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# Land Use Regulations

## Town of Huntington

### Vermont

Proposed 4/2015

*Revised Jan 2016 Incorporating Adjudicated Public  
Comments and DEC Review Comments*

Revised April 2016 by the Planning Commission

**Edited June July 2016 with Public Comments and  
Vermont Model Flood Regulations**



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## Introduction

These Huntington Land Use Regulations replace the Huntington Zoning Regulations, Subdivision Regulations, and Flood Hazard Regulations. They combine them into one set of Regulations to implement portions of the Town Plan adopted September 18, 2014. This Introduction and the Flow Chart are intended to help you with what you need in these Regulations.

### *When do I need a Permit?*

A Permit is normally required whenever you develop your land. “Develop” means to build something on the land, add to a structure or change the use of the land. But, there are exceptions, especially in flood areas.

### *How does the permit process work?*

Fill out the Permit application and submit it to the Administrative Officer with the application fee. If the application has all of the required information, the Administrative Officer will consider it, and, within 30 days, either issue the Permit or, if it doesn't comply with the regulations, deny it. If you don't agree with the decision, you may appeal to the Development Review Board (DRB). The Permit application requirements, procedures and standards are in Article II.

### *What is DRB Approval and when is it required?*

Sometimes you will require DRB Approval before a Permit can be issued. DRB Approval is required for all **subdivisions**, **conditional uses** and **special standards**. Your first step is to meet with the DRB in Preliminary Review. At Preliminary Review you explain the development objectives and work with the DRB for the best way to achieve them. More than one Preliminary Review may be necessary. During this process, you are required to notify the neighbors for at least one Preliminary Review meeting, so that they can attend a presentation of the development plans, and provide comments and feedback to the DRB.

When the Preliminary Review is complete, you, the applicant/landowner, file an application for Approval. The DRB schedules a formal hearing, neighbors are notified, and at the hearing the DRB collects evidence from the applicant and interested parties

pertaining to the proposal outlined in the application. Within 45 days after the close of the evidence, the DRB issues a written decision. The decision is either to approve the application, often with conditions, or to deny it. If the DRB issues an Approval, your Application will go to the Administrative Officer, who will issue your Permit. No work can begin until your Permit has been issued, even if you have received DRB Approval. The DRB Approval procedures and standards are in Article III.

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

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

***What is a variance?***

When the Regulations impose a hardship on your desired development, you may apply to the DRB for a variance. It requires special circumstances that justify the DRB in diverging from the actual standards of the Regulations.

***What standards do the DRB use in considering applications for Approval?***

That answer depends on what kind of DRB Approval you are seeking. For example, the process for DRB Approval for a subdivision is different than for a conditional use. The general standards are in Article III, but there may be additional standards depending on the District where the property is located. The District standards are in Article IV.

***What are Districts and how are their standards different?***

The Town is divided into Districts shown on Map 6. The regulations of each District reflects its character, the density of habitation, the recreational resources and the development within it, the natural resources to be preserved, and the goals of the Town Plan for that District.

Each District allows some development with only a Permit issued by the Administrative Officer, and does not require DRB Approval. For example, in the Village District many uses are allowed without DRB Approval, but in the Rural Residential District there are only nine specific Permitted uses allowed without DRB Approval

Therefore, a landowner should consider the District standards carefully, in Article IV, before making development plans or even considering a change of use.

***Are there standards for signs or parking?***

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

***Do the Regulations contain sewage and septic standards?***

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

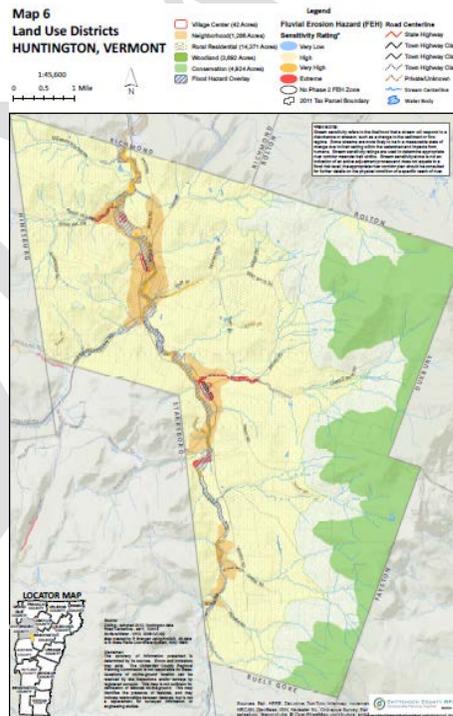
***Will I need other permits?***

Anyone planning a development should consult with the Vermont Department of Environmental Conservation for any applicable state permit requirements.

<http://www.anr.state.vt.us/dec/ead/pa/index.htm>.

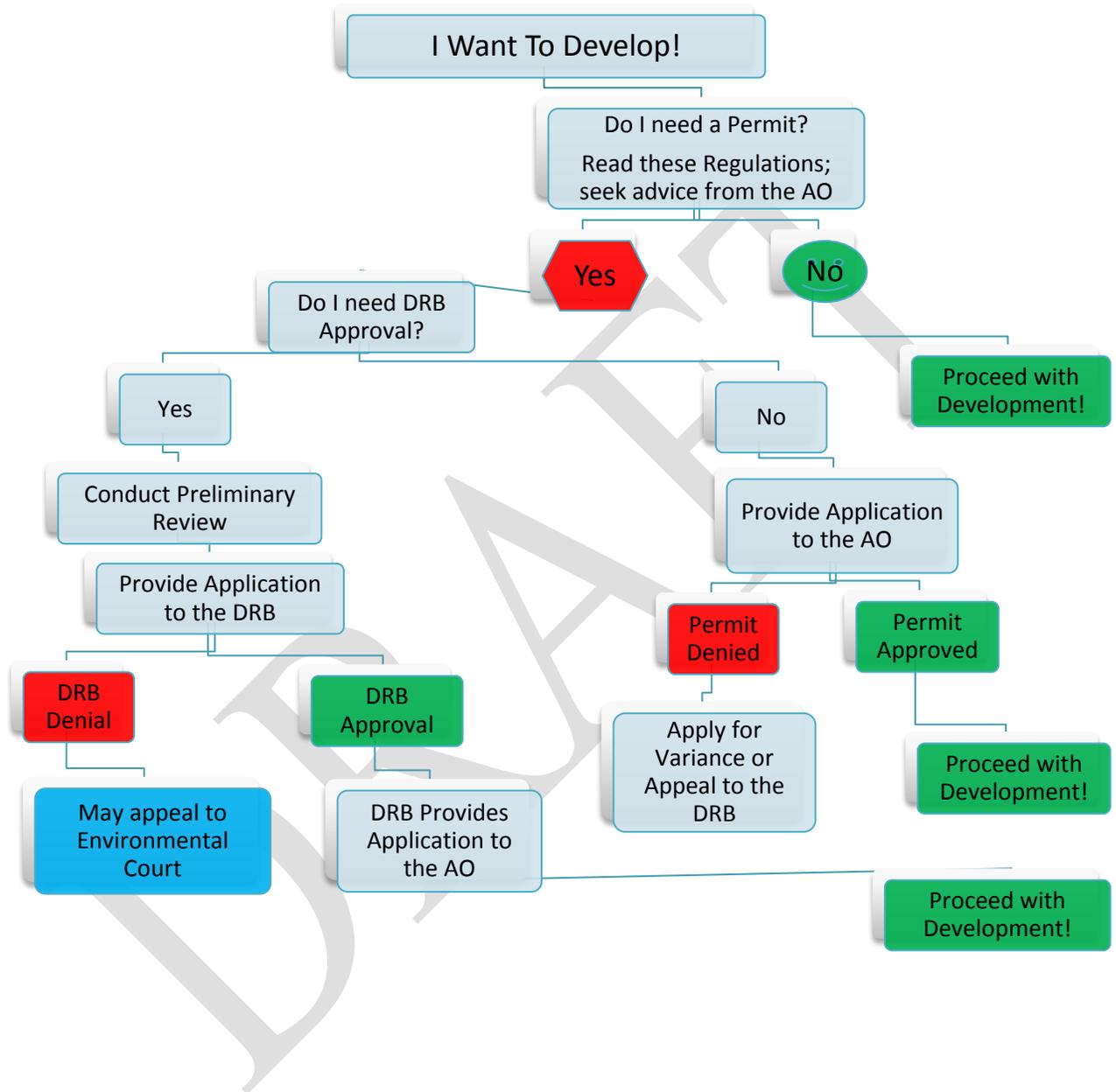
As you read the Regulations, you may need to refer to the Definitions in section 8.03.

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





## Development Flowchart (Articles II & III)





## Article I. General

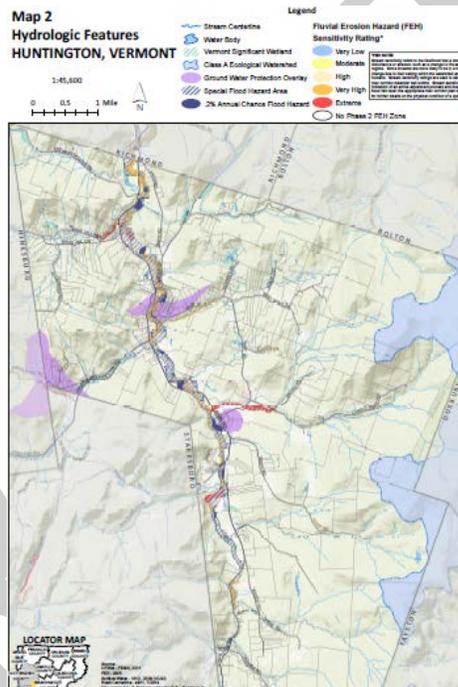
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### Section 1.01 Authority, Purpose, Maps

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- A. These Huntington Land Use Regulations (“Regulations”), are adopted by the Town of Huntington, VT as provided for in the Vermont Planning and Development Act, Chapter 117 of Title 24 of Vermont Statutes Annotated (referred to herein as the “Act”). The purpose of these Regulations are to implement the Town Plan (adopted September 18, 2014).
- B. The following maps are incorporated in these Regulations:
1. Maps 1, 2, 5, and 6, dated 4 September, 2014 from the Town Plan.
  2. Maps contained in Addendum C.
  3. Fluvial Erosion Map, Special Flood Hazard Area (FIRM). The October 2013 maps are located on the Town website. The most current issued maps are to be used, whether posted on the Town website or not.
  4. The River Corridors as published by the Vermont Agency of Natural Resources including the Statewide River Corridors are hereby adopted by reference. Representative maps identified as Huntington River Corridor Reach (HRCP Reach) Maps of August 2013 are on the Town website. The Statewide maps are the official reference however.
  5. The Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations.
- C. The following additional maps may be used as resources by the Administrative Officer, the DRB and in planning generally:
1. Vermont Science in Action maps and layers of Huntington area, available at <http://www.ccrpcvt.org/>

2. Maps showing potential community well and septic field sites to be developed, as available
  3. Huntington River Corridor Plan and Map (HRCP) as above.
- D. Nothing in these Regulations shall invalidate any existing permit, and approved land plat and survey, the terms and conditions of which shall still be in effect.
- E. State regulated utilities and agricultural and silvicultural practices (24 V.S.A. Sec. 4413(d)) do not require a permit, although farmers must notify the Administrative Officer in writing of any planned construction activity in advance.



## Section 1.02 Definitions

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**AAP:** *Accepted Agricultural Practices.*

**ACCEPTED AGRICULTURAL PRACTICES (AAP):** *Agricultural practices that are governed by regulations promulgated the Vermont Agency of Agriculture, Food and Markets. The practices include, but are not limited to, (a) the confinement, feeding, fencing and watering of livestock, (b) the handling of livestock wastes and by-products, (c) the collection of maple sap and the production of maple syrup, (d) the preparation, tilling, fertilization, planting, protection, irrigation and harvesting of crops, (e) the ditching and subsurface drainage of farm fields and the construction of farm ponds, (f) the stabilization of farm field streambanks constructed in accordance with the USDA-Natural Resources Conservation Services standards and specifications or other standards approved by the Commissioner of the Vermont Agency of Agriculture, Food and Markets, (g) the construction and maintenance of farm structures in accordance with the Federal Flood Insurance Management Program standards, the construction and Maintenance of farm ponds, farm roads, walls, fences, structures, to control the grade and head cutting in natural and artificial channels, and an irrigation, drainage or other water management system that conveys water, controls the direction or rate of flow, or maintains a desired water surface elevation, (h) the on-site production of fuel and power from agricultural products produced on the farm, (i) the on-site storage, preparation and sale of agricultural products principally produced on the farm, and (j) the on-site storage of agricultural inputs including, but not limited to, lime, fertilizer and pesticides.*

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

*([http://fpr.vcms.vt.prod.cdc.nicusa.com/sites/fpr/files/About\\_the\\_Department/Rules\\_and\\_Regulations/Library/CurrentAMPBooklet.pdf](http://fpr.vcms.vt.prod.cdc.nicusa.com/sites/fpr/files/About_the_Department/Rules_and_Regulations/Library/CurrentAMPBooklet.pdf)) that is published by the Vermont Department of Forests, Parks and Recreation (<http://fpr.vermont.gov/>), which also publishes the "Voluntary Harvesting Guidelines for Landowners in Vermont"*

*([http://fpr.vermont.gov/sites/fpr/files/Forest\\_and\\_Forestry/Your\\_Woods/Voluntary\\_Harvesting\\_Guidelines/VHG\\_FINAL.pdf](http://fpr.vermont.gov/sites/fpr/files/Forest_and_Forestry/Your_Woods/Voluntary_Harvesting_Guidelines/VHG_FINAL.pdf))*

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

**ACCESSORY STRUCTURE:** *A structure which is: 1) detached from and clearly incidental and subordinate to the principal use of or structure on a lot, 2) located on the same lot as the principal structure or use, and 3) clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, and playhouses.*

**ACT:** *Title 24 of Vermont Statutes Annotated, Chapter 117 entitled “Municipal and Regional Planning and Development.”*

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

**AREA OF SPECIAL FLOOD HAZARD:** *is synonymous in meaning with the phrase “special flood hazard area” for the purposes of these regulations.*

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

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

**BASE FLOOD ELEVATION (BFE):** *is the elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.*

**BASEMENT:** *Any area of the building having its floor sub-grade, below ground level on all sides.*

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

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

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

**BFE:** *See “Base Flood Elevation.”*

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

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

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

**BUILDING BREAK:** *An interruption in the continuous frontage of a building façade facing a street, such as a material change, a stoop, a porches, a permanent structural awning, an inverted dormer or a picture window (that protrudes out from the front of the building at least two feet).***BUILDING FRONT:** *A line formed by the exterior front wall of a building which is to be in the “build to” zone in the Village Center District.*

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

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

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

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

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

**CHANNEL:** *means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.*

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

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

**COMMON PLAN OF DEVELOPMENT:** *Where a structure will be refurbished over a period of time. Such work might be planned unit by unit.*

