TOWN OF GUILDHALL

UNIFIED DEVELOPMENT BYLAW

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Amended March 23, 1987

Amended 03/01/05

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Town of Guildhall Planning Commission Hearing

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Town of Guildhall Selectboard

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BYLAW AMENDMENTS

Date Amended: March 23, 1987	Effective Date: April 13, 2024
Date Amended: March 1, 2005	Effective Date: March 22, 2005
Date Amended: August 19, 2013	Effective date: September 9, 2013
Adopted: August 18, 2026	Effecttive date: September 8, 2026

Sections Affected:

- 102: Expanded to reflect goals of Unified Development Bylaw
- 305: Review processes identified for development of non-frontage lots.
- 205.05: FC District now incorporates former AE & FC District
- 205.08: HIS District (Note that this has now been added to the Zoning Map)
- 321: Review Process delineated for HIS District
- 323: “Wireless Telecommunication Facilities” now called “Wireless Communications Facilities”
- Article V: Flood Hazard Regulations (formerly located in Sec 320) – includes technical updates to ensure ongoing eligibility for enrolment in the National Flood Insurance Program
- Article VI: Planned Unit Development (formerly located in Sec 322)
- Article VII: Subdivision Regulations (new)
- Article VIII: In addition to statutory updates below, this Article now defines “Development Review”, “Fill”, “Grading”, “Private Road”, “Town Highway, Class 2”, “Town Highway, Class 3”, Town Highway, Class 4”, and “Trail”.
- Article IX: now includes all development review process; Section 903 is new – addresses Site Plan Review and Approval; This article also clarifies that all development review functions are the responsibility of the Zoning Board of Adjustment

Statutory updates:

- Accessory on-farm businesses added to all land use tables and to definitions *(Act 143 and H491)*
- Two-family dwellings added to AGR and FC Districts and definition modified *(Act 47)*
- Prohibition of denial of small multi-units due to undue adverse impact on the character of the area *(Act 179)*
- Requirement of State Highway Access permits for site plan review *(Act 167 and Act 55)*
- Time limit for Zoning Board of Adjustment to act on an application *(Act 181)*
- Limited regulation of emergency shelters and hotels converted to permanent housing *(Act 47)*
- Expanded permissions for accessory dwelling units *(Act 179)*
- Forestry operations added to exempted uses *(Act 171)*
- Protection of planting projects to restore floodplain function *(Act 4)*
- Expanded protection for residential care and group homes *(Act 130)*
- Definition of affordable owner-occupied housing updated *(Act 69)*
- Definition of interested person updated *(Act 181)*
- Definition of parking space updated *(Act 181)*

- Clarification that grid-connected energy generation is exempt from zoning;

Throughout: Punctuation and style – references to Vermont Statute vs. Local Bylaw; Consistent reference to “this Bylaw,” “Zoning Administrative Officer,” Zoning Board of Adjustment”

Table of Contents

Article I: Enactment & Intent 7

Sec 101: Enactment 7

Sec 102: Intent 7

Sec 103 Other Land Use and Relevant Regulations 8

Article II: Establishment of Districts & District Regulations 8

Sec 201: Zoning Map & Districts 8

Sec 202: Copies of Zoning Maps 8

Sec 203: District Boundaries 9

Sec 204: Lot Classification 9

Sec 205: District Objectives & Land Use Control 9

Table 205.01: "VIL" Village District 9

Table 205.02: "RL-1" Rural Lands One 10

Table 205.03: “RL-2" Rural Lands Two 11

Table 205.04: “RL-3” Rural Lands Three 12

Table 205.05: "FC" Forest Conservation District 13

Table 205.06: "AGR" Agricultural District 13

Table 205.07 "IND" Industrial District 14

Table 205.08: “HIS” Historical Design Review District 15

Sec 206: Permitted Uses 15

Sec 207: Conditional Uses 15

Article III: General Provisions 15

Sec 301: Limitations on Municipal Bylaws 15

Sec 302: Uses Exempt from Zoning 16

Sec 303: Accessory Dwellings 17

Sec 304: Existing Small Lots 17

Sec 305: Frontage on, or Access to, Public Roads or Waters, or Class 4 Highways 18

Sec 306: Protection of Home Occupations 18

Sec 307: Lots in Two Zoning Districts 18

Sec 308: Reduction of Lot Area 19

Sec 309: Required Area or Setbacks 19

Sec 310: Projections Into Required Setbacks 19
Sec 311: Lots Abutting More Than One Public Road 19
Sec 312: Location of Driveways 19
Sec 313: Temporary Uses and Structures 19
Sec 314: Collapsed or Burned Buildings and Structures 19
Sec 315: Off Street Parking 19
Sec 316: Signs 20
Sec 317: Auto Service Stations 21
Sec 318: Earth Resource Extraction 21
Sec 319: Setback from Streams/Brook/Creek/Flowing Body of Water 21
Sec 320: Structures 22
Sec 321: Historical Design Review District 22
Sec 322: Travel Trailers & Travel Trailer Camps 23
Sec 323: Telecommunications 24
Sec 324: Agricultural and Forestry Uses 29
Sec 325: Residential Care or Group Homes 30
Sec 326: Child Care 30
Sec 327: Private Swimming Pool 30
Sec 328: Outdoor Wood Furnace/Boilers 30
Article VI: Non-Conforming Uses and Structures 31
Sec 401: Construction Approved Prior to Amendment of Bylaw 31
Sec 402: Non-Conforming Uses 31
Sec 403: Expansion of a Non-Conforming Use 31
Sec 404: Non-Conforming Structures 31
Article V: Flood Hazard Regulations 32
Sec 501: Statutory Authorization 32
Sec 502: Lands to Which These Regulations Apply 32
Sec 503: Development Permit Required 32
Sec 504: Certificate of Occupancy 34
Sec 505: Variances 35
Sec 506: Nonconforming Structures and Uses 35
Sec 507: Procedures 35
Sec 508: Base Flood Elevations and Floodway Limits 36
Sec 509: Development Standards 37

Sec 510: Duties and Responsibilities of the Administrative Officer....40
Sec 511: Warning of Disclaimer of Liability....40
Sec 512: Validity and Severability....40
Sec 513: Precedence of Regulation....40
Sec 514: Enforcement and Penalties....40
Article VI: Planned Unit Development....41
Sec 601 Purpose....41
Sec 602 Applicability and Review Processes....41
Sec 603 Submittals....42
Sec 604: Standards....42
Sec 605: Approvals and Conditions....43
Article VII: Subdivision Regulations....43
Sec 701: Applicability and Process....43
Sec 702: Process Overview....44
Sec 703: Subdivision Process Considerations....46
Sec 704: Flow Chart of Development Review....47
Sec 705: Simple Subdivisions with Administrative Review Only....48
Sec 706: Sketch Plan Review:....49
Sec 707: Preliminary Plan Review....51
Sec 708: Final Plan Review....53
Sec 709: Recording....54
Sec 710: General Subdivision Standards....54
Sec 711: Road Access and Traffic Standards....55
Sec 712: Driveways and Private Road Standards....56
Sec 713: Utility and Amenity Standards....57
Sec 714: Stormwater Management Standards....57
Sec 715: Protection of Agricultural Soils Standards....57
Sec 716: Performance Guarantee Requirements....58
Sec 717: Subdivision Waivers and Modifications....59
Article VIII: Definitions....59
Sec 801: Word Definitions....59
Sec 802: Term Definitions....60
Article IX: Administration & Enforcement....71
Sec 901: Zoning Administrative Officer....71

Sec 902: Zoning Permits....71
Sec 903: Site Plan Review and Approval....72
Sec 904: Conditional Use Review and Approval....74
Sec 905 Zoning Appeals....75
Sec 906: Variances....76
Sec 907: Public Hearings....77
Sec 908: Decisions....77
Sec 909: Independent Technical Review....78
Sec 910: Appeals to the Environmental Division....78
Sec 911: Waivers....78
Sec 912: Enforcement....79
Sec 913: Zoning Board of Adjustment....81
Article X: Amendments, Interpretation and Effective Date....82
Sec 1001: Amendments....82
Sec 1002: Interpretation....82
Sec 1003: Effective Date....82
Sec 1004: Separability....82
Sec 1005: Repeal....82

ARTICLE I: ENACTMENT & INTENT

Sec 101: Enactment

In accordance with the Vermont Planning and Development Act, Chapter 117 of Title 24 of the Vermont Statutes Annotated, hereinafter referred to as “the Act", there are hereby established development regulations for the Town of Guildhall as set forth in the text and map that constitute this Bylaw. This Bylaw integrates the Town’s Zoning Bylaws and Subdivision Regulations, as well as the Town’s Flood Hazard Regulations into a single set of regulations that shall be known as the "Town of Guildhall Unified Development Bylaw," and herein cited as “Bylaw”.

Sec 102: Intent

102.01 It is the intent of this Bylaw to:

A. Provide for orderly community growth and to further the goals of the Guildhall Town Plan and the purposes established in Section 4302 of the Act;

B. Ensure that all future development is well designed to protect the health, safety, and general welfare of the community.

C. Coordinate private development with public infrastructure development.

D. Provide protection to a property owner or purchaser by ensuring the creation of developable lots and adequately designed developments.

E. Enable a fair apportioning of public and private costs for infrastructure improvements.

F. Establish uniform standards to ensure that public infrastructure and other community facilities are built properly, including a coordinated transportation system.

G. Prevent the imposition of undue future cost burdens on the municipality.

H. Establish a fair and efficient process for reviewing subdivisions and land developments.

I. Establish minimum standards for the design and construction of improvements, which aid in the use and enjoyment of land, such as streets, sidewalks, adequate drainage and water and sewage facilities, and which would aid in precluding adverse environmental effects, such as sedimentation, erosion, flooding, deforestation and water pollution

J. Support the continued viability of Guildhall’s working lands by balancing the needs of residential and commercial development with those of farming and forestry;

K. Protect Guildhall’s natural resources;

24 V.S.A. §4419 allows municipalities to integrate separate land use regulations into a consolidated review and permitting process in order to provide for “an orderly permitting process for all applicable regulations”. At a minimum, unified development bylaws shall consolidate zoning and subdivision bylaws, but they may also integrate flood hazard regulations. As a result, this document has a single set of land use definitions, a single set of purposes, and a single administrative process delineated for all three regulations in Guildhall.

L. Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding;

M. Ensure that development in our community protects floodplain functions and avoids and reduces damage from flooding and erosion;

N. Manage all flood hazard areas pursuant to 24 VSA § 4382 and 10 VSA §§ 751, 753, and

O. Make the Town of Guildhall, its citizens and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available.

102.02 By the issuance of zoning permits and notices of violation and by initiation of requisite enforcement actions, the provisions of this Bylaw will be enforced.

102.03 Except as hereinafter provided, no division of a parcel into two or more parcels, nor any construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, nor any change in the use of land shall commence unless in conformity with this Bylaw and herein specified for the district in which such land or structure is located.

102.04 The application of this Bylaw is subject to 24 VS.A. Chapter 117.

Sec 103 Other Land Use and Relevant Regulations

State and Federal Government may regulate certain aspects of land use. Compliance with this Bylaw in no way implies compliance with such State and Federal regulations. It is the applicant's responsibility to identify and obtain any necessary State and/or Federal permits prior to initiating construction. Where this Bylaw imposes a greater restriction, the provisions here shall take precedence.

ARTICLE II: ESTABLISHMENT OF DISTRICTS & DISTRICT REGULATIONS

Sec 201: Zoning Map & Districts

The zoning map officially entitled "Town of Guildhall Zoning Map" is hereby adopted as part of this Bylaw. The Zoning Map shows a division of the town into the following districts:

"VIL" Village, see Table 205.01

Rural Lands

"RL-1" Rural Lands One, see Table 205.02

"RL-2" Rural Lands Two, see Table 205.03

"RL-3" Rural Lands Three, see Table 205.04

"FC" Forest Conservation, see Table 205.05

"AGR" Agricultural, see Table 205.06

"IND" Industrial, see Table 205.07

"HIS" Historical Design Review District, see Table 205.08

Sec 202: Copies of Zoning Maps

Regardless of the existence of other printed copies of the zoning map, which from time to time may be made or published, the official zoning map, which shall be located in the office of the Town Clerk, shall be the final authority as to the current status of the land, and water areas, buildings, and other structures in the town.

Sec 203: District Boundaries

203.01 District boundaries shown within the lines of roads, streams and transportation rights-of-way shall be deemed to follow the centerlines. The abandonment of roads shall not affect the location of the district boundaries.

203.02 When the Zoning Administrative Officer cannot definitely determine the location of a district boundary by such center lines, by the scale or dimensions stated on the zoning map, or by the fact that it clearly coincides with a property line, he/she shall refuse action, and the Board of Adjustment shall interpret the location of the district boundary with reference to the scale of the zoning map and the purposes set forth in all relevant provisions of this Bylaw.

Sec 204: Lot Classification

Set forth are minimum area and dimensional requirements for two classes of lots. This classification is based upon the proposed supply of water and is hereby established as follows:

Lot Classification	Provision For Water
Class 1	Off lot water
Class 2	On-lot water

Sec 205: District Objectives & Land Use Control

Tables 205.01 - 205.08 set forth the objectives and provisions that apply respectively in each district established in this bylaw. Any use designated as a "Permitted Use" may be commenced pursuant to Article IX and Section 903 of this Bylaw. Any use designated as a "Conditional Use" may be commenced pursuant to Article IX and Section 904 of this Bylaw. Any use not designated by this Bylaw, as a "Permitted Use" or a "Conditional Use" shall be deemed to be prohibited. Regulations establishing a classification of lots in certain districts for the purpose of establishing the minimum area per family and the minimum lot size of such lots are set forth in Section 204 of this Bylaw.

Table 205.01: "VIL" Village District

Purpose: To preserve the integrity of the village and maintain it as a center of activities. Provision is made for medium density residential development, public uses and limited sales and service facilities. The designated Historical Design Review District is incorporated within the Village District; for more information, see Table 205.08 and Section 321 below.

Permitted Uses

1. Accessory dwelling
2. Accessory use
3. Agricultural use, including accessory on-farm business (Required Agricultural Practices are legally exempt from zoning)
4. Dwelling, single family

5. Dwelling, two family
6. Forestry use (Forestry Practices are legally exempt from zoning)
7. Home Occupation

Conditional Uses

1. Business or professional office
2. Dwelling, multi family
3. Essential service
4. Family/Home Day Care Center
5. Health and Beauty Services/Personal Service
6. Lodging House
7. Neighborhood commercial facility
8. Private club
9. Public Assembly Use
10. Public/non-profit Recreational facility
11. Residential Care Home or Group Home

Lot Area and Dimensions

Lot Classifications	1	2
Minimum lots area (sq. ft.):	40,000	50,000
Minimum area per family (sq. ft.)	12,000	15,000
Road frontage (ft.):	200	200
Side and rear setbacks*:	10	10
Front setbacks**	33	33

*Setback is the distance from the property line to the structure.

**Setback is the distance from the center of Route 102.

Rural Lands

Purpose: To provide for medium density development of various types while maintaining the natural qualities and rural character of the community. There are three Rural Lands Districts with different densities based upon road access and usage, availability of public services, soil conditions and physiographic characteristics.

Table 205.02: "RL-1" Rural Lands One

Permitted Uses

1. Accessory use including Accessory Dwelling
2. Agricultural use, including accessory on-farm business
3. Dwelling, single family
4. Dwelling, two family
5. Forestry use
6. Home Occupation

Conditional Uses

1. Auto Service station
2. Business or professional office
3. Contractor's yard
4. Dwelling, multi family
5. Earth Resource Extraction
6. Essential Service

7. Family/Home Day Care Center
8. Health and Beauty services/Personal Service
9. Industrial accessory use
10. Lodging House
11. Manufacturing use
12. Neighborhood commercial facility
13. Private club
14. Public Assembly use
15. Public facility
16. Public or non-profit recreational facility
17. Public/non-profit recreational facility
18. Residential Care Home or Group Home
19. Retail sales and service
20. Travel trailer camp
21. Warehouse/ trucking terminal facilities
22. Wholesale business

Lot Area and Dimensions

Lot Classifications	1	2
Minimum lots area (acres):	1	2
Minimum area per family (acres)	1	2
Road frontage (ft.):	200	200
Side and rear setbacks*:	25	25
Front setbacks**	25	33

*Setback is the distance from the property line to the structure.

**Setback is the distance from the center of the road Rt. 102 would be 33 ft., side road would be 25 ft. (Class 2, 3, or 4 roads)

Table 205.03: "RL-2" Rural Lands Two

Permitted Uses

1. Accessory use including Accessory Dwelling
2. Agricultural use, including accessory on-farm business
3. Dwelling, single family
4. Dwelling, two family
5. Forestry use
6. Home Occupation

Conditional Uses

1. Auto Service station
2. Business or professional office
3. Commercial recreational facility
4. Contractor's yard facility
5. Dwelling, multi-family
6. Essential Service
7. Extraction of soil, sand, or gravel for private use
8. Family/Home Day Care Center
9. Industrial accessory use
10. Lodging House
11. Manufacturing use

12. Neighborhood commercial facility
13. Personal service
14. Private club
15. Public Assembly use
16. Public facility
17. Public or non-profit recreational facility
18. Residential Care Home or Group Home
19. Retail sales and service
20. Travel trailer campground
21. Warehouse or trucking terminal
22. Wholesale business

Lot Area and Dimensions:

Minimum lots area (acres):	2
Minimum area per family (acres)	1
Road frontage (ft.):	300
Side and rear setbacks (ft.)*:	25
Front setback (ft.)**	33
Front setback (ft.)** (Class, 2, 3, 4 roads)	25

*Setback is the distance from the property line to the structure.

** Setback is from the center of the road

***Generally, the RL-2 District is measured approximately 500 feet from the center of roadway, except for areas constrained by waterbodies. Over time, the quality and accuracy of the roads GIS map data may improve, causing the center line to shift. Questions that arise over the boundary of the district will therefore be addressed by physically measuring the site from the center of the roadway.

Table 205.04: "RL-3" Rural Lands Three

Permitted Uses:

1. Accessory use including Accessory Dwelling
2. Agricultural use, including accessory on-farm business
3. Dwelling, single family
4. Dwelling, two-family
5. Forestry use
6. Home Occupation

Conditional Uses:

1. Commercial recreational facility
2. Day Care Center
3. Essential Service
4. Family/Home Day Care Center
5. Home Occupation
6. Lodging house
7. Public Facility
8. Public or non-profit recreational facility
9. Residential Care Home or Group Home
10. Travel trailer campground

Lot Area And Dimensions

Minimum lots area (acres):	5
Minimum area per family (acres)	5
Road frontage (ft.):	300
Side and rear setbacks (ft.)*:	25
Front setback (ft.)**	33
Front setback (ft.)** (Class, 2, 3, 4 roads)	25

*Setback is the distance from the property line to the structure.

** Setback is the distance from the center of the road.

***Generally, the RL-3 District is measured approximately 1000 feet from the center of roadway. Over time, the quality and accuracy of the roads GIS map data may improve, causing the center line to shift. Questions that arise over the boundary of the district will therefore be addressed by physically measuring the site from the center of the roadway.

Table 205.05: "FC" Forest Conservation District

Purpose: To protect the natural resource value of lands which are now essentially undeveloped, lack direct access to public roads, are important for wildlife habitat, have one or more physical limitations to development, or include irreplaceable or significant natural, recreational or scenic values.

