

**Town  
of  
Woodstock, Vermont**

**Zoning Regulations**

**Adopted June 15, 2010**

**Effective July 6, 2010**

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# ARTICLE 1

## GENERAL PROVISIONS

### SECTION 101 ENACTMENT

Whereas the Town of Woodstock, Vermont has created a Planning Commission, has adopted and has in effect a plan under the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A. Chapter 117 (the Act), these Zoning Regulations are hereby established for the Town of Woodstock.

### SECTION 102 TITLE

This by-law shall be known and cited as the Zoning Regulations for the Town of Woodstock.

### SECTION 103 PURPOSE

It is the purpose of these Regulations to implement the Woodstock Plan by providing for the appropriate use of all lands in the Town of Woodstock in a manner that promotes and protects the public health, safety, prosperity, comfort, convenience, efficiency, and general welfare; protects steep slopes, soils, forests, water and other natural resources; encourages the healthful and convenient distribution of settlement; protects the rural residential environment, agricultural and other land from undue concentrations of population, traffic congestion, inadequate parking and from the loss of peace, quiet, and privacy; while furthering the purposes established in Section 4302 of the Act.

### SECTION 104 REPEALER

The Town of Woodstock Zoning Regulations adopted November 5, 2002 and any amendments adopted after that date are hereby repealed and replaced by this document. This repealer provision will be implemented upon the day that these Regulations become effective.

### SECTION 105 EFFECTIVE DATE

These Regulations shall take effect in accordance with the procedures contained in Section 4442 of the Act.

### SECTION 106 INTERPRETATION

In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements.

### SECTION 107 AMENDMENTS

The Regulations may be amended according to the requirements and procedures established in Section 4441 and 4442 of the Act.

### SECTION 108 PRECEDENCE OF REGULATION

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

### SECTION 109 SEPARABILITY

The invalidity of any provisions of these Regulations shall not invalidate any other part.

### SECTION 110 DEFINITIONS

In addition to the terms defined below, the plain and ordinary meanings shall apply. All other words shall be defined in "The American Heritage Dictionary, Second Collegiate Edition". The terms and definitions found in Section 4303 of the Act are hereby incorporated and made part of these Regulations. Doubt as

to the precise meaning of any word used in these Regulations shall be interpreted by the Town Development Review Board (TDRB).

**ACCESSORY APARTMENT:** A residential unit located within a single family or two-family dwelling. See also Detached Apartment.

**ACCESSORY STRUCTURE:** A structure that is customarily incidental and subordinate to the primary structure on a lot. Examples are garages and storage sheds. See Section 502.

**ACCESSORY USE:** A use that is incidental to and customarily associated with the primary use of a particular parcel or structure. If there is a question whether the use is customary, determination shall be made by the TDRB.

**ACRE:** 43,560 square feet.

**AFFORDABLE HOUSING:** Housing on land owned or controlled by a non-profit organization organized for the purpose of providing housing in the Town of Woodstock to individuals and families with incomes which do not exceed the HUD Median Income Guidelines for Windsor County, Vermont. See Section 503.

**AGRICULTURE:** The activity of raising crops and/or animal husbandry and the processing and sale of farm products produced on site. See Section 4413(d) of the Act for state mandated exemptions.

**ALTERATION:** Structural change, rearrangement, change of location or addition to a building, other than repairs to or modifications within an existing building.

**BED AND BREAKFAST:** A residential dwelling, occupied by owner of the business and involving not more than one full time employee, in which a portion of the home is adapted to use as lodging for travelers or transients as an accessory use to the residence. See Section 504.

**BUFFER, AQUATIC:** A vegetative area of specified width surrounding a stream, wetland or other water feature that is intended to provide protection to water quality and aquatic habitat from human activity and other encroachment associated with development. Aquatic buffers are typically undisturbed areas, consisting of trees, shrubs, groundcover plants, a duff layer, and a naturally vegetated uneven ground surface. See Section 403.

**BUFFER, VEGETATED:** An area or strip of land with permanent vegetation consisting of trees, shrubs and herbaceous vegetation, designed to intercept pollutants, to separate incompatible uses, and/or block nuisances such as noise and lights. See Section 505.

**BUILDING:** A structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals or chattel.

**BUILDING HEIGHT:** The vertical distance measured from the average elevation of the proposed finished grade at the front wall of the building to the highest point of the coping of a flat roof, or to the decline of mansard roofs, or to the average height between eaves and ridges for other types of roofs.

**CERTIFICATE OF OCCUPANCY:** A statement signed by the administrative officer, setting forth that a building, structure, or use complies with the zoning regulations. See Section 813.

**COMMERCIAL:** Use of a building or land for the purchase, sale, exchange, storage or warehousing of goods and commodities, services or amenities. Commercial use does not include a business permitted as a home occupation.

**COVERAGE:** That percentage of the lot area covered by the building area.

**CUL-DE-SAC:** A dead-end road, street or right-of-way with a vehicular turn-around at the end.

**DAY CARE, IN-HOME:** A residential dwelling used to house and provide supervision and care for children. See Section 507.

**DAY CARE / PRESCHOOL FACILITY:** A facility or a residential dwelling, receiving seven or more children for group care and/or educational development.

**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS:** A governance document listing and describing the conditions of ownership placed upon the purchasers, owners, and long-term leaseholds in a Planned Development. See Section 314.

**DENSITY:** The number of dwelling units per lot allowed in a particular zoning district. See Section 508.

**DENSITY, BUILDING:** The total footprint of a group of buildings in relation to the open space around the buildings.

**DESIGN REVIEW DISTRICT:** A Design Control District as created under 24 V.S.A. 4414 an area comprising a portion of the Town of Woodstock wherein Design Plan Approval may be necessary. See Section 404.

**DETACHED APARTMENT:** A dwelling unit located in an accessory structure that is not attached to the primary residence. See Section 509.

**DEVELOPMENT, LAND:** Development activities include: subdivision of land into two or more parcels; construction, conversion, structural alteration, relocation or enlargement of any structure or utility; any mining, excavation, land fill, or road building; and any change in or extension of the use of land or structure.

**DRIVE-THROUGH:** Establishments, other than gasoline stations and car washes, that dispense products or services to patrons who remain in vehicles.

**FILLING STATION:** A retail establishment at which motor vehicles are serviced, and/or supplied with gasoline, diesel fuel, oil, air and water. Also called gas station or service station. See Section 520.

**FOOTPRINT:** The horizontal area as seen in plan measured from outside of all exterior walls and supporting columns. It includes interior occupied spaces, garages, covered carports, and accessory structures, but not trellises, patios, and areas of porch, deck and balconies less than 30 inches from finished grade.

**FORESTRY:** The science and art of forming, caring for, or cultivating forest land, including the sale of forest products produced on site.

**FRONTAGE:** That portion of a lot which is adjacent and parallel to a public road, street or private subdivision road.

**GARAGE, TEMPORARY:** Generally, a structure made of tubular steel with a tarp-like cover, used on a seasonal basis, to house a single car. See Section 528.

**GAS STATION:** See Filling Station.

GENERAL STORE: A small retail store selling groceries and sundry items.

GRADING PLAN: A plan drawn to the same scale as the site plan, showing the proposed grading with contours at intervals not exceeding five (5) feet and spot elevations of proposed structures, the location and direction of surface water drainage and the location and elevation of all drainage structures such as drop inlets, catch basins and culverts. See Section 518.

HOME ENTERPRISE: A commercial establishment allowed to operate outside of the designated commercial zones that does not adversely affect the character of the area in which it is located. See Section 516.

HOME OCCUPATION: An occupation that is customarily carried on in a residential area in a residential structure by the resident. See Section 517.

HOTEL/INN: An establishment designed or used for public lodging, meeting rooms, meals, service of legal beverages, and related amenities with all rooms accessible from a central point within the building.

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

INDUSTRIAL: Use of a building or land for the manufacture, production, assembly or storage of goods and commodities.

INTERESTED PERSON (For purposes of this regulation an interested person shall mean any of the following):

- (1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or have an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
- (2) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.
- (3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the Person's interest under the criteria reviewed, and who alleges that the decision or act if confirmed, will not be in accord with the policies, purposes, or terms of the plans or bylaws of that municipality.
- (4) Any ten persons who may be any combination of voters or real property owners within a municipality, listed in "2" above who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.
- (5) Any department and administrative subdivision of this state owning property or an interest in property within a municipality listed in "2" above, and the agency of commercial and community development of this state.

JUNKYARD: Any place of outdoor storage or deposit that is maintained, operated or used for storing, keeping, processing, buying or selling junk (cars, equipment, appliances, waste, etc.) or as a scrap metal processing facility, excluding a recycling center that operates within a structure.

LANDSCAPING PLAN: A plan drawn to scale, showing the location of existing and proposed types of

vegetative plantings and any other landscape elements used to enhance the site.

**LOT:** A single parcel of land that is not divided by a public road, and is occupied or intended to be occupied by one primary use or building and related accessory structures.

**LOT AREA:** The total area of land within the property lines of a lot (excluding public roads and rights-of-way) and located within municipal boundaries, the minimum size of which is designated by district requirements of these Regulations.

**LOT LINE ADJUSTMENT:** A method of adjusting the boundaries of adjacent lots without creating an additional lot. See Section 705.

**LOT, SUBSIZED:** A parcel of land containing less than the minimum requirements of the District in which it lies. See Section 703.

**MANUFACTURING, LIGHT:** Industrial activities that are generally not considered hazardous, do not usually emit smoke, glare, odor, dust, or otherwise create a nuisance, and are not detrimental to the use and enjoyment of neighboring properties.

**MOTEL:** A lodging facility for transients, usually having a private outside entrance for each room or suite of rooms, and for each room or suite a parking place provided on the premises.

**NATURAL COMMUNITY:** An interacting assemblage of organisms, their physical environment and the natural processes that affect them. A natural community refers to an actual occurrence observed on the ground.

**NONCONFORMING STRUCTURE:** A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present by-laws, including a structure improperly authorized as a result of error by the administrative officer. See Section 707.

**NONCONFORMING 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. See Section 707.

**OFFICE:** A building, a room, or set of rooms used to conduct the affairs of a business, profession, organization, or public entity.

**OPEN SPACE:** A portion of a development site that is permanently set aside for public or private use and will not be developed. Open space may be used as community open space or preserved as green space.

**OUTDOOR FURNACE:** A device located out-of-doors that burns wood or coal for the purpose of heating the interior space of a building. See Section 523.

**PERCOLATION RATE:** The time required for the water level to drop one inch, as determined by procedures outlined in the Vermont Health Regulations,

**PLAN, THE:** The "Town and Village of Woodstock Plan - 2007".

**PLANNING COMMISSION:** Town of Woodstock Planning Commission.

**PLANNED RESIDENTIAL DEVELOPMENT:** An area of land to be developed for residential use as a

single planned entity, rather than an aggregate of individual lots, in a manner that does not conform to underlying zoning restrictions but preserves the land's natural and scenic qualities and meets specific criteria outlined in Section 314.

**PLANNED UNIT DEVELOPMENT:** An area of land planned for development as a single entity for residential, commercial and/or industrial uses, which meets specific criteria outlined in Section 314 but does not correspond to the regulations established for the underlying zoning district(s) in regard to lot size, bulk or type of dwelling, density, lot coverage or required open space. See Section 314.

**PUBLIC/QUASI-PUBLIC BUILDING:** A building owned by a municipality, county, state or federal government or a quasi-public building that is occupied by a non-profit entity such as a church, private school, medical clinic, hospital, library or museum.

**PUBLIC OPEN SPACE:** Public or community owned land available for limited public or park-like uses.

**QUASI-PUBLIC USE:** A non-profit use such as that of a church, private school, medical clinic, hospital, library or museum.

**RECREATIONAL FACILITIES:** Facilities primarily for participation by the public in athletic activities, including but not limited to, parks, playgrounds, ski slopes, cross country ski areas, golf courses, tennis courts, and swimming pools.

**REPAIR SERVICE and BODY SHOP:** A commercial establishment that repairs or reconditions motor vehicles, machinery, appliances, or other objects.

**SCENIC RIDGELINE DISTRICT:** This shall consist of all visible lands within 500 horizontal feet of lines depicting the primary ridges in the Town of Woodstock, as specifically set forth on the Scenic Ridgeline District Overlay Map on file in the Planning and Zoning Office. See Section 406.

**SCHOOL:** Any public, charitable or non-profit educational facility that provides primary, secondary, or higher education. For the purposes of these Regulations, a school does not include commercially operated establishments engaged in training for the arts, trades or business.

**SETBACK:** The minimum distance by which a building or structure must be separated from a lot line, centerline of a right-of-way, or public road.

**SHORT TERM RENTAL:** Rental of a home or apartment for a period of time less than thirty (30) days. See Section 525.

**SIGN, BANNER:** Fabric or other flexible material designed and displayed to convey a message, excluding state or national flags. See Section 526.

**SIGN:** A structure (fixed or flexible) that identifies, advertises, or otherwise calls attention to an establishment, property, or services and products provided therein, and is visible from a public way. See Section 526.

**SIGN, COMMUNITY:** A structure erected in a central location in Town areas by a community group for the purpose of posting notices and items of local information. See Section 526.

**SIGN, INSTRUCTIONAL:** A structure whose sole purpose is to direct or instruct the public on matters of general concern, such as safety, traffic flow, hazards, etc. See Section 526.

**SITE PLAN:** A plan, drawn at an appropriate scale, illustrating the overall proposed site development, including the location of existing and proposed buildings in and adjacent to the site, the location of streets, driveways, parking and loading areas, traffic circulation patterns, loading docks, septic and sewer systems, pedestrian walkways, and landscaping. See Section 808 (B) (3) and Section 809.

**SKYLINE:** The natural ground outline of a range of hills or mountains, exclusive of vegetation, as viewed from or immediately adjacent to a point on a public road or highway. See Section 406.

**SOIL, SHALLOW:** A soil which has a depth of ten (10) inches, or less, to bedrock or other impervious material. See Section 403.

**SOIL, HYDRIC:** A soil which has excessive wetness resulting from a seasonal high water table within four (4) feet of the ground surface. See Section 403.

**SPECIAL CARE FACILITY:** A place licensed by the State of Vermont providing lodging, board, and continuous nursing care under professional supervision to the elderly, sick, invalid, infirm, disabled or convalescent person. See Section 527.

**STATE RANKING OF NATURAL COMMUNITIES:** Vermont Natural Heritage Program rankings that describe the rarity of a natural community type within the state. Rankings range from S1 (extremely rare) to S5 (common, widespread).

**STEEP SLOPE:** 25% gradient or greater (25 vertical feet in a distance of 100 horizontal feet). See Section 403 and Article VI.

**STORAGE:** Safekeeping of goods in a warehouse or other enclosed area.

**STREAMBANK:** If not visible, the ten year high water mark. See Section 403.

**STREAM, INTERMITTENT:** Stream channels that contain water only part of the year. See Section 403.

**STREAM, PERENNIAL:** Stream channels that contain water throughout the year except for periods of extreme drought. See Section 403.

**STRUCTURE:** An assembly of materials for occupancy or use, including buildings, signs, mobile homes, and fences.

**STRUCTURE, ACCESSORY:** See Accessory Structure.

**SUBDIVISION OR SUBDIVIDE:** The division of land into two or more lots. See Section 714.

**SUBDIVISION, MAJOR:** A division of land resulting in more than two lots within a three year period.

**SUBDIVISION, MINOR:** A division of land resulting in no more than two lots within a three year period.

**SUBSURFACE SEWAGE DISPOSAL SYSTEM:** Any underground sewage treatment and disposal system whose proper installation and safe functioning is dependent on suitable conditions of soils, slopes, bedrock, and water table.

**SURFACE WATER:** Any body of water, such as brooks, streams, rivers, ponds or lakes, including the natural channels of intermittent brooks, streams and rivers.

**SURVEY OF PROPERTY:** A plan drawn to scale, showing bearings, distances, and angles of the property boundaries, connecting lot lines, identifying all adjoining properties by landowner, and including the important existing features, including structures, roads, easements and rights-of-way.

**TDRB:** Refers to the Town Development Review Board.

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

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

**TOPOGRAPHIC MAP:** A map drawn to scale, showing contours at intervals not exceeding five (5) feet, the location of rock out-crops, water bodies, wetlands, other important site features and the location of any test pits or borings to determine soil conditions as required by the Vermont Health Regulations, including the data from such tests.

**UNIT, DWELLING:** Any building or portion thereof, designed or used exclusively as living quarters for one household, other than motels, hotels, tourist homes, clubs, schools, hospitals, or similar uses.

**UNIT, MULTI-FAMILY:** A building with separate living quarters for more than two households.

**USE:** The purpose for which land or building is or may be occupied or maintained.

**USE, CONDITIONAL:** A use of land or structure that is permitted only after a public hearing and approval by the TDRB. See Section 810.

**USE, NONCONFORMING:** See NONCONFORMING USE.

**USE, PERMITTED:** A use listed in these Regulations as allowable in a zoning district by administrative permit or as a conditional use.

**VANTAGE POINT:** A point located on a Class I, II or III highway from which a proposed development would be visible. See Section 406.

**VARIANCE:** A deviation from the strict application of these Regulations that may be allowed due to unique physical conditions. See Section 815.

**YARD, FRONT:** The open space extending across the full width of the lot between the highway or road right-of-way and the nearest line or point of the principal building.

**VERNAL POOLS:** Seasonal bodies of water, free of predatory fish, that provide breeding habitat for salamanders, wood frogs, fairy shrimp, etc. See Section 403.

**WATER POLLUTION HAZARD:** A land use or activity that causes a relatively high risk of potential water pollution, including but not limited to storage of hazardous substances, above or below ground petroleum storage facilities, solid waste landfills or junkyards, and subsurface discharges from a wastewater treatment plant.

**WATERSHED:** All the land area that contributes runoff to a particular point along a waterway.

WETLANDS: Areas that are inundated by surface or ground water with a frequency sufficient to promote the formation of hydric soils (saturated or seasonally saturated) or to support vegetation or aquatic life that depends on hydric soil conditions for growth and reproduction. The official wetland map is on file in the Planning and Zoning office. See Section 403.

ZONING DISTRICTS: Portions of the Town of Woodstock, designated on the Official Zoning Map, made subject to specific uniform land use requirements that are stated in and governed by these Regulations. See Article III.

## ARTICLE II ZONING DISTRICTS

### SECTION 201 ESTABLISHMENT OF BASE ZONING DISTRICTS AND MAP

- A. For the purpose of these Regulations, the following Base Zoning Districts are hereby established within the Town of Woodstock:
- |                               |                                       |
|-------------------------------|---------------------------------------|
| 1. Forest Reserve             | 8. Residential/Office                 |
| 2. Residential Five Acre      | 9. Hamlet Commercial                  |
| 3. Residential One Acre       | 10. Commercial/Light Industrial       |
| 4. Residential Three Acre     | 11. Light Commercial/Light Industrial |
| 5. Residential Low Density    | 12. Business Service/Light Industrial |
| 6. Residential Medium Density | 13. Inn                               |
| 7. Residential High Density   |                                       |
- B. The areas and boundaries of the Base Zoning Districts are established as shown on the attached Base Zoning Map. The Base Zoning Map, including any future amendment to it, is the official zoning map for the Town of Woodstock, is part of these Regulations, and shall remain on file in the office of the Administrative Officer.

