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## Chapter 215

### SUBDIVISION OF LAND

#### ARTICLE I Authority and Purpose

##### § 215-1.1. Enactment and authority.

A. In accordance with the Vermont Municipal and Regional Planning and Development Act [24 V.S.A., Chapter 117, § 4401 and § 4413 through § 4421], hereinafter referred to as "the Act," as most recently amended, there are hereby established subdivision regulations for the Town of Norwich, Vermont. These regulations shall be known and cited as the "Norwich Subdivision Regulations."

B. It is the policy of the Town of Norwich to regulate all subdivision of land, and subsequent development of the subdivided plat, in accordance with these regulations, to ensure the orderly planned, efficient and economical development of the Town. No subdivision of land shall be made and no land in any proposed subdivision shall be sold, transferred or leased until a final plat prepared in accordance with these regulations has been approved by the Development Review Board.

##### § 215-1.2. Purpose.

Subdivision: Division of any lot or parcel of land into two or more lots of any size, for the purpose of conveyance, transfer of ownership, improvement, building, development, or sale. Any transfer, conveyance or sale of land held in one ownership, but already divided into lots by an existing public right-of-way, shall not be considered a subdivision for the purposes of these regulations

These regulations are adopted to further the following objectives:

A. To guide future development in accordance with the Norwich Town Plan, Norwich Zoning Regulations, capital budget and program, and all other bylaws and regulations enacted to implement the Plan, in a manner which maintains and strengthens the traditional settlement pattern of compact villages surrounded by an open, rural landscape.

B. To encourage development of affordable housing and promote economic diversity in Norwich.

C. To ensure that land to be subdivided is of such character that it can be used safely for its intended purposes.

D. To establish criteria for determining development capacity of land and to regulate the density and location of development in a manner that reflects traditional settlement patterns.

E. To protect and provide for the public health, safety, and general welfare of the Town of Norwich.

- F. To promote conservation of energy and permit utilization of renewable energy resources.
- G. To ensure that the rate of growth does not exceed the ability of the Town to provide public services and facilities, and that those public facilities and services are available and will have sufficient capacity to serve any proposed subdivision.
- H. To preserve natural areas, critical habitat, scenic and historic resources and productive farmland through proper configuration of parcel boundaries and arrangement and location of development on parcels.
- I. To provide the most efficient relationship between land use and circulation of traffic throughout the Town; and to avoid undue traffic congestion and overburdening of roads, highways and intersections.
- J. To prevent pollution of air, streams and ponds; to ensure the adequacy of drainage facilities; to safeguard ground and surface waters; and to encourage wise use and management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community and value of the land.
- K. To minimize fragmentation of productive resource lands, including farm and forest land, to ensure its continued use and availability for agriculture, forestry and wildlife habitat.
- L. To further the purposes contained in the Act, and in particular those purposes set forth in Section 4302.

**§ 215-1.3. Adoption and amendment.**

- A. These regulations shall take effect 21 days after being adopted by a majority of the members of the Norwich Selectboard at a meeting which is held after the final public hearing, in accordance with the procedures set forth in the Act [§ 4404].
- B. Amendments to these regulations shall be enacted in accordance with the provisions of the Act [ §§ 4403, 4404].

**§ 215-1.4. Severability.**

If any provision of these regulations or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect or invalidate other provisions or applications.

**ARTICLE II  
Subdivision Application Procedures**

**§ 215-2.1. Applicability.**

A. Subdivision approval required. Whenever any subdivision of land or boundary line adjustment is proposed, the landowner or authorized agent (applicant) shall apply for and secure approval of such proposed subdivision or boundary line adjustment in accordance with the procedures set forth in these regulations prior to:

- (1) Commencing any construction, land development or land clearing (excluding forestry or agricultural activities);
- (2) The sale or lease of any subdivided portion of a property, excluding:

(a) Parcels leased for agricultural purposes, where all resulting parcels are at least five acres in size, and no new roads are created for uses other than accepted agricultural practices; and

(b) Parcels leased for utilities, cell towers, or municipal use, where the lease will end when the use ceases; and

(3) Filing a subdivision plat with the Town Clerk.

B. Coordination with other regulations.

(1) Determination of allowable density. The maximum allowable development density shall be determined for all proposed subdivisions of land located in the Rural Residential District in accordance with the standards set forth in the Norwich Zoning Regulations and the standards and procedures set forth in Section 3.2(B) of these regulations.

(2) Planned unit development review. Subdivision applications for Planned Unit Developments (PUDs) shall be reviewed as a subdivision under this article. PUDs shall meet the standards set forth in the Norwich Zoning Regulations, as well as subdivision standards included in Article 3 of these regulations, unless otherwise waived by the Development Review Board.

C. Waiver authority. In accordance with the Act [§ 4413(b)], the Development Review Board may waive, subject to appropriate conditions: either (i) application requirements set out in Table 2.2, preliminary plat review and associated public hearing requirements; or (ii) development review standards set forth in Article III.

(1) In the case of (i), the applicant shall identify the specific requirements for which the waiver is requested and state those that are not applicable and why they are not applicable and the basis for the requested waiver.

(2) In the case of (ii), the applicant shall be required to establish that due to the special circumstances of a particular site, the requirements of the development review standards for which waiver is sought will create an unreasonable hardship or adversely affect valuable natural resources, rural character, or aesthetics and that granting the waiver will be consistent with the purposes of these regulations as set forth in Article 1.

(3) The request for a waiver shall be submitted in writing by the applicant with the subdivision application, and it shall be the responsibility of the applicant to provide sufficient information to justify the waiver and to enable the Development Review Board to make the findings cited below and make a decision. The Board may grant or deny waivers, in whole or in part. In granting waivers, the Board shall require such conditions as will in its judgment secure substantially the objectives of the provisions that are the subject of the waiver. Before granting a waiver to the development review standards set forth in Article III, the Board shall make the following findings, including the rationale for each finding:

(a) That the development review standards for which the waiver is sought will create an unreasonable hardship or adversely affect valuable natural resources, rural character, or aesthetics, and

(b) That granting the waiver will be consistent with the purposes of these regulations, and

(c) That, in consultation with the fire and Police Chiefs, granting the waiver will not adverse-

ly affect public safety, and

(d) That granting the waiver will not adversely affect the character of the neighborhood.

D. Boundary line adjustment reviews. (Also known as annexations).

Boundary Line Adjustment: Adjustments of boundary lines in which there is a sale, conveyance or exchange of land from adjacent lots which does not increase the number of parcels of land. (Also known as an Annexation)

(1) Boundary line adjustments shall be reviewed under the same criteria and process as a subdivision unless, after review of the boundary line adjustment plan, the Development Review Board determines that the proposed boundary line adjustment:

(a) Is a minor realignment in that:

[1] Area of the land to be transferred is less than the half of the area of the original parcel to be reduced in size, or

[2] Both parcels are already developed.

(b) Does not change substantially the nature of any previously approved subdivision;

(c) Does not result in the creation of any new lots;

(d) Will not impair access to any parcel;

(e) Will not impact adversely any valuable natural resource or result in fragmentation of agricultural or conservation lands; and

(f) Will not create a nonconforming lot or nonconforming structure, or increase the degree of nonconformity of a preexisting nonconforming lot or structure.

(2) A public hearing is not required in connection with a review of a proposed boundary line adjustment plan. If the Development Review Board, at a regular meeting, determines that the proposed boundary line adjustment meets the criteria in Subsection D(1), it shall authorize the Zoning Administrator to approve the filing with the Town of a final plat for recording in substantially the same manner as final plats for approved subdivisions under § 215-2.7E. In those instances where the Development Review Board determines that the proposed boundary line adjustment does not meet the above criteria, it may also issue, if requested by the applicant, the findings supporting the determination.

### **Table 2.1**

#### **Norwich Subdivision Regulations Subdivision Review Process Outline**

**Action**

**Responsible Party; Timeline**

Pre-Application Meeting(s): Planning Department Staff: reviews completeness of proposed application and determines maximum density based on Tables 3.1 and 3.2

Preliminary Plan Review and Density Determination:

- |                                                                                        |                                                                                                                                     |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| (1) Submission of preliminary plan application — See Table 2.2 submission requirements | Applicant; at least 30 days prior to public hearing scheduled before Development Review Board                                       |
| (2) Development Review Board hearing                                                   | Applicant (or agent): attendance required                                                                                           |
| (3) Review of compliance with criteria in Sections 3.2 to 3.10                         | Development Review Board; issues a Preliminary Plan Review determination within 45 days of close of preliminary plan review hearing |

Intermediate Plan Review: Optional - May be requested by either Applicant or Board

- |                                                                                                                                                                                                                                                                                        |                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) Submission of intermediate subdivision plan including: <ul style="list-style-type: none"><li>• Any waiver requests</li><li>• Compliance with design changes recommended in preliminary plan approval; and</li><li>• Documentation requested in preliminary plan approval</li></ul> | Applicant; within 12 months of the date of preliminary plan determination, at least 30 days prior to scheduled hearing before Development Review Board |
| (2) Development Review Board public hearing                                                                                                                                                                                                                                            | Development Review Board; issues an Intermediate Plan Review determination within 45 days of close of intermediate plan review hearing                 |

Final Plan Review

- |                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) Submission of final subdivision plan, including: <ul style="list-style-type: none"><li>• Any waiver requests</li><li>• Compliance with design changes set forth in preliminary or intermediate plan approval; and</li><li>• Proposed final plat and supporting documentation requested in the preliminary or intermediate plan review</li></ul> | Applicant; within 12 months of date of preliminary plan approval or intermediate plan review, unless waived, and at least 30 days prior to scheduled hearing before Development Review Board |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

(2) Final Plan Review Decision	Development Review Board; issues a Final Plan Review Decision within 45 days of the hearing adjournment date
(3) Final plat recording in the Town records	Applicant; within 120 days of date of subdivision approval. Zoning Administrator may extend date for recording by an additional 90 days, if final local or state permits or approvals are still pending
(4) Certificate of Compliance (if required)	Zoning Administrator; upon completion of improvements

**§ 215-2.2. Preapplication meeting.**

A. Applicability. Any person contemplating submitting an application for subdivision in accordance with these regulations is required to meet with Town planning and zoning staff prior to submitting an application for subdivision approval (preliminary plan, intermediate plan or final plan) to receive guidance regarding the application and review process and the subdivision standards in effect. Any person may also meet with the Development Review Board to discuss conceptual plans, the subdivision review process, and to review the standards set forth in Article 3. The pre-application meeting is intended to be an informal, preliminary discussion. Accordingly, a person seeking a pre-application meeting will be placed on a duly posted agenda of the first available regularly scheduled Board meeting.

B. Information. The applicant may present any information that he or she deems appropriate at the preapplication meeting, including site information and/or conceptual subdivision design.

C. Action of the development review board. The Development Review Board will not take formal action of any kind at the pre-application meeting. Board members may provide guidance as to the application and review process, and/or comment on the intent of specific planning and design standards relative to the potential subdivision of the applicant's parcel(s). No comments made at the pre-application meeting will be binding upon any future review of a subdivision application.

D. Notification of abutters. All applicants for subdivision review are encouraged to notify abutting landowners and other potentially interested persons prior to submitting an application to ensure that legitimate concerns of neighbors are addressed early in the subdivision design process. Notification of abutters will be required as part of the formal review process.

**§ 215-2.3. Preliminary plan review.**

[Applying to all applications for subdivision]

A. Applicability. All applicants for subdivision approval or boundary line adjustment review are required to submit a preliminary plan for Development Review Board review, unless total density of the proposed subdivision does not exceed one dwelling unit per every 20 acres. These applicants are encouraged to schedule a pre-application meeting in accordance with Section 2.2, and may submit an application for final plan review in accordance with Section 2.5.



B. Application requirements. The applicant shall submit to the Zoning Administrator, at least 30 days prior to a regularly scheduled Development Review Board hearing, a subdivision application and associated fee. The application shall include a proposed sketch and associated materials plan that include the information for Preliminary Plan Review and Density Determination specified in Table 2.2.

C. Preliminary plan review hearing. The applicant and/or an authorized representative shall attend a Preliminary Plan Review Hearing with the Development Review Board to review the subdivision application and proposed preliminary plan. Prior to the Preliminary Plan Review Hearing, Norwich planning and zoning staff shall notify the owners of contiguous properties in accordance with Section 4.3. The Board may request any additional information as needed to act on the preliminary plan and/or density determination.

D. Action on preliminary plan. Within 45 days of closing the Preliminary Plan Review Hearing, the Development Review Board, based on the information provided, shall issue in writing:

- (1) A preliminary determination of the maximum allowable density in accordance with the standards and procedures set forth in Section 3.2;
- (2) The granting or denial of requested waiver provisions;
- (3) A preliminary determination of whether or not the proposed subdivision plan generally conforms to applicable subdivision review standards under Article 3, and with other municipal regulations currently in effect;
- (4) Recommendations for proposed changes in subsequent submissions, including any requests for additional studies or supporting documentation; and
- (5) Conditions proposed to be included in the final decision.

E. Effect of preliminary plan review determinations. Preliminary Plan Review Determinations shall remain in effect for 12 months from the date of approval, unless otherwise extended by the approval of a waiver request to extend the effective date by not more than an additional 12 months. Waiver requests shall be submitted by the applicant prior to the end of the initial twelve-month period. Waivers may be granted at the discretion of the Board where there is evidence of an ongoing effort by the applicant to meet recommendations in the Preliminary Plan Determination or to obtain additional permits from other jurisdictions. Prior to the expiration of the 12 months or extended period, the applicant shall submit a completed application for an Intermediate Plan Review, if required by the Board or requested by the applicant or an application for a Final Plan Review. Otherwise, the Preliminary Plan Review Determination shall expire and a new Preliminary Plan Review application will be required, based on the subdivision and zoning regulations in effect at the time of the new application.

**§ 215-2.4. Intermediate plan review.**

[Optional - May be requested by either Applicant or Board]

A. Application requirements. In accordance with Section 2.3(E), within 12 months of the Preliminary Plan Review Determination by the Development Review Board, the applicant may apply to the Board for Final Plan Review under Section 2.5, unless the applicant either elects, or is required by the Board in the Preliminary Plan Review Determination, to apply for an Interme-

mediate Plan Review under Section 2.4. The information required for intermediate plan review is specified in Table 2.2.

B. Public hearing. The Development Review Board shall hold a public hearing on the intermediate plan. The hearing shall be warned in accordance with Section 4.3.

C. Intermediate plan review determination. Within 45 days of the date of adjournment of the public hearing, the Development Review Board shall issue an Intermediate Plan Review Determination including:

(1) A determination of whether or not the proposed subdivision plan generally conforms to applicable subdivision review standards under Article 3, and with other municipal regulations currently in effect based on modifications to the preliminary plan;

(2) Recommendations for proposed changes in the Final Plan Review submission, including any requests for additional studies or supporting documentation;

(3) Granting or denial of additional requested waivers; and

(4) Conditions proposed to be included in the final decision.

D. Phasing. At the time that the Development Review Board issues an Intermediate Plan Review Determination, it may require the plat to be divided into two or more phases to ensure project conformity with the Town Plan and Capital Improvement Program currently in effect. Such conditions as the Board deems necessary to ensure the orderly development of the plat and avoid overburdening Town facilities and services may be imposed upon the filing of application for final plat approval for each phase.

E. Effect of intermediate plan review determination. An Intermediate Plan Review Determination shall remain in effect for 12 months from the date of approval, unless otherwise extended by the approval of a waiver request. A waiver request may be submitted to extend the effective date by not more than an additional 12 months. The waiver request must be submitted by the applicant prior to the end of the initial twelve-month period. Waivers may be granted at the discretion of the Board where there is evidence of an ongoing effort by the applicant to meet recommendations in the Preliminary or Intermediate Plan Determinations or to obtain additional permits from other jurisdictions. Prior to the expiration of the 12 months (or extended period provided by waiver), the applicant shall submit a completed application for a Final Plan Review. Otherwise, the Preliminary and Intermediate Plan Review Determinations shall expire and a new Preliminary Plan Review application will be required based on the subdivision and zoning regulations in effect at the time of the new application.

#### **§ 215-2.5. Final plan approval.**

[Applying to all applications for subdivision]

A. Application requirements. Within 12 months of the date of Preliminary Plan Determination or Intermediate Plan Determination, if applicable, the applicant shall submit an application for Final Subdivision Plan approval, including plat approval. If the applicant fails to do so, s/he will be required to resubmit a new preliminary plan for approval subject to zoning and subdivision regulations effective at the time of the new application. The application for final subdivision plan and plat approval shall include associated fees and, unless otherwise specified or waived by

the Development Review Board under 2.1(D), plans and documents for final plan and plat review specified under Table 2.2.

B. Public hearing. The Board shall hold a public hearing on the final plan and associated plat, warned in accordance with Section 4.3.

C. Final plan approval. In accordance with the Act [§ 4464], within 45 days of the date of the close of the public hearing, the Development Review Board shall approve, approve with conditions, or disapprove the final subdivision plan, based on a determination of whether or not the plan and associated plat conform to subdivision review standards under Article 3. Failure to act within such forty-five-day period may result in deemed approval of the application. Approval, conditions of approval, or grounds for disapproval and provisions for appeal under Section 4.5, shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent to the applicant by certified mail, and any other interested persons by first class mail.

D. Effect of final plan approval. Approval by the Development Review Board of a final subdivision plan and associated plat shall not be construed to constitute acceptance by the Town of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Selectboard, in accordance with state statute. The Development Review Board may impose a time limit for the start and completion of site improvements, such as roads, erosion control measures, and bridges that are an integral part of the subdivision approval.

**§ 215-2.6. Performance and maintenance bonds.**

The Development Review Board may, as a condition of subdivision approval, require from the applicant a performance bond or comparable surety in a form approved by the Norwich Town Manager in an amount sufficient to cover the full costs of new streets and/or other required improvements and their maintenance for a period of not more than three years from the date of completion. With the mutual written consent of the Development Review Board and applicant, such bond or surety may be extended. If any required improvements have not been installed or maintained as provided within the term of the performance bond or other surety, such bond or other surety shall be forfeited to the Town. The Town shall, if necessary, install or maintain such improvements to the extent of the proceeds from such bond or other surety.

**§ 215-2.7. Plat recording requirements.**

[Applying to all approved subdivisions]

A. In accordance with the Act [§ 4463], within 180 days of the date of receipt of final plan approval under Section 2.5(C), the applicant shall file two copies of the final subdivision plat for recording with the Town in conformance with the requirements of 27 V.S.A., Chapter 17. Approved plats not filed and recorded within this one-hundred-eighty-day period shall expire. The Zoning Administrator may extend the date for recording by an additional 90 days, if final local or state permits or approvals are still pending.

B. Prior to plat recording, the plat must be signed by the Development Review Board Chair or Vice-Chair.

(1) All final plats must include a notation to include the following statement:

"The subdivision depicted on this plat was duly approved, as conditioned, by the Norwich Development Review Board in accordance with the Norwich Subdivision Regulations and all other applicable laws and regulations on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_. [Subdivision Permit # \_\_\_\_\_] Signed: \_\_\_\_\_ [Development Review Board Chair or Vice-Chair]"

(2) The Board may, as a condition of final plat approval, require that other notations pertaining to conditions of subdivision approval also be included on the final plat.

C. For any subdivision which requires the construction of roads or other public improvements by the applicant, the Board may require the applicant to post a performance bond or comparable security in accordance with Section 2.6.

D. The municipality shall meet all recording requirements for final subdivision plan approval as specified for municipal land use permits under Section 4.6.

E. Boundary line adjustments.

(1) A final plat for a Boundary Line Adjustment shall be filed for recording with the Town in conformance with the requirements of 27 V.S.A., Chapter 17. Approved plats not filed and recorded within this one-hundred-eighty-day period shall expire. The Zoning Administrator may extend the date for recording by an additional 90 days, if final local or state permits or approvals are still pending.

(2) Prior to plat recording for a Boundary Line Adjustment, the plat must be signed by the Development Review Board Chair or Vice-Chair. All final plats must include a notation to include the following statement:

"The boundary line adjustment depicted on this plat was duly approved by the Norwich Development Review Board in accordance with the Norwich Subdivision Regulations and all other applicable laws and regulations on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_. [Boundary Line Adjustment Permit # \_\_\_\_\_]. Signed: \_\_\_\_\_ [Development Review Board Chair or Vice-Chair]"

#### **§ 215-2.8. Compliance with subdivision approval.**

A. Prior to any development of an approved subdivision that requires issuance of a zoning permit; the applicant shall demonstrate that public and private improvements have been installed in accordance with the conditions of subdivision approval, and that all other applicable conditions have been met. In establishing conditions of subdivision approval, the Development Review Board may provide for a phased schedule of completion of improvements. The Zoning Administrator may rely on any information contained in the zoning permit application regarding the location of parcel boundaries. In the event that there is a discrepancy between the information provided by the applicant and the true facts, issuance of a zoning permit does not constitute a waiver by the Town of future enforcement authority.

B. To assist the Zoning Administrator in determining whether public or private improvements have been met, the Development Review Board may, as a condition of subdivision approval, require the submission of "as-built drawings," which shall indicate by dimensions, angles and distances the location of all utilities, structures, roadways, easements, landscaping and other

improvements as installed. The Zoning Administrator may rely upon any information submitted as part of the applicant's application for subdivision approval to determine whether the as-built drawings conform to the approved plat and all associated conditions. In the event of any material differences between the approved subdivision and the as-built drawings, the Zoning Administrator shall be entitled to initiate enforcement action pursuant to Section 4.4. The applicant may either bring the improvements into conformance or apply for an amendment to the approved plan under Section 2.9 to bring the project into conformance with the approved plan.

C. Certificate of compliance.

(1) The Development Review Board may also require, as a condition of final subdivision plan approval, that the applicant apply for a certificate of compliance to ensure that specified public or private improvements have been accomplished in accordance with the conditions of subdivision approval. When so conditioned, the issuance of a certificate of compliance is required before the applicant will be issued zoning permits for the future development so specified in the approved subdivision. For example, a certificate of compliance as to completion of a particular road or certain utilities in one section of the subdivision might be required prior to granting permits for the construction of residences in that section of the subdivision.

(2) When a certificate of compliance is required, the applicant shall submit an application containing the information specified in (B) above and any additional information that the Zoning Administrator may reasonably require. Within 30 days of receipt of a complete application, the Zoning Administrator will inspect the subdivision to ensure that all required work has been completed in accordance with the appropriate condition(s) of subdivision approval, and act to grant or deny the certificate of compliance. If the certificate of compliance is denied by the Zoning Administrator, no zoning permits may be issued for the future development specified. If the Zoning Administrator fails either to grant or deny the certificate of compliance within 30 days of submission of a completed application, the certificate of compliance shall be deemed issued on the 31st day.

D. The Board may, as a condition of subdivision approval, require the applicant to fund the cost of any review or inspections performed by an appropriate professional (e.g., civil engineer) retained by the Town to determine whether improvements were installed in accordance with the subdivision approval.

**§ 215-2.9. Revisions to an approved plat.**

A. No changes, modifications, or other revisions that alter the plat or conditions attached to an approved subdivision plan shall be made unless the proposed revisions are first submitted to the Development Review Board for an amendment to the previously approved plan and the Board approves such revisions after a public hearing warned in accordance with Section 4.3. In the event that such subdivision plan revisions are recorded without complying with this requirement, the revisions shall be considered null and void.

B. Exceptions may be made for minor changes to a Final Plat that has previously been approved after determining that the revisions have no bearing on the basis of the decision and are of a corrective nature. If the Development Review Board approves the change, a memo or a copy of the meeting minutes shall be attached to the Notice of Decision and the Chair shall be authorized to sign the revised Final Plat.

**Table 2.2  
Subdivision Application Requirements**

<b>(A) Application Information</b>	<b>Preliminary Plan</b> (if required)	<b>Intermediate Plan</b> (if required)	<b>Final Plan</b>
Application Form [number of copies]	1	1	1
Application Fee	Y	Y	Y
Name of project, if any	Y	Y	Y
Name and address of applicant and landowner	Y	Y	Y
Written description of proposed development plans, including number and size of lots; general timing of development	Y	Y	Y
Additional completed forms requested	Y		
Waiver requests, in writing	Y	Y	Y
Written request for modification of dimensional requirements or other standards contained in the zoning bylaws in instances involving applications for a Planned Unit Development (PUD)	Y	Y	Y

<b>(B) Plan/Plat Mapping Requirements</b>	<b>Preliminary</b>	<b>Intermediate</b>	<b>Final Plat</b>
Materials	Paper	Paper	Mylar
Date, North Arrow, Legend	Y	Y	Y
Preparer Information, Certifications	Y	Y	Y
Scale (not less than one inch equals 200 feet)	Y	Y	Y
Project boundaries and property lines	Drawn	Drawn	Surveyed <sup>2</sup>
Existing and proposed lot lines, dimensions	Drawn	Drawn	Surveyed <sup>2</sup>
Adjoining land uses, roads and drainage	Y	Y	Y
Zoning district designations and boundaries	Y	Y	Y
Location of Natural and Cultural Resources, as identified in Section 3.3 (including wetlands, floodplains and surface waters; steep slopes, prominent knolls and ridgelines; wildlife habitat and natural areas; historic resources; farm land and forest resources) in area to be developed.	Y Based on Norwich GIS and site visit observations	Y Delineated in area to be developed	Y Delineated in area to be developed
Existing and proposed contour lines in area to be developed, if required by DRB		two feet interval	two feet interval

<b>(B) Plan/Plat Mapping Requirements</b>	<b>Preliminary</b>	<b>Intermediate</b>	<b>Final Plat</b>
Existing and proposed roads, paths, parking areas, associated rights-of-way or easements	Drawn	Drawn	Surveyed
Utility rights-of-way or easements		Y	Y
Digital data as specified by the Planning Office			Y
Proposed development envelopes	Y	Y	Y
Survey Monument locations			Y
Road profiles; road, intersection and parking area geometry and construction schematics within area to be developed		Y	Y
Proposed landscaping and screening		Y	Y
Proposed conservation buffer and/or easement areas		Y	Y
Notation prepared in accordance with Section 2.7			Y
Copies of full size plans	4	4	4
Reduced (11 feet by 17 feet) copies of proposed plan [number of copies]	12	12	12

<b>C) Supporting Information and Documentation</b>	<b>Preliminary Plan</b>	<b>Intermediate Plan</b>	<b>Final Plan</b>
Site location map showing proposed subdivision in relation to major roads, drainage ways, and adjoining properties	Y	Y	Y
Completed density determination checklist and associated documentation (provided by the Town or, at the discretion of the applicant, supporting documentation may be prepared by a licensed engineer or surveyor - see Section 3.2)	Y	Y	Y
Engineering reports (water and wastewater systems)		Y	Y
Off-site easements (e.g., for water, wastewater, access)	Description	Draft	Final
Proposed phasing schedule	Description	Draft	Final
Proposed road maintenance agreements, covenants and/or deed restrictions	Description	Draft	Final
Proposed homeowner or tenant association or agreements	Description	Draft	Final
Proposed performance bond or surety		Description	Final

<b>As may be required by the (D) Development Review Board</b>	<b>Preliminary Plan</b>	<b>Intermediate Plan</b>	<b>Final Plan</b>
Stormwater and erosion control plan		As required under preliminary plan approval	As required under preliminary/ intermediate approval
Grading plan (showing proposed areas of cut and fill)			
Open space management plan			
Site reclamation plan (for subdivisions involving extraction)			
Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)			
Fiscal impact analysis (analysis of fiscal costs and benefits to the Town)			

**NOTES:**

1. Upon written request specific requirements may be waived by the Development Review Board per Section 2.1(D)
2. If a lot over 50 acres is to be subdivided and new lot(s) will be created containing a total of less than 20% of the original lot, the Board may waive the requirement of a full survey of the remaining large parcel and require that the only portions of the remaining large lot required to be surveyed be the common boundaries with the smaller lot(s) and any additional boundaries or points required to determine the accurate location of the boundaries of the smaller lot(s). A complete survey of the smaller lots is required to be recorded in compliance with Section 2.7.

**ARTICLE III  
Planning and Design Standards**

**§ 215-3.1. Planning and design process.**

A. All subdivisions shall be designed to ensure that the resulting pattern and density of development are appropriate for the site's location, character, and physical capacity. Subdivisions shall not result in development which places an undue burden on the Town of Norwich and/or neighboring landowners, or results in the loss or degradation of the Town's natural, scenic or cultural resources. To this end, applicants shall design subdivisions in accordance with the following five steps:

- (1) Step (1): The applicant shall meet with the Town planning and zoning staff in order to become familiar with the review process, required application materials, and subdivision planning and design process. Applicants may also request a pre-application meeting with the Development Review Board.



(2) Step (2): The applicant shall seek a determination of the pre-subdivision site's allowable density from the Norwich Planning Office, in accordance with the standards and procedures set forth in Section 3.2 and Section 2.3 of these regulations. Such determination shall be considered a preliminary indication of the maximum development potential, as expressed in total density for the existing (pre-subdivision) parcel, and shall serve as the basis of subdivision design in accordance with the following steps. The preliminary density will be confirmed by the Development Review Board at the Preliminary Hearing as a result of site analysis performed in accordance with step (3), or as a result of the proposed subdivision's impact on municipal services, or the applicant's ability to provide adequate infrastructure, as described in step (4).

(3) Step (3): The applicant shall conduct a detailed analysis of site conditions, including an assessment of the natural resources and physical features found on the site. Based upon this analysis, the applicant shall identify, in order of sequence, (a) building site areas; (b) preliminary utility and facility locations; and (c) proposed boundary configurations. The site analysis and subdivision design process shall, at a minimum, meet the requirements of Sections 3.3 and 3.4.

(4) Step (4): The applicant shall develop a final subdivision plan, including final design of proposed utilities and facilities, including those standards set forth in Sections 3.4 - 3.9. In addition, the applicant shall identify appropriate mitigation to address any off-site impact of the development on municipal facilities and services. The final density shall be based upon the ability of the applicant to provide appropriate facilities and services in accordance with these regulations and to avoid or mitigate impacts on the community or surrounding area.

(5) Step (5): With the approval of the final plan, the applicant shall then meet all legal requirements set forth in Section 2.7, and shall comply with all conditions included in the Final Plan Review Notice of Decision approved by the Development Review Board.

B. Waivers. The Development Review Board may waive or modify one or more of the standards in Article 3 if:

(1) The subdivision will not result in the creation of more than two lots and

(2) The Board determines, based upon its review under Sections 3.2 and 3.3, that the subdivision clearly meets the intent of these regulations.

**§ 215-3.2. Determination of maximum density.**

A. Village and commercial districts. Within the Village Residential, Business and Commercial/Industrial Districts, the maximum density shall be as defined in the Norwich Zoning Regulations.

B. Rural district. In accordance with Section 6.04 of the Norwich Zoning Regulations, the maximum number of lots created within the Rural Residential District after the effective date of these regulations shall be determined as set forth below.

(1) Minimum lot size. The minimum lot size within the Rural Residential District shall be not less than 20,000 square feet, unless the lot is part of a Planned Unit Development approved by the Development Review Board in accordance with the Norwich Zoning Regulations, in which case the minimum lot size shall be as determined by the Board.

(2) Maximum density. Except as provided in subsection (D) of this section below, the maxi-

imum density (total number of lots allowed on any preexisting parcel) shall be as determined by the Development Review Board in accordance with this section of the regulations. The maximum density shall range from a density of one lot per every two acres of developable area to one lot per every 20 acres of developable area, based upon the formulas set forth in Tables 3.1.

(3) Determination of developable area. It is the intent of these regulations to limit development density on parcels on which steeper slopes wetlands, surface waters and wetland/surface water buffers are located. To achieve this intent, development density shall be calculated based upon the total amount of developable area found on the pre-subdivision parcel. The developable area shall be determined by excluding all of the area of certain non-developable features from the density calculations, and by excluding half the area of other important features. The total developable area shall be based upon the formula described in Table 3.2.

(4) In determining the amount of developable area located on a parcel during preliminary plan review, the Norwich Planning and Zoning Office shall provide the location and total area (in acres) of each of the features identified in Table 3.2 based upon the designated data in the Town's Geographical Information System (GIS) program. The applicant may choose to provide data, prepared by a licensed engineer or surveyor, providing a more accurate indication of the features indicated in Table 3.2, and use such data as the basis of the determination of developable area.

(5) Subdivision of previously subdivided lots. Lots created under any subdivision permitted after September 1, 2002, shall be subject to the determination of development density of the original Notice of Decision. The total number of lots within the boundaries of the original parcel shall not exceed the maximum number of lots permitted under the original density determination. Allocation of potential future lots to specific parcels shall be specified in the Notice of Decision and in the notes on the final recorded plat.

(6) Determination of maximum density. In accordance with the Norwich Town Plan, it is the intent of these regulations to maintain low development densities in areas of Town with limited and/or poor access to Town facilities and services, to maintain low development densities contiguous to large blocks of conserved public lands, and to encourage moderate to high densities in areas of Town with good access to Town facilities and services and close proximity to the village center. Rather than designating multiple zoning districts within the designated Rural Residential District, maximum density shall be based upon the unique characteristics of the parcel relative to highway access, distance to the Town center, and proximity to protected open space. The maximum density of the parcel shall be one lot per every two acres of developable area adjusted lower in accordance with the formulas set forth in Table 3.1. In no instance shall the maximum density be less than one lot per every 20 acres of developable area.

**Table 3.1  
Determination of Maximum Density**

<b>Parcel Location</b>	<b>Density Adjustment</b>	<b>Maximum Density (2 acre maximum density x density adjustment)</b>
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A. Type of public road from which the development will be accessed. (Reclassification of Town roads may change the development potential of land accessed from them)

State Highway or Paved Class 2 Road	x 1	2 x 1 = 2 acres
Paved Class 3 Road	x 1	2 x 1 = 2 acres
Gravel Class 3 Road	x 2	2 x 2 = 4 acres
Substandard Class 3 Road (as identified in Appendix A)	x 4	2 x 4 = 8 acres
Class 4 Road	x 6	2 x 6 = 12 acres

B. After adjusting for access, adjustments shall be made for travel distance from the Norwich Town Office, measured to the nearest part of the parcel having a deeded right-of-way or 50 feet of frontage along a Town or state highway by the most direct route using Town or state highways.

Less than 1.5 miles	x 1	2 x 1 = 2 acres
1.5 to 3 miles	x 1.5	2 x 1.5 = 3 acres
3 to 4.5 miles	x 2	2 x 2 = 4 acres
4.5 to 5.5 miles	x 2.5	2 x 2.5 = 5 acres
5.5+ miles	x 3	2x3 = 6 acres

C. After adjusting for access and travel distance, adjustments to the maximum density shall be made for proximity to conserved large blocks of public lands

Not contiguous to (does not share boundary with) Norwich Fire District Agreement Lands or Appalachian Trail Corridor	x 1	2 x 1 = 2 acres
Parcel has a shared boundary with Appalachian Trail Corridor or the Norwich Fire District Agreement Lands	x 2	2 x 2 = 4 acres

Finally, the maximum density shall be as adjusted or 1 lot for every 20 acres of developable area, whichever achieves the highest density.