Permitted Uses:

1. Accessory use, including Accessory Dwelling
2. Agricultural use, including accessory on-farm business
3. Dwelling, single family
4. Dwelling, two family
5. Forestry use
6. Home Occupation

Conditional Uses:

1. Private club

Lot Area And Dimensions:

Minimum lots area (acres):	10
Minimum area per family (acres)	10
Road frontage (ft.):	500
Front, side and rear setbacks (ft.)*:	50

*Setback is the distance from the property line to the structure. Front setback is distance from the center of the road.

The former “Alternative Energy and Forestry Conservation District” has been combined with this Forest Conservation District.

Table 205.06: "AGR" Agricultural District

Purpose: To protect the irreplaceable prime agricultural lands of Guildhall from development that would preclude their use for agricultural production.

Permitted Uses:

1. Accessory use, including Accessory dwelling
2. Agricultural use, including accessory on-farm business

3. Dwelling, single-family
4. Dwelling, two-family
5. Forestry use

Lot Area And Dimensions:

Minimum lots area (acres):	25
Minimum area per family (acres)	25
Road frontage (ft.):	500
Front, side and rear setbacks (ft.)*:	50

*Setback is the distance from the property line to the structure. Front setback is distance from the center of the road.

All agricultural construction requires notification by submitting a permit form to the Zoning Administrative Officer. See Sect. 323 for requirements.

Table 205.07 "IND" Industrial District

Purpose: This district provides a location for the establishment of a variety of types of manufacturing and commercial activities to provide employment opportunities and broaden the tax base of Guildhall without conflicting with other uses. The creation of employment opportunities and broadening of Guildhall's tax base are important considerations in the creation of this district.

Performance standards: In accordance with § 4414(5) of the Act, in all districts the following performance standards together with all applicable State standards must be met. The Zoning Board of Adjustment shall decide whether proposed uses meet these standards. In all districts uses are not permitted which exceed any of the following standards measured at the property line:

1. Emit noise in excess of 70 decibels.
2. Emit any smoke, in excess of Ringlemann Chart No. 2.
3. Emit any noxious gases which endanger the health, comfort, safety or welfare of any person, or which have a tendency to cause injury or damage to property, business or vegetation.
4. Cause, as a result of normal operations, a vibration which creates displacement of
5. 0.002 of one inch.
6. Lighting or signs which create glare, which could impair the vision of a driver of any motor vehicle.
7. Cause a fire, explosion or safety hazard.
8. Cause harmful wastes to be discharged into the sewer system, streams or other bodies of water. Effluent disposal shall comply with the most current State wastewater regulations *(Wastewater System and Potable Water Supply Rules, Vermont Department of Environmental Conservation, Wastewater Management Division*).

Permitted Uses:

1. Agricultural Use, including accessory on-farm business
2. Animal Shelter
3. Earth Resources Extraction
4. Essential Services
5. Forestry Use Conditional Uses

6. Light Industry
7. Manufacturing
8. Office
9. Recreational Facility
10. Recycling Center
11. Retail Sales
12. Transfer Station
13. Warehouse

Lot Area and Dimensions:

Minimum lots area (acres):	2
Minimum area per family (acres)	2
Road frontage (ft.):	200
Front, side and rear setbacks (ft.)*:	50

*Setback is the distance from the property line to the structure. Front setback is distance from the center of the road.

Table 205.08: "HIS" Historical Design Review District

Purpose: To recognize the significance of the Nationally Registered Historic District of Guildhall as the oldest community in northeastern Vermont, to preserve the historic character of the village center, and to promote responsible, equitable preservation practices that protect the Town's irreplaceable cultural resources by thoughtfully guiding the decision-making process for proposed development projects.

Sec 206: Permitted Uses

Permitted uses are uses that are allowed, provided the standards established by this bylaw are met. The proposed development of non-frontage lots, review of development in the Historical Design Review District, and Planned Unit Developments that do not require subdivisions of land will be subject to a Site Plan Review and Approval in accordance with Section 903 of this Bylaw before the necessary permit may be issued by the Administrator. Otherwise, if no other waivers, variances, or other special actions are required by the Zoning Board of Adjustment, the necessary permit may be issued by the Zoning Administrative Officer in accordance with Section 902 of this Bylaw.

Sec 207: Conditional Uses

Conditional uses are uses that may be allowed by the Zoning Board of Adjustment as provided for in 24 V.S.A § 4414(3) after public notice and hearing and in accordance with Section 904 of this Bylaw. In order for the permit to be granted the proposed use shall not have undue adverse impacts, and the Zoning Board of Adjustment may apply conditions to ensure the use's compatibility.

ARTICLE III: GENERAL PROVISIONS

Sec 301: Limitations on Municipal Bylaws

The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering 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 under 10 V.S.A. Chapter 159;
6. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.5.A. § 6606a;
7. Emergency shelters, which must be regulated similarly to state or community-owned and operated institutions. Bylaws shall not interfere with daily or seasonal hours of operation or otherwise interfere with the function use, and
8. Hotels and motels converted to permanently affordable housing developments.

Sec 302: Uses Exempt from Zoning

302.01 This Bylaw shall not regulate electric generation facilities, energy storage facilities, and transmission facilities regulated under 30 V.S.A, § 248 or subject to regulation under 30 V.S.A. § 8011.

302.02 This Bylaw shall not regulate:

A. Farming that meets the minimum threshold criteria in the Required Agricultural Practices rules (RAP rules), except:

i) the raising, feeding, or managing of livestock on a farm with less than 1.0 contiguous acre, including instances where a person is engaged in other farming activities that are subject to RAP rules on the same lot; and

ii) the raising, feeding, or managing of livestock on a farm with at least 1.0 contiguous acre and less than 4.0 contiguous acres, where the Secretary of Agriculture, Food and Markets has determined the land base to be insufficient for appropriate nutrient and waste management.

B. Cultivation or other use of land for growing plants, including for food, fiber, Christmas trees, maple sap, or horticultural, viticultural, and orchard crops, but excluding cannabis and hemp;

C. The construction of farm structures, including as defined in the RAP rules. However, any person intending to build a farm structure shall notify the Town Zoning Administrative Officer and shall abide by setbacks approved by the Secretary of Agriculture, Food and Markets.

302.03 This Bylaw shall not prohibit or assess a fee for the raising, feeding, or management of a poultry flock or 12 birds or fewer, excluding roosters and ratites, for personal use, donation or sale.

302.04 This Bylaw shall not regulate accepted silvicultural practices, as defined by the Department of Forests, Parks and Recreation, including practices that are in compliance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, as adopted by the Department of Forests, Parks and Recreation; or forestry operations.

Sec 303: Accessory Dwellings

Except in the Special Flood Hazard Area as regulated under Article V of this Bylaw, an accessory dwelling unit that is located within or appurtenant to single-unit dwelling on an owner-occupied lot shall be a permitted use. An accessory dwelling unit shall be defined as a distinct living unit, that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

1. The property has sufficient wastewater capacity.
2. The unit does not exceed 50 percent of the total habitable floor area of the single-family dwelling, up to 1,500 sq. ft.

Sec 304: Existing Small Lots

304.01 If two or more adjacent lots are in single or affiliated ownership on the effective date of this bylaw (insert date), and if all or part of the lots do not meet the requirements for lot frontage and area as established by this bylaw, the lots involved shall be considered to be an individual lot for the purpose of this regulation and no portion of said lot shall be used or sold which does not meet lot frontage and area requirements established by this bylaw, nor shall any division of the lot be made which leaves remaining any lot which is not in conformity with the requirements stated in this bylaw.

304.02 Existing small lots. Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of any zoning regulation, including an interim zoning regulation, may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lots is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet.

304.03 If such lot subsequently comes under common ownership with one or more contiguous lots, the lot shall be deemed merged with the contiguous lot for purposes of this chapter. However, such lot shall not be deemed merged and may be separately conveyed, if:

A. the lots are conveyed in their preexisting, nonconforming configuration; and

B. on the effective date of any zoning regulations, each lot had been developed with a water supply and wastewater disposal system; and

C. at the time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and

D. the deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems in case a wastewater system fails, which means the system functions in a manner:

i. that allows wastewater to be exposed to the open air, pool on the surface of the ground, discharge directly to surface water, or back up into a building or structure unless the approved design of the system specifically requires the system to function in such a manner;

ii. so that a potable water supply is contaminated or rendered not potable;

iii. that presents a threat to human health; or

iv. that presents a serious threat to the environment.

304.04 If, subsequent to separate conveyance, as authorized under subdivision B of this section, a wastewater system fails, the owner shall be required to obtain from the secretary of natural resources a wastewater permit as required under the subdivision regulations or a certification that the wastewater system has been modified or replaced, with the result that it no longer constitutes a failed system.

Sec 305: Frontage on, or Access to, Public Roads or Waters, or Class 4 Highways

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

305.01 Land development may be permitted on land that does not have frontage either on a public road, class 4 Town Highway or public waters, provided that access through a permanent deeded easement or deeded right-of-way has been approved in accordance with standards and process specified in the bylaws. This approval shall be pursuant to in accordance with Article VII of this Bylaw, or where no subdivision of land is proposed, through Site Plan Review and Approval in accordance with Section 903 of this Bylaw. Any permanent easement or right-of-way providing access to such a road or waters shall be at least 20 feet in width, on dry land, and located outside of any flood hazard areas.

Sec 306: Protection of Home Occupations

No regulation herein is intended to infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character thereof. A home occupation shall conform to the following standards:

1. The home occupation shall be carried on by members of the family. Two employees who are not members of the family are permitted;
2. The home occupation shall be carried on within the principal or accessory structures;
3. Exterior storage of material shall be screened from view;
4. Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable shall be confined to the boundaries of the business property line;
5. Parking shall be provided off-street and shall not be located in front yards except for the first two cars;
6. Yard sales shall not be held for periods longer than three days at a time.

Sec 307: Lots in Two Zoning Districts

Where a district boundary line divides a lot of record at the time such line is adopted, the

regulations for the less restricted part of such lot shall extend no more than fifty feet into the more restricted part, provided the lot has frontage on, or approved access to, a public road in the less restricted district.

Sec 308: Reduction of Lot Area

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

Sec 309: Required Area or Setbacks

Space required under this bylaw to satisfy area, setback or other open space requirements in relation to one building shall not be counted as part of a required open space for any other building.

Sec 310: Projections Into Required Setbacks

All structures, whether attached to the principal structure or not, and, whether open or enclosed, including porches, carports, balconies, or platforms above normal grade level, shall not project into any minimum setback, setback being defined as the distance from the structure to the property line.

Sec 311: Lots Abutting More Than One Public Road

Lots that abut on more than one public road shall provide the required frontage along each public road and any setback from a public road shall be considered a front setback for the purposes of this bylaw.

Sec 312: Location of Driveways

Title 19 VSA, § 1111 states that permits must be obtained from the Selectboard for use of any curb cut along any Town highway and from the Agency of Transportation for State highways. The Selectboard has the only authority in the Town for road issues. Refer to Town of Guildhall town highway access/driveway policy. A letter from VTrans is required before any application for development that requires access to a State highway comes before the Zoning Board of Adjustment.

Sec 313: Temporary Uses and Structures

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

Sec 314: Collapsed or Burned Buildings and Structures

No owner or occupant of land in any district shall permit a demolished, collapsed or burned building to remain as such, but within one year shall remove the building or structure and clear the site to ground level, or shall repair, rebuild or replace the building or structure. The Board of Adjustment may grant an extension of one year to meet this requirement.

Sec 315: Off Street Parking

315.01 Off street parking shall be provided as follows:

A. Two spaces per dwelling unit for residential uses.

B. One space per one hundred square feet of floor area for commercial/industrial uses open to the general public.

C. One and one-half spaces per employee for commercial and/or industrial uses not open to the general public.

315.02 No parking is allowed within the town right of way or on the traveled portion of the road or highway.

Sec 316: Signs

316.01 All signs shall be non-offensive in nature. In any district the following signs shall be permitted when located on the immediate property:

A. A sign not exceeding twenty-four square feet which announces the name, address, profession, or home occupation of the occupant of the premises on which said sign is located.

B. A bulletin board not exceeding twenty-four square feet, in connection with any church, school or similar public structure.

C. A temporary sign, not exceeding twenty-four square feet does not require a permit. Such sign shall be removed promptly when it has fulfilled its function. The following signs are included but not limited to:

i. Sandwich Boards

ii. Real Estate Signs

iii. Construction Signs

iv. Event Signs

v. Signs required for public health and safety

vi. Political Signs

316.02 A business sign in connection with any legal business or industry located on the same premises and meeting the following requirements:

A. Two signs are permitted for any legally established business, one free standing, the other attached to the building. The height of a freestanding sign shall not exceed 20 feet.

B. Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic.

C. Illumination shall be properly focused upon or from within the sign itself.

D. Maximum square footage of any sign shall be 100 square feet or a total of one hundred-fifty square feet for the two signs.

316.03 A portable temporary on-site display sign not exceeding a time period of 7 days will be permitted. (i.e.: flea market, non-profit event) No permit required.

316.04 Setbacks for signs: Signs shall not obstruct view and be set back out of right of way.

316.05 An application for signage to be added to an existing use that does not accompany any new development shall be subject to administrative review by the Administrative Officer in accordance with Section 902 of this Bylaw. Signage as part of any development that requires approval from the Zoning Board of Adjustment shall be reviewed as either a part of Site Plan Review and Approval in accordance with Section 903 of this Bylaw or Conditional Plan Review and Approval in accordance with Section 904 of this Bylaw.

Sec 317: Auto Service Stations

In addition to the district regulations, all auto service stations and repair facilities shall comply with the following requirements:

1. Pumps, lubricating and other service devices shall be located at least 50 feet from the front lot line and 35 feet from side and rear lot lines.
2. There shall be no more than two access driveways from the road. The maximum width of each access driveway shall be 40 feet.
3. A suitably curbed and landscaped area shall be maintained at least 5 feet in depth along all road frontages not used as driveway.

Sec 318: Earth Resource Extraction

318.01 The extraction of earth resources for sale, except when incidental to construction of a building or lot improvement on the same premises, shall be considered a conditional use and permitted only upon approval by the Board of Adjustment after a public hearing. The following provisions shall apply:

A. Before the approval of any earth resource extraction operation the applicant shall agree to leave the site in a safe, attractive, and useful condition upon completion of the extraction operations. The Board of Adjustment may require a performance bond or other means of security to ensure rehabilitation of the site.

B. Cut slopes, soil banks, and deep pits created by extraction operations shall not be allowed to remain but shall be graded smooth and left in a neat condition.

C. No excavation, blasting, or stock piling of materials shall be located within two hundred (200) feet of any public road or neighboring property line.

D. No power-activated sorting machinery or equipment shall be located within three hundred (300) feet of any public road or neighboring property line.

E. Steep slopes created by excavating which constitutes a safety hazard shall be fenced and appropriately screened as determined by the Board of Adjustment.

318.02 The Board of Adjustment may attach any additional conditions as it may find necessary for the safety and general welfare of the public.

Sec 319: Setback from Streams/Brook/Creek/Flowing Body of Water

No zoning permit will be issued for any structure having a setback of less than seventy-five feet from any designated flowing body of water.

Sec 320: Structures

320.01 Movable Structure. A structure designed to be moved. These structures must conform to applicable setbacks, permits, and other conditions.

320.02 Temporary Structure. A structure removed when the activity or use for which the temporary structure was erected has ceased.

320.03 Micro Structure. A freestanding structure of 24 square feet or less in size. A permit is not required. Ex.: Springhouse cover, tree house, doghouse.

320.04 Green houses are exempt from requiring a permit as it is an agricultural building.

320.05 Any structures located within a Special Flood Hazard Area are regulated under Article V of this Bylaw, including movable, temporary, micro-structures, and greenhouses.

Sec 321: Historical Design Review District

321.01 Establishment: As provided for in 24 V.S.A. § 4414(1)(E), provision is hereby made for establishment of an Historical Design Review District, depicted on The Town of Guildhall Zoning Map.

321.02 Prohibition: Within the Historical Design Review District, no structure to be erected, reconstructed, substantially altered, restored, moved, demolished, or changed in use or type of occupancy unless a zoning permit has been issued following approval of the development plans by the Zoning Board of Adjustment through Site Plan Review and Approval in accordance with Section 903 of this Bylaw.

321.03 Application:

A. Any application for a zoning permit within the Historical Design Review District shall be submitted to the Zoning Administrative Officer. The complete application shall include:
    1. the application requirements found in Section 903.03, below:
    2. proposed plans and elevations;
    3. a description of the proposed changes to exterior architectural features;
    4. a description of the materials to be used on the exterior of any structures; and
    5. a description of all proposed landscaping.
B. The Zoning Administrative Officer shall, within 15 days of receiving the complete application, refer the application to the Zoning Board of Adjustment for review.

321.04 Notice and Hearing: The Zoning Board of Adjustment shall notice and warn the hearing and shall conduct the hearing as a Site Plan Review and Approval hearing. See Section 903.04 below.

321.05 Design Criteria: The Town has identified and pre-approved certain building functions, plans, styles, scales, materials, color schemes, architectural features, design elements, and more for development within the Historical Design Review District based on the existing, historically significant buildings.

See Appendix A.

If an applicant would like to use an element that is not pre-approved (such as stucco siding,) the Zoning Board of Adjustment will consider it. It shall be the applicant's responsibility to explain how their desired, unique element is compatible with the existing historic buildings' elements.

321.06 Review Standards: The Zoning Board of Adjustment shall approve or disapprove the applicant's plans as objectively as possible and based on the following considerations:

1. The structure's historic or architectural significance;
2. The structure's distinctive characteristics;
3. The structure's relationship to the historic significance of the surrounding area;
4. The relationship of the proposed changes in the exterior architectural features of the structure to:
    a. the remainder of the structure, and
    b. the surrounding area;
5. The general compatibility with other properties of the proposed exterior:
    a. design,
    b. arrangement,
    c. texture, and
    d. materials to be used;
6. The general compatibility of the proposed landscaping to the surrounding area;
7. The proposed conformance with the designs, architectural features, color schemes, and exterior materials of the district's buildings that are included in the National Register of Historic Places. See Appendix A.

321.07 Decision: Within 45 days of the adjournment of the hearing, the Zoning Board of Adjustment shall make and issue its decision in accordance with Sections 908 and 913.05 below.

321.08 An application for an accessory dwelling unit or the conversion of a nonresidential building (such as a carriage barn) to habitable space for an accessory dwelling unit in the Historical Design Review District shall not be held to a stricter standard than an application of a single-family dwelling in the Historical Design, provided the proposed accessory dwelling unit or the conversion of a nonresidential building to habitable space is located outside of the Special Flood Hazard Area.

Sec 322: Travel Trailers & Travel Trailer Camps

322.01 Travel Trailers. It shall be unlawful for any person to park a camping trailer, travel trailer, pick-up coach and/or motor home, or recreational vehicle on any

public or private property, except in accordance with the regulations as follows:

A. In an approved travel trailer camp;

B. In an approved travel trailer sales lot;

C. Any property owner may park his travel trailer, or that of a visitor, on his own property, provided the trailer is parked no closer than six feet to any lot line;

D. A parked travel trailer shall not be used as living quarters for more than six months in any calendar year.

322.02 Travel Trailer Camps: It shall be unlawful for any person to construct, maintain or operate any trailer camp unless he or she or any firm holds a valid permit issued by the Zoning Administrative Officer. The issuance of a permit shall require conditional use approval by the Zoning Board of Adjustment where applicable, and proof of compliance or intent to comply with applicable state regulations. In addition to the applicable state regulations the following standards shall apply in respect to all travel trailer camps:

A. All access driveways within a trailer camp must be at least thirty feet in width and have a compacted gravel surface at least twenty feet in width.