**CORE FOREST:** *Interior un-fragmented forest areas of more than 250 acres, also known as wildlife habitat blocks, that are insulated by at least 200 meter habitat buffers from the forest edge.*

**COTTAGE INDUSTRY:** *A small commercial, manufacturing or light industrial use, such as woodshops, food processing kitchens, computer services and repairs or small retail sales that complies with the standards contained in Section 5.10 E.*

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

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

**DESIGNATED OPEN SPACE:** *Open space identified as part of a PUD approved by the DRB.*

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

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

**DEVELOPMENT or LAND DEVELOPMENT:** *Any human-made change to improved or unimproved real estate including construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or any mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials or any change in the use of any building or other structure, or land, or extension of use of land.*

**DEVELOPMENT ENVELOPE:** *That area on a lot that encompasses all development, including, but not limited to, all excavation, fill, grading, storage, demolition, structures, decks, roof overhangs, porches, patios and terraces, pools, any areas of disturbance, access ways, and parking. Approved walkways, driveways and roads may occur outside of a development envelope.*

**DWELLING:** *A building or part of a building, containing independent living, sleeping, housekeeping, cooking and sanitary facilities intended for occupancy by one family or household.*

**DWELLING, SEASONAL:** *A detached dwelling unit which is not the primary residence of the owner or occupant and/or is occupied only on a part-time basis, such as a summer or hunting camp. This*

*includes but is not limited to: 1) a dwelling which lacks one or more of the basic amenities, services or utilities required for year-round or all-weather occupancy, including but not limited to a winterized plumbing system, insulated wall and roof, heating source, or adequate water or wastewater systems; 2) a dwelling which is occupied no more than 180 days during any one year period; and/or 3) a dwelling that has been specifically Permitted as a seasonal dwelling.*

**EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME 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 these Regulations.*

**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).*

**EX PARTE:** *On or from one side or party only. More specifically, when a member of a board or commission has unauthorized discussions with, or receives evidence from, a party who is appearing before the board or commission concerning the matter about which the party is appearing. Ex parte contacts are discouraged because of the appearance of improper bias, favoritism or partiality by the member in the exercise of his or her official duties.*

**FARM STRUCTURE:** *a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with the accepted agricultural practices or farming practices, including a silo, as "farming" is defined in 10 VSA Section 6001 (23), but excludes a dwelling for human habitation.*

**FEH:** *Fluvial erosion hazard*

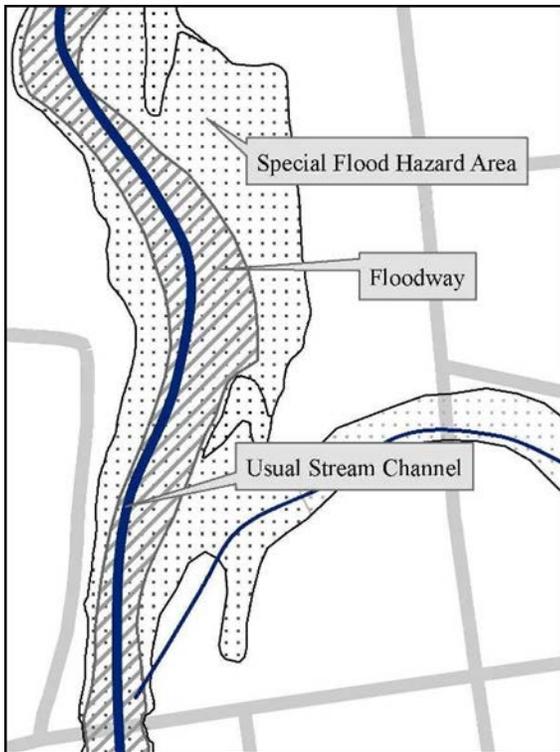
**FENCE:** *A structure, solid or otherwise, which forms a physical barrier and which is erected to enclose, delineate, divide, screen or separate areas.*

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

**FIRM:** *See Flood Insurance Rate Map.*

**FLOOD:** *(a) A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of waters; the unusual and rapid accumulation or runoff of surface waters from*

any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a body of water as a result of erosion or undermining caused by currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding.



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

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

**FLOOD HAZARD AREA or AREA OF SPECIAL FLOOD HAZARD:** The land in the flood plain within a community subject to a one percent or greater chance of flooding in a given year.

**FLOOD PLAIN or FLOOD PRONE AREA:** *Any land area susceptible to being inundated by water from any source (see definition of “flood”).*

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

**FLOODWAY:** *means 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. Please note that Special Flood Hazard Areas and floodways may be shown on a separate map panels.*

**FLOODWAY, REGULATORY TOWN OF HUNTINGTON:** *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.*

**FLOOD ZONES:** *The FEMA mapped and designated zones within the Special Flood Hazard Area (See “Special Flood Hazard Area” definition below).*

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

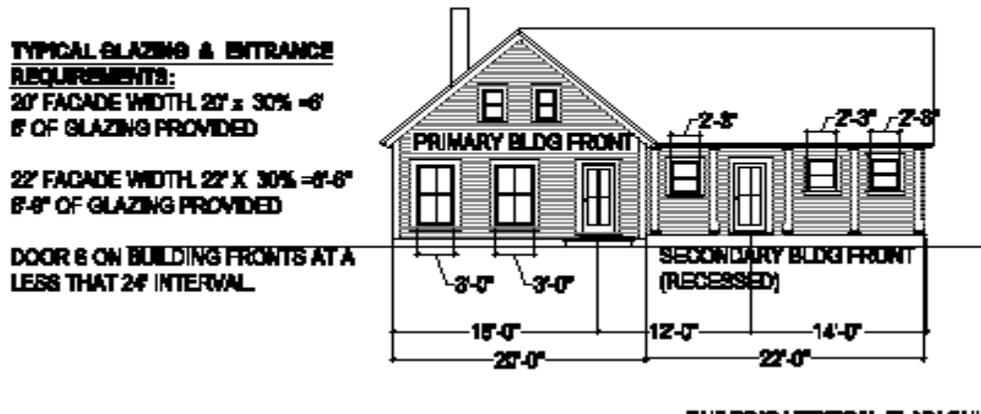
**FLUVIAL EROSION SENSITIVITY RATING:** *The width of likely meandering of a river or stream beyond its channel as a result of erosion. For example, a river with a high sensitivity rating may relocate 8 or 9 river channel widths away from its current location.*

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

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

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

**GLAZING:** *The minimum required amount of first floor window coverage on the primary building front facing the street within the Village Center District. The minimum window coverage of the front of a building facing a street shall be no less than 30 % of the width of the front of the building. Windows shall be rectangle, at least as tall as they are wide and be made of clear glass.*



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

**GROUP HOME:** *A single-family dwelling operated under state licensing or registration, serving as a residence for not more than 10 individuals who have a handicap or disability.*

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

**HOME OCCUPATION:** *An occupation, profession, activity or use conducted in a dwelling unit for the gain of a resident that complies with the standards contained in Section 5.10 C.*

**HOME BASED BUSINESS:** *An occupation, profession, activity or use conducted in a dwelling unit for the gain of a resident that complies with the standards contained in Section 5.10 D.*

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

**INTERESTED PARTY:** *As defined by 24 V.S.A Sec. 4465(b).*

**LAND DEVELOPMENT:** *Any human-made change to improved or unimproved real estate including construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or any mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials or any change in the use of any building or other structure, or land, or extension of use of land. 24 VSA Sec. 4303 (10).*  
**LETTER OF MAP AMENDMENT (LOMA):** *A letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by a certified engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area.*

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

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

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

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

**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 44CFR Section 60.3.*

**MANUFACTURED HOME or MOBILE HOME:** *A structure, transportable in one or more sections, which is built on a manufactured chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.*

**MANUFACTURED HOME PARK OR SUBDIVISION:** *A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.*

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

**MINOR RESIDENTIAL BUILDING IMPROVEMENTS:** *Any repairs, reconstruction, or improvement of a structure, the cost of which is less than fifty (50) percent of the market value of the structure.*

**MIXED USE:** *The development of a lot or building with two or more different allowed uses such as, but not limited to, residential, office, retail, public, or entertainment.*

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

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

**NECESSARY WILDLIFE HABITAT:** *Concentrated habitat which is identifiable and is demonstrated as being decisive to the survival of a species of wildlife at any period in its life including breeding and*

*migratory periods. Necessary wildlife habitat includes, but is not limited to, bear mast stands, bear wetlands, deer winter areas, bobcat denning sites, and great blue heron rookeries.*

**NEW CONSTRUCTION:** *Structures for which the start of construction commenced on or after July 17, 1978 (date of acceptance by FEMA of the original Huntington flood hazard regulation) and includes any subsequent improvements to such structures. For regulation under these LUR's, means structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.*

**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 July 17, 1978.*

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

**NONCONFORMING USE:** *means use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer.*

**NON-CONFORMITY:** *A structure, development or use on a property that is not in compliance with the standards of this regulation in the District where the property is located.*

**NON-RESIDENTIAL:** *Includes, but is not limited to: small business concerns, churches, schools, nursing homes, pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.*

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

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

**OPEN SPACE:** *Land retained for resource protection or as designated for specific development by DRB Approval.*

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

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

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

**PRIME AGRICULTURAL SOILS:** *Soil map units with the best combination of physical and chemical characteristics that have a potential for growing food, feed, and forage crops, have sufficient moisture and drainage, plant nutrients or responsiveness to fertilizers, few limitations for cultivation or limitations which may be easily overcome and an average slope that does not exceed 15 percent. Present uses may be cropland, pasture, regenerating forests, forestland, or other agricultural or silvicultural uses. However, the soils must be of a size and location, relative to adjoining land uses, so that those soils will be capable, following removal of any identified limitations, of supporting or contributing to an economic or commercial agricultural operation. Unless contradicted by the qualifications stated in this subdivision, primary agricultural soils shall include important farmland soils map units with a rating of prime, statewide, or local importance as defined by the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture (USDA).*

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

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

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

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

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

**PUD:** *Planned Unit Development.*

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

**RECREATIONAL VEHICLE:** *A vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.*

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

**RETAIL SALES:** *The selling of a specified line of goods and services directly to walk in or walk up customers.*

**RETAIL STORE:** *An enclosed building housing an establishment offering a specified line of goods or services for retail sale direct to walk-in customers.*

**RIDGELINES:** *Upper portion of hills or mountains that are often visible from lower elevations.*

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

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

**RIVER AND STREAM BUFFERS:** *are determined from the top of the bank of perennial rivers and streams depicted Vermont 1:5,000 Hydrography Dataset and also include the riparian area along the river. The Huntington River has a 100 foot buffer and all other perennial brooks and streams in Town have a 50 foot buffer as provided in Section 4.01 D.*

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

**RIVER CORRIDOR PROTECTION AREA:** *The area within the delineated river corridor subject to fluvial erosion that may occur as a river establishes and maintains the dimension, pattern, and profile*

*associated with its dynamic equilibrium condition and that would represent a hazard to life, property, and infrastructure placed within the area.*

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

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

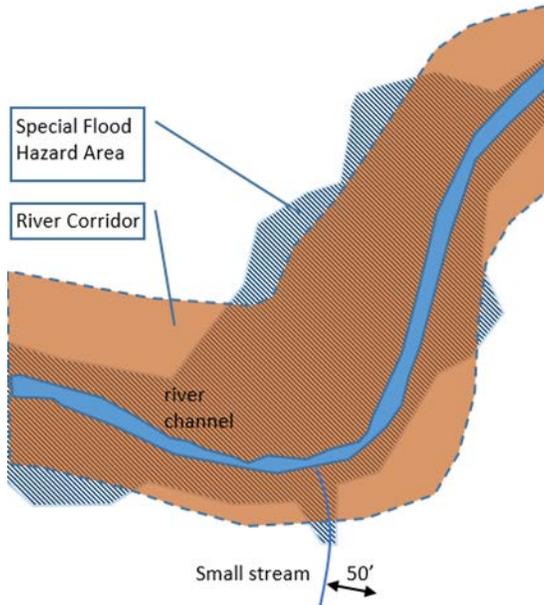
**SENIOR HOUSING:** *In these Regulations, this refers to age-restricted multiunit housing with self-contained living units for older adults who are able to care for themselves. Additional services such as meals or transportation may or may not be provided.*

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

**SIGN, FREESTANDING:** *A sign anchored directly to the ground and supported by vertical structures and not attached to or dependent for support from any building.*

**SITE PLAN:** *An illustration of a proposed development proposal drawn to sufficient accuracy and detail to be used for the purpose of discussion and review under these regulations.*

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



**SPECIAL STANDARD:** *The nature or quality of a development that requires prior DRB Approval. For example, in the Village Center District, a shared boundary wall or a development of more than five units requires DRB Approval.*

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

**STATE AND LOCALLY SIGNIFICANT NATURAL COMMUNITY:** *is a natural community occurrence that has been deemed significant in the state by the Natural Heritage Inventory (NHI) of the Vermont Fish and Wildlife Dept. They are either rare or uncommon types or an outstanding example of a more*

*common type. An occurrence is ranked by size, condition and landscape context. These factors with the rarity of the community determine if it is significant. NHI provides the public with mapped locations.*

**STATUTES:**

1. 24 V.S.A. Sec. 4413(d): (AAPs and AMPs),
2. 24 V.S.A Sec. 4465(b), INTERESTED PARTY
3. 27 V.S.A. Sec. 1403: Composition of survey plats

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

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

**STREET:** *Road.*

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

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

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

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

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

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

4. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or
5. Any alteration of an historic structure listed on the National or State Register of Historic Places, provided that the alteration will not preclude the structure’s continued designation as an historic structure.

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

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

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

**VARIANCE:** The variation of the terms of this Regulation because, owing to conditions peculiar to the property and not the result of the action of the applicant/appellant, a literal enforcement of the Regulation would result in unnecessary and undue hardship. The standards for granting a variance from 24 V.S.A. Section 4469(a) are:

6. “It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with the bylaws.
7. The hardship was not created by the appellant.

8. *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.*
9. *The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaws and from the plan.”*

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

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

**VIOLATION:** *The failure of a structure or other development to be fully compliant with these Regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.*

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

**WETLAND BUFFER:** *The area 50 feet wide area around a wetland that has been delineated in accordance with standards of the Vermont Wetlands Program, as provided in Section 5.14 A.*

**WILDLIFE CORRIDOR:** *Land that links larger patches of wildlife habitat within a landscape, allowing the movement, migration, and dispersal of animals and plants. Riparian habitat along streams and rivers, strips of forest cover between developed areas, and hedgerows/ fencerows all represent potential wildlife habitat. These areas are also known as connecting habitat. Mapped potential corridors*

*for wide ranging mammal species are shown in the Science to Action Project found at:  
<http://www.ccrpcvt.org/science-to-action/>*

**WILDLIFE HABITAT:** See *NECESSARY WILDLIFE HABITAT*.

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## Article II. Permits and Appeals

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### Section 2.01 Permit Required

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A Land Use Permit (“Permit”) is required for all land development that is not exempted under Section 2.02. When not exempt, DRB Approval is required for:

- certain types of development in each Land Use District
- development located in the Special Flood Hazard Area or the Fluvial Erosion Hazard Area.
- subdivisions of property, except where exempt
- appeals to the DRB from actions of the Administrative Officer
- variances.

