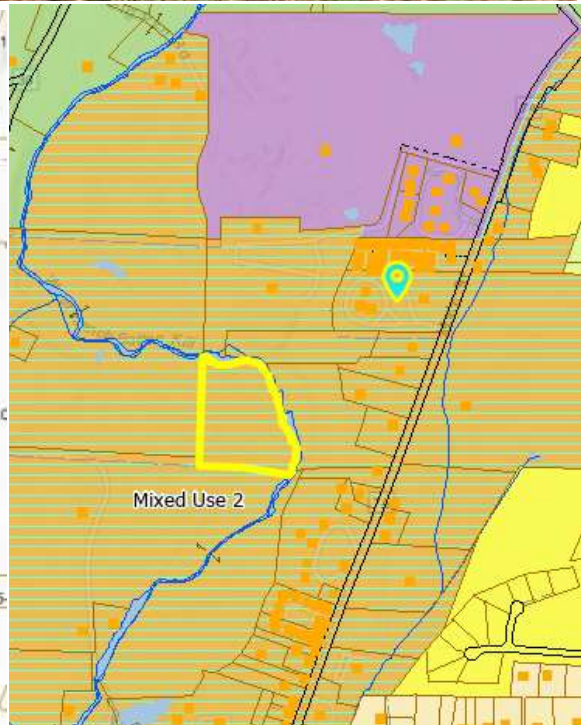
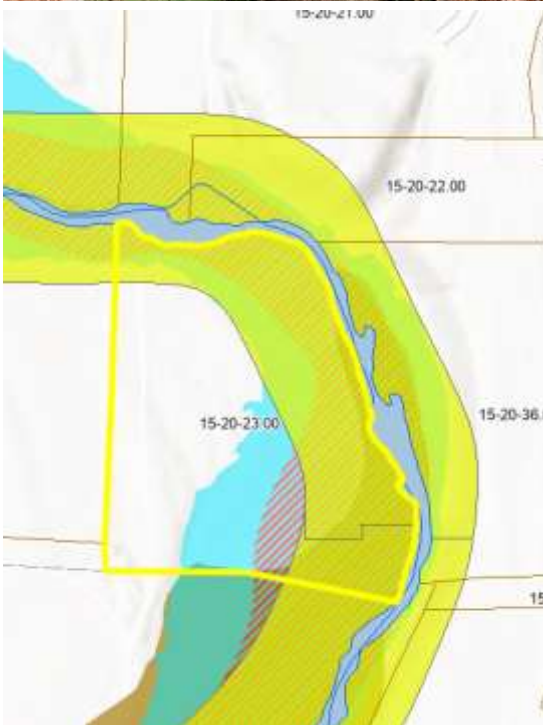
The town believes the proposed facility (the tower) would be prominently visible from numerous locations in and around the town, including from Dana L. Thompson Park, Hunter Park, and sections of Bonnet Street and Main Street as well as other areas. Photo simulations provided by the applicant did not adequately address this.

This proposed site location is next to an existing solar energy facility, and it is bordering an industrial zoned property. The property is located approximately 1,796' from the main thoroughfare (Main St, VT Rt 7A), 1,243' from Red Fox Elementary School and approximately 2,410' from the Parks and Recreation Office at Dana L. Johnson Park. The location also sits on a high point of the parcel and the proposed site would accommodate additional carriers as well.

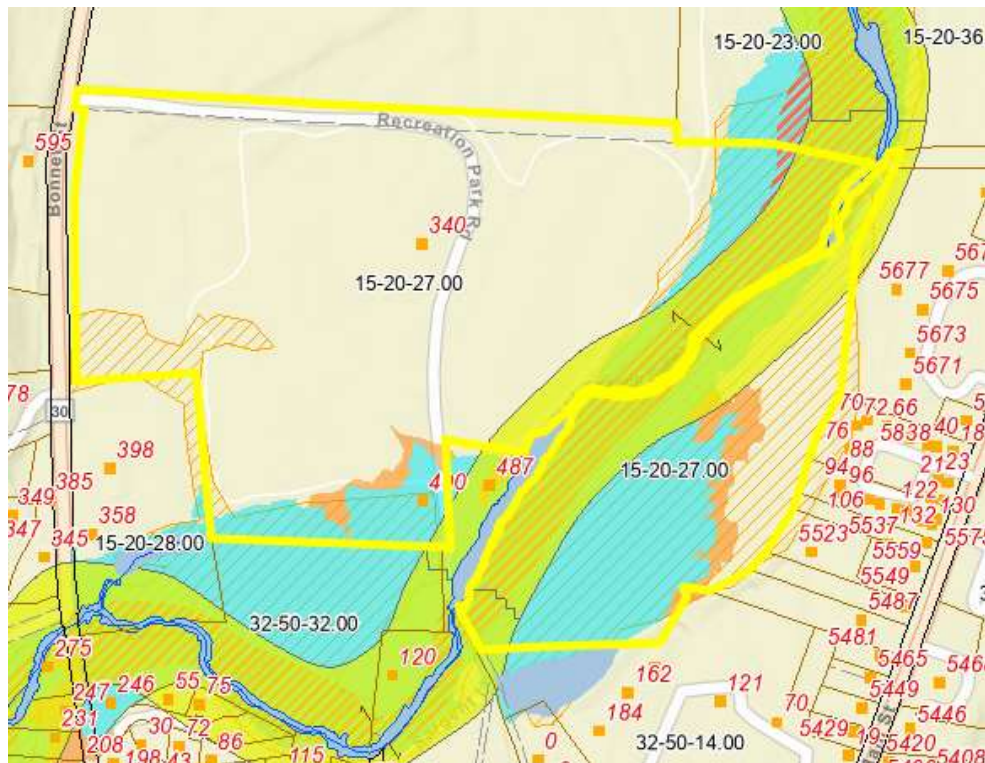
TOWN PROPERTIES:

- 2) Parcel 15-20-23.00 (parcel ID: 9219):** This 10.8-acre property is owned by the Town of Manchester. It is in the northeast section of Dana L. Thompson Park (but it is a separate parcel from the main park property). It is currently used for recreational purposes and consists of mature forest land with walking and biking trails.

The property contains wetlands and flood hazard areas according to the GIS wetland Map (below, left). There is no currently designated vehicular access road to the property, so an access road would need to be constructed. Power and transport would need to be run as well. The property is zoned MU2, Mixed Use 2. This property was donated to the town in 1997. We do not know if any restrictions for use are in place.



- 3) **Dana L. Thompson Park**, Parcel 15-20-20-01 (parcel ID 3214), 340 Recreation Park Rd. This is the main parcel of the 95-acre Dana L. Thompson Park. It is developed parkland and used for multiple recreational and athletic activities. Potential locations for new telecommunication facilities could include areas along the northern border of the property or the currently unused and undeveloped eastern portion, although the eastern portion contains significant wetland and flood areas according to the GIS map. There is an existing dog run on the northern border of the property. Other location possibilities could include installing/attaching small-cell facilities to existing light poles and/or the recreation center. A location on the property may take away existing recreational space, unless a site were developed in the eastern portion, which is currently a mixture of thick shrubbery wooded area. It contains wetlands (VSWI Wetlands, VTR ANR) and Flood Hazard Overlay according to GIS mapping (see below). There would need to be some construction for access and power and transport.



4. Town Hall, Parcel 16-20-15.00 (parcel ID: 9201), 40 Jeff Williams Way: This 9-acre parcel is the Town Hall/Police Department location. It is zoned MU₂, Mixed Use 2. Required setbacks would not likely be met. Height limitations and lighting would likely be required due to proximity of helicopter landing area. Construction for access, power and transport would be limited.

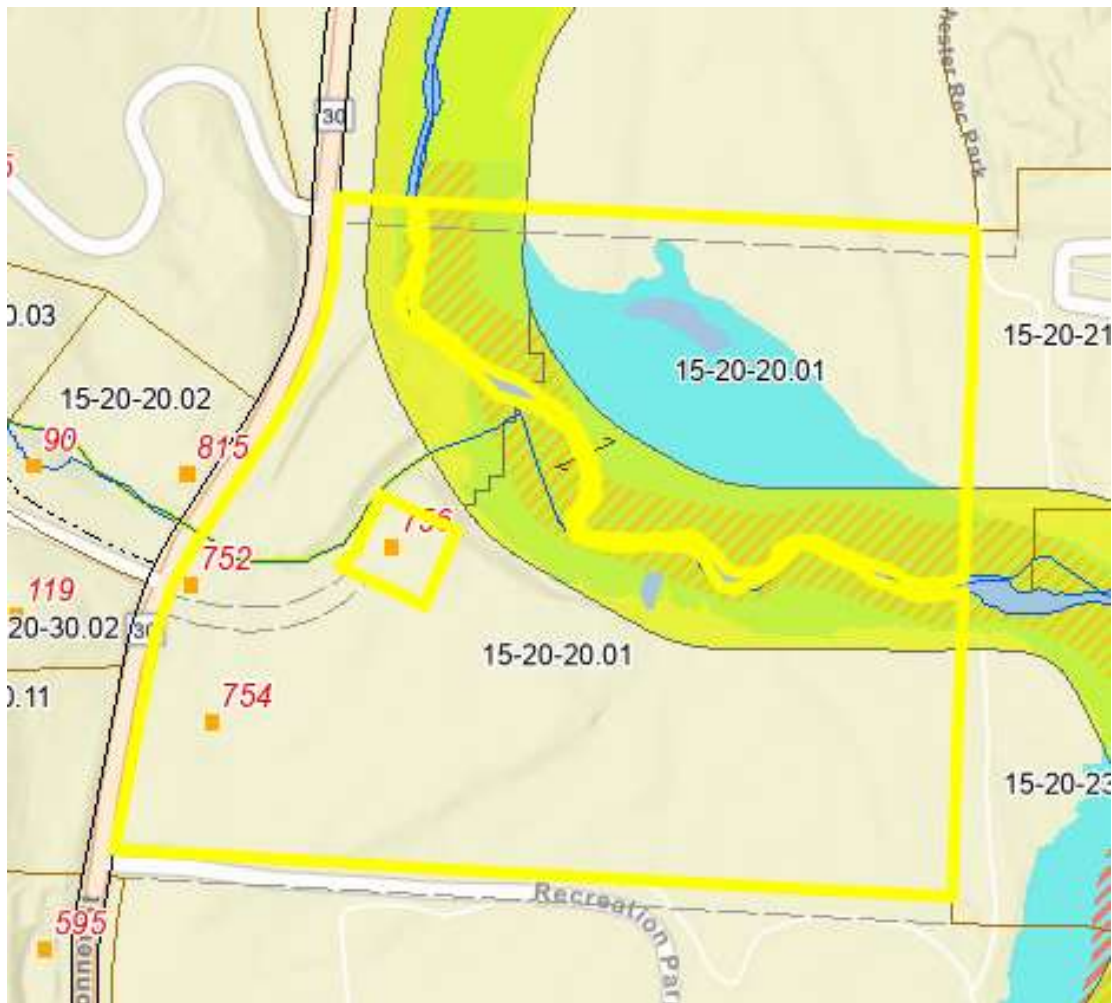


Private Property

5. Dailey William E Inc., Parcel # 16-20-07.00. 46 Hunter Park Rd. This is a 76.4-acre parcel zoned **OI, Office Industrial**. Telecommunication facilities are permitted within this zoning district; therefore it is recommended that efforts to locate here be exhausted if the location is technically acceptable to the applicant from an RF perspective. If it is not acceptable to the carrier, or if a lease cannot be procured, written documentation confirming such should be provided. The property appears to be used for gravel distribution and/or concrete manufacturing, although there appeared to be no activity at the back (western portion) of the property on the afternoon of Wednesday, November 6, 2024. The main office area appears to be at the eastern side of the property. In addition to the main eastern access entrance, there is an existing access road on the western portion of the property. Construction for access, power and transport would be minimal.

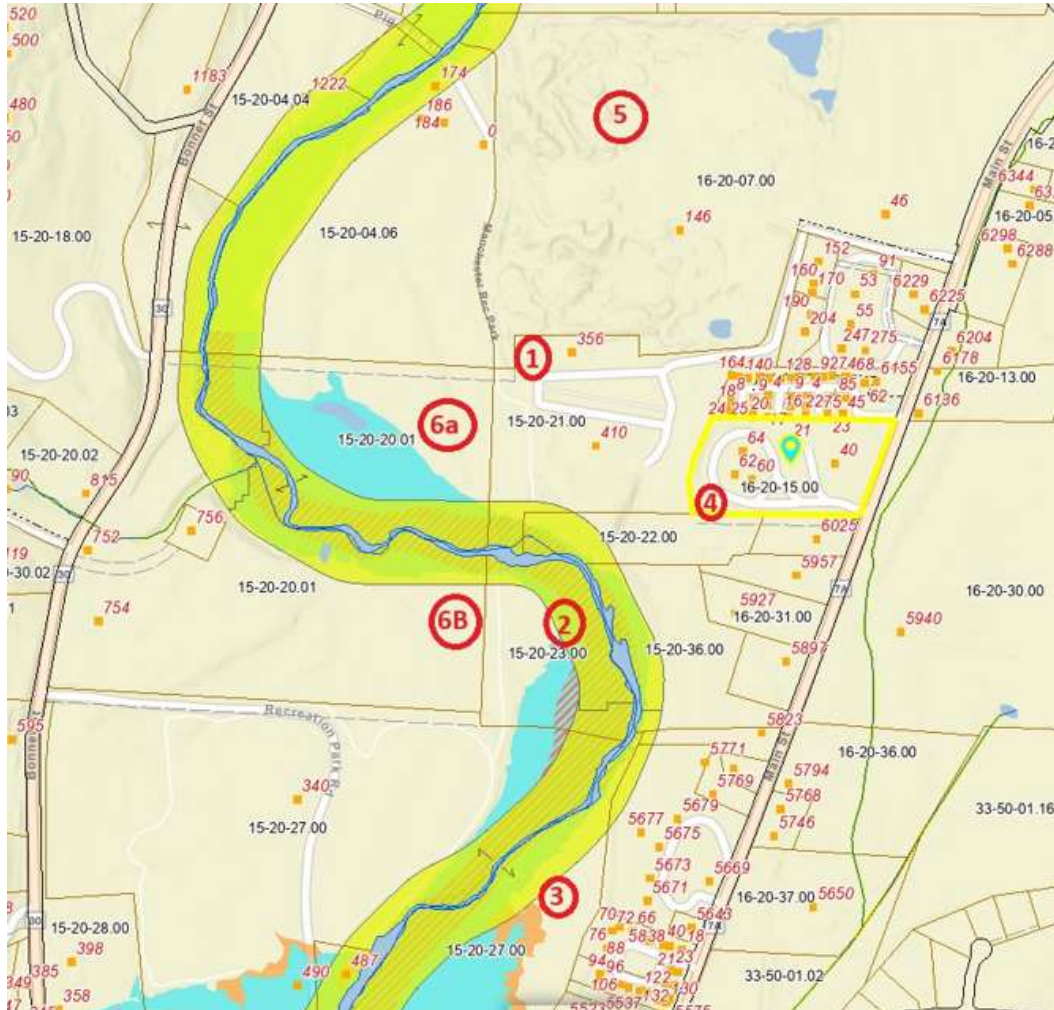


6a and 6b). Dorr Property, Parcel # 15-20-20.01. 752 Bonnet ST. This 65-acre property is also zoned MU2. It has large open fields that may be suitable for a site if the property owner is willing. A portion of the property is in a flood overlay area but much of it is not. A tower on this property would likely be visible from multiple locations throughout town. This property would not take away any public recreation space and it could meet setback requirements (it would still require a use variance). Construction for access, power and transport would be needed.



The below map shows the described locations:

- 1) Proposed Verizon/Vertex site
- 2) Town property (NE section of Dana L. Thompson Park)
- 3) Dana L. Thompson Park property
- 4) Town Hall Property
- 5) Dailey William E property (Zoned Office Industrial, OI)
- 6) 6a. Dorr Property (north)
6b. Dorr Property (south)



Conclusion:

Based upon the existing town requirements for locating a telecommunications facility, and based on our review of the area and the lack of collocation opportunities, the following recommendations are advised:

- Applicant should **provide colored coverage plot maps** demonstrating current service and proposed Improved service with a new facility at the proposed

location and height, as well as at other possible locations. Maps should be for each technology frequency being utilized. For comparison and justification purposes, plot maps should also be provided to show the coverage at a height 10' below the proposed height so the difference can be seen and the proposed height justified. **These plot maps should be provided on mylar overlays for easy comparison.**

- Applicant should **provide clear and accurate photo simulations** with the tower location and point of view locations clearly labelled. Metadata from the images from the balloon shoot should be provided to the town as focal lengths are not provided in the visual report. It is hoped that the town has provided input on the locations for this report. The town should advise the carrier(s) on specific locations if they so desire. Where balloons are not readily viewable applicant should utilize a red arrow indicating location of the balloon on the photograph and simulation.
- Applicant should attempt and exhaust all opportunities to procure a location within a property where telecommunications facilities are permitted (OI, FC, RA; see attached zoning map attached for reference). **It is highly recommended that the neighboring OI property directly to the north be pursued diligently.** If good faith efforts with that property owner fail in an attempt to locate there, written documentation should be provided to confirm that.
- Applicant should attempt to meet town code requirements including setback requirements and height requirements, whenever possible.
- Applicant should confirm with the FAA if the tower needs to be lighted or painted due to the proximity of the town helipad.
- Applicant should indicate distances from residences and schools and attempt to meet required setbacks.

As directed by the town, we have reviewed the application documentation and visited the proposed site as well as other potential nearby sites (both town owned and private properties). It appears likely the proposed site, as well as nearby locations will achieve the coverage objectives of the applicant. However, we believe that the property to the north of the proposed site is better suited for a site as it is in a permitted zone, and depending upon placement, could meet setbacks. If the town prefers to have the

applicant locate on town property, we have presented nearby town-owned properties that could be considered for such an opportunity.

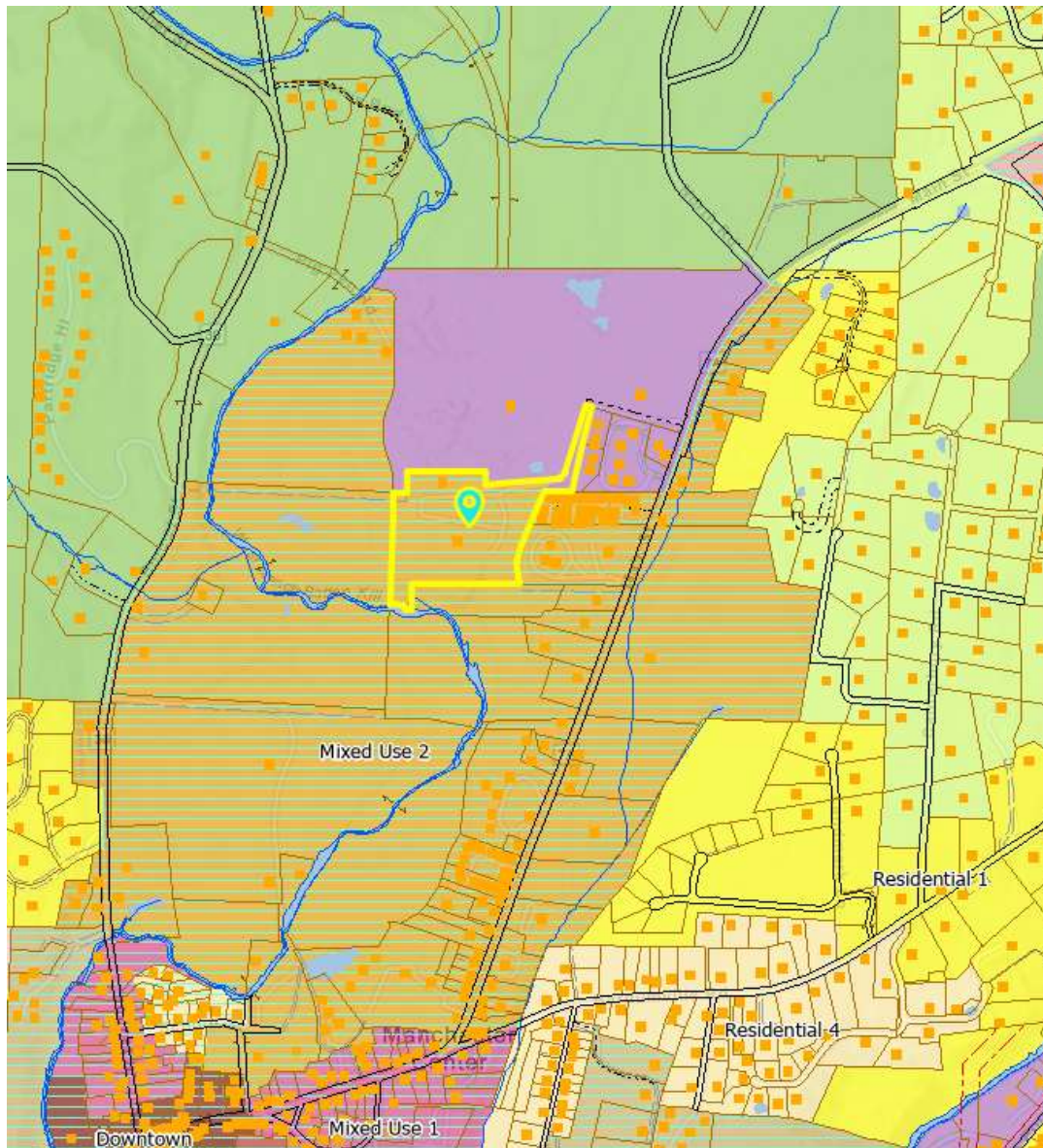
Respectfully submitted,

Edward F. Frawley
Executive Vice President
Tectonic Engineering

Daniel Weinheimer
Site Acquisition Specialist II
Tectonic Engineering

**Attachment:
Zoning Map**

Manchester Zoning Map



Outlined parcel is Subject Property (410 Hunter Park Rd)
Parcel in purple is zoned OI.

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Bell Atlantic Mobile Systems, LLC
d/b/a Verizon Wireless and Vertex Towers, LLC
for a Certificate of Public Good, pursuant to
30 V.S.A. § 248a, authorizing the construction
Of a telecommunications facility in Manchester Vermont

Case No. 24-3345-PET

**TOWN OF MANCHESTER'S REPLY TO CONSOLIDATED RESPONSE OF
BELL ATLANTIC MOBILE SYSTEMS, LLC AND VERTEX TOWERS, LLC TO
THE PUBLIC UTILITY COMMISSION'S REQUEST FOR A RESPONSE TO
COMMENTS**

The Town of Manchester ("Town"), by and through its attorneys', Woolmington, Campbell, Bent & Stasny, P.C., hereby files this reply to the Petitioner's Response to the Public Utility Commission's Request for a Response to Comments.

In its reply to the Town Comments, the Petitioner asserts that the proposed Facility complies with the Town Plan based on provisions of general applicability concerning overarching goals, rather than the specific provisions concerning telecommunications infrastructure, upon which the Town relies. Petitioner does not address the prominent visibility of the Tower from the pedestrian paths within Dana Thompson Memorial Park, Hunter Park, and Riley Rink, which are all incredibly important community assets within the Town of Manchester. Petitioner acknowledges that the proposed Facility will be visible from Main Street and Bonnet Street, which are both considered to be main streets within the Town of Manchester.

With respect to the Zoning Ordinance, Petitioner acknowledges that Communications Towers are prohibited within the relevant MU2 District. Petitioner points out that communications antennas are permitted within that district, however a

communications antenna is defined as “[a] device used to transmit or receive radio, television or other wireless communications and related structures and equipment. *This definition specifically excludes a communications tower.*” Manchester Land Use and Development Ordinance Use Table, Section 4.17 (“Communications Antenna”). Petitioner is not proposing a Communications Antenna as defined in the Ordinance. It is proposing a Communications Tower, as stated in its Petition. The discussion of what is permitted in other zoning districts is irrelevant, because the siting for the proposed Facility is within the MU2 District.

The Town of Manchester has engaged a consultant to identify more suitable locations for a proposal such as the one Petitioner makes herein. A copy of the Report is filed herewith, along with the prefiled testimony of Tectonic Engineering’s Site Acquisition Specialist, Daniel Weinheimer, authenticating same.

The Town maintains its position as stated in its prior comments that, because the proposed Facility does not comport with the Town Plan or the Town’s Zoning Ordinance, the PUC should deny the petition for a CPG for this location.

Dated at Manchester, Vermont this 17th day of January, 2025.

/s/ Merrill E. Bent

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July 19, 2024

Via ePUC Filing

Vermont Public Utility Commission
112 State Street
Montpelier, VT 05620

Re: Bell Atlantic Mobile Systems, LLC
d/b/a Verizon Wireless and Vertex Towers, LLC
Petition for a Certificate of Public Good, pursuant to
30 V.S.A. § 248a, authorizing the construction of
a telecommunications facility in Manchester, Vermont
No. 24-1439-AN

Dear Commissioners:

This letter, sent on behalf of the Selectboard of the Town of Manchester, Vermont ("Town") as the legislative body of the Town, serves as notice to the Vermont Public Utility Commission ("PUC") pursuant to 30 V.S.A. § 248a(c)(2), that the Selectboard and Planning Commission considered the proposed telecommunications facility described in the above-referenced docket at a special joint session on June 11, 2024, and reached the conclusion it does not comply with the Town's municipal plan ("Town Plan")¹ or with the Manchester Land Use & Development Ordinance ("Land Use Ordinance").²

INTRODUCTION

On May 8, 2024, Vertex Towers LLC ("Vertex") and Bell Atlantic Mobile Systems, LLC d/b/a/ Verizon Wireless ("Verizon") submitted a 60-Day Advance Notice to the Town of Manchester pursuant to 30 V.S.A. § 248a, of its intent to submit to the PUC a petition for approval to construct and install a new telecommunications facility ("proposed Facility") on a parcel of land located at 410 Hunter Park Road in Manchester, Vermont ("proposed Site"), for the initial use of Verizon Wireless and subsequent use by other communications providers.

¹ <https://manchester-vt.gov/vertical/Sites/%7BCE718C6D-0EC0-43CE-B71E-5A023B5D13EA%7D/uploads/Manchester-Town-Plan-2017-adopted-May-9-2017.pdf>

² https://drive.google.com/file/d/1UF_bNaBVD4SikKyUhY9gb14QS4nQTPDV/view

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The proposed Site is located in a mixed use zoning district, Mixed Use 2 ("MU2"), where telecommunications towers are prohibited under the Land Use Ordinance. Land Use Ordinance Section 4.17, p. 58.

The Advance Notice described the proposed Facility as follows:

- A. A 50' x 50' "Compound" enclosed by an 8' high chain link fence, with a locked gate, and topped with barbed wire. A 130' above-ground level ("AGL") telecommunications Monopine tower disguised as an artificial pine tree ("Monopine") constructed within the Compound.
- B. Six (6) centered panel antennas ("Antennas"), six (6) Remote Radio Heads ("RRHs") and three (3) "clip-on" combined Antennas and RRHs known as "MMUs" at the 127' AGL level on the Monopine on a triangular mounting bracket with two (2) Antennas, two (2) RRHs, and one (1) MMU per side or "sector." Each Antenna will measure approximately 72" long and 11.9" wide, and the topmost point will extend to a height of 130' AGL.
- C. Each of the RRHs, measuring approximately 15.9" long and 15.5" wide will be mounted directly behind each of the Antennas. The MMU, measuring approximately 35" long and 16" wide, will also be mounted with a centerline elevation of 127' AGL.
- D. One (1) OVP distribution box ("OVP"), measuring approximately 25.8" long by 15.9" wide will be mounted on the Monopine at the same centerline as the Antennas and RRHs.
- E. The trunk of the Monopine will be painted brown or Corten steel will be used, and the OVP and Antennas will be painted brown or shrouded with brown "socks."
- F. A 12' by 20' equipment shelter ("Shelter" on the ground inside the Compound, located to the northwest of the Monopine. The Shelter will contain the electronics equipment necessary for the operation of the Project.
- G. An emergency generator ("Generator") will be placed on a 10' by 12' concrete pad adjacent to the east side of the Shelter, for use in the case of a power outage, with remote testing one time per week. If diesel is used to power the Generator, its tank will be placed underneath the Generator. If propane is used to power the Generator, Verizon will install a 500-gallon propane tank on an 11' by 4' concrete pad to the east of the Monopine in the Compound.
- H. Co-axial and fiber optic cables from the tower-mounted equipment will descend inside the hollow Monopine. The cables will exit near the base of the Monopine and will connect with the Shelter via a proposed cable bridge.

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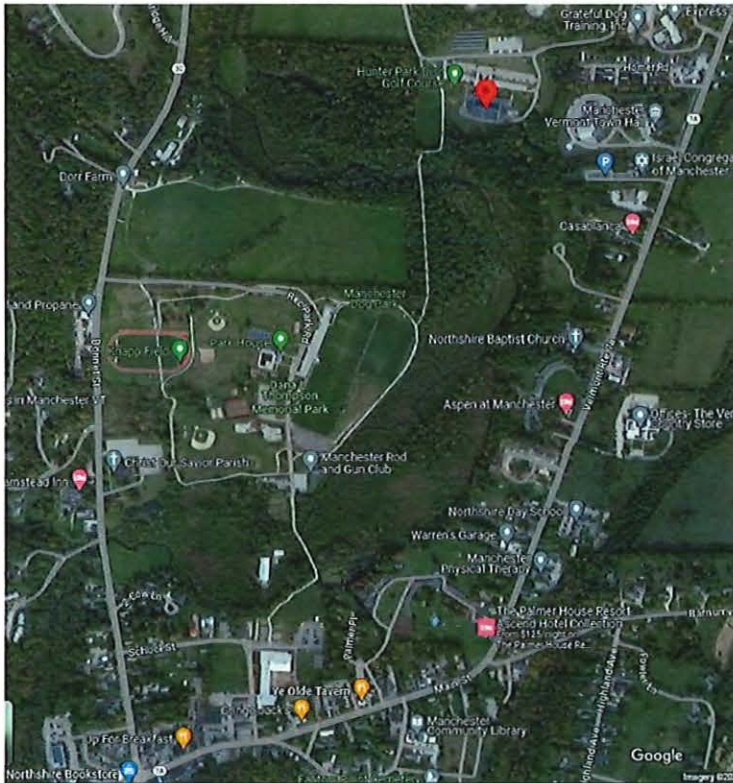
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I. Access to the Compound will follow an existing paved drive connecting to Hunter Park Road, coupled with the construction of a new 12' wide gravel access drive ("Access"). 4,984 square feet of clearing will be required for the new gravel access drive. At the close of construction, Verizon proposes that it will reseed and mulch all disturbed areas along the Access and around the Compound. Culverts, check dams, water bars, and silt fencing will be placed along the Access and at the Compound as indicated on plans submitted with the Advanced Notice. Underground utilities will follow the Access from the closest existing utility pole to the Compound, using a 20' wide easement.

J. Permanent earth disturbance will total 4,691 square feet.



Proposed Site Location – 410 Hunter Park Road, Manchester Center, Vermont

I. Town Plan

The Town Plan was re-adopted on May 9, 2017, pursuant to 24 V.S.A. §§ 4381 *et seq.* The Town Plan begins with a section entitled "Vision, Policies & Actions," in which it provides:

Manchester is a quintessential New England Community with a historic core surrounded by rural pastures and forested mountain backdrops. Situated in the

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Batten Kill Valley between the Green and Taconic Mountains, Manchester cherishes its natural beauty as the basis of a high quality of life for residents and the foundation of a strong visitor economy.

Town Plan, Part 1, p. 1.

The Town Plan identifies Recreation Pathways as part of a “greenway network of pedestrian, cross country ski, and bicycle paths that would link the outskirts of town with the downtown,” which include the corridors through the Dana Thompson Memorial Park and on to Riley Rink through Hunter Park, as an important community asset. Town Plan, pp. 30–31. Section 4.1 also recognizes the Dana L. Thompson Memorial Park as a community asset for residents and visitors alike.

The Town also believes that the proposed Facility would be prominently visible from the heart of the Dana L. Thompson Memorial Park, from Hunter Park, and from sections of Bonnet Street and Main Street. The applicant has declined to provide the results of the balloon test that it conducted for site visibility to the Town following multiple requests.

Section 3.3 of the Town Plan addresses Power & telecommunications Facilities. Town Plan Section 3.3, pp. 37–38. The Town Plan requires that telecommunications facilities be sited “in a manner that protects the scenic, cultural, and natural resources of the Town.” *Id.* at p. 37. The Town Plan specifies that:

In order to enhance the aesthetics and visual character of the downtown area, public utilities (including . . . telecommunications facilities) should be relocated from public view along main streets wherever possible. This may include behind buildings, away from the street, along streets, or underground. Where this is not possible, these should be screened from adjacent properties with dense coniferous plantings.

Town Plan Section 3.3, pp. 38. Accordingly, where a proposed telecommunication facility is presented through the local zoning process, it is subject to conditional use review, with careful consideration by the Development Review Board of all “[v]isual impacts, lighting, noise generation, natural resource impacts, and site screening.” *Id.*

The Selectboard determined that the location of the proposed Facility, in particular the tower, would have an adverse visual impact on views from the scenic recreational areas surrounding and linking to the downtown area

Recommendation as to the Town Plan:

Accordingly, the Selectboard will recommend that the PUC deny the applicant’s petition for a CPG with regard to the proposed facility for failure to comply with the Town Plan.

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II. Land Use Ordinance

As set forth in 30 V.S.A. § 248a(c)(2), “[n]othing in this section or other provision of law shall prevent a municipal body from basing its recommendations to which substantial deference is required under this subdivision (2) on an ordinance adopted under 24 V.S.A. § 2291(19) or bylaw adopted under 24 V.S.A. chapter 117.” The Town’s Land Use Ordinance was adopted pursuant to 24 V.S.A. chapter 117, and regulates the construction, alteration, and developments of wireless telecommunications facilities. *See* Land Use Ordinance, Section 7, pp. 91–96. The Land Use Ordinance in effect at the time of the Advanced Notice came into effect on June 1, 2022.

As explained, *supra*, telecommunications towers are prohibited within the MU2 District. The Town Plan contains the following provisions applicable to locations where telecommunications towers are permitted.

Section 7.1.8 provides that “[a]pplicants are encouraged to locate within existing tall structures such as church steeples or barn silos.”

Section 7.1.9 provides that colocation is to be employed to the greatest extent possible. “The applicant shall demonstrate that there are no other existing tower sites that can accommodate the proposed facilities. If other sites do exist, then the applicant must demonstrate that they are technically inadequate, or that bona fide, good faith negotiations with that landowner have failed.”

The applicant’s submission does not satisfy the standard as set forth in Section 7.1.9.

Recommendation as to Land Use Ordinance

The Town’s Land Use Ordinance, to which the Town Plan refers, contains strict, detailed requirements to maintain the aesthetics and character of the Town, including its scenic recreational pathways. The proposed Facility fails to comply with these requirements.

The Selectboard will recommend that the PUC deny the petition for a CPG with regard to the proposed Facility because it would violate provisions of the Land Use Ordinance. The Selectboard wishes to emphasize that it is not opposed to telecommunications towers, and are very willing to work with the applicant to identify an appropriate site for a tower in Manchester. The Selectboard suggests that the applicant fund an Engineering firm to conduct a study to find a suitable location in Town, within a zoning district that permits the siting of telecommunications towers.

Respectfully,



Ivan Beattie
Selectboard Chair
Manchester, Vermont

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Manchester Land Use & Development Ordinance

CHAPTER 3 OF THE MANCHESTER UNIFIED ORDINANCE

DEVELOPED WITH THE SUPPORT OF THE VERMONT DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT MUNICIPAL PLANNING GRANT PROGRAM (FY 2016)

ADOPTED BY THE SELECTBOARD MAY 29, 2018, EFFECTIVE JUNE 19, 2018.

RECORD OF AMENDMENTS:

- *REVISIONS ADOPTED MAY 5, 2020, EFFECTIVE MAY 26, 2020.*
- *REVISIONS ADOPTED OCTOBER 12, 2021, EFFECTIVE NOVEMBER 2, 2021.*
- *REVISIONS ADOPTED MAY 10, 2022, EFFECTIVE JUNE 1, 2022 FOR THE REGULATION OF CANNABIS ESTABLISHMENTS.*
- *REVISIONS ADOPTED MAY 21, 2024, EFFECTIVE JUNE 11, 2024.*

Contents

Section 1	Authority, Adoption and Applicability.....	1
1.1	Authority.....	1
1.2	Amendment and Adoption Procedures	2
1.3	Roles and Responsibilities	4
Section 2	Administrative Mechanisms	6
2.1	Zoning Permits.....	6
2.2	Exemptions and Limitations	6
2.3	Change of Use.....	9
2.4	Expansion of Use.....	9
2.5	Discontinued Uses.....	10
2.6	Abandoned Land Development	10
2.7	Damaged or Destroyed Structures	10
2.8	Nonconforming Structures, Uses and Lots	11
2.9	Application Procedures	12
2.10	Site Development Plan	16
2.11	Fees and Filing Requirements	17
2.12	Certificates of Compliance	19
2.13	Violations and Penalties	20
Section 3	Review Procedures.....	22
3.1	Administrative Review	22
3.2	Site Plan Review.....	22
3.3	Conditional Use Review.....	23
3.4	Design Review	24
3.5	Subdivision Review.....	27
3.6	Waivers.....	29
3.7	Variances.....	30
3.8	Planned Unit Development	31
3.9	Consolidated Review	33
3.10	Hearing Procedures	33
3.11	Decisions	35
3.12	Appeals.....	36

Section 4	Zoning Districts.....	38
4.1	General Provisions	38
4.2	Downtown District (DN).....	39
4.3	Town Center District (TC)	40
4.4	Mixed Use 1 District (MU1)	41
4.5	Mixed Use 2 District (MU2)	42
4.6	Mixed Use 3 District (MU3)	43
4.7	Office Industrial District (OI)	44
4.8	Residential 10 District (R10)	45
4.9	Residential 4 District (R4)	46
4.10	Residential 1 District (R1)	46
4.11	Rural Residential District (RR)	47
4.12	Rural Agricultural District (RA)	48
4.13	Forest Conservation District (FC)	48
4.14	Use Standards	49
4.15	Dimensional Standards.....	50
4.16	Residential Density Standards.....	53
4.17	Use Table	54
4.18	Dimensional Standards Table.....	62
Section 5	Overlay Districts	63
5.1	Design Review Overlay District (DRO)	63
5.2	Aquifer Protection Overlay District (APO)	65
5.3	Flood Hazard Overlay District (FHO)	69
Section 6	General Regulations	73
6.0	Applicability	73
6.1	Access	73
6.2	Accessory Dwelling Units.....	74
6.3	Accessory On-farm Businesses.....	75
6.4	ADA Compliant Structures	75
6.5	Camping and Camping Units.....	75
6.6	Child Care Facilities	76
6.7	Customary Home Occupation.....	76
6.8	Demolition.....	78
6.9	Driveways	78
6.10	Drive-Through Facilities	79

6.11	Erosion Control	80
6.12	Extraction Operations	81
6.13	Fences and Walls	81
6.14	Frontage Requirement	82
6.15	Grading, Excavation or Fill	83
6.16	Outdoor Display of Merchandise	84
6.17	Ponds	84
6.18	Public Toilet Facilities	84
6.19	Stormwater	85
6.20	Swimming Pools	86
6.21	Temporary Construction-Related Structures and Activities	87
6.22	Temporary Structures	87
6.23	Trash Storage and Recycling Areas	88
6.24	Undevelopable Land	88
6.25	Vending Machines or Kiosks	89
6.26	Water Resources Protection	89
6.27	Water Supply and Wastewater Disposal	90
Section 7	Utility Facilities	91
7.1	Wireless Telecommunications Facilities	91
7.2	Utility Facilities	94
7.3	Energy Generation Facilities	94
Section 8	Housing	96
8.1	Adaptive Reuse	96
8.2	Affordable Housing	96
8.3	Dwelling Units	98
8.4	Mobile Homes	99
8.5	Mobile Home Parks	99
8.6	Planned Residential Development	100
8.7	Workforce Housing	102
Section 9	Site Design Standards	104
9.1	Purpose	104
9.2	Applicability	104
9.3	Performance Standards	104
9.4	Landscaping	107
9.5	Outdoor Lighting	110

9.6	Parking and Loading Areas.....	111
Section 10	Sign Regulations.....	117
10.1	Purpose	117
10.2	Content Neutrality	117
10.3	Permitting & Review Procedures	118
10.4	Freestanding Signs.....	119
10.5	Wall Signs.....	120
10.6	Projecting Signs.....	120
10.7	Soffit Signs.....	120
10.8	Awning, Canopy, & Marquee Signs	121
10.9	Window Signs	121
10.10	Additional Permanent Signs.....	121
10.11	Sign Lighting	121
10.12	Temporary Signs	122
10.13	Exempt Signs	124
10.14	Prohibited Signs.....	124
Section 11	Subdivision Standards	127
11.1	Applicability	127
11.2	Capacity of Community Facilities and Utilities	127
11.3	Character of the Area or Settlement Pattern	127
11.4	Suitability of the Land.....	127
11.5	Design and Configuration of Parcel Boundaries	128
11.6	Design and Layout of Necessary Improvements	129
Section 12	Flood Hazard Regulations	133
12.1	Administration	133
12.2	Special Flood Hazard Areas	134
12.3	Floodway Areas.....	136
12.4	River Corridor Areas	136
12.5	Flood Hazard Area Definitions	137
Section 13	Definitions	138

Section 1 *Authority, Adoption and Applicability*

1.1 *Authority*

1.1.1 Title

This chapter of the *Manchester Unified Ordinance* is the *Manchester Land Use and Development Ordinance* and constitutes the town's zoning, sign, and subdivision regulations.

1.1.2 Authority

The Town of Manchester has adopted this ordinance in accordance with and as authorized by the *Vermont Municipal and Regional Planning and Development Act*, 24 VSA Chapter 117.

1.1.3 Purpose

This ordinance implements the goals and policies of the *Manchester Town Plan* and the *Vermont Municipal and Regional Planning and Development Act*. It is intended to:

- (1) Encourage the appropriate development of all lands within the Town of Manchester in a manner that will promote public health, safety, prosperity, comfort, convenience, efficiency, economy, and general welfare;
- (2) Prevent and minimize future development problems;
- (3) Provide sufficient space in appropriate locations for forests and agriculture, for residential, recreational, commercial, and industrial development, and for public facilities, in light of their respective environmental needs and in light of the needs of the residents of Manchester;
- (4) Encourage the healthful and convenient distribution of population, employment opportunities, and land uses; and
- (5) Encourage the most desirable and appropriate use of land and minimize the adverse impact of one land use upon another.

1.1.4 Jurisdiction

This ordinance shall be effective for all land within the Town of Manchester except for that land within the Village of Manchester, a separate municipality with its own zoning regulations.

1.1.5 Applicability

Unless specifically exempted in this ordinance (see Section 2.2) all land development within the Town of Manchester requires a zoning permit issued in accordance with this ordinance.

1.1.6 Effective Date

Upon adoption by the Town of Manchester, this ordinance and any subsequent amendments will take effect in accordance with the procedures established in the *Vermont Municipal and Regional Planning and Development Act*.

1.1.7 Relationship to Previously Adopted Regulations

To the extent that the provisions of this ordinance and any subsequent amendments are the same in substance as the previously adopted provisions they replace, they will be considered continuations of the prior ordinance and not as new enactments unless specifically stated otherwise.

1.1.8 Relationship with Other Laws or Regulations

- (1) If any provision of this ordinance is more restrictive than any other law or regulation, the provision of this ordinance will apply and take precedence.

- (2) If any provision of another law or regulation is more restrictive than this ordinance, the provision of this ordinance will be superseded and the more restrictive provision will apply.
- (3) If any provision of this ordinance is in conflict with another provision of this ordinance, the more restrictive provision shall apply.
- (4) The provisions regulating development within the Flood Hazard Overlay District (See Section 5.3 and Section 12) will take precedence over any other provision of this ordinance.

1.1.9 Severability

If a court of competent jurisdiction invalidates any provision of this ordinance, that decision will not affect the validity, application, or enforcement of the remaining provisions of this ordinance.

1.1.10 Disclaimer of Liability

This ordinance does not create any liability on the part of the town, its officials, agents, employees, or representatives for alleged damages that result from reliance on this ordinance, or any lawful administrative action or decision taken under this ordinance.

1.2 Amendment and Adoption Procedures

1.2.1 Amendment Preparation.

Any amendment to this ordinance, including any proposed provision or bylaw, amended provision, proposed district boundary, or repeal of any provision, shall be prepared by or at the direction of the Planning Commission and shall have the purpose of implementing the *Manchester Town Plan* as the same may be amended from time to time or as otherwise authorized by statute. An amendment of this ordinance may be prepared by the Planning Commission, or any other person or body pursuant to Section 1.2.2 below.

1.2.2 Amendment by Others

Proposed amendments prepared by a person or body 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 had been prepared by the commission.

1.2.3 Amendment by Petition

If a proposed amendment is supported by a petition signed by not less than 5% of Manchester voters, the Planning Commission shall correct any technical deficiency and shall, without otherwise substantively changing the meaning or intent of the amendment, promptly proceed as if it had been prepared by the Planning Commission.

1.2.4 Planning Commission Report

When considering an amendment to this ordinance, the Planning Commission shall prepare and approve a written report on the proposal. The report shall provide a brief explanation of the proposed amendment and shall include a statement of purpose as required for notice under 24 VSA §4441, and shall explain how the proposal:

- (1) Conforms with or furthers the goals and policies contained in the town plan, including the effect of the proposal on the availability of safe and affordable housing;
- (2) Is compatible with the proposed future land uses and densities of the town plan; and
- (3) Carries out, as applicable, any specific proposals for any planned community facilities.

1.2.5 Public Hearing by Planning Commission

The Planning Commission shall hold at least one public hearing within the municipality after public notice on any amendment proposed by the Planning Commission or by petition.

1.2.6 Notice to Municipalities and Agencies

At least 15 days prior to the first public hearing, a copy of the proposed amendment and any written report shall be delivered physically or electronically with proof of receipt, or mailed by certified mail, return receipt requested, to each of the following

- (1) The chairpersons of the Planning Commissions of Dorset, Winhall, Sunderland, Arlington, Sandgate, Rupert, and the Village of Manchester, or in the absence of any Planning Commission in a municipality, the clerk of the abutting municipality;
- (2) The executive director of the Bennington County Regional Commission; and
- (3) The commissioner of the Department of Housing and Community Affairs within the Vermont Agency of Commerce and Community Development.

Any of these bodies may submit comments on the proposed bylaw or amendment to the commission, or may be heard in any proceeding with respect to the adoption of the proposed amendment.

1.2.7 Public Hearing Notice

Where a public hearing is called concerning an amendment to this ordinance, the Planning Commission shall publish and post either the full text of the proposed material or a notice including:

- (1) A statement of purpose;
- (2) The geographic areas affected;
- (3) A table of contents or list of section headings; and
- (4) A description of a place within the municipality where the full text may be examined.

No defect in the form or substance of any public hearing notice shall invalidate an amendment to this ordinance. However, the action shall be invalidated if the notice is materially misleading in content or fails to include one of the above required elements or if the defect was the result of a deliberate or intentional act.

1.2.8 Submission to the Selectboard

After holding a public hearing, the Planning Commission may then make revisions before submitting the proposed amendment and the written report to the Selectboard. If a proposed amendment is supported by a petition as outlined in Section 1.2.3 above, the Planning Commission shall promptly submit the amendment, with changes only to correct technical deficiencies, to the Selectboard, together with any recommendation or opinion it considers appropriate. Simultaneously with the submission, the Planning Commission shall file with the town clerk a copy of the proposed bylaw or amendment and the written report for public review.

1.2.9 Public Hearing by Selectboard

Not less than 15 nor more than 120 days after a proposed amendment or bylaw is submitted to the Selectboard, the Selectboard 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. Notwithstanding the above, failure to hold a public hearing within 120 days shall not invalidate the adoption of the amendment or the validity of any repeal.

1.2.10 Changes by Selectboard

The Selectboard may change the proposed amendment, but shall not do so less than 14 days prior to the final public hearing. If the Selectboard at any time makes substantial changes in the concept, meaning, or

extent of the proposed amendment, it shall warn a new public hearing or hearings under Section 1.2.9. If any part of the proposal is changed, the Selectboard, at least ten days prior to the hearing, shall file a copy of the changed proposal with the town clerk and with the Planning Commission. The Planning Commission shall amend the report pursuant to Section 1.2.4 to reflect the changes made by the Selectboard and shall submit that amended report at or prior to the public hearing.

1.2.11 Routine Adoption

Except as provided in Sections 1.2.12 and 1.2.13 below, an amendment shall be adopted by a majority of the members of the Selectboard at a meeting that is held after the final public hearing, and shall be effective 21 days after the vote.

1.2.12 Popular Vote

Notwithstanding Section 1.2.11 above, a vote by the Selectboard on an amendment shall not take effect if 5% of Manchester voters petition for a meeting of the municipality to consider the amendment, and the petition is filed within 20 days of the Selectboard vote. In that case, a meeting of the municipality shall be duly warned for the purpose of acting upon the amendment by Australian ballot. The majority of votes for or against the amendment shall prevail.

1.2.13 Time Limit for Adoption

If the proposed amendment is not approved or rejected within one year of the date of the final public hearing of the Planning Commission, it shall be considered disapproved unless 5% of Manchester voters petition for a meeting of the municipality to consider the amendment and the petition is filed within 60 days of the end of that year. In that case, a meeting of the municipality shall be duly warned for the purpose of acting upon the amendment by Australian ballot. A majority of votes for or against the amendment shall prevail.

1.3 Roles and Responsibilities

1.3.1 Zoning Administrator

The provisions of this bylaw shall be administered and enforced by the Zoning Administrator, or ZA. The Zoning Administrator shall be nominated by the Planning Commission and appointed by the Selectboard for a term of three years. The Zoning Administrator is also referred to as the administrative officer. An acting or Assistant Zoning Administrator may also be appointed by the Selectboard to act under the supervision of the Zoning Administrator, or in the absence of the Zoning Administrator. The Zoning Administrator shall administer this ordinance strictly and shall not have the power to permit any land use or development that is not in conformance with this ordinance.

1.3.2 Planning Commission

The Selectboard appoints members to the Planning Commission in accordance with state statute. The Planning Commission does not perform any development review functions under this ordinance, but may make recommendations on planning and land development issues in the Town of Manchester generally. The Planning Commission may prepare amendments to this ordinance and make recommendations to the Selectboard on the amendment of this ordinance.

1.3.3 Development Review Board

The Selectboard appoints members to the Development Review Board in accordance with state statute. The Development Review Board performs development review functions as specified in this ordinance and in accordance with its adopted rules of procedure, and with 24 VSA Chapter 117 Subchapter 10.

1.3.4 Design Advisory Committee

The Selectboard appoints members to the Design Advisory Committee in accordance with state statute. In accordance with the provisions of Section 3.4, the Design Advisory Committee reviews applications for land development within the Design Review Overlay District as follows:

- (1) The Design Advisory Committee will provide written comments and recommendations to the Zoning Administrator or Development Review Board regarding design modifications that would further the purposes of this ordinance.
- (2) The Design Advisory Committee's comments and recommendations are intended to provide general direction to the applicant, Zoning Administrator, or Development Review Board, but will not be deemed binding on the applicant unless they are incorporated into the zoning permit or conditions of approval.

1.3.5 Administrative Advisory Group

The Administrative Advisory Group is composed of the Town Manager and representatives from the police, fire, public works, and planning and zoning departments. The Zoning Administrator may request that the Administrative Advisory Group review applications for projects that due to their size, nature or location have the potential to affect provision of municipal services as follows:

- (1) The group will provide written comments and recommendations on the anticipated impacts of proposed land development on municipal services and how those impacts should be addressed, which the Zoning Administrator will send to the applicant and Development Review Board, as applicable.
- (2) The group's comments and recommendations are intended to provide general direction to the applicant, Zoning Administrator, and Development Review Board, but will not be deemed binding on the applicant unless they are incorporated into the zoning permit or conditions of approval.

Section 2 *Administrative Mechanisms*

2.1 *Zoning Permits*

Before any land use or development -- including the division of a parcel into two or more parcels or a boundary line adjustment between parcels; the installation, construction, structural alteration, relocation or enlargement of any building or other structure; or of any mining, excavation or landfill; or any change of use of any building or other structure or land, or any extension of the use of the land -- it is the responsibility of the landowner or person performing such land use or development to obtain a zoning permit from the Zoning Administrator. Exemptions from this requirement are listed in Section 2.2.

2.2 *Exemptions and Limitations*

Except within the Flood Hazard Overlay District (see Section 5.3 and Section 12) or Design Review Overlay District (see Section 5.1), landowners do not need to obtain a zoning permit for:

2.2.1 Emergency Repair. Emergency repair and stabilization of a structure damaged by any cause to the extent necessary to protect public health and safety, and to protect the structure from the elements. Landowners must obtain a zoning permit for repair, reconstruction or demolition beyond the minimum necessary to stabilize and secure the structure.

2.2.2 Property Maintenance. Normal maintenance and repair of an existing structure that does not change the:

- (1) Structure's exterior dimensions or use;
- (2) Amount of floor area associated with an existing non-residential use; or
- (3) The number of bedrooms in the structure; or
- (4) Number of tenant spaces or dwelling units in the structure.

2.2.3 Service Maintenance. Normal maintenance and repair of essential services.

2.2.4 Landscape Work. Landscaping, grading and excavating associated with:

- (1) Normal maintenance and repair of roads, driveways, parking areas, stormwater facilities or essential services; and
- (2) Yard improvements on one- or two-unit residential lots that do not result in more than 50 cubic yards of clean material being removed from or brought into the site (typically 3 to 4 dump truck loads) within any calendar year.

2.2.5 Accessory Structure. Not more than 3 accessory structures on any one- or two-unit residential lot, each of which:

- (1) Has a footprint that does not exceed 120 square feet;
- (2) Is not more than 12 feet tall;
- (3) Does not have a permanent foundation;
- (4) Is located at least 5 feet from any other structure; and
- (5) Meets setback requirements for the zoning district as dictated by Section 4.18 (Dimensional Standards).

2.2.6 Fuel Tank. A fuel tank on a one- or two-unit residential lot that:

- (1) Holds not more than 500 gallons;
- (2) Meets applicable setback requirements for the zoning district; and
- (3) Is sited, installed and secured in accordance with state and federal regulations.

2.2.7 Mechanical Equipment. Any ground-mounted HVAC system, back-up generator or similar mechanical equipment on a one- or two-unit residential lot that:

- (1) Has a footprint that does not exceed 30 square feet;
- (2) Meets applicable setback requirements for the zoning district; and
- (3) Is sited, installed and secured in accordance with state and federal requirements.
- (4) Does not cause noise that exceeds 60 dB at the property line.

2.2.8 Above-ground Pool. An above-ground swimming pool on a one- or two-unit residential lot that:

- (1) Does not exceed a horizontal width of 20 feet in any dimension or a depth of 5 feet;
- (2) Does not have a permanent foundation;
- (3) Meets applicable setback requirements for the zoning district; and
- (4) That is installed and secured to prevent unauthorized access.

2.2.9 Patio or Deck. An at-grade patio or unroofed, detached deck on a one-or two-unit residential lot that:

- (1) Has a footprint that does not exceed 200 square feet; and
- (2) Meets applicable setback and lot coverage requirements for the zoning district.

2.2.10 ADA Compliant Structures. Wheelchair ramps, uncovered entry stairs, or walkways on a one- or two-unit residential lot that do not:

- (1) Exceed 6 feet in width;
- (2) Extend into or obstruct a public right-of-way;
- (3) Interfere with corner visibility or sight distance for vehicular traffic; and
- (4) Result in flooding or ponding of water on abutting property or public rights-of-way.

2.2.11 Fence or Wall. A fence or wall on a one- or two-unit residential lot that:

- (1) Is not more than 4 feet tall, if functioning as a retaining wall;
- (2) Is not more than 4 feet tall, if located in the front yard;
- (3) Is not more than 8 feet tall, if located in the side or rear yard;
- (4) Does not extend into or obstruct a public right-of-way;
- (5) Does not interfere with corner visibility or sight distance for vehicular traffic;
- (6) Does not result in flooding or ponding of water on abutting property or public rights-of-way;
- (7) Does not pose a safety hazard or is not designed to inflict physical harm; and
- (8) Is installed so that any support posts are to the inside and the “finished” side faces out if the fence falls within the primary setback for the underlying district.

2.2.12 Exterior Lighting. Outdoor light fixtures on a one- or two-unit residential lot that:

- (1) Have an initial output that does not exceed 3,000 lumens; and
- (2) Are downward directed and shielded as necessary to prevent glare or light trespass beyond the property line.

2.2.13 Solar Energy. A solar energy device that:

- (1) Will be installed on a sloped roof and project not more than 2 feet above its surface; or
- (2) Will be installed on a flat roof (any roof with a slope of 5% or less).

2.2.14 Telecommunications Antenna. A television antenna, radio antenna, satellite dish or similar device used to provide on-site telecommunication service that:

- (1) Is not more than 5 square feet in area, if a dish antenna;
- (2) Does not extend more than 12 feet above the roofline, if attached to a building;

- (3) Does not extend more than 50 feet above the ground, if a freestanding amateur radio antenna (including any support structure);
- (4) Meets applicable setback requirements for the zoning district; and
- (5) Is installed in the least visible location where it can reasonably function.

2.2.15 Dispatch Antenna. An antenna mounted on an existing structure used for single-use local business radio dispatch purposes or for police, fire, ambulance or similar emergency dispatch purposes.

2.2.16 Telecommunications Development. Telecommunications equipment and related site development that does not exceed a footprint of 300 square feet and a height of 10 feet.

2.2.17 Public Art. Public art that does not:

- (1) Extend into or obstruct a public right-of-way unless otherwise approved by the Town of Manchester Department of Public Works or the Vermont Agency of Transportation, as applicable;
- (2) Interfere with corner visibility or sight distance for vehicular traffic;
- (3) Result in flooding or ponding of water on abutting property or public rights-of-way; and
- (4) Pose a safety hazard.

2.2.18 Exempted Sign. Signs listed in Section 10.13.

2.2.19 Short Term Sales Events. Garage sales, yard sales, tent sales, auctions or similar activities that do not occur on the lot for longer than three consecutive days and for more than 15 days in any calendar year.

2.2.20 Sale of Personal Goods. Sales of vehicles, equipment or similar used personal or business goods owned by the landowner or tenant that do not occur on the lot for more than 60 days in any calendar year.

2.2.21 Hunting and Fishing. Use of public or private land for hunting, fishing or trapping in accordance with state regulations (any structures with permanent foundations associated with such use will still require a zoning permit).

2.2.22 Passive Recreation. Use of public or private land for noncommercial passive outdoor recreation or gardening (any structures with permanent foundations associated with such use will still require a zoning permit).

2.2.23 Public Rights of Way. Land development within public road or trail rights-of-way that is governed by Chapter 14 of the Manchester Unified Ordinance or by the State of Vermont Agency of Transportation, including, but not limited to, installation of surfacing, curbing, stormwater drainage features, sidewalks or other pathways, streetlights, bike racks, benches, and waste receptacles.

2.2.24 Certificate of Public Good. Landowners do not need to obtain a zoning permit for land development associated with utility, energy, or telecommunications infrastructure that receives a Certificate of Public Good from the Vermont Public Utilities Commission.

2.2.25 Agriculture and Silviculture.

Landowners do not need to obtain a zoning permit to conduct required agricultural practices or accepted silvicultural practices as defined by the State of Vermont Agency of Agriculture, Food and Markets or Department of Forests, Parks and Recreation. The Zoning Administrator may require a landowner to submit a written determination from the applicable state agency as to whether the subject land use activity is a required agricultural or accepted silvicultural practice.

Landowners do not need to obtain a zoning permit to build a farm structure in accordance with state regulations and the following:

- (1) Landowners must complete a zoning permit application demonstrating that the proposed land development qualifies as an exempt farm structure, but they do not have to pay the associated application fee.
- (2) The Zoning Administrator may require landowners to provide a written determination from the Vermont Agency of Agriculture, Food and Markets as to whether proposed land development qualifies as an exempt farm structure.
- (3) Farm structures, other than walls or fences used for farming purposes, must meet the setback requirements for the district unless the applicant provides the Zoning Administrator with a written waiver from the Vermont Agency of Agriculture, Food and Markets. Farm structures are not required to meet bulk or height requirements for the district.
- (4) Upon concluding that the proposed land development qualifies as an exempt farm structure, the Zoning Administrator will issue the landowner written notice informing the landowner that he/she may build and use the structure for farming purposes in accordance with the state's required agricultural practices without a zoning permit, but that he/she must obtain a zoning permit before using the structure for any other purpose.

2.2.26 Group Home.

Landowners do not need to obtain a zoning permit to use a lawful single-unit dwelling as a group home that will:

- (1) Not serve more than 8 residents who have a disability;
- (2) Not be located closer than 1,000 feet from another existing or permitted group home as measured from property line to property line; and
- (3) Be operated under state licensing or registration.

Landowners of group homes must obtain a zoning permit for construction or other associated land development to the same extent as would be required if the property was occupied by any household.

2.3 Change of Use

2.3.1 Change from One Use Category to Another. A landowner must obtain a zoning permit, and any development approvals as applicable, for a change of use if the two uses do not fall under the same category as listed in Section 4.17 (Use Table).

2.3.2 Change within a Use Category. A landowner will not need to obtain a zoning permit or development approval for a change of use if both uses fall under the same category as listed in Section 4.17 (Use Table), unless the two uses have different parking requirements as listed in the Minimum Parking Tables (Figure 9-2 and Figure 9-3). If the proposed use requires more parking than the previous approved use, a zoning permit will be required. For example, a retail use like a home furnishings store to a retail use like a clothing store. If no permit is required, other land development associated with the change of use may require a permit (e.g., new or modified signage).

2.4 Expansion of Use

2.4.1 Nonresidential Uses. A landowner must obtain a zoning permit, and any development approvals as applicable, to expand a nonresidential use to occupy additional space in a building or on a lot.

2.4.2 Residential Uses. A landowner will not need to obtain a zoning permit to expand a residential use to occupy existing space in the building provided the number of dwelling units or bedrooms will not change (e.g., converting an unfinished basement or attic to habitable space). The landowner must obtain a zoning permit, and any development approvals as applicable, to change the number of dwelling units or bedrooms.

2.5 Discontinued Uses

2.5.1 Nonresidential Uses. A landowner must obtain a zoning permit, and any development approvals as applicable, to use property previously used for a nonresidential purpose for the same or another nonresidential purpose if the prior nonresidential purpose has been discontinued for more than 18 months except:

- (1) If the landowner has had to discontinue a nonresidential use as result of damage to the structure in which it is housed, the owner may re-establish the use once the structure has been repaired or rebuilt.
- (2) The Zoning Administrator may extend the period of discontinuance for a conforming use to a total of not more than 2 years if the landowner demonstrates that he/she is actively marketing the property or business for sale or lease. If the use is nonconforming, see Section 2.8.

2.5.2 Residential Uses. A landowner will not need to obtain a zoning permit to resume the use of a vacant residential structure or unit provided there is no change in the total number of dwelling units or bedrooms in the structure or on the lot.

2.6 Abandoned Land Development

2.6.1 If the land development authorized by a zoning permit is abandoned without being completed, a landowner must demolish or secure any partially completed structures, remove all structural materials from the site, restore the site to a natural grade, and re-establish groundcover to prevent erosion prior to or within 6 months after the zoning permit expires.

2.7 Damaged or Destroyed Structures

2.7.1 Action Required Immediately. A landowner must act promptly to stabilize and secure a structure that was damaged or destroyed by any cause as necessary to protect public health and safety.

2.7.2 Action Required within 6 Months. Within 6 months of a structure being damaged or destroyed by any cause, a landowner must either:

- (1) Stabilize and secure the structure as necessary to protect the structure from the elements and to protect public health and safety, if the structure will be reconstructed; or
- (2) Demolish the structure, remove all structural materials and debris from the site, restore the site to a natural grade, and re-establish groundcover to prevent erosion.

2.7.3 Extension. The Zoning Administrator may grant one or more extensions to the 6-month deadline for a total of not more than 36 months from the date the structure was damaged or destroyed upon the landowner demonstrating that:

- (1) The structure does not pose a hazard to public health or safety; and
- (2) The landowner has been unable to meet the deadline due to factors beyond his/her control.

2.7.4 Zoning Permit Required. Landowners must obtain a zoning permit to reconstruct a damaged or destroyed structure, but they do not have to pay the associated application fee if a complete application for reconstruction is filed within 12 months of the structure being damaged or destroyed. For nonconforming structures see Section 2.8.1. For structures in the Flood Hazard Overlay District, see Section 5.3 and Section 12.

2.7.5 Redevelopment Projects. As part of any redevelopment project requiring approval from the Development Review Board, a landowner must rehabilitate, stabilize, remove or demolish any damaged or destroyed structures located on the subject property.

2.8 *Nonconforming Structures, Uses and Lots*

2.8.1 Nonconforming Structures

- (1) A nonconforming structure that lawfully existed when the Town of Manchester adopted or amended this ordinance may continue to exist unchanged indefinitely.
- (2) A landowner may obtain a zoning permit, and any applicable development approvals, to use a nonconforming structure for any land use allowed in the zoning district.
- (3) The Zoning Administrator may issue a zoning permit for land development that would change the exterior dimensions of a nonconforming residential structure provided that the proposed development:
 - (a) Will not result in any portion of the nonconforming structure encroaching further beyond the existing nonconforming building line or height;
 - (b) Will not convert a nonconforming porch, deck or similar feature to enclosed or conditioned building space;
 - (c) Is not subject to conditions from prior approvals or permits that would otherwise restrict the proposed development; and
 - (d) Would not otherwise require a development approval from the Development Review Board.
- (4) The Development Review Board may approve a waiver to allow a change in the exterior dimensions of a nonconforming nonresidential structure upon the applicant demonstrating that the proposed development:
 - (a) Will not result in any portion of the nonconforming structure encroaching further beyond the existing nonconforming building line or height than is necessary to accomplish the intended goal (e.g., an expanded, improved entry deck);
 - (b) Will improve the property and will be helpful or necessary to allow for the continued reasonable use of the property; and
 - (c) Will not alter the character of the neighborhood, impair reasonable or appropriate use of adjoining properties, nor cause harm to the public welfare.
- (5) Except within the special flood hazard area (see Section 5.3), a landowner may obtain a zoning permit to repair or reconstruct a nonconforming structure that has been unintentionally damaged or destroyed by any cause provided that:
 - (a) The owner submits a complete zoning permit application or a request for an extension within 12 months of the damage or destruction occurring. The Development Review Board may grant an extension upon the applicant demonstrating that factors beyond his/her control have created an unanticipated delay (e.g., insurance claim or litigation).
 - (b) The repair or reconstruction does not change the exterior dimensions of the structure in a manner that would result in the repaired or reconstructed structure or portion of the structure encroaching further beyond the previous nonconforming building line or height.

2.8.2 Nonconforming Uses

- (1) A nonconforming use that lawfully existed when the Town of Manchester adopted or amended this ordinance may continue to exist in its current location and configuration unchanged indefinitely.
- (2) A landowner must not move a nonconforming use from one location to another where it would also be a nonconforming use.
- (3) A landowner must not resume a nonconforming use that he/she abandoned, discontinued or replaced with another use for more than 18 months.
- (4) The Zoning Administrator may issue a zoning permit to allow a landowner to extend or expand a nonconforming use to fully occupy space within the associated structure as that structure existed when the use became nonconforming. The Development Review Board may approve a greater extension or expansion of a nonconforming use as a conditional use.
- (5) The Development Review Board may approve the change of one nonconforming use to another nonconforming use as a conditional use upon the applicant demonstrating that the proposed nonconforming use will be less intensive in nature and more compatible with the character of the

area than the existing nonconforming use.

2.8.3 Nonconforming Lots

- (1) A nonconforming lot may continue to exist unchanged indefinitely. If a nonconforming lot comes into common ownership with one or more contiguous lots, the Town of Manchester will not deem the lot merged with the contiguous lot(s) for the purposes of this ordinance (a property owner may choose to merge contiguous lots in accordance with Section 11).
- (2) A landowner may develop a lot that does not meet the minimum lot size for the zoning district in accordance with all other applicable provisions of this ordinance provided that the lot:
 - (a) Is legally subdivided and able to be conveyed separate from any other lot;
 - (b) Existed as of the effective date of this ordinance;
 - (c) Is at least 1/8 acre (5,445 square feet) in area; and
 - (d) Is not less than 40 feet wide or deep.
- (3) A landowner with a lot that does not meet the minimum lot frontage for the zoning district:
 - (a) May develop that lot in accordance with all other applicable provisions of this ordinance provided that the lot has access to a road over a permanent easement or right-of-way at least 20 feet in width.
 - (b) Must not subdivide that lot unless the lot has access to a road over a permanent easement or right-of-way at least 50 feet in width.

2.8.4 Creation of Nonconformity

- (1) The Town of Manchester prohibits any land development that would create a nonconformity except as specifically authorized in this ordinance.
- (2) The transfer or taking by eminent domain of land for a public purpose (e.g., road widening) may create nonconformity.
- (3) When land is transferred or taken by eminent domain for a public purpose, the Development Review Board may approve as a conditional use the relocation of affected structures or uses on the parcel or to an adjacent parcel in a manner that would create a nonconformity upon the applicant demonstrating that the relocated structures or uses:
 - (a) Will be in reasonable proximity to any associated unaffected buildings or uses; and
 - (b) Conform to the applicable provisions of this ordinance to the maximum extent feasible given site-specific conditions.

2.9 Application Procedures

2.9.1 Application

An application for a zoning permit may be obtained from the town offices or the town website, and shall be submitted to the Zoning Administrator along with any fees, maps, plans, or other documents needed to demonstrate conformance with this ordinance.

2.9.2 Pre Application Conference.

A prospective applicant may request a pre-application conference with the Zoning Administrator or Design Advisory Committee prior to submitting a complete application. A pre-application conference is an informal meeting that provides the prospective applicant with an opportunity to consult with and receive advice in order to save time and expense in the preparation of the application. Any comments or recommendations made are intended to provide general direction to the prospective applicant, but will not be deemed binding in the preparation or review of any subsequent application for development approval.

2.9.3 Assistance.

The Zoning Administrator will assist prospective applicants by:

- (1) Determining whether a project will require one or more types of review under this ordinance.

- (2) Providing applicants with any necessary form to apply for the required types of review.
- (3) Notifying applicants of the applicable fees or other charges that the town may charge in relation to the application or proposed development.
- (4) Providing applicants information about state energy standards for residential or commercial buildings, as applicable.

2.9.4 Determination of Completeness.

The Zoning Administrator will:

- (1) Determine whether an application is complete promptly after the applicant submits it.
- (2) If the application is incomplete, inform the applicant in person or in writing of what additional information is required.
- (3) Take no action until all relevant permit fees are paid to the Town of Manchester and until the application is deemed complete.

2.9.5 Application Requirements.

- (1) The Zoning Administrator may waive an application requirement upon concluding the information is not necessary to determine compliance with this ordinance. The Design Advisory Committee or Development Review Board may determine that a waived application requirement is necessary to determine compliance with this ordinance during the development review process and require an applicant to provide the information.
- (2) The Zoning Administrator, Design Advisory Committee, or Development Review Board may determine that additional information is necessary to determine compliance with this ordinance during the development review process and require an applicant to provide it.
- (3) The Zoning Administrator must keep written documentation of any application requirement waived or additional material requested and submit that information to the Design Advisory Committee or Development Review Board with the application as applicable.

2.9.6 Time to Act.

Once the Zoning Administrator determines that an application for a zoning permit is complete, the Zoning Administrator must act within 30 days to approve, deny, or refer it to the Development Review Board, except that the time period within which the Zoning Administrator must act will not commence for a zoning permit application that requires:

- (1) One or more types of review under this ordinance until the reviews are complete for the proposed land use or development.
- (2) Notification to a state agency until the agency comments or the comment period elapses, whichever occurs first.

2.9.7 Deemed Approval

If the Zoning Administrator fails to act with regard to a complete application for a permit within 30 days, whether by issuing a decision or by making a referral to the Development Review Board, a permit shall be deemed issued on the 31st day.

2.9.8 Referral to State

The Zoning Administrator will inform any person applying for a zoning permit that the person should contact the Vermont Agency of Natural Resources Permit Assistance Specialist in order to assure timely action on any related state permits. It remains the applicant's obligation to identify, apply for, and obtain any relevant state permits.

2.9.9 Permit Takes Effect

A zoning permit takes effect on the 16th day after the Zoning Administrator issues it, provided that no appeal is filed during the previous 15 days or that the applicant has not requested a delay. If an interested person files an appeal, the zoning permit will not take effect until the appeal is decided.

2.9.10 Delay in Effect

Upon request in writing by the applicant, the Zoning Administrator may delay the effective date of a permit and any associated development approvals for no more than 18 months unless the Development Review Board approves a longer delay due to factors beyond the applicant's control.

For projects that also require Act 250 review, and where an applicant either demonstrates good faith efforts to acquire that permit in a timely manner, or, where an applicant ends up in extended or contested proceedings through no cause or fault of their own, then the timeframe for the local permit will be deemed to commence with the issuance of the Act 250 permit, or in the case of contested proceedings, the timeframe shall commence at the conclusion of such proceedings.

It is not the intent of any such delay in effect to allow a permittee to have an indefinite or infinite amount of time to proceed with the approved land use or development.

2.9.11 Permit Expiration

A zoning permit shall expire after two years, except:

- (1) A permit issued only for installation of signage or change of use shall expire after one year of the date of issuance.
- (2) A permit issued for a boundary line adjustment or subdivision shall expire after 180 days from the date of issuance unless a final plat is recorded in the land records of the town within 180 days. If an applicant lawfully recorded an approved subdivision plat in the Town of Manchester's land records, that plat will remain valid and will not expire irrespective of any change in this ordinance.
- (3) The Development Review Board or Zoning Administrator may set a permit expiration date that may differ from the two year timeframe for site- or project-specific reasons.

If the land development permitted by any zoning permit has not been completed, or if the land use permitted has not been commenced by the permit expiration date, then the permit shall expire without further action by the town. If a zoning permit expires before the applicant substantially completes the construction or commences the use authorized by the permit, the applicant must apply for a new zoning permit and any other associated development approvals under this ordinance.

2.9.12 Extensions of Permits

Upon request by a permittee and payment of any required fees, the Zoning Administrator may grant only one extension of up to two years for any permit where neither this ordinance nor external circumstances have changed in ways that would have caused a material change in the outcome of the original application. For administrative permits, any further extensions will require reapplication with payment of the basic administrative permit fee. For permits issued in conformance with Development Review Board approvals, any further extensions shall require application to the Development Review Board with payment of the required basic hearing fee for review of the project for conformance with the regulations in effect at that time. Unless otherwise limited by the Development Review Board for good cause, any extensions granted by the Development Review Board will then start the extension process anew.

2.9.13 Zoning Permits Issued Prior to Amendment or Adoption of these Regulations.

If the Zoning Administrator lawfully issued a zoning permit before the Town of Manchester adopted or

amended this ordinance, an applicant will not need a new or amended permit for the project. If such an applicant does not substantially complete the land development or receive an extension before that permit expires, the applicant will need to apply for a new zoning permit, including any development approvals as applicable, under the ordinance as in effect at the time of the new application.

2.9.14 Amending Permits or Approvals

- (1) An applicant may submit a written request for the Zoning Administrator to amend a zoning permit, and any associated development approval, prior to the permit's expiration. The applicant must demonstrate that the proposed changes to the land development:
 - (a) Are minor modifications that conform to all applicable provisions of this ordinance, including the special flood hazard area provisions in Section 5.3 and Section 12;
 - (b) Are not material or substantial changes that would have affected the decision on the original application;
 - (c) Do not change the type, character or intensity of the approved land development or use to a greater extent than specified below:
 - (i) Any proposed modification must not result in an increased requirement for parking or loading spaces.
 - (ii) Any proposed increase in building footprint must not exceed 10% or 500 square feet, whichever is less.
 - (iii) Any proposed substitution of plant materials must not change the overall landscape design concept.
- (2) The scope of the review will be limited to those aspects of the land development affected by the proposed changes.
- (3) The Zoning Administrator may decline to amend a permit, and any associated development approval, and refer the request to the Development Review Board.
- (4) The approval of an amendment will not affect the expiration date of the original permit and any associated development approvals.
- (5) The Development Review Board may determine that the proposed amendment would change the approved development to such an extent that it needs to be reviewed as a new application, and may deny the amendment request and require the applicant to apply for a new zoning permit and any associated requirements.