B. A strip of land at least twenty-five feet in width shall be maintained as a landscaped area abutting all trailer camp property lines except when the camp boundary is adjacent to residential uses when the landscaped area shall be at least fifty feet in width.

C. All trailer camps must comply with the sanitation and health laws of the State of Vermont and Town of Guildhall.

322.03 Other Provisions: Mobile homes and trailers that are a part of traveling circuses, fairs, carnivals, etc., may secure a temporary permit not to exceed 21 days, provided that all health and sanitary laws and regulations of the State of Vermont and Town of Guildhall are met.

Sec 323: Telecommunications

323.01 Authority:

A. Under authority granted by 24 V.S.A. Chapter 117, the Town of Guildhall adopts this Wireless Communication Facility (WCF) Zoning Bylaw.

B. Pursuant to 24 V.S.A. § 4414(12), the Zoning Board of Adjustment shall have the authority to regulate construction, alteration, and development, decommissioning and dismantling of WCFs in the Town of Guildhall.

323.02 Purpose: The purpose of these regulations is to promote the public health, safety, and welfare of the residents of the Town of Guildhall, and preservation of the environment, while accommodating the telecommunication needs of the Town's residents.

323.03 Consistency with Federal and State Law; Severability: This Bylaw is intended to be consistent with the Telecommunications Act of 1996 and Title 24, Chapter 117 of Vermont Statutes Annotated (V.S.A.). If any section of this Bylaw is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this regulation.

323.04 Permit Required; Exemptions:

A. WCFs may be permitted as conditional uses upon compliance with the provisions of this Bylaw in the following zoning districts: Guildhall Village District, Guildhall Village District, Rural Lands District, and Conservation District. No installation or construction of, or significant addition or modification to, any WCF shall commence until a permit has been issued by the Zoning Board of Adjustment. However, in accordance with 24 V.S.A. § 4412(9), a permit shall be issued for a WCF that in, the determination of the Zoning Board of Adjustment will impose no impact or merely a de minimis impact upon any criteria established in (I) below. The Zoning Board of Adjustment's determination regarding no impact or de minimis impact shall be in writing and shall be subject to appeal under 24 V.S.A. § 4471.

B. No permit shall be required for a WCF that is used exclusively for municipal radio dispatch service or emergency radio dispatch service and which does not exceed 50 feet in elevation.

C. This Bylaw shall not apply to amateur radio, citizens band radio, AM or FM radio, general radio mobile service, or family radio service, or broadcast television service.

D. No permit shall be required for a WCF that has received a certificate of public good pursuant to 30 V.S.A. § 248a.

E. This Bylaw shall not prohibit a property owner's ability to place or allow placement of antennae used to transmit, receive, or transmit and receive communications signals on the property owner's premises if the aggregate area of the largest face of the antennae is not more than eight square feet, and if the antennae and the mast to which they are attached do not extend more than 12 feet above the roof of that portion of the building to which they are attached.

323.05 Permit Application Requirements:

A. In addition to information otherwise required in this Bylaw, applicants shall include the following supplemental information:

B. The applicant's legal name, address, telephone number, and e-mail. If the applicant is not a natural person, the applicant shall provide the state in which it is incorporated and the name and address of its resident agent.

C. The name, title, address, telephone number, and e-mail of the person to whom correspondence concerning the application should be sent.

D. The name, address, telephone number, and e-mail of the owner or lessee of the property on which the WCF will be located.

E. The names and addresses of all adjoining property owners. Adjoining property owners shall be determined without regard to any public right-of-way.

F. A vicinity map showing the entire vicinity within a 1,000-foot radius of the Facility, including the location of any tower, topography, public and private roads and driveways, buildings and structures, utilities, water bodies, wetlands, landscape features, historic sites and necessary wildlife habitats.

It shall indicate the property lines of the proposed Facility site parcel and all easements or rights-of-way needed for access from a public way to the Facility.

G. The location of the Facility on a U.S. Geological Survey (USGS) Topographic Map or a Geographic Information Systems (GIS) -generated map compatible with Vermont Center for Geographic Information (VCGI) standards and encompassing the area within at least a two-mile radius of the proposed tower site.

H. Elevations and proposed site plans of the Facility showing all facades and indicating all exterior materials and colors of towers, buildings and equipment, as well as all landscaping, utility wires, guy wires and screening. (All plans shall be drawn at a minimum scale of 1 inch = 50 feet.)

I. In the case of a site that is forested, the approximate average elevation of the existing vegetation within 50 feet of any tower base.

J. Construction sequence and time schedule for completion of each phase of the entire project.

K. A report from a qualified engineer that:

1. Describes any tower's design and elevation,
2. Documents the elevation above grade for all proposed mounting positions for antennas to be collocated on a tower and the minimum distances between antennas.
3. Describes a tower's capacity, including the number, elevation, and types of antennas that the tower is proposed to accommodate.
4. In the case of new Facilities, demonstrates that existing towers and structures within five miles of the site cannot reasonably be modified to provide adequate coverage and adequate capacity to the community.
5. Describes potential changes or additions to existing structures or towers that would enable them to provide adequate coverage.
6. Describes the output frequency, number of channels and the power output per channel for each antenna. In the alternative, a coverage map may be provided.
7. Demonstrates the Facility's compliance with the standards set forth in this Bylaw or other applicable standards.
8. Provides proof that at the proposed Facility site the applicant will be in compliance with all Federal Communications Commission (FCC) regulations, standards and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC regulations, standards and requirements for Radio Frequency Radiation (RFR).
9. Includes such other information as determined by the Zoning Board of Adjustment to evaluate the application.
10. A letter of intent committing the Facility owner and its successors to

permit shared use of any tower if the additional users agree to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards, and requirements and the provisions of this Bylaw and all other applicable laws.

11. In the case of an application for additional antennas or other equipment to be installed on an existing Facility, a copy of the executed contract with the owner of the existing structure.

12. To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the Facility, or a written statement by the applicant that an EA is not required for the facility.

323.06 Balloon Test: The Zoning Board of Adjustment may require the applicant to fly a four-foot diameter brightly colored balloon at the location and maximum elevation of any proposed tower. If a balloon test is required, the applicant shall advertise the date, time, and location of this balloon test at least 14 days in advance of the test in a newspaper with a general circulation in the Town. The applicant shall also inform the Zoning Board of Adjustment, in writing, of the date, time, and location of the test, at least 15 days in advance of the test.

The balloon shall be flown for at least eight consecutive daylight hours on four days. If visibility and weather conditions are inadequate for observers to clearly see the balloon test, further tests may be required by the Zoning Board of Adjustment.

323.07 Criteria for Approval and Conditions An application for a WCF permit shall be approved when the Zoning Board of AdjustmentC finds all the following criteria have been met:

A. The Facility will not be built on speculation. If the applicant is not a Wireless Transparent Sensing Platform (WTSP), the Zoning Board of Adjustment may require the applicant to provide a copy of a contract or letter of intent showing that a WTSP is legally obligated to locate a WCF on lands owned or leased by the applicant.

B. The Facility will not project more than 20 feet above the average elevation of the tree line measured within 50 feet of the highest vertical element of the WCF, unless the proposed elevation is necessary to provide adequate Wireless Telecommunication Service capacity or coverage or to facilitate collocation of facilities.

C. The minimum distance from the base of any tower to any property line is not less than 100% the total elevation of the tower, including antenna or equipment.

D. The Facility will not be illuminated by artificial means and will not display any lights or signs except for such lights and signs as required by the FAA, federal or state law, or this Bylaw.

E. The applicant will remove the Facility, should the Facility be abandoned or cease to operate. The Zoning Board of Adjustment may require the applicant to provide a bond, or other form of financial guarantee acceptable to the Zoning Board of Adjustment, to cover the cost of removal

of the Facility, should the Facility be abandoned or cease to operate.

F. The applicant demonstrates that the facility will be in compliance with all FCC standards and requirements regarding Radio Frequency Radiation (RFR).

G. The applicant will maintain adequate insurance on the Facility.

H. The Facility will be properly identified with appropriate warnings indicating the presence of RFR. The Zoning Board of Adjustment may condition a permit on the provision of appropriate fencing.

I. The proposed equipment cannot be reasonably collocated at an existing WCF. In determining this, the Zoning Board of Adjustment shall consider the following factors:

1. The proposed equipment would exceed the structural or spatial capacity of the existing facility and the existing facility cannot be reinforced, modified, or replaced to accommodate planned equipment at a reasonable cost.

2. The proposed equipment would materially impact the usefulness of other equipment at the existing facility and such impact cannot be mitigated or prevented at a reasonable cost.

3. The proposed equipment, alone or together with existing equipment, would create radio frequency interference and/or RFR in violation of federal standards.

4. Existing towers and structures cannot accommodate the proposed equipment at an elevation necessary to function reasonably or are too far from the area of needed coverage to function adequately.

5. Collocation of the equipment upon an existing tower would cause an undue aesthetic impact.

J. The Facility provides reasonable opportunity for collocation of other equipment.

K. The Facility will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.

L. The Facility will not have an undue adverse aesthetic impact. In determining this, the Zoning Board of Adjustment shall consider the following factors:

1. The results of the balloon test, if conducted.

2. The extent to which the proposed towers and equipment have been designed to blend into the surrounding environment through the use of screening, camouflage, architectural design, and/or imitation of natural features.

3. The extent to which access roads have been designed to follow the contour of the land and will be constructed within forest or forest fringe areas and not open fields.

4. The duration and frequency with which the Facility will be viewed on a

public highway or from public property.

5. The degree to which the Facility will be screened by existing vegetation, topography, or existing structures.
6. Background features in the line of sight to the Facility that obscure or make the Facility more conspicuous.
7. The distance of the Facility from the point of view and the proportion of the Facility that is above the skyline.
8. The sensitivity or unique value of a particular view affected by the Facility.
9. Any significant disruption of a viewshed that provides context to an important historic or scenic resource.

M. The Facility will not destroy or significantly imperil necessary wildlife habitat or that all reasonable means of minimizing the destruction or imperilment of such habitat or species will be utilized.

N. The Facility will not generate undue noise.

323.08 Continuing Obligations for Wireless Communication Facilities: The Owner of a WCF shall, at such times as requested by the Zoning Board of Adjustment, file a certificate showing that it is in compliance with all FCC standards and requirements regarding RFR, and that adequate insurance has been obtained for the Facility.

Failure to file a certificate within the timeframe requested by the PC shall mean that the Facility has been abandoned.

323.09 Removal of Abandoned or Unused Facilities: Unless otherwise approved by the Zoning Board of Adjustment, an abandoned or unused WCF or Small Scale Facility shall be removed within 90 days of abandonment or cessation of use. If the Facility is not removed within 90 days of abandonment or cessation of use, the Zoning Board of Adjustment may cause the Facility to be removed. The costs of removal shall be assessed against the Facility owner.

Unused portions of a WCF or Small Scale Facility shall be removed within 180 days of the time that such portion is no longer used. Replacement of portions of a Facility previously removed shall require a new permit, pursuant to Sections 323.05, 323.06, and 323.07.

Sec 324: Agricultural and Forestry Uses

324.01 Nothing contained herein shall restrict required agricultural farming practices, or accepted silvicultural practices, including the construction or farm structures, or forestry uses, as such practices are defined by the Agency of Agriculture, Food and Markets or the Department of Forests, Parks and Recreation, respectively, under 10 V.S.A., §§ 1021(f) and 1259(f) and 6 V.S.A., § 4810. Also see Section 321.

324.02 Zoning permits need not be obtained for farm structures. However, any landowner proposing to erect a farm structure shall notify the Zoning Administrative Officer of such intent prior to the erection of such structure. No permit is required.

324.03 Farm structures shall comply with setbacks approved by the Agency of Agriculture, Food, and Markets.

324.04 A person proposing to construct a farm structure with setbacks less restrictive than those contained herein shall submit, in writing, a request for a variance to the Agency of Agriculture, Food, and Markets. Such request must include the following information:

A. A statement of the reason or reasons less restrictive setbacks are necessary;

B. A copy of this zoning bylaw

C. A sketch plan of the proposed structure(s) showing the distance from all property lines, and

D. A description of the adjoining land uses.

324.05 This Bylaw shall not prohibit Accessory On-Site Farm Businesses, which shall be subject to Site Plan Review and Approval in accordance with Section 903 of this Bylaw.

324.05 A person may notify the Zoning Administrative Officer regarding forest management practices resulting in a change in a forest management plan for land enrolled in the use value appraisal program pursuant to 32 V.S.A. Chapter 124 only to the extent that those changes are silviculturally sound, as determined by the Department of Forests, Parks and Recreation, and protect specific natural, conservation, aesthetic, or wildlife features in properly designated zoning districts. These changes also must be compatible with 32 V.S.A. § 3755.

Sec 325: Residential Care or Group Homes

A residential care home or group home to be operated under state licensing or registration, serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. § 4501, shall be considered by right to constitute a permitted single-family residential use of property.

Sec 326: Child Care

A "family child care home or facility" as used in this subdivision means a home or facility where the owner or operator is to be licensed or registered by the state for childcare. A family childcare home serving six or fewer children shall be considered to constitute a permitted single-family residential use of property. A family child care home serving no more than six full-time children and four part- time children, as defined in subdivision 33 V.S.A. § 4902(3)(A), shall be considered to constitute a permitted use of property but may require site plan approval. A family childcare facility serving more than six full-time and four part- time children may, at the discretion of the municipality, be subject to a conditional use in all zoning districts.

Sec 327: Private Swimming Pool

Private swimming pools installed below ground level require a zoning permit as an accessory use.

Sec 328: Outdoor Wood Furnace/Boilers

Vermont law regulates outdoor wood furnace/boilers. Applicants should check with the State Permit Specialist.

ARTICLE VI: NON-CONFORMING USES AND STRUCTURES

Sec 401: Construction Approved Prior to Amendment of Bylaw

Nothing contained in this Bylaw shall require any change in plans for the construction of a non-conforming structure or the establishment of a non- conforming use for which a zoning permit has been issued prior to the effective date of this Bylaw or which is completed, or suitable for occupancy or use within two (2) years from the effective date of this Bylaw. Applications to renew expired permits issued under the prior bylaw will not be approved unless the structure or use for which the original permit was issued conforms to the requirements of this bylaw.

Sec 402: Non-Conforming Uses

In accordance with 24 V.S.A. § 4412(7), the following provisions shall apply to all non-conforming uses existing on the effective date of this bylaw:

1. Shall not be expanded, enlarged, or extended (except-as specifically provided), nor shall any external evidence of such use be increased by any means whatsoever.
2. Shall not be changed to another non-conforming use.
3. Shall not be re-established if such use has been discontinued for a period of six months, or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.
4. Shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within one year of such damage. If the restoration of such building is not completed within one year, the non-conforming use of such building shall be deemed to have been discontinued, unless carried on without interruption in the undamaged part of the building.

Sec 403: Expansion of a Non-Conforming Use

The Zoning Board of Adjustment may, after public notice and hearing in accordance with Sections 907 and 908 of this Bylaw, approve expansion of a non-conforming use up to 20% greater than its existing size at the time of adoption of this Bylaw, provided the expansion conforms to all other applicable requirements of this Bylaw. In approving a non-conforming use expansion, the Zoning Board of Adjustment may impose appropriate conditions as it deems necessary.

Sec 404: Non-Conforming Structures

In accordance with Title 24 V.S.A. § 4412(7), the following provisions shall apply to all non-conforming structures:

1. A non-conforming structure may be continued indefinitely and may be expanded, subject to approval by the Zoning Board of Adjustment after public notice and hearing in accordance with Sections 907 and 908 of this Bylaw, provided the expansion is in accordance with all applicable requirements of this Bylaw, does not increase the degree of non-conformance and meets the requirements of Section 403 regarding expansion of a non-conforming use. In approving an expansion of a non-conforming

structure, the Zoning Board of Adjustment may impose appropriate conditions as it deems necessary.

2. Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-conforming structure provided that such action does not increase the degree of non-compliance.

ARTICLE V: FLOOD HAZARD REGULATIONS

These regulations shall apply for development in all areas in the Town of Guildhall identified as areas of special flood hazard on the (current National Flood Insurance Program maps and study) which are hereby adopted by reference and declared to be part of these regulations.

This a separate Article, rather than a section in the general provisions for zoning, since there are instances where proposed subdivisions will be subject to these regulations.

The regulations allow the Town to participate in the National Flood Insurance Program.

Sec 501: Statutory Authorization

To effect the purposes of 10 V.S.A. Chapter 32, and in accordance with 24 V.S.A. § 4424, there is hereby established a regulation for areas of special flood hazard in the Town of Guildhall, Vermont.

Sec 502: Lands to Which These Regulations Apply

502.01 Regulated Flood Hazard Areas: These regulations shall apply to 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. The location of the boundary shall be determined by the Zoning Administrative Officer. If the applicant disagrees with the determination made by the Zoning Administrative Officer, a Letter of Map Amendment from FEMA shall be the final arbiter.

502.02 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.

Sec 503: Development Permit Required

503.01. Permit: A permit is required from the Administrative Officer for all development in all areas defined in Sections 502.02 and 502.04. Development that requires conditional use approval, non- conforming use approval, or a variance from the Zoning Board of Adjustment (ZBA) 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 this section and Section 509. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

503.02 Permitted Development: For the purposes of review under these regulations, the following development activities in the Special Flood Hazard area where outside of the floodway, and meeting the Development Standards in Section 509, require only an administrative permit from the Zoning Administrative Officer:

A. Non-substantial improvements;

B. Accessory structures;

C. Development related to on-site septic or water supply systems;

D. Building utilities;

E. At-grade parking for existing buildings; and,

F. Recreational vehicles.

503.03 Prohibited Development in Special Flood Hazard Area

A. New residential or non-residential structures (including the placement of manufactured homes);

B. Storage or junk yards;

C. New fill except as necessary to elevate structures above the base flood elevation;

D. Accessory structures in the floodway;

E. Critical facilities are prohibited in all areas affected by mapped flood hazards; and,

F. All development not exempted, permitted, or conditionally permitted.

503.04 Conditional Use Review: Conditional use review and approval by the Zoning Board of Adjustment, is required prior to the issuance of a permit by the Zoning Administrative Officer for proposed development within the following:

A. Substantial improvement, elevation, relocation, or flood proofing of existing structures;

B. New or replacement storage tanks for existing structures;

C. Improvements to existing structures in the floodway;

D. Grading, excavation; or the creation of a pond;

Floodway vs. Flood Fringe

The Special Flood Hazard Area is divided into two regulatory parts:

A **floodway** is the active river channel and adjacent high-hazard area that carries fast, deep waters, where development is strictly prohibited.

The **flood fringe** is the outer floodplain where water moves slower and shallower; development is permitted here only if structures are elevated or floodproofed.

(Definitions are from Vermont FloodReady https://floodready.vermont.gov/)

E. Improvements to existing roads;

F. Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing;

G. Public utilities;

H. Improvements to existing primary structures in the Flood Fringe Area that do not expand the footprint of the existing structure more than 500 square feet;

I. Accessory structures in the Flood Fringe Area, of 500 square feet or less, that represents a minimal investment;

J. Building utilities in the Flood Fringe Area; and

K. At-grade parking for existing buildings in the Special Flood Hazard Area

503.05 Exempted Activities: The following are exempt from regulation under this bylaw:

A. The removal of a building or other structure in whole or in part;

B. Maintenance of existing roads and storm water drainage;

C. Silvicultural (forestry) activities and forestry operations conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices;

D. Agricultural activities conducted in accordance with the Vermont Department of Agriculture's Required Agricultural Practices (RAP rules). Prior to the construction of farm structures the farmer must notify the Zoning Administrative Officer in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks; and

E. Planting projects to restore natural and beneficial floodplain function, provided they involved no construction or grading.

