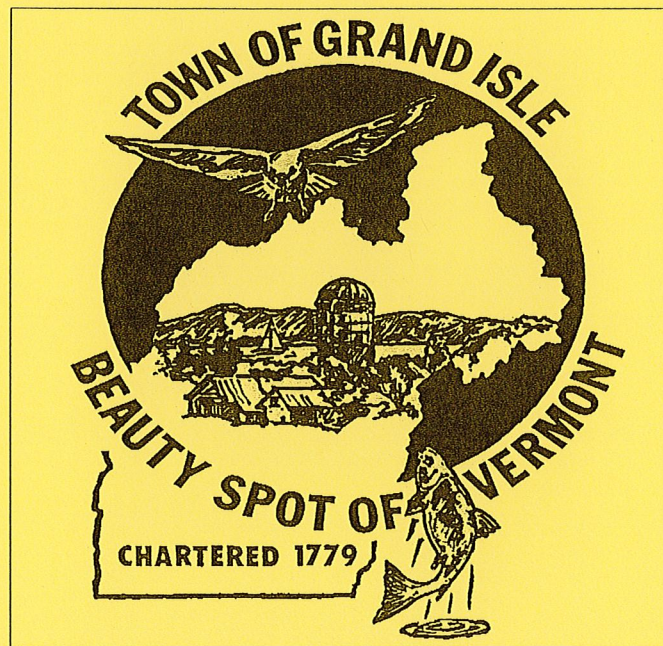


# GRAND ISLE

## ZONING BYLAWS AND SUBDIVISION REGULATIONS



Adopted by the Grand Isle Select Board  
on March 20, 2017



GRAND ISLE ZONING BYLAWS AND SUBDIVISION REGULATIONS  
ADOPTED BY THE SELECTBOARD ON MARCH 20, 2017

Town of Grand Isle, Vermont  
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TOWN PLANS

October 12, 1972; August 25, 1980; July 13, 1987; June 3, 1996; January 28, 2002; February 5, 2007; February 13, 2012

ZONING ORDINANCES

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ZONING BYLAWS

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ZONING BYLAWS AND SUBDIVISION REGULATIONS

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## **1. GENERAL PROVISIONS**

### **1.1 PURPOSE**

The purpose of these Zoning Bylaws and Subdivision Regulations is to implement the goals, policies and objectives of the Town Plan.

### **1.2 EFFECTIVE DATE**

The effective date of these Zoning Bylaws and Subdivision Regulations is March 20, 2017. See Section 2 for the authority to enact these Zoning Bylaws and Subdivision Regulations, Rule of Severability and procedures for amendment.

### **1.3 APPLICABILITY**

Any land development activity including but not limited to division of parcels, new construction, substantial improvement, replacement or relocation of structures, enlargement of any mining, excavation or landfill or change of use of a structure is regulated by these Zoning Bylaws and Subdivision Regulations. Where the town line divides a lot, the standards of these Regulations shall apply to that portion of the lot that is in the Town of Grand Isle in the same manner as if it were a separate lot entirely situated in the town.

### **1.4 ORGANIZATION OF BYLAWS**

To determine if a planned development activity is allowable on the site for which it is planned, first determine which Zoning District in which the site is located. The boundaries of the District may be viewed on the Zoning Map or by consultation with the Zoning Administrative Officer (ZAO). Section 2.5.1 contains general rules for interpreting boundaries. Once the District is identified, uses are shown in Section 3.2 that (1) are permitted (by means of a permit issued by the ZAO) or (2) require a Conditional Use Approval from the Development Review Board (DRB). Uses not shown as permitted or conditional are not allowed. Some uses and structures are excluded from the permit process (See Section 4.2).

Some uses may also be regulated by special rules as shown in Section 5. Become familiar with all general rules and special rules. Contact the ZAO who will assist in understanding the rules. The ZAO can issue permits for the following: single family dwellings; or two (2) family dwellings; agricultural uses and permitted uses as defined by Section 3.2 without action by the DRB. Permits for other structures/uses require action by the DRB. The ZAO will assist in understanding the requirements to obtain DRB approval.

Formal evaluation of a proposed development is accomplished by submitting an application for a permit to the ZAO. The ZAO will assist in understanding the required content of the application.

## **2. AUTHORITY, ADMINISTRATION AND ENFORCEMENT**

### **2.1 ENACTMENT AND AMENDMENT**

In accordance with the Vermont Planning and Development Act, 24 V.S.A. Chapter 117 (hereinafter referred to as "the Act"), there are hereby established Zoning Bylaws (hereinafter referred to as "Bylaws") and Subdivision Regulations (hereinafter referred to as "Regulations") for Grand Isle, Vermont. These Bylaws and Regulations take effect upon routine adoption pursuant to Section 4442(c)(1) of the Act and may be amended only according to the procedures and requirements specified in Section 4441 of the Act. Upon adoption of the March 20, 2017, Grand Isle Zoning Bylaws and Subdivision Regulations, the Grand Isle Zoning

Bylaws and Subdivision Regulations adopted on March 6, 2012, and all previous versions, are amended in their entirety.

## 2.2 SEVERABILITY

In the event, any provision of these Bylaws is held unconstitutional or invalid by a court of competent jurisdiction, all other unaffected provisions remain in force, and for this purpose, the provisions of these Bylaws are severable.

## 2.3 DEVELOPMENT DURING BYLAW ADOPTION OF AMENDMENT PROCEEDINGS

No provision of these Bylaws (or future amendments) will require any change in plans for a use or structure if, prior to the effective date of these Bylaws (or a future amendment), all applicable Local and State permits have been applied for and the review of such plans, including hearings, has begun in accordance with the Act.

## 2.4 GENERAL PURPOSE, INTERPRETATION AND APPLICABILITY

The purpose of these Bylaws is to implement the Town Plan, to further the purposes of the Act (Section 4302), to promote the health, safety and general welfare of the inhabitants of Grand Isle, Vermont, to provide for orderly community growth and to maintain and enhance the natural beauty and environment of the Town. No provision of these Bylaws may have the effect of excluding from the municipality housing to meet the needs of the population as determined in accordance with Section 4382 (c) of the Act.

No land development may commence unless it is in compliance with all regulations and provisions of these Bylaws. Any land development not authorized under these Bylaws is prohibited.

These Bylaws must not repeal, abrogate, or impair any other land use controls (including statutes, regulations, rules, ordinances, permits, easements, deed restrictions, covenants or similar devices). However, in their interpretation, the provisions of these Bylaws will be held to be minimum requirements and will take precedence over any concurrent controls that are less restrictive. Except where defined in Section 8 of these Bylaws, all words carry their customary meanings as defined in Webster's Dictionary. Any interpretation of words or provisions in these Bylaws by the Zoning Administrative Officer may be appealed to the Development Review Board for a declaratory ruling. The Development Review Board must publish (and update from time to time) such rulings of interpretation, to ensure consistent and uniform application of these Regulations.

## 2.5 DEFINITIONS AND INTERPRETATIONS

### 2.5.1 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of Districts as shown on the Official Zoning Map, the following rules apply:

1. Boundaries indicated approximately following the center line of roads, streams, transportation and utility right-of-ways are to follow such center lines. The abandonment of roads and/or right-of-ways will not affect the location of boundaries.
2. Boundaries indicated as approximately following lot lines are to follow such lot lines.
3. Boundaries indicated as following shorelines are to follow the mean low watermark (95.5 ft. lake level).
4. Boundaries indicated as parallel to, or as extensions of features in 1-3 above are to be interpreted accordingly.



5. When the Zoning Administrative Officer cannot definitely determine the location of a district boundary line by the above rules or by the scale or dimensions on the Official Zoning Map, the Development Review Board must interpret the District boundaries.
6. Where a District boundary line divides a lot in single ownership on and after the effective date of these Bylaws or of amendments thereto, the Development Review Board may permit, as a conditional use, the extension of the Regulations for either portion of the lot not to exceed one hundred (100) feet beyond the District line into the remaining portion of the lot.

### 2.5.2 DEFINITIONS AND INTERPRETATIONS

Except where specifically defined, all words used in these Bylaws and Regulations carry their customary meaning. The word "must" is mandatory and the word "may" is permissive. Any interpretation by the Zoning Administrative Officer may be appealed to the Development Review Board for a declaratory ruling. In such cases, the Board must base its ruling upon the definitions, in Section 8, State Law and the need for reasonable and effective implementation of these Bylaws and Regulations.

### 2.6 ZONING ADMINISTRATIVE OFFICER (ZAO)

A ZAO is nominated for a term of three (3) years by the Planning Commission, and appointed by the Selectboard. The ZAO must interpret the Bylaws literally, and does not have the power to permit any land development which is not in conformance with the Bylaws. A ZAO may be removed for cause at any time by the Selectboard after consultation with the Planning Commission. An Acting ZAO may be appointed as provided in Section 4448 (b) of the Act and has the same responsibilities as the ZAO in his or her absence or when a conflict of interest occurs.

The ZAO must perform his/her duties in accordance with the job description for the position including maintaining applications received, permits issued and denied, and violations reported. The ZAO can issue permits for the following: single family dwellings; or two (2) family dwellings, agricultural uses and permitted uses as defined by Section 3.2.

Any requests requiring a decision, ruling or opinion must be submitted in writing to the ZAO. Any opinion or ruling by the ZAO must be in writing and include procedures for appeal of the opinion or ruling.

Enforcement and penalties are specified in Section 2.14 of these Bylaws.

Any applicant or interested party who does not agree with a decision of the ZAO may appeal that decision in writing to the DRB. The appeal must be filed within fifteen (15) days of the decision. The DRB must hold a hearing within sixty (60) days of the appeal and must render a decision within forty-five (45) days after the close of the hearing. Following a DRB hearing, any person who has interested party status and does not agree with the decision of the DRB may appeal that decision to the appropriate court of law. The appeal must be filed within thirty (30) days from the decision of the DRB.

### 2.7 DEVELOPMENT REVIEW BOARD (DRB)

Pursuant to Section 4460(a) of the Act, if a municipality establishes a development review board and appoints members to that board, the development review board in that municipality, until its existence is terminated by act of the legislative body, shall exercise all of the functions otherwise exercised under the chapter by the board of adjustment and the specified

development review functions otherwise exercised under the chapter by the planning commission. On March 18, 1996, the Town of Grand Isle Selectboard established the Town of Grand Isle Development Review Board with five members appointed by the Selectboard.

Pursuant to Section 4460(c) of the Act, the development review board shall be appointed by the legislative body, the number and terms of office of which shall be determined by the legislative body subject to the provisions of subsection (a) of this section. The municipal legislative body may appoint alternates to a development review board for a term to be determined by the legislative body. Alternates may be assigned by the legislative body to serve on the development review board in situations when one or more member of the board are disqualified or are otherwise unable to serve. Vacancies shall be filled by the legislative body for the unexpired terms and upon the expiration of such terms. Each member of a development review board may be removed for cause by the legislative body upon written charges and after public hearing.

The DRB powers and duties are contained in 24 V.S.A. Section 4460, including:

- Hear and decide appeals: Allegations of an error committed by the ZAO, Variances
- Hear and decide applications: Site Plan Approval, Conditional Use Approval
- Conduct Review Meetings, Subdivision Sketch Plans
- Conduct all hearings related to Development issues including those relating to Subdivision Plat approvals

Where non-hearing type review meetings are held, the DRB will record their approvals and conditions by minutes and by letter to the applicant. In hearings, the DRB must write findings of fact and conclusions of law to support their decision. Results of subdivision plat hearings are recorded by approval of the plat with supporting documentation.

The DRB has authority under various sections to impose conditions on their approvals and to require the submission of technical and/or legal data. In exercising this authority, the DRB will define in their minutes of meetings or findings of fact/conclusions of law, their basis for imposing these conditions or for requiring additional data. Requirements for data must be supported by conditions specific to the property in question.

## 2.8 PLANNING COMMISSION

The Act, Section 4321, requires establishment of a Planning Commission consisting of not less than three (3) nor more than nine (9) members. By its decision on March 18, 1996, the Town of Grand Isle Selectboard established the continuance of the Town of Grand Isle Planning Commission with five members who shall be appointed by the Selectboard. At least a majority of the members shall be residents of the municipality, and the selectmen shall be nonvoting ex officio members. Vacancies are filled by appointment of the Selectboard for unexpired terms and upon expiration of terms. Any member of the Planning Commission may be removed at any time by a unanimous vote of the Selectboard.

The Planning Commission has the following powers and duties:

1. Prepare a plan and amendments thereof for consideration by the legislative body and to review any amendments initiated by others;
2. Prepare and present to the legislative body proposed bylaws and make recommendations to the legislative body on proposed amendments to such bylaws;
3. Undertake capacity studies and make recommendations on matters of land development, urban renewal, transportation, economic and social development, urban beautification and design improvements, historic and scenic preservation, the conservation of energy and the development of renewable energy resources and wetland protection;
4. Prepare and present to the legislative body recommended building, plumbing, fire, electrical, housing and related codes and enforcement procedures, and construction specifications for road and related public improvements;
5. Prepare and present to the legislative body a recommended annual capital budget and future capital program for a period of not less than five (5) years;
6. Hold public meetings;
7. Require from other departments and agencies of the municipality such available information as relates to the work of the Planning Commission;
8. In the performance of its functions, to enter upon land to make examinations and surveys;
9. Participate in a regional planning program;
10. Retain staff and consultant assistance in carrying out its duties and powers;
11. Undertake comprehensive planning, including related preliminary planning and engineering studies;
12. Perform such other acts or functions as it may deem necessary or appropriate to fulfill the duties and obligations imposed;
13. Keep a record of its business and make an annual report to the municipality.

## 2.9 BUILDING PERMIT

A building permit, issued by the ZAO, is required to erect or substantially improve a structure, change its use or move the structure. Building permits are effective for a period of twelve (12) months. A one (1) year extension may be granted if active construction has commenced, but has not been completed within the initial twelve (12) month period.

Certain agricultural structures are exempt from these Bylaws and Regulations according to 24 V.S.A. Section 4413. Notice of intent forms are to be obtained from the ZAO, completed and returned to the ZAO to be kept on file. There is no fee for this procedure.

The fees for all permits are established by the Selectboard.

### 2.9.1 APPLICATIONS AND ISSUANCE OF PERMITS

Initial contact for Applications or Permits must be made to the ZAO who will advise applicants to contact the permit specialist about State permits which may be required and will provide information about State Residential Building Energy Standards (RBES) and Commercial Building Energy Standards (CBES) which may apply to an application or permit.

Within thirty (30) days of submission of a completed application, fee, plot plan and other required information and approvals, the ZAO must act to either issue or deny a zoning permit in writing or to refer the application to the DRB and/or state for consideration. The issuance of

permits is subject to the requirements of Section 4449(c) of the Act. If the permit is denied, the ZAO must notify the applicant in writing, stating the reasons for denial. If the ZAO fails to act within the thirty (30) day period, a permit will be considered to have been issued on the 31<sup>st</sup> day.

Each permit issued must state the period of time within which an appeal may be taken. No permit may take effect until the time for appeal has passed. In the event that a notice of appeal is properly filed, the permit may not take effect until final disposition of the appeal.

Upon issuance of a permit, the ZAO must deliver a copy of the permit to the Listers within three (3) days and post a copy of the permit in the Town Clerk's office until fifteen (15) days from the date of issuance. Then the notice of permit must be filed in the Town Clerk's office as part of the public records of the Town. The ZAO will issue to the applicant a zoning sign to be posted on the applicant's property within view of the nearest public right-of-way signifying a permit has been issued and the fifteen (15) day appeal period has begun.

## 2.10 CERTIFICATE OF OCCUPANCY OR CERTIFICATE OF COMPLIANCE

The Town does not issue certificates of occupancy or certificates of compliance.

## 2.11 PUBLIC HEARINGS

### 2.11.1 PUBLIC NOTICE

A warned public hearing shall be required for all types of applications to the Development Review Board. Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all of the following:

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

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

### 2.11.2 HEARINGS

In accordance with the Act, Section 4461, all meetings and hearings of the Development Review Board, except for deliberative and executive sessions, shall be open to the public.

For the conduct of any hearing, and the taking of any action, a quorum shall be not less than the majority of members of the Development Review Board, and any action of the Development Review Board shall be taken by the concurrence of a majority of the Development Review Board.

In any public hearing there shall be an opportunity for each person wishing to achieve status as an interested person to demonstrate that the criteria set forth under Section 4465 of the Act are met. The Development Review Board shall keep a record of the name, address, and participation of each of these persons.

In accordance with the Act, Sections 4464(b) and 4468, the Development Review Board 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.

## 2.12 APPEALS

### 2.12.1 OF DECISION OR ACTION OF ZAO

An interested person (see definition) may appeal any decision or action of the ZAO by filing a notice of appeal with the Secretary/Clerk of the DRB within fifteen (15) days of the decision or act. The DRB must set a date and place for a Public Hearing on an appeal, which must be within sixty (60) days of the filing of a properly completed notice of appeal according to Section 4466 of the Act. The ZAO and/or the Clerk/Secretary of the DRB must assist the person in completing the notice.

### 2.12.2 OF DECISION OF DRB

Following a DRB hearing, any "interested person" who has participated in a related regulatory proceeding of the Grand Isle Development Review Board may appeal a decision rendered by the DRB, within thirty (30) days of such decision, to the Vermont Environmental Court. Appeals to the Environmental Court shall also meet the following requirements:

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

### 2.12.3 NOTICE OF APPEALS

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

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

#### 2.12.4 CONDITIONAL USE APPROVAL

On an application for conditional use approval, the DRB may grant approval according to the Act if the DRB determines that the proposed use will conform to all specific standards and provisions contained in these Bylaws and to the following general standards:

1. The capacity of existing or planned community facilities;
2. Traffic on roads and highways in the vicinity;
3. The utilization of renewable energy resources;
4. The character of the area affected as set forth in Title 24 V.S.A. Section 4414(3)(A)(ii) and 4414(3)(B); and
5. Other Town by-laws then in effect.

#### 2.12.5 VARIANCE

On an application for a variance from the provisions of the Bylaw the DRB may grant said variance if ALL of the following conditions are found to exist and are specified in its decision according to Section 4469 of the Act:

1. That 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 the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of these Bylaws in the neighborhood or district in which the property is located;
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these Bylaws and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. That such unnecessary hardship has not been created by the appellant;
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and
5. That the variance if authorized will represent the minimum variance that will afford relief and will represent the least modification possible of these Bylaws.

NOTE: The Vermont Legislature enacted special variance review criteria for renewable energy resource structures. See Title 24 V.S.A. Section 4469(b).

#### 2.13 DRB DECISIONS

According to the Act, upon completion of a hearing, (hearings may not always be completed in one session) the DRB must give its decision in writing within forty-five (45) days for all applications and appeals, and it must, within that period, send to the applicant or appellant, by certified mail, a copy of the decisions. Failure to issue a decision within the required period may result in deemed approval. If within ten (10) days of the filing of the notice of appeal or application, the DRB finds that the facts or issues contained in the application or appeal are substantially the same as those that have previously been made by the applicant and a decision previously made by the DRB, the new notice of appeal or application may be rejected without a hearing. The DRB must issue a written decision with findings of fact to substantiate their rejection.

Decisions on site plan reviews must be made within 60 days of receipt of the site plan, and decisions on conditional use applications must be made within 60 days of the final hearing in the matter.

Copies of any DRB decision must be sent, within the required periods, to:

1. The applicant or appellant (by Certified Mail);
2. Every person or body who appeared and was heard at the hearing;
3. The ZAO;
4. The Town Clerk for filing as part of the public records of the Town.

An interested person may appeal any decision of the DRB, within thirty (30) days of such decision, to the appropriate Court of law.

## **2.14 VIOLATIONS**

Enforcement and penalties for violation of any provision of these Bylaws are regulated as prescribed in Section 4451(a) of the Act. Persons violating any provision of these Bylaws shall be fined not more than two hundred dollars (\$200) for each offense. Each day (24 hours) that a violation is continued constitutes a separate offense. No action may be brought under Section 4451(a) of the Act unless the alleged offender has had at least seven (7) days' warning notice by certified mail 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. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation of the bylaw after the seven-day notice period and within the next succeeding 12 months.

Enforcement and penalties set forth in Section 4451(b) regulate violations related to the use of plats of a subdivision or land development or otherwise or erecting a structure on that land before the final plat has been prepared in full compliance with the Act and these Bylaws and has been recorded as provided in the Act.

Enforcement by court action for violations and remedies are regulated as prescribed in Section 4452 of the Act.

## **3. ZONING DISTRICTS AND DISTRICT REGULATION**

### **3.1 ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP**

These Bylaws divide the Town of Grand Isle into the following six (6) Zoning Districts.

1. Village
2. Commercial/Light Industrial
3. Rural Residential and Agricultural
4. Commercial Recreation Shoreline
5. Residential Shoreline
6. Small Off-Shore Islands

The Official Zoning map is adopted as part of these Bylaws and Regulations by reference. (See Section 2.5.1 for interpretation of District boundaries). This map is located in the Town Clerk's Office and can be identified by the signatures of the members of the Selectboard and attested by the Town Clerk. Changes to the Official Zoning Map may only be made through

the amendment process as defined in Section 4441 of the Vermont Planning and Development Act, 24 V.S.A. Chapter 117. This Official Zoning Map is the final authority in defining District Boundaries regardless of other copies.