### SECTION 202 ESTABLISHMENT OF OVERLAY ZONING DISTRICTS & MAP

- A. For purposes of these Regulations, in addition to the Base Zoning Districts, the following Overlay Zoning Districts are hereby established:
1. Conservation District: Steep slopes and fragile soils, surface waters and aquatic buffers including riparian water quality and aquatic habitat, wetlands, vernal pools, clustered vernal pools and amphibian life zones.
  2. Design Review District: An area important for its visual and historic character.
  3. Flood Hazard District: An area of special flood hazard designated on the Federal Insurance Administration's Flood Insurance Rate Maps (FIRM).
  4. Scenic Ridgeline: Land within 500 horizontal feet of the Town's primary ridgelines.
  5. Woodstock Aqueduct  
Source Protection Area: Watershed area for Gulf Stream wellhead.
- B. The areas and boundaries of the Town's Overlay Districts are established as shown on the attached Critical Areas Inventory Map, Scenic Ridgeline Map, and Design Review Map. These maps, including any future amendment to them, are the official overlay zoning maps for the Town of Woodstock, are part of these Regulations, and shall remain on file in the office of the Administrative Officer.

SECTION 203 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

If uncertainty exists with respect to the boundary of any Zoning District on the Zoning Map, the location of such boundary shall be determined by the Administrative Officer. If the Administrator cannot make such a determination, or if the applicant or other interested party is not satisfied with the decision, the matter shall be determined by the TDRB. In making such determination, the applicant may be required to submit information specified in Section 808 of these Regulations.

As guidance for use in their determination, zoning district boundaries shall normally be coterminous with property lines, centerlines of roads, or centerlines of water courses.

SECTION 204 APPLICATION OF REGULATIONS

No building or structure shall be erected, moved, extended, or altered (unless for maintenance, repair, or replacement purposes) and no portion of land, building or structure shall be occupied or used unless in conformity with the requirements of these Regulations.

SECTION 205 APPROVAL PRIOR TO AMENDMENT OF REGULATIONS

Nothing contained in these Regulations shall require any change in plans or construction of a nonconforming structure for which a zoning permit has been issued and which has been completed within one year from the effective date of an amendment to these Regulations.

ARTICLE III  
ZONING DISTRICT REGULATIONS

SECTION 301 FOREST RESERVE - 28 Acres

A. Purpose To permit large acreage lots capable of supporting a forest ecosystem.

B. Uses Not Requiring a Permit

- 1. Forestry
- 2. Agriculture
- 3. Short-Term Rental § 525

C. Uses Requiring an Administrative Permit

- 1. Buildings and Structures for Agriculture and Forestry
- 2. Single-family Dwelling
- 3. Structures Accessory to a Single-family Dwelling
- 4. Two-family Dwelling
- 5. Detached Apartment § 509
- 6. Home Occupation § 517
- 7. Subdivision, Minor § 714

D. Uses Requiring a Conditional Use Permit

- 1. Multi-family Dwelling § 508
- 2. Subdivision, Major § 714
- 3. Public and Quasi-public Use § 711
- 4. Public Utility § 711
- 5. Home Occupation § 517

6.	Home Enterprise	§ 516
7.	Special Care Facility	§ 527
8.	Day Care Facility	§ 507
9.	Bed and Breakfast	§ 504
10.	Commercial Recreational Facility	
11.	Extraction of Sand, Gravel, and Mineral	§ 511
E.	Land, Area and Structural Requirements	
1.	Minimum Lot Area	28 acres
2.	Minimum Lot Frontage	200 feet
	along perimeter of cul-de-sac	50 feet
3.	Front Setback Minimum	
	from centerline of road	60 feet
4.	Rear Setback Minimum	25 feet
5.	Side Setback Minimum	25 feet
6.	Building Height Maximum	35 feet
7.	Buffer Strip Requirements	§ 505
8.	Parking Requirements	§ 521
9.	Aquatic Buffer Requirements	§ 403
SECTION 302           RESIDENTIAL FIVE ACRE - 5 Acres		
A.	Purpose	To designate areas of lower density residential development in the more open regions of the community
B.	Uses Not Requiring a Permit	
1.	Agriculture	
2.	Forestry	
3.	Short-Term Rental	§ 525
C.	Uses Requiring an Administrative Permit	
1.	Buildings and Structures for Agriculture and Forestry	
2.	Single-family Dwelling	
3.	Structures Accessory to a Single-family Dwelling	
4.	Two-family Dwelling	
5.	Detached Apartment	§ 509
6.	Home Occupation	§ 517
7.	Subdivision, Minor	§ 714
D.	Uses Requiring a Conditional Use Permit	
1.	Multi-family Dwelling	§ 508
2.	Subdivision, Major	§ 714
3.	Public and Quasi-public Use	§ 711
4.	Public Utility	§ 711
5.	Home Occupation	§ 517
6.	Home Enterprise	§ 516
7.	Special Care Facility	§ 527
8.	Day Care Facility	§ 507
9.	Bed and Breakfast	§ 504
10.	Commercial Recreational Facility	
11.	Extraction of Sand, Gravel, and Mineral	§ 511

E.	Land, Area and Structural Requirements	
1.	Minimum Lot Area per single or two-family dwelling	5 acres
2.	Minimum Lot Frontage	
	along Routes 4, 12 & 106	200 feet
	along a Town Road	150 feet
	along the perimeter of a cul-de-sac	50 feet
3.	Front Setback Minimum	
	from centerline on Rte 4, 12 & 106	80 feet
	from centerline of a Town Road	60 feet
4.	Rear Setback Minimum	25 feet
5.	Side Setback Minimum	25 feet
6.	Building Height Maximum	35 feet
7.	Buffer Strip Requirements	§ 505
8.	Parking Requirements	§ 521
9.	Aquatic Buffer Requirements	§ 403

SECTION 303           RESIDENTIAL THREE ACRE - 3 Acres

A.	Purpose	To designate areas of moderate density residential development in areas close to developed areas.
B.	Uses Not Requiring a Permit	
	1. Agriculture	
	2. Forestry	
C.	Uses Requiring an Administrative Permit	
	1. Buildings and Structures for Agriculture and Forestry	
	2. Single-family Dwelling	
	3. Structures Accessory to a Single-family Dwelling	
	4. Two-family Dwelling	
	5. Detached Apartment	§ 509
	6. Home Occupation	§ 517
	7. Subdivision, Minor	§ 714
	8. Short-Term Rental	§ 525
D.	Uses Requiring a Conditional Use Permit	
	1. Multi-family Dwelling	§ 508
	2. Subdivision, Major	§ 714
	3. Public and Quasi-public Use	§ 711
	4. Public Utility	§ 711
	5. Home Occupation	§ 517
	6. Home Enterprise	§ 516
	7. Special Care Facility	§ 527
	8. Day Care Facility	§ 507
	9. Bed and Breakfast	§ 504
	10. Commercial Recreational Facility	
	11. Extraction of Sand, Gravel, and Mineral	§ 511
E.	Land, Area and Structural Requirements	
1.	Minimum Lot Area	
	per single or two-family dwelling	3 acres
2.	Minimum Lot Frontage	150 feet

	along the perimeter of a cul-de-sac	50 feet
3.	Front Setback Minimum	
	from centerline of a Town Road	60feet
4.	Rear Setback Minimum	25 feet
5.	Side Setback Minimum	25 feet
6.	Building Height Maximum	35 feet
7.	Buffer Strip Requirements	§ 505
8.	Parking Requirements	§ 521
9.	Aquatic Buffer Requirements	§ 403

SECTION 304 RESIDENTIAL ONE ACRE - 1 Acre

A.	Purpose	To designate areas of the community compatible with one acre residential development.	
B.	Uses Not Requiring a Permit		
	1.	Agriculture	
	2.	Forestry	
C.	Uses Requiring an Administrative Permit		
	1.	Buildings and Structures for Agriculture and Forestry	
	2.	Single-family Dwelling	
	3.	Structures Accessory to a Single-family Dwelling	
	4.	Two-family Dwelling	
	5.	Detached Apartment	§ 509
	6.	Home Occupation	§ 517
	7.	Subdivision, Minor	§ 714
	8.	Short-Term Rental	§ 525
D.	Uses Requiring a Conditional Use Permit		
	1.	Multi-family Dwelling	§ 508
	2.	Subdivision, Major	§ 714
	3.	Public and Quasi-public Use	§ 711
	4.	Public Utility	§ 711
	5.	Home Occupation	§ 517
	6.	Special Care Facility	§ 527
	7.	Day Care Facility	§ 507
	8.	Bed and Breakfast	§ 504
E.	Land, Area and Structural Requirements		
	1.	Minimum Lot Area	
		Per single or two-family dwelling	One acre
	2.	Minimum Lot Frontage	100 feet
		along perimeter of a cul-de-sac	50 feet
	3.	Minimum Front Setback	
		From centerline on Routes 4, 12, & 106	80 feet
		from Town Road centerline	45 feet
	4.	Minimum Rear Setback	25 feet
	5.	Minimum Side Setback	25 feet
	6.	Maximum Building Height	35 feet
	7.	Buffer Strip Requirements	§ 505
	8.	Parking Requirements	§ 521
	9.	Auatic Buffer Requirements	§ 403

SECTION 305 RESIDENTIAL LOW DENSITY - 20,000 sq. ft.

A. Purpose To designate areas of the community compatible with low density residential development

B. Uses Requiring an Administrative Permit

- 1. Single-family Dwelling
- 2. Structures Accessory to a Single-family Dwelling
- 3. Two-family Dwelling
- 4. Detached Apartment § 509
- 5. Home Occupation § 517
- 6. Subdivision, Minor § 714

C. Uses Requiring a Conditional Use Permit

- 1. Multi-family Dwelling § 508
- 2. Subdivision, Major § 714
- 3. Public and Quasi-public Use § 711
- 4. Public Utility § 711
- 5. Home Occupation § 517
- 6. Special Care Facility § 527
- 7. Day Care Facility § 507
- 8. Bed and Breakfast § 504
- 9. Short-Term Rental § 525

D. Land, Area and Structural Requirements

- 1. Minimum Lot Area
  - per single or two-family dwelling 20,000 sq ft
  - per three-family dwelling unit 40,000 sq ft
- 2. Minimum Lot Frontage 75 feet
- 3. Minimum Front Setback
  - from centerline on Routes 4, 12 & 106 50 feet
  - from centerline of a Town Road 35 feet
- 4. Minimum Rear Setback 25 feet
- 5. Minimum Side Setback 15 feet
- 6. Maximum Building Height 35 feet
- 7. Buffer Strip Requirements § 505
- 8. Parking Requirements § 521
- 9. Aquatic Buffer Requirements § 403

SECTION 306 RESIDENTIAL MEDIUM DENSITY - 8,000 sq. ft.

A. Purpose To designate areas of the community compatible with medium density residential development.

B. Uses Requiring an Administrative Permit

- 1. Single-family Dwelling
- 2. Structures Accessory to a Single-family Dwelling
- 3. Two-family Dwelling
- 4. Detached Apartment § 509
- 5. Home Occupation § 517
- 6. Subdivision, Minor § 713

C. Uses Requiring a Conditional Use Permit

- 1. Multi-family Dwelling § 508

2.	Subdivision, Major	§ 714
3.	Public and Quasi-public Use	§ 711
4.	Public Utility	§ 711
5.	Home Occupation	§ 517
6.	Special Care Facility	§ 527
7.	Day Care Facility	§ 507
8.	Bed and Breakfast	§ 504
9.	Short-Term Rental	§ 525
D.	Land, Area and Structural Requirements	
1.	Minimum Lot Area	
	per single or two-family dwelling	8,000 sq ft
	per three unit dwelling	16,000 sq ft
2.	Minimum Lot Frontage	50 feet
3.	Minimum Front Setback	
	from centerline on Routes 4, 12 & 106	50 feet
	from centerline of a Town Road	35 feet
4.	Minimum Rear Setback	20 feet
5.	Minimum Side Setback	10 feet
6.	Maximum Building Height	35 feet
7.	Buffer Strip Requirements	§ 505
8.	Parking Requirements	§ 521
9.	Aquatic Buffer Requirements	§ 403
SECTION 307           RESIDENTIAL HIGH DENSITY - 5,000 sq. ft.		
A.	Purpose	To permit designated areas of the community where higher density residential development is compatible.
B.	Uses requiring an administrative permit	
1.	Single-family Dwelling	
2.	Structures Accessory to a Single-family Dwelling	
3.	Two-family Dwelling	
4.	Detached Apartment	§ 509
5.	Home Occupation	§ 517
6.	Subdivision, Minor	§ 714
C.	Uses Requiring a Conditional Use Permit	
1.	Multi-family Dwelling	§ 508
2.	Subdivision, Major	§ 714
3.	Public and Quasi-public Use	§ 711
4.	Public Utility	§ 711
5.	Home Occupation	§ 517
6.	Special Care Facility	§ 527
7.	Day Care Facility	§ 507
8.	Bed and Breakfast	§ 504
9.	Short-Term Rental	§ 525
D.	Land, Area and Structural Requirements	
1.	Minimum Lot Area	
	per single or two-family dwelling	5,000 sq ft
	per three unit dwelling	10,000 sq ft
2.	Minimum Lot Frontage	50 feet

3.	Minimum Front Setback from centerline of the road	35 feet
4.	Minimum Rear Setback	15 feet
5.	Minimum Side Setback	10 feet
6.	Maximum Building Height	35 feet
7.	Buffer Strip Requirements	§ 505
8.	Parking Requirements	§ 521
9.	Aquatic Buffer Requirements	§ 403

SECTION 308 RESIDENTIAL/OFFICE

A. Purpose To provide a mixed use district limited to residential and office uses outside of the Village.

B. Uses Requiring an Administrative Permit

1.	Single-family Dwelling	
2.	Structures Accessory to a Single-family Dwelling	
3.	Two-family Dwelling	
4.	Detached Apartment	§ 509
5.	Home Occupation	§ 517
6.	Subdivision, Minor	§ 714

C. Uses Requiring a Conditional Use Permit

1.	Multi-family Dwelling	§ 508
2.	Subdivision, Major	§ 714
3.	Public and Quasi-public Use	§ 711
4.	Public Utility	§ 711
5.	Home Occupation	§ 517
6.	Special Care Facility	§ 527
7.	Day Care Facility	§ 507
8.	Bed and Breakfast	§ 504
9.	Short-Term Rental	§ 525
10.	Office	

D. Land, Area and Structural Requirements

1.	Minimum Lot Area per single or two-family dwelling	One acre
2.	Minimum Lot Frontage	150 feet
3.	Minimum Front Setback from road centerline	50 feet
4.	Minimum Side Setback	25 feet
5.	Minimum Rear Setback	25 feet
6.	Maximum Building Height	35 feet
7.	Buffer Strip Requirements	§ 505
8.	Parking Requirements	§ 521
9.	Aquatic Buffer Requirements	§ 403
10.	Architectural Character	§ 701

SECTION 309 HAMLET COMMERCIAL

A. Purpose To provide a mixed use area whereby commercial and residential uses co-exist to primarily meet the day-to-day needs of local residents.

B.	Uses Requiring an Administrative Permit		
1.	Single-family Dwelling		
2.	Structures Accessory to a Single-family Dwelling		
3.	Two-family Dwelling		
4.	Detached Apartment		§ 509
5.	Home Occupation		§ 517
6.	Subdivision, Minor		§ 714
C.	Uses Requiring a Conditional Use Permit.		
1.	Multi-family Dwelling		§ 508
2.	Subdivision, Major		§ 714
3.	Public and Quasi-public Use		§ 711
4.	Public Utility		§ 711
5.	Home Occupation		§ 517
6.	Special Care Facility		§ 527
7.	Day Care Facility		§ 507
8.	Bed and Breakfast		§ 504
9.	Short-Term Rental		§ 525
10.	Office		
11.	General store		
D.	Land, Area and Structural Requirements		
1.	Minimum Lot Area		
	per single or two-family dwelling		20,000 sq ft
2.	Minimum Lot Frontage		
	along Routes 4, 12 & 106		100 feet
	along a Town Road		75 feet
	along perimeter of a cul-de-sac		50 feet
3.	Minimum Front Setback		
	from centerline on Routes 4, 12 & 106		50 feet
	from centerline of a Town Road		40 feet
4.	Minimum Side Setback		10 feet
5.	Minimum Rear Setback		15 feet
6.	Maximum Building Height		35 feet
7.	Buffer Strip Requirements		§ 505
8.	Parking Requirements		§ 521
9.	Aquatic Buffer Requirements		§ 403
10.	Architectural Character		§ 701

SECTION 310 COMMERCIAL/LIGHT INDUSTRIAL

A. Purpose To provide for concentrated commercial development by protecting residential areas from incompatible uses.

B.	Uses Requiring an Administrative Permit		
1.	Single Family Dwelling	4.	Detached Apartment § 509
2.	Residential Accessory Structures	5.	Home Occupation § 517
3.	Two-family Dwelling	6.	Subdivision, Minor § 714
C.	Uses Requiring a Conditional Use Permit		
1.	Multi-family Dwelling § 508	6.	Special Care Facility § 527
2.	Subdivision, Major § 714	7.	Day Care Facility § 507

- |     |                                     |       |    |  |       |
|-----|-------------------------------------|-------|----|--|-------|
| 3.  | Public/Quasi-public use             | § 711 | 8. | Bed and Breakfast  | § 504 |
| 4.  | Public Utility                      | § 711 | 9. | Short-Term Rental  | § 525 |
| 5.  | Home Occupation                     | § 517 |    |  |       |
| 10. | Commercial Uses                     |       |    |  |       |
| a.  | Office                              |       | k. | Filling station  |       |
| b.  | Medical clinic                      |       | l. | Repair service and body shop   |       |
| c.  | Physical fitness facility           |       | m. | Other similar commercial uses determined by the TDRB to be non-detrimental to and of similar character to adjoining uses or uses permitted within the District |       |
| d.  | Hotel, motel                        |       |    |  |       |
| e.  | Restaurant                          |       |    |  |       |
| f.  | Retail shop                         |       |    |  |       |
| g.  | Barber shop, beautician             |       |    |  |       |
| h.  | Research establishment              |       |    |  |       |
| i.  | Design & drafting establishment     |       |    |  |       |
| j.  | Insurance office                    |       |    |  |       |
| 11. | Light Industrial Uses               |       |    |  |       |
| a.  | Wholesale Bakery                    |       | i. | Light mfrg & assembly  |       |
| b.  | Storage/warehouse                   |       | j. | Printing, publishing   |       |
| c.  | Garden supplies & equipment         |       | k. | Pottery and/or ceramics  |       |
| d.  | Agricultural supplies               |       | l. | Other similar industrial uses determined by the TDRB to be non-detrimental to and of similar character to adjoining uses or uses permitted in the District.    |       |
| e.  | Building/road construction business |       |    |  |       |
| f.  | Stone work, excluding quarries      |       |    |  |       |
| g.  | Furniture making                    |       |    |  |       |
| h.  | Green house                         |       |    |  |       |

D. Land, Area and Structural Requirements

- |    |   |          |     |                                    |                |
|----|---|----------|-----|------------------------------------|----------------|
| 1. | Minimum Lot Area per unit or<br>Two-family dwelling | 1 acre   | 7.  | Maximum Bldg Footprint<br>per acre | 15,000 sq. ft. |
| 2. | Minimum Lot Frontage                                | 150 ft.. | 8.  | Buffer Strip Requirements          | § 505          |
| 3. | Minimum Front Setback<br>from road centerline       | 50 ft.   | 9.  | Parking Requirements               | § 521          |
| 4. | Minimum Side Setback                                | 25 ft.   | 10. | Aquatic Buffer Requirements        | § 403          |
| 5. | Minimum Rear Setback                                | 25 ft.   | 11. | Architectural Character            | § 701          |
| 6. | Maximum Building Height                             | 35 ft.   |     |                                    |                |

SECTION 311 LIGHT COMMERCIAL/LIGHT INDUSTRIAL

A. Purpose To provide for light commercial development outside of the Village

B. Uses Requiring an Administrative Permit

- |    |                                  |  |    |                    |       |
|----|----------------------------------|--|----|--------------------|-------|
| 1. | Single-Family Dwelling           |  | 4. | Detached Apartment | § 508 |
| 2. | Residential Accessory Structures |  | 5. | Home Occupation    | § 517 |
| 3. | Two-family Dwelling              |  | 6. | Subdivision, Minor | § 714 |

C. Uses Requiring a Conditional Use Permit

- |    |                           |       |    |                       |       |
|----|---------------------------|-------|----|-----------------------|-------|
| 1. | Multi-family Dwelling     | § 508 | 6. | Special Care Facility | § 527 |
| 2. | Subdivision, Major        | § 714 | 7. | Day Care Facility     | § 507 |
| 3. | Public & Quasi-public Use | § 711 | 8. | Bed and Breakfast     | § 504 |
| 4. | Public Utility            | § 711 | 9. | Short-Term Rental     | § 525 |
| 5. | Home Occupation           | § 517 |    |                       |       |

10. Light Commercial Uses:

- a. Office
- b. Retail Store  
limited to 3,000 sq. ft.
- c. Restaurant  
limited to 2,000 sq. ft. & 25 seats
- d. Research establishment
- e. Design & drafting establishment
- f. Insurance branch office
- g. Other similar commercial uses  
determined by the TDRB to  
be non-detrimental to and of  
similar character to adjoining  
uses or uses permitted within  
the District

11. Light Industrial Uses

- a. Wholesale Bakery
- b. Storage/warehouse
- c. Light mfrg & assembly
- d. Printing, publishing
- e. Furniture making
- f. Garden supplies & equipment
- g. Agricultural supplies
- h. Building or road construction establishment
- i. Stone work, excluding quarries
- j. Greenhouse
- k. Pottery and/or ceramics
- l. Other industrial uses determined by  
the TDRB to be non-detrimental  
to and of a similar character to  
adjoining uses or uses permitted  
within the District.