Sec 504: Certificate of Occupancy

(Note – Certificates of Occupancy apply only to properties within the Special Flood Hazard Area)

504.01 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 until a Certificate of Occupancy is issued by the Zoning Administrative Officer, stating that the proposed use of the structure or land conforms to the requirements of this Bylaws.

504.02 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 Zoning Administrative Officer 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 Zoning Administrative Officer 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 15th day. If a Certificate of Occupancy cannot be issued, notice will be sent to the owner and filed with the Town Clerk.

Sec 505: Variances

505.01 Variances may be granted in writing by the Zoning Board of Adjustment only in accordance with all the criteria in 24 V.S.A. § 4469, § 4424 (E), and 44 CFR Section 60.6, after a public hearing noticed and conducted as described in Article IX.

505.02 A variance for development within the Special Flood Hazard Area 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.

505.03 Any variance issued in the Special Flood Hazard Area will not increase flood heights, 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.

Sec 506: Nonconforming Structures and Uses

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

A. The proposed development is in compliance with all the Development Standards in Section 509 of this bylaw;

B. 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;

C. Nonconforming structures or uses shall be considered abandoned where such structures or uses are discontinued for more than 12 months; and

D. 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 Section 509.

Sec 507: Procedures

507.01 Application Submission Requirements: Applications for development shall include:

A. Where applicable, a site plan that depicts the proposed development, all water bodies, Special Flood Hazard Areas, floodways, , 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;

B. A report from the Vermont Department of Environmental Conservation Permit Navigator, which 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 Zoning Administrative Officer and attached to the permit before work can begin;

507.02 Referrals. Upon receipt of a complete application for a substantial improvement or new construction, the Zoning Administrative Officer 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(18). 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.

507.03 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.

507.04 Hearing: The Zoning Board of Adjustment shall notice, warn, and conduct a public hearing review in accordance with 24 V.S.A. § 4464 and Section 907 of this Bylaw.

507.05 Decisions: The Zoning Board of Adjustment shall consider comments from the NFIP Coordinator at ANR. The Zoning Board of Adjustment may recess the proceedings on any application pending submission of additional information.

Sec 508: Base Flood Elevations and Floodway Limits

508.01 The “Regulatory Floodway” in Town of Guildhall 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. Where available, base flood elevations and floodway limits (or data from which a community can designate regulatory floodway limits) provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.

508.02 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.

508.03 Until a regulatory floodway has been designated, no new construction, substantial improvements, or other development shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Sec 509: Development Standards

509.01 Floodway Areas

A. 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 registered professional engineer, certifying that the proposed development will:

   1. Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;

   2. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

B. Public utilities may be placed underground, and the analyses may be waived, where a registered professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.

C. Junkyards, on-site wastewater disposal systems, and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

509.02. All Special Flood Hazard Areas

A. Development - All development shall be reasonably safe from flooding and:

   1. designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,

   2. constructed with materials resistant to flood damage,

   3. constructed by methods and practices that minimize flood damage, and

   4. 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.

   5. Adequately drained to reduce exposure to flood hazards;

B. Fuel storage tanks and vents must be elevated above the base flood

elevation and securely anchored;

C. Storage tanks may be placed underground if a qualified professional certifies the installation will be anchored and protected from flood forces.

D. In Zones AE and A1 – A30 where floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than one foot at any point within the community. The demonstration shall be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer;

B. Substantial Improvements

1. Existing buildings and manufactured homes to be substantially improved or replaced and are located in Zones 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.

2. Non-residential structures to be substantially improved must meet the standards 509.02(B)(1), or may 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 registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection. A permit for an improvement proposed to be flood proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

C. Subdivisions:

1. New subdivisions of land and planned unit development shall be accessible by dry land.

2. New subdivision of land proposals and other proposed improvements that are greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data.

3. Subdivisions of land shall be designed to assure:

a. such proposals minimize flood damage within the flood-prone area,

b. public utilities and facilities, such as sewer, gas, electrical, and

water systems are located and constructed to minimize or eliminate flood damage, and

c. adequate drainage is provided to reduce exposure to flood hazards.

D. Enclosed Areas Below the Lowest Floor:

1. Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.

2. Fully enclosed areas that are above grade, below the lowest floor, below BFE and subject to flooding, shall:

i. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,

ii. 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 registered 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.

iii. A small accessory structure of 500 square feet or less need not be elevated to the base flood elevation if adequate flood openings are provided, the structure is placed on the site so as to offer the minimum resistance to the flow of floodwaters, and the construction meets the criteria in Section 509.02 above.

E. Recreational Vehicles (RVs): RVs shall be:

a. fully licensed and ready for highway use; or

b. on-site for fewer than 180 consecutive days

F. Water Supply Systems: Replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

G. Sanitary Sewage Systems: Replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

H. On-Site Waste Disposal Systems: On-site wastewater disposal systems shall be located to avoid impairment to them or contamination from them during flooding. Wastewater disposal systems shall not be located in a floodway area.

I. Watercourse Carrying Capacity: The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

J. Bridges, culverts, and channel management activities, which by their nature shall be placed in or over the watercourse, shall have a Stream Alteration permit from the Agency of Natural Resources, if required;

K Historic structures being substantially improved shall meet the requirements in this bylaw other than the Lowest Floor Elevation (Section 509.02(B)(1).

Sec 510: Duties and Responsibilities of the Administrative Officer

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

A. All permits issued in areas covered by this bylaw;

B. 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;

C. All flood proofing and other certifications required under this regulation; and,

D. All decisions of the Zoning Board of Adjustment (including variances and violations) and all supporting findings of fact, conclusions and conditions.

Sec 511: Warning of Disclaimer of Liability

This regulation does not imply that land outside of the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. This regulation shall not create liability on the part of the Town of Guildhall or any town official or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made hereunder.

Sec 512: Validity and Severability

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

Sec 513: Precedence of Regulation

The provisions of this regulation shall not in any way impair or remove the necessity of compliance with any other applicable regulations. Where this regulation imposes a greater restriction, the provisions of this regulation shall take precedence.

Sec 514: Enforcement and Penalties

514.01 It shall be the duty of the Zoning Administrative Officer to enforce the provisions of this regulation. Whenever any improvements or subdivision occur contrary to these flood hazard area regulations, the Zoning Administrative Officer, in his/her discretion, shall institute appropriate action in accordance with the provisions of 24 V.S.A. §1974a or pursuant to 24 V.S.A. § 4451 or 24 V.S.A. § 4452 to correct the violation. No action may be brought unless the alleged offender has had at least a seven-day warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation after the seven-day notice period and within the next succeeding twelve months. The seven-day warning notice shall state that a violation exists, that the alleged offender has an opportunity

to cure the violation within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days.

514.02 If the structure is still non-compliant after the opportunity to cure has passed, the Zoning Administrator Officer shall submit a declaration to the Administrator of the NFIP requesting a denial of flood insurance. Section 1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of their flood hazard area regulations.

514.03 The declaration shall consist of: (a) the name of the property owner and address or legal description of the property sufficient to confirm its identity or location, (b) a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance, (c) a clear statement that the public body making the declaration has authority to do so and a citation to that authority, (d) evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and (e) a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE VI: PLANNED UNIT DEVELOPMENT

In accordance with the provisions set forth in 24 V.S.A. § 4417, the modification of district regulations is permitted subject to the requirements of this Article. No zoning permit shall be issued by the Zoning Administrative Officer for a planned unit development until the Zoning Board of Adjustment grants such approval in accordance with the following procedures:

Sec 601 Purpose

The purpose of the planned unit development provision is to encourage compact, pedestrian oriented, affordable housing, innovation in design and layout, and more efficient use of land, specifically

A. To provide for the conservation of open space features recognized as worthy of conservation in the municipal plan and bylaws, such as the preservation of agricultural land, forest land, trails, and other recreational resources, critical and sensitive natural areas, scenic resources, and protection from natural hazards.

B. To encourage and preserve opportunities for energy efficient development and redevelopment.

Sec 602 Applicability and Review Processes

602.01 A proposed planned unit development that requires a subdivision of land shall be reviewed as a major subdivision using the procedures and standards set forth for a major subdivision as described in Article VII of this Bylaw, and the standards under this Article. Planned Unit Development approval will be

It's possible (though unlikely) that a person could create a planned unit development without subdividing land. Therefore, Site Plan Review is provided as an option.

issued concurrently with Final Subdivision Plan approval. See Section 708.

602.02 A proposed planned unit development that requires no subdivision of land shall be reviewed under Site Plan Review and Approval, using the procedures and standards set forth in Section 903 of this Bylaw, and the standards under this therein. PUD approval will be issued concurrently with Site Plan approval.

Sec 603 Submittals

603.01 Proposals for planned unit developments shall be submitted to the Zoning Board of Adjustment in duplicate and shall include a site plan map and supporting data as required by this section.

603.02 Supporting Data Required: The following data is required and must be submitted in a written text:

A. Name and address of the owner of record of the land in question.

B. Names and addresses of the owners of all abutting properties.

C. Name and address of the person or firm preparing the site plan map.

D. Construction sequence and time schedule for completion of each phase for buildings, parking spaces, and landscaped areas of the entire development.

E. Any land use and/or deed restrictions.

603.03 Site Plan Map Required: A site plan map is required and must show the following features:

A. Existing features, including contours, structures, large trees, streets, utility easements, and rights-of-way.

B. Proposed structure locations and land use areas, streets, driveways, traffic circulation, parking and loading spaces, pedestrian walks, landscaping plans, including site grading, landscape design and screening.

Sec 604: Standards

604.01 Proposed uses for the Planned Unit Development shall be limited to those permitted and conditional uses within the district in which the planned unit development is proposed.

604.02 Density may vary within the development but the total number of dwelling units shall not exceed 25% more than the number that would be permitted, in the Zoning Board of Adjustment's judgment, if the land were subdivided into lots in conformance with the zoning regulations for the district in which it is located.

604.03 Lot size, width, depth, and frontage requirements may be waived; however, these will be evaluated by the Zoning Board of Adjustment on their individual merit.

603.04 A planned unit development shall comply with the following standards:

A. It shall be at least ten contiguous acres.

B. Off-lot water and sewer may be required for a development of more than six residential units.

C. At least 25% of the development land shall be retained as open space for

public or common usage. The regulations for control and maintenance of this open space shall be approved by the Zoning Board of Adjustment.

Sec 605: Approvals and Conditions

When reviewing a proposed planned unit development, which may vary the density of intensity of land use otherwise applicable under the provisions of this Bylaw, the Zoning Board of Adjustment shall specifically consider the following:

A. The location and physical characteristics of the proposed planned unit development.

B. The location, design, type, and use of the lots and structures proposed.

C. The amount, location and proposed use of open space.

In reviewing and approving a planned unit development, the Zoning Board of Adjustment may impose conditions it deems necessary and appropriate given the circumstances to implement the purposed of these standards, this Bylaw generally, and the Town Plan.

ARTICLE VII: SUBDIVISION REGULATIONS

Sec 701: Applicability and Process

701.01 In accordance with 24 V.S.A. § 4418, whenever any subdivision of land is proposed that is not specifically exempted under this Bylaw, the subdivider or their authorized agent shall apply for and secure approval of the proposed subdivision according to the procedures outlined in this Bylaw prior to any of the following activities:

A. Construction, land clearing, or building development;

B. Contract of sale of all or any part of the land or structures involved;

C. Receiving a permit for the erection of a building or structure;

D. Filing of a subdivision plat with the Town Clerk.

701.02 The following activities are exempted from subdivision review:

A. Creation of rights-of-way or easements which do not result in the subdivision of land into two or more parcels. Rights of way or easement onto pre-existing non-frontage lots, however, must first receive Site Plan Approval in accordance with Sections 305 and 903 of this Bylaw prior to being developed.

B. Division of parcels under single ownership by a state or town road, provided the resulting lots on either side of the dividing road may be developed separately, and the uses that they contain function independently.

701.03 In accordance with 24 V.S.A. § 4463(a), the Zoning Administrative Officer may approve the following minor subdivisions of land without referring the application to the Zoning Board of Adjustment for subdivision review:

A. Boundary line adjustment between two adjoining lots, provided no adjustment creates a non-conformity, increases the degree of an existing non-conformity, or creates a non-frontage lot;

B. Creation of a lot that is leased for agricultural use;

C. Merger of existing lots; or

D. Subdivision of one lot into two lots, provided that no proposed subdivision creates a non-conformity, increases the degree of an existing non-conformity, creates a non-frontage lot, or requires a variance or waiver from the Zoning Board of Adjustment.

701.04 All proposed subdivisions of land will require, at a minimum, administrative review by the Zoning Administrative Officer, as outlined in Sections 701.02 and 701.03 above. Proposed subdivisions classified as Major will be subject to development review and public hearing before the Zoning Board of Adjustment,in accordance with 24 V.S.A. § 4463 and this Article.

701.05 Proposed subdivisions will be classified as follows:

A. A minor subdivision shall involve the creation of no more than four lots;

B. A major subdivision shall involve the creation of more than four lots, or involve Planned Unit Development Review in accordance with Article VI of this Bylaw.

701.05 The subdivider or agent may schedule a pre-application conference with the Zoning Administrative Officer prior to filing an application for subdivision review to discuss the proposed subdivision, application requirements and review process.

Sec 702: Process Overview

Action	Who does it and when
All subdivisions	
Preapplication conference with Zoning Administrative Officer	Subdivider or agent may initiate this at any time. This is not required, but it is strongly recommended to establish a shared understanding of the review process and requirements.
Administrative Review only (Simple Subdivisions)	
Zoning permit issued	Zoning Administrative Officer shall issue the zoning permit within 30 days of receipt of a completed application.
Plat recording	Within 180 days after receiving a permit from the Zoning Administrative Officer, the subdivider or agent shall submit a mylar to the Zoning Administrative Officer for signature, and and then to the Town Clerk for filing. Simultaneously, the surveyor of the plat shall file a digital version of the plat to Vermont Center for Geographic Information.
All Other Subdivisions	
Sketch Plan Review	Within 45 days of receipt of a completed application, the Zoning Board of Adjustment will hold a Sketch Plan review in accordance with this Bylaw. Subdivider (or agent) must attend this hearing.
Subdivision Classification	Zoning Board of Adjustment, after the closing of the Sketch Plan review hearing, will classify the subdivision as a minor or major subdivision. This classification will be issued in writing and shall specify additional details, if any, that must be provided on subsequent plan submittals.
Minor Subdivisions Only (Fewer than 4 lots, not a PUD)	
Final Subdivision Plan Submittal	Within one (1) year of receiving classification as a minor

	subdivision, subdivider or agent shall submit Final Subdivision Plan to the Zoning Administrative Officer.
Final Subdivision Hearing	Within 45 days of receipt of the Final Subdivision Plan, Zoning Board of Adjustment shall hold a public hearing, which shall constitute the Final Subdivision Hearing, warned and conducted in accordance with this Bylaw. Subdivider or agent must attend this hearing.
Decision	Following the close of the Final Subdivision hearing, Zoning Board of Adjustment will, in writing, approve, disapprove, or approve with conditions the proposed subdivision. The Zoning Administrative Officer requests a mylar from the subdivider or agent which will be presented to an authorized official of the Zoning Board of Adjustment for signature, indicating that all conditions have been met by applicant.
Zoning permit issued	If approved by the Zoning Board of Adjustment, the Zoning Administrative Officer shall issue the zoning permit with 7days in accordance with Sections 902 and 908 of this Bylaw.
Recording	Within 180 days after receiving permit from Administrative Officer, subdivider or agent files a signed mylar with the Town Clerk. Simultaneously, the surveyor of the plat shall file a digital version of the plat to Vermont Center for Geographic Information.
Major Subdivisions Only (More than 4 lots or a PUD)	
Preliminary Plan Submittal	Within six (6) months of receiving classification as a major subdivision, subdivider or applicant shall submit Preliminary Subdivision Plan to Administrative Officer.
Preliminary Subdivision Hearing	Within 45 days of receipt of plan, Zoning Board of Adjustment shall hold a public hearing warned in accordance with this Bylaw. Subdivider or agent must attend this hearing.
Decision	Following the close of the hearing, Zoning Board of Adjustment will, in writing approve, disapprove, or approve with conditions.
Final Subdivision Plan Submittal	Within one (1) year of receiving approval of preliminary plan, subdivider or agent shall submit Final Subdivision Plan to Administrative Officer.
Final Subdivision Hearing	Within 45 days of receipt of plan, Zoning Board of Adjustment shall hold a public hearing warned in accordance with this Bylaw. Subdivider or agent must attend this hearing.
Decision	Following the close of the hearing, Zoning Board of Adjustment will, in writing approve, disapprove, or approve with conditions. Zoning Administrative Officer requests a mylar from the subdivider or agent which will be presented to an authorized official of the Zoning Board for signature, indicating that all conditions have been met by applicant.
Zoning permit issued	If approved by the Zoning Board of Adjustment, the Zoning Administrative Officer shall issue the zoning permit with 7 days in accordance with Sections 902 and 908 of this Bylaw.
Recording	Within 180 days after receiving permit from Administrative

	Officer, subdivider or agent files a signed mylar with the Town Clerk. Simultaneously, the surveyor of the plat shall file a digital version of the plat to Vermont Center for Geographic Information.

Sec 703: Subdivision Process Considerations

703.01 The Sketch Plan review is an official and warned hearing in which the project can be modified as needed, and at which abutters may voice concerns or questions.

703.02 The Preliminary Plan review is an official and warned hearing in which the project can be modified as needed, and at which abutters may voice concerns or questions. The Zoning Board of Adjustment may choose to approve the Final Plan at the Preliminary Plan review hearing if is determined that the subdivider or agent has met all of the conditions of this Bylaw.

703.03 The Final Plan review is an official and warned hearing in which the proposed subdivisions can be modified as needed, and at which abutters may voice concerns or pose questions.

703.04 After the close of each of the Sketch Plan, Preliminary Plan, and Final Plan hearing, the Zoning Board of Adjustment shall issue a written decision approving the plan, disapproving the plan, or approving the plan with conditions. If the Zoning Board of Adjustment is unable to take an action immediately after the close of a hearing, the Board may have up to 45 days to issue a decision. All decisions will be issued in writing.