**3.2 DISTRICT PROVISIONS: PERMITTED AND CONDITIONAL USES**

**3.2.1 GENERAL**

The uses and structures allowable in the Zoning Districts are listed in Section 3.2.2. All uses and structures must meet all requirements of these Bylaws and Regulations unless authorized by the Development Review Board (DRB) by their approval of a variance or approval of the use or structure as part of a Planned Unit Development, or Historical Planned Unit Development.

**3.2.1.1 DEVELOPMENT NEAR STATE OR LOCAL MUNICIPAL FACILITIES**

24 V.S.A. Section 4413(a) and 10 V.S.A. Section 6086 Item K impose added restrictions and conditions on the permitting process for uses proposed near State owned or regulated property or Local Municipal properties. The review by the ZAO (permitted uses) or the DRB (conditional uses) of any application for a new use or change of use on a property which at any point is within one thousand (1,000) feet of a State or Municipal property must address the criteria contained in the above statutes.

**3.2.1.2 AREAS OF SPECIAL FLOOD HAZARD**

Designation of Areas of Special Flood Hazard is required for Town eligibility in the National Flood Insurance Program. Included are all areas subject to a one (1) percent or greater chance of flooding in any given year (i.e.: the one hundred (100) year flood plains) as shown on the latest Federal Insurance Administration Maps.

The Town of Grand Isle Regulations for Areas of Special Flood Hazard regulates development in all Areas of Special Flood Hazard. (See Appendix A.) The Areas of Special Flood Hazard overlap other districts. Where the provisions of the underlying district differ with the Town of Grand Isle Regulations for Areas of Special Flood Hazard provisions, the more restrictive applies.

**3.2.2 TABLES OF DISTRICT USES AND DIMENSIONAL REQUIREMENTS**

Planned Unit Developments (PUD), and Historical Planned Unit Developments (HPUD) may be located in any district except the Small Off-Shore Islands District subject to approval by the DRB based on the standards in Sections 5.3 and 5.4 of these Bylaws.

**3.2.2.1 VILLAGE DISTRICT**

PERMITTED USES	CONDITIONAL USES
Agriculture	Agribusiness
Single-family Dwelling	Multi-family Dwelling
Two (2)-family Dwelling	Hotel & Motels
Accessory Use/Structure	Restaurant
Rooming & Boarding Houses	Gas Station
Business/Professional Office	Indoor/Outdoor Recreational Facility
Retail Store	Public Facilities



PERMITTED USES	CONDITIONAL USES
Personal Service Establishment	Social Service Establishment
Non-Profit Club	Family Childcare Facilities (see Section 5.13)
Bed & Breakfast	
Home Occupation	
Seasonal Dwelling	

### 3.2.2.2 COMMERCIAL/LIGHT INDUSTRIAL DISTRICT

PERMITTED USES	CONDITIONAL USES
Agriculture	Agribusiness
Single family Dwelling	Hotel & Motels
Two (2) family Dwelling	Restaurant
Multi-family Dwelling	Gas Station
Accessory Use/Structure	Indoor/Outdoor Recreational Facility
Rooming & Boarding Houses	Public Facilities
Business/Professional Office	Social Service Establishment
Retail Store	Industrial
Personal Service Establishment	Other Commercial Uses
Non-Profit Club	Family Childcare Facilities (see Section 5.13)
Bed & Breakfast	
Home Occupation	
Storage	
Storage & Repair	
Seasonal Dwelling	

### 3.2.2.3 RURAL RESIDENTIAL AND AGRICULTURAL DISTRICT

PERMITTED USES	CONDITIONAL USES
Agriculture	Agribusiness
Single family Dwelling	Multi-family Dwelling
Two (2) family Dwelling	Industrial (See Section 5.2.1)
Accessory Use/Structure	Mobile Home Park
Rooming & Boarding Houses	Indoor/Outdoor Recreational Facility
Non-profit Club	Public Facilities
Bed & Breakfast	Social Service Establishment
Home Occupation	Storage
Seasonal Dwelling	Storage & Repair
	Personal Service Establishment
	Hotel/Motel
	Restaurant
	Business/Professional Office

PERMITTED USES	CONDITIONAL USES
	Family Childcare Facilities (see Section 5.13)
	Wireless Telecommunication Facility

### 3.2.2.4 SHORELINE DISTRICT REGULATIONS

The three (3) Shoreline Districts include all land within five hundred (500) feet of the Lake Champlain mean water mark (95.5-ft. lake level). All land development within two hundred fifty (250) feet of the Lake Champlain mean water mark (95.5-ft. lake level) in the Shoreline Districts is subject to compliance with the Vermont Shoreland Protection Act Permit Program. The following applies to all Shoreline Districts. See individual Shoreline Districts below for regulations specific to each district.

#### 3.2.2.4.1 SETBACKS

Minimum setbacks from shoreline (95.5-ft. lake level):

Any structure with a footprint equal to or greater than 150 sq. ft.	75 feet
Decks, patios, and gazebos, with a footprint less than 150 sq. ft.	25 feet
New or replacement wastewater disposal systems	As required by the Vermont Agency of Natural Resources, Department of Environmental Conservation, Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules, effective September 29, 2007, or as revised from time to time

#### 3.2.2.4.2 ELEVATION

Minimum elevation of the lowest floor: 105 feet (high water mark is 102 feet).

#### 3.2.2.4.3 EROSION PROTECTION

To protect the natural remaining shoreline vegetation and to prevent erosion, the site plan for any new or expanded use must show the existing vegetation and the vegetation to be removed. No more than twenty-five (25) percent of the existing, live trees four (4) inches in diameter and over may be cut within seventy-five (75) feet of the mean water mark (95.5 feet) within a five (5) year period. Clear cutting is prohibited.

#### 3.2.2.5 COMMERCIAL RECREATION SHORELINE DISTRICT

PERMITTED USES	CONDITIONAL USES
Agriculture	Indoor/Outdoor Recreational Facility
Single family Dwelling	Restaurant
Two (2) family Dwelling	Hotel & Motels
Accessory Use/Structure	Public Facilities
Non-profit Club	Personal Service Establishments
Home Occupation	Family Childcare Facilities (see Section 5.13)

PERMITTED USES	CONDITIONAL USES
Bed & Breakfast	
Marinas	
Storage	
Storage & Repair	
Boathouses	
Business/Professional Office	
Seasonal Dwelling	

### 3.2.2.6 RESIDENTIAL SHORELINE DISTRICT

PERMITTED USES	CONDITIONAL USES
Agriculture	Public Facilities
Bed & Breakfast	Business/Professional Office
Single-family Dwelling	
Two (2)-family Dwelling	
Accessory Use/Structure	
Rooming & Boarding Houses	
Non-profit Clubs	
Home Occupation	
Storage within pre-existing buildings	
Seasonal Dwelling	

### 3.2.2.7 SMALL OFF-SHORE ISLANDS DISTRICT

No public facilities or services will be provided to these islands due to the cost involved. (This District includes all of Savage Island, Bixby Island, Young Island, Harbor Island, and Long Point Island).

PERMITTED USES	CONDITIONAL USES
Agriculture	Outdoor Recreational Facility
Accessory Use/Structure	
Home Occupations	
Single Family Dwelling	
Seasonal Dwelling	

### 3.3 MINIMUM DIMENSIONAL REQUIREMENTS

Minimum Dimensional Requirements in all Districts are as follow:

Lot size	1 Acre
Frontage	150 continuous feet
Setback	40 feet from near edge of public and private road right-of-way. (Corner lots have 2 setbacks)
Yard setbacks	25 feet to side and rear property lines
Driveway	15 feet setback from side boundaries. (See Section 4.7 for shared driveway rules)

## **4. GENERAL RULES**

### **4.1 PERFORMANCE STANDARDS**

The following performance standards must be met by all uses in all Districts. The use must not:

1. Emit any intensity of odor which is considered both offensive and uncharacteristic of the area (normal agricultural odors will not be considered uncharacteristic of the area).
2. Emit any level of sound or noise which is uncharacteristic of the area on a frequent interval (normal agricultural noises will not be considered uncharacteristic of the area.) Examples include operation of motors, saws, machinery, playing of amplified music, discharge of weapons, explosives, etc. Frequent noise levels in excess of sixty-five (65) decibels at the property line are prohibited.
3. Emit any smoke in excess of that shown in Ringlemann Chart #2.
4. Emit any dust, dirt or noxious gases which endanger the health, comfort, safety or welfare of the public or of neighbors, or which causes any damage to property, business or vegetation.
5. Have lighting or signs which create glare and which could impair the vision of a driver of any motor vehicle.
6. Present a risk as to fire, explosion, or safety.
7. Cause harmful wastes to be discharged into any watercourse or into any wastewater disposal system beyond its proper capacity.

#### 4.2 EXCLUSIONS TO THE PERMIT PROCESS

Permits are required for all development activities in all districts with the following exclusions. Exclusions in the Shoreline District and the Areas of Special Flood Hazard are subject to special rules (See Appendix A).

1.	Fixed or movable enclosed structures or decks of less than one hundred (100) square feet footprint, providing the structure height is less than thirty-five (35) feet AND may not be attached to or adjacent to any other structure. Examples include tool sheds, pump houses, fishing shanties, enclosed play structures, tree houses, etc.														
2.	Open structures of any size providing the structure height is less than thirty-five (35) feet AND may not be attached to or adjacent to any other structure. Examples include swing sets, slides and other play structures, sports equipment, basketball hoops, soccer goals, etc., utility poles, ornamental structures, antennas for private non-commercial use, bird houses, flag poles, gazebos, above ground swimming pools, including minor surrounding walkways and decks up to one hundred (100) square feet, and one portable garage up to 200 square feet.														
3.	A fence, a barrier of wooden posts, wire, iron, etc., used as a boundary or means of protection, confinement, or decoration. Dry laid stone walls are treated the same as fence.														
4.	Entry stairs and any associated landings of forty-eight (48) square feet or less, attached to permitted structures, without sidewalls, and may be covered by a roof with not more than one foot of overhang, are also excluded from setback requirements.														
5.	Control and ground level structures of any size. Examples include retaining walls, fences, ground level patios, steps and stairs. A deck that is less than two (2) feet above natural grade at all points around its perimeter is classified as a ground level patio.														
6.	Shoreline District Rules- <table border="1" data-bbox="207 926 1443 1035"> <tr> <td>a)</td> <td>Landings on Lake Access stairs cannot exceed forty-eight (48) square feet.</td> </tr> <tr> <td>b)</td> <td>Decks, patios and gazebos of less than one hundred-fifty (150) square feet footprint must be setback from the shoreline by twenty-five (25) feet.</td> </tr> </table>	a)	Landings on Lake Access stairs cannot exceed forty-eight (48) square feet.	b)	Decks, patios and gazebos of less than one hundred-fifty (150) square feet footprint must be setback from the shoreline by twenty-five (25) feet.										
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b)	Decks, patios and gazebos of less than one hundred-fifty (150) square feet footprint must be setback from the shoreline by twenty-five (25) feet.														
7.	Land divided for the purpose of donation or sale below market value to the Town of Grand Isle is exempt from the subdivision regulatory process subject to the following: <table border="1" data-bbox="207 1104 1443 1451"> <tr> <td>a)</td> <td>The Selectboard will have the authority to accept or reject the land in question. In doing so they will ensure that the following conditions are met.</td> </tr> <tr> <td>1)</td> <td>Land transfer is conditional upon its use being restricted to municipal usage in perpetuity;</td> </tr> <tr> <td>2)</td> <td>The land to be transferred must meet minimum lot size and road frontage as shown in the Zoning Bylaws unless the land is to be joined with an existing municipal parcel;</td> </tr> <tr> <td>3)</td> <td>Construction of municipal buildings upon such land remains subject to the provisions of the Zoning Bylaws and all local and State permits must be obtained;</td> </tr> <tr> <td>4)</td> <td>The sale price if any is at least twenty (20) percent below market value;</td> </tr> <tr> <td>5)</td> <td>Land transfer may not be concluded prior to voter approval of any necessary funding;</td> </tr> <tr> <td>6)</td> <td>Boundaries of land divisions must be surveyed and recorded.</td> </tr> </table>	a)	The Selectboard will have the authority to accept or reject the land in question. In doing so they will ensure that the following conditions are met.	1)	Land transfer is conditional upon its use being restricted to municipal usage in perpetuity;	2)	The land to be transferred must meet minimum lot size and road frontage as shown in the Zoning Bylaws unless the land is to be joined with an existing municipal parcel;	3)	Construction of municipal buildings upon such land remains subject to the provisions of the Zoning Bylaws and all local and State permits must be obtained;	4)	The sale price if any is at least twenty (20) percent below market value;	5)	Land transfer may not be concluded prior to voter approval of any necessary funding;	6)	Boundaries of land divisions must be surveyed and recorded.
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5)	Land transfer may not be concluded prior to voter approval of any necessary funding;														
6)	Boundaries of land divisions must be surveyed and recorded.														
8.	The installation, operation, and maintenance, of a rooftop solar collector less than 10 feet high or other renewable energy resource structure, solar energy device that heats water or space or generates electricity, on a flat roof having a slope of less than or equal to five degrees, of an otherwise complying structure, other solar collectors, clothesline, or other energy devices based on renewable resources.														
9.	No Town permit is required to be submitted to install small turbines on complying structures. The turbine blades must be less than 20 feet in diameter to be exempt from Town permitting and the height is not regulated by these bylaws and regulations														
10	Public utility power generating plants and transmission facilities.														

#### 4.3 PRE-EXISTING NON-CONFORMING USES

This section applies to any structure and uses existing on the effective date of these Bylaws which does not conform to the requirements of these Bylaws.

#### 4.3.1 CONTINUATION OF NON-CONFORMING USE OR STRUCTURE

Any non-conforming use of a structure or of land may be continued indefinitely except that a non-conforming use cannot be reestablished after being discontinued for a period of five (5) years, or after being changed to, or replaced by, a conforming use. Intent to resume a non-conforming use does not give the right to do so.

#### 4.3.2 EXPANSION OF NON-CONFORMING USES

The DRB may permit as a conditional use, the expansion of a non-conforming use. The criteria for granting approval are subjective in nature and may include such items as hours of operation, number of employees, scope of business operation, etc. The criteria are different for Areas of Special Flood Hazard and are set forth in the Town of Grand Isle Regulations for Areas of Special Flood Hazard (See Appendix A).

The ZAO may approve the expansion of a non-conforming use for the sole purpose of compliance with environmental, safety, health or energy codes.

### 4.4 PRE-EXISTING NON-CONFORMING STRUCTURES

#### 4.4.1 MAINTENANCE OF NON-CONFORMING STRUCTURES

No provision of these Bylaws will prevent the normal maintenance and repair of a non-conforming structure provided that such action does not increase the degree of non-compliance beyond a six (6) inch extension.

#### 4.4.2 DEMOLITION OF NON-CONFORMING STRUCTURES

It is in the best interest of the Town for structures that have reached the end of their useful life or have been partially destroyed by natural forces be replaced by newer structures. The following rules apply:

A non-conforming structure which has been damaged or destroyed by natural forces or that the applicant wishes to replace with a newer structure must be rebuilt so the new structure does not extend into any setback area that was not covered by the footprint of the original structure. Should the applicant wish to replace the foundation with one of better quality and/or greater depth, the location of the outline of the current foundation must first be established by a licensed engineer and a map of the outline filed with the ZAO. When the forms for the new foundation are in place and before cement is poured, the ZAO must inspect the placement to ensure that the new foundation does not extend into any setback area that was not covered by the footprint of the original structure. The ZAO may require the applicant's engineer to participate in the inspection to resolve any issues with placement. The cost of the engineer's participation will be borne by the applicant.

In replacing the structure the applicant will be required to upgrade the wastewater disposal system to the extent technically possible to bring the system in conformance with current standards.

#### 4.4.3 ALTERATION OF A NON-CONFORMING STRUCTURE

The ZAO may approve the alteration of a non-conforming structure providing such action does not encroach further into yard/setbacks, increase the footprint in the setback area or extend beyond the height limits for the district in which it is located.

The ZAO may approve the expansion of a non-conforming structure into yard/setbacks for the sole purpose of compliance with any applicable local, state or federal environmental, safety, health or energy codes. The ZAO shall limit any such expansion to the minimum required to comply with the code.

#### 4.5 ACCESSORY DWELLING OR LIVING QUARTERS

##### 4.5.1 ACCESSORY DWELLING

In accordance with 24 V.S.A. Section 4412, an accessory dwelling unit means an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation and sanitation. An accessory dwelling unit, to be located within or appurtenant to a single-family dwelling and the owner must occupy either the primary dwelling or the accessory dwelling, shall be considered to constitute a single-family residential use of property, provided there is compliance with all the following:

1. The property has sufficient wastewater capacity.
2. The unit does not exceed thirty (30) percent of the total habitable floor area of the single-family dwelling.
3. Applicable setback and parking requirements specified in the bylaws are met.

Conditional use review is required for the creation of an accessory dwelling unit when one or more of the following is involved in the creation of the accessory unit:

1. a new accessory structure,
2. an increase of the height or floor of the existing dwelling or
3. an increase in the dimensions of the parking areas.

##### 4.5.2 RECREATIONAL VEHICLES

A recreational vehicle may be parked and occupied on the property of the owner or on the property of a relative or friend, with their permission, and without a zoning permit, subject to the following conditions:

1. The recreational vehicle must be located more than twenty-five (25) feet from the boundaries of the property and more than forty (40) feet from the near edge of any public or private road right-of-way.
2. The recreational vehicle may be occupied no more than six (6) months in any twelve (12) month period.

##### 4.5.3 USE OF SEASONAL DWELLINGS

A change of use permit is required to use a seasonal dwelling for more than six (6) months in any twelve (12) month period.

#### 4.6 EXISTING SMALL LOTS

Any lot in individual and separate and non-affiliated ownership from surrounding properties and in existence on the effective date of these Bylaws may be developed for the purpose permitted in the District in which it is located, even though it does not conform to the minimum lot dimensional requirements, providing such lot:

1. is not less than one-eighth (1/8) of an acre in area;
2. has a minimum width or depth dimension of, at least, forty (40) feet;
3. has adequate access (see Section 4.7);

4. complies with all wastewater disposal and other health and safety provisions herein;
5. Number of bedrooms in principal and accessory dwellings must conform to limitations of septic system; and
6. Must meet all applicable setbacks.

#### 4.7 ACCESS TO LOTS

Land development may be permitted on lots which have EITHER frontage on a Class I, II, III, or IV Public Highway OR on Public waters OR, with the approval of the DRB as a conditional use access to such a road or waters by a permanent easement or right of way of record of at least thirty (30) feet in width to facilitate emergency equipment access and utility placement. Shared driveways on mutual property lines are encouraged for two (2) adjoining lots. Shared driveways are exempt from the setback requirement of fifteen (15) feet in all zoning districts. The interest of the owners of each lot served by a common or shared driveway must be protected by an easement recorded in the deed of each lot involved.

#### 4.8 HOME OCCUPATIONS

##### 4.8.1 RESIDENT RIGHTS

Provisions of these Bylaws must not infringe upon the right of any resident to use a portion of a dwelling and/or accessory structure for an occupation which is customary in residential areas and which does not have an undue adverse effect upon the character of the residential area in which the dwelling is located.

##### 4.8.2 RESTRICTIONS

Home occupations are permitted as an accessory use in all Districts where residential uses are permitted subject to the following provisions:

1. The Home Occupation must be clearly incidental and must be conducted wholly within the principal and/or accessory structures.
2. The Home Occupation must be carried on by members of the family residing in the dwelling unit. Two (2) additional employees who are not members of the family are permitted.
3. The Home Occupation must not generate traffic that would be uncharacteristic of the neighborhood.
4. Exterior displays or signs other than those normally permitted in the district, exterior storage of materials, and exterior indications of the Home Occupation or variation from the residential character of the principal or accessory structures is prohibited.

##### 4.8.3 PERMITS

A permit is not required for a Home Occupation. Conformity to the restrictions above will be enforced as any other Bylaw violation.

#### 4.9 ABANDONMENT

If fire or other damage caused by external forces has destroyed a structure or use and the structure or use has been abandoned, the owner must remove all ruins and structural materials and restore the site to a smooth grade within one (1) year after the abandonment. Structures, which have collapsed from age, will be considered abandoned if within five (5) years after collapse and notification by the ZAO, the owner fails to present a restoration plan.



#### 4.10 BULK STORAGE OF FLAMMABLE LIQUIDS

Tanks must meet all State and Federal regulations. In cases where conflicts exist between this Section and State and Federal regulations, the more restrictive applies.

The bulk storage of more than one thousand (1,000) gallons of fuel or other flammable liquids for commercial or industrial purposes may be permitted upon conditional use approval by the DRB, providing the following requirements are met.

##### 4.10.1 LOCATION OF ABOVE AND/OR BELOW GROUND STORAGE TANKS

Tanks must not be located within seventy-five (75) feet of the shoreline, nor within twenty-five (25) feet of adjacent property lines.

##### 4.10.2 CAPACITY

All projects involving flammable materials shall obtain a Vermont Department of Public Safety Division of Fire Safety permit for such use prior to DRB approval.

##### 4.10.3 VIEW

To minimize the visual impacts of tanks as seen from public highways, all such tanks must be located, screened or painted to blend into the surroundings.