D. Land, Area and Structural Requirements

- |  |         |  |                |
|--|---------|--|----------------|
| 1. Minimum Lot Area<br>per unit or two-family dwelling | 1 acre  | 7. Maximum footprint of building<br>per acre | 15,000 sq. ft. |
| 2. Minimum Lot Frontage                                | 150 ft. | 8. Buffer Strip Requirements                 | § 505          |
| 3. Minimum Front Setback<br>from road centerline       | 50 ft.  | 9. Parking Requirements                      | § 521          |
| 4. Maximum Side Setback                                | 25 ft.  | 10. Aquatic Buffer Requirements              | § 403          |
| 5. Maximum Rear Setback                                | 25 ft.  | 11. Architectural Character                  | § 701          |
| 6. Maximum Building Height                             | 35 ft.  |  |                |

SECTION 312 BUSINESS SERVICE/LIGHT INDUSTRIAL

A. Purpose To allow non-retail services and manufacturing facilities away from the Village center.

B. Uses Requiring an Administrative Permit

- |                                     |                       |       |
|-------------------------------------|-----------------------|-------|
| 1. Single-family Dwelling           | 4. Detached Apartment | § 509 |
| 2. Residential Accessory Structures | 5. Home Occupation    | § 517 |
| 3. Two-family Dwelling              | 6. Subdivision, Minor | § 714 |

C. Uses Requiring a Conditional Use Permit

- |                              |       |                          |       |
|------------------------------|-------|--------------------------|-------|
| 1. Multi-family Dwelling     | § 508 | 6. Special Care Facility | § 527 |
| 2. Subdivision, Major        | § 714 | 7. Day Care Facility     | § 507 |
| 3. Public & Quasi-public Use | § 711 | 8. Bed and Breakfast     | § 504 |
| 4. Public Utility            | § 711 | 9. Short-Term Rental     | § 525 |
| 5. Home Occupation           | § 517 |                          |       |

10. Business Services

- a. Offices
  - b. Research
  - c. Commercial operated schools
  - d. Other similar business  
services upon the determination  
by the TDRB
- that such use is of the same  
general character as those  
permitted and will not be  
detrimental to the other uses  
within the District, as well as  
adjoining land uses

11. Light Industrial Uses
  - a. Wholesale bakery
  - b. Storage/warehouse
  - c. Light manufacturing & assembly
  - d. Printing, publishing
  - e. Pottery and/or ceramics
  - f. Furniture making
  - g. Garden supplies & equipment
  - h. Agricultural supplies
  - i. Building or road construction establishment
  - j. Stone work, excluding quarries
  - k. Greenhouse
  - l. Other industrial uses upon determination by the TDRB such use is of same character as those uses above and will not be detrimental to other uses within the District, as well as the adjoining land uses

D. Land, Area and Structural Requirements

- |                            |          |                                  |                |
|----------------------------|----------|----------------------------------|----------------|
| 1. Minimum Lot Area        |          | 6. Maximum Building Height       | 35 ft.         |
| commercial unit            | 1 acre   | 7. Maximum Footprint of Building |                |
| one or two-family dwelling | 0.5 acre | per acre                         | 15,000 sq. ft. |
| 2. Minimum Lot Frontage    | 150 ft.  | 8. Buffer Strip Requirements     | § 505          |
| 3. Minimum Front Setback   |          | 9. Parking Requirements          | § 521          |
| from road centerline       | 50 ft.   | 10. Aquatic Requirements         | § 403          |
| 4. Minimum Side Setback    | 25 ft.   | 11. Architectural Character      | § 701          |
| 5. Minimum Rear Setback    | 25 ft.   |                                  |                |

SECTION 313 INN

- A. Purpose To provide a designation for hotels/Inns.

B. Uses Requiring an Administrative Permit

1. Single-family Dwelling
2. Structures Accessory to a Single-family Dwelling
3. Two-family Dwelling
4. Detached Apartment § 509
5. Home Occupation § 517
6. Subdivision, Minor § 714

C. Uses Requiring a Conditional Use Permit

1. Multi-family Dwelling § 508
2. Subdivision, Major § 714
3. Public and Quasi-public Use § 711
4. Public Utility § 711
5. Home Occupation § 517
6. Bed and Breakfast § 504
7. Inn
8. Uses & Structures Accessory to an Inn

D. General Requirements

1. Shall have a minimum of 10 guest rooms
2. Retail shop permitted conditioned on the following:
  - a. Shall not exceed 800 square feet.
  - b. Shall be located only within the main structure.
3. Restaurant permitted conditioned on the following:
  - a. Kitchen shall be licensed by the State of Vermont.
  - b. Dining room shall be separate from kitchen and living areas.
  - c. Shall be located only within the main structure.

- d. May be open to the public, but shall abide by all applicable provisions of these Regulations.
  - e. Maximum capacity of three (3) seats per guest room.
4. Expansion requires Conditional Use and Site Plan approval.

E. Land, Area, and Structural Requirements

- |                            |         |                                |       |
|----------------------------|---------|--------------------------------|-------|
| 1. Minimum Lot Area        | 3 acres | 7. Buffer Strip Requirements   | § 505 |
| 2. Minimum Lot Frontage    | 150 ft. | 8. Parking Requirements        | § 521 |
| 3. Minimum Front Setback   | 50 ft.  | 9. Aquatic Buffer Requirements | § 403 |
| 4. Minimum Side Setback    | 25 ft.  | 10. Architectural Character    | § 701 |
| 5. Minimum Rear Setback    | 25 ft.  |                                |       |
| 6. Maximum Building Height | 35 ft.  |                                |       |

SECTION 314 PLANNED DEVELOPMENT  
Planned Residential (PRD) & Planned Unit (PUD)

A. Purpose

To enable innovation in design, layout and efficient use of land, encourage energy efficient construction, assure adequate provision of public services, streets, and utilities, and preserve Woodstock's open, natural and scenic qualities, the TDRB may modify these Regulations, simultaneously with the approval of a subdivision plat, to allow for Planned Development. Such modification(s) shall be in accord with the following standards for evaluating and approving a Planned Development proposal.

In addition to evaluation and approval by the TDRB under this Section's requirements, a Planned Development proposal shall also be subject to Design Review and Conditional Use Approval.

B. General Standards

1. The proposed development must be designed to create a stable and desirable environment that is in harmony with the density and type of adjacent land uses.
2. In addition to information required in Section 808, the application shall include a statement setting forth all proposed modifications, changes or supplementation to applicable zoning regulations.
3. The density of the underlying District(s) may be increased by twenty-five (25) percent or up to fifty (50) percent for an affordable housing development if, in the judgement of the TDRB, community facilities and site conditions can support that level of development. Site conditions that reduce the amount of developable land shall be considered when determining the appropriate density increase. Such conditions include wetlands, severe slopes, and the 100-year floodplain.
4. The TDRB may require that areas be designated as future sites for educational facilities if 100 dwelling units or more are proposed.
5. The installation or construction of any necessary community facilities or utilities such as storm and sanitary sewage lines, sewage treatment plants, water lines, lighting, and so forth, shall be the responsibility of the developer.
6. To assure that the community is not unduly affected, the project may be subject to requirements regarding traffic.
7. If land is to be subdivided into lots which will not conform with the zoning regulations for the districts in which the development is situated, it must be demonstrated that adequate conditions and methods exist or will be made for the treatment of sewage and the provision of a safe supply of drinking water prior to approval.
8. The project land may be owned, leased or controlled either by a single person or corporation or by a group of individuals or corporations. The approved project plan shall be binding on the project land and on present and successive owners. To assure adequate property management and compliance with conditions of project approval:
  - a. If owned by a group of individuals or corporations, an association shall be formed. to assure that all properties and common areas are properly maintained.

- b. The filing of a Declaration of Covenants, Conditions, and Restrictions (or its equivalent) may be required.
- 9. The proposal shall provide for the preservation of open space, agricultural land, forested areas, significant views, streams and stream banks, steep slopes, wet areas, soils unsuitable for development, and other unique natural features.
- 10. The percentage of land dedicated to open space shall be at least 33% of total acreage if the total acreage of the parcel is less than 50 acres and at least 50% of total acreage if the parcel is greater than 50 acres.
  - a. Land set aside as open space shall be of a size, type and location to meet its intended use.
  - b. Open space should be contiguous to other existing or potential open space areas.
  - c. Ownership of open space should be consistent with the best means of maintaining the resources on site.
- 11. If the proposed project results in lands available for municipal purposes, the TDRB, as a condition of its approval, may establish conditions on the ownership, use, and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes;
- 12. Land reserved as private open space shall be protected from future development and environmental damage through an appropriate legal mechanism approved by the TDRB. Such mechanism shall:
  - a. Restrict future building and removal of soil, trees, and other natural features, except as is consistent with conservation, recreation, or agricultural uses or uses accessory to permitted uses;
  - b. Provide that residents have access to the open space at all times;
  - c. Dictate whether open space is for the benefit of residents only, or may be open to residents of Woodstock.
- 13. Any modification of these Regulations approved under this Section shall be noted on or appended to the subdivision plat, specifically setting forth standards and criteria for the required (a) design, bulk, and spacing of buildings and (b) location and size of designated lots and open spaces.
- 14. In evaluating PRD and PUD proposals, the TDRB, in addition to finding that the foregoing requirements are met, shall consider:
  - a. The objectives and policies set forth in the Town Plan.
  - b. The relationship and compatibility of residential and non-residential uses, taking into consideration the location, arrangement, and size of lots, recreation areas, school sites, and open space.
  - c. The relationship of the proposed built development to the site's natural features.
  - d. The densities proposed for the entire area.
  - e. Such other considerations that will contribute to the orderly and harmonious development of the land.
- 15. Amendment to an approved plan shall follow the procedures and conditions stated herein.

C. General Design Standards

- 1. Roadways & Parking
  - a. Roadways should be designed to minimize site disturbance by following existing contours and site features and shall not exceed an average of 10% grade.
  - b. Areas for off-street parking adequate for the proposed occupancy, at least equivalent to the requirements of Section 521 of these Regulations, must be provided.
- 2. Open Space & Development
  - a. Open space should preserve agricultural, recreational or natural resources, and where feasible, serve as buffers to adjoining land and uses.
  - b. Buildings should be located in wooded areas or on field edges and should not include sensitive areas such as wetlands, floodplains or steep slopes.
- 3. Energy Conservaton
  - a. To conserve energy, the development plan must use the least amount of area for roads

and the least length of sewer, water and utility lines within environmentally and economically sound limits.

- b. Clustered development should be considered wherever feasible.
- c. The siting of buildings should maximize solar access where feasible.
- d. Landscaping should be effectively used to provide wind barriers and reduce heat loss.

4. Landscaping and Screening

The preservation, planting and maintenance of trees, ground cover or other vegetation, of a size and type deemed appropriate by the TDRB, may be required in the following instances:

- a. To provide an undisturbed vegetated buffer between developed and undeveloped portions of the site to protect water quality and/or other natural features. See Section 403.
- b. To provide privacy screening, reduce noise and glare, or to otherwise soften and/or lessen the visual impacts of development.
- c. To preserve existing specimen trees, tree lines, critical wildlife habitat, or wooded areas of particular natural or aesthetic value to the site.
- d. To establish a barrier between incompatible land uses.

D. Application Materials and Procedures

1. Prior Approval

When a Planned Development is proposed, before any contract is made for the sale of any part of the parcel(s) involved, before any zoning permit shall be granted and before any subdivision plat may be filed in the Office of the Town Clerk, the prospective developer shall apply for and secure approval of the development in accordance with the following procedures.

2. Preliminary Application

- a. The applicant shall apply in writing to the TDRB to discuss the proposed project at a regularly scheduled public hearing. The application shall minimally include a narrative description of the project, setting forth its purpose, desirability and impact on the neighborhood in which the project is proposed.
- b. The TDRB shall have thirty (30) days to respond in writing to the applicant's proposal with a favorable or unfavorable decision. A favorable decision shall authorize the applicant to proceed to the formal application and approval stages.
- c. In considering the preliminary application, the TDRB shall consider, conceptually, the project scale, proposed use configuration, compatibility with the goals and objectives of the Town Plan, compatibility and relationship to the adjacent land uses and impact on public facilities and services.

3. Formal Application

Upon a favorable decision and authorization to proceed by the TDRB, the applicant shall submit:

- a. Sketch plan, drawn to scale, clearly showing the following:
  - 1. Location, size and uses of various proposed buildings.
  - 2. General outlines of existing and proposed interior roadways, parking areas, all existing rights-of-ways and easements, whether public or private, location of existing utilities and infrastructure.
  - 3. Principal relationships to and impact on public services such as highways, town roads, water supply and sewage disposal.
  - 4. Interior and peripheral open space.
  - 5. Location of significant vegetation, water bodies, wetlands, desirable and objectionable views, sources of noise, odors and other potential nuisances, existing buildings and structures.
  - 6. Existing topography and proposed final grading at contour intervals not exceeding 5 feet, noting areas of potential erosion, flooding, and ponding.
  - 7. The location of facilities for the control and disposal of stormwater. See Article VI

- b. Traffic and circulation analysis, including trip generation, internal circulation, ingress and egress points and sight distances.
  - 4. Phasing Plan
 

Projects that will take more than 24 months to complete must present a description and clear plan for the project's phasing, including the area, uses, and timing of each phase. In any case, the sketch plan shall show the complete project.
  - 5. Competence
 

Evidence demonstrating the competence of the applicant to carry out the plan, both physically and financially.
- E. Public Hearings
  - 1. Within sixty (60) days of receipt of the Sketch Plan and accompanying documentation, the proposal for Planned Development shall be reviewed by the TDRB in a public hearing, preceded by public notice.
  - 2. Hearings may be continued from time to time provided that the date and place of the continued hearing are announced at the hearing. Decisions on an application shall be made no later than sixty (60) days from the date of the final adjournment.
- F. Final Approval
  - 1. Final Approval of the Planned Development proposal shall be conditioned on preliminary and final Site Plan and Conditional Use Approval by the TDRB.
  - 2. The TDRB can condition final approval as deemed appropriate. Such conditions may pertain - but are not limited - to the following areas of concern:
    - a. Visual and acoustical screening
    - b. Land use mix
    - c. Schedule of construction:
      - i. If project phasing is desired or required as a condition of approval, the plan for each phase shall be subject to public hearing by the TDRB
      - ii. The time allotted to complete the entire project or phases
    - d. Pedestrian and vehicular circulation system,
    - e. Parking and snow removal,
    - f. Protection of natural and/or historical resources,
    - g. Performance guarantees assuring completion, compliance with the approved plan or conditions of approval,
    - h. Submission of a Declaration of Covenants, Conditions and Restrictions or equivalent document:
      - i. If required, the document shall be (1) filed with the Town Clerk prior to final approval and (2) provided at closing to purchasers of each unit of ownership or leasehold.
      - ii. Such document shall:
        - (a) specify that deeds, leases or any other instrument conveying buildings, units, or parcels are subject to the terms of the Declaration,
        - (b) identify the parties responsible for the cost to maintain common and open areas,
        - (c) be reviewed by an attorney representing the Town to assure that the the Town's interests are protected.
  - 3. Upon final approval of the siting and uses involved in the Planned Development, the architectural portion of the project becomes subject to Design Review Approval.
- G. PUD Specific Standards
  - 1. Purpose: A PUD is intended to achieve a mix of residential and commercial uses at a scale,

- spacing and design which complements the essentially rural residential character of Woodstock.
2. Setbacks: To minimize adverse effects on surrounding areas, a buffer zone of at least 20' around the PUD's periphery shall be established and kept free of all structures. The area must provide natural screening or must be landscaped. The TDRB may increase the required buffer zone if deemed appropriate.
  3. Uses: Permitted uses include and shall be limited to:
    - a. Dwelling units in detached, semi-detached, or multi-storied structures or any combination thereof.
    - b. Any commercial or non-residential use permitted in the zoning district within which the development is proposed.
    - c. Public and private education facilities.
    - d. Industrial uses and buildings that are permitted in the zoning district within which the development is proposed.

## ARTICLE IV OVERLAY ZONING DISTRICTS

### SECTION 401 PURPOSE

- A. Conservation District  
To protect Woodstock's natural heritage, resources, aesthetics and quality of life by regulating activities deemed likely to have a significant or cumulative negative impact upon their ecological and/or social value.
- B. Design Review District  
To protect the natural beauty and the architectural, cultural and historic character of the Town. In order to protect these characteristics, it is necessary to insure that structures are properly related to their sites, to surrounding sites and structures and that proper attention is given to exterior appearances of buildings as permitted by Section 4414 E of the Act.
- C. Flood Hazard District  
To lessen or avoid the hazards or damage to property resulting from flood waters and to provide for the maintenance and improvement of agriculture and other non-structural uses adjacent to the Ottawaquechee River and its related tributaries.
- D. Scenic Ridgeline District  
To protect the rural and scenic character of Woodstock by protecting and preserving the aesthetic and scenic character of the town's primary ridgelines and hillsides.
- E. Woodstock Aqueduct Company Source Protection Area  
To monitor and protect the company's water supply from the possible negative effects of development within the overlay area.