NOTES:

- (1) Table 3.1 is applicable to all applications for Planned Unit Developments (PUDs)
- (2) A Legal Trail, although a Town right-of-way, may not be used for vehicle access to a newly created parcel. See Norwich Trails Ordinance. Editor's Note: See Ch. 81, Art. III, Trails.

<b>Table 3.2</b>		<b>Example</b>	
<b>Determination of Developable Area</b>		<b>100 acre parcel</b>	
<b>Physical Features Found</b>	<b>Developable Area</b>	<b>Acres Covered by</b>	<b>Developable Area</b>

<b>on Parcel</b>	<b>Adjustment</b>	<b>Physical Features</b>	
Slopes in excess of 25%	no credit	10 acres	10 x 0 = 0 acres Developable Area
100 year floodplains	no credit	10 acres	10 x 0 = 0 acres Developable Area
Wetlands and surface waters	no credit	20 acres	20 x 0 = 0 acres Developable Area
Setback areas from wetlands and surface waters	50% credit	10 acres	10 x 0.5 = 5 acres Developable Area
Slopes between 15% and 25%	50% credit	10 acres	10 x 0.5 = 5 acres Developable Area
All Other Land	100% credit	40 acres	40 x 1.0 = 40 acres Developable Area
Total 100-acre parcel	—	—	100 acres = 50 acres Developable Area

**NOTES:**

- (1) The determination of developable area only applies to the proposed creation of new lots under these regulations, and does not apply to the use of preexisting parcels in accordance with the Norwich Zoning Regulations.
- (2) In instances where two or more features overlap, development credit will only be applied once for the lowest credit available, depending upon the feature (e.g., land in both one-hundred-year floodplain and setback from wetlands receives no credit).
- (3) Table not applicable to applications for Planned Unit Developments (PUDs), i.e., developable area is deemed to be actual size of parcel.
- (4) Wetlands shall include Vermont Class 1 and 2 mapped wetlands.
- (5) Setback areas (buffers) from wetlands shall be 50 feet and from surface waters 25 feet on either side.
- (6) Surface waters are those shown on the designated Norwich GIS surface water coverage.

**§ 215-3.3. Protection of natural, scenic, and cultural resources.**

A. Suitability of land for subdivision. All land to be subdivided must be, in the judgment of the Development Review Board, of such a character that it can be used for intended purpose(s), as stated in the application, without danger to public health or safety, the environment, neighboring properties, or the character of the area or district in which it is located. To this end, each application for subdivision shall provide a detailed site analysis which identifies all fragile features and natural and cultural resources described below, identify the impact of the proposed subdivision on those resources, and sets forth the protection measures proposed to avoid or mitigate

those impacts.

B. Establishment of development envelopes. All lots shall have one or more designated development envelopes, unless waived by the Board in the case of small lots. Development envelopes shall be designated to identify and limit the location of principal and accessory structures, parking areas, and associated site development (excluding road and utility rights-of-way or easements) on one or more portions of a lot. The maximum size and shape of the development envelope shall be determined by district setback requirements unless otherwise specified in these regulations. The Board may require the identification of specific building footprints if, in its judgment, such information is required to meet the standards set forth in these regulations. Where the Board deems it appropriate to do so for the purposes of this section 3.3, the Board may consider features of immediately adjacent properties that are relevant to the Board's evaluation of the proposed development envelope.

C. Protection of wetlands, flood hazard areas, and surface waters. Subdivision boundaries, lot layout and development envelopes shall be located and configured to avoid undue adverse impact to wetlands, flood hazard areas, and surface waters, including streams, rivers and all shoreline as defined in the Norwich Zoning Regulations.

(1) Wetlands. Development envelopes and the layout of roads, driveways and utilities shall be located and sized to comply with all state and federal wetland regulations. Compliance with these regulations will be evidenced by approved state and federal permits or letters from the state and federal authorities indicating compliance.

(2) Flood hazard area. Development envelopes shall be located to comply with the Flood Hazard Area sections of the Norwich Zoning Regulations (Table 2.7, Section 5.05)

(3) Surface waters (streams, rivers and all shorelines as defined in the Norwich zoning regulations). Development envelopes shall be located to comply with the Shoreline Overlay District sections of the Norwich Zoning Regulations (Table 2.8) and any additional state and federal water quality regulations that apply.

D. Protection of steep slopes, prominent knolls and ridgelines. Development envelopes shall be located and configured to minimize adverse impacts to slopes, especially those greater than 15%, and to avoid the placement of structures on prominent knolls and ridgelines. Methods for avoiding such adverse impacts may include, but not be limited to, the following:

(1) Development envelopes shall be located to exclude these features. In the event that development of an area with slopes greater than 15% is necessary to achieve the most desirable subdivision design for a site, the Board shall limit clearing, excavation and filling on such lands to the greatest extent practical, and may require the preparation and implementation of an erosion and sedimentation control plan for the property, in accordance with Section 3.5, as a condition of approval.

(2) Development envelopes shall be located and configured so that the height of any structure placed on the site after subdivision will not visually exceed the height of the adjacent tree canopy serving as the visual backdrop to the structure, and shall be located down-slope of ridgelines and prominent knolls.

(3) On wooded sites, forest cover shall be maintained or established adjacent to proposed

structures to interrupt the facade of buildings, provide a forested backdrop to structures, and/or soften the visual impact of new development as viewed from public roads and properties. The Board shall consider the location of proposed structures relative to existing vegetation, and may require additional planting and/or limit the amount of clearing adjacent to proposed development to provide screening and maintain a forested backdrop. A tree cutting, landscaping and/or forest management plan may be required to ensure that ridges and hill tops remain wooded, and to ensure that trees remain standing immediately adjacent to buildings to visually interrupt facades and reduce reflective glare, as viewed from off site. Such a plan shall address specific measures to be taken to ensure the survival and, if necessary, replacement of designated trees during or after site development and the installation of all site improvements.

(4) The location of development envelopes and associated development within the Ridgeline Protection Overlay District shall comply with the standards in Table 2.9 NZR, either in conjunction with the subdivision application process or as a condition for obtaining a zoning permit for development of structures. On ridgelines and prominent knolls that have been cleared prior to subdivision, the Board shall take into account the location of buildings and development patterns on surrounding properties in evaluating the proposed location of development envelopes and associated development.

(5) Access roads, including the conversion of logging roads to private roads or driveways, and utility corridors, shall use or share existing accesses and rights-of-way where feasible, follow existing contours to achieve angled ascents, and avoid areas of steep slope.

E. Protection of wildlife habitat and natural areas. Development envelopes shall be located and configured to minimize adverse impacts on valuable wildlife habitat, including travel corridors and crossings, and natural areas identified in Norwich Conservation Commission inventories, by Vermont Department of Fish & Wildlife inventories, or through site investigation. Methods for minimizing such adverse impacts include, but may not be limited to, the following:

(1) Development envelopes shall be located to minimize impact on identified valuable natural areas and wildlife habitat. A buffer area of adequate size shall be established to ensure the protection of these habitats.

(2) To avoid the fragmentation of natural areas and wildlife habitat, including large tracts of forest land and undeveloped corridors serving as wildlife travel corridors between larger tracts of core habitat, the Board may require the submission of a wildlife habitat assessment, prepared by a wildlife biologist or comparable professional, to identify the function and relative value of impacted habitat and provide recommended management strategies to maintain or enhance those values and function. The Board may also consult with Vermont Fish and Wildlife Department staff prior to issuing a decision.

(3) Roads, driveways and utilities shall be designed to minimize the fragmentation of identified natural areas and wildlife habitat.

(4) Identified natural areas and wildlife habitat should be excluded from development envelopes.

F. Protection of historic and cultural resources. Development envelopes shall be located and configured to minimize adverse impacts to historic and archaeological sites and resources identified in Norwich historical and archeological resource inventories, by the Vermont Division for

Historic Preservation, or through site investigation. Methods to minimize adverse impacts include, but may not be limited to, the following:

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

G. Protection of farm land. Development envelopes shall be located and configured to minimize adverse impacts to farm land and areas with "prime" and "statewide" agricultural soils suitable for farming. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Development envelopes shall be located at field and orchard edges or, in the event that no other land is practical for development in such a way as to minimize the impact on productive agricultural land, impacts on existing farm operations, and disruption to the scenic qualities of the site.
- (2) Buildings and associated building lots should be clustered to avoid fragmentation of productive farm land.
- (3) Vegetated buffer areas may be required to buffer agricultural operations from other uses to minimize land use conflicts.
- (4) Access roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these to minimize fragmentation of agricultural land and visual impacts.
- (5) Intact parcels of productive farmland shall be designated as open space; conservation easements, limitations on further subdivision, or comparable site protection mechanisms may be required.

H. Protection of forest resources. Development envelopes shall be located and configured to minimize adverse impacts to productive forest land, including large (e.g., 50+ acres) tracts of forest, forest land contiguous to other large, undeveloped tracts that have either been protected through public or private land conservation initiatives or are subject to use value appraisal contracts, and forest land that possesses natural areas, valuable wildlife habitat, wildlife travel corridors, and/or exceptional recreational resources. Methods for minimizing such adverse impacts include, but may not be limited to, the following:

- (1) The subdivision of forest land shall, to the extent practical, be configured to allow for ongoing forest management of the parcel after subdivision. Lot boundaries and development envelopes should be laid out to avoid unnecessary fragmentation of distinct timber stands, and provi-

sion for forest management access should be a consideration of the final plan.

(2) In order to protect recreation areas, conserved open space, and critical wildlife habitat, and to avoid conflict between new residential development and existing forest management activities on land enrolled in the current use program, the Board may require setbacks and buffers from adjacent forest land greater than the setbacks and buffers set forth in the Norwich Zoning Regulations.

I. Protection of scenic resources. Development envelopes shall be located and configured to avoid undue adverse impacts to scenic resources identified in the scenic resource mapped areas created in conjunction with the Inventory of Scenic Resources prepared by the Scenic Resources Committee of the Norwich Conservation Commission and dated January 2000. Methods for avoiding such undue adverse impacts include, but may not be limited to, the following:

(1) Subdivisions within view of scenic roads, as identified in the aforementioned planning documents, shall be designed to avoid undue adverse impact to the identified scenic resources.

(2) Development envelopes located within view of identified scenic roads or within identified scenic view sheds shall be located to avoid prominent placement within the view shed.

(3) Subdivisions, development envelopes and lots should be designed to maintain the contrast between compact village centers and surrounding countryside.

J. Modifications for Norwich village and cluster development. The Board may waive or modify one or more of the Section 3.3 standards within the Village Residential or Business District, or within a Planned Unit Development, in the event the Board determines that the benefits of modification would result in a more desirable settlement pattern, and the impacts on identified resources can be mitigated either on or off site.

**§ 215-3.4. District settlement patterns.**

All subdivisions shall be designed and configured to reflect the desired settlement pattern for the respective district in which the subdivision is located, as defined by the Norwich Zoning Regulations and the Norwich Town Plan.

A. Subdivisions within the Village Residential District I shall be designed to reflect the historic character of the surrounding area. Lot sizes should be consistent with traditional densities within the Village, and development envelopes should be located to maintain a consistent building line and streetscape along public roads. Sidewalks and other pedestrian and bicycle facilities may be required where appropriate.

B. Subdivisions within the Commercial/Industrial District shall be configured to minimize driveway and road accesses onto public roads, including Route 5; to allow for innovative site design that allows for parking and related infrastructure to be located in rear yards; and to avoid commercial strip development along Route 5.

C. Subdivisions within the Rural District and Village Residential District II shall be designed and configured to reinforce the district's rural character and historic working landscape, characterized by wooded hillsides and knolls, open fields, and a visual and functional relationship of structures to the surrounding landscape.



**§ 215-3.5. Stormwater management, erosion prevention and sediment control.**

A. Erosion prevention and sediment control measures shall be incorporated into subdivision design and layout to control runoff, sedimentation, and water pollution on-site and downstream from the proposed subdivision during construction and for the completed project. Some of the factors to be considered in determining the types of controls necessary shall include size and terrain of watershed draining onto the development envelope, pre-development site and runoff conditions, vegetation and ground cover, slope, drainage patterns, soil types, impermeable surfaces, distances to streams and other surface waters, and impacts on adjoining properties.

B. Development within the subdivision shall comply, at a minimum, with the requirements of the Low Risk Site Handbook for Erosion Prevention and Sediment Control issued by the Department of Environmental Conservation, regardless of any provisions in that handbook that limit its applicability. (See manual "B" in Appendix B)

C. In situations where there are steeper slopes, excess surface water, or other conditions that warrant it, the Board may require the preparation and implementation of stormwater management and/or erosion prevention and sediment control plans and associated analyses to ensure that site improvements, including excavation, road and driveway construction, site clearing, and grading, will not unduly impact neighboring properties or surface waters. Such plans, if required, shall be prepared by a licensed Vermont engineer or an otherwise qualified designer, be based upon Best Management Practices (BMPs) for managing stormwater and controlling erosion, as defined by the Vermont Agency of Natural Resources and include provisions for long-term maintenance of stormwater management and erosion control facilities as well as periodic evaluation and reporting on such maintenance. The Board may require a final inspection by the Zoning Administrator or a certificate of compliance from the designer to ensure compliance with the approved plans. (See manuals "C" and "D" in Appendix B)

D. Compliance with the Vermont Stormwater Regulations, as evidenced by an approved state stormwater permit, will indicate compliance with this section.

E. Low Impact Development (LID) design principles shall be utilized on all development where feasible. (See manual "A" in Appendix B)

**§ 215-3.6. Community services and facilities.**

A. Municipal facilities and services. The proposed subdivision shall not create an undue burden on municipal facilities and schools, or create an unreasonable demand for public services. The Development Review Board may require the phasing of development to coordinate the anticipated demand for municipal facilities and services with the planned provision of those facilities and services, in accordance with a duly adopted capital budget and program.

B. Fire protection facilities and emergency access. Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided to the satisfaction of the Board, based on the following requirements:

<b>Lots in Subdivision</b>	<b>Maximum Distance to Hydrant (feet)</b>	<b>Fire Flow (gpm)</b>
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2 or fewer new single family residential structures or development envelopes separated by 50 feet or more	5,000	500
3 to 5 new single family residential structures or development envelopes separated by 50 feet or more	3,000	500
6 to 10 new single family residential structures or development envelopes separated by 50 feet or more	2,000	500
All other subdivisions	1,000	Based on the Needed Fire Flow Requirements of the Fire Suppression Rating Schedule of the Insurance Services Office

(1) The Board may waive the above requirements if, as a condition of subdivision approval, the Board adds the requirement that prior to the issuance of a zoning permit for any lot in the subdivision, any new residential structure will be protected by an automatic fire sprinkler system that meets the requirements of the applicable National Fire Protection Association (NFPA) Standard; NFPA 13: Installation of Sprinkler Systems, NFPA 13R: Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height<sup>1</sup> or NFPA 13D: Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.

(2) Fire hydrants serviced by the municipal water system or dry hydrants installed into a pond or stream shall be installed by the applicant to meet the requirements of Section 3.6(B). When dry hydrants are used to satisfy these requirements they shall have sufficient volume or flow to meet the requirements in a 2% drought condition for a minimum of two hours. Dry hydrants shall be designed to be accessible and to operate at all times of the year.

(3) Plans for sprinkler systems and dry hydrants shall be approved by the Norwich Fire Department prior to installation and inspected and approved after installation. Certification of these approvals shall be sent to the zoning administrator and filed with the zoning permits for the project.

C. Emergency access. The Board may require documentation from the Norwich Fire Department or other appropriate municipal officials as to the adequacy of emergency access for fire, police, ambulance, or other services and fire protection facilities. Compliance with the Driveway Specification (3.14 NZR) or Private Highway Specifications will, in most cases, be considered as providing adequate access for municipal and emergency vehicles.

**§ 215-3.7. Roads, driveways and pedestrian access.**

A. Road standards. The following standards shall apply to all proposed public roads and to private roads serving two or more lots. Acceptance of private roads by the Town is subject to approval of the Norwich Selectboard, pursuant to state law for the laying out of public rights-of-

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1. Editor's Note: Now the "Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies."

way. Construction of roads to these standards does not ensure such acceptance.

B. Road design: private development roads. All private development roads serving two or more lots shall be designed in accordance with the Town of Norwich Private Highway Specifications as most recently amended by the Norwich Selectboard.<sup>2</sup> Driveways serving a single lot shall comply with the driveway standards in the Norwich Zoning Regulations (3.14 NZR) applicable at the time of the subdivision application.

C. Road design: Town and state roads. All public roads serving proposed subdivisions shall be designed in accordance with the Town of Norwich Specifications for Town Highways, adopted and administered by the Norwich Selectboard.<sup>3</sup>

D. Coordination with adjoining properties. The arrangement of roads in the subdivision shall provide for the continuation of roads of adjoining subdivisions and for proper projection of roads through adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension, currently or when later required, of needed utilities and public services. The above conditions may be modified where, in the opinion of the Development Review Board, topographic or other conditions make such continuance undesirable or impracticable.

E. Access management. All private road and driveway access to public roads shall be subject to the approval of the Vermont Agency of Transportation, in the case of state highways, and the Norwich Town Manager, in the case of Town roads. Access to all lots created by subdivision and to all buildings or other land development located thereon shall be only from such permitted access road or driveway. To better manage traffic flow and safety, avoid congestion and frequent turning movements, preserve the carrying capacity of important travel corridors, and avoid strip development, the following access management standards shall apply to all subdivisions:

(1) Shared driveways and/or internal development roads providing access to multiple lots may be required to limit the number of access points onto public highways.

(2) If a subdivision has frontage on two or more roads, access shall be from the road determined by the Development Review Board to be more suitable based on topographic or traffic safety conditions.

(3) The creation of reserved strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.

F. Traffic and road capacity. Traffic to be generated by the proposed subdivision shall not result in unreasonable traffic congestion or exceed the capacity of roads and intersections in the vicinity of the subdivision. The Board may request the preparation of a traffic impact study, the cost of which is to be borne by the applicant, to identify impacts and mitigation measures necessary to ensure road safety and efficiency. The implementation of mitigation measures, including required road improvements necessitated by the subdivision, shall be the responsibility of the

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2. Editor's Note: See Ch. 81, Art. IV, Private Road Specifications.

3. Editor's Note: See Ch. 81, Art. I, Road Specifications.

applicant as follows:

(1) Where an existing access road is inadequate or unsafe, the Board may require the applicant to upgrade the access road to the extent necessary to serve additional traffic resulting from the subdivision and to conform to these standards. Upgrades to Town highways will require the approval of the Town Manager.

(2) In situations where a development may require the realignment, widening or increase in the capacity of an existing road, or where the Town plan or capital program indicates that such improvements may be required in the future, the applicant may be required to reserve land for such improvements.

(3) When a proposed subdivision necessitates an upgrade in the capacity of a public road to accommodate traffic generated by that subdivision, the Board may withhold approval for such subdivision until such upgrade has been completed. The applicant may be required to contribute to any or all of the expenses involved with road improvements necessitated by the project.

G. Road names and signs. Roads shall be named in accordance with the Norwich Road Naming Ordinance. Said names shall be identified on signs designed and located in accordance with the Town policy, and shall be clearly depicted on the final plat. Internal road name signs shall be installed by the applicant. Road name signs at intersections with public roads shall be installed by the Town.

H. Pedestrian access. The Development Review Board may require pedestrian rights-of-way to facilitate pedestrian circulation within the subdivision and to ensure access to adjoining properties or uses or public facilities. Such rights-of-way, which may be required to facilitate pedestrian access from a subdivision to schools, parks, playgrounds, or to extend recreational greenways and trail networks identified in the Town trail planning documents, shall include perpetual unobstructed easements at least 10 feet in width which shall be indicated on the plat.

I. Legal requirements.

(1) Every subdivision plat shall show all proposed road and pedestrian rights-of-way, as required under these regulations, regardless of whether the proposed right-of-way is intended to be accepted by the Town. In the event that the right-of-way is not intended for acceptance by the Town, the mechanism by which the right-of-way is to be maintained, owned and/or conveyed shall be clearly documented.

(2) Documentation and assurance shall be provided that all proposed roads and rights-of-way will be adequately maintained either by the applicant, a homeowners' association or through other legal mechanism. Such documentation shall be in a form approved by the Board and filed in the Norwich Land Records.

**§ 215-3.8. Water supply and wastewater disposal.**

A. Water supply. Water supply systems shall be designed, installed, and maintained to meet all applicable state requirements.

B. Wastewater disposal capacity. The applicant may be required to demonstrate that soil conditions on-site are adequate to accommodate the installation of a wastewater disposal system designed in accordance with state requirements.

**§ 215-3.9. Utilities.**

A. Location. All utilities, existing and proposed, throughout the subdivision shall be shown on the final plat, and be located as follows:

(1) All utility systems, which may include but not be limited to electric, gas, telephone, fiber optics and television cable, shall be located underground throughout the subdivision, unless deemed unreasonable and prohibitively expensive by the Board due to site conditions.

(2) The applicant shall coordinate subdivision design with the utility companies to ensure adequate and suitable areas for installation, both for the proposed subdivision and anticipated development on lands adjacent to the subdivision.

(3) Utility corridors shall be shared with other utility and/or transportation corridors, and be located to minimize site disturbance, the fragmentation of farmland, and any adverse impacts to natural, cultural or scenic resources and public health.

B. Easements. Utility easements of sufficient width shall be provided to serve both the proposed subdivision and existing and anticipated development outside the subdivision. Such easements shall be shown on the final plat.

**§ 215-3.10. Dedication of open space and common land.**

A. Creation of Common Land. Land held in common for the preservation and maintenance of open space or the maintenance and protection of shared facilities, such as community wastewater systems, community water supplies, recreation or community facilities, or recreation, including road and trails rights-of-way, may be held under separate ownership from contiguous parcels and shall be subject to the legal requirements set forth below.

B. Legal requirements. The Board may require that land offered by an applicant as protected open space is dedicated to not being developed either in fee or through a conservation easement approved by the Board. The prospective grantees to which the applicant may grant such land may include a community association comprising all of the present and future owners of lots in the subdivision, a nonprofit land conservation organization, or the Town of Norwich. At a minimum, designated open space shall be indicated with appropriate notation on the final plat. Land held in common shall be subject to deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long term stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of applicant and subsequent landowners.

ARTICLE IV

**Administration and Enforcement**

**§ 215-4.1. Administration.**

These regulations shall be administered by the Norwich Development Review Board ("Board"), as authorized by the Act [§ 4401].

**§ 215-4.2. Fees.**

A. Application fees for each phase of subdivision approval shall be established by the Norwich Selectboard. Such fee(s) shall include the costs for publishing hearing notices, notifying

abutting landowners and conducting public hearings, administrative review, creating Town GIS maps, and, if needed, for periodic inspections by Town-retained consultants during the installation of public improvements.

B. Should the Board deem it necessary to employ an engineer, attorney, design professional or other consultant to review any subdivision plans or portion thereof, and/or any associated legal documentation, all costs of such review shall be paid by the applicant.

**§ 215-4.3. Hearing notice requirements.**

A. All public hearings required under these regulations shall be warned in accordance with the Act [§ 4464].

B. Notice shall be given not less than 15 days prior to the date of the public hearing by the publication of the date, place and purpose of the hearing in a newspaper of general circulation; and by the posting of the same information in three or more public places within the municipality including posting within view from the public right-of-way most nearly adjacent to the property for which the application is made.

C. In the case of a plat located within 500 feet of a municipal boundary, a copy of such notice shall be sent to the Clerk of the adjacent municipality at least 15 days prior to the public hearing.

D. Abutters and owners of property within 250 feet of the parcel to be subdivided shall be notified, via U.S. Mail, by Norwich planning and zoning staff at least 15 days prior to any public hearing scheduled in accordance with Sections 2.3, 2.4 and/or 2.5. Such notice may include a general description of the proposed subdivision, including the number of new lots to be created, and any other information required by statute or deemed relevant by the Board and/or Town staff.

E. A completed Preliminary Hearing may be recessed and continued to a specific time, date and place within 90 days for an Intermediate or Final Hearing if requested by the applicant and approved by the Board. For purposes of public notice, the continuation of the public hearing shall not be required to be re-warned in accordance with Section 4.3 (A), (B), (C), (D) if the time, date and place of that later session is announced prior to the end of the Preliminary Hearing and the Preliminary Hearing is continued to the Intermediate or Final Hearing. If for any reason the hearing is not continued at the announced time, date and place, including a lack of quorum or further continuation without substantial addition, the subsequent hearing or continuation shall be warned in accordance with Section 4.3 (A), (B), (C), (D).

**§ 215-4.4. Enforcement and penalties.**

A. The enforcement of these regulations shall be the responsibility of the Zoning Administrator in accordance with the Act [§§ 4451, 4452, 4454].

B. Any person who violates any of the provisions of these regulations shall be fined pursuant to the Act [§ 4451] for each offense; and each day that a violation continues shall constitute a separate offense.

C. Any person who sells or transfers any land in a subdivision or land development or erects any structure thereon without first having recorded a duly approved final plat under these regula-

tions shall be fined pursuant to the Act [§ 4451]; and each lot, parcel, or unit so sold or transferred shall be deemed a separate violation.

D. Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Act [§ 4454] as currently enacted and as hereinafter amended, or otherwise to restrain, correct or prevent any violations of these regulations or prosecute violators thereof except as provided below.

**§ 215-4.5. Appeals.**

A. Any decision of the Board may be appealed to the Vermont Environmental Court by an interested person who has participated in the municipal public hearing in accordance with the Act [§ 4471]. Participation shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.

B. "Interested person" for the purposes of appeal shall be defined pursuant to the Act [§ 4465].

C. The requirements for filing a notice of appeal shall be included in all Notices of Decision issued by the Board.

**§ 215-4.6. Town recording requirements.**

The Zoning Administrator shall deliver copies or memorandums of permits and Notices of Violation to the Town Clerk for recording within 30 days of being issued pursuant to the Act [§ 4449(b)].

ARTICLE V  
**Definitions**

**§ 215-5.1. Interpretation.**

A. Unless otherwise defined herein, the definitions contained in the Act and the Norwich Zoning Regulations shall apply to these regulations.

B. Words, phrases and terms neither defined herein nor elsewhere in these regulations shall have their usual and customary meanings except where the context clearly indicates a different meaning.

C. Any interpretation or clarification of words, phrases or terms contained herein by the Norwich Development Review Board or other jurisdiction shall be based on the following definitions, state statute, and the need for reasonable and effective implementation of these regulations.

**§ 215-5.2. Definitions.**

For the purposes of these regulations, the following words shall be defined as follows:

ABUTTER — The owner of record of a parcel of land which is contiguous at any point with the parcel being subdivided.

ACCESS ROAD — Public or private road providing access to two or more lots.

ACT — The Vermont Municipal and Regional Planning and Development Act, Title 24, Chapter 117, Vermont Statutes Annotated.

**AFFORDABLE HOUSING** — Affordable housing units include owner-occupied or rental dwelling units which are constructed and made subject to sufficient restrictions so that they will remain affordable on a long-term basis. Eligible households shall have incomes that are up to 120% of the median Windsor County household income, as last reported by the Vermont Department of Housing and Community Affairs.

**APPLICANT** — Any person, firm, corporation, partnership, or association, or any of these entities working in cooperation, who shall lay out for the purpose of sale or development or otherwise any subdivision or part thereof as defined in these regulations, either for himself or others.

**APPROVAL** — A decision by the Development Review Board, certified by written endorsement on the Plat, that the final plan meets the requirements of these regulations. Such approval may include conditions to be met by the applicant, which shall run with the land and be applicable to future owners, and which shall be forwarded to the applicant in writing.

**AS-BUILT PLANS** — Plans or drawings reflecting the actual public or private improvements, showing actual field dimensions, locations, and other relevant information, made or installed in connection with an approved subdivision, filed with the Zoning Administrator to establish compliance with relevant conditions of the subdivision approval.

**AUTHORIZED AGENT** — A person or group of persons who have been duly authorized in writing filed with the Board by the owner of record to act on his or her behalf.

**BOUNDARY LINE ADJUSTMENT** — A change in the boundary line between adjacent lots in which there is a sale, conveyance or exchange of land that does not increase the number of parcels of land. (Also known as an Annexation).

**BUFFER** — A designated strip or area of land intended to visibly and/or functionally separate one use from another; to shield or block noise, lights or other nuisance from neighboring properties; and/or to lessen visual or physical impacts of development on surface waters, wetlands and other natural and scenic areas.

**CERTIFICATE OF COMPLIANCE** — See Section 2.8(C).

**COMMUNITY WASTEWATER SYSTEM** — Any wastewater disposal system other than a municipal sewage disposal system, owned by the same person or persons that disposes of sewage for domestic, commercial, industrial or institutional uses for two or more users or customers.

**COMMUNITY WATER SYSTEM** — Any water system owned by the same person or persons that supplies water for domestic, commercial, industrial, or institutional uses to two or more users or customers.

**DENSITY** — Ratio of dwellings to land area.

**DEVELOPMENT ENVELOPE** — A specific area delineated on a lot within which all structures are to be located. See Section 3.3(B).

**DEVELOPABLE AREA** — Area used for density calculation. See Table 3.2.

**DISTURBED AREA** — An area in which the natural vegetative soil cover has been removed, altered, or subject to any other activity making it susceptible to erosion. Natural vegetative cover may include grasses, shrubs, trees, and other vegetation that holds and stabilizes soils.



**DRIVEWAY** — A privately owned access road serving one lot or dwelling structure.

**DWELLING STRUCTURE** — A structure containing one or more dwelling units.

**DWELLING UNIT** — One room or rooms connected together, constituting a separate house-keeping establishment containing independent cooking and sleeping facilities and bath facilities. A dwelling unit does not include boarding houses, bed-and-breakfast establishments, hotels, motels or clubs.

A. **TWO-UNIT DWELLING STRUCTURE** — Two separate dwelling units covered by a common roof system.

B. **MULTI-UNIT DWELLING STRUCTURE** — Three or more separate dwelling units covered by a common roof system.

**FARM LAND** — Land currently supporting crops, orchards, or grazing; or open land with significant potential to support crops based on the presence of prime or statewide agricultural soils, accessibility, adequate size and shape, and compatibility with adjacent uses.

**FINAL PLAT** — The final drawings on which the subdivision is presented to the Development Review Board for approval and which, if approved, are filed for record with the Town Clerk. See Section 2.5.

**GIS** — Geographic Information System. A computer system capable of assembling, storing, manipulating, and displaying geographically referenced information, i.e., data identified according to their locations. The Norwich GIS consists of data layers maintained by the Norwich Planning Office.

**INTERMEDIATE PLAN** — The preliminary drawings for a subdivision indicating the proposed layout of the subdivision to be submitted to the Development Review Board for its consideration. See Section 2.4.

**LOT** — Any parcel of land the boundaries of which are separately described in a recorded deed or filed plat. A Town or state highway right-of-way constitutes a lot boundary.

**OPEN SPACE** — The undeveloped portion of any development parcel(s) which is not occupied by buildings, streets, rights-of-way, driveways, parking spaces, commercial recreation facilities, or yard (setback) areas, and which is set aside, dedicated, or designated for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, or for the preservation and continued use of agricultural land, or protection of natural areas.

**MAXIMUM DENSITY** — Total number of new lots allowed on any preexisting parcel. See Table 3.1.

**PLANNED UNIT DEVELOPMENT (PUD)** — An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units and commercial and/or industrial uses, if any, in which the design and development promotes the most appropriate use of the land, to facilitate the adequate and economic provision of streets, utilities, buildings, open spaces and other site features and improvements; the plans for which do not correspond in lot size, dimensional requirements, or type of use or density under the Zoning Regulations except as a planned unit development.

**PLAT** — A plan or a map of a piece of land with actual or proposed features (as lots).

**PRELIMINARY PLAN** — An informal sketch of the proposed subdivision, the purpose of which is to enable the subdivider to reach general agreement with the Development Review Board as to the form of the subdivision and objective and requirements of these regulations. See Section 2.3.

**PRIVATE HIGHWAY** — A privately owned access road serving two or more lots or dwelling structures.

**RIDGELINE** — A ridge top line of intersection between the opposite slopes on a range of hills or mountains.

**SLOPE** — The inclination of a surface. The gradient of a slope is defined as the ratio of the "rise" divided by the "run" between two points on a line expressed as a percentage. In the context of these regulations, slope is to be measured from the top to the bottom of the disturbed area.

**STREET** — Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used for vehicular traffic and serving three or more lots.

**SUBDIVISION** — Division of any lot or parcel of land into two or more lots of any size, for the purpose of conveyance, transfer of ownership, improvement, building, development, or sale. Any transfer, conveyance or sale of land held in one ownership, but already divided into lots by an existing public right-of-way, shall not be considered a subdivision for the purposes of these regulations.

**TOWN PLAN** — The Norwich Town Plan as most recently adopted.

**WETLANDS** — All wetlands identified on National Wetland Inventory (NWI) maps, wetland areas identified as "Ecologically Significant Wetlands" by the Vermont Nongame and Natural Heritage Program, and/or areas identified through site analysis, pursuant to the Vermont Wetland Rules, to be inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction.

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**Town of Norwich**

**Appendix A  
Substandard Class 3 Roads**

Only applicable to Table 3.1 calculations.

<b>Name</b>	<b>Start</b>	<b>End</b>
Elm Street	Hopson Road	Heyl Trail
Hickory Ridge	Elm Street	End
Dutton Hill - East	Beaver Meadow Road	Class 4 Section
Tilden Hill	Turnpike Road	Brigham Hill
Four Wheel Drive	Church Street	End
Blood Hill East	Goodrich 4 Corners	Class 4 Section
Bowen Road	Waterman Hill	VT Rt 132
Waterman Hill	Bowen Road	Class 4 Section
Bradley Hill Road	#398 Hanlon	Class 4 Section
Pattrell Road	Union Village	Kerwin Hill
Campbell Flat Road	#498 Sargent	Thetford Line
Turnpike Road	Bramble Lane	Class 4 Section
Upper Turnpike	Needham Road	Class 4 Section
Stowell Road	Norford Lake Road	Thetford Line
Rock Ledge Lane	New Boston Road	Class 4 Section
Chapel Hill	Beaver Meadow	Sharon
Tigertown Road	Mitchell Brook	Hartford
Mitchell Brook	Ridgewood Hill	Sharon
Cossingham Road	Bragg Hill Road	Class 4 Section
Happy Hill Road	Bragg Hill Road	Class 4 Section
Tucker Hill Road	Bragg Hill Road	South end
Sugarhouse Road	Beaver Meadow Road	Class 4 Section
Town Farm Road	Goodrich Four Cors	Class 4 Section
Patterson Road	Campbell Flats	Hogback Road
Sugartop Road	Hartford Line	North End

**Town of Norwich**

**Appendix B  
Erosion Prevention and Sediment Control Resources**

**Vermont Manuals:**

- A. Vermont Low Impact Development Guide for Residential and Small Sites — December 2010 (Green Book) [http://www.vtwaterquality.org/stormwater/docs/sw\\_LID%20Guide.pdf](http://www.vtwaterquality.org/stormwater/docs/sw_LID%20Guide.pdf)
- B. The Low Risk Site Handbook for Erosion Prevention and Sediment Control — 2006 (Yellow Book) [http://www.anr.state.vt.us/dec/waterq/stormwater/docs/construction/sw\\_low\\_risk\\_site\\_handbook.pdf](http://www.anr.state.vt.us/dec/waterq/stormwater/docs/construction/sw_low_risk_site_handbook.pdf)
- C. Vermont Erosion Prevention and Sediment Control Field Guide — 2006 (Blue) [http://www.anr.state.vt.us/dec/waterq/stormwater/docs/construction/sw\\_vermont\\_field\\_guide.pdf](http://www.anr.state.vt.us/dec/waterq/stormwater/docs/construction/sw_vermont_field_guide.pdf)
- D. The Vermont Standards & Specifications For Erosion Prevention & Sediment Control - 2006 [http://www.anr.state.vt.us/dec/waterq/stormwater/docs/construction/sw\\_vt\\_standards\\_and\\_specifications\\_2006\\_updated\\_2\\_20\\_2008.pdf](http://www.anr.state.vt.us/dec/waterq/stormwater/docs/construction/sw_vt_standards_and_specifications_2006_updated_2_20_2008.pdf)

## Chapter 240

### ZONING

#### ARTICLE I Authority and Purpose

##### § 240-1.01. Enactment and title.

In accordance with the Vermont Municipal and Regional Planning and Development Act [24 V.S.A., Chapter 117], hereinafter referred to as the "Act," there are hereby established zoning regulations for the Town of Norwich which are set forth in the text and maps that constitute these regulations. These regulations shall be known and cited as Town of Norwich Zoning Regulations.