#### 4.11 LAND ALTERATION

##### 4.11.1 EFFECT ON DRAINAGE

Projects, which include land alteration (i.e. grading, excavating, tree removal, etc.), which could cause a substantial change in the rate or direction of drainage, must not commence prior to obtaining approval from the ZAO. Projects in Areas of Special Flood Hazard are subject to the Town of Grand Isle Regulations for Areas of Special Flood Hazard (See Appendix A). The ZAO may, at his/her discretion, require the proposed alteration proceed to the DRB for Conditional Use Approval. Both the ZAO and the DRB must consider the existing and proposed grades and the materials to be used. Appropriate conditions and safeguards may be imposed to minimize any adverse effects on other properties, erosion, ground and surface water, etc.

##### 4.11.2 EXTRACTION/EXCAVATION

Any new extraction of earth resources or substantially extended excavation must not commence or continue before Conditional Use Approval is obtained from the DRB. The applicant must meet the following in addition to the conditions in Section 2.12.4, prior to approval being granted.

1. Submit an acceptable plan, including a specific end date, showing existing and proposed finish grades of the site;
2. Take adequate precautions to prevent contamination of surrounding areas by silt, dust or other disturbed material;
3. Agree to cover the finished grades, except exposed ledge rock, with at least three (3) inches of topsoil and seed with a suitable crop cover upon completion of the operation; and
4. Post bond with Town Treasurer sufficient to guarantee restoration of the site, if required by the DRB.

#### 4.12 HEIGHT LIMITS

Structures (agricultural structures and municipal water storage tanks are exempt) must not exceed thirty-five (35) feet in height above the average natural grade unless Conditional Use Approval is obtained from the DRB. The DRB may permit structures in excess of thirty-five (35) feet high provided the structure does not constitute a hazard and that the portion above thirty-five (35) feet remains unoccupied except for normal maintenance. In addition, the DRB may, upon request or appeal, establish a maximum height limit less than thirty-five (35) feet for any area of land, or any structure associated with any use, if this modification of the height limit will make it possible to preserve an exceptional scenic view, or make it possible to utilize a solar heating system.

#### 4.13 SIGNS

On premises freestanding signs in the Rural Residential and Agricultural area and the Shoreline Residential Area, which advertise the business or use being conducted, are limited to one (1) sign of a maximum of twenty (20) square feet. All other limitations on signs will be as stated in 10 V.S.A. Chapter 21: Tourist Information Services. Permits are not required for signs. Violations will be addressed in the same manner as any other violation.

#### 4.14 PARKING REQUIREMENTS

Off street parking spaces must be provided in any District whenever any new use is established or when the present use is enlarged or changed.

USES	PARKING REQUIREMENTS
Residential	2 per dwelling unit
Lodging Establishment	1 per lodging (rental) unit
Clubs	1 per 4 members
Churches and Schools	1 per 3 seats in assembly room
Clinics, Nursing and Group Homes	1 per 3 beds plus 1 per employee
Professional and Business Offices	1 per 250 square feet of floor area
Retail & Repair Establishments	1 per 300 square feet of floor area
Restaurants (not including drive-in)	1 per employee plus 1 per 4 seats
Industry	1 per 1.5 employees on largest shift
Unspecified uses	As required by DRB

#### 4.15 WETLANDS REGULATIONS

All Wetlands of two (2) acres or more, as marked on Town Wetland Map of October, 1996, must be treated in the same manner as Class Two (2) Wetlands, unless shown by evaluation not to be sufficiently significant to merit protection under Vermont Wetland Rules. Wetlands of two (2) acres or more yet to be determined by survey are not exempt.

#### 4.16 PRIVATE ROADS

No zoning permit shall be granted for land development with access via a private road unless the private road complies with the requirements and standards set forth in Appendix B; however, a zoning permit may be granted by the zoning administrative officer only if the proposed development will not result in an increase in the average daily flow of traffic, for example, porches, garages, structure replacements.

The Development Review Board may grant waivers from the requirements set forth in Appendix B for new land development on a pre-existing private road or that requires the extension of a pre-existing private road only where the pre-existing private road or extension thereof provides for effective access by police, fire and rescue responders.

## **5. SPECIFIC USE RULES**

### **5.1 SUBDIVISION, LARGE-AREA AND HIGH-IMPACT DEVELOPMENTS**

Compliance with the Town of Grand Isle Zoning Bylaws and Subdivision Regulations is required for dividing any parcel of land into two (2) or more parcels within a five (5) year period. This rule applies to any and all parts of the original parcel. The time period is not affected by change of ownership.

### **5.2 SITE PLAN AND CONDITIONAL USE APPROVAL**

#### **5.2.1 USES REQUIRING**

Applicants for structures/uses other than single family dwellings, two (2) family dwellings, agricultural uses and permitted uses as defined in Section 3.2.2, must obtain site plan approval before the ZAO may issue a permit.

Site Plan approval and Conditional Use approval by the DRB is required for any of the following:

1. Construction of a driveway, private road, water supply, or wastewater disposal facility for common use by three (3) or more dwellings.
2. Any Business Office employing more than five (5) full-time employees.
3. Any Retail Store or Repair, Personal Service Establishment or Social Service Establishment employing more than three (3) full-time employees.
4. Any non-residential structure over seventy-five hundred (7,500) square feet.
5. Any Industrial use must have direct driveway access to Route 2 or Route 314.
6. See Section 3.2.1.1 for special requirements for uses near State or municipal facilities. For purposes of this section a church will be considered a municipal facility.

#### **5.2.2 APPLICATION REQUIREMENTS AND APPROVAL PROCESS**

The applicant is required to submit six (6) sets of site plan maps with supporting data, which must include the following:

1. Names and addresses of the owners of record of the land for which the approval is being sought.
2. Names and addresses of adjacent landowners (including those across roads or highways).
3. Map of the property showing existing features in the area of the property to be developed including structures, large trees, forested areas, land contours where major gradients exist, wetlands, highways, public and private roads, utility easements, rights-of-way, land use, and deed restrictions.
4. The map must show the scale, reference to North, and date of survey.
5. Person or firm that has prepared the site map.
6. Maps and/or plans showing proposed structure locations, land use, alterations, wastewater treatment systems and locations, water source location, State highways, Town roads, private roads, driveways, traffic circulation, parking and loading spaces and pedestrian walks, landscaping plans including site grading, design, screening, construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development.

7. Whenever a proposed site plan involves access to a State highway, the application for site plan approval shall include 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. Section 1111, and setting out any conditions that the Agency proposed to attach to the section 1111 permit.

In reviewing a project for site plan approval, the DRB will consider requirements of Section 4416 of the Act. The DRB may only consider and impose conditions and safeguards in regard to the following:

1. Safety of vehicular access and circulation between the site and the road network. Particular attention must be given to visibility at intersections, to traffic flow and control, to pedestrian safety and to access in case of an emergency.
2. Adequacy of parking and loading facilities with particular attention to safety, noise, glare, odor and their affect on adjacent properties.
3. Adequacy of landscaping, screening and setbacks in regard to achieving maximum compatibility and protection of adjacent property.
4. Utilization of renewable energy resources; with particular regard to protecting solar access for adjacent property.
5. Adequacy of lighting facilities and the size, location and design of signs.

Upon consideration of the above, the DRB must give written decision, approval with stated conditions, or disapproval with explanation, within forty-five (45) days after the date upon which the proposed plan is deemed by the ZAO to be complete. Failure to act within such period may result in deemed approval, in accordance with Section 4464 of the Act.

### 5.3 PLANNED UNIT DEVELOPMENT

The purpose of this provision is to encourage clustering and other innovations in design and more efficient uses of land, to facilitate the adequate and economic provision of roads and utilities, and to preserve the natural and scenic qualities of the Town. An application for approval of a PUD development must be submitted to the DRB. The DRB must review an application for a PUD in accordance with the procedures and standards applicable to review of conditional uses as set forth in Section 2.12.4. The DRB must also review an application for a PUD in accordance with the procedures and standards applicable to major subdivisions as set forth in the Grand Isle Zoning Bylaw.

To qualify, a PUD project must:

1. Be allowed in the District in which it is to be located;
2. Contain at least three (3) contiguous acres;
3. Conform to the definitions herein and to the requirements of Section 4417 of the Act and the Town of Grand Isle Zoning Bylaw.

Setbacks for the Perimeter of the PUD are forty (40) feet from Public and Private Road right-of-way and forty (40) feet to side and rear property lines.

In order to assure an appropriate relationship to the surrounding area, all PUDs must provide a forty (40) foot landscaped buffer zone around the project perimeter. The DRB may allow up to a fifty (50) percent decrease of this buffer zone with the presence of sufficient plantings to minimize any impact upon abutting properties.

Overall, density within the PUD must not exceed the density of the prescribed district density by more than twenty-five (25) percent. For example, if the minimum lot size in a district is one (1) acre, then the maximum density is one unit per one acre. If a PUD were placed on a lot of twenty (20) acres, then the maximum number of units would be twenty-five (25) (1.25 units per acre x 20 acres).

Individual residential lots within the PUD must be at least three-quarter (3/4) acres for a single family dwelling or one-half (1/2) acre, if off-site water and off-site wastewater disposal applies. Multi-family dwellings (i.e. condo and town house projects) will be limited by density requirements (District density plus twenty-five (25) percent).

Overall, height of any structures within the PUD must not exceed thirty-five (35) feet.

No arrangements of structures within the PUD are allowed that will hinder the passage of emergency vehicles. There shall be an unobstructed area of not less than 30 feet wide between structures.

All other provisions of the Grand Isle Zoning Bylaws not specifically modified by this section (by way of example and not limitation, regulations regarding minimum setbacks of structures and driveways), shall remain in force and be applicable to the project.

#### 5.4 HISTORICAL PLANNED UNIT DEVELOPMENT

The purpose of the Historical Planned Unit Development is to preserve significant historic places or complexes or buildings, which are listed or eligible for listing on the National Register of Historic Places. In addition to the specific requirements spelled out below, an application of an Historical Planned Unit Development must demonstrate that it is based on a comprehensive plan for the preservation and use of the historic place or complex of buildings, that the proposed uses are compatible with the historic and educational uses of the historic place or complex, that the proposed uses are consistent with the preservation of the historic place or complex, and that any new structures will visually and functionally be compatible with the intent of preserving the historic place or complex. An application for approval of a HPUD development must be submitted to the DRB. The DRB must review an application for a HPUD in accordance with the procedures and standards applicable to review of conditional uses as set forth in Section 2.12.4. The DRB must also review an application for a HPUD in accordance with the procedures and standards applicable to major subdivisions as set forth in the Grand Isle Zoning Bylaw.

Setbacks and Dimensional Requirements	
Minimum total area of development	Forty (40) Acres
Minimum frontage	Eight hundred (800) feet
Minimum front yard setback	As specified for the District in which the Historical Planned Unit Development is located
Minimum side and rear yard pertaining to the periphery of the development	One hundred-fifty (150) feet
Maximum building height	Thirty-five (35) feet or the average of existing buildings within a two hundred (200) foot radius, whichever is greater. Farm silos are exempt from this provision.

In addition to those uses listed as permitted or conditional uses for the District in which the Historical Planned Unit Development is located, the DRB may approve other uses identified and justified in the comprehensive plan for preserving the historic place or complex. In making such approval, the DRB must consider, at least, the following:

1. The uses must be related to the overall use and concept for the historic place or complex.
2. The uses must be compatible with other uses in the historic place or not have an undue adverse impact on the visual character of the historic place or complex.
3. The uses must not have an undue adverse impact on lands surrounding the Historical Planned Unit Development.
4. Traffic generated by the uses on a regular or sustained basis must not create an undue adverse impact on roads either internal to the development or serving the development.
5. Traffic for special events may exceed normal flow for the area but limits may be imposed for volume of traffic and frequency of events.

#### 5.4.1 NEW STRUCTURES

Justification: Since the primary purpose of this Subsection is to preserve historic places or complexes, new structures can be approved by the DRB only if one (1) or more of the following conditions are satisfied:

1. The new structure is needed to support the planned uses of the historic place, and is visually compatible with the historic place complex.
2. The new structure is clearly identified and justified in comprehensive plan for preserving the historic place or complex.
3. The new structure will house uses approved for the development under Section 3.2.2.
4. The new structure constitutes a minor element in the overall plan for the historic place or complex.

Design: The design of the new structure must be compatible with the design and visual character of the overall historic place or complex, in terms of form, style, materials and color.

Approval: Approval by the State Historic Preservation Officer constitutes "presumptive compatibility" of the new design.

#### 5.5 MARINAS

In addition to meeting the District Dimensional Requirements, a marina must have a continuous shoreline frontage of at least: one hundred (100) feet; or five (5) feet for each dock mooring (berth); or ten (10) feet for each buoy mooring, whichever is the greater frontage. The marina must provide at least one (1) off-street parking space for each boat berth, mooring or rental boat. The marina must have an on-shore, on-premises boat wastewater pump-out tank, which must be available to (and sufficient for) any seasonal and transient customers. At least two (2) public toilets and garbage facilities must be provided for customers. Marinas must comply with all State and Federal requirements.

## 5.6 MOBILE, MODULAR OR PREFABRICATED HOUSING

Pursuant to the Act, Section 4412(1)(B), mobile, modular or prefabricated housing units are treated as single-family dwellings and must meet the same zoning requirements applicable to single-family dwellings.

## 5.7 MOBILE HOME PARKS

(1) Mobile homes are permitted in approved mobile home parks subject to the requirements of this section and State Law. If a conflict in requirements exists the more restrictive applies. Mobile Home Parks where permitted as a conditional use in the specific Zoning District are subject to review under Section 2.12.4 of these Bylaws. New Mobile Home Parks and any addition or alteration to an existing Mobile Home Park, requires Conditional Use approval by the DRB.

(2) If a mobile home park, as defined in 10 V.S.A. Chapter 153, is a pre-existing nonconformity pursuant to these bylaws, the entire mobile home park shall be treated as a nonconformity, and the individual lots shall not be considered to be a nonconformity under these bylaws, except as provided below. No pre-existing nonconforming mobile home park may be resumed if such use has been abandoned for a period of six months or more. Mobile home parks shall be considered abandoned when the whole park is vacant for a period of six months or more. An individual mobile home lot that is vacated shall not be considered abandoned

In accordance with 24 V.S.A. Sections 4412 (1)(B) & (7)(B), existing, nonconforming mobile home parks shall comply with this section.

(A) Any mobile home within the nonconforming mobile home park may be altered, expanded, or replaced, providing:

1. the applicant provides proof of adequate wastewater capacity; and
2. the expansion or replacement will not:
  - i. be located less than fifty (50) feet from any other primary structure(s);
  - ii. obstruct or prohibit ingress or egress for any primary structure;
  - iii. obstruct or prohibit mobility or replacement of any primary structure;
  - iv. obstruct or prohibit the provision of emergency services;
  - v. obstruct existing utilities or rights of way; nor
  - vi. threaten or unduly degrade public health, safety, or welfare.

(B) The standards in Section (A) above may be waived after conditional use review by the DRB provided the applicant demonstrates that adherence to these standards would have the effect of prohibiting the replacement of a mobile home on an existing lot. In approving this waiver, the DRB may impose conditions requiring design features, screening, or some other remedy in order to mitigate anticipated impacts of any such waiver.

## 5.8 CAMPING VEHICLES, CAMPING TRAILER PARKS AND CAMPGROUNDS

Any camping vehicle used for living quarters and sited so as not to be readily movable or occupied for more than six (6) months in any twelve (12) month period is classified as a dwelling and is subject to all Zoning Bylaw regulations applicable to dwellings, including requirements for permitting.

New Camping Trailer Parks and Campgrounds, and any alterations or additions to an existing Camping Trailer Park or Campground require Conditional Use approval.

Camping Trailer Parks and Campgrounds are subject to the requirements of this section and State law. If a conflict exists in requirements, the more restrictive applies.

Camping Trailer Parks and Campgrounds must conform to the requirements of the current version of the Vermont Agency of Natural Resources, Department of Environmental

Conservation, Wastewater Management Division, Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules. These requirements address park layout, facilities, etc. In addition, road layout and width must be adequate to allow reasonable access to all sites for the use of emergency vehicles.

#### 5.9 SALVAGE YARDS

Salvage yards are not a permitted or conditional use in any district.

Complaints about possible violations will be governed by State law concerning definitions of salvage yard, junk, junk motor vehicle, automobile graveyard or the like.

#### 5.10 BOUNDARY LINE ADJUSTMENTS

Adjustments to a recorded Mylar: Any adjustments of boundary lines within a recorded Mylar prior to the sale of any lots affected by the adjustment will be reviewed by the DRB. If in the opinion of the DRB, the proposed adjustments substantially change the nature of the development or create new lots a full subdivision hearing process is required. Adjustments must be surveyed and recorded.

Adjustments to lots, which have been transferred to individual owners: Proposed adjustments will be reviewed and approved by the ZAO. If the proposal contains unusual conditions it may be referred to the DRB for their review and approval using the same standards as for an adjustment to a recorded Mylar. Adjustments must be surveyed and recorded.

Adjustments to lots, which are not on a recorded Mylar, will be reviewed by the ZAO. If the ZAO finds the adjustment creates a new lot, regular subdivision approval procedures apply. Adjustments must be surveyed and recorded.

#### 5.11 WIRELESS TELECOMMUNICATION FACILITY

Construction, alteration, and development, decommissioning and dismantling of wireless telecommunication facilities in the Town of Grand Isle is subject to and regulated by Appendix D of these Bylaws.

#### 5.12 AIRCRAFT LANDING STRIPS (PRIVATE)

Approval for private aircraft landing strips will be in a manner similar to Site Plan/Conditional Use Approval. A DRB hearing will be held to afford interested parties an opportunity to participate. The criteria for approval will be on the basis of Vermont State Statutes regulations. Applicants will be expected to present the material, which they are required to present to the State of Vermont for their approval.

#### 5.13 CHILDCARE

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 child care.

A family child care home serving no more than six (6) full-time children and four part-time children, as defined in 33 V.S.A. Section 4902(3)(A), shall be considered to constitute a permitted single-family residential use of property and shall be treated by the Town as a home occupation.



A family child care facility serving more than six full-time and four part-time children will be subject to all applicable municipal bylaws; and as indicated for specific districts, shall be a conditional use.

#### 5.14 RESIDENTIAL CARE 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. Section 4501, shall be considered by right to constitute a permitted single family residential use of property, except that no such home shall be so considered if it locates within one thousand (1000) feet of another existing or permitted such home. A residential care home or group home, to be operated under state licensing or registration, serving nine or more who have a handicap or disability as defined in 9 V.S.A. 4501, shall be reviewed as a multi-family dwelling and shall be subject to conditional use and site plan review.

#### 5.15 PUBLIC FACILITIES

Site plan review and conditional use approval by the DRB of the following uses may only be regulated 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.S.A. 6606a.

#### 5.16 WIND TURBINES

(A)(1) No Town permit is required to be submitted by applicants who have received a Certificate of Public Good (CPG) from the Vermont Public Service Board allowing them to net-meter their wind turbine.

(A)(2) No Town permit is required to be submitted to install small turbines on complying structures. The turbine blades must be less than 20 feet in diameter to be exempt from Town permitting and the height is not regulated by these Bylaws and Regulations.

(B) Conditional use review is required for proposed installations of wind turbines for which applicants have not received a Certificate of Public Good (CPG) from the Vermont Public Service Board because the proposed wind turbine will not be net-metered. Wind turbines may be permitted in the Rural Residential and Agricultural District subject to conditional use review under Section 2.12.4 as well as the following additional provisions:

- (1) All turbines shall not be more than 40 feet higher than the surrounding forest canopy as measured from the lowest grade at ground level to the top of the highest structure or component (usually top of the blade). Forest canopy shall be defined as the average height of the five (5) tallest trees within 50 feet of the tower. The maximum allowable height of any wind turbine is 150 feet.

- (2) Wind turbines shall be set back from all property lines, buildings, and public rights of way for a distance equaling their total height, including blades, unless otherwise permitted by the Development Review Board.
- (3) No wind turbine shall be located or operated in such a manner that it poses a potential threat to public health or safety.
- (4) Wind turbines shall be designed to avoid having an undue adverse aesthetic impact on prominent ridgelines and hilltops. In determining whether a wind turbine's aesthetic impact would be undue and adverse, the Development Review Board will consider:
  - a. The period of time during which the proposed turbine would be viewed by the traveling public on a public highway;
  - b. The frequency of the view experienced by the traveling public;
  - c. Background features in the line of sight to the proposed wind turbine that obscures the facility or make it more conspicuous;
  - d. The sensitivity or unique value of a particular view affected by the proposed wind turbine;
  - e. Significant disruption of a view that provides context to a historic or scenic resource.
- (5) Wind turbines shall not be illuminated by artificial means and shall not display strobe lights unless the Federal Aviation Administration or other federal or state authority specifically requires such lighting.
- (6) The use of any portion of a wind turbine for signs other than warning or equipment information signs is prohibited.
- (7) Access roads, and all utility buildings and structures accessory to a wind turbine shall be designed to aesthetically blend in with the surrounding environment and meet all other minimum requirements for the district in which they are located.
- (8) All abandoned or unused wind turbines and associated facilities shall be removed within 5 years of the cessation of operations at the site, and the site shall be restored to its original appearance.