In those cases where DRB Approval is required, the property owner may obtain a Permit only after DRB Approval is granted. Before applying for a Permit or seeking DRB Approval, a landowner should review the requirements for the Land Use District (“District”) where the land is located.

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### Section 2.02 Exemptions from the Permit Requirement

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- A. Unless located in the Special Flood Hazard Area or the Fluvial Erosion Hazard Area, the following do not require a Permit:
1. Structures or additions to structures, of less than 150 sq. ft. and less than 10 feet in height do not require a Permit, but must otherwise conform to the requirements of these Regulations.
  2. Pedestrian, bicycle, ski and snowmobile trails do not require a Permit.

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### Section 2.03 Application and Fee

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- A. To obtain a Permit the landowner, lease holder or an authorized agent, submits an application and the fee (per the Administrative Officer’s fee schedule) to the Administrative Officer (AO) on the AO’s form.

**Section 2.04 Application contents**

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A. The Permit application contains:

1. A simple statement(s) describing what the applicant is seeking approval for.
2. The name of the applicant(s), location of property, and tax ID numbers.
3. A sufficiently detailed site plan (at least 8 ½" X 11"), to show:
  - a. The shape, dimensions, location of the lot noting principle relevant features, including existing structures, and lot boundary markings.
  - b. The shape, size, height and location of all structures to be erected, altered or moved.
  - c. The location of existing and proposed utilities, and accesses (curb cuts, access to public roads, driveway location and widths, and configuration of parking areas).
  - d. The location of any required setbacks, "build to" zones, existing permits and existing and proposed wells, well shields and septic fields.
  - e. The location of any existing or proposed easements.
  - f. Any additional requirements prescribed for the District where the property is located.
  - g. When necessary, location of existing waterways and buffer zones and a stormwater management plan.
4. Copies of any legal restrictions or covenants, existing town subdivision approval conditions, any state or federal permit applications or approvals and copies of a State Project Review Sheets applicable to the property.
5. A description of all existing development on the property.
6. Any DRB Approval relating to the Permit application.
7. The application fee.

B. The Administrative Officer may reject the application if any of the required information is not provided. The Administrative Officer may waive any of the above requirements if the requested information is not relevant to what the applicant is seeking approval for.

**Section 2.05      Action on Permit Application**

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- A. Within 30 days after the Administrative Officer’s acceptance of a complete application, the Administrative Officer (AO) approves the application, denies it, or requests additional information. The AO shall verify what applicable Permit conditions already exist, and within 30 days after additional information is provided, shall approve, deny, or present to the Development Review Board, the application. Failure of the Administrative Officer to act within this timeframe shall constitute automatic approval. If the Permit is approved, the Administrative Officer promptly issues a Permit with any conditions required by these Regulations and DRB Approval. In considering whether to issue or deny a Permit, the Administrative Officer applies the standards of these Regulations, including those of the District, and overlay District, where the property is located.
- B. The Permit shall contain a statement that the applicant should contact state agencies to determine what state permits may be required before commencing development, as required by 24 V.S.A. Sec. 4449(e): “Before beginning development, the applicant is obligated to identify, apply for and obtain all necessary state permits relating to this project by contacting the Vermont Agency of Natural Resources Office, 111 West Street, Essex Junction, VT; 802-879-5676.” Note:  
<http://www.anr.state.vt.us/dec/ead/pa/index.htm>
- C. Within one day following the issuance of a Permit, the Administrative Officer shall:
  - 1. Deliver a copy of the Permit to the Town Listers.
  - 2. Post a copy of the Permit in a public place in Huntington.
  - 3. Deliver copies to the Town Clerk for recording in the land records and for filing in the Permit records.
  - 4. Post a copy of the Permit on the Town’s website.
- D. On the day of approval, the Landowner shall post a notice of the Permit on the property within view of the nearest public road for 15 days from the date of issuance and shall ensure that it remains posted for the 15 days. The Administrative Officer shall verify that the Landowner has posted the notice.
- E. Neighbors or other interested parties may appeal the granting of a Permit by giving written notice to the Administrative Officer within 15 days of the posting. The appeal

shall state the objections to the granting of the Permit with reference to these Regulations. Timely appeals will be heard by the DRB as provided in Section 2.07.

- F. The Permit shall not take effect until 15 days following the issuance of the Permit during which appeals can be filed as provided in Article II, Section 2.07 below. **In no event shall any development, including site preparation, occur until the issued Permit takes effect.** In the event that an appeal is filed, the Permit is suspended until the appeal is decided by the DRB, and all further appeals are exhausted.

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### **Section 2.06 Certificate of Occupancy**

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When development is completed, sufficiently for occupancy or use as specified in the Permit, the holder of the Permit must obtain a Certificate of Occupancy, issued by the Administrative Officer. The Administrative Officer may inspect the property to confirm compliance with the requirements and conditions of the Permit. Within 15 days of the Permit holder's request for a Certificate of Occupancy, the Administrative Officer shall either issue the Certificate of Occupancy or provide the Permit holder a statement listing the items of non-compliance. After the holder of the Permit has remedied the items of non-compliance, and re-applied, the Administrative Officer shall issue a Certificate of Occupancy.

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### **Section 2.07 Appeal**

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The applicant or an interested party, as defined in 24 V.S.A. Sec. 4465(b), may file an appeal of a decision by the Administrative Officer within 15 days from date of the decision. The appeal must be filed at the Town Offices, must be in writing and specify the objections of the party making the appeal to the Administrative Officer's decision. The filing fee must accompany the appeal. The hearing before the DRB on the appeal will be held with the same formalities as with a hearing for DRB Approval. The DRB may deny the appeal or grant it, with or without conditions. As with all DRB Approvals, a DRB decision concerning an appeal specifies the reasons for its decision referencing applicable law and regulations.

**Section 2.08      Variance**

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A landowner may request a variance of these Regulations from the DRB using the same procedure as with appeals from the decision of an Administrative Officer. A variance will only be granted if facts are found that satisfy the criteria in 24 V.S.A. Section 4469(a) with respect to the District, or Overlay District, where the property is located. In addition, variances in the Flood Hazard Overlay District will only be granted after complying with the criteria and insurance notice requirements of Section 60.6 (a) of the National Flood Insurance Program Floodplain Management Regulations (<http://www.gpo.gov/fdsys/pkg/CFR-2010-title44-vol1/pdf/CFR-2010-title44-vol1-sec60-6.pdf>).

**Section 2.09      Permit Expiration**

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Permits expire two years from the effective date of the Permit, extended if the Permit is being appealed. The applicant may also obtain a one-year extension by request to the Administrative Officer before the end of the initial two years.

## **Article III. Development Review Board (DRB) Processes**

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### **Section 3.01 When DRB Approval Required**

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DRB Approval is required for Conditional Uses and Special Standards applicable in the District where the property is located. DRB Approval is also required for all subdivisions of property, except where exempt as set forth in Section 3.02, and where no Permit is required as provided in Section 1.01 D.

### **Section 3.02 Exceptions of DRB Approval Requirement for Subdivisions**

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A subdivision requires prior Approval by the DRB before a Permit for development can be issued. The following are exceptions that do not require DRB Approval, but still require a Permit, are:

- A. For boundary adjustments between two adjoining parcels where the movement of the boundary and the boundary adjustment do not create:
  - 1. A non-conformity under Section 5.09 or increase the degree on non-conformity,
  - 2. A new lot
  - 3. A lot that does not comply with the requirements in the District where the lot is located.
  - 4. A lot that previously couldn't be developed, but would be developable after the boundary adjustment.
- B. Transfer or long term lease of land for forestry or agricultural purposes or solely for land conservation. The transfer must be accompanied by a recorded instrument, in a form approved by the Administrative Officer, specifying the purpose of the transfer and that no development will occur on the transferred land until DRB Approval is obtained.
- C. A transfer of land between adjoining property owners to merge the parcels.

- D. Applications for a Permit for a boundary adjustment or transfer under this subsection B shall be accompanied by a land plat as with subdivisions and a proposed deed.

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**Section 3.03      Development Review Board Process – Preliminary Review**

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- A. For all development (and subdivisions) subject to DRB Approval, a Preliminary Review is the first step. The purpose is to acquaint the DRB, and the applicant's neighbors, with the proposed development without requiring the presentation of extensive, and often expensive, surveying, engineering and design data by the applicant. The plans should be presented in an informal way that invites comment and discussion of alternatives. The applicant (the owner or appointed representative) should request a Preliminary Review by submitting the Administrative Officer's Preliminary Review checklist and accompanying documents to the DRB Clerk. Such submission grants permission to the DRB to visit the property concerned with prior coordination with the applicant.
- B. During Preliminary Review, the applicant and the DRB shall explore development options that are consistent with these Regulations and the goals of the Town Plan. The representations of the applicant and the DRB shall not be binding in future DRB Approval hearings. The DRB or the applicant may request a continuation of the Preliminary Review to a future DRB meeting to allow for project reconfiguration, the presentation of additional data or to allow for a site visit of the property by the DRB.
- C. The goals of the Preliminary Review are to:
1. Explore options and examine the details of the applicant's proposed development to produce the best development plans possible.
  2. Provide the applicant with a clear understanding of whether approval of his development is likely and with what terms and conditions.
  3. To familiarize neighbors and other interested parties with applicant's development plans, and to acquaint the applicant and the DRB the nature of their concerns or their opposition.
  4. To make the DRB approval hearing process thorough, efficient and successful.

- D. During, or shortly after, the conclusion of the Preliminary Review the Clerk shall provide the applicant with a short summary of the development plans and any recommendations of DRB. While the Preliminary Review does not suggest approval or rejection of applicant's development plans, the Preliminary Review may give an indication of what evidence in these Regulations that may be required for DRB Approval, such as wetlands delineation, a wildlife habitat study, a storm water plan, a shared parking or traffic study, or a clustered housing plan. It is recommended that applicants planning to subdivide property provide a map showing various features for review or a draft plat which contains much of the information needed for DRB Approval of a subdivision.
- E. Normally, at this point in the process, the Chair of the DRB will assign the DRB Clerk to be the contact person for the applicant to facilitate coordination in future dealings with the DRB. The Clerk has no authority to act or to make substantive representations for the DRB and the Clerk's communications with the applicant are not binding on the DRB.
- F. Before its last Preliminary Review meeting the applicant is obligated to provide notice, and associated fees, in the same manner as is required for DRB Approval hearings, except that newspaper publication is not required. To facilitate this notice, the applicant shall provide the DRB or the Clerk with stamped envelopes addressed to all adjoining property owners, neighbors, and others, as specified by the DRB, who will receive notice. Such a noticed meeting is required before the application for DRB Approval will be accepted.
- G. The Preliminary Review process is designed so that important resource areas are identified and considered first before determining where and in what manner any development will could occur.
1. Step 1:
    - a. Study of the property, and nearby properties, using available resources, as well as that provided by the applicant, to determine what existing, resources and development are on the property and where they are located. Resources include maps of natural features, as described in Article V, Section 5.02, trails and roads, recreation

facilities, open land by type, and agricultural and forestry land.

Development includes current and former uses of the property by type, structures and alterations of the natural landscape, and current and planned development in the neighborhood of the property. The DRB may require site specific studies and data beyond what is publicly available or provided by applicant.

- b. Identify those features referred to in Section 5.02 which should be given special consideration considering future development of the property. In addition, the DRB shall identify trails and roads, recreation facilities, agricultural and forestry activities, as well as other types of development, on or near the property which may require distance or other shielding, natural or otherwise, from the applicant's proposed development.

2. Step 2:

- a. Determine an optimal location for applicant's development on the property. Include building and related development envelopes, vehicle and pedestrian access and, in the case of subdivision, appropriate locations for lot lines. Design other associated development and connections with neighboring properties and development, incorporating the standards set forth herein.

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**Section 3.04      Development Review Board Process Approval procedures**

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- A. Within 8 months following DRB concluding its' Preliminary Review process, the owner of the property, or appointed representative, must apply for DRB approval within eight months following the most recent Preliminary Review meeting may apply for DRB Approval. The applicant shall specify why DRB Approval is requested.
- B. The applicant shall provide the information required for a Permit application.
  1. For DRB Approval of a new conditional use or change in conditional use, the application shall include, in addition to any requirements in the District standards:
    - a. A detailed description of the intended conditional use,

- b. The current and planned Permitted uses for the property,
  - c. How the Conditional Use or Special Standard will meet the applicable criteria in District standards, the performance standards and other criteria found in Article V, and,
  - d. What effect the use will have on the character of the surrounding neighborhood.
2. For DRB Approval , the applicant shall provide, a site plan or series of plans, consistent with Article II, Section 2.04, that indicate existing features and contours, proposed traffic roadway access and on-site, circulation, parking, loading/unloading areas, pedestrian and bicycle facilities ,walks, landscaping, site grading, screening, exterior lighting design and storm water designs. The purpose of site plan review is to examine the development on its proposed site and assure its conformance with the required standards in the District. Section 24 VSA Sec. 4416.
3. For DRB Approval of a subdivision, the applicant shall provide a plat as required by 27 V.S.A. Sec. 1403, which includes the items listed in Appendix A. The applicant shall also provide any items required to demonstrate compliance with District standards. However, any item may be waived during the Preliminary Review if the DRB views the item as not being relevant to the proposed development. In addition, the DRB may request:
- a. Copies of proposed deeds, agreements or other documents showing the manner in which trails, sidewalks, streets, open space, including park, common gardens, recreation areas and school site areas, are to be dedicated, reserved, and maintained. A certificate from a consulting engineer as to the completion of all improvements required by the DRB. In addition the DRB may require a performance bond to secure completion of such improvements and their maintenance for a period of two years.
  - b. Any other documents requested by the DRB during the Preliminary Review.

- C. The DRB may waive requirements referred to above, or add additional ones, at Preliminary Review.
- D. Within 7 days after submission of the application, a member of the DRB or the Clerk shall review it for completeness. In the event that the application is incomplete, the applicant is to be promptly notified and have the option of withdrawing the application or submitting the missing items. A public hearing will be scheduled on the application 20 days or more following the submission of the application or the submission of the missing items. Notice of the public hearing must be made 15 days or more prior to the hearing by publication in a newspaper of general circulation in Huntington, by posting the notice in three public places in Huntington, on the Town website, and by written notice to adjoining property owners. The notice to the adjoining property owners shall include a brief description of the proposed development or subdivision, that additional information is available at the Town offices and that participation in the hearing is required to become an interested party, as defined by 24 V.S.A Sec. 4465(b).
- E. The public hearing shall be recorded, by written summary and/or audio recording and written summary. The Chair shall open the hearing and ask whether any DRB members must excuse themselves because of a conflict of interest or because of having ex parte contacts with the applicant concerning the application. The Chair shall state that the purpose of the hearing is for the DRB to take statements and evidence, along with the application for consideration by the DRB. The Chair shall remind those who would like to speak that statements should address the merits of the proposed development and whether it complies with the specific requirements of these Regulations. The applicant and/or representatives may make statements introducing the application and then interested parties may make statements and present relevant evidence. Questions from members of the DRB to those making statements, including the applicant, should be directed through the Chair. The Chair may set and enforce time limits on oral statements.
- F. The DRB may recess the hearing for the submission of additional information, but in no event more than 45 days without the agreement with the applicant. At the conclusion of the statements, questions by DRB members and submission of

additional information, the Chair will close the public hearing. Within 45 days from the close of the hearing the DRB will deliberate and issue a findings of fact, conclusions of law and decision either denying or granting the application, with or without conditions.