##### § 240-1.02. Purpose.

A. It is the purpose of these regulations to achieve the objectives set forth in the Act [ §§ 4302, 4401], which include the appropriate development of all lands in this community in a manner that will promote the public health, safety, morals, prosperity, comfort, convenience, efficiency, economy and general welfare; to provide means and methods for the community to effect the prevention, minimization or the future elimination of such land development problems as may exist or which may be foreseen; and to implement the Town Plan of Norwich, which is incorporated by reference here. Specific goals include:

- (1) To provide sufficient space in appropriate locations for forests and agriculture; for residential, recreational, commercial and business development; and for public and semi-public facilities, giving consideration to their environmental requirements and interrelationships, in order to meet the needs of all residents of the Town.
- (2) To protect and promote the appropriate use of soil, forests, ground and surface waters and wetlands and other natural resources.
- (3) To protect and preserve natural, scenic, and historic features of the landscape and the Town; to preserve open space; to facilitate the growth of Norwich in a rural environment; to encourage a rational and convenient pattern of settlement and good civic design and, in particular, to encourage and enhance the attractiveness of the Norwich scene and landscape.
- (4) To encourage and allow for the creation of affordable housing and moderate-income housing for Norwich residents.
- (5) To encourage the healthful and convenient distribution of population, employment opportunities, and other activities; to protect residential, agricultural and other areas from undue concentrations of population and overcrowding of land and buildings, from traffic congestion, inadequate parking and hazardous traffic flow, and from the loss of peace, quiet, and privacy.
- (6) To encourage appropriate diverse architectural design.
- (7) To secure safety against fire, explosions, floods and other damages.

- (8) To protect public health by reduction of noise, air pollution, water pollution and other noxious physical influences.
- (9) To preserve the natural night sky by reducing unnecessary and unshielded exterior lighting.
- (10) To protect access to adequate light and air circulation.
- (11) To facilitate the adequate and convenient provision of water, schools, parks, roads and other public services.
- (12) To encourage the most desirable and appropriate use of land, to minimize the adverse impact of one land use upon another, and to provide for the gradual amelioration of undesirable land uses.
- (13) To encourage the conservation of energy and the development of renewable energy resources.

B. Preparation of these bylaws has been based upon surveys of existing conditions and probable future trends, with reasonable consideration for the landowner, to topography, to needs and trends of Norwich, to the character of each area and to its peculiar suitability for particular uses in relationship to surrounding areas and with a view to conserving the value of property.

**§ 240-1.03. Applicability and interpretation.**

Land Development: The erection, construction, reconstruction, conversion, relocation or enlargement of any building, exterior sign or structure, or water recreation facilities or water storage facilities, including but not limited to public swimming pools, man-made or improved ponds, reservoirs, water tanks, sewer lagoons, or fish hatcheries; any mining, excavation or landfill activity; or any change in the use of any building or structure, including but not limited to the commencement of a home business, or any change in, or extension of, the use of any land.

A. The application of these regulations is subject to all subchapters of the Act as most recently amended. No land development shall commence within the jurisdiction of the Town of Norwich except in compliance with the provisions of these regulations. Any land development not specifically authorized under these regulations, unless otherwise exempted under the Act, or Section 6.02 of these regulations, is prohibited.

B. In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements adopted for purposes set forth in Section 1.02.

C. All uses or structures lawfully in existence as of the effective date of these regulations are allowed to continue indefinitely. Changes, alterations or expansions to preexisting structures or uses shall be subject to all applicable requirements of these regulations, including provisions applying to nonconforming uses and/or structures under Section 3.08.

D. These regulations are not intended to repeal, annul or in any way impair any permit previously adopted or issued.

E. Where these regulations impose a greater restriction upon the use of a structure or land than is required by any other current statute, ordinance, rule, regulation, permit, easement, or

agreement, the provisions of these regulations shall control.

F. In the event of changes to the Act which nullify or supersede a specific provision of these regulations, the requirements of the Act, as most recently amended, shall control.

**§ 240-1.04. Effective date.**

These regulations shall take effect in accordance with the voting and other procedures contained in the Act [ §§ 4441, 4442].

**§ 240-1.05. Amendment.**

These regulations may be amended according to the requirements and procedures established in the Act [ §§ 4441, 4442]. Applications in process at the time of the Selectboard's first hearing on the proposed amendments will be governed by the regulations in effect at the time that the application was completed.

**§ 240-1.06. Severability.**

The invalidity of any article or section of these regulations shall not invalidate any other article or section thereof.

**Table 1.1 Municipal Permits and Approvals**

<b>Permit/Approval</b>	<b>Required for</b>	<b>Issued by</b>	<b>See</b>
<b>Zoning Regulations</b>			
Zoning permit [§ 4449]	All land development, as defined in Section 7.02, including signs, conversions and changes of use, unless specifically exempted from these regulations under Section 6.02.	Zoning Administrator	Article VI
Access approval [§ 4412(3)]	Development without frontage on a public road or public waters.	Development Review Board	Section 3.02
Site plan approval [§ 4416]	All development except for one- and two-unit dwellings, home occupations within a one-unit dwelling, home daycare facilities, signs, agriculture and/or forestry and all uses exempt under Section 6.02.	Development Review Board	Section 5.03
Conditional use approval [§ 4414(3)]	All uses classified as "conditional uses" in Article II, or as otherwise specified in Articles III or IV.	Development Review Board	Section 5.04
Variance Approval [§ 4469]	Requests on appeal for a variance from the provisions of these regulations.	Development Review Board	Section 6.04

**Table 1.1 Municipal Permits and Approvals**

<b>Permit/Approval</b>	<b>Required for</b>	<b>Issued by</b>	<b>See</b>
Planned unit development (PUD) approval [§ 4417]	A method of land development for mixed-use multi-unit development in which an area of land, consisting of one or more parcels, is developed as a single entity, where an alternative configuration may promote more desirable development design.	Development Review Board	Section 5.06
Development envelope review	Development of a One-Unit or Two-Unit Dwelling on an undeveloped lot in the Rural Residential District.	Development Review Board	Section 5.07

**Other Municipal Approvals**

Subdivision approval [§ 4418]	All subdivisions of land, as defined in Section 5.2 of the Norwich Subdivision Regulations, including boundary or lot line adjustments.	Development Review Board	Subdivision Regulations
Access (curb-cut) approval	All development requiring access onto Town highways.	Town Manager	Road Ordinance
Road acceptance, upgrade, naming	The naming of roads, the upgrade of Town roads, or Town acceptance of private development roads.	Selectboard	Local Ordinances
Development within Town Highway Rights-of-Way	Any development, upgrading of roads, and road maintenance within the public right-of way	Town Manager	Local Ordinances

**ARTICLE II  
Zoning Districts**

**§ 240-2.01. Establishment of zoning districts and maps.**

A. For the purposes of these regulations, the Town of Norwich is divided into the following five zoning districts as described in the accompanying tables (Tables 2.1 - 2.5) and the Official Zoning Map:

Table 2.1	Rural Residential (RR) District
Table 2.2	Village Residential I (VRI) District
Table 2.3	Village Residential II (VR II) District
Table 2.4	Village Business (VB) District



Table 2.5 Commercial and Industrial (CI) District

B. In addition to the five primary zoning districts, the following five overlay districts have been designated, as described in the accompanying tables (Tables 2.6 - 2.10) and the Official Zoning Map:

Table 2.6	Aquifer Protection Overlay (APO) District
Table 2.7	Flood Hazard Overlay (FHO) District
Table 2.8	Shoreline Overlay (SLO) District
Table 2.9	Ridgeline Overlay (RLO) District
Table 2.10	Public Water Supply Overlay (PWSO) District

C. The location and boundaries of each zoning district are established as shown on the official "Town of Norwich Zoning Maps" and the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), which are hereby adopted by reference and declared to be part of these regulations. The Official Zoning Map may only be altered by adoption or amendment in accordance with the Act [ §§ 4441, 4442] and these regulations (§ 1.05).

D. The official zoning and flood hazard area maps shall be located in the Norwich Town Office, and be identified by the signatures of the Selectboard, as attested to by the Town Clerk. These maps shall be the final authority as to the zoning status of any lands or waters in the Town.

**§ 240-2.02. Zoning district boundary interpretation.**

A. Where uncertainty exists as to the location of district boundaries as shown on the official zoning and flood hazard area maps, the following rules shall apply:

- (1) Boundaries indicated as following roads, transportation or utility rights-of-way shall be interpreted to follow the center lines of such features.
- (2) Boundaries indicated as following rivers or streams shall be interpreted to follow the channel center line and shall move with the center line of such features.
- (3) Boundaries indicated as following lot lines shall be interpreted to follow the property boundary delineated by a recorded survey or deed.
- (4) Boundaries indicated as following contour lines shall be interpreted to follow a constant, specified elevation as measured from mean sea level or other accepted reference datum.
- (5) Boundaries indicated as following compass headings shall be interpreted to follow such headings.
- (6) Boundaries indicated as parallel or perpendicular to, or extensions of the above features (1-5), shall be so interpreted on the ground.
- (7) Distances not specifically indicated shall be determined by the scale on the Official Zoning Map.

B. The abandonment or relocation of a right-of-way or roadway, or the change in a line or

feature which references a district boundary line, after the effective date of these regulations, shall not affect the location of the district boundary line except as specified above for streams and rivers.

C. Where available (i.e., in Zones 1- A30, AE and AH) the base flood elevations and floodway limits provided by the National Flood Insurance Program (NFIP) in the Flood Insurance Study and accompanying maps shall be used to administer and enforce the flood hazard area overlay district provisions of these regulations. In areas where base flood elevations and floodway limits have not been provided by the NFIP (i.e., Zone A), base flood elevations and floodway information available from state or federal agencies or other sources shall be obtained and reasonably used to administer and enforce flood hazard area overlay provisions.

D. When the Zoning Administrator cannot definitely determine the location of a district boundary, the Planning Commission and/or appropriate state or federal official may be consulted prior to issuing a determination. A determination by the Zoning Administrator regarding the location of a district boundary may be appealed to the Development Review Board under Section 6.03. Where there is a dispute as to where a property is located in relation to a district boundary, the property owner may be required to verify the location of the boundary line by a survey prepared by a registered surveyor.

E. Where a district boundary divides a lot in single ownership as of the effective date of these regulations, or any amendment thereto, the Development Review Board may permit, subject to conditional use review under Section 5.04, the extension of district standards for either portion of the lot up to 50 feet beyond the district line into the remaining portion of the lot.

F. Where a lot is divided by a Town boundary, the standards of these regulations shall be applied only to that portion of the lot located in the Town of Norwich.

**§ 240-2.03. Application of district standards.**

A. All uses and structures, unless specifically exempted under Section 6.02, must as of the effective date of these regulations comply with all prescribed standards for the district in which they are located, as set forth in Tables 2.1-2.10 and as defined in Section 7.02, unless otherwise specified in these regulations. The standards for each district shall apply uniformly to each class of use and/or structure, unless otherwise specified. Nonconforming uses and structures in lawful existence as of the effective date of these regulations shall be regulated in accordance with Section 3.08.

B. Overlay district standards shall be applied concurrently with the standards for underlying zoning districts. Where overlay districts impose more restrictive standards on the use of land or a structure, the standards of the overlay district shall apply.

C. Prescribed uses for each district are classified as "permitted uses," subject to review by the Zoning Administrator in accordance with Section 6.01; or as "conditional uses" subject to review by the Development Review Board in accordance with Section 5.04. Both permitted and conditional uses are also subject to applicable general standards set forth in Article III.

D. Minor land development determined by the zoning administrator to impose no impact or merely a de minimis impact on the surrounding area and the overall pattern of land development may be allowed by the zoning administrator without a permit.

E. All uses not specifically allowed under, or exempted from, the provisions of these regulations, are prohibited.

**§ 240-2.04. Zoning district purposes, uses and specific standards.**

The following Tables 2.1-2.10 set forth the stated purpose, allowable uses and specific standards for each zoning district. Additional district standards pertaining to conditional uses may be found under Section 5.04, and to Planned Unit Development under Section 5.06.

**§ 240-2.04.1. Table 2.1: Rural Residential (RR) District.**

A. Purpose. The purpose of the Rural Residential District is to allow low density development in a rural setting, while protecting the natural resources and limiting development in those areas of Town accessed by unimproved or substandard roads. The Rural Residential District is intended principally for agriculture, forestry, residential dwellings and associated home-based uses. Residential development is encouraged in appropriate locations in a manner that preserves open space and protects natural resources. Only limited commercial uses are allowed, and then only in a manner that avoids unreasonable burdens on Town roads and services or other adverse impacts on the rural, residential character of the district.

B. Permitted uses. The following uses are allowed with approval of the Zoning Administrator in accordance with Section 6.01:

- (1) One-Unit or Two-Unit Dwelling (subject to Development Envelope Review; see Section 5.07).
- (2) Enlargement or modification of a One-Unit or Two-Unit Dwelling.
- (3) Accessory Use or Structure (to a permitted use).
- (4) Agriculture and Agricultural Structures (see Section 6.02(G)).
- (5) Bed-and-breakfast (one to three Guest Bedrooms).
- (6) Forestry.
- (7) Group Home (eight or fewer residents; see Section 7.02).
- (8) Home Business (see Section 4.08).
- (9) Home Day Care (see Section 4.03).

C. Conditional uses. The following uses are permitted with the approval of the Development Review Board in accordance with Section 5.04:

- (1) Accessory Use or Structure (to a conditional use).
- (2) Accessory Dwelling Structure.
- (3) Adaptive Re-Use.
- (4) Bed-and-breakfast (four to six Guest Bedrooms).
- (5) Cemetery.

- (6) Cultural Facility (see Section 4.12).
  - (7) Day Care Facility (see Section 4.03).
  - (8) Sand and Gravel Extraction (see Section 4.04).
  - (9) Group Home (more than eight residents).
  - (10) Home Industry (see Section 4.08).
  - (11) Private Club.
  - (12) Public Facility (see Section 4.11).
  - (13) Recreational Facility (outdoor).
  - (14) Telecommunications Facility (see Section 4.13).
- D. Dimensional standards. See Table 3.2.
- E. Planned Unit Developments (PUD). (See Section 5.06).
- (1) Planned Unit Developments (PUD) are permitted in this district with the approval of the Development Review Board in accordance with Section 5.06.
  - (2) Multi-unit dwellings. A multi-unit dwelling may be permitted as a PUD and is limited to the maximum number of units allowed for a PUD on the same property. [See Section 5.06(D)(4)]. Density bonuses are available for affordable housing and moderate-income housing.
  - (3) Mobile Home Parks are only allowed within a PUD in accordance with Section 5.06. Density bonuses are available for affordable housing and moderate-income housing.

**§ 240-2.04.2. Table 2.2: Village Residential I (VRI) District.**

A. Purpose. The purpose of the Village Residential District is to provide for medium density residential development in a compact, neighborhood setting which is near municipal services and which is serviced or may be serviced in the future by community water and/or sewer facilities. While the primary permitted uses intended are residential dwellings and associated home-based uses, other types of residential accommodations, related service enterprises and public facilities are allowed in a manner which protects the residential character of neighborhoods within the district.

B. Permitted uses. The following uses are allowed with approval of the Zoning Administrator in accordance with Section 6.01:

- (1) One-Unit or Two-Unit Dwelling.
- (2) Accessory Use or Structure (to a permitted use).
- (3) Agriculture.
- (4) Bed-and-breakfast (one to three Guest Bedrooms).
- (5) Group Home (eight or fewer residents; see Section 7.02).

(6) Home Business (see Section 4.08(B)).

(7) Home Day Care (see Section 4.03).

C. Conditional uses. The following uses are permitted with the approval of the Development Review Board in accordance with Section 5.04:

(1) Accessory Use/Structure (to a conditional use).

(2) Accessory Dwelling Structure.

(3) Bed-and-breakfast (four to six Guest Bedrooms).

(4) Day Care Facility (see Section 4.03).

(5) Group Home (more than eight residents).

(6) Home Industry (see Section 4.08).

(7) Nursing Home/Residential Care Facility.

(8) Public Facility (see Section 4.11).

(9) Private Club.

(10) Cultural Facility (see Section 4.13).

D. Dimensional standards. See Table 3.2.

E. Planned unit developments (PUD) (see Section 5.06).

(1) Planned Unit Developments (PUD) are permitted in this district with the approval of the Development Review Board in accordance with Section 5.06.

(2) Multi-unit dwellings. A multi-unit dwelling may be permitted as a PUD and is limited to the maximum number of units allowed for a PUD on the same property. [See Section 5.06(D)(4)]. Density bonuses are available for affordable housing and moderate-income housing.

(3) Mobile Home Parks are only allowed within a PUD in accordance with Section 5.06. Density bonuses are available for affordable housing and moderate-income housing.

**§ 240-2.04.3. Table 2.3: Village Residential II (VRII) District.**

A. Purpose. The purpose of the Village Residential II District is to provide for higher density residential development for affordable housing and moderate-income housing in a compact, neighborhood setting which is near municipal services and which is serviced or may be serviced in the future by community water and/or sewer facilities. The density for other types of residential housing is the same as for the Rural Residential District.

B. Uses. The following uses are allowed with approval of the Zoning Administrator in accordance with Section 6.01: Same as Village Residential I.

C. Conditional uses. The following uses are permitted with approval of the Development Review Board in accordance with Section 5.04: Same as Village Residential I.

D. Dimensional standards. See Table 3.2.

E. Planned Unit Developments (PUD) (see Section 5.06):

- (1) Planned Unit Developments (PUD) are permitted in this district with the approval of the Development Review Board in accordance with Section 5.06.
- (2) Multi-unit dwellings. A multi-unit dwelling may be permitted as a PUD and is limited to the maximum number of units allowed for a PUD on the same property. [See Section 5.06(D)(4)]. Density bonuses are available for affordable housing and moderate-income housing.
- (3) Mobile Home Parks are only allowed within a PUD in accordance with Section 5.06. Density bonuses are available for affordable housing and moderate-income housing.

**§ 240-2.04.4. Table 2.4: Village Business (VB) District.**

A. Purpose. The purpose of the Village Business District is to maintain the traditional village core as the social, commercial, cultural and civic center of the community while protecting and enhancing the area's pedestrian scale, historic character and economic vitality.

B. Permitted uses. The following uses are allowed with approval of the Zoning Administrator in accordance with Section 6.01:

- (1) Accessory structure/use (to a permitted use).
- (2) Bank\*.
- (3) Group HOME (8 or fewer residents; see Section 7.02).
- (4) Home day care (see Section 4.03).
- (5) Home business (see Section 4.08).
- (6) Home industry (see Section 4.08)\*.
- (7) Office\*.
- (8) One-unit or two-unit dwelling.
- (9) Restaurant (see Subsection (E))\*.
- (10) Retail\*.

\* Requires Site Plan Review in accordance with Section 5.03.

C. Conditional uses. The following uses are permitted with the approval of the Development Review Board in accordance with Section 5.04:

- (1) Accessory structure/use (to a conditional use).
- (2) Accessory dwelling structure.
- (3) Bed-and-breakfast (see Section 7.02).
- (4) Cultural facility (see Section 4.12).
- (5) Day care (more than 6 children; Section 4.03).

- (6) Inn.
- (7) Light industry.
- (8) Mixed use (see Section 4.09).
- (9) Parking facility.
- (10) Private club.
- (11) Public facility.
- (12) Recreational facility, indoor.
- (13) Mixed use (see Section 4.09).
- D. Dimensional standards. See Table 3.2.
- E. District use standards.

(1) Restaurants shall not include drive-through lanes and/or drive-up windows.

F. Planned Unit Developments (PUD) (See Section 5.06):

(1) Planned Unit Developments (PUD) are permitted in this district with the approval of the Development Review Board in accordance with Section 5.06.

(2) Multi-unit dwellings. A multi-unit dwelling may be permitted as a PUD and is limited to the maximum number of units allowed for a PUD on the same property. [See Section 5.06(D)(4)]. Density bonuses are available for affordable housing and moderate-income housing.

(3) Mobile Home Parks are only allowed within a PUD in accordance with Section 5.06. Density bonuses are available for affordable housing and moderate-income housing.

**§ 240-2.04.5. Table 2.5: Commercial Industrial (CI) District.**

A. Purpose. The purpose of the Commercial Industrial District is to promote a mix of residential, commercial and appropriate industrial uses in an area of Town with good highway access and limited potential to adversely impact historic neighborhoods or important natural or cultural resources.

B. Permitted uses. The following uses are allowed with approval of the Zoning Administrator in accordance with Section 6.01:

- (1) Accessory structure/use (to a permitted use).
- (2) Agriculture.
- (3) Bed-and-breakfast (see Section 7.02)\*.
- (4) Day care (more than 6 children; Section 4.03)\*.
- (5) Group home (8 or fewer residents; see Section 7.02).
- (6) Home day care (see Section 4.03).

- (7) Home business (see Section 4.08).
- (8) Home industry (see Section 4.08)\*.
- (9) Multi-unit dwelling [see Subsection (F)(2)]\*.
- (10) One-unit or two-unit dwelling.

\* Requires Site Plan Review in accordance with Section 5.03.

C. Conditional uses. The following uses are permitted with the approval of the Development Review Board in accordance with Section 5.04:

- (1) Accessory structure/use (to a conditional use).
  - (2) Accessory dwelling structure.
  - (3) Bank.
  - (4) Contractors yard.
  - (5) Community center.
  - (6) Cultural facility (see Section 4.12).
  - (7) Funeral home.
  - (8) Inn.
  - (9) Light industry.
  - (10) Nursing home/residential care facility.
  - (11) Office.
  - (12) Parking facility.
  - (13) Public facility.
  - (14) Private club.
  - (15) Recreational facility, indoor and outdoor.
  - (16) Research and development facility.
  - (17) Restaurant [see Subsection (E)(1)]
  - (18) Retail.
  - (19) Mixed use (see Section 4.09).
- D. Dimensional standards. See Table 3.2.
- E. District use standards.
- (1) Restaurants shall not include drive-through lanes and/or drive-up windows.



F. Planned Unit Developments (PUD) (See Section 5.06):

- (1) Planned Unit Developments (PUD) are permitted in this district with the approval of the Development Review Board in accordance with Section 5.06.
- (2) Multi-unit dwellings. A multi-unit dwelling may be permitted as a PUD and is limited to the maximum number of units allowed for a PUD on the same property. [See Section 5.06(D)(4)] Density bonuses are available for affordable housing and moderate-income housing.
- (3) Mobile Home Parks are only allowed within a PUD in accordance with Section 5.06. Density bonuses are available for affordable housing and moderate-income housing.

**§ 240-2.04.6. Table 2.6: Aquifer Protection Overlay (APO) District.**

A. Purpose. The Aquifer Protection Overlay District is intended to protect delineated drinking water source protection areas from uses and associated land management activities which pose a threat of contamination. To this end a Primary Protection Area and a Secondary Protection Area are designated to ensure an appropriate level of protection for areas susceptible to contamination.

B. Primary protection area. The Primary Protection Area is defined as follows:

B. Beginning at a point at the intersection of the northerly bank of the Connecticut River and the westerly bank of the stream flowing into the Connecticut River from the "Lily Pond," so called; thence proceeding in a northeasterly direction along the northerly bank of the Connecticut River a distance of 3,000 feet to a point; thence turning and proceeding in a northwesterly direction in a straight line to the westerly-most point of the "Lily Pond;" thence turning at an angle which is perpendicular to the northwesterly bank of the stream leading from the "Lily Pond" to the Connecticut River and proceeding in a straight line a distance of 100 feet to a point; thence turning and proceeding in a southwesterly direction along a line located at a constant distance of 100 feet from the northwesterly bank of said stream to the point of intersection with the northerly boundary of property now owned by the Norwich Fire District; thence continuing in a westerly and then a southerly direction along the northerly and westerly boundary of said property of the Norwich Fire District to the intersection of said boundary with the westerly bank of the stream leading from the "Lily Pond" to the Connecticut River; thence continuing in a westerly and southerly direction along the westerly bank of said stream to the point and place of beginning. See Aquifer Protection Overlay District Map.

B. The following uses and standards shall apply to all land uses and development:

(1) Prohibited uses. The following uses are explicitly prohibited:

(a) Use or storage of hazardous materials and hazardous waste, as defined in the Vermont Hazardous Waste Management Regulations, in quantities greater than those associated with normal residential use except for those required for the operation and maintenance of the permitted public water supply;

(b) Underground storage of fuel or other hazardous waste, as defined in the Vermont Hazardous Waste Management Regulations except for those required for the operation and maintenance of the permitted public water supply; and

(c) Wastewater treatment systems, septic tanks, and sewer lines except as allowed by the Vermont Water Supply Rules.

(2) Conditional uses. The following may be approved by the Development Review Board in accordance with Section 5.04 and the following standards:

(a) One-Unit Dwelling with septic system only if:

[1] Adequate hydrological studies indicate there will be no risk of contamination of the water supply;

[2] The lot is not less than five acres; and

[3] The septic system is more than 500 feet from public water supply.

(b) Adaptive Re-use only if:

[1] The required wastewater capacity for all uses on the lot is equal to or less than a four-bedroom residence (490 gpd);

[2] There will only be one wastewater system on the lot; and

[3] Adequate hydrological studies indicate there will be no risk of contamination of the water supply.

(3) Permitted uses. The following uses may be permitted by the Zoning Administrator in accordance with Section 6.01:

(a) Operation and maintenance of a permitted public water supply including use and storage of materials for the treatment of water for potable consumption;

(b) Accessory Structures; or

(c) Recreational uses which pose no threat of contamination or pollution to ground water.

(4) Coverage. No more than 10% of a lot or tract in the Primary Protection Area shall be covered with pavement, roofing, or other material impervious to water.

C. Secondary protection area. The Secondary Protection Area shall include all lands within the watershed area of the Unnamed Stream as shown in the August 1990 Hydrogeologic Evaluation. The following uses and standards shall apply to all land uses and development:

(1) Permitted and Conditional Uses are the same as for the underlying district, with the exception that conditional use approval in accordance with Section 5.04 is required for any use that normally involves the manufacture, use, handling, storage, or generation of regulated substances in quantities greater than those associated with normal residential use.

(2) In applying for a conditional use under this section, the information listed below shall be submitted in addition to information required in Table 5.1:

(a) A complete list of all chemicals, pesticides, fuels, and other potentially regulated substances to be used or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect all storage containers/facilities from vandalism, corrosion, and leakage, and to provide for spills.

- (b) A description of regulated substances to be generated, indicating storage and disposal methods.
  - (c) A sketch showing the proposed location of regulated substances.
  - (d) Evidence of approval by the Vermont Department of Environmental Conservation of any industrial waste treatment or nonresidential on-site disposal system.
  - (e) For uses rendering more than 10% of the lot area impervious, a drainage plan including details of all proposed drainage facilities, both on-site and off-site, where applicable. All storm-water generated by development should be confined on-site (within the development envelope) using acceptable low impact, environmentally sound, and best management practices.
  - (f) Maintenance schedule for all grease traps, containment vessels, and other pollution prevention devices used to handle hazardous materials on site.
  - (g) The Development Review Board may require the applicant to submit other information it deems necessary to judge the potential damage to the aquifer that may result from the proposed use. The Board may also engage a qualified professional consultant, mutually agreed upon by the Board and applicant, to prepare an environmental impact report. The cost of obtaining any such additional information shall be paid by the applicant.
- (3) Specific criteria for approval of a conditional use in the aquifer overlay district. In addition to the standards set forth in Section 5.03, the following standards shall apply to any use subject to conditional use review within the Aquifer Overlay District:
- (a) The proposed use will not have a detrimental effect on the quality of the groundwater contained in the aquifer by directly contributing to pollution.
  - (b) Provision shall be made to protect against discharge or loss of regulated substances.
  - (c) For any regulated substances to be produced in quantities greater than those associated with normal household use, the applicant must demonstrate the availability and feasibility of disposal methods which are in compliance with all applicable state and federal laws and guidelines.
  - (d) The potential effect on the water supply based on the actual distance to the Unnamed Stream and the Norwich Fire District wellhead shall be considered when applying the above standards.

**§ 240-2.04.7. Table 2.7: Flood Hazard Overlay (FHO) District.**

A. Purpose.

- (1) Minimize and prevent 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 and other flood related hazards;
- (2) Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property;
- (3) Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753; and

(4) Make the state, the Town, and individuals eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

B. Lands to which these regulations apply.

(1) The Flood Hazard Overlay District shall include all areas in the Town of Norwich, Vermont identified as areas of special flood hazard in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of these regulations.

(2) Where available (i.e., in Zones 1- A30, AE and AH) the base flood elevations and floodway limits provided by the National Flood Insurance Program (NFIP) in the Flood Insurance Study and accompanying maps shall be used to administer and enforce the flood hazard area overlay district provisions of these regulations. In areas where base flood elevations and floodway limits have not been provided by the NFIP (i.e., Zone A), base flood elevations and floodway information available from state or federal agencies or other sources shall be obtained and reasonably used to administer and enforce flood hazard area overlay provisions.

C. Uses not allowed.

- (1) New principal structures residential or nonresidential.
- (2) Fuel and hazardous materials storage.
- (3) Major development in floodway (more than 500 square feet footprint).

D. Permitted uses.

- (1) Accessory use in existing structure.
- (2) Agriculture.
- (3) Home day care (within existing dwelling).
- (4) Forestry.
- (5) Home based businesses (within existing dwelling).

E. Conditional uses.

- (1) Small accessory structures (footprint area less than 600 square feet),
- (2) "Substantial improvement" of existing buildings,
- (3) Any fill or excavation,
- (4) Minor Development in a Floodway (less than 500 square feet footprint),
- (5) All other permitted uses as specified for the underlying zoning district. Such permitted uses shall be subject only to conditional use review standards specific to flood hazard areas under Section 5.05, and
- (6) All conditional uses as specified for the underlying zoning district. Such uses shall be

subject to all conditional use review standards, including those specific to flood hazard areas under Section 5.05.

F. Dimensional standards. All applicable standards of the underlying district shall apply.

G. Other flood hazard district standards.

(1) Development within designated areas of the Flood Hazard Overlay District shall be subject to the provisions of Section 5.05, as well as any applicable requirements of the underlying zoning district. Where this overlay district imposes more restrictive standards on the construction or use of structures or land, the standards under this overlay district shall apply.

(2) Uses permitted within the Flood Hazard Area Overlay which are not subject to flood hazard area review include agriculture and forestry, unimproved open space, and those uses generally permitted within existing single unit dwellings (i.e., day care and group homes as defined and home based businesses). All other uses and structures, including but not limited to expansions of one-unit dwellings, shall be subject to conditional use review under the provisions of Section 5.05, as well as all other applicable municipal and state regulations.

H. Procedures.

(1) At the time an application is submitted to the zoning administrator, a copy of the application and supporting information shall be submitted by the administrative officer to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 V.S.A. § 4424. The application will be considered complete following receipt of comments from the Agency or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner. The application shall not be warned for a hearing or a permit issued until the application is complete.

(2) Adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section shall be notified at least 30 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the National Flood Insurance Program. Any permit issued shall ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(3) The proposed development shall be permitted by the Zoning Administrator conditioned on the receipt of all necessary permits from those government agencies from which approval is required by Federal, State or Municipal law.

I. Warning and disclaimer. District designation does not imply that lands outside of designated flood hazard areas, or land uses permitted within designated flood hazard areas, will be free from flooding or flood damages. District designation and the administration of associated standards shall not create liability on the part of the Town, or any official or employee thereof, for any damages that result from the application of this bylaw or any decision lawfully made thereunder.

**§ 240-2.04.8. Table 2.8: Shoreline Protection Overlay (SPO) District.**

A. Purpose. The purpose of the Shoreline Protection Overlay District is to preserve and pro-

tect water quality scenic beauty and recreational potential which currently exist along water-front land within the Town. It is the objective of this section to promote the establishment and protection of heavily vegetated areas of native vegetation and trees along the Town's water bodies to reduce the impact of stormwater runoff, prevent soil erosion, protect wildlife and fish habitat and maintain water quality. These protected areas shall be known as riparian buffers.

B. Areas.

(1) Primary shoreline protection area. The Primary Shoreline Protection Area shall include riparian buffers defined as the width of land measured horizontally from the mean water level for lakes and from top of bank or top of slope for rivers or streams, for the distance specified below:

- (a) Connecticut and Ompompanoosuc Rivers: 100 feet;
- (b) Blood Brook from Connecticut River to New Boston Road: 100 feet;
- (c) Streams and Lakes on the Shoreline Protection Overlay District Map: 50 feet; or
- (d) Streams not shown on the Shoreline Protection Overlay District Map: 25 feet.

(2) Woodland protection area. The Woodland Protection Area shall include a buffer defined as the width of land measured horizontally from the mean water level for lakes and from top of bank or top of slope for rivers or streams, for the distance specified below:

- (a) Connecticut and Ompompanoosuc Rivers: 200 feet;
- (b) Blood Brook from Connecticut River to New Boston Road: 150 feet;
- (c) Streams and Lakes on the Shoreline Protection Overlay District Map: 150 feet; or
- (d) Streams not shown on the Shoreline Protection Overlay District Map: 75 feet.

C. Primary shoreline protection area.

(1) Prohibited uses.

(a) Salt storage yards, the outdoor storage of used, discarded, dismantled or salvaged items, vehicles or parts of vehicles, metals, appliances, equipment, debris or other potentially hazardous materials, solid or hazardous waste facilities and underground fuel storage tanks; discharges of liquid waste; land application or land-filling of sludge from wastewater treatment facilities, industrial processes or other sludge producers; storage of petroleum products, chemicals for industrial processes or as wastes awaiting disposal; storage of road salt or sand/salt mixtures for highway use; industrial activities including industrial wastewater impoundments in pits, ponds or lagoons.