## **6. WASTEWATER DISPOSAL SYSTEMS**

### **6.1 PURPOSE**

The purpose of this article is to preserve the public health, prevent pollution, and secure the sanitary protection of waters. This article is intended to ensure that wastewater is discharged into an approved wastewater treatment system and to prevent the creation of health hazards which include, but are not limited to surfacing wastewater; contaminated drinking water, groundwater and surface water; ensure adequate drainage related to the proper function of wastewater disposal; and ensure that facilities are designed, constructed, operated, and maintained in a manner which will promote sanitary and healthful conditions.

### **6.2 STANDARDS**

All wastewater must be discharged into a properly designed and constructed disposal system or properly constructed alternative facility. This includes, but is not limited to, wastewater disposal systems for seasonal dwellings, single, multiple family homes, and commercial and industrial properties in accordance with the Vermont Agency of Natural Resources, Department of Environmental Conservation, Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules, effective September 29, 2007, or as revised from time to time.

### 6.3 APPLICABILITY

Zoning and subdivision permit applications may be submitted for review, however, the issuance of a final permit may be conditioned upon issuance of a wastewater and potable water supply permit under chapter 64 of Title 10, Vermont Statutes Annotated. For purposes of appeal of a permit issued with that condition, the appealable decision of the zoning administrative officer or the development review board shall be the issuance or denial of a final zoning or subdivision permit and not the requirement to condition issuance of a permit on issuance of a wastewater and potable water supply permit under chapter 64 of Title 10, Vermont Statutes Annotated.

No construction may be initiated under a zoning permit unless and until a wastewater and potable water supply permit is issued under chapter 64 of Title 10, Vermont Statutes Annotated.

All structures, the reasonable use of which generates wastewater must have disposal systems and must receive a Wastewater System and Potable Water Supply permit from the Agency of Natural Resources and a copy of the design plans with the engineer's signature and stamp, before commencement of construction on the property. If, according to the Agency of Natural Resources, a Wastewater System and Potable Water Supply permit is not required, written proof of such shall be provided to the ZAO by the property owner/applicant. Construction must be understood to mean the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, including foundation, excavation, foundation or building construction, and site work, which involves or may affect any portion of existing or proposed wastewater disposal or water supply facilities for the structure, and any change in the use of any structure.

The landowner must provide the ZAO with a copy of the system plans approved and stamped by the State Wastewater Management Division prior to the start of construction on the system. The landowner must notify the ZAO when installation of the system is scheduled to begin. The landowner must notify the ZAO a minimum of 48 hours prior to a planned final or pressure test inspection by the system designer. The ZAO or his/her designee may inspect all systems at different stages during installation and before systems are covered with soil. The landowner must ensure that the system designer submit to the ZAO a copy of the certification of construction required by the State Wastewater and Potable Water Supply Permit.

### 6.4 OTHER APPLICABLE REGULATIONS

In case of any other applicable regulation, bylaw, article or statute which differs from this article, the stricter will apply.

## **7. SUBDIVISION REGULATIONS**

### **7.1 TITLE**

These regulations are known as the Grand Isle Subdivision Regulations (hereinafter referred to as "Regulations").

### **7.2 POLICY**

It is the policy of the Town of Grand Isle to control the subdivision of land and the subsequent development of the subdivided plat according to the Vermont Planning and Development Act (Act) and in accordance with zoning for the orderly planned, efficient and economical development of the Town.

Land to be subdivided must be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and proper provisions must be made for drainage, water, wastewater disposal, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and other improvements. (Grand Isle Capital Plan required)

### **7.3 SCOPE**

The following Regulations apply to any proposal to divide any lot or parcel of land into two or more parts. Where the town line divides a lot, the standards of these Regulations shall apply to that portion of the lot that is in the Town of Grand Isle in the same manner as if it were a separate lot entirely situated in the town. The purpose and basis for these Regulations are shown in Section 7.4.

### **7.4 PURPOSE**

These Regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety and general welfare of the Town of Grand Isle.
2. To guide the future growth and orderly development of the Town in accordance with the Zoning Bylaws, Town Ordinances and all other Bylaws and regulations enacted to implement the Plan.
3. To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent over-crowding of the land and undue congestion of population.
4. To guide public and private policy and action in order to provide adequate and efficient transportation, water, wastewater disposal, school, parks, playgrounds, recreation, and other public requirements and facilities.
5. To provide the most beneficial relationship between the uses of land and buildings, and the circulation of traffic throughout the Town, having particular regard to the avoidance of congestion in the roads and highways.
6. To insure that public facilities are available and will have a sufficient capacity to serve any subdivision.
7. To prevent the pollution of air, streams, ponds, ground water and Lake Champlain; to assure the adequacy of drainage facilities; to safeguard the water tables; and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community and the value of the land.
8. To preserve the natural beauty and topography of the Town and to insure appropriate development with regard to these natural features.
9. To further the purposes contained in the Vermont Planning and Development Act, and in particular, those purposes set forth in Section 4302 of the Act.

## 7.5 ADMINISTRATION

The Grand Isle Subdivision Regulations (Regulations) are administered by the Development Review Board. Any proposal to divide any lot or plat of land must be submitted to them for review and approval. The DRB has authority to approve or disapprove applications for development of all plats of land.

## 7.6 WAIVERS

The DRB may waive, or vary subject to appropriate conditions, the provisions of any or all improvements and application submission requirements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety and general welfare, or which in its judgment are inappropriate because of an inadequacy or lack of connecting facilities adjacent to or in proximity to the subdivision. In granting waivers or variances, the DRB may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived or varied. No such waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of the Town Plan.

## 7.7 APPLICATION FEES

Upon submission of an application for subdivision approval, the subdivider must pay the application fee as established by the Selectboard. Such fee must include the costs of publication, public hearings, administrative review, and for periodic inspection by the Town retained Consultants during the installation of public improvements.

## 7.8 TYPES OF SUBDIVISION

For the purposes of these Regulations, proposals to subdivide fall into three categories:

Single Lot Subdivision: Dividing one lot into two.

Minor Subdivision: Any subdivision containing more than two (2) lots but less than four (4) lots, including all lots created from a single parcel within the last five (5) years regardless of change of ownership.

Major Subdivision: Any subdivision containing four (4) or more lots, including all lots created from a single parcel within the past five (5) years, regardless of change of ownership.

## 7.9 GENERAL PLANNING AND EVALUATION STANDARDS

The DRB must evaluate any single lot, minor or major subdivision in accordance with the following standards. The DRB may require the subdivider to submit data addressing the impacts related to these standards. Based on their comparison of the project to these standards, the DRB may require modification and phasing of the proposed subdivision or correction of any adverse impacts.

### 7.9.1 SINGLE LOT SUBDIVISION

- There is sufficient water available for the reasonably foreseeable need of the proposed Development. State well drilling records may be used to project the adequacy of supply. (May be deferred to a later time if a Wastewater System and Potable Water Supply Permit is issued.)
- There is a suitable area on the lot for wastewater system installation. (May be deferred to a later time if a Wastewater System and Potable Water Supply Permit is issued.)

- The land is not unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas.
- The proposal provides for the preservation and protection of existing features, trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources and historical resources.
- The proposed development is in compliance with the Town Plan, Zoning Bylaws and other ordinances then in effect.
- Any portion of the proposed development located in a flood plain will be developed only in compliance with appropriate regulations for areas of special flood hazard.

#### 7.9.2 MINOR SUBDIVISION

All of the Standards shown under Single Lot Subdivision plus:

- The proposal includes adequate provision for the control of runoff and erosion during and after construction.
- The proposed development is compatible with surrounding properties.
- The proposal contains adequate provision for pedestrian traffic in terms of safety, convenience, access to points of destination and attractiveness.
- All proposed roads within the development have been reviewed by the Development Review Board according to the Private Road Standards in Appendix B and local or State access permits obtained prior to Final Plat Review.

#### 7.9.3 MAJOR SUBDIVISION

All of the Standards shown under Single Lot and Minor Subdivisions plus:

- The proposal includes sufficient open space for active and passive recreation.
- The site is suitable for the proposed density.
- The anticipated tax return from the proposed development is equal to or greater than the cost of increased municipal services and facilities directly attributable to the proposed development, and the proposed development does not place an unreasonable burden on the ability of local governmental units to provide municipal governmental, or educational services and facilities. (Grand Isle Capital Plan is required to address this item.)
- The proposed development does not cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town.

### 7.10 STANDARDS FOR EVALUATION OF REQUIRED IMPROVEMENTS

The following standards apply to relevant features of a subdivision design as presented to the DRB.

#### 7.10.1 ROADS

All public roads and road cuts on town roads within the Town of Grand Isle are under the jurisdiction of the Selectboard. Any street proposed for dedication to the Town must be constructed in accordance with the standards set forth in the Town Ordinance for the Acceptance of Public Highways. Any new road, whether or not that road is proposed to be conveyed to the Town, shall be constructed according to the minimum standards of the Town Road and Bridge Standards of the Town of Grand Isle as adopted by the Selectboard. All roads are deemed to be private roads until formally accepted by the Selectboard.

In order to regulate the construction of new private roads, to evaluate pre-existing private roads and to enact standards in order to protect the public and safety by promoting effective access by police, fire and rescue responders, all proposed private roads within a proposed subdivision must comply with the requirements and standards set forth in Appendix B.

#### 7.10.2 PEDESTRIAN ACCESSES

This section applies only to major and minor subdivisions.

The DRB may require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width. Easements must be indicated on the plat.

#### 7.10.3 SITE PRESERVATION AND LANDSCAPING

This section applies to all subdivisions.

##### 7.10.3.1 EROSION AND SEDIMENT CONTROL

This section applies to all subdivisions.

All areas exposed during construction must be protected in accordance with standards of the Soil Conservation Service, and the Agency of Environmental Conservation.

##### 7.10.3.2 STORM DRAINAGE

In addition to the following subsections, the subdivider must comply with Appendix C of these Bylaws and Regulations.

###### 7.10.3.2.1 REMOVAL OF SPRING AND SURFACE WATER

The subdivider must remove, by pipe or by open ditch, spring or surface water that may exist, either previous to, or as a result of, subdivision. Such drainage facilities must be located in the road right-of-way where feasible, or, in unobstructed easements not less than twenty (20) feet in width. In design of the drainage system, natural waterways must be utilized to the fullest extent possible.

###### 7.10.3.2.2 ACCOMMODATION OF POTENTIAL DEVELOPMENT UPSTREAM

Drainage facilities must be designed to accommodate potential run-off from the entire upstream drainage area, based on conditions of total potential development.

###### 7.10.3.2.3 RESPONSIBILITY FOR DRAINAGE DOWNSTREAM

Where it is anticipated that additional run-off from the subdivision will overload an existing downstream drainage facility so that there will be drainage onto private property, or an increase in the expenditure of public funds, the DRB may require the subdivider to design and implement facilities to correct such downstream overloads.

###### 7.10.3.2.4 FIFTY (50) YEAR STORM

All drainage facilities and easements must be based on a fifty (50) year storm.

#### 7.10.4 WATER SUPPLY

This section applies to all subdivisions.

#### 7.10.4.1 COMMUNITY SYSTEMS

The DRB may allow that the proposed development be serviced by a community water system which must be designed and installed in accordance with all applicable Municipal and State regulations and standards.

#### 7.10.4.2 INDIVIDUAL WATER SUPPLIES

If the proposed subdivision is to be serviced by individual wells, the subdivider must provide information such as Vermont State well drilling records as to location and availability of potable water in adequate quantities.

#### 7.10.4.3 MUNICIPAL WATER SYSTEMS

If the proposed subdivision is to be served by a municipal water system, the subdivider shall provide a letter of intent from the municipal water district and provide the municipal water district an easement to any curb stop not included in a right-of-way easement. When the subdivision proposes to construct a waterline that has the capability of supplying more than one residence, the subdivider must provide a letter of approval from the municipal water district as to the construction specifications, the water capacity allotments and any proposed utility easement.

#### 7.10.4.4 DEFERRAL OF PERMITS DURING SUBDIVISION PROCESS ONLY

During the subdivision process, a subdivider may defer meeting requirements for water supply and wastewater disposal. However, before construction commences all permits must be in place. Deferral of Permits during the Subdivision process are as follows:

Water Supply - The subdivider will notify the DRB in writing, at the time of the Final Plat Application, that they intend to defer meeting water supply requirements in conformance with Section 1-403(5) of the Wastewater System and Potable Water Supply Rules, effective September 29, 2007, or as revised from time to time by the Vermont Department of Environmental Conservation. This notification must be recorded in the deeds for the subdivided properties and included in the Town Records. The ZAO may not issue a building permit for the lot until requirements for water supply have been satisfied.

Wastewater Disposal - As determined by the Vermont Agency of Natural Resources, Department of Environmental Conservation, Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules, effective September 29, 2007, or as revised from time to time.

#### 7.10.4.5 WASTEWATER DISPOSAL

This section applies to all subdivisions. Wastewater Disposal shall be regulated by the Vermont Agency of Natural Resources, Department of Environmental Conservation, Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules, effective September 29, 2007, or as revised from time to time.

##### 7.10.4.5.1 COMMUNITY SYSTEMS

The DRB may allow that the proposed development be serviced by a community wastewater disposal system if permitted by the State regulations.

##### 7.10.4.5.2 INDIVIDUAL SYSTEMS



Individual wastewater disposal systems must meet the requirements of State Regulations and Standards. Deferral permits may be utilized. See Section 7.10.4.4.

#### 7.10.5 UTILITIES

##### 7.10.5.1 UNDERGROUND LOCATION

When the subsurface structure allows underground placement, all utility systems, including but not limited to electric, gas, telephone and cable TV, should be located underground throughout the subdivision. All utility systems, existing and proposed throughout the subdivision must be shown on the final plat. The subdivider must coordinate subdivision design with the utility companies to insure adequate and suitable areas for installation.

##### 7.10.5.2 EASEMENTS

Easements of sufficient width must be provided so as to serve the proposed subdivision. Such easements must be shown on the final plat.

#### 7.10.6 LOT LAYOUT AND OPEN SPACE

This section applies to all subdivisions.

##### 7.10.6.1 ZONING BYLAWS

The layout of lots must conform to the requirements of the Town of Grand Isle's Zoning Bylaws. Lot corners must be marked with monuments, pins or other permanent markers prior to property transfer.

##### 7.10.6.2 CORNER LOTS

Corner lots must have sufficient width to permit a front yard setback on each road.

##### 7.10.6.3 SIDE LOT LINES

Side lot lines should generally be at right angles to straight roads, or radial to curved road lines.

##### 7.10.6.4 LOT SIZE

Lots must be no less than one (1) acre to provide satisfactory water supply and wastewater disposal and to comply with setback standards and aesthetic considerations. Where cluster-housing concept is used, density must not exceed an average of one (1) unit per acre, with exemptions made for PUD and HPUD.

##### 7.10.6.5 OPEN SPACE

The DRB must encourage lot layout that will preserve open space areas for agricultural use and scenic views. Insofar as possible, Planned Unit Developments must provide and maintain such open space.

##### 7.10.6.6 TOPOGRAPHY

Consideration in lot layout must be given to topographic drainage and soil conditions.

##### 7.10.6.7 ACCESS

Lots should be laid out so as to avoid direct access to heavily traveled roads or highways.

#### 7.10.7 PARKS AND SCHOOL SITES

This section applies to major subdivisions only.

#### 7.10.7.1 PARKS

The DRB, pursuant to 24 V.S.A. Section 4417 (as may be amended) may require the dedication of land for public recreation purposes upon approval of the Selectboard. All such land must be of a reasonable character for park or other recreational uses.

#### 7.10.7.2 PAYMENT IN LIEU OF PARKS

In cases where the DRB determines that a suitable park cannot be properly located within a plat or is otherwise not practical, the DRB may require a payment in lieu of land. The amount of such payment must be determined by the Selectboard and use of any payment must serve the recreational needs of the Town.

#### 7.10.7.3 SCHOOL SITE

When a development composed of one (1) or more plats is capable of supporting more than 100 dwelling units, the DRB may require the designation of a necessary public school site within the plat or a payment in lieu thereof. The amount of such payment must be determined by the Selectboard.

### 7.11 SKETCH PLAN REVIEW

#### 7.11.1 SKETCH PLAN APPLICATION REQUIREMENTS

The following must be submitted with the formal sketch plan review application:

1. An original and six (6) copies of all documents;
2. One full set of full size (24" x 36") and six full sets of reduced (11" x 17") copies of the sketch of the proposed subdivision.
3. Proof of payment of an application fee, the amount to be determined by the Selectboard which will cover costs of publication and public hearings.

The ZAO will classify the proposed project as a Single Lot, Minor or Major subdivision. This classification is subject to modification by the DRB in the sketch plan review meeting.

#### 7.11.2 SKETCH PLAN REQUIREMENTS

For a Single Lot subdivision, the sketch of the project must contain the following:

1. Name and address of owner of record, the subdivider, and the applicant if different.
2. Boundaries and area of proposed subdivision.

For projects which the subdivider or ZAO considers may become Major or Minor subdivisions, sketches must contain items 1-2 from above plus:

3. Location map, showing relation of proposed subdivision to adjacent property and surrounding area as well as boundaries and area of all contiguous land, including land separated by a public right-of-way, belonging to the owner of record.
4. Existing and proposed layout of the property lines and the type and location of existing and proposed restrictions on land, such as easements.
5. Type, location, and approximate size of existing and proposed roads, utilities, and open space.
6. Date, true north arrow and scale (numeric and graphic).
7. Delineation of significant physical features such as wooded areas, water courses or drainage ways, wetlands and geological outcroppings in the area to be developed.
8. Means of wastewater disposal in accordance with State law.

### 7.11.3 SKETCH PLAN REVIEW MEETING

A sketch plan review is not a hearing and is only for the purpose of developing a preliminary understanding of the proposed project and allowing the DRB to classify the project. The applicant or his representative must attend the meeting of the DRB on the sketch plan to discuss the requirements of these Regulations for road, improvements, drainage, sewerage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information. This meeting should be viewed by both the applicant and the DRB as an opportunity for a free exchange of ideas and concerns.

### 7.11.4 CLASSIFICATION

The DRB will classify the sketch plan at the meeting as a Single Lot subdivision, a Minor subdivision or a Major subdivision based upon these Regulations.

### 7.11.5 DRB RESPONSE AND RECOMMENDATIONS TO APPLICANT

The DRB will study the sketch plan to determine if there are any conflicts with the Plan, the Zoning Bylaws, and any other Regulations and may make specific recommendations for change in subsequent submissions. Such written recommendations must be sent to the applicant within fourteen (14) days of the expiration of the meeting, or meeting continuation. The DRB may also require, if necessary for the protection of public health, safety, and welfare, that a minor subdivision comply with all, or some, of the requirements specified in these Regulations for major subdivisions.

## 7.12 PRELIMINARY PLAT

### 7.12.1 PRELIMINARY PLAT APPLICATION REQUIREMENTS

A preliminary plat is not required for a single lot or minor subdivision. The subdivision process proceeds directly from sketch plan review to final plat review for those projects.

To proceed with a major subdivision the applicant must submit a formal application for Preliminary Plat Approval to the DRB. This application must be submitted within six (6) months from the date that the DRB classifies the project as a major subdivision at the sketch plan review or a new sketch plan must be submitted for comparison with any changes to the Regulations.

The following must be submitted with the formal preliminary plat application:

1. An original and six (6) copies of all documents including a list of waivers, if any, the subdivider desires from the requirements of these Regulations and the Zoning Bylaw.
2. One full set of full size (24" x 36") and six full sets of reduced (11" x 17") copies of the preliminary plat project map of the proposed subdivision made to the requirements shown in Section 7.12.2, Preliminary Plat Project Map Requirements.
3. Proof of payment of an application fee, the amount to be determined by the Selectboard which will cover costs of publication and public hearings.

### 7.12.2 PRELIMINARY PLAT PROJECT MAP REQUIREMENTS

The preliminary plat project map consists of the dimensioned drawings printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale which allows accurate examination of the features of the subdivision, accompanied by the following information:

1. Proposed subdivision name or identifying title and the name of the town.

2. Name and address of record owner, subdivider and designer of the preliminary plat project map.
3. Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, water-courses, and other essential existing physical features.
4. All parcels immediately adjacent to the proposed subdivision, including those separated by a public right-of-way, and the names of owners of record of such adjacent acreage.
5. The provisions of the Zoning Bylaws applicable to the area to be subdivided and any Zoning District boundaries affecting the tract.
6. The location and size of any existing wastewater disposal systems, water sources, water mains, culverts and drains on the property to be subdivided.
7. Location, names and present widths of existing and proposed roads, highways, easements, building lines, alleys, parks, and other public open spaces.
8. If the plat is a subsection of a larger parcel, an outline of the platted area together with its road system and an indication of the future probable road system of the remaining portion of the larger parcel are required.
9. Contour lines at intervals of two (2) feet of existing grades and of proposed finished grades where change of existing ground elevations will be two (2) feet or more.
10. Typical cross sections of the proposed grading, roadways and sidewalks.
11. Date, true north point and scale.
12. Complete survey of subdivision tract by a licensed land surveyor.
13. Means of providing water supply to the proposed subdivision.
14. Means of wastewater disposal in accordance with State law.
15. Provisions for collecting and discharging storm drainage, in the form of drainage plan.
16. Preliminary designs of any bridges or culverts, which may be required.
17. The proposed lot lines with approximate dimensions and suggested locations of buildings.
18. The location of temporary markers adequate to enable the DRB to locate readily and appraise the basic layout of the subdivision.
19. Unless an existing road intersection is shown, the distance along a road from one corner of the property to the nearest existing road intersection must be shown.
20. All parcels of land proposed to be dedicated to common/public use and the conditions of such dedication.
21. The location of natural features or site elements to be preserved.
22. The segment of the Town of Grand Isle Zoning Map showing areas within two thousand (2,000) feet of the proposed subdivision.