G. In considering an application, the DRB shall weigh the following criteria, if relevant to the proposed development:

1. The criteria specified for the District where the property is located.
2. All relevant standards set forth in Article V.
3. The provisions made in the application and the anticipated impact of the proposed development on transportation (cars, bicycles, pedestrian, trucks and other commercial vehicles, emergency vehicles).
4. The impact of the proposed development on municipal services and facilities, including roads and schools. The DRB would normally require a statement from the school district can absorb the anticipated number of new students resulting from the development.
5. New or altered roads or other public facilities and provisions for long term maintenance and improvement.
6. Water supply and wastewater disposal, including conditioning future Town Permits on obtaining required state permits.
7. Energy conservation.
8. Soil stabilization, erosion control and stormwater management, including storm water and erosion control practices during construction. See the Low Risk Site Handbook Erosion Prevention and Sediment Control by Vermont Department of Environmental Conservation.  
[http://www.vtwaterquality.org/stormwater/docs/construction/sw\\_low\\_risk\\_site\\_handbook.pdf](http://www.vtwaterquality.org/stormwater/docs/construction/sw_low_risk_site_handbook.pdf)
9. Enforcement of the requirements and conditions of the Permit and whether a bonding and financing agreement is necessary.
10. Consistency with the Town Plan, including its goals of sustaining the Town's rural character, supporting recreation and fostering economic development.

- H. Upon DRB Approval, the Administrative Officer shall be furnished the completed Application and Approval documents, and process a Permit.

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**Section 3.05 Appeals**

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The applicant or an interested party may appeal a decision of the DRB within 30 days to the Environmental Court, which is a division of the Vermont Superior Court. The standards for appeal and who qualifies as an interested party are provided in 24 V.S.A. Sec.4471 (and in the Rules of the Environmental Division, the Vermont Rules of Appellate Procedure and otherwise by law).

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## Article IV. Land Use Districts

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### Section 4.01 Introduction

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- A. The allowed uses and types of development are those listed as “Permitted” for each District. In most cases, the Administrative Officer has the authority to issue zoning permits for permitted uses, and hearings before the DRB are not required. DRB approval is required before a permit can be issued for any type of development or use in each District that is identified as a “Conditional Use” or that requires review relative to “Special Standards”. DRB Approval is also required where more than one use, even a Permitted use, is requested, except in the Village District.
- B. By state law (V.S.A. Title 24, Chapter 117, Section 4413a), certain uses, listed below, may only be regulated by municipalities with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements. These Regulations may only restrict land development with respect to these items and then only where these Regulations do not interfere with the intended functional use.
1. State or community owned and operated institutions and facilities.
  2. Public and private schools and other educational institutions certified by the State Department of Education.
  3. Churches and other places of worship, convents, and parish houses.
  4. Public and private hospitals.
  5. Regional solid waste management facilities certified by the State, and,
  6. Hazardous waste management facilities certified by the State.
- C. The standards and requirements for the Flood Hazard Overlay District, Fluvial Erosion Hazard Overlay District and Groundwater Protection District are in addition to the standards and requirements for the other Districts.
- D. Addendum C summarizes Dimensional Standards for all Land Use Districts.
- E. Development Standards for Special Flood Hazard Areas, Floodways, and River Corridors are in that Section.

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**Section 4.02 Village Center District(s)**

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- A. The purpose of the District is to encourage new development that preserves and encourage the natural defining characteristics of Huntington's villages which have character, compact, mixed and flexible uses development and interconnected neighborhoods. Growth in the villages will include transportation corridors with for walking and biking. as an alternative to the automobile with and parallel and diagonal on-street parking for automobiles with commercial development.
- B. Permitted Uses: All uses are Permitted, including Residential uses that do not exceed the Special Standards in 4.02(D).
- C. Conditional Uses: All commercial uses require DRB review but generally all legal uses are allowed.
- D. Special Standards: DRB Approval is required for the following before an a Permit will be issued for developments that:
  - 1. All commercial uses
  - 2. Include a structure having more than 8,000 square feet of interior floor space.
  - 3. Development which Exceeds 5 separate residential units.
  - 4. Development which exceeds one acre.
  - 5. Development which includes a new public street.
  - 6. Alters of the exterior of an historic structure, or a new structure in a historic district.
  - 7. Include a shared parking plan.
  - 8. Includes an on-street diagonal parking scheme or other on-street parking scheme within or adjacent to an existing or proposed town highway that requires additional land beyond the town highway right-of-way boundary.
  - 9. Includes adjoining landowners constructing adjoining buildings to the boundary line (having a share wall).
  - 10. Includes side or rear setbacks less than 8 feet from property line.

- E. Building and Parcel Dimensional Standards Within the District:
1. Lot widths on the street frontage are a maximum of 120 feet. There are no maximum number of dwelling units per lot, but a maximum of two dwelling structures are allowed per lot.
  2. Without DRB Approval the side and rear yard setback is a minimum of 8 feet.
  3. Commercial buildings shall have building breaks for every 24 to 60 feet of building frontage on a street.
  4. Performance standards found in Section 5.03 apply.
- F. DRB approval can be contingent on permit conditions. In considering whether to grant DRB approval and what conditions to attach, the DRB require the development to include shall provide provisions for connectivity of primarily residential neighborhoods to a village center, or other proximate development with walking and biking paths or sidewalks with the potential of a road. Cul-de-sacs and single entrance residential neighborhoods that are not connected to proximate development by walking and/or biking paths should be avoided. Limitations imposed by topography should be considered, and a DRB site visit may be required.
- G. With prior DRB Approval, building location requirements may be modified to accommodate unusual topography, wetlands and, other environmental limitations and sewer and water constraints.
- H. Glazing: The minimum window coverage of the front of a building facing a street shall be no less than 30 % of the width of the front of the building. Windows in doors are to be included in the calculation of window width.



One of the goals of the regulation is to foster a sense of connection between the community life that happens in the public areas of the street and stores with the more private areas within our homes and commercial spaces, the idea is to strike a sense of balance between public areas and private ones.

Here we see an important building in Huntington that houses our post office and other commercial development.

The fact that the building has a large number of windows or in the language of our regulations “glazing requirements” facing the street fosters a sense of connection between public areas and private while being consistent with other architecture in the village.

Photograph: Mark Smith

- I. Driveways for single and two family dwellings shall be no wider than 12 feet. Residential garages should be located behind the residence and should be no closer to the public street than the residence. or behind the residence and at least 20 feet from the street right-of-way. Other parking shall be no closer than 60 feet from the street right of way.
- J. Generally:
  - 1. Building Zone. At ground floor, the building front facing the street shall be a minimum of 8 feet and a maximum of 20 feet from the street right-of-way. Awnings, stoops and vestibules are encouraged.

2. Building Heights. Buildings fronting on a public street shall have be a maximum height of 35 feet unless approved by the Fire Chief and DRB and a minimum height of 15 feet.
  3. Flat roofs on single story dwellings are not allowed.
  4. Outbuildings and accessory structures shall be setback at least 20 feet from the street right-of-way.
  5. On-street parking the street may be allowed as provided below in 4.02 K.
- K. Parking: In addition to the Off Street Parking Standards in Section 5.07, parking shall not interfere with pedestrian travel areas and sidewalks.
1. With prior DRB Approval, a Permit may include parking on the street in front of a lot as part of a development scheme where the lot owner conveys to the Town sufficient property along the front of the lot to sufficiently enlarge the right-of-way. The lot owner in such a development scheme shall pay the costs of the parking area, street alterations and sidewalk realignment.
  2. Off-street parking lots shall not be located along or adjacent to the street frontage. Instead, parking areas may be behind street facing buildings, under the building's first floor, beside the buildings so long as they are shielded or, alternatively, are at least 60 feet from the street right-of-way.
  3. With prior DRB Approval, two or more property owners may enter into a shared parking plan agreement reflecting their complementary needs (e.g., different peak hours, sporadic use) to comply with parking standards. However, the parking shall not be located more than 600 feet from development it supports.



**Huntington's Villages:** There are many features of our Villages that the regulations seek to preserve and even enhance a mixture of residential and commercial uses, public spaces, being walking friendly and the preservation of a traditional village landscape versus the gradual conversion of our village centers to commercial malls and strip development surrounded by suburbs.

**Photograph:** Mark Smith

**Section 4.03 Neighborhood District:**

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- A. The purpose of the Neighborhood District is to allow mixed use moderately dense residential, commercial and civic development while protecting open space areas that define village boundaries. The goals for the District are to provide residential opportunities, protect open space and prime agricultural soils, promote safe and efficient pedestrian and other transportation capability, and encourage the social and cultural aspects of neighborhood community life. Pedestrian and bicycle uses are prioritized without sacrificing automobile accessibility.
- B. Permitted Uses: The Administrative Officer may grant Permits for development, except as provided below, limited to the following uses:
  - 1. Single and two family dwelling
  - 2. Accessory structure or use described below
  - 3. Agriculture and forestry
  - 4. Accessory dwelling unit in accordance with Section 5.05
  - 5. Home day care (serving 6 or fewer children)
  - 6. Home occupation
  - 7. Senior housing of 15 or fewer units
- C. Conditional Uses: Permits may be granted for the following uses with prior DRB Approval:
  - 1. Multi-family (more than two family) dwellings and rental units.
  - 2. Condominiums and townhouses.
  - 3. Group home (not exceeding 15 bedrooms)
  - 4. Commercial uses, including but not limited to: agricultural sales and service, vehicle service and repair, contractors' yards, retail sales, cottage industry, health clinic, garden center, veterinary clinics, kennels, day care centers, financial institutions and funeral homes.
  - 5. Bed and Breakfast and Inns (not exceeding 15 bedrooms)
  - 6. Cemetery
  - 7. Schools and educational centers
  - 8. Places of worship, libraries, public meeting houses, private clubs, restaurants

9. Recreational facilities (indoor and outdoor) including commercial ski and snowboard facilities.
  10. Cultural facility, including nature centers.
  11. Public utilities, solar panels, ham radio towers, wind turbines and telecommunications facilities not regulated by the Vermont Public Service Board.
- D. The allowed density in the District is one unit per acre, except for an approved Planned Unit Development (PUD).
- E. To comply with the density requirement, the Administrative Officer shall consult with the Town Lister's acreage data to confirm compliance or request an up-to-date survey. One accessory dwelling which complies with the standards in Section 5.05 shall be counted as part of the existing single-family dwelling for density purposes, and duplexes shall be counted as two units. The Administrative Officer shall deny a Permit application when a proposed development encroaches on areas described in Article V, Sections 5.01 and 5.02 (community wastewater sites, natural resources), on wetland, river or stream setbacks, on setbacks in District Dimensional Standards, or on or near easements or rights-of-way, or violates an existing covenant.
- F. Dimensional Standards: Front setback from the street right of way edge is 25 feet minimum. Side and rear setbacks are 15 feet minimum. In the setback area, road and underground utility lines are allowed for access to development on the property. Pedestrian and bicycle ways are allowed in the setbacks. Parking and loading areas are not allowed in setback areas. Exceptions to the setback requirements are allowed with DRB Approval where comparable structures on adjoining and nearby parcels are within their setbacks. There is minimum road frontage on a public road is 120 feet.
- G. Maximum retail space (retail floor area) is limited to 4,000 square feet. Gasoline sales and motor vehicle sales as a principal use require DRB approval.
- H. Except for one and two family dwellings, site plan review is required for DRB Review in this District, with the goal of establishing the building and development envelopes as well as other improvements. When conducting a site plan review, the DRB shall take into account the adequacy of the site design in protecting significant site

features, in complementing existing and planned neighboring development and uses and in coordinating with local and town infrastructure, facilities and resources, without overburdening them.

- I. For a subdivision requested as part of DRB Approval review, no lot shall be less than 1 acre, unless with a DRB Approved PUD. Utilities on the property shall be generally located underground. However, alternative plans are allowable with DRB Approval. An application for DRB Approval requesting a subdivision shall include a proposed utility system plan.
- J. Planned Unit Developments (“PUDs”) are allowed in this District as provided in Section 5.06. The allowed density bonus for a PUD in this District is 25% more lots or units than would be allowed with the 1 lot or unit per acre otherwise applicable. The designated open space must be a minimum of 50% or more of the property being subdivided developed.
- K. In determining whether to grant DRB Approval, and what conditions to attach, the DRB shall consider the standards above and:
  1. The proximity of the proposed development to existing similar or complementary development with the goal of clustering similar types of structures and uses.
  2. Foster land use patterns that concentrates development into mixed use growth areas that reduces the need for motor vehicle travel and encourages pedestrian and bicycle use.
  3. Support connections to nature through an open space system of:
    - a. Natural elements, such as, wildlife habitat, watercourses and wetlands and their buffers, rare species, significant natural communities and forest blocks,
    - b. Formal elements, such as, parks, greens, playgrounds, and fields
    - c. Connective elements, such as, tree-lined roads, trails, bicycle and pedestrian paths
  4. Prevent strip development.
  5. Preserve contiguous agricultural and forestry lands as well as other natural features as described in Section 5.02.

6. Provide for connectivity by means of pedestrian/ bicycle trails, or easements for future pedestrian/bicycle connections, with school, village and recreational resources, as is relevant to the nature of the development and use.
7. Consider locations of vehicular access and the best likely alternatives.
8. Consider location of current and future utility and access rights-of-way affecting the property and the development.
9. Consider the current and future development in the areas around the property and likely infrastructure needs, including but not limited to current and future water and wastewater requirements referred to in Section 5.01.
10. Consider the effect of the development on local infrastructure and facilities, including roads, schools, utilities and emergency services.