(b) New structures except as allowed under Subsections C and F.

(2) Permitted uses.

(a) Accessory Use (to a permitted use within existing structure).

(b) Home Day Care (within existing dwelling).

(c) Home Occupation (within existing dwelling).

(d) Accepted Agricultural Practices (AAPs) as defined by the Secretary of Agriculture, Food and Markets in accordance with 24 V.S.A. § 4413(d). Written notification, including a sketch plan showing structure setback distances from surface waters shall be submitted to the zoning administrator prior to any construction, as required under AAPs. Such structures shall meet the requirements of this ordinance, unless waived by the Secretary of Agriculture.

(e) Forestry - Accepted Management Practices (AMPs) for silviculture (forestry) as defined by the Commissioner of Forests, Parks, and Recreation, in accordance with the Act 24 V.S.A. § 4413(d).

(f) Removal of invasive species and buffer re-establishment projects which use "soft" techniques such as tree revetments and root wads.

(g) Encroachments necessary to rectify a natural catastrophe for the protection of the public health, safety and welfare.

(3) Conditional uses. The Development Review Board may authorize the following as conditional uses within riparian buffers subject to the standards and conditions enumerated for each use:

(a) Water-dependent structures and their associated development including docks, bridges, or similar structures, where the Development Review Board finds that the purposes of this section will be protected through erosion controls, plantings, protection of existing vegetation, and/or other measures.

(b) Clearing of vegetation and filling or excavating of earth materials, only to the extent directly necessitated for the construction or safe operation of a conditional use on the same property and where the Development Review Board finds that:

[1] There is no practical alternative to the clearing, filling or excavating within the riparian buffer;

[2] The purposes of this section will be protected through erosion controls, plantings, protection of existing vegetation, and/or other measures; and

[3] Encroachments are necessary for providing for or improving public facilities.

(c) Public recreation paths located at least 10 feet above the ordinary high water mark or measured from the top of bank, whichever is greater.

(d) Stormwater treatment facilities meeting the stormwater treatment practices and sizing criteria set forth in the Vermont Stormwater Management Manuals Volumes I and II as most recently amended. Evidence of an approved permit from the Vermont Agency of Natural Resources for coverage under the applicable permitting requirements shall be required to meet this criterion for encroachment into a riparian buffer.

(e) Roadways or access drives for purposes of crossing a riparian buffer to gain access to land on the opposite side of the buffer, or for purposes of providing safe access to an approved use, in cases where there is no feasible alternative for providing safe access. A roadway crossing or access drive shall occur at a right angle to the stream channel.

(f) Utility lines, including power, telephone, cable, sewer and water, to the extent necessary

to cross or encroach into the riparian buffer where there is no feasible alternative for providing or extending utility services.

(g) Outdoor recreation and education facilities provided that any building or structure (including parking and driveways) associated with such use are located outside the riparian buffer.

(h) Enlargement, repair or reconstruction of preexisting structures within riparian buffers shall be permitted if the Development Review Board determines that the development activity will not decrease the existing structure setback from the waterbody or increase the encroachment within the riparian buffer, and the total building footprint area of the expanded or reconstructed structure is no more than 50% larger than the footprint of the structure lawfully existing on or before the effective date of these regulations.

(i) New accessory structures appurtenant to a preexisting structure within a riparian buffer shall only be permitted if it is determined that the accessory structures do not result in a decrease of the existing structure setback from the water body and the total building footprint area of the new accessory structure is no more than 50% of the footprint of the preexisting structure.

D. General standards - primary shoreline protection area.

(1) Except as provided in Subsections (2) and (3) all lands within a riparian buffer shall be left in an undisturbed, vegetated condition.

(2) Removal of dead trees or trees of immediate threat to human safety as well as reasonable pruning of existing trees is permitted.

(3) The creation of new lawn areas within riparian buffers is not permitted. Property owners already encroaching on the riparian buffer are encouraged to return mowed areas to their naturally vegetated state. Supplemental planting with appropriate vegetation to restore and enhance the effective filtering and bank stabilization functions of a riparian buffer is encouraged.

(4) Any areas within a riparian buffer that are not vegetated or that are disturbed during construction shall be seeded with a naturalized mix of grasses rather than standard lawn grass, and shall not be mowed more than one time per calendar year after establishment.

(5) If a structure made nonconforming by reason of the adoption of this ordinance is damaged or destroyed over 75% of its market value by floodwater inundation or fluvial erosion, the structure shall not be rebuilt within the riparian buffer unless a variance is obtained in accordance with Section 6.04.

E. Woodland protection area standards.

(1) Uses. Permitted and Conditional Uses shall be the same as for the underlying zoning district.

(2) Standards for maintaining the woodland buffer.

(a) Within the Woodland Protection Area not more than a maximum of 50% of the basal area of trees, and a maximum of 50% of the total number of saplings, shall be removed for any purpose in a twenty-year period. A healthy, well-distributed stand of trees, saplings, shrubs, and groundcovers and their living, undamaged root systems shall be left in place. Replacement planting with native species may be permitted to maintain the 50% level.



(b) Trees, saplings, shrubs, and groundcovers which are removed to clear an opening for building construction, accessory structures, septic systems, roadways, pathways, and parking areas shall be included when computing the percentage limitations under this Subsection.

(c) Within the natural woodland buffer of the protected waterfront under conditions defined in this subsection, the following prohibitions and limitations shall apply:

[1] Dead, diseased, unsafe, or fallen trees, saplings, shrubs, or groundcovers may be removed. Their removal shall not be used in computing the percentage limitations under this subsection.

[2] Stumps and their root systems which are located within the Primary Shoreline Protection Area shall be left intact in the ground, unless removal is specifically approved by the Development Review Board.

[3] Dead and living trees that provide dens and nesting places for wildlife are encouraged to be preserved.

[4] Planting efforts with noninvasive species that are beneficial to wildlife are encouraged to be undertaken.

[5] Removal of exotic, non-native species and replacement with native species is encouraged.

#### F. Waivers.

(1) The Development Review Board may grant a waiver permitting development within the shoreline buffers specified in Table 2.8(B). In granting the waiver, the Development Review Board shall be required to:

(a) Find that due to special circumstances of a particular site, development outside of the buffer areas will adversely affect significant natural or scenic resources, or the rural character, or that there is no other reasonable area on the lot for the proposed development other than within the buffer area;

(b) Find that provisions can be made to provide protection for the water body and its functions, taking into consideration the potential for lateral or horizontal channel adjustment, floodplain requirements; and the potential for erosion based on soil and slope conditions; and

(c) Require reasonable conditions that will, in its judgment, provide protection substantially the same for the waterbody and its functions as if the full setback were to be observed.

(2) The applicant shall submit an application form and a site plan showing existing and proposed development on the lot, the location of the waterbody, the top of bank, top of slope, low flow, and floodplain area. The application shall also include a narrative addressing the criteria in Section (F)(1). The Development Review Board may require a fluvial geomorphic assessment by a qualified consultant.

(3) The Development Review Board shall hear and decide upon requests for waivers permitting development within the shoreline buffers pursuant to the Act [§ 4414(8)]. The Board shall follow the same hearing procedures as for a conditional use hearing (Section 5.04). A request for a waiver permitting development within the shoreline buffers may also be combined with another

er hearing for the same development project.

G. Definitions. For purposes of this section, the following terms shall apply:

**BASAL AREA** — The cross-sectional area of a tree measured at a height of 4-1/2 feet above the ground, usually expressed in square feet per acre for a stand of trees.

**DISTURBED AREA** — An area in which native vegetation is removed, exposing the underlying soil.

**GROUNDCOVER** — Any native herbaceous plant which normally grows to a mature height of four feet or less.

**LAKE** — A body of standing water, including a pond, and reservoir that may have natural or artificial water level control. For purposes of this regulation, off-stream reservoirs specifically constructed for the following purposes shall not be considered lakes: snowmaking water storage; golf course irrigation; stormwater management; and, fire suppression.

**MEAN WATER LEVEL** — The normal summer (June 1 — September 15) water level, measured in feet above sea level, of lakes as determined by an average of water level readings available over time or as established by the Vermont Natural Resources Board.

**NATURAL WOODLAND BUFFER** — A forested area consisting of various native species of trees, saplings, shrubs, and groundcovers in any combination and at any stage of growth.

**REMOVAL OR REMOVED** — Cut, sawed, pruned, girdled, felled, pushed over, buried, burned, killed, or otherwise destructively altered.

**RIPARIAN BUFFER** — A riparian buffer is the width of land measured horizontally from the mean water level for lakes and from top of bank or top of slope for streams, to the edge of other land uses or a specified distance.

**SAPLING** — Any woody plant which normally grows to a mature height greater than 20 feet and has a diameter less than six inches at a point 4-1/2 feet above the ground.

**SHRUB** — Any multi-stemmed woody plant which normally grows to a mature height of less than 20 feet.

**STREAM** — The full length and width, including the bed and banks, of any watercourse, including rivers, creeks, brooks, and branches and intermittent watercourses that have a defined channel and evidence of sediment transport, even if such watercourses do not have surface water flow throughout the year or throughout the channel. For purposes of this regulation, constructed drainageways including water bars, swales, and roadside ditches, are not considered streams.

**TOP OF BANK** — The point along a streambank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high water stage.

**TOP OF SLOPE** — A break in slopes adjacent to steep-banked streams that have little or no floodplain; or a break in slope where the side slopes adjacent to an incised, or deeply cut channel meet floodplains that have been abandoned or are undergoing abandonment.

TREE — Any woody plant which normally grows to a mature height greater than 20 feet and which has a diameter of six inches or more at a point 4-1/2 feet above the ground.

**§ 240-2.04.9. Table 2.9: Ridgeline Protection Overlay (RPO) District.**

A. Purpose. The purpose of the Ridgeline Protection Overlay District is to protect Norwich's rural character and scenic landscape by ensuring that development is located and designed in a manner that protects the uninterrupted skyline and minimizes adverse visual impact on designated ridgelines and adjacent slopes as viewed from public roads (Class I, II, and III Town highways, state highways and interstate highways within the Town).

B. Area. The Ridgeline Protection Overlay District includes all land within 750 feet of the designated ridgelines except for land within 300 feet of Class I, Class II, or Class III Town highways, state highways or interstate highways. The designated ridgelines are as shown on the Ridgeline Protection Overlay District Map.

C. Permitted uses. Structures and uses specifically exempted under subsection (E), below, are allowed with approval of the Zoning Administrator in accordance with Section 6.01.

D. Conditional uses. Uses allowed as a permitted or conditional use in the underlying zoning district, unless specifically exempted under subsection (E), require the approval of the Development Review Board in accordance with Section 5.04 and the standards set forth below.

E. Exemptions. The following uses are exempted from review under the Ridgeline Protection Overlay District.

(1) Agriculture and Forestry, excluding landscaping and/or screening associated with any other uses or development and provided forestry activities are in compliance with the most recent version of Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, published by the Vermont Department of Forests, Parks & Recreation.

(2) Uncovered decks attached to a one or two-unit dwelling.

(3) Accessory structures with a footprint of less than 100 square feet (total accumulated in any ten-year period) and a height of less than 12 feet.

(4) Changes in use that do not involve any exterior alterations to a structure.

(5) Additions, exterior alterations, accessory structures, and additions to accessory structures that the Zoning Administrator determines will not be visible from a public road due to screening by an existing structure on the same property or by topography, regardless of vegetation and/or forest cover.

F. Dimensional standards. All dimensional standards shall be as set forth for the underlying district.

G. Supplemental district standards. New structures within the RPO District shall comply with the following:

(1) Forest cover. On wooded sites, forest cover shall be maintained or established adjacent to proposed structures to interrupt the facade of buildings, provide a forested backdrop to structures, and/or soften the visual impact of new development as viewed from public roads. The De-

velopment Review Board shall consider the location of proposed structures relative to existing vegetation, and may require additional planting and/or limit the amount of clearing adjacent to proposed development to provide screening and maintain a forested backdrop. A tree cutting, landscaping and/or forest management plan may be required to ensure that ridges and hill tops remain wooded, and to ensure that trees remain standing immediately adjacent to buildings to visually interrupt facades and reduce reflective glare, as viewed from off site. Such a plan shall address specific measures to be taken to ensure the survival and, if necessary, replacement of designated trees during or after site development and the installation of all site improvements.

(2) Placement of structures. New structures shall be as minimally visible from public roads as possible given site conditions and topography, and shall not stand in contrast to the surrounding landscape patterns and features, serve as a visual focal point, or be visible from multiple points along a road, for an extensive distance along a road segment, and/or which is highly visible from several vantage points within one mile of the development site.

(3) Landscaping and screening. In instances where existing forest cover or topography will not adequately screen proposed development, a landscaping plan may be required by the Development Review Board. Such plan shall be designed to minimize the visibility of the structure as viewed from public roads.

(4) Glare. Exterior building materials of all structures visible from public roads may be required to be of a type and design to minimize reflective glare and avoid undue adverse visual impact. Exterior lighting visible from a public road shall be shielded and downcast.

H. Pre-application site development. Forest management activities designed as pre-development site preparation shall be reviewed by the Development Review Board to determine compliance with the standards set forth in this section. Such activities include, but are not limited to, road and driveway construction, excavation related to the upgrade and conversion of logging roads to development roads or driveways, clearing and/or grading for house-sites and septic systems, or related work. Where a landowner fails to submit pre-development plans for review, the Board may direct the manner in which the site will be restored or re-vegetated prior to development and/or limit development to a portion of the property which best meets the standards of this district.

**§ 240-2.04.10. Table 2.10: Public Water Supply Overlay (PWSO) District.**

A. Purpose. The purpose of the Public Water Supply Overlay District is to provide protection for public water systems. Public Water Supply systems are those which serve 25 or more people or to which there are 10 or more connections.

B. Permitted uses. Same as allowed in the underlying Zoning District except for prohibited uses in subsection below.

C. Conditional uses. Same as allowed in the underlying Zoning District except for prohibited uses in subsection below.

D. Prohibited uses. Within state approved source protection area of any source of public water supply, including a spring or well, which serves 25 or more persons or to which there are 10 or more user connections.

(1) Dumps or sanitary landfills.

- (2) Junkyards.
  - (3) Discharges of liquid waste to land surfaces.
  - (4) Land application or land-filling of sludge from wastewater treatment facilities, industrial processes or other sludge producers.
  - (5) Storage of petroleum products.
  - (6) Storage of chemicals for industrial processes or as wastes awaiting disposal.
  - (7) Storage of road salt or sand/salt mixtures for highway users.
  - (8) Industrial activities including industrial wastewater impoundments in pits, ponds or lagoons.
- E. Public water supply systems: (as of 1/1/2007)
- (1) Norwich Meadows Homeowners' Association.
  - (2) Day-care center in Norwich.
  - (3) Hawk Pine.
  - (4) Starlake Village Homeowners' Association.
  - (5) Montshire Museum.
  - (6) Upper Valley Events Center.
  - (7) Norwich Fire District. See Table 2.6 Aquifer Protection Overlay District

ARTICLE III  
**General Provisions**

**§ 240-3.01. Applicability.**

The following general standards, including provisions required under the Act [ §§ 4412, 4413], apply to all uses and structures as specified within the Town of Norwich.

**§ 240-3.02. Access and frontage requirements.**

A. Access to lots without frontage. In accordance with the Act [ §§ 4412(3)], no land development may be permitted on lots in existence prior to the effective date of these regulations which do not have either frontage on a public road or public waters unless access to such road or waters by a permanent easement or right-of-way of at least 20 feet in width is approved by the Development Review Board. In granting or denying approval, the Board shall consider intended use, safety, traffic, lot configuration and road and site conditions.

B. Town and state access approval. Access onto public highways is subject to the approval of the Norwich Town Manager or, in the case of state highways, the approval of the Vermont Agency of Transportation. As a condition of access approval, compliance with all local ordinances and regulations pertaining to roads and land use is required.

**§ 240-3.03. Conversions and changes of use.**

Changes or conversions in the use of land and/or an existing structure are subject to the provisions of these regulations as follows:

- A. The proposed use shall be subject to all of the requirements of these regulations pertaining to such use, including but not limited to any district, specific use or general standards, as well as other applicable municipal, state and federal regulations.
- B. An accessory structure such as a garage or barn may be converted to a principal use allowed within the district in which it is located only if the structure conforms to the lot size, setbacks, parking and other requirements applicable to the proposed use and also conforms to limitations on multiple principal uses and structures in Sections 3.07(A), 3.09, 4.09 and others addressing mixed uses.
- C. A conversion or change of use from one permitted to another permitted use which involves the creation of new floor area or changes in minimum lot size and/or dimensional requirements will require a zoning permit to be issued by the Zoning Administrator under Section 6.01.
- D. A conversion or change of use from a permitted to a conditional use, or a conditional use to a different conditional use, may be approved by the Development Review Board subject to conditional use review under Section 5.04. Changes or conversions involving nonconforming uses and/or structures also are subject to and will be reviewed under Section 3.08.

**§ 240-3.04. Equal treatment of housing.**

Pursuant to the Act [§ 4412(1)], these regulations shall not have the effect of excluding housing that meets the needs of the population as determined in the Norwich Town Plan or as required under § 4382(a)(10) of the Act. To this end, the following provisions have been incorporated into these regulations.

- A. A mobile home shall be considered a single-unit dwelling, and shall meet the same zoning requirements applicable to single-unit dwellings, except when allowed as a temporary structure under Section 3.12 of these regulations. No provision of these regulations shall have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing from the municipality except upon the same terms and conditions as conventional housing is excluded.
- B. Provisions for mobile home parks are established in Section 4.10 of these regulations. Provisions for accessory dwellings are made through the allowance of two-unit dwellings in all districts in which one-unit dwellings are allowed.
- C. Provisions for accessory apartments, as required under § 4412(1)(E) of the Act, have been made through the allowance of a two-unit dwelling as a permitted use in all districts in which a one-unit dwelling is allowed.
- D. Provision has been made for multi-unit dwellings by allowing such dwellings in designated districts and in Planned Unit Developments.
- E. Residential care or group homes, operated under state licensing or registration, occupied by not more than eight persons who have a handicap or disability as defined in 9 V.S.A. § 4501, may constitute a single-unit residential use of a property, providing that multiple residential care or group homes are not located less than 1,000 feet from one another.

**§ 240-3.05. Existing small lots.**

Any lot that is in existence on the date of enactment of this bylaw may be developed for the purposes permitted in the district in which it is located, even though the small lot no longer conforms to minimum lot size requirements of the bylaw provided that such lot is not less than 1/8 of an acre in area with a minimum width or depth of 40 feet.

**§ 240-3.06. Height requirements.**

A. The maximum height of structures within specified districts shall be as set forth in Table 3.1. (See definition of Building Height in Section 7.02.)

**Table 3.1  
District Height Standards**

	<b>Rural Resi- dential</b>	<b>Village Residen- tial I and II</b>	<b>Business</b>	<b>Commercial/ Industrial</b>
Principal building	35 feet	35 feet	35 feet	35 feet
Other structures	35 feet	25 feet	25 feet	25 feet
Telecommunications facility	As provided in Section 4.13.			
Windmill	Same as the distance to the nearest lot line or 50 feet, whichever is less.			
Small wind energy system — maximum tower height	100 feet Height may be increased to over 100 feet as a conditional use. See Section 4.15.			

B. The Development Review Board may, pursuant to conditional use approval under Section 5.04, permit an increase of building height over the maximum heights shown in Table 3.1 for architectural or historic preservation enhancements such as spires, cupolas, or towers, providing the additional height of the structure will not:

- (1) Be used for human occupancy or storage;
- (2) Alter the character of the neighborhood or district in which the property is located;
- (3) Substantially or permanently impair the appropriate use or development of adjacent property;
- (4) Be used for advertising purposes; and/or.
- (5) Constitute a hazard to public safety or to adjoining properties.

**§ 240-3.07. Lot, yard and setback requirements.**

A. There shall be only one principal structure or one principal use and its associated structures per lot, unless otherwise specifically approved as a mixed use. Provision is made for accessory uses and structures, which do not create a mixed-use lot.

B. No lot shall be so reduced in size that the area, setback, or other dimensions are smaller than those prescribed in Table 3.2, except as permitted for PUDs pursuant to Section 5.06.

**Table 3.2  
District Lot Area and Setback Standards**

	<b>Rural Resi- dential</b>	<b>Village Resi- dential I</b>	<b>Village Resi- dential II</b>	<b>Village Busi- ness</b>	<b>Commercial/ Industrial</b>
Minimum lot area	2 acres (see Note 1)	20,000 square feet	2 acres (see Note 1)	20,000 square feet	60,000 square feet
Maximum density	Density determined under NSR Section 3.2 (See Note 2)	1 principal use/structure or lot per 20,000 square feet	Density determined under NSR Section 3.2 (See Note 2)	1 principal use/structure or lot per 20,000 square feet	1 principal use/structure or lot per 20,000 square feet
Minimum lot frontage along highway or ROW See Note 3	90 feet	80 feet	90 feet	80 feet	80 feet
Minimum setback of structure from boundary along right-of-way of a highway or private road	20 feet	20 feet	20 feet	10 feet	20 feet
Minimum setback of any structure from other lot boundaries	10 feet	8 feet	10 feet	5 feet	20 feet
Minimum setback of structure from streams (See Table 2.7)	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum setback of structure from rivers (See Table 2.7)	75 feet	75 feet	75 feet	75 feet	75 feet
Minimum setback of structure from wetlands	50 feet	50 feet	50 feet	50 feet	50 feet



Note 1 - 20,000 square feet if allowed under Section 3.2 of the Norwich Subdivision Regulations

Note 2 - As determined under Section 3.2 of the Norwich Subdivision Regulations.

Note 3 - Minimum lot width at depth of front yard setback along public highway or deeded right-of-way (at least 50 feet in width)

C. For lots in all districts, a clear line of sight shall be maintained in both directions from the access road within 25 feet of the street intersection or highway entrance between the height of three feet and 10 feet above the average grade of each street.

D. Setbacks are to be measured from the property line back to the closest point of the structure or object. On streets where the width of the street right-of-way or the location of the right-of-way boundary is not known, the property line along the right-of-way shall be 25 feet from the center line of the existing roadway.

E. The minimum setback from the property line for a fence which exceeds four feet in height shall be equal to or greater than the height of the fence above four feet, except:

(1) Property owners in a residential district may erect fences up to seven feet on the boundary of the Business or Commercial/Industrial district without having to meet setback requirements.

(2) A fence exceeding four feet but not more than seven feet may be erected on a side or rear boundary line if the application for the permit is signed by the landowners on both sides of the boundary.

**§ 240-3.08. Nonconforming uses and nonconforming structures.**

A. Nonconforming structures. Any preexisting structure or part thereof which is not in compliance with the provisions of these regulations concerning density, set backs, height, lot size or other dimensions, or which does not meet other applicable requirements of these regulations, shall be deemed a nonconforming structure. In accordance with the Act [§ 4412(7)], nonconforming structures existing on the effective date of these regulations may be allowed to continue indefinitely, but shall be subject to the following provisions. A nonconforming structure:

(1) May undergo normal repair and maintenance provided that such action does not increase the degree of nonconformity (see definition of degree of nonconformity in Article VII);

(2) May be restored or reconstructed within two years after damage from any cause provided that the reconstruction does not increase the degree of nonconformity which existed prior to the damage.

(3) May be structurally enlarged, expanded or moved, upon approval of the Zoning Administrator, provided the enlargement, expansion or relocation does not increase the degree of nonconformity, and provided that the enlarged, expanded and/or moved portion of the structure within the setback comprises an area of less than 25% of the portion of the existing structure located within the setback area.

(4) May, subject to conditional use review under Section 5.04, undergo alteration or expansion which would increase the degree of nonconformity solely for the purpose of meeting mandated state or federal environmental, safety, health or energy regulations (e.g., handicap access ramp in accordance with ADA standards).

B. Nonconforming uses. Any use of land or a structure which does not conform to the uses allowed for the zoning district in which it is located shall be deemed a nonconforming use. In accordance with the Act [§ 4412(7)], nonconforming uses which exist on the effective date of these regulations may be continued indefinitely, subject to the following provisions. A nonconforming use:

(1) Shall not be restored for other than a conforming use after damage from any cause, unless the nonconforming use is reinstated within one year of such damage. If the restoration of such building is not completed within one year, the nonconforming use of such building shall be deemed to have been discontinued, unless such nonconforming use is carried on without interruption in an undamaged part of the building. The Zoning Administrator may grant one extension for a second year to allow for delays caused by permitting, insurance claims or other extenuating circumstances.

(2) Shall not be extended, enlarged, changed to another nonconforming use, or resumed after discontinuance for more than 12 months, unless the discontinuance was caused by the seasonal nature of the business, illness of the manager, or failure to find a tenant, manager, or buyer during an active and continuing search.

**§ 240-3.09. Parking and loading requirements.**

A. Parking requirements. The minimum number of off-street parking spaces which must be provided for any new use or substantial modification of an existing use shall be as provided in Table 3.3, and in accordance with the following:

(1) Space requirements for mixed uses shall be the sum of the requirements for each use except where it is demonstrated that the requirements of the several occupancies occur at different times, in which case the Development Review Board may modify the parking requirements in accordance with Subsection 3.09(B).

(2) All partial space requirements shall be rounded to the next highest number of spaces.

(3) Parking for all uses, other than single-unit dwellings and two-unit dwellings, shall comply with the setback standards for the district within which the parcel is located or as determined by the Development Review Board under Section 5.03 Site Plan Review.

(4) In order to meet these requirements, all parking spaces must be located on the lot of the use for which they are being provided or, with approval from the DRB, on an off-site location in the same or a less restrictive district. Parking on one lot may be shared between uses on different lots in accordance with Subsections 3.09(A)(1) and 3.09(B).

(5) All parking spaces must be not less than 10 feet by 20 feet in dimension, except if on a paved surface and delineated by lines, must be not less than nine feet by 18 feet in dimension. Parking spaces must be provided unobstructed access and maneuvering room even when adjacent spaces are occupied.

(6) Adequate off street parking must be provided for all customers, clients, and employees.

(7) The parking standards included in Table 3.3 refer to the number of full and part-time employees on premises at any one time.

(8) Parking shall conform to the applicable requirements of the Americans with Disabilities Act.

B. Modifications. The number of required parking spaces may be modified by the Development Review Board as a condition of site plan approval in accordance with Section 5.03 and the following:

(1) If there is a demonstrated need for parking in addition to the minimum requirements established in this section, adequate off-street parking must be provided for all residents, clients, and customers.

(2) If it can be demonstrated that the proposed use will need fewer parking spaces, or some spaces with a smaller dimension than the minimum requirements established in this section and that the additional parking spaces needed to meet the minimum requirements can be added in the future if needed, the Development Review Board may waive the construction of those spaces until needed.

**Table 3.3 Minimum Off-Street Parking Requirements**

<b>Use</b>	<b>Parking Spaces</b>
Dwellings	2 spaces per dwelling unit
Home occupation - retail	2 spaces per dwelling unit plus 1 space per 350 square feet of office floor area and 0.5 space per 1,000 square feet of production/storage floor area
Home occupation - service	2 spaces/dwelling unit plus 1 space/350 square feet of office floor area and 1 space equal to the maximum number of clients at any time
Home industry	5 spaces per 1,000 square feet of floor area devoted to the use plus 1 parking space for each nonresident employee
Retail/service business	1 space per every 250 square feet of floor area
Theaters, private clubs, public facilities, places of assembly	1 space per employee plus 0.3 spaces per total capacity
Restaurants	0.3 space per seat (including bar capacity)
Places of worship	0.25 space per total capacity
Retirement housing	1 space per unit
Office, bank and research/testing facility	1 space per every 250 square feet of floor area
Health clinic/medical office	6 spaces per 1,000 square feet of floor area
Light/industry, wholesale	1 space per every 1,000 square feet of production/storage area plus 1 space per every 250 square feet of office/sales floor area
Recreational facility, indoor or outdoor	1 space per employee plus 0.25 spaces per participant and 0.5 space per maximum spectator capacity

**Table 3.3 Minimum Off-Street Parking Requirements**

<b>Use</b>	<b>Parking Spaces</b>
Bed-and-breakfast	3 spaces per dwelling plus 1 space per guest bedroom and 0.5 space per employee
Educational facility	3 spaces per 10 children enrolled at the facility
Day care/nursery school	1 space per employee plus 0.2 space per child, based upon the highest expected occupancy
Residential care facility/group home	1 space per every 2 beds plus 0.5 space per employee
Inn/hotel	1 space per guest room and 0.5 spaces per employee

C. Layout. The parking layout and a circulation plan ensuring convenient flow of cars shall be described in a site plan submitted with the application. Specific guidelines on aisle widths are available on request from the Zoning Administrator. All parking areas shall meet the following requirements:

- (1) Landscaping shall be provided in a way that ensures maximum compatibility with and protection to affected areas.
- (2) Sight distances along the public highway at any entrance or exit must meet the standards of the Vermont Agency of Transportation and if no such standard is specifically applicable, then the American Association of State Highway and Transportation Officials (AASHTO) guidelines on file with the Zoning Administrator.
- (3) The public highway accessed by the parking lot must have sufficient excess capacity both at access/egress points and at affected intersections to accommodate the added traffic without undue delay.
- (4) Site plan review standards set forth in Section 5.03, if applicable.

D. Loading. Sufficient additional off-street space must be provided for all expected freight loading and delivery activity, except where it is demonstrated that such activity and parking demand occur at different times. Service areas may also be required for emergency vehicles, waste disposal and collection, bus, taxi, or van service, and other purposes as may be necessitated by the proposed use. All loading and service areas shall be clearly marked, and located in such a manner so that parked vehicles will not block or obstruct sight visibility at intersections or to or from any internal road or access.

**§ 240-3.10. Performance standards.**

A. Air pollution. There shall be no objectionable odors, smoke, dust, noxious gases, or other forms of air pollution, which, because of persistence or character, would endanger or adversely affect public health, safety, or welfare or be considered offensive in a particular location by a reasonable person.

B. Noise. The following standards shall apply within the specified zoning district except for noise associated with Accepted Agricultural Practices and normal road and yard maintenance:

(1) In the Rural Residential and Village Residential Districts the noise, whether pulsing, intermittent or continuous shall not exceed 60 decibels at or beyond the boundaries of the property from which it originates from 7:30 a.m. to 7:30 p.m. or 50 decibels from 7:30 p.m. to 7:30 a.m. Noise resulting from temporary maintenance or construction is exempted during the hours of 7:30 a.m. to 7:30 p.m.

(2) In the Village Business and Commercial/Industrial Districts, the noise shall not exceed 70 decibels. Temporary noise of maintenance or construction is exempted.

(3) At the boundary of Commercial/Industrial Districts with Residential Districts, noise shall not exceed that permitted in the Residential District.

C. Lighting. See Section 5.03(C)(8).

D. Vibration. Noticeable, or clearly apparent vibration which, when transmitted through the ground, is discernible at property lines without the aid of instruments, is prohibited. Vibration during temporary use of equipment is exempted.

E. Hazards. Fire, safety, explosive, radioactive emission or other hazards which endanger the applicant's or neighboring properties or the general public or which result in a significantly increased burden on municipal facilities and services, are prohibited.

F. Waste. Liquid or solid wastes or refuse in excess of available capacities for proper disposal which cannot be disposed of by available or existing methods without undue burden to municipal facilities; which pollute ground or surface waters; or which are otherwise detrimental to the public health, safety, and welfare, are prohibited.

**§ 240-3.11. Signs.**

A. Applicability. A zoning permit shall be required prior to the erection, construction or replacement of any outdoor sign, except for signs which are specifically prohibited, or which are otherwise exempted from these provisions, as listed under Table 3.4.

**Table 3.4 Exempted and Prohibited Signs**

(1) Exempted signs

Signs erected by the state or Town on public roads.

Non-advertising signs placed for directional, safety or public service purposes.

One residential sign per dwelling unit identifying the occupant, not to exceed two square feet in area; and residential flags or banners intended solely for ornamental or nonadvertising purposes.

Signs relating to trespassing and hunting, each not to exceed two square feet in area.

Temporary auction, lawn, or garage sale or real estate for sale signs, not to exceed two in number or six square feet in total area, which shall be removed immediately following the event or sale.

Temporary election signs to be posted and removed in accordance with state law.

Temporary signs or banners advertising public or community events, to be displayed in designated locations on Town property with the permission of the Town Manager, which shall be removed immediately following the event.

Temporary real estate sign not exceeding six square feet in total area.

One temporary construction sign, not to exceed 16 square feet in area or 10 feet in height, may be placed on any site under development providing such sign is promptly removed following completion of construction.

On-premise historic or landmark signs, not to exceed one in number or six square feet in area.

Wall murals intended solely for artistic, non-advertising purposes.

Window signs which do not exceed 30% of the window pane area.

(2) Prohibited signs

Signs which impair highway safety.

Signs which are animated, flashing, made of reflective material or are intermittently or internally illuminated.

Signs painted on or attached to rock outcrops, trees, or similar natural features.

Roof and wall signs which extend above the eave.

Permanent signs which project over public rights-of way or property lines.

Signs identifying businesses or uses which are no longer in existence

Signs located on motor vehicles which are used primarily as a support or foundation for the signs.

Off-premises signs, except for those which conform to state laws.

B. General standards. All signs, other than those specifically prohibited or exempted under Subsection (A), shall require a zoning permit issued by the Zoning Administrator in accordance with the following requirements pertaining to all signs:

(1) No sign may be flashing, moving or illuminated in color.

(2) Signs may be made to be read from both sides.

(3) Lighting shall be by exterior light and hooded or covered so that the source of the light is not visible from the highway or beyond the property boundary, does not direct light upwards beyond the extent of the sign, and does not distract operators of motor vehicles. Internally illuminated signs are prohibited.

(4) For purposes of establishing setbacks when a property line forms the boundary line of a zoning district, the more restrictive setback standards of the two districts shall apply.

(5) Specific standards. The following standards shall apply to signs within the designated zoning districts.

(a) One free standing sign or one wall mounted sign may be erected on a lot located within the Rural Residential or Village Residential Districts, which may include one of the signs listed in Table 3.6 in accordance with the standards set forth therein.

**Table 3.5  
Rural Residential District and Village Residential Districts I and II Sign Standards**

	<b>Minimum Setback from Right of Way (feet)</b>	<b>Maximum Size (square feet)</b>	<b>Maximum Height (feet)</b>	<b>Minimum Setback: other lot lines (feet)</b>
Free Standing and lighted	20	4	8	20
Free Standing and Unlighted	None	4	8	10
Wall mounted and lighted	20	4	8	20
Wall mounted and unlighted	None	4	8	10

Buildings with multiple businesses may have 1 additional wall mounted sign per business, not to exceed 1.5 square feet in area including frame.

Nonresidential uses such as schools, churches, and municipal buildings, allowed under V.S.A. Title 24, Section 4413(a), may have 1 sign with a maximum size of 8 square feet.