### SECTION 402 APPLICATION

To ensure adequate protection of the underlying resource, applications for development in an Overlay District require prior review by the appropriate advisory board and Conditional Use Approval by the Town Development Review Board. All other zoning requirements shall be reviewed concurrently with this regulation and, when contradictory, the requirements of the Overlay District shall take precedence.

## SECTION 403 CONSERVATION DISTRICTS

General Standards: Notwithstanding any other provision in these Regulations, except the exemptions noted below, no pre-development clearing or grading for construction sites, roadways, waste disposal systems or other development-related activity shall take place in the Conservation District without prior review by the Conservation Commission and Conditional Use Approval by the Town Development Review Board.

Exceptions: The requirements of this Section 403 shall not affect silviculture or agricultural uses, as defined by 24 V.S.A. 4413 (D).

### A. Steep Slopes and Fragile Soils

Applications for development of land located in the Steep Slopes and Fragile Soils District shall meet the standards set forth in Article VI, Stormwater Management and shall include evidence of a state-approved water and waste-water plan.

Development within the Steep Slopes and Fragile Soils District shall also comply with requirements to provide safe access for emergency vehicles. Refer to Section 713.

### B. Surface Waters and Aquatic Protection Zones

To protect the quality of Woodstock's water resources and associated habitat, forested buffers are to be maintained within all riparian, wetland and vernal pool protection zones.

Proposed development of land adjacent to a river, stream, wetland, or vernal pool shall require prior review by the Conservation Commission and Conditional Use Approval by the TDRB. For purposes of this Section 403 B., land development includes subdivisions, construction of roads, driveways, structures, walls and solid fences.

All such development shall meet the standards set forth herein and in Article VI, Stormwater - Low Impact Development. In the event a provision of this section 403 B conflicts with a provision of Article VI, the more restrictive standard shall apply.

## 1. RIPARIAN WATER QUALITY & AQUATIC HABITAT PROTECTION ZONE

### a. Purpose

The objective of this regulation is to promote the establishment and protection of heavily vegetated areas of native vegetation and trees along the Town's water bodies to reduce the impact of stormwater runoff, prevent soil erosion, protect wildlife and fish habitat, and maintain water quality.

### b. Applicability

The requirements of this ordinance shall apply to all riparian buffers in the Town of Woodstock, described as follows:

- i. All land within 100 feet horizontal distance measured from the top of slope, for the following streams: Ottauquechee River, Gulf Stream, Barnard Brook and the Kedron Brook.
- ii. All land within 50 feet horizontal distance measured from the top of slope, for all streams identified on the Critical Areas Inventory Map.

### c. General Standards

- i. Except as provided in Subsection (d) below, all lands within a riparian buffer shall be left in an undisturbed, vegetated condition.
- ii. Removal of dead trees or trees of immediate threat to human safety as well as reasonable pruning of existing trees is permitted.
- iii. The creation of new lawn areas within riparian buffers is not permitted. Property owners

already encroaching on the riparian buffer are encouraged to return mowed areas to their vegetated state. Supplemental planting with appropriate native vegetation to restore and enhance the effective filtering and bank stabilization functions of a riparian buffer is encouraged.

- iv. Any areas within a riparian buffer that are not vegetated or that are disturbed during construction shall be seeded with a naturalized mix of grasses rather than standard lawn grass.

d. New Uses and Encroachments Within Riparian Buffers:

i. Exempted Uses:

1. Agriculture and Forestry Uses per Chapter 117, 4413 (D) of the Vermont Statutes.
2. Removal of vegetation not to exceed 5% of the riparian buffer area.
3. The following may be conducted without permit for properties located in Residential One Acre, Residential Low Density, Residential Medium Density, Residential High Density:
  - a. Trees may be trimmed as long as the overall canopy is maintained.
  - b. Underbrush may be replaced with native vegetation that is more appropriate to a riparian zone.

ii. Permitted Uses:

1. The control of noxious weeds as identified by the Vermont Agency of Natural Resources.
2. Buffer re-establishments projects which use current best practices for riparian zones.
3. Encroachments necessary to rectify a natural catastrophe for the protection of the public health, safety and welfare.

e. Conditional Uses:

The TDRB after review by the Conservation Commission may authorize the following as conditional uses within riparian buffers subject to the standards and conditions enumerated for each use:

- i. Unpaved footpaths located at least ten (10) feet horizontal distance measured from the top of slope.
- ii. Paved paths located at least fifty (50) feet horizontal distance measured from the top of slope. Access points are allowed, but shall be limited to areas where the stream or river channel is already confined and/or permanently constrained.
- iii. Stormwater treatment facilities meeting stormwater treatment practices and sizing criteria set forth in the Vermont Stormwater Management Manuals Volumes I and II as most recently amended, where the TDRB finds that:
  1. There is no practical alternative to the clearing, filling or excavating within the riparian buffer;
  2. The purposes of this ordinance will be protected through erosion controls, plantings, protection of existing vegetation, and/or other measures; and
  3. Evidence of an approved permit from the Vermont Agency of Natural Resources or the Town of Woodstock for coverage under the applicable permitting requirements to meet this criterion for encroachment into a riparian buffer.
- iv. Roadways or access drives for purposes of crossing a riparian buffer to gain access to land on the opposite side of the buffer, or for purposes of providing safe access to an approved use, in cases where there is no feasible alternative for providing safe access. A roadway crossing or access drive shall occur at a

- right angle to the stream channel, unless determined impractical by the TDRB.
  - v. Utility lines, including telephone, cable, sewer and water, to the extent necessary to cross or encroach into the riparian buffer where there is no feasible alternative for providing or extending utility services.
  - vi. Outdoor recreation and education facilities provided that any building or structure (including parking and driveways) associated with such use is located outside the riparian buffer.
  - vii. Stream restoration projects, including dam removals, in accordance with a plan approved by the Vermont Agency of Natural Resources.
- f. Standards for Review:
- i. Reduce impact of stormwater runoff.
  - ii. Prevent soil erosion.
  - iii. Protect wildlife and fish habitat.
  - iv. Maintain water quality.

2. WETLANDS, WATER QUALITY & AQUATIC HABITAT PROTECTION AREA

- a. Lands identified as wetlands on the Town's Critical Areas Inventory map shall not be drained, filled, or altered without prior review by the Conservation Commission and Conditional Use Approval by the Town Development Review Board.
- b. A minimum 100-foot Water & Aquatic Habitat Protection Buffer prohibiting disturbance of vegetation, soils or the forest canopy shall be established from the spring high water mark and/or delineated boundary of all wetlands identified on the Critical Areas Inventory map.
- c. A minimum 150-foot Water & Aquatic Habitat Protection Buffer prohibiting disturbance of vegetation, soils and forest canopy shall be established from the spring high water mark of all mapped wetland communities identified in the Critical Areas Inventory map as extremely rare (S1) or very rare (S2) within Vermont.

3. VERNAL POOLS, WATER QUALITY & AMPHIBIAN LIFE PROTECTION AREA

- a. A minimum 100-foot Water Protection Buffer prohibiting disturbance of vegetation, soils and the forest canopy shall be established from the spring high water mark or delineated boundary of all vernal pools identified on the Critical Areas Inventory map.
- b. A minimum 150-foot water Protection Buffer prohibiting disturbance of vegetation, soils and the forest canopy shall be established for vernal pools identified on the Critical Areas Inventory map as supporting uncommon, state listed amphibian species for a critical part of their life-cycle or notable breeding populations of vernal pool-dependent species.
- c. An Amphibian Life Area, critical terrestrial habitat for amphibians extends at least 600 feet beyond vernal pool boundaries. Development must be carefully planned within the 450/-500 ft. Amphibian Life Zone beyond the 100/-150 foot Water Protection Area surrounding vernal pools established in Subsection B.3.a. and b. above.

If there is no alternative to development within the 450/-500 foot area, the purposes of this regulation shall be protected to the greatest extent practicable through erosion control, protection of existing vegetation, minimizing impervious surface areas, and/or any other measures that may fulfill the purposes of this regulation, as deemed appropriate by the TDRB.

Review by the Conservation Commission and the TDRB will focus on minimizing, to the greatest extent practicable, cleared areas, overall road/driveway and building footprints, minimizing loss of protective canopy and forest floor cover, maintaining the existing hydrology of the pool watershed and establishing effective erosion control measures.

Before approving land development in the Amphibian Life Area, the TDRB shall find that the proposal conforms to the following standards:

Standard 1. Protect amphibians' unobstructed mobility in the Amphibian Life Area. Barriers to amphibian movement and disturbances to soils and the forest floor shall be kept to a minimum in these critical habitat areas.

Guideline 1.1. Refrain from constructing walls or installing fences that would act as barriers to amphibian movement.

Guideline 1.2. Refrain from construction of driveways or roads that bisect the Amphibian Life Area.

Guideline 1.3. Build wildlife passage structures around or under barriers.

Standard 2. Maintain the tree canopy to provide protective shading to land utilized during non-breeding months. A mostly closed canopy having no less than 75% cover of trees at least 20-30 feet tall shall be maintained or re-established in disturbed areas.

Guideline 2.1. Refrain from removing any trees or vegetative cover within this area.

Guideline 2.2. Re-establish tree canopy that has been removed by planting trees native to the area.

Standard 3. Protect existing hydrology of lands within the vernal pool watershed.

Guideline 3.1. Refrain from creating obstacles to the natural flow of water across the land.

Guideline 3.2. Minimize driveways, parking areas, and building footprints and lawn areas.

Guideline 3.3. Do not construct drainage conduits or channels into the pool watershed area.

Standard 4. Prevent erosion of forest floor soils.

Guideline 4.1. Implement accepted erosion control practices during construction on lands draining into this area utilizing measures recommended by the State in the most recent editions of the Low Risk Handbook for Erosion Prevention and Sediment Control or the Vermont Standards and Specifications for Erosion Prevention and Sediment Control, as determined by the TDRB.

Standard 5. Prevent cumulative habitat loss over time.

Guideline 5.1. Land clearing and construction shall be limited to no more than 25% of the total land area of the Amphibian Life Area surrounding a vernal pool.

#### 4. CLUSTERED VERNAL POOLS AND ADJACENT WETLANDS

Where vernal pools or vernal pools and adjacent wetlands are clustered within 1500' of each other in the landscape, as measured from their respective seasonal high water marks, a linking forested corridor no less than 100 feet wide shall be maintained to ensure amphibian and other aquatic-

dependent species connectivity.

- C. Application Procedures See Section 808.

#### SECTION 404 DESIGN REVIEW DISTRICT

A. Statement of Character

1. Every community has a unique character, found in its buildings, streetscape and landscape. Character gives a community its identity and is found in any number of references, large and small, to the way life has been, its man-made and natural resources, as well as its history. Although change is and should be a part of the community, the unique character of a community can be destroyed by undesirable change.
2. The purpose of Design Review is to allow for growth while preserving the integrity and character of the community. Because South Woodstock is a community that has been treasured and admired for its unique character, portions of that community are subject to the requirements of Design Review.
3. Sympathetic new design can be a positive contribution to the character of a district. Historical, architectural and visual integrity can be maintained while present and future needs are met. To acknowledge both growth and character, existing buildings and structures should be recognized as products of their own time. New construction shall be complementary to the configuration of existing buildings and streetscapes, and shall respect the traditional scale, proportions, shapes and rhythms of the surrounding neighborhood.

B. Design Review Approval

Except as otherwise provided in these Regulations:

1. A change in use or type of occupancy shall not require Design Review Approval.
2. The following acts are prohibited within the Design Review District without first obtaining Design Review Approval from the TDRB:
  - a. Construct or relocate a building.
  - b. Add to or alter the exterior of any structure or portion of a structure, including, but not limited to, buildings, permanent fences, awnings, canopies, and gazebos.
  - c. Illuminate a sign, path or street, landscape feature, or any exterior feature of a structure.

C. Design Review District Overlay Map

A copy of the South Woodstock Design Review Overlay map is attached to these Regulations. The official overlay map is located in the office of the Administrative Officer.

D. Application Procedures

1. Application

In addition to standard application materials, an application for Design Review shall include a detailed statement of the proposed construction or alteration, including:

- a. Its appropriateness to the neighborhood, surroundings and existing structures;
  - b. Other relevant information necessary for proper consideration of the application;
  - c. A detailed, scaled drawing that clearly illustrates the proposed construction or alteration.
  - d. Drawings or photographs showing existing conditions of the structure to be altered.
2. Design Review
- a. Within twenty-one (21) days of a filing of a completed application, the applicant shall meet with the Design Review Board to present and review a design that meets the the criteria in subsection (F). The initial meeting may be continued upon mutual consent of the Board and applicant.

- b. Within fourteen (14) days of the final meeting, the clerk of the Design Review Board shall mail a copy of the Board's recommendation to the applicant and transmit a copy to the clerk of the TDRB.
  - c. Within twenty-one (21) days of the Design Review Board's recommendation, the TDRB shall meet to consider the application. The applicant and abutters shall be notified of the meeting by first class mail at least three (3) working days in advance of that meeting.
3. TDRB Review
- a. Notwithstanding the recommendation from the Design Review Board, the applicant shall have the primary responsibility of presenting the proposal to the TDRB and establishing that the proposal meets the criteria in Subsection (F).
  - b. The decision issued by the TDRB may, but need not, adopt by reference the recommendation(s) of the Design Review Board.
  - c. Unless by mutual written agreement between the TDRB and the applicant, the following requirements shall apply:
    - i. After receiving the applicant's testimony and after reviewing the application materials and the Board's recommendation, the TDRB shall issue its decision in writing to the applicant within 30 days from the close of testimony.
    - ii. Failure of the TDRB to issue its decision within the time and in the manner specified shall constitute an automatic granting of Design Review Approval, the occurrence of which shall be certified in writing to the applicant by the Administrative Officer. This stipulation applies only to Design Review Approval and not to any additional zoning requirements that may apply to the application proposal.

E. Limitations

- 1. In administering these provisions, the Design Review Board and the TDRB shall focus their attention upon the compatibility of a proposed change, the location, anticipated use of the structure and other relevant factors, in light of Section F, Criteria for Approval. It is not intended to insist that new construction or alterations copy either existing architectural styles or existing decorative detail.
- 2. The TDRB and Design Review Board shall not be overly restrictive in their judgment of plans for construction or alterations of structures of little historic or design value or of structures not highly visible from a public street or area, except where such construction or alteration would seriously impair the historic or architectural value of the surrounding buildings in the area. Furthermore, the TDRB and the Design Review Board shall not be overly restrictive in their consideration of plans for energy conservation.

F. Criteria for Approval

Before granting Design Review Approval, the TDRB shall find that the proposal conforms substantially to the following criteria:

- 1. Height: Height of the proposed structure in relation to the height of existing adjacent buildings.
- 2. Setback: The proposed front, side and rear setbacks in relation to the prevailing setbacks existing in the immediate area.
- 3. Proportion: The relationship of width to height on facades of adjacent buildings. The relationship of width to height of windows and doors of adjacent buildings.
- 4. Pattern: The visual pattern established by the alternation of solids (walls) and openings (windows and doors) in the facade of buildings creates a rhythm. These patterns of solids and openings shall be considered in the construction or alteration of a building. Variation of spacing between the buildings in the immediate area shall be considered in the construction or alteration of a building.
- 5. Materials: The variation, similarity, or compatibility of existing materials on the exterior walls or

roofs of buildings in the immediate area. A building or alteration shall be considered to be compatible if the building materials used possess a kind or type which are appropriate to that building.

6. Architectural Features: Architectural features, including but not limited to, cornices, windows, shutters, fanlights, entablature prevailing in the immediate area. It is not intended that the details of old buildings be duplicated precisely, but they should be regarded as suggestive of the extent, nature and scale of details that would be appropriate on new buildings or alterations.
7. Continuity: Physical elements such as yards, fences, evergreen masses, or building facades may combine to form lines of continuity along a street. These elements shall be considered in the construction or alteration of a building.
8. Direction of Front Facade: Structural shape, placement of openings and architectural features gives a predominantly vertical, horizontal or angular character to the building's front facade and shall be considered in the construction or alteration of a building.
9. Roof Shape: The similarity or compatibility of roof shapes in the immediate area shall be considered in the construction or alteration of a building.

G. Demolition of Buildings

1. Demolition or removal of a building or structure shall require Design Plan Approval from the TDRB.
2. Before a building or other structure is demolished or moved the applicant shall in good faith prepare a detailed plan for the re-use of the vacated site which the Design Review Board determines will meet the criteria established in "F" above. Said meeting shall be warned and abutters notified.
3. In the event the TDRB determines upon testimony offered that there may be a valid reason for preservation, the TDRB may impose a waiting period of no more than forty-five (45) days.
4. The purpose of this provision is to afford a person or organization the opportunity to acquire or to arrange for the preservation of such a building.
5. Notwithstanding the above, any building with substantial structural instability resulting from fire or natural disaster, not a condition caused or suffered by the owner, shall be exempt from the provisions of this section.

SECTION 405 FLOOD HAZARD AREA

To effect the purposes of 10 V.S.A., Chapter 32, and in accord with the Vermont Planning and Development Act, 24 V.S.A., Chapter 117, Section 4424, zoning regulations are hereby established for areas of special flood hazard in the Town of Woodstock.

Please note definitions specific to Flood Hazard Area are located in Section 405 J.

A. Official Flood Hazard Area Map

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

The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate. If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the floodway, the location of the boundary shall be determined by the Administrative Officer (AO). If the applicant disagrees with the determination made by the AO, a Letter of Map Amendment (LOMA) from FEMA shall constitute proof.

Where available, base flood elevations and floodway limits provided by the National Flood Insurance

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

B. Records

The Administrative Officer shall maintain a record of:

1. All permits issued and denied for development in areas of special flood hazard;
2. The as built elevation, in relation to the mean sea level of the lowest habitable floor, including basement, of all new construction or substantial improvement of structures, within the designated special flood hazard areas; and
3. The elevation, in relation to mean sea level, to which such structures have been floodproofed.
4. All floodproofing certifications required.
5. All variance actions, including justification for their issuance.

C. TDRB

Upon receiving an application for a permit under these Regulations, and prior to holding a hearing and rendering a decision, the TDRB shall obtain from the applicant the following:

1. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
2. Written comment on the project from the Department of Environmental Conservation.
3. Subdivisions and New Development must also furnish base flood elevation data.
4. New Construction or Substantial Improvement to Structures must also furnish:
  - a. Where applicable, a site plan that depicts the proposed development, all water bodies, Special Flood Hazard, floodways, any existing and proposed drainage, any proposed fill and pre and post development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;
  - b. Where floodproofing is used in lieu of elevation, the elevation, in relation to mean sea level, to which any structure or substantial improvement has been floodproofed;
  - c. Certification from a registered professional engineer or architect that the floodproofed structure meets the floodproofing criteria of subsection 9.1 of the National Flood Insurance Program.

All applications for proposed development in the FH Overlay shall be sent 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 for comment in accordance with 24 V.S.A. § 4424. A copy of the application shall be submitted to VT ANR at least 30 days prior to the date of the public hearing.