The preliminary plat project map must generally conform to the sketch presented in the Sketch Plan Review and address any recommendations made by the DRB at that time. Recommendations may be dropped or upgraded to conditions.

### 7.12.3 PRELIMINARY PLAT PROJECT MAP PUBLIC HEARING

A public hearing on the preliminary plat project map must be held by the DRB within forty-five (45) days after the time of submission to the DRB by the ZAO of the preliminary plat application. The hearing must be warned in accordance with the public notice provisions of the Vermont Planning and Development Act, and notice of the meeting must be sent to those required to receive notice under the provisions of the Act. The applicant shall post a hearing notice on a form prescribed by the municipality, which shall include the date, place and purpose of the hearing, within view from the public right of way most nearly adjacent to the subject property. This notice shall be posted not less than 15 days prior to the date of the hearing. Failure to do so may void the hearing.

### 7.12.4 APPROVAL OF THE PRELIMINARY PLAT APPLICATION

Within forty-five (45) days of the completion of the preliminary plat project map public hearing, or any continuation thereof, the DRB must approve or disapprove said preliminary plat application, in a written decision. Any conditions on the approval as well as the grounds for disapproval must be included in that notice of decision. Failure of the DRB to act within this forty-five (45) day period may result in deemed approval of the preliminary plat application. Copies of the notice of decision must be sent to the applicant and posted at the Town Clerk's office for public review within the thirty (30) day appeal period.

Approval of the preliminary plat application will be documented by the signing and dating of the preliminary plat project map by the DRB Chairperson. Preliminary plat approval by the DRB does not constitute acceptance by the Town of any road, easement, utilities, park, recreational area or open space shown on the preliminary plat project map. Acceptance may only be accomplished by formal resolution of the Selectboard.

### 7.12.5 PHASING

At the time the DRB grants preliminary plat approval, it may require the subdivision to be divided into two (2) or more phases to be developed at separate times and may impose other conditions as it considers necessary to assure the orderly development of the plat. The final plat approval is dependent on meeting these conditions. A Grand Isle Capital Plan must be in place before phasing may be required.

### 7.12.6 EFFECT OF PRELIMINARY PLAT APPROVAL

Approval of a preliminary plat application does not constitute approval of the subdivision. Prior to approval of the final subdivision plat, the DRB may require additional changes as a result of further study. The approval of a preliminary plat application is effective for a period of six (6) months. If a preliminary plat does not receive final approval within six (6) months the subdivider must resubmit the preliminary plat application for approval which will be contingent upon its meeting any new Regulations approved within the six (6) months. If the DRB imposes phasing as a condition of preliminary plat approval it may extend the six (6) month effective period of preliminary plat approval.

## 7.13 FINAL PLAT

### 7.13.1 STANDARDS FOR FINAL PLAT APPROVAL

For a project to obtain final plat approval, it must meet the standards shown in Section 7.10.

### 7.13.2 FINAL PLAT APPLICATION REQUIREMENTS

To proceed with a single lot or a minor subdivision, the subdivider must submit a formal application to the DRB. This application must be submitted within six (6) months from the date that the DRB classifies the project at the sketch plan review or a new sketch plan must be submitted for comparison by the DRB to any changes to the Regulations.

To proceed with a major subdivision the applicant must submit a formal application to the DRB. This application must be submitted within six (6) months from the date that the DRB approves the Preliminary Plat project map or a new Preliminary Plat project map must be submitted for comparison by the DRB with any changes to the Regulations. It must conform to the layout shown on the preliminary plat project map plus any conditions required by the DRB. If phasing was a requirement of preliminary plat approval, a separate final plat application must be filed for each section within the time periods imposed in the preliminary plat approval.

The following must be submitted with the formal final plat application:

1. An original and six (6) copies of all documents including a list of waivers, if any, the subdivider desires from the requirements of these Regulations and the Zoning Bylaws.
2. One full set of full size (24" x 36") and six full sets of reduced (11" x 17") copies of the final plat project map of the proposed subdivision made to the requirements shown in Section 7.13.3, Final Plat Project Map Requirements.
3. Proof of payment of an application fee, the amount to be determined by the Selectboard which will cover costs of publication and public hearings.

In addition to 1-3 above, there must be submitted to the DRB, with the application for Final Plat approval supporting documents such as those listed below which may have been required in either the sketch plan review or the preliminary plat approval.

1. Copies of proposed deeds, utility easements, agreements or other documents showing the manner in which road, open space, including park and recreational areas and school site areas, are to be dedicated, reserved and maintained and a certificate from the Selectboard or Town Attorney that these documents are satisfactory. Such certificate must not be construed, however, as acceptance by the Town of any areas proposed to be dedicated to the Town.
2. A performance bond or equivalent surety to secure completion of such improvements and their maintenance for a period of one (1) year, from completion with a certificate from the Selectboard that it is satisfied, either with the bonding or surety company, or with security furnished by the subdivider.
3. Proof of ownership showing title to all property and easements to be dedicated to the Town, proposed deeds conveying property or easements to the Town, and a draft of all restrictions of all types which will run with the land to be conveyed to the Town and become covenants.
4. Any other documents required by the DRB.

### 7.13.3 FINAL PLAT PROJECT MAP REQUIREMENTS

The final plat project map submitted must meet the following requirements:

1. Be clear and legibly drawn.
2. The size of all sheets must be of sufficient size to allow examination of the features of the subdivision.
3. There must be sufficient space reserved for endorsement by the DRB and all appropriate agencies.
4. The final plat project map must include the proposed subdivision name or identifying title, the name of the municipality, the name and address of the record owner and subdivider, the name, license number and seal of the licensed land surveyor, the boundaries of the subdivision and its general location in relation to existing roads or other landmarks, scale, date and true north point, road names and lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
5. There must be sufficient data acceptable to the DRB to determine readily the location, bearing and length of each road line, lot line, and boundary line and to reproduce such lines upon the ground. These should be tied to reference points previously established by a public authority.
6. The final plat project map must include the length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each road, designation of all public open space, for which offers of cession are made by the subdivider, and those spaces title to which is reserved by the subdivider, lots within the subdivision numbered in numerical order within blocks, and blocks lettered in alphabetical order as well as the location of all the improvements referred to in Section 7.10, the location of all utility poles, underground lines, wastewater disposal systems, and rough grading and other devices and methods of drainage in the area within the subdivision.
7. The final plat project map must show permanent markers such as monuments or pins which must be set at all corners and angle points of the boundaries of the subdivision; those required by municipal specifications for new roads, at all road intersections, angle points in road lines, points of curve and such intermediate points as required by the engineer; and location of proposed permanent markers for all lot corners.

### 7.13.4 FINAL PLAT PUBLIC HEARING

A public hearing must be held by the DRB within forty-five (45) days after the time of submission to the ZAO of an application for final plat approval of any subdivision. This hearing must be warned in accordance with the public notice provisions of the Vermont Planning and Development Act, and notice of the meeting must be sent to those required to receive notice under the provisions of the Act. The applicant shall post a hearing notice on a form prescribed by the municipality, which shall include the date, place and purpose of the hearing, within view from the public right of way most nearly adjacent to the subject property. This notice shall be posted not less than 15 days prior to the date of the hearing. Failure to do so may void the hearing process. The DRB must, within forty-five (45) days after the completion of the public hearing, including continuations, approve or disapprove the final plat application in a written decision. Failure to act within forty-five (45) days may result in deemed approval.

#### 7.13.5 APPROVAL OF THE FINAL PLAT APPLICATION

Approval of the final plat application will be documented by the signing and dating of the final plat project map by the DRB Chairperson. Final plat approval by the DRB does not constitute acceptance by the Town of any road, easement, utilities, park, recreational area or open space shown on the final plat project map. Acceptance may only be accomplished by formal resolution of the Selectboard.

#### 7.13.6 PROCESS FOR FILING THE MYLAR OF THE FINAL PLAT PROJECT MAP

Within one hundred eighty (180) days of the approval of the final plat application, the final plat project map must then be transferred to a Mylar (one copy) which conforms to the standards of 27 V.S.A. Chapter 17 including that the Mylar must be clearly and legibly drawn and be 18 x 24 inches in size. Space must be reserved for endorsements by all appropriate agencies. The Mylar must be submitted to the DRB.

The Chairperson of the DRB will review the Mylar for conformance to the final plat project map that was approved in the final plat application hearing. If agreeable, the Chairperson will sign and date the Mylar. The Mylar will then be transmitted to the Town Clerk for recording in the office of the clerk of the Town.

Final approval will expire one hundred eighty (180) days from the approval date of the final plat application unless, within that 180-day period the Mylar, signed and dated by the DRB Chairperson, is duly filed or recorded in the office of the clerk of the Town.

The zoning administrative officer may extend the date for submitting the Mylar by an additional ninety (90) days, if final local or state permits or approvals are still pending. After a Mylar signed and dated by the DRB Chairperson as approved is recorded, no expiration of that final plat approval shall be applicable.

If a Mylar is not duly filed or recorded in the office of the clerk of the Town as required by this section, the subdivider must resubmit a final plat application together with all required documents to the DRB for its approval which will be contingent upon the proposed project meeting any new Regulations approved in the interim. However, if 365 days or more have passed since the date of the written approval of the final plat application by the DRB, a subdivider must submit an application for sketch plan review to start the subdivision process over from the beginning.

#### 7.13.7 REVISIONS

No changes, erasures, modification, or revisions may be made which affects a recorded Mylar. Section 5.10 Boundary Adjustments governs adjustments to a recorded Mylar.



## 8. DEFINITIONS

Act	The Vermont Planning and Development Act. 24 V.S.A. Chapter 117
Accessory Structure	A structure, incidental and subordinate to the principal structure and located on the same lot.
Accessory Use	A use of land or of a building or portion thereof, incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.
Agricultural Use	Land used for cultivating the soil and producing crops or raising livestock for the purpose of economic gain, including the sale of such farm crops, horticultural products, livestock or forest products raised on the property. See 10 V.S.A. Section 6001 (22)
Agribusiness	A business providing goods or services to agricultural uses and including marketing outlets for agricultural products and supplies, such as farm co-operatives, feed and supply stores, farm equipment establishments, commercial greenhouses and nurseries, boarding stables, feedlots, slaughter houses and the like.
Applicant	The legal owner or their agent.
Bed and Breakfast	A building where sleeping accommodations and a light breakfast meal are provided for up to eight (8) people for a fee. More than eight (8) persons constitute a hotel or motel.
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.
Business/ Professional Office	Includes bank, consulting firm, insurance agency, professional or real estate office and similar commercial establishments providing services to individuals, institutions, industries or other businesses. Includes use by building trade businesses for administrative tasks such as blueprint generation, contract writing, meetings with clients, etc. This does not include storage or assembly of trade/construction material.
Campgrounds	A place or business providing tenting or recreational vehicle access and accommodations for camping purposes, where money or other valuable consideration is exchanged for such use.
Commercial	An activity involving the provisions of facilities, goods or services (other than by municipal, state or federal governments) to others in exchange for payment of purchase price, fee, contribution or other object or consideration having value.
Community Water System	Any water system, other than a municipal water system, owned by the same person or persons, that supplies water for domestic, commercial, industrial, or institutional uses to two (2) or more users or customers.
Construction	Exterior substantial improvements or new assembly or placement of a structure on a site, including site preparations, excavation and grading related thereto.
Deck/Porch	A deck is a structure composed of supporting members covered by flooring. It may be attached to a dwelling or free standing either close to or distant from the dwelling. If the deck is attached to the dwelling with direct access from the dwelling and is roofed it becomes a porch. The porch may have screened or solid sidewalls. If the solid sidewalls occupy over fifty (50) percent of the wall area or the area is heated or air-conditioned, the porch is classified as a room.
Density	The number of habitations or primary structures allowed per acre. This number is determined by the minimum lot size set for each Zoning District.

Driveway	A traveled way which connects the interior of a lot, and may connect access to single or multiple structures, to a private road or public highway. A shared driveway connects the interior of two (2) lots to a private road or public highway. Access to three (3) or more lots constitutes a Road.
Dwelling	A building designed or used as the seasonal or permanent living quarters for one (1) or more families (one (1) family domiciled per dwelling unit). For the purpose of this definition, a "family" means one (1) or more persons living as a household (dwelling) unit, but not including individuals or groups occupying rooming and boarding houses, clubs, motels or hotels. A group or community care home serving not more than eight (8) persons who are developmentally disabled or physically handicapped (i.e.: State licensed class F or G Group Homes) is considered a single family dwelling (and is regulated in the same manner as a single family dwelling), except that no such home will be defined in this manner if it is located within one thousand (1,000) feet of another such home.
Dwelling, Accessory	See Section 4.5.1 herein.
Dwelling, Seasonal	A structure which is not a primary residence and is not occupied for more than six (6) months of the year.
Dwelling, Single Family	Living quarters with cooking and toilet facilities provided within a dwelling unit for the use of a single family maintaining a household.
Dwelling, Two (2) Family	One or more buildings on a lot with two living quarters as defined in single family dwelling.
Dwelling, Multi Family	A building containing three or more individual living quarters as defined in single family dwelling.
Excavation	Any breaking of ground and extraction or movement of earth or rock or any alteration of existing drainage patterns which substantially affects adjacent properties. Common agricultural tillage, ground care, gardening or excavating in cemeteries are exempt from these Bylaws.
Fence	A barrier of wooden posts, wire, iron, etc., used as a boundary or means of protection, confinement, or decoration. Dry laid stone walls are treated the same as a fence.
Final Subdivision Project Map	The final drawing on which the subdivision is presented to the Development Review Board for approval and which, if approved, is transferred to a Mylar for record with the Town Clerk.
Frontage	The boundary of a lot on an improved street, road or other legally approved access.
Gas Station	A place or business providing motor vehicle fuels, lubricants and related products and accessories, or which has facilities for servicing motor vehicles. A gas station may provide general repairs, maintenance and sales incidental to the operation of motor vehicles, but is distinguished from an establishment which has as its principal activity major repair, body work or vehicles and parts sales. (See INDUSTRIAL)
Highway	A public roadway, which has been designated as a Town Highway by assignment of a Town Highway Number or as a State highway.
Historical Planned Unit Development	A parcel of land, with or without a building or buildings, which parcel or buildings are listed, or are eligible for listing, on the National Register of Historic Places. The project may include any combination of commercial uses, recreational uses, educational or community facilities or dwelling units in semi-detached or multi-storied structures.

Home Occupation	An occupation carried on in a minor portion of a dwelling or a structure, which is accessory to the dwelling which occupation is customary in residential areas, is incidental and subordinate to the use of the premises for dwelling purposes, and which does not alter the character of the dwelling or the area.
Hotel and Motel	A building or buildings containing rooms which are rented as sleeping units for the traveling public.
Industrial	Includes manufacturing and/or warehousing, and major vehicle or equipment repair establishments (such as body shops, electrical, mechanical & chassis repair shops, but not gas stations). See Section 5.2.1
Interested Person	A party who may legally appeal to the Development Review Board or to the appropriate State Court as prescribed by the Act, Section 4465, generally including any of the following: the party owning title to the subject property, or the designated agent of said party; property owners in the immediate neighborhood; any ten (10) voters or real property owners in the Town who file a petition with the Development Review Board; any person(s) who can demonstrate to the satisfaction of the DRB a physical or environmental impact on the person's interest under criteria reviewed, the Selectboard of the Town, or of any adjoining town; and certain State Agencies.
Land Development	The division of a parcel of land into two (2) or more parcels; new construction, substantial improvement, replacement or relocation of any structure; enlargement of any mining, excavation or landfill; and any change in the use of any structure, land or extension of use of land (See also definitions of "Substantial Improvement" herein and "Land Development" in the Act, Section 4303).
Lot	A parcel of land occupied or to be occupied by a principal building or use and its accessory building(s) or uses(s), which, together with the required setbacks, has not less than the minimum area, width and depth required for the District in which it is located.
Marina	A place or business on the lakeshore providing sales, servicing and/or rental of five (5) or more boats. For the purpose of this definition, "servicing" includes the commercial provision of dockage, moorings, or access to such facilities, in addition to gas, repairs, etc.
Mobile Home	A structure or style of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, includes plumbing, heating, cooling, and electrical systems, and is: transportable in one or more sections; and at least eight feet wide or 40 feet long or when erected has at least 320 square feet or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or any structure that meets all the requirements of this subdivision (10 V.S.A. 6201(1)) except for size and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the standards established under Title 42 of the U.S. Code. 10 V.S.A. 6201(1).

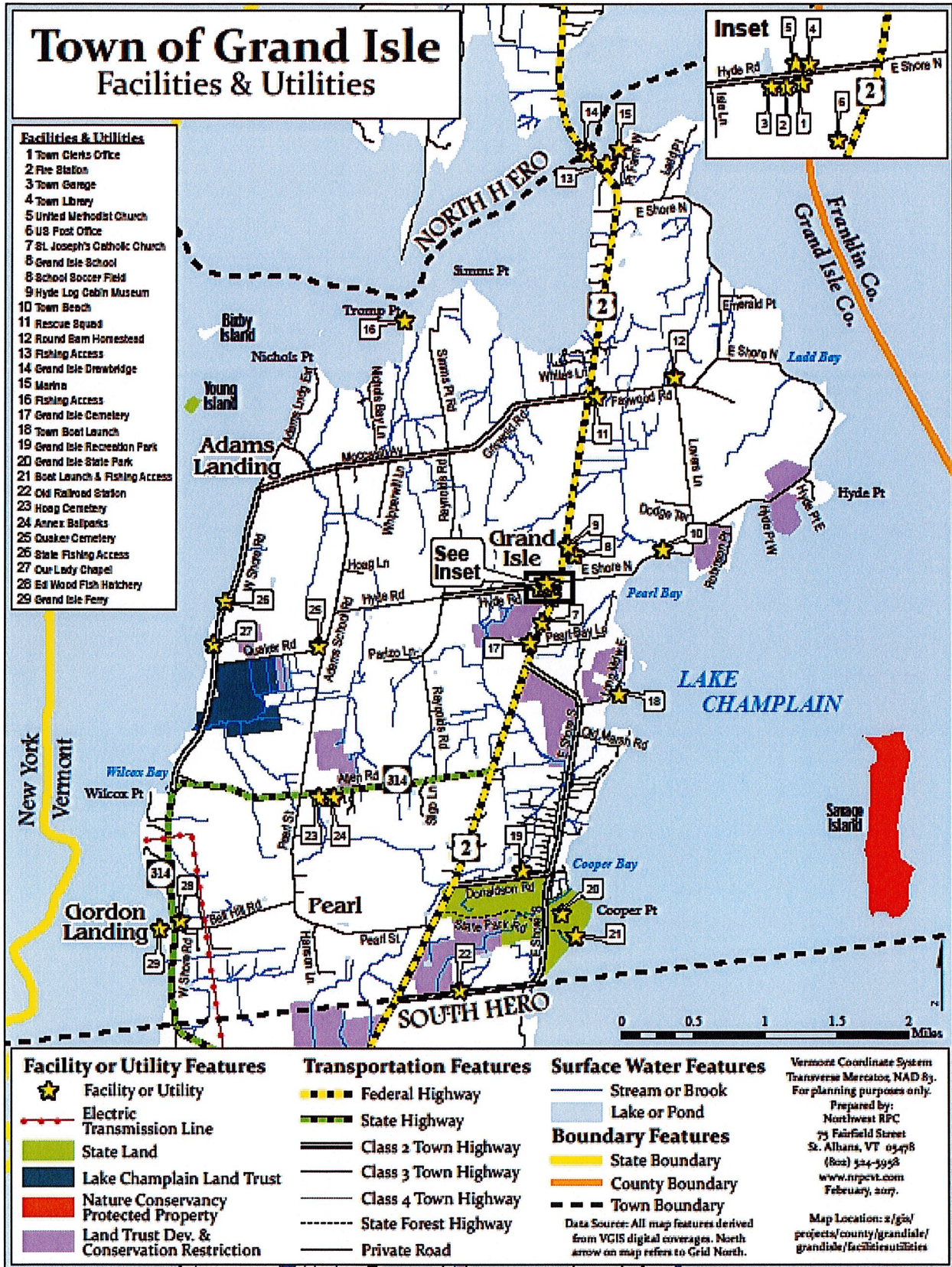
Mobile Home Park	Any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate, more than two mobile homes. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes. Mobile Home Park does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes. 10 V.S.A. 6201(2).
Modular (or Prefabricated Housing)	A dwelling unit constructed on-site and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Also, a factory-built structure which is manufactured or constructed to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have permanently attached to its body or frame any wheels or axles.
Non-Conforming Structures	A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances and regulations prior to the enactment of the present bylaws; including a structure improperly authorized as a result of error by the administrative officer.
Non-Conforming Use	A use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances and regulations prior to the enactment of the present bylaws; including a use improperly authorized as a result of error by the administrative officer.
Non-Conforming Lot or Parcel	Lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer.
Non-Conformity	A non-conforming use, structure, lot or parcel.
Non-Profit Club	A building, or use, catering exclusively to members and their guests for recreational, educational, civic, religious, fraternal, or other non-profit purposes.
Parking Space	An off-street area other than a loading space of not less than 9 feet wide by 18 feet long or one hundred sixty-two (162) square feet exclusive of access and maneuvering area, ramps, landscaped areas, etc., to be used exclusively as a temporary storage space for one (1) motor vehicle at a time.
Permit	A written authorization issued by the town.
Person	Any institution, public or private corporation, individual, partnership, or other entity.
Personal Service Establishment	Includes barbershop, beauty parlor, laundry, photographic studio and similar businesses providing services of a personal nature.
Phasing	Distinct stage or process of development.
Plan	The Town Plan of the Town of Grand Isle.