2.9.15 Revoking Permits or Approvals

The Zoning Administrator may take appropriate action to revoke a zoning permit, and any associated development approvals, in accordance with state law if an applicant omitted or misrepresented a material fact on an application or at a hearing.

2.9.16 Transfer of Permit.

Zoning permits and any associated development approvals remain in effect as specified in this ordinance irrespective of any change in ownership of the subject property. All subsequent landowners are subject to the requirements and conditions of any zoning permit and associated development approvals.

2.9.17 Inspecting Land Development During Construction

The Zoning Administrator and Development Review Board may inspect any land development during construction as necessary to ensure compliance with this ordinance and any permit or approval conditions.

2.10 Site Development Plan

All applicants for a zoning permit must submit a site development plan. The site development plan must conform to the specifications and include all required elements listed below, unless a specific requirement is waived in accordance with Section 2.9.5, or the proposed development is for a single or two-unit residential use. For single or two-unit residential use, the site plan need only provide dimensions of proposed development and adequately demonstrate compliance with applicable provisions of this ordinance and any previous development approvals or permits for the site, as determined by the Zoning Administrator.

2.10.1 Required Elements

- (1) **Location Map.** The map must clearly identify the location of the proposed land development and be scaled to show the area within 1/2 mile of the boundaries of the project site.
- (2) **Scale and Sheet Size.** The applicant must submit an overall site development plan that shows the full extent of the parcel(s) subject to proposed development on a sheet that does not exceed 24 x 36 inches. If the scale of the overall site development plan is greater than 1 inch = 20 feet, the applicant must submit additional detail plans of the portion(s) of the site subject to proposed development at a scale of 1 inch = 20 feet or less.
- (3) **Copies and Format.** The applicant must submit a full-size original and an 11" x 17" copy of the site development plan. Unless it is hand drawn, an electronic copy of the site development plan as Adobe PDF file must be submitted via email to the Zoning Administrator.
- (4) **Title Block.** Each plan sheet must have a title block that at a minimum includes:
 - (a) Project name;
 - (b) Plan title and sheet number;
 - (c) Initial date the plan was prepared and the date of any subsequent revisions;
 - (d) Project site address and Tax Map IDs;
 - (e) Name of the landowner and the applicant, if different; and
 - (f) Name and title of the person who prepared the plan.
- (5) **North Arrow.** Each plan and map must have a north arrow, and should be oriented with north being the top of the page, whenever feasible.
- (6) **Zoning Information.** The plan must include a chart (either as a separate page or included on the same sheet as the overall site plan) identifying the applicable zoning districts and each district's requirements for:
 - (a) Lot size, frontage, and coverage;
 - (b) Front, side, rear and any water resources setbacks;
 - (c) Residential density and floor area ratio;
 - (d) Building footprint, coverage and height; and
 - (e) Number of required parking spaces.
- (7) **Area and Dimensions.** The site development plan must clearly show via tables or charts all relevant site statistics, including but not limited to:
 - (a) Total project acreage;
 - (b) Undevelopable land calculations;
 - (c) Total greenspace;
 - (d) Required and proposed parking;
 - (e) Building coverage percentage;
 - (f) Building heights; and
 - (g) Gross square footage and active floor area of buildings.
- (8) **Topography.** The site development plan must show existing and proposed contours at a 2-foot interval for those portions of the site subject to proposed development and at not more than a 10-

foot interval for the remainder of the site. For large sites, the two-foot contours may be shown on a detail rather than overall site development plan.

- (9) **Existing Features.** The site development plan must show all existing built and natural components of the site including, but not limited to, streams, wetlands, tree lines and specimen trees, structures, water supply and wastewater infrastructure, walls and fences, utilities, roads and drives, and parking areas.
- (10) **Proposed Development.** The site development plan must show all improvements (both on- and off-site) associated with the proposed development including, but not limited to, structures, roads and drives, parking areas, utilities, landscaping, signs, tanks, water supply and wastewater infrastructure, stormwater facilities and outdoor lighting. To demonstrate conformance with this ordinance, applicants may need to provide the following specialized plans:
- (a) Utility Plan that shows the location of water and wastewater improvements, and gas, electric, telephone, cable, and other utilities.
 - (b) Grading and Erosion Control Plan that shows how runoff will be managed and sediment trapped to avoid off-site impacts (see Section 6.11).
 - (c) Stormwater Management Plan that provides detail on the collection, retention, infiltration and treatment of stormwater (see Section 6.19).
 - (d) Road and Utility Profile that depicts existing and proposed grades for the installation of roads, drives, and utilities.
 - (e) Specifications that show detailed drawings and notes on specific components of the plans.
 - (f) Landscaping Plan that shows the location of existing and proposed vegetation, including a description that includes the name, size and height at planting and when mature, and quantity of each species to be planted.
 - (g) Lighting Plan that shows the location of exterior lights including cut sheets for each fixture that includes the initial light output in lumens.
 - (h) Architectural Elevations that are renderings of the project's physical appearance as seen from specified viewpoints that include information about building massing, fenestration, height, colors, materials and other features.
- (11) **Development Envelopes and Designated Open Space.** The site development plan must show and describe all existing and proposed development envelopes and designated open space.
- (12) **Rights-of-Way and Easements.** The site development plan must show and describe all existing and proposed rights-of-way and easements that traverse or border the proposed development.

2.10.2 Additional Requirements.

An applicant for site plan approval may be required to provide written commitments for any required town services, including where applicable:

- (1) Water service;
- (2) Sewer service;
- (3) Educational service;
- (4) Police service;
- (5) Fire service; and
- (6) Rescue Squad service.

2.11 Fees and Filing Requirements

2.11.1 Permit Fees

- (1) The Selectboard will establish fees for the Zoning Administrator or other town employees to

charge for administering this ordinance. These fees may include the cost of posting and publishing notices, holding public hearings, recording documents, and conducting periodic inspections during construction.

- (2) An applicant must pay the applicable fees when submitting an application. The Zoning Administrator must not deem an application complete until the applicable fees are paid in full.
- (3) If a completed project reveals aspects of development or use that would have required a higher fee than paid at the time of application, the difference must be paid to the town prior to the issuance of a certificate of compliance per Section 2.12.

2.11.2 Impact Fees

The Town of Manchester may require applicants to pay impact fees in accordance with any duly adopted impact fee ordinance.

2.11.3 Technical or Legal Review Costs

The Zoning Administrator or Development Review Board may hire qualified professionals to provide an independent technical or legal review of an application when deemed necessary to ensure compliance with this ordinance, the cost of which will be paid by the applicant.

2.11.4 Performance Bonds or Sureties

The Zoning Administrator or Development Review Board may require an applicant to provide a performance bond or similar surety as a condition of approval to insure the completion of required improvements.

For performance bonds, the applicant will provide a quote prepared by a qualified professional for the full project cost or for the particular improvements being insured. The Zoning Administrator or Development Review Board will base the amount of any bond or surety on that quote.

The Town of Manchester will only release the bond or surety after certification by the applicant and determination by the Zoning Administrator that the required improvements have been satisfactorily completed.

2.11.5 Monitoring or Inspection Costs

To ensure compliance with this ordinance and when deemed necessary, the Zoning Administrator or Development Review Board may condition approval upon monitoring and inspection by a qualified professional during construction or once the use has commenced, the cost of which will be paid the applicant.

2.11.6 As-Built Drawings

The Zoning Administrator or Development Review Board may require an applicant to submit as-built drawings as a condition of approval.

The Town of Manchester will require as-built drawings for any infrastructure to be built within public rights-of-way or to be turned over to the town.

The Zoning Administrator may require an applicant to submit as-built drawings when approved plans are amended under Section 2.9.14 or when minor adjustments to approved plans are necessary to respond to unforeseen conditions that arise during construction.

2.11.7 Other Permits, Approvals and Certifications

The Zoning Administrator or Development Review Board may condition approval upon the applicant filing other permits, approvals or certifications required by the Town of Manchester or other regulatory entities prior to the issuance of a zoning permit, the start of construction, or the issuance of a certificate of compliance.

2.12 Certificates of Compliance

2.12.1 Required. An applicant must request a certificate of compliance from the Zoning Administrator before occupying or commencing the use of any land development.

2.12.2 Application. The Zoning Administrator will provide applicants with the necessary form to apply for a certificate of compliance.

2.12.3 Time to Act. The Zoning Administrator must act on a complete application for a certificate of compliance within 30 days. The Zoning Administrator may:

- (1) Require the applicant to submit documentation from a qualified professional certifying that the land development as constructed conforms to the approved plans;
- (2) Inspect the subject property and consult with other town or state personnel as necessary to determine compliance; and
- (3) Require the applicant to perform corrective actions to bring the land development into conformance.

2.12.5 Deemed Approval. If the Zoning Administrator does not act on a complete application for a certificate of compliance within 30 days, the applicant may file an appeal to the Development Review Board to allege that the Zoning Administrator's failure to act within the 30-day period resulted in a "deemed approval" of the application.

2.12.6 Criteria. Before receiving a final certificate of compliance, the applicant must demonstrate to the Zoning Administrator that:

- (1) The land development is complete and conforms to the requirements of the zoning permit, and any associated development approvals, the filed plans, and the applicable provisions of this ordinance;
- (2) All commonly-owned or shared improvements and infrastructure connections are complete and conform to any applicable town specifications, the requirements of the zoning permit, and any associated development approvals, the filed plans, and the applicable provisions of this ordinance;
- (3) All enhanced 9-1-1 addresses are prominently posted on the property visible from the road;
- (4) The applicant has recorded all required documents with the town including, but not limited to, building energy standards certificate, as-built drawings, floodplain elevation certificate, flood proofing certificate, wastewater and potable water supply permit, access permit, or stormwater permit; and
- (5) The applicant has paid all required fees.

2.12.7 Temporary Certificate. The Zoning Administrator may issue a temporary certificate of compliance that conditions use or occupancy on full completion of all required improvements by expiration of the permit as follows:

- (1) The Zoning Administrator may require the applicant to submit a performance bond in accordance with Section 2.11.4 to insure full completion of the outstanding work.
- (2) The Zoning Administrator will require the applicant to submit a performance bond in accordance with Section 2.11.4 if any commonly-owned or shared improvements or infrastructure

connections remain incomplete.

- (3) The applicant must apply for a final certificate of compliance prior to the expiration of the permit.

2.12.8 Decisions. The Zoning Administrator must approve or deny applications for a certificate of compliance in writing. When denying an application, the Zoning Administrator must:

- (1) State the reasons for the denial;
- (2) Inform the applicant that he/she may appeal the denial to the Development Review Board within 15 days of the date of the decision; and
- (3) Refer the applicant to Section 3.11, which explains the appeal process.

2.12.9 Denials. If the Zoning Administrator denies an application for a certificate of compliance:

- (1) The Zoning Administrator must commence appropriate enforcement action under Section 2.13 if he/she determines a violation of these regulations exists.
- (2) The applicant may reapply after remedying any conditions identified as the reason for the denial.

2.13 Violations and Penalties

2.13.1 Civil Offense. A violation of this ordinance shall constitute a civil offense enforced in accordance with the provisions of 24 VSA §1974(a) or 24 VSA §4451. If a violation is alleged to exist, a formal notification shall be issued in the form of a municipal civil complaint ticket or a notice of violation as described below.

2.13.2 Municipal Civil Complaint Ticket

The Zoning Administrator may issue a municipal complaint ticket for violations of provisions of this ordinance. Two copies of said ticket shall be served either in person or by first class mail to the defendant. The Zoning Administrator shall retain one copy and the original shall be filed with the Vermont Judicial Bureau. Upon the fourth offense, the town may request that the case be transferred from the Judicial Bureau to the Vermont Environmental Court, or any other court of competent jurisdiction.

Fines associated with municipal complaint tickets shall be imposed in accordance with Chapter 1 Sections 16 and 17 of the *Manchester Unified Ordinance*. As per statute, in cases where a violation is not contested, a waiver fee shall be paid in accordance with the schedule established in Chapter 1 Section 18 of the *Manchester Unified Ordinance*. Each day that a violation continues shall constitute a separate violation of this ordinance. A violation shall be considered a third degree offense, unless it is committed deliberately or poses an imminent threat to public safety and welfare, in which case it shall be considered a second degree offense. If a violation is committed deliberately and poses an imminent threat to public safety and welfare, it shall be considered a first-degree offense.

2.13.3 Notice of Violation

The Zoning Administrator may pursue an enforcement action for any violation of this ordinance by issuing a notice of violation. No enforcement action may be brought unless the alleged offender has had at least seven days' warning notice by certified mail. After that seven-day notice, each day that the violation continues shall be considered a separate violation of this ordinance. An action may be brought without the seven-day notice and opportunity to correct if the alleged offender repeats the violation of the ordinance after the seven-day notice period and within the next succeeding 12 months.

The seven-day notice shall state that a violation exists, that the alleged offender has an opportunity to correct the violation within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. The notice of violation shall also

state the regulation or permit condition alleged to have been violated, the facts giving rise to said violation, that appeal to the Development Review Board may be made within 15 days of the date of the notice, and that failure to appeal within 15 days will render the notice of violation the final decision on the violation addressed in the notice.

Section 3 *Review Procedures*

3.1 *Administrative Review*

3.1.1 *Applicability*

The Zoning Administrator may render an administrative decision on applications for:

- (1) Single- and two-unit residential uses, including dwellings and accessory structures;
- (2) Signs and sign lighting as outlined in Section 10.3.3;
- (3) In the Design Review Overlay (DRO), replacement windows and doors or design upgrades where the changes are found to be compatible with existing design features and in keeping with district design standards;
- (4) Accessory dwelling units according to Section 6.2.1;
- (5) Up to 3 camping units as an accessory use of residential property according to Section 6.5.2;
- (6) Small residential fill operations according to Section 6.15;
- (7) Changes of use in existing buildings where no new impacts as compared with existing uses may reasonably be anticipated;
- (8) Amendments to administrative permits where conformance with this ordinance is found; and
- (9) Minor amendments to approvals issued by the Development Review Board (or Planning Commission or Zoning Board of Adjustment if a project predates the Development Review Board), where no material changes or impacts are expected, and where conformance with this ordinance is found.
- (10) Multiunit residential use, where all applicable dimensional, density, and site standards are found to be met.

3.1.2 *Authority for Referral*

The authority to render an administrative decision does not mean that the Zoning Administrator is required to do so. The Zoning Administrator may refer any application to the Development Review Board where board review or interpretation is appropriate or necessary. In such cases, the applicant shall be responsible for any additional fees or submittals needed for board review.

3.1.3 *Referral to Design Advisory Committee*

The Zoning Administrator must refer any application for proposed land development within the Design Review Overlay District that meets the criteria of Section 3.1.1 to the Design Advisory Committee for design review in accordance with Section 3.4 before acting on a complete application.

3.1.4 *Referral to Development Review Board*

Once the Zoning Administrator determines that an application is complete, and if the application does not meet the criteria for Administrative Review in Section 3.1.1, he/she must warn a public hearing on the application by the Development Review Board at its next available regularly scheduled meeting following the warning period required by statute.

3.2 *Site Plan Review*

3.2.1 *Applicability.* All land development other than that listed in Section 3.1.1 above requires site plan approval by the Development Review Board before the Zoning Administrator may issue a zoning permit.

3.2.2 *Purpose.* The purpose of site plan review is to ensure that:

- (1) The physical aspects of proposed land development comply with all applicable provisions of this ordinance and are consistent with the goals of the *Manchester Town Plan*.
- (2) Proposed land development is designed to be visually compatible with its setting.
- (3) Proposed land development is appropriately sited, and is complimentary to and functionally integrated with surrounding development to the greatest extent feasible.
- (4) Streets, access, driveways, parking facilities, utilities and other infrastructure, both on-site and off-site, are adequate and available to support the proposed land development.
- (5) Proposed land development is energy efficient.
- (6) Proposed land development avoids, mitigates, or minimizes adverse environmental effects to the greatest extent feasible.

3.2.4 Application Requirements

- (1) A completed application for a zoning permit,
- (2) A digital copy and one full-sized and one reduced (11" x 17") hardcopy of a site development plan in accordance with Section 2.10, and
- (3) A narrative description of the proposed land use and development describing how the project complies with the standards of Section 9 and relevant Section 6 provisions of this ordinance.

3.2.5 Review Procedures

The Development Review Board will review site plans referred to it by the Zoning Administrator as follows:

- (1) The Development Review Board must hold a public hearing and issue a decision on a site plan application in accordance with Section 3.10 and Section 3.11.
- (2) To approve a site plan application, the Development Review Board must conclude that the proposed land development meets all of the applicable criteria specified in Section 9.
- (3) The Development Review Board may approve a site plan application with conditions as necessary to ensure compliance with these regulations.

In the case of administrative review, The Zoning Administrator will review a site plan as follows:

- (1) To approve a site plan application, the Zoning Administrator must conclude that the proposed land development meets all of the applicable criteria specified in Section 9.
- (2) The Zoning Administrator may approve a site plan application with conditions as necessary to ensure compliance with these regulations.

3.2.6 Project Phasing

A development project shall not cause undue impacts on the community with respect to the performance standards listed in Section 9. Accordingly, the Development Review Board may impose conditions to limit the impact of projects and require the time phasing of projects in total or in part, to mitigate undue impact as determined by the board.

3.3 Conditional Use Review

3.3.1 Applicability

The commencement or expansion of a conditional use as identified in Section 4.17 (Use Table) requires approval from the Development Review Board before the Zoning Administrator may issue a zoning permit.

3.3.2 Application Requirements

Applicants must submit a narrative description of the proposed use that includes expected traffic generation, expected use of town services, and a site development plan if new construction or other exterior alterations are proposed for the site.

3.3.3 Review Criteria

A conditional use may be approved by the Development Review Board only after a public hearing and upon a conclusion by the board that the use shall not cause an undue adverse effect upon any of the following:

- (1) The capacity of existing or planned community facilities.
- (2) The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.
- (3) Traffic on roads and highways in the vicinity.
- (4) Other provisions of ordinances, regulations, and bylaws of the town applicable thereto.
- (5) The utilization of renewable energy resources.

The Development Review Board may impose conditions of approval to ensure that the use will not cause undue adverse effects and otherwise conforms to the provisions of this ordinance.

3.4 Design Review

3.4.1 Applicability

Land development within the Design Review Overlay District that involves exterior construction, modification or demolition of a building, sign, fence or wall, or modifications to the landscaping, exterior lighting, or on-site parking requires design review before the Zoning Administrator may issue a zoning permit or the Development Review Board may grant a development approval, as applicable.

3.4.2 Application Requirements

In addition to the Site Development Plan requirements found in Section 2.10, applicants must submit illustrations in sufficient detail to show the proposed construction or alteration, and a clear description of all proposed materials and colors in the form of specifications or material samples. It is the applicant's responsibility to provide the information necessary to demonstrate conformance with the standards of this ordinance.

3.4.3 Review Procedures

The Design Advisory Committee will review applications as follows:

- (1) The Design Advisory Committee must review applications at an open meeting. The meeting must comply with Vermont's open meeting law. Accordingly, the meeting agenda must be posted at least 48 hours in advance on the town's website, at the town office, and at least two other designated public places in Manchester. Such a meeting is not a public hearing that must be noticed and conducted in accordance with Section 3.10.
- (2) The Design Advisory Committee must allow the applicant and interested parties to comment on the application at the meeting.
- (3) The Design Advisory Committee may conduct a site visit to assess whether review criteria are met by the proposal.
- (4) The Design Advisory Committee must make any recommendations to the Zoning Administrator or Development Review Board in writing. For land development subject to administrative approval

under this ordinance, the Zoning Administrator must include any recommendations made by the Design Advisory Committee as conditions of approval on the zoning permit.

- (5) If the Design Advisory Committee concludes that the application fails to comply with the standards of this ordinance, the committee must provide the applicant with a copy of its written conclusions prior to any subsequent public hearing on the application before the Development Review Board.

3.4.4 Design Criteria

Before granting design plan approval, the Development Review Board or Zoning Administrator, with assistance from the Design Advisory Committee, shall conclude that the proposed development conforms substantially to the relevant goals and policies described in the *Manchester Town Plan*, as illustrated and described in *Design Guidelines for Manchester's Commercial and Historic Districts*, and the following design criteria:

A. Architectural Design Criteria. Architectural design must be of a form, style, and scale that maintains and enhances those qualities noted in the underlying zoning district as outlined in Section 4, and the following:

- (1) **Height.** Applicants must demonstrate that the height of a new or renovated building is appropriate in relation to the average height of existing adjacent buildings or is in keeping with the purposes and dimensional requirements of the underlying zoning district as established in this ordinance.
- (2) **Proportion.** Applicants must demonstrate that:
 - (a) The width and height of the front elevation of a new or renovated building is appropriate in relation to the width and height of the front elevations of existing adjacent buildings or is in keeping with the purposes and dimensional requirements of the underlying zoning district.
 - (b) The fenestration pattern (the arrangement of windows and door openings) of the front elevation of a new or renovated building is appropriate in relation to the fenestration pattern of the front elevation of existing adjacent buildings, or is in keeping with the purposes and dimensional requirements of the underlying zoning district, and resulting in a compatible rhythm of alternating solids and openings (wall to windows/doors) along the street.
- (3) **Roofs.** Applicants must demonstrate that the shape, pitch, and direction of the roof on a new or renovated building is appropriate in relation to the design of roofs of existing buildings in the immediate area or in keeping with the purposes of the underlying zoning district as established in this ordinance.
- (4) **Materials, Textures and Colors.** Applicants must demonstrate that the proposed exterior materials, textures and colors on a new or renovated building are high quality, durable and appropriate in relation to the materials, textures and colors of existing buildings in the area.
- (5) **Architectural Features.** Applicants must demonstrate that new or renovated buildings incorporate architectural features such as cornices, entablatures, doors, windows, shutters, and fanlights that are compatible with the architectural features of existing buildings in the area or is in keeping with the purposes and dimensional requirements of the underlying zoning district. It is not intended that the details of existing buildings be duplicated precisely, but those features should be regarded as suggestive of the extent, nature, and scale of details that would be appropriate on new buildings or alterations.

B. Site Design Criteria. Site design must enhance the streetscape, provide pedestrian amenities, and meet the following standards:

- (1) **Location of Buildings.** Applicants must demonstrate that new buildings are sited and designed to be compatible with a pedestrian oriented streetscape.
- (2) **Site Organization.** Applicants must demonstrate that the organization of new buildings, drives, parking areas, walkways, signs, lights, fences and other structures on the site are designed to be pedestrian oriented, functional, safe and in keeping with the purposes of the underlying zoning district.
- (3) **Landscape and Plantings.** Applicants must demonstrate that:
 - (a) The proposed site design preserves the landscape in its natural state to the greatest extent feasible by minimizing tree and soil removal and alteration of existing grades; and
 - (b) The proposed plant species and landscaping plan complement the scale and style of the building and are appropriate in relation to the existing landscape and plantings in the area.
 - (c) The landscape plan meets the standards of Section 9.4.
- (4) **Drives, Parking, and Circulation.** Applicants must demonstrate that the proposed vehicular and pedestrian circulation is designed to:
 - (a) Limit the number and minimize the width of access points to the street;
 - (b) Separate vehicular, bicycle and pedestrian traffic;
 - (c) Minimize the visual impact of parking by avoiding large expanses of pavement, and screening surface parking with berms, fencing or landscaping; and
 - (d) Not detract from the design of buildings and neighboring properties.
- (5) **Utility Service.** Applicants must demonstrate that electric, telephone and other utility lines will be installed underground whenever feasible given site conditions, and that any above ground utilities have been located and screened to minimize their visual impact on the site and from neighboring properties.
- (6) **Site Structures.** Applicants must demonstrate that the materials, scale, design, and placement of accessory structures on the site are complementary to the building and neighboring properties.
- (7) **Signs.** Applicants must demonstrate that the size, location, design, color, texture, lighting, and materials of all exterior signs is complementary to buildings and structures on the site and neighboring properties, and that such signage conforms to the standards of Section 10.
- (8) **Lighting.** Applicants must demonstrate that:
 - (a) The amount, intensity, type, location and design of all exterior lighting is complementary to buildings and structures on the site and neighboring properties;
 - (b) Proposed exterior lighting meets standards of Section 9.5.

C. Historic Preservation Standards. Applicants must demonstrate that any proposed land development involving a contributing historic structure will implement the practices recommended by the U.S. Department of Interior's Technical Preservation Services in the *Guidelines for Rehabilitating Historic Buildings*. The Secretary's Standards for Rehabilitation are listed below and detailed recommendations on appropriate rehabilitation practices are available online.

The applicant must:

- (1) Make minimal change to a contributing structure's defining characteristics.
- (2) Preserve the structure's historic character by avoiding removing historic materials or altering defining historic features.

- (3) Recognize the structure as a physical record of its time, place, and use, by not undertaking changes that do not comport with that time period and use.
- (4) Recognize changes that may have occurred over time that have acquired historic significance in their own right.
- (5) Preserve distinctive features, finishes, and construction techniques.
- (6) Repair rather than replace deteriorated historic features whenever feasible. If a feature is deteriorated to an extent that makes repair unfeasible, the replacement should match the original in design, color, texture, and other visual qualities and, where possible, materials.
- (7) Not use treatments or techniques that cause damage to historic materials.
- (8) Not destroy historic features that characterize the property or building as a result of new additions, exterior alterations, or related new construction. The new work may be differentiated from the old but must be compatible with the massing, size, scale, and architectural features of the historic property or building.
- (9) Design and construct any new additions and adjacent or related new construction in such a manner that if removed in the future, the essential form and integrity of the historic property or building would be unimpaired.

3.5 Subdivision Review

3.5.1 Applicability. A landowner:

- (1) Must not subdivide land or alter property boundaries without first recording an approved subdivision plat in the town's land records in full conformance with this ordinance.
- (2) May file boundary surveys or corrective deeds in the town's land records to repair boundary metes and bounds or to correct technical errors with previously recorded surveys or deeds for existing parcels with known boundaries without obtaining subdivision approval under this ordinance.

3.5.2 Application Requirements. In addition to relevant fees, subdivision applicants shall submit:

- (1) A completed application for a zoning permit,
- (2) A narrative describing all aspects of the proposal, and
- (3) A digital copy and one full-sized and one reduced (11" x 17") hardcopy of a stamped survey prepared by a licensed surveyor or engineer in accordance with Section 2.10 showing the proposed lot lines, existing and proposed infrastructure, natural features of the land, and proposed building sites, except in the case of a proposed lot merger per §3.5.4(2) below.

All applications shall include supporting documentation demonstrating conformance with Section 11 of this ordinance. Detailed engineering drawings may be required to satisfy the design standards enumerated in Section 11. Proposed lot lines shall be shown on plans; however, internal metes and bounds need not be shown or described until preliminary review is concluded.

3.5.3 Classification of Subdivisions. Subdivisions involving four or fewer lots shall be classified as minor subdivisions. Subdivisions involving five or more lots shall be classified as major subdivisions. Planned Residential Developments and Planned Unit Developments shall be classified as major subdivisions. Lot line adjustments between two or more lots that do not result in an increase in the number of lots shall be classified as Boundary Line Adjustments and may receive administrative approval by the Zoning Administrator.

3.5.4 Boundary Line Adjustment

- (1) The Zoning Administrator may approve the realignment, relocation or elimination of a boundary line between adjoining lots provided that the proposed change:
 - (a) Will not result in an increase in the number of lots.
 - (b) Will not create a new nonconforming lot or structure (it may involve a pre-existing nonconformity).
 - (c) Will not increase the degree of nonconformity of a pre-existing nonconforming lot or structure.
 - (d) Will not violate any conditions of a prior permit or approval.
- (2) The Zoning Administrator may waive the requirement for a survey plat if the proposed boundary line adjustment involves only dissolving interior lot lines and a survey plat depicting the exterior boundaries is already recorded in the land records of the town. In such a case, draft deed language describing the lot merger and referencing the recorded plat shall be submitted with the application.
- (3) The Zoning Administrator may refer boundary line adjustment applications to the Development Review Board for review as a minor subdivision.

3.5.5 Preliminary Plat Review.

Within 30 days of receipt of a complete application, minor subdivisions shall receive preliminary review by the Zoning Administrator for conformance with the subdivision criteria in Section 11 and other applicable provisions of this ordinance. This review may be in the form of a verbal meeting with the applicant or a written analysis of compliance prepared for the applicant and the Development Review Board prior to a scheduled hearing.

Within 30 days of a complete application, major subdivisions involving five or more lots shall receive preliminary review by the Development Review Board for conformance with the subdivision criteria in Section 11 and other applicable provisions of this ordinance.

3.5.6 Final Plat Submissions. Once preliminary review has been conducted and the applicant has addressed any concerns raised by the review, the applicant shall submit a digital copy and one full-sized and one reduced (11" x 17") hardcopy of the proposed final plat, the narrative demonstrating conformance with the subdivision standards outlined in this ordinance, and any additional supporting documentation demonstrating conformance with the design standards enumerated in Section 11.

The final plat submission shall include a draft of all restrictions or covenants of all types which will run with the land. All proposed deeds conveying property or easements to the town shall also accompany the final plat application. In addition, when applicable, the final plat shall be accompanied by a certificate of title showing the ownership of all property and easements to be dedicated to the town. The Development Review Board may require the submission of such other legal data as it deems necessary in the enforcement of these regulations.

3.5.7 Public Hearing. Once the final plat submission is deemed complete by the Zoning Administrator, the Development Review Board must hold a public hearing and act on the subdivision application in accordance with Section 3.10. If the proposed subdivision is within 500 feet of a municipal boundary, notice of the hearing must also be sent to the clerk of the adjacent municipality.

3.5.8 Decision. Upon review of the application for conformance with Section 11, the Development Review Board must issue a decision on the final plat application according to Section 3.11.

3.5.9 Recording of Plats. Pursuant to 24 VSA §4463, an approved, signed plat must be filed or recorded with the town clerk within 180 days of approval, or approval expires without further action by the town. Upon written request, the Zoning Administrator may grant an extension up to an additional 90 days, if other final local or state permits are still pending. Prior to the submission of the final plat to the town clerk, the subdivider shall obtain the endorsement of the chair of the Development Review Board, or of the Zoning Administrator in the case of a boundary line adjustment, on the Mylar. One full-sized paper copy of the final plat shall be submitted to the Zoning Administrator. A certificate of compliance, certifying the plat conforms to the approval, must be issued by the Zoning Administrator prior to recording the Mylar plat. Once a plat is properly filed or recorded, the subdivision approval does not expire.

3.5.10 Revisions to Plats. No changes, erasures, modifications, or revisions shall be made on any subdivision plat after the final approval, unless said plat is first resubmitted to the Development Review Board and the board approves the modifications. No changes, erasures, modifications, or revisions shall be made on any boundary line adjustment plat after approval, unless said plat is first resubmitted to the Zoning Administrator for approval of the modifications. In the event a final plat is recorded without complying with this requirement, the plat shall be considered null and void.

3.5.11 Public Acceptance. Final approval by the Development Review Board shall not be deemed to constitute or be evidence of an acceptance by the town of any street, easement, utility, park, recreational area or open space shown on the final plat. Such acceptance may only be accomplished by formal resolution of the Selectboard.

3.6 Waivers

3.6.1 Waiver Authority. The Development Review Board:

- (1) May grant waivers that authorize an adjustment to a dimensional standard of this ordinance. If a waiver of the requirement for a functional second story, Section 4.15.7(7)(d) shall apply.
- (2) May grant a waiver to reduce required water resources setback as a conditional use per Section 6.26 of this ordinance.
- (3) Must not approve waivers for land development within the Flood Hazard Overlay (FHO) District.
- (4) Must not approve a waiver to allow a prohibited use or the subdivision of a lot that does not conform to the applicable provisions of this ordinance.
- (5) Must not approve a waiver allowing an increase in residential density of greater than 10% except as otherwise allowed by this ordinance.

3.6.2 Application Requirements. The applicant must submit a complete zoning permit application and a written request for a waiver to the Zoning Administrator that includes all of the following:

- (1) A brief description of the subject property and proposed land development.
- (2) A reference to the dimensional standard of these regulations from which the applicant is requesting a waiver.
- (3) The specific modification that the applicant is requesting.
- (4) A response to each of the criteria that the Development Review Board will use to decide whether to approve the waiver (see Figure 3-1).

3.6.3 Public Hearing. The Development Review Board must hold a public hearing and act on the waiver request in accordance with Section 3.10. If the applicant is requesting a waiver from the required setback from a state highway, notice of the hearing must also be sent to the Vermont Secretary of Transportation.

3.6.4 Review Criteria. To approve a waiver, the Development Review Board must conclude that all of

the applicable criteria specified in Figure 3-1 have been met.

Figure 3-1. Waiver and Variance Review Criteria				
CRITERIA	WAIVER	GENERAL VARIANCE	RENEWABLE ENERGY VARIANCE	FLOOD HAZARD VARIANCE
1. The proposed land development will not alter the essential character of the area or district in which the property is located.	X	X	X	X
2. The proposed land development will not substantially or permanently impair the lawful use or development of adjacent property.	X	-	-	-
3. The proposed land development will not be detrimental to public health, safety or welfare.	X	-	-	-
4. The proposed land development is beneficial or necessary for the continued reasonable use of the property.	X	-	-	-
5. The applicant is proposing adequate mitigation of any dimensional encroachment through design, screening or other remedy.	X	-	-	-
6. The applicant has not created the unnecessary hardship.	-	X	X	X
7. The applicant is proposing the least deviation possible from these regulations that will afford relief.	X	X	X	X
8. 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. These conditions, and not the circumstances or conditions generally created by the provisions of these regulations in the district in which the property is located, have created an unnecessary hardship for the applicant. These physical circumstances or conditions prevent the property from possibly being developed in strict conformity with these regulations and a variance is necessary to enable reasonable use of the property.	-	X	-	X
9. The proposed land development meets all applicable federal and state rules for compliance with the National Flood Insurance Program.	-	-	-	X
10. It would be unusually difficult or unduly expensive for the applicant to build a renewable energy structure in conformance with these regulations.	-	-	X	-
11. The proposed land development will not reduce access to renewable energy resources on adjacent property.	-	-	X	-
KEY: X Applicable - Not Applicable				

3.7 Variances

3.7.1 Variance Authority. The Development Review Board:

- (1) May approve variances that authorize more substantial adjustments to the standards of this ordinance under the specific circumstances described in Section 3.7.
- (2) Must not approve a variance to allow a prohibited use, an increase in residential density, or the subdivision of a lot that does not conform to the applicable provisions of this ordinance.

3.7.2 Application Requirements. The applicant must submit a complete zoning permit application and a written request for a variance to the Zoning Administrator that includes all of the following:

- (1) A brief description of the subject property and proposed land development.
- (2) A reference to specific provision(s) of this ordinance from which the applicant is requesting a variance.
- (3) The specific modification(s) that the applicant is requesting.
- (4) A response to each of the criteria that the Development Review Board will use to decide whether to approve the variance (see Figure 3-1).

3.7.3 Public Hearing. The Development Review Board must hold a public hearing and act on the variance request in accordance with Section 3.10. If the applicant is requesting a variance from the required setback from a state highway, notice of the hearing must also be sent to the Vermont Secretary of Transportation.

3.7.4 Review Criteria. To approve a variance, the Development Review Board must conclude that all of the applicable criteria specified in Figure 3-1 have been met.

3.7.5 Flood Hazard. Variances for development within the Flood Hazard Overlay (FHO) District may be granted by the Development Review Board only in accordance Section 5.3.12 and the criteria indicated in Figure 3-1.

3.7.6 Renewable Energy Variance. In the case of a renewable energy project that does not receive a certificate of public good from the Vermont Public Utilities Commission, the Development Review Board may approve a variance for a renewable energy structure according to the criteria indicated in Figure 3-1.

3.8 *Planned Unit Development*

3.8.1 Applicability

Planned Unit Development (PUD) may be permitted in all zoning districts, in accordance with the provisions of this subsection. For a PUD involving only residential use, a Planned Residential Development (PRD), refer to Section 8.6 of this ordinance.

3.8.2 Purpose.

Planned Unit Development (PUD) is for large or complex developments that include two or more principal buildings or uses and is planned as a single continuous project under unified control. PUD allows a developer to meet community land use goals without being strictly bound by requirements of the underlying zoning district. This flexibility permits the creation of a designed grouping of varied and compatible land uses, such as housing, recreation, agriculture, commercial centers, and industrial parks, all within one contained development or subdivision. Individual goals for PUD are as follows:

- (1) To allow for a complementary mixture of uses in an integrated and well planned area within a single zoning district.
- (2) Encourage and preserve opportunities for the efficient use of public facilities and infrastructure.
- (3) To provide a more flexible mechanism for the development of quality site layouts while allowing densities higher than those allowed in the underlying zoning district.

3.8.3 Uses

Proposed uses in the Planned Unit Development shall be as permitted or conditionally allowed in the underlying zoning district.

3.8.4 Allowable Density

In a Planned Unit Development, the Development Review Board may permit densities that exceed those allowed in the underlying district.

3.8.5 Lot Dimension Requirements

The Development Review Board may permit individual lots in a Planned Unit Development to be reduced in required area, and yard dimensions, below the dimensional requirements otherwise prescribed for the particular zoning district in which the PUD is located.

- (1) For any lot within a PUD located in the RR or RA zoning districts, the minimum lot size shall be ten times the footprint of any primary structure on the lot.
- (2) Approved building envelopes shall be delineated on the subdivision plat for each lot to reflect allowable setbacks and lot coverage for all future structures and other impervious cover.

3.8.6 Street Standards

All streets shall be built to town standards as described in Chapter 13 of the *Manchester Unified Ordinance*. However, design and construction of private streets to those standards does not obligate the Town of Manchester to accept such streets as town roads. The Development Review Board shall require that each deed for a lot in the Planned Unit Development contain a notification that the internal streets in the PUD are private streets and that maintenance and repair are the sole responsibility of the developer or the individual lot owners as described in the covenants of the association unless otherwise agreed to by the Manchester Selectboard.

3.8.7 Open Space

The land area not included in building lots or in streets, rights-of-way, or easements for utilities, shall be permanently preserved as open space for recreation, conservation, productive working lands use, or the enhancement of the natural environment. The location of open space shall meet the stated objectives of the Plan of Development.

3.8.8 Sketch Plan.

The following information shall be submitted by the applicant for sketch plan review:

- (1) Location map showing the location of the site and existing land uses within three hundred (300) feet of the site, the existing zoning of the site, and the size of the site in acres;
- (2) Sketch plan showing the general location of proposed land use types (single-unit, multiunit residential, common open space, commercial, etc...), general landscaping, parking, pedestrian paths, utilities locations, and other miscellaneous site amenities;
- (3) Concept summary sheet containing the following items:
 - (a) A description of the type of dwelling units proposed,
 - (b) An approximate average square footage of all dwelling units proposed by type of unit,
 - (c) The total number of bedrooms in each dwelling unit,
 - (d) The anticipated population to be generated by the development,
 - (e) The amount and type of commercial space proposed,
 - (f) The amount of common or public open space,
 - (g) The gross residential density in units per acre,
 - (h) The maximum and average height of all buildings.

3.8.9 PUD Site Development Plan.

The applicant for PUD review and approval shall submit the following information:

- (1) A site development plan meeting the requirements of Section 2.10.
- (2) Architectural elevations, building configurations, proposed materials, indication of building access and openings, architectural floor plans, and other descriptive material or items to provide sufficient detail to illustrate the design philosophy of the project.
- (3) Map showing common open space, including acres and size of common open space.
- (4) Association and condominium documents, including:
 - (a) Articles of incorporation for an owners' association, if any,

- (b) Association by-laws and membership rules and regulations,
 - (c) The language of covenants, agreements, or easements restricting the use of common open space and providing for the maintenance of such common open space;
 - (d) The language of covenants, agreements, or easements controlling the use of common roads, drives, rights of way, and for the maintenance of such common open space;
- (5) Reports from the Town Manager concerning the adequacy and availability of the wastewater utility system to accommodate the PUD. The board may require supportive documentation to be submitted by a qualified professional engineer;
 - (6) Reports from the water utility and fire district relative to the ability of the proposed PUD to be serviced by those public services;
 - (7) Traffic study prepared by qualified traffic engineer for any project containing 50 or more dwelling units, or as otherwise deemed necessary by the development Review Board;
 - (8) Notification that the internal streets in a Planned Unit Development (PUD) are private streets and that maintenance and repair are the sole responsibility of the developer or the individual lot owners as described in the covenants of the owners association.
 - (9) Storm Drainage Master Plan. An analysis by a qualified hydrologist or professional engineer of drainage conditions both before and after development of the PUD, quantifying anticipated increases in runoff, peak discharge rates, and including justification for sizing of culverts, storm drainage catch basins, detention ponds, etc.;
 - (10) Plan and profile maps of public improvements, if applicable;
 - (11) Public improvement agreement and guarantee, if applicable, in a form acceptable to the town.
 - (12) Upon issuance of a Planned Unit Development (PUD) permit, or an amendment thereto, the permit or amendment shall be recorded in the land records of the Town of Manchester.

3.9 Consolidated Review

3.9.1 Applicability. When a full application is received for a project requiring multiple review procedures, the Zoning Administrator shall schedule consolidated review, unless the applicant requests in writing that separate reviews be conducted.

3.9.2 Application Requirements. Application requirements for consolidated review shall include all application requirements for each individual type of review relevant to the proposed land use and development.

3.9.3 Review Procedures

- (1) Design Review shall be conducted concurrently with Site Plan, Conditional Use, and Subdivision Review, with the Design Advisory Committee making its recommendation in writing to the Development Review Board prior to the hearing. Conditional Use Review shall be understood to include Site Plan Review.
- (2) The Development Review Board must hold a public hearing and act on an application for combined review in accordance with Section 3.10. In addition, the hearing notice must:
 - (a) Include a statement that the hearing will be a combined review of the proposed land development; and
 - (b) List each type of review the Development Review Board will conduct.
- (3) All hearing and decision requirements and deadlines applicable to each review process will apply.

3.10 Hearing Procedures

3.10.1 Notice of Hearing

The Zoning Administrator must notify the public at least 15 days before a hearing for all conditional use,

variance, appeal, and final subdivision applications. The Zoning Administrator must notify the public at least 7 days before a hearing for any other Development Review Board actions under this ordinance. The notice of hearing must include all of the following:

- (1) Publishing the date, place and purpose of the hearing in a newspaper of general circulation in Manchester.
- (2) Posting the date, place and purpose of the hearing at the town offices and at least one other public place within Manchester.
- (3) Providing the applicant with a notice of public hearing with the date, place and purpose of the hearing to be posted on the subject property within public view. It will be the applicant's responsibility to ensure that the notice remains posted for the entire warning period and to remove the notice after the close of public hearing.
- (4) Notifying the owners of all properties adjoining the subject property (including those across the road) in writing. The notification must include a description of the proposed project and must clearly explain to the recipient where to obtain additional information and that he/she must participate in the hearing in order to have the right to any subsequent appeal.

A defect in the form or substance of the public notice requirements will not invalidate any action or decision under this ordinance when a reasonable effort has been made to provide adequate posting and notice.

3.10.2 Site Visits

The Development Review Board may require an applicant to grant the board access to a site prior to making a decision on an application when deemed necessary to ensure compliance with this ordinance. If a quorum of Development Review Board members will be present, a site visit must be warned in accordance with Vermont's open meeting law - notice must be posted at least 48 hours in advance on the town's website, at the town office, and in at least two other designated public places in town.

3.10.3 Conducting a Hearing and Taking Evidence

- (1) The Development Review Board must hold a public hearing within 60 days of the Zoning Administrator determining that an application is complete unless otherwise specified in this ordinance or the applicant agrees to a later hearing date.
- (2) The Development Review Board must conduct public hearings, hear testimony, and take evidence according to its adopted rules of procedures.
- (3) All hearings must be open to the public as follows:
 - (a) Any individual or group may appear and participate in a public hearing in person or by authorized representative or counsel, or may submit written testimony in advance of the hearing.
 - (b) The Development Review Board must give all those wishing to participate an opportunity to be heard as is relevant to the proceeding.
- (4) The applicant or an authorized representative must be present at any public hearing or meeting when the Development Review Board will be considering his/her application.
 - (a) The Development Review Board will continue its consideration of an application to its next regularly scheduled meeting if the applicant or an authorized representative is not present.
 - (b) In the case of such a continuation, the intervening days will not be counted as part of any time period within which the Development Review Board is required to act.
- (5) Development Review Board members must not communicate directly or indirectly with any applicant, interested person, or their representative regarding a matter that is under consideration except during a properly noticed hearing.

3.10.4 Recessing a Hearing

- (1) The Development Review Board may recess a hearing pending submission of additional information necessary to determine compliance with these regulations or upon the applicant's request.
- (2) If the Development Review Board recesses a hearing to a specific date and time, the hearing will not have to be warned again when resumed.

3.11 Decisions

3.11.1 Deliberations. The Development Review Board may deliberate and make a decision on the application either in open public session or in a closed deliberative session.

3.11.2 Time to Act. Within 45 days of closing a hearing, the Development Review Board must issue a written decision to approve, approve with conditions, or deny the application.

3.11.3 Deemed Approval. If the Development Review Board does not issue a decision within 45 days of closing a hearing, the applicant may file an appeal with the Environmental Division of the Vermont Superior Court to recognize the board's failure to act resulted in a "deemed approval" of the application.

3.11.4 Findings and Conclusions. The written decision must include a statement of the facts upon which the Development Review Board is basing its decisions and a statement of conclusions relating to the applicable review criteria and standards of this ordinance.

3.11.5 Conditions of Approval. The Development Review Board:

- (1) May attach any conditions it deems necessary to an approval to achieve the purposes of this ordinance including, but not limited to:
 - (a) Specific performance standards such as limitations on hours of operation, noise, light or other off-site impacts;
 - (b) Required improvements to public facilities or infrastructure to serve the proposed development;
 - (c) Schedule or phasing of development;
 - (d) Inspection or monitoring; and
 - (e) Performance bonds in accordance with Section 2.11.4.
- (2) Must specifically describe any conditions or limitations in the written decision. Any conditions attached to the Development Review Board's approval will be considered part of any subsequent zoning permit issued by the Zoning Administrator for the approved land development.

3.11.6 Submittal of Revised Plans. If the Development Review Board attaches conditions on an approval that require amendments to a site or subdivision plan, the applicant must submit an amended site or subdivision plan that satisfies those conditions prior to Zoning Administrator issuing a certificate of compliance. The Development Review Board may require a revised site plan prior to the issuance of a zoning permit for an approved site plan.

3.11.7 Notification and Filing. The Development Review Board must:

- (1) Send a copy of the decision to the applicant and any interested party that testified at the hearing by certified mail;
- (2) Send a copy of the decision to all others who participated in the hearing; and
- (3) File a copy of the decision with the Zoning Administrator.

3.11.8 Effect and Expiration. If the approved land development or use is:

- (1) Not substantially completed or commenced before the zoning permit expires as established in Section 2.9.11, the development approval will expire with the zoning permit.
- (2) Substantially completed or commenced before the zoning permit expires as established in Section 2.9.11, the development approval will remain in effect unless the use is abandoned or discontinued as established in Section 2.5. Development Review Board approvals and any related conditions run with the land and remain in effect irrespective of whether the property changes ownership.

3.12 Appeals

3.12.1 Who May Appeal

An interested person may appeal an action taken or decision made, under this ordinance as specified in this subsection. For the purposes of this ordinance, an interested person is:

- (1) An applicant who alleges that this ordinance imposes unreasonable or inappropriate restrictions on the existing or future use of his/her property, or that the action taken or decision made is not in accordance with this ordinance.
- (2) The Town of Manchester or any adjoining municipality.
- (3) A person owning or occupying property in the immediate neighborhood of proposed land development who can demonstrate:
 - (a) A physical or environmental impact on his/her interests;
 - (b) That the action taken or decision made is not in accord with the policies, purposes, or terms of this ordinance or the *Manchester Town Plan*, as most recently adopted; and
 - (c) That he/she participated in any Development Review Board hearing conducted prior to the action or decision made.
- (4) Any combination of at least 10 voters or landowners in the Town of Manchester who by signed petition allege that the action taken or decision made is not in accord with the policies, purposes, or terms of this ordinance or the *Manchester Town Plan*, as most recently adopted.
- (5) Any department or administrative subdivision of the state that owns property or interest in property in the Town of Manchester, and the Vermont Agency of Commerce and Community Development.

3.12.2 Appeals of Zoning Administrator Decisions

- (1) An interested person may appeal any action or decision of the Zoning Administrator to the Development Review Board by submitting a notice of appeal and any applicable fees with the Manchester Town Clerk within 15 days of the date of the Zoning Administrator's action or decision.
- (2) The Town Clerk will forward the notice of appeal to the Planning and Zoning Office.
- (3) A notice of appeal must be in writing and must include all of the following information:
 - (a) The name and address of the appellant (the person filing the appeal).
 - (b) A copy of the Zoning Administrator's decision or description of the action (if appealing zoning permit, also include a copy of the permit application);
 - (c) A brief description of the subject property;
 - (d) A reference to any sections of these regulations that the appellant alleges the Zoning Administrator has not properly followed or applied; and
 - (e) A statement of the relief the appellant is requesting and why the appellant believes the requested relief to be appropriate under the circumstances.
- (4) If an appeal is filed by a group of persons, then the notice of appeal must designate one person to serve as a representative of the group regarding all matters related to the appeal.
- (5) The appellant may request a stay of enforcement as part of the notice of appeal by including a sworn statement that irremediable damage will directly result if the Development Review Board does not grant the stay.
- (6) Upon receipt of a complete notice of appeal, the Development Review Board must:
 - (a) Hold a public hearing and act on the appeal in accordance with Section 3.10.

- (b) Reject the appeal without a hearing and render a decision within 10 days of the appellant filing the notice, if the Development Review Board determines that it decided the issues in an earlier appeal.
- (7) An appeal to the Development Review Board is the exclusive remedy for an interested person with respect to an action or decision of the Zoning Administrator.
- (8) If no interested person appeals the Zoning Administrator's action or decision to the Development Review Board within 15 days, the action or decision will not be able to be contested at a later time.

3.12.3 Appeals of Development Review Board Decisions

- (1) Any interested person who participated in a hearing on a matter before the Development Review Board may appeal the board's action or decision to the Environmental Division of the Vermont Superior Court within 30 days of the date of the board's action or decision.
- (2) The appellant must send a notice of appeal to every interested person who participated in the hearing by certified mail. The Zoning Administrator must provide a prospective appellant with the interested person list upon request.
- (3) If the Zoning Administrator has issued a zoning permit based on a Development Review Board approval, the appeal of that approval will be considered an appeal of the zoning permit as well and the applicant must not commence any use or development authorized by the zoning permit until the appeal is resolved.
- (4) An appeal to the Environmental Division of the Vermont Superior Court is the exclusive remedy for an interested person with respect to an action or decision of the Development Review Board except as otherwise provided by state statute.
- (5) If no interested person appeals a Development Review Board action or decision to the Environmental Division of the Vermont Superior Court within 30 days, all interested persons will be bound by that action or decision and will not be able to contest it at a later time.

Section 4 Zoning Districts

4.1 General Provisions

4.1.1 Establishment of Base Zoning Districts

This ordinance establishes the following basic zoning districts as shown on the Official Zoning Map and described herein:

- (1) Downtown (DN)
- (2) Town Center (TC)
- (3) Mixed Use 1 (MU1)
- (4) Mixed Use 2 (MU2)
- (5) Mixed Use 3 (MU3)
- (6) Office Industrial (OI)
- (7) Residential 10 (R10)
- (8) Residential 4 (R4)
- (9) Residential 1 (R1)
- (10) Rural Residential (RR)
- (11) Rural Agricultural (RA)
- (12) Forest Conservation (FC)

4.1.2 Establishment of Overlay Zoning Districts

This ordinance establishes the following overlay zoning districts as described herein:

- (1) Design Review Overlay (DRO)
- (2) Aquifer Protection Overlay (APO)
- (3) Flood Hazard Overlay (FHO)

4.1.2 Official Zoning Map

Manchester's Official Zoning Map delineates the boundaries of the twelve basic zoning districts. Boundaries of the Flood Hazard Overlay (FHO) are based on FEMA National Flood Hazard Layer map data. Boundaries of the Aquifer Protection Overlay (APO) are based on map data available from the Vermont Agency of Natural Resources (ANR) online Natural Resource Atlas depicting active source protection areas. Maps delineating the boundaries of the various base and overlay zoning districts established in sections 4.1.1 and 4.1.2 are incorporated by reference into this ordinance and adopted as part of this ordinance.

The Official Zoning Map is on file in the town clerk's office. Unofficial versions of the maps included in this ordinance and available from the town website are for convenience only. The Official Zoning Map must be used for all measurements and interpretations of the basic district boundaries. FEMA National Flood Hazard Layer map data and ANR river corridor map data must be used for all measurements and interpretations of the FHO boundaries. Measurements and interpretations of the APO boundaries must use active source protection area data as provided on the ANR Natural Resources Atlas.

If a specific distance or measurement is not shown on the map, the Zoning Administrator will interpret any Official Zoning Map boundaries indicated as approximately following:

- (1) Streets, railroad lines, power lines or rights-of-way to follow the centerlines of such streets, railroad lines, power lines or rights-of-way.
- (2) Lot lines or municipal boundaries to follow such lines or boundaries.
- (3) Rivers, streams or water bodies to follow the centerlines of such rivers, streams or water bodies.

The Zoning Administrator will interpret any of the features listed above to be located where they exist on

the ground or as shown on a survey at the time of the interpretation if they vary from their depiction on the Official Zoning Map except that a boundary line adjustment or subdivision that changes the location of a lot line will not change the location of any zoning district boundary indicated as following that lot line.

4.2 Downtown District (DN)

4.2.1 Purpose. The Town of Manchester intends for the Downtown District to provide concentrated downtown retail, service, office, upper floor housing, and other compatible mixed uses in the town's historic commercial center. Proposed land development must conform to design and historic preservation standards in order to maintain neighborhood commercial scale, pedestrian activity, architectural character and the traditional built pattern. The purpose of this district is to:

- (1) Promote of the long-term economic and social vitality of the historic downtown;
- (2) Provide for the daily needs and services of the community, as well as contributing to the town's visitor-based economy;
- (3) Provide economic development opportunities through service, office, locally-oriented retail, dining and other compatible commercial and light industrial uses;
- (4) Provide housing opportunities within walking distance of employment, service and retail opportunities;
- (5) Ensure that new buildings and significant renovations are compatible with the historic architectural framework of the historic downtown; and
- (6) Promote a quality, urban streetscape and pedestrian-friendly environment.

4.2.2 Uses. Section 4.17 establishes the permitted and conditional uses for this district.

4.2.3 Drive Through Services: Food service drive-throughs are prohibited and all other drive-through service will require conditional use approval.

4.2.4 Dimensional Standards. Section 4.18 establishes the dimensional standards for this district. New principal buildings must be constructed with a functional second story.

4.2.5 Density Standards. Section 4.18 establishes allowed residential density for this district.

4.2.6 Character Examples. The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



4.3 Town Center District (TC)

4.3.1 Purpose. The Town of Manchester intends for the Town Center District to provide an area for the most intensive commercial activity and mixed-use development in Manchester. Proposed land development must conform to design standards in order to enhance neighborhood commercial scale, pedestrian activity, and architectural character. The purpose of this district is to:

- (1) Promote the long-term economic and social vitality of Manchester's town center;
- (2) Support the town's visitor-based economy, as well as providing for the daily needs and services of the community;
- (3) Provide economic development opportunities through retail, dining, service, office and other compatible commercial and light industrial uses;
- (4) Encourage creation of housing within walking distance of employment, service and retail opportunities;
- (5) Encourage mixed-use infill and redevelopment that increases the value of buildings and property;
- (6) Ensure that new buildings are compatible with the architectural framework of Manchester's town core and preserve a human scale; and
- (7) Promote a quality, urban streetscape and pedestrian-friendly environment.

4.3.2 Uses. Section 4.17 establishes the permitted and conditional uses for this district. In addition, industrial uses must include a retail space from which at least 50% of the products manufactured on the premises are sold direct to consumers.

4.3.3 Drive Through Services. All drive-through service will require conditional use approval in the Town Center District.

4.3.4 Dimensional Standards. Section 4.18 establishes the dimensional standards for this district. New principal buildings must be constructed with a functional second story.

4.3.5 Density Standards. Section 4.18 establishes allowed residential density for this district.

4.3.6 Character Examples. The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



4.4 Mixed Use 1 District (MU1)

4.4.1 Purpose. The Town of Manchester intends for the Mixed Use 1 District to provide a mix of uses within historic neighborhoods in the town core. Proposed land development must conform to design and historic preservation standards in order to maintain neighborhood scale, pedestrian-friendly connectivity, architectural character, and the traditional built pattern. The purpose of this district is to:

- (1) Promote the long-term economic and social vitality of Manchester's historic neighborhoods;
- (2) Provide for the daily needs and services of the community, as well as contribute to the town's visitor-based economy;
- (3) Provide economic development opportunities through small-scale, low-impact retail, service, office, and other business activities that are compatible with nearby residential uses;
- (4) Provide a broad range of housing opportunities within walking distance of employment, service, and retail opportunities;
- (5) Ensure that new buildings and significant renovations are compatible with the historic architectural framework of Manchester's neighborhoods; and
- (6) Promote a quality streetscape and pedestrian-friendly environment.

4.4.2 Uses. Section 4.17 establishes the permitted and conditional uses for this district.

4.4.3 Drive Through Services: Prohibited.

4.4.4 Dimensional Standards. Section 4.18 establishes the dimensional standards for this district. New principal buildings must be constructed with a functional second story.

4.4.5 Density Standards. Section 4.18 establishes allowed residential density for this district.

4.4.6 Character Examples. The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



4.5 Mixed Use 2 District (MU2)

4.5.1 Purpose. The Town of Manchester intends for the Mixed Use 2 District to provide an opportunity for growth in areas within or adjacent to the town core that are currently served by public infrastructure or where infrastructure could reasonably be provided. The purpose of this district is to:

- (1) Provide economic development opportunities through office, service, lodging, and other compatible, primarily non-retail commercial and light industrial uses;
- (2) Provide opportunities for new compact residential neighborhoods and a range of housing opportunities in proximity to the town core;
- (3) Ensure that proposed land development incorporates access management and avoids congestion; and
- (4) Promote a quality streetscape and pedestrian-friendly environment.

4.5.2 Uses. Section 4.17 establishes the permitted and conditional uses for this district.

4.5.3 Drive Thru Services. Food service drive-throughs are prohibited and all other drive-through service requires conditional use approval.

4.5.4 Dimensional Standards. Section 4.18 establishes the dimensional standards for this district.

4.5.5 Density Standards. Section 4.18 establishes allowed residential density for this district.

4.5.6 Character Examples. The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



4.6 Mixed Use 3 District (MU3)

4.6.1 Purpose. The Town of Manchester intends for the Mixed Use 3 District to provide visitor-serving, primarily non-retail uses such as dining, lodging and recreation, and other compatible uses along the main highways. Proposed land development must conform to design standards in order to maintain and enhance community character. The purpose of this district is to:

- (1) Support the town's visitor-based economy, as well as providing amenities that enhance quality of life in the community;
- (2) Ensure that proposed land development incorporates access management and avoids congestion; and
- (3) Promote quality site and building design to mitigate the effects of linear commercial development, and maintain community character and limit sprawl.

4.6.2 Uses. Section 4.17 establishes the permitted and conditional uses for this district.

4.6.3 Drive Through Services. Require conditional use approval.

4.6.4 Dimensional Standards. Section 4.18 establishes the dimensional standards for this district.

4.6.5 Density Standards. Section 4.18 establishes allowed residential density for this district.

4.6.6 Character Examples. The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



4.7 Office Industrial District (OI)

4.7.1 Purpose. The Town of Manchester intends for the Office Industrial District to provide opportunities for diversifying the town's economy and accommodating the growth of local businesses. The purpose of this district is to promote Manchester's long-term economic vitality by providing locations for primarily non-retail, non-visitor-based office, service, and light industrial uses.

4.7.2 Uses. Section 4.17 establishes the permitted and conditional uses for this district.

4.7.3 Drive-Through Services. Require conditional use approval.

4.7.4 Dimensional Standards. Section 4.18 establishes dimensional standards for this district.

4.7.5 Character Examples. The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



4.8 Residential 10 District (R10)

4.8.1 Purpose. The Town of Manchester intends for the Residential 10 District to provide opportunities for high-density and multiunit housing within the town core. Proposed land development must conform to design standards to maintain and enhance neighborhood character. The purpose of this district is to:

- (1) Provide a broad range of housing opportunities within walking distance of employment, service, and retail opportunities;
- (2) Ensure that new buildings are compatible with the architectural framework of Manchester's neighborhoods and preserve a human scale; and
- (3) Promote a quality streetscape and pedestrian-friendly environment.

4.8.2 Uses. Section 4.17 establishes the permitted and conditional uses for this district.

4.8.3 Drive-Through Services. Prohibited.

4.8.4 Dimensional Standards. Section 4.18 establishes the dimensional standards for this district.

4.8.5 Character Examples. The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



4.9 Residential 4 District (R4)

4.9.1 Purpose. The Town of Manchester intends for the Residential 4 District to provide opportunities for medium- to high-density residential neighborhoods within the town core. The purpose of this district is to provide a broad range of housing opportunities in quality neighborhoods.

4.9.2 Uses. Section 4.17 establishes the permitted and conditional uses for this district.

4.9.3 Drive-Through Services. Prohibited.

4.9.4 Dimensional Standards. Section 4.18 establishes the dimensional standards for this district.

4.9.5 Density Standards. Section 4.18 establishes allowed residential density for this district.

4.9.6 Character Examples. The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



4.10 Residential 1 District (R1)

4.10.1 Purpose. The Town of Manchester intends for the Residential 1 District to provide opportunities for moderate density residential neighborhoods within and adjacent to the town core.

4.10.2 Uses. Section 4.17 establishes the permitted and conditional uses for this district.

4.10.3 Drive-Through Services. Prohibited.

4.10.4 Dimensional Standards. Section 4.18 establishes the dimensional standards for this district.

4.10.5 Density Standards. Section 4.18 establishes allowed residential density for this district.

4.10.6 Character Examples. The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



4.11 Rural Residential District (RR)

4.11.1 Purpose. The Town of Manchester intends for the Rural Residential District to provide opportunities for low density housing in a rural setting, as well as recreation, natural resource, local food production, or skilled trades oriented commercial activity where impacts to neighboring residential uses are minimal.

4.11.2 Uses. Section 4.17 establishes the permitted and conditional uses for this district. Conditional uses shall be allowed only on parcels of 4 or more acres.

4.11.3 Drive-Through Services. Prohibited.

4.11.4 Dimensional Standards. Section 4.18 establishes the dimensional standards for this district.

4.11.5 Density Standards. Section 4.18 establishes allowed residential density for this district.

4.11.6 Character Examples. The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



4.12 Rural Agricultural District (RA)

4.12.1 Purpose. The Town of Manchester intends for the Rural Agricultural District to provide opportunities for agriculture and other natural resource based or local food production uses, as well as associated agricultural, recreational, or silvicultural enterprises, low density housing in a rural setting, and housing for people engaged in agriculture.

4.12.2 Uses. Section 4.17 establishes the permitted and conditional uses for this district.

4.12.3 Drive-Through Services. Prohibited.

4.12.4 Dimensional Standards. Section 4.18 establishes the dimensional standards for this district.

4.12.5 Density Standards. Section 4.18 establishes allowed residential density for this district.

4.12.6 Character Examples. The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



4.13 Forest Conservation District (FC)

4.13.1 Purpose. The Town of Manchester intends for the Forest Conservation District to protect the public and private forested slopes that define the eastern and western sides of town and maintain opportunities for recreation uses and properly managed forestry operations.

4.13.2 Uses. Section 4.17 establishes the permitted and conditional uses for this district.

4.13.3 Dimensional Standards. Section 4.18 establishes the dimensional standards for this district.

4.13.4 Character Examples. The images below are intended to illustrate the form and character of development that is appropriate and desired in this district:



4.14 Use Standards

4.14.1 Uses. A proposed land use must be shown on the use table (Section 4.17) as a permitted or conditional use in the applicable zoning district unless the subject use is a nonconformity and the proposed land development is in conformance with the requirements of Section 2.8.

4.14.2 Prohibited Uses. A use not specifically listed as permitted or conditional in a zoning district on the use table (Section 4.17) is prohibited unless the applicant demonstrates to the Zoning Administrator that the unlisted use:

- (1) Is materially similar to a listed use in the same zoning district in accordance with Section 4.17; or
- (2) Is required to be permitted in a zoning district by state or federal law.

4.14.3 Materially Similar Uses. The Zoning Administrator may make a written determination that a proposed use not shown on the use table (Section 4.17) is materially similar to a use listed as permitted or conditional in the applicable zoning district and that it should be allowed to the same extent and subject to the same standards as that permitted or conditional use if it has:

- (1) Similar impacts on the neighborhood such as traffic, noise, and lighting as that listed use; and
- (2) Similar characteristics such as building type, site arrangement, floor area, number of employees, customer traffic, equipment use, hours of operation, parking, vehicle trips, and signage as that permitted or conditional use.

4.14.3 Multiple and Mixed Uses. A landowner may use a lot or structure for any combination of uses allowed as permitted or conditional uses in the applicable zoning district.

4.14.4 Accessory Uses. A landowner must obtain a zoning permit to establish one or more accessory uses on a lot in accordance with the standards below:

- (1) The total area occupied by all the accessory uses on the lot must not exceed 40% of the total area occupied by the associated principal use. For principal uses conducted primarily indoors, this calculation will be based on gross floor area occupied within the building(s) by each use. For principal uses conducted primarily outdoors, this calculation will be based on lot area occupied by each use.
- (2) An accessory use must be:
 - (a) A permitted or conditional use in the applicable zoning district;
 - (b) Specifically authorized as an allowed accessory use to the applicable principal use in this ordinance; or
 - (c) Approved by the Development Review Board in accordance with the procedures for conditional use review.
- (3) Accessory retail sales must occur primarily within an enclosed structure and any outdoor display of goods for sale must conform to the standards of Section 6.16.
- (4) For service uses, accessory retail sales must be limited to products associated with the service (for example, sale of hair care products at a salon).
- (5) For manufacturing uses, accessory retail sales must be limited to products made or assembled on the premises.
- (6) A landowner must also obtain site plan approval for any accessory uses if the principal use of the lot is not a single- or two-unit dwelling.
- (7) The standards of this subsection do not apply to accessory dwellings, home occupations, home businesses, and family childcare homes.

4.15 Dimensional Standards

4.15.1 Applicability. Land development must conform to the dimensional standards for the applicable zoning district unless:

- (1) A subject lot or structure is a nonconformity and the proposed land development is in conformance with the requirements of Section 2.8;
- (2) The applicant obtains a waiver (Section 3.6) or variance (Section 3.7) from the Development Review Board; or
- (3) The proposed land development will be approved as a planned unit development (which includes planned residential development) in accordance with the provisions of this ordinance.
- (4) The proposed land development will be approved as an affordable housing project in accordance with Section 8.2, or a workforce housing project in accordance with Section 8.7.

4.15.2 Principal Buildings. Landowners may locate more than one principal building on a lot in accordance with the following standards:

- (1) The total amount of development on the lot must not exceed the maximum density or coverage allowed in the district.
- (2) There must not be more than two detached single- or two-unit dwellings on any lot unless approved as part of a planned unit development (which includes planned residential development) in accordance with the provisions of this ordinance.
- (3) Each principal building must meet the applicable dimensional standards of the zoning district.
- (4) The distance between principal buildings must not be less than twice the side setback required in the zoning district, unless they are attached.
- (5) Approval of multiple principal buildings on a lot will not constitute a right to separately convey those structures unless:
 - (a) The subject lot will be lawfully subdivided in accordance with the provisions of this ordinance.
 - (b) The buildings will be lawfully converted to condominium ownership, which may include the subdivision of footprint lots.

4.15.3 Accessory Structures. A landowner must obtain a zoning permit to locate one or more accessory structures on a lot in accordance with the standards below:

- (1) Accessory structures must meet the front setback requirements shown in the dimensional requirements table (Section 4.18) for the applicable zoning district.
- (2) Accessory structures with a footprint of not more than 200 square feet and a height of not more than 12 feet must be set back at least 5 feet from rear and side property lines, or the minimum setback requirements for the district they are located, whichever is less.
- (3) Accessory structures with a footprint in excess of 200 square feet or a height in excess of 12 feet must be set back at least 15 feet from rear and side property lines, or the minimum setback requirements for the district they are located, whichever is less.
- (4) Accessory structures must be located at least 5 feet from any other structure unless they are attached to that structure.
- (5) Accessory structures must not exceed a maximum height of 25 feet or the height of an associated principal building, whichever is less, except as specifically authorized in this ordinance.

Figure 4-1 Dimensional Standards for Accessory Structures					
Structure Type	May encroach into District Setback			Minimum Setback*	Maximum Height*
	Front	Side	Rear		
Arbors	X	X	X	0 ft	15 ft
Berms	X	X	X	0 ft	10 ft
Detached decks and patios		X	X	10 ft	-
Detached garages and carports		X	X	10 ft	15 ft
Driveways	X	X	X	0 ft	-
Fences and gates	X	X	X	0 ft	See §6.13
Fire escapes, access ramps, and the like	X	X	X	0 ft	-
Flagpoles	X	X	X	5 ft	30 ft
Freestanding signs	X	X		See §10	See §10
Heating, cooling, mechanical equipment		X	X	10 ft	-
Mailboxes	X	X	X	0 ft	5 ft
Parking areas				district min	-
Swimming pools, hot tubs		X	X	10 ft	-
Retaining walls of up to 4 ft	X	X	X	0 ft	4 ft
Sheds, pool houses, saunas, playhouses or treehouses <200sf		X	X	5 ft	12 ft
Sidewalks	X	X	X	0 ft	-
Sports, exercise, or play structures	X	X	X	5 ft	15 ft
Stormwater Structures	X	X	X	5 ft	-
Vending machines, or kiosks				district min	15 ft

* Lesser of the following or district minimum

4.15.4 Lot Size. Lot size will be regulated in accordance with the following:

- (1) Any lot created under this ordinance must meet the minimum lot size requirement for the applicable zoning district unless approved as part of a planned unit development or planned residential development in accordance with the provisions of this ordinance.
- (2) An existing nonconforming lot may be developed in accordance with Section 2.8.3 irrespective of whether it will comply with the minimum lot size standard for the applicable zoning district.
- (3) An existing nonconforming lot must not be reduced in size below the minimum lot size requirement for the applicable zoning district unless the reduction is the result of land being acquired for a public purpose by eminent domain (for example, due to street widening).
- (4) A lot that will include land in more than one zoning district must meet the minimum lot size requirement for the zoning district in which the portion of the lot with street frontage is located. If the lot has street frontage in more than one zoning district, the lot must meet the largest minimum lot size requirement for the multiple districts.

4.15.5 Frontage. All lots must front on a public or private road as specified in each zoning district and in accordance with the following:

- (1) **Existing Nonconforming Lots.** An existing lot without the minimum required frontage on a maintained public or private street must have access to such a street over a permanent easement or right-of-way not less than 20 feet wide for single-and two-unit residential lots and 40 feet wide for all other lots. If the lot has more than 20 feet of frontage for single-and two-unit residential use, or more than 40 feet for all other uses, an easement or right-of-way is not necessary.
- (2) **Corner Lots.** Lots that front on more than one street will only be required to meet minimum

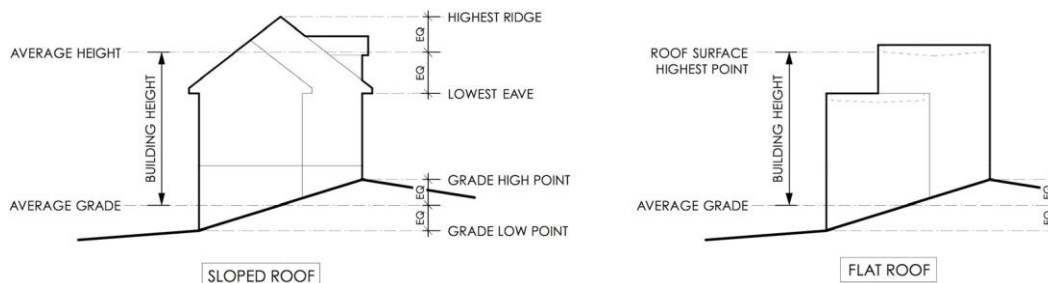
frontage requirements on one street.

- (3) **New Lots.** All new lots created under these regulations must have the minimum frontage on a maintained public or private street unless the Development Review Board:
- Approves a lot with less frontage as part of a planned unit development in accordance with the provisions of this ordinance;
 - Approves a waiver to reduce the frontage requirement to not less than 20 feet for irregularly shaped lots or lots accessed by a shared driveway; or
 - Approves a waiver to reduce or eliminate the frontage requirement for lots restricted to agriculture, forestry or open spaces uses through a legally enforceable and permanent means such as a conservation easement.

4.15.6 Setbacks. All land development and structures subject to this ordinance must be set back from streets and property lines as shown in the dimensional table (Section 4.18) unless otherwise specified in this ordinance. Lots with frontage on more than one street must meet front setback requirements on each street, and must meet side setback requirements on the remaining sides.

4.15.7 Height. No structure subject to these regulations may exceed district height limits as specified below unless otherwise specified in these regulations:

- (1) When building height is measured, the measurement will be taken from the average finished grade around the building foundation or base of the structure to the roof deck for buildings with flat roofs, to the average height between the eaves and gable for sloped roofs, and to the highest point for other structures. This measurement will exclude the elements listed in 4.15.7(4) below.



- Minimum and maximum height requirements for principal structures are shown in the dimensional table (Section 4.18) for each zoning district.
- Accessory structures must not exceed a height of 25 feet or the height of the associated principal structure, whichever is less.
- Height limits do not apply to:
 - Belfries, spires, steeples, cupolas, domes or similar architectural features not used for human habitation; and
 - Skylights, parapet walls, cornices, chimneys, ventilators, bulkheads, or mechanical equipment usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning.
 - Flag poles, light poles, antenna support structures and similar freestanding structures not located within public rights-of-way.
- For buildings exceeding 35 feet in height, that portion of the building exceeding 30 feet from the average grade along the façade must be setback by at least 10 feet from the façade. This applies

to both façades on corner lots.

(6) Where a minimum building height is specified:

- (a) Buildings with a footprint of 6,000 square feet or less must maintain that height along the entire façade and for a depth of at least 30 feet or depth of building, whichever is less.
- (b) Buildings with a footprint of more than 6,000 square feet must maintain that height along at least 30% of the façade and for a depth of at least 30 feet or depth of the building, whichever is less.

(7) Where a functional second story is required, the following shall apply:

- (c) The functional second story must be a minimum of 30% of the first floor area of the primary structure.
- (d) The majority of the functional second story must be along the primary streetside façade.
- (e) The functional second story may be waived by the Development Review Board if one or more of the following conditions exist:
 - (i) The footprint of the structure is less than 2,000 square feet.
 - (ii) There is a primary structure on the lot that contains a functional second story and the footprint of the proposed structure is at least 50% less than that of the primary structure.
 - (iii) The primary first floor use is incompatible with a second story use.
- (f) If the requirement for a functional second story is waived, the building must provide a gable roof, parapet, dormer, or other architectural feature that adds verticality to the structure at the primary streetside façade.