For any permit application involving the alteration or relocation of a watercourse, the Administrative Officer shall notify adjacent communities, the Administrator of the National Flood Insurance Program, and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environment Conservation, River Management Section. A permit application will only be considered complete and ready for action following the receipt of comments or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

D. Development Standards

1. Floodway Areas - Development within the floodway is prohibited.
2. Floodway Fringe Areas (i.e., special flood hazard areas outside the floodway)
  - a. All development - shall be reasonably safe from flooding and

- i. designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood.
  - ii. constructed with materials resistant to flood damage.
  - iii. constructed by methods and practices that minimize flood damage, and
  - iv. 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.
  - v. adequately drained to reduce exposure to flood hazards;
  - vi. located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
  - vii. required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.
- b. Residential Development:
- i. New Construction and existing buildings to be substantially improved that are located in Zones A, A1-30 and AE shall have the lowest floor, including the basement, elevated to at least one foot above the base flood elevation.
  - ii. Manufactured homes to be placed and existing manufactured homes to be substantially improved that are:
    - (a) 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 which has incurred substantial damage from flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement during the occurrence of the base flood.
    - (b) 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 flotation, collapse, and lateral movement.
- c. Non-Residential Development
- i. New construction located in Zones A, A1-30, and AE shall have the lowest floor, including the basement, elevated to at least one foot above the base flood elevation.
  - ii. Existing buildings to be substantially improved located in Zones A, A1-30, and AE shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation 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.
  - iii. 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. Subdivisions:

- i. 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.
- ii. Subdivisions (including manufactured home parks) shall be designed to assure:
  - (a) such proposals minimize flood damage within the flood-prone area,
  - (b) public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage.
  - (c) adequate drainage is provided to reduce exposure to flood hazards, and
  - (d) any access roads to habitable structures or critical facilities shall be at least one foot above base flood elevations and able to withstand a 100-year event without failure or overtopping.
- e. Enclosed Areas Below the Lowest Floor:
  - i. Enclosed areas below the lowest floor which are subject to flooding shall be used solely for parking of vehicles, building access, or storage and such a condition shall clearly be stated in any permits.
  - ii. 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.
  - iii. 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.
- f. Recreational Vehicles:
 

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

  - i. be on the site for fewer than 180 consecutive days,
  - ii. be fully licensed and ready for highway use, or
  - iii. be permitted in accordance with the elevation and anchoring requirements for “manufactured homes” in section D.2.(b).
- g. Accessory Structures:
 

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

  - i. shall not be used for human habitation,
  - ii. shall be designed to have low flood damage potential,
  - iii. shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters,
  - iv. shall be firmly anchored to prevent flotation, and
  - v. shall have service facilities such as electrical and heating equipment elevated or floodproofed.
- h. Water Supply Systems: New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- i. 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.
- j. On-Site Waste Disposal Systems: On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. The lowest elevation of the wastewater distribution field shall be located at least one foot above

the base flood elevation.

- k. Watercourse Carrying Capacity: The flood and sediment carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
- l. Floor Storage Capacity: The net post-development flood storage capacity shall not be less than the pre-development capacity. If cuts and fills are used under this provision then a certification by an engineer of the net change in flood storage and that the modifications do not create any increase in erosion or flood hazard is required.
- m. Bridges and culverts, which by nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources.

E. Warning of Disclaimer of Liability

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

F. Other Permits

A permit is required from the Administrative Officer for all development in all areas defined in Section D. Development that requires Conditional Use Approval, Non-conforming Use Approval, or a Variance under these flood hazard regulations, must have such approvals prior to the issuance of a permit by the AO. Any development subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in Section D. Any permit issued will require that all necessary permits from State or Federal agencies have been received before work may begin.

The VT ANR Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the AO and attached to the permit before work can begin.

G. Variances to the Development Standards

Variances shall be granted by the TDRB 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.

Any variance issued in the Special Flood Hazard Area will not increase flood heights, and will inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and may result in increased flood insurance premiums. Such notification shall be maintained with a record of all variance actions. A copy of such a variance shall be affixed to the deed of the property on file in the municipal clerk's office.

H. Violations and Penalties

It shall be the duty of the Administrative Officer to enforce the provisions of this bylaw. Upon determination that a violation exists, the AO shall notify the alleged offender of the violation by certified mail.

- 1. The notice of enforcement shall state that:
  - a. A violation exists;
  - b. That the alleged offender has an opportunity to cure the violation within seven days of receipt.
  - c. That failure to cure the violation may result in fines and/or loss of flood insurance;
  - d. That the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days within the next succeeding 12 months; and,
  - e. That the notice of violation may be appealed as specified in this bylaw;

2. Copies of the notice of violation will be:
  - a. Mailed to the Vermont NFIP Coordinator and, within 30 days be
  - b. Filed in the land use permit files; and,
  - c. Delivered to the municipal clerk for recording in the land records.

In the case of violations in the Flood Protection Overlay District, the seven-day warning notice shall also state that failure to cure may result in loss of flood insurance. If the violation is not remedied within 7 days, or appealed, the AO shall also mail a copy to the alleged violator, the state NFIP Coordinator and the Administrator of the National Flood Insurance Program. Section 1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of their flood hazard area regulations. The notice shall consist of: (a) the name of the property owner and address or legal description of the property sufficient to confirm its identity or location, (b) a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance, (c) a clear statement that the public body making the declaration has authority to do so and a citation to that authority, (d) evidence that the property owner has been provided notice of violation and the perspective denial of insurance, and (e) a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

I. Precedence

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

J. FLOOD HAZARD DISTRICT DEFINITIONS:

The following definitions apply to the Flood Hazard section only:

**AREA OF SHALLOW FLOODING:** An area that (1) has at least a one percent chance of flooding annually to an average depth of one to three feet (designated as AO or AH on the Flood Insurance Rate Map (FIRM)); (2) is not marked by a clearly defined channel, has an unpredictable flood path, and where velocity flow may be evident. Such flooding is characterized by ponding of sheet flow.

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

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

**BASE FLOOD ELEVATION(BFE):** Is the elevation of the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year. 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 below ground level on all sides.

**DEVELOPMENT:** Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**EXISTING MANUFACTURED HOME PARK 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:** Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured 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).

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

**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 HAZARD BOUNDARY MAP (FHBM):** An official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e. mudflow) and related erosion areas having special hazards are designated as Zones A, M, and/or E.

**FLOOD INSURANCE RATE MAP (FIRM):** An official map of a community upon which the Administrator has delineated both the special hazard areas and applicable risk premium zones.

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

**FLOODPLAIN:** The land adjacent to a river or other watercourse that may be flooded at least once in 100 years.

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

**FLOODWAY, REGULATORY IN TOWN/VILLAGE OF WOODSTOCK:** Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

**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 Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved state program.

**LEGISLATIVE BODY:** The Selectboard.

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

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area, including basement. The lowest floor does not include an unfinished or flood resistant enclosure that is usable solely for vehicle parking, building access or storage, provided that such enclosure does not violate the design requirements of the National Flood Insurance Program, Section 60.3.

**MANUFACTURED HOME:** A structure, transportable in one or more sections, that is delivered on a chassis and designed to be used with or without a permanent foundation when connected to required utilities. A manufactured home does not include recreational vehicles or travel trailers.

**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 purpose of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installing 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.

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

**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:** Is the land in the floodplain within a community subject to a one 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, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

**STRUCTURE:** For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means: (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 ordinances or laws. For the latter purpose, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition.

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 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, from the date of adoption of this ordinance, cumulatively equals or exceeds 50 percent of the market value of the structure. 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.

**WALK-OUT-ON-GRADE-BASEMENT:** Means a basement whose floor is at ground level on at least one side of the house, usually with a door on that side. This is considered the lowest floor as defined by these regulations.

## SECTION 406 SCENIC RIDGELINE DISTRICT

The undeveloped ridgelines and hillsides of Woodstock are exceptional aesthetic and scenic resources that significantly contribute to the town’s extraordinary scenic quality as well as to its rural, pastoral heritage.

It is in the public good and welfare to protect the rural and pastoral character of Woodstock by preserving and conserving Woodstock’s ridges and hillsides from unregulated land development.

### A. STATEMENT OF OBJECTIVES

1. Woodstock’s Scenic Ridgeline District is intended to protect and preserve the aesthetic and scenic qualities of the town’s primary ridgelines and hillsides. This district is primarily forested but meadows and pastures have, in the past, dotted the landscape and contributed to the rural, pastoral character of the town. This Regulation is not intended to prohibit land development within the District but, rather, to ensure that such development is situated and designed to avoid an

undue adverse impact on this valuable scenic landscape.

2. To minimize structural intrusions upon the visual landscape and maintain the rural character of the town, this Scenic Ridgeline Regulation provides standards for regulating the height, design, placement and impacts of structures on lands that lie within the Scenic Ridgeline District.

#### B. DESCRIPTION OF SCENIC RIDGELINE DISTRICT

1. General Description: The Scenic Ridgeline District shall consist of all land within five hundred (500) feet (horizontal distance) of the primary ridgelines within the Town of Woodstock.
2. Scenic Ridgeline Overlay Map: The official Scenic Ridgeline District overlay map delineates the district's boundaries and is on file in the Planning and Zoning Office. A reduced photocopy is attached to this Regulation and referenced in Section 202.
3. Final Determinations of District: If a question arises regarding whether proposed development is within the Scenic Ridgeline District, the TDRB shall, upon request, make such determination following public notice and hearing. The burden of proof shall lie with the requesting landowner.
4. Overlapping: Where overlap with other districts occurs, the more restrictive rules take precedence.

#### C. RIDGELINE PLAN APPROVAL

1. Prohibition Without Approval: Notwithstanding any other provision in these Regulations, except as provided in Subsection C.3., no land development including site preparation shall take place in the Scenic Ridgeline District without the TDRB's Conditional Use Approval of a Site Development Plan as specified in Subsection D.

All other zoning requirements that apply to land development shall be reviewed concurrently with this regulation.

2. Land Development Defined: For the purposes of this section, land development shall be defined as any of the following:
  - a. Construction or placement of any structure, excluding those related to agricultural uses or otherwise excluded by Vermont statute;
  - b. Alteration that involves an increase in height of the building or structure;
  - c. Addition or alteration of skylights, solar panels, windows or other reflective surfaces;
  - d. Construction or modification of an access road or driveway, excluding normal driveway maintenance;
  - e. Construction of a tower, satellite dish (larger than 40 inches across) or any other type of antennae;
  - f. Construction of a windmill, wind turbine or any other instrument to make use of the wind;
  - g. Excavation or extraction of any kind of solid matter exceeding 200 cubic yards;
  - h. Installation of power or telephone utility lines, including creation or widening of cleared portions of a right-of-way related to proposed or existing power or telephone lines.
3. Exemptions - the following uses or structures are exempt from Section 406 Scenic Ridgeline District and no approval shall be required:
  - a. Any existing or future development of land (except access roads and driveways) located within three hundred and fifty (350) feet from the center line of a public highway;
  - b. Routine forestry management;
  - c. Pasture restoration and agricultural uses (including construction of roads to access

- d. woods and fields);
- d. Modification and expansion of an existing residential or non-residential structure provided such alteration is clearly subordinate in impact, does not increase the area of such structure by more than 25% of the existing structure nor result in an increase of height to such structure.
- e. A structure for agricultural or forestry use; and
- f. An unheated non-residential structure less than 64 square feet in area that does not break the skyline.

D. PROCEDURES FOR PLAN APPLICATION AND REVIEW

1. Application Materials: In addition to other procedures and materials required under Sections 808, 810, and any other provisions of the Town's Zoning Regulations that apply to the proposed development, an application for development within the Scenic Ridgeline District shall include the following:
  - a. Application for zoning permit, completed, signed and dated by the landowner/applicant.
  - b. An appropriate section of the Scenic Ridgeline District Overlay Map showing the location of all proposed site disturbance within the Scenic Ridgeline District.
  - c. A narrative describing the extent and type of development proposed.
  - d. USGS Topographic Map or Survey showing the location of proposed structures and other site disturbances associated with the proposed development.
  - e. Site Development and Review Plans: Two complete sets, one of which shall be on paper not smaller than 18" x 24" and the second set shall be on paper not larger than 11" x 17". Such plans must provide information necessary to thoroughly review the proposed project, and at a minimum, shall clearly depict:
    - (1) Design and height of all structures, including elevations, building and roofing materials, exterior colors, and fenestrations or in lieu thereof, a proposed building envelope which indicates the overall volume (height, width and depth) within which a building can be located;
    - (2) Location and overall design of proposed development, including roadways, drawn in an appropriate scale, with topographical contours set at 20' intervals or less;
    - (3) Location, type and height of all proposed exterior lighting;
    - (4) Existing and proposed forested and open areas;
    - (5) Proposed landscaping showing where trees will remain, be thinned, or removed, and if available, a forest management plan;
    - (6) Location and description of proposed utilities, water supply and on-site waste disposal system;
    - (7) Any other information relevant to the proposed development and its site.
2. Supplemental Materials: In addition to the requirements listed above, the Conservation Commission and/or the TDRB may require one or more of the following plans when the impact of the proposed land development cannot be reasonably determined.
  - a. Grading Plan: Existing and proposed contours of land to be cleared to a distance of at least fifty feet beyond the cleared areas, or greater if necessary to show the relationship of the development to the surrounding terrain. When site conditions warrant, field generated contours, at intervals to be determined, may be required. The plan shall also show the location of all existing and proposed retaining walls over three feet in height.
  - b. Lighting Plan: Location, type and height of all exterior lighting, including security lighting, is to be shown on the Site Development and Design Plan (D.1.). Lighting studies may be required and would include photometric analyses of exterior lighting

and nighttime visual impact of interior lighting.

- c. Visibility Studies: Viewshed analyses, computer-assisted photo simulation, line of site sections, site photography and/or other means to assess the potential visual impact of the proposed development.
  - d. Architectural Plans and Renderings: Building design drawings, drawn to scale, clearly depicting all proposed structures, their location on the parcel, including the proposed grade of the building area and finished floor elevations. Drawings should clearly display architectural design as well as those elements required in Subsection D.1.e.(1). (e.g., elevations, building and roofing materials, exterior colors and fenestration).
  - e. Landscape/Forestry Management Plan: In addition to that required in the Site Development Plan (D.1.), a more detailed plan may be required that shows existing vegetation and proposed landscaping and clearing, including type, size and location of all vegetation to be preserved and/or installed, along with other landscaping elements such as gazebos, berms, fences, walls, etc. Special attention should be given to existing/proposed vegetation adjacent to buildings for visibility and screening purposes (within at least 30'). A plan for the maintenance of the existing and proposed landscape should be included. Such a plan shall address specific measures to be taken to ensure the protection and survival and, if necessary, replacement of designated trees during and after construction and/or installation of all site improvements.
  - f. Access Plan: A plan depicting existing and proposed roads and parking areas that include road profiles and slopes of proposed access routes.
3. Prehearing and Preparation Review: Upon receipt of an application that meets all requirements of Subsection D.1., the Administrative Officer shall warn a public hearing for the TDRB.

Within 45 days following receipt by the Administrative Officer of a complete application, the Conservation Commission shall hold a meeting to determine whether the proposed development will be visible from any vantage point as defined in Subsection E.2. A site visit may be required prior to either of the meetings. To aid in such determination, the Conservation Commission may request any of the supplemental materials listed under Subsection D.2. The Conservation Commission's review of the application may be continued pending receipt of those materials and notice of such continuation shall be promptly provided to the TDRB.

Land development that will not be visible from such vantage points is exempt from this Scenic Ridgeline District regulation. See Section 406 (D) 5 Minor Applications.

If the proposed development will be visible from designated vantage points, the Conservation Commission shall:

- a. Determine the number of affected vantage points, the volume of traffic using the affected roads or highways, the length of time that a project would be visible to motorists, and the project's distance from affected vantage points.
- b. Determine whether the proposed land development is in accord with all standards set forth in Subsection E.
- c. Prepare a report for the TDRB stating how the proposed land development meets or fails to meet the standards set forth in Subsection E. The Conservation Commission shall issue its report to the TDRB within 60 days of the first Conservation Commission

meeting, unless the meeting is continued by mutual consent.

- d. Include in the report all appropriate comments and recommendations relative to the standards for approval listed under Subsection E.
  - e. Meet with the applicant at his or her option to review the report. The Conservation Commission and the applicant may continue this meeting upon mutual consent. All changes agreed to by the applicant shall be appended to the Conservation Commission's final report and recommendation.
  - f. Mail to the applicant a copy of the Commission's report and recommendations and promptly transmit a copy to the TDRB.
4. Review by the TDRB:  
As part of the hearing, the TDRB shall review and consider the Conservation Commission's recommendations, the application materials required by Subsection D.1., any supplemental plans requested by the Conservation Commission pursuant to Subsection D.2., and testimony of the applicant and other interested parties. Before making a final determination, the TDRB may require a site visit and/or supplemental plans as outlined in Subsection D.2., in which case the hearing will be continued.

Notwithstanding the Conservation Commission's recommendation, the applicant shall have the primary responsibility of presenting the proposal to the TDRB and shall have the burden of proof to establish that the proposed development meets all standards of Subsection E.

Upon close of testimony, the TDRB shall determine whether the proposed development is in accord with all standards set forth in Subsection E. and issue a written decision granting or denying the application. The decision may be issued with or without conditions, pursuant to Subsection F. The TDRB shall render its decision within 60 days from the close of testimony.

5. Minor Applications - Finding of No Impact  
The intent of the Section is to regulate land developments within the Scenic Ridgeline District and to provide a means of ensuring that such developments are undertaken in harmony with their surroundings and that they fit within the context of their setting as viewed from vantage point or points along a public road or highway. Subsection E of this regulation, STANDARDS FOR APPROVAL, Part 2 Designation of Vantage Points, provides the basis under which vantage points are to be determined and applied to a particular development.

Notwithstanding the above, applicants proposing developments within areas not visible from any vantage point or points along a public road or highway shall not be required to submit complete sets of application materials as set forth in this subsection. To this end, applicants may present a minor application containing information sufficient to document the location, type and scale of the development and its lack of visibility from public roads and highways. Upon review by the TDRB, and in the event it finds such a development will not result in any impact due to its lack of visibility, it shall waive any requirement for additional application materials and so indicate in its decision granting approval under the Section.

To assist the TDRB and applicants, the Conservation Commission shall report to the TDRB its findings and recommendations on whether such development is visible or not from a vantage point and to provide information regarding what further information may be necessary.

E. STANDARDS FOR APPROVAL

Before approving land development in the Scenic Ridgeline District, the TDRB shall find that the proposal conforms to the following standards.

1. General Standards: All land development shall be designed and sited in a manner that does not have an undue adverse effect on the unique visual and aesthetic qualities of those areas within the Scenic Ridgeline District. The TDRB shall use a two-part test to determine whether a land development satisfies this standard.
  - a. It shall determine whether the project will have an adverse effect. In making this finding, the TDRB shall evaluate whether the proposed land development will be in harmony with its surroundings or will fit the context within which it is located. As part of this, the TDRB shall examine the nature of the surroundings, the compatibility of the project design within those surroundings, the locations from which the project can be viewed and the extent and scope of impact on scenic resources immediate to the land development within the Scenic Ridgeline District.
  - b. If the TDRB finds that the development has an adverse effect, it shall evaluate whether the effect is undue. In reaching a conclusion that the effect of land development is undue, the TDRB shall consider:
    - (1) The amount of time and time of year during which the proposed land development would be viewed by the public on a public highway from designated vantage points;
    - (2) The frequency of the view experienced by the traveling public from designated vantage points;
    - (3) The degree to which the view of the proposed development is screened by existing vegetation, the topography of the land, and existing structures from designated vantage points;
    - (4) The extent of background features in the line of sight, from designated vantage points, to the proposed development that obscure or make it more conspicuous;
    - (5) The distance of the proposed facility from designated vantage points and the proportion and scale of the development relative to adjacent land uses;
    - (6) The sensitivity or unique values of a particular view from designated vantage points affected by the proposed land development;
    - (7) The number of travelers and residents of Woodstock who will be affected by the alteration to the scenic character of the area resulting from proposed development as determined from designated vantage points;
    - (8) The sensitivity or unique value of the particular view affected by the proposal;
    - (9) The degree of disruption to a view that provides context to a scenic or historic resource from designated vantage points.
2. Designation of Vantage Points: For the purposes of this regulation, vantage points shall be any point in a Class I or Class II road, or state highway and/or any two points at least 500 feet apart on a Class III public road, from which the proposed development will be visible. In reviewing projects to determine compliance with these standards and to help identify appropriate mitigation measures, the TDRB shall consider the relative importance of the vantage points from which the project is visible. Such consideration shall include the number of affected vantage points, the volume of traffic using the affected roads or highways, the length of time that a project would be visible to motorists, and the project's distance from affected vantage points.
3. Specific Design Criteria: The following design criteria shall serve as a basis for guiding

development review and approval within the Scenic Ridgeline District.