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, parking, required common open space, or other standards. See also the Act, Section 4417.
Plat	A site development plan map including all of the information required and prepared for filing, under the proper procedural steps, with the Town Clerk.
Plot	A lot, for the purposes of these Bylaws.
Porch	See DECK/PORCH.
Preliminary Plat Project Map	The preliminary drawings for a major subdivision indicating the proposed layout of the subdivision to be submitted to the Development Review Board for its consideration.
Principal Structures/Use	A structure or use directly involved with the primary purpose of ownership on a particular lot, which, together with its accessory structures/uses, constitutes all structures and uses for said lot.
Private Road	Any street that provides access to a single or multiple lots and is not designated as a Town Highway. The Town does not maintain private roads.
Public Road	A state highway as defined in 19 V.S.A. Section 1, or a Class 1, 2, 3 or 4 town highway as defined in 19 V.S.A. Section 302(a).
Public Facilities	Those facilities whose primary use is to provide for and/or be available for the purpose of education, recreation, water supply, wastewater disposal, fire protection, police protection, governmental administration, and like facilities.
Recreation - Indoor	Includes indoor bowling alleys, theaters, table tennis and pool halls, skating rinks, gymnasiums, swimming pools, hobby workshops, and similar places of indoor commercial recreation.
Recreation - Outdoor	Includes golf course, golf driving range, trap, skeet, and archery range, swimming pool, skating rink, tennis court, riding stable, park, beach, recreation stadium, skiing, campgrounds, boy's and girl's camps, and similar places of outdoor commercial recreation.
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.
Residential Development	An area of land controlled by a landowner, to be developed for three or more dwelling units, each having the minimum lot size and other dimensional requirements and meeting all other provisions contained in these Bylaws.
Restaurant	Includes diner, bar lounge, nightclub, cafe, deli, takeout, and any other establishment where food is prepared and sold directly to the public.
Retail Sales	Includes shops and stores for the sale of retail goods, such as grocery, hardware and general stores, and includes repair shops. "Retail Sales" includes the sale and minor servicing of motor vehicles, mobile homes and travel trailers, but not gas stations or major motor vehicle repair establishments. (See INDUSTRIAL)
Retaining Walls	A wall built to keep a bank of earth from sliding or water from flooding or eroding.

Road	Any road, highway, avenue, street, lane or other way between right-of-way lines commonly used for vehicular traffic.
Rooming and Boarding House	A building where more than two (2) but less than eight (8) persons, for a fixed period of time are supplied with or charged for meals or sleeping accommodations, or both.
Setback	The nearest distance between the "building face" of a structure and a public or private road right-of-way, shoreline, or property line. For the purpose of this definition, a "building face" includes porches, patios, and decks whether enclosed or open, but does not include steps.
Sign	Any display or representation used or placed as an announcement, direction or advertisement. The word "placed", for the purpose of this definition, includes erected, constructed, or otherwise fastened, affixed or made visible in any manner whatsoever.
Site Plan	A development plan map showing, at an appropriate and consistent scale, all existing physical and man-made features, all property, easement, and right-of-way lines, all proposed structure locations and land use alterations, and any other information as may be required to determine compliance with the provisions of these Regulations.
Sketch Plan	An informal sketch of the proposed subdivision, the purpose of which is to enable the subdivider to reach general agreement with the Development Review Board as to the form of the subdivision and objective and requirements of these Regulations.
Social Service Establishment	These establishments include family childcare facilities, medical clinics, convalescent homes and similar human service/health care facilities, and group community homes, as classified by State Law.
Storage	The use of land and/or structures to store goods, equipment, or material of any type, on a commercial or non-commercial basis.
Storage/Repair	A storage space with additional function of repair and storage.
Structure	A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of the land or water. By this definition, all buildings are structures; however, not all structures are buildings. (See BUILDINGS)
Structure Height	The vertical distance measured from the average of the natural grade at the base of the structure to the highest point of such structure.
Subdivide	To divide land by sale, gift, lease, mortgage foreclosure, court-ordered partition, or filing of a plat, plan, or deed in the town records where the act of division creates one or more lots. 10 V.S.A. Section 1972(9); Environmental Protection Rules, effective September 29, 2007 or as thereafter amended, Section 1-201(a)(59).
Subdivider	Any person, firm, corporation, partnership, or association who lays out, for the purpose of sale or development or otherwise, any subdivision, or part thereof, as defined in these Regulations, either for himself/herself, or others. The term includes an applicant for subdivision approval.

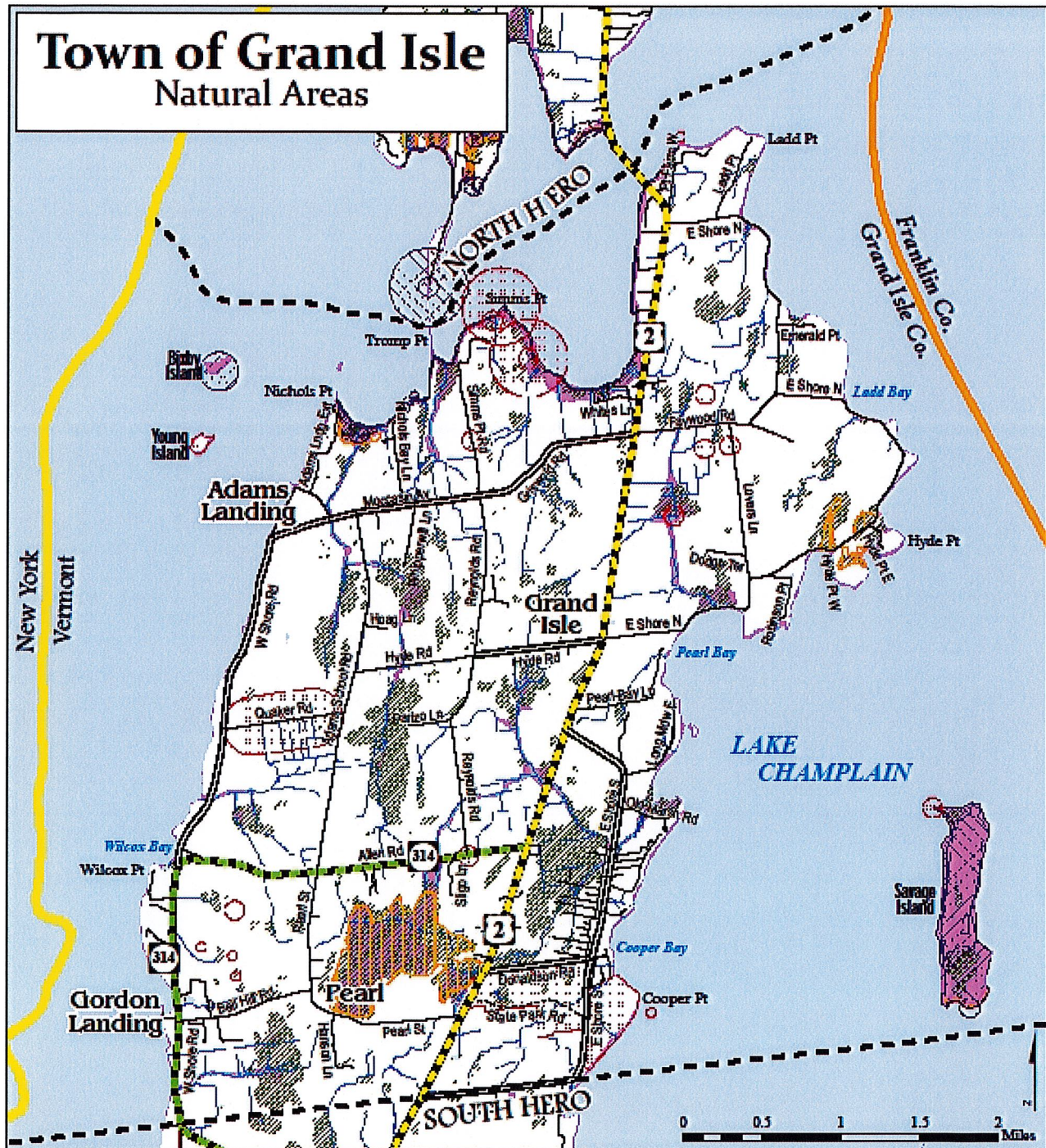
Subdivision	<p>Any land vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development. The term includes amended subdivisions.</p> <p>Subdivision shall be deemed to have occurred on the conveyance of the first lot or the filing of a plat, plan, or deed in the town records, whichever first occurs. A subdivision of land shall also be deemed to have taken place when a lot is divided by a state or municipal highway, road or right-of-way or when a lot is divided by surface waters with a drainage area of greater than ten square miles. A town boundary does not create a subdivision. A mortgage deed does not create a subdivision unless a foreclosure occurs that results in the division of land. Environmental Protection Rules, effective September 29, 2007 or as thereafter amended, Section 1-201(a)(59). See Bylaw Section 5.10 concerning boundary line adjustments.</p>
Substantial Improvement	Any exterior construction, reconstruction, addition, alteration or replacement of a structure which results in new floor space or building area.
Use	The specific purpose for which land or a building is arranged, designed or intended, or for which either land or building is or is intended to be occupied.
Wastewater Disposal System	As defined by the Vermont Agency of Natural Resources, Department of Environmental Conservation, Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules, effective September 29, 2007, or as revised from time to time
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 as grow food or crops in connection with farming activities.
Wireless Telecommunication Service	Any commercial mobile service, wireless service, common carrier wireless exchange service, cellular service, personal communication service (PCS), specialized mobile radio service, paging service, wireless data service, or public or private radio dispatch service.
Wireless telecommunication facility	Any tower or other support structure, including antennae, that will extend 20 or more feet vertically, and any accompanying structure, building, access road, service utility or equipment that broadcasts or receives radio frequency waves carrying wireless telecommunication services.
Wireless telecommunication service provider	Any person or entity providing wireless telecommunication services.
Yard	An open space on a lot, unoccupied by a structure from the ground upward, except as otherwise provided in these Bylaws. The required area of yards is determined with reference to the lot line and the "building face" in the same manner as the setback. (See SETBACK.)

9. MAPS





# Town of Grand Isle Natural Areas



### Threatened or Endangered Species Features

- Animal
- Natural Community
- Plant

### Boundary Features

- State Boundary
- County Boundary
- Town Boundary

### Transportation Features

- Federal Highway
- State Highway
- Class 2 Town Highway
- Class 3 Town Highway
- Class 4 Town Highway
- State Forest Highway
- Private Road

### Surface Water Features

- Stream or Brook
- Lake or Pond
- 100 Year Flood Zone
- Wetland

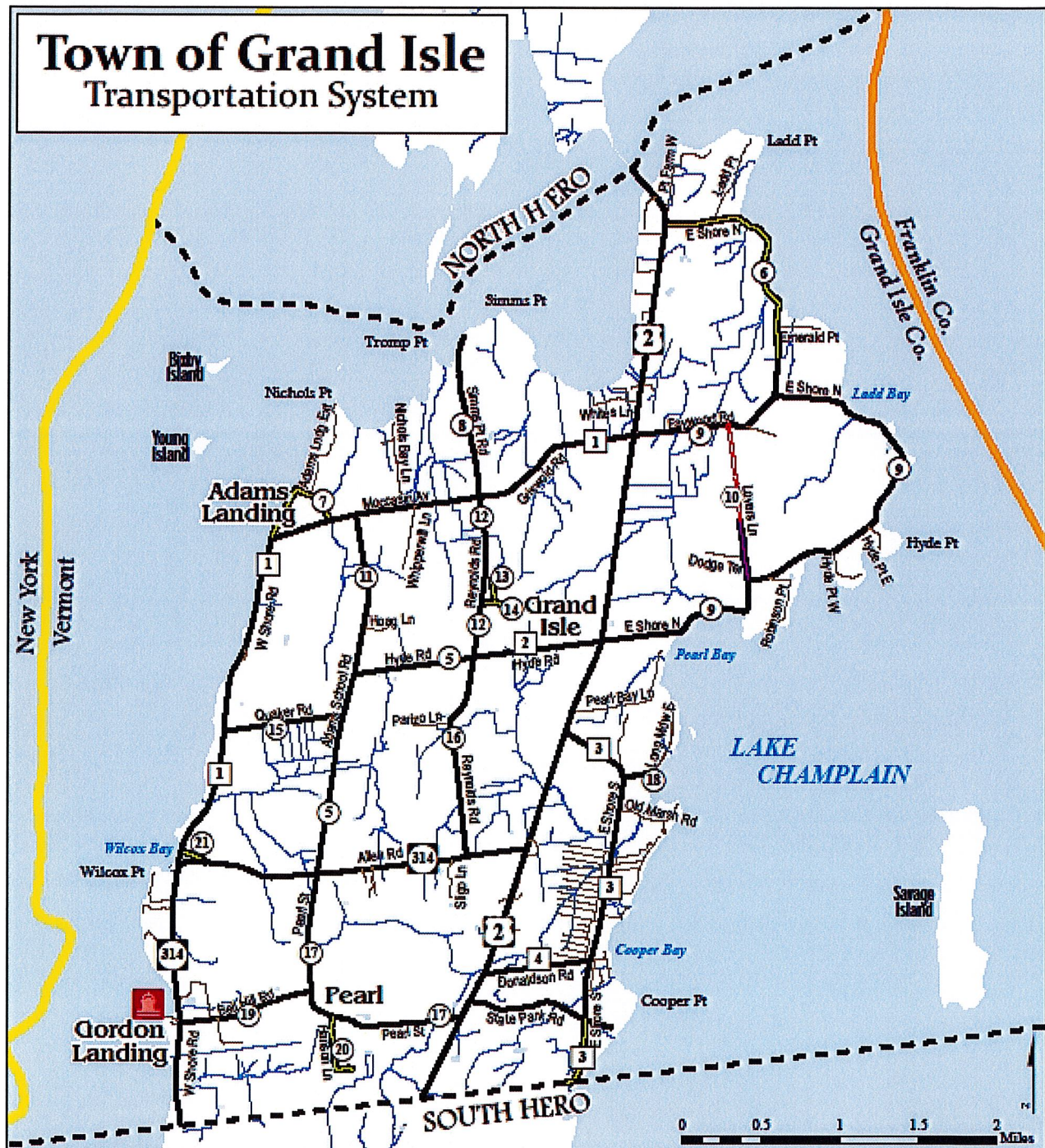
Data Source: All map features derived from VGIS digital coverages. North arrow on map refers to Grid North.

Vermont Coordinate System  
Transverse Mercator, NAD 83.  
For planning purposes only.

Prepared by:  
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February, 2017.

Map Location: z/gis/  
projects/county/grandisle/  
grandisle/natural areas

# Town of Grand Isle Transportation System



### Road Class Features

- U.S. Numbered Route
- State Numbered Route
- Class 2 Town Highway
- Class 3 Town Highway
- Class 4 Town Highway
- Ferry to Cumberland Head, NY

### Road Surface Features

- Class 2 Town Highway
- Class 3 Town Highway
- Class 4 Town Highway
- State Forest Highway
- Private Road

### Surface Water Features

- Stream or Brook
- Lake or Pond

### Boundary Features

- State Boundary
- County Boundary
- Town Boundary

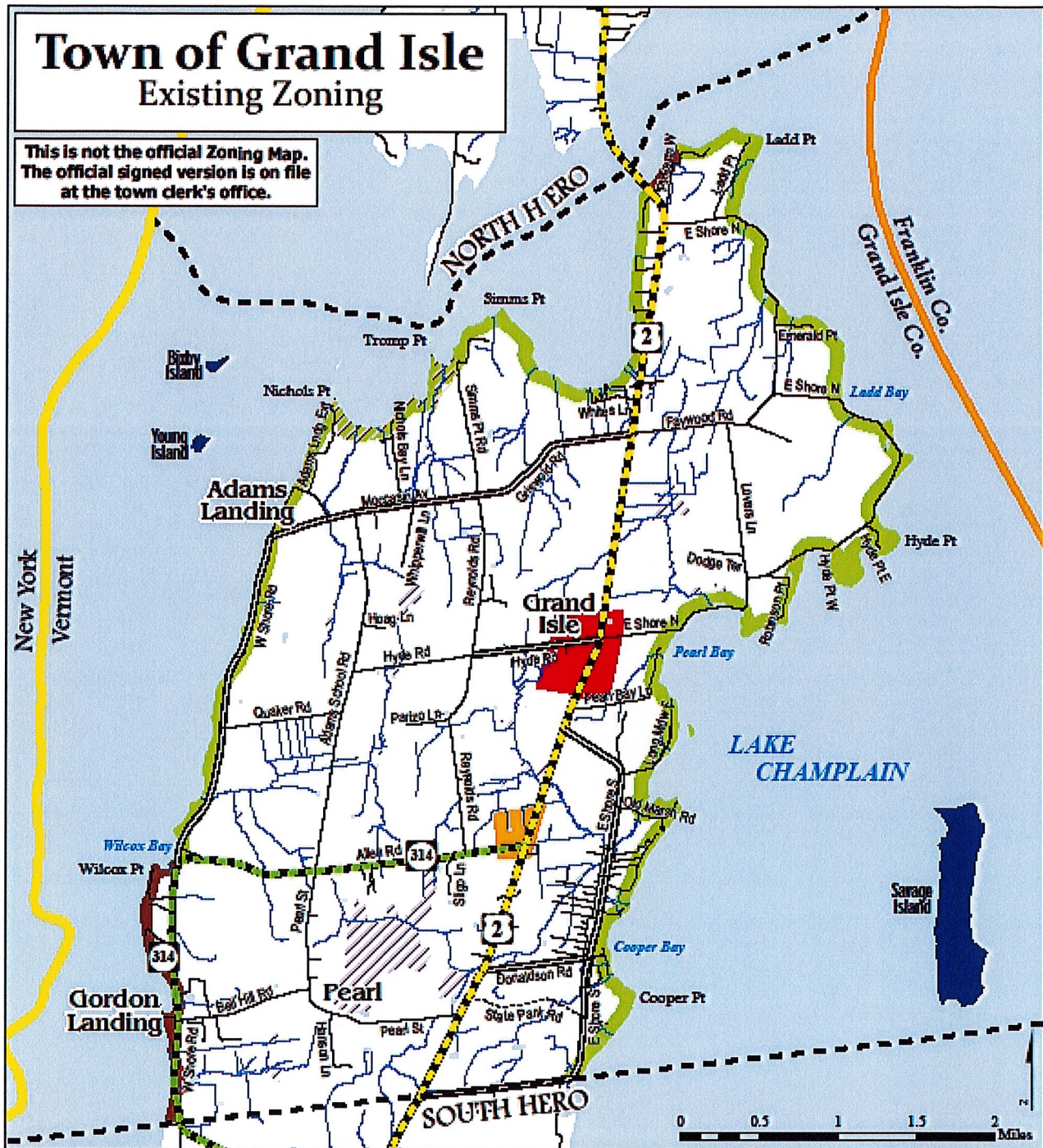
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February, 2017.

Data Source: All map features derived from VGIS digital coverages. North arrow on map refers to Grid North.



# Town of Grand Isle Existing Zoning

This is not the official Zoning Map.  
The official signed version is on file  
at the town clerk's office.



### Zoning Districts

- Village
- Commercial/Lt. Industrial
- Commercial
- Recreation Shoreline
- Residential Shoreline
- Rural Residential/  
Agricultural
- Small Off-Shore Islands
- Flood Hazard

### Transportation Features

- Federal Highway
- State Highway
- Class 2 Town Highway
- Class 3 Town Highway
- Class 4 Town Highway
- State Forest Highway
- Private Road

### Surface Water Features

- Stream or Brook
  - Lake or Pond
- ### Boundary Features
- State Boundary
  - County Boundary
  - Town Boundary

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Map Location: [s/gis/projects/county/grandisle/grandisle/existingzoning](#)

## 10. APPENDICES

### APPENDIX A: REGULATIONS FOR AREAS OF SPECIAL FLOOD HAZARD

#### I. STATEMENT OF PURPOSE

It is the purpose of these regulations to:

- A. Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and other flood related hazards; and
- B. Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property; and
- C. Manage all flood hazard areas designated pursuant to 10 V.S.A. §753; and
- D. Make the state, municipalities, and individuals eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

#### II. LANDS TO WHICH THESE REGULATIONS APPLY

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

#### III. DEVELOPMENT PERMIT REQUIRED

A permit is required, to the extent authorized by State law, for all proposed construction or other development, including the placement of manufactured homes, in areas of special flood hazard. Conditional use approval by the appropriate municipal panel is required for:

1. New buildings,
2. Substantial improvement of existing buildings, and
3. Development in a floodway prior to being permitted by the administrative officer. All development and subdivisions shall be reviewed to assure that such proposals minimize potential flood damage, public facilities and utilities such as sewer, gas, electrical, and water systems are constructed so as to minimize flood damage, and adequate drainage is provided to reduce exposure to flood hazards.