(b) One free standing sign and one wall mounted sign may be erected on a lot located within the Village Business and Commercial/Industrial Districts, which may include one of the signs listed in Table 3.6 in accordance with the standards set forth therein.

**Table 3.6  
Village Business District and Commercial/Industrial Districts Sign Standards**

	<b>Minimum Setback from Right of Way (feet)</b>	<b>Maximum Size (square feet)</b>	<b>Maximum Height</b>	<b>Minimum Setback: other lot line (feet)</b>
Wall-mounted sign	10	24	Lesser of parapet or 30 feet	2
Free standing Sign		24	Lesser of parapet or 30 feet	2

Buildings with multiple businesses may have 1 additional wall mounted sign per business not to exceed 2.0 square feet in area including frame.

**§ 240-3.12. Temporary uses and structures.**

A. A temporary permit may be issued by the Zoning Administrator for nonconforming uses,

excluding residential dwellings, which are incidental to a construction project, for a period not exceeding one year, conditional upon written agreement by the owner to remove the structure and/or discontinue the use upon expiration of the permit.

B. Any trailer used for storage or other accessory use for a period exceeding 30 days shall be considered a structure subject to all of the terms and conditions of these regulations.

**§ 240-3.13. Natural and scenic features.**

Consideration shall be given to avoiding and minimizing adverse impact of development on significant natural, scenic, and cultural resources.

A. General.

(1) The impact of proposed development on any of the following features shall be determined prior to the issuing of any zoning permit. The development shall conform to the relevant criteria as listed below:

(a) Wetlands: as defined in the Vermont Wetlands Regulations.

(b) Aquifer protection zone(s); See Table 2.6.

(c) Flood Hazard Areas; See Table 2.7.

(d) Shoreline Protection; See Table 2.8.

(e) Ridgeline Areas; See Table 2.9.

(f) Steep slopes:

[1] For excavation and filling in areas to be disturbed with slopes greater than 15%, an erosion control plan for the disturbed area must be submitted with the permit application.

[2] Excavation, filling and development in areas to be disturbed with slopes in excess of 25% is not allowed except for the installation of lines for utility, septic, and water services.

(g) Endangered species. Development in areas identified on the latest Vermont Natural Heritage - Endangered Species maps shall be reviewed and approved by the appropriate state or federal agency prior to the issuing of a permit.

(h) Vernal pools. No development is permitted within 50 feet of a vernal pool identified on the Norwich Conservation Commission Vernal Pool Inventory.

B. Development review. The impact of proposed development on any of the following features shall be determined in the review of any application before the Development Review Board. The development shall conform to the relevant criteria in these regulations.

(1) Farm land. Development shall be located and configured to minimize adverse impacts to open farm fields, particularly those with "prime" and "statewide" agricultural soils, except as otherwise provided below:

(a) Development shall be located at field and orchard edges or, in the event that no other land is practical for development, on the least fertile soils in order to minimize the use of productive agricultural land, impacts on existing farm operations, and disruption to the scenic qualities of



the site.

(b) Buildings and associated building envelopes should be clustered to avoid the fragmentation of productive farm land.

(c) Access roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these to minimize the fragmentation of agricultural land and visual impacts.

(2) Forest resources and wildlife habitats. Development should be located and configured to minimize reduction of forest size, encroachment into forest interiors and fragmentation of contiguously forested lands.

(3) Scenic resources. Development shall be located and configured to avoid undue adverse impacts to scenic resources identified on maps created in conjunction with the document entitled Inventory of Scenic Resources, prepared by the Scenic Resources Committee of the Norwich Conservation Commission and dated January 2000. (See Map C). Development within view of scenic roads, as identified in the aforementioned planning documents, shall be designed to avoid undue adverse impact to the identified scenic resources.

(4) Historic and cultural resources. Development shall be located and configured to minimize adverse impacts to historic and archaeological sites and resources identified in the Norwich Town Plan, and by the Vermont Division for Historic Preservation. Methods to minimize adverse impacts include but are not limited to the following:

(a) Historic features, including stone wall and cellar holes, should be preserved and integrated into the site plan (e.g., driveways may follow stone walls) to the extent practical.

(b) Prior to development, on sites that have been identified as being archaeologically sensitive in the Town Plan or by the Vermont Division for Historic Preservation, the Development Review Board may require a site assessment to identify the presence and relative value of archaeological resources on the site, and to document the archaeological resource and/or recommend strategies for its protection.

(c) Development of the site shall be designed to maintain the historic context of the site as defined by historic structures located on the property and in the immediate vicinity of the site, and to minimize the impact of new development on the historic and architectural integrity of historic resources.

C. Development envelopes. The Development Review Board may require that Development Envelopes be designated to identify and limit the location of principal and accessory structures, parking areas, and associated site development, including road and utility rights-of-way or easements, on one or more portions of a lot to limit adverse impact of proposed development on any of the above features.

D. Mapping resources. The approximate locations of these features may be identified on the Norwich Geographic Information System (GIS) and on maps available at the Norwich Zoning and Planning Office. The Zoning Administrator will provide a "resource map(s)" to assist applicants in identifying features that should not be impacted by development.

**§ 240-3.14. Driveways.**

A. Purpose. The purpose of these specifications is to provide for the public safety, good, necessity and convenience of the residents of Norwich and users of private driveways in Norwich.

B. Application.

(1) The following specifications for construction of private driveways shall be met for any private driveway serving one lot or one dwelling unit.

(2) Prior to issuing a permit for a new dwelling unit, the zoning administrator shall determine that the existing driveway or proposed driveway providing access to the dwelling complies with the design criteria in Section 3.14(C).

(3) Any driveway serving more than one lot or dwelling unit is required to meet the requirements of the Norwich Private Highway Specifications.

(4) A Norwich Highway Access Permit is required for driveways accessed from a Town highway. A VTrans permit may be required for a driveway accessed from a state highway.

C. Design, layout and construction specifications. Driveways are private roads providing access to a residence. The following specifications are the minimum design standards for providing access for emergency vehicles. Failure to meet these specifications may result in reduced access and protection for fire, rescue and medical emergencies.

(1) Minimum width of travel portion of driveway of 12 feet or 10 feet with one-foot shoulders.

(2) All weather road surface and base capable of supporting 43,500 pound Gross Vehicle Weight vehicles with a 27,000 pound rear axle load.

(3) Maximum center line grade of 12%.

(4) Minimum horizontal road curve center line radius of 40 feet.

(5) Turnoffs every 500 feet or less if sight lines require.

(6) Driveways designed to allow a fire apparatus to park within a maximum of 100 feet of the house. Fifty feet is preferred.

(7) Houses located more than 1,000 feet from a Town highway shall provide a staging area within 1,000 feet of the house for multiple emergency vehicles.

D. Waivers.

(1) The Development Review Board may grant a waiver permitting portions of the driveway to be steeper than the above standards. In granting the waiver, the Development Review Board shall be required to:

(a) Find that due to special circumstances of a particular site, a less steep road will adversely affect significant natural or scenic resources, or the rural character, or that there is no reasonable access with grades conforming to the standards;

(b) Find that provisions can be made for a steeper road to provide access for vehicles using or servicing the driveway or area and, with the concurrence of the fire and Police Chiefs; and

(c) Require reasonable conditions that will, in its judgment, and with the concurrence of the police and Fire Chiefs, provide access substantially the same for emergency vehicles as with the less steep road. Examples of conditions for improving access on driveways include but are not limited to:

- [1] Additional turn-offs;
- [2] Greater width on corners;
- [3] Paving steep grades;
- [4] Improving fire protection with a residential sprinkler system or on-site water supply; and
- [5] Special provisions to assure long term maintenance.

(2) The Development Review Board may grant a waiver of the requirements for a staging area if a residential sprinkler system that meets the requirements of NFPA 13D: Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes with a minimum of 20 minutes of water is provided.

#### ARTICLE IV Specific Use Provisions

##### **§ 240-4.01. Specific standards for designated uses.**

The following standards shall apply to the designated use in all zoning districts in which the respective uses are allowed. Such uses may be subject to conditional use review in accordance with Section 5.04. If there is a conflict between a standard in this section and a standard in another section of these regulations, the more restrictive standard shall apply.

##### **§ 240-4.02. Campers and temporary shelters.**

A. It shall be unlawful for any person to park or erect a camper (travel trailer, recreation vehicle) or other temporary shelter (e.g., tent, tipi, yurt), except in an approved campground, an approved sales lot, or on a residential or undeveloped lot, subject to the following provisions.

B. One camper or other temporary shelter may be parked on a residential lot (lot in which a dwelling is the principal use) provided that:

- (1) It is not located within required setbacks for the district in which it is located;
- (2) It is not occupied for dwelling purposes for more than 30 days within any one year period; and
- (3) Is not hooked up to a water system, septic system or other utilities unless permitted as a dwelling unit in accordance with these regulations.

C. Any sewage generated by a camper or other temporary shelter shall be disposed of in accordance with all applicable local, state and federal regulations.

D. Campers are permitted to be parked in approved campgrounds for temporary periods and

on construction sites subject to the standards contained in Section 3.12.

**§ 240-4.03. Day care facilities.**

A. Home day care.

(1) Home child care. In accordance with the Act [§ 4412(5)], a state registered or licensed child care home serving six or fewer children on a full-time basis and up to four additional children on a part-time basis which is conducted within a single-unit dwelling by a resident of that dwelling shall be considered a permitted use of the property. Such uses shall require a permit issued by the Zoning Administrator in accordance with Section 6.01.

(2) Home adult care. The care of eight or fewer persons which is conducted within a single-unit dwelling by a resident of that dwelling for less than 24 hours per day shall be considered a permitted use of the single-unit residence. Such uses shall require a permit issued by the Zoning Administrator in accordance with Section 6.01.

(3) Other day care facilities. Any day care facility not covered under (1) or (2) above may be permitted in designated zoning districts in accordance with Article II. Such uses are subject to site plan review in accordance with Section 5.03, and to conditional use review under Section 5.04.

**§ 240-4.04. Sand and gravel extraction - commercial.**

A. The extraction or removal of topsoil, sand, or gravel or other similar material for commercial purposes, except where incidental to any development lawfully undertaken in accordance with these regulations, may be permitted in designated districts subject to conditional use review under Article V and findings that the proposed operation will not:

(1) Cause any hazard to public health and safety, or

(2) Adversely affect neighboring properties, property values or public facilities and services, surface water and groundwater supplies, or natural, cultural, historic or scenic features.

B. The application for a conditional use permit under Section 5.04 also shall include proposed erosion control and site restoration plans showing:

(1) Existing grades, drainage and depth to water table;

(2) The extent and magnitude of the proposed operation including proposed project phasing; and

(3) Finished grades at the conclusion of the operation.

C. In granting approval, the Development Review Board may, based on testimony, consider and impose conditions with regard to the following factors as it deems relevant:

(1) Depth of excavation or quarrying;

(2) Slopes created by removal;

(3) Effects on surface drainage on and off-site;

(4) Storage of equipment and stockpiling of materials on-site;

- (5) Hours of operation for blasting, trucking, and processing operations;
- (6) Effects on adjacent properties due to noise, dust, or vibration;
- (7) Effects on traffic and road conditions, including potential physical damage to public highways;
- (8) Creation of nuisances or safety hazards;
- (9) Temporary and permanent erosion control;
- (10) Effect on ground and surface water quality, and drinking water supplies;
- (11) Effect on natural, cultural, historic, or scenic resources on-site or in the vicinity of the project;
- (12) Effect on agricultural land; and
- (13) Public safety and general welfare.

D. A performance bond, escrow account, bank letter of credit, or other surety acceptable to the Town Manager may be required to ensure reclamation of the land upon completion of the excavation, to include any re-grading, reseeding, reforestation or other reclamation activities that may be required.

E. The processing of gravel extracted off-site, including crushing, storage and distribution, is only permitted within designated zoning districts as a defined use or as an accessory to another defined use (e.g. Town highway facility), and is subject to Development Review Board approval as a conditional use in accordance with this section and Section 5.04.

**§ 240-4.05. Excavation, filling, and storage of material.**

A. The excavation, filling, or storage of more than 500 cubic yards of soil, sand, gravel or other similar material, except where required as part of any development lawfully undertaken in accordance with these regulations, may be permitted in any district subject to conditional use review under Section 5.04, and findings that the proposed operation:

- (1) Will not cause any hazard to public health and safety;
- (2) Will not adversely affect neighboring properties, public facilities and services, surface water and groundwater supplies, or natural, cultural, historic or scenic features, or other fragile features; or
- (3) Will, if in the Flood Hazard Overlay District, comply with all provisions of Section 5.05.

B. The application for a conditional use permit under Section 5.04 also shall include proposed erosion control and site restoration plans showing:

- (1) Existing grades, drainage and depth to water table;
- (2) The extent and magnitude of the proposed operation including proposed project phasing; and
- (3) Finished grades at the conclusion of the operation.

C. In granting approval, the Development Review Board may consider and impose conditions with regard to the following factors as it deems relevant:

- (1) Depth of excavation;
- (2) Slopes created by removal or filling;
- (3) Effects on surface drainage on and off-site;
- (4) Storage of equipment and stockpiling of materials on-site;
- (5) Hours of operation for blasting and trucking (See Section 3.09.);
- (6) Effects on adjacent properties due to noise, dust, or vibration;
- (7) Effects on traffic and road conditions, including potential physical damage to public highways;
- (8) Creation of nuisances or safety hazards;
- (9) Temporary and permanent erosion control;
- (10) Effect on ground and surface water quality, and drinking water supplies;
- (11) Effect on natural, cultural, historic, or scenic resources on-site or in the vicinity of the project;
- (12) Effect on agricultural land;
- (13) Public safety and general welfare; and
- (14) Testing materials for contamination.

D. The DRB may require a performance bond, escrow account, or other surety acceptable to the Town Manager to ensure reclamation of the land upon completion of the excavation, filing and storage to include any regrading, reseeding, reforestation or other reclamation activities that may be required.

#### **§ 240-4.06. Ponds.**

A. This section applies to small artificially created bodies of water capable of holding in excess of 24,000 cubic feet of water. (See Table 4.1).

B. The construction of ponds may be permitted as an accessory use in accordance with Section 6.01 and subject to the following standards:

- (1) The pond, including embankments, berms or other impoundment structures that exceeds the natural grade of the site, shall be outside of the required setbacks for the district (Article III, Table 3.2 and Article II, Table 2.8), except for applications submitted by more than one landowner where the pond will be sited on their common boundary line.
- (2) The interior and exterior slopes of the earthen embankments of the pond shall be no steeper than 3:1 slope and preferably less steep.
- (3) An erosion control plan compatible with the Vermont Handbook for Soil Erosion and

Sediment Control shall be submitted with the application and maintained until the area is established.

(4) An auxiliary (emergency) spillway shall be located in natural soil and shall be adequate to pass a one-hundred-year storm event through the auxiliary spillway without overtopping the dam. The auxiliary spillway shall discharge at a point well downstream of any embankments, berms or other impoundment structures. There should be a principal spillway or drain tube that will handle smaller flows and will allow the auxiliary spillway to remain dry during small storm events. (one year to ten-year frequency event.)

(5) The pond shall be constructed so as not to change direction, location or quantity of surface water flow upon other properties without the written permission of the affected property owners.

(6) A pond capable of impounding more than 75,000 cubic feet of water, that impounds water through the creation of an embankment, berm or other structure, and that is within 500 feet uphill from any Town or state highway, any residential structure, or within 300 feet uphill from a boundary line, shall be designed and inspected by a licensed engineer. The design shall consider the impact on downstream properties vulnerable to water damage in case of dam failure.

C. State or federal permits may be required for ponds impounding, or capable of impounding more than 500,000 cubic feet of water, pond construction that involves working in a stream that drains an area of 10 square miles or more, or a pond in or near a wetland.

**Table 4.1 - Pond Calculations**

Volume		Maximum Depth	Surface Area	
Cubic Feet	Gallons	Feet	Square feet	Acres
24,000	179,520	6	10,000	0.23
24,000	179,520	9	6,667	0.16
24,000	179,520	12	5,000	0.12
75,000	561,000	6	31,250	0.73
75,000	561,000	9	20,833	0.49
75,000	561,000	12	15,625	0.37
500,000	3,740,000	6	208,333	4.90
500,000	3,740,000	9	138,889	3.26
500,000	3,740,000	12	104,167	2.45

**§ 240-4.07. Snow removal to off-site location.**

The removal of excess snow to an off-site location in any district may be allowed as a permitted use providing that the site receiving the snow is not within 50 feet of any stream, 75 feet of the Connecticut or Ompompanusuc rivers, or 500 feet of any residential structure unless the owner of the residential structure has given permission in writing. The proposed operation shall not cause any hazard to public health and safety, or neighboring properties, public facilities and ser-

vices, surface water and groundwater supplies, or natural, cultural, historic or scenic features, or other fragile features.

**§ 240-4.08. Home based businesses (home occupations, home industries).**

In accordance with the Act [§ 4406(3)] no provision of these regulations shall prevent a person from using a minor portion of a dwelling for the conduct of an occupation which is customary in residential areas and which does not change the character of the surrounding area or neighborhood. To this end, the following categories of home-based businesses are allowed in accordance with the associated standards.

A. Home office - no permit required. No permit shall be required for a person using a small portion of their dwelling unit for a home business providing it meets the following standards:

- (1) The home office is conducted by residents of the dwelling unit and no more than one nonresident employee at any one time.
- (2) The home office is confined entirely to an area within the dwelling unit that occupies less than 50% of the floor area of the dwelling unit.
- (3) The home office does not involve the conduct of business with more than occasional on-site visits from clients or customers.
- (4) The home office does not involve the outside display or outside storage of goods, or signs related to the business.

B. Home business - permit required. A home occupation which violates one or more of the standards set forth in subsection (A) may be permitted with the approval of the Zoning Administrator in accordance with Section 6.01 and in accordance with the following provisions:

- (1) The home business occupies an area less than 50% of the floor area of a dwelling unit in either the dwelling unit or an accessory structure located on the same lot.
- (2) The home business is conducted by residents of the dwelling unit and involves not more than two nonresident employees at any one time.
- (3) The home business does not involve the storage or display of goods or equipment visible from the highway or from adjacent properties.
- (4) The home business does not change the residential character of the property or surrounding area.
- (5) Retail sales are not conducted, with the exception of the sale of goods and/or crafts created on the premises or retail sales that are incidental to the home business.
- (6) The aggregate of all home businesses in a single dwelling unit does not exceed restrictions (1) through (5).
- (7) The wholesaling of machinery or large items such as furniture, requiring occasional storage on the premises, other than inside the primary residence or accessory structure, is not a home business.
- (8) The zoning permit clearly states that the use is limited to a home business, approved in



accordance with the above provisions, which is accessory to the residential use and shall be retained in common ownership and management. Any proposed expansion of the home business beyond that permitted will require a separate zoning permit for a home industry under this section, or other use as appropriate.

(9) The home business meets the general conditions of Article III.

(10) Off-street parking conforms with the standards of Section 3.09.

C. Home industry - conditional use approval required. Home industries (as distinguished from Home Businesses) may be permitted in designated zoning districts, may include retail sales, and are subject to conditional use approval of the Development Review Board under Section 5.04 and the following provisions:

(1) The owner and operator of the home industry resides on the lot.

(2) The home industry occupies less than 50% of the floor area of a principal dwelling; or occupies an accessory structure located on the same lot as the principal dwelling, with the total area for retail uses not exceeding 100% of the finished floor area of the principal dwelling.

(3) The home industry involves not more than five nonresident employees, at any one time.

(4) The home industry does not involve the storage or display of goods or equipment visible from the highway or from adjacent properties unless specifically allowed in the permit. Exceptions may be made for goods compatible with the neighborhood such as nursery plants and shrubs.

(5) The home industry does not change the residential character of the property or surrounding area.

(6) The home industry conforms to all performance standards under Article III. Storage of hazardous waste or materials shall comply with the Vermont Hazardous Waste Management Regulations.

(7) The home industry will not generate traffic, including but not limited to delivery truck traffic, in excess of volumes suitable for the neighborhood and all roads providing access to the site.

(8) The aggregate of all home industries in a single dwelling shall not exceed restrictions (1) through (7).

(9) The permit for a home industry shall clearly state that the industry is a home-based business which is accessory to the principal residential use, and shall be retained in common ownership and management. A home industry may be subdivided and/or converted for sale or use apart from the residential use only if it meets all current municipal and state regulations pertaining to such use, including density, dimensional, and other requirements for the district in which it is located. Separate permits shall be required as appropriate prior to subdivision, sale and/or conversion.

(10) Off-street parking conforms with the standards of Section 3.09.

**§ 240-4.09. Mixed uses.**

A. The Village Business District and the Commercial Industrial District. More than one use may be permitted within a single building or on a single lot subject to conditional use review in accordance with Section 5.03 and the following provisions:

- (1) Each of the proposed uses is otherwise allowed as a permitted or conditional use in the district in which the mixed use is proposed.
- (2) The combined uses meet all applicable standards for the district in which the mixed use is proposed, including minimum setbacks and frontage, maximum lot coverage and minimum lot size.
- (3) The mixed use meets all applicable general provisions contained in Article III, including parking requirements under Section 3.09 based on the cumulative parking demand for the various proposed uses.

**§ 240-4.10. Mobile home parks.**

A. Mobile Home Parks may be permitted in the Rural Residential District subject to PUD review in accordance with Section 5.06 and the following provisions:

- (1) Proposed parks comply with the requirements of 10 V.S.A. Chapter 153.
- (2) Proposed parks comply with all applicable state and local laws, ordinances and regulations relating to water supply and waste disposal.
- (3) Each mobile home is located on a dedicated site of not less than 8,000 square feet in area.
- (4) All roads within a mobile home park comply with Town road standards, and adequate walkways are provided.
- (5) Parking is provided in accordance with Section 3.09.
- (6) A minimum of 25% of the total land area in any mobile home park is set aside for common recreational use or open space.
- (7) All mobile home parks meet minimum setback requirements from the perimeter boundary for the districts in which they are located. Setback areas shall not be included in the calculation of recreation land or open space under Subsection (6).

B. An increase in the number of units; changes or alterations to park area, design, layout or common facilities are subject to conditional use review in accordance with the above provisions. Changes or alterations to individual mobile home sites or mobile homes within the park (e.g., the addition of a porch, deck or accessory structure serving the residents of the dwelling), shall be allowed in the same manner as changes or alterations to a single unit dwelling.

**§ 240-4.11. Public facilities.**

A. In accordance with the Act [§ 4413(a)], the following public facilities or uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping and screening requirements, and only to the extent that such regulations do not have the effect of excluding or interfering with the intended use or function:

- (1) State or community owned and operated institutions and facilities;
- (2) Public and private schools and other educational institutions with a curriculum approved by the Vermont Department of Education;
- (3) Churches and other places of worship, convents, monasteries, and parish houses;
- (4) Public and private hospitals;
- (5) Regional solid waste management facilities certified by the state (under 10 V.S.A. Chapter 159); or
- (6) Hazardous waste management facilities for which a notice of intent to construct has been received by the state (under 10 V.S.A. § 6606a).

B. Reasonable provision has been made for siting of the above public facilities and uses within all zoning districts. Such facilities or uses must meet applicable district requirements, and shall be subject to conditional use review under Section 5.02; however, associated conditions of approval shall not exceed allowed regulation, as specified in the Act and Subsection (A).

C. In accordance with the Act [§ 4413(b)], public utility power generating plants and transmission facilities regulated by the Vermont Public Service Board (under 30 V.S.A. § 248) are specifically exempted from municipal land use regulations.

**§ 240-4.12. Cultural facilities.**

A. A cultural facility uses land and/or structures to encourage and promote community, visual or performing arts, or educational goals, which use is available to, and intended for, the benefit of the general public. Examples include a school, library, museum, performing arts center, or community center.

(1) A community use means functioning as a social or activity center for Town, community or school organizations or gatherings, which may include amenities such as meeting rooms, large gathering or activity rooms, kitchen facilities, an auditorium, playgrounds or sports fields.

(2) An educational use will include academic learning or studies, or training in visual or performing arts, through classes, seminars or similar learning opportunities taking place at the property.

B. A cultural facility is not intended to include:

(1) State or community-owned and operated institutions and facilities, or public and private schools and other educational institutions certified by the state department of education. See 24 V.S.A. § 4413.

(2) Social or fraternal clubs or membership organizations.

(3) Offices for organizations that only promote or encourage cultural activities which take place in another location.

C. A cultural facility is a conditional use in all zoning districts and shall meet all applicable general provisions contained in Article III.

D. With the exception of educational uses, which shall meet the minimum off-street parking

requirements for educational facilities, all other cultural facilities must meet the minimum off-street parking requirements for places of public assembly. See Table 3.3.

**§ 240-4.13. Telecommunications facilities.**

A. Introduction. Technological developments in the telecommunications and broadcast industries have resulted in demands for development of property to accommodate these land uses. Wireless communication facilities have become increasingly important to the security and economic needs of residents and businesses in the Town. This trend will continue, creating new opportunities for commerce and reducing demand for travel by conventional modes. Given the potential impacts these facilities may have on the public good, safety and welfare of Norwich citizens, it is in the Town's interest to plan for and regulate the orderly development of such facilities.

B. Purpose. The purpose of this section shall be to regulate the placement, design, construction and modifications of wireless communication facilities so as to promote the economic viability of the Town and to protect its historic, cultural, natural, and aesthetic resources.

C. Conditional use approval for wireless communication facilities. Pursuant to T 24 § 4412(9), the Zoning Administrator shall review telecommunications facilities applications, and upon determining that a particular application will impose no impact or de minimis impact upon any criteria established in these regulations, shall approve the application. No permit for the development of a wireless communications facility shall be granted by the Zoning Administrator without conditional use approval from the Development Review Board. Prior to granting such approval, the Board shall make affirmative findings for each of the following criteria in addition to the other applicable provisions set forth in these Regulations.

(1) Yard requirements. Equipment, buildings, and other structures shall conform to the minimum front, side, and rear setbacks for the district in which they are located.

(2) Height limitations. The height of towers, antenna, and tower related fixtures in all districts shall not exceed the minimum height necessary to achieve the coverage objective and, in any case, be no greater than 20 feet above the average height of the tree line within 100 feet of the base of the tower. Notwithstanding the above, additional height may be approved upon finding by the Board that it is necessary to provide adequate coverage, or to accomplish co-location as outlined in Subsection 4.13(I) below and does not have an undue adverse visual impact on scenic or natural beauty as outlined in Subsection 4.13(K) below.

D. Setbacks. All wireless communications facilities shall comply with the setback provisions of the zoning districts in which facilities are located. Notwithstanding the above, in order to ensure public safety, the minimum distance of any ground mounted wireless service facility to any property line, dwelling, or similar structure shall be no less than the height of the tower, including antennas or vertical appurtenances. This setback shall be referred to as a fall zone. In the event that an existing structure such as a barn silo, church steeple, or utility pole is proposed as a mounting for a telecommunications facility, a fall zone setback shall not be required.

E. Lighting. No lighting shall be permitted on towers, except as may be specifically required by FAA regulations or where deemed necessary by the Board. In any case where a tower is determined to need FAA obstruction marking or lighting, applicants must seek the least visually obtrusive marking and/or lighting scheme in their FAA applications. Emergency, safety or secu-

rity ground lighting may be utilized when there are people at the site. All tower lighting incidental to the tower shall be shielded to minimize glare. To the extent reasonable, all ground lighting shall be directed downward towards the facility and not towards neighboring properties.

F. Bulk, height, and glare. All wireless facilities shall be designed in such a manner as to minimize the visual impact of height, mass, and guy wire supports for the intended use. Materials utilized for the exterior of any structure shall be of a type, style, and location so as to minimize glare and not result in an undue adverse visible impact on any scenic or historic viewshed, public vantage point or from abutting properties.

G. Screening. Screening shall be required at the perimeter of the site unless it can be demonstrated that natural foliage is adequate. A planted or natural vegetative screen shall be a minimum of 10 feet in depth with a minimum height of 10 feet and shall provide year-round screening. Existing on-site vegetation outside the site for the wireless facility shall be preserved or improved. Disturbance to existing topography shall be minimized, unless the disturbance is demonstrated to result in less visual impact of the wireless facility on surrounding properties and areas.

H. Signs and fencing. Adequate warning signs and fencing shall be installed as needed to protect the public and at minimum shall meet federal requirements. Fencing shall be chosen to minimize visual impact, consistent with its intended safety purpose.

I. Co-location.

(1) An application for a new telecommunications tower shall not be approved unless the Development Review Board finds that the telecommunications facilities planned for the proposed tower cannot be accommodated on an existing or approved tower or structure due to one of the following reasons:

(a) The proposed antennas and equipment would exceed the structural or spatial capacity of the existing or approved tower or facility, as documented by a qualified engineer licensed to practice in the State of Vermont and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.

(b) The proposed antennas and equipment would cause interference materially impacting the usefulness of other existing or permitted equipment at the existing or approved tower or facility as documented by a qualified engineer licensed to practice in the State of Vermont and such interference cannot be prevented at a reasonable cost.

(c) The proposed antennas and equipment, alone or together with existing facilities, equipment or antennas, would create radio frequency interference (RFI) in violation of federal standards or requirements.

(d) The proposed antennas and equipment, either alone or together with existing facilities, equipment or antennas, would create radio frequency radiation (RFR) in violation of federal standards or requirements without unreasonable modification or mitigation measures.

(e) Existing or approved towers and structures cannot accommodate, or be reasonably modified to accommodate, the planned equipment at a height necessary to function reasonably or are too far from the area of needed coverage to function reasonably as documented by a qualified

engineer licensed to practice in the State of Vermont.

(f) Aesthetic reasons make it unreasonable to locate the planned telecommunications equipment upon an existing or approved tower or building.

(g) Other unforeseen specific reasons make it unreasonable to locate the planned telecommunications equipment upon an existing or approved tower or building.

(2) Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights when overall permitted height allows. Towers shall be designed structurally, electrically and in all respects to accommodate both the applicant's antennas and additional antennas when overall permitted height allows.

(3) The owner of an approved wireless communication facility shall allow other wireless service providers to co-locate on the tower subject to reasonable terms and conditions. Notwithstanding, there shall be no affirmative obligation on the owner to increase the height or width of the tower in order to accommodate the equipment or facilities of another user.

J. Access roads and above ground utilities. Where new wireless communication facilities require construction of or improvement to access roads, to the extent practicable, roads shall follow the contour of the land. Access roads, when consistent with the purposes of this section and economically feasible, shall be constructed or improved within existing forest or forest fringe areas and not in open fields. Utility or service lines shall be designed and located so as to minimize disruption to the scenic character or beauty of the area.

K. Protection of scenic ridges, views and hillsides. Proposed facilities, particularly those located in the Ridgeline Protection Overlay District, shall not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor. When the Board, after consultation with the Zoning Administrator and the applicant, determines that a proposed wireless facility will likely be visible against the skyline from at least one vantage point from any public park, natural scenic vista, historic building or district, or major view corridor or from a State highway or Class 1 or II highway, or at least two vantage points on a Class III Town highway at no less than 1,000 feet apart, or at least three vantage points at no less than 1,000 feet apart on a Class IV Town highway, a public trail, the Connecticut River, or the Ompompanoosuc River, the applicant shall prepare a report identifying the duration for which the tower would be visible to a passing traveler in feet and the distance to the proposed facility from the vantage points. The Board may require the report to include the elevation of the ground level of the facility site, the average elevation of vegetation within 100 feet of the facility within the affected viewshed, the slope of the facility site, the vertical height of the facility, appropriate design measures and recommendations to minimize any impact on scenic quality. Height and mass of facilities shall not exceed that which is essential for its intended use and public safety.

(1) To assist the Board in its review of a likely visual impact of proposed facility under this sub-section, the Board may require the applicant to fly or raise a three-foot diameter balloon at the maximum height of the proposed facility at a location within 50 horizontal feet of the center of the proposed facility. The applicants shall provide at least seven days written notice to the Board of the date and time of the test. The applicant shall provide to the Board photographs of the balloon test taken from at least four vantage points.

(2) Upon review of the applicant's report, supporting materials, testimony from the parties,

and inspections from the designated vantage points, the Board shall determine whether or not the proposed tower does not have an undue adverse visual impact on the scenic or natural beauty of the land proposed to be developed as viewed from public highways or water bodies within the Town.

(3) Where a tower would break or cross the skyline when viewed from the identified vantage points, in order to approve the application the Board may designate an alternative location for the tower to be evaluated by the applicant. In consideration of this, the applicant may revise its application to include such a site, assuming it is available to the applicant and reasonably technically feasible to meet the applicant's signal coverage objectives.

(4) For the purposes of this Subsection, a wireless facility shall be considered likely to be visible against the skyline when the structure is more than eight inches wide or in diameter where it intersects the tree line or forest canopy.

(5) In determining whether or not a tower would have an undue adverse visual impact on the scenic or natural beauty of a ridge or hillside, the Board shall consider:

(a) The period of time during which the proposed tower would be viewed by the traveling public on a public highway, public trail, the Connecticut River or the Ompompanoosuc River;

(b) The frequency of the view of the proposed tower as experienced by the traveling public;

(c) The degree to which the view of the tower is screened by existing vegetation, the topography of the land, and existing structures;

(d) Background features in the line of sight to the proposed tower that obscure the facility or make it more conspicuous;

(e) The distance of the proposed tower from the viewing vantage point and the proportion of the facility that is visible above the skyline;

(f) The number of vehicles traveling on a public highway or water at or near the critical vantage point;

(g) The sensitivity or unique value of the particular view affected by the proposed tower; and

(h) The proposed type(s) of antenna, mounting hardware, and covers (radomes), which extend above the tree line.

L. Innovative siting techniques. The Board may waive any of the requirements of Section 4.13(G) for the purpose of approving the development of a wireless communication facility utilizing innovative siting techniques that camouflage or conceal the presence of antennas or towers. These techniques may include the use of existing complying or non-complying structures or new complying structures to contain or support antennas.

M. Interference with public safety telecommunications. All applications for new telecommunications facilities shall be accompanied by an intermodulation study by a qualified engineer licensed to practice in the State of Vermont that predicts no likely interference problems and certification that the study has been provided to the appropriate public safety agencies. Before testing or operating new service or changes in existing service, telecommunications providers shall notify the municipality at least 10 calendar days in advance of such changes and allow the municipi-

pality to monitor interference levels during that testing process.

N. Conditions. The Board shall have the authority to impose conditions consistent with the purpose of Section 4.13 in approving a proposed plan for the development of a wireless communication facility. A Notice of Decision with conditions shall be promptly recorded or filed with the Town by the Development Review Board or Administrative Officer. It shall be the obligation of the permittees and subsequent assigns to remain in compliance with all conditions.