- a. Criterion 1. Pre-construction or site preparation activities shall not be permitted without TDRB review and approval. Pre-development clearing or grading plans for construction sites, roadways, waste disposal systems or other development-related activity shall be reviewed by the TDRB prior to commencement of these activities.
  - (1) Prior to any site disturbance or construction-related activity, the landowner should review their plan with the Administrative Officer to ensure activities are consistent with the standards set forth in this Section 406.
  
- b. Criterion 2. Development shall not serve as a visual focal point. All development shall be minimally visible. The mass, height, color and location of all development, including roadways and parking areas, shall be designed to blend in with the surrounding landscape and to avoid visibility in winter months. Additional tree planting may be required to preserve the appearance of an unbroken forested canopy and/or to interrupt visibility of structures from defined vantage points.
  - (1) Natural landforms and existing vegetation should be used to screen development from public roads.
  - (2) Alternate locations may be required for structures, access roads and utility lines when no other concealment options are available to minimize visibility.
  
- c. Criterion 3. Development shall not visually break the skyline. No structure shall be located in a manner that would allow any part of it to visually exceed the natural ground outline of a hill or mountain located immediate to the proposed structure when viewed from designated vantage points. Site disturbance or tree removal that creates gaps in the silhouette of the forested ridge top shall not be permitted. Notwithstanding this criterion, a wind turbine may be permitted provided such turbine shall not exceed fifty feet in height or a telecommunications tower permitted provided it not exceed ten feet above the average height to the tree line measured within 150 feet of the proposed structure.
  - (1) Structures shall not be sited on high points, outcroppings or prominent knolls within the project site.
  - (2) Consider designing structures that conform to the topography such as multilevel structures with entrances on more than one level, such as walk-out basements or garages under buildings.
  
- d. Criterion 4. Development shall be harmonious with the surrounding landscape. The amount and location of clearing adjacent to structures and roadways shall be limited. Undeveloped hillside meadows, reminiscent of historic hillside pastures, may be created if the total clearing is less than five acres, clearing does not break or reveal the skyline and does not expose structures to view from designated vantage points.
  - (1) Clearing for views should be limited with narrow view openings between trees and beneath tree canopies being a desirable alternative to clearing large openings.
  - (2) View clearing should involve the selective cutting of small trees and the lower branches of large trees, rather than removing mature trees.
  - (3) Where feasible and appropriate, existing trails or roads should be used, instead of constructing new roadways, to minimize clearing and disruption of the landscape and to relate to traditional and historic land use patterns.
  - (4) Where new roadways must be constructed, they should follow the natural contours and clearing of vegetation should be minimal.
  - (5) Using stone walls and hedgerows as property lines is recommended and

existing stone walls and hedgerows should be preserved wherever possible.

- e. Criterion 5. Development shall not create daytime glare or glow of the night sky. Exterior lighting shall comply with standards recommended in “Outdoor Lighting for Vermont Municipalities”.
  - (1) The use of reflective surfaces and outdoor lighting fixtures should be minimized to limit the visibility of the development from off-site and reduce the impact of night-time lighting.
  - (2) Large expanses of glass should be avoided.
  - (3) Bollard, low post lighting and low level, indirect lighting are recommended.
  - (4) Spot or flood lights and excessive security lighting shall be avoided.
  - (5) Use of the structures or existing trees and shrubs to provide shielding of light fixtures is recommended.

#### F. MITIGATING ADVERSE VISUAL IMPACT

The TDRB shall have the authority to impose conditions necessary to mitigate adverse impacts associated with proposed land development within the Scenic Ridgeline District. In determining whether mitigation is necessary, the TDRB shall evaluate the steps the applicant has taken or may take to reduce the aesthetic impacts of the project on the character of the immediate area and whether such mitigating steps have or should be taken to improve the harmony of the project with its immediate surroundings.

In designing land development to be sited in the Scenic Ridgeline District, applicants can consider the following suggestions to mitigate adverse impact. The options for compliance are not limited to the list below, but the applicant can use the list to aid in the design process.

- 1. Site, design and lighting
  - a. Orient structures with the smallest facade facing vantage point(s).
  - b. Site building in a location with least visibility.
  - c. Site buildings as far from ridge top as possible.
  - d. Use natural/neutral colors.
  - e. Reduce amount and size of fenestration, particularly skylights.
  - f. Use non-reflective glass.
  - g. Minimize use of reflective glass.
  - h. Limit exterior lighting to a bare minimum.
  
- 2. Landscaping and clearing
  - a. Cluster the buildings to reduce site disturbance.
  - b. Minimize cutting of trees and natural vegetation.
  - c. Add trees to better screen developed area.
  - d. Minimize the size of the cleared site area.
  - e. Do not cut any trees before you have your permit.
  
- 3. Access road, driveway, parking area, erosion/stormwater control
  - a. Use existing farm, wood or abandoned roads.
  - b. Place roadways along natural land contours.
  - c. Minimize clearing on either side of road.
  - d. Plant more trees to screen road.
  - e. Keep parking area as small as possible.

#### SECTION 407 WOODSTOCK AQUEDUCT SOURCE PROTECTION AREA

All zoning permits issued in the overlay zone shall be sent by the Planning and Zoning Office to the Woodstock Aqueduct Company so the company may monitor development within the zone.

# ARTICLE V

## ADDITIONAL SPECIFIC STANDARDS

### SECTION 501 ACCESS AND SAFETY

To minimize traffic difficulties and to safeguard adjacent properties from strip development, Title 19 V.S.A. authorizes the municipality to control access of public highways.

### SECTION 502 ACCESSORY STRUCTURES

- A. Residential: Construction or placement of one residential shed sixty-four feet or less in an area which meets the required setbacks shall not require a zoning permit.
- B. Commercial: Placement of one shed sixty-four square feet or less, accessory to a commercial or industrial use and used for storage purposes only, shall require an administrative permit.

### SECTION 503 AFFORDABLE HOUSING

The existing development pattern of the Town has resulted in conditions which make it difficult for persons of low and moderate income to find suitable housing within the Town. The following special regulations have been enacted for the purpose of encouraging affordable housing units, while ensuring compliance with local planning standards and policies concerned with land use, building design and requirements of the health, safety, convenience and general welfare of the inhabitants of the Town.

- A. Permanent affordable housing (remaining affordable for 99 years or more) may receive up to a 25% density bonus, in addition to applicable density/bonuses permitted elsewhere in these Regulations. See Section 314 Planned Development.
- B. The TDRB may accept modification of setbacks and frontage as appropriate in view of design, location and character of the neighborhood.

### SECTION 504 BED AND BREAKFAST ESTABLISHMENTS

Bed and Breakfast establishments are limited to three guest rooms, unless located in a commercial zone. Breakfast only may be served. The establishment shall not be used to cater parties or events.

### SECTION 505 BUFFER STRIP

Commercial or industrial use that abuts a residential district or a Class I highway must establish and maintain a vegetated buffer strip of land not less than ten (10) feet in depth along all common boundaries except at points of access. The vegetated buffer area may contain a fence that does not obstruct the view of exiting or entering vehicles.

### SECTION 506 CELLULAR/WIRELESS TELECOMMUNICATION FACILITIES

Wireless telecommunication facilities shall include all wireless telecommunication providers, licensed and/or regulated by the Federal Communications Commission and associated equipment and buildings. The purpose of this Section is to preserve the character and appearance of the Town of Woodstock while facilitating the provision of adequate wireless telecommunications services to residents and businesses. This Section is available as a separate document from the Planning and Zoning Office and is incorporated as part of the Town of Woodstock Zoning Regulations.

### SECTION 507 DAY CARE HOME OR FACILITY\*

- A. A daycare home serving six or fewer children is exempt from local bylaw review. However, a certified letter of approval from the State Agency of Human Services shall be filed with the Administrative Officer.
- B. A State-registered or licensed family child care home serving six or fewer full-time children and four part-time children, shall require Site Plan Approval.
- C. A State-registered or licensed facility serving more than six full-time and four part-time children shall require a Conditional Use Permit and Site Plan Approval. \*Defined in Title 33 V.S.A. §4902 (3) (A).

SECTION 508                    DENSITY

Two dwelling units are allowed per lot. More than two units requires both a Conditional Use (§810) and Planned Residential Development (§314) approval.

SECTION 509                    DETACHED APARTMENT

Detached apartments are limited to 1500 square feet or 50% of the living area of the primary structure, whichever is larger. In calculating minimum lot size, a detached apartment shall be considered an additional family dwelling and shall not exceed the allowable zoning density.

SECTION 510                    DISH ANTENNAE

Dish antennae measuring forty (40) inches or less in diameter are exempt from the permit process providing they meet all setback provisions. Dish antennae shall not be located in the front yard or on the front of the building and shall comply with all setback provisions, unless the owner can prove that the only "window of reception" requires a nonconforming location. Dish antennae measuring over forty (40) inches require an administrative permit.

SECTION 511                    EXCAVATION OR EXTRACTION OF SAND, GRAVEL & NATURAL MATERIALS

- A. The removal of any material from land for commercial sale shall require Conditional Use and Site Plan review permits.
- B. The removal of any material from land for commercial sale shall employ best management practices designed to prevent erosion, debris and other materials from flowing into or filling any drainage course, body of water, street or neighboring property.
- C. Upon completion, the site shall be regraded as closely as possible to the original contours to prevent drainage problems. Once regraded, the topsoil shall be replaced onto the site and the site shall be reseeded, mulched and suitably planted with native trees, shrubs or grasses to prevent erosion. Replanted areas shall be monitored for invasive plant species until desired vegetation is established.
- D. Prior to excavation or construction of access roads, a restoration plan fully describing the specifics involved in the above reclamation provisions shall be approved by the TDRB.

SECTION 512                    EXTERIOR LIGHTING

A. Purpose

All new public and private outdoor lighting installed in the Town shall be in conformance with the requirements of this Section, unless specifically exempted. The purpose of this section is to avoid the discomfort and dangers of glare and the over-lighting of property, to encourage energy conservation, and to reduce the intensity of night sky glow.

B. General Standards for All Uses

- 1. Land development shall be designed and used to provide adequate outdoor lighting for pedestrian and vehicular safety, but shall confine outdoor lighting to principally within the property, and to avoid glare and visual disturbance as seen from outside the property lines. All lighting shall be directed inwards towards on-site structures, features, natural elements and not off-site.
- 2. All lighting fixtures shall be shielded downwards to minimize light from escaping into the darkened or night sky.
- 3. Outdoor security lighting shall be connected to motion detectors to avoid unnecessary high levels of lighting and to conserve energy.
- 4. To the extent that the standards or requirements of this Section are not contrary to or conflicting with the standards or design guidelines of the Outdoor Lighting Manual for Vermont Municipalities (1996) or its subsequent revisions, the TDRB and applicants shall comply with the standards or recommendation therein.

C. Conditional Uses and Site Plan Approval Standards

An application for land development requiring Conditional Use and/or Site Plan Approval and involving

the installation of new or altered outdoor lighting, except as may be specifically exempted under this section, shall include a lighting plan depicting all proposed lighting fixtures, including fixture types, mounting locations and heights, illumination levels and distribution patterns.

Prior to granting Conditional Use Approval or Site Plan Approval for land development, the TDRB shall find that the proposed project conforms substantially to the following general and specific standards:

1. Wherever practical, lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.
2. Electrical service to permanent outdoor lighting fixtures shall be underground unless the fixtures are mounted directly on utility poles.
3. Outdoor lighting installations shall be so designed to minimize glare, to limit direct light beyond the boundaries of the area being illuminated, particularly onto adjacent properties or streets, and to not result in excessive lighting levels.
4. Outdoor lighting fixtures shall be limited to recessed, shielded or fully cut-off fixtures so that the distribution of the light meets the Illuminating Engineering Society of North America (IESNA) standards for cut-off fixtures. Notwithstanding the above, the TDRB may approve architectural "period" type lighting fixtures that are not cut-off fixtures with a maximum initial lumen equivalent to a 150 watt incandescent bulb if the property is located within a registered historic district or survey or eligible for inclusion in the historic register.
5. Outdoor lighting should include fixtures that reduce energy consumption through the use of energy efficient luminaires and the avoidance of high output luminaires.
6. In commercial or business districts or for all commercial or industrial uses, outdoor fixtures shall only be illuminated during the hours of operation, unless the TDRB finds that such fixtures are necessary to secure private property or are necessary to enhance public safety.

D. Parking Lot Lighting

In addition to the above general standards, the following specific standards shall apply to the lighting of parking areas:

1. Maximum mounting height: 18 feet
2. Maximum average illumination: 1.0 foot-candle
3. Minimum color rendering index: 30

E. Gasoline Station/Convenience Store Aprons & Canopy Lighting

In addition to the above general standards, the following specific standards shall apply to the lighting of gasoline station/convenience store aprons and canopies:

1. Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking lots. If no gasoline pumps are provided, the entire apron shall be treated as a parking lot.
2. Maximum average illumination: 10.0 foot-candle.
3. Lights shall not be mounted on the top or sides of the canopy and the sides of the canopy shall not be illuminated.
4. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface of the canopy and/or shielded by the fixture off the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.
5. As an alternative or supplement to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy, provided that direct illumination is focused exclusively on the underside of the canopy.

F. Security Lighting

In addition to the above general standards, the following specific standards shall apply to security lighting:

1. All security lighting shall be shielded so that illumination is directed only onto the designated area and shall not be cast on other areas. In no case shall lighting be directed above the horizontal plane through the top of the lighting fixture and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and streets.
2. Security lighting fixtures may be mounted on poles located no more than 10 feet from the perimeter of the designated secure area.

- G. Building Facades  
Shall not be illuminated.

#### SECTION 513 FENCES

A permit (except in the Design Review District) is not required for a fence, or for a wall used as a fence, if it complies with the following:

- A. Shall not be higher than four feet in the front yard (as measured from original ground level).
- B. Shall not be higher than six feet in all other yards (as measured from original ground level).
- C. The good side of the fence shall face the neighbor.
- D. An exception may be granted in special circumstances with Conditional Use Approval.
- E. Any fence placed within the public right-of-way shall require Selectboard or AOT approval.

#### SECTION 514 GROUNDWATER AND WELLHEAD PROTECTION AREAS

Isolation distances of the Vermont Environmental Protection Rules Act 249, Chapter 21, as amended by the State of Vermont, shall be complied with. A copy of such is available in the Planning & Zoning Office.

#### SECTION 515 HISTORIC BARNs

In an effort to help landowners protect and maintain an aging barn, the Town of Woodstock will allow four non-retail fund-raising events per calendar year based on the criteria listed below. The intent of this section is that all revenue raised during the allowed event be used for maintenance of the structure. To be considered, the following conditions must be met.

- A. The barn shall be at least 50 years old and at its current location for at least 50 years.
- B. A barn shall be a minimum of 800 square feet.
- C. No event shall last longer than three days.
- D. Each event shall be separated by at least 30 days.
- E. One may apply for a Conditional Use permit for up to four events per calendar year. The fee shall be waived.

#### SECTION 516 HOME ENTERPRISE

- A. Statement of Purpose
  1. Home enterprise is intended to support the farmscape attributes that are so important both to the quality of life and the economic character of Woodstock. One means of accomplishing this is to provide alternative uses for the older secondary structures that sustain the rural character yet allow alternative sites for small businesses.
  2. The primary intent is to allow for the preservation and restoration of existing secondary structures suitable for the improvement while at the same time preventing the subdivision of large acreage parcels. Of secondary importance, the regulation is intended to provide opportunities for alternative entrepreneurial activity.
  3. In order to protect the rural character of the area, the impact of additional traffic on the rural highway system shall be a strong factor in the review procedure. Many of the town's rural roads cannot support additional traffic especially during mud and snow seasons.
  4. Businesses which qualify for Home Enterprise are limited to: editorial management and other consulting services, research laboratories and technology, investment brokerage, professional counseling, telemarketing, advertising, graphic arts, promotion and publicity services, publishing,

arts and crafts, recording or photographic services or other similar uses as determined by the TDRB.

**B. General Requirements**

In addition to the following general requirements, the TDRB may add special conditions as warranted.

1. The owner of the home enterprise shall reside on the property.
2. The property shall be no less than five (5) contiguous acres.
3. No more than seven (7) employees shall be permitted, including the owners.
4. More than one commercial use may be allowed provided that all other requirements are met.
5. The structure shall have been constructed prior to January 2008.
6. The business may require State of Vermont Act 250 Approval before the use may commence.
7. Retail trade is prohibited.
8. Performance standards of Section 709 shall be complied with.
9. Town sewer connection approval or State waste water system approval is required before the use may take effect.
10. There shall be no outdoor storage.

**C. Renovation or Reconstruction of a Secondary Structure**

1. The existing structure may be renovated, but the original footprint and height shall not be increased.
2. All structural renovations shall be completed with architecturally compatible building materials.
3. All substantial external renovations shall require TDRB approval based on the criteria of the Design Review District.

**D. Permit Process**

1. The home enterprise is a commercial use requiring both Conditional Use Review and Site Plan Review.
2. During the review process special attention shall be granted to protecting the rural character of the area. A highway engineer or traffic consultant may be required to review the application at the applicant's expense. An application may be denied if a road is considered to be too narrow to accommodate additional traffic or if the additional traffic will adversely effect the rural character of the area.
3. The permit shall be reviewed by the TDRB annually for the first two years and thereafter, if warranted.
4. The application shall include a letter of approval from the Woodstock Fire Chief.

**E. Parking, Deliveries, Signage**

1. Parking shall be placed to the rear of the structure where applicable or to the side of the structure. Parking shall be adequately screened as determined by the TDRB. One parking space per employee is required. Additional parking may be required as determined by the TDRB.
2. The access/driveway shall be no more than a ten (10) percent grade and shall be designed to permit adequate access for the proposed delivery vehicles. Adequate turnaround space shall be provided so delivery vehicles are not forced to back in from or onto a public highway.
3. Deliveries shall take place during the normal hours of operation.
4. Signage shall not exceed one four (4) square foot sign. Directional signage shall be determined by the TDRB.

**SECTION 517 HOME OCCUPATION**

While recognizing the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and that does not create a nuisance or change the residential character of the area, the Town also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities.

- A. Exempt Home Occupations
  - 1. No permit is required if all the following conditions are met:
    - a. Resident owner of the business is the only employee;
    - b. No clients on site;
    - c. No signs or outdoor storage;
    - d. No deliveries;
    - e. Office use only.
  