#### IV. PROCEDURES

- A. Prior to issuing a permit a copy of the application and supporting information shall be submitted by the administrative officer to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 V.S.A. §4424. 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.
- B. Adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section shall be notified at least 30 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the National Flood Insurance Program. Any permit issued shall assure

that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

- C. Proposed development shall be reviewed by the administrative officer or the appropriate municipal panel to assure that all necessary permits have been received from those government agencies from which approval is required by Federal, State or Municipal law.

#### V. BASE FLOOD ELEVATIONS AND FLOODWAY LIMITS

- A. 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.
- B. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, base flood elevations and floodway data provided by FEMA or available from State or Federal agencies or other sources, shall be obtained and utilized to administer and enforce these regulations.
- C. 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.

#### VI. DEVELOPMENT STANDARDS

##### A. FLOODWAY AREAS

- 1. Development within the regulatory floodway, as determined by Section V.A, is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a registered professional engineer certifying that the proposed development will result in no increase in flood levels during the occurrence of the base flood.
- 2. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

##### B. FLOODWAY FRINGE AREAS (I.E., SPECIAL FLOOD HAZARD AREAS OUTSIDE OF THE FLOODWAY)

###### 1. ALL DEVELOPMENT

All development shall be reasonably safe from flooding and:

- (a) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,
- (b) constructed with materials resistant to flood damage,
- (c) constructed by methods and practices that minimize flood damage, and
- (d) constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

###### 2. RESIDENTIAL DEVELOPMENT

- (a) New construction and existing buildings to be substantially improved that are located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation. New construction and existing buildings to be substantially

improved that are located in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in the feet on the community's FIRM or at least two feet if no depth number is specified.

- (b) Manufactured homes to be placed and existing manufactured homes to be substantially improved that are:
  - (i) located in a new manufactured home park or subdivision, outside of a manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in a manufactured home park or subdivision which has incurred substantial damage from a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement during the occurrence of the base flood.
  - (ii) located in an existing manufactured home park, where elevating a replacement home to or above base flood elevation is not possible, the lowest floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and be securely anchored to an adequately anchored system to resist floatation, collapse, and lateral movement.
- (c) Residential construction located within Zones AH and AO shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.

### 3. NON-RESIDENTIAL DEVELOPMENT

- (a) New construction located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation. New construction located in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in the feet on the community's FIRM or at least two feet if no depth number is specified.
- (b) Existing buildings to be substantially improved located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation or together with attendant utility and sanitary facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Existing buildings to be substantially improved located in AO zones shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM or at least two feet if no depth number is specified or together with attendant utility and sanitary facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (c) A permit for a building proposed to be floodproofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
- (d) Commercial construction located within Zones AH and AO shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.

#### 4. SUBDIVISIONS

(a) New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data.

(b) Subdivisions (including manufactured home parks) shall be designed to assure:

- (i) such proposals minimize flood damage within the flood-prone area,
- (ii) public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
- (iii) adequate drainage is provided to reduce exposure to flood hazards.

#### 5. ENCLOSED AREAS BELOW THE LOWEST FLOOR

(a) Enclosed areas below the lowest floor which are subject to flooding shall be used solely for parking of vehicles, building access, or storage.

(b) New construction and existing buildings to be substantially improved with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

(c) Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

#### 6. RECREATIONAL VEHICLES

Recreational Vehicles placed on sites with special flood hazard areas shall either:

- (a) be on the site for fewer than 180 consecutive days,
- (b) be fully licensed and ready for highway use, or
- (c) be permitted in accordance with the elevation and anchoring requirements for “manufactured homes” in section B.2 (b).

#### 7. ACCESSORY STRUCTURES

A small accessory building that represents a minimal investment need not be elevated to the base flood elevation provided the structure meets the following requirements:

- (a) The structure must only be used for parking or storage,
- (b) The structure must have the required openings to allow floodwaters in and out,
- (c) The structure must be constructed using flood resistant materials below the Base Flood Elevation,
- (d) The structure must be adequately anchored to resist flotation, collapse, and lateral movement, and
- (e) All building utility equipment including electrical and heating must be elevated or floodproofed.

#### 8. WATER SUPPLY SYSTEMS

New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.



## 9. SANITARY SEWAGE SYSTEMS

New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

## 10. 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.

## 11. WATERCOURSE CARRYING CAPACITY

The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

## VII. DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATIVE OFFICER

The administrative officer shall maintain a record of:

- (a) All permits issued for development in areas of special flood hazard;
- (b) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings;
- (c) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been floodproofed;
- (d) All floodproofing certifications required under these regulations; and
- (e) All variance actions, including justification for their issuance.

## VIII. VARIANCES TO THE DEVELOPMENT STANDARDS

Variations shall be granted by the appropriate municipal panel only in accordance with 24 V.S.A. § 4469 and in accordance with the criteria for granting variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations.

## IX. WARNING OF DISCLAIMER OF LIABILITY

These regulations do 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. These regulations shall not create liability on the part of the Town of Grand Isle or any town official or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

## X. VALIDITY AND SEVERABILITY

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

## XI. PRECEDENCE OF REGULATIONS

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

## XII. ENFORCEMENT AND PENALTIES

It shall be the duty of the Administrative Officer to enforce the provisions of these regulations. Whenever any development occurs contrary to these flood hazard area regulations, the 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.

If the structure is still noncompliant after the opportunity to cure has passed, the 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. The declaration shall consist of:

1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location,
2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance,
3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority,
4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and
5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

### XIII. DEFINITIONS

Appropriate Municipal Panel	A planning commission performing development review, a board of adjustment, a development review board, or a legislative body performing development review.
Base Flood	The flood having a one percent chance of being equaled or exceeded in any given year.
Base Flood Elevation (BFE)	The height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.
Basement	Any area of the building having its floor elevation (below ground level) on all sides.
Development	Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
Existing Manufactured Home Park or Subdivision	A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
Expansion to an Existing Manufactured Home Park or Subdivision	The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood	(a) A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.
Flood Insurance Rate Map (FIRM)	An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.
Flood Insurance Study	An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.
Floodplain or Flood-Prone Area	Any land area susceptible to being inundated by water from any source (see definition of "flood").
Flood Proofing	Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
Floodway	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.
Historic Structure	Any structure that is: (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.
Legislative Body	The selectboard in the case of a town, the trustees in the case of an incorporated village, and the mayor, alderpersons, and city council members in the case of a city, and the supervisor in the case of an unorganized town or gore.
Lowest Floor	The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Manufactured Home	A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
Manufactured Home Park or Subdivision	A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
New Construction	For the purposes of determining insurance rates: structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes: new construction means structures for which the start of construction commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.
New Manufactured Home Park or Subdivision	A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.
Recreational Vehicle	A vehicle which is: (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.
Special Flood Hazard Area	The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".
Start of Construction	Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

Structure	For floodplain management purposes, means: a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means: (a) a building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; (b) a manufactured home (“a manufactured home,” also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or (c) a travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and building regulations or laws. For the latter purpose, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition, or a gas or liquid storage tank.
Substantial Damage	Damage of any origin sustained by a structure whereby the cost of restoring the structure to it’s before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.
Substantial Improvement	Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either: (a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.
Violation	The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

## **APPENDIX B: PRIVATE ROAD STANDARDS**

Any new road regulated by and/or to be conveyed to the municipality, shall be constructed according to the minimum standards of the Town Road and Bridge Standards of the Town of Grand Isle as adopted by the Selectboard. Private roads shall conform to the following standards:

### **A. DEVELOPMENT ROAD**

All roads serving three (3) or more lots shall be named and identified with appropriate name and traffic control signage. The standards of this section apply to all proposed public roads and to private roads serving three (3) or more lots.

### **B. WIDTH OF PRIVATE ROADWAY**

All rights of way shall be 60 feet in width and shall be surveyed by a licensed surveyor and recorded as part of the approval process.

### **C. WIDTH OF TRAVELED ROADWAY**

The width of the traveled roadway to be 20 feet with two-foot shoulders on either side generally centered in right of way. See Attachment II, AOT Standard A-76, Roadway Typical, attached hereto.

### **D. GRADE OF TRAVELED ROADWAY**

1. The grade of the traveled roadway shall be less than 9%.
2. All roadways shall be graded so water does not remain on the road surface. For roadways that are not super-elevated, this generally means a 2-4% (1/4" - 1/2" per ft) crown for gravel roads and a 1-2% (1/8" - 1/4" per ft) crown for paved roads to promote sheeting of water.
3. Proper grading techniques for gravel roadways must be used to avoid creating a ridge or berm between the crown and the ditch.
4. Any berm along the roadway shoulder that prevents the proper sheeting of water must be removed.

### **E. ARRANGEMENT**

The arrangement of roads within a subdivision may provide for the continuation of private roads on the remaining undivided portion of the parcel and for proper projection of private roads through retained adjoining parcels of the subdivider which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic, and construction or extension, presently or when later required for needed utilities and public services.

### **F. TOPOGRAPHY**

Private roads shall be logically related to the topography so as to produce useable lots, reasonable grades, and safe intersections in appropriate relation to the proposed use of the land to be served by such private roads.

When roadway, culvert, bridge, or retaining wall construction or reconstruction projects result in hazards such as foreslopes, drop offs, or fixed obstacles within the designated clear-zone, a roadside barrier such as guardrail must be installed. The most current version of the AASHTO Roadside Design Guide will govern the analysis of the hazard and the subsequent treatment of that hazard.

#### G. PREPARATION OF SUBGRADE AND SUB-BASE

Private roadway sub-base shall be excavated to the extent required by these standards.

#### H. EXPOSED AREAS

All areas exposed during construction shall be protected in accordance with standards of the Soil Conservation Service and the Vermont Department of Environmental Conservation.

#### I. BASE CONDITIONS

All new or substantially reconstructed gravel roads will have Mirafi 500X Road Stabilization fabric and at least a 12-inch thick processed gravel sub-base placed the entire width of the traveled roadway and shoulders (24'). The stone shall be 3" minus in size compacted at optimum water content. Four inches of sand shall be placed between the base and finish.

All new or substantially reconstructed paved roads shall have Mirafi 500X Road Stabilization fabric and at least a 15 inches thick processed gravel sub-base placed the entire width of the traveled roadway and shoulders (24').

A road built over ledge shall be constructed to the same specifications. See Attachment II, AOT Standard A-76, Roadway Typical, attached hereto.

#### J. FINISH COURSE

The base course shall be covered with an additional 3 inches (minimum) top course of crushed gravel. This material shall be deposited and spread in a uniform layer and compacted.

#### K. DRAINAGE

Drainage must be placed so there will be no ponding of water.

1. Within the Town right of way, all new driveway culverts must have a minimum diameter of 15 inches.
2. Replacement of existing culverts and any new culvert must have a minimum culvert diameter of 18 inches.
3. Replacement of existing bridges and culverts and any new bridges and culverts must be designed in accordance with the VTrans Hydraulics Manual, and, in the case of perennial streams, conform to the statewide Stream Alteration standards.
4. When installing or replacing culverts, use appropriate techniques such as headwalls and wingwalls, where there is erosion or undermining or where it is expected to occur.
5. Install a splash pad or plunge pool at the outlet of new or repaired drainage culverts where there is erosion or where erosion may occur. Splash pads and plunge pools are not appropriate for use in streams supporting aquatic life.

#### L. STORMWATER SYSTEM

In addition to the following standards, the developer must comply with Appendix C of these Bylaws and Regulations. A storm water system shall be provided which is designed to control and accommodate storm water collected on proposed private roads and/or parking areas.

#### M. REMOVAL OF SPRING AND SURFACE WATER

The applicant shall provide for removal, by pipe or by open ditch, spring or surface water that may exist, either previous to, or as a result of, the project. Such drainage facilities must be in the private road right of the way where feasible, or in unobstructed easements not less than 20

feet in width. In the design of the drainage system, natural waterways shall be utilized to the fullest extent possible.

Soil exposed during ditch and slope construction or maintenance will be treated immediately following the operation. Priority should be given to areas vulnerable to erosion immediately adjacent to or discharging to surface waters and/or roadway drainage facilities. The following are minimum erosion control measures:

1. Seed and mulch ditches with grades less than 2%. Use biodegradable, non-welded matting and seed on ditches with grades between 2% and 5%. Stone line all ditches with grades greater than 5%; alternatively, install stone check dams. Dams should be comprised of a well graded stone matrix 2 to 9 inches in size. Dams should not exceed 2 feet in height and check dam crest should be at least 6" below the top of the ditch.
2. Create parabolic (wide "U" shaped) ditches when constructing new or substantially reconstructing ditches, rather than narrow "V" shaped ditches. Ditches with gradual side slopes (maximum 2H: 1V ratio) and a wide bottom (at least 2 feet) are preferred.
3. Use biodegradable, non-welded matting to stabilize side-slopes where slopes are greater than 1:1; apply seed and mulch to any raw or exposed side-slope if slopes are less than or equal to 1:1.
4. Ditches should be turned out to avoid direct outlet into surface waters. There must be adequate outlet protection at the end of the turnout, either a structural (rock) or vegetative filtering area.

#### N. ACCOMMODATION OF POTENTIAL DEVELOPMENT UPSTREAM

Drainage facilities must be designed to accommodate potential run-off from the entire upstream drainage area, based on conditions of total potential development, also as in L. above.

#### O. RESPONSIBILITY FOR DRAINAGE DOWNSTREAM

Where it is anticipated that additional run-off from the project will overload an existing downstream drainage facility so that there will be drainage onto a public or private road, or onto private property, the Development Review Board, with the advice of the Road Commissioner, may require applicant to design and implement facilities to correct such downstream overloads.

#### P. DEAD ENDS

No dead end private road shall be constructed without a suitable termination feature such as a cul-de-sac with a radius of not less than thirty-five feet, a hammerhead, a Y of a size adequate for the type used, or equivalent. See Attachment III, attached hereto.

#### Q. ACCESS TO HIGHWAYS

Where a project adjoins Route 2 or Route 314, the Agency of Transportation may, in its discretion, require common access points serving multiple lots. Where a project adjoins a Town highway, the Town Road and Bridge Standards control.

#### R. THROUGH TRAFFIC

Private Roads shall be laid out so that their use by through traffic between external points will be discouraged.



#### S. RESERVED STRIPS

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

#### T. EXISTING ACCESS

Where any existing road is inadequate or unsafe, the Development Review Board may require the applicant to upgrade the road to the extent necessary to serve additional traffic from the subdivision.

#### U. SIGHT DISTANCES

Lines of sight shall be consistent with traffic speed, terrain, alignments, and climatic extremes. See sketch in Attachment I.

#### V. APPLICANT REQUIREMENT

The applicant shall be required to contract a licensed engineer to certify that all private roads within the project meet these standards.

#### W. DITCHES AND SLOPES

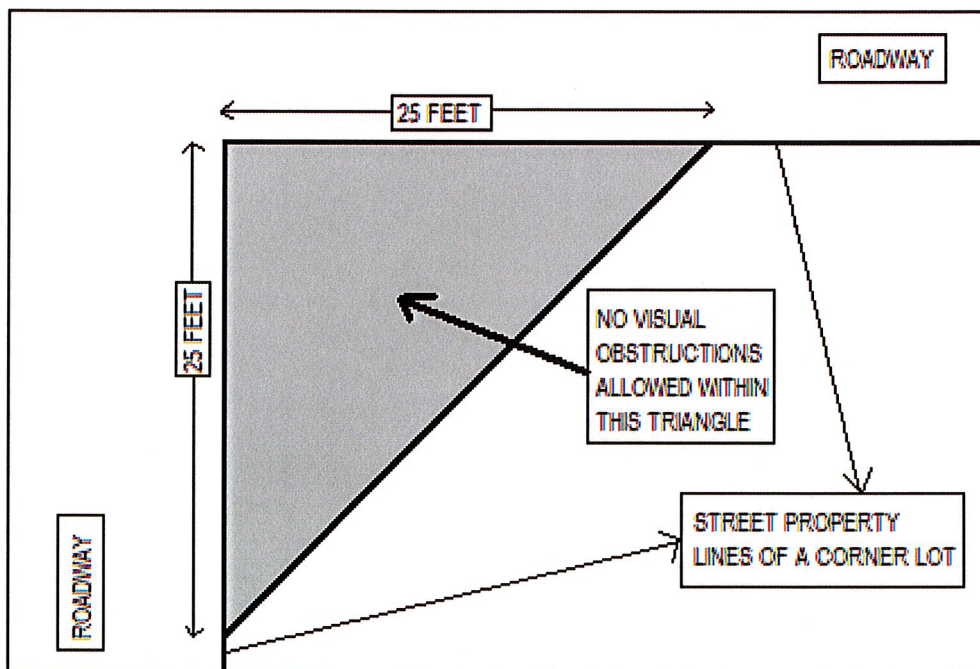
Soil exposed during ditch and slope construction, repair or maintenance must be treated immediately following the operation and temporary erosion prevention and sediment control practices must be installed and maintained during construction activities and until the ditch or slope is permanently stabilized.

The following are minimum erosion control measures. Careful attention must be given to areas vulnerable to erosion and immediately adjacent or discharging to surface waters and/or roadway drainage facilities:

- Seed and mulch all ditches with grades less than 5% when undertaking projects or repairs or maintenance activities that result in exposed soil. Vegetation must be established and monitored. If vegetation is not established within 10 days of placement, install biodegradable non-welded matting with seed.
- Stone line all new or reconstructed ditches or whenever soils are disturbed by maintenance activities with grades equal to and greater than 5%; alternatively, install stone check dams. The check dams must meet criteria outlined in the "*Standards and Specifications for Check Dams,*" from the *Vermont Standards and Specifications for Erosion Prevention and Sediment Control*. Specifically, dams must be placed so that the crest of the downstream check dam is at the same elevation as the base of the upstream dam.
- Create parabolic (wide "U" shaped) ditches when constructing new or substantially reconstructing ditches, rather than narrow "V" shaped ditches wherever lateral space allows. Ditches with gradual side slopes (maximum of 1:2, vertical to horizontal ratio) and a wide bottom (at least 2 feet) are preferred. Use biodegradable, non-welded matting to stabilize side-slopes where slopes are greater than 1:2 and less than 1:1½; apply seed and mulch to any raw or exposed side-slope if slopes are less than 1:2.
- All ditches must be turned out to avoid direct outlet into surface waters. There must be adequate outlet protection at the end of the turnout, either a structural (rock) or vegetative filtering area.

- If in the best professional engineering judgment of the VTrans Operations Division, there is a cost effective ditch treatment that will meet the intent of the management practices described above, but represents a departure from these standards, the municipality may implement the more cost effective ditch treatment alternative with the professional recommendation submitted in written form by VTrans prior to the municipality executing the work.
- When constructing new or substantially reconstructing side slopes, use appropriately sized stone armament on slopes that are 1:1½ or greater. If perennial streams are affected by the toe of slope the project must conform to the statewide Stream Alteration standards.