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**Section 4.04 Rural Residential District**

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- A. The purpose of the Rural Residential District is to allow development while limiting its impact on the rural character of the District. The specific location of development in the District is to be balanced and coordinated with nearby recreation facilities and trails, agriculture, roads and transportation facilities, other similar development and uses (e.g., clustering of residential development) and possible future uses (including water and wastewater facilities).
- B. Permitted Uses: The Administrative Officer may grant Permits for development, except as provided below, limited to the following uses:
1. Single family dwelling and duplex
  2. Accessory structure or use described below
  3. Agriculture and forestry
  4. Accessory dwelling (to an existing single family dwelling)
  5. Cemetery
  6. Home day care
  7. Home occupation
  8. Outdoor market
- C. Conditional Uses: Permits may be granted for the following uses with prior DRB Approval:
1. More than two family dwellings and rental units.
  2. Condominiums and townhouses.
  3. Group home (not exceeding 15 bedrooms)
  4. Bed and Breakfast and Inns (not exceeding 15 bedrooms)
  5. Commercial uses, including agricultural sales and service, vehicle service and repair, contractors' yards, retail sales, and cottage industry, veterinary clinics, kennels
  6. Home based businesses, including day care centers
  7. Schools and educational centers
  8. Places of worship, libraries, public meeting houses, private clubs, restaurants
  9. Recreational facilities (indoor and outdoor) including pedestrian trails, ski and snowboard facilities, snowmobile trails

10. Public utilities, wind turbines, ham radio towers, and telecommunications facilities not regulated by the Vermont Public Service Board.
- D. At least 85% of the total area of the lot being developed is to remain undeveloped.
- E. The processing, distribution and sale of products raised primarily on the farm or products fashioned primarily from timber harvested on the land is generally permitted, but unrelated manufacturing, wholesale, or retail trade activities are not.
- F. To comply with the density requirement (no more than one unit per 5 acres), the Administrative Officer shall consult with the Town Lister's acreage data. One accessory dwelling which complies with the standards in Section 5.05 (Accessory Dwelling Units) shall be counted as part of the existing single family dwelling for density purposes, and duplexes shall be counted as two units. The Administrative Officer shall deny a Permit application when a proposed development encroaches on areas described in Sections 5.01 and 5.02 (water supply, wastewater and natural resources), on river or stream setbacks, on setbacks in District Dimensional Standards, or on or near easements or rights-of-way, or violates an existing covenant.
- G. Dimensional Standards: Front setback from the street right-of-way edge is 25 feet minimum. Side and rear setbacks are 20 feet minimum. In the setback area, road and underground utility lines are allowed for access to development on the property. Pedestrian ways are allowed in the setbacks. Parking and loading areas are not allowed in setback areas. Exceptions to the setback requirements are allowed with DRB Approval where comparable structures on adjoining and nearby parcels are within their setbacks. There is minimum frontage of 180 feet on a public road.
- H. Except for one and two family dwellings, site plan review by the DRB is required for all uses in this District, with the goal of establishing the building and development envelopes and any other improvements. When conducting a site plan review, the DRB shall take into account the adequacy of the site design in protecting significant site features and in complementing existing and planned neighboring development and uses and in coordinating with local and town infrastructure, facilities and resources, without overburdening them.

- I. Where a subdivision is requested as part of DRB Approval, no lot shall be less than 5 acres, unless with a DRB Approved PUD. Utilities on the property shall be generally located underground but alternative plans are allowable with DRB Approval. An application for DRB Approval requesting a subdivision shall include a proposed utility system plan and design.
- J. Planned Unit Developments are allowed in this District as provided in Section 5.06. The allowed density bonus for a PUD in this District is one additional unit for every four units, as determined by the DRB. The designated open space for a PUD in this District is must be a minimum of 90 % of the property being subdivided.
- K. In determining whether to grant DRB Approval, and what conditions to attach, the DRB shall consider the standards above and:
  1. The proximity of the proposed development to existing similar or complementary development with the goal of clustering similar types of structures and uses.
  2. Preserving contiguous agricultural and forestry lands as well as other natural features as described in Article V, Section 5.02.
  3. Providing for connectivity by means of pedestrian/ bicycle trails with school, village and recreational resources, as is relevant to the nature of the development and use.
  4. Location of vehicular access and the best likely alternatives.
  5. Location of current and future utility and access rights-of-way affecting the property and the development.
  6. The current and future development in the areas around the property and likely infrastructure needs, including, but not limited to, current and future water and wastewater requirements referred to in Section 5.01, the effect of the development on local infrastructure and facilities, including roads, schools, utilities and emergency services.

## **Section 4.05 Woodland District**

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The purpose of the Woodland District is to protect environmentally fragile high elevation areas, unfragmented forest land and wildlife habitat from incompatible use.

- A. The District includes all land between 1,500 and 2,000 feet above sea level on the eastern side of the Town. The minimum lot size is 25 acres.
- B. Permitted Uses: The Administrative Officer may grant Permits for development, except as provided below, limited to the following uses. Permitted uses in the District are:
1. Seasonal dwellings
  2. Forestry
  3. Agriculture and
  4. Accessory structures to a Permitted use, where a structure was previously granted a Permit. Primitive campgrounds,
  5. Recreation facilities and an
- C. Accessory structure or use, to a previously granted conditional use, are allowed with a Permit.
- D. The following Conditional Uses are allowed with DRB Approval:
1. Residences with a maximum footprint of no more than 1,500 square feet footprint and a maximum height of 35 feet height, on land suitable for building (well drained, accessible, etc.).
  2. Accessory structure or use to an existing conditional use.
  3. Primitive campground (limited to designated tenting areas)
  4. Cemetery
  5. Nature Center
  6. Public Utility
  7. Recreational facilities (indoor and outdoor) including pedestrian trails, ski and snowboard facilities, snowmobile trails
  8. Public utilities, residential wind turbines and solar installations, ham radio towers, and telecommunications facilities not regulated by the Vermont Public Service Board.

- E. The maximum footprint of a structure (s) is 1,500 square feet on the lot. Only shelters, lean-to's, warming huts or storage sheds are allowed. Structures may be served by on- site utilities but are not to be located on exposed ridgelines, public vantage points or locations visible from a public road.
- F. Dimensional Standards: Front setback from the street right-of-way is 25 feet minimum. The side and rear setbacks are 50 feet minimum. The minimum lot size is 25 acres. In the setback area access drives, road and underground utility lines are allowed for access to development on the property. Pedestrian ways are allowed in the setbacks. Parking and loading areas are not allowed in setback areas.

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## Section 4.06 Conservation District

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The purpose of the Conservation D district is to protect the forests, watersheds, wildlife habitat, and environmentally sensitive upland areas within the Town of Huntington and to maintain the scenic beauty of the mountain ridges and skyline.

- A. The Conservation District includes all land above 2000 feet in elevation. The minimum lot size in the District is 25 acres.
- B. Permitted Uses: The Administrative Officer may grant Permits for development, except as provided below, limited to the following uses:
  - 1. Permitted uses in the District are Forestry
  - 2. Agriculture and
  - 3. Accessory structures to a Permitted use, where a structure was previously granted a Permit. Primitive campgrounds
  - 4. Recreation facilities are allowed with a Permit
- C. There are no Conditional Uses allowed in this district.
- D. Where DRB Approval is requested for a subdivision, the DRB will approve new structures only after site plan review and may:
  - 1. Limit site clearing or disturbance, except for forestry or agriculture in accordance with Section 5.02;
  - 2. Require screening or reforestation as necessary to minimize the environmental or visual impacts of development;
  - 3. Require the submission of environmental or visual impact assessments, such as, but not limited to, necessary wildlife habitat, significant natural communities, wildlife corridors, intact forest blocks and wetlands.
- E. No structure shall:
  - 1. **Have a floor area of** greater than 1000 square feet,
  - 2. Be connected to **off-site** utilities,
  - 3. Be accessible by motor vehicles except snowmobiles and all-terrain vehicles,
  - 4. Be sited on ridgelines or visible public vantage points.

**Section 4.07**

**Special Flood Hazard Areas, Floodways, and River Corridors**

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**NOTE: The following Flood Hazard Regulations follow a different numbering convention than the rest of these Land Use Regulations.**

**Town of Huntington  
FLOOD HAZARD REGULATIONS**

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**I. Statutory Authorization and Effect**

In accordance with 10 V.S.A. Chapter 32, and 24 V.S.A. Chapter 117 §4424, §4411 §4414, and 24 VSA Chapter 59, there is hereby established a bylaw for areas at risk of flood damage in the Town of Huntington, Vermont. Except as additionally described below, all administrative procedures follow municipal procedures under 24 VSA Chapter 117.

**II. Statement of Purpose**

It is the purpose of this bylaw to:

- A. Implement the goals, policies, and recommendations in the municipal plan;
- B. Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding related inundation and erosion;
- C. Ensure that the selection, design, creation, and use of development in hazard areas is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair fluvial geomorphic equilibrium, flood plain services, and ensures that cumulative development in the hazard zone does not adversely affect others;
- D. Manage all flood hazard areas designated pursuant to 10 V.S.A. Chapter 32 § 753; the municipal hazard mitigation plan; and make the Town of Huntington its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

### III. Other Provisions

#### A. Precedence of Bylaw

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

#### B. Validity and Severability

If any portion of this bylaw is held unconstitutional or invalid by a competent court, the remainder of this bylaw shall not be affected.

#### C. Warning of Disclaimer of Liability

This bylaw does not imply that land outside of the areas covered by this bylaw will be free from flood or erosion damages. This regulation shall not create liability on the part of the Town of Huntington, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

**Sections II and III above are covered elsewhere in the LUR and may be deleted in the final document.**

## IV. Lands to Which these Regulations Apply

### A. Regulated Flood Hazard Areas

These regulations shall apply to the River Corridors and Special Flood Hazard Areas (hereafter called “hazard areas”) in the Town of Huntington, Vermont as described below. These hazard areas overlay any other existing zoning districts and the regulations herein are the minimum standards that must be met before meeting the additional standards applicable in the underlying district. These hazard areas include:

1. The River Corridors as published by the Vermont Agency of Natural Resources including the Statewide River Corridors and refinements to that data based on field-based assessments which are hereby adopted by reference. Where River Corridors are not mapped, the standards in VII C shall apply to the area measured as fifty (50) feet from the top of the stream bank or slope.
2. The Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations.

### B. Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas

Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations. In Special Flood Hazard Areas where base flood elevations and/or floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant’s responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies.

### C. Interpretation

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

1. If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the floodway, the location of the boundary shall be determined by the **Administrative Officer (AO)**. If the applicant disagrees with the determination made by the ZA, a Letter of Map Amendment from FEMA shall constitute proof.
2. If uncertainty exists with respect to the boundaries of the River Corridor, the location of the boundary shall be determined by the ZA. If the applicant disagrees with the determination made by the ZA, a letter of determination from the Vermont Agency of Natural Resources shall constitute proof.

**V. Summary Table: Development Review in Hazard Areas**

The hazard areas are not appropriate sites for development that obstructs the ability of streams to establish and maintain fluvial geomorphic equilibrium. When existing structures in the Special Flood Hazard Area are substantially damaged or improved they must be adapted to reduce future damage from flooding.

#	Activity	Hazard Zone		
		Special Flood Hazard Area	Floodway	River Corridors
	<b>P</b> Permitted Per Development Standards <b>C</b> Conditional Use Review <b>X</b> Prohibited <b>A</b> Exempted			
1	<b>New Structures</b>	C	X	C
2	Storage	X	X	X
3	Improvements to Existing Structures	P, C	C	P
4	Small Accessory Structures	P	X	P
5	At Grade Parking	P	C	P
6	Replacement water supply or septic systems	P	C	P
8	Fill as needed to elevate existing structures	C	C	P
9	Fill	C	X	X
12	Grading	C	C	A
13	Road maintenance	A	A	A
14	Road improvements	C	C	P
15	Bridges and culverts	P	C	P
16	Channel management*	P	C	P
17	Recreational vehicles (registered)	P	P	P
18	Open space, recreation	A	A	A
19	Forestry	A	A	A
20	Agriculture	A	A	A

\*State Permit Required

**VI. Development Review in Hazard Areas**

A. Permit

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

B. Permitted Development

For the purposes of review under these regulations, the following development activities in the River Corridor and/or Special Flood Hazard area where outside of the floodway, and meeting the Development Standards in Section VII, require only an administrative permit from the ZA:

1. Non-substantial improvements and repairs **not enlarging the existing structures' footprint nor increasing its' height.**
2. New or replacement storage tanks for existing structures;
3. Accessory structures, poles and fences that do not obstruct flood flows;
4. Development related to on-site septic, water supply systems or utilities;
5. Public utilities;
6. At-grade parking for existing buildings; and,
7. Channel management activities, public projects, or replacement bridges and culverts, which are functionally dependent on stream access or stream crossing and have an ANR Stream Alteration Permit;

#### C. Prohibited Development in Special Flood Hazard Area and River Corridors

1. Storage or junk yards;
2. New fill except as necessary to elevate structures above the base flood elevation;
3. Accessory structures in the floodway;
4. Critical facilities are prohibited in all hazard areas including the 0.2% annual chance hazard area;
5. New encroachments within the regulatory floodway, except for floodplain restoration projects; channel management activities; health and safety measures; public utilities; and minor improvements to existing structures or relating to bridges, culverts, roads; and,
6. All development not exempted, permitted, or conditionally permitted.

#### D. Conditional Use Review

Conditional use review and approval by the DRB, is required prior to the issuance of a permit by the ZA for the following proposed development:

1. **Residential structures.**
2. Non-residential structures.
3. Substantial improvement, replacement, elevation, relocation, or flood proofing of existing structures;
4. Any increase in footprint to existing structures in the floodway;
5. Grading, excavation; or the creation of a pond;
6. Improvements to existing roads in the special flood hazard area; and,
7. New development in the floodway which is functionally dependent on stream access or stream crossing (floodplain restoration projects; channel management activities; health and safety measures; public utilities; additions to existing structures, or relating to new bridges, culverts, roads, or public projects).

8. Recreational vehicles (with current registration);

E. Exempted Activities

The following are exempt from regulation under this bylaw:

1. The removal of a building or other structure in whole or in part; (Please note that repair or removal of a building may affect insurance or grant eligibility)
2. Emergency repairs and improvements costing not more than the equivalent of \$500 (2016 dollars) in time and materials for the year;
3. Maintenance of existing roads and storm water drainage;
4. Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices; and,
5. Agricultural activities conducted in accordance with the Vermont Department of Agriculture's Required Agricultural Practices (RAP). Prior to the construction of farm structures the farmer must notify the ZA in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.

F. Variances

Variances may be granted in writing by the DRB only in accordance with all the criteria in 24 V.S.A. § 4469, and 44 CFR Section 60.6, after a public hearing noticed as described in Section VIII.

1. A variance for development within the River Corridors may be allowed if, based on a review by VT ANR, it is determined that the proposed development will not obstruct the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse.
2. Any variance issued in the Special Flood Hazard Area will not increase flood heights or velocities, and will inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

G. Nonconforming Structures and Uses

The DRB may, after public notice and hearing, approve the repair, relocation, replacement, or enlargement of a nonconforming structure within a hazard area provided that:

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

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**VII. Development Standards** – The criteria below are the minimum standards for development in the flood hazard areas. Where more than one zone or area is involved, the most restrictive standard shall take precedence.