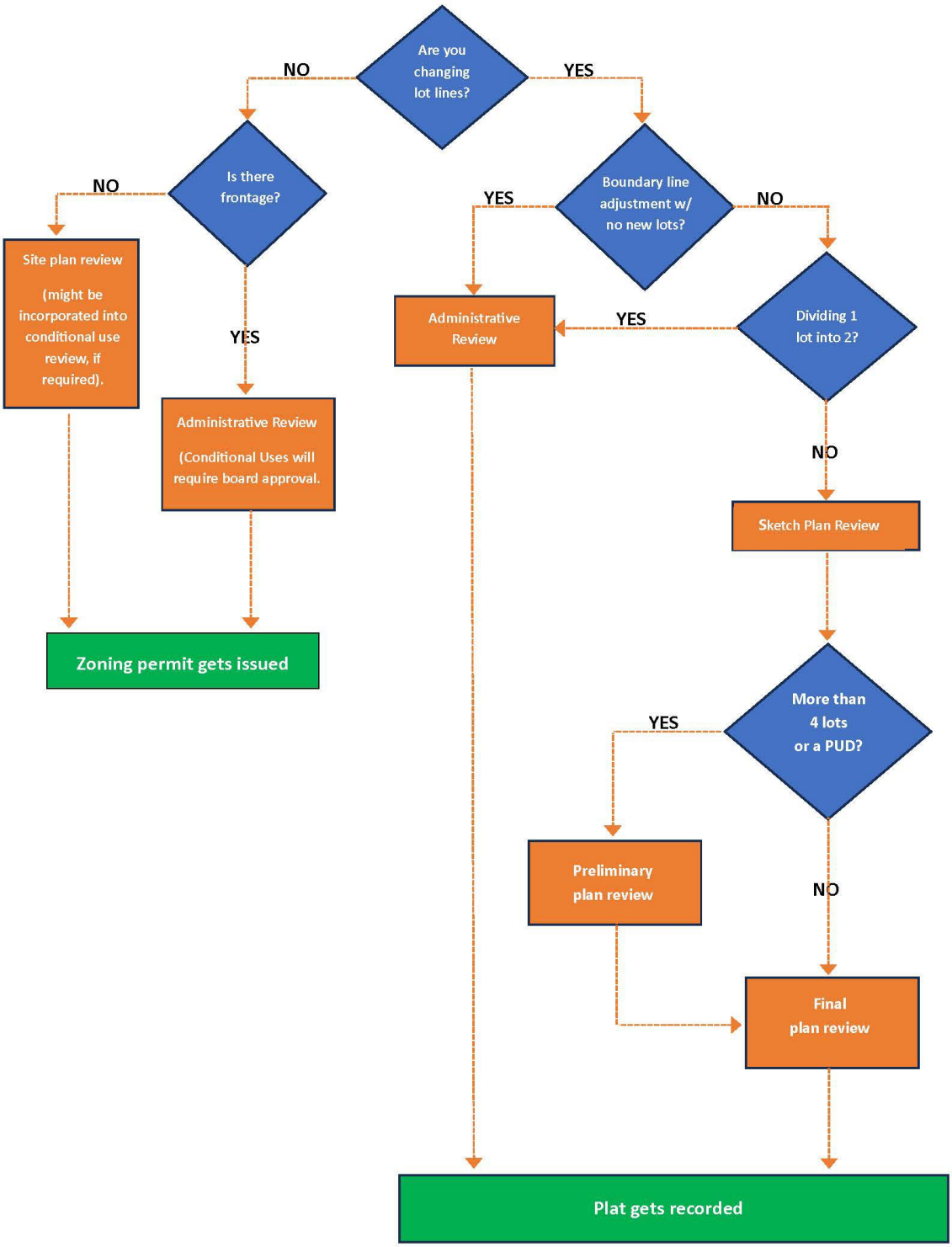
703.05 The Zoning Administrative Officer shall issue a zoning permit for a final plan that has received Board approval within seven (7) of the approval.

703.06 All subdivisions permits will identify an individual who must sign the final mylar prior to recording. For subdivisions that require only Administrative Review, this individual will be the Administrative Officer or Acting Administrative Officer. For Board-approved subdivisions, this will be a member of the Zoning Board of Adjustment.

703.07 In accordance with 24 V.S.A. § 4463, subdivision permits shall expire within 180 days unless they are recorded with the Town Clerk. Once an approved plat is recorded, no expiration is applicable.

703.08 The Zoning Administrative Officer may extend the filing by an additional 90 days if final local or state permits or approvals are still pending.

Sec 704: Flow Chart of Development Review



Sec 705: Simple Subdivisions with Administrative Review Only

705.01 Purpose and applicability**:** The purpose of this section is to streamline approval for smaller, less impactful projects, ensuring efficiency and local control while reserving Zoning Board Approval for more complex developments. Minor boundary line adjustments and subdivision of a single lot into no more than two (2) lots is therefore subject only to Administrative Review by the Administrative Officer without requiring a board review.

In 2023, a change in statute allowed municipalities to approve "some minor subdivisions" by administrative review only. (24 VSA § 4463(a). What constitutes a "minor" subdivision is defined in the local bylaws.

705.02 Application Requirements: A completed application shall include any fee established by the Selectboard in accordance with Sec. 902.07 of this Bylaw. An application for a boundary line adjustment or a simple subdivision should be legible and to scale but does not need to be completed by a surveyor or engineer. The complete application and plan shall include the following information:

A. Name and address of the owner of record and applicant.

B. Name of owners of record of abutting properties.

C. Copies of written notification to all abutting property owners of the site in question. If any portion of the land involved with the subdivision is within 500 feet of the boundary of an adjoining town, a copy of written notification to either the planning commission or town clerk of that town shall also be submitted.

D. A map, depicting the following:

i. Date, scale, and north arrow;

ii. Boundaries and areas of all abutting land, including land separate by a public right-of-way belonging to owner of record, and proposed subdivision (a copy of the tax map is sufficient);

iii. Existing and proposed layout of property lines, including parcel sizes and frontage; type and location of existing and proposed restrictions on land, including easements and covenants;

iv. Type of location and approximate size of existing and proposed highway access, roads, sidewalks, street lighting, utilities, and open space, if any;

v. Preliminary plans for services, including water supply and wastewater disposal;

vi. Preliminary plans for maintenance of common lands and private roads, if any; and

vii. Approximate locations of natural features, such as wetlands, shorelines, watercourses, prime and statewide agricultural soils, slopes of greater than 20%, and flood hazard areas, including those identified in Article V of this Bylaw.

705.03 General Standards for approval: In order to be considered a Simple Subdivision, all of the following standards shall be met:

A. No new lots shall be created that do not meet the dimensional standards of

their respective zoning district;

B. No new lots shall be created that do not meet any of the standards of Article VII of this bylaw;

C. No new lots shall be created that do not have legal access to a public highway or private road;

D. No new lots shall be created that do not require a variance granted in accordance with Section 906 or a waiver granted in accordance with Section 717 of this Bylaw.

705.04 Effect of Approval: Approval of a Simple Subdivision by the Zoning Administrative Officer shall not constitute approval of the subdivision plat and is merely authorization for the applicant to file a final plat application. The final plat must be prepared by a licensed surveyor or engineer and shall contain the following information in addition to the information required under Section 705.02:

A. The name, license number, and seal of the registered land surveyor who prepared the plans;

B. Bearings and distances of boundaries of each lot, monumentation of all lot corners, and all easements; and

C. For boundary line adjustments only, the plat shall contain the following language: “Approval of this boundary line adjustment does not constitute the creation of a separate parcel or lot of land. It simply adjusts the physical location the common boundary of the adjoining parcels or lots. Any subsequent subdivision of these parcels or lots must be approved by the Zoning Administrative Officer or, as appropriate, the Zoning Board of Adjustment pursuant to Article VII of this Bylaw.”

705.04 Recording of Simple Subdivisions: The applicant has the responsibility to file the final approved plat with the Town Clerk in accordance with the requirements of Section 709 of this Bylaw. The Administrative Officer shall sign the final approved plan prior to recording.

Sec 706: Sketch Plan Review:

706.01 Purpose and Applicability: Sketch Plan review is intended to ensure the most complete and efficient review of projects, to save resources for both the applicant and the Town, to delineate a clear path for review and approval, and to provide public and municipal input at the earliest stages of project development. All proposed subdivisions that are not considered simple subdivisions shall commence with a Sketch Plan review, which shall be warned in accordance with Section 907 of this Bylaw.

706.02 Application Requirements: A completed application shall include any fee established by the Selectboard in accordance with Section 902.07 of this Bylaw. An application for a Sketch Plan review should be legible and to scale. It does not need to be completed by a surveyor or engineer. The complete application and plan shall include the following information:

A. Name and address of the owner of record and applicant.

B. Name of owners of record of abutting properties.

C. Copies of written notification to all abutting property owners of the site in question. If any portion of the land involved with the subdivision is within

500 feet of the boundary of an adjoining town, a copy of written notification to either the planning commission or town clerk of that town shall also be submitted.

D. A written description of proposed development plans, including the number and size of lots and general timing of construction.

E. Map drawn to scale showing the location of the development parcel in the town.

F. A plan at a scale not to exceed 1" per 200', drawn on a contour map showing the project boundaries, adjacent land uses, layout of proposed uses, and significant natural and man-made features, including:

i. Existing and proposed layout of property lines, including parcel sizes and frontage; type and location of existing and proposed restrictions on land, including easements and covenants;

ii. Type of location and approximate size of existing and proposed highway access, roads, sidewalks, street lighting, utilities, pedestrian amenities, recreation trails, and open space, if any;

iii. Preliminary plans for services, including water supply and wastewater disposal;

iv. Preliminary plans for maintenance of common lands and private roads, if any; and

v. Wetlands, shorelines, watercourses, prime and statewide agricultural soils, slopes of greater than 20%, and flood hazard areas, including those identified in Article V of this Bylaw.

vi. Prominent knolls and scenic ridgelines

vii. The area(s) of the site designated for parking and loading, and the size of the individual spaces

viii. The number of the dwelling units, if any, that are proposed to be affordable or for senior housing; and

ix. A proposed landscape plan and details of plant types, quantities, and sizes.

706.03 Hearing: The Zoning Board of Adjustment shall conduct the Sketch Plan review hearing in accordance with 24 V.S.A. §§ 4418, 4463, and Section 907 of the Bylaw.

706.04 Decisions: Within forty-five (45) days of conclusion of the Sketch Plan review hearing, the Zoning Board of Adjustment shall issue a decision in accordance with Sections 908 and 913 of this Bylaw, based on the following information:

A. Whether the proposed subdivision is to be classified as a major subdivision or a minor subdivision in accordance with these regulations. This classification will determine the subsequent levels subdivision review.

B. Whether the subdivision must be reviewed as a Planned Unit Development due to the subdivision's location within specific zoning district and/or overlay, the proposed scope and density of development, and the proposed mix of uses.

C. Changes to be made to subsequent submissions in order to achieve compliance with this bylaw; and

D. The need for additional studies or supporting documentation.

A written decision issued by the Zoning Board of Adjustment pursuant to a Sketch Plan review hearing shall constitute an appealable "final action."

706.05 Effect of Sketch Plan Determination: Approval of a Sketch Plan shall not constitute approval of a subdivision plat and is merely authorization for the applicant to file a subsequent plan application. Zoning Board of Adjustment determinations and associated recommendations shall remain in effect for one (1) year from the date the decision was issued, unless other otherwise expressly approved or extended by the Zoning Board of Adjustment.

Sec 707: Preliminary Plan Review

707.01 Purpose and Applicability: The purpose of Preliminary Plan review is to review a draft subdivision plat and supporting documentation to determine preliminary conformance with this Bylaw; to identify particular issues or concerns associated with a proposed subdivision; to recommend modifications necessary to achieve conformance; and to identify additional information required for submission for the Final Plan review prior to the preparation of a final survey plat, engineering plans and legal documents for the subdivision and related site improvements. All major subdivisions are subject to Preliminary Plan review, warned in accordance with Section 907 of this Bylaw, unless waived in accordance with Section 706.04 of this Bylaw.

707.02 Application Requirements: A completed application, which shall be submitted within one year of receiving a Sketch Plan approval, any fee established by the Selectboard in accordance with Section 902.07 of this Bylaw, as well as the following information:

A. Maps drawn to a scale of no greater than 100 feet per inch
B. A statement of how the proposed subdivision complies with the Town Plan and this Bylaw.
C. Description of the proposed water supply. If the water source is a community water supply system, evidence of the right to use such system and the adequacy of such system to meet water supply requirements shall be shown. All design criteria shall be in accordance with applicable state and local regulations.
D. A description of proposed sewage disposal system. If on-site sewage disposal is proposed, then the subdivider shall submit a registered professional engineer's report prepared in conformance with applicable state and local regulations. If a community sewage disposal system is to be used, the subdivider shall submit evidence of the right to use such system and an engineer's statement of the adequacy of the system to handle the additional sewage.
E. Preliminary grading plans showing areas of cut and fill revised contours, at a contour interval not greater than five (5) feet.
F. A storm water drainage plan, drawn at a contour interval not greater than five (5) feet, shall indicate the methods of collecting and discharging of drainage, as well as methods for temporary and permanent erosion control.
G. All existing and proposed right-of-way lines, widths of roads, typical road profiles, dimensions of all lot lines and sizes of all lots, locations of all buildings, walkways, amenities, utilities, and other manmade

improvements.

H. Evidence that the traffic generated by the project will not cause the capacity of roadways and intersections in the area to be exceeded. Information to be provided shall include, but not be limited to, current traffic volumes, current excess capacities or deficiencies; trip generation estimates and their impact on capacities; and sight stopping distances for new road intersections with town highways.

I. Typical landscaping plans showing plant types, ground cover, lighting, and signage.

J. All land proposed to be dedicated to open or public uses, or to be reserved for screening and buffer purposes and the methods for assuring and maintaining such dedication or reservation.

707.03 Hearing: The Zoning Board of Adjustment shall conduct the Preliminary Plan review hearing in accordance with 24 V.S.A. §§ 4418, 4463, and Section 907 of the Bylaw.

707.04 General Standards for Approval: The Preliminary Plan must conform to the following requirements:

A. The requirements set forth in this bylaw;

B. The layout originally shown in the Sketch Plan; and

C. The recommendations made by the Zoning Board of Adjustment during the Sketch Plan Review.

707.05 Decisions: Within forty-five (45) days of conclusion of the Preliminary Plan Review hearing, the Zoning Board of Adjustment shall issue a decision in accordance with Sec. 908 of this Bylaw, based on the information provided. At the time the Zoning Board of Adjustment grants Preliminary Subdivision Plan approval, it may require the plat to be divided into two or more phases to ensure conformity with the Town Plan and/or any Capital Program. The Zoning Board of Adjustment may impose such conditions upon the filing of the applications for Final Subdivision Plan approval for each phase, as it deems necessary to ensure orderly development of the plan. A written decision issued by the Zoning Board of Adjustment pursuant to a Preliminary Plan review hearing shall constitute an appealable “final action.”

707.04 Waiver of Preliminary Plan Review: The Zoning Board of Adjustment may, by written decision issued in accordance with Section 908 of this Bylaw, may waive the requirement for a Preliminary Plan Review for a major subdivision if the Board finds that all of the following conditions are met:

A. All of the standards of Article VII of this Bylaw are met;

B. The application submittals contain all the required level of detail for a Final Plan Review;

C. The proposed subdivision does not require phasing to ensure orderly development; and

D. The proposed subdivision does not require a Warranty or Performance Guarantee.

707.05 Effect of Preliminary Plan Approval: Preliminary Plan approval is intended to document application and submission requirements prior to Final Plan review. Preliminary Plan approval does not constitute approval of a subdivision plat for recording in the land records of the town under Section 709 of this Bylaw. A

Preliminary Plan approval shall remain in effect for one year from the date of issuance, unless other otherwise expressly approved or extended by the Zoning Board of Adjustment.

Sec 708: Final Plan Review

708.01 Purpose and Applicability: The purpose of Final Plan review is to determine final project conformance with this Bylaw. The application for Final Plan review shall be submitted within one year of the date of Preliminary Plan approval by the Zoning Board of Adjustment, but not before the initial 30-day appeal period has expired. If an application has not been filed within one year, the applicant will be required to submit the subdivision review process anew.

708.02 Application Requirements: A completed application, which shall be submitted within one year of receiving a Preliminary Plan approval, any fee established by the Selectboard in accordance with Section 902.07 of this Bylaw, as well as the following information:

A. The Final Subdivision Plan, prepared by a Vermont licensed surveyor. (The Zoning Board of Adjustment may request additional copies)

B. All information, revisions, or additional levels of detail requested by the Zoning Board of Adjustment during the Preliminary Subdivision Plan Review;

C. If the subdivider is granting easements to the Town, a written acknowledgement of the subdivider's responsibility for maintenance of easement areas until such land has been legally accepted by the Town.

708.03 Hearing: The Zoning Board of Adjustment shall conduct the Final Plan review hearing in accordance with 24 V.S.A. §§ 4418, 4463, and Section 907 of the Bylaw.

708.04 General Standards for Approval: The Final Plan must conform to the following requirements:

A. The requirements set forth in this bylaw;

B. The layout originally shown in the Sketch and, in the case of a major subdivision, Preliminary Plan; and

C. The recommendations made by the Zoning Board of Adjustment during the Sketch Plan Review, and in the case of a major subdivision, Preliminary Plan Review.

708.05 Decisions: Within forty-five (45) days of conclusion of the Final Plan review hearing, the Zoning Board of Adjustment shall issue a decision in accordance with Section 908 of this Bylaw, based on the information provided. The Zoning Board of Adjustment may require, as a condition of Final Subdivision Plan approval, the following documentation:

A. Agreement to convey to the town land to be used for streets, open space, and other purposes;

B. Description of easements and rights-of-way over property to remain in private ownership;

C. Descriptions of easements to drain onto or across other property;

D. Performance guarantee, issued in accordance with Section 716 of this Bylaw.

A written decision issued by the Zoning Board of Adjustment pursuant to a

Final Plan review hearing shall constitute an appealable "final action."

708.06 Effect of Final Plan Approval: Each approval shall contain a time limit within which all improvements shall be completed, not to exceed three (3) years unless otherwise extended by the Zoning Board of Adjustment.

The approval by the Zoning Board of Adjustment of a final subdivision plat shall not be construed to constitute acceptance by the municipality of any road, easement, utility, park, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Selectboard in accordance with state statutes.

Sec 709: Recording

709.01 All Final Subdivision Plans must be recorded in the office of the Guildhall Town Clerk within ninety (90) days from approval. If the subdivider fails to record the Final Subdivision Plan within the required timeframe, he or she shall be required to resubmit a Final Subdivision Plan for Final Plan review and approval again, subject to the current regulations currently in effect.

709.02 Prior to recording, the plan must be signed by:

A. In the case of a simple subdivision, the Zoning Administrative Officer or the Acting Administrative Officer;

B. In the case of all other subdivisions, the Chair of the Zoning Board of Adjustment or another member of the Board.

709.03 For any subdivision that requires the construction of streets or other public improvements by the subdivider, the authorized signer shall not sign the approved plan until the subdivider has:

A. Met the performance guarantee requirements of Section 716 of this Bylaw, or;

B. Constructed all public improvements to the satisfaction of the Zoning Board of Adjustment.

709.04 Two copies of the approval Final Subdivision Plan shall be filed with the Town Clerk.

709.05 The plan to be recorded shall be of a size determined by the Zoning Board of Adjustment.

709.06 No changes, modifications, or revisions that alter the conditions attached to a subdivision permit shall be made unless the plan is first resubmitted to the Zoning Administrative Officer in accordance with these bylaws, and the Zoning Board of Adjustment approves such modifications after public hearings notices and warned in accordance with Article IX of this Bylaw.

709.07 A Subdivision Plan recorded without required approvals as outlined in this Bylaw shall be considered null and void.

Sec 710: General Subdivision Standards

710.01 Development Suitability. All land to be subdivided shall be physically suited for its intended use and the proposed density of development, without posing a danger to public health, safety, or the environment. Subdivisions shall set aside as designated open space, and exclude from development, land that is characterized by poorly drained (hydric) soils, mapped wetlands, surface

waters and flood hazard areas as defined in Article 5 of this bylaw, very steep slopes (greater than or equal to 25%), and other known hazard areas.

710.02 Development Pattern. The development pattern established by a proposed subdivision shall conform to the development patterns specified for the zoning district(s) in which it is located. Accordingly, to the extent physically feasible and consistent with other requirements of these regulations, the subdivision shall:

A. Conform to zoning, site plan and conditional use standards that apply to the subsequent development of subdivided lots.