- B. Regulated Home Occupations
  - 1. An Administrative Permit is required if the following conditions apply:
    - a. Up to two employees who are also members of the household;
    - b. No clients on site;
    - c. No signs or outdoor storage.
  
  - 2. With Conditional Use Approval:
    - a. Only items that have been hand-crafted on-site may be sold from the residence;
    - b. A residential accessory structure may be used instead of the dwelling;
    - c. Two home occupations per dwelling may be allowed if the combined use:
      - i. Does not change the character of the neighborhood;
      - ii. Employs no more than two non-resident persons; and
      - iii. Occupies less than 50% of the residence.

**SECTION 518 LANDSCAPING AND GRADING**

- A. Erosion prevention measures shall be taken during all landscaping/grading activities to prevent the movement of soil, sediment, debris and other material into any drainage course, water body, wetlands, street or neighboring property.
- B. Any addition, removal or redistribution of the soil in excess of 5,000 sq. ft. requires Conditional Use Approval unless associated with (1) grading and excavation necessary to implement an existing permit, (2) construction of a septic system and sewer lines, (3) agriculture and forestry uses, and (4) grading necessary to repair driveways or damage caused by natural events.
- C. When Conditional Use Approval is required, a “before and after” plan shall be submitted with the application.

**SECTION 519 MOBILE HOME PARKS**

- A. Parks shall be established, maintained and administered according to the Department of Environmental Conservation’s Protection Regulations pertaining to Mobile Home Parks.
- B. Mobile Home Parks, with Division of Protection approval, may be permitted in all zoning districts with Planned Residential Development designation.

**SECTION 520 MOTOR VEHICLE REPAIR AND FILLING STATIONS**

Motor vehicle repair and filling stations are permitted as conditional uses only in the Commercial / Light Industrial zone and shall comply with the following:

- A. Shall not be located within 300 feet of any lot occupied by a school, library or religious institution.
- B. Shall not be located within 200 feet of streams, wetlands, ponds, vernal pools or other ecologically sensitive areas as identified by the Critical Areas Inventory Map.
- C. Shall have adequate on-site space for six (6) vehicles waiting for service.
- D. Shall have no more than two (2) access drives from the highway, with a minimum distance of 75 feet from the nearest road intersection.
- E. Open storage of material, equipment and retired inoperable vehicles shall be screened from view by fences or evergreen trees and shrubs. Artificial plants are prohibited for these screenings.
- F. Shall maintain a buffer strip, at least 10 feet in depth, along all highways or road rights-of-way. The

buffer strip shall be used only for a fence or the planting of trees, shrubs and flowers and shall not obstruct visibility.

- G. Total number of gas pumps shall be limited to four, serving no more than eight (8) vehicles at once.
- H. Shall be reviewed under criteria of Section 404 Design Review District by the TDRB.

## SECTION 521 OFF-STREET PARKING

For every building erected, altered, extended or changed in use, off-street parking shall be provided as follows:

- A. General Requirements:
  - 1. A parking space shall be nine (9) feet by eighteen (18) feet per car.
  - 2. A parking lot shall provide a minimum of 250 square feet of area per car to include access space.
  - 3. In the case of mixed uses occupying the same building or structure, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately.
- B. Residential Uses  
Two parking spaces per residential dwelling unit.
- C. Bed & Breakfast/Inns  
Shall have one space per rental unit and one space per employee.
- D. Home Occupations  
Shall be determined by the TDRB.
- E. Place of Public Assembly/Restaurants, etc.  
One parking space for every three seats or three person capacity thereof and one space per employee.
- F. Industrial Uses  
One parking space for every business and employee vehicle.
- G. Commercial and Business Uses  
One parking space for every business and employee vehicle, plus one parking space for every two hundred (200) square feet of floor area.
- H. Special Requirements
  - 1. Parking spaces for nonconcurrent uses may be combined in one parking area, but the spaces required of one use may not be assigned to another, except upon approval by the TDRB.
  - 2. In exceptional circumstances, upon petition to the TDRB, the TDRB may waive or reduce any of the above-stated parking requirements. The petition shall prove to the TDRB either the parking requirements are not applicable or that parking needs can be met through other means.
  - 3. Where any non-residential district or use abuts a residential district or use, the parking area shall not be closer than ten (10) feet to the property line of the residential district or use, and shall be adequately planted and screened from view. Plant species shall be evergreen trees and shrubs.
  - 4. Any parking area built within one hundred (100) feet of the Ottawaquechee River, the Barnard Brook, the Gulf Stream or the Kedron Brook shall require a Site Plan Review.

## SECTION 522 OUTDOOR DISPLAYS

- A. General  
Except as hereinafter provided, outdoor displays of goods for sale, shall be prohibited, except the display of one item located immediately in front of the establishment. All items must be brought in at closing, but no later than night fall. No items may be illuminated nor create a glare. No items shall obstruct public right-of-way, sidewalk or parking area. The exceptions to this regulation are farm produce, automobiles, and farm equipment.

- B. Commercial/Light Industrial & Business Service/Light Industrial Districts  
Hardware, feed stores and similar establishments (as determined by the TDRB) may display items as follows:
  1. Only items that are normally used out-of-doors, except clothing apparel.
  2. Display area is limited to 10% of the interior retail space not including storage areas, and shall not exceed 250 square feet.
  3. Display area is restricted to one side of the building not to exceed five (5) feet in width measured from the building's foundation edge and shall not violate the setback.

#### SECTION 523 OUTDOOR FURNACES

Placement of an outdoor furnace shall require a Conditional Use Approval.

- A. Shall be located more than 200 feet from any residence other than a residence served by the outdoor furnace or owned by the owner or lessee of the furnace.
- B. If any residence is located more than 200 but less than 500 feet from the furnace (other than a residence owned by the owner or lessee of such a furnace) the furnace shall have an attached permanent stack extending higher than the peak of the roof of the structure(s) being serviced by the furnace.
- C. Shall comply with all state regulations regarding outdoor wood-fired boiler purchase and installation.
- D. Shall comply with Section 709 Performance Standards.

#### SECTION 524 PONDS AND POOLS

- A. The construction or installation of man-made bodies of water:
  1. Requires an Administrative Permit;
  2. Shall abide by the setback standards of the district in which it is located as measured from the toe of the bank.
- B. Bodies of water larger than 100,000 cubic feet require a certified site plan prepared by a licensed engineer or architect.
- C. Above ground swimming pools less than three (3) feet deep are exempt from these Regulations.
- D. Construction of in-stream ponds is not permitted nor shall the natural flow of perennial and intermittent streams or their waters be diverted for the purpose of construction a new pond or pool.

#### SECTION 525 SHORT-TERM RENTALS

Short-term rentals in Residential Five Acre District and the Forestry District do not require a permit. The following provisions shall apply to all other zoning districts to ensure that the commercial use of residential property does not adversely affect the neighborhood in which short-term rentals are located.

- A. Conditional Use Approval is required for rental periods of fewer than thirty days.
- B. Short-term rentals are allowed no more than ten times a calendar year, excluding foliage season.
- C. All associated parking shall be on-site in designated spaces and comply with Section 521 Off-street Parking.
- D. Garbage service shall be provided and garbage containers shall be maintained out-of-sight.
- E. Notice to renters of regulations pertaining to parking, garbage, noise, parties, etc. shall be visibly displayed in the dwelling.
- F. Occupancy shall be restricted to two persons per bedroom.
- G. Name, address and telephone number of a manager shall be filed with the application and kept up to date.
- H. Prohibitions:
  1. Weddings, parties, catered events, and similar events.
  2. Signs and other outside indications that dwelling is used as a short-term rental.
  3. Outdoor activities between 9 PM and 7 AM.
- I. Exception: No permit is required during foliage season (September 15 - October 21) if the owner or primary tenant is in residence throughout the rental period and provisions "D. - H" are met.

SECTION 526                      SIGNS

A.      Exempt Signs

A permit is not required under the following circumstances:

1.      Contractors: one 4 square foot sign during construction;
2.      Commercial establishments: one 1 square foot "open/closed" sign and one 12 square foot "open" banner;
3.      Real Estate For Sale: one 4 square foot sign, one additional six inch wide insert, placed within the frame is allowed.
4.      Temporary current events (garage sales, auctions, fairs, etc.): one 12 square foot temporary sign on display for no longer than 7 consecutive days;
5.      In rural and residential districts: affixed signs, not exceeding one square foot, noting such items as house dates and names;
6.      One 12 square foot sandwich board sign per parcel may be placed at retail establishments in a Commercial/Light Industrial zone providing it is removed at nightfall, and does not block one's vision entering and exiting the premises.

B.      Prohibited Signs

1.      Flashing or moving signs;
2.      Neon type signs;
3.      Illuminated signs outlining any part of the building (e.g., gable, roof, sidewalk, corner);
4.      Internally illuminated signs;
5.      All other signs not specifically allowed are prohibited;
6.      No sign shall be placed within the state or town highway right-of-way.

C.      General Rules

1.      An outdoor sign pertaining directly to the use of the premises on which it is to be located shall be considered incidental to such primary use and subject to the following requirements.
2.      Unless specifically exempted or restricted, any new sign and any change in size or location of an existing sign requires an Administrative permit.
3.      No outdoor sign shall be permitted which does not pertain to the use of the premises on which it is located, except a temporary sign giving notice of current events.
4.      All defunct signs shall be removed within 30 days of cessation or abandonment of business.
5.      Nonconforming signs shall be brought into conformance if removed for a period of more than one year.
6.      Signs shall not block motorist or pedestrian line of sight.
7.      Illumination:
  - a.            Excessive lighting (constituting a nuisance) is prohibited.
  - b.            Illumination shall be shielded and focused only on the sign to protect the night sky and traffic. Downlighting of signs is encouraged.
  - c.            Signs shall not be illuminated after 11:00 PM except hotels, motels, bed and breakfasts, restaurants (while open) and emergency facilities.

D.      Commercial Districts and Uses

Each establishment or enterprise is entitled to one main outdoor advertising sign subject to the following conditions:

1.      Placement:
  - a.            Setback: With the exception of instructional signs, all signs shall be set back at least one-half the required setback distance or equal to the existing setback if the commercial building is nonconforming.
  - b.            Freestanding signs shall be located between 3 feet and 10 feet above ground level.
  - c.            Projecting signs shall be at least 9 feet and no more than 20 feet above ground level and shall not project more than one-half the width of a public walkway.

- d. Affixed signs shall not exceed the highest point of the building.
  2. Number and Types of Signs:
    - a. One affixed, projecting or freestanding sign per establishment.
    - b. Two instructional signs not to exceed 2 square feet each (no setback requirements).
    - c. Freestanding signs are limited to one per lot.
    - d. Restaurants are also allowed either one 4 square foot menu board or one 6 square foot sandwich board (to be removed at end of each business day). Inns are allowed one 4 square foot bill of fare sign.
  3. Maximum Signage per Lot:
    - a. To be determined by the following calculation:  
Width of store front \_\_\_\_\_ ft. multiplied by 0.8 feet = \_\_\_\_\_ total sq. ft.
    - b. Shall not exceed the limits set for the district in which it is located:
      - i. Commercial/Light Industrial, Light Commercial/Light Industrial, Business Service & Business Service/Light Industrial: 50 square feet maximum per establishment.
      - ii. Hamlet Commercial, Office/Residential & Inn Districts: 12 square feet maximum per establishment.
      - iii. Rural & Residential Districts: 2 square feet maximum.
  4. Multiple Businesses on one lot shall share one primary sign, the size of which shall not exceed the calculated maximum square footage per lot, Sec. 526 (D) (3) (a), or the limit set for the district in which it is located, Sec. 526 (D) (3) (a), whichever is smaller.
  5. Shopping malls or industrial parks may be allowed a directory sign of 10 square feet per business, not to exceed 100 square feet total.
- E. Rural and Residential Districts
1. Only affixed, freestanding or projecting permanent signs, not exceeding 2 square feet in size unless noted below.
  2. Projecting signs shall not extend more than 3 feet from a building.
  3. All signs must be less than ten (10) feet above ground level.
  4. Home occupations may have one sign not to exceed 2 square feet in size. Two home occupations in one residence may have total signage of no more than 3 square feet.
  5. A home occupation located on Route 4 may have one sign not to exceed 4 square feet. Two home occupations in one residence located on Route 4 may have a total signage of no more than 4 square feet.
  6. All home occupations may have an "open/closed" sign not to exceed 36 square inches.
  7. Bed & Breakfasts may have a "vacancy/no vacancy" sign not to exceed 36 square inches.
- F. Forest Reserve District and Agricultural Uses
- Permanent signs shall not exceed 8 square feet in size and shall not be located more than 10 feet above ground level from its highest point.
- G. Public Buildings
- One permanent sign, not to exceed 24 square feet in size, is permitted for each primary community structure. All signs must be less than 14 feet above ground level. A public school may place an internally illuminated static digital sign with Conditional Use Review. Additional signage may be allowed with TDRB review.

## SECTION 527 SPECIAL CARE FACILITY

A State licensed or registered residential care home or group home, serving not more than eight persons who are developmentally disabled or physically handicapped, 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 1,000 feet of another such home - Section 4412. 1.G of the Act. Special care facilities not exempted by the above shall require a Conditional Use permit.

SECTION 528                    TEMPORARY GARAGE

A temporary garage may be placed from October 15 to May 1 without a permit. The structure shall meet all setback requirements and shall be removed by May 1.

SECTION 529                    TENT SALES

Retail and wholesale businesses are allowed one tent sale per calendar year with the following limitations

- A.     Shall not exceed three consecutive days;
- B.     Shall meet setbacks;
- C.     Shall not impede normal pedestrian or vehicular traffic flow or pattern;
- D.     All parking related to the event shall be on site;
- E.     No permit required.

SECTION 530                    WAIVER TO SETBACKS

- A.     In all districts, waivers may be granted by the Administrative Officer, without a hearing before the TDRB, for:
  - 1.     Reductions in any setback as necessary to allow for disability access, as needed by current occupant,
  - 2.     Reductions in side and rear setbacks to allow for necessary life safety improvements;
  
- B.     In all districts, waivers of up to 50% of the setback may be granted using the Conditional Use Approval process, if the following criteria are met:
  - 1.     The proposed development is compatible in scale and design of structures and overall existing development pattern of the surrounding area;
  - 2.     The proposed development shall not infringe on potential solar gain or vistas of abutting neighbors;
  - 3.     The proposed development shall not impinge sight distances on public and private roads;
  - 4.     A waiver, if granted, is the minimum necessary to achieve the stated purposes of this section;
  - 5.     The proposed development resolves a practical difficulty and avoids undue hardship in developing the property within the required setbacks;
  - 6.     The hardship was not created by the applicant during their ownership.

**ARTICLE VI**  
**STORMWATER - LOW IMPACT DEVELOPMENT**

SECTION 601                    PURPOSE

The purpose of this regulation is:

- A.     To promote stormwater management practices that maintain or improve pre-development hydrology through site design, site development, building design and landscape design techniques that infiltrate, filter, store, evaporate and detain stormwater close to its source;
  
- B.     To protect natural resources, particularly streams, lakes, wetlands, floodplains and other natural aquatic systems on the development site and elsewhere from degradation that could be caused by construction activities and post-construction conditions;
  
- C.     To protect other properties from damage that could be caused by stormwater and sediment during construction activities and post-construction conditions on the development site;
  
- D.     To reduce the impacts from impervious surfaces such as streets, parking lots, rooftops and other paved surfaces; and

- E. To protect the public 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 caused by inadequate stormwater controls.

SECTION 602 SCOPE AND APPLICABILITY

- A. This regulation shall apply to all land development within the Town.
- B. Exceptions:
  - 1. Any activity that will increase or result in an impervious area or contiguous impervious area less than 10,000 square feet;
  - 2. The construction of any fence that will not alter existing terrain or drainage patterns.

SECTION 603 STORMWATER/LOW IMPACT DEVELOPMENT (LID) MANAGEMENT APPLICATION MATERIALS

For all development requiring a municipal land use permit, the following information shall be presented on a plan or plans drawn to scale with supporting documents and technical details as necessary:

- A. An existing condition site assessment providing baseline information on features including slope profiles showing existing gradients, soil types, tree canopy and other vegetation, natural waterbodies, wetlands and sensitive natural communities, and site features that aid in stormwater management including natural drainage ways and forested and vegetated lands located on stream and wetland buffers;
- B. An erosion and sediment control plan that incorporates accepted management practices as recommended by the state in the most recent edition of the Low Risk Handbook for Erosion Prevention and Sediment Control or The Vermont Standards and Specifications for Erosion Prevention and Sediment Control, as determined by the TDRB.
- C. A stormwater management plan identifying the construction disturbance area and demonstrating that stormwater runoff is minimized through the use of natural drainage systems and on-site infiltration and treatment techniques.

SECTION 604 GENERAL PRE-DEVELOPMENT AND CONSTRUCTION SITE STANDARDS

All development in the Town of Woodstock is subject to the following pre-development and construction site standards to ensure that all sources of soil erosion and sediment on the construction site are adequately controlled, and that existing site features that naturally aid in stormwater management are protected to the maximum extent practical.

- A. Minimize Land Disturbance. Development of a lot or site shall require the least amount of vegetation clearing, soil disturbance, duration of exposure, soil compaction and topography changes as possible.
  - 1. To the extent feasible, soils best suited for infiltration shall be retained and natural areas consisting of tree canopy and other vegetation shall be preserved, preferably in contiguous blocks or linear corridors.
  - 2. The time the soil is left disturbed shall be minimized. The TDRB may require project phasing to minimize the extent of soil disturbance and erosion during each phase of site development.
  - 3. There shall be no soil compaction except in the construction disturbance area, which shall be identified and delineated in the field with appropriate safety or landscape fencing. In areas outside the disturbance area, there shall be no storage of construction vehicles, construction materials, or fill, nor shall these areas be used for circulation.
  - 4. Development on steep slopes equal to or in excess of 15%, or which results in such slopes, shall be subject to Conditional Use Review.
- B. Preserve Natural Areas  
Development shall not result in an undue adverse impact on fragile environments, including

wetlands, wildlife habitats, streams, lakes, steep slopes, floodplains and vegetated riparian buffers.

1. Open space or natural resource protection areas shall be retained preferably in contiguous blocks or linear corridors where feasible, for the protection of the best stormwater management features identified in the site assessment as required in Subsection 603A of this regulation.
2. Forested lands located on stream and wetland buffers and steep slopes are priority areas and clearing them shall be avoided in order to protect wildlife habitats and prevent erosion and sedimentation resulting from stormwater runoff.
3. A minimum 50-foot vegetated buffer shall be established, in conformance with Section 403B along any pond.
4. Lot coverage and building footprints shall be minimized where feasible, and development clustered to minimize site disturbance and preserve large areas of undisturbed space. Environmentally sensitive areas such as areas along streams, wetlands, and steep slopes shall be a priority for preservation and open space.

C. Manage Water, Prevent Erosion and Control Sediment During Construction

Applicants shall maintain compliance with the accepted erosion prevention and sediment control plan as required in Subsection 603B of this regulation.

1. Run off from above the construction site must be intercepted and directed around the disturbed area.
2. On the site itself, water must be controlled and kept at low velocities to reduce erosion in drainage channels.
3. The amount of sediment produced from areas of disturbed soils shall be minimized by utilizing control measures such as vegetated strips, diversion dikes and swales, sediment traps and basins, check dams, stabilized construction entrances, dust control, and silt fences.
4. Immediate seeding and mulching or the application of sod shall be completed at the conclusion of each phase of construction, or at the conclusion of construction if not phased.
5. 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 Section 3.2 Winter Construction Limitations as outlined in The Vermont Standards and Specifications for Erosion Prevention and Sediment Control, or the most recent Agency of Natural Resources standards for winter construction.