O. Application requirements. As required under this section, an application shall include at least the following information prepared by a qualified engineer licensed to practice in the State of Vermont:

- (1) Name and address of the record landowners and any duly appointed agents of the parties;
- (2) Names and addresses of the record owners of all abutting property;
- (3) A map or sketch of the property proposed to be developed, professionally drawn to scale and with the area to be developed clearly indicated;
- (4) A description of the proposed development;
- (5) The location of the proposed structure on a USGS Topographic Map, Survey with a 20 foot contour interval, or a GIS generated map compatible with the Norwich GIS;
- (6) A utility and access road plan located on a USGS Topographic Map or a GIS generated map compatible with the Norwich GIS;
- (7) Where the facility is located on a parcel that is forested, the approximate average height of the existing vegetation within 100 feet of the tower;
- (8) A design or plan for all structures, buildings, access roads, or facilities proposed for the site, including landscaping and screening, existing vegetation to be retained, exterior lighting, and drainage and erosion control plans;
- (9) The locations of all existing and proposed wireless service facilities in Norwich or within 20 miles of the site for all licensed carriers seeking approval under the application;
- (10) To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, an Environmental Impact Assessment (EIA) draft or final report outlining the probable impacts of the proposed facility on wildlife habitats, endangered species, historic and archeological resources, wetlands, and other resources; and
- (11) Any additional information deemed necessary by the Board to make findings based on the criteria in Section 4.13.

P. Provision for independent consultants. To assist the Board in its review of applications for Conditional Use Approval under this section, the Board may employ or contract with consultants whose services shall be paid for by the applicant. Any or all final reports or documents prepared by the consultant shall be made available to the applicant and other parties to the proceeding.

Q. Amendments. An amendment to a prior approved wireless communications facility may be considered by the Board and shall require Conditional Use Approval from the Board when



any of the following are proposed:

- (1) A change in the number of facilities permitted on the site;
- (2) Changes in technology used for the facility that would increase the total RFR at the site;  
or
- (3) Addition of any equipment or additional height not specified in the original application.

R. Fees. A schedule of fees for wireless communications facilities to cover permitting and monitoring costs shall be established by the Norwich Selectboard and may from time to time be amended.

S. Abandoned, unused, obsolete, damaged or dangerous towers or portions of towers. Abandoned or unused towers or portions of towers and their facilities shall be removed as follows:

- (1) The owner of a facility/tower shall annually, on January 15, file a declaration with the Town of Norwich Zoning Administrator certifying the continuing safe operation of every facility/tower installed subject to these regulations. Failure to file a declaration shall mean that the facility/tower is no longer in use and considered abandoned.
- (2) Abandoned or unused towers and associated facilities shall be removed within 180 days of cessation of operations at the site unless a time extension is approved by the Development Review Board. In the event the tower is not removed within 180 days of the cessation of operations at a site, the municipality shall notify the owner and may remove the tower and all associated facilities. Costs of removal shall be assessed against the property or tower owner.
- (3) Unused portions of towers shall be removed within 180 days of the time that such portion is no longer used for antennas. The replacement of portions of a tower previously removed requires the issuance of a new telecommunications facility permit.
- (4) An owner who has failed to file an annual declaration with the Zoning Administrator by January 15 may, within 30 days of an abandonment notice being issued by the Zoning Administrator, file a declaration of use or intended use and may request the ability to continue use of the facility/tower.
- (5) As a condition of approval, the Board may require the applicant to provide a performance bond or similar form of surety payable to the Town in an amount sufficient to cover the full costs of removal of a tower and antenna in the event that the facility is declared abandoned.

T. Continuing obligations. Upon receiving a permit, the permittee shall annually demonstrate that he or she is in compliance with all FCC standards and requirements regarding RFR, and provide the basis for his or her representations. The permittee shall provide a list of the most recent RFR readings at the site, their distances from the tower/transmitter, dates of the readings and the name of the person or company who took the readings. A survey by another permittee on the same site, since it will demonstrate compliance of all emitters, may be submitted provided there is annual demonstration of site compliance.

U. Consistency with federal law. These regulations are intended to be consistent with Section 704 of the 4.1096 Telecommunications Act. Accordingly, they shall not prohibit or have the

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

**§ 240-4.14. Accessory dwellings and detached apartments.**

A. Accessory dwellings. There shall be only one principal dwelling structure per residential lot; however, one accessory dwelling structure with one dwelling unit may be approved, subject to conditional use review for a lot on which a single unit dwelling is the principal use. Accessory dwellings shall satisfy the following requirements in addition to the conditional use criteria in Section 5.04. Site Plan Review will not be required:

- (1) The accessory dwelling shall meet all setback and other dimensional requirements for the district in which it is located or, for an existing noncomplying structure, the change to an accessory dwelling will in no way increase the degree of noncompliance.
- (2) The accessory dwelling shall be located in the same area of the lot as the principal dwelling to create a clustered development.
- (3) The accessory dwelling and the principal dwelling shall be located within the same approved existing or new development envelope. A new development envelope shall be created if needed using the criteria in Section 5.07.
- (4) The floor area of the accessory dwelling shall not exceed 50% of the floor area of the principal dwelling, or 1,600 square feet, whichever is less.
- (5) There shall be adequate off-street parking for the residents of both the principal dwelling and the accessory dwelling as required in Section 3.09.
- (6) The permit for the accessory dwelling shall clearly state that the dwelling is an accessory structure to the single family residence and shall be retained in same ownership.
- (7) Only the principal dwelling or the accessory dwelling may be rented at one time. The owner may apply to the Zoning Administrator for up to a one year occupancy exemption. This restriction shall be acknowledged by the applicant and be included in any deed transferring ownership of the property.

B. Detached apartments. There shall be only one principal dwelling structure per residential lot; however, one apartment in an existing accessory structure may be approved as a permitted use for a lot on which a single unit dwelling is the principal use and there are no additional dwelling units. Detached apartments shall satisfy the following requirements:

- (1) The existing accessory structure must have been built in its current location as of January 1, 2007, or at least 10 years prior to the issuing of a permit for a detached apartment whichever is later.
- (2) The existing accessory structure shall meet all setback and other dimensional requirements for the district in which it is located or, for an existing non-complying structure, the addition of a detached apartment will in no way increase the degree of noncompliance.

(3) The floor area of the detached apartment shall not exceed 30% of the floor area of the principal dwelling, or 1,200 square feet, whichever is less.

(4) There shall be adequate off-street parking for the residents of both the principal dwelling and the detached apartment as required in Section 3.09.

(5) The permit for the detached apartment shall clearly state that the dwelling is an accessory structure to the single family residence.

(6) Only the principal dwelling or the detached apartment may be rented at one time. The owner may apply to the Zoning Administrator for up to a one year occupancy exemption. This restriction shall be acknowledged by the applicant and be included in any deed transferring ownership of the property.

C. Maximum number of dwelling units. The maximum number of dwelling units on a single lot is two without PUD approval.

#### **§ 240-4.15. Small wind energy systems.**

Small wind energy systems are allowed on any lot in any district as an accessory use subject to the limitations in this section.

A. Permitted use. A small wind energy system with one tower with a tower height of less than 100 feet.

B. Conditional use. A small wind energy system with one or more towers with tower heights of 100 feet or more may be permitted subject to conditional use review under Section 5.04. In addition to the standards in Section 4.15 (D), the Development Review Board shall find that:

(1) The requested height of the tower does not exceed what is reasonably necessary to provide efficient operation of the system; and

(2) All reasonable measures have been taken to minimize any undue adverse visual impact of the system.

C. Expiration and abandonment.

(1) A permit issued pursuant to this section shall expire if the small wind energy system is out-of-service or otherwise unused for a continuous twelve-month period.

(2) A small wind energy system that is out-of-service for a continuous twelve-month period will be deemed to have been abandoned. The Administrator may issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Administrator shall withdraw the Notice of Abandonment and notify the Owner that the Notice has been withdrawn if the Owner provides information that demonstrates the small wind energy system has not been abandoned.

(3) If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the tower at the Owner's sole expense within three months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the Administrator may pursue a legal action to have the wind generator

removed at the Owner's expense.

D. Standards for small wind energy systems. All small wind energy systems shall conform to the following standards.

(1) Performance standards in Section 3.10.

(2) Setbacks. A wind tower for a small wind system shall be set back a distance equal or greater to the Small Wind Energy System Height from:

(a) Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road;

(b) Any overhead utility lines; and

(c) All property lines.

(3) The rated capacity of the system shall not substantially exceed the on-site electric usage of the end-user.

E. Definitions that apply to small wind energy systems.

**SMALL WIND ENERGY SYSTEM** — A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity appropriate to the on-site electric usage of the end-user and is not interconnected with the electric utility system.

**SMALL WIND ENERGY SYSTEM HEIGHT** — The tower height plus the blade length.

**TOWER HEIGHT** — The height above grade of the fixed portion of the tower, excluding the wind turbine and blades.

**TURBINE** — The parts of a wind system including the blades, generator and tail.

## ARTICLE V Development Review

### **§ 240-5.01. Applicability of development review procedures.**

A. Site plan review, pursuant to Section 5.03, shall apply to all permitted uses as designated in Article II, excluding one- and two-unit dwellings, home occupations within a one-unit dwelling, home daycare facilities, signs, agriculture and/or forestry and all uses exempted under section 6.02. Uses designated as a conditional use in Article II are not subject to site plan review procedures but site plan review criteria will be incorporated into the conditional use review.

B. Conditional use review, pursuant to Section 5.04, shall apply to all conditional uses as designated in Article II or as otherwise specified under Article III or Article IV.

C. Flood hazard review, pursuant to Section 5.05, shall apply to all development including but not limited to new or expanded single unit dwellings as designated in Article II. Specific uses subject to site plan or conditional use review shall be reviewed concurrently with Section 5.05.

D. Planned Unit Development (PUD) Review, pursuant to Section 5.06, may be applied at the request of the applicant, or as required under Article II, to any size parcel in designated zon-

ing districts. PUDs shall be reviewed concurrently with the Norwich Subdivision Regulations.

E. Development envelope review, pursuant to Section 5.07, shall apply to any undeveloped lot prior to obtaining a permit for construction of a one-unit or two-unit dwelling unless a Development Envelope has already been designated for the lot by an approved subdivision decision.

**§ 240-5.02. Application requirements.**

A. An applicant for PUD approval shall submit the information described in Section 5.06(C).

B. Applicants for conditional use and/or site plan approval shall submit applicable fees and the materials described in Table 5.1. The Development Review Board may waive any of the application requirements set out in Table 5.1 that are not applicable to the proposed development. The applicant shall identify the specific requirements for which the waiver is requested and why they are not applicable.

**Table 5.1  
Site Plan and Conditional Use Review Application Requirements**

(A) Required Application Information:

Name and address of owner(s) of record of the property; name, address and interest of the applicant, if different from the owner(s) of record; name and address of the person or firm preparing the application and plans; date of the application and related plans.

A plan drawn to scale prepared by a licensed engineer, surveyor, land planner, or as otherwise approved by the Development Review Board showing the following:

1. North arrow and scale;
2. Legal property boundaries for the property;
3. Existing and proposed features, to include topography, land use, existing vegetation, natural areas and critical habitat, streams, floodplains and wetlands, and other fragile features (See Section 3.13); zoning district boundaries; structures (building footprints), signs, walls and fences; historic sites; roads, driveways, easements and rights-of-way, utilities and existing and proposed fire hydrants; and
4. Traffic and pedestrian circulation within the site; location and dimension of parking, loading and snow retention areas; access to neighboring properties and public roads; and, sidewalks, pathways and trails in the vicinity.

Site location map showing the location of the project in relation to nearby Town highways, adjoining parcels and uses and zoning district boundaries.

Proposed landscaping and screening plan, including plant details (size, location, species).

Grading and drainage plan (showing areas of cut and fill and proposed drainage patterns and provision for stormwater management).

Proposed lighting plan, including the design and location, fixture type, mounting height, illumination levels and distribution, and color of all exterior lighting.

Preliminary building elevations for new or altered structures, including an indication of the exte-

rior facade design, window treatment and roof and siding materials.

Phasing schedule for completion of all proposed development and site improvements.

Estimate of traffic to be generated by the project on a peak and daily basis, and the impact of such traffic on area roads.

Statement of compliance with all applicable zoning district standards, including overlay district standards and supplemental standards that may apply within a particular district or subject to a specific use.

(B) The Board may require additional information depending upon the scope and location of the proposed project, including but not limited to the following:

Forest management, tree removal and vegetation management plans.

Stormwater management and erosion control plans.

Visual impact analysis.

Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements).

Community service impact assessments (analysis of fiscal costs and benefits to the Town).

Fiscal impact study.

Open space management plan.

Site reclamation plan (for proposed projects involving extraction).

Habitat impact assessment (identification of critical wildlife habitat, including wildlife travel corridors, analysis of potential impact and proposed mitigation measures).

Other information or studies reasonably necessary for the Board to conduct a comprehensive review. To assist the Board in its review of applications, the Board may employ or contract with consultants whose services shall be paid for by the Applicant. Any or all final reports or documents prepared by the consultant shall be made available to the applicant and other parties to the proceeding.

### **§ 240-5.03. Site plan review.**

A. Purpose. Site plan review is intended to ensure that projects be of high quality, attractive and functional site design, and that the general building site design be consistent as to the size, scale and mass of the other buildings in the zoning district and with the purpose and character of the zoning district in which the project is located. Standards emphasize those related to the internal layout of the site, its physical design and appearance as viewed from off-site, and the functional integration of the site with surrounding properties and uses.

B. Review process. Upon determination that review is required, and the application as submitted is complete for review by the Development Review Board, subject to requests for waivers of application requirements, the Zoning Administrator shall schedule a public hearing of the Development Review Board, warned in accordance with Section 6.06(D). Once the public hearing is opened, the Board shall determine if the application is complete and decide whether any waivers of application requirements shall be granted. If not, or if the Board requires additional infor-

mation for the application, the public hearing may be recessed to another date certain for continuation of that hearing. Once all information required by the Board has been submitted, the Board shall close the hearing and act to approve, approve with conditions, or disapprove an application for conditional use review within 45 days after the date the hearing was closed; and shall issue a written decision to include findings of fact, any conditions, and procedures for appeal. The application shall be deemed approved by the Board on the 46th day in the event that the Board fails to act within 45 days of the adjournment of the hearing.

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

(1) Maximum safety of vehicular circulation between the site and the street network. Vehicular access and intersections with roads shall meet all applicable Town and state design standards, including the Norwich Private Highway Specifications and the Norwich Driveway Access Specifications. Sight lines shall meet specified guidelines. The public highway accessed from the parking lot must have sufficient excess capacity both at access and egress points and at affected intersections to accommodate the added traffic without undue delay. The Board may limit the number and size of curb cuts to a single access. In instances involving preexisting curb cuts not in compliance with these standards, the Board may require the reduction, consolidation or elimination of noncomplying curb cuts. In appropriate instances, including the presence of compatible adjacent uses, areas characterized by congestion and frequent and/or unsafe turning movements, or parcels having direct access to more than one road, the Board may require shared access between adjoining properties or may limit access to a side street or secondary road. Requirements for shared access shall be made either at the time of site plan approval if similar provision has been made on a contiguous parcel, or contingent upon future development of neighboring properties.

(2) Adequacy of circulation, parking and loading facilities with particular attention to safety. Parking and loading facilities shall be provided per the requirements of Section 3.09 of these regulations, and in accordance with the following:

(a) Parking shall be designed to minimize the visibility of parking areas from off-site through the location, landscaping and screening of such areas. Parking shall be located to the rear or interior side (side not fronting on a public road) of buildings, unless otherwise permitted by the Board due to site conditions which would prevent the reasonable use of the property if this standard were strictly enforced. Large, uninterrupted expanses of parking shall be avoided.

(b) Driveway connections to parking areas on adjacent properties or provision for future connection shall be required where feasible. In the event that such connections allow for shared parking between properties, the overall parking requirements may be reduced pursuant to Section 3.09(B).

(c) Adequate parking facilities for people with disabilities shall be provided that comply with ADA standards. Accessible parking spaces shall be located on an accessible route of travel from the parking to an accessible entrance to the building served by the parking. Provisions shall be made for wheelchair van parking with an area for safe loading and unloading.

(d) Clearances and turning radii shall be sufficient to accommodate all service and delivery vehicles required for the normal activities on the site, and fire trucks and other emergency vehi-

cles.

(e) Loading and delivery areas within the site shall be provided in accordance with Section 3.09(D), and shall be adequate to meet the anticipated needs of the use in a manner that does not interfere with parking, internal circulation and landscaping.

(3) Landscaping. Landscaping shall enhance the features and conditions unique to each site, and should include a combination of shade trees (deciduous and/or coniferous), deciduous and evergreen shrubs, well kept grasses and ground covers. Landscaping is required in front and side yards, adjacent to parking areas, and where rear yards abut residential properties or public roads.

(a) Landscaping plans shall emphasize the following:

[1] The preservation of existing ground cover and trees, especially those that are mature or determined to be of special horticultural or landscape value.

[2] The use of both deciduous and coniferous shade trees in available yard area, especially front and side yards, parking areas and along street lines. Shade trees should be placed to interrupt the facades of buildings, breakup expanses of parking, visually reduce the scale and bulk of large buildings, integrate the site with surrounding properties, establish a linear pattern of street trees along road frontage, and enhance environmental quality (e.g., wildlife habitat, soil stabilization, stormwater retention, air quality, energy conservation).

[3] The use of flowering ornamental trees to complement shade trees in instances where large yard areas exist, and where space limitations prevent the planting of shade trees.

[4] Landscaping beds which enhance the general appearance of the site, define planting strips and buffer areas and minimize the amount of grass lawn area. Such beds are not to be considered a substitute for tree plantings or other open space requirements.

[5] A mix of evergreen and flowering shrubs and bushes should be used adjacent to buildings, within planting beds and to complement shade trees and other landscaping features.

(b) In addition, landscaping plans are subject to the following:

[1] Shade trees shall be a minimum of 2.5 inches caliper (trunk diameter), measured at a height of five feet, or, in the case of coniferous trees, be a minimum of eight feet in height, unless otherwise specified by the Board upon consideration of site conditions; be a species with a substantial life expectancy and a tolerance for soil compaction, drought and, if located along street lines, salt; and be of native origin, provided that they meet the above criteria. The planting of single gender deciduous trees shall be avoided.

[2] The Board may require the submission of a three year plan for all proposed landscaping. Bonding or other surety may be required to ensure installation and maintenance.

(4) Screening. Sufficient screening shall be provided when the Development Review Board determines that adequate screening is not provided by topographical or other barriers. Screening shall be required where a more intensive land use is proposed to abut a less intensive use; adjacent to garbage collection and utility areas, satellite antennas, outdoor storage, and loading and unloading areas and other outdoor utilities and facilities; and when the project adversely impacts adjacent properties (e.g., lighting, outdoor storage, etc.). In addition:



(a) Screening shall provide a year-round visual screen, particularly from roads. A diversity of materials to create a naturalized screen is encouraged rather than a large expanse of uninterrupted, uniform material so long as sufficient screening is obtained. Materials may include fencing, shade trees, evergreen and flowering shrubs, rocks, mounds or combinations thereof to achieve the same objectives.

(b) Arrangement of screening shall provide protection to adjacent properties and avoid damage to existing plantings. If re-contouring of the site is proposed, the side slope shall be used for plantings. A maximum of 4:1 slope is recommended.

(5) Bicycle and pedestrian access. On-site pedestrian circulation linked to pedestrian facilities located on adjacent properties and/or along public roads, and to on-site parking areas, shall be provided. Such access shall take the form of sidewalks for walking and bicycling, or other facilities depending upon the property's location, site conditions and proximity to other bicycle/pedestrian facilities. Access points at property edges shall be coordinated with existing and planned development to provide pedestrian connections between uses. Bicycle racks shall be required for commercial and public uses intended for general public access. In addition, adequate access from the parking area and sidewalks to the building(s) that are open to the general public shall be provided for people with disabilities.

(6) Outdoor storage and display. The outdoor storage or display of goods, supplies, vehicles, equipment, machinery or other materials is prohibited unless specifically approved by the Board and/or specifically permitted within particular districts. Secured, covered and screened areas shall be provided for the collection and on-site storage of trash and recyclables generated by the proposed development. In approving such outdoor display or storage, the Board may place conditions on the area and location of such storage or display, and shall require appropriate screening.

(7) Building design. Buildings shall not be designed to function as advertisements through the use of garish color schemes; internal illumination of roofs, facades or awnings; oversized display windows; the integration of oversized logos and advertising features into the building's design; or formulaic or homogeneous architectural design based on a national standard for a particular business or franchise that is not consistent with historic building types and designs typical of Norwich.

(8) Lighting. To ensure appropriate lighting while minimizing its undesirable effects, the following general standards apply to all outdoor lighting with the exception of temporary holiday lighting which is exempt:

(a) In addition to information regarding exterior lighting fixtures, including fixture type, mounting location and height, illumination levels and distribution, and color, submitted as part of the application, a lighting plan, prepared by a qualified engineer or lighting expert may be required for projects determined by the Development Review Board to pose a potential for significant off-site impact due to the number, location and intensity of proposed lighting fixtures.

(b) Outdoor lighting fixtures shall be limited to recessed, shielded or cutoff fixtures so that no light from fixtures is emitted directly or indirectly at an angle less than 15° below the horizontal and the light source shall not be visible from adjacent lots, roads, or waters. The Color Rendering Index (CRI) shall be appropriate for the location of the site and compatible with adjacent

properties. In most situations a CRI of over 80 is acceptable. Building or pole mounted, non-reflective lights using an incandescent bulb of 100 watts or less not used to illuminate a sign are allowed.

(c) All outdoor lighting shall be kept to the minimum required for safety, security and intended use, consistent with the character of the neighborhood and zoning district in which it is located. To determine appropriate lighting levels for a particular use or site, the Board may consider technical resources, such as The Outdoor Lighting Manual for Vermont Municipalities and publications of the Illuminating Engineering Society of North America (IESNA).

(d) Parking lot lighting shall comply with the standards for maximum mounting height, minimum illumination (at darkest spot) and uniformity ratio as set forth in The Outdoor Lighting Manual for Vermont Municipalities. The Board may waive these standards for good cause if application thereof is inappropriate or unduly burdensome so long as excessive lighting does not result and the proposed lighting scheme otherwise meets the requirements of this section. Applicants may also be required to use lower mounting heights and illumination levels. Lighting of parking lots in the Rural Residential District is generally discouraged except for minimum security needs.

(e) Outdoor lighting fixtures should include timers, dimmers, and/or sensors to reduce energy consumption and eliminate unneeded lighting.

(f) The use of street or security lighting is only permitted if unusual or hazardous conditions require it. Security lighting, where deemed necessary by the Board, shall be shielded and aimed so that illumination is directed only on to the designated area and not cast on other areas.

(g) Exterior building facades shall not be illuminated. The Board may approve the exterior illumination of buildings with symbolic or historic significance, provided the maximum illumination on any vertical or angular roof surface does not exceed 5.0 footcandles; fixtures are carefully aimed and shielded so that light is only directed onto the building surface; and lighting fixtures are mounted on or near the building, preferably directed downward, and are designed to "wash" the facade with light.

(h) Except for approved security lighting, outdoor fixtures shall only be illuminated during the hours of operation for nonresidential uses unless specifically approved by the Board. Hours of operation shall include any time up to one hour before or after all employees and patrons or customers have vacated the premises. Inns and Bed-and-breakfasts are considered open on a twenty-four-hour basis.

(9) Stormwater management. To prevent water quality degradation and to minimize impacts on surrounding properties and Town infrastructure, development shall be sited and designed to minimize stormwater runoff and prevent erosion during all phases of development. Land development shall incorporate Low Impact Development (LID) stormwater management and erosion control practices where feasible. The Board may require the preparation and implementation of a stormwater management plan as appropriate for the setting, scale and intensity of the proposed development. Plans, if required, shall include provisions for the inspection and long-term maintenance of stormwater management and erosion control practices and be prepared by a qualified licensed engineer that incorporates the LID approach for site design and stormwater management where feasible and the accepted management practices recommended by the state in the

Vermont Stormwater Management Manual and the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites, as amended. The Board may, at the expense of the developer, conduct an independent review of the plans. Site plan approval may be granted by the Board upon finding that the proposed development will:

- (a) Conserve and protect the natural hydrologic assets and functions of a site. Direct development away from sensitive environmental areas, and preserve native vegetation, soils, and existing drainage courses.
- (b) Create opportunities to retain all runoff on site. Stormwater shall be filtered and infiltrated into the ground by directing runoff away from impervious areas and engineered drainage systems and into areas of natural vegetation. All storms up to one-inch must be captured and infiltrated on-site. The infiltration rate calculations of the system must be based on data collected in the field. Use green space, flatten slopes, disperse drainage, increase distance from streams, maximize sheet flow and incorporate other Integrated Management Practices (IMPs).
- (c) Minimize impacts of development at all stages. Minimize clearing, grading and limit lot disturbance. Save A and B (top) soils. Reduce impervious surfaces, pipes, curb and gutters. Discontinue engineered drainage systems where feasible.
- (d) Use a decentralized stormwater management system of small-scale controls that are located near the sources of runoff generation. These controls shall be designed to store, infiltrate, filter and release runoff the way natural areas do and shall limit the post-development peak discharge rate to less than or equal to the pre-development peak discharge rate based on a two- and ten-year, twenty-four-hour storm event. IMPs provide a variety of on-site opportunities to control the volume and peak runoff rates of stormwater and to filter pollutants.

Compliance with the Vermont Stormwater Regulations as evidenced by an approved State Permit will indicate compliance with this section.

(10) Protection of natural resources. Proposed development shall not have an adverse impact on important natural resources or features located on the parcel, including wetlands, steep slopes, rivers and streams, critical wildlife habitat and habitat diversity, groundwater source protection areas, floodplains and/or the other features in Section 3.13, identified in the Town plan, zoning overlay maps, or through field investigation. The Board may require the following protection measures to ensure the protection of natural resources and features:

- (a) Establishment of buffer areas;
- (b) Permanent protection as designated open space;
- (c) Designation of development envelopes to ensure that activities incidental to the operation of the development use, including clearing and yard area, do not adversely impact identified resources;
- (d) Preparation and implementation of management plans for protected resources and associated buffer areas; and/or
- (e) Such other measures as noted in § 215-3.3 of the Norwich Subdivision Regulations.

(11) Historic structures. Consideration shall be given to the impact of the proposed develop-

ment on historic structures on the site or on adjacent properties. To the extent feasible, continued use of existing historic structures is encouraged; the exterior appearance of historic structures should be protected, and the visual context of historic structures should be maintained.

(12) Fire and public safety. Consideration shall be given to measures necessary for fire and public safety including the location of fire hydrants or other fire protection measures, access to buildings by emergency vehicles and personnel, and proper storage of hazardous or toxic substances. The DRB may request the fire and police departments to review the development plans and make recommendations.

(13) Underground utilities. For new construction, all new utility systems, which may include but not be limited to electric, gas, telephone, fiber optics, and television cable, shall be located underground, unless doing this is deemed unreasonable and prohibitively expensive by the DRB due to site conditions.

D. District standards. To ensure that development is designed in a manner that is consistent with the existing and desired character of the district within which it is located, the following standards shall apply within the specified district.

(1) Village Business (VB) District. Within the Village Business District development shall meet the following standards:

(a) Buildings and associated site design shall reinforce a well-defined streetscape by being located as close to the front setback as practical. Where the placement of a building along the front setback is not practical due to preexisting site conditions, landscaping features, such as low walls and planting materials, should be incorporated along the setback line to create a transition between the public right-of-way and the site.

(b) Buildings should be oriented toward and relate to, both functionally and visually, streets and/or common greens, parks or plazas, and not be oriented toward parking lots. The front facade should include a main entry-way and pedestrian access to the street.

(c) Buildings, and modifications to existing buildings, shall be designed in a manner that is compatible with, and does not stand in contrast to, nearby historic structures with regard to building scale, massing, materials, orientation and rhythm of openings (fenestration).

(d) Large expanses of undivided glass and/or monolithic walls shall be avoided.

(e) Buildings shall be a minimum of 1 1/2 stories in height, with the exception of accessory structures with a building footprint of less than 500 square feet.

(f) At the boundary between the VB District and the Village Residential (VR) District, the following requirements shall be met unless waived by the Board:

[1] Stored materials or refuse containers between a building in the VB District and the VR District boundary line shall be screened by a fence or by shrubs or trees which would provide comparable concealment.

[2] Parking areas in the VB District shall be screened by a fence or by shrubs or trees which would provide comparable concealment.

[3] Open land in the front, side or rear yard of a property in the VB District, contiguous with

a property in the VR District shall meet the general landscaping requirements of Section 5.03(C)(3).

(2) Village Residential (VR) District. Within the VR District development shall meet the following standards:

(a) The use of front yards shall be limited to landscaping, pedestrian paths and associated pedestrian amenities (e.g., street furniture, pedestrian scale lighting and signs) and driveways. Outdoor storage, parking and loading areas shall not be located within front yards unless the Board finds that the property is a preexisting building and that no other practical alternative exists.

(b) Buildings should functionally and visually be oriented toward and relate to public streets and/or common greens, parks or plazas, and not be oriented toward parking lots. The front facade should include an entry-way and pedestrian access to the street. The Board may impose a maximum setback, relative to adjacent buildings, to achieve a consistent streetscape.

(c) The size, scale, and massing of new buildings, including height, width, street frontage and roof type, shall be compatible and harmonious with surrounding residential structures. Consideration may be given to buildings serving special civic, social or cultural functions, including places of worship, that may be designed to serve as prominent focal points within the district.

(3) Commercial/Industrial (CI) District. Where any land use in the Commercial/Industrial District abuts land in any residential district, a strip of land at least 25 feet in width shall be maintained as a landscaped buffer unless waived by the Development Review Board.

(4) Rural Residential (RR) District(s). Development within the RR District(s) shall meet the following standards:

(a) Site design shall be configured to reinforce the district's rural character and historic working landscape, characterized by wooded hillsides and knolls, open fields, and a visual and functional relationship of structures to the surrounding landscape.

(b) Buildings shall be designed in a manner that is compatible with architectural styles within the district with regard to building scale, size, massing and materials.

(c) Buildings shall be sited in a manner that avoids placement on primary agricultural soils or other open farmland, and shall be blended into the site by appropriate landscaping and/or the use of topographic features, or may be required to be screened from view.

(d) Parking for nonresidential uses shall be screened from public view and shall not be located within 75 feet of a property boundary.

E. Procedure for bonds. In the event use or occupancy is to occur prior to completion of the proposed development, the DRB may require a performance bond, escrow account or other surety acceptable to the Town Manager and approved by the Selectboard to ensure completion of the development on the terms and conditions approved by the DRB. This requirement is in addition to any bonding for landscaping. [Title 24, § 4464(b)(6).]

**§ 240-5.04. Conditional use review.**

A. Purpose. In addition to addressing site design considerations through the application of

site plan review standards, conditional use review is intended to ensure compliance with standards addressing the impact of certain proposed land uses on adjacent properties, the neighborhood and/or zoning district in which the project is located, and the community at large. Typically, land uses are subject to conditional use review because the scale, intensity or potential off-site impacts warrant careful scrutiny by the Development Review Board. Standards and conditions emphasize those considerations in which off-site impacts of a proposed project can be identified, avoided and/or mitigated.

B. Determination by zoning administrator. The Zoning Administrator may determine whether a conditional use approval is needed for a proposed use in which all applicable provisions of these regulations have been satisfied (e.g., if there will be no increase in the number of clients and customers or the number of parking spaces). In the event that there is no change in site conditions or circumstances involving one or more applicable provision of these regulations, the Zoning Administrator may issue a zoning permit in accordance with Section 6.01 without Development Review Board review under this section. Conditional uses approved under this provision shall be subject to Site Plan Review.

C. Review process. Upon determination that review is required, and the application as submitted is complete for review by the Development Review Board, subject to requests for waivers of application requirements, the Zoning Administrator shall schedule a public hearing of the Development Review Board, warned in accordance with Section 6.06(D). Once the public hearing is opened, the Board shall determine if the application is complete and decide whether any waivers of application requirements shall be granted. If not, or if the Board requires additional information for the application, the public hearing may be recessed to another date certain for continuation of that hearing. Once all information required by the Board has been submitted, the Board shall close the hearing and act to approve, approve with conditions, or disapprove an application for conditional use review within 45 days after the date the hearing was closed; and shall issue a written decision to include findings of fact, any conditions, and procedures for appeal. The application shall be deemed approved by the Board on the 46th day in the event that the Board fails to act within 45 days of the adjournment of the hearing.

D. General standards. Conditional use approval shall be granted by the Development Review Board upon finding that the proposed development will not result in an undue adverse effect on the following:

(1) The capacity of existing or planned community services or facilities. The Board shall consider the demand for community services and facilities resulting from the proposed development in relation to the available capacity of such services and facilities. Available capacity may be determined in part through consultation with other municipal and/or state officials having jurisdiction over affected services and facilities, and consideration of any capital budget and program in effect. Conditions may be imposed as appropriate to ensure that the demand for community facilities or services does not exceed existing or anticipated available capacity.

(2) The character of the area affected. The Board shall consider the location, scale, size, mass, materials, type, density and intensity of use associated with the proposed development in relation to the character of the area likely to be affected, as defined by the Board based on the Norwich Town Plan, applicable zoning district purposes and standards, submitted materials, and testimony presented at public hearing. Conditions may be imposed as appropriate to ensure pro-

ject compatibility with the character of the area affected.

(3) Traffic on roads and highways in the vicinity. The Board shall consider the projected impact of traffic resulting from the proposed development on the capacity, safety, efficiency and use of affected public roads, bridges, and intersections. The Board will rely on accepted transportation standards in evaluating traffic impacts, and shall not approve a project that would result in the creation of unsafe conditions for pedestrians, bicyclists, or motorists, or unacceptable levels of service for roads, highways and intersections, unless such conditions or levels of service can be mitigated by the applicant through physical improvements to the road network and/or traffic management strategies, or improvements in public transportation.

(4) Ordinances, bylaws and regulations in effect. The Board shall consider whether the proposed development complies with all ordinances, bylaws, and regulations in effect at the time of application, including other applicable provisions of this bylaw, other municipal permit and/or approval conditions (e.g., subdivision, highway access). Conditions may be imposed or incorporated as appropriate to ensure compliance with other municipal regulations, bylaws and ordinances in effect.

(5) The utilization of renewable energy resources. The Board shall consider whether the proposed development will interfere with the sustainable use of renewable energy resources, including access to, direct use or future availability of such resources.

(5) Conditions may be imposed as appropriate to ensure long-term access, use and availability of such resources.

E. Site plan standards. In addition to the general standards set forth in subsection (D), the Development Review Board shall also apply all applicable site plan review standards set forth in Section 5.03(C) and (D). Compliance with such standards shall be a requirement of conditional use approval.

F. Additional standards. In permitting a conditional use, the Development Review Board may impose, in addition to the standards expressly specified by these regulations, other conditions it finds necessary to implement the purposes of these regulations. These conditions include, but may not be limited to, the following:

- (1) Increasing the required lot size or yard dimensions in order to protect adjacent properties.
- (2) Controlling the location and number of vehicular access points to the property.
- (3) Limiting the number, location, and size of signs.
- (4) Requiring suitable landscaping where necessary to maintain the property in a character in keeping with the surrounding area.
- (5) Specifying a time limit for beginning the construction, alteration, or enlargement of a structure to house a conditional use.
- (6) Requiring that any future enlargement or alteration of the use be reviewed by the Development Review Board to permit the specifying of new conditions.
- (7) Requiring plans for the sale, storage or disposal of hazardous or toxic substances.