4.16 Residential Density Standards

The number of dwelling units on a lot must not exceed the maximum density specified in Section 4.18 for the applicable zoning district except:

- (1) Accessory dwelling units approved under Section 6.2 will not count as a dwelling unit for the purposes of calculating density.
- (2) Any single-unit dwelling on a conforming lot in the town core may be converted to a two- unit dwelling irrespective of the district density standard provided that all other applicable standards of this ordinance are met.
- (3) A pre-existing small lot may be developed in accordance with Section 2.8 irrespective of whether it will comply with the residential density standard for the applicable district.
- (4) Adaptive reuse of an existing nonresidential structure approved according to Section 8.1;
- (5) Affordable housing development approved according to Section 8.2;
- (6) Planned Residential Development approved according to Section 8.6; and
- (7) Planned Unit Development approved according to Section 11.8.

4.17 Use Table

USE & DESCRIPTION	P = Permitted Use C = Conditional Use – = Use Not Allowed			DN	TC	MU1	MU2	MU3	OI	R10	R4	R1	RR	RA	FC
RESIDENTIAL															
Single-unit dwelling A detached, single-unit structure for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.	–	–	P	P	P	–	P	P	P	P	P	P	P	P	–
Two-unit dwelling A two-unit structure for habitation by two households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, and with each unit having a separate entrance from the outside or through a common vestibule (also known as a duplex).	–	–	P	P	P	–	P	P	P	P	P	P	P	–	–
Attached dwelling A single-unit dwelling for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, which is attached to another single-unit dwelling in a row of at least three such dwellings with one or more common walls and with each dwelling having its own front and rear access to the outside (also known as a townhouse).	–	–	P	P	C	–	P	P	C	C	C	C	C	–	–
Multiunit dwelling Use of a structure or part of a structure for habitation by three or more households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, or any dwelling unit in a mixed-use building.	P	P	P	P	–	–	P	P	–	–	–	–	–	–	–
Accessory dwelling unit Accessory use of single-unit residential property for a second dwelling unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.	–	–	P	P	P	–	P	P	P	P	P	P	P	P	–
Customary Home Occupation (CHO) Accessory use of a residential unit or property for a small business that does not alter the residential character of the property.	–	–	P	P	P	–	P	P	P	P	P	P	P	P	–
Family childcare home Accessory use of single-unit residential property for a small daycare business operated by a resident of the dwelling under state license or registration.	–	–	P	P	P	–	P	P	P	P	P	P	P	P	–
Retirement housing Use of one or more structures to primarily house people age 55 or older that: (a) contains multiple dwelling units each intended for habitation by one household and providing complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation; and (b) may offer minimum convenience services to residents as an accessory use.	–	C	P	P	C	–	P	P	P	P	P	P	P	–	–
Assisted living Use of one or more structures to provide housing, board and care to residents who need assistance with daily activities such as dressing, grooming, bathing, etc. and that operates under state license (includes residential care homes).	–	C	C	C	C	–	C	C	–	C	C	–	–	–	–
Skilled nursing service Use of one or more structures to provide housing and 24-hour skilled nursing care to residents and that operates under state license (includes nursing and convalescent homes, and hospice facilities).	–	C	–	C	C	–	–	C	–	–	C	–	–	–	–
Group home Use of single-unit residential property to provide housing to people with disabilities that operates under state license or registration.	–	–	P	P	P	–	P	P	P	P	P	P	P	P	–
Residential treatment facility Use of one or more structures to provide housing and 24-hour supervision and care of patients receiving therapy for substance abuse, mental illness or other behavioral problems.	–	–	–	C	C	–	–	C	–	–	–	–	–	–	–
Dormitory Use of one or more structures by an educational institution to provide housing for students of the school.	P	P	P	P	P	–	P	P	–	–	–	–	–	–	–

USE & DESCRIPTION	<i>P = Permitted Use C = Conditional Use – = Use Not Allowed</i>												DN	TC	MU1	MU2	MU3	OI	R10	R4	R1	RR	RA	FC
Boarding house A single-unit residential property in which rooms are rented to six or more persons to serve as the boarder’s principal residence. Meals, housekeeping, or laundry services are commonly provided.	–	–	P	P	P	–	P	P	P	C	C	–	–	–	P	P	P	–	P	P	P	C	C	–
LODGING																								
Bed-and-breakfast Accessory use of single-unit residential property to provide short-term accommodations for travelers that may have not more than five guestrooms.	–	–	P	P	P	–	P	P	P	C	C	–	–	–	P	P	P	–	P	P	P	C	C	–
Inn Owner occupied use of one or more structures to provide short-term accommodations for travelers. May include a restaurant, bar, event facility, spa or fitness club as an accessory use. Inns must not exceed 25 guest rooms.	–	–	P	P	P	–	C	–	–	–	C	C	–	–	P	P	P	–	C	–	–	C	C	–
Hotel or motel Use of one or more structures to provide short-term accommodations for travelers. It may also include accessory uses such as food services, recreational services, convention hosting, laundry services, etc.	P	P	P	P	P	–	–	–	–	–	–	–	P	P	P	P	P	–	–	–	–	–	–	–
Resort Use of one or more structures to provide short-term accommodations for transient guests where the primary attraction is recreational amenities or activities. It may also include accessory uses such as food services, recreational services, convention hosting, laundry services, etc.	–	P	–	P	P	–	–	–	–	–	C	C	–	–	P	P	P	–	–	–	–	C	C	–
COMMERCIAL																								
Retail sales An establishment that sells goods to the general public for personal or household consumption primarily from within an enclosed structure, excluding any use specifically defined in this use table. It may also provide installation, repair or maintenance services as an accessory use.	P	P	C	–	–	–	–	–	–	–	–	–	P	P	C	–	–	–	–	–	–	–	–	–
Fueling station A specialized establishment for selling gasoline or other vehicle fuels. Commonly combined with other retail uses such as a carwash or convenience store, or with an auto repair and service garage. This definition specifically excludes truck or freight transportation.	–	C	–	–	–	–	–	–	–	–	–	–	–	C	–	–	–	–	–	–	–	–	–	–
Carwash A specialized establishment for washing, waxing, polishing and general cleaning of vehicles. This definition specifically excludes truck or freight transportation.	–	C	–	–	–	–	–	–	–	–	–	–	–	C	–	–	–	–	–	–	–	–	–	–
Repair service An establishment that maintains, services, repairs or paints goods such as appliances, vehicles, boats, equipment or machinery. This definition specifically excludes truck or freight transportation.	–	C	C	C	C	C	–	–	–	–	–	–	–	C	C	C	C	C	–	–	–	–	–	–
Open lot sales or rentals An establishment that sells or rents large items such as vehicles, boats, equipment, machinery, manufactured homes or prefabricated buildings primarily from an open lot. It may also provide installation, repair or maintenance services as an accessory use.	–	C	–	C	–	C	–	–	–	–	–	–	–	C	–	C	–	C	–	–	–	–	–	–
Lawn, garden and farm supply sales An establishment that sells goods to the general public for personal or household consumption primarily from outdoor areas or open air structures (excluding any use specifically defined in this use table) that sells specialized products and services for lawn, garden, or farm use. It may: (a) sell farm supplies such as feed and seed; (b) sell nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, soil, compost, mulch, or sod; (c) sell lawn, garden or farm equipment or machinery as an accessory use; and (d) provide installation, repair or maintenance services as an accessory use.	–	P	–	C	C	C	–	–	–	–	C	C	–	P	–	C	C	C	–	–	–	C	C	–
Lumberyard and building supply sales An establishment that sells lumber and heavy building materials, and that typically stores stock outdoors or under open-air structures.	–	P	–	–	–	P	–	–	–	–	–	–	–	P	–	–	–	P	–	–	–	–	–	–
Grocery store An establishment that sells food or beverage items to the general public primarily not for immediate consumption. It may offer prepared foods or drinks for immediate consumption either on-site or for take-out as an accessory use.	P	P	P	–	–	–	–	–	–	–	–	–	P	P	P	–	–	–	–	–	–	–	–	–
Convenience store An establishment that sells a limited line of staple food, packaged food, and convenience items primarily for off-site consumption. It may offer prepared foods or drinks for immediate consumption either on-site or for take-out as an accessory use.	P	P	–	–	–	–	–	–	–	–	–	–	P	P	–	–	–	–	–	–	–	–	–	–

USE & DESCRIPTION	<i>P = Permitted Use C = Conditional Use – = Use Not Allowed</i>											
	DN	TC	MU1	MU2	MU3	OI	R10	R4	R1	RR	RA	FC
Beer, wine or liquor store An establishment that sells packaged alcoholic beverages for off-site consumption.	P	P	C	–	–	–	–	–	–	–	–	–
Specialty food store An establishment that sells a limited line of specialty, locally-produced or gourmet food or beverage items primarily for off-site consumption. It may offer prepared foods or drinks for immediate consumption either on-site or for take-out as an accessory use.	P	P	P	–	C	–	–	–	–	–	–	–
Open market An establishment or site where goods are brought to be immediately sold to the general public for personal or household consumption often from outdoor areas or open air structures, excluding any use specifically defined in this use table.	C	C	–	C	C	–	–	–	–	–	–	–
Pharmacy An establishment that sells prescription and over-the-counter medication and personal care products, Pharmacies may sell additional products such as food, beverages, office supplies, greeting cards, gifts and other goods.	P	P	P	–	–	–	–	–	–	–	–	–
Retail Cannabis Sales An establishment licensed by the state Cannabis Control Board to sell cannabis products to adults 21 years of age and older for off-site consumption. This use category includes integrated cannabis establishments.	–	C	–	–	–	–	–	–	–	–	–	–
Professional or business office An establishment that: (a) is used to conduct the affairs of a business, organization or profession; or (b) provides services that are reliant on the specialized training, expertise, skills or knowledge of practitioners. This definition excludes veterinary offices and medical or dental clinics as specifically described elsewhere in this table.	P	P	P	P	P	P	–	–	–	–	–	–
Personal or business service An establishment that provides: (a) services on or closely related to the physical person including, but not limited to, laundry, tailoring, shoe repair, hair salon, nail salon, tanning salon, spa, massage parlor or tattoo parlor; or (b) support services primarily to other businesses such as billing, collection, advertising, telemarketing, copying, mailing, etc. It may include sales of related products as an accessory use. This definition excludes veterinary offices and medical or dental clinics as specifically described elsewhere in this table.	P	P	P	C	C	P	–	–	–	–	–	–
Veterinary office An establishment where licensed practitioners of veterinary medicine, dentistry, or surgery treat animals. It may include grooming, boarding, or other pet services as an accessory use. It may include sales of pet food, medicines, or supplies as an accessory use.	C	C	C	C	C	P	–	–	–	C	C	–
Domestic animal service An establishment that: (a) provides domestic animal and pet care services other than veterinary service such as boarding, grooming, sitting, and training; or (b) breeds, sells, or manages adoption of domestic animals. This includes kennels and may include sales of pet food or supplies as an accessory use.	C	C	C	C	C	C	–	–	–	C	C	–
Bank An establishment that engages in financial transactions that create, liquidate, or change ownership of financial assets such as accepting deposits, making loans, and issuing currency.	P	P	P	–	–	C	–	–	–	–	–	–
Recreation equipment rental An establishment that rents recreational goods such as skis, canoes, kayaks, or bicycles. It may also provide repair or maintenance services as an accessory use.	P	P	C	P	P	P	–	–	–	C	C	C
Restaurant, eat-in An establishment that prepares and serves meals, snacks, and beverages that are primarily served to seated patrons for immediate consumption on the premises. It may prepare and serve meals, snacks and beverages for consumption off the premises (take-out) provided that the area devoted to patron seating (exclusive of any outdoor dining area) is not less than 40% of the gross floor area of the restaurant (exclusive of any outdoor dining area). Any restaurant with drive-through or drive-in service will be considered a take-out restaurant under this ordinance.	P	P	C	C (with lodging only)	P	–	–	–	–	–	–	–
Restaurant, take-out An establishment with no or limited seating that prepares and serves meals, snacks and beverages primarily for consumption off the premises. Any restaurant with drive-through or drive-in service will be considered a take-out restaurant under this ordinance. This definition includes a retail bakery that sells 40% or more of its products on the premises.	C	C	C	C	–	–	–	–	–	–	–	–

USE & DESCRIPTION	<i>P = Permitted Use C = Conditional Use – = Use Not Allowed</i>												DN	TC	MU1	MU2	MU3	OI	R10	R4	R1	RR	RA	FC
Mobile food unit An establishment that prepares and serves meals, snacks and beverages primarily for immediate consumption from motorized vehicles or non-motorized carts.													C	C	–	–	–	–	–	–	–	–	–	–
Tavern An establishment that primarily prepares and serves alcoholic beverages for immediate consumption. It may include food service as an accessory use. This definition includes a brewpub that produces less than 15,000 barrels of beer per year and sells 25% or more of its beer on the premises.													P	P	C	–	C	–	–	–	–	–	–	–
Nightclub An establishment that operates as a place of entertainment with music, dancing, or similar live or recorded performances, and where food and drink may be served for immediate consumption on the premises.													P	P	–	–	–	–	–	–	–	–	–	–
Catering or commercial kitchen A state-licensed establishment that prepares: (a) meals, snacks and beverages to be served at off-premise events; or (b) food or beverage products for wholesale or retail sale provided that the operator does not require a state food processing establishment license (such uses will be considered food or beverage manufacturing under this ordinance).													C	C	C	C	C	P	–	–	–	C	C	–
Parking lot or structure An establishment that provides short-term storage for registered, operable passenger vehicles as its primary function.													C	C	C	–	–	C	–	–	–	–	–	–
INDUSTRIAL																								
Light industry An establishment that produces new products, materials or parts in a facility that generally does not rely on specialized power, water or waste disposal systems for operation. All light industrial operations must occur within an enclosed building, which is typically similar to an office building in its size, appearance and impacts. It may include a retail shop as an accessory use that primarily sells products produced on the premises. This definition excludes any use specifically defined in this use table.													C	C	C	C	C	P	–	–	–	–	–	–
Artisanal or handcrafted manufacturing An establishment that produces artisanal or handcrafted goods from within an enclosed building that are custom-designed and produced in small quantities, which typically is characterized by minimal automation, little division of labor and a small number of skilled craftspeople. It may include a retail shop as an accessory use that primarily sells products produced on the premises. This definition excludes any use specifically defined in this use table.													C	C	C	C	C	P	–	–	–	C	C	–
Food or beverage manufacturing A state licensed establishment that produces food or beverage products that are typically sold to wholesalers or retailers. It may include a retail shop, restaurant or bar as an accessory use that primarily sells products produced on the premises. This definition includes, but is not limited to, microbrewery, distillery, winery, and commercial bakery.													C	C	C	C	C	P	–	–	–	C	C	–
Wood products, cabinet or furniture manufacturing <i>An establishment that produces finished wood products such as cabinets, furniture, decorative items, or containers, from within an enclosed building. It may include a retail shop as an accessory use that primarily sells products produced on the premises. See also Sawmill under Natural Resource Based uses.</i>													C	C	C	C	C	P	–	–	–	C	C	–
Indoor Cannabis Cultivation & Cannabis Manufacturing An establishment licensed by the state Cannabis Control Board to cultivate cannabis in an enclosed structure using artificial lighting, or to manufacture cannabis products, including but not limited to concentrated cannabis, edibles, ointments, tinctures, or vaporizer cartridges containing cannabis oil, and to sell such products to licensed cannabis retailers or wholesalers.													–	–	–	C	–	P	–	–	–	–	–	–
Warehouse and storage An establishment that stores, but does not sell, goods and may provide a range of services related to the distribution of goods. This definition specifically excludes any use specifically defined in this use table.													–	–	–	C	–	P	–	–	–	–	–	–
Self-storage facility An establishment that provides individual storage spaces for lease to either commercial or wholesale customers for storage of business goods, or to the general public for storage of household goods.													–	–	–	C	–	P	–	–	–	–	–	–
Tank farm or fuel storage and distribution services An establishment with one or more tanks that typically store fuels, oils and similar liquid products. It may include sale and distribution of such products.													–	–	–	–	–	C	–	–	–	–	–	–

USE & DESCRIPTION	<i>P = Permitted Use C = Conditional Use – = Use Not Allowed</i>												DN	TC	MU1	MU2	MU3	OI	R10	R4	R1	RR	RA	FC
Wholesale trade An establishment that sells or arranges the purchase of goods primarily to other businesses that is set up as a warehouse or office with little to no display of merchandise and where customers do not have direct access to the primary merchandise being sold.	–	C	–	–	–	P	–	–	–	–	–	–	–	C	–	–	–	P	–	–	–	–	–	–
Cannabis Wholesale An establishment licensed by the state Cannabis Control Board to store, process, and sell cannabis and cannabis products to licensed cannabis retailers.	–	–	–	C	–	P	–	–	–	–	–	–	–	–	–	C	–	P	–	–	–	–	–	–
Contractor’s yard An establishment that provides storage for vehicles, machinery, equipment and materials used by a contractor in the construction-related trades, which may include a shop for maintaining or repairing the contractor’s vehicles, machinery or equipment or the contractor’s business office.	–	–	–	C	C	P	–	–	–	–	C	C	–	–	–	C	C	P	–	–	–	C	C	–
Salvage or Junk Yard A site used for outdoor storage, processing, buying, or selling junk, or as a scrap metal processing facility.	–	–	–	–	–	C	–	–	–	–	–	–	–	–	–	–	–	C	–	–	–	–	–	–
Air transportation services A site or structure intended to accommodate or support air transportation such as a runway, hangar, terminal, control tower or heliport.	–	–	–	–	–	C	–	–	–	–	–	–	–	–	–	–	–	C	–	–	–	–	–	–
Rail transportation services A site or structure intended to accommodate or support rail transportation such as a train station, depot, rail yard, or siding.	–	–	–	–	–	C	–	–	–	–	–	–	–	–	–	–	–	C	–	–	–	–	–	–
Transit or passenger transportation services An establishment that provides public or ground transportation services such as van or bus transportation, and taxi or limousine services.	–	C	C	C	C	C	–	–	–	–	–	–	–	C	C	C	C	C	–	–	–	–	–	–
Truck or freight transportation services An establishment that provides: (a) over-the-road transportation of cargo using trucks and tractor trailers; or (b) services such as storage, maintenance, repair or fuel primarily for heavy vehicles, including trucks, tractor trailers or buses.	–	–	–	–	–	C	–	–	–	–	–	–	–	–	–	–	–	C	–	–	–	–	–	–
Printing or publishing An establishment that issues copies of works that are usually protected by copyright and that may print, reproduce, distribute, or offer direct access to works such as newspapers, magazines, periodicals, books, databases, calendars, greeting cards, maps, posters, software, sound recordings or video recordings. This definition specifically excludes retail copy shops, which will be considered retail sales under this ordinance.	–	–	–	–	–	P	–	–	–	–	–	–	–	–	–	–	–	P	–	–	–	–	–	–
Media recording or broadcasting studio An establishment that is used to produce, distribute or broadcast radio, television, movie, sound, video or similar media products, programs or recordings.	P	P	P	P	–	P	–	–	–	–	–	–	–	P	P	P	P	P	–	–	–	–	–	–
Communications antenna A device used to transmit or receive radio, television or other wireless communications and related structures and equipment. This definition specifically excludes a communication tower.	P	P	P	P	P	P	–	–	–	–	P	P	C	–	–	–	–	P	–	–	–	P	P	C
Communications tower A structure used to support one or more communication antennas and related structures and equipment.	–	–	–	–	–	C	–	–	–	–	–	C	–	–	–	–	–	C	–	–	–	–	C	C
Information services or data center An establishment used to house computer systems and associated components such as telecommunications and storage systems, to provide electronic data processing services, or to supply digital information. It generally includes redundant or back-up power supplies and communications connections, environmental controls and security devices.	–	–	–	–	–	P	–	–	–	–	–	–	–	–	–	–	–	P	–	–	–	–	–	–
Laboratory or research facility An establishment used for research or analysis in the physical, engineering, cognitive or life sciences. This includes a laboratory licensed by the state Cannabis Control Board to provide testing of cannabis or cannabis products including but not limited to cannabinoid and contaminant content testing.	–	C	–	C	–	C	–	–	–	–	–	–	–	–	–	C	–	C	–	–	–	–	–	–
Composting facility An establishment used primarily used for the composting of food and other biodegradable wastes.	–	–	–	–	–	C	–	–	–	–	–	C	–	–	–	–	–	C	–	–	–	C	–	–
ART, ENTERTAINMENT AND RECREATION																								
Performance theater An establishment that presents live entertainment by actors, singers, dancers, musicians or other performing artists to an audience.	P	P	C	C	–	–	–	–	–	–	–	–	–	P	P	C	C	–	–	–	–	–	–	–

USE & DESCRIPTION	<i>P = Permitted Use C = Conditional Use – = Use Not Allowed</i>											
Movie theater An establishment that shows movies or other recorded entertainment to an audience.	P	P	–	–	–	–	–	–	–	–	–	–
Art gallery or studio An establishment used to produce, display, or sell works of art or handcrafted jewelry, pottery, or glassware, or similar decorative objects or handcrafted goods.	P	P	P	P	P	P	–	–	–	–	–	–
Museum An establishment that preserves and exhibits objects, sites and natural wonders of historical, cultural or educational value.	P	P	P	P	P	–	–	–	–	C	C	–
Indoor recreation An establishment that offers physical fitness, sports, games and other leisure-time activities to the general public primarily from within an enclosed building. This definition specifically excludes any use defined in this use table.	P	P	C	P	P	P	–	–	–	–	–	–
Fitness center or health club An establishment that offers fitness or recreational sports facilities and services to members and their guests primarily from within an enclosed building.	C	P	–	P	P	P	–	–	–	–	–	–
Spa An establishment that offers health, beauty, weight loss and relaxation treatments and therapies through means such as massage, facials, steam and sauna facilities, waxing, electrolysis, and exercise facilities and instruction. It may offer food and beverages to clients for immediate consumption on the premises. It may offer personal services such as hair salons, make-up consultations, manicures or pedicures as additional services.	P	P	P	P	P	–	–	–	–	–	–	–
Event facility An establishment used to host conventions, trade shows, corporate meetings, weddings, receptions, reunions and similar special events that typically includes large open spaces such as auditoriums, banquet halls, exhibition halls and meeting rooms	P	P	C	P	P	–	–	–	–	C	C	–
Outdoor recreation An establishment that offers physical fitness, sports, games and other leisure-time activities primarily outside an enclosed building. This definition specifically excludes any use defined in this use table.	–	C	–	P	P	C	–	–	C	C	C	C
Golf course or country club An establishment laid out with at least nine holes for playing the game of golf and improved with trees, greens, fairways and hazards. It may include a clubhouse that offers food and beverages to members and guests, restrooms, driving range and shelters. It may provide additional recreational activities or retail sales of golf-related merchandise as an accessory use.	–	–	–	C	P	–	–	–	–	C	C	–
Campground An establishment designed to accommodate campers and their equipment including tents, tent trailers, and recreational vehicles, or to provide overnight recreation camping or outdoor adventure retreats. It may provide additional facilities and services such as cabins, sanitary facilities, food services, recreational facilities, and organized recreational or educational activities.	–	–	–	–	C	–	–	–	–	C	C	C
Summer camp An establishment that offers accommodations in tents, cabins or similar rustic structures and organized, group recreational or educational activities for specified periods of time typically not less than one week. It may be used on a limited basis to provide meeting, recreation or social facilities for a private association or group as an accessory use.	–	–	–	–	C	–	–	–	–	C	C	C
Primitive camp A seasonal dwelling used for a limited period of time each year that lacks indoor sanitation facilities or connections to off-premises services or conveniences.	–	–	–	–	–	–	–	–	–	P	P	P
Recreation path A pathway dedicated to non-motorized recreational use.	P	P	P	P	P	C	C	C	C	C	P	P
Park or nature preserve A site maintained in a primarily unimproved natural state for passive recreation or conservation purposes.	P	P	P	P	P	P	P	P	P	P	P	P

USE & DESCRIPTION	<i>P = Permitted Use C = Conditional Use – = Use Not Allowed</i>											
CIVIC AND COMMUNITY												
Agricultural Center: A facility serving as an example of farmstead activities that is open to the public and operated by a private non-profit entity.	-	-	-	C	P	-	-	C	C	P	P	P
Grade school A state-recognized institution used to educate children from pre-school through grade 12.	P	P	P	P	–	–	P	P	P	–	–	–
College or university An accredited institution of higher learning that grants undergraduate or graduate degrees.	P	P	C	P	–	–	–	–	–	–	–	–
Technical or trade school An establishment that offers vocational and technical training typically required for specific trades or occupations, and often leading to job-specific certification.	C	C	–	C	–	P	–	–	–	–	–	–
Specialty school A commercial establishment that offers instruction, classes or training on a specific topic such as cooking, arts, crafts, dance, music, sports or fitness.	C	C	C	C	C	C	–	–	–	–	–	–
Government office or courthouse An establishment used by federal, state or local government agencies to administer, oversee and manage public programs, and to carry-out government functions. This definition specifically excludes public safety facility and highway maintenance facility	P	P	P	P	–	–	–	–	–	–	–	–
Community center A public or non-profit establishment used as a place of meeting for civic, recreational and social activities that is generally open to the public.	P	P	C	P	C	–	–	–	–	–	–	–
Public safety facility An establishment that provides fire, rescue, police, or emergency response services.	P	P	P	P	–	P	–	–	–	–	–	–
Highway maintenance facility An establishment used to store, maintain and repair the vehicles, machinery, equipment and materials necessary for public highway repair and maintenance, or to provide municipal infrastructure and services such as water or sewer.	–	–	–	C	–	P	–	–	–	–	–	–
Medical or Dental clinic An establishment from which four or more licensed medical or dental practitioners provide healthcare services to people primarily as outpatients.	P	P	C	P	–	P	–	–	–	–	–	–
Child day care facility An establishment that cares primarily for infants and preschool-age children, as well as older children when school is not in session.	P	P	P	P	–	C	–	–	–	–	–	–
Social assistance and charitable services An establishment that provides social assistance services directly to individuals, and that does not offer residential or accommodation services.	P	P	C	P	–	P	–	–	–	–	–	–
Religious institution An establishment that is primarily designed for worship and religious congregations. It may also include classrooms, residential quarters, and spaces to accommodate social activities as an accessory use.	P	P	P	P	–	–	–	–	C	C	–	–
Funeral and cremation services An establishment that prepares deceased people for burial or cremation, cremates the remains of deceased people, or holds funeral services.	P	P	C	P	–	P	–	–	–	–	–	–
Cemetery A site designed to inter or otherwise store the remains of deceased people or pets.	–	–	–	C	–	–	–	–	C	P	P	–
Social or membership club A private establishment that is the premises of an organization that meets periodically to promote some social, service, educational, athletic or recreational objectives and that caters exclusively to members and their guests.	P	P	C	P	P	–	–	–	–	–	–	–
NATURAL RESOURCE BASED												
Agriculture or forestry An establishment that grows crops, raises animals, harvests timber, or harvests plants or animals from their natural habitats.	–	–	–	P	P	–	–	–	–	P	P	P

USE & DESCRIPTION	<i>P = Permitted Use C = Conditional Use – = Use Not Allowed</i>											
Greenhouse or nursery A commercial establishment that grows nursery products, nursery stock, trees, shrubs or flowers. It may include retail sale of products grown on-site as an accessory use.	–	–	–	P	–	P	–	–	–	C	C	–
Outdoor Cannabis Cultivation An establishment licensed by the state Cannabis Control Board to grow cannabis plants on an expanse of open or cleared ground or under a structure that maintains a sunlit environment for the cultivation of cannabis for less than 180 days per year.	–	–	–	C	–	–	–	–	–	–	C	–
Agriculture support services An establishment that performs support activities related to raising livestock such as breeding services, livestock sales or auctions, and slaughterhouses or slaughtering services.	–	–	–	–	–	P	–	–	–	C	C	–
Stable or riding facility An establishment intended to house, train or care for horses.	–	–	–	C	C	–	–	–	–	P	P	C
Forestry operations (except sawmill and wood pellet production) An establishment that processes trees and logs or manufactures forest products.	–	–	–	–	–	P	–	–	–	C	C	C
Sawmill or wood pellet production An establishment that processes timber harvested off-site into wood construction and manufacturing materials such as lumber, veneer, stud wood, plywood, poles, pilings, and wood chips, or an establishment that manufactures wood pellets.	–	–	–	–	–	P	–	–	–	–	C	C
Fishing or game preserves An establishment that is used for commercial hunting or trapping, or as a commercial or recreational game or hunting preserve.	–	–	–	–	–	–	–	–	–	P	P	P
Mining or quarrying An establishment that dredges, quarries, mines, or develops mine sites for crushed and broken stones, limestone, sand, gravel, clay, topsoil, or other stones and nonmetallic minerals. It may include on-site processing such as crushing, grinding, washing or screening.	–	–	–	–	–	P	–	–	–	–	C	C
Accessory On-farm business A business activity on a farm that involves agri-tourism, agri-education, farm-stays, direct marketing, and sale of locally- produced farm or forest products, or that adds value to locally-produced farm or forest products.	–	–	–	P	P	–	–	–	–	P	P	P

4.18 Dimensional Standards Table

	DN	TC	MU1	MU2	MU3	OI	R10	R4	R1	RR	RA	FC
LOTS												
Minimum lot size	3,000 sf	15,000 sf	4,000 sf	12,000 sf	1 acre	20,000 sf	8,000 sf	10,000 sf	1 acre	5 acre	10 acre	25 acre
Minimum lot frontage	50 ft	120 ft	65 ft	90 ft	150 ft	120 ft	65 ft	65 ft	120 ft	300 ft	300 ft	300 ft
Maximum lot coverage	100%	75%	85%	75%	50%	70%	80%	60%	50%	15%	7.5%	3%
DENSITY												
Maximum residential density (DU = dwelling unit)	no max	no max	1 DU per 4,000 sf of lot area	1 DU per 4,000 sf of lot area	1 DU per 1 acre of lot area	n/a	1 DU per 4,000 sf of lot area	1 DU per 10,000 sf of lot area	1 DU per 1 acre of lot area	1 DU per 5 acres of lot area	1 DU per 10 acres of lot area	n/a
Residential density bonus (in addition to maximum residential density)	n/a	n/a	n/a	50% bonus for 75% under-building parking	50% bonus for 50% protection	n/a	n/a	n/a	n/a	3 DU per 5 acres with 50% protection	3 DU per 10 acres with 70% protection	n/a
Net Zero density bonus	n/a	n/a	no max	no max	no max with 50% protection	n/a	no max	no max	no max	no max with 50% protection	no max with 70% protection	n/a
SETBACKS												
Minimum front setback	0 ft	15 ft	10 ft	15 ft	30 ft	20 ft	15 ft	15 ft	30 ft	30 ft	30 ft	30 ft
Maximum front setback	15 ft	30 ft	30 ft	no max	no max	no max	no max	no max	no max	no max	no max	no max
Minimum side setback	0 ft	10 ft	10 ft	20 ft	20 ft	15 ft	10 ft	10 ft	15 ft	20 ft	20 ft	20 ft
Minimum rear setback	0 ft or 10 ft if abutting residential or mixed use district	10 ft or 20 ft if abutting residential district	10 ft or 20 ft if abutting residential district	10 ft or 20 ft if abutting residential use or district	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft
Minimum Water Resources setback	10 ft	20 ft	20 ft	50 ft	50 ft	50 ft	30 ft	50 ft	50 ft	50 ft	50 ft	50 ft
BUILDINGS												
Maximum building footprint	no max	no max	6,000 sf	no max	6,000 sf	no max	6,000 sf	no max	no max	no max	no max	no max
Maximum building coverage	no max	40%	no max	40%	no max	no max	no max	no max	15%	no max	no max	no max
Minimum building height	2 stories	2 stories	2 stories	20 ft for nonresidential buildings	no min	no min	no min	no min	no min	no min	no min	no min
Maximum building height Measured as average between eaves and ridge for pitched roofs and to roof deck for flat roofs	40 ft	40 ft	30 ft	30 ft or 40 ft w/ 75% under-building parking	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft

Section 5 Overlay Districts

5.1 Design Review Overlay District (DRO)

5.1.1 Purpose. The purpose of the Design Review Overlay District is to:

- (1) Preserve, maintain, and enhance the architectural integrity, historic character, quality of design and construction, aesthetics of streetscapes and buildings, and walkability that support Manchester's visitor-based economy and the vitality of the town core.
- (2) Preserve, maintain, and enhance the physical qualities of Manchester's historic districts by regulating exterior modifications to contributing historic structures and by requiring new structures to be compatible with and respond to their historic setting and context in accordance with the principles summarized below:
 - (a) Buildings should function to meet today's needs just as they met certain needs at the time they were built. The changes required to meet new demands should be a compromise between the existing integrity of the structure and new functions. Good preservation seeks both of these goals.
 - (b) Every attempt should be made to preserve as much of a historic building's original design, architectural details and building materials as is feasible. When it is necessary to introduce modern elements to a historic building exterior, every effort should be made to maintain the building's overall architectural character.
 - (c) New construction should be a product of its own time and not be a copy of an older architectural style with associated details no longer practical. The unity of an existing street or block should be a major consideration in the design of any new construction. Rather than copying a particular style, the new building should relate in materials, form, massing, proportion and rhythm of common elements to those present on the street or block.

5.1.2 Applicability. The Design Review Overlay District includes lands in the Downtown (DN), Town Center (TC), Mixed Use 1 (MU1), Mixed Use 2 (MU2), Mixed Use 3 (MU3), and Residential 10 (R10) zoning districts, as well as all lands falling in the town's four historic districts as defined in the Manchester Town Plan. Except within the four historic districts, single- and two-unit residential uses in the DRO are exempt from design review. However, all signage proposed within the DRO, including on single- and two-unit residential sites, shall be subject to design review per Section 10.3.2(1).

5.1.3 Uses. Within this Design Review Overlay District, all land development for proposed permitted or conditional land uses listed in the base zoning district in Table 4.17 require design approval from the Development Review Board or Zoning Administrator, after review and comment by the Design Advisory Committee, and must conform to the standards of Section 5.1 except for the following:

- (1) Subdivision of land.
- (2) Interior alteration or a change in use that will not result in any exterior modifications.
- (3) Normal repair and maintenance with materials of similar composition, type and appearance.
 - (a) This includes any repainting of previously painted surfaces, irrespective of color, but does not include painting of existing, unpainted surfaces.
 - (b) For contributing historic structures, normal repair and maintenance must be undertaken in accordance with the practices recommended in the *Guidelines for Rehabilitating Historic Buildings* developed by the U.S. Department of Interior's Technical Preservation Services.

- (4) Exterior modifications to a noncontributing structure within a historic district that will not be visible from the street.
- (5) Demolition of a noncontributing structure within a historic district.
- (6) The removal of a sign provided that no evidence of the sign's installation remains.
- (7) The replacement of a lawful sign with a sign in the same location of the same size and material construction.
- (8) Construction of a freestanding accessory structure with a footprint of no more than 200 square feet in area and a height of no more than 15 feet.
- (9) Non-substantial alterations as determined by the Zoning Administrator.

5.1.4 Dimensional Standards. The dimensional standards within this overlay district will be as specified for the base zoning district.

5.1.5 Design Review Standards. Design review criteria that must be met by land development in this overlay district are found in Section 3.4. All proposed land development within this overlay district must incorporate frontage and facade elements that will contribute to a pedestrian-oriented streetscape, and must be compatible in form, massing, proportion and rhythm with its historic context. More specific, detailed guidance may be found in the *Design Guidelines for Manchester's Commercial and Historic Districts* (as most recently amended and incorporated into this ordinance by reference).

5.2 Aquifer Protection Overlay District (APO)

5.2.1 Purpose. The purpose of the APO is to protect public health and safety by preventing contamination, promoting recharge and maintaining the supply of community groundwater drinking water sources within the town.

5.2.2 Sub-Zones. The Aquifer Protection Overlay District includes the following sub-zones based on the delineated zones 1, 2, and 3 for active source protection areas as depicted on the Vermont Agency of Natural Resources online Natural Resources Atlas:

- (1) **Sub-Zone A.** Sub-Zone A consists of the area within Zones 1 and 2 identified in a water system's Source Protection Plan, as well as the area to the west of Richville Road within Zone 3 of the Town of Manchester Source Protection Area.
- (2) **Sub-Zone B.** Sub-Zone B consists of the area within Zone 3 identified in a water system's Source Protection Plan, except that which is described as Sub-Zone A above, or as Sub-Zone C below.
- (3) **Sub-Zone C.** Sub-Zone C is that portion of the Town of Manchester Source Protection Area within Zone 3 that is approximately east of Route 7 and corresponds to an area of glacial till soils.

5.2.3 Prohibited Uses. The following uses are expressly prohibited anywhere in the Aquifer Protection Overlay District:

- (1) Fueling station.
- (2) Carwash.
- (3) Landfill or waste management facility.
- (4) Printing facility.
- (5) Dry cleaning facility.
- (6) Bulk storage of flammable, combustible, toxic or hazardous materials, including but not limited to petroleum products, road salt and de-icing chemicals.
- (7) Any use which involves as a principal activity the generation, storage, use, treatment, transportation, or disposal of hazardous materials.
- (8) Open lagoons or ponds containing materials or wastes that have the potential to contaminate the drinking water supply if released into the environment.

5.2.4 Sub-Zone A Prohibited Uses. In addition to the uses listed in §5.2.3, the following uses, activities, and facilities are prohibited within Sub-Zone A:

- (1) Funeral or cremation services.
- (2) Cemetery.
- (3) Golf course.
- (4) Repair service.
- (5) Truck or freight transportation services.
- (6) Highway maintenance facility.
- (7) Laboratory facility.
- (8) Any use requiring a new or extension of an on-site wastewater disposal system.
- (9) Wastewater treatment facility.
- (10) Stormwater management facility.
- (11) Composting facility.
- (12) Contractor's yard.
- (13) Salvage yard.
- (14) Extracting, quarrying or stone cutting.
- (15) Storage of snow brought in from outside the overlay district.
- (16) Tank farm or fuel distribution services.
- (17) Underground fuel storage tanks, except for liquid propane.
- (18) Any use involving pesticide, herbicide and fungicide applications, with the exception of those reviewed and approved by the Vermont Department of Health.

- (19) Extraction or use of more than 10,000 gallons of water per day for purposes other than supplying the water system associated with the protection area.

5.2.5 Sub-Zone A Uses.

- (1) All uses within Sub-Zone A, not listed in §5.2.3 or §5.2.4 as prohibited, shall be conditional as allowed as either permitted or conditional uses in the underlying zoning district.
- (2) Conditional use review as conducted by the Development Review Board shall include an evaluation of the potential effects on the relevant water supply according to the scale and distance of the proposed land use or development from well heads.

5.2.6 Sub-Zone B Uses.

- (1) All uses within Sub-Zone B, not listed in §5.2.3 as prohibited, shall be conditional uses as allowed as either permitted or conditional uses in the underlying zoning district.
- (2) Conditional use review as conducted by the Development Review Board shall include an evaluation of the potential effects on the relevant water supply according to the scale and distance of the proposed land use or development from well heads.

5.2.7 Sub-Zone C Uses.

- (1) Uses within Sub-Zone C, not listed in §5.2.3 as prohibited, shall be as allowed in the underlying zoning district.
- (2) A wastewater disposal system of up to 600 gallons per day (gpd) capacity shall be allowed as a permitted use.
- (3) Wastewater disposal systems with larger than 600 gpd capacity shall require conditional use review. Conditional use review as conducted by the Development Review Board shall include an evaluation of the potential effects on the water supply according to the scale and distance of the proposed land use or development from well heads.

5.2.8 Nonconforming Uses. The Development Review Board may approve the extension or expansion of an existing prohibited use within the APO provided the following conditions are satisfied:

- (1) The requirements of Section 2.8 are satisfied;
- (2) The applicant demonstrates that all hazardous waste generated on the site is contained and transported from the site in a manner approved by the State of Vermont for the containment and transportation of such waste; and
- (3) Wastewater disposal is accomplished via connection to the municipal sewer system, or the extension or expansion does not result in the generation of any additional wastewater.

5.2.9 Application & Review Procedures

- (1) All applications for proposed land use and development within the Town of Manchester's source protection area must be accompanied by an evaluation prepared by a licensed engineer addressing potential impacts of the proposed development on the public water system.
- (2) All applications for proposed land use and development within the Town of Manchester's source protection area must be referred to the Administrative Advisory Group for comment prior to the close of a hearing by the Development Review Board or issuance of an administrative zoning permit by the Zoning Administrator, as the case may be.
- (3) For all proposed land use and development within the Town of Manchester's source protection area, prior to the issuance of a zoning permit, the Town's chosen engineer, at the applicant's expense, shall determine that the land use and development will not impact the public water supply and is fully compliant with Manchester's Source Protection Plan and any applicable federal or state public water supply license or permit.

5.2.10 Performance Standards. Property owners must undertake land use and development within this overlay district as follows:

- (1) All new development within Sub-Zones A and B of the Town of Manchester's source protection area must be connected to the Town of Manchester sewer system.
- (2) New development within Sub-Zones A and B of the source protection areas for privately operated water systems, or within Sub-Zone C of the Town of Manchester's source protection area, need not connect to the Town of Manchester sewer system.
- (3) All sewer infrastructure within the APO must be constructed in conformance with applicable Town of Manchester and State of Vermont wastewater standards and regulations.
- (4) Discharge from a new or expanded wastewater disposal system shall not be hydraulically connected to the relevant drinking water aquifer, or a two-year time of travel to the relevant drinking water aquifer is demonstrated to be met or exceeded by the new wastewater disposal system.
- (5) Applicants must locate proposed development outside the overlay district to the maximum extent feasible if the subject lot includes land outside the overlay district.
- (6) For any proposed activity, with the exception of a one- or two-unit dwelling on an individual lot, which will render more than 20% of the total lot area impervious, the application shall be accompanied by drainage calculations utilizing U.S. Soil Conservation Service methodology, demonstrating that any increase in the volume of runoff shall be recharged on-site and diverted toward areas with vegetation for surface infiltration to the maximum extent possible. No more than 50% of the total lot area shall be made impervious.
- (7) For any use, with the exception of a one- or two-unit dwelling on an individual lot, retaining less than 30% of the total lot area in its natural vegetative state, the application shall be accompanied by evidence to demonstrate that such removal of vegetative cover shall not result in decreased recharge of the ground water deposit, or increased sedimentation of surface waters. The application shall indicate any restoration and erosion control measures proposed for the site.
- (8) All uses and facilities must adhere to applicable federal and state standards for the storage, handling, use and disposal of materials or wastes that have the potential to contaminate the drinking water supply if released into the environment.
- (9) Floor drains may only be allowed if they drain into approved sewer systems. On-site discharge from floor drains is prohibited.
- (10) Any above ground facility involving the collection, handling, production, manufacture, use, storage, transfer or disposal of materials or wastes that have the potential to contaminate the drinking water supply if released into the environment must have a secondary containment system that:
 - (a) Is designed to intercept any leak or spill from the primary containment vessel or structure;
 - (b) Is provided with an overflow recovery catchment area (sump).
 - (c) Is easily inspected.
 - (d) Capable of containing 150% of the largest volume of storage (a larger volume of storage may be necessary if precipitation will be able to collect in the secondary containment system).
 - (e) Any below ground facility (including storage tanks and pipes) containing or carrying of materials or wastes that have the potential to contaminate the drinking water supply if released into the environment must have double walls and inspectable sumps and include a monitoring system and secondary standpipe for monitoring and recovery.
- (11) All uses and facilities involving the collection, handling, production, manufacture, use, storage, transfer or disposal of materials or wastes that have the potential to contaminate the drinking

water supply if released into the environment must maintain an up-to-date contingency plan for preventing contamination of the drinking water supply should floods, fires, other natural catastrophes, equipment failure or other releases occur.

(12) All necessary precautions shall be taken during the application of pesticides, herbicides, or fungicides to prevent the accumulation of hazardous concentrations of these materials in the water or on the land within the APO.

(13) Special care shall be taken during construction and maintenance to avoid spills of oil, grease, fuel, solvents, or other hazardous materials.

(14) All releases of materials or wastes that have the potential to contaminate the drinking water supply must be reported to the Town of Manchester.

5.2.11 Dimensional Standards. The dimensional standards within this overlay district will be as specified for the base zoning district.

5.3 Flood Hazard Overlay District (FHO)

5.3.1 Authority

In accordance with 10 VSA Chapter 32, 24 VSA Chapter 59, and 24 VSA Chapter 117 §4424, §4411 and §4414, Section 5.3 of the ordinance is hereby established for areas at risk of flood damage. Except as additionally described below, all administrative procedures follow municipal procedures under 24 VSA Chapter 117. Section 5.3 of the ordinance, together with Section 12, shall be known and referred to herein as the flood hazard regulations.

5.3.2 Purpose

The purpose of these flood hazard regulations is to:

- (1) Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding related inundation and erosion;
- (2) Ensure that the selection, design, creation, and use of *development* in flood hazard areas is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair stream equilibrium, floodplain services, or the stream corridor;
- (3) Manage all flood hazard areas designated pursuant to 10 VSA Chapter 32 §753; and
- (4) Make the Town of Manchester, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

5.3.3 Precedence

The provisions of these flood hazard regulations shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this flood hazard regulation imposes a greater restriction, the provisions here shall take precedence.

5.3.4 Disclaimer of Liability

These flood hazard regulations do not imply that land outside of the areas covered by Section 5.3 will be free from flood or erosion damages. These regulations shall not create liability on the part of the Town of Manchester, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on these regulations, or any administrative decision lawfully made hereunder.

5.3.5 Lands to Which These Regulations Apply - Regulated Flood Hazard Areas

These regulations shall apply to *development* in all areas in the Town of Manchester identified in the FEMA Flood Insurance Study of 2015 for Bennington County, Vermont, as well as areas of special flood hazard on the National Flood Insurance Program maps, dated 2015 or as may be superseded when updated by the state or federal government and received for use by the Town of Manchester, which are hereby adopted by reference and declared to be a part of this zoning bylaw.

These regulations shall apply to the river corridors and special flood hazard areas (hereafter called “flood hazard areas”) in the Town of Manchester as described below. These flood hazard areas overlay any other existing zoning districts and the regulations herein are the minimum standards that must be met before meeting the additional standards applicable in the underlying district. These flood hazard areas include:

- (1) The river corridors as published by the Vermont Agency of Natural Resources including mapped Statewide River Corridors and refinements to that data based on field-based assessments which

are hereby adopted by reference. Where river corridors are not mapped, the standards of Section 12.3 shall apply to the area measured as 50 feet from the top of bank or slope.

- (2) The special flood hazard area in and on the most current flood insurance study and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Vermont Agency of Natural Resources pursuant to 10 VSA Chapter 32 §753, which are hereby adopted by reference and declared to be part of these regulations.

5.3.6 Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas

Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the flood insurance study and accompanying maps shall be used to administer and enforce these regulations. In special flood hazard areas where base flood elevations or floodway limits have not been provided by the National Flood Insurance Program in the flood insurance study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, state, or other federal agencies.

5.3.7 Interpretation

The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.

- (1) If uncertainty exists with respect to the boundaries of the special flood hazard area or the floodway, the location of the boundary shall be determined by the Zoning Administrator. If the applicant disagrees with such a determination, a letter of map amendment from FEMA shall constitute proof of boundary.
- (2) If uncertainty exists with respect to the boundaries of the river corridor, the location of the boundary shall be determined by the Zoning Administrator. If the applicant disagrees with such determination, a letter of determination from the Vermont Agency of Natural Resources shall constitute proof of boundary.

5.3.8 Prohibited Development

The following *development* activities or uses are prohibited in flood hazard areas:

- (1) New primary *structures*, including the placement of manufactured homes or mobile homes, within the floodway;
- (2) Salvage yards;
- (3) New fill except as necessary to elevate *structures* above the base flood elevation;
- (4) Accessory *structures* in the floodway;
- (5) Critical facilities; and
- (6) All *development* not exempted, permitted, or conditionally permitted.

5.3.9 Permitted Development

The following uses or *development* activities are permitted in flood hazard areas:

- (1) Recreational uses;
- (2) Non-substantial improvements to existing *structures*;
- (3) Construction of accessory *structures*;
- (4) *Development* related to on-site wastewater or water supply systems;
- (5) Utilities for existing buildings;
- (6) At-grade parking for existing buildings and uses; and

- (7) Storage or parking of recreational vehicles.

5.3.10 Conditional Uses

Conditional use review and approval by the Development Review Board is required prior to the issuance of a permit for the following proposed uses or *development* activities:

- (1) *New construction* outside of the floodway;
- (2) Substantial improvement, elevation, relocation, or flood proofing of existing *structures*;
- (3) New or replacement storage tanks for existing *structures*;
- (4) Improvements to existing *structures* in the floodway;
- (5) Grading, excavation; or the creation of a pond;
- (6) Improvements to existing roads;
- (7) New bridges, culverts, channel management activities, or public projects that are functionally dependent on stream access or stream crossing;
- (8) Public utilities;
- (9) Improvements to existing primary *structures* in the river corridor that do not expand the footprint of the existing *structure* more than 500 square feet;
- (10) Accessory *structures* in the river corridor, of 500 square feet or less, that represent a minimal investment;
- (11) Building utilities in the river corridor; and
- (12) At-grade parking for existing buildings in the river corridor.

5.3.11 Exempted Development

The following uses or activities are exempt from regulation under these flood hazard regulations:

- (1) The removal of a building or *structure* in whole or in part;
- (2) Maintenance of roads, bridges, or culverts and other stormwater facilities;
- (3) Agricultural activities conducted in accordance with the Vermont Department of Agriculture's Accepted Agricultural Practices (AAP); and
- (4) Silvicultural activities conducted in accordance with the Vermont Department of Forests, Parks and Recreation's Acceptable Management Practices (AMP).

5.3.12 Variances

Variances for development within the FHO may be granted by the Development Review Board only in accordance with all the criteria in 24 VSA §4469, Title 44 of the Code of Federal Regulations (CFR) Section 60.6, the criteria indicated in Figure 3-1 of this ordinance, and the following:

- (1) A variance for development within the river corridor may be allowed if, based on a review by the Vermont Agency of Natural Resources, it is determined that the proposed development will not obstruct the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse.
- (2) Any variance issued in the special flood hazard area must not increase flood heights.
- (3) Any zoning permit allowing development according to an approved variance must state that the issuance of a variance to construct a *structure* below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

5.3.13 Nonconforming Structures and Uses

The Development Review Board may approve the repair, relocation, replacement, or enlargement of a nonconforming *structure* within a flood hazard area provided that:

- (1) The proposed *development* is in compliance with the standards in Section 12 of this ordinance;
- (2) A nonconforming *structure* that is substantially damaged or destroyed may be reconstructed only in circumstances when the *structure* cannot be relocated to a less hazardous location on the parcel. The lowest floor of the reconstructed *structure* must be rebuilt to one foot or more above the base flood elevation, and the *structure* must otherwise comply with all requirements of the National Flood Insurance Program;
- (3) Nonconforming *structures* or uses shall be considered abandoned where such *structures* or uses are discontinued for more than 12 months; and
- (4) An individual manufactured or mobile home lot in an *existing manufactured or mobile home park* that is vacated shall not be considered a discontinuance or abandonment of nonconformity. Replacement manufactured or mobile homes must be placed so as to meet the development standards in Section 12 of this ordinance.

5.3.14 Dimensional Standards. The dimensional standards within this overlay district will be as specified for the base zoning district.

5.3.15 Development Standards. Development standards that must be met by land development in this overlay district are found in Section 12.

Section 6 General Regulations

6.0 Applicability

All land use and development within the Town of Manchester must conform to the standards of Section 6.

6.1 Access

6.1.1 Applicability. All land being developed must have access from a maintained public or private road in accordance with the provisions of Section 6.1. For lots without frontage on a maintained road, see Section 2.8.3(3). See Section 6.9 for driveway specifications. See Section 6.1.4 for curb cut specifications.

6.1.2 Access Permit. An applicant for development to be served by a new curb cut on a town road or state highway must provide the Zoning Administrator with a copy of an access permit or letter of intent from the town or state for the curb cut as applicable, before the Zoning Administrator may issue a zoning permit.

6.1.3 Public Works Specifications. If there is a conflict between a provision of Section 6.1 and a provision of the town's Public Works Specifications, the Public Works Specifications will take precedence.

6.1.4 Curb Cuts. New and modified curb cuts must conform to the following:

- (1) **Number.** A lot must not be served by more than one curb cut except that:
 - (a) The Development Review Board may approve a waiver allowing more than one access on a lot if the applicant can demonstrate that it is necessary to accommodate unique physical conditions on the property, to meet minimum standards for emergency access, or to provide improved traffic circulation within the site.
 - (b) The Development Review Board may require a secondary or emergency access for subdivisions or developments when deemed necessary to protect public safety.
- (2) **Width.** The width of a curb cut as measured at the edge of the street or highway right-of-way must not exceed the distance specified below, unless otherwise recommended by the Public Works Director (this will include reducing the width of existing nonconforming curb cuts if they are modified):
 - (a) 12 feet for curb cuts serving single- and two-unit dwellings.
 - (b) 16 feet for curb cuts serving multiunit dwellings.
 - (c) 20 feet for curb cuts serving non-residential uses not frequently accessed by large trucks.
 - (d) 24 feet for curb cuts serving non-residential uses frequently accessed by large trucks.
- (3) **Sidewalks.** Where a sidewalk exists or will be constructed along the frontage, it must continue across the curb cut (this will include replacement of missing sidewalks across existing nonconforming curb cuts if they are modified).
- (4) **Spacing.** New curb cuts must conform to the standards below unless otherwise recommended by the Public Works Director:
 - (a) A new curb cut must be aligned with any existing curb cut on the opposite side of the street whenever feasible, and if not feasible, the centerlines of must be offset by at least 30 feet.
 - (b) A new curb cut must be separated from existing curb cuts on the same side of the street by at least 45 feet (as measured from centerline to centerline).
- (5) **Cross Access.** Applicants proposing to subdivide or develop commercial or industrial lots must provide a two-way access connection to abutting undeveloped, commercial or industrial lots whenever physically feasible (this will not be interpreted to include abutting lots that are in a

residential zoning district). As a condition of site plan approval, the applicant may be required to:

- (a) Fully construct the cross access to the edge of the property;
 - (b) Partially construct the cross access to the edge of the property (install the base but not the final surface); or provide an easement and legally binding agreement for construction of the access at a later time (when the access would also be constructed on the abutting property).
- (6) **Class 4 Roads and Other Unimproved Rights-of-Way.** A Class 4 road or other unimproved right-of-way is not a maintained road and cannot be used to meet the access requirements of this ordinance. No provision of this ordinance will be interpreted to require the town to maintain a Class 4 road or other unimproved right-of-way, or to upgrade a Class 4 road or other unimproved right-of-way to a Class 3 road so that it may serve to provide access to adjoining property. Applicants may propose to upgrade a Class 4 road or other unimproved right-of-way to a Class 3 road at their expense and in accordance with town policies and standards so that it may serve to provide access to proposed land development.

6.2 Accessory Dwelling Units

Pursuant to 24 VSA §4412, an accessory dwelling unit shall constitute a permitted use concurrent with the single-unit residential use of a lot.

6.2.1 As Permitted Use

One accessory dwelling unit within or appurtenant to an owner occupied single-unit dwelling shall be approved provided there is compliance with all of the following:

- (1) The property has sufficient water and wastewater capacity, as demonstrated by any required, relevant permits (*i.e.*, municipal water and sewer allocations, or a state water and wastewater permit);
- (2) The unit does not exceed 30% of the total habitable floor area of the single-unit dwelling; and
- (3) Applicable setback, coverage, and parking requirements are met.

6.2.2 As Temporary Shelter

The placement of a temporary shelter accessory to a primary single-unit residence located in a district in which single-unit residences are a permitted or conditional use, may be approved as a conditional use provided that the following criteria are met:

- (1) The Development Review Board concludes the conditional use criteria of Section 3.3 satisfied;
- (2) The primary single-unit residence is occupied by the landowner;
- (3) Each occupant of the temporary shelter is a member of the landowner's immediate family (child, sibling, parent) or related by blood or marriage;
- (4) The occupants display a case of physical disability or financial hardship worthy of consideration under Section 6.2.2;
- (5) The temporary structure meets all setback requirements for the district in which it is located;
- (6) Upon the demise or relocation of the occupants of the temporary shelter, or sale of the property to a non-family member, the shelter is removed and the lot is brought into conformance within 6 months (such order shall be duly recorded in the land records for the Town of Manchester);
- (7) All required state and local permits shall be secured; and
- (8) The permit is renewed on an annual basis.

6.3 Accessory On-farm Businesses

Accessory on-farm business shall be allowed on a farm as a permitted use subject to the following:

- (1) The business must be operated by the farm owner, one or more persons residing on the farm parcel, or the lessee of a portion of the farm.
- (2) The farm must meet the threshold criteria for the applicability of the Required Agricultural Practice rules as determined by the Agency of Agriculture, Food and Markets.
- (3) An accessory on-farm business may take place inside new or existing structures or on the land.
- (4) Activities of an accessory on-farm business may be subject to site plan review at the discretion of the Zoning Administrator.

6.4 ADA Compliant Structures

Structures such as access ramps, which may be needed on private homes or which may be required on public buildings for compliance with the Americans with Disabilities Act, on buildings existing as of the date of adoption of this amendment (June 21, 1994), should meet required setbacks. However, if safe and suitable access cannot be provided in this manner, access structures may be located within required setbacks if the Zoning Administrator or Development Review Board concludes that such structure and location:

- (1) Is reasonably necessary to provide access in a safe and suitable manner;
- (2) Is reasonably necessary in order to meet applicable guidelines and codes; and
- (3) Does not encroach any more than necessary within otherwise required setbacks.

6.5 Camping and Camping Units

6.5.1 Applicability. The provisions of Section 6.5 apply to any parcel of land that is occupied by or designed to accommodate not more than 3 camping units, whether as a principal or accessory use. Any parcel of land that is occupied by or designed to accommodate more than 3 camping units will be considered a campground and subject to all applicable provisions of this ordinance applicable to campgrounds.

6.5.2 Camping as an Accessory Use. A resident may locate up to 3 camping units (campers, travel trailers, RVs, cabins, lean-tos, tents, etc.) on his/her residential property to be used for noncommercial, recreational purposes in accordance with the following:

- (1) Such units must not be occupied for more than seven consecutive or 21 days total in any calendar year unless the property owner obtains a zoning permit.
- (2) The Zoning Administrator may issue a zoning permit to allow up to 3 camping units to be located on a residential lot and occupied for a maximum of 180 days total in any calendar year as an accessory use of residential property.
- (3) Such units must be located on the lot in compliance with the minimum setbacks for the underlying zoning district.
- (4) The applicant must show conformance with all applicable public health and safety requirements with regard to water supply and wastewater disposal.

6.5.3 Camping as a Principal Use. A property owner may apply for a zoning permit to allow the placement of 1 camping unit as the principal use of an otherwise undeveloped lot in accordance with the following:

- (1) The proposed development may include the construction of a permanent pad, accessory structures and installation of utilities that conform to the standards of this ordinance for similar structures and uses on single-unit residential lots.
- (2) The applicant must demonstrate that the camping unit conforms to applicable water supply and wastewater disposal standards.
- (3) The camping unit may remain on the lot year-round, but it may only be occupied for a maximum of 180 days total in any calendar year.

6.6 Child Care Facilities

6.6.1 Purpose

Section 6.6 recognizes community needs for appropriate child care facilities in a variety of settings, by making provision for such facilities throughout the town, pursuant to 24 VSA §4412. These regulations are not intended to replace or supersede any applicable state regulations or licensing requirements.

6.6.2 Small Home Child Care

A small home child care refers to a state registered small home-based daycare as defined by the State of Vermont. A small home child care shall be considered by right to constitute a single-unit residential use of property. Unregistered or unlicensed child care facilities as defined by the State of Vermont shall also be considered by right as a single-unit residential use of property. Therefore, these facilities shall not require a permit and may be located in any zoning district in which single-unit residential use is allowed.

6.6.3 Family Child Care Home

A family child care home refers to a state licensed home-based daycare for up to 12 children in the residence of the licensee where the licensee is one of the primary caregivers. A family child care home serving up to 12 children shall require a permit issued by the Zoning Administrator. The Zoning Administrator may require a site plan for a family child care home. These facilities may be located in any zoning district in which single-unit residential use is allowed.

6.6.4 Child Day Care Facility

An early childhood or child day care facility refers to a state licensed daycare not based in a home and is allowed indicated in Section 4.17 (Use Table).

6.6.5 Child Care Facility on an Existing Small Lot

A child care facility may be established as an accessory use to a residential use on an existing small lot, provided the **structure** in which the facility will operate meets the setback requirements for the district and all applicable provisions of Section 2.8.

6.7 Customary Home Occupation

6.7.1 Constitutes Residential Use.

Pursuant to 24 VSA §4412(4), a customary home occupation shall be considered by right to constitute a permitted residential use of property. To qualify as a customary home occupation the business activity must meet the following criteria:

- (1) It is carried on by a resident of the dwelling unit;

- (2) It is clearly incidental and secondary to the primary use of the dwelling unit for residential purposes by occupying or using less than 50% of the livable floor space within the home.
- (3) Not more than two persons outside the family is employed on the premises in the home occupation at any point in time, except as conditionally allowed per Section 6.7.4;
- (4) No offensive noise, vibrations, smoke, dust, odors, heat, light, or glare are produced;
- (5) There are no retail sales unless the items sold are the product of the business owner's own labor, or are antiques; and
- (6) The customary home business does not affect the residential character of the neighborhood.

However, a customary home business shall not be interpreted to include the following: commercial stables and kennels, restaurants and tea rooms, garages or shops for repair of motor vehicles, and other trades and businesses of a similar nature.

6.7.2 Tier 1 Customary Home Occupation

A Tier 1 customary home occupation shall conform to the definition above, as well as the following conditions, and may be reviewed and approved by the Zoning Administrator.

- (1) The business is carried on wholly within the dwelling or accessory structure;
- (2) There is no more than one employee who is not a resident of the house or member of the immediate family; and
- (3) There is no exterior storage of materials, and no other exterior indication of a home business or variation from the residential character of the principal building the property or the neighborhood.

A Tier 1 home business includes, but is not limited to the following: antique shops, dressmaking, home cooking, teaching, and the skilled practice of an accountant, architect, artist, dentist, photographer, doctor, engineer, insurance agent, lawyer, musician, realtor, barber or beautician, or any other similar profession or skilled practice carried on within the dwelling occupied by the practitioner or within a structure appurtenant to the dwelling.

6.7.3 Tier 2 Customary Home Occupation

A Tier 2 customary home occupation is a business, where the following conditions may exist:

- (1) The business is not carried on wholly within the dwelling or accessory structure in that it involves exterior storage of materials, or other exterior indication of a home business;
- (2) On site outdoor parking of large vehicles or equipment regularly used in the ordinary course of the business;
- (3) The use of equipment on site that creates potential for adverse impacts upon neighbors (including but not limited to noise and odor); or
- (4) Multiple employees who come and go from the site, even if they do not work on site.

A Tier 2 customary home occupation shall require conditional use approval by the Development Review Board in conformance with Section 3.3 of this ordinance.

6.7.4 Exceptions for Number of Employees

For a Tier 2 customary home occupation, the Development Review Board may approve, as a conditional use in conformance with Section 3.3 of this ordinance, an increase in the number of employees otherwise allowed who may work on site. This exception is limited to the Downtown (DN), Town Center (TC), Mixed Use 1 (MU1), Mixed Use 2 (MU2), and Mixed Use 3 (MU3) zoning districts, where such expansions may fit with the many commercial uses already permitted.

6.8 Demolition

6.8.1 Applicability. Demolition of a structure or part of a structure, not including structures exempted in Section 2.2, will require a zoning permit in accordance with the provisions of Section 6.8.

6.8.2 General Standards. Within 60 days after demolition is complete:

- (1) All structural materials and debris must be removed from the site;
- (2) The site must be restored to a natural grade; and
- (3) Groundcover must be re-established to prevent erosion unless otherwise specified as a condition of approval.

6.8.3 Historic Structures. Demolition of a structure or part of a structure listed individually, or as a contributing structure within a designated historic district, in the National Register of Historic Places or Vermont Register of Historic Places will require approval from the Development Review Board as a conditional use in accordance with Section 3.3 and the following:

- (1) The applicant must demonstrate that:
 - (a) It is not feasible to rehabilitate or re-use the structure in order to earn a reasonable economic return from the property.
 - (b) It is not feasible to move the structure to a new location on or off the property.
 - (c) The non-feasibility of rehabilitation, re-use, or relocation is not due to his/her failure to perform normal maintenance and repairs as necessary to prevent structural damage and deterioration.
 - (d) The non-feasibility of rehabilitation, re-use, or relocation is not due to his/her failure to set reasonable rents or sales price, or diligently solicit and retain tenants, as applicable.
 - (e) The demolition is not primarily intended to allow development of additional surface parking.
 - (f) The demolition is necessary to allow reasonable use of the property or demolition is part of a redevelopment plan that will provide a clear and substantial benefit to the community.
- (2) As a condition of approval for demolition, the Development Review Board:
 - (a) May require the applicant to offer the structure for relocation for a period of up to 90 days before the Zoning Administrator may issue a zoning permit for demolition.
 - (b) May require the applicant to photographically document the structure and provide the photographs to the town before the Zoning Administrator may issue a zoning permit for demolition.

6.9 Driveways

6.9.1 Applicability. New, extended or modified driveways serving proposed development must conform to the standards Section 6.9. A driveway may serve not more than 2 lots.

6.9.2 Public Works Specifications. If there is a conflict between a provision of Section 6.9 and a provision of the town's Public Works Specifications, the Public Works Specifications will take precedence.

6.9.3 Technical Review. The Zoning Administrator will forward all applications for new, extended or modified driveways to the Administrative Advisory Group for review and comment. The Development Review Board or Zoning Administrator may condition or deny any approval or permit based on those comments.

Figure 6-1. Driveway Design Standards

	Minimum Width	Maximum Grade
Serving 1 lot and less than 300 ft long	9 ft	12%
Serving 2 lots and less than 450 ft long	12 ft	10%
Serving 1 lot and more than 300 ft long	10 ft	10%
Serving 2 lots and more than 450 ft long	14 ft	10%

6.9.4 Design Standards. Driveways must conform to the standards of Figure 6-1 and the following:

- (1) **Angle.** Driveways must intersect the road at an angle as close to 90 degrees as feasible given site-specific conditions. Driveways must not intersect the road at an angle of less than 75 degrees if designed for two-way traffic or 60 degrees if designed for one-way traffic.
- (2) **Drainage.** Driveways must:
 - (a) Not block the flow of drainage in gutters or drainage ditches or pipes.
 - (b) Not discharge run-off onto the traveled portion of a road.
 - (c) Not generate run-off that would unreasonably contribute to an accumulation of stormwater or that would exceed the capacity of downstream facilities or infrastructure.
 - (d) Be installed with culverts, where necessary, designed to carry run-off under the driveway. Such culverts must be sized to convey anticipated peak stormwater flows and be at least 18 inches in diameter, extend at least 2 feet beyond the driveway edges, and installed to minimize erosion damage at the inlet and outlet. It will be the applicant's responsibility to install and maintain such culverts.
- (3) **Pull-Offs.** A driveway longer than 450 feet and with a paved width of less than 20 feet must be constructed with pull-off areas not more than 450 feet apart adequately sized and surfaced to accommodate emergency vehicles.
- (4) **Turnarounds.** A driveway longer than 300 feet must terminate with a parking and turnaround area not more than 50 feet from the principal building that is adequately sized and surfaced to accommodate emergency vehicles.

6.10 Drive-Through Facilities

6.10.1 Development Review Board Approval Required. When drive-through facilities are specifically allowed under this ordinance, they must receive approval from the Development Review Board through the site plan and conditional use review processes.

6.10.2 Design Standards. Drive-through facilities must be designed in accordance with the following:

- (1) Stacking lanes (where vehicles queue for service) and service areas must be located to the side or rear of the building.
- (2) Stacking lanes must be clearly signed, marked and separated from travel lanes.
- (3) Stacking lanes must not block access to service drives, parking spaces or loading areas.
- (4) Drive-through traffic must not cause congestion or other unsafe conditions within the site or on adjacent roads.
- (5) One or more designated pedestrian crossings must be provided across any stacking lane that separates parking from the building.
- (6) Stacking lanes and service areas must not be located within minimum required setbacks.
- (7) The message face of any drive-through menu board shall be fully screened from view from any public right-of-way. Drive thru menu boards may be externally illuminated if it is demonstrated that the illuminated features do not cause glare onto adjoining properties or rights-of-way.

- (8) Drive-through facilities must be located a sufficient distance from property lines and screened to prevent adverse impacts, including but not limited to noise and light trespass, on adjacent properties.

6.11 Erosion Control

6.11.1 Purpose. Section 6.11 is intended to promote construction practices on development and redevelopment sites that limit soil disturbance and compaction and minimize erosion and sedimentation of downstream surface waters.

6.11.2 Applicability. All construction activities that will disturb soil must implement appropriate measures to prevent erosion and sedimentation from adversely impacting nearby properties, public infrastructure, or downstream surface waters as set forth in the general standards below. Land development that obtains a state construction general or individual permit will be assumed to have met the requirements of Section 6.11. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the state permit to the Zoning Administrator prior to the start of construction.

6.11.3 Erosion Control Plan Required. Applicants must submit and implement a professionally prepared erosion control plan for construction activities that will disturb more than 10,000 square feet of soil in accordance with the Vermont Standards and Specifications for Erosion Prevention and Sediment Control.

6.11.4 General Standards. All construction activities that will disturb soil must be undertaken in accordance with the following practices (for further guidance see the Vermont Agency of Natural Resource's *Low Risk Site Handbook for Erosion Prevention and Sediment Control*):

- (1) Limit the size of the construction area to the minimum necessary to accommodate the proposed development.
- (2) Preserve significant existing trees within the construction area where feasible. Trees to be preserved within the construction area should be protected by fencing that at a minimum encloses the area around their drip line.
- (3) Mark site boundaries to identify the limits of construction (including storage and access areas) with flags or fencing. No soil disturbance or compaction should occur outside the delineated construction area.
- (4) Limit the amount of soil exposed at one time to reduce the potential for erosion by phasing construction.
- (5) Stabilize and maintain the construction entrance to prevent mud from being tracked onto streets.
- (6) Install silt fences to intercept runoff and allow suspended sediment to settle out on the downslope side of construction activities and between disturbed soil and any drainage feature, stormwater inlet or water body.
- (7) Divert any stormwater from upslope areas around the disturbed area with appropriately stabilized berms or ditches to prevent the runoff from picking up sediment. Untreated stormwater and sediment must not be diverted to neighboring properties, public rights-of-way or water bodies.
- (8) Treat and filter any water pumped out of the construction area before allowing it to flow off the site or to be discharged to a storm drain or water body.
- (9) Slow any concentrated flows of runoff by installing stone check dams in drainage channels.
- (10) Stabilize exposed soil with seed and mulch or erosion control matting promptly when work in an area is complete.

- (11) Monitor the site to ensure that all sediment and erosion control measures are functioning properly. It is particularly important to check erosion control measures just before and after any significant rainfall.
- (12) Periodically clean, replace and maintain all sediment and erosion control measures until vegetation is permanently established on all disturbed areas.
- (13) Till any compacted soil prior to the final seeding and mulching; and
- (14) Stockpile the topsoil removed during construction and spread it back onto disturbed areas prior to the final seeding and mulching. If the quality of the site's topsoil is inadequate to support appropriate vegetative cover, it does not need to be stockpiled and it may be replaced with better quality soil or, if it is retained, it should be amended as needed.

6.12 Extraction Operations

6.12.1 New Operations

No topsoil, rock, sand, gravel, or other earth product materials may be removed from any parcel for commercial purposes without site plan and conditional use approval from the Development Review Board. The Development Review Board may approve such earth products removal, provided it concludes that the following requirements are met:

- (1) A site plan must be submitted showing existing grades in the area from which the material is to be removed, together with finished grades at the conclusion of the operation.
- (2) The applicant shall provide for proper drainage of the area during and after completion of the operation.
- (3) Finished grade must not result in a slope steeper than a 2:1 (horizontal-to-vertical) ratio.
- (4) No removal shall take place within 20 feet of a property line, except that where the grade from a property line rises toward the lot where removal is to take place, material lying above the grade at the property line may be removed.
- (5) At the conclusion of the operation, or any substantial portion thereof, the whole area where removal has taken place shall be covered with not less than four inches of topsoil, and seeded with a suitable cover crop.

6.12.2 Existing Operations

Existing sand and gravel, or other extractive operations, must conform to this subsection with respect to any enlargement of the area on which such operations are conducted.

6.12.3 Surety Bond

In accordance with the provisions of 24 VSA §4407(8), and before a permit is granted under Section 6.12 for the removal of soil, sand, or gravel, the applicant shall post a surety bond with the town in an amount and form to guarantee conformity with the provisions of the permit issued hereunder.

6.12.4 Streambed Restrictions

Pursuant to 10 VSA §1021(c), no person shall remove gravel from any watercourse primarily for construction or for sale.

6.13 Fences and Walls

6.13.1 Applicability. The provisions of Section 6.13 apply to all fences and walls not exempted in Section 2.2.

6.13.2 Setbacks. Fences and walls may be located within district setbacks as specified in Figure 4-1 except that fences that enclose tennis courts must comply with all setback requirements for the district in which they are located.

6.13.3 Height. The maximum height of fences and non-retaining walls will be as follows unless otherwise approved by the Development Review Board in order to provide adequate screening or security:

- (1) 4 feet if located between the street and the principal building frontline.
- (2) 8 feet if located to the rear or side of the principal building.
- (3) 10 feet for a fence enclosing a tennis court, in a rear or side yard.
- (4) Height restrictions will not apply to fences within the Office Industrial district provided that:
 - (a) The fence does not abut land in another zoning district; and
 - (b) The fence height and location does not reduce sight distance at intersections.
- (5) A fence or wall must not obscure vision above a height of 3 feet at an intersection.

6.13.4 Materials. Unless otherwise approved by the Development Review Board, a fence or wall:

- (1) Must be constructed of permanent material such as wood, chain link, stone, rock, concrete, brick, decorative wrought iron or other materials of similar durability;
- (2) Must be constructed so that any support posts are to the inside and the “finished” or “good” side faces out; and
- (3) Must not be constructed of barbed wire, razor wire or similar materials capable of inflicting significant physical injury except as required to meet state or federal regulations.

6.13.5 Retaining Walls. Retaining walls must be located and designed as follows:

- (1) No individual retaining wall may exceed 15 feet in height except that pre-existing retaining walls more than 15 feet in height may be repaired and reconstructed to their pre-existing height.
- (2) All retaining walls more than 4 feet in height must be designed by a qualified professional, and must be topped by a fence, hedge or similar barrier. For a system of terraced walls, only the uppermost wall will require a barrier provided that the terraced sections below are not readily accessible from other portions of the property.
- (3) The height of a retaining wall will be measured from the grade at the base of the face of the wall to the grade at the back of the wall immediately above at the location along the wall where those two grades are the furthest apart.
- (4) Terracing of retaining walls is encouraged. To be considered separate walls, two retaining walls must be separated by a horizontal distance of at least 8 feet.

6.14 Frontage Requirement

No land use or development shall be permitted on lots with less than 50 feet of frontage on a public street or private way unless the provisions of Section 6.14.1 or Section 6.14.2 are met.

6.14.1 Three or More Lots

The Development Review Board or Zoning Administrator may approve land use or development of three or more lots which do not front on a public street, provided that the following criteria are satisfied:

- (1) A permanent and legally deeded right-of-way not less than 50 feet in width serves each lot;

- (2) No such right-of-way shall be created or transferred if such action will reduce any lot to a size smaller than required in that district; and
- (3) The road serving the lots through this right-of-way shall meet town road standards as established in Chapter 7 of the *Manchester Unified Ordinances*.

6.14.2 Less Than Three Lots

Where one or two lots are located to the rear of another lot and cannot meet the frontage requirement, the Development Review Board or Zoning Administrator may approve land use or development provided that:

- (1) A permanent and legally deeded right-of-way at least 20 feet in width serves each lot; and
- (2) The area of the lots and the front, side and rear yards for each lot, meet the minimum requirements for that district.