A. Special Flood Hazard Area

1. All development shall be:
  - a. Reasonably safe from flooding;
  - b. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
  - c. Constructed with materials resistant to flood damage;
  - d. Constructed by methods and practices that minimize flood damage;
  - e. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  - f. Adequately drained to reduce exposure to flood hazards;
  - g. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
  - h. Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.
2. In Zones AE, AH, and A1 – A30 where base flood elevations and/or floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a licensed professional engineer.
3. Substantially improved or replacement primary structures in the special flood hazard area must not increase base flood elevations or flood velocities. Such development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 0.1 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a licensed professional engineer; or,
  - a. the proposal provides compensatory storage for floodwater (in the same reach and at elevations up to one foot above the base flood elevation) to offset the impacts of the proposal. A volumetric analysis and supporting data must be provided by the applicant and certified by a registered professional engineer; or,

- b. The volumetric analysis will be waived for replacement or relocated primary structures where the proposal indicates no increase in the structure's footprint; or for new structures proposing a lowest floor elevation of at least two feet above the base flood elevation, an open foundation design, and no new fill.
4. Substantially improved, rebuilt or relocated structures in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least one foot above base flood elevation, this must be documented, in as-built condition, with a FEMA Elevation Certificate;
5. Substantially-improved non-residential structures shall:
  - a. Meet the standards in VII A 4; or,
  - b. Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; A permit for flood proofing shall not be issued until a licensed professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
6. Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.
7. Fully enclosed areas that are above grade, below the lowest floor, below BFE and subject to flooding, shall
  - a. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
  - b. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a licensed professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
7. Recreational vehicles must be registered and ready for highway use;
8. A small accessory structure of 500 square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in VII A 6 (above).

9. Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
10. 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 waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
12. The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability;
13. Bridges and culverts, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources where applicable.
14. Subdivisions and Planned Unit Developments must be accessible by dry land access outside the special flood hazard area.
15. Existing buildings, including manufactured homes, to be substantially improved in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least as high as the depth number specified on the community's FIRM, or at least two feet if no depth number is specified.
16. Minor above-ground improvements outside of the floodway, such as poles or fences that minimally displace or divert floodwaters, do not require compensatory storage.

#### B. Floodway Areas

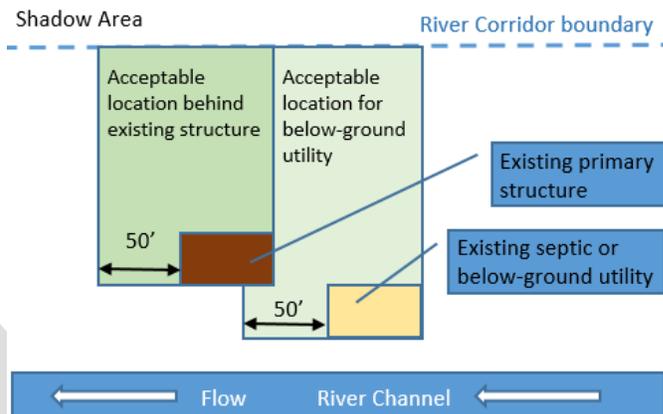
1. New encroachments within the regulatory floodway, except for minor improvements to existing structures or relating to bridges, culverts, roads, stabilization projects, access to water, public utilities or health and safety measures, are prohibited.
2. Encroachments or development above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a licensed professional engineer, certifying that the proposed development will:
  - a) Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;
  - b) Not increase flood velocities; and
  - c) Not increase flood or erosion risk to surrounding properties, facilities, or structures.

3. Public utilities may be placed underground, and the analyses may be waived, where a licensed professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.
4. For any proposed encroachment within the regulatory floodway where hydrologic and hydraulic analyses are required, the applicant should provide a FEMA Conditional Letter of Map Revision (CLOMR) as proof to demonstrate that the proposed activity, if completed as proposed, will not result in any increase in flood levels (0.00') during the occurrence of the base flood.

**C. River Corridors**

1. Additions, access, parking or fill (as needed to comply with elevation requirements in the Special Flood Hazard Area) can be placed:

In the shadow area behind and further from channel than the existing structure, or within 50 feet to the downstream side and no the top of bank; below-utilities may be placed same shadow dimensions existing below-ground



directly the structure, closer to ground within the of an system.

2. Development shall not increase the susceptibility of that or other properties to fluvial erosion damage;
3. Development shall not increase the potential of materials being swept onto other lands or into the stream and causing damage to other properties from fluvial erosion;
4. Development shall not cause an undue burden on public services and facilities including roads, bridges, culverts, and emergency service providers during and after fluvial erosion events.
5. Bridge, culvert and channel management projects are allowed as authorized by a Stream Alteration Permit from the Agency of Natural Resources. Floodway standards may apply separately.

## **VIII. Administration**

### **A. Application Submission Requirements**

Applications for development shall include:

1. Where applicable, a site plan that depicts the proposed development, all water bodies, special flood hazard areas, floodways, river corridors, the shortest horizontal distance from the proposed development to the top of bank of any stream, any existing and proposed drainage, any proposed fill, and pre and post development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;
2. A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the ZA and attached to the permit before work can begin;

### **B. Referrals**

1. Upon receipt of a complete application for new construction, a substantial improvement or development in the floodway, the ZA shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.
2. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner. The Board should consider comments from the NFIP Coordinator at ANR.

### **C. Decisions**

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

#### D. Records

The Administrative Officer shall properly file and maintain a record of:

1. All permits issued in areas covered by this bylaw;
2. An Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, substantially improved, or flood proofed buildings (not including accessory buildings) in the Special Flood Hazard Area;
3. All flood proofing and other certifications required under this regulation;
4. All determinations related to Substantial Damage and Substantial Improvement; and,
5. All decisions of the DRB (including variances and violations) with the supporting findings of fact, conclusions and conditions.

#### **IX Certificate of Occupancy**

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

#### **X. Enforcement and Penalties**

A. This bylaw shall be enforced under the municipal zoning bylaw in accordance with 24 VSA Chapter 117 § 4451, § 4452 and 24 VSA Chapter 59 §1974a, A copy of the notice of violation will be mailed the State NFIP Coordinator.

B. If any appeals have been resolved, but the violation remains, the ZA shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

C. Violations of the Accepted Agricultural Practices shall be enforced under this Section as violations of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. Section 4812.

**NOTE Sections VIII, IX, and X above are covered elsewhere in these Land Use Regulations and may be removed in the final document.**

**XI. Definitions**

**Definitions from the Model Flood Regulations are incorporated into these LURs' Definitions.**

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**Section 4.08 Groundwater Protection Overlay District**

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- A. The purpose of the Groundwater Protection Overlay District is for the protection of sources of groundwater from pollution and the types of development that may lead to pollution.
- B. Where a proposed development encroaches upon a mapped Groundwater Source Protection Area, the proposed development shall be subject to DRB Approval.
- C. The DRB shall protect current and future sources of potable water for use in individual and community water systems. The DRB shall rely on expert evidence in considering whether to approve of a proposed development and what conditions to attach.

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## **Article V. Specific Standards applicable in more than one District**

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### **Section 5.01 Water and Wastewater Systems and Plans**

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- A. Areas within the Neighborhood and Village Center Districts which are likely suitable for a community wastewater disposal leach fields have been identified and maps are being developed. DRB Approval is required for development in those areas.
- B. In considering an application for Approval in such areas, the DRB shall seek to avoid or minimize the impact of development that restricts future use as leach fields in the mapped areas (under development). The applicant must show that the proposed development is not inconsistent with the future use of a reasonable portion of the land as a community wastewater disposal leach field.

### **Section 5.02 Preservation of Significant Natural and Significant Features**

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- A. In the Conservation, Woodland, Rural Residential and Neighborhood Districts, applications for a Permit and for DRB Approval shall include a map of the property and its adjoining areas identifying the natural features and prime agricultural soils. In addition to the maps referred to in Section 1.01 B, the applicant may refer to the following maps and resources:
  - 1. Maps and resources cited in the Town Plan.
  - 2. The Science to Action Report and Associated Maps at <http://www.ccrpcvt.org/science-to-action/>
  - 3. The Vermont Natural Resource Atlas at <http://anrmaps.vermont.gov/websites/anra/> using the New Neighborhood Planning Layer and other applicable layers.
- B. Where the proposed development encroaches on one of the following the proposed development shall be subject to DRB Approval:
  - 1. Core forests,
  - 2. Rivers, streams, ponds, wetlands and their buffers,
  - 3. Rare and uncommon species,

4. State and locally significant natural communities,
  5. Wildlife corridors and necessary wildlife habitat.
- C. As part of the DRB Approval process, the DRB **shall** require an applicant to provide evidence, including studies by an appropriate expert that evaluate the impacts of the proposed development or subdivision on significant natural features listed in paragraph 5.02(B). The DRB shall examine the evidence, weigh the potential impacts on the significant natural features and explore alternatives to allow the DRB to adequately balance the goal of the preservation, enhancement and maintenance of natural features and prime agricultural soils with other uses of the property. The DRB will seek to avoid or minimize impacts to forest land and open land.

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### **Section 5.03      Performance Standards**

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- A. The purpose of the Performance Standards is to restrict specific activities which may prevent the reasonable use and enjoyment of nearby properties or adversely impact the character of the area. The DRB may waive or modify one or more of these restrictions during construction activities for specified periods. In determining compliance with these standards, the burden of proof falls on the applicant and subsequent property owners. Normal forestry and agricultural activities are exempt from these standards and subject to Accepted Agricultural Practices's and Accepted Management Practices's as provided in Section 4.01 C. and Section 1.01 D.
- B. Excessive noise generated by a proposed development is not allowed when it extends beyond the property boundary. Excessive noise means over 60 dB for more than 30 minutes during any 24- hour period and over 80 dB for any length of time. Noise related to typical property maintenance and management activities such as lawn mowing, snow removal, cutting and splitting firewood, and building repair are exempt from this restriction. Excessive noise is also restricted by the Huntington Noise Ordinance (<http://huntingtonvt.org/forms-documents/ordinances-regulations/selectboardtown/511-noise-ordinance-signed-jan-4-2010/file.html>)
- C. No clearly apparent vibration, transmitted through the ground, which is discernable without the aid of instruments at a property boundary, is allowed.

- D. Fires, explosions or the storage of hazardous materials must comply with the Vermont Fire and Building Safety Code and applicable environmental protection laws.
- E. Unusual smoke, dust, gases and air pollution that pose a hazard or harm to the health of people, animals or vegetation are not allowed.
- F. Excessive odors clearly discernible at the property boundary are not allowed, including odors from a failing septic field, animal waste or storage of waste products.
- G. Except for telecommunication facilities or similar activities regulated by the Federal Communications Commission or exclusively by other state or federal agencies, no electromagnetic disturbances or electronic signals that regularly and repeatedly interfere with radio, television or cell phone reception or WIFI use is allowed.
- H. No radioactive emissions or other hazardous emissions are allowed that create harm to public health, safety and welfare or significantly increase the burden on municipal facilities and services.
- I. Liquid or solid waste or refuse are not allowed to be discharged into a sewage disposal system, river or stream or onto the ground except in accordance with Vermont Departments of Health, Environmental Conservation or other applicable state or federal agencies. The accumulation and storage of liquid or solid waste or refuse which is conducive to breeding rodents or insects or is injurious to public health is not allowed.

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**Section 5.04      Development of small lots and merger**

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- A. Where an existing lot is smaller than the minimum lot size in the District where the lot is located, the lot may nonetheless be developed unless it is less than 1/8<sup>th</sup> of an acre or has a length or width of less than 40 feet.
- B. Where an existing lot is smaller than the minimum lot size in the District where the lot is located, the lot shall be deemed to be merged with a contiguous lot under common ownership, unless the lot has an effective and functioning water supply and wastewater systems and provision for replacement systems in the event of failure.

## **Section 5.05 Accessory Dwelling Units**

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- A. The purpose of the Accessory Dwelling is to allow for the addition of a small dwelling unit adjacent to or attached to an existing single family dwelling. These standards are applicable in all Districts.
- B. As a Permitted use or standard, the owner and occupier of a single family dwelling is allowed to add one accessory dwelling unit. An accessory dwelling unit means an apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation.
- C. The accessory dwelling unit must comply with the following standards:
  - 1. The property has sufficient wastewater capacity.
  - 2. The floor area of the accessory dwelling unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling.
  - 3. The accessory dwelling unit otherwise complies with the standards in the District where the property is located.
  - 4. Street access (driveway) to the accessory dwelling is shared with the primary dwelling. No additional curb cuts or access points to town highways to accommodate separate or private entrances are allowed. Pedestrian access is not restricted.
  - 5. The accessory dwelling unit shall have two parking spaces available.
- D. The owner of the property shall provide the Administrative Officer with a copy of a Vermont Potable Water and Wastewater Permit applicable to the accessory dwelling unit before a Certificate of Occupancy is issued.

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## **Section 5.06 Planned Unit Development. (PUD)**

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- A. The purpose of a Planned Unit Development (PUD) is to provide incentives for clustered development and to preserve contiguous open space. Such open space may be for public development, such as parks or recreation, or for agriculture, forests and the preservation of natural and significant features as described in Section 5.02.
- B. A PUD is an approved plan where the applicant for a subdivision transfers control or ownership over a portion of property in exchange for additional units or lots beyond the maximum for which the property is zoned. The additional units or lots are called a

density bonus and the resulting increase in open space is called designated open space. PUD's shall only be available for subdivisions in the Rural Residential and Neighborhood Districts where four or more lots or units are planned.

- C. The applicant requesting PUD approval by the DRB as part of a subdivision shall specifically identify:
1. The planned density bonus and designated open space and how they are calculated.
  2. How the clustering of lots or units will facilitate road and driveway design and construction, utility design, utilization of adjoining infrastructure and connectivity.
  3. The applicant's specific plans for the open space generated by the PUD, its specific location, its contiguousness to other open space
  4. How the open space will be preserved and maintained, including associated costs of development and long term costs of maintenance.
- D. In deciding whether to approve the application for a PUD, the DRB shall consider:
1. The increased burden on local and town infrastructure.
  2. The importance and value to the local area and the Town of the open space, its contiguousness to other similar open space and nature of applicant's plans
  3. The quality of the applicant's development scheme in achieving economies of scale and it's conformance with other local development.
- E. The DRB may require that the open space be dedicated:
1. Either by conveyance or granting of a conservation easement to the Town, or a land trust, or other public, not-for-profit or private entity that will abide by the requirements of the conservation easement and/or,
  2. Through deed restrictions and covenants specifying what uses and development is allowed and what is prohibited.
- F. The PUD standards, including density bonus and designated open space, in the Rural Residential District are in Section 4.04, K, and in the Neighborhood District is in Section 4.03, K.

**Section 5.07 Off Street Parking Standards**

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- A. The purpose of the Off Street Parking Standards is to assure adequate off street vehicular parking associated with a proposed development or subdivision is sufficient nearby uses to avoid dangerous and congested parking on streets and roads.
- B. Parking spaces for passenger cars and pickup trucks, or smaller vehicles, shall be 9 feet wide by 18 feet long.
- C. Applicants for a Permit or for DRB Approval will provide a parking plan as part of the application that satisfies the reasonable parking needs associated with the proposed development and complies with the standards in this section.
- D. Property owners shall provide adequate parking associated with the uses on the property but no less than the following:
  - 1. Each residential unit shall have at least two parking spaces.
  - 2. Retail, commercial and office uses shall have at least 4 parking spaces for every 1,000 square feet of interior floor space associated with the use.
  - 3. Applicable Permits shall include the parking requirements as a condition. The DRB may vary or amend the parking requirements for a development as part of DRB Approval.
- E. Where there is a change of use that does not require a Permit, the owner of the property is obligated upgrade the parking to comply with the above standards.
- F. With prior DRB Approval, two or more property owners may enter into a shared parking plan agreement reflecting their complementary needs (e.g., different peak hours, sporadic use) to comply with parking standards. However, the parking shall not be located more than 600 feet from development it supports.