B. Connect to and extend existing road, recreation path, sidewalk and utility corridors.

710.03 Lot layout: The layout of lots to be created by the subdivision shall conform to the requirements of this bylaw and shall be appropriate for the intended use. Lots shall be laid out and configured to:

A. Conform to site topography and the suitability of the land for development;

B. Meet zoning district dimensional requirements, except as modified for Planned Unit Development under Article VI; and

C. Avoid excessively narrow or irregularly shaped lots (e.g., with curves, jogs, dog-legs, etc.) unless warranted due to topographic constraints, or to limit the fragmentation of natural or scenic features. Side lot lines should generally be at right angles to roads.

D. Avoid to the extent physically feasible any fragmentation or parcelization of agricultural soils and land enrolled in current use.

E. Avoid to the extent physically feasible any adverse impacts to source protection areas.

F. Avoid to the extent physically feasible any adverse impacts to critical wildlife habitat and natural communities.

G. Maintain access and functionality of existing farm and logging roads.

710.04 Existing site features, including natural contours and drainage patterns, natural vegetative cover (e.g., timber stands, shade trees, ground cover, riparian buffers), unique geological features (e.g., ridgelines, ledges, outcrops), surface waters, wetlands, flood hazard areas as defined in Article V of this Bylaw, scenic views, and historic sites and structures shall be incorporated in subdivision layout and design as necessary to minimize the extent and amount of site disturbance, and to preserve existing site functions.

Sec 711: Road Access and Traffic Standards

711.01 All roads must comply with A-76 State of Vermont Design Standards as adopted by the Selectboard.

711.02 All new, or extensions of, private roads, whether or not intended to be taken over by the Town, and new private access rights-of-way, shall:

A. Preserve existing public access through the property to adjoining properties or uses when in the Town's interest;

B. Logically relate to the topography so as to produce usable lots and road grades in compliance with town policies or standards without significant amounts of cut and fill;

C. Allow safe pedestrian and/or bicycle circulation within the subdivision and to connect to town highways;

D. Have a right-of-way of at least 30 feet, and 50 feet for private roads;

E. Conform to town road policies, ordinances or standards, except access rights-of-way need not conform to width requirements; and

F. Shall provide adequate emergency vehicle access.

711.03 Intersections with existing roadways shall be as close as 90 degrees as possible.

711.04 Approaches to intersections with existing roads shall be at a maximum grade of 3% for a distance of 100 feet from the edge of the travel lane. Intersections shall be located so as to provide a minimum sight stopping distance in accordance with current American Association of State Highway and Transportation Officials (AASHTO) standards.

711.05 The Zoning Board of Adjustment may restrict the frequency of access or impose special intersections design requirements along any Town highway.

Sec 712: Driveways and Private Road Standards

712.01 Roads and driveways shall be accessible by dry land access, outside of the flood hazard areas as defined in Article V of this Bylaw.

712.02 A shared driveway of any length having three or more developable lots on it shall be defined as a private road.

712.03 Addressing along private roads shall be done by the 911 coordinator and shall meet Vermont Enhanced 911 standards.

712.04 A driveway having one or two addresses on it may be defined as either a driveway or as a private road if there is potential for future development.

712.05 Signage of private roads and addressing of lots shall be determined by the municipality in accordance with the most recently issued Vermont Agency of Transportation's The "Orange Book" A Handbook for Local Officials.

712.06 Private roads shall generally be named distinctly from public roads to avoid any misconceptions or confusion, except where the continuation/extension of a public road name to a private road is logical.

712.07 Private roads shall only be added when there is a logical need, such as when development is site to preserve open space.

712.08 The maximum grade of a private road shall not exceed ten (10) percent at any point, and the average grade of a private road shall not exceed eight (8) percent. Any contiguous length of a private road with grade in excess of eight (8) percent shall not exceed one hundred (100) feet.

712.09 Private road entrances shall be constructed with no more than three (3) percent grade away from the public highway for a distance of at least twenty (20) feet.

712.10 The arrangement of roads in the subdivision shall provide for the coordination of roads of adjoining subdivisions and for proper projection of roads through adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic, and construction or extension of needed utilities and public services, presently or when later required. The Zoning Board of Adjustment may require the subdivider to dedicate and set aside rights-of-way for future development on the lot or adjoining properties.

Where, in the opinion of the Zoning Board of Adjustment, topographic or other conditions make such continuance undesirable, or impracticable, the above conditions may be modified. The Zoning Board of Adjustment may also require improvements to existing private roads serving the proposed subdivision in order to meet the standards in this section.

712.11 The Zoning Board of Adjustment may restrict the number of curb cuts or impose special intersection design requirements along all public roadways in the interest of preserving their visual character.

Sec 713: Utility and Amenity Standards

The Zoning Board of Adjustment may require the underground installation of power and telephone lines wherever it is appropriate to maintain and protect the visual character of an area, or to protect property values of adjacent properties. Where inclusion of utilities in existing rights-of-way is impractical, unobstructed easements twenty (20) feet in width shall be provided with satisfactory access to roadways.

Sec 714: Stormwater Management Standards

714.01 Storm-water management facilities shall be designed and installed in accordance with all applicable state regulations and standards. Articles of Association or similar arrangements are required to address long-term care and maintenance of these systems by the users.

714.02 All stormwater management facilities shall be designed and constructed in accordance with the most recent standards for such facilities adopted by the State of Vermont. Applicants are encouraged to incorporate Low Impact Development techniques and practices into the stormwater management system and/or to utilize the Voluntary Stormwater Management Credits provided for in the most recent version of the Vermont Stormwater Management Manual.

714.03 If the subdivision will create more than 1.0 acres of new impervious surfaces, or otherwise require a state stormwater permit, the applicant shall obtain this permit prior to recording the approved final plat in the Land Records.

Sec 715: Protection of Agricultural Soils Standards

715.01 Where a subdivision includes twenty-five (25) acres or more of prime or statewide agricultural soils, the applicant must create subdivision boundaries and/or building envelopes configured to avoid adverse impacts on prime and statewide agricultural soils. Methods for avoiding such adverse impacts include, but may not be limited to, the following:

A. Where marginal soils also exist on the site, the creation of a Planned Unit Development in accordance with Article VI of this Bylaw may be required with the developable lots clustered away from the agricultural soils.

B. Lot lines and/or building envelopes shall be located at field and orchard edges or, in the event that no other land is practical for development, on the least fertile soil in order to minimize the loss of productive agricultural soils and impacts of existing farm operations.

C. Lots and/or building envelopes may be clustered on agricultural soils if those areas, by their nature, are not reasonably viable for farming. Such features could include agricultural soils that are distributed in a long narrow

band. Other areas in the subdivision are still required to protect areas with agricultural soils or potential for agricultural use.

D. Contiguous patches of agricultural resources identified above should not be fragmented. The parcel with the contiguous patch should, wherever possible, remain in a parcel of not less than twenty-five (25) acres.

E. Vegetated buffer areas may be required between agricultural and other uses to minimize land use conflicts.

F. Access roads, driveways, and utility corridors should be shared to the extent feasible and, where sites include linear features such as existing roads, tree lines, stonewalls, and/or fence lines, should follow such features to minimize the fragmentation of agricultural soils.

Sec 716: Performance Guarantee Requirements

716.01 If the proposed subdivision requires road construction or any public improvement, the Zoning Board of Adjustment may require as a condition of Final Subdivision Plan approval, a performance bond or other type of guarantee to cover the expenses of such project, as authorized by 24 V.S.A. § 4464(b). The guarantee. may be required in the form of:

A. Surety bond, issued by a survey company authorized to do business in Vermont, to be filed with the Town of Guildhall Selectboard in form and amount satisfactory to it; or

B. Letter of credit, cash, escrow account, or savings bank book properly endorsed to the Town of Guildhall; or

C. Performance bond from the developer or contractor.

If a project developer is unable to finish their work, the community should be able to pick up the ball in run with it. This is where the "performance guarantee" comes in. A guarantee could take a variety of forms, including a surety, which is a type of performance bond, letter of credit from a bank, or cash placed in escrow. The guarantee would cover for the full cost of installing public improvements, whether roads, sidewalks, street lights, street trees, stormwater improvements, public-access open space, or more. Once a certain amount of the public improvements is installed, the developer can request that an amount of the guarantee be "released." This requires the Town of Guildhall to send a member of staff, such as the Zoning Administrative Officer, or a qualified consultant, to determine whether the improvements have been installed property and in accordance with the approved development plan.

716.02 The performance guarantee shall not be released until the Zoning Board of Adjustment has certified substantial completion of the project in accordance with the conditions of Final Subdivision Plan approval.

716.03 The performance guarantee shall run for a term to be fixed by the Zoning Board of Adjustment, but no longer than three (3) years, without the written consent of the subdivider.

716.04 The amount of such guarantee shall be determined by the Zoning Board of Adjustment and the form and execution of such guarantee shall be approved by the Town's legal counsel. The Zoning Board of Adjustment may enlist the support of Independent Technical Review in accordance with Section 909 of this Bylaw to determine a reasonable cost for proposed improvements.

716.05 If the project has not been substantially completed in accordance with the conditions of Final Subdivision Plan approval, and within the term of the

performance guarantee, the guarantee shall be forfeited to the Town of Guildhall and upon receipt of the proceeds, the Town of Guildhall shall install or maintain such improvements as are covered by the performance guarantee.

716.06 The Zoning Board of Adjustment may also require the guarantee to cover the maintenance of the project for a period of two (2) years after acceptance by the Town. The guarantee shall be not less than ten (10) percent of the estimated cost of the project.

Sec 717: Subdivision Waivers and Modifications

717.01 In accordance with 24 V.S.A. § 4418(2)(A), the Zoning Board of Adjustment may waive or modify zoning requirements or review standards set forth elsewhere in this Bylaw, which in the Board's judgment of the unique circumstances of the proposed subdivision project:

A. are not necessary to protect public health, safety, and general welfare; or

B. are inappropriate because of inadequacy or lack of connecting facilities adjacent or within proximity to the subdivision.

In doing so, the Zoning Board of Adjustment may impose appropriate conditions.

Waivers, as authorized in statute allow for flexibility when special site conditions (e.g., topography, size, shape) make strict adherence to zoning dimensional requirements impractical or unreasonable. They are not as strictly defined as variances (24 V.S.A. § 4469), which apply to development that does not involve a subdivision of land.

It's important to include the waiver provision as an "out" to accommodate unique circumstances and recognize the "bigger picture" nature of some subdivision projects.

717.02 The request for such a subdivision waiver or modification shall be submitted to the Board by the subdivider in writing. It shall be the responsibility of the subdivider to provide sufficient information to justify any waiver or modification to be granted by the Zoning Board of Adjustment.

717.03 In granting a subdivision waiver or modification, the Zoning Board of Adjustment may require such conditions that will, in its judgment, substantially meet the objectives of the requirements so waived or modified. No such waiver or modification may be granted if it would have the effect of nullifying the intent and purpose of the Guildhall Town Plan.

ARTICLE VIII: DEFINITIONS

For the purpose of this Bylaw, certain terms or words used herein shall be interpreted as follows:

Sec 801: Word Definitions

801.01 The word PERSON means an individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

801.02 The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

801.03 The word SHALL is mandatory, the word MAY is permissive. The words USED or OCCUPIED include the words INTENDED, DESIGNED, and ARRANGED TO BE USED or OCCUPIED. The word LOT includes the words PLOT and

PARCEL.

Sec 802: Term Definitions

ACCESSORY DWELLING: A distinct living unit that is clearly subordinate to a single-family dwelling on an owner-occupied lot, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

1. The property has sufficient wastewater capacity.
2. The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling, or 900 sq. ft, whichever is greater.

ACCESSORY ON-FARM BUSINESS: Activity on a farm, the revenues of which may exceed the revenues of the farming operation that:

A. Does not generate noise exceeding 70dB at the property boundaries, and

B. Does not host events that continue past 10:00 p.m., and

C. Comprises one or both of the following:

1. The storage, preparation, processing, and sale of qualifying products, provided that the qualifying products are produced on a farm; the sale of products that name, describe, or promote the farm or accessory on-farm business, including merchandise or apparel that features the farm or access on-farm business; or the sale of bread or baked goods.
2. Educational, recreational, or social events that feature agricultural practices or qualifying products, or both. Such events may include tours of the farm, farm stays, tastings and meals featuring qualifying products, and classes or exhibits in the preparation, processing, or harvesting of qualifying products. For purposes of these bylaws, a “farm stay” means a paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm that feature agricultural practices or qualifying products, or both. A farm stay includes the option for guests to participate in such activities.

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, any principal use or structure. I.E. sheds, storage tanks, fences. For purposes of administering flood hazard development regulations in accordance with Article V of this Bylaw, “Accessory Structure” (for use in review of proposals under Article V Flood Hazard Regulations): a structure that is

1. detached from and clearly incidental and subordinate to the principal use or structure on the lot;
2. located on the same lot as the principal structure or use;
3. Clearly and customarily related to the principal structure or use; and
4. Only used for vehicle parking, storage, or primarily building access. Examples include garages, garden and tool sheds, and playhouses but no include “accessory dwellings.”

AFFORDABLE HOUSING (Statutory Definition): means either of the following:

Housing that is owned by its inhabitants, whose gross annual household income does not exceed 120 percent of the county median income, as defined by the United States

Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes and insurance, is not more than 30 percent of the household's gross annual income, or

Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income. 24 V.S.A. § 4303(1)(A).

AGRICULTURAL USE: The cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or the raising, feeding or management of livestock, poultry, equines, fish, or bees; or the operation of greenhouses; or the production of maple syrup; or the on-site storage, preparation and sale of agricultural products principally produced on the farm; or the on-site production of fuel or power from agricultural products or wastes produced on the farm, without regard to meeting the minimum threshold for the Required Agricultural Practices rules (RAP rules).

ALTERNATIVE ENERGY: Individual on-site produced sources of electric energy including but not limited to solar, wind, hydro, wood, and a small fuel generator.

ANIMAL SHELTER: A structure used for the keeping of stray animals. Such a structure may also include the facilities necessary for the destruction of animals that are sick, considered to be dangerous, or for which homes could not be found.

APPLICATION: The application form and all accompanying documents and exhibits required of an applicant by the Town to be submitted to the Zoning Administrative Officer or Zoning Board of Adjustment for development review purposes.

AREA OF SPECIAL FLOOD HAZARD: See "Special Flood Hazard Area."

AUTO SERVICE STATION: Any area of land, including structures thereon, that may be used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of any motorized vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, cleaning, or servicing such motor vehicles. A service station may include sales, or major repair agency for autos, trucks, or trailers.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE): 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: Means any area of the building having its floor subgrade (below ground level on all sides).

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods; or materials of any kind or nature.

BUILDING FRONT LINE: Line parallel to the front lot line transecting that point in the building face that is closest to the front lot line. This face includes porches, whether enclosed or unenclosed, but does not include steps or landings 25 square feet and less.

BUSINESS OFFICE I PROFESSIONAL SERVICE: Place where the business of a commercial, industrial, service provider, or professional is conducted.

CONSTRUCTION: Refers to all new construction, addition, alteration, and major repairs of residential and non-residential buildings, roads and bridges, ports and harbors, water and sewerage systems, irrigation systems, power and telecommunications systems and all construction work including land development but excluding acquisition of machinery, are also included.

CONTRACTOR'S YARD: Any parcel of land or portion thereof that is used by a contractor for the parking and storage of such contractor's construction vehicles, equipment, and materials when it is not being used.

CONVERSION: The act of changing from one use or function or purpose to another.

DAY CARE CENTER: Any use or structure registered or licensed by the State of Vermont in which are cared for 7 or more children but under no circumstances more than 12.

DAY CARE CENTER FAMILY/HOME: Any state registered or licensed day care serving no more than 6 children shall be considered by right to be a single-family dwelling. Please see my notes about defining a family daycare separately.

DEVELOPMENT: The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation or landfill. Also, any change in the use of any building or other structure, or land, or extension of use of land. (24 V.S.A., Ch.117)
"Development" (for use in review of proposals under Article V Flood Hazard Regulations): means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

DEVELOPMENT REVIEW: The process of the Zoning Board of Adjustment considering a proposed development project. Can consist of one or more of the following: subdivision review, conditional use review, review of request for a waiver, site plan review, planned unit development review, expansion of a non-conforming use or structure, development within the Special Flood Hazard Area, or other type of development review as the Zoning Board of Adjustment deems necessary

DISTRICT: A part, zone or geographic area within the municipality within which certain zoning or development regulations apply.

DWELLING, SINGLE FAMILY: A detached residential dwelling unit, including a mobile home or a modular home, designed for and occupied by only one family.

DWELLING, TWO FAMILY: A residential building that has two dwelling units in the same building and neither unit is an accessory dwelling unit.

DWELLING, MULTI-FAMILY: A residential building designed for or occupied by three or more families living independently of each other in individual dwelling units with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING UNIT: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units that may be in the same structure, and containing independent cooking and sleeping facilities. It shall include prefabricated, modular units and mobile homes, but shall not include motels, hotels, or similar structures.

DRIVEWAY: A right of way across privately-owned land providing access for up to two lots for vehicles to a parking space, garage, dwelling, or other structure.

EARTH RESOURCE EXTRACTION: Extraction or mining of sand, gravel, and stone on an open land area for sale or off-tract use.

EASEMENT: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

EMERGENCY SHELTER: Any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and that does not require occupants to sign leases or occupancy agreements.

ENLARGEMENT: Expanding or increasing a building in size or volume or quantity of scope.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission, or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and similar equipment and accessories in connection therewith, and including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety or general welfare.

EXCAVATION: The act of digging.

FAMILY: One or more persons living, sleeping, cooking, and eating on the same premises as a single housekeeping unit.

FARM: A parcel or parcels owned, leased, or managed by a person, devoted primarily to farming, and subject to the Required Agricultural Practice (RAP) rules. For leased lands to be part of a farm, the lessee must exercise control over the lands to the extent they would be considered as part of the lessee's own farm. Indicators of such control include whether the lessee makes day-to-day decisions concerning the cultivation or other farming-related use of the leased lands and whether the lessee manages the land for farming during the lease period.

FARMING: Has the same meaning as in 10 V.S.A. § 6001(22) or the Required Agricultural Practices rules (RAP rules).

FARM STRUCTURE: A building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with agricultural or farming practices, including a silo but excluding a dwelling for human habitation.

FEE: A fixed charge as determined by the Town's legislative body for the purpose of covering the cost of the administration of this bylaw.

FILL: For purposes of administering flood hazard regulations in accordance with Article V of this Bylaw, any placed material that changes the natural grade, increases the elevation, redirects the movement of flood water, or diminishes the flood storage capacity at the site. Temporary storage of material for less than 180 days is not considered fill.

FLOOD HAZARD BOUNDARY MAP _(FHBM): An official map of a community, issued by FEMA, where the boundaries of the flood, mudslide, (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which FEMA has delineated both the special hazard areas and the risk premium applicable to the

community.

FLOOD INSURANCE STUDY: An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOODPLAIN or FLOOD-PRONE AREA Any land area susceptible to being inundated by water from any source.

FLOOD PROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures that substantially reduce or eliminate flood damage to any combination of real estate, improved real property, water or sanitary facilities, structures, and the contents of structures.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that Special Flood Hazard Areas and floodways may be shown on separate map panels.