6.15 Grading, Excavation or Fill

6.15.1 Applicability. The provisions of Section 6.15 apply to all grading, excavating or filling of land not exempted in Section 2.2 or associated with an extraction operation as defined under this ordinance and as approved per Section 6.12. A property owner must obtain a zoning permit for such grading, excavating or filling of land in accordance with the provisions of Section 6.15.

6.15.2 Waterways or Wetlands. Excavation and fill is prohibited within surface waters, wetlands and any required setbacks to surface waters or wetlands except:

- (1) The proposed activity may proceed under state approval and permitting provided the landowner submits such approval and permit to the Zoning Administrator.
- (2) A landowner may remove up to 50 cubic yards of material per year for noncommercial private use after securing a permit from the Zoning Administrator. However, only up to 10 cubic yards per year may be removed from the Batten Kill or West Branch of the Batten Kill, which were designated as Outstanding Resource Waters by the Vermont Water Resources Board in 1991.

6.15.3 Fill Material. The use of any material for fill other than uncontaminated clean fill (may contain soil, stone, gravel, concrete, ceramic, or brick and mortar) is prohibited unless the proposed fill will be subject to state permitting, in which case the conditions of the state permit regarding the fill material will prevail.

6.15.4 General Standards. Grading, excavation and fill operations must conform to the following requirements unless otherwise approved by the Development Review Board as an element of proposed land development subject to a development approval:

- (1) A site plan shall be submitted to the Zoning Administrator showing existing grades in the area to which fill will be deposited, together with finished grades at the conclusion of the operation.
- (2) Grading, excavation or fill is prohibited within 20 feet of the property line except that deposition of fill may occur below the grade at the property line, or unless the activity includes both properties and the abutting landowner is a co-applicant.
- (3) The applicant shall provide for proper drainage of the area during and after completion of the operation.
- (4) Grading, excavation or fill must not result in a slope steeper than a 2:1 (horizontal-to-vertical) ratio.

- (5) At the conclusion of the operation, or any substantial portion thereof, the area where fill has been deposited, land has been regraded, or extraction has occurred shall be covered with not less than four inches of topsoil and seeded with a suitable cover crop.

6.16 Outdoor Display of Merchandise

Outdoor display of retail merchandise is prohibited unless:

- (1) The activity is exempted under Section 2.2;
- (2) The merchandise is produced to be used outdoors and the display area is approved by the Development Review Board as part of site plan review; or
- (3) The merchandise is displayed only during business hours and stored indoors at all other times, does not impede vehicle or pedestrian ingress and egress, and is approved by the Development Review Board as part of site plan review.

6.17 Ponds

6.17.1 Applicability. The provisions of Section 6.17 apply to any constructed pond with a surface area of more than 200 square feet or a maximum depth of more than 4 feet. A property owner must obtain a zoning permit to construct, expand or modify such a pond in accordance with the provisions of Section 6.17.

6.17.2 Waterways or Wetlands. Construction of a pond within wetlands and any required buffers to surface waters or wetlands is prohibited unless the applicant demonstrates that he/she has obtained all required state permits.

6.17.3 General Standards. Ponds must conform to the following unless otherwise approved by the Development Review Board as an element of proposed land development subject to a development approval:

- (1) Ponds are prohibited within zoning district setbacks.
- (2) Ponds must have a grassed spillway system capable of handling stormwater overflow from the pond. Overflow must not be discharged in a manner that would adversely impact downslope properties, public rights-of-way or surface waters.
- (3) Property owners must manage and maintain ponds so as to not create a nuisance or hazard.

6.18 Public Toilet Facilities

6.18.1 Nonresidential Buildings. Nonresidential buildings designed or used for retail, dining, lodging, office or service purposes, or otherwise regularly open to the general public must provide internal, sanitary and secure public toilet facilities for patrons that are clearly identified and maintained in working order.

6.18.2 Nonconforming Buildings. Nonconforming pre-existing buildings must meet the requirement of Section 6.18.1 if proposed renovation or modification of the building requires site plan approval except the Development Review Board may waive this requirement upon the applicant demonstrating that providing public toilet facilities is not feasible given the existing configuration and floor plan of the building and any proposed modifications.

6.19 Stormwater

6.19.1 Purpose. Section 6.19 is intended to:

- (1) Minimize and control the quantity and quality of stormwater run-off.
- (2) Promote stormwater management methods that maintain pre-development hydrology and drainage patterns through project layout, site design, and best management practices that manage stormwater run-off as close to the source as possible.
- (3) Limit clearing and grading to the minimum needed for construction and minimize impacts to natural vegetation.
- (4) Prevent soil erosion and sedimentation resulting from non-point source pollution generated by land development.
- (5) Protect surface waters and other natural resources from degradation as a result of land development.
- (6) Minimize hazards from flooding and streambank erosion.
- (7) Prevent damage to, and reduce public expenditures associated with, maintaining municipal infrastructure resulting from inadequate stormwater controls.

6.19.2 Applicability. All proposed land development must implement appropriate measures to reduce and manage stormwater to prevent run-off from adversely impacting nearby properties, public infrastructure, or downslope water bodies. The provisions of Section 6.19 apply to any land development except land development that obtains a state stormwater permit. A project with a state stormwater permit will be assumed to have met the requirements of Section 6.19. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the state permit to the Zoning Administrator prior to the start of construction.

6.19.3 Public Works Specifications. Applicants must construct stormwater infrastructure in accordance with the town's Public Works Specifications. In the case of a conflict between a provision of Section 6.19 and a provision of the Public Works Specifications, the Public Works Specifications will govern.

6.19.4 Design and Engineering Requirements. Applicants must design and engineer proposed land development in accordance with low-impact site design (LID) approaches and green stormwater infrastructure (GSI) best management practices to the maximum extent feasible given the site specific conditions including, but not limited to, soil characteristics and slope. Applicants proposing land development:

- (1) That will not increase the amount of impervious cover must demonstrate that the existing stormwater system on site is functional and adequately prevents erosion and stormwater runoff onto adjacent property or public rights of way.
- (2) That will increase the amount of impervious surface on a lot by up to 10,000 square feet must demonstrate that appropriate stormwater best management practices will be implemented based on the GSI Simplified Sizing Tool. The GSI Simplified Sizing Tool was developed by the Vermont League of Cities & Towns (VLCT) in collaboration with the Vermont Department of Environmental Conservation (VDEC). The tool, available from the VDEC website, is an Excel spreadsheet allowing applicants to design GSI elements based on site characteristics and development plans.
- (3) That will increase the amount of impervious surface on a lot by 10,000 square feet or more must submit and implement a professionally prepared stormwater management plan in accordance with the Vermont Stormwater Management Manual. The Vermont Stormwater Management Manual is available from the VDEC website.

6.19.5 Best Management Practices. Land development that will increase the amount of impervious surface on a lot by 2,500 square feet or more must be designed so that stormwater run-off will be routed through one or more appropriate green stormwater best management practices (BMPs) in accordance with the following:

- (1) BMPs must be sized and designed to capture 90% of the annual storm events, or the first inch of rainfall. See the GSI Simplified Sizing Tool for methods and calculations.
- (2) Stormwater from on-site impervious roofs, roads, driveways, parking areas, sidewalks and walkways must be guided to vegetated areas, retention areas, or other pervious surfaces in order to promote on-site water retention and filtration.
- (3) Applicants must demonstrate that the proposed width of all roads and driveways is the narrowest possible necessary to provide safe access and circulation in accordance with the provisions of this ordinance and the town's Public Works Specifications.
- (4) Applicants must demonstrate the proposed amount of on-site parking is the minimum necessary to meet the parking demand in accordance with the provisions of this ordinance and the town's Public Works Specifications.

6.19.6 Post-Construction Soil Depth and Quality. All disturbed areas on a site not covered by impervious surfaces, incorporated into a structural stormwater treatment practice, or engineered as structural fill or slope once development is complete, must conform to the following:

- (1) The duff layer and topsoil in areas to be disturbed during construction must be removed and stockpiled on-site in a designated, controlled area that is not adjacent to surface waters, wetlands, floodplains, or river corridors. The duff layer and topsoil must be re-applied to the disturbed areas once construction activities are complete.
- (2) At project completion, the soil in disturbed areas must:
 - (a) Have a pH from 6.0 to 8.0 or matching the pH of the undisturbed soil on the site.
 - (b) Include a topsoil layer with a minimum organic matter content of 10% dry weight in planting beds and 5% organic matter content in turf areas;
 - (c) Include a topsoil layer with a minimum depth of 8 inches except where tree roots limit the depth of incorporation of amendments needed to meet the criteria.
 - (d) Have had the subsoils below the topsoil layer scarified at least 4 inches with some incorporation of the upper material to avoid stratified layers, where feasible.
- (3) If the stockpiled duff layer and topsoil is not sufficient to amend the graded areas, the applicant must import and establish a minimum 8-inch topsoil layer with subsoils below scarified to at least 4 inches to allow for some incorporation of the topsoil layer.
- (4) The resulting soil must be capable of supporting healthy vegetation. If the disturbed areas will be landscaped in accordance with an approved site plan, the resulting soil must be capable of supporting the plants that will be installed.

6.20 Swimming Pools

A landowner may apply for a zoning permit to install a swimming pool (if not exempted in Section 2.2) on his/her property as an accessory structure in accordance with the following:

- (1) A swimming pool located on a parcel of less than two acres, or a swimming pool located less than 50 ft. from an adjacent property must be completely enclosed to prevent unauthorized access by a wall, fence or other structure not less than 4 feet in height with a self-closing and self-latching gate.

- (2) An above-ground pool will be considered completely enclosed if its exterior walls are smooth and at least 4 feet in height above grade around its entire perimeter, and if either:
 - (a) The ladder access will be enclosed by a wall, fence, or other structure not less than 4 feet in height with a self-closing and self-latching gate; or
 - (b) Entrance to the pool will be possible only through the use of portable steps or stairs that are removed when the pool is not in use.
- (3) Swimming pools may be located within district setbacks in accordance with Figure 4-1. A swimming pool must not be located between the principal building and the street unless the applicant can demonstrate that there is no other feasible location on the lot.

6.21 Temporary Construction-Related Structures and Activities

6.21.1 Applicability. Temporary construction-related structures are permitted in any district on the site of permitted land development or an approved staging area in accordance with the provisions of this subsection. Construction-related structures may include, but are not limited to, construction offices, construction trailers, construction dumpsters, storage buildings, portable toilets, and fences.

6.21.2 Permitting Process. The permit for the land development will include approval of any construction-related structures. Construction-related structures must be removed from the property promptly upon completion of work and before the Zoning Administrator may issue a final certificate of compliance in accordance with Section 2.12.

6.21.3 Off-site Staging Areas. The Zoning Administrator may issue a zoning permit for the temporary use of a property in the Office Industrial District as a staging area for an off-site construction project. The Development Review Board may allow the temporary use of a property in any other district as a staging area for an off-site construction project as a conditional use.

6.21.4 Dumpsters and Portable Toilets. Construction dumpsters and portable toilets must be located and used in accordance with the following:

- (1) Must not impede pedestrian or vehicular access or otherwise create an unsafe condition for pedestrian and vehicular traffic.
- (2) Must be labeled with the name and telephone number of the owner, and as being for construction or demolition materials only.
- (3) Must be routinely inspected and emptied as needed.

6.22 Temporary Structures

Erection, installation, or placement of all temporary structures, not related to construction per Section 6.21, shall require a permit, except for a tent structure that is removed within one week of erection, or a temporary structure used for private residential purposes on a parcel with single-unit residential use and which is fully screened from view from any public right-of-way. Temporary structures include tents, yurts, portable garages, storage containers, contractors' trailers, recreational vehicles, or any other structure of a nonpermanent nature.

6.22.1 Storage Containers

A permit may be issued by the Zoning Administrator to allow a registered or unregistered storage container, truck box, or trailer to be used temporarily for storage in connection with a permitted use. This permit shall be limited to no more than 6 months duration, shall not be renewable, and shall require conformance with the setback requirements of the district in which the container is located.

6.22.2 Other Temporary Structures

Other temporary structures shall be limited to one per lot, for a time period not to exceed 12 months. A permit for more than one of these structures on a lot, or for a timeframe greater than 12 months but not to exceed 36 months, may only be granted upon the following conditions: either the Zoning Administrator determines that these structures are not plainly visible from a public road, nor from nearby or adjoining homes; or upon approval by the Development Review Board as a conditional use, including review of screening where necessary.

As a conditional use, the Development Review Board may approve one extension of such a permit for up to an additional 36 months, taking into account the extent of screening that may be appropriate or necessary; the condition of the existing temporary structure and the degree of maintenance applied to the structure and the site; whether any exterior lighting, existing or proposed, is minimized in type, intensity, and glare only to accomplish the need; whether the temporary structure can reasonably be expected to maintain its structural and aesthetic integrity for the requested timeframe; and upon a determination that there is no adverse impact or effect upon the character of the neighborhood.

6.23 Trash Storage and Recycling Areas

All proposed land development subject to site plan review must provide suitable facilities for trash storage and recycling areas as follows:

- (1) Trash storage and recycling areas must be located within the building or inside an enclosure located to the side or rear of the building and outside required setbacks.
- (2) All outdoor trash and recycling storage and containers must be located on a hard surface (i.e., asphalt or concrete).
- (3) Trash storage and recycling areas must provide adequate space for the maintenance and servicing of containers.
- (4) Enclosures must be at least 5 feet in height and must obscure all materials and containers stored inside.
- (5) Enclosures must be constructed of durable materials that are compatible in design with the buildings they are intended to serve.
- (6) Any doors or gates to trash storage and recycling areas must remain closed and latched except when being accessed for deposit, maintenance or pick-up.
- (7) Trash and recycling areas must be accessible and convenient for building residents/tenants and for collection vehicles.

6.24 Undevelopable Land

6.24.1 Purpose: The purpose of Section 6.24 is to:

- (1) Prevent development of lands susceptible to environmental, property, or infrastructure damage.
- (2) Prevent development of lands reserved for other purposes.

6.24.2 Development Prohibited on Undevelopable Land. Except as specifically authorized elsewhere in this ordinance, undevelopable land must not be developed.

6.24.3 Definition and Classification. Undevelopable land includes:

- (1) Land with a natural slope greater than 20%, as measured over the proposed area of development in horizontal linear feet, **Class A**

- (2) Wetlands, as defined in this ordinance, **Class A**
- (3) Land within the Flood Hazard Overlay District, **Class A**
- (4) Utility rights-of-way, **Class A**
- (5) Other public and private rights-of-way and easements, **Class B**; and
- (6) Land within the Forest Conservation District, **Class B**.

6.24.4 Calculating Maximum Coverage and Density. Class A undevelopable land will be included as developable land when calculating the maximum residential density, lot coverage or building coverage on a lot, unless excluded elsewhere in this ordinance. Class B undevelopable land will not be included as developable land when calculating a lot's maximum residential density.

6.25 Vending Machines or Kiosks

6.25.1 Vending Machines. Vending machines may be allowed as accessory structures in accordance with the following:

- (1) Vending machines must not be internally illuminated.
- (2) Vending machines must not be located between the frontline of the building and the street.
- (3) Any exterior vending machine must be located as shown on an approved site plan.
- (4) Any exterior vending machine within the Design Review Overlay must match the design specifications as approved.

6.25.2 Vending Kiosks. Vending kiosks, including kiosks for ATMs, may be allowed as accessory structures in accordance with the following:

- (1) The vending kiosk must be fully screened from view from any public right-of-way.
- (2) The vending kiosk may contain internally illuminated or audible features provided that the light and sound produced will not be perceptible from adjoining rights-of-way and properties.
- (3) Any vending kiosk must be located as shown on an approved site plan.
- (4) Any exterior vending kiosk within the Design Review Overlay must match the design specifications as approved.

6.26 Water Resources Protection

6.26.1 Purpose. Section 6.26 is intended to protect and enhance the overall quality, natural function and ecological health of the town's surface waters and wetlands by mitigating the impact of development on these surface water features.

6.26.2 Applicability. The provisions of Section 6.26 apply to all land within the water resources setback for the applicable district (see Section 4.18) from all rivers, streams, lakes, natural ponds and wetlands as reflected in the online Natural Resources Atlas as maintained by the Vermont Agency of Natural Resources. The water resources setback will be measured as a horizontal distance from the top of bank for rivers or streams, from the mean high water mark for lakes or ponds, and from the delineated extent of wetlands.

6.26.3 Conditional Use Review. All land use and development within the water resources setback shall require conditional use review according to Section 3.3 and shall comply with the standards and criteria of Section 6.26.

6.26.4 General Standards. Land development and soil disturbance is prohibited and natural woody vegetation must be maintained or established within water resources setbacks except that:

- (1) Water-dependent structures or uses, public recreation facilities and public trails or walkways will be allowed to the extent allowed in the applicable zoning district.
- (2) Up to 20% of the area within the water resources setback or 800 square feet, whichever is greater, may be used for private water access, outdoor recreation, or outdoor seating. That area may be covered with mowed lawn, decks, patios, or walkways.
- (3) Landscaping within water resources setbacks may be used in conjunction with green stormwater infrastructure (GSI) practices provided that such landscaping will not significantly compromise the existing functions of natural vegetation within the setbacks.
- (4) On previously developed, nonconforming sites, redevelopment may be allowed within the same footprint as a conditional use in accordance with Section 3.3.

6.26.5 Previously Developed Nonconforming Sites. Pre-existing development within water resources setbacks will be regulated in accordance with the following:

- (1) The pre-existing development may continue.
- (2) A pre-existing building or developed site may be used for any purpose allowed in the zoning district. The requirement for conditional use approval will only be triggered if the applicant is proposing to expand the footprint or impact of development within the setback.
- (3) On previously developed single- and two-unit residential lots, natural woody vegetation will not have to be re-established on areas within the riparian setback maintained as lawns or gardens.

6.26.6 Development Criteria. In addition to all other applicable criteria of this ordinance, an applicant seeking conditional use approval for land development within the water resources setback must demonstrate that:

- (1) The proposed land development cannot reasonably be accommodated on any portion of the lot outside the setback;
- (2) The proposed land development will not have new or greater (as compared to existing conditions) adverse impact on:
 - (a) The natural functions of the surface water and land within the setback;
 - (b) Drainage, erosion, siltation and downstream flooding;
 - (c) Fish and wildlife habitat; and
 - (d) Public access and recreation.
- (3) If the site was previously developed, it will be brought into conformance with the standards of Section 6.26 to the maximum extent feasible.

6.26.7 Timing of Approved Land Development or Soil Disturbance. Applicants must undertake any approved land development or soil disturbance within water resources setbacks during periods of low water.

6.27 Water Supply and Wastewater Disposal

All proposed development requiring a zoning permit under this ordinance must conform to applicable town ordinances and specifications, and state regulations regarding the provision of potable water and disposal of wastewater.

Section 7 *Utility Facilities*

7.1 *Wireless Telecommunications Facilities*

7.1.1 Purpose

The purpose of Section 7.1 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.

The provisions of Section 7 shall not prohibit a property owner's ability to place or allow placement of antennae used to 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 square feet, 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.

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.

7.1.2 Review Procedure

Conditional use approval is required for any wireless telecommunications facility that is licensed and regulated by the Federal Communications Commission, along with any associated equipment, buildings, and infrastructure. However, in accordance with 24 VSA §4412(9), the Development Review Board shall approve a wireless telecommunications facility that is determined to create either no impact or only *de minimus* impact upon any criteria in Section 7 of the ordinance. 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 §248(a).

Prior to granting any approval, the Development Review Board shall make affirmative conclusions upon all of the general conditional use criteria described in Section 3.3 of the ordinance and the criteria described below.

7.1.3 Independent Review

The Development Review Board may engage independent consulting assistance to review the application for conformance with this ordinance and the town plan. Consistent with federal law, the applicant will be required to pay any costs associated with that review. Payment shall be received before the Development Review Board may issue its decision.

7.1.4 Design Review

If it falls in the Design Review Overlay District, a telecommunications facility is also subject to design review.

7.1.5 Modifications to Permits

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. For minor changes involving replacement of facilities or equipment of equivalent size, material, and construction, administrative review may occur. However, any

addition of equipment or facilities, or change in size or materials of equipment or facilities, shall require conditional use approval by the Development Review Board.

7.1.6 Application Requirements

Applications shall include a site plan with elevations and other documents stamped by a qualified engineer that:

- (1) Describe the height, design, and elevation of all proposed infrastructure;
- (2) Document the height of all proposed antenna mounting positions on a tower;
- (3) Describe the tower's proposed capacity, including number, height, and type(s) of antennae that the tower is expected to accommodate;
- (4) Document the need for the proposed site and structures, and demonstrate why no other alternative or site will provide adequate coverage or capacity;
- (5) Include photographs of existing conditions at the proposed site, and accurate photo simulations showing post-construction conditions at the site; and
- (6) Include a copy of the FCC license or executed contract between the applicant and the FCC licensee for the proposed facility.

The Development Review Board may require additional information prior to issuing a decision.

7.1.7 Location

Telecommunications towers and associated equipment, buildings, and infrastructure shall not be located:

- (1) On undevelopable land;
- (2) In historic districts as defined in this ordinance;
- (3) In residential zoning districts as defined in this ordinance;
- (4) Within 300 feet of any residence, residential zoning district or school; or
- (5) Within the approach or departure routes or patterns of an approved airstrip.

7.1.8 Use of Existing Structures

Applicants are encouraged to locate antennae within existing tall structures such as church steeples or barn silos; in these instances, the standards of Section 7 may be modified or waived by the Development Review Board.

7.1.9 Co-location

The principle of co-location shall be employed to the greatest extent possible. The applicant shall demonstrate that there are no other existing tower sites that can accommodate the proposed facilities. If other sites do exist, then the applicant must demonstrate that they are technically inadequate, or that bona fide, good faith negotiations with that landowner have failed.

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 co-location will be allowed.

7.1.10 Setback

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.

7.1.11 Environmentally Sensitive Areas

The town plan and this ordinance describe environmentally sensitive areas including steep slopes, wetlands, floodways, unique natural features, wildlife habitat, historic sites, high elevations, ridgelines, and scenic resources. A telecommunications facility and associated infrastructure shall avoid undue adverse impacts on these areas to the greatest extent possible. Where there may be adverse impacts, the project shall be designed to mitigate these impacts to the greatest extent possible.

7.1.12 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. If there are no nearby buildings, then no tower or structure shall be higher than 10 feet above the average tree canopy height measured in the area of the proposed facility.

7.1.13 Lighting

Towers with lighting shall not be permitted, unless the Development Review Board concludes it the only viable alternative to meet reasonable facility requirements of a communications service provider. The only tower lighting that may be permitted is that required by FCC permit.

7.1.14 Visual Impact

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. 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.

7.1.15 Noise

The Development Review Board may require the applicant provide a study from a qualified engineer as to the maximum projected noise from the proposed facility, measured in dB Ldn (decibels, logarithmic scale, and 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.

7.1.16 Site Screening

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.

7.1.17 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.

7.1.18 Monitoring, Maintenance and Compliance

At the request of the Zoning Administrator or Development Review Board, the owner/operator shall provide a report on the status of the facility, including adherence to permit conditions, operations,

appearance, structural integrity, safety, noise, screening/landscaping, service roads, utility connections, and compliance with all applicable federal regulations or permit/license conditions.

7.1.19 Abandonment or Discontinuation

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, the Zoning Administrator or Development Review Board may require the owner/operator to promptly remove all structures and facilities and return the site to predevelopment condition. If there is anticipated reuse by another provider, removal may not be required. If weather prevents prompt restoration of the site, a delay in removal and restoration may occur. In either case, a clear and definitive time frame shall be specified for removal or reuse.

7.1.20 Bonding

As a condition of permit approval and in the case of abandonment or discontinuation of use, the Development Review Board may require a bond or other means of security approved by town counsel 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.

7.2 Utility Facilities

7.2.1 Applicability. The standards of Section 7.2 apply to utility facilities other than wireless telecommunication facilities and those not exempted in Section 2.2.

7.2.2 Dimensional Standards. Minimum lot size and frontage requirements will not apply to lots housing utility facilities.

7.2.3 Site Security. Utility facilities must be designed and maintained to prevent unauthorized access and protect public safety.

7.2.4 Screening. The perimeter of a site housing a utility facility must be screened by a buffer that:

- (1) Is at least 12 feet wide.
- (2) Is maintained as a landscaped or naturally vegetated area.
- (3) Has a minimum of 4 trees of at least 30 feet in height at maturity and 12 small trees (less than 30' at maturity) or shrubs per 100 feet.

7.3 Energy Generation Facilities

7.3.1 Applicability. The standards of Section 7.3 apply to energy generation facilities not exempted in Section 2.2.

7.3.2 Setbacks. An energy generation structure must be set back a distance equal to the structure's height or more from all property lines or the district minimum setback requirement, whichever is greater, except if it is building mounted.

7.3.3 Height. The height of an energy generation structure must conform to the following:

- (1) The height of a ground-mounted solar energy generating apparatus must not exceed 30 feet.
- (2) The height of a ground-mounted wind energy apparatus must not exceed 120 feet.
- (3) An energy generating apparatus mounted on a building wall must not extend above the lowest portion of the roof.

- (4) An energy generating apparatus mounted on a building roof must not extend more than 10 feet above the roof surface.

7.3.4 Removal. A facility that has been out-of-service for more than 180 days will be considered abandoned and the owner must remove it unless she/he can demonstrate to the Zoning Administrator that energy generation will resume at a specified future date.

7.3.5 Screening. The site housing a ground mounted solar energy generation facility must be screened along any frontage by a buffer that:

- (1) Is at least 12 feet wide.
- (2) Is maintained as a landscaped or naturally vegetated area.
- (3) Has an adequate mix of trees and shrubs, taking account terrain, to screen the proposed facility. The tree requirement may be waived for solar facilities on lots without adequate area to provide such a buffer without shading the solar panels.

Section 8 *Housing*

8.1 *Adaptive Reuse*

8.1.1 Applicability. The provisions of Section 8.1 apply to the conversion of an existing non-residential building to housing except within the Office Industrial and Forest Conservation districts where residential development is prohibited.

8.1.2 Site Development Plan. No residential conversion under the provisions of Section 8.1 may be made until a site development plan meeting the requirements of Section 2.10 and Section 3.2 has been approved by the Development Review Board.

8.1.3 Density. The number of dwelling units that may be created within an eligible building may exceed the maximum residential density of the applicable zoning district provided that each dwelling unit meets the requirements of Section 8.3 and the following criteria:

- (1) The unit will qualify as affordable, workforce or senior housing, as defined in this ordinance.
- (2) The unit will have a total habitable floor area of 1,200 square feet or less.
- (3) The unit will have access to dedicated, secured, enclosed storage space equivalent to at least 5% of the floor area of the unit or 60 square feet whichever is less. This storage space does not have to be directly accessible from the unit and shall not include bedroom closets.
- (4) The unit will have direct access to at least 60 square feet of private or semi-private outdoor space such as a porch, deck, balcony, yard or patio.
- (5) The unit will have access to at least 1/2 acre of common open space suitable for passive outdoor recreation or a walking trail at least 1/2 mile in length.

8.1.4 Historic Buildings. Adaptive reuse of a building listed individually, or as a contributing structure within a designated historic district, in the National Register of Historic Places or Vermont Register of Historic Places must preserve the historic character of the building with any exterior modifications being undertaken in accordance with the practices recommended by the U.S. Department of Interior's Technical Preservation Services in the *Guidelines for Rehabilitating Historic Buildings*.

8.2 *Affordable Housing*

8.2.1 Purpose

This affordable housing provision is intended to achieve the following:

- (1) Fulfillment of affordable housing goals as established in the town plan;
- (2) Conservation of land and the creation of usable open space and recreation areas;
- (3) Efficient use of town infrastructure and roads; and
- (4) Development that is consistent with the density and character of Manchester while meeting the town's affordable housing goals.

These provisions provide for a degree of flexibility in the design and density of affordable housing projects and financial incentive, through density bonuses, to projects that meet affordable housing needs.

8.2.2 Review Process

An affordable housing project may be permitted as a conditional use, subject to the provisions of Section 3.3 within any district in which multiunit dwellings are allowed.

8.2.3 Design Standards

The following standards shall guide the Development Review Board in its review of an affordable housing project. If any of these standards are not met, and the Development Review Board grants approval of the project, the board shall issue written justification of the rationale for approval despite the failure of the project to meet said standards.

(A) Outside the Sewer Service Area: If the project does not fall within the sewer service area, the following standards must be met:

- (1) The project shall consist of a minimum of five units.
- (2) The project shall consist of single-, two-, three-, or four-unit dwellings. Projects involving 10 or more acres may have any mixture of these housing types; however, the following mixture is suggested: at least 25% of the buildings as two-unit dwellings, and at least 25% of the buildings as three- to four-unit dwellings. The types of buildings shall be mixed throughout the development. No such limits apply to parcels smaller than 10 acres in size.
- (3) At least 30% of the parcel shall be retained as open space, and shall be managed by the residents it serves. The intent is to help a project fit into its environment, and to provide a reasonable amount of land for open space and passive or active recreation. While steep slopes or wetlands may serve part of this purpose, all of the open space should not be on such undevelopable land.
- (4) The visibility of dwelling units shall be minimized from public ways or other residential premises through the use of creative building location, grading, screening or planting. Visibility of unsightly abutting land uses from the affordable housing project shall be controlled in the same manner.
- (5) Buildings shall be located at least 50 feet from land used for agriculture in order to minimize the effects of agricultural operations and residential uses upon each other. Natural vegetation shall be maintained within this 50 foot buffer, where possible, to promote these purposes. Fences shall be erected along such agricultural land to prevent interference with farming practices by children, pets, or any residential activities or uses.

(B) All Projects: The following standards apply to all affordable housing projects:

- (1) Roads shall be built to town specifications, unless otherwise approved by the Development Review Board upon demonstration of good cause.
- (2) All units may be located on individual lots, on homeowner association owned land, on land owned by organizations whose purposes include the creation and preservation of affordable housing (*i.e.*, community land trusts), or a combination thereof.
- (3) Site designs shall provide for private outdoor space for each housing unit.
- (4) Consideration shall be given to retaining significant topographic features, to the natural terrain and existing vegetation, and to the project site's relationship with surrounding properties and uses.
- (5) At least one parking space per dwelling is required. All parking shall be located to the side or rear of, or under the buildings, unless the parking area is not visible from the road.

8.2.4 Further Subdivision

No lot shown on a plan for which a permit is granted under Section 8.2 may be further subdivided, and a notation to this effect shall be shown on the site plan and on the deeds to any such lots.

Subsequent to initial approval of an affordable housing project, the Development Review Board may approve relocation of lot lines within the project. However, any change in overall density, number of

affordable housing units, street layout, or open space layout will require further hearings and approval by the Development Review Board.

Prior to issuance of a permit for an affordable housing project that utilizes dimensional waivers or a density bonus, the applicant shall submit to the Zoning Administrator a complete description of the legal and financial mechanisms that will assure perpetual affordability of any affordable housing units. Said legal and financial mechanisms shall be approved by town counsel, and shall become a condition of any approval granted by the Development Review Board for the project.

The Development Review Board shall submit a statement for the public record that describes the manner in which the proposed project does or does not meet the affordable housing needs of the town. This statement shall include a determination of the degree to which application of standard zoning requirements would or would not meet such housing needs.

8.2.5 Determination of Density

The final residential density of the project will be determined by the Development Review Board. The determination will take into account, the base density allowed in the underlying zoning district and the affordable housing needs of the community, as expressed in the *Manchester Town Plan* or studies assessing housing needs in Manchester.

8.2.6 Affordable Housing Height Bonus

- (1) Outside of the Downtown (DN) and Town Center (TC) districts, an affordable housing structure may be up to 35 feet in height for up to 50% of the footprint of the building.
- (2) Outside of the Downtown (DN) and Town Center (TC) districts, an affordable housing structure may be up to 40 feet in height for provision of at least 50% of the parking under the building.

8.3 Dwelling Units

8.3.1 Applicability. The standards of Section 8.3 apply to any structure or portion of a structure used or intended to be used as a dwelling unit.

8.3.2 Minimum Unit Size. The minimum size of a dwelling unit must not be less than:

- (1) 150 square feet for a studio or efficiency unit (one open living area that includes kitchen, living and sleeping quarters with a separate bathroom);
- (2) 220 square feet for a one-bedroom unit; or
- (3) 220 square feet plus an additional 70 square feet for each additional bedroom.

8.3.3 Cooking and Sanitation Facilities. All dwelling units must have safe, functioning cooking and sanitation facilities in accordance with the following:

- (1) A dwelling unit must contain permanent bathroom facilities. A bathroom must be a separate room in which there is a toilet, sink, and a shower or bathtub.
- (2) A dwelling unit must contain permanent kitchen facilities. A kitchen must be a room or portion of a room in which there is a sink, refrigerator, and one or more appliances for heating food.
- (3) Any dwelling unit containing three or more bedrooms within a multiunit building must have utility connections for a washing machine and clothes dryer in the unit. Any dwelling unit containing less than three bedrooms within a multiunit building must either have utility connections for a washing machine and clothes dryer within the unit or there must be a common laundry room in the building with washing machines and clothes dryers accessible to residents.

8.3.4 Trash Disposal. All multiunit dwelling must have convenient access to trash and recycling storage areas in accordance with Section 6.23.

8.3.5 Open Space. Except for dwelling units located in the Downtown or Town Center districts, all multiunit dwellings must be located on a lot that includes at least 1/4 acre or 400 square feet per dwelling unit, whichever is greater, of common open space suitable for passive outdoor recreation.

8.4 Mobile Homes

Mobile homes shall be permitted in any zoning district that permits single-unit residences provided that any such mobile home meets the requirements for a single-unit residence of the district in which it is located. Mobile homes are not prohibited by this bylaw except to the same extent as conventional housing is restricted or regulated, and under the provisions of Section 8.5.

8.5 Mobile Home Parks

8.5.1 Location

A mobile home park may be permitted as a conditional use within any district in which multiunit dwellings are allowed.

8.5.2 Minimum Lot Size

A mobile home park shall be located on a lot containing not less than 5 acres, and all mobile homes thereon shall be connected to an approved water supply and a public sewer or approved wastewater treatment system.

8.5.3 Site Development Plan

No mobile home park shall be developed, and no mobile home shall be placed thereon, until a site development plan meeting the requirements of Section 2.10 and Section 3.2 has been approved by the Development Review Board.

8.5.4 Design Standards

- (1) The maximum number of mobile homes in a mobile home park shall not exceed six mobile homes per gross acre of the park.
- (2) Each individual mobile home shall be located on a lot containing not less than 5,400 square feet and not less than 45 feet wide. No mobile home shall be located within 15 feet from the boundary of its individual lot, and no mobile home shall be located within 50 feet from any boundary of the mobile home park lot.
- (3) Each mobile home space shall abut a shared access drive not less than 22 feet in width. Such driveway shall have at least two connections for vehicular travel to and from a public street, located so as to minimize traffic hazards and congestion.
- (4) Parking of any motor vehicle in any part of the 22-foot width of an access drive shall be prohibited, and enforced by the park operator. Parking spaces shall be provided for all vehicles customarily or occasionally in the park, but in no case shall less than three car spaces for each two mobile home sites be required. Such car spaces shall average 10 feet wide and 20 feet long with free access to the access drive. Such car spaces shall be on the mobile home lot, in a parking lot, or may be in parking bays contiguous to an access drive, in which case the width of the drive and parking space combined shall be not less than 45 feet.
- (5) All driveways shall be adequately illuminated.

- (6) A landscaped buffer strip shall be provided along all property and street lines of the mobile home park, not less than 15 feet in width, suitably screened with evergreen plantings.
- (7) Open Space for recreation and playground purposes shall be provided, occupying not less than 10% of the gross mobile home park area, conveniently located to all individual mobile home park sites. Such open space shall be suitably landscaped with a protective screen separating such space from driveways, parking areas, and service areas, and should be suitably equipped and furnished, in the judgment of the Development Review Board, for recreation and play purpose.

8.5.5 Minimum Service Standards

Waste collection stations shall be provided, located not more than 150 feet from each mobile home site, and in compliance with Section 6.23. Waste collection stations shall consist of masonry enclosures for rubbish and garbage containers, and shall be suitably landscaped.

All driveway and parking areas, storm drainage, water supply and sanitary sewer connections to each mobile home site, all electric services, and all required landscaping shall be completed before any mobile home is placed in the mobile home park, except that where landscaping is not completed, the Zoning Administrator may approve occupancy if the owner of a mobile home park shall have filed with the Selectboard a surety bond in form and amount approved by the Development Review Board to guarantee completion of the work.

8.5.6 Operation

The operator of the mobile park shall maintain all parts of the mobile home park in good condition and shall provide for collection and removal of waste and garbage at least twice every week. The operator shall remove snow from all driveways, and shall maintain safe conditions on all driveways at all times.

8.5.7 Sales Prohibited

The sale of mobile homes or other vehicles in connection with the operation of a mobile home park is prohibited. No sale of merchandise and no service business shall be carried on within the lot occupied by a mobile home park, except that the Development Review Board may approve the establishment of a self-service laundry or similar service, or the sale of food or household articles to occupants of the mobile home park, provided that any such use is otherwise permitted in the district in which the mobile home park is located.

8.6 *Planned Residential Development*

8.6.1 Purpose

The purpose of Planned Residential Development (PRD) is to enable and encourage increased residential density, flexibility of design, and development of tracts of land for single- and multiunit dwellings in clustered groups, to promote the most appropriate use of land, facilitate the economical provision of streets and utilities, and to enhance the environmental quality and rural character of the area through preservation of open space.

8.6.2 Applicability

A PRD is permitted in any zoning district in which residential use is permitted. In the Rural Residential (RR) and Rural Agricultural (RA) districts, nonconforming lots of at least four acres existing at the time of adoption of this ordinance (06/19/2018) are eligible for the residential density bonus with required land protection.

8.6.3 Application Requirements

A PRD shall comply with the requirements of Section 3.2, Site Plan Review, and Section 11, Subdivision Standards.

The Development Review Board may waive the requirement for a metes and bounds survey, prepared by a certified land surveyor, if the Planned Residential Development does not involve the subdivision of land. However, if a metes and bounds survey is necessary for an accurate location and description of the building envelopes or easements then the survey shall be required.

The application submission shall include a narrative plan of development that addresses the following:

- (1) How the design provides for the purposes of the Planned Residential Development;
- (2) The proposed number of units and how the design preserves the natural features of the land and site characteristics as identified above;
- (3) The proposed use of the open space lands and proposed mechanisms for its preservation; and
- (4) Requested waivers and bonus densities and justification for granting them.

8.6.4 Review Process

After submission of an application for a Planned Residential Development, the applicant shall have temporary markers placed on the lands in order to enable the Development Review Board to locate readily and appraise the basic layout of the proposed PRD in the field during the site visit. The applicant shall schedule a site visit with the Development Review Board. The purpose of this site visit shall be to confirm the locations of natural features, agricultural uses, and existing structures relative to proposed lot lines, building envelopes, and infrastructure.

Once a site visit has been conducted, the Development Review Board shall hold a preliminary hearing on the proposed PRD. The Development Review Board shall provide a preliminary decision indicating whether the project should move forward for final approval. A final hearing shall be held once the applicant has addressed any concerns enumerated by the Development Review Board in its preliminary decision.

8.6.5 Dimensional Standards

In a Planned Residential Development, the dimensional standards of the underlying zoning district may be suspended allowing for clustered or compact lots with smaller setbacks and higher lot coverage than otherwise required.

- (1) For any lot within a PRD located in the RR or RA zoning districts, the minimum lot size shall be ten times the footprint of any primary structure on the lot.
- (2) Approved building envelopes shall be delineated on the subdivision plat for each lot to reflect allowable setbacks and lot coverage for all future structures and other impervious cover.

8.6.6 Density

In a Planned Residential Development, the total number of dwelling units shall not exceed the number which could be permitted if the tract were subdivided into lots conforming to the provisions of the district in which such tract is situated, except that a density bonus may be approved by the Development Review Board according to Section 4.18, Dimensional Standards Table, and the following:

- (1) Preservation of Working Lands Use – Within the Rural Agricultural (RA) District, a density bonus of three dwelling units per ten acres may be awarded to a PRD that results in the preservation of an active farm, or protects agricultural or silvicultural use in perpetuity. At least 70% of the total

land area of the project site must be preserved for such use. Appropriate legal restrictions for the perpetual preservation of the agricultural or silvicultural use must be provided.

- (2) **Preservation of Open Space** – Within the Rural Residential (RR) District, a density bonus of three dwelling units per five acres may be awarded to a PRD that results in the preservation of open space. At least 50% of the total land area of the project site must be preserved as open space. Appropriate legal protections, restrictions, and maintenance plans must be provided.
- (3) Within the Mixed Use 2 (MU2) or Mixed Use 3 (MU3) districts, a 50% density bonus may be awarded to a PRD that results in the preservation of at least 50% of the total land area of the project site. Appropriate legal protections, restrictions, and maintenance plans must be provided.
- (4) **Net Zero Density Bonus** – In the Mixed Use 1 (MU1), MU2, MU3, Residential 10 (R10), Residential 4 (R4), Residential 1 (R1), RR and RA districts, a density bonus may be granted for a PRD that results in all structures meeting net zero energy building standards as defined in this ordinance. The applicant must provide net zero energy building specifications and demonstrate perpetual function of the energy generation systems prior to the close of the DRB subdivision hearing according to Section 3.5.7 and Section 3.10.
- (5) **Utilization of Under-Building Parking** – A density bonus may be granted for a PRD with underground or under-building parking. Such bonus will be determined by the Development Review Board, based on site constraints and the percentage of underground parking that is proposed.

The number of bonus units granted shall be rounded up to the nearest whole number.

8.6.7 Legal Restrictions and Requirements

- (1) **Dedication of Open Space.** Land to be preserved as open space in Planned Residential Developments may be offered for dedication to the town for park and conservation purposes. If such land is not so offered, or if the town declines to accept the offer, it shall be dedicated to a community association or other entity, as herein provided.
- (2) **Working Land Restrictions.** Land to be preserved as working lands for agricultural or silvicultural use must be protected for such use by dedication of development rights and protection of these working lands uses in perpetuity.
- (3) **Community Association Required.** The applicant shall organize under the laws of the State of Vermont a non-profit community association, corporation, or cooperative, to be composed of all present and future owners of lots within the PRD. Such non-profit community association, corporation, or cooperative shall be responsible for management and maintenance of all common open space or other common elements of the development. The applicant shall submit a set of deed restrictions or covenants that run with the land and shall record the same in the Manchester land records.
- (4) **No Community Association Required.** In the case of Planned Residential Developments in which all land designated as open space is dedicated to, and accepted by, the town, and there are not common water, sewer, or other commonly owned elements, the organization of a community association shall not be required.

8.7 Workforce Housing

8.7.1 Purpose. The purpose of Section 8.7 is to encourage the development of housing that meets the needs of the town's workforce.

8.7.2 Workforce Housing Height Bonus

- (1) Outside of the Downtown (DN) and Town Center (TC) districts, a workforce housing structure may be up to 35 feet in height for up to 50% of the footprint of the building.
- (2) Outside of the Downtown (DN) and Town Center (TC) districts, a workforce housing structure may be up to 40 feet in height for provision of at least 50% of the parking under the building.

Section 9 *Site Design Standards*

9.1 *Purpose*

The purpose of Section 9 is to establish site development standards to protect the quality of life by preventing land use and development from creating or contributing to adverse off-site impacts.

9.2 *Applicability*

Applicants must obtain site plan approval from the Development Review Board before the Zoning Administrator may issue a zoning permit for any land development other than one- or two-unit dwellings and accessory uses or structures to one- or two-unit dwellings.

9.3 *Performance Standards*

Applicants seeking site plan approval must demonstrate that proposed land development conforms to the site plan standards put forth in Section 9.

9.3.1 Noise. Unless otherwise approved by the Development Review Board, noise emanating off site must not be distinct from the background sound level beyond the property line, and must not interfere with the reasonable use and enjoyment of other properties. If proposed land use and development is deemed likely to have noise impacts, the Development Review Board may:

- (1) Require the applicant to submit an acoustical analysis of sound generation on the site prepared by a qualified professional.
- (2) Require acoustical site design strategies, and acoustical architectural design strategies to manage noise generated on the site.

9.3.2 Glare. Lighting must not be used or directed in such a manner that it produces glare on roads, on nearby property, or in the windows of nearby buildings.

- (1) All exterior lighting must meet the standards put forth in Section 9.5.
- (2) If proposed land use and development is deemed likely to produce glare or excessive skyglow, the Development Review Board may require a photometric analysis plotting the footcandle distribution on the site for all proposed outdoor lighting.

9.3.3 Odors. Emission of odors that are readily detectable without special instruments at any point beyond the property line and that interfere with the reasonable use and enjoyment of other properties is prohibited.

9.3.4 Vibration. Vibration that is easily discernible without special instruments at any point beyond the property line is prohibited except that:

- (1) This will not apply to vibration caused by motor vehicle, train, or aircraft traffic.
- (2) The Development Review Board may approve greater vibration levels for a specified period, frequency and purpose.

9.3.5 Electrical or Radio Interference. Creating interference with electrical or radio apparatus beyond the property line is prohibited.

9.3.6 Waste Storage. Storage of wastes that attract insects or rodents, or otherwise create a health hazard is prohibited. All waste must be stored in tightly sealed storage containers or within a fully enclosed building unless specifically approved otherwise by the Development Review Board. Solid waste removal must occur on a regular basis to prevent accumulation. Waste receptacles must be appropriately screened from public view per Section 6.23.

9.3.7 Air Quality. The project must not result in undue impacts on air quality. Generation of dust, dirt, fly ash, smoke, particulate matter or other airborne solids that accumulate at any point beyond the property line or that interfere with the reasonable use and enjoyment of other properties is prohibited except when related to approved construction activities. Consideration of air quality shall include types and quantity of air emissions, odors or hazardous substances, and dust control.

9.3.8 Hazardous Substances. Flammable, combustible or explosive materials must be stored and handled in conformance with state and federal regulations. Such materials must be securely stored within a fully enclosed building or tank. Proposed land use and development must not release toxic or hazardous substances or wastes into the environment or cause contamination of any potable water supply, sanitary sewer or septic system, watercourse or water body, soil or air except as specifically permitted by the Vermont Agency of Natural Resources.

9.3.9 Water Quality. The project must not result in water pollution. Consideration shall include the nature of soils and subsoils, slope, proximity to streams, aquifer recharge areas and groundwater, floodplains, stormwater runoff, and drainage. The project should provide for protection of the natural terrain, shoreline protection, retention of vegetation, and erosion control.

9.3.10 Scenic and Natural Beauty. The project shall not have an undue adverse effect on the scenic or natural beauty of the area, natural landscape, or rare and irreplaceable natural areas. Consideration shall be given to the retention of significant topographic features of the site, and the relationship to surrounding properties and the effects on ridgeline resources.

9.3.11 Historic Sites. For land use and development involving historic sites, the project shall not have an undue adverse effect on historic sites. The applicant may be required to retain the services of a professional with expertise in historic preservation to satisfy this standard. Consideration shall be given to external design of buildings and related site improvements, as well as signs, exterior lighting, overall site design, and historic features. Materials and design details shall take into account harmony and proportion and adjacent land use. Buildings which are included in the Vermont Historic Sites and Structures Survey shall be retained for their historic contribution. It is the intent of this standard to avoid destruction of historic properties or buildings unless it is clearly demonstrated by the applicant that there can be no reasonable use of the property without destruction of the building.

9.3.12 Transportation Safety. The project shall not cause unreasonable congestion or unsafe conditions with respect to the use of transportation facilities existing or proposed. Consideration shall be given to vehicular and pedestrian movement, parking, design and layout of streets and driveways, intersections, grades and profiles, adjoining land uses, sight distances, trip generation and road capacity, turning movements, peak traffic flows, and surface treatment. In connection with any application to change an existing use, consideration shall only be given to impacts of the proposed new use that differ from the impacts associated with the existing use. Additional traffic studies may be requested of the applicant if necessary to satisfy the above considerations.

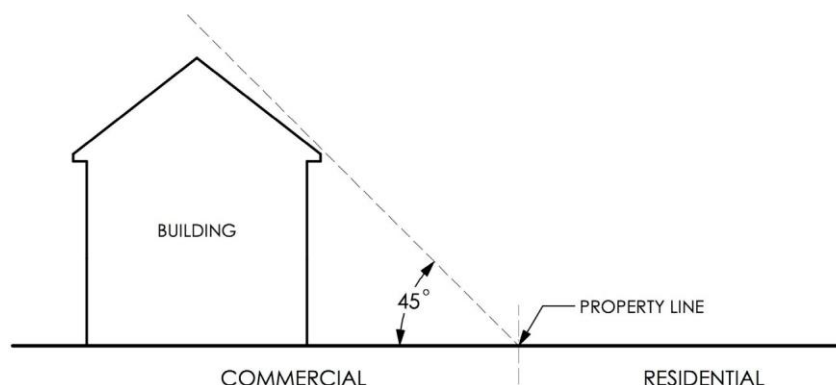
9.3.13 Energy Conservation. The project shall reflect principles of energy conservation and incorporate the best available technology that is economically justified. Consideration may be given to location and

orientation of structures and other project infrastructure, surrounding land uses, energy and utility sources, the length and placement of utility lines or other utility infrastructure, heating, cooling and lighting technologies employed, landscape design and features, or any other project features that the Development Review Board concludes appropriate to energy conservation.

9.3.14 Impervious Cover. Paved areas shall be only as large as necessary to serve parking, circulation, and improved open space needs, and their appearance will be enhanced by landscaping. No parking area shall run continuously for more than 80 feet along a front street line, or for more than 150 feet along any street line. A pedestrian walkway shall be provided within each parking area to connect such area with buildings, public sidewalks, and adjoining land development. Parking areas shall be set back at least 10 feet from side and rear lot lines except for allowances for shared parking and access.

9.3.15 Residential Buffers.

- (1) To protect existing abutting one- and two-unit residential uses from proposed commercial and multiunit residential development, and where undue adverse impacts may reasonably be anticipated, either of the following shall be the base level' requirement, whichever is greater:
 - (a) An additional 5 feet of setback shall be provided between commercial and multiunit residential buildings and adjoining single-unit residential property lines, above the minimum setback otherwise required in the district, for each 5,000 square feet of building footprint above that otherwise permitted in the district or corridor;
 - (b) No part of a building may break the plane drawn at a 45 degree angle sloping inward and upward from any shared property line on the ground that adjoins residential lands or uses (see illustration below).



- (2) Once the setback point or line is established, further consideration shall be given to site-specific mitigation, needs, or circumstances that may prevent adverse impacts with less setback. The final determination of required setback made by the Development Review Board shall thus include both the quantitative element of distance, as well as circumstances such as slope, natural and built topography, density and intensity of plantings, fencing, and other mitigating factors.
- (3) For commercial developments that abut residential zoning districts, greenspace shall be designed and installed to diminish commercial impacts upon the residential zone. This greenspace shall define, soften, and screen the commercial use. Existing mature trees (deciduous trees of 6" diameter or greater at breast height; conifers 12' tall or greater) shall be preserved in place, relocated on-site, or replaced with trees of equivalent size and species.

- (4) The Development Review Board may grant Greenspace reductions when a development project provides exceptional landscape enhancements as described in Section 9.3.15.
- (5) Exceptions to these requirements shall be made only in the case of essential services to provide appropriate, separation or screening for these larger buildings or uses, but not to require so much separation or screening as to effectively preclude a use that is otherwise permissible.

9.4 Landscaping

9.4.1 Intent. The provisions of Section 9.4 are intended to:

- (1) Enhance the appearance of the built environment as viewed from public vantage points;
- (2) Provide shade and reduce heat and glare, particularly along sidewalks and walkways, and within parking lots;
- (3) Control soil erosion and stormwater runoff;
- (4) Screen potentially incompatible land uses and utilitarian site features;
- (5) Calm traffic, and improve pedestrian safety and comfort; and
- (6) Preserve existing mature vegetation and naturally vegetated buffers to the maximum extent feasible.

9.4.2 Applicability. Proposed development subject to site plan approval, including planned unit developments, must provide landscaping in accordance with the provisions of Section 9.4.

9.4.3 General Standards. All landscaping required under this ordinance must conform to the following:

- (1) **Landscape Plan.** Applicants for site plan approval must submit a landscape plan prepared by a licensed landscape architect or a certified horticulturist when landscaping will be altered or installed.
- (2) **Plant Materials.** Plant materials must meet the specifications in Figure 9-1 and the following:
 - (a) The Town of Manchester strongly encourages use of native species and prohibits use of invasive species as identified by the Vermont Agency of Natural Resources.
 - (b) For reasons of health, vigor, and longevity, only nursery-grown plant materials may be installed to meet the standards of Section 9.4.
 - (c) All plantings must be planted according to accepted horticultural standards.
 - (d) Species chosen must be appropriate to their specific planting location (trees or shrubs planted close to a road or parking area should be salt- tolerant, for example).
- (3) **Design Principles.** Landscaping must be an integral element of project design, especially as related to parking lot screening, the fit of the building within the natural and built environments (both on-site and as related to adjoining sites), and pedestrian access and circulation, (both within the site and as connected to adjoining sites or other paths or sidewalks) and must be designed in accordance with the following:
 - (a) Clustered plantings of substantial trees must be provided in order to enhance the aesthetic appearance of a site. Except for street trees, individual trees or plantings shall not appear at rigid intervals.
 - (b) Substantial deciduous trees with wide canopies mixed with conifers, shrubs and ornamental plants must be provided to create significant shade, screening, and aesthetic improvement. Single-species hedges (such as arbor vitae) must be used for accent or as a backdrop only, and not as primary landscaping elements.

- (c) Densely planted, well-maintained flower beds are strongly encouraged as an aesthetic enhancement to landscaping plans.
 - (d) Where pedestrian paths are provided, landscaping such as planters, trees, or other features must be used to reinforce the identification and use of these paths.
- (4) **Performance Bond.** If landscaping cannot be installed at an appropriate stage in the construction due to time of year or unusual weather conditions, the Development Review Board may allow the applicant to install the landscaping within a reasonable time frame. The applicant must submit a performance bond in accordance with Section 2.11.4 to ensure that landscaping will be installed in accordance with the approved plans. The performance bond will be held until the landscaping is completed.
- (5) **Maintenance.** Landscaping required under Section 9.4 or as a condition of approval must be maintained in a healthy condition. Dead or dying plants must be replaced within one growing season with a comparable plant (in terms of type, form, size at maturity, etc.) of at least the minimum size requirements specified in Figure 9-1.
- (6) **Inspection.** The Development Review Board may require that the Zoning Administrator inspect the site to determine that the plant materials are healthy and that the landscaping is functioning as intended after several growing seasons as a condition of approval. An inspection is recommended when landscaping is integral to ensuring that the proposed development performs as approved (such as within green stormwater infrastructure or riparian buffers, or where there is a specific screening or aesthetic concern, for example).

Figure 9-1. Planting Specifications

Plant Material	Maximum Crown/Spread (at maturity)	Maximum Height (at maturity)	Minimum Caliper (at planting)	Minimum Height (at planting)	Minimum Soil Volume (per plant)	Equivalent Planting Units
Large Tree	40 ft or more	50 ft or more	2-3 inches for deciduous trees	4-6 ft for coniferous trees	1,000 cf	1.0
Medium Tree	30 ft to 40 ft	30 ft to 50 ft			500 cf	0.8
Small Tree	< 30 ft	< 30 ft			250 cf	0.6
Large Shrub	9 ft or more	8 ft or more	n/a	30 in	120 cf	0.5
Medium Shrub	6 ft to 9 ft	4 ft to 8 ft	n/a	24 in	60 cf	0.3
Small Shrub	< 6 ft	< 4 ft	n/a	18 in	15 cf	0.1

Notes: Minimum soil volume per plant may be reduced by 40% for planting areas landscaped with multiple plants that are not less than 10 ft. in any dimension. Existing, healthy, mature plant materials that will be preserved may be counted towards landscaping requirements at a rate of 120% of the applicable equivalent planting units. Perennial ornamental plants may be substituted for not more than 30% of the total number of required plants at a rate of 0.1 equivalent planting units. Minimum size at planting must be a #1 container or equivalent.

9.4.4 Front Yard Standards. Proposed land development must provide landscaping within the minimum front yard setback, except within the Office Industrial District or where the principal building is or will be constructed to the edge of the sidewalk, in accordance with the following:

- (1) **Location.** Front yard landscaping must be provided between the edge of the street right-of-way and the front line of the principal building to:
 - (a) Highlight and enhance entrances to the site or freestanding signs located within the front setback;
 - (b) Provide direction to and enhance building entrances;
 - (c) Provide visual breaks along blank building facades;

- (d) Enhance and shade sidewalks and walkways;
 - (e) Screen parking areas or other utilitarian site elements; and
 - (f) Intercept and filter stormwater runoff.
- (2) **Quantity.** Front yards must be landscaped with not less 1.0 equivalent planting unit (EPUs) for every 10 feet of lot frontage (exclusive of street trees).

9.4.5 Streetscape Standards. Proposed land development must provide street trees along existing and proposed streets in accordance with the following:

- (1) **Location.** Street trees must be planted as follows:
 - (a) Within three feet of the edge of the street right-of-way unless otherwise recommended by the Department of Public Works.
 - (b) In a planting strip or a tree well within or immediately adjacent to the street right-of-way that is not less than four feet in any dimension unless otherwise recommended by the Department of Public Works.
- (2) **Size.** Street trees must be sized as follows:
 - (a) Where there are no existing or proposed overhead utility lines, street trees must be large trees.
 - (b) Where there are existing or proposed overhead utility lines 35 feet or more in height, street trees must be medium trees.
 - (c) Where there are existing or proposed overhead utility lines less than 35 feet in height, street trees must be small trees.
 - (d) If existing buildings or similar obstructions will conflict with large trees as they mature, the Development Review Board may waive the requirement for large street trees and allow the applicant to plant medium or small trees as recommended by the Department of Public Works.
- (3) **Spacing.** Street trees must be planted with a reasonably even, linear spacing as specified below:
 - (a) Large trees must be planted at a minimum ratio of one for every 50 feet of frontage.
 - (b) Medium or small trees must be planted at a minimum ratio of one for every 30 feet of frontage.
 - (c) As recommended by the Department of Public Works, the Development Review Board may approve shifting the spacing of street trees to accommodate site features or maintain sight distance.
- (4) **Preservation of Existing Trees.** The Town of Manchester strongly encourages preservation of existing, healthy, mature trees. The Development Review Board may waive the location, spacing and alignment standards above to allow existing trees within 10 feet of the edge of the street right-of-way to meet street tree requirements.

9.4.6 Parking Area Standards. Proposed land development must landscape existing and proposed parking areas except within the Office Industrial District in accordance with the following:

- (1) **Perimeter Plantings.** Single-loaded parking areas with up to 10 spaces and double-loaded parking areas with up to 20 spaces may be landscaped solely along the perimeter of the parking area provided that the planting area is not less than 4 feet in any dimension. All other parking areas must incorporate perimeter landscaping as well as landscaped planting islands within the parking area.
- (2) **Planting Islands.** Planting islands must:
 - (a) Be not less than 8 feet in any dimension (excluding area subject to vehicle overhang).

- (b) Equal an area that is not less than 5% of the total area of parking spaces (excluding access aisles) for lots with more than 20 and up to 40 spaces, 10% for lots with 41 to 80 spaces, and 15% for lots with more than 80 spaces.
- (3) **Quantity.** Parking areas must be landscaped with not less than 1.0 equivalent planting unit (EPU) for every five parking spaces.
- (4) **Green Stormwater BMPs.** Parking area landscaping must also function as green stormwater best management practices (BMPs). The Development Review Board may modify the standards of Section 9.4 as recommended by the Department of Public Works to accommodate green stormwater BMPs.

9.5 Outdoor Lighting

9.5.1 Purpose. The provisions of Section 9.5 are intended to:

- (1) Ensure that outdoor lighting is designed to maintain safety and security;
- (2) Minimize the obtrusive and disruptive aspects of outdoor lighting;
- (3) Reduce energy use by directing appropriate amounts of light where and when it is needed, and using energy-efficient light sources; and
- (4) Prevent glare, light trespass and skyglow by requiring light fixtures to be shielded and properly aimed.

9.5.2 Applicability. All outdoor lighting must be installed in accordance with the provisions of Section 9.5 except for public street lights located within rights-of-way. See Section 10.11 for additional provisions pertaining to the lighting of signs.

9.5.3 General Standards. Outdoor lighting must conform to the following:

- (1) **Lighting Plan.** Applicants for site plan approval must submit a lighting plan prepared by a professional lighting engineer or designer if outdoor lighting will be altered or installed.
- (2) **Shielding.** All outdoor light fixtures must be fully shielded and installed and maintained in such a manner that the shielding is effective. Partial shielding of security lamps may be allowed according to 9.5.3(6) and 9.5.3(9) below. Carriage style lamps with top cap and light spread that does not extend past property lines are also be allowed.
- (3) **Total Output.** Total output from all light fixtures on a site must not exceed 1.25 lumens per developed square foot for residential uses or 2.5 lumens per developed square foot for commercial uses.
- (4) **Light Source.** All fixtures must use lamps that produce a white light, such as light-emitting diode (LED), compact fluorescent lamp (CFL), metal halide, or incandescent bulbs. LEDs with correlated color temperatures above 3000K are prohibited. Sodium and neon lighting is prohibited. Exterior lighting must shine in a steady, non-fluctuating or non-undulating manner.
- (5) **Uniformity.** Outdoor lighting must be designed to provide a uniform distribution of light in areas regularly traversed by vehicles or pedestrians. Lighting plans that produce a ratio of 3:1 or less between the highest light level and lowest light level within a trafficked area on the site are strongly encouraged and ratios in excess of 10:1 are prohibited.
- (6) **Spot Light Aiming.** Light fixtures containing spot or flood lamps must be aimed no higher than 45° above straight down. When aimed straight down, such light fixtures will be considered fully shielded; when aimed above straight down, they will be considered partially shielded. Ground mounted spot lighting is prohibited.
- (7) **Freestanding Lights.** Freestanding light fixtures must not exceed 24 feet in height in the Office Industrial District and 16 feet in height in all other districts. The Development Review Board may

approve higher lights if increased efficiency is achieved without causing light trespass. Freestanding light fixtures may be located within setbacks. The initial light output of a freestanding light fixtures must not exceed 3,000 lumens per lamp. Use of decorative fixtures not more than 12 feet in height is encouraged to light walkways and other pedestrian-oriented spaces.

- (8) **Light Trespass.** Outdoor light fixtures must be oriented and shielded as necessary to prevent light trespass over adjacent property or rights-of-way.
- (9) **Time Limits.** Outdoor lighting must be extinguished by 10:00 p.m. or one hour past the close of business. After 10:00 p.m. or one hour past close of business, security lights may be triggered for short periods by motion sensor. The Development Review Board may approve lighting beyond these limits upon concluding the lighting is necessary to protect public safety or secure the property. The Development Review Board may further limit when outdoor lighting may be used as deemed necessary to achieve the purposes of Section 9.5 and protect the character of the area.

9.6 **Parking and Loading Areas**

9.6.1 Purpose. The provisions of Section 9.6 are to:

- (1) Provide a reasonable balance between the supply and demand for parking over the short and long term.
- (2) Ensure that land development provides adequate off-street parking and loading areas to avoid congestion on surrounding streets.
- (3) Minimize the consumption of land for parking and loading to improve stormwater performance.
- (4) Enhance the character of streetscapes and property frontages.
- (5) Provide for pedestrian linkages and amenities.
- (6) Create effective parking that is convenient, safe, attractive and comfortable.

9.6.2 Design Principles. Design characteristics and strategies to help achieve these purposes, include, but are not limited to:

- (1) Providing safe, convenient pedestrian links within and between buildings and sites, between parking lots and from these lots to the street, adding amenities such as benches, trees, and comfortable lighting;
- (2) Minimizing the number and size of curb cuts serving any property;
- (3) Creating off-street vehicular links between parking lots;
- (4) Improving and expanding the public sidewalk system;
- (5) Incorporating multi-modal facilities and amenities;
- (6) Building new parking in rear yards and encouraging existing front or side yard parking to be relocated in rear yards;
- (7) Linking adjoining parking lots to ensure efficient use of land, lessen the number of vehicle trips or movements into public streets, and maximize sidewalk and greenspace areas along the street.

Figure 9-2. Baseline Parking for Residential Uses		
Use	Town Core	Outside Core
1-Bedroom Unit	1 per unit	1 per unit
2-Bedroom Unit	1 per unit	1.5 per unit
General Residential	1 per unit	2 per unit
Senior Housing	0.25 per unit	0.5 per unit
Lodging House	0.5 per room	1 per room
Nursing Home	1 per 2 beds	1 per 2 beds

9.6.3 Applicability. All land development must provide off-street parking and all nonresidential or mixed-use development must provide loading areas in accordance with Section 9.6 except there are no minimum off-street parking or loading requirements for non-residential uses in the town core that occupy less than 1,500 square feet and that are located either on a street with on-street parking or within 1,000 feet (as measured along the sidewalk) of a public parking facility.

Figure 9-3. Baseline Parking for Nonresidential Uses

(*FTE = full-time equivalent employees, SF =Active Floor Area, unless specified otherwise)

Use	Base	Additional
Place of Public Assembly	1 per 4 seats	-
Library or Museum	1 per 500 SF	-
Automobile Service	3	3 per bay
Automobile Retail	1 per 1,250 SF	1 per 1,250 SF lot area
Furniture or Appliance Store	1 per 1,250 SF	-
Art Gallery	1 per 1,250 SF	-
Retail Store, 0-800 SF	1 per 250 SF	1
801-1200 SF	1 per 250 SF	2
1201-1600 SF	1 per 250 SF	3
1601-2000 SF	1 per 250 SF	5
2001-2500 SF	1 per 250 SF	6
Over 2500 SF	1 per 250 SF	1 per 2500 SF
Personal Services, 0-800 SF	1 per 250 SF	1
801-1200 SF	1 per 250 SF	2
1201-1600 SF	1 per 250 SF	3
1601-2000 SF	1 per 250 SF	5
2001-2500 SF	1 per 250 SF	6
Fitness Center, Gym, Spa	1 per 250 SF	-
Building Supply	1 per 500 SF building coverage	-
Bed & Breakfast	2	1 per unit
Hotel	1 per room	1 per 500 SF public meeting area
Motel	1 per room	1 per FTE
Restaurant, Take out	1 per 75 SF	-
Restaurant, Eat in	1 per 2.5 seats	1 per 10 seats
Bar, Brew Pub	1 per 2.5 seats	1 per 10 seats
Micro-Brewery, Distillery, Winery	1 per 2 FTE	1 per 2.5 seats
Bank or Financial Service Office	1 per 250 SF lobby	1 per 400 SF office
Professional Buildings	1 per 400 SF	-
Public Works Yard/Garage	1 per FTE	-
Health Clinic	2 per FTE Clinician	-
Veterinary Clinic	2 per FTE Clinician	-
Daycare	1 per 8 child	1 per FTE
School, Pre-K-8	1 per 50 students	1 per FTE
9-12	1 per 10 students	1 per FTE
Vocational/Other	1 per 3 students	1 per FTE
Warehousing/Storage	1 per 2 FTE	-
Light industry	1 per 2 FTE	-
Mail Order/Wholesale	1 per 2 FTE	-

9.6.4 Amount of Parking. Except as exempted in Section 9.6.3, all development must provide off-street parking for automobiles to meet the needs of the proposed use(s) in accordance with the following:

- (1) **Minimum Number of Spaces.** The minimum number of vehicle parking spaces will be as specified in Figures 9-2 and 9-3, except as otherwise calculated according to Figure 9-4.
- (2) **Maximum Number of Spaces.** The maximum number of parking spaces will be 1.25 times the minimum number of spaces as specified in Figures 9-2 and 9-3.
- (3) **Calculation of Number of Spaces.** When calculating the total number of spaces, any decimal will be rounded up to the nearest whole number. On lots with multiple units or uses, the number of spaces for all units and uses may be added together before rounding up any decimal.
- (4) **Modification of Number of Spaces.** The applicant must provide any combination of the following in order for the Development Review Board to make a decision to increase or decrease the amount of required off-street parking:
 - (a) A parking study prepared by a qualified professional demonstrating the amount of parking that will be needed;
 - (b) The applicant makes a payment in lieu of parking in accordance with Section 9.6.6; or
 - (c) The applicant demonstrates that there is adequate on-street or public parking available within 1,000 feet (as measured along the sidewalk) of the proposed development to meet all or a portion of the demand.
 - (d) The applicant provides supplementary bicycle parking in accordance with Section 9.6.10.

Figure 9-4. Shared Parking Table

Use	WEEKDAY			WEEKEND		
	Daytime	Evening	Nighttime	Daytime	Evening	Nighttime
	(7 am – 5 pm)	(5 pm – 11 pm)	(11 pm – 7 am)	(7 am – 5 pm)	(5 pm – 11 pm)	(11 pm – 7 am)
Office or Industrial	100%	10%	5%	10%	5%	5%
Retail	70%	30%	5%	100%	70%	5%
Lodging	10%	60%	90%	50%	90%	100%
Dining – Breakfast/Lunch	100%	5%	5%	100%	5%	5%
Dining - Dinner	10%	100%	5%	20%	100%	10%
Bar or Nightclub	5%	100%	60%	5%	100%	60%
Institutional	100%	60%	5%	100%	60%	5%
Residential	50%	90%	100%	80%	90%	100%

9.6.5 Shared or Off-Site Parking. The Development Review Board may approve a cooperative parking plan to allow parking to be shared by two or more uses or to be provided off-site in accordance with the following:

- (1) Calculate the total amount of shared parking required by:
 - (a) Determining the minimum parking requirements for each use as if it were a separate use in accordance with Section 9.6.4 above.
 - (b) Multiply each amount by the corresponding percentages for each of the six time periods set forth in Figure 9-4. The Zoning Administrator will establish percentages for any unlisted use.
 - (c) Calculate the total for each time period.
 - (d) Select the highest total as the required minimum number of shared parking spaces.

- (2) Any shared or off-site parking must be located within 1,000 feet of the associated use (as measured along the sidewalk) unless shuttle service is provided. The parking area and buildings served must be connected by a sidewalk or pedestrian walkway.
- (3) For shared parking arrangements involving multiple properties, the applicant must record a written agreement between the owners and lessees, executed for a minimum of 10 years, in the town's land records. Should the use(s), parties involved, or terms of the agreement change in a manner that would alter the amount of parking provided or required, the agreement will need to be revised, re-approved and re-recorded in accordance with Section 9.6.5. Should the agreement expire or otherwise terminate, the use(s) for which the shared or off-site parking was provided will be considered in violation of this ordinance unless replacement parking is provided in accordance with Section 9.6.
- (4) The applicant must submit plans showing the location of the use(s) or structure(s) for which shared or off-site parking will be provided, the location of the parking, and the schedule of times used by those sharing the parking.
- (5) Twenty-five percent of public parking spaces within 200 feet of the use(s) on the site may be counted toward required parking.

9.6.6 Payment in Lieu of Parking. The Development Review Board may approve a payment in lieu of parking for some or all of the required on-site parking for proposed land development within the town core in accordance with the following:

- (1) The applicant must make the full payment in lieu of parking to the town prior to the Zoning Administrator issuing a certificate of compliance for the associated development.
- (2) The fee will be proportional to the number of parking spaces that would otherwise be required, and will be based upon reasonable cost estimates for the provision of that parking.
- (3) The site plan approval will specify the amount of parking credited as part of the rights attached to the subject property for current and future uses.

9.6.7 Location Standards. Off-street parking and loading areas must be located as follows:

- (1) Required parking and loading areas must be located on the same lot as the use or structure they serve unless a cooperative parking plan is approved in accordance with Section 9.6.5 above or a payment in lieu of parking is made in accordance with Section 9.6.6 above.
- (2) Parking and loading must only occur on those portions of the lot indicated for such use on the approved site plan.
- (3) Required parking and loading areas (inclusive of vehicle overhang) must be located on the lot in accordance with the following:
 - (a) Parking areas must meet the setback requirements specified in Figure 4-1. Shared parking areas may be located within a common side or rear setback provided that a cooperative parking plan is approved in accordance with Section 9.6.5 above.
 - (b) Parking areas must not be located within minimum required front setback; and in the town core, parking is prohibited between the street and the building frontline. This will not be interpreted to prohibit parking of registered, operable motor vehicles within a residential driveway.
 - (c) Except within the Office Industrial District, loading areas must be located to the side or rear of building they serve.

9.6.8 Dimensional Standards. Off-street parking and loading areas must conform to the following:

- (1) **Parking Spaces.** Off-street parking spaces must not be less than 9 feet wide by 18 feet deep. Each space must be accessible from a driveway or access aisle except for:
 - (a) Spaces serving a single-unit or two-unit dwellings; or
 - (b) Tandem parking (a double-depth parking space with one vehicle parking the other in) approved by the Development Review Board for multiunit housing, religious facilities or employee parking.
- (2) **Access Aisles.** The minimum width of access aisles within a parking lot or structure is 20 feet except that one-way aisles serving angled parking spaces may be a minimum of 16 feet wide.
- (3) **Loading Areas.** Loading areas:
 - (a) Serving small trucks must have an overhead clearance of at least 10 feet and must be not less than 12 feet wide and 40 feet long, exclusive of access and maneuvering area.
 - (b) Serving tractor-trailer trucks must have an overhead clearance of at least 14 feet and must be not less than 12 feet wide and 60 feet long, exclusive of access and maneuvering area.
- (4) **Turnarounds.** All off-street parking and loading areas must be designed so that vehicles can enter and exit the property without backing out onto a street except for parking that serves a single-unit or two-unit dwellings and that does not require backing out onto an arterial street.

9.6.9 Design, Construction and Maintenance Standards. Off-street parking and loading areas must conform to the following:

- (1) **Surface.** Off-street parking and loading areas must provide a firm, level surface appropriate for the anticipated level of use in all seasons. Parking areas for more than 10 vehicles, drive-through lanes and loading areas must be surfaced with asphalt or concrete. The Development Review Board may modify the surfacing requirements to accommodate green stormwater management practices.
- (2) **Layout.** Perpendicular (90 degree) parking is required unless the applicant demonstrates that due to site-specific conditions angled parking will allow for more efficient site design and compact development footprint. The Development Review Board may modify the dimensional requirements for angled parking spaces and associated aisles as recommended by the Department of Public Works.
- (3) **Erosion and Drainage.** Off-street parking and loading areas must be surfaced, graded, drained and maintained to properly treat all stormwater and minimize erosion in accordance with the provisions of Section 6.11 and Section 6.19. Run-off or eroded surface materials must not flow onto adjacent streets or properties.
- (4) **Markings.** Parking areas for other than one- or two-unit residential use must demarcate the parking spaces. The markings must be kept clearly visible and distinct. Accessible parking spaces must be marked and signed in accordance with state and federal requirements.
- (5) **Screening.** Off-street parking areas and loading areas must be screened as follows:
 - (a) Parking areas located within 50 feet of a residential lot must be screened with a fence in accordance with Section 6.13 and a vegetated buffer in accordance with Section 9.3.15.
 - (b) Loading areas must be screened in the same manner as parking areas.
- (6) **Landscaping.** Off-street parking areas must be landscaped in accordance with Section 9.4. The amount of landscaping required will be reduced from 1.0 equivalent planting unit (EPU) per 5 parking spaces to 1.0 EPU per 10 parking spaces for rear parking lots that will be screened from view at the street by buildings.
- (7) **Snow Removal.** Snow storage areas must be shown on the site plan in accordance with the following:

- (a) Applicants must demonstrate that adequate area is available on the site for snow storage or, if an adequate area does not exist, that snow will be removed from the site.
- (b) Snow must not be stored within required vegetated buffers or stormwater infrastructure unless those features are specifically designed for that purpose.
- (c) If the parking area has more parking spaces than the minimum required for the use under Section 9.6, snow may be stored on the excess spaces.
- (8) **Accessible Parking.** Land development must provide accessible parking in accordance with applicable state and federal regulations. Accessible spaces will count towards the minimum parking required under Section 9.6.
- (9) **Electric Vehicle Charging.** Electric vehicle charging stations may be provided within off-street parking areas as an allowed accessory use in any zoning district. Additional parking will not be required when parking spaces are converted or reserved for charging vehicles and such spaces will count towards the minimum parking required under Section 9.6.
- (10) **Bus or RV Parking.** The Development Review Board may modify the dimensional requirements for bus or RV parking as recommended by the Department of Public Works.
- (11) **Maintenance.** Parking and loading areas must be maintained in good condition, free of weeds, dust, trash and debris, and appropriately surfaced and graded to prevent erosion, sedimentation and runoff.