Parking is always an issue in our more congested village areas especially around our stores and public spaces like the library and commercial areas where we want to encourage use. Here us a very effective development of off street parking that fosters ride sharing, walking and public access at the Library, Beauty's store and at the post office.

Photograph: Mark Smith

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## **Section 5.08     Signs**

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- A. The purpose of this section is to provide consistent and comprehensive standards for the erection and placement of signs to promote the valuable communication signs provide without a cluttered appearance resulting from too many, too large and too illuminated signs. Holiday lighting and decorative flags less than 12 square feet are allowed and not restricted by this Section
- B. No sign may be placed on any property without the consent of the owner.

C. A Permit is required before the erection, construction, modification or replacement of any sign, except for the following non-illuminated signs:

1. State or town signs on public roads for directions, safety or public service including traffic signs.
2. Address signs not exceeding six square feet in area not for commercial advertising.
3. Simple temporary (less than three months) signs not exceeding six square feet in area. Temporary signs shall be promptly removed when an event advertised on the sign has occurred.
4. Restroom, public telephone, no trespassing/hunting or trail marker signs not exceeding 3 square feet in area.
5. Gasoline price signs no exceeding 12 square feet in area.
6. Non-advertising flags or banners.
7. Historic markers, memorial signs or commemorative plaques
8. Public bulletin boards not exceeding 16 square feet in area nor higher than 6 feet on public establishments, no more than one per establishment.
9. Sign not exceeding 2 square feet in area inside a window or glass door.
10. An "OPEN" sign or flag not exceeding six square feet in area.

**11. Real Estate sales signs**

D. Small signs of less than two square feet, of such number not to exceed a combined total of 4 square feet" Placed safely away from the travelled portion of the Road. The following standards shall apply to all signs:

1. Only one free standing sign structure is allowed on a premises.
2. Free standing signs may be erected within setbacks and build-to zones but must be at least 5 feet from the edge of a public road.
3. Free standing signs shall not exceed 10 feet in height.
4. No more than two commercial or advertising signs relating to a single business or activity are allowed.
5. No non-governmental signs are allowed in public road right-of-way.
6. Signs which are hazardous to traffic or a nuisance are not allowed.
7. Neon or LED, or similar signs shall not exceed four square feet.

8. Interior signs or posters shall not cover more than 25 % of the area of a window.
  9. Illuminated Signs must be fully shielded to direct light downward and turned off when the building is not occupied or open for business.
- E. The following signs are prohibited:
1. Off premises commercial signs.
  2. Signs with electronic messages or any moving or flashing lights, except municipal safety related.
  3. Signs located on a roof.
  4. Moving signs (non-stationary).
  5. Commercial or advertising flags or banners, strings of lights or balloons.
- F. The Permit application for a sign shall include the proposed sign design, color, illumination, mounting or hanging method and location. Also, the application shall include a description of all existing signs already on the property and on immediately adjoining properties. When considering an application for development approval or variance, The DRB may make reasonable modifications to the requirements of this section, and set conditions, for special or unusual circumstances.

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## **Section 5.09 Non-conformities**

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- A. The purpose of this Non-conformities section is the eventual elimination of uses, development or structures on a property that are non-conforming, and to allow for the continuance of the non-conformity in its current form.
- B. Non-conforming uses, development or structures may continue in the current non-conformity but shall not be moved, enlarged, altered, extended, reconstructed or restored except as follows:

1. A property having a non-conforming use, development or structure may be developed in compliance with these Regulations provided the development does not increase the degree of non-conformity. This standard is applicable in Section 4.07 E.1.
  2. A non-conforming structure or development that is damaged or destroyed may be reconstructed or repaired provided that the reconstruction or repair:
    - a. Doesn't increase the level of non-conformity more than the original structure,
    - b. Is commenced within 12 months and completed within 36 months from the date that the damage or destruction occurred.
  3. A non-conforming use:
    - a. May be changed to another non-conforming use with prior DRB Approval.
    - b. Is no longer allowed if the non-conforming use has been abandoned or interrupted for a year or more.
- C. This section does not prevent normal maintenance, repairs, additions or remodeling that does not increase the degree of non-conformity.
- D. The DRB may grant Approval to an accessory structure or use to a non-conforming structure or use that does not increase the degree of non-conformity.
- E. The DRB may grant Approval to an addition of a porch, deck, entryways or similar exterior structure even though the addition will be nonconforming. However, the extent of the nonconformity should be minimized.

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## **Section 5.10 Business Development**

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- A. The purpose of this Section is to foster the growth of appropriate commercial business consistent with the impacts on traffic, local infrastructure and the nature of the area in which the business is located. These use standards are applicable in designated Districts except the Village Center District.
- B. Engaging in a business in a dwelling unit does not require a Permit so long as the business:

1. Is incidental to the residential use?
2. Does not occupy more than 25% of the habitable floor area.
3. Does not conduct retail customer sales from the dwelling.
4. Does not generate additional traffic or parking beyond that required for residential use.
5. Has no more than one employee who does not reside in the dwelling unit.
6. Has no signs pertaining to the business.

C. Home Occupation.

1. A Home Occupation is a business conducted in a single family dwelling, accessory **structure** or apartment that:
  - a. Is incidental to a residential use.
  - b. Does not occupy more than 50% or 1000 square feet of the habitable floor area, whichever is less.
  - c. Employs no more than five non-residents.
  - d. Generates no more than 15 vehicle round trips per day.
  - e. Has no more than one non-illuminated sign.
  - f. Does not conduct retail sales from the premises.
2. A licensed home day care having no more than 6 full time and four after school children is considered a Home Occupation.
3. Where allowed, a Home Occupation is a Permitted Use subject to the conditions set forth herein, and any others set by the DRB.

D. Home Based Business.

1. A Home Based Business is a business conducted in a single family dwelling, accessory **structure** or apartment that:
  - a. Is incidental to a residential use.
  - b. Does not occupy more than 50% or 1000 square feet of the habitable floor area, whichever is less.
  - c. Employs no more than five non-residents.
  - d. May conduct retail sales from the premises.
2. Where allowed, a Home Based Business may be Permitted with prior DRB Approval.

E. Cottage Industries and Retail Sales.

1. A Cottage Industry is a small commercial, manufacturing or light industrial use, such as woodshops, food processing kitchens, computer services and repairs or small retail sales that:
  - a. Have no more than 10 employees.
  - b. Has limited vehicle traffic either by number of daily trips or hours.
  - c. Occupies no more than 1500 square feet of interior floor space, not including storage.
  - d. Occupies no more than one half acre of total lot area.
  - e. Does not significantly change the character of the area in which it is located.
2. Multiple businesses within the above limitations are considered one Cottage Industry.
3. Where allowed, a Cottage Industry may only be Permitted with prior DRB Approval.

F. Large Commercial, Industrial or Manufacturing Development.

1. A Large Commercial, Industrial or Manufacturing development is a business, including offices, that has more than 10 employees, occupies more than 1500 square feet of interior floor space or occupies more than one half acre of a parcel's total area.
2. Multiple businesses and uses shall be considered as one and shall be subject to site plan review.
3. Where allowed, Large Commercial, Industrial or Manufacturing may only be Permitted with prior DRB Approval.

G. In considering whether or not to grant approval, the DRB should weigh:

1. Whether the business and the nature of the development is consistent with the purpose and general characteristics of the District where the business is proposed to be located.
2. The relevant Performance Standards.
3. Vehicular, pedestrian and bicycle access and safety.
4. The effect of the proposed business on the Town's infrastructure.

5. Parking as per Section 5.07 D
6. The services the business will require in its operations.

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## **Section 5.11 Driveway and Street Access Standards**

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- A. Purpose. The purpose of this section is to ensure safety and efficiency for the traveling public through proper location and design of new driveways and proposed streets on to public roads.
- B. Permit Requirements. All new driveways and proposed street connections accessing a public road must have a Permit. Permit applications for driveway and street access shall include a design sketch drawn to scale with points of entry and distances from nearby driveways and street intersections and shall indicate grades in excess of 10% and sight distances. The application shall also be accompanied by certifications by the Huntington Road Foreman and the Huntington Fire Chief that the proposed design is safe and including any conditions. The application shall include the design of any necessary culverts or bridges.
- C. Standards. The following standards shall be adhered to unless modified by the DRB based on specific circumstances of the application or design:
  1. Driveway access shall be within 10 degrees of a right angle with the public road.
  2. The grade of the driveway shall be no more than 3% for the 50 feet nearest to the public road.
  3. The first 30 feet of a driveway accessing a paved road shall be paved.
  4. Driveway culverts and bridges shall comply with the standards in the Town Road and Bridge Standards.
  5. Driveways are not to be located in areas prone to flooding or uncontrollable erosion.
  6. Sight distances shall adhere to the minimums provided in the Vermont Agency of Transportation *Access Management Program Guidelines* ([http://vtransengineering.vermont.gov/sites/aot\\_program\\_development/files/documents/rightofway/UandPAccManProgGuidelinesRev072205.pdf](http://vtransengineering.vermont.gov/sites/aot_program_development/files/documents/rightofway/UandPAccManProgGuidelinesRev072205.pdf)).
  7. No driveway shall have a grade greater than 10% or be longer than 1300 feet.

8. To minimize the number of access points on a public road, shared driveways are encouraged.
  9. The applicant's design shall provide for safe access for pedestrians and bicyclists minimizing potential conflicts with motor vehicles.
- D. Certification by Road Forman. The Road Forman's certification shall be based on a visual inspection and shall address each of the standards set forth above. The certification shall only be made when the design and site conditions allow for safe and environmentally sound access. The Road Forman may attach appropriate conditions to the certification with the recommendation that they be included in a Permit.
- E. Certification by Fire Chief. The Fire Chief's certification shall be based on a visual inspection. The certification shall be made only when the design and site conditions allow for the safe access using the driveway for emergency vehicles. The Fire Chief may attach appropriate conditions to the certification with the recommendation that they be included in a Permit.
- F. Approval. The Selectboard (SB) will approve or deny driveway Permits, or may delegate approval authority to the DRB. The approving Board may, in addition to addressing the standards above, require additional information from the applicant. Considerations may include:
1. Safe and convenient access for personal and commercial vehicles, emergency vehicles, transit vehicles and passengers, pedestrians and bicyclists.
  2. Traffic congestion or unsafe conditions to off-site roads, and pedestrian or bicycle uses.
  3. A transportation impact study, consistent with the Vermont Agency of Transportation Impact Study Guidelines, to evaluate potential transportation impacts and to identify mitigation if necessary.
  4. Stormwater runoff creation in excess of what is already present.

### **Section 5.12 Outdoor Lighting**

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Huntington's rural character is enhanced by the ability to see the night sky free of light pollution. Improperly installed or unshielded lighting is a nuisance and can create unsafe conditions. All exterior lighting shall be shielded at least 15 degrees below horizontal from the lowest point of light source and shall not shine directly on a neighboring lot or property. Holiday lighting is not restricted by this Section.

### **Section 5.13 Farming and Silvicultural Management**

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Though Permits are not required for a farm structure by state law, a farm operator shall notify the Administrative Officer of his or her intent to build structure. A farm structure must comply with applicable setbacks unless granted a waiver by the Vermont Secretary of Agriculture, who administers standards for farming pursuant to Accepted Agricultural Practices (AAP's) and Accepted Silvicultural Management Practices (AMP's).

### **Section 5.14 Stream and Wetland Setbacks**

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- A. No structures, including accessory structures, shall encroach within one-hundred (100) feet from the top of the bank of the Huntington River, 50 feet from the top of the bank of all perennial streams and within a wetland or its buffer.
- B. No development, excavation, fills nor grading shall occur within the setbacks and buffers referred to in Section 5.14(A) above. The land within the setbacks and buffers shall be left in an undisturbed state, except that, with DRB Approval, the following is allowed:
  - 1. Expansion of existing, non-complying structures if (1) wetland, water quality and stream values are protected, (2) adjoining parcels are not impacted, and, (3) no reasonable alternative is available
  - 2. Clearing, mowing, and associated site development to accommodate road, driveway or utility crossings, and recreation paths, trails or other recreation facilities.

3. Steam bank stabilization and restoration projects in accordance with applicable state and federal regulations.
- C. Also, the DRB may waive a portion of the minimum setback or buffer distances based on applicant's having a Vermont Wetlands Program Permit, a Vermont Stream Alteration Permit or a decision that no permit is necessary.

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**Section 5.15      Maximum building height**

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No structure shall exceed 35 feet in height without the prior written approval of the Fire Chief, except that the DRB may approve taller church steeples/belfries, wind towers and industrial structures where appropriate and safe.

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## Article VI. Organization

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### Section 6.01 Administrative Officer

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

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**Section 6.02      Development Review Board**

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- A. Appointment: The Development Review Board (DRB) consists of five (5) members and two (2) alternates appointed by the Selectboard for three year terms or for other terms determined by the Selectboard. A member may be removed for cause by the Selectboard upon written charges and after a public hearing.
- B. Organization and Meetings: The DRB elects its own officers, a Chair, Vice Chair and Clerk, and adopts its own rules of procedure, except as provided in Article III. A quorum is not less than a majority of the Board and a vote of a majority of the Board shall be necessary to complete an action, other than recessing a hearing or adjournment of a meeting. The Officers of the Board may administer oaths and compel attendance of witnesses and compel the production of materials in accordance with the Act and these Regulations.
- C. Duties: The DRB is authorized to administer its duties as provided in these Regulations and the Act, specifically, but not limited to:
  - 1. Hear and decide appeals from acts of the Administrative Officer.
  - 2. Conduct Pre-Approval Review meetings in a helpful and responsive manner.
  - 3. Hear and decide DRB Approvals.
  - 4. Determine such requirements, conditions as are appropriate in carrying out its duties and requirement in accordance with the terms of these Regulations and the Act.

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**Section 6.03      Planning Commission**

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- A. The Planning Commission consists of five (5) members elected by Australian ballot at Town Meeting for staggered three year terms. A member may be removed for cause by the Selectboard upon written charges and after a public hearing.
- B. Organization and Meetings: The Planning Commission elects its own officers, a Chair, Vice Chair and Clerk, and adopts its own rules of procedure except as provided in these Regulations. A quorum is not less than a majority of the Commission and a concurring vote of a majority of the Board shall be necessary to act. .

- C. Duties: The Planning Commission is authorized to administer its duties as provided in this Regulation and the Act, specifically, but not limited to:
1. Periodically prepare for adoption of the Town Plan, land use and land development regulations, and other regulations and plans as provided in the Act.
  2. Collect data, conduct studies, produce reports and organize information regarding planning and such other duties as requested by the Selectboard or provided for in the Act.
  3. Make recommendations regarding land development, community development, transportation, roads, economic and social development, historic preservation, energy and development of renewable energy resources and conservation and protection of the natural resources.
  4. Prepare and present a recommended capital budget and program for 5 years, as set forth in 24 VSA Sec. 4440 for action by the Selectboard as provided in 24 VSA Sec. 4443.
  5. Hold public hearings when appropriate or when mandated by the Act.
  6. Undertake comprehensive planning, including engineering studies, and coordinate with and participate in regional planning programs.