FLOOR AREA: Sum of the gross horizontal area of the floors of a building, excluding unfinished basement floor areas. All dimensions shall be measured between interior faces of walls.

FORESTRY USE: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

FORESTRY OPERATION: Activities related to the management of forests, including a timber harvest; pruning; planting; reforestation; pest, disease, and invasive species control; wildlife habitat management; and fertilization. “Forestry operation” includes the primary processing of forest products of commercial value on a parcel where the timber harvest occurs. (10 V.S.A. § 2602)

FRONTAGE: The distance along which a lot line abuts a street/road line.

GRADING: For purpose of reviewing proposed development under Article V of this Bylaw (Flood Hazard Regulations), the movement or replacement of topsoil or other material originating on the site and within the hazard area. Grading results in minor or no changes in topographic elevations. If new material is brought from outside the hazard area and such new material is not offset with an equal or greater removal of material from the portion of the site within the hazard area, the new material shall be considered “fill” and shall not be considered grading.

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: Accessory use of a service character conducted within a minor portion of a dwelling by the residents thereof, which is clearly secondary to the dwelling used

for living purposes and does not change the character thereof.

INDUSTRIAL ACCESSORY USE: An industrial use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal industrial use or structure.

INTERESTED PERSON: In accordance with 24 V.S.A. § 4465, may be any of the following:

1. A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
2. The Town of Guildhall or any adjoining municipality.
3. A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the Guildhall Town Plan or Zoning Bylaw.
4. Any 20 persons who may be any combination of voters, residents, or real property owners within the Town of Guildhall who, by signed petition to the Guildhall Zoning Board of Adjustment, allege that any relief requested by a person under this Title 24 of Vermont Statutes, if granted, will not be in accord with the policies, purposes, or terms of the Guildhall Town Plan or Zoning Bylaw.
5. Any department or administrative subdivision of this State owning property or any interest in property within a municipality listed in subdivision (2) of this definition , or the Vermont Agency of Commerce and Community Development.

LAND: A singular piece of real estate deeded to a specific owner.

LAND DEVELOPMENT: See "Development" above.

LANDFILL: The occurrence of the following: 1) The depositing of fill on a surface area greater than 900 square feet in size or involving a volume of fill in excess of 300 cubic yards: and 2) which results in a substantial change in the topography, grade, or elevation of the lot.

LANDSCAPING: The treatment of the ground surface with live planting materials, including but not limited to; trees, shrubs, grass, ground cover or other growing horticultural material. Other materials such as wood chips, stone, or decorative rock may also be utilized.

LIGHT INDUSTRY: Fabrication, processing or assembly employing only electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or quiet machinery and processes, and free from neighborhood-disturbing agents, such as odors, gas, fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat, or vibration.

LODGING HOUSE: A building in which the rooms are rented with or without meals to three (3) or more persons. A bed and breakfast, boarding house, rooming house, or a furnished room shall be deemed a lodging house.

LOT:

A. A single lot of record.
B. A portion of a lot of record.
C. A combination of complete lots of record, or of portions of lots of record.

D. A parcel of land described by metes and bounds.

Provided that in no case of division or combination shall any lot or parcel be created which does not meet the minimum requirements of this bylaw.

LOT, BUILDING: A lot occupied, to be occupied, or having the potential to be occupied by only one main building and the accessory buildings or uses customarily incidental to it. A lot shall be of sufficient size to meet minimum zoning requirements.

LOT OF RECORD: A lot that is part of a subdivision recorded in the office of the Town Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT WIDTH: Shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot measured across the front lot line.

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.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include "recreational vehicle" or “travel trailer”. (See “Mobile Home.”)

MANUFACTURING USE: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including, but not limited to, the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

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.

MINING: The extraction of minerals including: solids, such as coal and ores; liquids, such as crude petroleum; and gases such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing; and floatation; and other preparation customarily done at the mine site or as part of a mining activity.

MOBILE HOME: See “Manufactured Home”.

NEIGHBORHOOD COMMERCIAL FACILITY: Any commercial facility such as a grocery, general, newspaper or drug store or retail service establishment intended principally to serve the area in which it is located.

NEW CONSTRUCTION: The construction of structures or filling commenced on or after the effective date of the adoption of a community's flood hazard bylaws.

NONCONFORMING STRUCTURE: A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations when it was constructed or most recently modified, including a structure improperly authorized as a result of error by the administrative officer.

NONCONFORMING USE: Use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations when it was commenced or most recently expanded, including a use improperly authorized as a result of error by the

administrative officer.

NON-RESIDENTIAL For purpose of reviewing proposed development under Article V of this Bylaw (Flood Hazard Regulations): Includes businesses, churches, schools, nursing homes, pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, industrial structures, and warehouses.

OFF-LOT WATER & SEWER: The providing of water from a source and the disposal of sewage not located on the lot on which is located the building for which these utilities are provided. Further provided that each of these systems shall be designed so as to provide service to multiple users.

ON-LOT WATER & SEWER: The providing of water from a source such as but not limited to a drilled well and the disposal of the sewage by such means as a septic and drainage field located on the same lot as the building for which these utilities are located.

PARKING SPACE, OFF-STREET: Off-street space used for the temporary location of one licensed motor vehicle, which is at least nine feet wide and eighteen feet long, not including access driveway, and having direct access to a street or alley.

PERSONAL SERVICE: Includes barber, hairdresser, beauty parlor, shoe repair, shoeshine, laundry, Laundromat, dry cleaner, photographic studio, animal grooming, and businesses providing similar services of a personal nature.

PLANNED UNIT DEVELOPMENT: One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards.

PLAT: A map representing a tract of land, showing the boundaries and location of individual properties and streets.

PLOT: A parcel of land that can be identified and referenced to a recorded plat or map.

PRINCIPAL USE: The primary or predominant use of any lot.

PRIVATE CLUB: An association of persons for a common purpose that has restricted membership.

PRIVATE ROAD: A right-of-way across privately-owned land providing vehicular access for three or more lots to a parking space, garage, dwelling, or other structure.

PUBLIC ASSEMBLY USE: Usage by agencies and departments of local, county, state and federal government. Includes auditorium, theater, public hall, school hall, meeting hall, church, temple, or library.

PUBLIC FACILITY: Any structure or land use necessary for either the conduct of municipal business or the or the maintenance of municipally owned structures, land, service, or vehicles.

RECONSTRUCTION: The activity of constructing something again.

RECREATIONAL FACILITY: Includes any indoor or outdoor recreational facility of a public or non-profit nature.

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.

RECYCLING CENTER: A building/site used to separate and process material that has been extracted from the waste stream. This is the least objectionable solid waste technology.

RELOCATE: To move an individual, household, use, or building from its original location to another location.

RENEWABLE ENERGY RESOURCES: Energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels, including wood and agricultural sources, waste heat, and geothermal sources.

RESIDENTIAL CARE HOME or GROUP HOME: A home to be operated under state licensing or registration, serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. § 4501.

RETAIL SALES & SERVICE: Establishments dedicated primarily to the sale and servicing of retail goods and products, including restaurants.

RIGHT-OF-WAY: The strip of land designated by reservation, dedication, forced dedication, prescription, or condemnation and intended to be used for vehicular access or occupied or occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses. Unless indicated otherwise, by government records, all public street rights-of-way should be deemed to be fifty (50) feet in width.

ROAD: See STREET.

SELF-CONTAINED ENERGY: Energy produced on-site for the sole consumption and use of the individual landowner.

SETBACK: The distance from the property line to the structure.

SIGN: Any material or object (including three-dimensional objects) used as a display for the advertising of a property, establishment, enterprise, profession, product, service, or other matter visible from the public way.

The following shall not be included in the application of the regulations herein:

1. flags and insignia of any government except when displayed in connection with commercial promotion
2. legal notices, identification, informational, or directional signs erected as required by governmental bodies
3. integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights
4. signs directing and guiding traffic and parking of private property, but bearing no advertising matter.

SPECIAL FLOOD HAZARD AREA: 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, AO, AH, AE, 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 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.

START OF CONSTRUCTION: For purposes of floodplain management under Article V of this Bylaw, 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.

STREET: Public way for vehicular traffic that affords the principal means of access to adjacent properties. For more information, see TOWN HIGHWAY and TRAIL.

STREET LINE: The edge of a right-of-way line of a street as dedicated, accepted, and recorded by a deed of record. For Route 102 the street line is thirty-three feet from the center of the traveled portion of the right-of-way. For more information refer to Town highway plan.

STRUCTURE: An assembly of materials for occupancy or use, including a building, mobile home or trailer, sign, wall or fence, and any related built systems, including gas or liquid storage tanks.

STRUCTURAL ALTERATION: Structural change, rearrangement, change of location, or addition to a building, other than repairs and modification in building equipment or fixtures.

SUBSTANTIALLY COMMENCED: Visible signs of activity on new construction of a new structure or repair of a damaged structure, including the commitment of resources and materials to a project, such as the pouring of a foundation, the completion of aframe, or the delivery of all required building materials to the construction site.

SUBSTANTIAL DAMANGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged, and is being restored, before the damage occurred. However, the term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions.
2. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

TELECOMMUNICATIONS FACILITY: A tower or other support structure, including antennae that will extend 20 or more feet vertically, and related equipment, and base structures to be used primarily for communication or broadcast purposes to transmit or receive communication or broadcast signals.

TOWN HIGHWAY, CLASS 2: As defined in 19 V.S.A. § 302(2), a street designated by the Selectboard with the approval of the State Highway Board as among the most important streets in Town for securing trunk lines of improved highways from town to town and to places which, by their nature, have more than normal amounts of traffic. The Town is responsible for maintaining Class 2 Town Highways year-round.

TOWN HIGHWAY, CLASS 3: As defined in 19 V.S.A. § 302(3), all traveled Town roads other than Class 2 Town Highways, which are A) designated by the Selectboard after conference with a representative of the State Highway Board, and B) negotiable under normal conditions all seasons of the year by a standard manufactured pleasure car. The Selectboard may determine whether it will maintain a Class 3 Town Highway, or section of highway, year-round.

TOWN HIGHWAY, CLASS 4: As defined in 19 V.S.A. § 302(4), all other Town highways, as designated by the Selectboard, which are not a Class 2 or 3 Town Highway or a Trail. For more information on Town Highways, see the Town Highway Plan and Map.

TRANSFER STATION: Land, and or a building used as a Temporary collection site for solid waste.

TRAVEL TRAILER CAMP: A plot of ground on which two or more trailers are located and occupied for sleeping purposes for a fee.

TRAVEL TRAILER OR TRAILER: Travel trailer shall mean any vehicle used or so constructed as to permit its being used as a conveyance on the public streets and highways, whether licensed or not, and constructed in such a manner as will permit occupancy thereof as a temporary dwelling or sleeping place for one or more persons. A trailer under this bylaw shall also mean tent trailers, truck campers, vehicles converted to sleeping facilities, other than a mobile home and/or what normally constitutes a permanent dwelling unit. (See also: “Recreational Vehicle”.)

TRAIL: As defined in 19 V.S.A. § 301(8), a public right-of-way that is not a Town Highway and that either previously was a designated Town Highway or is a new public right-of-way laid out as a trail by the Town Selectboard for the purpose of providing access to abutting properties or for recreational use. In accordance with Section 305 of this Bylaw, a trail shall not suffice for access to a non-frontage lot. The Town may maintain legal trails, either exclusively or cooperatively, pursuant to 19 V.S.A. §§ 301-319, but shall not be obligated to do so.

USE, CONDITIONAL: A use permitted in a district upon issuance of a conditional use permit under Section 207: Conditional Uses, of this Bylaw.

USE, PERMITTED: A use specifically allowed in the district; upon issuance of a zoning permit, excluding illegal uses and nonconforming uses.

VIOLATION: The failure of a structure or other development to be fully compliant with this bylaw. For purposes of “floodplain management”, 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.

WAREHOUSE: Includes warehouse, wholesale establishment, discount house, bulk storage,

and bulk sales outlet.

WETLANDS: Those areas of the state that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas used to grow food or crops in connection with farming activities.

WHOLESALE BUSINESS: Establishments or places or business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

YARD: Space on a lot not occupied with a building or structure. Porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard or setback.

ARTICLE IX: ADMINISTRATION & ENFORCEMENT

Sec 901: Zoning Administrative Officer

901.01 The Zoning Administrative Officer shall literally administer and strictly enforce the provisions of this Bylaw, and in doing so shall inspect development, maintain records, and perform other related tasks as is necessary and appropriate.

901.02 The Zoning Administrative Officer or an acting Zoning Administrative Officer shall be appointed for a three-year term by the Selectboard after nomination by the Planning Commission. Said officer shall literally enforce this Bylaw.

Sec 902: Zoning Permits

902.01 No land development may be commenced without a permit therefore issued by the Zoning Administrative Officer. No land development permit may be issued by the Administrative Officer except in conformance with this Bylaw.

902.02 Applications for land development permits shall be made to the Administrative Officer on forms provided by him/her for that purpose.

902.03 Prior to the issuance of any land development permit the Administrative Officer shall first satisfy himself/herself that the subject of the application is in conformance with this bylaw. He/she may do so by requesting additional information from the applicant or by referring the application to the Zoning Board of Adjustment for development review (See Section 913). No such permit shall be issued unless an application, fee, plot plan, and any other approvals of the Zoning Board of Adjustment required by this regulation have been properly obtained and are submitted in connection with the application. The Administrative Officer shall, within 30 days of submission of the application, data and approvals, either issue or deny a zoning permit, or refer the application to the Zoning Board of Adjustment for development review.

a) If the application is approved and the permit issued, all activities authorized by its issuance shall not commence before 15 days from the

date of approval, and actions authorized by its issuance shall substantially commence within two years of its date of issue, or the permit shall become null and void, and reapplication to complete the activities will be required.

b) If denied, the Zoning Administrative Officer shall notify the applicant in writing, stating the reasons for the denial.

c) If referred to the Zoning Board of Adjustment for development review, the Board will act in accordance with this Bylaw for each applicable type of development review. See Section 913, below for more information about development review, generally.

902.04 No permit issued pursuant to 24 V.S.A. § 4449 shall take effect until the time for appeal in 24 V.S.A. § 4465 has passed, or in the event that a notice of appeal is properly filed, such permit shall not take effect until final adjudication of said appeal.

902.05 In the issuance of land development permits, the Zoning Administrative Officer shall comply with all of the provisions of 24 V.S.A. § 4449.

902.06 Failure of the Administrative Officer to act on an application within 30 days shall constitute approval.

902.07 The fee for a land development permit shall be established by the Board of Selectmen. Said fee shall accompany each application for a permit.

902.08 The Bylaw fee schedule shall be posted in the Guildhall Town Office.

Sec 903: Site Plan Review and Approval

903.01 Purpose: As authorized by 24 V.S.A. § 4416, Site Plan review and approval s to designed to ensure that the site layout and design of permitted uses are safe, functional, of a scale that is compatible with their settings, and consistent with this Bylaw.

903.02 Applicability: Site plan approval is required prior to the development of a non-frontage lot, development in the Historical Design Review District, and Planned Unit Development that does not involve subdivisions of land. Development undergoing Conditional Use review shall incorporate site plan review standards with a concurrent review and a single decision by the Board of Adjustment.

903.03 Application: The applicant shall submit a completed zoning permit application, one set of site plans, drawn to scale, and supporting data to the Zoning Administrative Officer, who shall refer the application, if appropriate, to the Zoning Board of Adjustment for Site Plan review. To be considered for Site Plan review and approval, the application shall include the following information, in drawn form and accompanied by written text:

A. Name and address of the owner of record of the land in question and of adjoining lands. Name and address of the person or firm preparing the map, scale of map, north point and date;

B. Site plan showing existing and proposed structure locations and land use areas, streets, driveways, traffic circulation, parking and loading spaces, landscaping, grading, lighting, signage, screening, and pedestrian walks.

C. For proposed projects that require access to a State highway, a letter of intent from the Agency of Transportation confirming that the Agency has

reviewed the proposed site plan and is prepared to issue an access permit under 19 V.S.A. § 1111, and setting out any conditions that the Agency proposes to attach to the §1111 permit.

D. For proposed project that involve work in the State highway right-of-way, such as excavation, grading, paving, or utility installation, a letter from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and determined whether a permit is required under 19 V.S.A. § 1111.

The Board or the Zoning Administrative Officer may request any additional information they deem relevant and necessary to conduct the review. An application shall be deemed complete when the Zoning Board of Adjustment has all the information it requires to review the application in light of the Site Plan review standards below.

903.04 Notice, Hearing, and Decision: The Zoning Board of Adjustment shall notice and warn a Site Plan review hearing in accordance with 24 V.S.A. § 4464 within 120 days of receipt of an application deemed complete. The Board shall conduct the review hearing and issue its decision in accordance with 24 V.S.A. §§ 4416, 4461, 4464 and Sections 907 and 908 of this Bylaw.

903.05 In a Site Plan review, the Zoning Board of Adjustment may impose appropriate conditions and safeguards with respect to the following standards:

A. Site layout and design: Site layout and design shall incorporate and/or protect significant site features – both natural and historic – including but not limited to: existing vegetation; surface waters and wetlands; historic sites and structures; prominent ridgelines, hilltops, and slopes of 25% or greater.

B. Parking, loading, and service areas: The applicant must be able to reasonably demonstrate that on-site parking, loading, and service areas are adequate, functional, and safe and pose minimal off-site impacts. Shared parking areas to serve multiple properties are encouraged. Parking, loading, and service areas shall be located to the side or rear of the building; parking within the front setback area is prohibited.

C. Access: Provisions shall be made for adequate and safe pedestrian and vehicular access to and from the site. The Board of Adjustment may impose conditions, including but not limited to: the restriction of vehicular access to a side or secondary road; the reduction, consolidation, or elimination of curb cuts; or, if feasible, shared access with adjoining properties.

D. Circulation: Adequate space for maneuvering in and out of parking, loading, and service areas, and shall be located so as not to interfere with pedestrian and vehicular circulation to, from, and within the site.

E. Landscaping and screening: Site plans shall incorporate landscaping and screening which preserves and incorporates existing vegetation, is suited to existing site conditions, enhances development and features unique to the site, and serves to buffer or screen incompatible features from neighboring properties or public rights-of-way.

F. Stormwater management and erosion control: Site plans shall indicate what measures will be taken to minimize soil disturbance during and after construction. The Zoning Board of Adjustment may limit the size and extent of any paved areas to minimize runoff and erosion from the site.

G. Snow removal: Applicants shall demonstrate how snow removal will not impede pedestrian and vehicular circulation or access to the site, or pollute nearby bodies of water.

H. Conformance with General Provisions of Article III of this Bylaw.

903.06 In approving the site plan, the Zoning Board of Adjustment may limit the number and width of access drives to secure traffic mobility and safety. It may also require the provision of joint facilities for access, parking, and utilities.

903.07 Site Plan Revisions: Major revisions to previously approved site plans must be reviewed by the Zoning Board of Adjustment in the same fashion as a new site plan. Minor revisions to previously approved site plans may be reviewed and approved by the Zoning Administrative Officer without Zoning Board of Adjustment review pursuant to the administrative review procedures outlined in Section 902.

903.08 A site plan approval only expires if the allowed use is not substantially commenced within two years. Once approved that approval runs with the land and binds its owner by all permit conditions.

Sec 904: Conditional Use Review and Approval

904.01 After public notice and hearing, the Board of Adjustment shall determine, using all of the standards outlined in Section 903, if a proposed conditional use has the potential to have an undue adverse effect on the following:

A. The capacity of existing or planned community facilities;

B. Except for multi-unit dwellings with fewer than four units, the character of the area affected, as defined by purpose or purposes of the zoning district in which the project is located, and specifically stated policies and standards of the municipal plan.