9.6.10 Bicycle Parking.

- (1) At least one bicycle parking space for every 25 automobile parking spaces must be provided.
- (2) Bicycle parking must be located within 175 feet of a building entrance on a firm, flat surface (for clarification, a grass or gravel surface is acceptable).
- (3) Additional bicycle parking can substitute for automobile parking on a basis of one automobile parking space per six bicycle parking spaces.
- (4) If bicycle parking is located under a roof or within a structure, it can substitute for automobile parking on a basis of one automobile space per three bicycle parking spaces.

Section 10 **Sign Regulations**

10.1 Purpose

The natural surroundings, history, and built environment of Manchester provide the community with its distinctive character and allure. Section 10 has been adopted to ensure that all signs installed in the Town of Manchester are compatible with the town's unique character and environment and the Manchester Town Plan. Section 10 recognizes the necessity of signs to inform residents and the travelling public, as an aid to local businesses in attracting customers, and as an avenue for citizen expression. It also recognizes that neither residents, the travelling public, nor local businesses are well served by unlimited signage.

The purpose of Section 10 is to preserve and improve scenic and pedestrian oriented streetscapes within the Town of Manchester, to promote the welfare, convenience and safety of residents and visitors, to conserve the value of property, and to encourage a style and scale of outdoor advertising and messaging that is compatible with the local economy and the town's design guidelines, including the following specific purposes:

- (1) To improve traffic safety by promoting the efficient flow of vehicles and the protection of pedestrians, bicyclists, and motorists from injury caused by – or fully or partially attributable to – cluttered, distracting, or illegible signage.
- (2) To allow adequate avenues for both commercial and non-commercial messaging.
- (3) To protect the aesthetic appeal of the town's natural and built environment, including the protection of viewsheds.
- (4) To protect the nighttime dark sky, avoid light pollution, and prevent unsafe conditions that may be caused by sign lighting.
- (5) To prevent property damage, personal injury, and litter caused by improperly constructed or poorly maintained signage.
- (6) To protect property values, the local economy, and quality of life by enhancement of the streetscape.
- (7) To provide clear standards that enable efficient, fair, and consistent enforcement of these regulations.

10.2 Content Neutrality

- (1) Section 10 is not intended to and does not restrict speech on the basis of its content, viewpoint, or message. No part of Section 10 should be construed to favor commercial speech over non-commercial speech. A non-commercial message may be substituted for any commercial message displayed on a sign, or the content of any non-commercial message displayed on any sign may be changed to a different non-commercial message without the need for any approval, permit, or registration, provided neither the size, mounting, nor material composition of the sign is changed.
- (2) Section 10 does not prohibit a person from holding a sign on public property, so long as the person holding the sign does not block ingress or egress from buildings and does not create a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or on other public pathways.
- (3) To the extent that any provision of Section 10 is deemed ambiguous, it must be interpreted not to regulate on the basis of the content of the message.

10.3 Permitting & Review Procedures

Before the alteration, construction, or installation of any sign, a zoning permit shall be secured from the Zoning Administrator, except as otherwise provided Section 10.13 and Section 10.3.4.

10.3.1 Development Review Board Approval Required

Except on parcels with only single- or two-unit residential use, any proposed permanent freestanding sign, shall require approval by the Development Review Board as part of the site plan review process as set forth in this ordinance.

10.3.2 Design Review Required

- (1) Any proposed permanent sign within the Design Review Overlay District, shall require review by the Design Advisory Committee, which will make a recommendation to the Development Review Board or Zoning Administrator prior to a hearing or to a permit being issued.
- (2) The Design Advisory Committee, Development Review Board, and Zoning Administrator shall consider size, location, design, color, texture, lighting, and materials of all exterior signs in keeping with *Design Guidelines for Manchester's Commercial & Historic Districts*.

10.3.3 Administrative Review

- (1) Permanent signs on parcels with only single- or two-unit residential use and temporary signs shall be subject to administrative review.
- (2) The Zoning Administrator may act on an application for a minor modification to an already approved sign within the Design Review Overlay District without consultation from the Design Advisory Committee. A minor modification shall include only a change that does not increase the size of the sign and retains the same material composition. This may include a change in location of the sign, and changes to sign lighting.

10.3.4 No Permit Required

- (1) The replacement, repair, or repainting of a damaged or worn sign with one of the same construction, size, material composition and design does not require a permit.
- (2) Replacement of panels on a multipanel sign with panels of the same material composition not resulting in an increase in sign size does not require a permit.
- (3) The display of window signs does not require a permit, but such signs must conform to Section 10.9.
- (4) Freestanding signs of 1.5 square feet or less do not require a permit, but such signs must not exceed eight in number without a waiver granted by the Development Review Board.
- (5) Wall signs of 1.5 square feet or less do not require a permit, but such signs must not exceed eight in number without a waiver granted by the Development Review Board.
- (6) Signs painted on the surface of a paved parking lot do not require a permit.
- (7) The display of temporary signs as described in Section 10.12 does not require a permit, but must be registered with the town after submittal of an online registration form through the Town of Manchester website.
- (8) The display of a sign not exceeding 11" x 17" on a community bulletin board does not require a permit.
- (9) Architectural features of a building, such as cornerstones, do not require a permit.
- (10) The display of street address numbers in compliance with Enhanced 9-1-1 addressing standards does not require a permit.

10.3.5 Size

- (1) The size of any sign is determined by multiplying the full encompassing height by the full encompassing width of the writing, representation, emblems, or physical structure of the sign, whichever is largest. However, the calculated area of a freestanding sign does not include posts, cornices, or the base of a monument sign, provided these support elements are proportional and comply with the standards of Section 10.4.2(6). See illustration in Figure 10-2.
- (2) The size of non-planar signs (sculptural, spherical, free-form or other non-planar forms) is one half of the sum of the areas of the four equal sides of the smallest six sided polyhedron (cuboid) that encompasses the sign structure.

10.4 Freestanding Signs

10.4.1 Number

- (1) In the TC, MU1, MU2, MU3 OI, R10, R4, R1, RR, RA, and FC zoning districts, permanent freestanding signs are allowed according to the numbers indicated in Table 10-1. Freestanding signs are not allowed in the DN zoning district, except that freestanding signs existing in the district on the effective date of this provision (May 5, 2020) may be retained as previously approved.
- (2) For a parcel without frontage on a public road that is served by a legally deeded right-of-way through a parcel with such frontage, said right-of-way shall be considered as part of the premises for purposes of an allowable freestanding sign. The width of the right of way shall determine the length of frontage for the purposes of determining the number of signs allowed. This provision shall not be interpreted to interfere with the rights of the underlying landowners (over whose land the right-of-way traverses) to have their own separate signage under this ordinance.

10.4.2 Dimensions

Dimensional parameters for freestanding signs are indicated in Table 10-2 and the following:

- (1) Planar freestanding signs shall only have two sides, which are parallel to each other, and no more than six inches apart.
- (2) Non-planar freestanding signs must comply with size limits of the underlying zoning district as measured as described in Section 10.3.5.
- (3) The maximum allowable size of a freestanding sign in the TC, MU3, and OI districts is 32 square feet.
- (4) The maximum allowable size of a freestanding sign in the MU1 and MU2 districts is 16 square feet.
- (5) The maximum allowable size of a freestanding sign in the R10, R4, R1, RR, RA, and FC is eight square feet.
- (6) The size of posts and cornices, and the base of any monument sign, shall be proportional with the size of the sign (that is: at least 15% and no more than 100% of the total size of the structure).
- (7) The maximum allowable height for any freestanding sign is ten feet, measured from grade level to the top of the sign or any part of its structure.

10.4.3 Setback

Freestanding signs and their associated support elements shall be set back at least three feet from the inner edge of public sidewalks; and where public sidewalks do not exist, the setback shall be at least seven feet from the traveled way or edge of pavement of the public street or highway.

10.5 Wall Signs

10.5.1 Number

Wall signs are allowed according to the numbers indicated in Table 10-1, except that total allowable area of one wall sign may be divided into multiple signs.

10.5.2 Dimensions

Dimensional parameters for wall signs are indicated in Table 10-2 and the following:

- (1) Total area of all wall signage per unit* must not exceed a number equivalent to 30% of the linear length of the front of the building on which it is mounted. If linear length is measured in feet, total signage area is in square feet. For example, for a building with a linear front of 80 feet, the combined area of wall signs per unit* mounted on the building cannot exceed 24 square feet. (*Unit shall mean any distinct tenant, use, or defined space within the building.)
- (2) The maximum size of a wall sign in the DN, MU1, MU2, and RA districts is 20 square feet.
- (3) In the TC, MU3, and OI districts the maximum size of a wall sign is 40 square feet.
- (4) The maximum size of a wall sign in the R10, R4, R1, RR, and FC districts is eight square feet.

10.5.3 Mounting

- (1) A planar wall sign shall protrude no more than six inches from the wall on which it is mounted.
- (2) A non-planar wall sign shall protrude no more than 18 inches from the wall on which it is mounted.
- (3) A wall sign must be mounted in a manner that does not obscure or impair the architectural elements of the wall on which it is mounted (see Figure 10-3 for examples of unacceptable positions).

10.6 Projecting Signs

- (1) Projecting signs may be substituted for allowable wall signs on an area-for-area basis.
- (2) Projecting signs shall not exceed eight square feet in size.
- (3) A projecting sign shall not extend further than three feet away from the wall on which it is mounted.
- (4) The lowest part of a projecting sign or its support structures shall be at least eight feet above the sidewalk or grade directly beneath the sign.
- (5) A projecting sign must be mounted in a manner that does not obscure or impair the architectural elements of the wall on which it is mounted (see Figure 10-3 for examples of unacceptable positions).

10.7 Soffit Signs

- (1) Soffit signs may be substituted for allowable wall signs on an area-for-area basis.
- (2) Soffit signs shall not exceed six square feet in size in the DN, TC, MU1, MU2 MU3, and OI districts.
- (3) Soffit signs shall not exceed four square feet in size in the R10, R4, R1, RR, RA, and FC districts.
- (4) Soffit signs shall be hung in a direction perpendicular to the underlying walkway.
- (5) The lowest part of a soffit sign or its support structures shall be at least eight feet above the sidewalk or grade directly beneath it.
- (6) A soffit sign must be mounted in a manner that does not obscure or impair the architectural elements of the building on which it is mounted (see Figure 10-3 for unacceptable positions).

10.8 Awning, Canopy, & Marquee Signs

- (1) Awning, canopy, and marquee signs may be substituted for allowable wall signs on an area-for-area basis.
- (2) Signs on awnings, canopies, and marquees shall not exceed 16 square feet in the DN, MU1, and MU2 districts.
- (3) Signs on awnings, canopies, and marquees shall not exceed 20 square feet in the TC, MU3, and OI districts.
- (4) Signs on awnings, canopies, and marquees shall not exceed 8 square feet in the R10, R4, R1, RR, RA, and FC districts
- (5) The lowest part of any awning, canopy, or marquee with signage shall be at least eight feet above the sidewalk or grade directly beneath the structure.
- (6) An awning, canopy, or marquee with signage must be mounted in a manner that does not obscure or impair the architectural elements of the building on which it is mounted.

10.9 Window Signs

Window signs may be displayed, and may cover up to 25% of the total window area on the side of the building where such signs are located, provided that coverage for a single window does not exceed 50%. Any temporary window signs must be considered together with any permanent window signs in calculating window coverage and vice versa.

10.10 Additional Permanent Signs

In addition to the allotted freestanding, wall, projecting, soffit, awning, canopy, or marquee signs on a premises, additional signs may be permitted after a waiver is applied for and granted by the Development Review Board. Such signs shall not exceed 3 square feet and may not be higher than 4 feet from grade.

10.11 Sign Lighting

- (1) Sign lighting must meet the standards of Section 9.5 for outdoor lighting.
- (2) Lighting on any sign must be directed and shielded to shine only on the subject signage, and to prevent glare offsite, into the sky, or onto adjoining properties or roads and highways.
- (3) Ground or under mounted lighting is prohibited. Such lighting existing on the date of adoption of this provision (May 5, 2020) may remain. However, any change to such signage or its lighting will require complete compliance with the ordinance in effect at the time of the application for change.
- (4) Lighting on any sign shall be limited to a total of 150 watts of incandescent light, 40 watts LED, or the equivalent. LED lighting must be less than or equal to 3000K temperature color.
- (5) No sign may be internally illuminated. Backlighting of opaque or cutout features of a sign is allowed.
- (6) Internally illuminated signs existing on the date of adoption of this provision (January 6, 1997) may remain, even if the content of the sign changes. However, any changes other than to the content will require complete compliance with the ordinance in effect at the time of the application for change.
- (7) Alterations to existing noncompliant signs or sign lighting must include bringing the lighting into compliance with these lighting standards.
- (8) The Zoning Administrator may require the adjustment or relocation of any sign lighting in order to prevent glare and to ensure vehicular and pedestrian safety.

10.12 Temporary Signs

- (1) The display of temporary signs must conform to the parameters described in Section 10.12. Such signs must be registered through the Town of Manchester website. For display locations not owned by the registrant, the applicant must attest to receiving landowner permission.
- (2) Such signs may not be displayed within a public right-of-way.
- (3) Such signs may not be displayed on lands owned by the Town of Manchester.
- (4) Such signs may not be internally or externally illuminated except as incidentally, externally illuminated by existing, approved site lighting.
- (5) Temporary window signs do not need to be registered, but must be considered together with any permanent window signs in calculating window coverage and vice versa.

10.12.1 A-frame, T-frame & X-frame Signs

- (1) One temporary A-frame, T-frame, or X-frame sign may be displayed per unit provided it is stationary, stable, or securely affixed to the ground.
- (2) These signs may be displayed during daytime or business hours only and must be stored indoors at all other times.
- (3) These signs must be registered on the Town of Manchester website for up to 90-day increments.
- (4) Dimensional standards for these signs are indicated in Table 10-4.

10.12.2 Teardrop Signs

In the TC, MU2, MU3 and OI districts, one teardrop sign may be displayed on a parcel provided it is stationary and securely affixed to the ground with a ground stake. Teardrop signs shall not be displayed for more than 3 consecutive days in any month and shall not exceed 8 feet in height from the ground in which they are anchored.

10.12.3 Banner Signs

One temporary banner sign may be displayed on a parcel provided it is affixed securely to a structure to prevent movement. Dimensional standards for banner signs are indicated in Table 10-4. Banner signs shall not be displayed for more than 60 consecutive days.

10.12.4 Yard Signs

Yard signs may be displayed on a parcel according to the parameters indicated in Table 10-3 and Table 10-4. These signs shall not be displayed for more than 90 consecutive days except that such signs may be re-registered via the Town of Manchester website for additional 30-day increments.

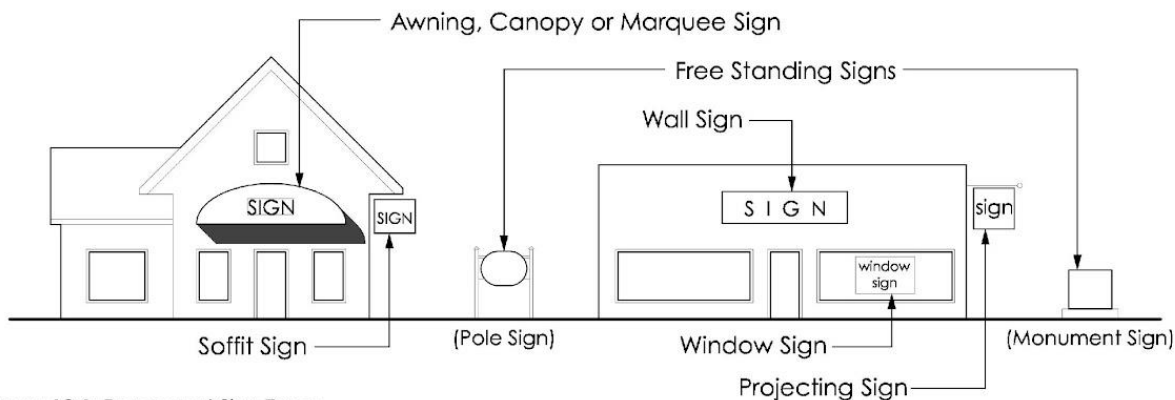


Figure 10-1: Permanent Sign Types

SIGN AREA = HEIGHT x LENGTH

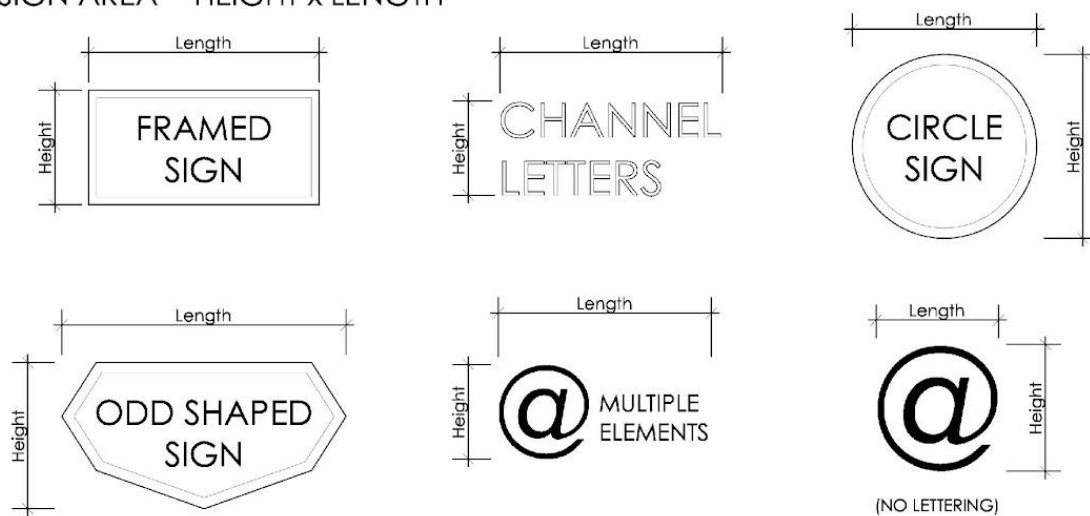


Figure 10-2: Sign Measuring Standards

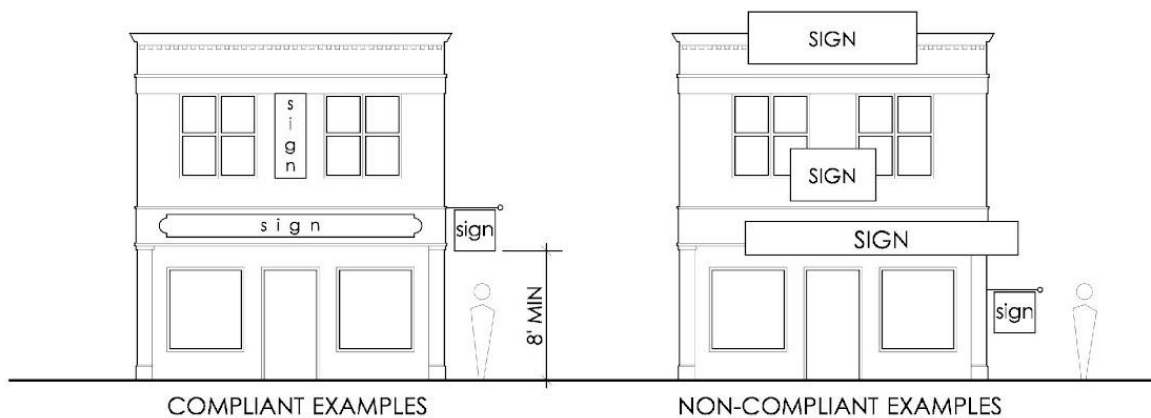


Figure 10-3: Sign Examples

10.13 Exempt Signs

The following signs are exempt from the sign provisions of this ordinance:

- (1) Signs erected by a government entity compliant with the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD).
- (2) Signs located on or in a rolling stock of common carriers, provided such rolling stock is not regularly parked near a public right-of-way such that the rolling stock becomes the functional equivalent of a permanent sign.
- (3) Signs on registered and inspected motor vehicles, provided such vehicle is not regularly parked near a public right-of-way such that it becomes the functional equivalent of a permanent sign.
- (4) Signs erected by the Town of Manchester.
- (5) Signs erected by the State of Vermont.
- (6) Signs erected as part of an event that has received an event permit from the Town of Manchester.
- (7) Flags of a nation or state.

10.14 Prohibited Signs

Unless specifically exempted under Section 10.13, no sign may be installed or maintained along and intelligible from any town or state maintained traveled way which:

- (1) Interferes with, imitates, or resembles any official traffic control sign, signal, or device, or attempts or appears to attempt to direct the movement of traffic.
- (2) Prevents the driver of a motor vehicle from having clear and unobstructed view of official traffic control signs and approaching or merging traffic.
- (3) Encroaches on a public right-of-way, path of pedestrian or vehicular travel, parking space, building entry or exit, or causes an unsafe condition.
- (4) Contains, includes or is illuminated by any flashing, intermittent or moving lights, or contains or consists of pennants, flags, ribbons, balloons, streamers or spinners, or has any animated or moving parts.
- (5) Has any lighting that of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or otherwise to interfere with the operation thereof.
- (6) Contains any fluorescent paint or material or which is lit by neon.
- (7) Is not stable or securely affixed to the ground or a substantial structure.
- (8) Is affixed to a utility pole, official traffic control device, guard rail, or bridge structure, or a tree, rock or other natural feature.
- (9) Is placed on or mounted from the roof of any building or structure.
- (10) Any other sign that is not otherwise permitted or allowed under this ordinance.

Table 10-1. Permanent Sign Number Limits

Sign Type	Zoning District											
	DN	TC	MU1	MU2	MU3	OI	R10	R4	R1	RR	RA	FC
Freestanding	Not allowed	1 per lot or 120' frontage	1 per lot or 90' frontage	1 per lot or 90' frontage	1 per lot or 150' frontage	1 per lot or 120' frontage	1 per lot	1 per lot	1 per lot	1 per lot	1 per 300' of frontage*	1 per lot
Wall	1 per 12' façade length	1 per 12' façade length	1 per 12' façade length	1 per 12' façade length	1 per 12' façade length	1 per 12' façade length	1 per façade	1 per façade	1 per façade	1 per façade	1 per 12' façade length	1 per façade
Projecting or Blade	Same as Wall	Same as Wall	Same as Wall	Same as Wall	Same as Wall	Same as Wall	Same as Wall	Same as Wall	Same as Wall	Same as Wall	Same as Wall	Same as Wall
Hanging or soffit	1 per 12'	1 per 12'	1 per 12'	1 per 12'	1 per 12'	1 per 12'	Not allowed	Not allowed	Not allowed	Not allowed	1 per 12'	1 per 12'
Awning, Canopy or Marquee	Same as Wall	Same as Wall	Same as Wall	Same as Wall	Same as Wall	Same as Wall	Not allowed	Not allowed	Not allowed	Not allowed	Same as Wall	Same as Wall

*With at least 50' between signs on contiguous properties.

Table 10-2. Permanent Sign Size Limits (Area limits in square feet, unless otherwise indicated.)

Sign Type	Zoning District											
	DN	TC	MU1	MU2	MU3	OI	R10	R4	R1	RR	RA	FC
Freestanding	Not allowed	32	16	16	32	32	8	8	8	8	8	8
Wall *	20	40	20	20	40	40	8	8	8	8	20	8
Sculptural_L (Freestanding or Wall)	16	16	16	16	16	16	8	8	8	8	16	16
Projecting or blade	8	8	8	8	8	8	4	4	4	4	4	4
Hanging or soffit	6	6	6	6	6	6	4	4	4	4	4	4
Awning, Canopy, or Marquee	16	20	16	16	20	20	8	8	8	8	8	8
Window (includes temporary)	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area

* Total area of all wall signage per unit must not exceed a number equivalent to 30% of the linear frontage of the side of the building on which it is mounted.

For the purpose of determining allowable wall signage on a building, unit shall mean any distinct tenant, use, or defined space within the building.

Table 10-3. Temporary Sign Number Limits

Sign Type	Zoning District											
	DN	TC	MU1	MU2	MU3	OI	R10	R4	R1	RR	RA	FC
A-frame, T-frame or X-frame	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit
Yard (per frontage)	1 per 10'	1 per 10'	1 per 10'	1 per 25'	1 per 25'	1 per 25'	1 per 10'	1 per 10'	1 per 25'	1 per 25'	1 per 25'	1 per 25'
Freestanding Banner	Not allowed	1 per lot	Not allowed	1 per lot	1 per lot	1 per lot	Not allowed	Not allowed	Not allowed	Not allowed	1 per lot	1 per lot
Wall Banner	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit
Teardrop	Not allowed	1 per lot	Not allowed	1 per lot	1 per lot	1 per lot	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed

For the purpose of determining allowable signage, unit shall mean any distinct tenant, use, or defined space on a property.

Table 10-4. Temporary Sign Size Limits (Area limits in square feet, unless otherwise indicated.)

Sign Type	Zoning District											
	DN	TC	MU1	MU2	MU3	OI	R10	R4	R1	RR	RA	FC
A-frame, T-frame, or X-frame	6	6	6	6	8	8	6	6	6	6	6	6
Yard	4	4	4	4	4	4	3	3	3	3	4	4
Freestanding Banner	Not allowed	25	Not allowed	25	25	25	Not allowed	Not allowed	Not allowed	Not allowed	20	10
Wall Banner*	20	40	20	20	40	40	8	8	8	8	20	8
Teardrop (Height)	Not allowed	8'	Not allowed	8'	8'	8'	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
Window (includes permanent)	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area

* Total area of all wall signage per unit must not exceed a number equivalent to 30% of the linear frontage of the side of the building on which it is mounted. For the purpose of determining allowable wall signage on a building, unit shall mean any distinct tenant, use, or defined space within the building.

Section 11 Subdivision Standards

11.1 *Applicability*

All subdivision of land must conform to the standards of Section 11. Subdivisions shall include the division of a lot into two or more lots, boundary line adjustments, Planned Unit Developments, and Planned Residential Developments.

11.2 *Capacity of Community Facilities and Utilities*

The applicant must demonstrate that the proposed subdivision will not cause a disproportionate or unreasonable burden on the town's ability to provide community services, facilities, and utilities, including:

- (1) Local schools.
- (2) Police, fire protection and ambulance services.
- (3) Road infrastructure and maintenance.
- (4) Parks and recreation facilities.
- (5) Water supply, sewage disposal and stormwater systems and infrastructure.
- (6) Solid waste disposal services and facilities.

11.3 *Character of the Area or Settlement Pattern*

The applicant must demonstrate that the proposed subdivision will:

- (1) Be compatible with and enhance the character of the area.
- (2) Not contribute to a pattern of strip development.
- (3) Not substantially impair or diminish the use, value and enjoyment of other property in the area for the purposes already established.
- (4) Not impair or impede the lawful development of property within the area for the uses permitted in the applicable zoning district.

11.4 *Suitability of the Land*

11.4.1 No Adverse Impacts. The land to be subdivided must be suitable for use without endangering public health or safety, and adversely impacting the environment, neighboring properties or the character of the area.

11.4.2 Undevelopable Lands. Land subject to periodic flooding, poor drainage, inadequate capability to support development, or other hazardous conditions must not be subdivided unless the applicant can demonstrate that appropriate measures will be taken to overcome the physical limitations.

11.4.3 Soil Preservation. The applicant must:

- (1) Stockpile any topsoil removed during the course of construction on-site.
- (2) Redistribute stockpiled topsoil to provide even cover on all disturbed areas to be seeded or planted.
- (3) Make reasonable efforts to repair any soil compaction prior to seeding or planting by tilling, subsoiling, and plug aerating, or adding organic amendments.

- (4) Not remove any sand, gravel or other earth resources from the site for any purpose other than the minimum necessary and authorized to meet the construction needs of the subdivision.

11.5 Design and Configuration of Parcel Boundaries

11.5.1 Lot Arrangement. The applicant must design the subdivision:

- (1) To follow and extend the planned settlement pattern (including lot size, lot configuration, road layout and building location) as defined by the purpose and standards of the applicable zoning district to the maximum extent feasible given the site's topography and natural features.
- (2) To connect to and extend existing road, sidewalk, path, trail, utility, greenway, and open space corridors to the maximum extent feasible given the site's topography and natural features.
- (3) So that there will be no foreseeable difficulties in obtaining zoning permits to build on all lots not intended for conservation purposes in accordance with the standards of these regulations.
- (4) So that there will be no foreseeable difficulties in providing access to buildings on lots not intended for conservation purposes from an existing or planned road.
- (5) To avoid direct access from arterial streets or state highways. The Development Review Board may require shared access or other means to minimize new curb cuts along arterial streets or state highways.
- (6) To allow further subdivision on any remaining undivided land, lots with further subdivision potential, or adjoining undeveloped parcels in a manner that would result in a logical and coordinated development pattern.
- (7) So that there will be positive drainage away from building sites and a coordinated stormwater drainage pattern for the subdivision that does not concentrate stormwater drainage from each lot to adjacent lots.

11.5.2 Lot Dimensions. The applicant must design the subdivision:

- (1) So that all lots front on a road.
- (2) So that lot dimensions meet the minimum standards for the zoning district.
- (3) So that generally side lot lines are at right angles to straight roads or radial to curved roads with recognition that some variability may be desirable to respond to the site's topography and natural features.
- (4) So that generally rear lot lines are parallel to front lot lines with recognition that some variability may be desirable to respond to the site's topography and natural features.
- (5) To avoid flag and other irregularly shaped lots except when desirable to respond to the site's topography and natural features.
- (6) To minimize the number of lots with frontage on more than one road.
- (7) To minimize the number of lots with a rear lot line that abuts the side lot line of an adjacent lot.

11.5.3 Building Envelopes. The applicant must designate one or more building envelopes on each lot not intended for conservation purposes in accordance with the following:

- (1) Building envelopes identify and limit the area(s) of a lot where structures, parking and associated site development may be located. Access and utilities may be located outside a building envelope.
- (2) A building envelope must not include any land within zoning district setbacks.
- (3) A building envelope generally must not include any undevelopable land.
- (4) For lots 2 acres or less in size, the zoning district setback requirements may define the building envelope.

- (5) For lots more than 2 acres in size, a building envelope generally must be limited to not more than 1 acre if one principal building will be located on an individual lot or not more than 2 acres if multiple principal buildings will be located on a common lot. The Development Review Board may adjust these standards as deemed appropriate given the specific characteristics of the subject property and the proposed subdivision.
- (6) The Development Review Board may approve more than one building envelope per lot given the specific characteristics of the subject property and the proposed subdivision.

11.6 Design and Layout of Necessary Improvements

11.6.1 Roads. Applicants must design and construct all new roads within a subdivision in accordance with this subsection. A vehicular way that provides access to more than 3 lots or 6 dwelling units will be considered a road.

A. General. All new roads within a subdivision must be designed and constructed to:

- (1) Comply with the Vermont Agency of Transportation A-76 Standards for Town and Development Roads except as otherwise specified in Section 11.6.1.
- (2) Provide for a maximum 30 miles per hour speed, or less where site conditions require.
- (3) Safely accommodate all users, including anticipated vehicular, bicycle and pedestrian traffic.
- (4) Provide efficient access to property within the subdivision.
- (5) Minimize the generation of traffic congestion on existing roads.
- (6) Provide for attractive streetscapes.

B. Connectivity. Discontinuous road systems are inefficient and cause undue congestion. Accordingly, the following shall criteria shall be met:

- (1) New roads shall be integrated into the town's existing road network to the maximum extent feasible.
- (2) Cul-de-sac or dead-end roads are prohibited except under the following circumstances:
 - (a) As stubs to permit future expansion. The Development Review Board may require construction of street stubs or condition approval on the future extension of such roads when adjacent property is developed.
 - (b) Where topography or other physical conditions make construction of through roads impossible or undesirable.
 - (c) Where the development site abuts a limited access highway or a previously developed site where a through connection is not possible.

C. Access Points.

- (1) A subdivision with more than 20 lots must have at least two access points.
- (2) The Development Review Board may require a secondary or emergency access for smaller subdivisions or developments when deemed necessary to protect public safety.
- (3) The Development Review Board may allow a secondary access to be limited to emergency access.
- (4) Driveway access points shall be located and designed to intersect roads at or above street grade.

D. Width. Applicants must design new roads in accordance with the following unless otherwise approved by the Development Review Board to respond to site-specific physical conditions or anticipated traffic flows:

- (1) Provide for minimal width to calm traffic and minimize impervious surface.
- (2) For roads with a traffic volume of less than 100 trips per day on average, lane widths must be at least 7 feet and not more than 9 feet.
- (3) For roads with a traffic volume of 100 trips per day or more on average, lane widths must be at least 9 feet and not more than 10 feet with 2-foot shoulders on both sides.
- (4) For roads intended to accommodate on-street parking, a parking lane at least 7 feet and not more than 9 feet wide may be located on one or both sides of the road.

E. Drainage. New roads must be designed:

- (1) All roads must have a cross-slope of at least 1% and not more than 3%.
- (2) To divert run-off to vegetated areas.
- (3) Not to block the flow of drainage in existing ditches, swales or gutters.
- (4) Not to unreasonably contribute to an accumulation of stormwater that would exceed the capacity of downstream facilities or infrastructure.
- (5) With culverts where needed that are sized to convey anticipated peaks stormwater flows and that are not less than 18 inches in diameter.
- (6) With culverts that extend at least two feet beyond the edge of the road and that are installed to minimize erosion damage at the inlet and outlet.
- (7) To maintain or establish a buffer of natural woody vegetation between roads and surface waters at least 50 feet wide. The Development Review Board may waive or modify the buffer requirement to respond to site specific physical conditions.

F. Grade. New roads must:

- (1) Generally conform to the topography and be graded and laid out to conform as closely as possible to the pre-existing topography.
- (2) Must not exceed a maximum grade of 7% for gravel roads and 10% for paved roads as measured over any 100-foot section.
- (3) The Development Review Board may allow short segments to exceed the maximum grade to respond to the site's topography and natural features.

G. Street Lights. To help maintain the town's rural character and to preserve the night sky:

- (1) Streetlights shall only be employed as necessary to provide safety and security.
- (2) Accordingly, where they are deemed necessary, streetlights shall be employed at intersections, crosswalks and high-traffic areas.
- (3) Streetlights shall consist of LED lamps or fixtures of comparable or greater efficiency according to Section 9.5.

11.6.2 Sidewalks and Pathways. The applicant must integrate pedestrian and bicycle access into the design of the subdivision in accordance with the following:

- (1) Applicants must install sidewalks along new roads in the town core in accordance with Section 13-9 of the *Manchester Unified Ordinance*.
- (2) Outside of the core, the Development Review Board may require an applicant to install sidewalks within a proposed subdivision to connect to existing public sidewalk along a public street. Such sidewalks outside the core must also meet the standards of Section 13-9 of the *Manchester Unified Ordinance*.

- (3) Applicants must install pathways as necessary to provide pedestrian and bicycle access within the subdivision to common lands or facilities, parking areas or similar amenities, as well as between buildings.

11.6.3 Water and Wastewater Facilities. The applicant must design the subdivision to provide potable water and wastewater facilities in accordance with the following:

- (1) Any subdivision within a public water service area must be connected to the public system. The applicant must provide water service to each lot not intended for conservation purposes in accordance with applicable public works specifications.
- (2) Any subdivision within the Town of Manchester sewer service area must be connected to the public system. The applicant must provide sewer service to each lot not intended for conservation purposes in accordance with applicable public works specifications.
- (3) Any subdivision not served by public water and sewer must demonstrate compliance with the state's water supply and wastewater system rules.

11.6.4 Firefighting Facilities. The applicant must design the subdivision to provide water for fire protection in accordance with the following:

- (1) Within any subdivision that will be connected to the town's water system, the applicant must install fire hydrants in accordance with the town's public works specifications.
- (2) Within any subdivision that will not be connected to the town's water system, the Development Review Board may require the applicant to install a fire pond or make other appropriate provisions to facilitate firefighting.

11.6.5 Public and Private Utilities.

- (1) The applicant must design the subdivision to provide utility service to each lot not intended for conservation purposes.
- (2) Utilities must be located within road rights-of-way to the maximum extent feasible.
- (3) The applicant must provide the town with a maintenance and access easement for any utilities not located within a road right-of-way.

11.6.6 Landscaping. The applicant must design the subdivision to maximize the preservation of existing mature vegetation and provide additional landscaping as follows:

- (1) The landscaping plan shall include street trees along new roads in accordance with Section 9.4 of this ordinance.
- (2) The landscaping plan shall provide privacy for adjoining property owners.
- (3) The landscaping plan shall maintain or establish vegetated buffers along waterways and other natural areas (see Section 6.26 of the ordinance).

11.6.7 Stormwater Management. The applicant must design the subdivision with adequate drainage and stormwater infrastructure in accordance with Section 6.19 and the following:

- (1) Low impact development and green stormwater infrastructure techniques shall be employed.
- (2) Post-development peak discharge rates shall not exceed pre-development peak discharge rates.
- (3) The stormwater drainage system shall be separate and independent of any wastewater disposal system.

11.6.8 Monuments and Lot Corner Markers. The applicant must install:

- (1) Permanent right-of-way monuments at all road intersections and other critical points in street lines in accordance with all applicable state specifications, including Rules of the Board of Land Surveyors.
- (2) Lot corner markers at corners and angle points of all lots in accordance with all applicable state specifications, including the Rules of the Board of Land Surveyors.

11.6.10 Construction and Maintenance of Necessary Improvements. The applicant must:

- (1) Construct the necessary improvements in accordance with all conditions of approval and specifications before the Zoning Administrator may issue any zoning permits for further land development within the subdivision.
- (2) Maintain necessary improvements while lots within the subdivision are being sold and developed in accordance with all conditions of approval.
- (3) Demonstrate how the necessary improvements required under Section 11.6 will be maintained once lots have been sold or developed.
- (4) Establish an owners' association or similar legally enforceable mechanism to ensure continuing maintenance of private roads, shared infrastructure, or other common land or facilities within the subdivision. The Development Review Board may require the applicant to provide drafts of covenants, articles of incorporation, bylaws, maintenance agreements or other legal documents for review prior to final approval of the subdivision and to record such documents with the town along with the final plat.

Section 12 *Flood Hazard Regulations*

Section 12 of the ordinance, together with Section 5.3, shall be known and referred to herein as the flood hazard regulations.

12.1 *Administration*

12.1.1 *Application Submission Requirements*

Applications for land use or *development* within the regulated flood hazard area shall include a site plan that includes the following:

- (1) Depiction of the proposed land use or *development*;
- (2) All water bodies on the subject property;
- (3) Boundaries of special flood hazard areas, floodways, and river corridors on the subject property;
- (4) The shortest horizontal distance from the proposed land use or *development* to the top of bank of any stream;
- (5) Any existing and proposed drainage;
- (6) Any proposed fill, and pre and post *development* grades; and
- (7) The elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps.

Applications for land use or *development* within the regulated flood hazard area shall also include a Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all state and federal agencies from which permit approval is required for the proposal, and shall be submitted as a required attachment to the municipal permit application. All required state and federal permits, or letters indicating that such permits are not required, shall be submitted to the Zoning Administrator before work can begin.

12.1.2 *Referral*

Upon receipt of a complete application for substantial improvement or *new construction* within the regulated flood hazard area, the Zoning Administrator shall submit a copy of the application and supporting information to the National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources (ANR) in accordance with 24 VSA §4424. A permit may be issued only following receipt of comments from the ANR NFIP Coordinator, or the expiration of 30 days from the date the application was mailed to the ANR, whichever is sooner.

If the applicant is seeking a permit for the alteration or relocation of a watercourse, the Zoning Administrator shall provide copies of the application to the town clerk of any abutting municipality downstream from the proposed alteration or relocation, the ANR Stream Alteration Engineer, and the Army Corps of Engineers. The Zoning Administrator shall also provide a copy of the application for alteration or relocation of a watercourse to the ANR NFIP Coordinator. A permit may be issued only following receipt of comments from the ANR NFIP Coordinator, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner.

12.1.3 *Decision*

The Zoning Administrator and Development Review Board shall consider comments from the ANR NFIP Coordinator prior to deciding on an application for land use or *development* within the regulated flood hazard area. The Development Review Board may recess the proceedings on any application pending submission of additional information.

12.1.4 Records

The Zoning Administrator shall properly file and maintain a record of:

- (1) All permits and corresponding certificates of compliance issued for *development* in the regulated flood hazard area;
- (2) An elevation certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, substantially improved, or flood proofed buildings (not including accessory *structures*) in the Special Flood Hazard Area;
- (3) All flood proofing and other certifications required under this regulation; and
- (4) All decisions of the Development Review Board (including regarding variances and *violations*) and all supporting findings of fact, conclusions of law, decision and order with any conditions.

12.1.5 Enforcement and Penalties

These flood hazard area regulations shall be enforced under this ordinance in accordance with 24 VSA Chapter 117 §4451, §4452 and 24 VSA Chapter 59 §1974(a). The Zoning Administrator shall provide a copy of any notice of *violation* involving lands falling within the flood hazard areas to the ANR NFIP Coordinator.

If any appeals have been resolved, but a *violation* remains, the Zoning Administrator shall submit a declaration to the administrator of the National Flood Insurance Program requesting a denial of flood insurance to the violator. The declaration shall consist of:

- (1) The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
- (2) A clear and unequivocal declaration that the property is in *violation* of a cited state or local law, regulation, or ordinance;
- (3) A clear statement that the Zoning Administrator making the declaration has authority to do so and a citation of that authority;
- (4) Evidence that the property owner has been provided notice of the *violation* and the prospective denial of insurance; and
- (5) A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

To assure that agriculture minimizes adverse impacts on water quality, violations of required agricultural practices pursuant to 6 VSA §4810(a) shall be considered violations of these flood hazard regulations. Upon learning of such violations, the Zoning Administrator shall immediately report them to the Vermont Secretary of Agriculture, Food and Markets for enforcement.

12.2 Special Flood Hazard Areas

Development within the Special Flood Hazard Area (as defined in Section 13.20) shall meet the following standards based on type of *development* and the location of that *development* within the Special Flood Hazard Area:

- (1) All *development* within the Special Flood Hazard Area shall be:
 - (a) Reasonably safe from flooding;
 - (b) Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the *structure*;
 - (c) Constructed with materials resistant to flood damage;

- (d) Constructed by methods and practices that minimize flood damage;
 - (e) Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - (f) Adequately drained to reduce exposure to flood hazards;
 - (g) Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
 - (h) Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Area) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.
- (2) In Zones AE, AH, and A1 through A30 where base flood elevations or floodway limits have not been determined, *development* shall not be permitted unless it is demonstrated that the cumulative effect of the proposed *development*, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than one foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a licensed professional engineer.
- (3) New *structures* and *structures* to be substantially improved in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least one foot above base flood elevation, this must be documented, in as-built condition, with a FEMA Elevation Certificate;
- (4) New *structures* and *structures* to be substantially improved for non-residential use shall:
- (a) Meet the standards in Section 12.2(3); or,
 - (b) Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that up to two feet above the base flood elevation the *structure* is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. (A permit for flood proofing shall not be issued until a licensed professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.)
- (5) Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited;
- (6) Fully enclosed areas that are above grade, below the lowest floor, below BFE and subject to flooding, shall:
- (a) Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
 - (b) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a licensed professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (7) Recreational vehicles must be fully licensed and ready for highway use;
- (8) A small accessory *structure* of 500 square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the *structure* is placed on the

building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in Section 12.2(1).

- (9) Water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
- (10) Sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (11) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (12) The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability;
- (13) Bridges and culverts, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Vermont Agency of Natural Resources where applicable.
- (14) Subdivisions and Planned Unit Developments must be accessible by dry land access outside the special flood hazard area.
- (15) Existing buildings, including manufactured or mobile homes, to be substantially improved in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least as high as the depth number specified on the community's FIRM, or at least two feet if no depth number is specified.

12.3 Floodway Areas

Within designated floodway areas (as defined in Section 13.7), *development* shall conform to the following standards:

- (1) Encroachments or *development* above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a licensed professional engineer, certifying that the proposed *development* will:
 - (a) Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;
 - (b) Not increase any risk to surrounding properties, facilities, or *structures* from erosion or flooding.
- (2) Public utilities may be placed underground, and the analyses may be waived, where a licensed professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.

12.4 River Corridor Areas

Within designated river corridors (as defined in Section 13.19) *development* shall conform to the following standards:

- (1) Accessory *structures* may be located within 50 feet of the existing primary building provided that the location does not decrease the distance between the existing primary *structure* and the top of bank.
- (2) *Development* shall not increase the susceptibility of the subject property or other properties to fluvial erosion damage;
- (3) *Development* shall not increase the potential of materials being swept onto other lands or into the stream and causing damage to other properties from fluvial erosion;
- (4) *Development* shall not cause an undue burden on public services and facilities including roads, bridges, culverts, and emergency service providers during and after fluvial erosion events.

- (5) Bridge and culvert projects must have a stream alteration permit; and
- (6) Channel management activities must be authorized by the Vermont Agency of Natural Resources.

12.5 Flood Hazard Area Definitions

The definitions provided in Section 13 apply throughout this ordinance, including to the flood hazard regulations as put forth in Section 5.3 and Section 12. The definitions provided in Section 12.5 are specific to the flood hazard regulations and are indicated in italics in Section 5.3 and Section 12.

Development means any human-made change to improved or unimproved real estate, including but not limited to buildings or other *structures*, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Existing manufactured home park means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the initial floodplain management regulations adopted by a community.

New construction under the flood hazard regulations means *structures* for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by the community and includes any subsequent improvements to such *structures*.

Structure means, for regulatory purposes under this bylaw, a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.

Violation means the failure of a *structure* or other *development* to be fully compliant with these flood hazard regulations. A *structure* or other *development* without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided. Agriculture within flood hazard areas not conducted according to required agricultural practices shall constitute a violation of these flood hazard regulations.

Section 13 Definitions

Defined terms are indicated in **boldface** throughout the text of Section 13. Terms used with specific meaning under the flood hazard area regulations are indicated in ***bold italics*** and are separately defined within Section 12.5.

13.1 Rules of Construction, Intent and Usage

- (1) In the construction of these regulations, the following provisions and rules shall be applied, except when the context clearly requires otherwise:
 - (a) The "town" is the Town of Manchester, Vermont.
 - (b) Words used in the present tense shall include the future and words used in the future tense shall include the present.
 - (c) Words in the singular number shall include the plural and words in the plural number shall include the singular number.
 - (d) The words "shall" and "must" are mandatory and not optional or merely directory.
 - (e) The words "may" and "should" are permissive.
 - (f) The word "person" includes an individual, firm, association, corporation, partnership, trust, company or other organization, governmental body or agency, and any other legal entity.
 - (g) The word "**lot**" includes the words parcel, plot, tract of land, or piece of land.
 - (h) The words "used" or "occupied" include the words intended, designed or arranged to be used or occupied, employed for, constructed for, altered for, converted for, rented for, leased for, maintained for, utilized for, or occupied for.
 - (i) The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
 - (j) The terms "such as" and "for example" shall be considered as introducing typical or illustrative, rather than an entirely exclusive or inclusive designation of, permitted or prohibited uses, activities, conditions, establishments or **structures**.
 - (k) The word "built" includes "erected," "constructed," "reconstructed," "altered," "enlarged," or "moved."
 - (l) The word "premises" shall include land and **structures** thereon.
 - (m) The words "adjacent" and "next to" shall have the same meaning as "abut."
 - (n) The words "original" and "existing" mean the conditions existing on the effective date of these regulations.
 - (o) The word "land" includes the words "marsh," "**wetland**" and "water."
- (2) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
 - (a) "and" indicates that all the connected items, conditions, provisions, or events shall apply.
 - (b) "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (c) "either...or" indicates that the connected item, conditions, provisions, or events shall apply singly but not in combination.
- (3) References made to officials and official bodies shall mean officials and official bodies of the Town of Manchester, unless the natural construction of the wording indicates otherwise.
- (4) The words "regulation," "these regulations," "these land development regulations," "this ordinance," or "this **bylaw**" means the "Manchester Land Use and Development Ordinance" or provisions therein.

- (5) Any word or phrase which is defined in Section 12, or elsewhere in these regulations, shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.
- (6) Any word or phrase that is not defined in Section 12, or elsewhere in these regulations, shall have its plain and commonly accepted meaning.
- (7) Definitions contained in Title 24, Chapter 117, Vermont Statutes Annotated, shall be applicable throughout these regulations.

13.2 A

A-frame Sign: See **Sign, A-frame, T-frame or X-frame**.

Accessory Apartment: See **Accessory Dwelling Unit**.

Accessory Dwelling Unit (ADU): A dwelling unit that has facilities and provisions for independent living, including sleeping, food preparation, sanitation, and a separate entrance, and that is clearly subordinate to a single-unit dwelling on the same lot.

Accessory On-farm Business: Activity that is accessory to a **farm** operation involving either or the following:

- (1) The storage, preparation, processing, and sale of **qualifying products**, provided that more than 50 percent of the total annual sales are from **qualifying products** that are produced on the **farm** at which the business is located.
- (2) Educational, recreational, or social events that feature agricultural practices or qualifying products, or both. Such events may include tours of the farm, **farm stays**, tastings and meals featuring **qualifying products**, and classes or exhibits in the preparation, processing, or harvesting of **qualifying products**.

Accessory Structure: A **structure** that is: (1) detached from and clearly incidental and subordinate to the principal use of, or **structure** on, a **lot**, (2) located on the same **lot** as the principal **structure** or use, (3) clearly and customarily related to the principal **structure** or use, and (4) in compliance with the dimensional standards for accessory structures outlined in Section 4.15.3 and Figure 4-1.

Accessory Use: A use subordinate to and incidental to the principal use of a **building** or property.

Active Floor Area: That part of a **building** used for the conduct of business, defined as gross square footage, less storage spaces, airlock entries, stairways, bathrooms, attics and **basements** (unless used for the conduct of business as defined herein). Active floor area does include (but is not limited to) office space, kitchen space, areas where customers may browse or be served, interior and exterior display areas, dressing rooms, and areas where sales clerks or other customer service personnel serve the public.

Administrative Advisory Group: A group composed of the town manager, and representatives from the public works, police, fire, and planning and zoning departments that reviews development projects prior to the Development Review Board hearing.

Administrative Officer. See **Zoning Administrator**

Affordable Housing: Affordable housing shall include either of the following:

- (1) Housing that is owned by inhabitants whose gross annual household income does not exceed 80% 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, including principal, interest, taxes and insurance, is not more than 30% of the household's gross annual income; or
- (2) Housing that is rented by inhabitants whose gross annual household income does not exceed 65% 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, including rent, utilities, and **condominium** association fees, is not more than 30% of the household's gross annual income.

Affordable Housing Project: A housing **development** project in which at least 60% of the dwelling units shall be legally defined and protected as **affordable housing**.

Agriculture (Also **agricultural activities, practices or use**, see also **Farm, Farming**): For the purposes of this ordinance, agriculture shall mean:

- (1) The cultivation or other use of land for growing food, fiber, trees, or horticultural and orchard crops; or
- (2) The raising, feeding or management of livestock, poultry, equines, fish or bees; or
- (3) The operation of greenhouses; or
- (4) The production of maple syrup; or
- (5) The onsite storage, preparation and sale of agricultural products principally produced onsite; or
- (6) The onsite production of fuel or power from agricultural products or wastes produced onsite.

Agricultural Center: A facility serving as an example of farmstead activities that is open to the public and operated by a private non-profit entity.

Airport: A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft is regularly stored, maintained, or repaired while not in flight, and including an area that the aircraft may use to take off and land.

Airstrip: An area used for the takeoff and landing of fixed-wing or rotary-wing aircraft.

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

Antique: An object of art, piece of furniture, household accessory, hand tool, or other similar item of at least 50 years of age which represents the tastes and styles of an earlier period and the present cash value of which reflects the scarcity of similar such items.

Assistant Zoning Administrator: See **Zoning Administrator**.

Automatic Teller Machine (ATM), Exterior: An exterior **structure** with **sign** elements installed as part of an approved commercial **site plan** that allows automated **bank** transactions.

Automobile Body Shop: A type of **service business** dealing in the repair or restoration of non-mechanical elements of automobiles damaged in collisions or by deterioration over time.

Automobile Parts Store: A **retail** establishment selling automotive products.

Awning Sign: See **Sign, awning, canopy or marquee**.

13.3 B

Bank (Commercial/Retail): A financial institution licensed as a receiver of deposits and concerned with the managing of withdrawals and deposits for consumer savings and checking accounts, and supplying consumer loans. This includes credit unions.

Bank (Riverbank/Streambank): The land area immediately adjacent to the **stream** or **river** that is essential in maintaining the integrity thereof.

Banner Sign: See **Sign, banner**.

Barber Shop: A **personal service** establishment that provides hair cutting, beard and mustache trimming, and shaving services.

Base Flood: the **flood** having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the 100-year flood”).

Base Flood Elevation (BFE): The elevation of the water surface resulting from a **flood** that has a one percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet (above mean sea level), in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the **flood insurance study** report, or the average depth of the **base flood**, usually in feet, above the ground surface.

Basement: That portion of a **building** that is partly or completely below the average preconstruction level of the adjoining ground. A basement shall be considered as a story where the finished surface of the floor above the basement is: (1) More than four feet above the average pre-construction level of the adjoining ground, or (2) More than 12 feet above the preconstruction ground level at any point. See also **Cellar**.

Beauty Shop: see **Salon**.

Bed and Breakfast: A residential **structure** with ten or fewer rooms for rent, accommodating a maximum of 20 guests, for short-term overnight lodging by the day or by the week. The **structure** must be the primary residence of the owner or operator of the bed and breakfast. Employment shall not exceed three (3) full-time employees in addition to the owner. Meals may be provided to guests only. Bed and breakfasts are also known as **tourist homes**.

Bicycle Shop: A **retail** establishment for the sale, repair, or rental of bicycles, tricycles or unicycles.

Boarding House: A **building** in which rooms are rented to six or more persons to serve as the boarder's principal residence. Meals, housekeeping, or laundry services are commonly included in the rent. Also referred to as **Lodging House** or **Rooming House**.

Boundary Line Adjustment: The relocation of a common property boundary where an additional **lot** is not created and where an existing **lot** reduced in size by the adjustment complies with the dimensional requirements of this ordinance.

Brewpub: A **restaurant** that brews its own beer for sale on the premises.

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

Building: Any **structure** having a roof and intended for the housing or enclosure of persons, animals, or materials. Also any **structure** more than eight feet high; excluding an electric light, utility pole, highway or railroad bridge, or flagpole. A building also means a walled or roofed **structure**, including a gas or liquid storage tank that is principally above ground.

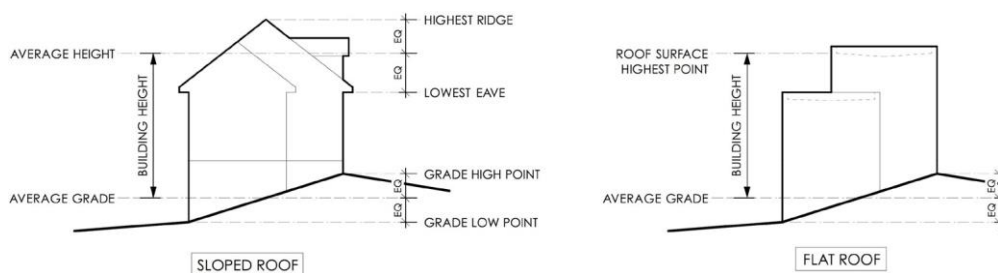
Building, Accessory: Any **building** that is subordinate to and use of which is incidental and accessory to the use of the principal **building** on the same **lot**, or an adjoining **lot** under the same ownership. An accessory building shall be one not attached to the principal **building** by any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

Building Coverage: The ground area enclosed by the walls of a **building**. Also, **building footprint**.

Building Envelope: Defined areas in which clearing for construction and **development** can occur.

Building Footprint: See **Building Coverage**.

Building Height: The vertical distance of a **building** or **structure** as measured from the average of the highest and lowest elevations of the finished grade at the foundation or base to the highest point of the roof surface for flat roofs, or to the average height between eaves and the highest ridge for other types of roofs. (See illustration below.)



Business: A legally-permitted occupant of land or premises engaged in commercial, industrial or professional activities. A business can be a for-profit entity, a non-profit organization, such as a charity, a not-for-profit organization, such as a **credit union**, or a social purpose business in which profits are invested into the community or to alleviate a social problem.

Business Services: Establishments primarily engaged in rendering services to **business** establishments on a fee or contract basis, such as advertising, building maintenance, management and consulting, equipment rental, and other similar services as approved by the **Development Review Board** or **Zoning Administrator**.

Bylaw: A provision of this ordinance, a regulation.

13.4 C

Café: See **Restaurant**.

Camp: A seasonal fixed **structure** used on a transient basis for recreational purposes; or a facility used for accommodating groups of people overnight on a temporary basis in a natural setting for recreation or instruction usually during the summer season. See **Primitive Camp** and **Summer Camp**.

Campground: A facility, area or place that is used for **camping**; a place where people can put up a tent or park a camper, or rent a cabin, and that often has toilets, sinks, and showers.

Camping: Overnight transient lodging within or under temporary or mobile **structures** such as tents, tarps, lean-tos, campers or **recreational vehicles**.

Cannabis: All parts of the Cannabis sativa L. plant including leaves, seeds, extracted resin, oil, or any derivative, preparation, or mixture thereof. **Cannabis** does not include hemp or hemp products as defined in 6 VSA §562, nor does it include mature stalks of the plant or fiber produced from the stalks, nor the sterilized seed of the plant, nor oil or cake made from the seed of the plant nor any derivative, preparation, or mixture thereof.

Cannabis, cultivation, indoor. An establishment licensed by the state Cannabis Control Board to grow **cannabis** plants within an enclosed structure using artificial lighting.

Cannabis, cultivation, outdoor. An establishment licensed by the state Cannabis Control Board to grow **cannabis** plants on an expanse of open or cleared ground or under a structure that maintains a sunlit environment for less than 180 days per year.

Cannabis, manufacturing. An establishment licensed by the state Cannabis Control Board to produce **cannabis** products, including but not limited to concentrated cannabis, edibles, ointments, tinctures, or vaporizer cartridges containing cannabis oil, and to sell such products to licensed cannabis retailers.

Cannabis, retail. An establishment licensed by the state Cannabis Control Board to sell **cannabis** products to adults 21 years of and older for off-site consumption.

Cannabis, testing. A laboratory licensed by the state Cannabis Control Board to provide testing of **cannabis** or **cannabis** products, including but not limited to cannabinoid and contaminant content testing.

Cannabis, wholesale. An establishment licensed by the state Cannabis Control Board to store, process, and sell **cannabis** and **cannabis** products to licensed cannabis retailers.

Cannabis, integrated establishment. An establishment licensed by the state Cannabis Control Board to engage in **cannabis** cultivation, wholesale, manufacture, testing, and retail activities.

Canopy: A **structure** the purpose of which is to shelter an activity performed outside of a building, such as over a building entrance, loading area, bus stop, or gas pumps.

Canopy Sign: See **Sign, awning, canopy or marquee**.

Cellar: A space partially or fully below ground level and with a floor-to-ceiling height of less than 6.5 feet. Cellars shall not be counted as a story in the computation of the intensity of land use **development** or of gross floor area. See also **Basement**.

Cemetery: Land used for the burial or interment of the remains of deceased people or pets and open to use by a community of people or the general public. Conversely, a family burying ground is one in which no lots are sold to the public and in which interments are restricted to a group of persons related to each other by blood or marriage.

Certificate of Compliance: A certificate issued by the **Zoning Administrator** confirming that a property conforms to municipal zoning approvals, permits, and applicable zoning regulations.

Change of use: The modification of a use of an existing **building** or **parcel** of land, or the replacement of a use of a **building** or land with another use or uses, or the addition of a use or uses to a **building** or land, or the cessation of a use or uses of a **building** or land.

Channel: An area that contains continuously or periodic flowing water that is confined by **banks** and a streambed.

Child Care: Developmentally appropriate care, protection, and supervision designed to ensure wholesome growth and educational experiences for children outside of their homes for periods of less than 24 hours per day in a **daycare** facility. See also **Daycare** and **Early Childhood Facility**.

Club: Building or use catering exclusively to the members of an organization and their guests for recreational purposes and not operated primarily for profit.

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

Commercial Core: All portions of the Town of Manchester falling within the DN, TC, and MU1 zoning districts.

Commercial Use: Nonresidential use of property for commerce or for the activity of buying and selling.

Common Plan of Development: The scheduled plan for refurbishing a **structure**. Such work might be planned unit by unit.

Community Center: A facility or portion thereof that provides recreational, educational or cultural activities for the residents of the community.

Community Garden: A private not for profit or public common area used for gardening by multiple individuals or groups.

Composting Facility: A facility used for the controlled biological decomposition of organic matter through active management to produce, use, or sell a stable humus-rich material. **Composting facility** shall not include the management of **sewage** or **septage** or materials derived from **sewage** or **septage**.

Conditional Use: Certain uses that may be allowed only by approval of the **Development Review Board** subject to affirmative conclusions under general and specific standards, as outlined in Section 3.3 of this ordinance.

Condominium: Privately owned units as defined in the condominium ownership act of the State of Vermont.

Convalescent Home: see **Nursing Home**.

Convenience Store: A **retail** store no larger than 3,000 gross square feet that is typically open for extended hours and that typically sells limited lines of groceries, household items, snacks and may include the sale of gasoline or other motor fuel, and is intended for the convenience of the surrounding neighborhood or passers-by.

Core: That portion of the Town of Manchester falling in the Downtown, Town Center, and Mixed Use 1 zoning districts or within 2,500 feet of the roundabout at the intersection of Main Street and Depot Street.

Credit Union: A type of not-for-profit **bank** that is owned by and operated for its consumer members.

Crematory: A building containing a properly installed, certified apparatus, typically a furnace, intended for use in the act of cremation (burning a cadaver to ashes). May be contained in a **funeral home**.

Critical Facilities: (see also **essential services**) include police stations, fire and rescue facilities, hospitals, shelters, **schools**, nursing homes, water supply and waste treatment facilities, and other **structures** the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station.

Customary Home Occupation (CHO): A business that is customary in residential areas practiced within a dwelling unit. A customary home occupation requires a zoning permit in conformance with Section 6.7 of this ordinance.

13.5 D

Daycare: A facility, operated as a business or service on a regular or continuous basis that provides **child care**. See also **Child Care** and **Early Childhood Facility**.

Demolition: The destruction and physical removal of any **structure** or portion of a **structure**.

Design Advisory Committee: A panel of Manchester citizens created pursuant to 24 VSA Chapter 117 § 4407(6) and appointed by the Selectboard to give guidance to the **Development Review Board** or **Zoning Administrator** in the areas of landscaping, architecture, engineering and other pertinent site and architectural design criteria as described in this ordinance.

Development: Development shall include the following: the division of a **parcel** into two or more **parcels** or a boundary line adjustment between parcels; the installation, construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any **building** or other **structure**; any mining, excavation, or **land fill**; or any **change of use** of any building or other **structure**, or land, or extension of use of land. Note that this definition of development applies throughout this ordinance. The definition of **development** in 12.5 additionally applies to Section 5.3 only.

Development Review Board: A **quasi-judicial** decision-making board created pursuant to 24 VSA Chapter 117 §4460 comprised of seven Manchester citizen volunteers appointed by the Selectboard to review and issue decisions on development proposals or to hear appeals to decisions of the **Zoning Administrator** pursuant to this ordinance. Appeals of decisions made by the Development Review Board are heard by the Vermont Superior Court Environmental Division.

Disc Golf Course: A standard 18- or nine-hole (or basket) course on natural turf, over which the game of disc (or Frisbee) golf is played.

Distillery, Craft: A light industrial beverage manufacturing facility for the production and packaging of spirit alcohol for distribution, **retail**, or wholesale, on or off premise, with a capacity of not more than 750,000 gallons per year.

Distribution Center: A facility where goods are received and stored for delivery to remote locations.

Dormitory: A building operated by a **school** that contains semiprivate or private rooms along with bathroom facilities for students. Kitchen and recreation facilities may also be included.

Dry Cleaning: The cleaning of fabrics with non-aqueous organic solvents, either petroleum solvents or synthetic solvents.

Dry Cleaning Plant: A facility where **dry cleaning** occurs. Operations using petroleum solvents are known as petroleum plants and historically pose significant fire hazards. Synthetic **dry cleaning** solvents presently in use include perchloroethylene and trichlorotrifluoroethane. Operations using these synthetic solvents are respectively called perc plants and fluorocarbon plants. Perc plants are falling out of favor due to the toxic nature of perchloroethylene.

Dry Cleaning Service: A type of **personal service business** that accepts and returns clothing or other textiles for **dry cleaning**. A dry cleaning service does not necessarily occur on the site of a **dry cleaning plant**.

Duplex: A single **structure** containing two separate dwelling units, regardless of the type of construction. For purposes of this ordinance a single-unit detached **structure** with an **accessory dwelling unit** shall not be considered a duplex.

Dwelling, One-unit (or Single- unit): A building designed for, or occupied, or customarily intended to be occupied solely as a residence by one household, except other uses that shall be considered single-unit uses of homes as defined throughout this ordinance.

Dwelling, Multiunit: A building containing separate residential units for three or more households.

Dwelling, Two-unit: A building designed for, or occupied, or customarily intended to be occupied as a residence by two households. See also **Duplex**.

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

13.6 E

Early Childhood Facility: Any place, operated as a business or service on a regular or continuous basis whether for compensation or not, which provides early care and education to children.

Easement: An acquired right of or upon the property of another for a specified purpose.

Eat-in Restaurant: See **Restaurant, Eat-in**.

Education Center: A facility offering educational activities or programming that is open to the public and operated by a private non-profit entity.

Essential Services: Services, whether rendered by government or private entities, the interruption of which would endanger the life, health or personal safety of the whole or part of the population. Essential services include full service groceries, pharmacies, government buildings, hospitals and multiunit residential buildings.

Establishment: A legally-permitted occupant of land or premises, (see also **business**).

Exterior Automatic Teller Machine: See **Automatic Teller Machine (ATM), Exterior**.

Exterior Vending Kiosk: See **Vending Kiosk, Exterior**.

Existing Small Lot: An existing small lot as referred to in Section 2.8 of this ordinance, is hereby further defined as a **lot** in separate and non-affiliated ownership from any adjoining **lot**, the owner of which therefore has no land available for enlarging the **lot** in order to conform with, or achieve closer conformance with the limitations of this **bylaw**. This definition is not intended to limit the provisions of 24 VSA §4412.

13.7 F

FAA: Federal Aviation Administration.

Fall Zone: The additional **setback**, equal to the height of the tower, required for wireless telecommunications towers.

Family: Any number of individuals related by blood, marriage, civil union, foster care, or adoption.

Family Child Care Home: A state licensed home-based **daycare** for up to 12 children in the residence of the licensee where the licensee is one of the primary caregivers.

Farm: Any tract of land used for dairying or for the raising of agricultural products, horticultural or agronomic products, forest or **silvicultural** products, livestock, poultry, or carrying out other practices associated with accepted **silvicultural practices** or required agricultural **practices**, and which may include **accessory structures** for the sale of such products from the premises where produced, and which may include **farm structures**.

Farm Café: A **restaurant** with indoor seating for no more than 40 people, and no more than 1,000 square feet of outdoor seating that meets the following criteria: (1) is subordinate to the commercial **agricultural use** that is the primary use of the land on which the café is located; (2) uses products produced on the **farm** (3) is located on a **farm** of at least 10 total acres; and (4) is located in proximity to the **farm** operation, and is on a **parcel** used for the **farm** operation.

Farm Stand: A temporary or seasonally used **structure** for the display and sale of locally grown agricultural products. May also include the accessory sales of other unprocessed foodstuffs, homemade crafts, and home processed food products (e.g., jams, jellies, pickles, sauces, baked goods).

Farm Stay: A paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm that feature agricultural practices or qualifying products, or both.

Farm Structure: A **building**, enclosure, or **fence** for housing livestock, raising horticultural or agronomic plants, or carrying out other practices subject to the required agricultural practices rules, including a silo, but excluding a dwelling for human habitation.

Farmers Market: An event occurring in a pre-designated site for selling or offering for sale at **retail** of locally-grown vegetables or produce, where there is a collection of individual vendors who have raised the vegetables or produce or have taken the same on consignment for **retail** sale. Also includes the incidental sale at **retail** of artisan-produced handicrafts, artwork, and baked goods.

Farming: The use of land or **structures** for **agriculture**.

FCC: Federal Communications Commission.

FEMA: Federal Emergency Management Agency.

Fence: Any material or combination of materials erected to enclose, screen, separate, or demarcate areas of land. Fences may be of an open (e.g., picket), semi-open, or closed (e.g., brick or stone) style. Closed **fences** may also be known as **walls**.

Fitness Center: An establishment with equipment and facilities for exercising and maintaining or improving physical fitness.

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

FIRM: see **Flood Insurance Rate Map**.

Flood: **Flood** can mean either of two possibilities:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (2) The collapse or subsidence of land along the shore of a **lake** or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

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

Flood Insurance Study: An examination, evaluation and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or **flood** related erosion hazards.

Floodplain: Any land area susceptible to being inundated by water from any source (see **flood**). Also referred to as flood-prone area.

Flood Proofing: Any combination of structural and non-structural additions, changes, or adjustments to **structures** which reduce or eliminate **flood** damage to real estate or improved real property, water and sanitary facilities, **structures** and their contents.

Floodway, regulatory in the Town of Manchester: The channel of a **river** or other watercourse and the adjacent land areas that must be reserved in order to discharge the **base flood** without cumulatively increasing the water surface elevation more than one foot at any point.

Fluvial Erosion: Erosion caused by **streams** and **rivers**. Fluvial erosion can be catastrophic when a **flood** event causes a rapid adjustment of the **stream** channel size and/or location.

Food Processing Operation: **Industry** that uses food as a raw material and changes it in some way to make a food product.

Food Processing Operation, Light: Food processing that does not cause noxious fumes, smoke, or offensive levels of noise or odor, and which has few, if any, impacts related to the manufacturing process itself or affiliated aspects of the process such as large or frequent truck deliveries. Includes small commercial kitchen and small bakery or confectioner,

Food Processing Operation, Heavy: Food processing that causes significant noise, noxious fumes, smoke, dust, significant amounts of waste products, or heavy truck traffic that are incompatible with various other land uses.

Footcandle: A unit of measure for illuminance. A unit of illuminance on a surface that is within a one foot radius from a uniform point source of light of one candlepower and equal to one lumen per square foot.

Forestry: The science and craft of creating, managing, using, conserving, and repairing forests, forest ecosystems, or forest products such as timber. See **Silviculture** and also see **Forestry Operations**.

Forestry Operations: Woodlot and off-woodlot processing of trees and logs, and the manufacture, assembly, drying, storage, sale and distribution of forest products such as maple syrup, lumber, pulpwood, mulch, veneer, bolt wood, stud wood, poles, pilings, wood chips, fire wood, fuel wood, wood pellets, biomass, Christmas trees, wreaths, bough material and cones.

Freestanding Sign: See **Sign, freestanding**.

Frontage: A width of a **lot** along its front bordering on and parallel to a private road or **public right-of-way**.

Funeral Home: An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funeral services (also referred to as funeral parlor or mortuary).

13.8 G

Gas Station: A **retail** establishment at which gasoline powered motor vehicles are refueled.

Golf Course: A standard 18- or nine-hole course on natural turf, over which the game of golf is played.

Greenspace: That portion of a **lot** which does not include **buildings, structures**, driveways, parking facilities or other paved areas and which is vegetated and landscaped. The word greenbelt shall be synonymous with the term green space. Pedestrian paths or walkways, and normal, approved provision for vehicular ingress/egress from a public highway, may be allowed in green space areas. Pedestrian walkways, and outdoor furniture areas designed as part of the landscaping and not serving a direct commercial purpose, shall be counted in calculations of required greenspace area.

Grocery Store: A **retail** establishment that primarily sells food, including fresh, packaged, and prepared food, as well as household goods.

Gross Square Footage: The total square footage of a **building** or of a use within a **building** housing multiple tenants, including storage spaces, airlock entries, stairways, bathrooms, hallways, and other spaces within the **building**, as measured from the outside wall faces. Gross square footage does not include **basements** nor attic space, unless such space is used as storage or other active support (except furnaces, etc.) for the subject use.

Group Home: A place providing room, board and personal care to three or more residents unrelated to the homeowner or caregiver. Group homes are also referred to as residential care homes and must be licensed by the Vermont Department of Aging and Disabilities.

Group Service: A service which is customarily performed or provided for a number of persons at the same time or which customarily involves the participation or presence of a number of persons (as opposed, for example, to the customary services provided or performed on an individual basis by a doctor or repair person).

13.9 H

Hazardous Material: Any substance or combination of substances which, because of quantity, concentration, or physical, chemical, or infectious characteristics, pose a present or potential hazard to ground or surface water or human health if disposed into or on any land or water in the Town of Manchester.

Health Club: See **Fitness Center**.

Heavy Industry: See **Industry, Heavy**.

Historic Center: A facility that operated by a private non-profit entity that serves to present **historic structures** or programming to the general public.

Historic District: One of four districts as outlined and delineated in the Manchester Town Plan that includes a distinct arrangement of architectural styles reflective of important periods in the town's historical development.

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

Hotel: A **building** or part of a **building** in which (a) living or sleeping accommodations are used primarily for transient occupancy on a daily basis, (b) one or more common entrances serve all such living or sleeping units, and (c) 24-hour desk service is provided, in addition to one or more of the following services: housekeeping, telephone, bellhop service, or laundry or **dry cleaning service**. Allowable **accessory uses** are **restaurants** or other public dining facilities, bars or lounges, public banquet halls, ballrooms, meeting rooms, swimming pools, and spa and fitness centers.

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

13.10 I

Industry: The processing of raw materials and the manufacture of marketable goods.

Industry, Light: **Industry** of an inoffensive nature that does not cause noxious fumes, smoke, dust, or offensive levels of noise, and which has few, if any, impacts related to the manufacturing process itself or affiliated aspects of the process such as large or frequent truck deliveries.

Industry, Heavy: **Industry** that causes significant noise, noxious fumes, smoke, dust, significant amounts of waste products, heavy truck traffic or other impacts that are incompatible with various other land uses.

Inn: An owner-occupied **building** or group of **buildings** used to provide overnight accommodations, and one or more meals, to guests for short periods of stay (*e.g.*, tourists). Inns may incorporate the primary **structure** on the **lot** as well as **accessory structures**, but shall not exceed 25 guest rooms.

Interested Person: An interested person is either (1) a person having status to appeal a decision of the **Zoning Administrator** as defined in 24 VSA §4465(b) or (2) a person who has participated in a municipal regulatory proceeding who may appeal a decision rendered in that proceeding by an appropriate municipal panel to the environmental court pursuant to 24 VSA §4471. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.

13.11 J

Junk Yard: See **Salvage Yard**.

13.12 K

Kennel: An establishment housing or maintaining 5 or more domestic animals over the age of 6 months.

Kiosk: A small **structure** used for providing information or displaying advertisements, often incorporating an interactive display screen or screens.

13.13 L

Lake: A body of water that exists in a declivity that is the result of glaciation or created by dam, dike, barrier or other artificial impoundment, or resulting from excavation, which retains water year-round. See also **Pond**.

Land Development: See **Development**.

Land Fill: The act of depositing materials on a site to change the grade.

Laundromat: An establishment equipped with washing machines and dryers for self-service use by the general public.

Letter of Map Amendment (LOMA): A letter issued by the Federal Emergency Management Agency officially removing a **structure** or **lot** from the flood hazard zone based on information provided by a licensed engineer or surveyor. This is used where **structures** or **lots** are located above the **base flood elevation** and have been inadvertently included in the mapped **special flood hazard area**.