## **Article VII. Enforcement**

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### **Section 7.01 General**

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In the event of a violation of these Regulations, a valid complaint by a member of the Public, or of a condition or requirement of a Permit, or of a failure to make or maintain a required improvement, the Administrative Officer may give the alleged offender(s) a written seven (7) days warning notice by certified mail or personal service. The notice is designed to give the alleged offender(s) an opportunity to correct the violation or failure before the Administrative Officer begins enforcement. Notice only is required for the first offense within a 12 month period; each subsequent enforcement action within that time does not require advance warning. An alleged offender(s) may appeal the enforcement actions of the Administrative Officer for a hearing before the DRB. The DRB will conduct an appeal hearing with the same formalities as with a hearing for DRB Approval and the decision of the DRB on such appeal is final. Only when appeals are made within the seven days following notice will enforcement actions be deferred until the decision of the DRB. Otherwise, enforcement will not be deferred.

### **Section 7.02 Enforcement Procedure and Penalties**

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After the warning notice requirement is satisfied and the violation or failure remains uncorrected, the Administrative Officer may, in coordination with the Town Administrator, seek an injunction or other suitable remedy to prevent, restrain, correct or abate the violation or failure. In addition, the Administrative Officer may levy a fine of not more than \$100 for each offense (violation or failure). Each day that the violation or failure continues is a separate offense.

### **Section 7.03 Section 7.04 Records.**

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The Administrative Officer shall maintain a record of all enforcement actions and their outcomes and citizen complaints and all actions taken in response.

## **Article VIII. Amendments and Interpretation**

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### **Section 8.01 Amendment**

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These Regulations may be amended as provided in Sections 4441-4445 of the Act.

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### **Section 8.02 Interpretation**

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Where these Regulations imposes a greater restriction upon the use or standards applicable to development than that imposed or required by a statute or some other ordinance, rule or regulation, or by an easement, covenant legal restriction on property, the provisions of these Regulations shall rule. The introduction, headings and titles are for ease of reading and understanding and are not part of these Regulations. Should any portion of these Regulations be declared invalid by a court, the remainder of the Regulations shall remain in effect.

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## **ADDENDUM A: Subdivision Plat Requirements:**

The following items should be included on a plat for DRB Approval of a subdivision as provided in Section 3.03, B,3:

1. Title of the proposed subdivision and the name of the town.
2. Name and address of owner of record, subdivider and designer of Plat.
3. Number of acres within the proposed subdivision, location of property lines, existing easements, and existing buildings.
4. Within the Conservation, Woodland and Rural Residential Districts, the location of site features such as woodlands, primary agricultural soils, steep slopes (>15%), ledge outcrops, critical wildlife habitat and corridors, including but not limited to designated deeryards, bear and moose habitat, significant natural communities, and endangered, threatened or rare species as designated by the Vermont Nongame and Natural Heritage Program, and any significant natural resources including streams, wetlands, and vernal pools and associated buffers, flood plains and springs, and identification of any significant scenic, cultural or historic features.
5. Within the Rural Residential and Neighborhood Districts, the location of all proposed community wastewater system leach fields as provided in Part 5, Paragraph 1.
6. The names and addresses of owners of record of adjacent acreage.
7. District boundaries running through the tract.
8. The location and size of any existing sewer and water mains, culverts and drains on the property to be subdivided.
9. Designs of any bridges, culverts, sewer and water mains and drains in or adjoining the subdivision.
10. Location, names and widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces as well as similar facts regarding adjacent property.
11. Contour lines at intervals of at least five (5) feet of existing grades and of proposed finished grades where change of existing ground elevation will be five (5) feet or more or where required by the DRB.
12. Typical cross sections of the proposed grading and roadways and sidewalks. Sections and profiles of the roadways within the subdivision shall be provided when requested by the DRB.
13. True north arrow and scale.

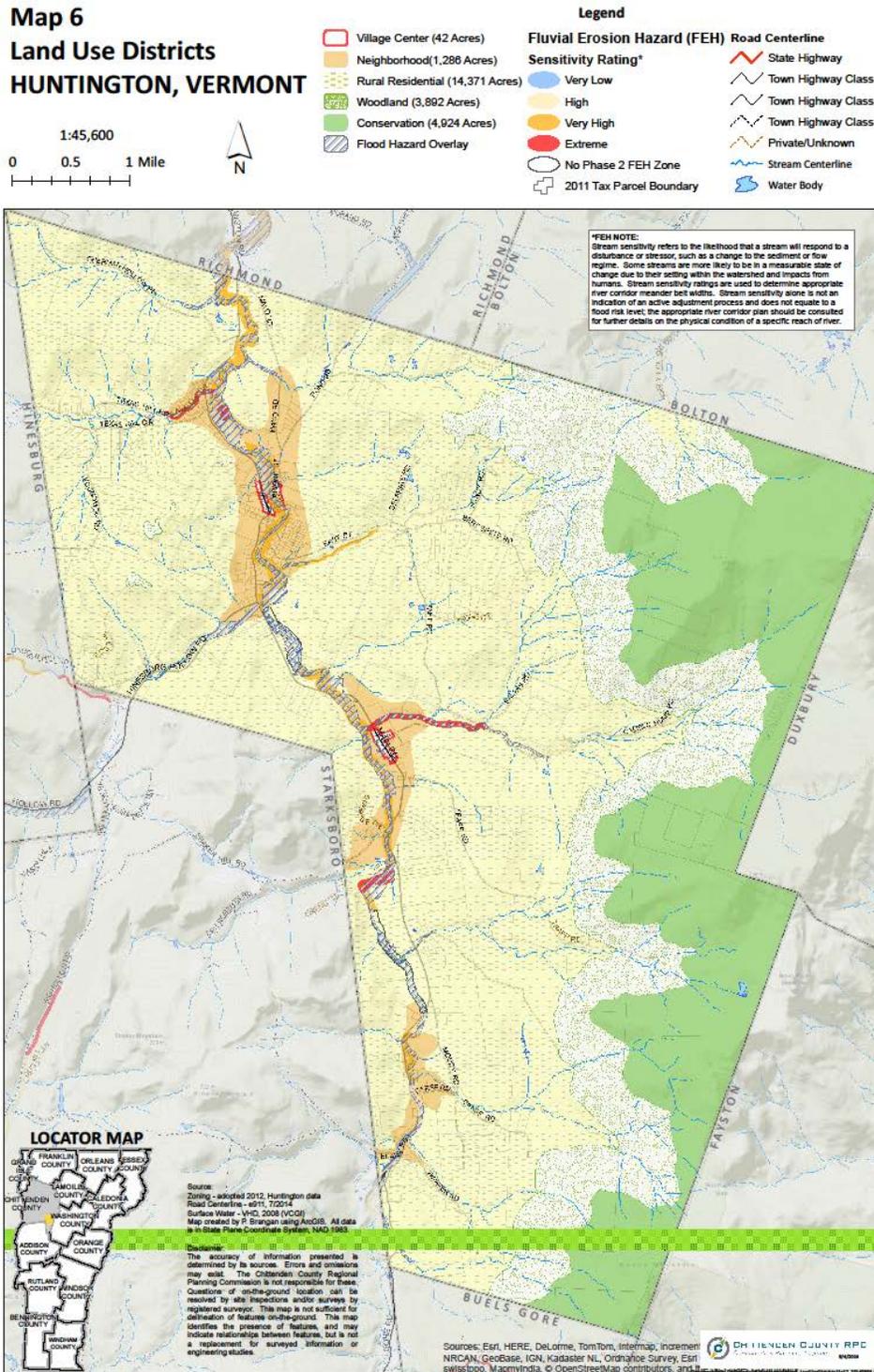
14. Complete survey of the property to be subdivided by a licensed land surveyor, dates or survey, including revisions, and land surveyor's license and seal affixed.
15. Means of providing water supply to the proposed subdivision.
16. Means of on-site disposal of septic wastes including location and results of tests to ascertain subsurface soil, rock and ground water conditions, depth to ground water unless pits are dry at depth of five (5) feet; location and results of percolation tests.
17. Provisions for collecting and discharging storm drainage, in the form of drainage plan.
18. The proposed lot lines with approximate dimensions and suggested locations of buildings or building envelopes. The date should be sufficient and acceptable to the DRB to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. When practicable these should be tied to established reference points.
19. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.
20. The location of temporary markers adequate to enable the DRB to locate readily and appraise the basic layout in the field during a site visit. Unless an existing street intersection is known, the distance along a street from one corner of the property to the nearest existing street intersection shall be shown.
21. All parcels of land proposed to be dedicated to public use or to be subject to development covenants or conservation restrictions and the terms and conditions of each.
22. Erosion control measures, if any are proposed, during and after construction.
23. A proposed utility system design. Only basic elements of this design should be shown on the plat. Any detailed design information should be submitted separately as a supporting document. The plat should include a note that the proposed utility locations may be modified slightly when installed, due to unforeseen site constraints (e.g., ledge).
24. The location and design of all of the improvements and in addition thereto the location of all utility poles, sewage disposal systems, and rough grading and other devices and methods of draining the area within the subdivision.
25. Easements and rights of way appurtenant to or within the property or any proposed lot.
26. In addition the plat shall be accompanied by a site location map drawn to scale, showing the relation of the proposed subdivision to the adjacent properties and to the general surrounding area including the entire parcel being subdivided.

27. Proposed streets, easements, open space, pedestrian ways, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties.
28. An outline of the subdivision together with its street system and an indication of the future probable street system of the remaining portion of the parcel, if the preliminary plat covers only part of the applicant's entire holding.
29. By proper designation on such Plat, all public open space for which offers of conveyance are to be made by the applicant and those spaces which will be reserved by the applicant.
30. Lots within the subdivision numbered in numerical order. When practicable historic numbering of lots should be utilized.
31. Permanent reference monuments and lot corner markers and the location of temporary markers which shall be replaced by permanent markers as a condition of approval. Also, monuments required by town specifications for new roads, at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the engineer.

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# ADDENDUM B: Town Plan Zoning Districts Map





## ADDENDUM C: Dimensional Standards

### Dimensional Standards related to Site Plan

Standard	Village Center	Neighborhood	Rural Residential	Woodland	Conservation
Minimum lot size	None	1 Acre	5 Acres	25 Acres	25 acres
Maximum lot width along street	120	N/A	N/A	N/A	N/A
Minimum frontage on public roads	N/A	120 ft	180 feet	N/A	N/A
Build-to-zone	8-20 ft	N/A	N/A	N/A	N/A
Min front set back from ROW edge	8 ft	25 ft	N/A	N/A	N/A
Min side and rear yard set back	8 ft	15 ft	N/A	N/A	N/A
Min distance from street ROW to out buildings	20 ft	N/A	N/A	N/A	N/A
Max Lot Coverage	None	None	Maximum of 15%	N/A	N/A
Max Number of dwelling structures per lot	2	1	1	1	1
Max number of dwelling units per lot	No limit	1 DU/Acre	1	1	1

### Dimensional Standards related to Buildings

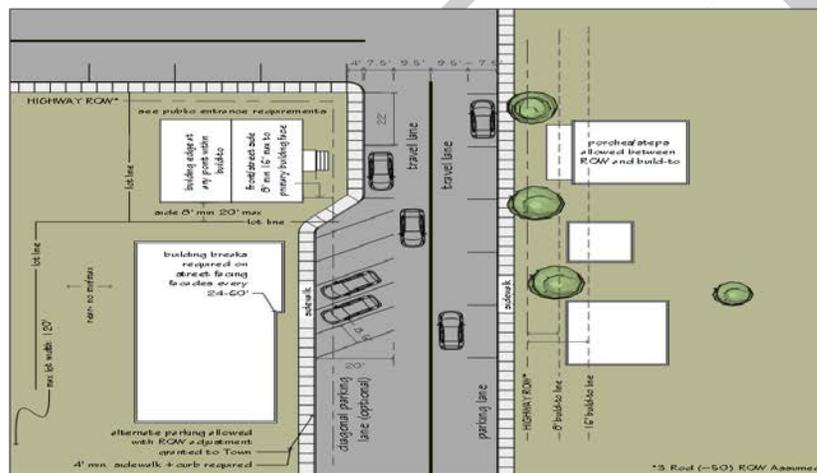
Standard	Village A	Neighborhood	Rural Residential	Woodland	Conservation
Max Height	35 ft	35 ft	35 ft	35 ft	35 ft
Minimum height	15 ft	None	None	None	None
Spacing of building breaks facing the street	24-60 ft	N/A	N/A	N/A	N/A
Minimum Glazing	30% of building front width	N/A	N/A	N/A	N/A
Maximum size	8000 square feet	N/A	N/A	1500 square feet	1000 square feet

# ADDENDUM D: Village District Building Envelope and Street Standards

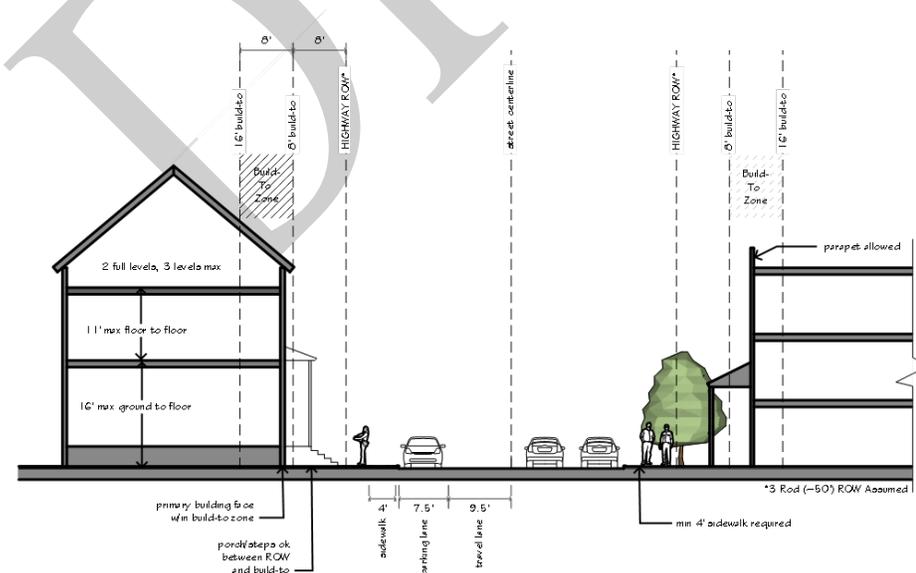
## NOTE:

**THESE ILLUSTRATIONS REQUIRE REVISION AND ARE PRESENT AS EXAMPLES ONLY.**

VILLAGE Zone A. Building and Street Standards, plan view



VILLAGE Zone A. Building and Street Standards, elevation view



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10. set Vertical to Alignment Centered