(8) Requiring compliance with performance standards in Section 3.10.

**§ 240-5.05. Flood hazard review.**

A. Review procedures. All development within the flood hazard area overlay district, with the exception of permitted uses within the district as identified in Table 2.7, shall be subject to conditional use review by the Development Review Board under Section 5.04 and the following flood hazard area regulations. Permitted uses within the underlying district, which would otherwise not be subject to conditional use review, are not required to meet conditional use standards under Subsections 5.04(D), (E) and (F). Conditional uses within the underlying district are subject to both conditional use and flood hazard area requirements. Permitted uses requiring site plan review under Section 5.03 may, at the discretion of the Board, be reviewed under Section 5.03 and this section concurrently.

B. Development standards:

(1) Floodway areas.

(a) Development, except for minor improvements to existing structures or relating to bridges, culverts, roads or stabilization projects, within the regulatory floodway is prohibited. Such exceptions require conditional use approval prior to permitting and must comply with the other standards in Section 5.05(B) demonstrated through hydrologic and hydraulic analyses performed and certified in accordance with standard engineering practice by a registered professional engineer that the proposed development will result in no increase in flood levels during the occurrence of the base flood.

(b) Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

(c) Wastewater Systems are prohibited within the floodway.

(d) In areas within the flood hazard overlay district where no regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(2) Floodway fringe areas. (i.e., special flood hazard areas outside of the floodway). All development shall be reasonably safe from flooding and:

(a) Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,

(b) Constructed with materials resistant to flood damage,

(c) Constructed by methods and practices that minimize flood damage, and

(d) Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Residential development.



- (a) Construction of new residential structures is not permitted.
- (b) Existing buildings to be substantially improved that are located in Zones A, A1-30 and AE shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation.
- (c) Existing manufactured homes to be substantially improved that are:
  - [1] Located in a new manufactured home park or subdivision, outside of a manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in a manufactured home park or subdivision which has incurred substantial damage from a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement during the occurrence of the base flood; or
  - [2] Located in an existing manufactured home park, where elevating a replacement home to or above base flood elevation is not possible, shall have the lowest floor supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and securely anchored to an adequately anchored system to resist flotation, collapse, and lateral movement.
- (4) Nonresidential development:
  - (a) Construction of new nonresidential structures is not permitted.
  - (b) Existing buildings to be substantially improved located in Zones A, A1-30, AE (See FIRM panels) shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that below 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.
  - (c) A permit for a building proposed to be floodproofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
- (5) Subdivisions:
  - (a) New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than either 50 lots or five acres shall include base flood elevation data.
  - (b) Subdivisions (including manufactured home parks) shall be designed to ensure that:
    - [1] Such proposals minimize flood damage within the flood-prone area,
    - [2] Public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage,
    - [3] Drainage is adequate to reduce exposure to flood hazards, and

[4] Any access roads to habitable structures or critical facilities are at least one foot above base flood elevations and able to withstand a one-hundred-year event without failure or overtopping.

(6) Enclosed areas below the lowest floor.

(a) Enclosed areas below the lowest floor which are subject to flooding shall be used solely for parking of vehicles, building access; or storage and such a condition shall clearly be stated in any permits.

(b) Existing buildings to be substantially improved with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

(c) Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings 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. Recreational Vehicles placed on sites with special flood hazard areas shall either:

(a) Be on the site for fewer than 180 consecutive days,

(b) Be fully licensed and ready for highway use, or

(c) Be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Section 5.04(B)(2) and (3).

(8) Accessory structures. A small accessory building (footprint area less than 600 square feet) that represents a minimal investment need not be elevated to the base flood elevation provided the building:

(a) Is not used for human habitation,

(b) Is designed to have low flood damage potential,

(c) Is constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters,

(d) Is firmly anchored to prevent flotation, and

(e) Has service facilities such as electrical and heating equipment elevated or floodproofed.

(9) Water supply systems. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

(10) Sanitary sewage systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(11) On-site wastewater disposal systems. On-site wastewater disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(12) Watercourse carrying capacity. The flood and sediment carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

C. Duties and responsibilities of the zoning administrator. The Zoning Administrator shall maintain a record of:

- (1) All permits issued and denied for development in areas of special flood hazard;
- (2) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings;
- (3) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been floodproofed;
- (4) All floodproofing certifications required under this regulation; and
- (5) All variance actions, including justification for their issuance.

D. Variances to the development standards.

(1) Variances shall be granted by the Development Review Board after a hearing noticed in the same manner as for a conditional use and only in accordance with 24 V.S.A. § 4469 and the criteria for granting variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations.

(2) A decision in favor of the appellant shall be granted if all the following facts are found, and the supporting findings are specified in the decision:

(a) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located;

(b) Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

(c) Unnecessary hardship has not been created by the appellant;

(d) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare;

(e) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan; and

(f) The variance will not result in increased flood heights, increased susceptibility to flooding or erosion, additional threats to public safety or infrastructure (including emergency services

during flood events), or extraordinary public expense.

E. Application requirements. In addition to a development review application prepared in accordance with Table 5.1, an applicant for conditional use review within the flood hazard area overlay district shall submit to the Zoning Administrator the following:

- (1) The location on the site plan and elevations of all roads, water supply and wastewater facilities in relation to the channel, floodway, and base flood elevations;
- (2) A completed FEMA "Elevation Certificate" prepared by a registered surveyor, engineer, architect or other state official who is authorized by the state to certify building elevation information;
- (3) Where floodproofing is proposed (as allowed for nonresidential buildings), a completed FEMA "floodproofing certificate" prepared by a qualified licensed engineer or licensed architect appropriate to this issue who is authorized by the state to certify floodproofing design and construction;
- (4) A hydraulic analysis for development located within the floodway; and
- (5) A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

F. Warning of disclaimer of liability. This ordinance does not imply that land outside of the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Norwich or any Town official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

G. Enforcement and penalties.

- (1) It shall be the duty of the Zoning Administrator to enforce the provisions of this ordinance. Whenever any development occurs contrary to these flood hazard area regulations, the Zoning Administrator shall follow the same procedure as in Section 6.05 and shall notify the landowner in the Notice of Violation that failure to cure may result in loss of flood insurance.
- (2) If the violation is not remedied within seven days, or appealed, the Zoning Administrator shall mail a copy of the notice of violation to the state NFIP Coordinator and the Administrator of the National Flood Insurance Program. Section 1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of their flood hazard area regulations. The notice shall consist of:
  - (a) The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
  - (b) A clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
  - (c) A clear statement that the public body making the declaration has authority to do so and a citation to that authority;
  - (d) Evidence that the property owner has been provided notice of the violation and the pro-

spective denial of insurance; and

(e) A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

H. Definitions. As used in this section, the following terms shall have the meanings indicated:

**BASE FLOOD** — The flood having a 1% chance of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION (BFE)** — The height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.

**BASEMENT** — Any area of the building having its floor elevation subgrade (below ground level) on all sides.

**BUILDING** — Any structure used for the shelter or accommodation of persons, animals, goods, personal property, or equipment, which has a roof supported by columns or walls. For development within the flood hazard area overlay district, this definition also includes a gas or liquid storage tank that is principally above ground. See also Structure.

**DEVELOPMENT** — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** — 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 floodplain management regulations adopted by a community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

## **FLOOD**

(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 ab-

normal 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 hazard areas and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY** — An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood related erosion hazards.

**FLOODPLAIN OR FLOOD-PRONE AREA** — Any land area susceptible to being inundated by water from any source (see definition of "flood").

**FLOODPROOFING** — 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** — 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.

**HISTORIC STRUCTURE** — Any structure that is:

- (1) 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;
- (2) 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;
- (3) 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
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (a) By an approved state program as determined by the Secretary of the Interior; or
  - (b) Directly by the Secretary of the Interior in states without approved programs.

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

**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."

**MANUFACTURED HOME PARK OR SUBDIVISION** — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**NEW CONSTRUCTION** — For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

**RECREATIONAL VEHICLE** — A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**SPECIAL FLOOD HAZARD AREA** — Is the land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

**START OF CONSTRUCTION** — Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

**STRUCTURE** — For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means:

- (1) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;
- (2) A manufactured home; or
- (3) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws. For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (3) of this definition, or a gas or liquid storage tank.

**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, the cost of which 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:

- (1) 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
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**VIOLATION** — The failure of a structure or other development to be fully compliant with the community's floodplain management 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.

**§ 240-5.06. Planned unit developments.**

A. Purpose. Planned Unit Developments (PUDs), authorized under the Act [§ 4417], are allowed in designated zoning districts to allow landowners to present to the Development Review Board development plans that differ from the basic requirements of the zoning regulations in cases where an alternative configuration may promote more desirable development design that achieves the goals and objectives of the Town Plan. PUDs are encouraged in designated districts to:

- (1) Enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land;
- (2) Increase density, reduce lot size and/or facilitate the adequate and economical provision of streets and utilities in a cost effective manner;
- (3) Cluster development to encourage the preservation of productive farmland, forest and



wildlife habitat, and enhance Norwich's rural character as described in the Town Plan;

(4) Accommodate new development in a manner that maintains the Town's historic settlement patterns, and protect significant natural, cultural and scenic features as described in the Town plan;

(5) Provide opportunities for a diversity of housing types, and promote affordable housing and moderate-income housing in appropriate locations; and/or

(6) Be consistent and harmonious with the historic settlement patterns, scale, size, and mass in its respective zoning district.

B. Applicability. Planned Unit Development (PUD) provisions may be applied, at the request of an applicant, to any sized parcel within the Rural Residential District, or the Village Residential I and II Districts, and any other subsequently created district which expressly so provides. Any change to an approved PUD shall require an amendment to the prior approval in accordance with this section. Adjoining landowners may combine all or a portion of contiguous parcels for the purpose of submitting a joint PUD application provided such property owners intend that each of their properties will:

(1) Be subject to all requirements and conditions of PUD approval issued in accordance with this section, and

(2) Upon approval of the application, be subject to the terms and conditions established by the Development Review Board in approving the official development plan.

C. Application procedures and coordination with other review processes. Applications for PUDs shall be reviewed in accordance with the following procedures:

(1) One or more pre-application conferences are encouraged at which the Development Review Board and interested municipal officials may exchange information with the applicant and understand the nature and scope of the applicant's proposal.

(2) Upon determination that review is required, and the application as submitted is complete for review by the Development Review Board, subject to requests for waivers of application requirements, the Zoning Administrator shall schedule a public hearing of the Development Review Board, warned in accordance with Section 6.06(D). Once the public hearing is opened, the Board shall determine if the application is complete and decide whether any waivers of application requirements shall be granted. If not, or if the Board requires additional information for the application, the public hearing may be recessed to another date certain for continuation of that hearing. Once all information required by the Board has been submitted, the Board shall close the hearing and act to approve, approve with conditions, or disapprove an application for conditional use review within 45 days after the date the hearing was closed; and shall issue a written decision to include findings of fact, any conditions, and procedures for appeal. The application shall be deemed approved by the Board on the 46th day in the event that the Board fails to act within 45 days of the adjournment of the hearing.

(3) Application for a PUD shall be filed with the Zoning Administrator simultaneously with additional applications for subdivision review, variances, and Conditional Use, if needed. All PUD applications will be reviewed under the criteria for subdivisions in the Norwich Subdivi-

sion Regulations, Site Plan Review in NZR Section 5.03, and PUDs in this section. In addition to the application materials set forth in Table 2.2 of the subdivision regulations, the application for a PUD must include the following:

- (a) A narrative master plan which, together with all required submission materials, shall comprise the official development plan for the PUD. Such master plan shall include a brief summary of the project and how it meets the standards set forth in this section. In addition, the master plan shall describe the nature of all proposed modifications or changes of existing land use and development regulations, including those in § 215-3.3 of the Subdivision Regulations, and all proposed standards and criteria for the design, bulk and spacing of buildings and sizes of lots and open spaces.
- (b) Application materials required for Site Plan Review set forth in Table 5.1.
- (c) Any additional materials required by the Board under subsection (C) or (D).
- (d) Applications of PUDs may be reviewed simultaneously with applications for subdivision review in accordance with the requirements and procedures set forth in the Norwich Subdivision Regulations. If a subdivision is not proposed, the PUD application shall be subject to subdivision review standards set forth in Article III of the Norwich Subdivision Regulations. PUD applications shall also be subject to site plan review standards set forth under NZR Subsections 5.03(C) and (D). Approval granted by the Development Review Board under this section for a PUD involving a use which requires site plan in accordance with Section 5.03 may be exempted from such review should the Board find in the course of granting PUD approval that the proposed PUD meets applicable site plan review standards.
- (e) Approval granted by the Development Review Board under this section for a PUD involving one or more conditional use under Section 5.04 shall not exempt the proposed development from such review. The Board may, however, conduct the conditional use review concurrently with PUD review.
- (f) Within 45 days after the close of the final public hearing, the Development Review Board shall approve or deny the PUD application. This Decision shall include a clear indication of all approved modifications of developmental standards. The Development Review Board may, as a condition of granting approval, impose such restrictions and conditions related to the location, scale, density, intensity or overall design of future development within the PUD as the Board deems necessary. Subdivision, site plan, or conditional use approval may be granted simultaneously with approval of the PUD application. The applicant shall be notified by certified mail of the Development Review Board's decision.
- (g) Nothing herein permitting a PUD shall be construed to limit the right of the Development Review Board to grant special exceptions or variances which are permitted by these regulations or by statute. Approval of a PUD application does not nullify or change any existing zoning regulation affecting the project land not specifically modified in connection with the Development Review Board's approval of that application.

D. Standards. All Planned Unit Developments (PUDs) shall meet the following standards:

- (1) Any residential use permitted in the district in which the PUD is located is permissible under the PUD, including home occupations as provided in Section 4.08. A PUD may include, at

the discretion of the Development Review Board, dwelling units of varied types, including single- and two-unit dwellings and multi-unit dwellings in districts where permitted.

(2) Certain nonresidential uses, designed primarily to service the residents of a PUD, also are permitted. Examples of such uses include: recreational facilities; day care facilities; and accessory uses.

(3) The PUD shall be an effective and unified treatment of the development possibilities on the site, and the development plan shall make appropriate provision, where applicable, for the protection of: wetlands; steep slopes, prominent knolls and ridgelines; wildlife habitat and natural areas; historic and cultural resources; farm land; forest resources; scenic areas and other unique features as described in Section 3.13.

(4) The overall density of the project shall not exceed: a) in the case of property within the Rural Residential District: the number of units permitted based upon maximum allowable density calculated pursuant to Section 3.2 of the Subdivision Regulations; or b) in any other district, the number of units permitted if the land were subdivided into lots in accordance with the standards for the district(s) in which the land is situated; provided, however that, in each of the above instances, the permitted density so determined may be increased as permitted below to reflect:

(a) A density bonus of up to 25% of the permitted overall density in the Rural Residential District in instances in which not less than 60% of the total acreage is set aside in the deed as open space in accordance with Section 3.10 of the Subdivision Regulations; or

(b) A density bonus of up to 25% of the permitted overall density in the Village Residential I District in instances where the PUD complies with the standards set forth in subsection (10) below; or

(c) Except in the Village Residential II District, a density bonus of 25% of the permitted overall density, in accordance with Section 4407(3) of the Act, in instances in which not less than 20% of the total number of dwelling units created are affordable housing units, as defined in Section 7; or

(d) Except in the Village Residential II District, a density bonus of up to 50% of the permitted overall density, in accordance with Section 4407(12) of the Act, in instances in which not less than 50% of the total number of dwelling units created are affordable housing units, as defined in Article VII, or a density bonus of up to 195% of the permitted overall density in the Village Residential II District in instances in which not less than 70% of the total number of dwelling units created are affordable housing units or moderate-income housing units as defined in Article VII, which housing shall remain affordable in perpetuity.

(d) Note: Fractional density bonuses are not rounded up.

(5) A greater concentration or intensity of residential development may be located within some portion(s) of the site offset by open space areas designed to enhance the scenic qualities of the site and the neighborhood with reference to historic settlement patterns, the working landscape, and natural resource features.

(6) The PUD shall be consistent with the goals and objectives of the Town Plan.

(7) The PUD shall result in no greater burden on present and planned municipal services and

facilities than would result from traditional development of the parcel with the same number of units as proposed in the PUD. The available public or private facilities and services, including schools, streets, emergency services, and utilities, will be adequate to provide service to the proposed PUD. The Development Review Board shall require written certification from Town departments that the Town has adequate resources to support any proposed PUD with five or more units, and may require this certification for any proposed PUD with less than five units.

(8) The Development Review Board may restrict points of access to state or Town highways and, subject to Norwich Selectboard approval, where necessary, require improvements to roads to meet Town road or private highway specifications.

(9) The layout, number, configuration of lots and placement of buildings shall be consistent with the historic pattern, size, mass, and scale of development found within the applicable district and support the goals of the Town Plan.

(10) In addition to the standards set forth in subsections (1) through (9) above, a PUD within the Rural Residential District shall be designed to blend new development into the rural landscape and maintain important natural, scenic and cultural resources as described in the Town Plan. Accordingly, PUDs in that district are encouraged to be designed in accordance with the standards for either crossroads hamlets or farmstead clusters, as described below:

(a) Crossroads hamlet. A proposed PUD may be designed in a manner which replicates a traditional crossroads hamlet, characterized by a concentration of residential buildings and one or more prominent cultural, community or civic structures, located at a road intersection.

(b) Farmstead cluster. A proposed PUD may be designed in a manner which replicates a traditional Vermont farmstead, characterized by a variety of building scales, which visual character is typified by the appearance of a principal dwelling and a mix of agricultural buildings (e.g., barns and outbuildings) located within a compact area surrounded by open farmland. Such a farmstead cluster shall be designed to include:

[1] A contiguous grouping of dwellings within a compact area, in which the inclusion of multi-unit, affordable housing and moderate-income housing is encouraged;

[2] No fewer than three dwelling units within a single farmstead cluster. Multiple farmstead clusters may be placed on a single parcel provided they are separated by adequate open space;

[3] No fewer than 25% of the units being affordable housing or moderate-income housing as defined in Section 7.02; and

(c) Notwithstanding Section 5.06(D)(1), farmstead clusters may include multi-unit dwellings.

(11) In addition to the standards set forth under (1) through (7) above, a PUD within any Village Residential District shall be, at a minimum, designed in the following manner:

(a) Development envelopes should be established so that buildings front upon and are oriented toward roads or common areas.

(b) Roads and driveways shall be laid out in a manner that reflects historic village street design characterized by a well defined streetscape comprised of street trees, sidewalks and/or a

consistent building setback.

(c) Adequate provision for open space and common areas shall be included in the design.

(12) All PUDs shall be three units or more.

**§ 240-5.07. Development envelope review.**

A. Purpose. Designating Development Envelopes on undeveloped lots prior to granting permits for construction of a one-unit or two-unit dwelling structure in the Rural Residential District will limit adverse effects on significant natural, scenic, and cultural resources.

B. Applicability. This section shall apply to any undeveloped lot prior to obtaining a permit for construction of a one-unit or two-unit dwelling unless a Development Envelope has already been designated for the lot by an approved subdivision decision.

C. Administrative review. If after reviewing the complete application, the zoning administrator determines that the proposed development will have no impact on farm lands, forest lands or scenic areas as defined in Section 3.13(B), the zoning administrator shall issue a permit waiving the requirement for Development Envelope Review under this section.

D. Review process. Upon determination that review is required, and the application as submitted is complete for review by the Development Review Board, subject to requests for waivers of application requirements, the Zoning Administrator shall schedule a public hearing of the Development Review Board, warned in accordance with Section 6.06(D). Once the public hearing is opened, the Board shall determine if the application is complete and decide whether any waivers of application requirements shall be granted. If not, or if the Board requires additional information for the application, the public hearing may be recessed to another date certain for continuation of that hearing. Once all information required by the Board has been submitted, the Board shall close the hearing and act to approve, approve with conditions, or disapprove an application for conditional use review within 45 days after the date the hearing was closed; and shall issue a written decision to include findings of fact, any conditions, and procedures for appeal. The application shall be deemed approved by the Board on the 46th day in the event that the Board fails to act within 45 days of the adjournment of the hearing.

E. General standards. The Development Envelope will identify and limit the location of principal and accessory structures, parking areas, and associated site development including road and utility rights-of-way or easements on one or more portions of a lot to limit adverse impact of proposed development on any of the features in Section 3.13. The Development Review Board shall consider and may impose appropriate safeguards, modifications and conditions relative to the standards in Section 3.13. A sketch depicting the location and size of the Development Envelope shall be attached to the written decision of the Development Review Board. This sketch shall also include measurements from known points on a recorded survey, Tax Maps, or on the ground to reasonably allow determination of the location of the Development Envelope.

F. Application requirements. Applicants for Development Envelope Review shall submit:

(1) A plan drawn to scale based on a survey or the latest Norwich Tax Map showing a north arrow, scale, legal property boundaries for the property and the approximate location of the proposed development envelope(s).

(2) Plans depicting the location of any of the following features or overlay districts listed in Section 3.13 that the proposed development envelope may impact. Delineation of these features may be based in Norwich GIS data or field data.

- (a) Wetlands: as defined in the Vermont Wetlands Regulations.
  - (b) Aquifer Protection Zone(s).
  - (c) Floodplains.
  - (d) Shoreline Protection.
  - (e) Ridgeline Areas.
  - (f) Steep Slopes.
  - (g) Endangered species.
  - (h) Open farm land and areas with "prime" and "statewide" agricultural soils.
  - (i) Scenic resources.
- (3) Narrative addressing impact of any of the features or overlay districts listed in (2) above.

G. Development Envelopes approved under this section shall remain effective until such time as amended by the DRB after a new hearing.

**§ 240-5.08. Ridgeline protection review.**

A. Purpose. Review the potential visual impact, as seen from public roads, of new development within the Ridgeline Protection Overlay District prior to granting permits for construction. For the purposes of this section, public roads shall include Class I, II, and III Town highways, state highways and interstate highways within the Town.

B. Applicability. This section shall apply to development within the Ridgeline Protection Overlay (RPO) District other than exempt uses in Table 2.9(E).

C. Review process. Upon determination that review is required, and the application as submitted is complete for review by the Development Review Board, subject to requests for waivers of application requirements, the Zoning Administrator shall schedule a public hearing of the Development Review Board, warned in accordance with Section 6.06(D). Once the public hearing is opened, the Board shall determine if the application is complete and decide whether any waivers of application requirements shall be granted. If not, or if the Board requires additional information for the application, the public hearing may be recessed to another date certain for continuation of that hearing. Once all information required by the Board has been submitted, the Board shall close the hearing and act to approve, approve with conditions, or disapprove an application for Ridgeline Protection Review within 45 days after the date the hearing was closed; and shall issue a written decision to include findings of fact, any conditions, and procedures for appeal. The application shall be deemed approved by the Board on the 46th day in the event that the Board fails to act within 45 days of the adjournment of the hearing.

D. General standards. Proposed development shall comply with the standards in Table 2.9 (F) and (G).

- E. Application requirements. Applicants for Ridgeline Protection Review shall submit:
- (1) A plan drawn to scale based on a survey prepared by a licensed surveyor or the latest Norwich Tax Map showing a north arrow, scale, legal property boundaries for the property and the location of the proposed development.
  - (2) Plans depicting the location of the following based on Norwich GIS data or field data:
    - (a) Ridgeline Protection Overlay District boundaries;
    - (b) Contours with intervals of 20 feet or less;
    - (c) Scenic Resources Area boundaries;
    - (d) Public and private roads; and
    - (e) Existing development.
  - (e) Note: These plans are available from the Norwich Planning Office.
  - (3) The applicant shall select one or more specific vantage points along public roads from where the proposed development may be seen. These vantage points shall be shown on a plan. The plan shall also depict areas where existing trees will be maintained or new trees will be planted to provide screening.
  - (4) The applicant may either submit a specific plan for a new or enlarged structure at a specific location or may designate a development envelope for all future structures.
  - (5) Any additional information describing the visual impact of the development as seen from public roads and measures to minimize this impact shall be submitted.
- F. Ridgeline Protection Review approval under this section shall remain effective until such time as amended by the DRB after a new hearing.

ARTICLE VI  
**Administration and Enforcement**

**§ 240-6.01. Zoning permit requirements.**

- A. Applicability.
- (1) No development, as defined in Article VII (with the exception of the exemptions listed in Section 6.02) may commence without issuance of a zoning permit by the Zoning Administrator.
  - (2) No development requiring a wastewater disposal system may commence until all required permits for the wastewater disposal system have been issued by the state. (See Vermont on-site septic regulations.)
- B. Application requirements. An application for a zoning permit shall be submitted to the Zoning Administrator on forms provided by the Town, along with any application fees as established by the Selectboard. In addition, the following information, certified by the applicant to be correct to the best of the applicant's knowledge and belief, will be required as applicable:
- (1) Permitted uses.

(a) Applications for permitted uses shall include a statement of the existing and intended use of land and structures, and be accompanied by a sketch plan, no smaller than 8 1/2 inches by 11, inches drawn to scale, that accurately depicts and includes:

- [1] The dimensions of the lot, including existing and proposed property boundaries;
- [2] The location, footprint, and height of existing and proposed structures and additions;
- [3] The location of existing and proposed easements, rights-of-way and utilities;
- [4] Setbacks from property boundaries, rights-of-way, surface waters, and wetlands;
- [5] The location and type of existing and proposed water supply, sewage treatment and disposal, and surface water drainage systems;
- [6] Description of existing and intended use of each building, lot, or part thereof, including the number of bedrooms and/or proposed occupancy (e.g., number of families, lodgers, employees);
- [7] A surveyor's plot plan, if available; and
- [8] Such other information as may be needed to determine compliance with these regulations.

(b) Note: The Zoning Administrator may waive the requirement for any of the above information if not needed to determine compliance with these regulations.

(c) An applicant signature on the application for a zoning permit is deemed to be the owner's consent to an inspection of the real estate that is the subject of the application by the Zoning Administrator and the Development Review Board.

(2) Uses requiring development review board approval. An application for development that requires approval under site plan review, conditional use, planned unit development, Development Envelope Review or flood hazard area review prior to the issuance of a zoning permit shall include, in addition to the application information under Subsection (B), application materials prepared in accordance with the applicable requirements set forth in Article V. The Zoning Administrator shall not consider any application for a zoning permit to be complete until such time as all necessary Development Review Board approvals have been granted.

C. Issuance of permits. In accordance with the Act [ §§ 4443, 4464 ] and the following requirements:

(1) The Zoning Administrator shall determine whether an application for a zoning permit is in literal compliance with a permitted use or action as defined by these Regulations. If the Zoning Administrator determines that it is in compliance, the application for permit shall be approved and the permit issued.

(2) In the event the Zoning Administrator determines that the application is not in literal compliance with a permitted use or action as defined by these regulations, the application shall be denied. The Zoning Administrator shall so notify the applicant in writing, stating the reasons for the denial and including a statement of the applicant's right to appeal that denial within 15 calendar days of the date on the written notice. The applicant may appeal the denial to the De-



velopment Review Board, as set forth below.

(3) The Zoning Administrator shall act to issue or deny the application within 30 days of the date of receipt of a complete application. A complete application includes all materials, fees, and required approvals from the Town. For uses subject to state agency referral (e.g., flood hazard area review), an application is not complete until a response has been received from the applicable state agency, or the expiration of 30 days following the submission of the application to the state, whichever is less. If the Zoning Administrator fails to act with regard to an application for a permit within 30 days, the permit shall be deemed issued on the 31st day.

(4) If public notice has been issued by the Selectboard for their first public hearing on a proposed amendment to these regulations, the Zoning Administrator shall issue a zoning permit for development that is subject to the proposed amendment only in accordance with the requirements of the Act [§ 4449(d)].

(5) Within three days following the issuance of a zoning permit, the Zoning Administrator shall deliver a copy of the permit to the listers of the Town and post a copy of the permit in at least one public place in the Town for at least 15 calendar days from the date of issuance of the permit.

D. Effective date. No zoning permit shall take effect and development may not commence until the time for appeal under Section 6.03(A) has passed or, in the event that a notice of appeal is properly filed, until final adjudication of said appeal by the DRB.

E. Permit display. In accordance with the Act [§ 4449], the notice of a zoning permit must be displayed within view from the public right-of-way nearest to the property until the time for appeal under Section 6.03(A) has passed.

F. Permit expiration. A zoning permit shall remain valid for two years from the date it is issued. In addition:

(1) If the zoning permit authorizes only a change in the use of any building or other structure, or in the use of land, the change in use must occur prior to the two-year expiration date of the zoning permit. At the expiration date of the permit, it shall become null and void and the permit is not renewable.

(2) If the zoning permit authorizes construction, reconstruction, conversion, relocation, alteration or enlargement of any building or structure, said construction activity must be initiated prior to the two-year expiration date of the zoning permit. If the construction activity is not begun, the permit shall become null and void and is not renewable.

(3) If the zoning permit authorizes construction, reconstruction, conversion, relocation, alteration or enlargement of any building or other structure (either with or without a change of use), and if said construction activity has been initiated before the two-year permit expiration, the applicant may file an application to renew the permit, without fee, with the Zoning Administrator. The application to renew must be received by the Zoning Administrator at least 30 calendar days prior to the expiration date of the original permit. A zoning permit authorizing construction activity may be renewed in this manner for up to two consecutive twelve month periods to allow for completion of construction. No zoning permit allowing construction activity shall be valid after the expiration date of the original or renewal permit, nor longer than a total of four consecu-

tive years if renewal applications are timely applied for and issued. If construction is not completed by the end of four consecutive years, the zoning permit and any renewals thereof shall become null and void.

(4) The expiration of a zoning permit under this subsection shall include the expiration of all associated zoning approvals, and at its expiration, any land development on the lot must cease. All subsequent land development, if desired, must be approved after the submission of a new application for a zoning permit and all laws and ordinances then in effect will be applicable.

G. Compliance inspections.

(1) Site plan verification. The Zoning Administrator or the DRB, as a permit condition, may require inspections at specific phases of development to verify that the development is proceeding according to the approved plan.

**§ 240-6.02. Exemptions.**

Notwithstanding Section 6.01, no zoning permit shall be required for the following:

A. Modifications of building interiors if no change of use is proposed; repairs and minor alterations (including chimneys, re-roofing or re-siding) to existing structures not resulting in any change to the exterior dimensions or height of the structure. Modifications to buildings in the Flood Hazard Overlay District may not be exempt if the modifications constitute "substantial improvement." (See Section 5.05(H)).

B. Maintenance of existing roads, driveways and infrastructure within their existing and/or approved configuration. This includes associated ditching, resurfacing, and/or relocation within existing or approved right-of-way or easement areas.

C. Site work incidental to permitted development including clearing, grading, and foundation excavation; and, minor grading and excavation associated with road and driveway maintenance (including culvert replacement and re-surfacing) and yard improvements associated with accessory uses to existing principal uses (contouring yards, establishing garden and landscape areas) that has all impacts contained within the development envelope or that does not impact any of the features listed in Section 3.13(A). Impacts shall include but are not limited to erosion or siltation from stormwater runoff.

D. Residential accessory structures such as a dog house, child's play house, shed, solar panels or similar structure, for each of which the floor area does not exceed 100 square feet and the height does not exceed 12 feet, provided that such accessory structures comply with all setback requirements for the district in which they are located and are completely contained within the development envelope or do not impact any of the features listed in Section 3.13(A).

E. The construction, repair and maintenance of residential stone walls and fences provided that they do not exceed a height of four feet and do not extend into or obstruct public rights-of-way, or interfere with corner visibility or sight distances for vehicular traffic, and provided that the construction of new fences or stone walls does not impact any of the features listed in Section 3.13(A). See Section 3.07(E) and Section 7.02 Definition - Structure.

F. Garage sales, yard sales, auctions, or related activities not exceeding three consecutive days or more than 12 days in any calendar year.

G. Accepted Agricultural Practices (AAPs) and Best Management Practices (BMPs), including farm structures, as defined by the Commissioner of Agriculture, Food and Markets in accordance with the Act [§ 4413(d)]; however, pursuant to associated state rules as most recently amended:

(1) Prior to the construction of farm structures, the farmer must notify the Zoning Administrator in writing of the proposed construction activity. The notification must contain a sketch of the proposed structure, including setbacks from adjoining property lines, road rights-of-way, and surface waters.

(2) The proposed structure shall comply with all setback requirements for the district in which it is located unless, upon written petition, the Secretary of Agriculture has approved other setbacks for the specific farm structure being constructed or expanded. Such approval shall be attached to the notification filed with the Zoning Administrator.

(3) Violations of the AAPs or BMPs may be reported to the Secretary of Agriculture for enforcement action.

H. Accepted Management Practices for silviculture (forestry) as defined by the Commissioner of Forests, Parks and Recreation, in accordance with the Act [§ 4413(d)].

I. Home offices that meet the specific standards set out in Section 4.08(A).

#### **§ 240-6.03. Appeals.**

(A) Interested person. In accordance with the act [§ 4465(a)], in addition to the applicant the definition of an "interested person" includes the following:

1. The Town of Norwich or an adjoining municipality;
2. A person owning or occupying property in the immediate neighborhood of the property that is the subject of a decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person's interests under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or bylaw of the Town;
3. Any 10 voters or property owners within the Town who, by signed petition to the Board, allege that any relief requested by a person under these regulations, if granted, will not be in compliance with the plan or bylaw of the Town; and
4. Any department or administrative subdivision of the state owning property or any interest therein within the Town or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

A. Decisions of the zoning administrator. In accordance with the Act [§ 4465], the applicant or any other interested person may appeal a decision or act of the Zoning Administrator by filing a notice of appeal with the Clerk of the Development Review Board, or the Town Clerk if no Secretary has been elected, within 15 days of the date of such decision or act. A copy of the notice of appeal also shall be filed with the Zoning Administrator.

(1) As required by the Act [§ 4468], the Development Review Board shall hold a public hearing on a notice of appeal within 60 days of the filing of the appeal. The Board shall give

public notice of the hearing as required under Section 6.06(D), and shall mail a copy of the hearing notice to the appellant at least 15 days prior to the hearing date.

(2) The Board may reject an appeal or request for reconsideration without hearing and render a decision, which shall include findings of fact, within 10 days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts by or on behalf of the appellant [§ 4470].

(3) All appeal hearings shall be open to the public in accordance with the Act [§ 4468]. Any interested person or body may appear and be heard in person or be represented by an agent or attorney at the hearing. The rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in state statutes [3 V.S.A. § 810]. The hearing may be adjourned by the Board from time to time, provided that the date and place of the adjourned hearing shall be announced at the hearing.

(4) A decision on appeal shall be rendered within 45 days after the adjournment of the hearing, as required under the Act [§ 4464(b)]. Failure to issue a decision within this period shall be deemed approval and shall be effective on the 46th day. A decision shall be issued in writing and shall include a statement of the factual bases on which the Board has made its conclusions, and a statement of conclusions. The decision shall also include a statement of the time within which appeals may be taken under Subsection (B). The decision shall be sent by certified mail to the appellant within the forty-five-day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Zoning Administrator and the Town Clerk as part of the public records of the municipality [§ 4464(b)(3)].