Library: A facility that maintains collections of books and other written, printed or recorded materials for public use, provides for the public use of computer and other technology to facilitate access to information, and functions as a community gathering place for the exchange of information and ideas.

Light Industry: See **Industry, Light**.

Lodging House: See **Boarding House**.

Logging: The work or business of felling and trimming trees and transporting logs.

Lot: A plot or parcel of land under singular ownership occupied or may become occupied by one principal **building** and the accessory **buildings** or uses customarily incidental to it, including such open spaces as required by this ordinance. In the case of multiple dwellings and public, institutional, commercial, industrial, or agricultural **buildings**, a group of **buildings** on the same or contiguous premises, all under the same ownership, may be considered as occupying the same lot. For purposes of this ordinance, the term does not include any portion of a dedicated **right-of-way**.

Lot Coverage: The area of a **lot** (expressed as a percentage of total lot area) that is covered by developed features, including **structures, buildings, accessory structures**, parking areas, loading areas, service areas, swimming pools, paved recreational courts, sidewalks, pathways, driveways, roads, storage areas for personal property, exterior display areas for merchandise. Areas covered by permeable pavement and decks and boardwalks may be counted at 50% if installed over a reservoir layer to treat and retain stormwater infiltration. **Lot coverage** includes that portion of a lot that is not covered with woody or herbaceous plantings or mulch materials.

Lot Line Adjustment: See **Boundary Line Adjustment**.

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

Lumberyard: A facility where **building** materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other **building** products are stored and sold. Lumberyards may also process lumber performing millwork, planning, cutting, and other customizing processes. Lumberyards may provide for the sale of associated products including tools and fasteners.

Lumen: A unit of measure of the quantity of light that falls on an area of one square foot every point of which is one foot from the source of one candela. A light source of one candela emits a total of 12.57 lumens.

Luminaire: A complete lighting system, including all necessary mechanical, electrical, and decorative parts.

13.14 M

Manufactured home: a **structure**, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a **permanent foundation** when attached to the required utilities. The term manufactured home does not include a **recreational vehicle**. (See also **Mobile Home**)

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

Marquee Sign: See **Sign, awning, canopy or marquee**.

Microbrewery: A light industrial beverage manufacturing facility for the production and packaging of beer or similar fermented malt beverages containing not less than one percent nor more than eight percent of alcohol by volume at 60 degrees Fahrenheit (if such a beverage has an alcohol content of more than six percent and not more than eight percent and has a terminal specific gravity of less than 1.009, it shall be deemed a spirit and not a malt beverage), for distribution, **retail**, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year.

Mixed Use: A **structure** or **development** that is occupied by a nonresidential use and a residential use, or by a mix of **non-residential uses** such as office, manufacturing, **retail**, public, or entertainment uses.

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

Mobile Home Park (or Manufactured Home Park): Any **parcel** or contiguous **lots** of land under common ownership or control on which are sited, or which is designed, laid out or adapted to accommodate, more than two manufactured or mobile homes. A **parcel** or contiguous **lots** owned by agricultural employers providing up to four mobile homes for use by employees, and a **parcel** or contiguous **lots** used solely on a seasonal basis for vacation or recreational mobile homes shall not be considered a mobile home park.

Monument Sign: See **Sign, monument**.

Motel: A facility designed or used primarily to provide transient lodging accommodations for automobile travelers in which each sleeping room customarily has an exterior entrance next to a parking space.

Museum: an institution devoted to the procurement, care, study, and display of objects of lasting interest or value, or a place where objects are exhibited for public viewing.

13.15 N

National Flood Insurance Program (NFIP): A program created by the Congress of the United States through the National Flood Insurance Act of 1968. The program enables property owners in participating municipalities to purchase insurance protection from the government against losses from flooding. Participation in the NFIP is based on an agreement between a municipality and the federal government whereby if the municipality adopts and enforces a **floodplain** management ordinance to reduce future **flood** risks in **Special Flood Hazard Areas (SFHA)**, the federal government will make flood insurance available within the community as a financial protection against **flood** losses.

Nature Center: A facility operated by a private non-profit entity that serves to offer educational and recreational programming concerning the natural environment to the general public.

Net Zero Density Bonus: A residential density bonus that may be awarded by the **Development Review Board** to a **Planned Residential Development** that results in residential **structures** meeting the **net zero energy building** definition.

Net Zero Energy Building (NZEB): A building or group of buildings designed and operated to produce an amount of energy from renewable sources on site equal to the amount of energy the building or group of buildings consumes annually.

NFIP Coordinator: The individual employed within the Vermont Agency of Natural Resources, Department of Environmental Conservation responsible for state-level review, permitting, records maintenance, and dissemination of information concerning the **National Flood Insurance Program** for Southwestern Vermont, including the Town of Manchester.

Nonconforming Lot or Parcel: a **lot** or **parcel** that does not conform to the present **bylaws** covering dimensional requirements, but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present **bylaws**, including a **lot** or **parcel** improperly authorized as a result of error by the **Zoning Administrator** or **Development Review Board**.

Nonconforming Structure: a **structure** or part of a **structure** that does not conform to the present **bylaws** but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present **bylaws**, including a **structure** improperly authorized as a result of error by the **Zoning Administrator** or **Development Review Board**. **Structures** that were in violation of the flood hazard regulations at the time of their creation, and remain so, remain **violations** and are not nonconforming structures.

Nonconforming Use: the use of land or of a **structure** that does not conform to the present **bylaws** but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present **bylaws**, including a use improperly authorized as a result of error by the **Zoning Administrator** or **Development Review Board**.

Nonconformity: a nonconforming use, structure, lot, or parcel.

Non-residential Use: Use of a **structure** or land that is not residential in nature including, but not limited to, agricultural, commercial, educational, governmental, health care, industrial, recreational, religious, silvicultural, or social services use.

Nursing Home: A facility in which highly skilled nursing and residential care is provided to people with chronic physical or mental impairments.

Nursery: An establishment in which plants are propagated and grown to usable size and sold to consumers or landscape contractors.

13.16 O

13.17 P

Parcel: See **Lot**.

Park: Any land owned by the public or open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

Parking, Tandem: The parking of up to two cars, one behind the other.

Parking, Underground: Parking spaces within a covered **structure** where either 50% of the volume of the parking space is below the finished surface of the ground adjacent to the exterior walls of the **building**, or the floor of the parking space is four feet below the finished surface of the ground adjacent to the exterior walls of the **building**, whichever is greater.

Parking Garage: A **structure** built to accommodate the parking of vehicles.

Parking Lot: An area with space to accommodate the parking of more than two vehicles on a commercial, industrial, or institutional **lot**.

Performing Arts Center: An establishment primarily used for arts performances which may include permanent seating.

Performing Arts Studio: An establishment primarily used for acting, music, dance classes, rehearsal, or other instruction in the performing arts. Such an establishment has no permanent seating for performances.

Permanent Foundation: A foundation of poured concrete footings, or slab.

Permanent Sign: See **Sign, permanent**.

Permanent Structure: See **Structure, permanent**.

Person: an individual, partnership, corporation, association, unincorporated organization, trust or any other legal or commercial entity, including a joint venture or affiliated ownership. The word person also means a municipality or state agency.

Personal Service: An establishment primarily engaged in providing services involving the care of persons or their personal goods, such as a laundry cleaning and pressing service, **barber shop**, **beauty shop**, hair and nail **salon**, shoe repair shop, **seamstress shop** or **tailor shop**.

Pharmacy. A **retail** establishment that sells prescription and over-the-counter medication and personal care products. Pharmacies may sell additional **retail** products such as food, beverages, office supplies, greeting cards, gifts and other goods.

Place of Worship: A church, mosque, synagogue, temple, convent, monastery, parish house, or other religious gathering place.

Planned Residential Development (PRD): A type of **Planned Unit Development** consisting of residential **lots** or uses.

Planned Unit Development (PUD): **Development** of a site in which **buildings** or **lots** may not conform to the dimensional standards of the underlying zoning district in exchange for provision of a public good such as open space protection, affordable housing, recreational amenities, or others. A **PUD** allows for creativity in site design not possible with conventional subdivision and land **development** practices. A **PUD** may have a mix of residential and nonresidential land uses. In exchange for design flexibility, developers are better able to provide amenities and infrastructure improvements, and to accommodate environmental and scenic attributes of the site.

Planning Commission: The **Planning Commission** is comprised of five citizen volunteers appointed by the Selectboard and created under the authority enabled under 24 VSA Chapter 117 §4325. This commission has the responsibility of developing overall land use and **development** policy for the Town of Manchester. This involves the development of land use plans and land use regulations. Adoption of any plans, policies, and regulations developed by the Planning Commission occurs by vote of the Selectboard. Since the creation of the **Development Review Board** in 2003, the Planning Commission has no direct regulatory authority and does not review **development** proposals.

Plat: The final map, drawing, or chart, prepared by a licensed surveyor, indicating the manner in which property is to be subdivided, or in which a **lot** line is to be adjusted, or in which **lots** are shown as merged.

Pond: A relatively small body of water that exists in a declivity that is the result of glaciation or created by dam, dike, barrier or other artificial impoundment, or resulting from excavation, which retains water year-round. See also **Lake**.

Premises: The piece of land or real estate, **lot**, **building**, or set of related **buildings** comprising the location of one or more businesses or other ventures.

Primitive Camp: A seasonal dwelling primarily used for recreational or hunting purposes, excluding recreational vehicles and tent-trailers. A primitive camp shall not contain sanitation facilities or other structures or facilities that connect to off-premises services or conveniences. Primitive camps shall not be occupied for more than 21 consecutive days nor for more than 120 days during a single calendar year.

Professional Building: A **building** partially or primarily used for offices in which **professional services** or **personal services** are offered or performed. Also included are administrative offices for **schools** or other public or non-profit organizations. **Businesses** which are essentially **retail** operations, such as catalog sales, or tile shops, or carpet shops where the service performed is essentially the showing of sample merchandise for sale, are not included under this definition. The sale of tangible property, wholesale or **retail**, is prohibited, except the clearly incidental sale of property accessory to the service rendered. For example: an optometrist may sell eyeglass frames as an adjunct to the primary service of prescribing and fitting corrective lenses, or a hair stylist may sell shampoo as an adjunct to the primary service of hairstyling.

Professional Office: A premises used as an office space for a **professional service**.

Professional Services: Such services include, but are not limited to: doctor, dentist, lawyer, accountant, architect, therapist, realtor, photographer, or other professions where service is provided to clients primarily on an individual basis.

Projecting Sign: See **Sign, projecting**.

Public Right-of-Way: A type of easement granted or reserved over land for (1) public transportation purposes, such as for a highway, railroad, canal, or recreation path, or (2) for public infrastructure such as for electrical transmission lines, or oil and gas pipelines. See also **Street**.

Public Sewer: A sewer system owned or operated by a municipality or other governmental unit.

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

13.18 Q

Qualifying Product: For the purposes of determining an accessory on-farm business activity, a qualifying product is a product that is:

- (1) An agricultural, horticultural, viticultural, or dairy commodity, or maple syrup;
- (2) Livestock or cultured fish or a product thereof;
- (3) A product of poultry, bees, an orchard, or fiber crops;
- (4) A commodity otherwise grown or raised on a farm; or

- (5) A product manufactured on one or more farms from commodities wholly grown or raised on one or more farms.

Quasi-judicial: Having a partly but essentially judicial character by possession of the right to hold hearings on and conduct investigations into items dealing with rules and regulations and to make decisions in the general manner of courts.

13.19 R

Recreation Facility: A structure or site designed and equipped for the conduct of active and passive sports, participatory athletic activities, leisure time activities, and other customary and usual recreational activities. Excluded are facilities intended for spectator activities such as stadiums and arenas.

Recreation Facility, Indoor: A **recreation facility** wholly within an enclosed **building**. Indoor recreation facilities may have **accessory uses** or **structures** such as snack bars, locker rooms, and pro shops that are designed and intended for use by the patrons of the primary use. Examples include but are not limited to: public or private **health clubs**, enclosed racquet courts, indoor swimming pools, YMCAs and YWCAs, **fitness centers**, indoor play areas, training studios for group recreation activities such as martial arts, gymnastics, and dance, **bowling alleys**, shooting ranges, roller rinks, rock climbing walls, and other similar uses.

Recreation Facility, Outdoor: A **recreation facility** wholly or partially outside of any **building** or **structure**. Fields, wooded areas, bodies of water, or other lands may be used for outdoor recreational purposes in this way. Outdoor recreation facilities may include **structures** such as swimming pools, tennis courts, skating rinks, playground equipment, and **accessory structures**. **Accessory uses** such as snack bars, pro shops, locker rooms, and equipment rental may also occur. Examples of outdoor recreation facilities include but are not limited to: public and private **golf courses**, swimming pools, tennis courts, ball fields, ball courts, driving ranges, miniature golf courses, skateboard parks, trail systems, and other similar unenclosed recreation facilities.

Recreation Path: A public path, any portion thereof, either existing or planned, that is used or intended to be used by the general public for recreation.

Recreational Vehicle (RV): A vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, **camping**, travel, or seasonal use. See also: **Camping Unit**.

Regulatory Floodway: See **Floodway**.

Renovation: Any exterior structural change, rearrangement, change of location, or addition to a **building**, **structure**, or **sign**, other than repairs to **building** equipment and general maintenance. Any interior alteration when new **conditional use**, or expansion of usable floor area of a permitted use, is involved.

Required Agriculture Practices (RAP): Those practices as maintained by the Secretary of Agriculture, Food and Markets to ensure that agricultural practices on farms avoid adverse impacts to water quality.

Residential Zoning District: a zoning district in which the primary permitted land use is residential, which includes the R10, R4, R1, and RR zoning districts.

Restaurant: Any food service establishment subject to Vermont Health Regulations where food and beverages are prepared and served for consumption; and where the service of alcoholic beverages is

incidental to the consumption of food (less than 50% of the gross sales receipts from the business). (Also see **Café, Restaurant, Eat-In** and **Restaurant, Take-Out**)

Restaurant, Eat-in: A **restaurant** that prepares and serves food or beverages primarily to seated patrons for immediate consumption on the premises. It may prepare and package food and beverages for consumption off premises (take-out) provided the area devoted to patron seating (exclusive of any outdoor dining area) is not less than 40% of the gross floor area of the **restaurant** (exclusive of any outdoor dining area). Any **restaurant** with drive-through or drive-in service will be considered a **take-out restaurant** under this ordinance.

Restaurant, Take-Out: A **restaurant** with no or limited seating that prepares and serves food and beverages primarily for consumption off the premises. Any **restaurant** with drive-through or drive-in service will be considered a **take-out restaurant** under this ordinance. This definition includes a retail **bakery** that sells 40% or more of its products on the premises.

Retail: A **building**, property, or activity where the principle use or purpose is the sale of goods, products, wares, or merchandise directly to the consumer.

Right-of-Way: A legal right of passage over another's ground or property. See also **Street** and **Public Right-of-Way**.

River: Any continually flowing body of water or a section, portion, or tributary thereof, including rivers, **streams**, creeks, runs, kills, and rills.

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

Rooming House: see **Boarding House**.

13.20 S

Salon: A **personal service** establishment where hair styling or other cosmetic treatments are performed.

Sawmill: A facility that processes logs for the manufacture of lumber, veneer, plywood, stud wood, poles, pilings, and wood chips.

Salvage Yard: Any place of outdoor storage or deposit for storing, keeping, processing, buying, or selling junk or as a scrap metal processing facility. Salvage yard also means any outdoor area used for operation of an automobile graveyard. It does not mean a garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspection or repairs.

School: The academic and extracurricular space for an institution for the teaching of children or adults in the following categories:

- (1) Primary: An elementary school, offering instruction inclusive of grades kindergarten through eight (K-8).
- (2) Secondary: A high school or vocational center for instruction after primary school, granting a diploma for levels of education inclusive of grades nine through twelve (9-12).
- (3) Post-Secondary: A school offering instruction after secondary school, including colleges, community colleges, universities, or continuing education institutions.

- (4) Trade or Professional: A school that offers instruction in skilled trades.
- (5) Preschool: A school providing educational services for children from three years of age until admission to primary school and that may include kindergarten (Pre-K and K).

Sculptural Sign: See **Sign, sculptural**.

Seamstress Shop: An establishment for the repair, alteration, or custom making of clothes, curtains, or other items constructed of fabrics. See also **Tailor Shop**.

Seasonal Camp: See **Camp**.

Self-Storage Facility: A **building** or **buildings** containing separate, individual and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Septage: The contents of septic tanks, including the liquids, solids (sludge), fats, oils and grease (scum) that accumulate in septic tanks over time. Partially treated sludge stored in a septic tank. Septage is a by-product from the pretreatment of **wastewater** in a septic tank where it accumulates over time.

Septic System: An underground **wastewater** treatment system.

Service Business: A **business** for which the primary source of income is derived from repairs and maintenance of machinery, equipment, and household furnishings and appliances.

Service Station: An establishment that repairs automobiles, trucks, motorcycles or other vehicles.

Setback: The distance between a **building** or **structure** and any **lot** line, measured from the furthest projection of that **building** or **structure** on each side. Setbacks are also referred to as the **yard** or open space required between a **building** or **structure** and the front, side, and rear property lines.

Sewage: Water-carried waste that is intended to be removed from a community. Also known as **wastewater**, it is mostly water and is characterized by volume or rate of flow, physical condition, chemical and toxic constituents, and its bacteriologic status (which organisms it contains and in what quantities). It consists mostly of greywater (from sinks, tubs, showers, dishwashers, and clothes washers), blackwater (the water used to flush toilets, combined with the human waste that it flushes away); soaps and detergents; and toilet paper.

Sewer: A conduit, usually underground, for carrying waste matter and used water from sinks and toilets away from a building to a treatment facility.

Shoreline: A line that constitutes the **top of bank** of a watercourse or other body of water.

Sign: Any **structure**, display, device, or representation, including its component parts, designed or used to advertise, call attention to, or direct a person to a business, association, profession, institution, service, entertainment, person, place, product, thing, or activity of any kind, and is intelligible from any town or state maintained traveled way.

Sign, A-frame, T-frame, or X-frame: A **temporary sign** of A-frame, T-frame, or X-frame composition that may be placed securely on the ground.

Sign, awning, canopy or marquee: A **sign** affixed to a **structure** such as an awning, **canopy**, or marquee that is projecting from and supported by a **building** and extending beyond the **building** wall.

Sign, banner: A **temporary sign** printed on a non-rigid surface that may be mounted in the ground on a frame or poles, or may be affixed to a wall.

Sign, freestanding: A **sign** supported by one or more poles, columns, or supports placed in or on the ground and not attached to any **building** or **structure**.

Sign, monument: A **freestanding sign** that is mounted low to the ground on a base that extends the full width of the **sign**.

Sign, permanent: Any **sign** erected or displayed consistently for the duration of any permitted use on premises or any **sign** the display of which exceeds the specific time limits prescribed for different types of **temporary signs** in Section 10 of this ordinance.

Sign, projecting: A **sign** attached to and projecting away from the face of a **building** or **structure**. Also referred to as a blade sign.

Sign, sculptural: A nonplanar **sign** that may be freestanding or mounted on the wall of a **building**.

Sign, soffit: A **sign** hung from and within an overhang, which is attached to a **building** or **structure** and covers a walkway serving that **building** or **structure**. Also referred to as a hanging sign.

Sign, teardrop: A type of **banner sign** that is stretched tight by the spring tension of a pole that can be anchored into the ground.

Sign, temporary: A portable **sign** displayed for a temporary period of time as allowed by provisions of Section 10 of this ordinance.

Sign, wall: A **sign** attached to and mounted parallel to the face of a **building** or **wall**.

Sign, window: A **sign** affixed to a window or glass door, or a **sign** placed within a **building** so as to be plainly visible and legible through a window or door. Interior displays of merchandise or seasonal decorations visible through a window shall not be considered window signs.

Sign, yard: A **temporary sign** affixed to a pole or frame that can be inserted into the ground.

Silviculture (also **silvicultural activities, practices** or **use**, see also **Forestry**): The practice of controlling the establishment, growth, composition, health, and quality of forests to meet diverse needs and values.

Site Plan: A scaled map of a **lot** or site that indicates all significant features including, but not limited to, site improvements, **structures**, boundaries, parking, drives, walkways, and landscaping, in accordance with Section 2.10 of this ordinance.

Small Home Child Care: A state registered small home-based **daycare** serving six or fewer children.

Soffit Sign: See **Sign, soffit**.

Special Flood Hazard Area (SFHA): The land area covered by the floodwaters of the base flood on National Flood Insurance Program (NFIP) maps. The SFHA is the area where the NFIP's floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. The SFHA includes Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, and V.

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

Street: A public roadway or a private roadway devoted to public use. The word street shall include the entire width between property lines of every **right-of-way** used for vehicular and pedestrian travel which has become public by authority of the law, and such ways on public places other than highways as the public is permitted to use for vehicular and pedestrian traffic. Streets shall be further classified as follows: (a) Arterials (such as Vermont Route 7) - limited access highways moving large volumes of traffic between major points within or outside of the town. (b) Major Collectors (Class 1 Roadways such as Main Street and Bonnet Street) interconnect the neighborhoods of the town, other adjacent communities and the downtown to the neighborhoods. (c) Minor Collectors (Class 2 Roadways such as Barnumville Road and Richville Road) gather traffic from local streets and feed it to major collectors. (d) Local Streets (Class 3 Roadways such as Hillvale Road or Green Mountain Road) are streets used primarily for direct access to individual properties. (e) Alleys are ways that provide access to the back or side of properties abutting on a street and are used primarily for providing services to such properties. (f) Cul-de-sac is the turn-around at the dead end of a local street. Street shall not refer to a way, or driving aisle, used to access parking spaces within a parking lot, whether public or private, nor to a driveway used to access a private residence or commercial property.

Stormwater: The portion of rainfall, melted snow, or irrigation water that flows across ground surfaces and is eventually returned to a waterbody such as a **river**, **stream**, **pond**, or reservoir.

Story: That part of a **building** above ground level between a floor and the floor next above. If there is no floor above it, then the space between the floor and the roof or ceiling next above it. Story shall include **basements** and not **cellars**. An intermediate floor between the floor and ceiling of any story shall be deemed a mezzanine and shall not be counted as a story unless the total of all mezzanine areas exceeds 5,000 square feet or one-third of the area of the floor immediately below it, whichever is less. A **basement** shall be considered as a story where the finished surface of the floor above the **basement** is:

- (1) More than four feet above the average pre-construction level of the adjoining ground, or
- (2) More than 12 feet above the pre-construction ground level at any point.

Stream: See **River**.

Structural Alteration: See **Renovation**.

Structure: An assembly of materials for occupancy or use, including, but not limited to, a **building**, **mobile home** or **manufactured home**, driveway, trailer, storage container or tank, **sign**, **wall**, or **fence**.

Structure, permanent: A **structure** that is affixed to a **permanent foundation** or is connected to electrical power, heating, cooling, or water and wastewater systems. As such, Quonset huts, tents, tipis, yurts and hoop houses may be considered permanent structures.

Structure, temporary: Any **structure** designed or used for purposes that are relatively impermanent in nature, not attached to a **permanent foundation**, and not connected to electrical power, heating, cooling, or water and wastewater systems. These may include, but are not limited to, box trailers, storage pods, Quonset huts, tents, tipis, yurts, and hoop houses. (See Sections 6.21 and 6.22)

Subdivision: A division of a **parcel** of land into two or more **lots**, or other divisions of a parcel.

Substantial Damage: Damage of any origin sustained by a **structure** whereby the cost of restoring the **structure** to its before-damaged conditions would equal or exceed 50% of the market value of the **structure** before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a **structure** after the date of adoption of this **bylaw**, the cost of which, over three years, or over the period of a **common plan of development**, cumulatively equals or exceeds 50% of the market value of the **structure** before the **start of construction** of the improvement. This term includes **structures** which have incurred **substantial damage**, regardless of the actual repair work performed. The term does not, however, include either: (a) any project for improvement of a **structure** to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) any alteration of a **historic structure**, provided that the alteration will not preclude the **structure's** continued designation as a **historic structure**.

Summer Camp: A facility that includes overnight accommodations and is used for recreation or outdoor instruction often during the summer.

13.21 T

T-frame Sign: See **Sign, A-frame, T-frame or X-frame**.

Take-Out restaurant: See **Restaurant, Take Out**.

Tailor Shop: An establishment for the repair, alteration, or custom making of clothes such as suits, coats, and dresses. See also **Seamstress Shop**.

Teardrop Sign: See **Sign, teardrop**.

Technical Service Business: Information-based or technology-based businesses requiring relatively large **buildings** in which to operate such as publishing houses, internet order businesses, telephone call centers, and research, clinical or forensic laboratories. Ancillary accessory uses may include **daycare**, food service, fitness facilities, automated banking, and convenience **retail** for employees of the technical service business.

Telecommunications Facility (See also **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 (See also **Wireless Service Provider**): an entity licensed by the **FCC** to provide telecommunications services to individuals or institutions.

Temporary Sign: See **Sign, temporary**.

Temporary Structure: See **Structure, temporary**.

Tenant: A legally permitted occupant of land or premises, which is found or located within its own separate, physical space and with its own separate entrance.

Top of Bank: That vertical point along a **stream bank** where an abrupt change in slope is evident. For **streams** in wider valleys it is the point where the **stream** is generally able to overflow the **banks** and enter the **floodplain**. For steep and narrow valleys, it will generally be the same as the top of slope.

Top of Slope: See **Top of Bank**.

Tourist Home: See **Bed and Breakfast**.

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

Travel Trailer: See **Recreational Vehicle**.

Traveled Way: The portion of the **right-of-way** which is paved or which lies between the curbs, if any. In the case of unpaved roads, the traveled way shall be deemed to be within 12 feet of either side of the center line of the road.

13.22 U

Undevelopable Land: Land which is not suitable for development, including lands with greater than 20% slope, wetlands, lands within the floodway, lands within the Forest Conservation (FC) District, and lands within public and private rights-of-way, or under conservation easement. (See Section 6.24)

Utility Facility: A facility that is associated with production, transmission or distribution of power, electricity, light, heat, gas, oil, crude products, water, steam, waste, stormwater not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, which directly or indirectly serves the public.

13.23 V

Variance: The relaxation or deviation of the terms of this ordinance in compliance with 24 VSA §4469, whereby, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulation would result in unnecessary and undue hardship.

Vending Kiosk, Exterior: An exterior **structure** with **sign** elements installed as part of an approved commercial **site plan** that allows automated commercial transactions.

Veterinary Clinic/Veterinarian Office: The clinic or office of one who practices medicine dealing with the prevention and treatment of diseases and injuries in animals.

13.24 W

Wall (see also **Fence**): A side of a building that forms part of the building's structure, or a continuous vertical structure that encloses or divides an area of land.

Wall sign: See **Sign, wall**.

Warehouse: A **building** where raw materials or manufactured goods may be stored before distribution for sale or use.

Wastewater: Any water that has been adversely affected in quality by human activities. Wastewater can originate from a combination of residential, industrial, commercial, **agriculture** or **forestry** activities, surface runoff or **stormwater**, and from **sewer** inflow or infiltration.

Water Resources Setback: The minimum required setback from surface water features required in a basic zoning district according to Section 4.18 and as further described in Section 6.26 of this ordinance.

Wetland: An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Such areas include, but are not limited to, bogs, fens, marshes, **ponds**, potholes, sloughs, swamps, and vernal pools, but excluding such areas as grow food or crops in connection with **farming** activities. The methodology for delineating wetlands shall be those as established for the State of Vermont under the Vermont Wetland Rules, which focus on soil type, hydrology, and vegetation. Class 1 and 2 wetlands tend to be larger, more significant wetlands and are regulated by the State of Vermont. Class 3 wetlands are smaller wetlands that may or may not be regulated by the state depending on their significance and proximity to other wetlands. Regulated Class 3 wetlands are functionally intact enough to provide for wildlife habitat, water quality, or **flood** prevention. Vernal pools fall into this category. Unregulated Class 3 wetlands do not serve these functions in a meaningful way, typically due to small size, isolation from other wetlands and hydrological features, or past land use practices that have altered the hydrology of the area (e.g., agricultural drainage ditches, tiles).

Wholesale: The sale or distribution of merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Windmill: Any mechanism including blades, rotors, and other moving surfaces and supporting **structures** designed for the purpose of converting wind into mechanical or electrical power.

Winery: A light industrial beverage processing facility used for the commercial purpose of processing grapes, other fruit products, or vegetables to produce wine or similar non-distilled spirits. Such commercial use includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. **Retail** sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operations.

Wireless Telecommunications Facility (See also **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**.

Wireless Service Provider (See also **Telecommunications Provider**): an entity licensed by the **FCC** to provide telecommunications services to individuals or institutions.

Workforce Housing: For the purposes of this ordinance, **workforce housing** shall mean housing for people making 60 to 250 percent of area median income for Bennington County. Housing costs should constitute no more than 35% of such income to qualify as workforce housing.

Worship, Place of: See **Place of Worship**.

13.25 X

X-frame Sign: See **Sign, A-frame, T-frame or X-frame**.

13.26 Y

Yard, Depth of: The depth of the front and rear yards as measured perpendicularly to the respective **lot** lines.

Yard, Front: An open space between a primary **structure** and the front **lot** line, extending the full width of the **lot**, or in the case of a corner **lot**, extending along all **streets**.

Yard, Rear: An open space between a primary **structure** and the rear **lot** line, extending the full width of the **lot**.

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

Yard, Width of: The width of the side yards as measured perpendicularly to the respective **lot** lines.

13.37 Z

Zoning Permit: A document signed and issued by the **Zoning Administrator** authorizing land use or **development** pursuant to the requirements of this ordinance.

Zoning Administrator: Any person duly appointed pursuant to 24 VSA §4448 with the authority to administer the provisions of this ordinance by the issuance of zoning permits, certificates of compliance, administrative opinions, notices or citations of violation, or any other actions necessary to administer the provisions of the ordinance. The **Zoning Administrator** shall include the **Zoning Administrator** or **Assistant Zoning Administrator**.

Manchester Town Plan, 2017

Adopted May 9, 2017



Town of Manchester, Vermont, Chartered in 1761

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Wayne Bell, Vice Chair
Steve Nichols, Clerk
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Janet Hurley, Planning & Zoning
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John O'Keefe, Town Manager
Dave Sheldon, Water &
Wastewater Superintendent

Jeff Williams, Public Works
Director

Additional Assistance

Ad hoc Arts & Culture
Committee
Bennington County Regional
Commission
Manchester Historical Society
Manchester Recreation
Committee



Table of Contents

Part 1: Vision, Policies & Actions	1
Section 1: Economic Development & Housing.....	1
Section 1.1: Economic Development	1
Section 1.2: Housing.....	5
Section 2: Energy, Natural Resources & Flood Resilience.....	9
Section 2.1: Energy	9
Section 2.2: Natural Resources	11
Section 2.3: Flood Resilience.....	20
Section 3: Services: Transportation, Utilities, Public Health & Safety, Education	23
Section 3.1: Transportation Infrastructure	23
Section 3.2: Municipal Utilities	31
Section 3.3: Power & Telecommunications Facilities	37
Section 3.4: Public Services	38
Section 3.5: Education.....	41
Section 4: Recreation, Arts & Culture	43
Section 4.1: Recreation	43
Section 4.2: Arts & Culture.....	45
Part 2: Land Use Plan	47
Section 5: Mixed Use Core & Historic Districts	48
Section 5.1: The Core	48
Section 5.2: Historic Districts.....	50
Section 6: Neighborhood Residential & Developed Recreation	59
Section 7: Working Lands & Rural Residential.....	59
Section 8: Forest, Conservation & Recreation	62
Part 3: Plan Development, Implementation & Context.....	63
Part 4: History and Population Characteristics.....	65
Appendix A. Inventory of Significant Natural Features in Manchester	iv
Appendix B. Inventory of Arts & Cultural Resources in Manchester	vii

Part 1: Vision, Policies & Actions

Manchester is a quintessential New England Community with a historic core surrounded by rural pastures and forested mountain backdrops. Situated in the Batten Kill Valley between the Green and Taconic Mountains, Manchester cherishes its natural beauty as the basis of a high quality of life for residents and the foundation of a strong visitor economy. The local education system with public and private options encourages innovation and personalized learning. The town encourages business growth and development and offers world class dining, hospitality and shopping options. Municipal parks and services are award winning and renowned. This town plan will serve as a guide for strengthening and protecting these qualities over the course of the next eight years, with adopted policies and actions in the categories of economic development, housing, energy, natural resources, transportation, education, municipal services, recreation, and arts and cultural resources.

Manchester has seen significant change in the last few years with the conclusion of the roundabout project and commencement of some large scale redevelopment within the commercial core. In addition, the town secured \$580,000 in state funding for bicycle and pedestrian enhancements to Depot Street. On top of that a municipal planning grant is helping the town move forward with the first comprehensive overhaul of the zoning ordinance since 1983. With these positive developments, the town also recently suffered the demise of the Manchester and the Mountains Chamber of Commerce. However, as the community comes together to decide how to fill the void left by the exit of the chamber, there are opportunities for improving upon the functions that the chamber did provide to the community.

Section 1: Economic Development & Housing

Section 1.1: Economic Development

Economic Development Mission: Create a vibrant economic environment that encourages people to both live and work in Manchester.

In 2016 the town completed in conjunction with the Village of Manchester and the Town of Dorset, the *Northshire Economic Development Strategy* (NEDS). That strategy for the three municipalities can largely be viewed as an economic development strategy for the Town of Manchester. In that vein, the mission statement for NEDS is appropriate for the town and, tailored to Manchester, is hereby adopted as the economic development mission for the town.

NEDS identified four goals in line with this vision: (1) Improve the economic development environment, (2) Cultivate tourism, food, arts and culture industries, (3) Support entrepreneurship and business development, and (4) Enhance the quality of life for residents and workers. Each of these goals is supported by identified strategies and specific actions, and many of those are reiterated here in this town plan.

The NEDS study confirmed that diversity of Manchester's economy remains an issue. While a number of manufacturing or office uses remain in town, the local economy generally depends upon tourism. Many retail and service businesses exist in support of tourism and second home development, but there are fewer retail businesses that exist to serve the residential population of the town. Consequently, NEDS found there is retail "leakage" that could be captured with new retail development in the areas of general merchandise, food, and sporting goods aimed to serve

the resident population. NEDS identified three industries that have strong performance histories in Manchester and the broader Northshire area: financial investment activity, furniture related manufacturing, and the tourism sector. These sectors, therefore, are suitable for promotion and expansion. In addition to these, the NEDS steering committee identified expansion of food related enterprises as desirable, including support for a brewpub.

Policy: Expand Manchester's food industry.

- ***Participate in the development of a Manchester Culinary Trail***
- ***Encourage and support value added food production in Manchester.***

NEDS also reaffirmed the long identified problem of Manchester's housing stock being unable to meet the needs of its working population, with a particular lack of workforce level housing. Housing affordability must be a key component of any economic development strategy. If affordable housing stock is not available, then the pool of potential employees will be a limiting factor no matter how successful any other economic development strategies may be. Housing issues are discussed in detail in the next section along with housing policies and goals.

Economic development means more than just attracting new industry, or creating new jobs. It also means protecting a high quality of life, providing high-quality educational opportunities, and providing high-quality infrastructure. Protecting Manchester's quality of life has been, and will continue to be, a paramount factor in the town's long range vitality and success. No matter what strategies are pursued for economic development, the town must guard carefully its attractiveness as a place to live and visit. Accordingly, Manchester's natural beauty and uniqueness are two of its greatest assets. Its long-term success as a livable community depends in large part upon how well we maintain and enhance those assets. The goals and policies in this plan are intended to help maintain Manchester's high quality of life for its residents, and its uniqueness and attractiveness to visitors. Goals and policies specific to natural resources are discussed in Section 2.2.

Furthermore, the town has long recognized the importance of social vitality and interaction – not just the creation or use of physical infrastructure – to having a resilient and sustainable economy. Key to this involves focus on that which will interest a younger generation of community members to settle here, to live, work, start businesses, raise families, and participate in the governance of the town. The town will continue to promote its tourism economy, with a historic downtown and lively mix of commercial, cultural, and environmental and recreational attractions. Specific measures to enhance arts and cultural assets are discussed in Section 4.2.

Action: Work with community members to develop a downtown nightlife program.

Manchester's municipal services and facilities are another asset, including The Dana Thompson Memorial Park. With the recent completion of two new athletic fields and new hotel construction in town, Manchester is poised to serve as a venue for athletic tournaments. This was identified as an economic opportunity in the NEDS report and the town will move forward with a plan to market itself as such to school and club soccer, lacrosse, and other field game organizations. In addition, there are significant efforts to establish a Riverwalk in the downtown and a recreation path along the old OMYA railroad bed that would connect the downtown to North Road. Manchester's recreation assets and plans are discussed further in Section 4.1.

Policy: Leverage and promote existing sports and outdoor recreation assets to increase visitation to Manchester.

- ***Promote Manchester as an athletic tournament venue.***
- ***Support continued improvement and extension of pedestrian and bicycle infrastructure.***
- ***Support the efforts of Bike Manchester to make Manchester a biking destination.***
- ***Support the efforts of Manchester Riverwalk and its mission to build, beautify and maintain public pathways along the Batten Kill.***

The town will proactively define its economic future, by being aware of economic trends, and being prepared to take advantage of economic circumstances. In conjunction with organizations such as the Bennington County Regional Commission and its new relationship with what has been known as the Bennington County Industrial Corporation, the town should identify appropriate opportunities that will allow desirable light industrial businesses to grow and flourish in Manchester. While seeking new enterprises, the town must also pay attention to and nourish existing businesses, many of which have been quiet mainstays of our economy, supporters of our schools and local nonprofits, and otherwise contributors to the fabric of our community.

Given this, light industrial development is an important component of Manchester's economy. Indeed, it could be, and many argue should be, a more prominent part of the town's economic base, so that we are less dependent upon the retail and service sectors. Small businesses and microenterprises strengthen and diversify local economies often while creating minimal environmental impacts. A variety of changes were made in past years to industrial district and transient commercial overlay provisions of the land use and development ordinance (*i.e.*, zoning ordinance or bylaws) to allow greater flexibility in the types of businesses that may locate in Manchester. The zoning regulations are undergoing comprehensive revision in 2016 and the goals outlined in this section have guided that effort and will guide future efforts to ensure the ordinance is effectively implementing the goals of this plan.

Policy: Ensure needed land area and infrastructure are available in appropriate areas for various industries.

- ***Allow microenterprises within agriculturally zoned areas.***
- ***Allow light industrial development in areas zoned commercial and mixed use, in addition to industrially zoned areas.***
- ***Expand light industrial zoning in Manchester.***
- ***Expand the sewer service area to adjacent areas that can support new residential and light industrial development.***

The town will assess the needs of existing and potential industry, and take steps to create a favorable climate for light industrial development that is appropriate for, beneficial to, and accepted by the community. Industry should be located in appropriate areas which contribute to an orderly growth pattern, are served efficiently by municipal services, and are compatible and consistent with the rural character of the area. Utilities, roads, and other essential services should be available and adequate to serve a project's needs. Industry and related activities should afford maximum protection to adjacent properties, and any nearby residential areas (existing or proposed). Traffic routes and access points should be compatible with nearby residential areas. Industry should provide adequate greenspace and landscaping to maintain the open space character of the area, and to effectively screen industrial activity from adjacent nonindustrial uses.

Appropriate infrastructure must be in place to serve the needs of the community and employers. More than just water, sewer, and power, this includes fiber optics, access to high-speed, wide-bandwidth telecommunications facilities, and other types of technological capacity. Broadband access throughout Manchester is as essential as electricity in allowing citizens, employers, and home businesses to thrive and participate in community and commerce. Section 3 of the plan addresses the provision of public services.

Policy: Encourage the creation of employment that provides professional challenge and adequate pay with which to support a family.

Growth in jobs providing professional challenge and adequate pay with which to support a family is needed in Manchester. Accordingly, workforce development, through local schools and continuing education programs, is another key component of successful economic development – whether in maintaining existing services and businesses, supporting business growth, or in attracting new employers and employees. Education goals are enumerated in Section 3.4 of the plan.

Figure 1.1. Village Center Boundaries. Map showing the village center designation encompassing the historic Factory Point commercial center along Main, Bonnet and Depot Streets, mixed use historic structures on Main and Bonnet Streets, Manchester Elementary and Middle School, and Adams Park and the Town Green.



In 2013 the town received a village center designation from the Vermont Downtown Board. The Department of Housing and Community Development program and designation allows

landowners within the village center access to tax incentives for redevelopment, and gives the town an advantage when applying for state planning grants. Particularly after the loss of the local chamber of commerce, the town is considering pursuing the more extensive Downtown Designation that would allow greater access to resources supporting downtown revitalization and commercial activities in the core. The program would require the creation of a downtown organization, either a nonprofit corporation or a municipal commission that would assume responsibility for implementing the approved revitalization program. Indeed, in the last year town officials and business leaders have met with Downtown Designation Program staff to discuss how to proceed toward a designation. Pursuit of the expanded designation would require partnering with private businesses and community members, and the town will continue to explore designation with these partners.

Action: The town will continue to explore application for expanded Downtown Designation by the Vermont Downtown Board.

Section 1.2: Housing

Housing Mission: Support the development of housing types to meet the needs of a diversity of people, including those working and raising families in Manchester.

Land and housing in Manchester remains desirable, and therefore more expensive, than in many other Vermont communities. The reasons for this are often attributed to a number of factors, including: the town's natural beauty, cultural amenities, commercial activity, high quality schools, and proximity to ski areas. While the town values the high quality of the natural and built environments, this creates continuing problems related to affordability. Pressure has long been exerted on the housing market by Manchester's attractiveness in the retirement and second home markets, and more recently, by families migrating from more urban areas so that their children can attend local schools. Indeed, many natives wonder whether their children will be able to stay (or return to) and raise families in their hometown.

Manchester has long recognized this housing affordability problem, and has taken steps to help improve the situation. Funded by a state grant, the 1989 *Housing Action Plan* estimated that Manchester needed 62 units of elderly housing, 96 units of family housing, and 32 units of small rental housing. Since that time, the Regional Affordable Housing Corporation, now Shires Housing, Inc., has built two rental housing neighborhoods that addressed that need. Another important outcome of the 1989 study were Planned Affordable Residential Development (PAR) overlay zoning districts that allowed for greater development densities than would otherwise be permitted, and exempted affordable housing projects from the town's Major Development Project Review. The PAR bylaw was replaced in 2016 with a section of the *Manchester Land Use & Development Ordinance* entitled "Affordable Housing Regulations" that retained provisions of the PAR districts essentially without modification.

Policy: Cooperate with private sector and non-profit organizations to help ensure the availability of an adequate stock of housing of varying affordability, located in appropriate areas.

As it has in the past, the town will continue to work cooperatively with private sector, non-profit organizations (Shires Housing, Habitat for Humanity, Vermont Housing & Conservation Board, Vermont Housing Finance Agency, Housing Vermont, Bennington County Regional Commission), and other entities wishing to promote or construct affordable housing in

Manchester. While housing studies and projects largely focus on “affordable” housing subsidized by public and private money, there is also a clear need for reasonably priced housing, or “workforce” housing as it is being referred to by policy makers and as identified in the NEDS report. Workforce housing may not be subsidized, but is intended to be affordable for working persons and families, and younger people who may wish to stay in the town where they were raised, but who do not meet the low income requirements for subsidized housing. The NEDS report indicated that there is and will be growing and significant demand for workforce housing in Manchester in the coming years, with immediate demand for over 100 units.

In 2006 the town conducted a residential buildout analysis finding that the zoning regulations would allow an estimated 5,473 new residential units, with 85% of those falling in the extensive Farming & Rural Residential (FRR) zoning district, which allows one unit per two acres of developable land area. The other 15% were divided between the Single Residential (SR) and General Residential (GR) zoning districts. The buildout analysis assumed no increase in the commercial zoning districts and no expansion of the sewer service area. Because this full buildout would not be realized even if the town issued permits for 50 new units per year for the next 100 years, the analysis also estimated a 25 year buildout scenario. The 25 year analysis indicated that 775 new residential units might be constructed within these areas by about 2030.

However, this 25 year analysis was conducted before the housing market crash and recession of 2007-2010 and included a continued moderate increase in housing units each year (between 27 and 35 units per year). Indeed, this rate of growth has not continued, the town having issued permits for only 5 new single family houses and 6 downtown conversions to apartments in 2016, 10 housing units in 2015, and 11 in 2014. What is clear from the buildout analysis and given the 2006 zoning ordinance, a preponderance of allowable residential growth would occur in the FRR, whereas the town wishes to direct new residential growth more to the SR, GR and commercial zoning districts within the core. The NEDS study also indicated that much of the demand for new housing may come from Generation Y and Millennials who want to live and work where there is increased walkability and more non-car oriented options. Retiring and downsizing Baby Boomers are also seeking such settings. Aiming to address these trends and other concerns, the town is currently conducting a comprehensive overhaul of the zoning ordinance, which if adopted in 2017 would increase allowable residential density in the core while decreasing allowable density in the rural outlying areas.

Exacerbating the problem of developing affordable and workforce housing in Manchester are the cost of building materials, the high cost of labor, and other market forces. In addition, Vermont has energy standards that although may save on long term costs, increase construction costs in the state relative to other states, particularly those with warmer climates. Demand remains for higher end homes in Manchester, and these are more profitable to build than more modest structures. Indeed, recent data reported by our assessor show that the median price of homes sold in Manchester (between April 1, 2015, and March 31, 2016) was \$344,000 (all homes, primary and secondary). This median price of a home in Manchester is roughly a 24% drop from the prerecession high of \$450,000 (Assessing Year 2008), yet affordability remains an issue. The NEDS study showed that the median annual value of primary residences sold remains about \$100,000 below that of secondary residences sold in Manchester and the Northshire in general. The town can help address the high costs of construction by increasing residential density, simplifying and streamlining the permit process, and by the maintenance and expansion of municipal infrastructure and services.

With changes to the zoning ordinance, the town will pursue the following housing policies and actions:

Encourage mixed use development that includes housing as an integral element.

- **Waive density requirements for housing in the commercial core when part of a mixed use project, or redevelopment of existing building stock.**
- **Provide reduced sewer allocation fees for new development that includes housing in the commercial core.**

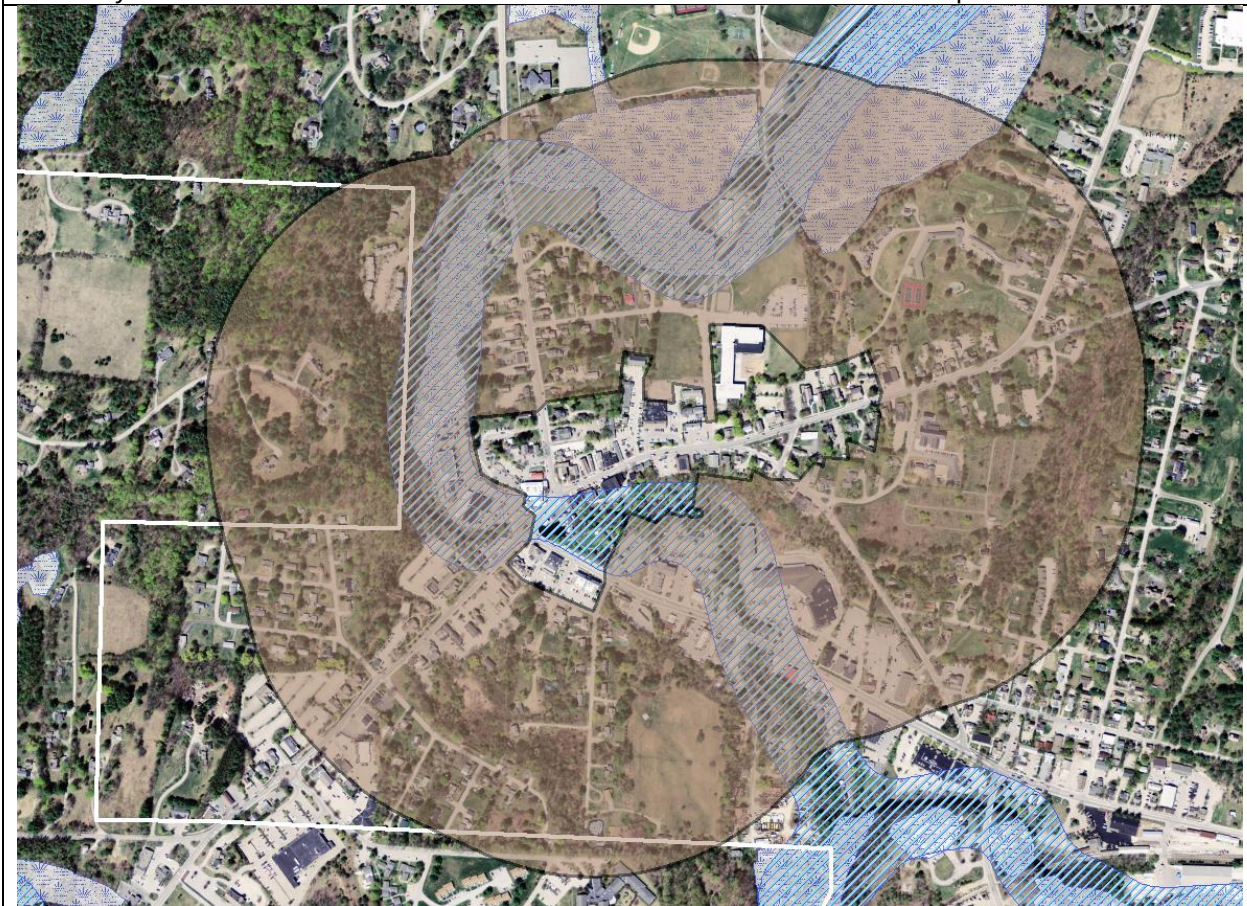
Encourage moderately priced (“workforce”) infill housing within the sewer service area.

- **Allow density bonuses for workforce infill housing in the core.**
- **Provide reduced sewer allocation fees for new workforce infill housing development.**

Require retainment of existing housing stock within the commercial core.

- **Housing units displaced by conversion to commercial use or other mixed use development should be retained or replaced.**

Figure 1.2. Neighborhood Development Area (NDA) Designation. NDA designation would afford neighborhood development incentives to a quarter mile area around the village center. The NDA boundaries can be modified to account for municipal boundaries and undevelopable lands such as wetlands and floodplain shown below. The boundary between the Town of Manchester and Manchester Village is shown in white below. The NDA boundary could be molded to the municipal boundary on the west and outward to the east to account for wetlands and floodplain.



With a village center designation from the Vermont Downtown Board, the town has the option to pursue a Neighborhood Development Area (NDA) designation. This designation allows developers of residential projects exemption from Act 250 permitting and other incentives to

develop walkable residential neighborhoods in close proximity to the village center. Should the town seek and gain a downtown designation, the designated NDA would be more extensive. Once the comprehensive rewrite and rezoning project is complete in 2017, the planning commission will apply for the NDA designation for areas around the village center that are suitable for neighborhood residential development.

Action: Secure Neighborhood Area Development Designation from the Vermont Downtown Board.

Section 2: Energy, Natural Resources & Flood Resilience

Section 2.1: Energy

Energy Mission: Encourage and support the conservation of energy and the development of renewable energy resources in Manchester.

Energy - its availability, cost and environmental impacts - is of critical importance to all aspects of individual and community life. Some key energy resources, such as oil and gas, are subject to fluctuating supply and cost and contribute to increased carbon dioxide in the atmosphere, and pollution of air, water and land resources. Conservation, whether through increased efficiency or decreased demand, will be the most important component of minimizing the costs of energy usage. Every dollar not spent on energy is available for local investment or saving, and to meet other basic needs. Optimizing energy use does not just lower operating costs, it also lessens adverse environmental impacts and thereby the costs associated with environmental damage and impaired public health.

Action: Amend the land use and development ordinance to more effectively encourage compact, denser development and use of the core while protecting the rural character of outlying areas.

Effective land use planning promotes energy efficient design. Higher density development in the core with mixed uses including housing, lessens the need for car travel and allows for more efficient provision of services compared to scattered development. An efficient network of sidewalks and trails, along with effective parking strategies, make it easier and more comfortable to walk or bike instead of driving. The town is actively pursuing zoning changes that aim to encourage denser use in the core while protecting the rural character of the surrounding countryside. This effort is in line with minimizing energy consumption.

The siting, design, and construction of buildings effects the amount of energy needed for heating and cooling, as well as the amount of electricity needed for lighting. Proper subdivision design, building orientation, construction, and landscaping provide opportunities for energy conservation measures such as less vehicular travel, passive solar heating and cooling, and natural lighting. These strategies are discussed further in part 2 of this plan. Additional energy savings can be realized by retrofitting existing buildings with insulation, more efficient doors and windows, weather stripping, compact fluorescent or LED (light emitting diode) lights, more efficient appliances, and more efficient use of those appliances.

The town itself will set a positive example by considering energy issues in all decisions concerning capital expenditures on municipal infrastructure, as well as operating and maintenance costs for buildings, facilities, and vehicles. An *ad hoc* Manchester energy committee active in 2008 and 2009 spearheaded energy conservation projects, including replacement of streetlights and energy audits of town buildings and facilities. Accomplishment of recommended actions from the energy audits led to energy conservation measures at the town hall and public safety facility, as well as a new more energy efficient pool house at the Dana Thompson Memorial Park. The town will continue to pursue energy conservation, use of cleaner fuels, and other strategies to optimize energy efficiency in all municipal buildings, vehicles, and programs.

The town strongly supports broadened awareness of and application of best practices in all aspects of energy production, consumption, and conservation. These include, but are not limited

to meeting or exceeding State of Vermont energy efficiency standards for residential and commercial construction, and application of LEED (Leadership in Energy & Environmental Design) or similar standards in all aspects of site design and construction. Municipal practices referenced throughout this plan will also reinforce this policy, including continuing to build sidewalks, paths, and other amenities to encourage walking and cycling, and strengthening opportunities for downtown housing. The town encourages other best practices to reduce energy use and pollution, and otherwise lessen adverse impacts (*e.g.*, avoiding excessive lighting or unnecessary idling of motor vehicles, reuse and recycling of materials). Continued partnership with Efficiency Vermont on educational and efficiency programs may yield further benefit in reducing demand, thus also extending the life of existing supplies and infrastructure.

Dark Skies

Manchester recognizes the importance of dark skies in reducing energy use, protecting public health and the life cycles of our resident flora and fauna, and providing for recreational astronomy and wilderness opportunities.

Controlling artificial light in Manchester protects the natural wax and wane of the light cycle and permits the beauty of the night sky to shine, thus enabling both residents and visitors of our town to marvel at the wonders of the universe. Light pollution, defined as any adverse effect of artificial light, is a growing problem throughout the world, including in Manchester. Sky glow, glare, light trespass, light clutter, decreased visibility at night, and energy waste, are some of the negative consequences of excessive and poorly designed lighting, particularly outdoor lighting. Light pollution disrupts the earth's natural rhythm of day and night. Humans, and most other organisms on earth, evolved within the context of the light-dark cycle of day and night. Research is making it clear that artificial light, particularly blue light at night, contributes to many human health problems including depression and obesity. Manchester's dark skies constitute a precious resource. To protect Manchester's dark skies, enhance public safety and limit energy waste, the *Manchester Land Use & Development Ordinance* limits the brightness of exterior lighting and requires it to be shielded. The planning commission will propose strengthened ordinance provisions with regard to outdoor commercial lighting to require lights to be extinguished by a certain time past closing with the exception of security lights triggered only by motion sensors.

Renewable Energy Resources

Action: The town recognizes the benefits of renewable energy use and will establish a renewable energy resource plan to guide the development of renewable energy resources in Manchester.

The state has established a goal of attaining 90% of its energy use from renewable energy resources by 2050. In order to realize that goal, Act 174, passed by the legislature in 2016, aims to improve regional and local renewable energy resource planning with the implementation of a program to certify regional and municipal renewable energy resource plans. A renewable energy resource plan should include town scale geographic analysis showing suitability for access to renewable resources. Constraints such as protected wetlands, river corridors or rare natural communities should be extracted from areas of suitability. Other constraints may not preclude renewable energy resource development, but warrant consideration, including the presence of prime agricultural soils and identified cultural and scenic resources. Manchester must identify critical resources to be protected from development but must allow reasonable area for renewable energy development. Accordingly, by May 2018, the town will develop a renewable

energy resource plan under the guidance of the Bennington County Regional Commission (BCRC).

In the meantime, planning at the regional level by the BCRC has identified current solar generation of 1,017.3 kilowatts (kW) in Manchester and new generation by 2050 of 10.4 megawatts (MW) as appropriate for the town. The town has expressed support for a proposed 1.3075 MW project on the 4-acre roof of the Natural Form mattress factory that would be the largest rooftop installation in Vermont. Furthermore, the town is pursuing installation of a 150 kW solar array at the municipal wellheads. The electricity generated would be purchased by the town at a 10% discount and would power the wellhead pumps. Various other solar projects have been realized in Manchester in recent years, including a 142.5 kW array at the Riley Rink, the 137.8 kW rooftop installation at the downtown car dealership, and a 55.9 kW solar tracking installation at Henry's Bistro, and a 150 kW rooftop array at the Vermont Country Store. These four projects account for a significant portion of the 1,017.3 kW currently being generated in town.¹ BCRC has indicated that wind and hydroelectric power generation would be limited in Manchester, although wood biomass production could be regionally significant.

Renewable energy resources use offers potential advantages over continued use of fossil fuel based resources. Potential benefits include lower or no global warming or pollutive emissions, improved environmental quality and public health, stable energy prices and a resilient energy system, jobs and a strengthened local economy, as well as an inexhaustible supply. Consequently, solar, wind, hydroelectric, geothermal, biomass and wood gasification energy production and use should become more prominent in the town's energy mix. The town will support efforts to research and develop these and other alternative, ecologically sound energy sources. The town itself will consider options for enhancing its own renewable energy production or supplies. Key to supporting the development of renewable energy resources in Manchester will be to adopt a renewable energy plan according to newly established rules developed by the Vermont Department of Public Service. Certification by the state will require that the plan receive substantial deference in Vermont Public Service Board proceedings, ensuring that Manchester's socioeconomic wellbeing is protected from incompatible energy development.

Section 2.2: Natural Resources

Natural Resources Mission: Protect Manchester's natural resources, particularly its scenic ridgelines and the Batten Kill.

Manchester's long-term success as a livable community depends upon how well we maintain and enhance our unique natural resource assets. Natural resources have inherent value above and beyond their perceived value from a human perspective. Natural resources are the foundation for life and the natural processes that form essential interconnections between all living species and earth systems. What happens to one resource invariably affects others, including human systems. Manchester's economic success over the past 200 years (and undoubtedly over the next 200 years) is inextricably linked with its natural resources and natural beauty. Thus, even from a purely human perspective, the town must take the long view, and protect and conserve its natural resources.

Understanding the natural environment is a key consideration when planning for appropriate land use. Physical conditions (including but not limited to soils, slopes, elevation, critical

¹ Community Energy Dashboard Energy Atlas, January 27, 2017. <http://www.vtenergydashboard.org/energy-atlas>

habitats, wetlands, drainage channels, and flood hazard areas) may limit the type of development that is appropriate for a particular area. The need to preserve forests, wetlands, riparian areas and other critical natural resources must also influence land use planning. Indeed, general land use plans as well as specific site development plans must consider natural resource opportunities and constraints first, and then design appropriate site development plans with these in mind. Land use policies are described in Part 2 of this plan.

A variety of unique natural features have been identified as important to the ecological and socioeconomic wellbeing of Manchester. These are identified and described in Appendix A. These unique natural features and other critical parcels of land, including but not limited to those described in Appendix A, should be conserved or preserved as they are or in a natural condition. The town may wish to further refine and prioritize this list so that conservation efforts are effective and efficient in achieving municipal goals. Conservation or preservation can be achieved by fee-simple acquisition, donation or acquisition of development rights or conservation easements, involvement of land trusts or other charitable organizations, and other cooperative strategies or partnerships which accomplish the desired goals. Indeed, several of the natural features listed in the appendix are already protected by a variety of means by various partnerships, agencies or organizations.

Ridgeline Resources

The Town of Manchester recognizes the essential economic, ecologic and spiritual value of the Green Mountain and Taconic Ridgelines.

Manchester is situated in the Batten Kill Valley with the Green Mountains on the east and the Taconic Range on the west. Equinox Mountain on the west is singularly iconic of the Manchester experience and has been the subject of relatively recent passionate protection from wind energy development of its southern flank, Little Equinox Mountain. Hundreds of acres of the eastern slopes of Mt. Equinox have been protected through the efforts of the Equinox Preservation Trust. However, the ridgeline is largely owned by the Carthusian Foundation of America, which operates a monastery on the western flank of the mountain. As such it is not permanently protected from development and in 2005 Equinox Wind Partners, LLC, which held a 25 year lease from the Carthusians, proposed the reinstatement of wind turbines on Little Equinox Mountain, falling to the south and west of the main peak. The Town of Manchester and Manchester Village engaged the Orton Family Foundation to provide an impact analysis of the proposal for the public. A vote at town meeting in 2006 authorized significant funds - and Manchester Village was similarly committed - to fighting the project, and in the end it was abandoned by the developer.

Ridges and mountaintops provide much of Manchester's natural beauty; protection is an important local and regional goal. Manchester's surficial geology is among the most diverse in the state, and the mountain tops and ridges of the Taconic and Green Mountain Ranges form a striking backdrop for the town. Many glacially formed hills and ridges are found at lower elevations in Manchester. This topographic diversity provides an important natural, visual contrast to the built environment. These hills, ridges, and mountains contribute to the natural beauty of Manchester and warrant protection. With regard to lower slopes and hillsides, the intent is not to prohibit all development; rather, that development and structures be sited sensitively and appropriately, in ways that fit into the landscape.

Land areas at higher elevations are fragile and susceptible to damage, since environmental conditions are more severe (more precipitation, higher wind speeds, lower air and soil

temperatures, and shallower and more poorly-drained soils). Since fewer plant and animal species can survive such conditions, there is less ecological diversity in these higher-altitude communities. Therefore, these areas are generally more vulnerable and need greater protection from development.

Action: A component of developing a renewable energy resource plan will be to conduct watershed analyses to identify and quantify the relative importance of ridgeline resources in Manchester.

Surface Water Resources

The Town of Manchester recognizes the importance of healthy riparian zones and surface waters in protecting both the natural and socioeconomic wellbeing of our community.

When in good condition, aquatic ecosystems such as streams, rivers, ponds, lakes, and wetlands can provide numerous benefits to human communities, including recreational opportunities like fishing and swimming, flood control, and a predictable and sustained water supply for irrigation and other uses. Collectively, these ecosystem services provide considerable economic benefit. For example, a healthy river filled with clean cold water and trout means revenue for hotels, restaurants, fishing guides, and regional retailers. Similarly, having healthy aquatic systems also means spending less money building flood control infrastructure or on after-flood recovery.

One of the most important issues in protecting and maintaining aquatic systems is good stewardship of riparian zones. Riparian zones are bands of vegetation serving as interface between uplands and aquatic systems. Riparian zones should be thought of as both unique ecosystems in their own right and as integral parts of the aquatic system, as the health of the riparian zone is a direct reflection and control on the health of the aquatic system. Riparian zones provide many important services to aquatic systems, including providing shade, which regulates water temperature (a critical concern for healthy fish populations), trapping nutrients and sediments that would otherwise enter and pollute the aquatic system, stabilizing riverbanks and preventing bank erosion, and providing “riverwood” into the aquatic system which is an important habitat element. Riparian zones also provide important habitat for many species of birds, mammals, amphibians and reptiles. When viewed at a landscape scale, riparian zones often function as movement corridors for both resident and migratory species, as riparian zones are, or could be, near continuous bands of high quality habitat latticed across an otherwise developed landscape.

As a general guide, a healthy riparian zone can be thought of as one where native species predominate and where multiple vegetation strata are present, including ground cover such as native grasses, ferns or duff layer, a community of intermediate height shrubs and both young and old trees. Old (*i.e.*, large) trees are particularly important in riparian zones, as they provide the greatest benefits to the system in terms of bank stabilization, shade, nutrient inputs and filtering, and current and future habitat. The protection of these large trees in riparian areas must be a notable priority in land use decisions.

The most pervasive threat to riparian zones, and one well under human control, is the removal of existing trees and shrubs, whether it is for timber harvest, expansion of agricultural fields, or simply to provide a view. Manchester seeks to limit, or fully eliminate, encroachment of these kinds of activities into riparian zones. Other common threats to riparian zones include exotic species, which can smother native plants and typically offer little or no habitat or food value to

native animals, and alterations to the hydrology of the aquatic system (i.e., water diversions or other consumptive uses) that can promote drying out of riparian zones and their eventual progression to upland like conditions.

Perhaps the most widely applied approach for protecting riparian zones is the idea of buffers, meaning a width of land around the perimeter of the aquatic system and encompassing all or some part of the riparian zone within which certain land use activities are regulated. While there is no hard and fast rule on how wide a buffer strip should be to protect a water body, a general rule is that for smaller streams (e.g., headwater streams), the stream edge buffer should be 10 to 20 feet on each side of the stream. For larger streams, rivers and still waters, buffer widths of anything from 20 to 100 feet have been used with the basic approach that the more pristine or otherwise ecologically important an area is, the wider and more restrictive of uses the buffer should be.

Wetlands provide a transition between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water. A wetland has one or more of the following three attributes: (1) at least periodically, the area supports predominantly hydrophytic (water loving) vegetation; (2) the substrate is predominantly undrained hydric (wet) soil; or (3) the substrate is nonsoil, and is saturated with water or covered by shallow water at some time during the growing season of each year. Benefits provided by freshwater wetlands include: flood and stormwater control, critical fish and wildlife habitat, protection of subsurface water resources, provision of recreational opportunities, pollution abatement, erosion control, educational and scientific research opportunities, open space and aesthetic appreciation, and provision of nutrients for freshwater food cycles. As such, wetlands should be protected from development. Before changes are made to streams, rivers, wetlands, or riparian land, consultation with appropriate state agencies is required. Streams and rivers are not just passageways for water; they are a fundamental part of our ecosystem, and a watershed approach to land use management is important in protecting these resources. In addition to riparian buffers, setbacks from lake and pond surface waters should also be required.

Batten Kill: The Town of Manchester recognizes the essential economic, ecologic and cultural values of the Batten Kill and its major tributaries.

The Batten Kill and its tributaries are an important natural, recreational, and economic resource which should have the greatest protection possible. Designation of the Batten Kill by the State of Vermont as only one of four Outstanding Resource Waters within the state reinforces these local values. Any expenditure of funds by the town for conservation purposes should give the highest priority to the acquisition of land or easements for property identified for protection along the Batten Kill. Special measures will be taken to conserve and enhance the natural, scenic, recreational, historic and cultural elements of the river and landscape.

Forest Resources

The Town of Manchester recognizes the importance of healthy forest ecosystems in protecting both the natural and socioeconomic wellbeing of our community.

Forest and timber lands cover much of Manchester. These forests stabilize soils and slopes, prevent flooding, provide valuable timber, wildlife habitat, and recreational resources, filter air pollutants, and have important recreational, economic, and aesthetic value. Indeed, our forested ridgelines are key to our economic wellbeing. Consequently, land use and development of forested lands in Manchester should maintain natural vegetative cover to the greatest extent

possible. Steep slopes and higher altitudes are more sensitive, and require higher levels of protection and review. Logging, timber, and forestry activities must, at a minimum, follow the State's recommended Accepted Management Practices for maintaining water quality. In addition, loggers should employ strategies that ensure a long-term sustainable yield of timber, maintain and enhance the ecological integrity of forest ecosystems, and minimize or prevent adverse impacts upon the land.

The *Manchester Land Use & Development Ordinance* establishes the Forest & Recreation zoning district, encompassing more than 50% of the land area of the town and including all lands above 1,600 feet in elevation on the Taconic ridgeline and all lands above 1,200 feet on the Green Mountain ridgeline. Uses in this district are limited to those requiring a forested landscape. Development of buildings serving these uses is allowed only at very low density. Other wooded lands are extensive in other rural parts of town, but the ordinance does not explicitly require maintaining them as forest except in the case of some required surface water setbacks. In fact, many of these lands fall in the Farming & Rural Residential zoning district, which has allowed a 2 acre minimum lot size since 1983. The town is currently pursuing zoning district changes that would increase the minimum lot size for these rural areas. This should help protect existing wooded lands, but targeted permanent conservation lands may be important to protect such lands that provide irreplaceable functions if lost to pasture or development.

Action: The Conservation Commission will work to identify wooded lands providing irreplaceable ecological functions and seek funding for conservation easements or other appropriate protection tools.

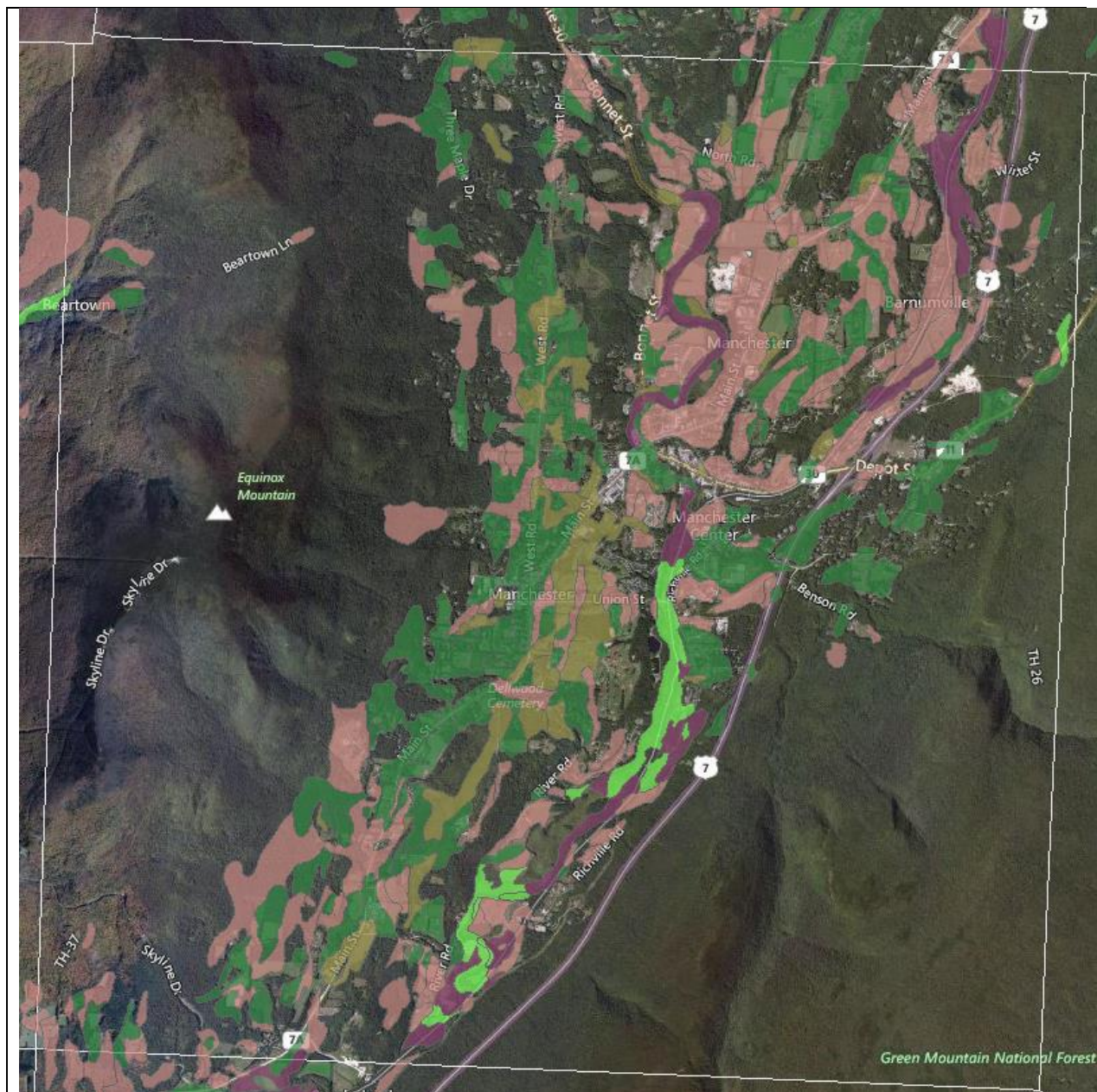
Agricultural Resources

The Town of Manchester recognizes the importance of successful agricultural enterprise to the socioeconomic wellbeing of our community.

Agriculture, while not a dominant land use in Manchester today, remains essential to Manchester's working landscape cherished by residents and visitors alike. It is important to conserve agricultural lands for this reason and to provide for potential future needs. Therefore, the town will pursue all available tools to protect agriculture as a viable use of land, and to ensure that high quality soils for agricultural use will be available in the future. Indeed, many believe that more localized food production will be a key component of future economic vitality in our region. Accordingly, support for local agriculture is in line with economic development goals identified by NEDS to establish a culinary trail in Manchester and to support value added food production in town. The town is currently pursuing changes to the zoning ordinance that would allow more rural enterprise activities and light food manufacturing in particular. Other zoning tools include requirements for clustering in residential, commercial, or industrial developments, and allowing the transfer of development rights from farmlands to other lands in the core. These will be considered by the Planning Commission in its development of the proposed new ordinance.

Despite Manchester's relative lack of working farms, agricultural soils are extensive in town and correspond roughly with the Batten Kill Valley and its tributaries. Some of these soils are essentially protected from development because they fall in flood hazard areas. Others may be susceptible to development pressures. Subdivision review should carefully evaluate the presence agricultural soils of primary and statewide significance and measures should be required to protect them. This may involve clustering of lots such that agricultural soils remain on a common conservation parcel. Where subdivision is not proposed, review of commercial projects

should also note the presence of agricultural soils and approvals should include conditions that offer their protection.



Map 2.1. Mapped Agricultural Soils in the Town of Manchester. Mapped agricultural soils are extensive in Manchester, including soils of both primary agricultural importance (shades of green) and statewide agricultural importance (pink and purple).

Source: Vermont Natural Resources Atlas (<http://anrmaps.vermont.gov/websites/anra5/>)

Other than regulatory approaches to ensuring the economic vitality of local agriculture, the town will encourage opportunities for farmers markets or community supported agriculture programs, as well as farm to table programing in local schools and elsewhere. The town supports the seasonal Manchester Farmers Market by providing its Adams Park location. Going forward, the town will work with the Manchester Farmers Market to ensure its success and ongoing viability. Participation in the development of a Manchester Culinary Trail as identified in the

economic development section of the plan can function as another means of supporting local agriculture insofar as participating businesses purchase foods from local farms.

In addition to these efforts, a few dozen Manchester landowners take part in the state Current Use Program, or Use Value Appraisal of Agricultural, Forest, Conservation and Farm Buildings Property Program. This program allows for the valuation and taxation of farm and forest land based on its agricultural or forest use instead of its significantly higher market value. A total of about 1,000 acres of agricultural lands within the Town of Manchester are enrolled in the program (with about 4,800 acres of forest lands enrolled). The program offers positive means toward protecting agricultural resources that minimize hardship for agricultural landowners and the town will continue to help eligible landowners take advantage of this state program.

Historically agricultural operations have been the cause of significant environmental damage, particularly with regard to water quality and riparian health. This continues to be the case most significantly in Vermont with the water quality of Lake Champlain being significantly negatively impacted by agricultural runoff. Although Manchester does not lie in the Lake Champlain Basin, agricultural practices in town have the potential to negatively impact the water quality of the Batten Kill. Conversion of riparian zone natural cover to pasture or cropland, stream channeling, and implementation of erosion control measures are all practices that threaten stream water quality. Without direct regulatory jurisdiction, municipalities in Vermont must rely on the Vermont Agency of Agriculture, Food and Markets to enforce its Accepted Agricultural Practices and Best Management Practices for agricultural operations to ensure the protection of water quality.

Geologic Resources

The Town of Manchester recognizes its geologic resources as important components of our community wellbeing.