C. Traffic on roads and highways in the vicinity;

D. Bylaws then in effect, and;

E. The utilization of renewable energy resources.

904.02 Application: Along with a completed zoning permit application, the applicant shall submit one set of site plans, drawn to scale, along with supporting data identified in Section 902.04 to the Board of Adjustment.

904.03 Notice, Hearing, and Decision: The Zoning Board of Adjustment shall notice and warn a hearing in accordance with 24 V.S.A. § 4464 within 120 days of receipt of an application deemed complete. The Board shall conduct the review hearing and issue its decision in accordance with 24 V.S.A. §§ 4414(3) 4461, 4464 and Sections 907 and 908 of this Bylaw.

904.04 In addition to the provisions of Section 207.01, the proposed use must be found to be in conformance with the specific standards for the district in which it is located.

904.05 In addition to the conditions identified in Section 902.07, the Zoning Board of Adjustment may attach such additional reasonable conditions and safeguards, as it deems necessary to implement the purposes of the Act, the goals of the Town Plan, and this Bylaw, including:

A. Limiting the coverage or height of buildings because of obstruction of view

or reduction of light or air to nearby properties, or scale of surrounding development;

B. Limiting the number, location, and size of signs.

C. Requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property of a character in keeping with the surrounding area.

D. Specifying a specific time limit or phased schedule for construction, alteration, or enlargement of a structure to house a conditional use.

E. Requiring that any future enlargement or alteration of the use be reviewed by the Board of Adjustment to permit the specifying of new conditions.

F. Requiring the installation, operation, and maintenance of devices or methods that, in the opinion of the Board of Adjustment, may prevent or reduce fumes, gas, dust, smoke, odor, noise, vibration, or similar nuisance.

G. Modification of the proposed design and/or location of structures and service areas of the proposed conditional use to ensure its compatibility with the area affected.

904.06 A conditional use permit only expires if the allowed use is not substantially commenced within two years. Once approved the conditional use approval runs with the land and binds its owner by all permit conditions.

Sec 905 Zoning Appeals

905.01 With respect to all decisions and acts taken or failures to act related to the provisions of this Bylaw, the exclusive remedy is to appeal to the Zoning Board of Adjustment under this Section. Notice of appeal of an action or omission of the Zoning Administrative Officer must be submitted to the Zoning Board of Adjustment within 15 days of the Zoning Administrative Officer's action or omission.

905.02 An interested person, 24 V.S.A. § 4465 and Section 802 of this Bylaw may appeal a decision or act of the Zoning Administrative Officer within 15 days of the date of the decision or act by filing a notice of appeal with the Town Clerk, and by a copy of the notice with the Zoning Administrative Officer. A notice of appeal filed under this section shall be in writing and include the following information:

A. the name and address of the appellant,

B. a brief description of the property with respect to which the appeal is taken,

C. a reference to applicable provisions of these regulations,

D. the relief requested by the appellant, including any request for a variance from one or more provisions of these regulations, and

E. the alleged grounds why the requested relief is believed proper under the circumstances.

905.03 The Zoning Board of Adjustment shall schedule a public hearing on a notice of appeal within 60 days of its filing, in accordance with 24 V.S.A. § 4468.

905.04 The Zoning Board of Adjustment shall issue public notice of the hearing under

Section 907 of this Bylaw, and shall mail a copy of the hearing notice to the appellant not less than 15 days prior to the hearing date.

905.05 The Zoning Board of Adjustment may reject an appeal or request for reconsideration without hearing, and render a decision which shall include findings of fact within 10 days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal or involve substantially or materially the same facts previously presented by or on behalf of the appellant, in accordance with 24 V.S.A. §4470.

905.06 All appeal hearings shall be open to the public and shall be conducted in accordance with the Zoning Board of Adjustment's rules of procedures, and in accordance with 24 V.S.A. §§ 4468, 4472, and Sections 907 and 908 of this Bylaw. An interested person or body may appear and be heard in person or be represented by an agent or attorney at the hearing. The hearing may be adjourned by the Board from time to time, provided that the date, time, and place of the continuation of the hearing are announced at the hearing.

905.07 Except as provided in Section 905.05 above, the Zoning Board of Adjustment shall issue its written decision in accordance with Section 908.04, below, and 24 V.S.A. § 4464(b)(3).

Sec 906: Variances

The Zoning Board of Adjustment shall hear and decide requests for variances in accordance with 24 V.S.A. § 4469(a) and with Sections 907 and 908 of this Bylaw. In granting a variance, the Zoning Board of Adjustment may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. The Zoning Board of Adjustment may grant a variance and render a decision in favor of the appellant only if all of the following facts are found, and the findings are specified in its written decision:

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

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

Section 907 and Section 908 cover all hearings, including those for subdivision review, site plan review, conditional use review, planned unit development, and hearings and appeals from decisions of the Zoning Administrative Officer.

Sec 907: Public Hearings

907.01 In accordance with 24 V.S.A. § 4464, all development review processes conducted by the Zoning Board of Adjustment will be conducted in a public hearing, with notice of hearing given not less than 15 days prior to the date of the public hearing.

907.02 Warning of all development review hearings shall be issued accordingly:

A. By publishing the date, place and purpose of the hearing in the newspaper of record, and

B. By posting the same information in three (3) or more public places within the municipality, including posting of a notice within view from the public right-of-way nearest to the property for which the application is being made; and

C. By written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way. This written notice shall include a description of the proposed project, clearly identify how and where additional information may be obtained, and state that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

907.03 All meetings and hearings of the Zoning Board of Adjustment, except for deliberative sessions, shall be open to the public and conducted in accordance with adopted Rules of Procedure and Vermont's Open Meeting Law.

907.04 In any public hearing, there shall be an opportunity for each person to attempt to demonstrate interested person status. The Secretary of the Zoning Board of Adjustment shall keep a record of the name, address, and participation of these persons.

907.05 The Zoning Board of Adjustment may recess a hearing on any application or appeal pending the submission of additional information, provided that the next hearing date and place is announced at the hearing.

907.06 Any action or decision of the Zoning Board of Adjustment shall be taken by the concurrence of a majority of the members.

Sec 908: Decisions

908.01 In accordance with 24 V.S.A. § 4464(b), the Zoning Board of Adjustment shall issue all decisions within 45 days after the adjournment of the hearing. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective the 46th day.

908.02 All decisions shall be issued in writing and shall separately state findings of fact and conclusions of law. Findings of fact shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of record. Conclusions shall be based on the findings of fact. The decision shall also include a statement of the time within which appeals may

be taken. The minutes of a meeting may suffice, provided that the factual basis and conclusions relating to the review standards are provided in accordance with these requirements.

908.03 In rendering a decision in favor of the applicant, the Zoning Board of Adjustment may attach additional reasonable conditions and safeguards as it deems necessary to implement these regulations and the Town Plan currently in effect.

908.04 All decisions shall be sent by certified mail, within the required 45-day period, to the applicant or the appellant on matters of appeal. Copies of the decision also shall be mailed to every person who appeared and was heard at the hearing, and filed with the Zoning Administrative Officer as part of the public record of the municipality.

Sec 909: Independent Technical Review

909.01 Pursuant to 24 V.S.A. § 4440(d), the Selectboard may establish procedures and standards for requiring an applicant to pay for reasonable costs of an independent technical review of all or portions of an application, as requested by the Zoning Board of Adjustment.

Because the Town of Guildhall does not have engineers or construction cost estimators on staff, there may be some instances where independent technical support is required. (Like with setting performance guarantees.)

909.02 Upon review of an application, the Zoning Board of Adjustment may determine that it needs the assistance of an independent technical consultant or consultants to evaluate all or portions of the application. Upon making such a determination, the Zoning Board of Adjustment may hire independent consultants, the reasonable costs of whose services shall be paid for by the applicant, and in accordance with the procedures and standards established by the Selectboard.

Sec 910: Appeals to the Environmental Division

910.01 In accordance with 24 V.S.A. § 4471, an interested person who has offered oral or written testimony, evidence, or a statement of concern related to the subject of proceeding in a hearing of the Zoning Board of Adjustment may appeal a decision within 30 days of such decision, to the Environmental Division of the Vermont Superior Court ("Environmental Division").

910.02 The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Division and by mailing a copy to the Zoning Administrative Officer, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five (5) working days.

910.03 Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

Sec 911: Waivers

911.01 Upon referral from the Zoning Administrative Officer, the Zoning Board

Note that this is not the same as a waiver of subdivision standards.

of Adjustment shall hear and decide requests for waivers on dimensional requirements (including signage) as needed to allow for disability accessibility, fire safety, energy conservation, transportation access, and renewable energy structures, and other requirements of the law.

911.02 The waiver, if authorized, shall not result in an undue adverse affect on 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, including the safety and maintenance of the Town's roadways.

911.03 Waivers may not be issued for any of the development standards outlined in Flood Hazard development standards (Article V) of this Bylaw.

911.04 Approval or denial of a waiver may be appealed to the Environmental Division as specified in Section 905 of this Bylaw.

Sec 912: Enforcement

912.01 Penalties.

A. Any person who violates any bylaw after it has been adopted under chapter 24 V.S.A. Chapter 117 or who violates a comparable ordinance or regulation adopted under prior enabling laws shall be fined not more than $100.00 for each offense. No action may be brought under this section unless the alleged offender has had at least seven days' warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation of the bylaw or ordinance after the seven-day notice period and within the next succeeding 12 months. The seven-day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violations within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. In default of payment of the fine, the person, the members of any partnership, or the principal officers of the corporation shall each pay double the amount of fine. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of bylaws shall be paid to the Town of Guildhall.

B. Any person who, being the owner or agent of the owner of any lot, tract, or parcel of land, lays out, constructs, opens, or dedicates any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings abutting thereon, or sells, transfers, or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of that subdivision or land development or otherwise, or erects any structure on that land, unless a final plat has been prepared in full compliance with 24 V.S.A. chapter 117 and has been recorded as provided in 24 V.S.A. chapter 117, shall be fined not more than $100.00, and each lot or parcel so transferred or sold or agreed or included in a contract to be sold shall be deemed a separate violation. All fines collected for these violations shall be paid to the Town of Guildhall. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the

seller or transferor from these penalties or from the remedies provided in 24 V.S.A. chapter 117.

912.02 Remedies.

If any street, building, structure, or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of any bylaw adopted under this chapter, the administrative officer shall institute in the name of the Town of Guildhall any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate that construction or use, or to prevent, in or about those premises, any act, conduct, business, or use constituting a violation. A court action under 24 V.S.A. chapter 117 Section 4452 may be initiated in the Environmental Division of the Vermont Superior Court, or as appropriate, before the judicial bureau, as provided under 24 V.S.A. § 1974a.

912.03 Limitations.

A. An action, injunction, or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required municipal land use permit may be instituted under 24 V.S.A. §§ 1974a, 4451, or 4452 against the alleged offender if the action, injunction, or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred and not thereafter. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted.

B. No action, injunction, or other enforcement proceeding may be instituted to enforce an alleged violation of a Town of Guildhall land use permit that received final approval from the applicable board, commissioner, or officer of the Town of Guildhall after July 1, 1998, unless the municipal land use permit or a notice of the permit generally in the form provided for in 24 V.S.A. § 1154(c) was recorded in the land records of the Town of Guildhall as required by 24 V.S.A. § 4454.

C. Nothing in this section shall prevent any action, injunction, or other enforcement proceeding by a municipality under any other authority it may have, including a municipality's authority under Title 18, relating to the authority to abate or remove public health risks or hazards.

Sec 913: Zoning Board of Adjustment

913.01 There is hereby established a Zoning Board of Adjustment, who are appointed by the Board of Selectmen.

913.02 The Zoning Board of Adjustment shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under 24 V.S.A. § 4461(a) and Vermont's Open Meeting Law.

913.03 Upon referral by the Zoning Administrative Officer and as authorized by 24 V.S.A. § 4460(e), the Zoning Board of Adjustment shall perform the following types of development review:

i. proposed conditional uses (see Sections 207 and 904);
ii. Planned Unit Developments (see Article VI);
iii. requests for waivers (see Section 911);
iv. Site Plan review, (see Section 903);
v. proposed subdivisions (see Article VII);
vi. nonconforming use or structure expansion requests (see Article IV);
vii. Flood Hazard Area review (see Article V); and
viii. wireless telecommunications facilities review (see Section 323).

The Board shall also conduct appeals of Zoning Administrative Officer decisions, (see Section 905,) and review requests for variances, (see Section 906,) which are technically categorized as "appeals," not "referrals for review."

Note that while all types of review and appeal share some similarities, especially with regard to notice and the hearing process, each type of review also has some unique characteristics, which are specified in the Sections and Articles of this Bylaw dedicated to each type of review.

913.04 Per 24 V.S.A. § 4462, if more than one type of review is required for an application or proposal, the Board shall conduct all reviews and issue all final decisions concurrently, to the extent feasible.

913.05 All decisions shall be in compliance with 24 V.S.A. § 4464 and this Bylaw. Decisions shall be based on objective analysis of the facts and evidence to ensure an impartial process. Once all development review decisions have been issued, the Zoning Administrative Officer may issue a zoning permit.

913.05

The planning commission is responsible for the Town's "legislative" land use functions, such as writing and updating Town Plans, and developing and proposing land use zoning, flood hazard, and subdivision regulations.

The Zoning Board of Adjustment Is responsible for all "adjudicative" or "quasi-judicial" zoning and development review actions, such as approving a preliminary subdivision plan or approving a conditional use. Because they are acting in a quasi-judicial manner, the Zoning Board of Adjustment must adopt and adhere to rules of procedure that pertain to conduct of meetings, ex parte communication, and conflicts of interest.

ARTICLE X: AMENDMENTS, INTERPRETATION AND EFFECTIVE DATE

Sec 1001: Amendments

This bylaw may be amended according to the requirements and procedures established in 24 V.S.A. §§ 4441 and 4442.

Sec 1002: Interpretation

1002.01 In their interpretation and application, the provisions of this Bylaw shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

1002.02 It is not intended by this Bylaw to repeal, annul or in any way to impair any permits previously adopted or issued, provided, however, that where this Bylaw lawfully imposes a greater restriction upon use of a structure or land than are required by any other statute, ordinance, rule, regulation, permit, easement, or agreement, the provisions of this Bylaw shall control.

1002.03 Regulations beyond town jurisdiction shall not be superseded. Compliance with these regulations in no way implies complies with state and federal regulations beyond Guildhall's jurisdiction.

Sec 1003: Effective Date

This Bylaw shall be enacted in accordance with the voting and other procedures contained in 24 V.S.A. § 4442.

Sec 1004: Separability

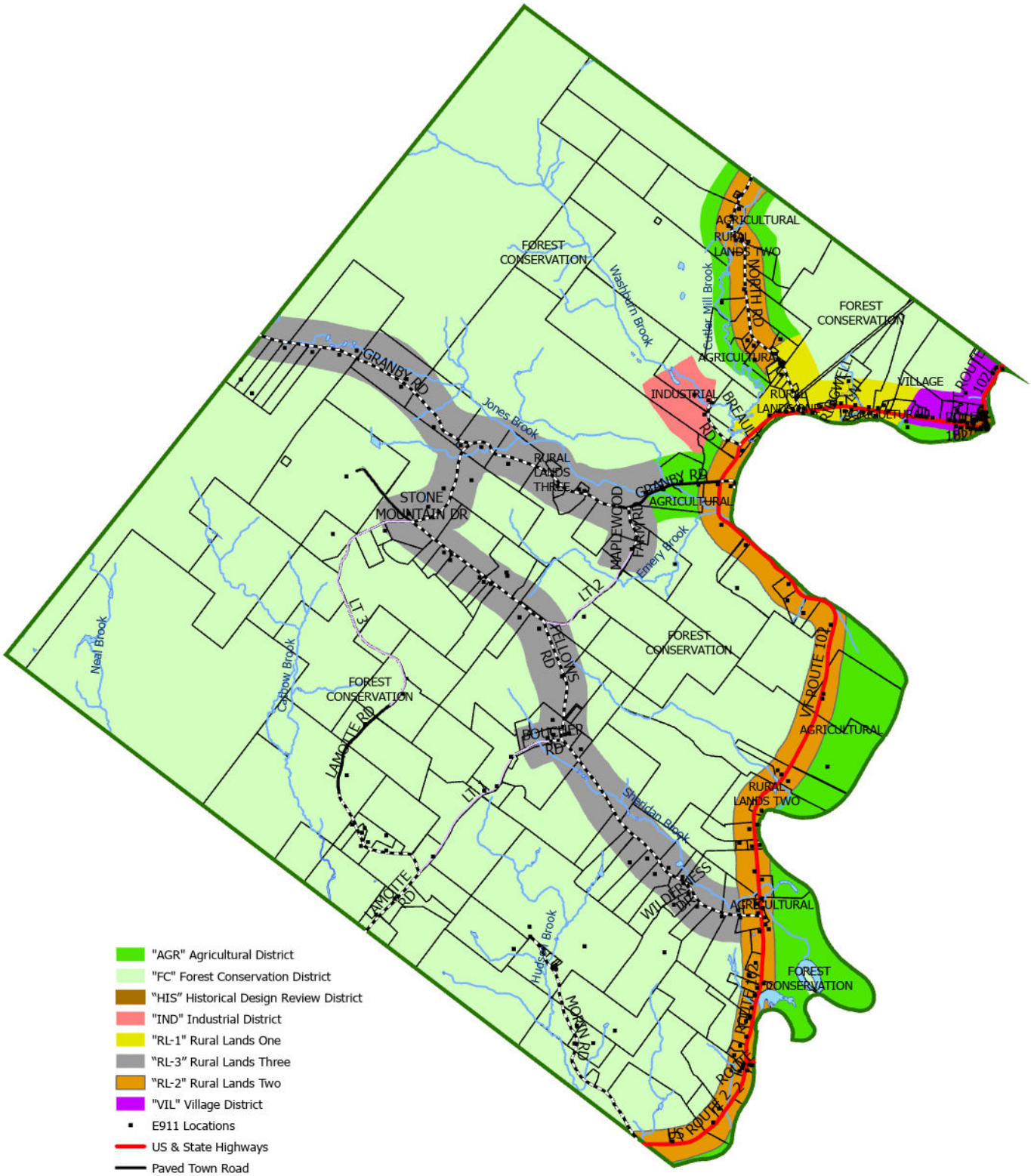
The invalidity of any article or section of this Bylaw shall not invalidate any other article or section thereof.

Sec 1005: Repeal

Guildhall's ordinances relating to zoning, subdivision, and flood hazard area regulations together with all changes and amendments thereto are repealed as of the effective date of this Bylaw.

Town of Guildhall, VT
Zoning District Map

06/17/2026



- "AGR" Agricultural District
- "FC" Forest Conservation District
- "HIS" Historical Design Review District
- "IND" Industrial District
- "RL-1" Rural Lands One
- "RL-3" Rural Lands Three
- "RL-2" Rural Lands Two
- "VIL" Village District
- E911 Locations
- US & State Highways
- Paved Town Road
- State Forest Highway
- Legal Trails
- Unpaved Town Roads
- Private Roads
- Streams
- Lakes, Ponds, and Rivers
- Town Boundary
- Parcel Boundaries

0 1 2 3 4 Miles

Warning- This Data is for planning purposes only and does not replace a survey and/or engineering study. Because this map was developed from various scale sources, there may be some discrepancies between data layers.