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

(1) "Participation" in a board or commission proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.

(2) The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Norwich Town Clerk, or the Zoning Administrator if so designated, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

C. Notice of appeal. Pursuant to the Act [§ 4466], a notice of appeal shall be in writing and include:

(1) The name and address of the appellant;

(2) A brief description of the property with respect to which the appeal is taken;

- (3) A reference to applicable bylaw provisions;
- (4) The relief requested by the appellant, including any request for a variance from one or more provisions of these regulations;
- (5) The alleged grounds why such relief is believed proper under the circumstances; and
- (6) Any request for a stay of enforcement which may be granted or denied by the DRB in accordance with the Act [§ 4466].

**§ 240-6.04. Variances.**

A. The Development Review Board shall hear and decide upon requests for variances pursuant to the Act [§ 4469(a)] and appeal procedures under Section 6.03. The Board may grant a variance, and render a decision in favor of the appellant, only if all of the following facts are found, and the findings are specified in its written decision:

- (1) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the regulations in the neighborhood or district in which the property is located;
- (2) Because of such physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is necessary to enable the reasonable use of the property;
- (3) The unnecessary hardship has not been created by the appellant;
- (4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and
- (5) The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.

B. In addition to the requirements under Subsection (A), variances for development within the Flood Hazard Overlay District shall be granted by the Development Review Board only:

- (1) In accordance with the Act [§ 4424] and the criteria for granting variances found in 44 CFR, Section 60.6 of the National Flood Insurance Program regulations;
- (2) Upon determination that during the base flood discharge, the variance will not result in increased flood levels; and
- (3) Upon determination that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

C. On an appeal for a variance from the provisions of these regulations that is requested for a structure that is primarily a renewable energy resource structure, the Board may grant such variance only if it finds that all of the facts listed in the Act [§ 4469(b)] are found in the affirmative and specified in its decision.

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

**§ 240-6.05. Violations and enforcement.**

A. Violations. The commencement or continuation of any land development or use that does not meet the requirements of these regulations shall constitute a violation. A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions 24 V.S.A. § 1974a and § 1977 as amended, et seq. and as described below:

(1) A penalty of \$100 shall be imposed for the initial violation of any provision of this Ordinance. The penalty for the second offense within a one-year period shall be \$250, and the penalty for each subsequent violation within a one-year period shall be \$500. As per statute, in cases where a violation is not contested, a "waiver fee" shall be paid in the amounts of: \$50 for the first offense, \$125 for the second offense within a one-year period, and \$250 for each subsequent offense within a one-year period. Each day that a violation continues will constitute a separate violation of this Ordinance.

(2) If the above enforcement strategy is not sufficient to deter violations, enforcement proceedings may also be initiated pursuant to 24 V.S.A. §§ 4451 and/or 4452, as they exist or are hereafter amended or revised. These additional penalties may be up to \$100 per day (with each day constituting a separate violation), and issuance of injunctions.

(3) Issuing officials authorized to enforce this Ordinance include the Norwich Zoning Administrator and Town Manager.

B. Notice of violation. No action may be brought under this section unless the alleged offender has had at least seven days notice by certified mail that a violation exists, as required under the Act [§ 4451]. The notice of violation also shall be recorded in the land records of the Town within 30 days of the issuance. The warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure 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. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the regulations after the seven-day notice period and within the next succeeding 12 months.

C. Limitations on enforcement. An action, injunction or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required or duly recorded municipal land use permit may be instituted against the alleged offender if the action, injunction or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred, and not thereafter, in accordance with the Act [§ 4454]. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted. No enforcement proceeding may be instituted to enforce an alleged violation of a municipal land use permit unless the permit or a notice of the permit has been recorded in the land records of the municipality under Section 6.06(E).

**§ 240-6.06. Municipal administrative requirements.**

A. Appointments. The following appointments shall be made in association with the admin-

istration and enforcement of this bylaw as provided for in the Act:

(1) Zoning administrator. The Zoning Administrator shall be first nominated by the Planning Commission and then approved by the Selectboard in accordance with the Act [§ 4448]. In the absence of the Zoning Administrator, an Acting Zoning Administrator may be nominated by the Planning Commission and then approved by the Selectboard. The Zoning Administrator shall administer and enforce these regulations literally and shall not have the power to permit any land development which is not in conformance with these regulations. In so doing, said officer shall have the power to inspect developments, and shall maintain records and perform all other tasks necessary to carry out the literal provisions of these regulations.

(2) Development review board. There shall be a Development Review Board, the members and alternates of which shall be appointed by the Selectboard for specified terms in accordance with the Act [§ 4460]. The Board shall adopt rules of procedure to guide its official conduct as required under the Act and Vermont's Open Meeting Law [1 V.S.A., § 310-314] and shall have all powers and duties as set forth in the Act to administer the provisions of these regulations, including but not limited to the power to hear and decide:

(a) Appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the administration of these regulations;

(b) Requests for site plan approval in accordance with Section 5.03;

(c) Requests for Planned Unit Development approval in accordance with Section 5.06;

(d) Requests for subdivision approval in accordance with the Norwich Subdivision Regulations;

(e) Requests for a conditional use approval in accordance with Section 5.04;

(f) Requests for variance in accordance with Section 6.04; and

(g) Requests for development envelope review in accordance with Section 5.07.

(3) Planning commission. There shall be a Planning Commission whose members, as well as their number and term of office, shall be determined by the Selectboard in accordance with the Act [§ 4321]. The Planning Commission shall have the following duties;

(a) Prepare amendments to these regulations and other regulations as permitted by the Act;

(b) Prepare and update the Town Plan every five years and prepare amendments to the Plan as necessary;

(c) Undertake studies and make recommendations on matters related to land development, transportation, economic development, historic and scenic preservation, natural resource protection and related areas; and

(d) Perform other acts or functions as it may deem necessary or appropriate to fulfill the intent and purposes of the Act.

B. Fee schedule. The Selectboard shall establish a schedule of fees to be charged in administering these regulations, with the intent of covering administrative costs. In accordance with the Act [§ 4440], the fee schedule may include provisions which require applicants to pay for rea-

sonable costs of an independent technical review of their applications.

C. Application forms. The planning commission is hereby authorized to prepare and revise application forms from time to time, in consultation with the Zoning Administrator. In no case shall the introduction of a new or revised form have the effect of, or be construed as, amending these regulations. Application forms will be made available at the Norwich Town Office during regular business hours.

D. Hearing notice requirements.

(1) In accordance with the Act [§ 4464(a)], a warned public hearing shall be required for conditional use review, appeals and variances, PUD review. Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all of the following:

(a) Publication of the date, place and purpose of the hearing in a newspaper of general circulation in the Town;

(b) Posting of the same information in three or more public places within the municipality, including posting of a notice within view from the public right-of-way nearest to the property for which the application is being made;

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

(d) For hearings on subdivision plats located within 500 feet of a municipal boundary, written notification to the Clerk of the adjoining municipality.

(2) Public notice of all other types of development review hearings, including site plan review (Section 5.03) and development envelope review (Section 5.06) shall be given not less than seven days prior to the date of the public hearing, and shall at minimum include the following:

(a) Posting of the date, place and purpose of the hearing in three or more public places within the municipality, and

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

(3) The applicant or appellant shall be required to bear the cost of public warning and the cost and responsibility of notifying adjoining landowners, as required under Subsections (C)(1) and (C)(2). The applicant shall be required to demonstrate proof of delivery to adjoining landowners, as determined from the most recent municipal grand list, either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.



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

(5) Public hearings concerning proposed amendments to these regulations shall be noticed and warned in accordance with the Act [ §§ 4441, 4444].

E. Recording requirements. The Zoning Administrator shall keep on file and available to the public during regular business hours a full and accurate record of all applications received, permits issued, plats approved, and violations committed during his or her term of office.

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

(2) For development within the Flood Hazard Area Overlay District, the Zoning Administrator shall also maintain a record of:

- (a) Permits issued for development in areas of special flood hazard;
- (b) Elevation certificates that show the elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings;
- (c) The elevation, in relation to mean sea level, to which buildings have been floodproofed;
- (d) All floodproofing certifications required under this regulation; and
- (e) All variance actions, including the justification for their issuance.

**§ 240-6.07. Role of advisory commissions in development review.**

A. The Norwich Conservation Commission or any other advisory commission that has been established through Section 4433 of Chapter 117 of this Title and that has been granted authority under the bylaws, by ordinance, or by resolution of the legislative body to advise the Development Review Board, applicants, and interested parties, shall perform the advisory function.

B. The zoning administrator shall provide the advisory commission copies of applications subject to review by the advisory commission at least 15 days before the public hearing.

C. The advisory commission shall perform the advisory function as follows:

(1) The advisory commission may review the application and prepare recommendations on each of the review standards within the commission's purview for consideration by the appropriate municipal panel at the public hearing on the application. The commission or individual members of the commission may meet with the applicant, interested parties or both conduct site visits, and perform other fact-finding that will enable the preparation of recommendations. The appli-

cant may choose to meet with the advisory commission prior to submitting an application for a permit.

(2) Meetings by the advisory commission on the application shall comply with the open meeting law, Subchapter 2 of Chapter 5 of Title 1, and the requirements of the commission's rules of procedure, but shall not be conducted as public hearings before a quasi-judicial body.

(3) The advisory commission's recommendations may be presented in writing at or before the public hearing of the appropriate municipal panel on the application, or may be presented orally at the public hearing.

(4) If the advisory commission finds that an application fails to comply with one or more of the review standards, it shall make every effort to inform the applicant of the negative recommendations before the public hearing, giving the applicant an opportunity to withdraw the application or otherwise prepare a response to the advisory committee's recommendations at the public hearing. Advisory commissions may also suggest remedies to correct the deficiencies that resulted in the negative recommendations.

## ARTICLE VII Definitions

### § 240-7.01. Terms and uses.

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

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

(1) The particular controls the general;

(2) The present tense includes the future tense;

(3) The word "shall" is mandatory; the word "may" is permissive; the term "generally shall" indicates that it is mandatory unless the Development Review Board, Planning Commission or other applicable body deems otherwise in accordance with these regulations;

(4) The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual, unless otherwise specifically defined herein;

(5) The word "structure" includes "building;" and

(6) The word "lot" includes "parcel."

C. For the purposes of flood hazard area regulation under Article V, National Flood Insurance Program definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations. Definitions of some commonly used terms are provided herein and in Section 5.05(H).

D. Any interpretation of words, phrases or terms by the Zoning Administrator may be appealed to the Development Review Board under Section 6.03 for a written declaratory ruling. In such cases, the Board shall base its ruling upon the following definitions, state statute, and the

need for reasonable and effective implementation of this bylaw. The Board shall publish and update from time to time such rulings of interpretation, to ensure consistent and uniform application of the provisions of this bylaw.

**§ 240-7.02. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ACCEPTED AGRICULTURAL PRACTICES (AAPs)** — Accepted practices for agriculture, including farm structures other than dwellings, as currently defined by the Commissioner of Vermont Department of Agriculture, Food and Markets in accordance with the Act [§ 4413 (d)].

**ACCESSORY DWELLING STRUCTURE** — A second one-unit dwelling on a lot that is not attached to the primary residence and conforms to Section 4.14. See Detached Apartment.

**ACCESSORY STRUCTURE** — A structure that is incidental and subordinate to the primary structure on a lot. Examples include garages and storage sheds.

**ACCESSORY USE** — A use which is customarily incidental and subordinate to the principal use of a lot or parcel of land, is located on the same lot as the primary use, and is clearly related to the principal use.

**ADAPTIVE RE-USE** — The use of a historic building or structure for other than its originally intended use or purpose, in a manner which maintains its historic features and character, in accordance with the requirements of these regulations.

**AFFORDABLE HOUSING** — Housing that is either (1) owned by its inhabitants whose gross annual household income does not exceed 80% of the Windsor County median income, and having a total annual cost, including principal, interest, taxes, insurance, and condominium association fees of not more than 30% of the household's gross annual income; or (2) rented by its 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 having a total annual cost, including rent, utilities, and condominium association fees, of not more than 30% of the household's gross annual income. "Perpetually affordable" shall mean housing that meets the affordability requirements of these regulations for a minimum of 99 years from the date of first sale or lease. See also Moderate Income Housing.

**AFFORDABLE HOUSING DEVELOPMENT** — Housing development of which at least 20% of the units or a minimum of five units, whichever is greater, are affordable housing units.

**AGRICULTURE** — The growing and harvesting of crops; raising of livestock, raising of horses, operation of orchards, including maple orchards or sugar bushes; and the sale of farm products that have been grown, produced and processed on the premises. See also Accepted Agricultural Practices.

**AGRICULTURAL BUILDING OR STRUCTURE** — A building or structure primarily used for agriculture.

**ALTERATION** — Structural change, change of location, or addition to a building or structure, excluding normal maintenance and repair. Alterations shall include any construction that changes the number of dwelling units, or increases the size of a building or structure in terms of its

height, length, width, footprint, or gross floor area. See also Improvement, Substantial Improvement.

**ANTENNA** — A device attached to a tower or other structure for transmitting or receiving electromagnetic waves.

**APPLICANT** — The owner of land or property proposed to be developed in accordance with these regulations, and/or his or her duly authorized representative. Any party with a legal interest in land development may apply in cooperation with the owner of the property.

**BED AND BREAKFAST** — A single-family dwelling occupied by the owner or operator, in which not more than six double occupancy rooms within the dwelling and/or in an accessory structure located on the same lot, are rented out to provide overnight accommodations to transient travelers. Individual cooking and eating facilities shall not be provided; food and beverage service shall be limited to overnight guests. The bed-and-breakfast shall function as a private home with house guests.

**BUFFER** — Any space between adjoining land uses or between a land use and a natural feature which is intended and designed to reduce the impact of one use on the other use or feature. Buffers may include open space, woodland, landscaped areas, undisturbed vegetated areas, or other types of physical, visual or sound barriers.

**BUILDING** — A structure used for the shelter or accommodation of persons, animals, goods, personal property, or equipment, which has a roof supported by columns or walls;

**BUILDING HEIGHT** — Vertical distance measured from the average elevation of the proposed finished grade around a building to the highest point of the roof. The distance measured is exclusive of chimneys, lightning rods, antennas, or rooftop solar collectors less than 10 feet high. Average grade is determined by dividing the perimeter of the building into two or more equal sections, determining the proposed finished grade of each section, and calculating the average.

**BUILDING LINE** — The line parallel to the lot line transecting that point in the principal or accessory dwelling face which is closest to the lot line, including porches, whether enclosed or unenclosed, but excluding steps. See also Lot Line, Street Line.

**BUILDING ORIENTATION** — The location on a lot of a building or other structure in relation to roads, rights-of-way, parks, and building or street lines.

**BULK FUEL STORAGE** — A structure used for the safekeeping and containment of a mass or aggregate of fuel which is counted, weighed, or measured for subsequent sharing, parceling out, allotting, dispensing, or apportioning, excluding fuel storage of less than 1,050 gallons for use by the owner or occupant of the property on which the fuel is stored.

**CAMPER** — Any vehicle used as temporary sleeping, camping or living quarters, which is mounted on wheels, a truck or a camper body, or is towed by a motor vehicle. This definition includes recreational vehicles and travel trailers, but specifically excludes mobile homes. See Mobile Home.

**CAMPGROUND** — A parcel of land upon which two or more campsites are located for occupancy by a tent, cabin, lean-to, or similar structure as temporary living quarters for recreation, education, or vacation purposes. "Primitive" campgrounds are further characterized as

campgrounds which are limited to substantially unimproved camp sites intended for tenting use only.

**CEMETERY** — Land used or dedicated to the burial of the dead, including as accessory structures mausoleums, columbariums, or maintenance facilities, but excluding crematoriums. An individual or family burial site on private land, registered with the Norwich Town Clerk in accordance with state law, is exempted from this definition.

**COMMUNITY CENTER** — A building owned by a public or nonprofit entity or a homeowners or similar community association which is used for recreational and social activities and is intended primarily to serve the population of the community in which it is located.

**CONDITIONAL USE** — A use which is permitted only after review by the Development Review Board in accordance with Section 5.04.

**CONTRACTOR'S YARD** — A parcel of land with or without buildings thereon to be used for the storage of equipment, materials, and/or vehicles used in the operation of construction and related trades.

**CROSSROAD HAMLET** — See Section 5.06(D)(10)a.

**CULTURAL FACILITY** — A structure used for cultural or educational purposes, such as a school, library, or museum. See Section 4.12.

**DAY CARE FACILITY** — A state registered or licensed day care facility, other than home day care, including any place operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is the protection, care, and supervision of more than six persons outside their homes for periods of less than 24 hours a day by a person other than the person's own parent, guardian or relative. See also Home Day Care.

**DEGREE OF NONCONFORMITY** — The extent to which a structure encroaches upon, or otherwise violates, one or more dimensional standard of these regulations. The extension of a structure which results in an additional encroachment of the non-complying feature/element, including the expansion of the volume or area of a structure within a building setback, would increase the degree of nonconformity. (Nonconformity, noncompliance and any variations of those words are used interchangeably and shall have the same meaning.)

**DENSITY** — The ratio of dwelling units or structures to land area.

**DETACHED APARTMENT** — A One-Unit Dwelling located in an Accessory Structure that is not attached to the primary residence. See Accessory Dwelling and Section 4.14(B).

**DEVELOPMENT** — The erection, construction, reconstruction, conversion, relocation or enlargement of any building, exterior sign or structure, or water recreation facilities or water storage facilities, including but not limited to public swimming pools, man-made or improved ponds, reservoirs, water tanks, sewer lagoons, or fish hatcheries; any mining, excavation or landfill activity; or any change in the use of any building or structure, including but not limited to the commencement of a home business, or any change in, or extension of, the use of any land.

**DEVELOPMENT ENVELOPE** — A specific area delineated on a lot within which all structures are to be located, and outside of which no structures are to be located.

**DRIVE-THROUGH** — A business establishment which includes a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle rather than within a building or structure.

**DRIVEWAY** — A minor, private travel way serving one parcel, which provides vehicular access from an adjoining road to a parking space, garage or other structure. See also Road.

**DWELLING, MULTI-UNIT** — A building containing three or more separate dwelling units having separate or joint entrances and covered by a common roof system.

**DWELLING, ONE-UNIT** — A building or structure containing one dwelling unit.

**DWELLING, TWO-UNIT (DUPLEX)** — Two dwelling units covered by a common roof system.

**DWELLING UNIT** — A space consisting of one or more rooms designed, occupied or intended for occupancy as a separate living quarters, with cooking, sleeping, and sanitary facilities provided within that space for the exclusive use of one or more persons maintaining a household.

**EXTRACTION OF EARTH RESOURCES** — A use involving the on-site removal of surface and subsurface materials, including soil, sand, gravel, stone, rock or organic substances other than vegetation, from land or water. Customary extraction operations include sand and gravel pits, rock quarries, and accessory operations such as the crushing, screening, and temporary storage of materials excavated on-site (see Section 4.04).

**FAA** — Federal Aviation Administration.

**FAMILY CHILD CARE HOME** — A home or facility where the owner or operator is to be licensed or registered by the state for child care.

**FARM LAND** — Land currently supporting crops, orchards, or grazing; or open land with significant potential to support crops based on the presence of prime or statewide agricultural soils, accessibility, adequate size and shape, and compatibility with adjacent uses.

**FARM STRUCTURE** — In accordance with the Act [§ 4413(d)], a building for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with agricultural or farming practices, as "farming" is defined in T.10. V.S.A. § 6001(22). This definition includes such farm structures as barns, silos, fences and manure pits, but specifically excludes a dwelling for human habitation. See also Agriculture, Accepted Agricultural Practices.

**FARMSTEAD CLUSTER** — See Section 5.06(D)(10)b.

**FCC** — Federal Communications Commission.

**FLOOR AREA** — Any interior portion of a building or set of buildings which is included in rental area or which is normally used as part of the quarters of any owner, tenant, occupant or user of such premises. Areas specifically excluded are garages, entry halls or foyers, elevator shafts, stairways, room used only for electrical, mechanical, or maintenance facilities, public rest rooms, attics and basements.

**FORESTRY** — The use and management of woodlands for purposes of timber production and harvesting for commercial, wildlife and/or conservation purposes. This definition specifically

excludes permanent sawmills, lumber yards and other similar facilities used for the processing and/or manufacturing of wood and wood products; but may include, as accessory uses, portable sawmills and equipment used on-site in association with timber harvesting operations.

**FRONTAGE** — The width of a lot abutting a road as measured at the street line.

**FUNERAL HOME** — A building or part thereof used for human funeral services. Such building may also contain space and facilities for preparation of the dead for interment or cremation, not including facilities for cremation; the performance of autopsies and associated surgical procedures; the storage and sale of caskets, funeral urns and related funeral supplies; and the storage of funeral vehicles.

**GROUP HOME** — A state licensed residential care home serving persons who have a handicap or disability as defined in 9 V.S.A. § 4501. In accordance with the Act [§ 4412(1)(G)], a group home, as defined, serving not more than 8 persons, shall be considered by right to constitute a permitted single family residential use of property except that no such home shall be considered if it is located within 1,000 feet of another existing or permitted such home.

**HAZARDOUS WASTE FACILITY** — A facility that stores processes, neutralizes, reclaims, treats or disposes of hazardous waste for which a notice of intent to construct has been received under state law [10 V.S.A., § 6606a].

**HEIGHT** — See Building Height.

**HOME ADULT CARE** — The care of eight or fewer persons conducted within a single unit dwelling by a resident of that dwelling for less than 24 hours per day. See Section 4.03(A)(2).

**HOME BUSINESS** — A home-based business that meets the specific standards set out in Section 4.08(B) of this regulation.

**HOME CHILD CARE** — In accordance with the Act [§ 4412(5)], a state registered or licensed child care home serving six or fewer children on a full-time basis, and up to four additional children on a part-time basis, which is conducted within a single-family dwelling by a resident of that dwelling. A child care home as defined shall be considered a permitted use of a single-family dwelling.

**HOME DAY CARE** — Either Home Child Care or Home Adult Care. See Section 4.03(A).

**HOME INDUSTRY** — A home-based business that meets the specific standards set out in Section 4.08(C) of this bylaw. See also Home Occupation, Home Business.

**HOME OFFICE** — An accessory use conducted within a dwelling or accessory building by the residents thereof, which is clearly secondary to the dwelling's use for living purposes, does not change the residential character thereof and meets the specific standards set out in Section 4.08(A).

**INN** — A facility consisting of a building or group of buildings which offers transient lodging accommodations to the general public and additional services such as dining and meeting rooms, entertainment, and recreational facilities. This definition includes lodging facilities such as motels and tourist cabins (auto courts), but specifically excludes bed-and-breakfasts and campgrounds. A hotel or motel is not a dwelling unit. See also Bed-and-breakfast, Campground.

LAND DEVELOPMENT — See "Development."

LARGE WIND ENERGY SYSTEM — A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity exceeding the on-site electric usage and is interconnected with the electric utility system. These systems are exempt from municipal zoning regulations and are permitted by the State under Act 148.

LIGHT INDUSTRY — The manufacture of relatively small articles (computer parts as opposed to girders), using small amounts of raw materials and resulting in limited impacts on the environment.

LOADING SPACE — An off-street space at least 12 feet wide, 35 feet long, and 14 feet high, not including the access driveway, and having direct access onto a road, which is used for the temporary parking of one licensed motor vehicle.

LOT — Any parcel of land the boundaries of which are separately described in a recorded deed or filed plat. A Town or state highway right-of-way constitutes a lot boundary.

LOT FRONTAGE — See Frontage.

LOT LINE — Property line bounding a lot (parcel).

LOW IMPACT DEVELOPMENT (LID) — Is a land planning and engineering stormwater design approach that focuses on minimizing adverse impacts of development on water quality. This approach is implemented by replicating the pre-development hydrologic regime of watersheds through infiltrating, filtering, storing, evaporating, and detaining stormwater runoff close to its source.

MIXED USE — A building or parcel containing two or more principal uses which are otherwise allowed as permitted or conditional uses within the district in which the building or parcel is located, which requires conditional use review by the DRB. See Section 4.09.

MOBILE HOME — A prefabricated dwelling unit which is:

- A. Designed for continuous residential occupancy; and
- B. Designed to be moved on wheels, as a whole or in sections.

MOBILE HOME PARK — A parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate three or more mobile homes.

MODERATE INCOME HOUSING — Housing that is either (1) owned by its inhabitants whose gross annual household income does not exceed 120% of the Windsor County median income, and having a total annual cost, including principal, interest, taxes, insurance, and condominium association fees of not more than 30% of the household's gross annual income; or (2) rented by its inhabitants whose gross annual household income does not exceed 120% of the county median income, as defined by the United States Department of Housing and Urban Development, and having a total annual cost, including rent, utilities, and condominium association fees, of not more than 30% of the household's gross annual income. "Perpetually affordable" shall mean housing that meets the affordability requirements of these regulations for a minimum of 99 years from the date of first sale or lease. See also Affordable Housing.



**MUNICIPAL LAND USE PERMIT** — As defined in the Act [§ 4303(11)] to include, as issued by the municipality:

- A. Final zoning, subdivision, site plan or building permits or approvals relating to subdivision and land development;
- B. Septic or sewage system permits;
- C. Final official minutes of meetings which relate to permits or approvals, which serve as the sole evidence of such permits or approvals;
- D. Certificates of occupancy, compliance or similar certificates; and
- E. Any amendments to the previously listed permits, approvals and/or certificates.

**NONCONFORMING STRUCTURE** — A structure or part thereof lawfully in existence as of the effective date of these regulations, but not in compliance with the provisions of these regulations, including but not limited to building bulk, height, setbacks, area, yards, density or off-street parking or loading requirements, where such structure conformed to all applicable laws, ordinances, and regulations prior to the enactment of these regulations. (Nonconformity, non-compliance and any variations of those words are used interchangeably and shall have the same meaning.)

**NONCONFORMING USE** — The use of land or a structure lawfully in existence as of the effective date of these regulations, which does not conform with these regulations (including but not limited to allowed uses within the district in which it is located), where such use conformed to all applicable laws, ordinances and regulations prior to the enactment of these regulations. (Nonconformity, noncompliance and any variations of those words are used interchangeably and shall have the same meaning.)

**OBJECTIONABLE ODORS** — Odors which because of persistence or character would be considered offensive in a particular location by a reasonable person.

**OFFICE** — A room, suite of rooms or building used for conducting the affairs of a business, profession or government. The on-premise retail sale of goods is specifically excluded from this definition.

**PARKING AREA** — A portion of a lot designated for vehicle parking related to the primary use of the lot.

**PARKING FACILITY** — A lot whose primary use is parking and on which there is no structure for which off street parking is required.

**PERMANENT** — Being in position or in use whether movable or fixed for 30 or more days or portions of days in a calendar year.

**PERMITTED USE** — A use that requires a permit issued by the Zoning Administrator in accordance with Section 6.01.

**PERSON** — An individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

**PLAN** — A municipal plan adopted under section 4385 of V.S.A. 24.

**PLANNED UNIT DEVELOPMENT (PUD)** — An allowed method of land development for mixed use development in which an area of land, consisting of one or more parcels, is developed as a single entity, to allow two or more uses allowed within the designated zoning district and accessory structures and facilities. In a PUD, zoning district dimensional standards under these regulations (Table 3.2), including lot size, density, coverage, frontage and setback requirements, may be modified by the Development Review Board to provide flexibility in subdivision and site design in order to promote desired types and patterns of residential development.

**PLANNING COMMISSION** — A planning commission for a municipality created under Subchapter 2 § 4303, 24 V.S.A.

**PRE-EXISTING** — A use or structure that was legally in existence as of the effective date of these regulations.

**PRINCIPAL STRUCTURE** — A building or structure within which the main or primary use of the lot on which the building is located is conducted. See also Accessory Uses and Structure, Structure.

**PRIVATE CLUB** — A corporation, organization, or association or group of individuals existing for fraternal, social, recreational, or educational purposes, for cultural enrichment or to further the purposes of agriculture, which owns, occupies, or uses certain specified premises, which is not organized or operated for profit, and the benefits of which are available primarily to members only.

**PRIVATE HIGHWAY** — A privately owned access road serving two or more lots or dwelling structures.

**PROPERTY LINE** — For that portion of a property not abutting a road or highway property line means lot line. For that portion of a property abutting a public road or highway, property line means the edge of the right-of-way.

**PUBLIC ROAD** — A road (street, highway) constructed within the boundaries of an officially deeded and municipally accepted public right-of-way (Town highway) or a designated state road.

**RECREATIONAL FACILITY [INDOOR]** — A building or structure designed, equipped and used for sports, leisure, and other recreational activities, except for such facilities which are an Accessory Use to an approved educational facility or a residential use. This includes, but may not be limited to bowling alleys, skating rinks, gymnasiums, and indoor swimming pools. See also Community Center, Cultural Facility.

**RECREATIONAL FACILITY [OUTDOOR]** — A facility for outdoor recreation, including but not limited to a tennis or basketball court, athletic field, in-ground swimming pool, or cross-country skiing center, except for such facilities which are an Accessory Use to an approved educational facility, public park, or a residential use. This definition specifically excludes golf courses and public parks and shooting ranges.

**RENEWABLE ENERGY RESOURCES** — Energy available for collection or conversion from direct sunlight, wind, running water, and such fuels as wood, agricultural products, waste materials, waste heat, and geothermal sources.

**RESEARCH AND DEVELOPMENT FACILITY** — An establishment, consisting of a building

or group of buildings, for carrying out scientific investigations in the natural, physical or social sciences, which may include laboratory testing, engineering, product development, and pilot plant operations, but not facilities for the manufacture or sale of products except as incidental to the principal research.

**RESIDENTIAL CARE FACILITY** — A facility licensed by the state which provides primarily non-medical residential care services to seven or more individuals who may need personal assistance essential for sustaining the activities of daily living, or for the protection of the individual, on a twenty-four-hour-a-day basis.

**RESTAURANT** — Licensed premises where food and drink are prepared, sold, served and consumed primarily within the principal building.

**RETAIL** — Premises where goods, services, or merchandise are offered for retail sale or rent to the general public for personal, business, or household consumption and services incidental to the sale of such goods are provided. This definition specifically excludes the retail sale of gasoline or motor vehicles and other separately regulated retail uses defined herein.

**RIDGELINE** — The uppermost points on a profile of a hill, cliff, slope or face. Ridgelines used to delineate the Ridgeline Protection Zone are those depicted on the Ridgeline Protection Zone map. The term does not include intermediate terraces, steps, or elevations along the face of a slope.

**SCREENING** — The use of planted vegetation, fencing, walls, natural topography or earthen berms to visually shield or obscure a structure or use from neighboring structures, properties, rights-of-way, and/or designated public vantage points.

**SERVICE AREA** — An area designated on-site to accommodate customary accessory services to a principal use or structure, including but not limited to recycling and waste disposal facilities, snow storage, cart and bicycle storage, emergency service areas (e.g., fire lanes), and transit services.

**SETBACK** — The horizontal distance from the edge of a road right-of-way, lot line, boundary or other delineated feature (e.g., a stream bank, shoreline, or wetland area), to the nearest structural element of a building, structure, or parking area on the premises.

**SIGN** — Any structure, display, device, or representation, which is designed or used to advertise, direct to, or call attention to any thing, person, business activity or place, and is visible from any public highway or other public vantage point. This definition does not include the flag of any nation, state, or municipality. See Section 3.11.

**SLOPE** — The inclination of a surface. The gradient of a slope is defined as the ratio of the "rise" divided by the "run" between two points on a line expressed as a percentage.

**SMALL WIND ENERGY SYSTEM** — A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity appropriate to the on-site electric usage of the end-user and is not interconnected with the electric utility system.

**STORMWATER MANAGEMENT** — The collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating or filtering of surface water and/or runoff, together

with applicable non-structural management techniques.

**STREAM** — See Table 2.7(A).

**STREET LINE** — The boundary of an existing or proposed road (street) right-of-way. Where the width of a public road right-of-way is not established, the street line shall be considered to be 25 feet from the center of the road.

**STRUCTURE** — An assembly of materials for occupancy or use including but not limited to a building, a mobile home or trailer, in-ground swimming pool, tennis court, billboard sign, wall, or fence, but not including the following: a fence or wall four feet tall or less; a fence or wall on an operating farm; a wire mesh fence used to enclose a dog run; a swing set; a sandbox; a retaining wall; a flower trellis; a mailbox; a public phone and its support; hazard driveway entry indicators; or solar panels, sheds or playhouses which have a footprint of less than 100 square feet of floor area, are 12 feet or less high, are not on a permanent foundation and are not within the setbacks.

**SUBDIVISION** — Division of any lot or parcel of land into two or more lots of any size. Any transfer, conveyance or sale of land held in one-ownership, but already divided into lots by an existing public right-of-way shall not be considered a subdivision for the purposes of these regulations.

**SUBSTANTIALLY COMPLETED** — The completion of a permitted building or structure to the extent that it may be safely occupied for its intended use.

**TOWER** — A structure more than 20 feet in height above the ground elevation built for the purpose of supporting, elevating, or placement of antennas for broadcast services or wireless services.

**USE** — The purpose for which a building, structure, or parcel of land is designed, intended, occupied or utilized.

**VANTAGE POINT** — A point located on a public highway or public water body in Norwich from which proposed development will be visible.

**VARIANCE** — As set forth in the Act [§ 4469]. See Section 6.04.

**VERNAL POOL** — Is a seasonal body of standing water that typically forms in the spring from melting snow and other runoff, dries out completely in the hotter months of summer, and often refills in the autumn. Vernal pools range from broad, heavily vegetated lowland bodies to smaller, isolated upland bodies with little permanent vegetation. They are free of fish and provide important breeding habitat for many terrestrial or semi-aquatic species such as frogs, and salamanders.

**WAREHOUSE/STORAGE** — One or more structures used for the storage of goods and materials, and not as a primary location or outlet for business or retail uses.

**WETLANDS** — (State of Vermont Definition) "Wetlands" means those areas of the state that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include marshes, swamps, sloughs, potholes, fens, river and lake overflows,

mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities.

**WINDMILL** — A machine designed to convert the kinetic energy of the wind into mechanical energy for water pumping, grinding grain, or other uses.

**WIRELESS TELECOMMUNICATION FACILITY** — Any tower or other support structure, including antennae, that will extend 20 or more feet vertically, and any accompanying structure, building, access road, service utility or equipment that broadcasts or receives electromagnetic frequency waves carrying FCC licensed Wireless Telecommunication Services.

**YARD** — The area on a lot defined by front, side or rear setback distances which is not occupied by a building or structure. See also Setback.

**YARD SALE** — The casual sale of personal property open to the general public and generally denoted by the terms "garage sale" "attic sale," "lawn sale," "flea market," "barn sale" or similar phrase. [See Section 6.02F].

**ZONING ADMINISTRATOR** — The Norwich Administrative Officer.