Sand and gravel deposits are abundant throughout the Batten Kill Valley in Manchester, and demand remains strong for these resources (See Map 2.2). As specified in the *Manchester Land Use & Development Ordinance*, mining or extraction must be conducted in ways that minimize adverse impacts upon surrounding lands, prevent depreciation in the value of surrounding lands, and ensure that residential areas are not disturbed by noise, truck traffic, disruption of water supplies, or other impacts related to extractive operations. Extra care must be taken regarding all aspects of extractive activities in highly visible areas, during project review and then during permitted operations.

Following sand and gravel extraction disturbed land must be rehabilitated in a timely manner so that it is usable for other purposes. Land rehabilitation should take place in a phased approach as material is removed, and should not wait until the subject parcel or resource is played out. This will ensure that large areas of land are not laid bare for long periods of time before rehabilitation activity begins and concludes.

Land development continues to depend on a clean and adequate groundwater supply. To ensure maximum yield and quality, areas with high groundwater storage or recharge capability must be protected. Hydrologic features, aquifer recharge areas, and watersheds which replenish surface and ground water supplies providing clean water for public consumption must be protected from incompatible development. The town's wellhead protection area (see Map 3.2 in Section 3.2) should be expanded as needed. From an ecological perspective, the entire town is underlain by an aquifer. Indeed, much of the valley consists of gravel soils, through which water and other

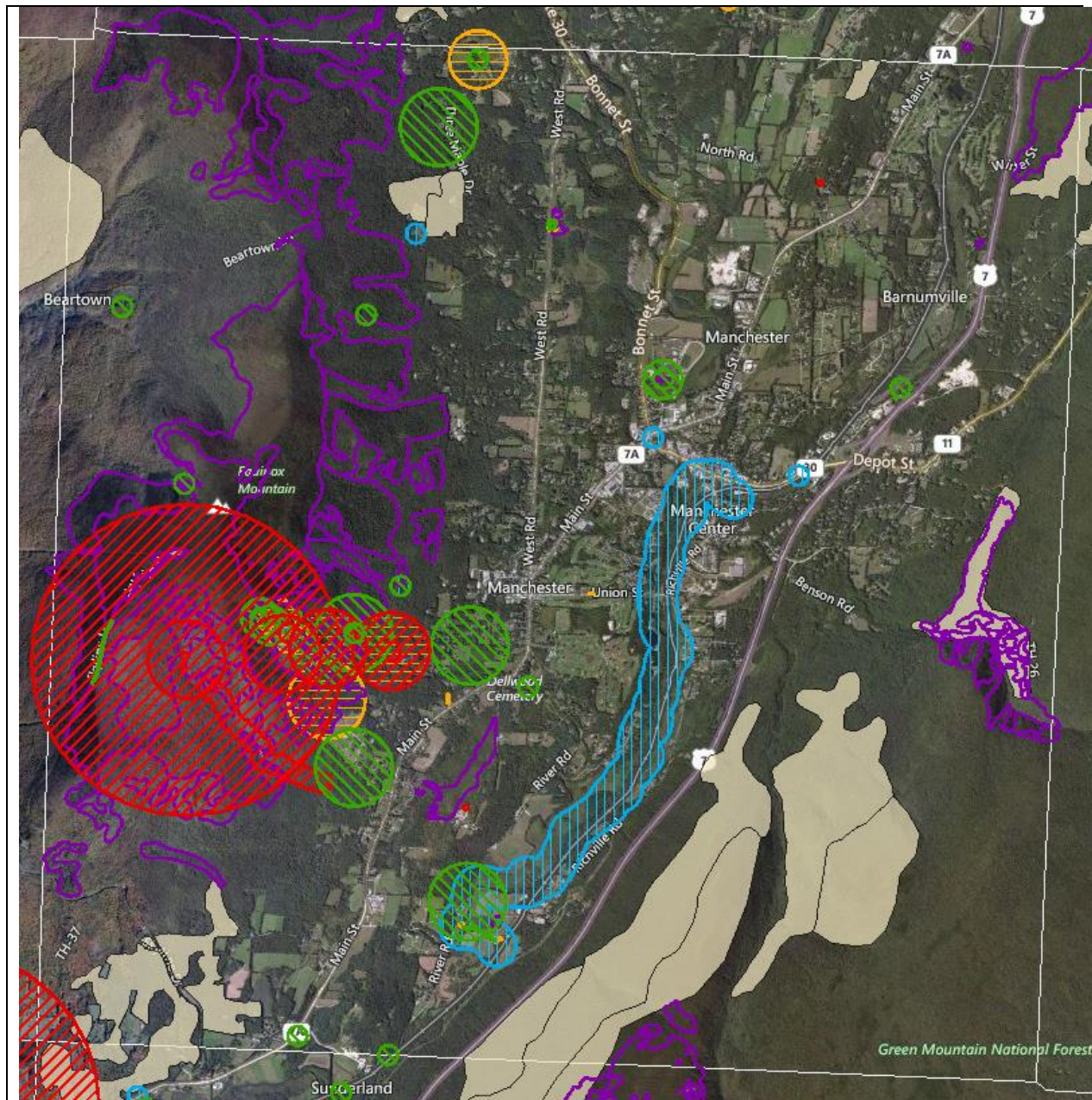


Map 2.2: Sand and Gravel Deposits. Sand and gravel resources as mapped by the Vermont Agency of Natural Resources. Note: Some gravel pits exist outside of these mapped areas within the town.
 Source: Vermont Natural Resources Atlas (<http://anrmaps.vermont.gov/websites/anra5/>)

materials can percolate easily. This increases the potential for contamination of subsurface aquifers. In order to protect the municipal wells, an Aquifer Protection Area has been established in the land use and development ordinance which restricts land uses to those which present low probabilities for contamination. Other strategies will be considered for further protection of water supplies throughout town. More details about the municipal aquifer and protection area is provided in section 3.2 of this plan.

Wildlife Resources

The Town of Manchester recognizes its natural flora and fauna as important components of our community wellbeing.



Map 2.3: Mapped Wildlife Resources within the Town of Manchester. Deer wintering areas shown in tan, crossed hatched circles indicate the presence of rare or threatened species, significant natural communities outlined in purple.

Source: Vermont Natural Resources Atlas (<http://anrmaps.vermont.gov/websites/anra5/>)

The Vermont Agency of Natural Resources online natural resources atlas identifies a number of rare and threatened species occurrences and important natural communities in Manchester (See Map 2.3). The species sightings include grasses, sedges, flowers, trees, butterflies, salamanders, and bats. Bat populations in general have suffered severe decline in recent years due to White-

nose Syndrome, and Manchester should be involved in state bat monitoring and protection programs. In addition to threatened species, bear, deer and turkey are quite commonly observed in town, along with many other smaller mammals and birds. Moose have also been recently sighted. Each individual wildlife species offers certain and important functions for a healthy ecosystem in Manchester. As such the town seeks to ensure that adequate habitat is available for the continued survival of wildlife populations. Accordingly, the Manchester Conservation Commission has identified habitat connectivity between the eastern and western forested mountain ranges as important to the protection of the town's wildlife resources.

Action: To ensure habitat connectivity for wildlife, the conservation commission will partner with public agencies and private organizations to identify corridors. The commission will work with partners to protect these corridors and install safe pathways across roads or other developed features where needed.

Deer wintering areas, also known as deer yards, provide shelter and browse for deer during extreme winter conditions and are crucial to the survival of deer herds in the region. Deer yards are delineated in the online Natural Resources Atlas by the Vermont Agency of Natural Resources. The atlas shows extensive deer yards within the Green Mountains in the southeast section of town, but limited wintering areas in the Taconic Mountains on the west side of town (See Map 2.3). Fortunately, most of the mapped deer yards fall within the Forest & Recreation (FR) zoning district, which offers protection of these areas to remain wooded. In fact, several acres of mapped deer yard were recently lost at the corner of Beartown Road and Three Maple Drive within the Farming & Rural Residential (FRR) zoning district to make way for a 30 acre horse farm. Several adjacent acres of this mapped deer yard were lost years before to clearing for residential meadows.

Action: The conservation commission will seek to identify deer wintering areas not indicated on the ANR atlas. If such areas are found, the conservation commission, in partnership with landowners and private conservation organizations, will work to encourage their protection by easement or other deeded restriction.

The Vermont Agency of Natural Resources has identified invasive species as the second most significant threat to biodiversity in Vermont and around the world. Invasive species in Manchester include both terrestrial and aquatic threats.

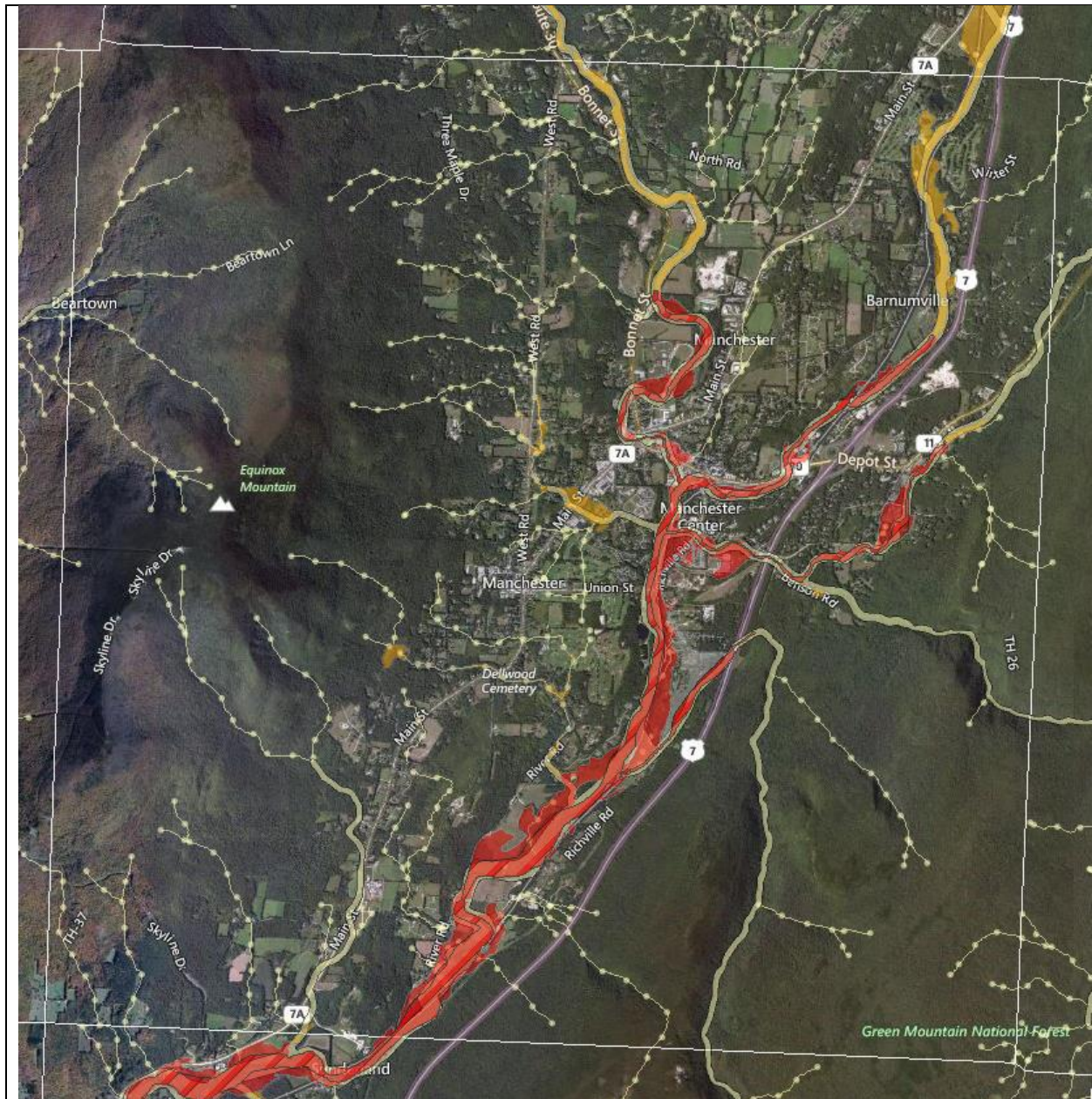
Action: The conservation commission will partner with The Equinox Preservation Trust and other organizations, as well as the State of Vermont, to raise awareness and work to eradicate invasive species from Manchester.

Section 2.3: Flood Resilience

Flood Resilience Mission: Encourage and enact practices that minimize and protect against the loss of life, or damage to health, natural resources and property in Manchester during flood events.

In 2011, spring flooding and Tropical Storm Irene caused extensive and unprecedented damage in Vermont. Consequently, all town plans adopted after July 1, 2014, are now required to address flood resilience. Resilience generally refers to a community's capability to anticipate, prepare for, respond to, and recover from natural disasters with minimum damage to social wellbeing, the economy and the environment. Climate change will result in more frequent and

greater magnitude high discharge weather events; therefore, flood resilience will become increasingly important. On September 27, 2016, the selectboard adopted the *Town of Manchester Hazard Mitigation Plan* (HMP). Hazard mitigation actions are designed to reduce potential losses from natural hazards, including those from floods. That plan is hereby incorporated by reference. The HMP identified flooding and fluvial erosion as the highest priority natural hazard to be addressed with mitigation measures in the Town of Manchester. The town recognizes that maintaining a healthy watershed and providing for limited and well



Map 2.4: Mapped flood hazard and fluvial erosion areas within the Town of Manchester. Yellow shows river corridors as mapped by the Vermont Agency of Natural Resources (ANR). Darker yellow indicates ANR-mapped fluvial erosion hazards. Red indicates extent of 100-year flood (1% chance of annual flooding). Crosshatched red shows FEMA-mapped floodway. Gray shows FEMA-mapped area of 0.2% chance of annual flooding.

Source: Vermont Natural Resources Atlas (<http://anrmaps.vermont.gov/websites/anra5/>)

controlled development in flood prone locations and along streamside slopes are key elements of protecting our community from flood and fluvial erosion damage. Consequently, healthy watersheds and controlled development in riparian areas must be priorities.

Aspects of a healthy watershed relevant to flood control include limiting the amount of impervious surfaces, maintaining well forested hillslopes, protecting wetlands and groundwater recharge areas, and providing adequate space for both larger rivers and smaller streams to spread laterally during high water events. This includes protecting river-floodplain connectivity by limiting dyking and berming of waterways. It is also advisable to limit river simplification (*e.g.*, straightening of the channel, dredging the channel to increase flow velocity, confining the channel within berms, and removal of roughness elements like large trees that have fallen into the channel) and the armoring of river banks (*e.g.*, installation of rip-rap on banks for erosion control), as these types of efforts simply transfer energy to downstream locations and ultimately may increase the destructive power of high water events.

In December of 2015, the selectboard adopted new flood hazard area regulations as part of the *Manchester Land Use & Development Ordinance*. The new regulations prohibit or limit new development and require floodproofing standards for allowable development within these FEMA-defined and -mapped flood hazard areas and ANR-mapped river corridors (See Map 2.4). The ordinance also requires proposed land development plans to provide buffers for adjacent surface waters - including wetlands, lakes ponds, and streams. Furthermore, the ordinance requires all proposed development or redevelopment to provide stormwater treatment and retention on site. Maintaining natural pervious cover and protection of wetlands are among the most important means of minimizing the frequency and intensity of flooding and fluvial erosion. ***The town will administer and enforce its flood hazard area and surface water regulations and encourage the implementation of other mitigation measures to realize the goal of being a flood resilient community.***

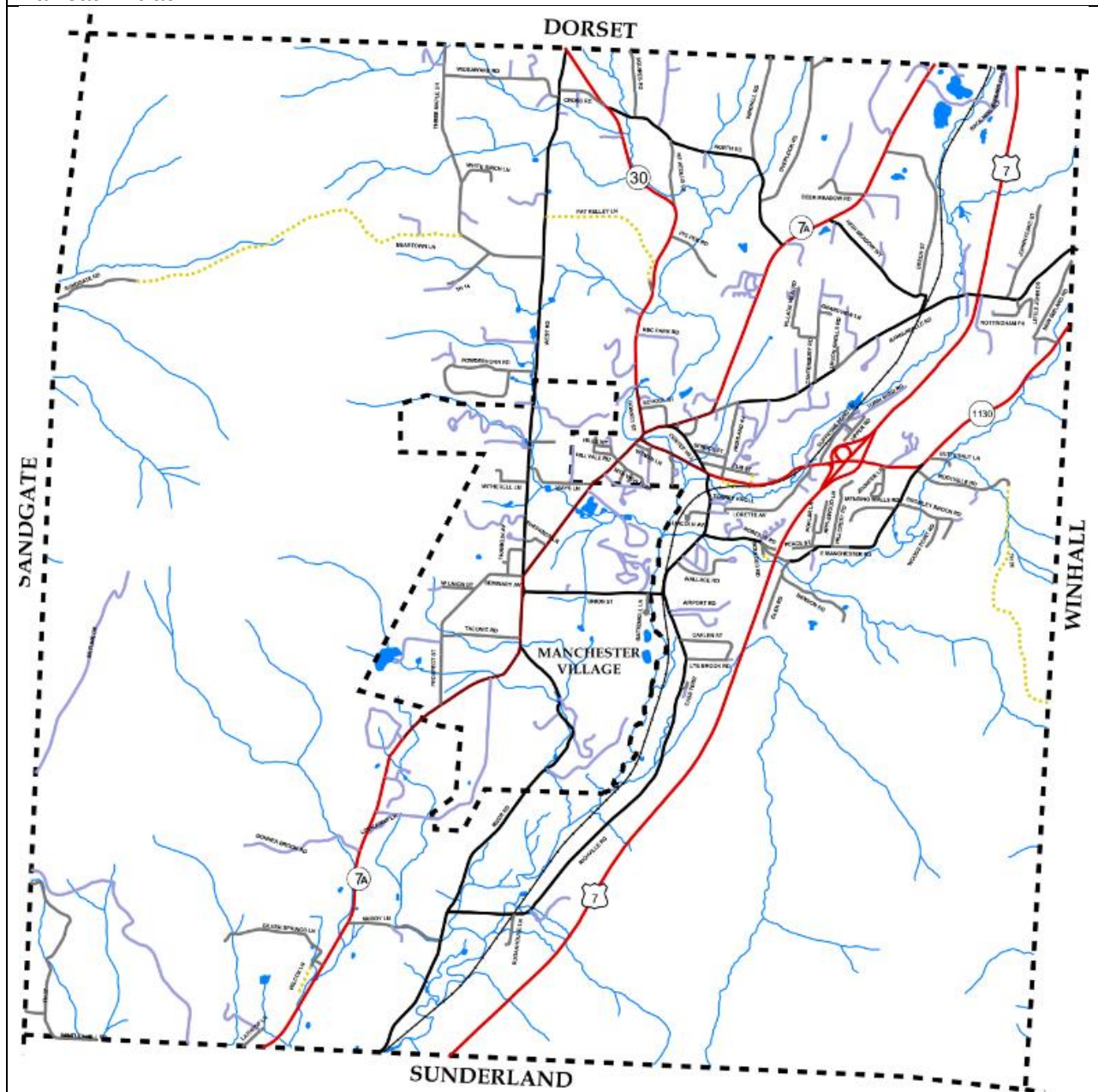
The town recognizes that resilience extends beyond mitigation of flood and fluvial erosion hazards. As articulated in *Vermont's Roadmap to Resilience: Preparing for Natural Disasters and the Effects of Climate Change in the Green Mountain State* (Institute for Sustainable Communities, 2013) Vermont communities need to recognize potential impacts of climate change beyond flooding and build resilience to other potential disasters, including drought, wildfires, and winter storms. ***Recognizing that resilience extends beyond flood mitigation, Manchester will pursue further articulation of risks, mitigation measures, and planning toward community resilience, particularly through updates to the Manchester Hazard Mitigation Plan.***

Section 3: Services: Transportation, Utilities, Public Health & Safety, Education

Section 3.1: Transportation Infrastructure

Transportation Mission: Develop a multimodal transportation system that functions well for all users.

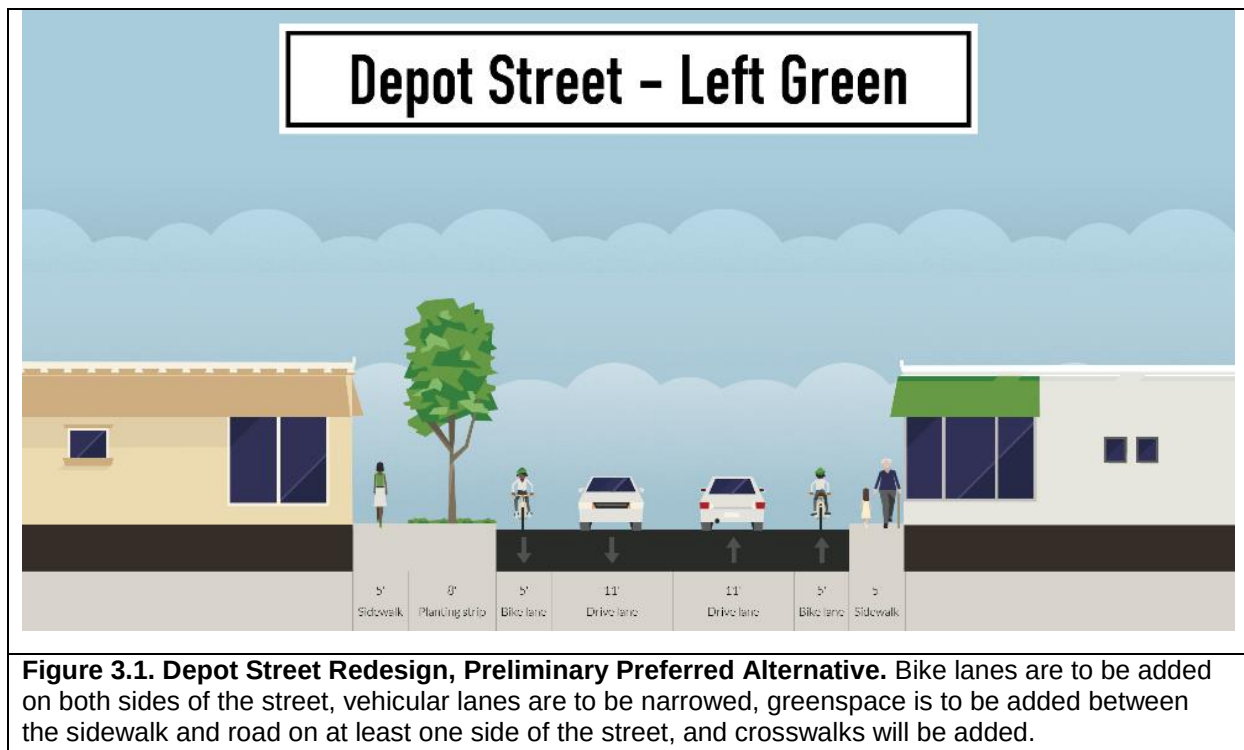
Map 3.1. Manchester Transportation Infrastructure. Federal and State highways shown in bright red, Class 1 Town Highways in red-burgundy, Class 2 Town Highways in black, Class 3 Town Highways in grey, and private roads in lavender. Class 4 Town Highways (Town Trails) shown in dotted yellow and Railroad in black.



Manchester recognizes that desired transportation improvements are significant, and will not be accomplished all at once. It is important to keep a long-term perspective, so that incremental improvements are achieved within the context of the big picture. It is also essential that infrastructure is designed to meet general needs throughout the year, and not be overbuilt to accommodate peak demands at limited times of year. Transportation infrastructure should be designed in an integrated fashion, with opportunities to share needs between a mix of uses in both time and space, especially where evening peak demand overlaps little with daytime needs. The town maintains and resurfaces its roads on a planned rotation cycle, so as to avoid the greater costs and problems associated with delayed maintenance and roadbed deterioration. In order to minimize the escalation of cost over time, the town's policy has been to maintain existing paved roads, but not to pave additional roads.

Downtown

After a 1994 transportation study, and the development of the 1996 Commercial District Parking and Pedestrian Plan, Manchester pursued redefinition and implementation of desired patterns of land use through changes to the zoning ordinance. Since then, the town has focused on downtown improvements, creating a more pedestrian-friendly environment, more effective pedestrian and vehicular links between commercial projects, and more effective intersection design, all of which help the transportation network to function more efficiently. Most significantly, in 2014 the town realized the long planned redesign of what was widely known as Malfunction Junction at the intersection of Vermont Routes 7A and 11/30. A full roundabout at the Depot Street-Main Street intersection and a button roundabout at the Bonnet Street-Main Street intersection is now referred to as Function Junction, and has received wide praise for resolving traffic problems in Manchester, particularly during peak tourist seasons.



Aside from the roundabout project along Main Street, the design and functionality of Depot Street has long been subject to community discussion. A Depot Street Corridor Study was

conducted in 2004 to explore alternatives aimed at improving traffic and pedestrian conditions along Depot Street in line with the town's adopted vision statement.² That was followed by a Depot Street Study in 2014 that further refined alternative designs for Depot Street. In 2016, with \$580,000 in state transportation funding, the town engaged an engineering firm and a planning firm to accomplish the Depot Street Bicycle and Pedestrian Enhancement project. This project aims to redesign Depot Street to offer safe pedestrian and bicycle amenities currently lacking along this corridor. The public design process has progressed to an accepted alternative that is being further engineered (see Fig. 3.1). Completion of the project will coincide with the state paving schedule for Route 11/30, expected in 2018 or 2019. In 2017 the town plans to apply for a \$350,000 state grant to pay for street lights and traffic light upgrades on Depot Street.

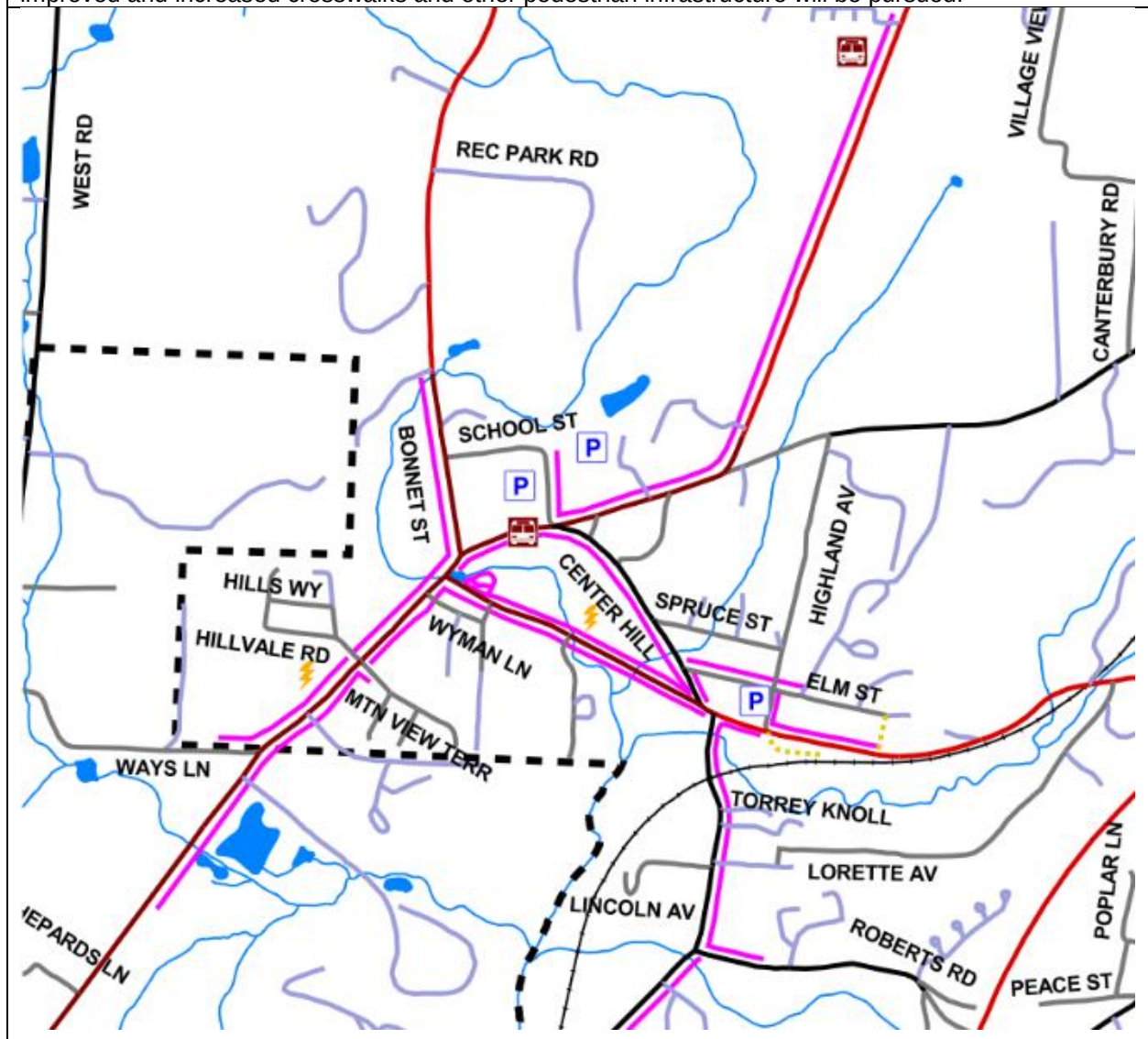
Downtown parking and traffic have been debated at length over the years, typically, with regard to answering quantitative questions: how many cars, how many parking spaces, how much traffic? We now know that the qualitative questions are more important in mitigating traffic issues: where are parking spaces located, is there provision for pedestrian links, is there coordination and consolidation of curbcuts, and what difficulties arise when visitor traffic is heavy? It is now widely recognized that good access management (*i.e.*, fewer curbcuts), greater connectivity, mixed uses and enhanced bike and pedestrian amenities tend to alleviate traffic and parking issues.

Nonetheless, amount, location and design of parking facilities remains a matter of community concern, and in December 2016 the town was awarded a \$19,333 municipal planning grant from the Vermont Agency of Commerce and Community Development (ACCD) to fund the creation of a downtown master plan that will include a parking analysis. The master plan will also address unresolved safety issues arising from the parking and drop off patterns at the Manchester Elementary and Middle School (MEMS). In the meantime, the town is working with the Manchester School Board to design alternative configurations for MEMS with input from parents, administrators, and other community members. These design alternatives will be considered in the development of the downtown master plan. The downtown master plan project will involve a public planning charrette in conjunction with the annual meeting of the Northern New England Chapter of the American Planning Association (NNECAPA) to be held in Manchester in September of 2017. In addition to addressing parking needs in the downtown and ways to establish safe routes to MEMS, the charrette and resulting master plan will address other bike and pedestrian needs in the core.

Rather than design streets or sites for the convenience of vehicular travel as was done through much of the 20th Century, we now design for the convenience of people using all modes of traveling through town. This includes centrally-located, safe and convenient parking areas, a safe and convenient sidewalk network, safe and well-marked crosswalks, bicycle lanes, amenities such as benches, mini-parks and greenways, and other design elements that encourage people to park their cars and walk or bike throughout the town. The town will encourage public-private partnerships to accomplish these multimodal connections, whether through direct funding or other mitigation strategies, with the private sector paying for a share of these improvements in conjunction with commercial or large residential development approvals.

² "Our 'downtown' development will follow the classic village pattern. It will be pedestrian oriented – human in scale. It will replace the prevailing 'suburban' development pattern in which buildings are sited to accommodate the automobile. [...] We will reduce the detrimental effect of automobiles on our quality of life and sense of community. We will create a carefully designed network of attractive sidewalks, walkways, and bicycle paths which will be well maintained in all seasons." – A Community Vision for Manchester, November, 1994

Map 3.2. Manchester Sidewalk Network. Public concrete sidewalk depicted in pink. The town has steadily extended its sidewalk network and will continue to do so throughout the core. In addition, improved and increased crosswalks and other pedestrian infrastructure will be pursued.



The following transportation policies are in line with 21st Century norms of designing for all transportation users rather than just automobile drivers:

- *Curbcuts should be as narrow as possible while serving vehicular needs.*
- *The number of curbcuts should be reduced or minimized by closing curbcuts and consolidating access with or between adjoining parcels or projects.*
- *Sidewalks that cross curbcuts should be constructed of a different color, material, and/or texture to help clarify these areas as safe havens for pedestrians.*

Appropriate traffic mitigation for new development falls into two categories: on-site and off-site improvements. On-site improvements typically include project-specific needs, and may include

intersection improvements, public sidewalks, closing curbcuts, sharing and consolidating curbcuts and parking areas, bicycle parking facilities, provision for public transit, benches and other pedestrian amenities, easements for or construction of walkways and driveways creating off-street links between projects, street trees, and other similar design enhancements. Off-site improvements may include contributions toward broader identified needs (such as improvement to public parking facilities) that are beyond the scope of any single development project, and beyond the ability of the town to finance on its own. High traffic generators, such as drive through fast food restaurants and drive through banks must not access directly to Main Street, Depot Street, or Bonnet Street. Access to a side street should not be less than 100 feet from the intersection of that side street and any of these three main streets.

To further enhance the pedestrian-friendly nature of Manchester, and to discourage reliance on cars, the town has improved and expanded its sidewalk system. In concert with private landowners, who are required to rebuild sidewalks and curbs to town specifications in conjunction with commercial development projects, significant progress has been made in this arena. Other areas noted for possible future sidewalks include further extension along Richville Road; East Manchester Road, from the Post Office heading east toward relatively densely developed residential areas; Barnumville Road, from the intersection with Main Street at least to Highland Avenue, if not beyond; and Main Street, from the intersection with Barnumville Road to Cemetery Avenue, where the new Manchester Community Library is located.

In 1997 the Town of Manchester established a park and walk program with seed money from the High Ridge development court settlement. The program included signage and shared parking arrangements with various commercial developments along Main Street, Bonnet Street and Depot Street. Wayfinding kiosks were also installed, as was the town's first roundabout to serve Shaw's and the new High Ridge development. Most of the High Ridge development has been recently demolished to make way for the Hampton Inn and three associated commercial buildings. The wayfinding kiosks, which were maintained by the now defunct Manchester and the Mountains Chamber of Commerce, fell into disrepair and are actively being removed by the town. The park and walk signage has also suffered deterioration and is in need of replacement.

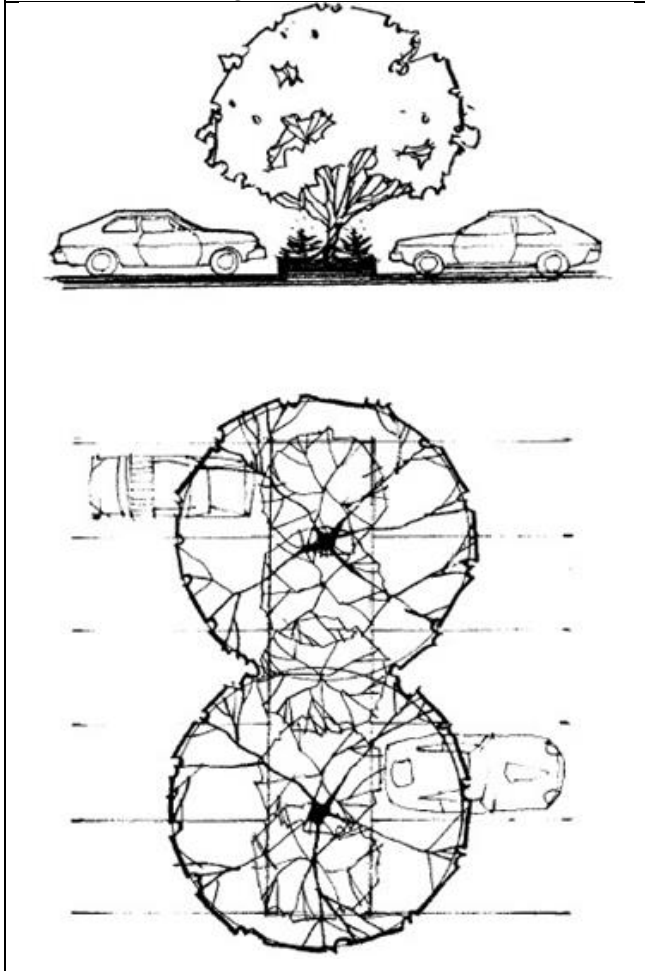
In place of the wayfinding kiosks, town staff is pursuing identification of its facilities on Google Maps. Most local businesses are indicated on Google Maps and although some of the town's facilities are identified, others, such as municipal parking lots are not. In addition, the town will work to systematically replace the original wooden park and walk signage with metal, MUTCD-compliant³ signage within the public rights-of-way. Locating the signage within the right of way will allow regular municipal maintenance and better prevent deterioration that resulted from less straightforward shared access and maintenance arrangements on private property. Town officials will encourage and seek continued cooperation from commercial operators for access to shared parking for all visitors to the downtown area.

While development may be seen as the cause of traffic problems, development may also serve, or be used as a tool, to help solve some of those same problems. The zoning bylaws as they are being recrafted, will guide development toward desired patterns that improve pedestrian linkages and amenities. Where consistent with this plan, and when clear and compelling benefit to the town is demonstrated, the boundary of the commercial zone may be changed to follow natural features or contours, follow existing parcel or project boundaries, allow commercial development in appropriate locations, or allow effective parking to be created. However, any non-residential uses which adjoin residential land must provide substantial screening and

³ Manual of Uniform Traffic Control Devices

buffering in order to minimize or prevent adverse impacts upon adjoining residential lands. Measures should be taken to minimize or prevent impacts including but not limited to noise, odor, traffic, heat, light, glare, dust, vibration, and security. Non-residential uses must not channel significant traffic onto local or connector streets in or near residential areas.

Figure 3.2. Example of parking lot landscaping with year-round screening for aesthetic beauty, shade, and noise buffering.



The town will seek to re-establish, enhance, and encourage or facilitate services provided by mass transit providers. Regular, cost effective, energy efficient transit, whether by bus, rail, or other means, will become ever more important in the future, whether within town, for daily commuting between towns, or other long distance travel. High priorities include maintaining the existing commuter bus services linking Manchester with both Bennington and Rutland, as well as re-establishing long distance bus or other transit opportunities linking Manchester with the Albany to New York City corridor.

Parking facilities should be designed, consolidated and reconfigured in ways that maximize the effective use of land, while providing appropriate design, pedestrian and vehicular links, and screening. Consideration must be given both to patron traffic, as well as service and emergency vehicles. Parking areas must be screened or hidden as much as possible, ideally behind buildings. Creative landscaping and screening should also be used as a buffer between parking lots and sidewalks or residential areas, and to provide delineated pedestrian pathways, screen cars from the road, provide shade, and provide year-round color and aesthetic beauty.

Creative approaches should also be used where appropriate, including payment in lieu of parking, shared parking, or other strategies. Shared parking is encouraged within or between projects or lots, and may be on-site, on adjoining land, or off-site. Shared parking arrangements should acknowledge actual, on the ground needs during normal business conditions, not just theoretical distinctions in time and space. Satisfying temporary, peak demands for roadway capacity or parking supply would be wasteful and counterproductive. Creating effective parking is the goal, ultimately through multiple strategies that provide a better balance between supply and actual demand in both time and space. This may also include encouraging better use of existing public parking through promotional efforts in partnership with the private sector.

Another way of lessening traffic impacts is to minimize or avoid the need for traffic. Commercial and residential projects should be designed to help satisfy this goal. Mixed use developments, especially those which include housing; shared parking lots; off-street pedestrian and vehicular

links between projects; and pedestrian & bike paths which feed into an overall greenway plan are all design examples that help realize this goal. Manchester will continue creating incentives to encourage such designs. Lowering or removing density requirements for housing when part of a mixed-use project in the commercial core is one possible incentive that can be offered.

Figure 3.3. Undesirable Scenario. Buildings widely spaced, parking between buildings and quite visible, and no buffer between sidewalk and road.

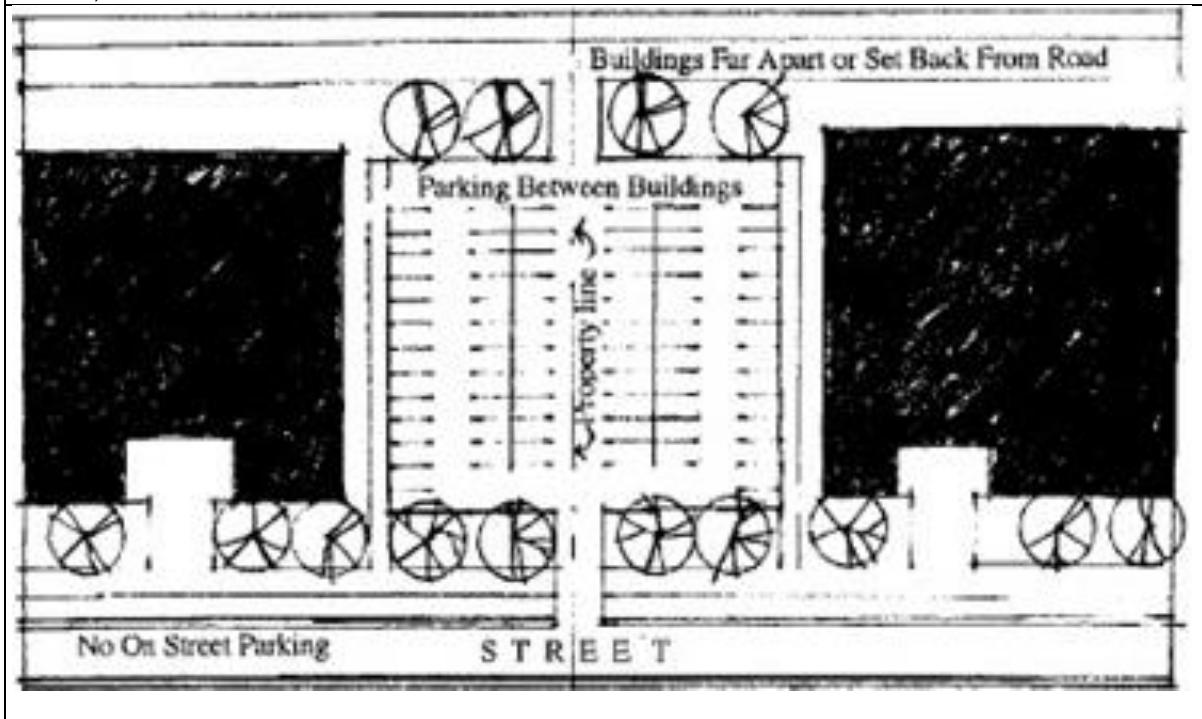
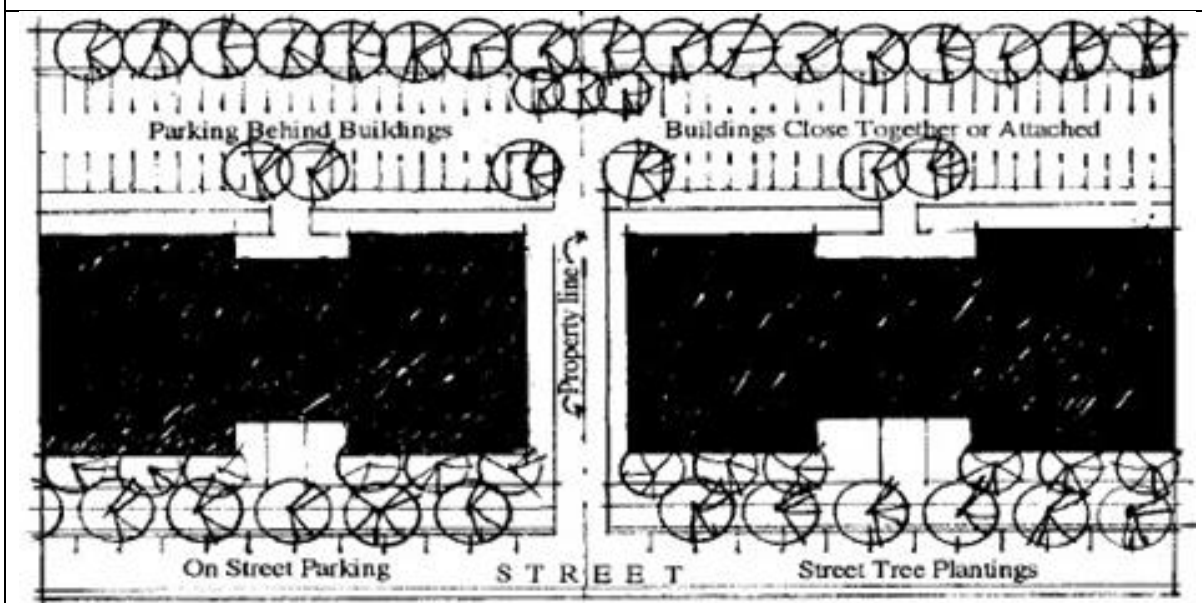


Figure 3.4. Desirable Scenario. Buildings closer together, parking well-screened and behind buildings, on-street parking, significant street tree plantings, greenspace buffer between sidewalk and road.



Scenic Roads

The Town of Manchester recognizes its scenic roads as important components of our community wellbeing seeks to protect these assets.

Two designated scenic byways run through the Town of Manchester. They are the Shires of Vermont Byway and the Stone Valley Byway. The Shires of Vermont Byway begins in Pownal at the Massachusetts border and runs along Route 7A to Manchester, where it continues on Main Street until turning onto Depot Street and terminating at the Route 7 interchange. The Stone Valley Byway begins at the Bonnet Street intersection with Main Street and courses north along Route 30 all the way to Hubbardton. These scenic byways are recognized officially, protected under state statute, and marketed by the state's tourism department. These roads are often lined by stone walls and sugar maples, and provide especially scenic views, as well as historic sites. Other roads in Manchester also provide such scenic amenities, including Barnumville Road, East Manchester Road, Overlook Road, Richville Road, River Road, West Road and Wind Hill Road. Public or private actions which would impact these roads must be carefully evaluated, and development must be planned to minimize adverse impacts.

In addition to traditional engineering considerations, rural character, natural topography, and scenic corridors should be considered when designing new roads in Manchester. Roads that are wider than necessary cause the destruction of trees, stone walls, and other features integral to the area's rural character. In order to protect the town in the future, appropriate rights-of-ways must be dedicated, and roadbeds constructed, to town specifications. However, the constructed road width should be appropriate to the traffic flow anticipated. The town will reserve or allow sufficient rights-of-way for longer-term future needs, and yet avoid building roads that are wider than necessary and negatively impact the scenic qualities that are essential to Manchester's community well-being.

Recreation Pathways

The Town of Manchester values recreation pathways and seeks to support the expansion of such a network in town.

The Manchester community has long expressed a strong desire for a greenway network of pedestrian, cross country ski, and bicycle paths that would link the outskirts of town with the downtown. Although debate about the extent of public funding and the particular locations of pathways continues, the town supports the concept. Such a network would improve opportunities for non-motorized travel within the core, while creating new recreational opportunities close to town for residents and visitors alike. In line with this desire, public sidewalks should be continuous throughout the entire downtown, and should connect with adjacent neighborhoods. Provisions for pedestrian and bicycle travel should be incorporated into all private developments and public works projects. Consequently, links should be made between new development and adjoining paths, bike racks should be provided, sidewalks should be extended along bridges, ample crosswalks should be provided throughout the town core, and roadway shoulders should be paved and adequately stripped wherever possible. Furthermore, Manchester employers should be encouraged to provide appropriate facilities, including showers and secure bicycle storage, in order to encourage energy-efficient commuting.

The 1996 Manchester Commercial District Parking and Pedestrian Plan evaluated six potential corridors that would comprise a network of recreation pathways. Of the six, a spur from MEMS through the Dana Thompson Memorial Park and on to Riley Rink has been developed. Other

corridors include a Manchester Depot spur running roughly parallel to Main Street from Town Hall to Barnumville Road and then continuing south to Depot Street roughly parallel to Highland Avenue along an abandoned rail bed and ravine. Two of the spurs essentially run along the Batten Kill through the downtown, corresponding at least partially with what the Manchester Riverwalk hopes to establish as a public pathway along the river. The fifth spur would link the Batten Kill with the Equinox Hotel in Manchester Village. In the coming years, the town will revisit the feasibility of developing these corridors in conjunction with Manchester Village, Manchester Riverwalk and private landowners along the identified corridors. In addition, a town meeting vote in 2016 authorized town officials to pursue planning of a northerly spur linking Riley Rink to North Road along the old OMYA railroad bed. This effort is being conducted in cooperation with the owners of the old rail bed as well as landowners whose land may need to be traversed to connect the rail bed to existing recreation path at Riley Rink. In addition, easements or land exchanges may be sought to address concerns about proximity of the rail bed to existing residences.

Section 3.2: Municipal Utilities

Municipal Utilities Mission: Maintain a safe and functioning water and sewer infrastructure that efficiently serves residents, businesses and institutions into the future.

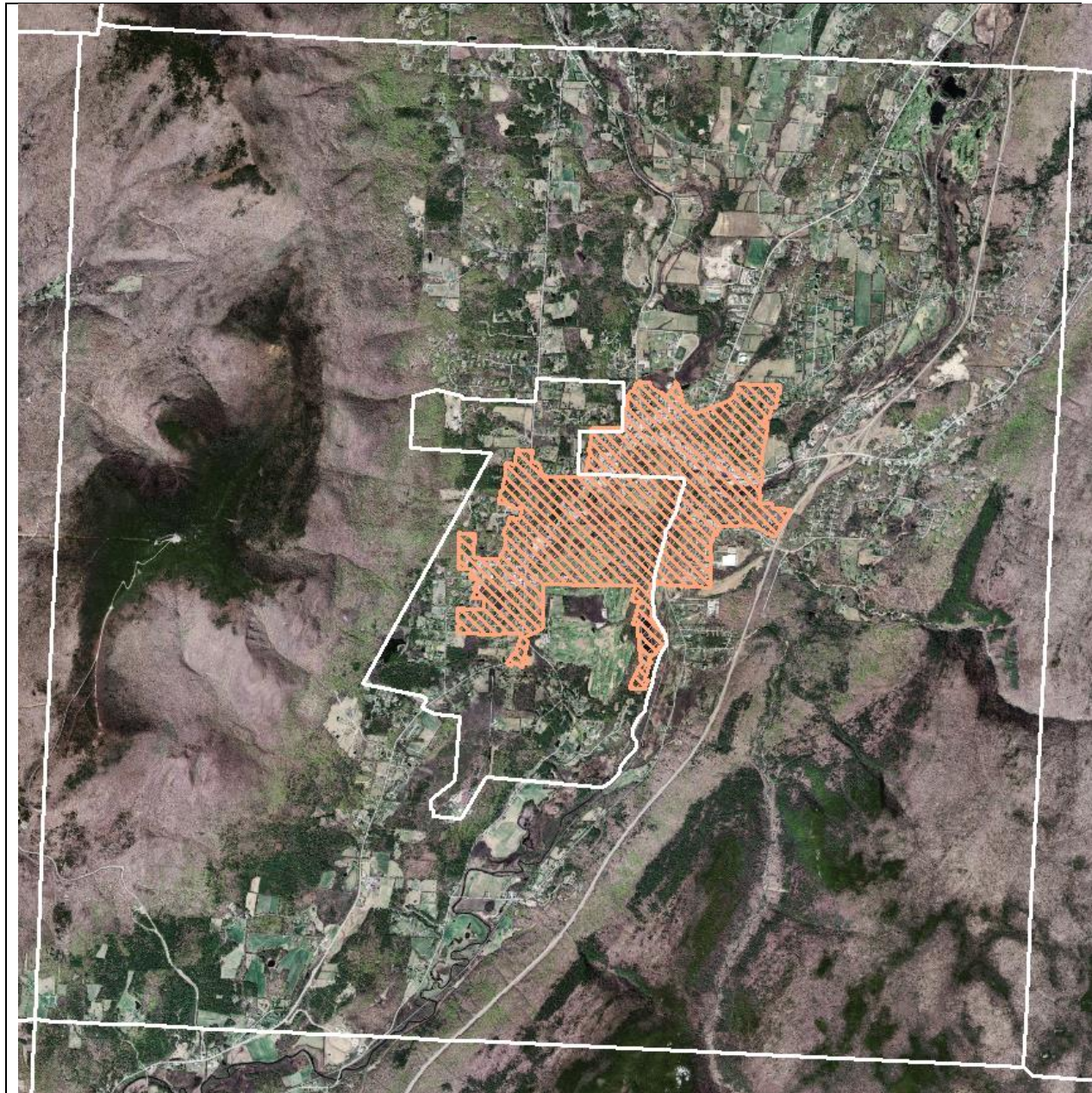
Sewer System

The town's sewer treatment consists of a lagoon system relying on natural algal and bullhead fish populations to aid the treatment of wastewater. Additional secondary level treatment includes disinfection and dechlorination to increase the quality of the effluent, and minimize adverse impacts upon the Batten Kill. With average flows of 350,000 gallons per day (GPD), the sewer plant is not yet operating at capacity. Capacity can be expanded by changing some operating procedures, and by minimizing groundwater infiltration into the system. The town is actively pursuing these approaches at this time, which are more cost effective than adding new capacity. As we approach 80% capacity, the state will require engineering redesign and capital funding for expansion of the system.

Under optimum conditions, it is estimated that the plant may be able to treat approximately 1,000,000 GPD. However, the limiting factor at this location is the assimilative capacity of the Batten Kill. Initial discussions with the Vermont Department of Environmental Conservation suggest that an increase from the current permitted 600,000 GPD to 750,000 GPD could be permitted, depending upon the quality of effluent discharged, and the assimilative capacity of the river. The town will continue to analyze capacity to determine future options. In the meantime, the town will guard and allocate wisely its limited capacity, to maximize options and minimize future costs.

As additional allocation is awarded to new development, different kinds of uses must be carefully considered with regard to their particular effects on the existing lagoon system. The system is not designed for industrial wastewater with high oxygen demands. Although expanded residential allocation may pose no threats to the functioning of the current treatment system, certain other uses potentially may. A slaughterhouse, for example, would increase biological oxygen demand (or BOD, the amount of dissolved oxygen required to break down organic matter) significantly and compromise the existing system. Restaurants with garbage disposal grinder pumps could significantly increase settleable solids and thereby threaten the system. Various industrial, research or artisan uses may involve heavy metals that could contaminate the

sludge and thereby increase the costs of disposal. Other uses, such as brewpubs, may significantly change the pH of the treatment system and thereby threaten its functioning. Although, certain pretreatment measures for these uses are possible, failure of pretreatment could permanently damage the lagoon system. Therefore, significant allocation to these types of uses would likely require the town to move to an activated sludge treatment system that would require a newly engineered facility and significantly increased staff.



Map 3.1. Sewer Service Area. The sewer service area (SSA) is shown in orange, with municipal boundaries shown in white. A majority of the SSA falls in Manchester Village, although Manchester is considering limited extension in the town along Richville Road and Main Street.

Source: Vermont Natural Resources Atlas (<http://anrmaps.vermont.gov/websites/anra5/>)

The area that the town has determined can be served economically and efficiently with municipal sewer, and which is appropriate for higher density development, is referred to as the

Sewer Service Area (SSA), shown in Map 3.1. Expansion of the SSA is encouraged where clear and compelling benefit is demonstrated for the town and the sewer system. Given limited capacity, a key policy question for the planning and sewer commissions is whether land within the existing SSA should be served before expanding to serve additional land. Extensions of sewer lines outside the SSA have been discouraged historically. However, given the effort to allow more intensive use of the core, especially denser residential use, the town is considering expansion of the SSA along Main Street north of Barnumville Road. In addition, the state is urging the town to consider extending sewer service south to Cass Terrace along Richville Road to better protect the municipal aquifer in this area. Even in the rare instance where the town allows the extension of service lines outside the boundary of the sewer service area, increased development densities must be carefully evaluated. The town must keep a close watch on current and projected growth, so that sufficient time is available for informed decision making regarding any upgrades or expansions that may be needed as sewer capacity limits are approached.

Expansion of sewer service along Richville Road south of Green Mountain Estates would achieve a major goal of the Water Department – further protecting the town’s well heads located near the intersection of Richville Road and Union Street – and as such, the Water Department will participate to some degree in any expansion of sewer service on Richville Road. Ideally, this would be done in combination with the development of the town-owned land (located adjacent to the Old Airport Industrial Park and currently zoned Industrial) and possibly funded by the creation of a sewer assessment district as well as a Tax Incremental Finance (TIF) district, related to the town-owned land. As contemplated, one end of the sewer expansion would start at Cass Terrace and gravity feed to a new pump station located at the southern corner of the Water Department on Richville Road. The other end of the system would gravity feed from Green Mountain Estates, eliminating the existing pump station and connecting to the new pump station, which would pump under the Batten Kill and directly into the sewer treatment plant. Carlan Street and Lye Brook Road would be included in the expansion and sewer and water service would be extended to the town-owned land off of Airport Road. The estimated cost is about \$6 million dollars.

Wastewater Service Policies & Actions

The Wastewater System Master Plan, developed in 2010 by Dufresne Group Consulting Engineers, guides maintenance, planned improvements, and continuing evaluation of the town’s sewer system infrastructure. In addition, the town identifies the following policies and actions regarding its wastewater treatment system:

- ***Require connection to the municipal sewer system for all new development or redevelopment proposed in the town core within the sewer service area.***
- ***Pursue strategies to expand capacity by minimizing infiltration, and maximizing system efficiencies.***
- ***Evaluate, the assimilative capacity of the Batten Kill, to determine the maximum permitted treatment capacity of the plant.***
- ***Maintain the existing sewer service area, and extend only where clear and compelling benefit to the town and sewer system is demonstrated.***
- ***Extend the sewer service area to serve existing development along Richville Road within the wellhead protection area.***
- ***Extend the sewer service area north along Main Street to serve existing and potential new development, particularly residential.***

- *As capacity of the current system is approached, evaluate feasibility and cost of converting to tertiary treatment.*

Water System

The Manchester Water Company, established in 1894, operated as a privately-owned enterprise until April, 1980. The Town of Manchester then purchased the system for \$361,500, and will pay off the municipal bond that financed the purchase by June 30, 2018. During the mid-1980's, the town upgraded the water system with a new subsurface well and pump station, covered storage tanks, and new water lines. Since then, the town has embarked upon an aggressive program of improvements, including leak detection, replacement of old water mains, and replacement of water meters. Such improvements help maximize system efficiency, thus extending its service life, forestalling the need for costly capacity upgrades, and improving revenue through greater capture of billable flows. Replacement of old mains continues, including planned replacement of original 1894 pipes along Main Street serving Manchester Village in the next few years. If possible, the work will be coordinated with the state paving schedule for Route 7A to save the town significant expenditure toward paving. This project will cost between 150,000 and 1.6 million dollars depending on whether existing pipes can be lined or will require full replacement. In order to determine project cost, the mains will need to be visually scoped and the town will issue new municipal bonds to cover the costs.

Batten Kill Wells and Pump Stations

All source requirements for municipal water service in Manchester, for both the village and the town, are presently satisfied by the primary Batten Kill well and an adjacent, secondary backup well. The Batten Kill wells tap a gravel aquifer which extends in a north to south direction along the river. These wells have a theoretical total capacity of roughly 5,000 GPM (gallons per minute). However, current pumping capacity is designed for only 1,400 GPM. As with the sewer system, continued growth and development add demand. Manchester can extend the life of the wells by continuing to pursue system efficiencies, and guarding new allocations carefully.

Much of the valley lands in Manchester is underlain by gravel soils, through which water and other materials percolate easily. This increases the potential for contamination of subsurface aquifers. In 1984 the first Batten Kill well was put into use. State health regulations required that a well head protection area be delineated to protect the municipal water source. Well head protection areas consist of zones of decreasing levels of protection with increasing distance from the well head. Zone 1 consists of a 200 foot radius surrounding the well. Zone 2 consists of the area from where there will be probable impacts from potential sources of contamination. Zone 3 consists of the remaining watershed area of contribution to the well. In 1988 the backup well was installed requiring a new well head protection area be delineated for both wells. The entire well head protection area, along with Google imagery, is depicted on Map 3.2.

In 1989 the town adopted the Aquifer Protection Area (APA), an overlay zoning district that generally corresponded to Zone 2 of the well head protection area as mapped by engineering firm Dufresne-Henry in 1988 based on appropriate hydrogeological study of the aquifer area. The APA restricts land uses to those that present low probabilities for aquifer contamination. In 1996 in accordance with State of Vermont public health standards and after the second more southerly well was employed, engineering firm Dufresne-Henry recommended extending the APA southerly to include the portion of Zone 3 falling west of Route 7 to the Batten Kill. The remainder of Zone 3 east of Route 7, consisted of national forest lands and rural residential properties with limited potential for development that were therefore not considered likely to

threaten the aquifer. A small portion of Zone 3 falls on the west side of the Batten Kill, but this area falls within Manchester Village, which maintains a separate zoning ordinance. Consequently, the town extended the APA to its current limits in 1997. Town officials are currently considering new ordinance provisions that would include the entire mapped wellhead protection area in an Aquifer Protection Overlay (APO) district, but would conditionally allow some uses within zone 3 that would continue to be prohibited in Zones 1 and 2.



Map 3.2. Wellhead Protection Area. Manchester's sourcewater is protected by a delineated wellhead protection area within which various land use activities are encouraged or discouraged depending on whether they might threaten the public water supply.

Source: Vermont Natural Resources Atlas (<http://anrmaps.vermont.gov/websites/anra5/>)

The pump station includes an 800 gallon per minute pump and a 500 gallon per minute pump, both of which fill the town's two storage tanks. The east tank holds 850,000 gallons, and the west tank holds 500,000 gallons. Well water is chlorinated and pumped into these two tanks, which are at an elevation of 1100 feet (336 meters). Operation is controlled by a telemetry

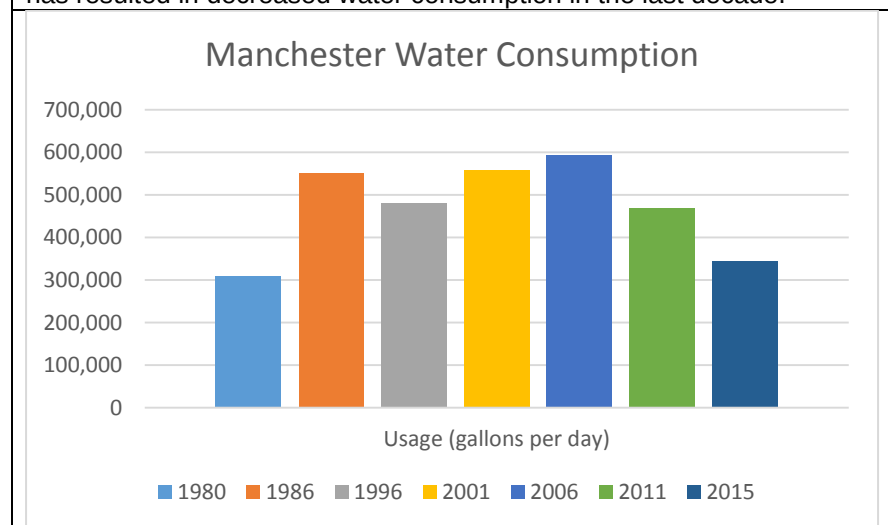
system, which was improved in 2003. Energy and functional efficiencies were also improved in 2003 with the installation of a variable frequency pump. The town received a grant from Efficiency Vermont to help with the up-front cost.

Pursuant to Vermont water supply rules, the town maintains a Source Protection Plan (SPP) for the Manchester Water Department. Originally prepared in 1995, the SPP is updated every three years. It involves inventory of properties, uses, monitoring activity, and public outreach efforts within the well head protection area, as well as recommendations for further actions. New information gained in a 2005 study added further insight into subsurface flows and the impact of well pumping on the aquifer. This is useful information on its own, and has already helped improve proposed development plans in this vicinity. Other strategies may be considered for further protection of water supplies throughout town, such as the 2006 purchase of land adjacent to the well.

Water Consumption

The town has recently largely addressed a long standing problem of water unaccounted for in gallons billed as compared with gallons pumped. In 2006, this ratio averaged about 62%, leaving about 1/3 of pumped water unaccounted for. In the first three quarters of 2006, this meant that an average of nearly 18,000,000 gallons of water per quarter were lost. Manchester pursued an aggressive program to detect and repair leaks in the system. Through the Capital Improvement Program, the town also continues to plan for replacement of old water lines, some of which date back to the 19th century. System wide replacement of water meters is also occurring to ensure that water used is actually paid for. New meters can be read by radio device, which will also improve the accuracy of meter reading and billing.

Figure 3.5. Water Consumption. A program to detect and repair leaks has resulted in decreased water consumption in the last decade.



According to the town's water and sewer superintendent, the Batten Kill wells appear to have adequate hydraulic capacity to serve Manchester's rate of consumption. However, similar to state rules governing the sewer system, when the system reaches a certain threshold of capacity, planning for and eventual construction of system upgrades will be required. These are significant capital

expenses that also have other implications such as expansion of the wellhead protection area.

Water Service Policies & Actions

- ***Continue to pursue system upgrades to maximize system efficiency.***
- ***Protect the municipal aquifer from potential contamination by carefully monitoring and controlling activities within the wellhead protection area.***

- *Support the expansion of sewer service for existing and new development within the wellhead protection area.*
- *Carefully monitor increases in water usage and allocation and be prepared for system expansions, including expansion of the wellhead protection area, as capacity is approached.*

Section 3.3: Power & Telecommunications Facilities

Manchester recognizes the importance of efficient and functioning electrical power and telecommunications facilities, and will work with utility providers to ensure that siting of facilities is accomplished in a manner that protects the scenic, cultural and natural resources of the town.

Electric power is supplied to the town by Green Mountain Power (GMP), a regulated utility under the jurisdiction of the Vermont Public Service Board, having merged with Central Vermont Public Service Corporation (CVPS) in 2012. Significant concerns regarding the so-called “Southern Loop” portion of the electrical grid that serves the region were identified by CVPS in 2006. Issues included whether there was adequate supply of power at peak times, and adequate transmission capacity even if supply existed. CVPS undertook an outreach campaign in 2006 seeking input from various stakeholders on ideas and strategies that might solve these problems and be acceptable to communities. Support appeared to emerge for four strategies:

1. Conservation and increased efficiency
2. Installing a synchronous condenser on the existing transmission line to improve stability and flow of power
3. Replacing a key transformer at Vermont Yankee to avoid the lengthy disruption that could occur if this were to fail, and
4. Distributed generation - that is, smaller scale, indigenous power production.

Vermont Yankee has since ceased generating power and a synchronous condenser was installed, but conservation, increased efficiency, and distributed generation remain important.

In the past, electrical transmission and distribution lines have been located primarily at the convenience of the electric company, with little regard given to aesthetic or environmental concerns. The town is concerned about tree trimming done by the power company, which tends to have adverse impacts upon the beauty and longevity of trees. While important throughout town, this is of special importance in the downtown area, where great emphasis is placed upon streetscape design and street tree planting. While respecting and appreciating the need for a reliable electric supply, street trees are important to the town’s vitality and ways to protect them from trimming by the electric utility should be pursued. The provision of underground utility lines or other techniques (such as rerouting power lines behind buildings) to minimize visual impacts in developed areas, particularly in areas having special design and improvement priorities, will be pursued. Electric or utility lines and related infrastructure should be installed so as to minimize aesthetic and ecological impacts.

When planning new lines or upgrades to existing lines, special consideration should be given to any primary or secondary impacts that would reduce resource values (including but not limited to aesthetics and streetscape design, agricultural and timber resources, natural areas, and historic sites). When a new electrical transmission corridor is planned, it must be demonstrated that the proposed location is necessary based upon economic considerations, potential impacts on resource values, and the resulting public benefits. Where improvements are planned, such as

those for major downtown streets, the utility company will be encouraged to install underground lines, or to use other suitable techniques to minimize the visual impacts of transmission lines and poles. These strategies were demonstrated in the heart of the downtown as part of the Junction Roundabout project, and will be pursued as much as possible with the Depot Street Enhancement project. In addition, the Downtown Master Plan charrette process to occur in September 2017, will address a plan for relocation of the substation from Depot Street-Center Hill Road to an alternative location outside of the Depot Street gateway area.

Upgrading or constructing new power lines must be done in ways that consider and balance the need for a reliable power supply while minimizing adverse impacts on land and valuable resources. Except where improvements can be made, existing power line corridors should be used whenever possible. In order to enhance the aesthetics and visual character of the downtown area, public utilities (including but not limited to power lines, substations, and telecommunications facilities) should be relocated from public view along main streets wherever possible. This may include behind buildings, away from the street, along streets, or underground. Where this is not possible, these should be screened from adjacent properties with dense coniferous plantings. Accordingly, with regard to wireless telecommunications facilities, the *Manchester Land Use & Development Ordinance* requires conditional use review of all proposed development and siting of towers and related infrastructure. Visual impacts, lighting, noise generation, natural resource impacts, and site screening are all required to be carefully considered by the Development Review Board prior to approval of any new facilities.

Action: The town will pursue strategies to promote, encourage, and support the burial of utility lines, particularly in the downtown core to enhance the historic streetscape.

Section 3.4: Public Services

Municipal Services Mission: Encourage and maintain efficient municipal services that support an affordable and high quality of life.

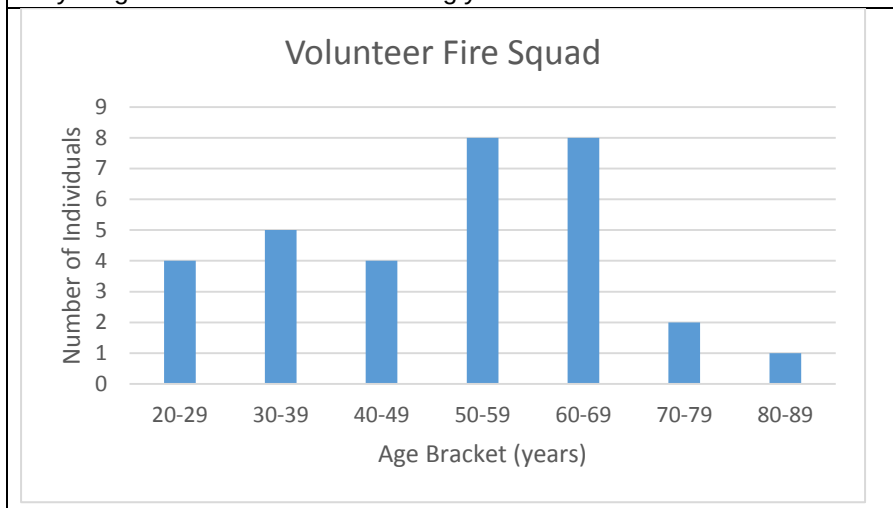
Town Administration & Public Safety Services

In 1991, Town Hall was relocated from Depot Street to a facility on Main Street, in the former Mount Laurel Building. Offices for the Town Manager, Planning & Zoning Department, Town Clerk, Finance Department, and Assessing Office are found here. The building also serves other public functions, including the Meals on Wheels kitchen, a weekday senior meal program, senior exercise classes, and the Manchester Community Food Cupboard. This site will accommodate town government for the foreseeable future, and continue to provide space to non-profit organizations serving the Manchester community. The Town Hall parking lot also serves as a bus stop for the regional daily buses linking Manchester to Rutland and Bennington.

Manchester maintains a professional Police Department, staffed by a Chief of Police, eight police officers, and four full-time dispatchers. The Fire Department is staffed by a volunteer force of 32 individuals. In addition, the Manchester Rescue Squad (serving Manchester, Dorset, East Dorset, Mt. Tabor, Danby and parts of Winhall with 24/7 paramedic coverage) is staffed by 28 individuals. In 1996, the Manchester Police Department, Fire Department and Manchester Rescue moved to a new, combined facility located at the Town Hall site on Main Street. The public safety building provides space for equipment, personnel, and support for police, fire and rescue, and will continue to accommodate each department's needs for the foreseeable future.

A long-standing and continuing challenge is maintaining an adequate complement of volunteers to staff Manchester's busy emergency services. This was a particular problem for the rescue squad, an independent non-profit organization, whose call volume increased dramatically a number of years ago and it ceased being an all-volunteer squad. With a sustained average of over 1,200 calls per year, the squad now employs six full-time professional emergency service technicians and paramedics, 16 part-time, and six volunteers.

Figure 3.6. Demographics of Fire Department. The Manchester firefighting force is aging and the size of the squad decreases each year as younger volunteers are increasingly difficult to recruit.



The Manchester Fire Department faces a similar problem in maintaining a full roster. The department is aging and increasingly unable to recruit new and younger volunteers. With a roster of 38 individuals in 2015, the number fell to 32 in 2016. This is an issue that rural volunteer fire departments are experiencing nationwide, and one that has led to consideration by the selectboard of the

necessity of a paid force in the future. The town is thankful for the dedicated volunteer firefighters, and for local employers who allow their employees to remain on the payroll while responding to emergencies. Manchester must do what it can to support the continuation of the current volunteer system, which has been effective in meeting community needs, and which is extremely cost-effective as compared to the resources needed to maintain professional fire and squads. However, the town must consider alternatives as the volunteer force continues to age and shrink.

Solid Waste Management

The Town of Manchester recognizes the importance of reduced solid waste generation both to protect the environment and reduce costs.

Manchester is a member of the 13-town Bennington County Solid Waste Alliance (BCSWA). As such it is party to the BCSWA Solid Waste Implementation Plan dated December 14, 2015. In line with Vermont's Universal Recycling Law (Act 148), passed unanimously by the state legislature in 2012, participating municipalities aim to reduce the amount of waste disposed in landfills through reduced generation, appropriate diversion to composting or recycling streams, and conservation and reuse of materials. The BCSWA plan establishes a goal of 25% reduction of solid waste generation from 2015 levels by 2025, and 50% reduction thereafter. Residents of Manchester can dispose of their trash for a fee, and can recycle a variety of materials for free at the Sunderland and East Dorset transfer stations operated by Casella Waste Systems, Inc. In addition, local haulers, including Casella and TAM Waste Management, Inc., remove solid wastes from residential and commercial customers throughout town in compliance with Act 148.

Health Services

Health Services Mission: Promote and support opportunities for expanded health care options in Manchester.

The Southwestern Vermont Medical Center (SVMC) in Bennington serves as the primary hospital for the region, although some residents choose the Rutland Regional Medical Center. Each is at least a 30-minute drive from Manchester. Fortunately, medical offices in Manchester, affiliated with both hospitals, do offer some major medical services. Nonetheless, the area is underserved by medical practitioners. Many will not accept new patients at this time, and several physicians have either moved away or changed to a concierge type of practice that serves far fewer patients than before. Currently, there is an effort by two local physicians to open an urgent care center in Manchester's core. The town has supported this effort as these physicians seek a certificate of need from the Green Mountain Care Board. Such a facility would fulfill tremendous need for urgent care in the town and the Northshire in general. In order to meet community needs now and into the future, continued efforts must be made to determine the best ways to facilitate greater provision of medical services in Manchester.

Like the state population as a whole, Manchester's demographics are aging. In terms of elder housing, we are fortunate to have The Fields and The Meadows as small, lower cost apartments within Manchester Village. On the other end of the economic scale, the Equinox Terrace assisted living facility, and the newer Equinox Village independent living facility next door are also located within Manchester Village. While each of these two facilities provide a high level of service or care, they are not affordable to many residents. One key to providing more of these types of residential facilities would be through zoning changes to allow higher residential densities in the town core, and to allow nursing home use in more areas of the town. This may be realized with the adoption of new zoning in 2017, and the town will continue to seek ways to facilitate more of these facilities.

Manchester Health Services, Inc., is a non-profit organization that provides a variety of health programs and services, including child health conferences; diabetes, glaucoma and blood pressure clinics; school health programs; home nursing service; physical therapy service; social work services; and medical equipment loans. The Main Street facility, constructed with private donations in 1996, enhanced the staff's ability to provide high-quality services. The organization also runs a thrift shop to generate revenue for operational support. Local schools offer a limited range of in house nursing services to students. A number of private providers offer mental health counseling and psychiatric care, as does United Counseling Services, the Bennington County mental health agency.

Postal Service

Support opportunities for locating a small postal office with retail counter service in the downtown.