ATTACHMENT I: DIAGRAM FOR SIGHT DISTANCES AT INTERSECTIONS



# ATTACHMENT II: AOT STANDARD A-76, ROADWAY TYPICALS

### ROADWAY TYPICALS

### GENERAL NOTES FOR LOCAL ROADS

- SUBBASE AND CURBING AND SUBGRADE SHOULD BE CONSTRUCTED AND COMPLETED TO THE DIMENSIONS SHOWN IN ACCORDANCE WITH VAOT STANDARD SPECIFICATIONS FOR CONSTRUCTION. WHERE LOCAL ORDINANCES HAVE BEEN ADOPTED RELATIVE TO ROAD DIMENSIONS AND CONSTRUCTION, THEY SHOULD GOVERN. THE DIMENSIONS AND CONSTRUCTION SPECIFICATIONS APPLIED ONLY TO LOW TRAFFIC VOLUME CONDITIONS (AVERAGE DAILY TRAFFIC LESS THAN 250 VEHICLES PER DAY), AND WHERE HEAVY TRUCK TRAFFIC IS INFREQUENT.
- CURBED EARTH SLOPES SHOULD BE SEEDS, FERTILIZED AND MULCHED IN ACCORDANCE WITH VAOT STANDARD SPECIFICATIONS FOR CONSTRUCTION.
- DRAINAGE:
  - ROADWAY - 18" MINIMUM DIAMETER OF METAL-REINFORCED CONCRETE OR POLYETHYLENE PIPE, WITH DROP INLETS OR CATCH BASINS AS REQUIRED. HYDRAULIC ANALYSIS TO DETERMINE APPROPRIATE PIPE DIAMETER IS RECOMMENDED FOR ALL LINE STREAM CROSSINGS AND ELSEWHERE WHERE LARGE STORM FLOWS MAY BE EXPECTED.
  - DRIVES - 18" MINIMUM DIAMETER OF METAL-REINFORCED CONCRETE OR POLYETHYLENE PIPE.
  - UNDERDRAIN - 6" MINIMUM DIAMETER OF METAL, PVC PLASTIC OR POLYETHYLENE PIPE.
- LOCATION, DEPTH AND CONSTRUCTION DETAILS SHOULD FOLLOW PRACTICE SPECIFIED BY LOCAL ORDINANCE OR THE VAOT STANDARD SPECIFICATIONS FOR CONSTRUCTION.
- HORIZONTAL CURVATURE - THE FOLLOWING WILL APPLY:
 

DESIGN SPEED	MINIMUM RADIUS	MINIMUM RADIUS	MINIMUM RADIUS
	FEET	FEET	FEET
25 MPH	185 FT.	180 FT.	180 FT.
30 MPH	275 FT.	300 FT.	300 FT.
35 MPH	380 FT.	450 FT.	450 FT.
40 MPH	500 FT.	675 FT.	675 FT.
45 MPH	650 FT.	945 FT.	945 FT.
50 MPH	835 FT.	1280 FT.	1280 FT.
- GRADIENT OF ROADS - 10% MAXIMUM GRADE SUGGESTED, ALTHOUGH GRADES UP TO 16% MAY BE ALLOWED IN URBAN/STANDARD TERRAIN.
- GUARD RAIL - PROVIDE GUARD RAIL WITH TREATED WOOD OR STEEL POSTS, OF A DESIGN ACCORDANCE WITH VAOT STANDARD SPECIFICATIONS FOR CONSTRUCTION. THE ASHED ROAD SHOULD BE INSTALLED AT THE EDGE OF SHOULDER EXCEEDS 5', GUARD RAIL SHOULD BE INSTALLED, ALSO, WHERE SLOPES ARE 13 OR FLATTER. GUARD RAIL MAY NOT BE NEEDED IF THE AREA AT THE BOTTOM OF THE SLOPE IS FREE OF OBSTACLES. DISTRICT TRANSPORTATION ADMINISTRATION MAY BE CONTACTED FOR ASSISTANCE.
- PAVING - ROADS WITH GRADES EXCEEDING 7% SHOULD BE PAVED UNLESS WAIVED BY THE LOCAL GOVERNING BODY. FOR TRAFFIC VOLUMES GREATER THAN OR EQUAL TO 250 VEHICLES PER DAY, PAVING SHOULD BE PERFORMED TO DETERMINE APPROPRIATE THICKNESSES OF SUBBASE AND PAVEMENT.
- TRAVELED WAY AND SHOULDER WIDTHS - WIDTHS SHOWN ON THIS STANDARD ARE FOR LOW SPEED/LOW TRAFFIC VOLUME CONDITIONS. FOR ADDITIONAL GUIDANCE IN PAVING, REFER TO THE VAOT STANDARD SPECIFICATIONS FOR CONSTRUCTION AND TO THE PUBLICATION "A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS", OR THE VAOT "VERMONT STATE STANDARDS".
- UTILITY LINE LOCATION TO CONFORM TO LOCAL REQUIREMENTS.

## STANDARDS FOR TOWN & DEVELOPMENT ROADS

# STANDARD A-76

**REVISIONS AND CORRECTIONS**

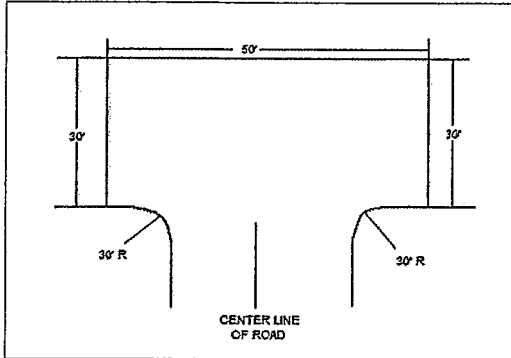
- JAN. 21, 1971 - DIMENSIONS CHANGED ON TURN-A-ROUND
- MAR. 2, 1971 - INTERSECTION PROFILES ADDED
- JULY 13, 1973 - INTERSECTION PROFILES ADDED
- DEC. 17, 1975 - INTERSECTION PROFILES ADDED
- JUNE 1, 1984 - REISSUED WITH SOA CHANGE
- MAR. 10, 1995 - REISSUED, WITHOUT CHANGE.
- MARCH 3, 2000 - REISSUED TO REFLECT CURRENT DESIGN CRITERIA

**APPROVED**

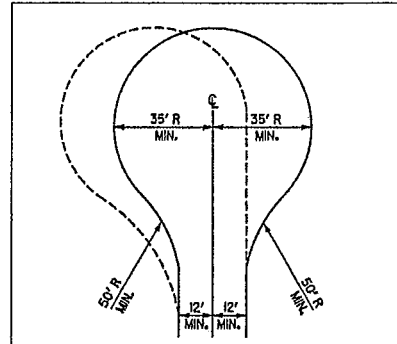
\_\_\_\_\_  
 DIRECTOR OF PROGRAM DEVELOPMENT  
 OFFICE OF UTILITIES  
 VERMONT HIGHWAY ADMINISTRATION

**ATTACHMENT III: SPECIFICATIONS FOR HAMMERHEADS FOR DEAD END ROADS, CUL-DE-SACS FOR DEAD END ROADS AND INTERSECTION OF THROUGH PRIVATE ROAD AND SIDE ROAD**

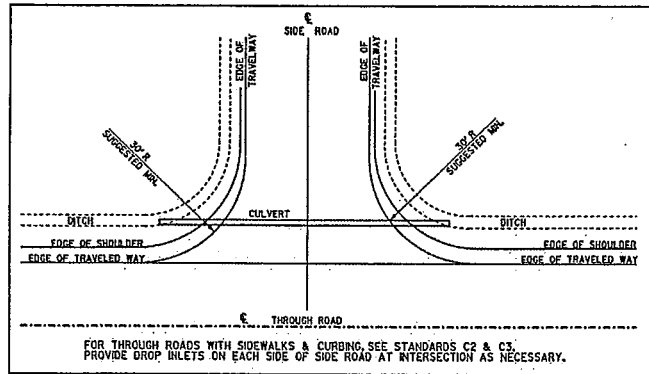
**HAMMERHEADS FOR PRIVATE ROADS:**



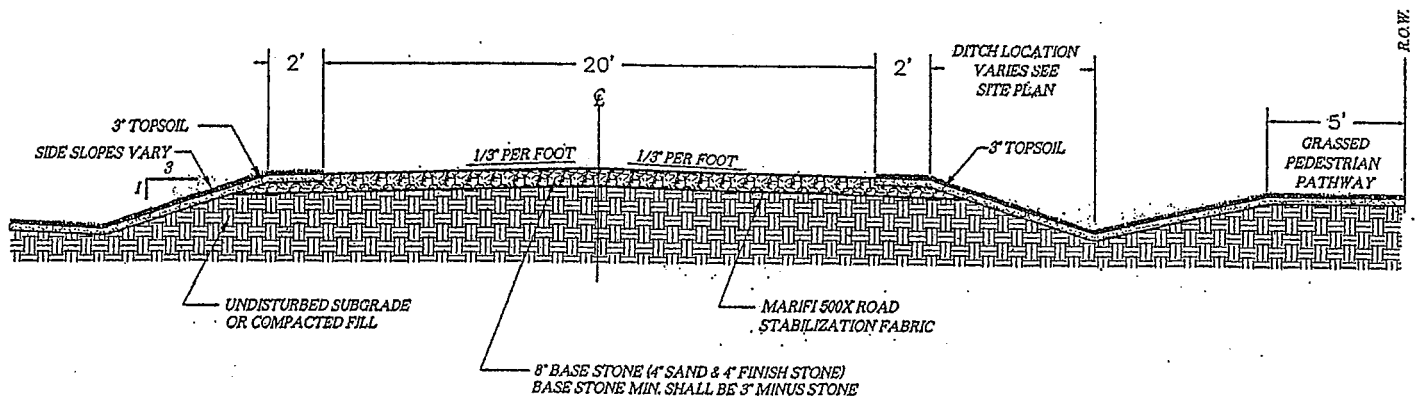
**CUL-DE-SACS FOR DEAD END ROADS:**



**INTERSECTION OF THROUGH ROAD AND SIDE ROAD:**



**ATTACHMENT IV: BLUEPRINT FOR PRIVATE ROAD CONSTRUCTION**



**NOTE:**  
IF GROUNDWATER OR SOFT SPOTS ARE ENCOUNTERED  
CONTACT THE ENGINEER TO DISCUSS ADDED  
MEASURES SUCH AS UNDERDRAINAGE

## **APPENDIX C: STORMWATER MANAGEMENT BYLAW**

### **I. AUTHORITY**

This bylaw is adopted by the Town of Grand Isle under authority of 24 V.S.A. § 4410 and 24 V.S.A. § 4414 (9).

### **II. PURPOSE**

1. To minimize and/or control the quantity and quality of stormwater runoff.
2. To promote stormwater management methods that maintain pre-development hydrology and drainage patterns through project layout, site design, and best management practices that manage stormwater runoff as close to the source as possible.
3. To limit clearing and grading to the minimum needed for construction and minimize impacts to historically undisturbed vegetation and native trees.
4. To prevent soil erosion and sedimentation resulting from construction sites and non-point source pollution associated with new development and redevelopment.
5. To protect natural resources, particularly streams, lakes, wetlands, floodplains and other aquatic systems on the development site and elsewhere from degradation that could be caused by construction activities and post-construction conditions.
6. To promote public safety from flooding and streambank erosion, reduce public expenditures in removing sediment from stormwater drainage systems and natural resource areas, and to prevent damage to municipal infrastructure from inadequate stormwater controls.

### **III. SITE DESIGN - PRE-CONSTRUCTION**

1. Minimize Land Disturbance.
  - i. Maintain the natural soil structure and vegetative cover that are often critical components of maintaining the hydrologic functions of natural infiltration, bioretention, flow attenuation, evapotranspiration, and pollutant removal.
  - b. Protect, or improve, natural resources to reduce the needs for environmental mitigation, future environmental restoration, and cumulative flow and water quality impacts of unnecessary disturbances within the watershed.
  - c. Minimize the disturbance of natural surface and groundwater drainage features and patterns, discharge points and flow characteristics, natural infiltration and evapotranspiration patterns and characteristics, natural stream channel stability, floodplain conveyance, and wetland function.
  - d. Designate a building envelope. The extent and location of construction, clearing, structures, parking areas and associated site improvements shall be limited to the designated building envelope. The building envelope shall be sized and delineated to accommodate necessary compaction incurred during construction.
  - e. Reduce grading and compaction by applying selective grading design methods to provide final grading patterns that preserve existing topography where it most benefits natural hydrologic functions and, where needed, evenly distributes runoff and minimizes concentrated flow. Follow the natural contours of the landscape to the maximum extent possible.

- f. Consider the scale and placement of buildings and other infrastructure to minimize impact to natural hydrologic features.
2. Preserve natural drainage features.
    - A. Priority shall be given to maintaining existing surface waters and systems, including, but not limited to, perennial and intermittent streams, wetlands, vernal pools, and natural swales.
      1. Existing site hydrology shall not be modified so as to disrupt onsite and adjacent surface waters. The applicant must provide evidence that this standard can be achieved and maintained over time.
      2. Where roadway or driveway crossings of surface waters cannot be avoided, disturbance to the surface water shall be minimized, hydrologic flows shall be maintained, there shall be no direct discharge of runoff from the roadway to the surface water, and the area shall be re-vegetated post-construction.
      3. Stream and wetland crossings shall be eliminated whenever possible. When necessary, stream and wetland crossings shall comply with state recommended design standards to minimize impacts to flow and animal passage.
  3. Functional hydrologic areas shall not be included in a building envelope. Specifically, building envelopes shall be located to exclude the following:
    - A. Areas mapped as Floodplain by FEMA or ANR.
    - B. Areas within a mapped river corridor.
    - C. For streams without mapped river corridors, the building envelope shall exclude land at least 100 feet from streams with watersheds less than or equal to two square miles, and at least 50 feet of that setback shall maintain a naturally vegetated buffer.
    - D. Wetlands, in conformance with state regulations.
    - E. Lake shoreland, in conformance with state regulations.
  4. Maximize retention of native forest cover and vegetation and restore disturbed vegetation to intercept, evaporate, and transpire precipitation.
    - A. Roads, driveway, and utilities shall be located and designed to avoid the fragmentation of natural features.
    - B. Applicants may be required to preserve, plant, and/or maintain riparian buffers, trees, hedges, ground cover and other pervious surfaces in one or more areas of land to be developed in order to provide stormwater infiltration and management.

#### IV. EROSION PREVENTION AND SEDIMENT CONTROL – EPSC

1. Minimize sediment runoff from construction disturbance by using control measures (EPSC measures) such as vegetated strips, diversion swales, sediment traps and basins, check dams, stabilized construction entrances, dust control and silt fences.

2. Implement the applicable EPSC measures found in the ANR “Low Risk Site Handbook for Erosion Prevention and Sediment Control.”
  - A. Control water within the construction area, and allow it to infiltrate. Install EPSC measures before excavation or fill activities begin. Hay bales shall not be used as check dams due to their high failure rates.
  - B. Intercept and direct runoff from above the construction site around the disturbed area.
  - C. Immediately seed and mulch or apply sod to the disturbed area at the conclusion of each phase of construction or at the conclusion of construction. The DRB may require project phasing to minimize the extent of soil disturbance and erosion during each phase of site development.
3. The applicant shall follow the erosion prevention and sediment control practices for construction that occurs from October 15<sup>th</sup> to May 15<sup>th</sup> found in the “Low Risk Site Handbook for Erosion Prevention and Sediment Control.”
4. Construction project involving one acre or more of land disturbance require a construction permit from the state.

**APPENDIX D. WIRELESS TELECOMMUNICATION FACILITY**

**A. AUTHORITY**

Under authority granted by 24 V.S.A. Chapter 117, the Town of Grand Isle adopts this Wireless Telecommunication Facility Zoning Bylaw. Furthermore, pursuant to 24 V.S.A. § 4414(12), the DRB shall have the authority to regulate construction, alteration, and development, decommissioning and dismantling of wireless telecommunication facilities in the Town of Grand Isle.

**B. PURPOSE**

The purpose of this bylaw is to promote the public health, safety, welfare, and convenience of the residents of the Town of Grand Isle, while accommodating the telecommunication needs of the Town’s residents.

**C. 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. 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 bylaw.

**D. DEFINITIONS**

The following terms shall have the meanings indicated:

- (1) Wireless telecommunication service: Any commercial mobile service, wireless service, common carrier wireless exchange service, cellular service, personal communication service (PCS), specialized mobile radio service, paging service, wireless data service, or public or private radio dispatch service.
- (2) Wireless telecommunication facility: Any tower or other support structure, including antennae, that will extend 20 or more feet vertically, and any accompanying structure, building, access road, service utility or equipment that broadcasts or receives radio frequency waves carrying wireless telecommunication services.
- (3) Wireless telecommunication service provider: Any person or entity providing wireless telecommunication services.

**E. PERMIT REQUIRED; EXEMPTIONS**

Wireless telecommunication facilities may be permitted as conditional uses upon compliance with the provisions of this bylaw in the Rural Residential and Agricultural District. No installation or construction of, or significant addition or modification to, any wireless telecommunication facility shall commence until a permit has been issued by the DRB. However, in accordance with 24 V.S.A. §4412(9), a permit shall be issued for a wireless telecommunication facility that in, the determination of the DRB will impose no impact or merely a de minimis impact upon any criteria established in Appendix D(l) below. The DRB’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.

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



This bylaw shall not apply to amateur radio, citizens band radio, AM or FM radio, or broadcast television service.

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

This ordinance 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 15 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.

#### F. PERMIT APPLICATION REQUIREMENTS

In addition to information otherwise required in these Zoning Bylaws, applicants shall include the following supplemental information:

- (1) The applicant's legal name, address and telephone number. 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.
- (2) The name, title, address and telephone number of the person to whom correspondence concerning the application should be sent.
- (3) The name, address and telephone number of the owner or lessee of the property on which the wireless telecommunication facility will be located.
- (4) The names and addresses of all adjoining property owners. Adjoining property owners shall be determined without regard to any public right-of-way.
- (5) 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.
- (6) The location of the facility on a USGS Topographic Map or a 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.
- (7) 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).
- (8) In the case of a site that is forested, the approximate average elevation of the existing vegetation within 50 feet of any tower base.

(9) Construction sequence and time schedule for completion of each phase of the entire project.

(10) A report from a qualified engineer that:

- (A) Describes any tower's design and elevation,
- (B) Documents the elevation above grade for all proposed mounting positions for antennas to be collocated on a tower and the minimum distances between antennas.
- (C) Describes a tower's capacity, including the number, elevation and types of antennas that the tower is proposed to accommodate.
- (D) In the case of new facilities, demonstrates that existing towers and structures within 5 miles of the site cannot reasonably be modified to provide adequate coverage and adequate capacity to the community.
- (E) Describes potential changes or additions to existing structures or towers that would enable them to provide adequate coverage.
- (F) 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.
- (G) Demonstrates the facility's compliance with the standards set forth in this bylaw or other applicable standards.
- (H) Provides proof that at the proposed facility site the applicant will be in compliance with all 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).
- (I) Includes such other information as determined by the DRB to evaluate the application.

(11) 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.

(12) 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.

(13) 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 is not required for the facility.

#### **G. INDEPENDENT CONSULTANTS**

Upon submission of an application for a wireless telecommunication facility permit, the DRB may retain independent consultants whose services shall be paid for by the applicant. These consultants shall be qualified professionals in telecommunications engineering, structural engineering, monitoring of electromagnetic fields and such other

fields as determined by the DRB. The consultant(s) shall work at the DRB's direction and shall provide the DRB such reports and assistance, as the DRB deems necessary to review an application.

#### H. BALLOON TEST

The DRB 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 7 days in advance of the test in a newspaper with a general circulation in the Town. The applicant shall also inform the DRB, 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 two days. If visibility and weather conditions are inadequate for observers to be able to clearly see the balloon test, further tests may be required by the DRB.

#### I. CRITERIA FOR APPROVAL AND CONDITIONS

An application for a wireless telecommunication facility permit shall be approved after a hearing when the DRB finds all the following criteria have been met:

(1) The facility will not be built on speculation. If the applicant is not a wireless telecommunication service provider, the DRB may require the applicant to provide a copy of a contract or letter of intent showing that a wireless telecommunication service provider is legally obligated to locate a wireless telecommunication facility on lands owned or leased by the applicant.

(2) The facility will not project more than 20 feet above the average elevation of the tree line measured within 50 feet of the highest vertical element of the wireless telecommunication facility, unless the proposed elevation is reasonably necessary to provide adequate wireless telecommunication service capacity or coverage or to facilitate collocation of facilities.

(3) 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.

(4) 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 Federal Aviation Administration, federal or state law, or this bylaw.

(5) The applicant will remove the facility, should the facility be abandoned or cease to operate. The DRB may require the applicant to provide a bond, or other form of financial guarantee acceptable to the DRB to cover the cost of removal of the facility, should the facility be abandoned or cease to operate.

(6) The applicant demonstrates that the facility will be in compliance with all FCC standards and requirements regarding radio frequency radiation.

(7) The applicant will maintain adequate insurance on the facility.

(8) The facility will be properly identified with appropriate warnings indicating the presence of radio frequency radiation. The DRB may condition a permit on the provision of appropriate fencing.

(9) The proposed equipment cannot be reasonably collocated at an existing wireless telecommunication facility. In determining whether the proposed equipment cannot be reasonably collocated at an existing facility, the DRB shall consider the following factors:

- (A) 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.
- (B) 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.
- (C) The proposed equipment, alone or together with existing equipment, would create radio frequency interference and/or radio frequency radiation in violation of federal standards.
- (D) 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.
- (E) Collocation of the equipment upon an existing tower would cause an undue aesthetic impact.

(10) The facility provides reasonable opportunity for collocation of other equipment.

(11) The facility will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.

(12) The facility will not have an undue adverse aesthetic impact. In determining whether a facility has an undue adverse aesthetic impact, the DRB shall consider the following factors:

- (A) The results of the balloon test, if conducted.
- (B) 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.
- (C) 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.
- (D) The duration and frequency with which the facility will be viewed on a public highway or from public property.
- (E) The degree to which the facility will be screened by existing vegetation, topography, or existing structures.
- (F) Background features in the line of sight to the facility that obscure or make the facility more conspicuous.
- (G) The distance of the facility from the point of view and the proportion of the facility that is above the skyline.
- (H) The sensitivity or unique value of a particular view affected by the facility.

- (l) Any significant disruption of a viewshed that provides context to an important historic or scenic resource.

(13) 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.

(14) The facility will not generate undue noise.

#### J. CONTINUING OBLIGATIONS FOR WIRELESS TELECOMMUNICATION FACILITIES

The owner of a wireless telecommunication facility shall, at such times as requested by the DRB, file a certificate showing that it is in compliance with all FCC standards and requirements regarding radio frequency radiation, and that adequate insurance has been obtained for the facility. Failure to file a certificate within the timeframe requested by the DRB, shall mean that the facility has been abandoned.

#### K. REMOVAL OF ABANDONED OR UNUSED FACILITIES

Unless otherwise approved by the DRB, an abandoned or unused wireless telecommunication 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 DRB may cause the facility to be removed. The costs of removal shall be assessed against the facility owner.

Unused portions of a wireless telecommunication 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 Section 5.11.5 above.