The Manchester Center Post Office is in the former "Stovilator" building at the corner of Richville Road and East Manchester Road. Although large enough to better serve the community's needs than the former post office, locating this facility away from the commercial core encouraged new development, and brought significant amounts of new traffic to what was a predominantly-residential area. However, its current location is not incompatible with adjacent uses for a bank, self-storage facility, health clinics, professional offices, and light industry, as well as residential. With its own zip code, Manchester Village is also served by its own post office

on Seminary Avenue. In the long run, the town would be better served by having a post office in a more traditional downtown location. Given the trend in the last decade for federal contraction of postal services, this goal may not be attainable in the short run.

Section 3.5: Education

Education Mission: Provide for the highest quality education for the children of Manchester, encourage youth to pursue higher education and training that will prepare them to be successful as adults, and promote lifelong learning opportunities for all residents.

Manchester is home to a number of educational institutions, including:

Burr and Burton Academy (BBA), grades 9-12
Downtown School, grades pre K-3 in 2016-17, growing by a grade each year
Manchester Elementary-Middle School (MEMS), grades pre-K-8
Maple Street School, grades K-8
Home Away From Home Preschool and Childcare Center, pre-K and after school
Northshire Day School, pre-K and after school
Stepping Stones Early Learning Center, pre-K and after school
Take Five Childcare, pre-K and after school

The Manchester School District belongs to the Bennington-Rutland Supervisory Union. Manchester Elementary-Middle School, or MEMS, offers elementary and middle school instruction in grades Pre-K-8. As Manchester has no designated high school, students may attend the secondary school of their choice. Most students in grades 9-12 attend Burr and Burton Academy, or BBA, an independent school that serves as the de facto local high school. Voters have traditionally approved paying full tuition for students attending Burr and Burton Academy; and, by law, the full amount to other public high schools, and the state average tuition for secondary students wishing to attend other private or non-sectarian high schools.

Other educational institutions serving Manchester residents include Long Trail School and Lawrence School for Young Children in Dorset, Maple Street School and The Downtown School in Manchester, West River Montessori School in Londonderry, the Mountain School at Winhall, Stratton Mountain School in Stratton, Hiland Hall School in Bennington, and the Southshire Community School in North Bennington. Some parents also choose to provide home schooling for their children. However, most children at the elementary and middle school levels attend the town's public school, MEMS. During the 2016-2017 school year, Manchester Elementary-Middle School is serving 388 students (an increase of 4 students compared with 2015-2016), and the District's Average Daily Membership is 604.41 students (a decrease of 21.39 students compared with 2015-2016).

The Manchester community values education highly and has high expectations for school programs and student achievement. This is evidenced by annual support of school budgets and by a high level of parent involvement in the schools. The goals of the Manchester School District are to establish high-quality teaching and learning, to develop consistency and continuity among the grades, and to increase capacity to achieve higher standards and increase student achievement. To accomplish these goals, the Manchester Elementary-Middle School will continue to work on its Continuous Improvement Plan. This plan implements an ongoing cycle of review and revision of instructional practices driven by student performance data. The plan focuses on improvement of foundational skills in reading in the primary grades and

improvement of students' ability to comprehend and work with informational text. Additionally, MEMS has redesigned and improved its student behavior management system to reduce disruptive behavior in the classroom and to increase student time on task, both aspects of increased opportunities for improved academic success.

The challenge, as always, is how to provide a high-quality educational experience that remains affordable to the taxpayers. It is clear that creativity and caution are needed in this arena. As a result of Act 46, Manchester School District engaged in discussions with Dorset, Danby, Mt. Tabor, Mountain Towns R.E.D. and Sunderland about forming a new Regional Education District. These discussions have resulted in a merger plan passed by the voters of each of these towns during the March, 2017, election.

Although Manchester gives the appearance of an economically-thriving community, a closer look reveals a wide range of income levels. While there are upper income households, a significant number of families fall within the lower middle income range and below. Within our diverse population, over 19.4% of Manchester children are Medicaid-eligible, and about 46.4% of our students participate in the free and reduced-cost lunch program at MEMS. Manchester School District continues to reexamine its entire educational system, investigating how both mandated and desired services can be provided in the most efficient and effective ways. The special education program, use of paraeducators, and class sizes have all been altered to meet current demands.

Educational issues and concerns are not limited to the Pre-K- grade 12 years. For example, access to affordable, high-quality day care for young children is a continuing concern for both single- and two-parent families. Currently, daycare is provided in home settings as well as organized institutions such as Northshire Day School, Home Away From Home, Stepping Stones, and Take Five child care centers. Given the need for child care in today's society, the town should ensure that its policies and ordinances encourage, rather than impede, provision of these services. Consistent with this and with state statute, the *Manchester Land Use & Development Ordinance* provides for child care facilities in most zoning districts. It is important that these facilities are integrated appropriately into residential neighborhoods, especially with regard to traffic, parking, noise, and other potential impacts.

Other local nonprofits have long provided learning opportunities. The Manchester Community Library is a rich and varied resource for both students and community members. It offers opportunities for preschoolers through college students as well as children through seniors. The Manchester Historical Society hosts lectures and walking tours of historic neighborhoods. The Southern Vermont Arts Center has classes in a variety of media. Hildene: The Lincoln Family Home offers a multifaceted approach involving history, land use, conservation, summer camps, astronomy, and niche farming. Other programs are provided by the Green Mountain Academy for Lifelong Learning, Manchester Music Festival, and Equinox Preservation Trust. Our local schools also add to the town's cultural offerings, with the rich mix of artistic, musical, literary, and athletic events each year. There remains interest in further opportunities for higher education for both workforce training and personal enlightenment. Educational programs for all ages and levels should provide challenging, effective, and affordable opportunities for creative learning and personal and professional growth.

Section 4: Recreation, Arts & Culture

Section 4.1: Recreation

Recreation Mission: Develop, support and maintain world class recreational opportunities for residents and visitors alike.

Due to its location in the heart of Southern Vermont's ski country, incorporation of the Green Mountains and Taconic Range within its borders, and the recreational significance of the Batten Kill, Manchester is a very sports-oriented community. Recreation, especially outdoor activity, is integral to community life in Manchester. Hiking, biking, running, skiing, swimming, tennis, golf, boating, horseback riding, hunting, fishing, and other activities are all commonly pursued by residents and visitors to the town. School-based and community-based soccer, football, basketball, lacrosse, field hockey, baseball, volleyball, softball, swimming and ice hockey programs garner strong participation from all age groups in the town. In addition, local schoolchildren are able to learn to ski through JISP (Junior Instructional Ski Program), a unique, cooperative program between the local schools and ski areas.

Thus, the town's recreation area (officially known as the Dana L. Thompson Memorial Park, but more commonly just called the Rec Park) is heavily used year-round for both scholastic and community organized sporting events, annual events such as the July 4 celebration, and family gatherings. The Manchester Parks & Recreation Department maintains a full schedule of sporting events, summer camps, and pool activities at the Rec Park. The Park House was built in 2012 and offers office space for department staff, functions as a pool house in the summer, and is a venue for hosting yoga and other activities year-round. The Rec Park includes several athletic fields, including Applejack Stadium, a championship quality regulation (up to 120 yards by 75 yards) soccer, football and lacrosse field complete with lighting, announcing booth, historic grandstand and food concessions. Eckhardt Field and McClellan Field, located just north of Applejack Field, are 125 yards by 75 yards and include benches and electronic scoreboards. The town is supporting plans by a local skateboarding group for a new and expanded skateboard facility at the park. An Eagle Scout project approved by the selectboard in 2016 involves adding exercise stations along the one-mile walking path at the park.

In line with actions identified in the *Northshire Economic Development Strategy* (NEDS) in 2016, and after embarking on a \$400,000 capital campaign, the town completed the construction of the new Eckhardt and McClellan playing fields and is continuing to improve existing playing fields at the park. These new and improved fields along with those at local schools, including a new turf field at Burr and Burton Academy, position Manchester to host sports tournaments. The town is actively working to develop a strategy to market Manchester as a tournament venue for soccer in particular. With the development of the 98-room Hampton Inn underway, and the recent completion of the 87-room Taconic Inn in Manchester Village, as well as the number of long established hotels and motels in town, Manchester is well positioned to function as a sports venue.

Concerts on the Green programming has become a popular summer activity at the Town Green in the heart of the downtown. In order to maintain and enhance the quantity and quality of its offerings, the Parks & Recreation Department will continue to depend upon the wide range of volunteer efforts which have proven so successful in the past. While the town has been supportive of department's expanded programming, it is clear that part of this support is due to the ability to earn revenue from program fees to help offset expenses.

In addition to municipal recreation services, a short bend of the Appalachian and Long Trail passes into Manchester along Bourn Brook above Rootville Road, and Manchester is a popular resupply stop for thru-hikers. The Long Trail runs along the crest of the Green Mountains from Massachusetts to Canada. This trail, which partially coincides with the Maine-to-Georgia Appalachian Trail, is the oldest long-distance trail in the country. The Long Trail is maintained with cooperative arrangements between the National Forest Service and the Green Mountain Club. The town is actively participating with area outdoor recreation partners -- including Manchester businesses, the Green Mountain National Forest, and the Green Mountain Club -- to establish Manchester as an Appalachian Trail Community, a program of the Appalachian Trail Conservancy. This would identify Manchester as an asset to thru-hikers and others seeking services in town such as a laundromat, overnight accommodations, post office, farmers market and grocery stores, or retail outfitters. The program would also engage and assist the Manchester community with sustainable economic development through tourism and outdoor recreation while preserving and protecting the Appalachian Trail.

Trails along the side of Equinox Mountain and other areas of town have historically been, and continue to be, used for hiking, cross-country skiing, horseback riding, hunting, and snowmobiling. Continued public access to these trails is essential, and must be maintained. Equinox Pond and its adjoining trail network, are now conserved, protected, and maintained through the efforts of Equinox Resort Associates and the Equinox Preservation Trust. While public access is now secure for these particular lands, similar arrangements should be pursued for adjoining lands so that a greenway network can be maintained and enhanced for the enjoyment of all.

As discussed in the transportation section of this plan, creating a greenway network of bike, ski, and pedestrian paths throughout the town remains a priority. Development proposals which include any portion of this network should allow for and incorporate these paths in site planning. This is especially important on land with existing paths or trails, along identified or potential trail corridors, and on land with river frontage. Creating parks or walkways along the West Branch of the Batten Kill in the central business district should be a priority for the town, local businesses, and community service organizations. The recent work of Manchester Riverwalk is addressing this priority and the town will continue to support the work of the organization to realize this goal.

Outside of the downtown, public access to riverbanks and trails should be preserved and enhanced. Toward that end, partnerships should be formed with private landowners, land trusts, the Green Mountain National Forest, and other natural allies. Lands adjacent to streams should be accessible to the public and may not be isolated or land-locked by properties in private ownership. This objective may be accomplished through land acquisition, stream bank easements, permit conditions, or other appropriate techniques. As in other situations, partnerships that accomplish mutual goals may be the most effective approaches.

Goals and Policies Regarding Recreation Services:

- ***Improve coordination and communication with other groups providing recreation services, including local schools, to minimize programming conflicts or duplication, and to maximize efficient and effective use of facilities, as well as service delivery.***

- *Provide outcome-driven programming with an emphasis on community health and wellness. Specifically target cross-generational activities for families, teens, and seniors.*
- *Ensure that user fees for programs and facilities are reasonable and establish a scholarship fund for low-income citizens.*
- *Encourage other towns in the area to participate in activities, uses, and financial support for both capital and operational funding, as the Rec Park certainly serves as a regional facility. As an example, Burr & Burton Academy uses the park regularly. While this is Manchester's secondary school, roughly 60% of the students come from other communities.*
- *Seek to include parks, trails and open space in the thinking for all future development within the community.*

Section 4.2: Arts & Culture

Arts & Culture Mission: Sustain and build on Manchester's strong arts and cultural assets for the enrichment of residents and to attract visitors to the town.

In February 2016 the *Northshire Economic Development Strategy* (NEDS) was completed. This was a collaborative effort among the Town of Manchester, Manchester Village, and the Town of Dorset designed to improve the overall economic conditions in the three municipalities. In the NEDS Action Plan, Goal 2 is entitled "Cultivate the Northshire's Tourism, Food, and Arts and Culture Industries." Within that goal, Action 2D is "Foster arts and culture in the region through collaboration and joint-marketing." The section has two action items: (1) develop an arts and culture committee, and (2) create an inventory of existing arts and cultural assets and assessment of needs. A basic inventory of Manchester arts assets is included in Appendix B. As a follow up to NEDS, Manchester and Dorset will conduct a needs assessment for arts and cultural institutions and activities in the Northshire.

Manchester, as the hub of the Northshire, recognizes the value of the arts, crafts, culture and entertainment assets to the quality of life and economic vitality of the town and the Northshire community at large. Fostering these assets brings important benefits to the town for visitors and residents alike. In this context, it is appropriate to consider the for-profit and non-profit activities as seamless. While bringing independent and separate skills and interests to the community, together artisans and arts organizations make a major contribution to the character of Manchester and represent a strong aspect of what makes the town special.

The activities and diverse offerings in arts, crafts, culture and entertainment include art exhibitions at Southern Vermont Arts Center (SVAC) and in many commercial galleries, music performances of all genres from professional classical performances to band concerts on the Town Green, and live theater and performances by students at Burr and Burton Academy. The strong talents of area craftspeople range from high quality furniture and cabinet-making, to glassblowing, stained glass, ceramics, fabrics, and many individual artists and artisans creating work for exhibition and sale in shops and at farmers markets.

Complementing the facilities in schools, rich cultural educational and learning opportunities are available through such venues as the Manchester Community Library, Hildene the Lincoln Family Home, and individuals with qualified skills in voice and a variety of instruments with classes offered for adults and children. These assets are amplified by local libraries, museums and historical societies. Live entertainment is available in many venues, from the Arkell Pavilion at SVAC, Streetfest in Manchester Center in June and July, live music in restaurants and hotels, to special summer events. Other entertainment events such as the Manchester Fall Art and Craft Festival, the Annual Manchester Antique and Classic Car Show and the Vermont Summer Festival Horse Show attract many visitors to Manchester and the area and provide enjoyment to all. Overall, the economic and cultural impact of these activities is significant. At little, if any, cost to the town budget, they are well worthy of town support and in that regard it would be beneficial to establish an Arts and Culture Committee as a recognized bridge with town government.

The goal is to promote public appreciation, participation and support for the valuable contribution that the arts, crafts, cultural and entertainment activities make to Manchester's economic health and quality of life. Supporting strong and viable arts and creative industries sector is key to this. Understanding the valuable role of the arts, crafts, culture and entertainment sector in attracting visitors and providing jobs in the area is also key.

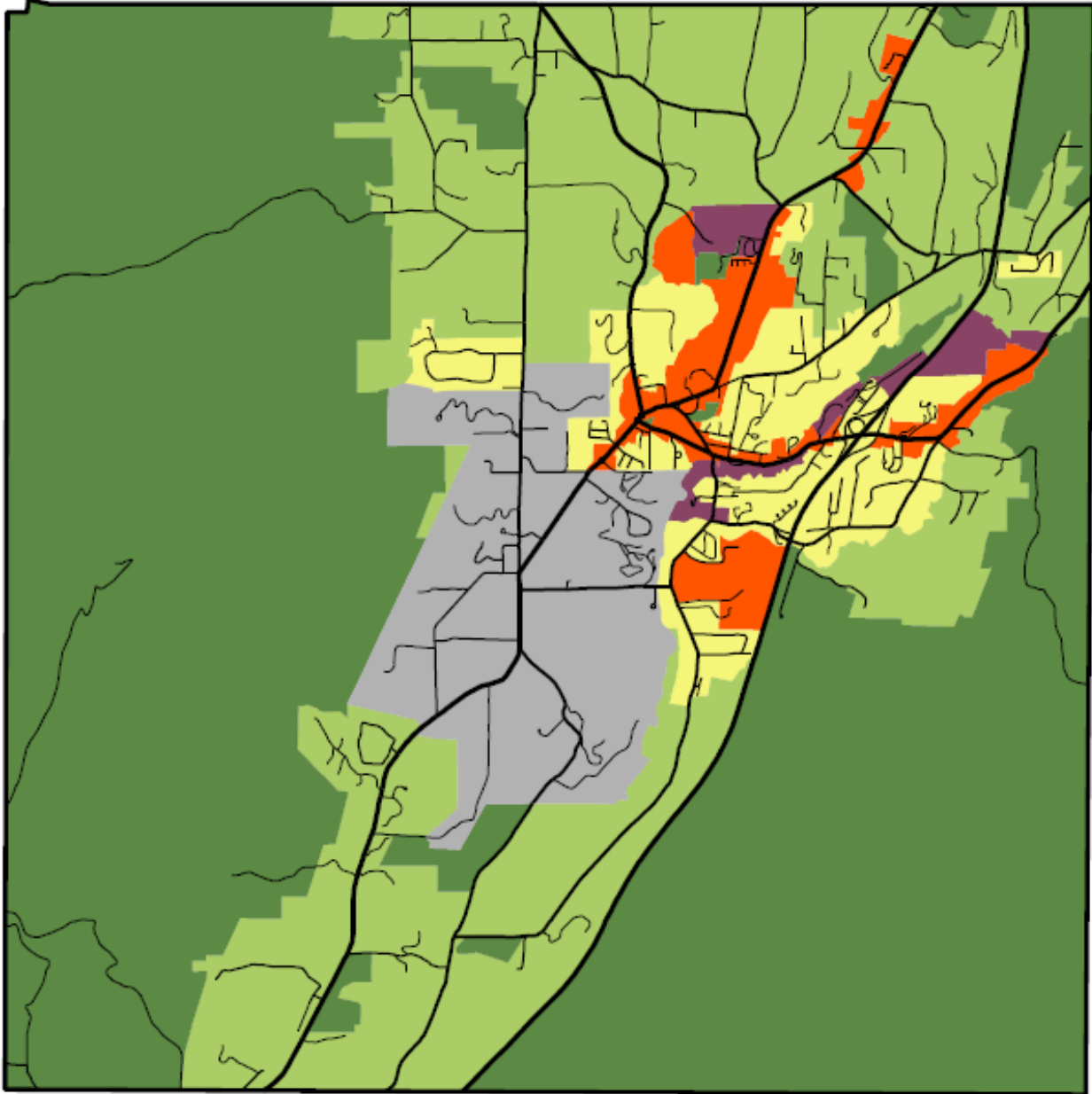
Policies & Actions

- ***Support the establishment of an Arts and Culture Committee as an important bridge between for-profit and non-profit arts and cultural activities and town government.***
- ***Collect information on arts, crafts, culture and entertainment activities and events and assist in making the information available online and in print.***
- ***Working with the Arts and Culture Committee, measure the economic impact of arts and creative industries in Manchester.***
- ***With the town of Dorset, apply for a Municipal Planning Grant to conduct a needs assessment for arts and cultural institutions and activities in the Northshire.***

Part 2: Land Use Plan

Land Use Mission: *Protect the traditional New England land use pattern of a densely developed downtown surrounded by rural working lands and forested ridgelines.*

Map 5.1. Land Use Map. Land use categories include (1) Forest, Conservation and Recreation Lands in green, (2) Rural Residential and Agricultural Lands in light green, (3) Neighborhood Residential Lands in yellow, (4) Mixed Use and Commercial Lands in orange, and (5) Office and Industrial Lands in purple. Manchester Village, shown in grey, is a separate municipality, not subject to this plan.



Large portions of the Town of Manchester remain largely undeveloped and forested. Another major portion of the town's land area is comprised of open land, agricultural, and rural residential use. About a sixth of the land area includes the commercial core, surrounding mixed commercial, industrial and residential areas, as well as neighborhood residential areas. Manchester Village, having its own municipal plan and zoning ordinance and therefore not subject to this plan, also comprises about a sixth of the land area of the town. The official land use map (Map 5.1) depicts these general land uses throughout town. These land use areas are discussed in turn in the following sections.

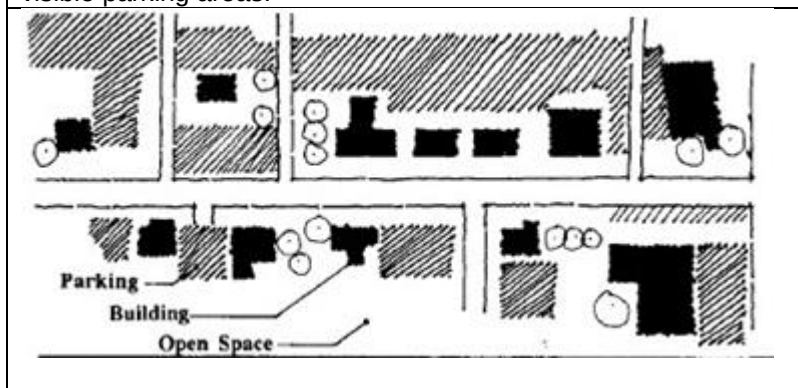
Section 5: Mixed Use Core & Historic Districts

Section 5.1: The Core

Mission for the Core: Promote development of a dense mixed use walkable core with compelling year-round daytime and nighttime activities.

The downtown core, defined in the *Manchester Land Use & Development Ordinance* as “the portion of the Town of Manchester falling in the commercial and historic zoning districts and within 2,500 feet of the roundabout at the intersection of Main Street and Depot Street,” should continue to be the area where the most intensive development is allowed. Efforts should continue to promote the core as a true mixed use district, including residential, with emphasis on social vitality and pedestrian-friendly connectivity throughout. Although land uses other than retail are certainly desired and encouraged, concern remains about the nature and extent of retail development in the downtown. While the visitor-based economy remains key for Manchester, we who live and work here also have essential needs that must be met. As was identified in the *Northshire Economic Development Strategy*, there is room for growth in retail geared toward serving the resident population. While difficult to regulate entirely, the town should take proactive steps to ensure that an appropriate mix of goods, services, and amenities exist for residents of the town and region. At the same time, there is demand for housing in the core and the town is actively engaged in revising the land use and development ordinance (*i.e.*, zoning regulations) to allow denser residential development in the core.

Figure 5.1. Existing Commercial Development. Problems here include buildings placed along an inconsistent streetline, lack of street trees, uncoordinated site access and circulation, and highly visible parking areas.

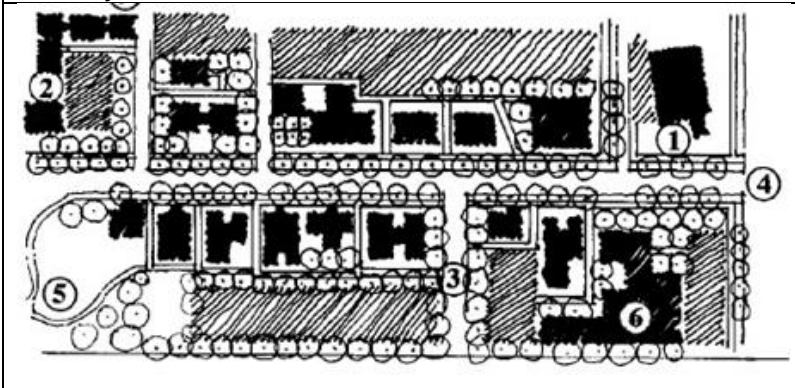


Aside from the mix of uses in the downtown, another aspect of the core requiring attention is the pattern of development. The zoning regulations are being crafted to encourage architecture that references Manchester's historic buildings and is scaled and caters to the pedestrian rather than the vehicle. As such parking lots should be located behind buildings, buildings should be located at consistent setbacks from the street, greenspaces should be installed, curb cuts

should be consolidated, and internal connections between adjacent developments should be encouraged, and an extensive network of walkways should be provided.

Redevelopment of commercial properties and road corridors within the downtown should result in a more pedestrian friendly environment which encourages people to get out of their cars and walk. This may include, but is not limited to: relocating sidewalks away from the road, adding bike lanes, improving greenspace and street tree planting, reducing the number and width of curbcuts, adding benches and other pedestrian amenities, and continuing to enhance both public sidewalks and off street links for pedestrians and cyclists. The town is actively pursuing a redesign of Depot Street to realize many of these elements. Redevelopment goals also include creating off-street links between adjoining commercial uses, installation of landscaping and other screening, particularly to hide parking lots, preserving and adding new on-street parking where practical, and other strategies that take a holistic approach to transportation and land use design. The goal is to improve the overall function for all transportation modes in a complete transportation network, on both public and private property in the core.

Figure 5.2. Desired Commercial Development. Improved conditions include buildings placed along a consistent streetline, parking lots linked and hidden in rear yards, consistent street tree planting and greenspace areas, and enhanced pedestrian walkways.



At the same time, enhancement of the downtown streetscape through careful attention to architectural, landscaping, and siting standards should be accomplished. This will include providing improved access to the Batten Kill in the downtown through supporting the efforts of Manchester Riverwalk. It will also include protection of existing significant trees and other natural or topographic features throughout the downtown.

Respect residents' needs, and facilitate development which caters to the resident community, while respecting and acknowledging the economic values of visitor-based businesses. This challenges us to create an environment that supports and encourages a variety of economic uses, serving residents and visitors alike - a true mixed-use environment, with different types of retail activity, residential uses, professional offices, restaurants, service businesses, theaters, and other activities and amenities that contribute to a successful, vibrant community. A key part of this is creating and maintaining a business environment that is hospitable to locally-owned and managed businesses, and to businesses which provide the necessities and niceties of everyday living to residents. It also includes working to preserve existing and to provide new housing opportunities in the downtown area.

Ensure our zoning bylaws allow effective and efficient use of land, and offer incentives to provide for or achieve stated needs such as downtown housing that is affordable; affordable and attractive commercial space for locally oriented businesses; professional offices and services, and other types of land uses that will contribute to a stronger, more diverse economic base. Preserve and enhance the historic integrity, and the scale and character, of the historic downtown and its buildings of local, state, or national historic significance. Enhance the historical look and feel of a rural, village-type environment while accommodating 21st century needs and circumstances.

Section 5.2: Historic Districts

Historic Districts Mission: Protect the integrity of Manchester's four historic districts as living links to the town's past by requiring preservation of historic structures and new development to be compatible with the traditional historic neighborhood character within each district.

Manchester's residents value the protection of historically significant sites, buildings, and areas. A detailed historic site survey of the town was conducted in 1986 by the Vermont Division of Historic Preservation. This survey revealed a rich mixture of historic styles, and identified four historically significant districts: Manchester Center Historic, Bonnet Street Historic, Manchester Depot Historic, and North Manchester Center Historic districts. These four districts reflect the historic qualities of the town center, and are located at key entry points to the center. The 1986 survey was updated in 2008 with color photographs of each contributing structure and narrative information about changes that occurred between 1986 and 2008. In 2015, the town adopted a new name for the North Manchester Center Historic District to better distinguish it from other zoning districts, namely the Manchester Center Historic and Historic Main Street districts. The North Manchester Center Historic District is now called the North Main Street Historic District. The Historic Main Street District was renamed Manchester Center Historic District for similar reasons.

In 2016 town planning staff and members of the Manchester Historical Society began to develop new orthophoto based historic district maps and survey narratives. Expansion of districts to include a small number of noncontributing structures or contributing structures that had been excluded from the 1986 delineated districts is being contemplated. The aim of this effort will be to revise district boundaries for the four historic districts to offer more integrity to the historic neighborhoods. The effort would involve survey and mapping work for properties to be included in the expanded district, landowner involvement, public meetings and eventual application to the Vermont Division for Historic Preservation for inclusion of expanded areas in the State Register of Historic Places.

Actions:

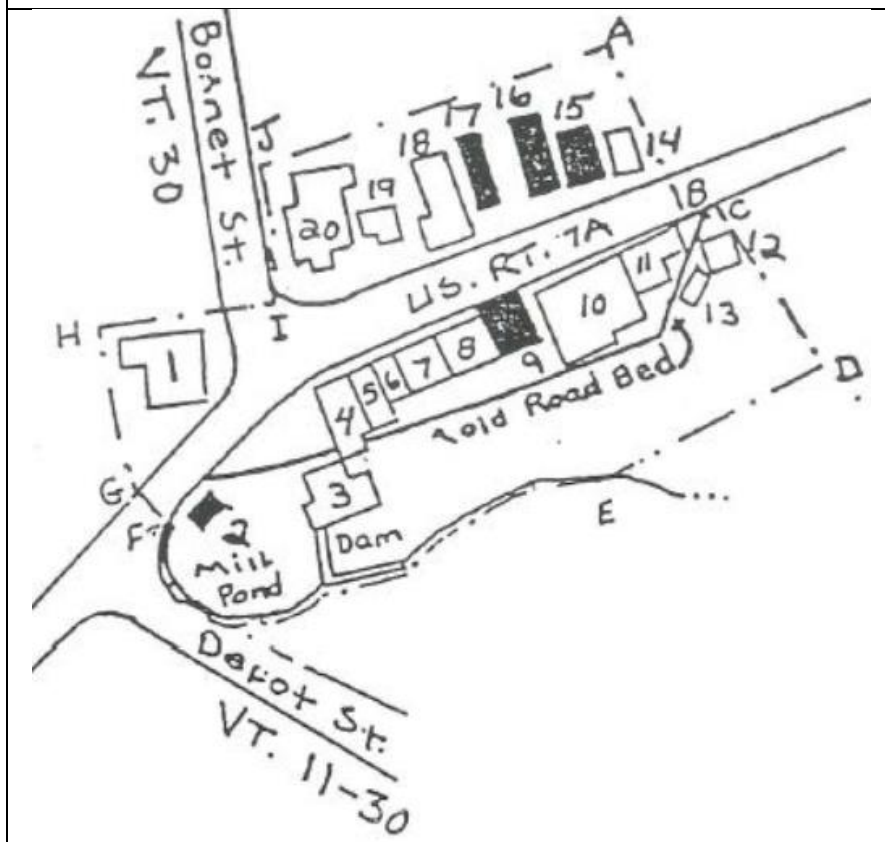
- ***Develop a plan for signage with QR codes specific to each district. Signage will be designed and installed to offer wayfinding and walking tour information for each historic district.***
- ***Apply to the Vermont Division of Historic Preservation for expansion of historic district boundaries.***

Manchester Center Historic (MCH) District

The Manchester Center Historic District is an example of a nineteenth-century crossroads commercial center. Topography was influential in determining the location of the center. The Batten Kill provided water power necessary for establishing various early mills and small industries (hence the early name, Factory Point, still associated with building number 10 shown in Figure 5.3 and Figure 5.4). The intersection of several important roads was a significant factor in making Factory Point the business center of town. Contributing structures include landmark buildings such as the Northshire Bookstore (building number 1), the recently redeveloped

Factory Point Bank building (now called Factory Point Place), Kimball Grist Mill (building 3), and the Baptist Church (building 20) among over one dozen others.

Figure 5.3. Manchester Center Historic District. Original map from the 1986 state historic survey. Contributing structures outlined, noncontributing structures shown with black fill.



The town completed an updated survey of Manchester's historic districts and structures in 2008. The 2008 survey provides photographic documentation of structures and reveals numerous changes within the MCH district. For example, the update shows the Northshire Bookstore (building 1) has been significantly expanded now incorporating a formerly adjacent structure to the north. Building 6 on Main Street has been combined with building 5, and building 13 no longer stands. In addition, an old post and beam barn with marble foundation and slate roof next to building 12 – curiously not included in the original survey - is being renovated in

conjunction with building 12. These changes combined with a few modified and repositioned historic structures on the two parcels east of building 14 may warrant establishing a new survey map with extended district boundaries. Extended boundaries may help protect the design integrity of the district by incorporating a few additional adjacent structures. Figure 5.4 is an example of what the new map might look like, minus new expanded boundary lines.

Actions:

- *Plan for expansion of the MCH district boundaries to include the bridge under the roundabout, the buildings between the original district boundary and the Bonnet Street Historic Boundary, and historic structures within the Green Mountain Village Shops and adjacent property.*
- *Replace the original MCH historic district map with new orthophoto based map. See Figure 5.4 as an example of a new map, lacking the district boundary lines.*

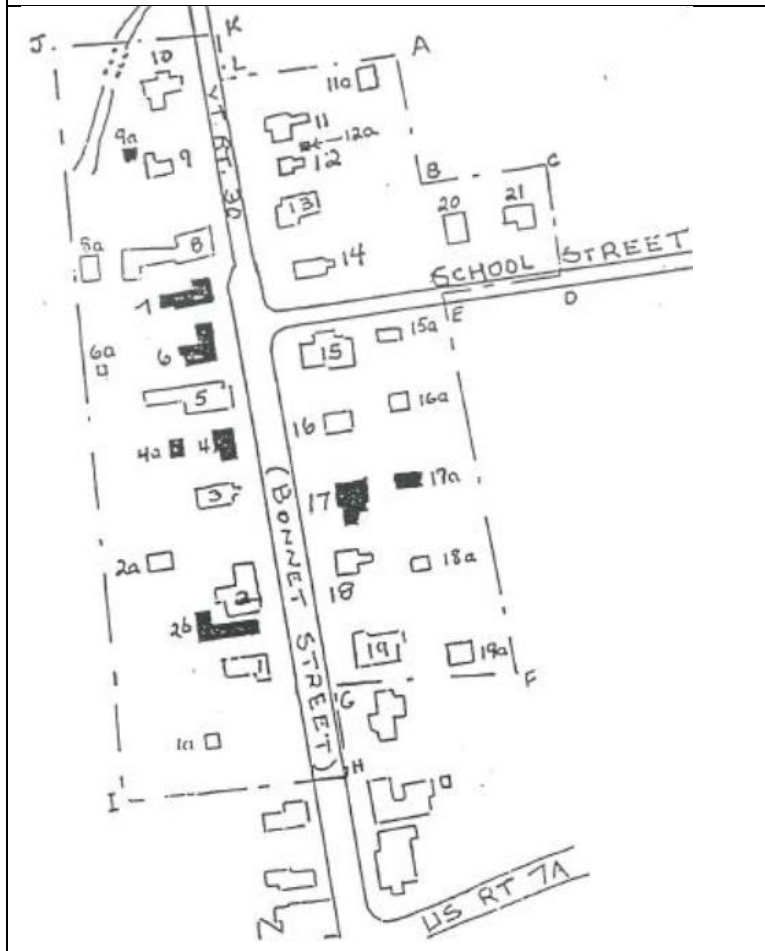


Figure 5.4. Manchester Center Historic (MCH) District. Contributing structures indicated numerically; noncontributing structures indicated alphabetically. Inclusion of noncontributing buildings A, B, C, D, and E would expand the district. Including the former bowling alley building next to building 14 and the adjacent Long Ago and Far Away building (not shown) could also be contemplated.

Bonnet Street Historic (BSH) District

The Bonnet Street Historic District is a linear residential district flanking Bonnet Street (Vermont Route 30) as it heads north out of the commercial center of Manchester. The district includes houses in a wide range of nineteenth- and early twentieth-century residential styles, a reflection of Manchester's slow, steady growth throughout the period. Significant activity in this district occurred in the decades around the turn of the 19th century, when a brick rectory (number 18 in the historic survey) and several Italianate-style and large Colonial Revival style houses were built, and the oldest house in the district (number 8 in the survey) was remodeled in a distinctive "Carpenter Gothic" style. White marble sidewalks, stoops and foundations unify the district visually, and serve as reminders of the importance of the marble industry in this area's economy. In 2015, the west side of this district was rezoned to be part of the Commercial 3 District to allow more commercial uses while protecting the historic residential character.

Figure 5.4. Bonnet Street Historic District. Original district map from the 1986 state historic survey. Contributing structures outlined, noncontributing structures shown with black fill.



moved buildings (numbers 6 and 30a), a recent garage, and two severely altered houses (numbers 16 and 18).

The early core of the district was formed at the intersection of Elm Street and Highland Avenue. Here a few small stores were built in the 1870s, probably in response to the Western Vermont Railroad Company's institution of a daily through train from New York City to Manchester in 1871. Train service catered to tourists who came to enjoy Manchester's natural beauty and stay in the area's many hotels. As Lewis Aldrick wrote in his 1889 History of Bennington County, Vermont, "The shops at the Depot were built about twenty-one years ago, and at that time there was but one or two buildings in the village."

The heyday of Manchester Depot was the first decade of the twentieth century. In 1890 the Rutland Railroad took over rail service, with plans to build up the line with fast passenger trains from New York City through Western Vermont to Canada, and to construct a new station. From 1903 to 1905, a large hotel was built at the depot. In 1902, Manchester's largest marble works, the Norcross-West Marble Company, began operations near the intersection of Depot Street and Richville Road. Norcross supplied marble to many public buildings, including the New York

Actions:

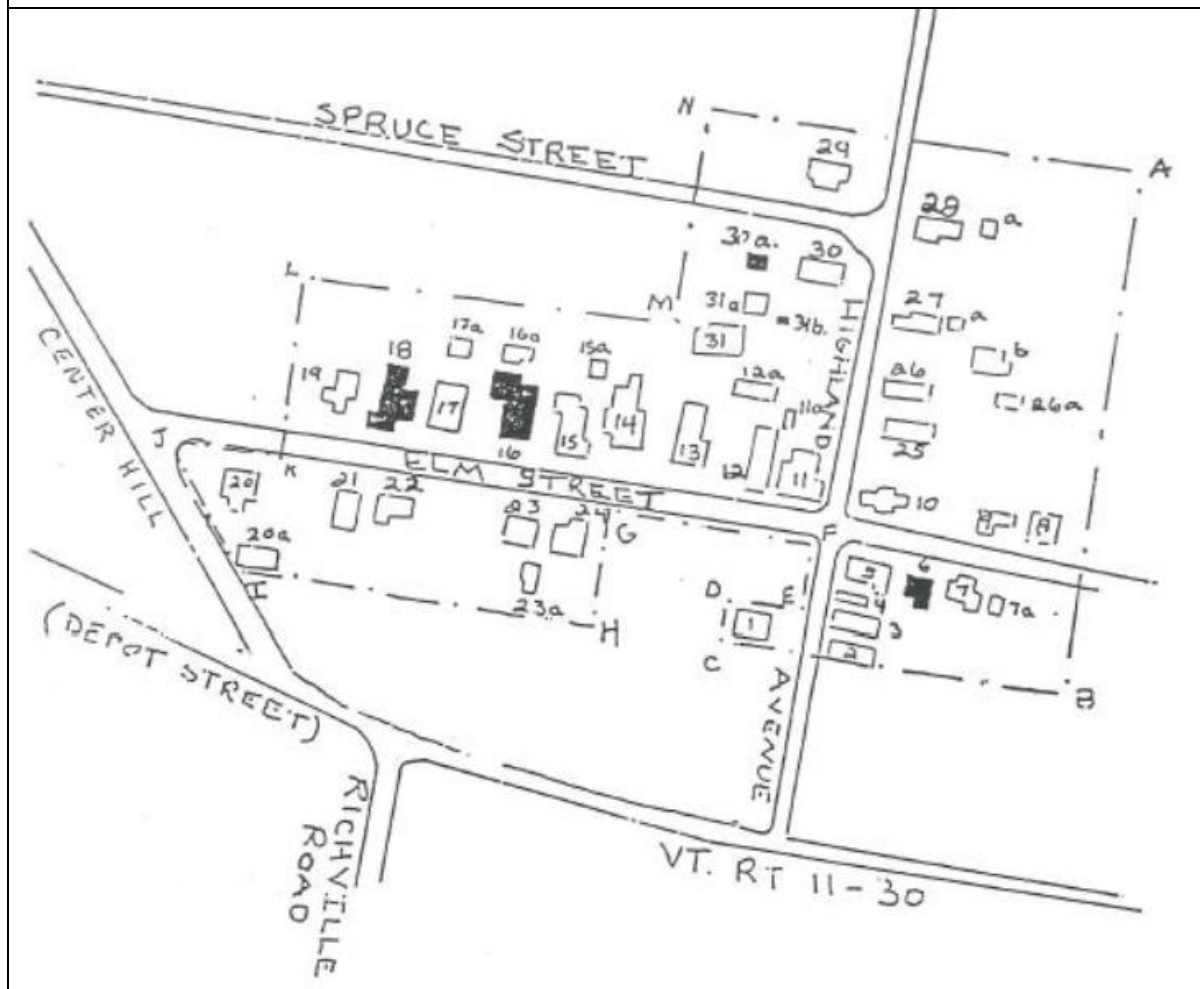
- ***Pursue expansion of the BSH district boundary to include the interior historic structure on east side of Bonnet Street behind building 20 and to coincide with the MCH district boundary.***
- ***Replace the original historic district map with new orthophoto based map.***

Manchester Depot Historic (MDH) District

The Manchester Depot Historic District is a grid-plan district built up in the decades around the turn of the 19th to 20th century as a residential and commercial neighborhood associated with the railroad and with a booming marble milling and woodworking industry. Included in the district are a variety of little-altered vernacular houses and stores and one outstanding Shingle Style house (number 19). Intrusions are few and consist of two recently

Public Library. A single-track railroad, optimistically named the “Manchester, Dorset and Granville Railroad” (and later nicknamed “Mud, Dirt, & Gravel”), was built to haul marble from Dorset.

Figure 5.5. Manchester Depot Historic District. Original district map from the 1986 state historic survey. Noncontributing structures indicated in black, contributing structures outlined.



The first decade of the century also saw the beginning of commercial harvesting in the softwood forests covering the Green Mountains to the east of Manchester. Spruce was processed as pulp or lumber in the large mills that were built in the Richville section of town. Most of the houses in the Manchester Depot Historic District were built during these same years. Although they vary in plans and architectural details such as gable windows and window lintels, these houses are similar in style, lending a continuity to the district. Today the district sports a lively mix of color and activity and is served by a paved municipal parking lot at the corner of Highland Avenue and Elm Street.

Actions:

- ***Pursue expansion of the MDH boundary to include the town parking lot and adjacent Elm Street properties.***

- **Replace the original historic district map with new orthophoto based map.**

North Main Street Historic (NMSH) District

Formerly referred to as the North Manchester Center Historic District, the district was renamed in 2015 to better distinguish it from the Manchester Center Historic district and the Manchester Center Corridor. The district has a linear orientation, flanking Main Street, which was known as Maple Street until the late 1920s. Although the district was historically integrated with the commercial and manufacturing center at Factory Point to the southwest, it is now visually separated from that historic core by the Rite Aid shopping center on the north side of Main Street and a stretch of recent structures on the south side of Main Street, including the Merchants Bank building, the copy center building, and the building housing Cilantros and Image Loft. Adams Park, between Main Street, Park Place, and Center Hill Road, is excluded from the district and should be considered for inclusion in any future boundary changes.

Figure 5.6. North Main Street Historic District. Original district map from the 1986 state historic survey. Noncontributing structures indicated in black, contributing structures outlined.



The NMSH district is comprised primarily of residential structures, although many small early shops and a store bear witness to Manchester's nineteenth-century role as a commercial and industrial center serving an extensive agricultural hinterland. These include a tin shop (number 33, c.1790), two mid-nineteenth century blacksmith shops and a harness shop (numbers 9, 48 and 42), a watchmaker's shop (number 45, c. 1985), and a store (number 3, c. 1860). There are also two early taverns, one still serving its original function (number 8) and one converted to a residence (number 37).

Represented in this district are vernacular interpretations of a variety of styles, ranging from the late eighteenth-century through the early twentieth-century. Several of the earliest buildings (number 8, 33, 37, and 38) retain Federal-style doorways, marked by four delicate pilasters and a narrow cornice. The preponderant style is Greek Revival which stretched from the 1830s to well past the Civil War era. Conspicuously excluded from the district is town owned Adams Park, current home of the Manchester Farmers Market, and former home of the Adams Park Bandstand (See Figure 5.7).

Actions:

- ***Rename the North Main Street Historic District to better reflect the place history of the district.***
- ***Plan for expansion of the district boundary to include Adams Park.***
- ***Replace the original historic district map with new orthophoto based map.***

Figure 5.7. Adams Park Bandstand. The Adams Park bandstand was in regular use from its construction at under \$900 in the early 1920s until its demolition in the early 1960s to make way for a visitor center.

Source: Manchester Historical Society Collection

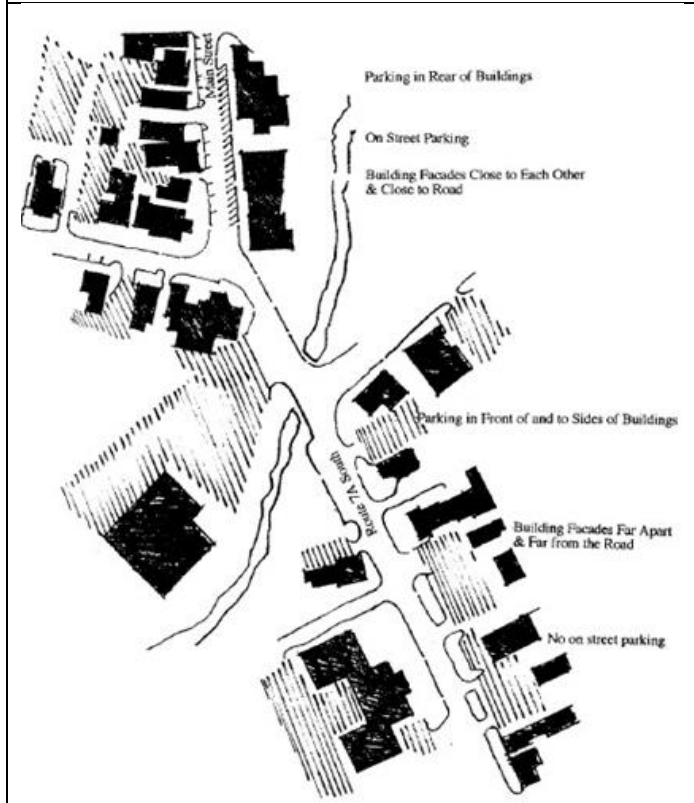


Building and Design Goals for the Core & Historic Districts:

As described more fully in *Design Guidelines for Manchester's Commercial and Historic Districts* (adopted in 2001 and officially referenced herein), the Town of Manchester seeks to maintain and enhance those aspects of the built environment that contribute to our unique character and historic heritage. The following goals and policies are intended to lead to desired outcomes as described in this plan.

- ***Buildings should be sited sensitively, with respect to site-specific opportunities and constraints, and should be of size and scale appropriate for the site. Size and scale are sensitive issues, and what is appropriate on one site or in one part of town may be different than in other areas. Architecture should reflect and enhance the historic character of Manchester. Without necessarily replicating precise forms or details, new or renovated buildings should, at a minimum, take their cues from existing historic buildings so that they fit harmoniously, and improve and enhance, the rhythm and fabric of the built environment.***
- ***Architectural design should be considered with an eye to the future: will this building be considered worthy of preservation 100 years from now? High quality construction materials and finishes should be used. Energy efficiency is key, and architects should offer creative solutions the dynamic tension between historic character and present and future needs. For example, adding solar panels on a historic building need not be viewed negatively; rather, why not see this as a way to extend the life of a historic building for present and future needs?***
- ***Buildings should be designed to accommodate different types of uses. Structural, architectural, and energy efficient design should be readily adaptable or recyclable for future uses, whether for a single use or for traditional mixed uses.***
- ***Buildings and sites should provide a user-friendly environment, by providing appropriate links with public sidewalks and (where appropriate) adjoining uses, pedestrian amenities such as benches and shade trees, bicycle racks, weather-protected entrances, public restrooms, safe and convenient access (to and from, and within a site), and the like. Covered porches and walkways should be considered (and not counted against a landowner for coverage or density) where they add architectural interest, enhance pedestrian-friendly attributes of the community, and where they are not used for commercial purposes.***

Figure 5.7. Historic Main Street and Route 7A South.
The pedestrian-oriented Historic Main Street presents a desirable pattern as compared with the more automobile-oriented corridor south of the junction. *Note: this drawing predates the construction of the roundabouts.*



Preservation of the town's historic heritage is essential in providing important, tangible connections to our past, and thus, to who we are as a community. Historic structures described in the Vermont Historic Sites and Structures Survey should be preserved, and all efforts should be made to ensure the continued use and upkeep of these buildings. Exterior renovations and new construction within the town's designated historic districts should be considered in the design review process as to compatibility with and enhancement of the district.

However, just as the *Vermont Survey of Historic Sites and Structures* distinguishes between historic and non-historic sites, this plan acknowledges that different sites may present different distinguishing characteristics. In many cases, it will be entirely appropriate for the town to require a site to be maintained, renovated, or improved in-place and on-site. There may also be cases where changes to a site or structure are appropriate because it allows a number of other town goals

described in this plan to be satisfied. In effect, there are times when a balance must be found that allows for the best possible overall outcome for the town. Indeed, regulating individual elements of site design in a vacuum, without consideration of the effects on other elements of site design, adjoining properties, or the town as a whole, does not always achieve the desired results. This was one of the most important conclusions of a 1993 build-out analysis conducted by the town: while many developments met the requirements of the town plan and bylaws, we were not achieving our stated goals. Buildings met required setbacks, on-site parking was provided, but we were still getting suburban-style development inconsistent with the town's past, as well as its desired future. We didn't see the forest for the trees: we may have had the details right, but we didn't put them together in desirable patterns. We now know that we are more likely to achieve our stated goals if we place greater emphasis on patterns of land use, and make sure that our bylaws allow and require the results we seek.

Further, Manchester recognizes that individual buildings, historic districts, and the core as a whole are not museums. Seeking to preserve history, without also considering present and future needs, may ultimately doom older buildings to neglect or lack of economic viability. Keeping buildings 'alive' through adaptive reuse inevitably requires flexibility in architectural design. As always, being sensitive to the past is essential. It is a dynamic balance, and no single, predefined approach or answer will be right for each individual case that comes before us.

Proposals to alter or remove historic sites and structures will be reviewed very carefully. Yet, as noted above, being careful does not mean being inflexible; nor does it mean that any change is suspect. The burdens of persuasion and proof remain upon the developer to demonstrate the need for, and short- and long-term value to the town of such proposals.

Section 6: Neighborhood Residential & Developed Recreation

Mission for Neighborhood and Recreation Areas: Promote the development of walkable neighborhoods and recreation amenities adjacent to the core.

As noted in the economic development section of this plan, the town is pursuing a neighborhood area development designation from the state Downtown Board. This designation would offer incentives to housing developers proposing pedestrian oriented neighborhood developments within a given distance from our designated village center. Along with revised zoning bylaws that will allow higher residential density, this designation could go a long way toward helping Manchester meet the long recognized need for housing that would be affordable to people who work in Manchester but currently cannot live here due to lack of workforce housing options. The town has in the past and will continue to work cooperatively with organizations such as Shires Housing, Bennington Area Habitat for Humanity, Housing Vermont, Vermont Housing Finance Agency, and other entities such as Vermont Housing & Conservation Board and Bennington County Regional Commission, all wishing to promote or construct more affordable housing.

After the Manchester Housing Action Plan was completed in 1989 Planned Affordable Residential Development (PAR) provisions were incorporated in to the town zoning ordinance allowing for greater development densities than would otherwise be permitted, and exempting affordable housing projects from the town's Major Development Project Review. These two elements were included in order to address impediments to creating affordable housing in Manchester, particularly land costs and permitting costs. Although recently restructured, these provisions remain essentially unchanged in Section 7.3 of the new *Manchester Land Use & Development Ordinance*.

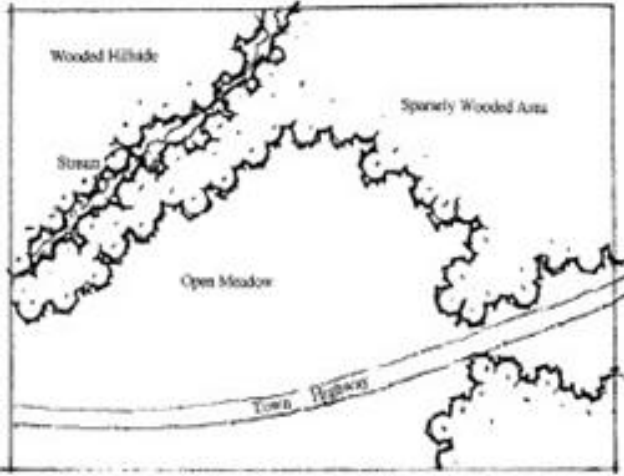
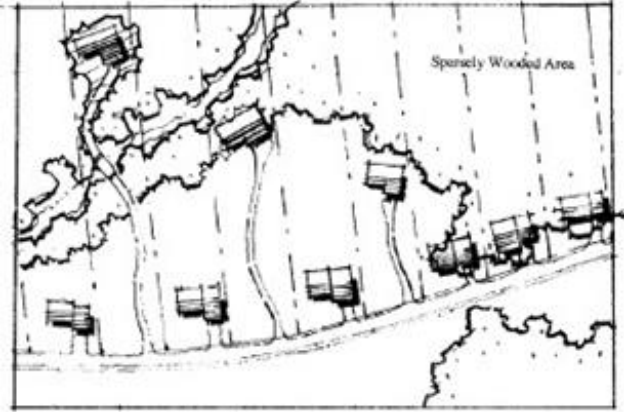
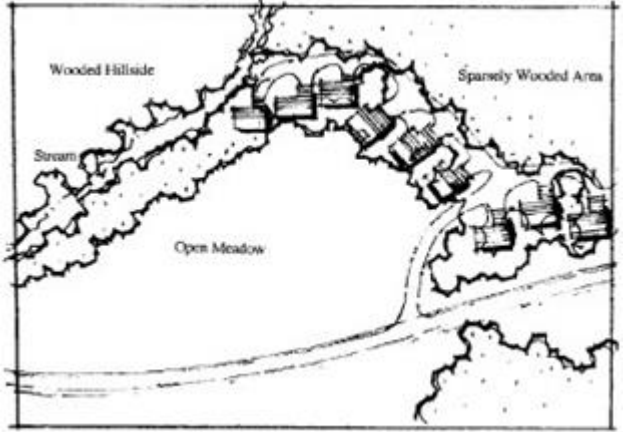
Section 7: Working Lands & Rural Residential

Mission for Working Lands & Rural Areas: Protect open blocks of land for working lands uses and for conservation purposes.

The Farming and Rural Residential (FRR) Zoning District, which covers a large portion of the town's land area, is intended to encourage and preserve agriculture and similar working lands uses, discourage sprawl, preserve open space, and encourage efficient provision of public services. Yet, if that district is subdivided and built out into 2-acre lots as currently allowed, none of those goals can possibly be achieved. Indeed, dividing that land area into 2-acre parcels will destroy the very qualities sought to be protected. Conventional subdivision design discourages agriculture, creates sprawl, chops up open space into private yards, fragments wildlife habitat and recreational trail systems, and makes it difficult or impossible to provide efficient public services. It also does little to foster a sense of community or sense of place.

These concerns were brought into clearer focus in the build out analysis conducted in 2006 for available residential lands in Manchester. Results of that study indicated that approximately 5,000 new housing units could be created at maximum build out, primarily within the FRR district. As with the prior commercial core build out study, what's important is the order of magnitude of possible future development. Further, this informs us of potential impacts of that

future condition: increased cars on the road, more students in our schools, expanded demand on water and other key resources, and greater impacts on the wildlife habitat. With this information in hand, we are better prepared to consider growth that is permitted under current bylaws, and make changes as may be appropriate to manage that growth. The current comprehensive effort to rewrite the zoning ordinance and change zoning district boundaries is informed by these past buildout analyses.

Existing Conditions	 This map shows the existing landscape. It includes a 'Wooded Hillside' at the top left, a 'Stream' flowing through it, a large 'Open Meadow' in the center, a 'Sparsely Wooded Area' at the top right, and a 'Town Highway' at the bottom.
Conventional Residential Development	 This map illustrates conventional residential development. It shows small, rectangular lots with individual houses. The 'Sparsely Wooded Area' is still present, but the 'Open Meadow' and 'Wooded Hillside' are largely cleared for development.
Resource Protecting Residential Development (PRD)	 This map illustrates Resource Protecting Residential Development (PRD). It shows larger, more irregular lots with houses. The 'Open Meadow' and 'Wooded Hillside' are preserved, and development is concentrated in the 'Sparsely Wooded Area' and along the 'Town Highway'.

This plan encourages and requires different patterns of development that help to satisfy our stated goals, and help to build a sense of community. These patterns are not new or untested theory. They've been known for years, and their use is now required as part of subdivision

review. The intent is to protect the natural resources that make the land attractive in the first place, and to build with the land, not against it. Toward that end, it is important to understand the natural environment, and the physical opportunities and constraints presented, on any parcel of land.

Physical conditions (including but not limited to soils, slopes, elevation, critical habitats, wetlands, drainage channels, and flood hazard and riparian areas) may limit the nature or extent of development that is appropriate for a particular site. Protection of forests, wetlands, agricultural land, wildlife habitat, and other important natural resources should also influence subdivision design. Indeed, general land use plans as well as specific development site plans should consider natural resource opportunities and constraints first, and then design appropriate plans with these in mind.

As illustrated on the following pages, plans for subdivisions or residential developments should consider natural resource opportunities and constraints first, and then design appropriate plans with these opportunities and constraints in mind. The intent is to conserve or protect natural resources, while allowing reasonable land development that is sensitive to the landscape, ecologically appropriate, and which allows efficient provision of services. Consequently, subdivisions within the Town of Manchester, particularly in the more rural areas outside the core should: (1) identify all potential conservation or open space areas first; (2) locate appropriate house sites; (3) design road alignments and trails, respecting and protecting existing trail alignments and corridors; and (4) draw in lot lines.

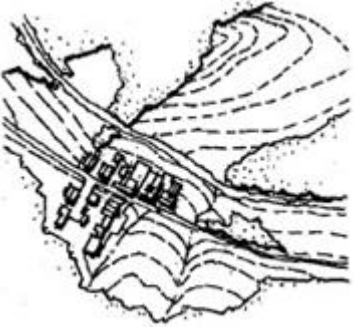
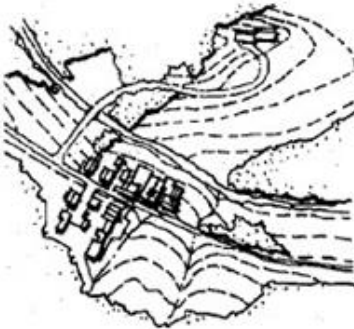
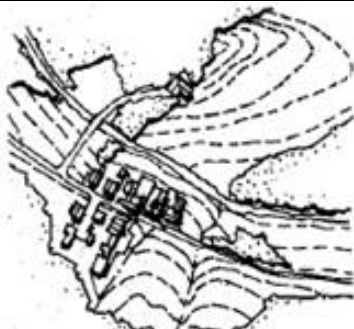
Plans for subdivisions or residential developments should demonstrate satisfaction of the goals expressed in this plan and in the *Manchester Land Use & Development Ordinance*. At a minimum, proposed subdivision designs should demonstrate preservation of agricultural resources, preservation of open space, and efficient provision of public services. As specified in the ordinance, a Planned Residential Development (PRD) with clustered house sites will often satisfy these goals better than a traditional subdivision design utilizing larger building lots.

Natural features such as forests, meadows, rivers, streams, and ridgelines should be conserved, and development should generally be clustered in more appropriate areas. Roads should follow natural contours, and not carve straight lines across the landscape. Buildings should be sited below ridgelines; ideally, below the crest line, so they do not intrude upon the skyline. Shared driveways are encouraged, as they minimize the number of curbcuts along public roads, and are economically and ecologically more efficient. As shown on the accompanying drawings, designing with the land can often result in similar or identical development densities as can more conventional designs that do not respond to natural constraints. Design that respects the land can also create a more pleasant human environment.

Structures built on highly visible slopes should be screened or softened so that they present minimal intrusion into the natural slopes and landscape. This does not mean that all new development must be invisible; rather, that new development should be sited sensitively and carefully, consistent with the values described here. This may require unique ways of siting buildings, maintaining a certain percentage of tree stems or tree canopy, or other creative techniques that place buildings on the land in ways that allow new structures to fit harmoniously into the landscape.

Wherever possible, project designs should maximize the protection of contiguous blocks of land, whether on- or off-site. This will best protect critical resources. Accordingly, development density should be determined on a project basis -- that is, an overall project must meet the

minimum density requirements, but individual parcels within a subdivision need not all be of a certain minimum size. Appropriate protection should be created for long-term protection of conserved or reserved land, so that further subdivision of this land does not take place in the future.

Historic Land Use Scenario		
New Development Intrudes on Scenic Ridgeline (undesirable)		
New Development Blends into the landscape Preserving the Scenic Ridgeline		

Section 8: Forest, Conservation & Recreation

Forest Conservation and Recreation Mission: Protect forested mountain lands for sustainable timber production, wildlife habitat and passive recreation purposes.

The Forest and Recreation (FR) zoning district - defined by elevation, land cover and GMNF and EPT ownership - comprises about 50% of land area of town. Minimum parcel size of 10 acres was implemented in 2016 and provisions were added to ensure protection of wooded cover by permitted and conditional uses. Off woodlot processing of timber is not allowed. The planning commission is contemplating further increasing the minimum lot size to 25 acres and renaming the district Forest and Conservation, or FC, to stress the importance of maintaining natural conditions throughout this valuable and often vulnerable section of town.

Part 3: Plan Development, Implementation & Context

This 2017 Town Plan was developed by the planning commission with the assistance of town staff, the conservation commission, an *ad hoc* arts and culture committee, and members of the Manchester Historical Society. It is essentially a reorganization and update to the 2012 plan, with added required new sections on flood resilience and renewable energy resources. The planning and conservation commissions held numerous public meetings throughout 2016 to work on sections of the plan and seek public input. The planning commission then prepared a final draft in February 2017 to propose to the public and forward to the selectboard for adoption in May. After the 2020 Census, the commission will draft a new plan incorporating new census data and will continue to refine the format of the plan to more clearly incorporate action items associated with particular adopted policies and goals.

Context

To date, there have been few, if any, conflicts over planning and development issues with adjoining towns. However, the potential certainly exists. Generally, towns have sovereign rights over planning issues within their borders. However, issues related to planning, natural resources, and impacts of development are not limited to neat lines or political boundaries. Thus, it is appropriate to consider these issues, anticipate possible problems, and work proactively toward solutions.

This is especially true for the town and Manchester Village. Although surrounded by the town, the village maintains its own separate planning process and regulatory scheme. Nonetheless, much of the appeal for the village rests in the views of the Taconic and Green Mountain ranges it enjoys and which are incorporated within the town borders. The town and village should cooperate on planning issues whenever possible for mutual benefit and maximum effectiveness. In fact, the town allows village residents, as de facto residents of the town, to actively participate on its planning and conservation commissions.

While much of the land on Manchester's eastern boundary is essentially protected from development as part of the Green Mountain National Forest, some adjoining land in Winhall consists of small lot residential development. A number of these houses can be seen easily from the valley throughout Manchester. Manchester should seek ways to minimize the potential impact of increased development along this boundary by increased communication between the Manchester and Winhall planning commissions.

The potential exists for similar conflict on Manchester's southerly boundary, along RT 7A. While limited development is allowed in Manchester, this area is adjacent to a commercial area in Sunderland. These same concerns apply at the town's northerly boundary, where RT 7A makes the transition from the Bullhead Pond, Manchester Country Club and rural residential parcels into Dorset's Commercial-Industrial zone. In both cases, Manchester should work with adjoining towns to consider ways to lessen the contrast of abrupt transitions in existing or potential land uses.

In addition to the town's coordinated effort with Manchester Village and the Town of Dorset on the *Northshire Economic Development Strategy*, inter-municipal cooperation is also needed for regional issues such as solid waste management, transportation planning, and telecommunications towers. These issues transcend not only town boundaries, but also individual towns' ability to provide or address. Appropriate solutions therefore require a more regional perspective. The Bennington County Regional Commission (BCRC) has helped to

coordinate planning efforts in the solid waste management, transportation and economic development arenas, the town will continue to encourage BCRC to take an active role in these and other regional issues.

Implementation

This plan describes the goals the Manchester community wishes to achieve, and the policies by which the town will manage its affairs, and establishes specific actions to be undertaken to achieve its goals. As with most significant endeavors, implementation will happen through a multi-faceted approach. It can occur through the adoption and application of companion documents and tools. These include, but are not limited to, the *Manchester Land Use & Development Ordinance*, Capital Improvement Program, *Manchester Hazard Mitigation Plan*, *Northshire Economic Development Strategy*, the Downtown Master Plan to be developed in September 2017, and the Renewable Energy Resource Plan to be developed in 2018. It is important that any changes proposed to these associated documents be consistent with this plan, and help to achieve the goals stated herein.

Implementation also occurs through the process of Act 250 review, where larger development projects are reviewed for conformance with this plan (and, by explicit intent and direct reference throughout, applicable sections of other town documents and programs adopted under specific statutory authority, such as town ordinances and the Capital Improvement Program). This is a comprehensive plan which should be considered as a whole when questions of interpretation arise. Once the town has adopted the renewable Energy resource Plan and it has been confirmed by the Vermont Department of Public Service, implementation will also occur through the Vermont Public Service Board review process concerning the siting of renewable energy resource facilities within Manchester.

Incentives and partnerships can also be appropriate ways to accomplish goals. As in many human endeavors, progress is often best achieved through a balanced approach, combining incentive and encouragement with regulation and restriction; these may also include non-regulatory approaches such as land conservation measures pursued by the Manchester Conservation Commission. Implementation can also occur through direct action taken by citizens and leaders in the community. The Town Green project is a superb example, where an auto dealership was undeveloped into a community greenspace in the heart of town. In the end, this town plan is only as strong as the respect it is accorded, and the value it adds to the community as a foundation policy document and blueprint for action. As Alan Kay (one of the pioneers of personal computing) once said:

The best way to predict the future is to invent it.

In that same light, the plan is the foundation by which the citizens of Manchester may invent their own future. Let us use it well.

Part 4: History and Population Characteristics

Chartered in 1761 by colonial Governor Benning Wentworth of New Hampshire (after the British defeat of the French and native Abenakis in 1760), together with dozens of other Vermont towns, Manchester was first settled in 1764. Over the course of the next several decades, settlements in Manchester included Factory Point, Manchester Village, Manchester Depot, Richville, Barnumville and Beartown among others. High on the flanks of Mount Equinox, Beartown has been long abandoned and the settlements at Richville and Barnumville long since diminished. Manchester Village developed as a resort and second home residential destination. In 1900 Manchester Village incorporated and became a separate municipality. Although some municipal services are shared, the village has its own municipal plan and zoning ordinance and is governed by an elected Board of Trustees.



Figure 9.1. The Junction. Images of the junction at from the late 19th and early 20th centuries (top left: from the bridge; top right: from Bonnet Street; bottom: from North Main Street). Many of the buildings still stand, including the Colburn House now home for the Northshire Bookstore, Kimball Grist Mill, the Baptist Church, and the Factory Point building, currently being redeveloped for condominium, retail and restaurant uses.

Source: Manchester Historical Society Collection

Manchester Center includes the remaining extant historic settlements. At the riparian junction of Main Street with Bonnet Street and Depot Street, Factory Point (See Figure 9.1) was the early business center of the town with mills powered by the West Branch of the Batten Kill. With the advent of railroad in the mid-1800s, Manchester Depot became a mixed commercial and residential center catering to the marble and lumber industries in particular. As these industries diminished in importance, the residential settlements of Richville and Barnumville likewise contracted and Manchester's image as a vacation destination grew. In the 1980s Manchester Center began to be known as a shopping destination with the development of national brand outlets. Manchester continues to be a retail shopping destination to this day. In addition, the town is home to a number of high end restaurants catering to visitors and residents alike.



Figure 9.2: The Manchester train station circa 1946. Weekend skiers from New York and New Jersey. The building still stands as part of the r.k. Miles campus on Depot Street.

Source: Manchester Historical Society Collection

Manchester experienced only very moderate growth through the mid-20th Century. The population increased by about a third after 1950 until 2000, when it leveled off. The 2010 census reported 4,391 people in Manchester, with 749 of those residing in Manchester Village. Manchester saw a population decrease between 2010 and 2015, and estimates project the population to continue to fall between 2015 and 2030. In addition, Manchester's population is older than the Vermont and national averages and is projected to remain so. It remains to be seen whether policies

outlined in this plan will lead to bucking of the demographic trends. An age distribution weighted toward the older demographics, rather than workforce age brackets, is problematic for economic development goals, which is why some of those goals aim to attract a younger demographic to town and provide workforce level housing in the core. After the results of the 2020 census are released, the town will evaluate whether demographic trends have been at all reversed by implementation of economic development and housing policies expressed in this plan.

Appendix A. Inventory of Significant Natural Features in Manchester

Mount Equinox

Location: 2.5 miles (4.0 km) west of Manchester Village

Elevation: 3,816 feet (1164 meters)

The highest mountain in the Taconic Range, Mount Equinox provides a breathtaking backdrop to the Manchester valley, and a panoramic view of the region from its summit. The slopes of the mountain form a significant aquifer recharge area, support unique, rare flora and rare species of bats, and are an important element in the Town's natural beauty. "An excellent exposure of the gradational contact" between marbles and phyllites at the base of the Mount Anthony formation occurs between 1800 and 2100 feet in Cook Hollow. One outcrop displays a series of thin and parallel strata eroded into an intricate, contoured pattern. Solution caves exist in the sides of the mountain. Nearly 1000 acres on the east face of the mountain is now preserved in perpetuity. Equinox Resort Associates has deeded the development rights for 850 acres to the Vermont Land Trust, and for 105 acres to The Nature Conservancy. These lands are under conservation management by the Equinox Preservation Trust, including a trail maintenance program, public trail access, and a wide variety of educational and research activities in partnership with Bennington College, Burr & Burton Seminary, the Vermont Land Trust, and the Vermont Institute for Natural Science.

Skinner's Hollow Cave

Location: Southeast side of Mount Equinox

A solution cave in white marble, with an entrance located near the junction of two slide paths at the base of a high ledge. "A funnel-shaped passage slopes steeply down to the first chamber, 20 feet below the entrance level, from which a hole goes farther down. At the bottom is a room about 35 feet in height. Snow remains in the entrance until July, and ice is found throughout the cave." This cave is on private land and requires permission from the landowner to access and enter. It is also a designated bat hibernacula and is closed to human access from mid-September through June 1. State wildlife biologists suggest the importance of seasonal timing considerations for forestland conversion or clearing in the vicinity of the cave; the best time of year for such activity being the hibernating period from October through March.

Downer Glen and Prospect Rock

Location: about 2.5 miles (4.0 km) southeast of the Main Street Depot Street junction.

Elevation: Between 900 and 2100 feet (275-641 meters)

The Prospect Rock outcrop overlooks the valley from the top of a deep cleft in the ridge of the Green Mountain Range. Bourn Brook flows through the glen, cascading into a rock gorge near the bottom.

Dryer Quarry

Location: West of Route 7 about 0.5 miles (0.8 km) north of the Sunderland Town Line

Elevation: About 900 feet (275 meters)

A small quarry exhibiting exposed calcite marble breccia, composed of angular fragments of pinkish, blue-gray, and gray marble along with some rare microcline (mineral of the feldspar

group), cemented by red hematitic marble. The breccia apparently extends from the quarry to an outcrop near the southeastern edge of Equinox Road, but this is the only occurrence in the area.

Bullhead Pond and Bog

Location: About 3 miles (4.8 km) northeast of the Main Street-Depot Street junction

Elevation: About 750 feet (229 meters)

Area: About 5 acres (2 hectares)

A small pond with typical pond and shore vegetation. A small bog lies in a bowl-like depression a short distance to the north of the pond; a small quaking mat has formed at the center of the bog. Crowded in this small area are many species of bog flora. The slope above the bog is wooded with a mixture of deciduous trees; red maple and hophornbeam being the most abundant. Large hemlocks, some with trunks up to 2 feet in diameter, grow in a small woodland on the south slopes of the pond. Due to the presence of these unique features, and the varied ecological habitats in and around the bog, this is an important natural site. Aside from its inherent natural values, it has great merit for nature studies and environmental education. The site is owned by the State of Vermont and managed by the Vermont Department of Fish and Game.

Batten Kill Watershed

Manchester lies fully within the Batten Kill Watershed. Anchored by the Batten Kill, a fast-flowing cold stream with a densely-vegetated protective edge. The river begins at a spring and marsh in Dorset, flowing southerly as two separate streams until their confluence in Manchester Center. From there, it continues south into Sunderland and then into Arlington, where it turns westward into New York State, eventually emptying into the Hudson River. The West Branch flows right through the heart of Manchester. It has historic value as a power source for the old factories which were located on the mill pond at Factory Point (adjacent to the Town Green), and current value as a significant natural resource. Manchester Riverwalk is working to enhance the enjoyment and appreciation of the river by the creation of public greenways along the river's edge. The greenway would provide greater public access to the river, and would provide alternative pedestrian pathways, away from vehicular traffic flow, through the downtown for residents and tourists alike. The Batten Kill is famous throughout Vermont and the nation for providing a top-quality trout fishing experience. Even in the summer, a high-quality trout habitat is maintained by the presence of many subsurface springs which feed cold, highly-oxygenated water into the river. These springs also help to maintain the river's depth during the summer months.

In 1991, the Vermont Water Resources Board gave the Batten Kill further recognition in granting its first ever "Outstanding Resource Water" designation. In its decision, the Board concluded that the river deserved this designation for its exceptional natural, recreational, cultural, and scenic values. For all of these reasons, the Batten Kill should have the highest protection possible. Major tributaries to the Batten Kill in Manchester include Lye Brook, Bourn Brook, Bromley Brook, Tanner Brook, Munson Brook and Stony Brook.

Other Unique Natural Features

- Lye Brook Falls, 1.8 miles south of the trailhead off of Benson Road, at 125 feet tall, one of the tallest falls in Vermont.
- Table Rock, above Equinox Pond, providing panoramic view of the valley to the southeast.

- Punch Bowl, a glacial cirque located between Barnumville Road and Depot Street.
- Pew Forest, a large forested parcel above Three Maple Drive that was donated to the University of Vermont for educational purposes, and is now owned and protected by The Nature Conservancy.
- Isham Forest, a forested parcel above Equinox Pond which was donated to and is managed in a cooperative effort by the Vermont Land Trust and the New England Forestry Foundation.
- Pickerel Pond, on Finbars Forest Road south of Bullhead Pond and surrounded on its other three sides by the Manchester Country Club golf course.

Appendix B. Inventory of Arts & Cultural Resources in Manchester

(Inventory conducted in 2016)

Galleries and Permanent Exhibits

Southern Vermont Arts Center, Manchester Village, www.svac.org
Helmholz Fine Art, Depot Street, <http://helmholzfineart.com>
Hildene, The Lincoln Family Home, Manchester Village, www.hildene.org
Epoch - 18 Vermont Artisans, Main Street, www.epochvermont.com
Gremlin Fine Arts Gallery, Main Street, www.thegremlin.com
Tilting at Windmills Fine Art Gallery, Highland Avenue, www.tilting.com
John Zaccheo Fine Art Gallery, Main Street, www.johnzaccheofineart.com

Performing Arts and Live Entertainment

Manchester Music Festival, Manchester Village, www.mmfv.org
Taconic Chamber Players, www.taconicmusic.org
Northshire Performing Arts, Dorset
Junk Music with The Junkman™, www.junkmusic.online
Tuesday Night Summer Concerts on the Manchester Town Green
Music and Theater at the Riley Center for the Arts, Manchester Village
Music at the Hunter Park Riley Rink, www.rileyrink.com
Music at The Perfect Wife & The Other Woman Tavern, www.perfectwife.com
Jazz at Poncé Bistro, www.poncebistro.com

Annual Arts and Entertainment Events

The Manchester Fall Art and Craft Festival
Annual Manchester Antique and Classic Car Show
Manchester StreetFest – June and July
Annual Manchester Tractor Parade
SolarFest, Manchester Village, www.solarfest.org
Booktopia, www.northshire.com/event

Artisans at Work

Manchester Hot Glass, Elm Street, www.manchesterhotglass.com
Plow & Stone Furniture, Manchester Village, www.plowandstone.com
Ted Schiffman Photography, Manchester Village, www.imageartisan.com
Matthew Lerman, lermanphotography.net
Les Jørgensen Photography, Manchester Village, www.lesjorgensen.com
Manchester Arts Studio and Gallery, Main Street, www.manchesterartsvt.com
Irene Cole Design, www.irenecole.com
Pat Musick, www.camusart.com
Kate Franklin, wineandpaintingclasses.com
Sara Gay Jewelry, www.saragayart.com
Seal Harbor Rugs, Main Street, www.sealharborrug.com
Johannes Michelson, www.woodhat.com (website under construction)
Deb Fanelli Jeweler, www.debfanelli.com