SECTION 605 LOW IMPACT DEVELOPMENT (LID) DESIGN

For all development, the use of LID design approaches is preferred and shall be implemented to the maximum extent practical given the site's soil characteristics, slope, and other relevant factors. To the extent that LID design approaches are not proposed in the stormwater management plan, as required in Section 604 C of this regulation, the applicant shall provide a full justification and demonstrate why the use of LID approaches is not possible before proposing to use conventional structural stormwater management measures which channel stormwater away from the development site.

SECTION 606 STORMWATER/LID GENERAL POST CONSTRUCTION REVIEW STANDARDS AND GUIDELINES

All applications for development are subject to the following post construction stormwater management standards and guidelines to ensure that stormwater management practices are utilized to maintain natural drainage patterns and infiltrate precipitation to the maximum extent practical.

Standards are statements that express the development and design intentions of this Regulation. The guidelines suggest a variety of means by which the applicant might comply with the standards. The guidelines are intended to aid the applicant in the design process and the Administrative officer and the TDRB when reviewing applications. Options for compliance with the standards are not limited to the guidelines listed.

### Standard 1: Vegetation and Landscaping

Vegetative and landscaping controls that intercept the path of surface runoff shall be considered as a component of the comprehensive stormwater management plan.

Guideline 1.1. Utilize two-track surfaces with grass in-between to provide water infiltration for roads, driveways, parking lots and other types of drivable or walkable surfaces.

Guideline 1.2. Design parking lot landscaping to function as part of the development's stormwater management system utilizing vegetated islands with bioretention functions.

Guideline 1.3. Incorporate existing natural drainage ways and vegetated channels, rather than the standard concrete curb and gutter configuration to decrease flow velocity and allow for stormwater infiltration.

Guideline 1.4. Divert water from downspouts away from driveway surfaces and into bioretention areas or rain gardens to capture, store, and infiltrate stormwater on-site.

Guideline 1.5. Encourage construction of vegetative LID stormwater controls (bioretention, swales, filter strips, buffers) on land held in common.

### Standard 2: Development on Steep Slopes

Development on steep slopes equal to or in excess of 15% shall be sited and constructed, and slopes stabilized, to minimize risks to surface and ground waters and to protect neighboring properties from damage.

Guideline 2.1. Prohibit development, re-grading and clearing of vegetation on land where the slope is greater than 25%.

Guideline 2.2. Locate house sites, subsurface sewage systems and parking areas on the flattest portion of the site.

Guideline 2.3. Minimize crossing steep slopes with roads and driveways and lay them out to follow topographic contours in order to minimize soil and vegetation disturbance. Avoid long driveways.

### Standard 3: Reduce Impervious Surfaces

Stormwater shall be managed through land development strategies that emphasize the reduction of impervious surface areas such as streets, sidewalks, driveway and parking areas and roofs.

Guideline 3.1. Evaluate the minimum widths of all streets and driveways to demonstrate that the proposed width is the narrowest possible necessary to conform with safety and traffic concerns and requirements.

Guideline 3.2. Reduce the total length of residential streets by examining alternative street layouts to determine the best option for increasing the number of homes per unit length.

Guideline 3.3. Minimize the number of residential street cul-de-sacs and incorporate vegetated islands to reduce their impervious cover. The radius of cul-de-sacs should be the minimum required to accommodate emergency and maintenance vehicles. Consider alternative turn-around areas.

Guideline 3.4. Reduce driveway lengths by minimizing setback distances. Encourage common driveways.

Guideline 3.5. Use permeable pavement for parking stalls and spillover parking, sidewalks, driveways and bike trails.

Guideline 3.6. Establish parking maximums and utilize shared parking for uses with different peak demand periods.

Guideline 3.7. Reduce building footprints by using more than one floor level.

#### Standard 4: Low Impact Integrated Management Practices (IMPs)

Stormwater shall be managed through the use of small-scale controls to capture, store and infiltrate stormwater close to its source.

Guideline 4.1. Create vegetated depressions, commonly known as bioretention areas or rain gardens that collect runoff and allow for short-term ponding and slow infiltration. Rain gardens consist of a relative small depressed or bowl shaped planting bed that treats runoff from storms of one inch or less.

Guideline 4.2. Locate dry wells consisting of gravel or stone-filled pits to catch water from roof downspouts or paved areas.

Guideline 4.3. Use filter strips or bands of dense vegetation planted immediately downstream of a runoff source to filter runoff before it enters a receiving structure or water body. Natural or man-made vegetated riparian buffers adjacent to waterbodies provide erosion control, sediment filtering and habitat.

Guideline 4.4. Utilize shallow grass-lined channels to convey and store runoff.

Guideline 4.5. Incorporate rooftop gardens which partially or completely cover a roof with vegetation and soil or a growing medium, planted over a waterproofing membrane.

Guideline 4.6. Use permeable paving and sidewalk construction materials that allow stormwater to seep through into the ground.

Guideline 4.7. Use rain barrels and cisterns of various sizes that store runoff conveyed through building downspouts. Rain barrels are generally smaller structures, located above ground. Cisterns are larger, often buried underground, and may be connected to the building's plumbing or irrigation system.

Guideline 4.8. Add minerals and organic materials to soils to increase its capacity for absorbing moisture and sustaining vegetation.

Guideline 4.9. Utilize tree box filters placed below grade, covered with a grate, filled with filter media and planted with a tree, to act both as a water retention tank and a natural filter.

# ARTICLE VII

## GENERAL REGULATIONS

### SECTION 701 ARCHITECTURAL CHARACTER

All construction or renovation in commercial or industrial zones, including all grandfathered commercial or industrial uses, shall be compatible with the predominant architectural character of the neighborhood. For the purpose of this subsection only, the term "compatible" shall mean architectural style or design; scale; exterior finish and treatment, site work and landscaping consistent with that which exists in the neighborhood.

### SECTION 702 CORNER LOTS

Front yard setbacks are required on both street frontages and one yard other than such front yard shall be deemed to be a rear yard and the other a side yard.

### SECTION 703 EXISTING SMALL LOTS

Any lot in individual, separate and non-affiliated ownership from surrounding properties in existence on the effective date of zoning regulation (February 14, 1977) may be developed for the purposes permitted in the district in which it is located, even though not conforming in minimum lot size requirements if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty (40) feet. Nothing in this section shall be construed to prevent the sale or transfer of such a lot. All applications shall be compatible with 4412 (2) of the Act.

### SECTION 704 HEIGHT EXCEPTIONS

The height limitations of these Regulations shall be waived for barns and silos, private home antennae, spires, belfries, steeples, cupolas, water tanks, ventilators, chimneys, solar equipment, windmills, transmission towers, flag poles, or other appurtenances generally not used for human occupancy. Windmills over 35 feet in height shall require a conditional use review.

### SECTION 705 LOTLINE ADJUSTMENT

A lot line adjustment requires an administrative permit. A certified survey is required of both the land to be transferred and the remaining land, unless the remainder is more than three times the minimum lot size of the district. The transferred land shall be made a part of the receiver's deed and shall not be considered a separate lot.

### SECTION 706 LOTS IN TWO ZONING DISTRICTS

Where a district boundary line divides a lot of record at the time such line is adopted, the TDRB is authorized to adjust said district line by thirty (30) feet.

### SECTION 707 NONCONFORMING USES/NONCONFORMING STRUCTURES

Any nonconforming use or nonconforming structure existing prior to February 14, 1977, and all uses that in the future do not conform by reason of any subsequent amendment to these Regulations may be continued subject to the following provisions:

#### A. Nonconforming Use:

1. A nonconforming use may be changed and/or expanded to another nonconforming use with the approval of the TDRB, but only to a use which is of the same or more conforming nature. A more conforming use is one that more closely approximates the approved uses in

that zoning district. The use shall not expand by more than twenty-five (25) percent within a five year period. Any change or expansion of use requires a Conditional Use permit.

2. If a nonconforming use has been terminated, it may be reestablished within six (6) months. After this six (6) month period, a nonconforming use may be reestablished within twelve (12) months following its discontinuance only with TDRB approval. In their review, the TDRB shall consider the criteria listed below in "B.1".

B. Nonconforming Structure:

1. A nonconforming structure shall not be moved, enlarged, altered, extended or reconstructed without prior review from the TDRB, except that nonsubstantial changes which will clearly not increase or extend the noncompliance of the structure may be permitted by the Administrative Officer. In their review process, the TDRB shall consider the following:
  - a. That the proposed changes do not impinge upon a public right-of-way that adjoins or crosses the lot on which the structure exists.
  - b. That the proposed change create no danger to the public safety through traffic access, flow, and/or circulation;
  - c. That the proposed change be in character with the traditional settlement and construction patterns of the area in which it exists;
  - d. That the proposed change not create an unreasonable infringement upon land uses in the immediate neighborhood.
  - e. That the proposed change not enlarge nonconforming portion of the structure by more than 50%.
  - f. A nonconforming structure may be enlarged within the required setback area if the degree of nonconformance is not increased by the addition.
  - g. The degree of noncompliance is measured from the closest point of the existing structure to a boundary line or road centerline (excluding porches, decks and commercial awnings).
2. If a nonconforming structure is destroyed, it may be rebuilt and the nonconforming use may be reestablished if started within one (1) year. Extension of this time period requires approval of the TDRB. If a nonconforming structure is located in a Flood Hazard Area and is destroyed by flood, it shall not be rebuilt, except in conformance with these Regulations as a new development within a Flood Hazard Area. If not located within a Flood Hazard Area and if destruction is caused by a natural event, the time period to start construction or to reestablish the use is extended to two years.
3. If a structure in the Conservation District with the exception of Steep Slopes and Fragile Soils, made nonconforming by reason of the adoption of this regulation is damaged or destroyed, the structure shall not be rebuilt within the buffer zone unless a variance is obtained. Repair or reconstruction of pre-existing structures within an aquatic buffer or amphibian life zone shall be permitted if the TDRB determines that the development activity will not increase encroachment within the buffer zone and all practicable means are employed to protect the purposes of Section 403B.
4. An accessory structure to a noncomplying structure may be constructed within the setback with Conditional Use Approval by the TDRB if:
  - a. The new accessory structure is no larger than 600 square feet;
  - b. The accessory structure is no closer to a boundary line or a road centerline than any existing noncomplying structure.
  - c. The criteria set out in Sec. 707 (B)(1) are met, and;
  - d. Strict compliance with the setback would cause practical difficulties or undue hardship.

## SECTION 708 OPEN STORAGE

The open storage of commercial or industrial materials and equipment shall be screened from view by fences or evergreen trees or shrubs of a minimum height of five (5) feet. This screening provision is a continuing condition and responsibility of the owner.

## SECTION 709 PERFORMANCE STANDARDS

In all districts, any use that exceeds the following standards, measured at individual property lines, is prohibited. The TDRB, under Site Plan and Conditional Use Review, shall decide whether these standards are met in specific instances. All uses shall meet State air and water pollution standards and shall not:

- A. Emit noise in excess of 70 decibels, dba scale, of a standard sound meter.
- B. Emit odor which is considered offensive. Agricultural uses are exempt.
- C. Emit dust or dirt which is considered offensive.
- D. Emit smoke in excess of Ringlemann Chart No. 2.
- E. Emit noxious gases which endanger health, comfort, safety or welfare of any person, or have a tendency to cause injury or damage to property, business or vegetation.
- F. Cause, as a result of normal operations, a vibration which creates a displacement of 0.003 of one inch at the property line.
- G. Create glare by lighting or reflection of materials.
- H. Cause a fire, explosion or safety hazard.
- I. Cause harmful waste to be discharged into sewer, streams, or bodies of water, or to be stored on said property.

## SECTION 710 PROHIBITED USES

The following uses shall be prohibited in all zoning districts:

- A. Commercial dump
- B. Airport
- C. Slaughterhouse
- D. Rendering plant
- E. Fertilizer plant
- F. Outdoor movie
- G. Race track
- H. Junk yard
- I. Drive through window food service establishment
- J. Trailer and mobile home sales and service
- K. Free-standing retail stand, excepting agricultural produce.

## SECTION 711 PUBLIC USE LIMITATIONS

- A. The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:
  1. State or community-owned and operated institutions and facilities.
  2. Public and private schools and other educational institutions certified by the State Department of Education.
  3. Churches and other places of worship, convents, and parish houses.
  4. Public and private hospitals.
  5. Regional solid waste management facilities certified under 10 V.S.A. Chapter 159.
  6. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.
- B. A bylaw under this chapter shall not regulate public utility power generating plants and transmission facilities regulated under 30 V.S.A. § 248.

- C. Except as otherwise provided by this section and by 10 V.S.A. § 1976, if any bylaw is enacted with respect to any land development that is subject to regulation under state statutes, the more stringent or restrictive regulation applicable shall apply.
- D. Zoning permits to develop land of the types or locations designated in Section 4413 © of the Act may not be granted until thirty (30) days after a report has been filed with the appropriate State Agency describing the proposed use and location, and an evaluation of how the proposed use affects both the Plan and the regional plan.

**SECTION 712 REQUIRED FRONTAGE ON OR ACCESS TO PUBLIC ROADS**

- A. Except as hereinafter provided no land development may be permitted on lots which do not have frontage on a public road. Notwithstanding the foregoing, with approval of the TDRB, the minimum frontage requirement as set out in Section 300 may be satisfied by the existence or creation of a permanent easement or right-of-way at least 20 feet in width.
- B. In the TDRB's review of the access road the following shall be taken into consideration: 1) drainage and culvert placement, 2) erosion control, 3) emergency vehicle access, and 4) sight distance where access road intersects a public road. (See Section 713)
- C. In a situation where a lot is to be developed that does not have frontage on a public road, the front setbacks shall be measured from the centerline of the right-of-way or lot line whichever is closest to the structure or use.

**SECTION 713 ROAD, PRIVATE ACCESS / DRIVEWAY**

Access roads and lengthy driveways have proven to be a challenge to emergency vehicle access and for stormwater control. This is especially true when built on steep slopes. Due to this challenge the following standards are hereby applied to all access roads and driveways that exceed five hundred (500) feet in length:

- A. Access roads or driveways shall not exceed a 12% grade, curves shall be less than a 10% grade.
- B. Homes and/or businesses placed on a driveway or access road in excess of a 10% grade shall be sprinkled. The system shall be approved by the Woodstock Fire Department.
- C. Driveways or access roads more than 1000 feet in length shall have a pull out every 500 feet for emergency vehicle access.
- D. The finished grade shall meet the Article VI Stormwater Standards.
- E. During construction, the removal of trees and other natural vegetation shall be kept to a minimum in order to reduce stormwater runoff.

**SECTION 714 SUBDIVISION**

All lots created by or resulting from subdivision shall conform to all regulations governing the zoning district in which the property is located.

- A. Minor subdivision: A division of land resulting in no more than two lots within a three year period, requires an administrative permit.
- B. Major subdivision: A division of land resulting in more than two lots within a three year period, and/or where a portion of land falls within an overlay zone as noted in the Critical Areas Inventory Map, requires a Conditional Use permit.

## ARTICLE VIII ADMINISTRATION AND ENFORCEMENT

### SECTION 801 ADMINISTRATIVE OFFICER

- A. An Administrative Officer shall be nominated by the Planning Commission, with the appointment by the Selectboard, for a term of three years, to administer these Regulations as provided for in Section 4448 of the Act.
- B. The Administrative Officer shall administer these Regulations literally, and shall not have the power to permit any land development which is not in conformance with these Regulations. The Administrative Officer may be removed for cause at any time by the Selectboard after consultation with the Planning Commission

### SECTION 802 ACTING ADMINISTRATIVE OFFICER

The Planning Commission may nominate, with the approval of the Selectboard, an Acting Administrative Officer who shall have the same duties and responsibilities as the Administrative Officer in his/her absence.

### SECTION 803 PLANNING COMMISSION

The Planning Commission shall be appointed jointly by the Selectboard and Trustees. It shall consist of 5, 7 or 9 members. One member each of the Selectboard and Trustees shall be non-voting ex-officio members, and they shall not be counted in the membership total. Rules concerning membership, terms, vacancies, etc. are further elucidated in Section 4321 through 4328 of the Act.

### SECTION 804 DEVELOPMENT REVIEW BOARD

- A. A Development Review Board shall be appointed by the Selectboard in accordance with the provisions of Section 4460 of the Act. It shall consist of 5 or 7 members to be determined by the Selectboard. Rules of procedure, powers, nature of appeals, conditions for variance relief, conditional use, and all other matters pertaining to the TDRB shall be in accordance with Subchapter 8 of the Act.
- B. Hearings on appeals and Conditional Use Permits shall be held within 60 days of the date of filing of a complete application as determined by the Administrative Officer. The TDRB shall give public notice of hearings and shall mail to the applicant a copy of such notice at least 15 days prior to the hearing date. Notices of hearing shall also be sent to the owners of land immediately adjacent to and across the road from the property in question.
- C. The TDRB may require as a condition of approval the filing of as-built plans, which may require certification of either a licensed architect, registered engineer, or licensed surveyor.

### SECTION 805 CONSERVATION COMMISSION

The Conservation Commission shall be appointed by the Selectboard in accordance with Section 4501 and 4502 of the Act. It shall consist of 5, 7 or 9 members to be determined by the Selectboard. Said commission shall provide the Planning Commission and the TDRB environmental evaluations, where pertinent, of applications for zoning permits made to those bodies and assist in formulating the Town and Village Plans.

### SECTION 806 DESIGN REVIEW BOARD

- A. The Design Review Board shall be 3 or 5 members to be appointed by the Selectboard in accordance with Section 4414 of the Act. Said Board shall assist the TDRB in administering the provisions contained in Section 404. The additional members shall be appointed to three year staggered terms. Residents of the Design Review District will be given preference during the first

45 days of the selection process.

- B. The Board shall keep a written record of its discussions, resolutions and transactions, which shall be maintained as a public record of the municipality

#### SECTION 807 ZONING PERMIT

No land development may be started unless a zoning permit has been duly issued by the Administrative Officer, as provided in Section 4449 of the Act.

- A. The fees for zoning permits shall be established by the Selectboard.
- B. All zoning permits issued must be in conformance with these Regulations.
- C. Applications for permits shall be acted on within 30 days upon determination by the Administrative Officer that the application is complete.
- D. Within 3 working days of issuance: 1 copy shall be posted in a public place; 1 copy shall be given to the Listers.
- E. Notice of all permits issued shall be published within fourteen (14) days in the newspaper of record as designated by the Selectboard.
- F. The zoning permit shall not take effect for a period of 15 days in the case of an administrative permit and 30 days in the case of a board decision from the day of issuance during which time appeals from the decision may be filed.
- G. The zoning permit shall be in effect for a period of (24) months. If during that time no diligent progress has taken place in furtherance of said permit, the permit will no longer be valid and a new permit must be applied for. In the case of a subdivision or lot line adjustment, recording of the final plat with the Town Clerk's Office constitutes compliance with this section.
- H. Land development shall not commence until a zoning permit card issued by the Administrative Officer is prominently displayed in a position visible from the road to remain until development is completed.
- I. Any misrepresentation or incomplete representation of information can result in the postponement of the start of the legal time period for permit review.
- J. Upon commencement of work within twenty-four (24) months and thereafter diligently pursued the permit shall vest.
- K. Land development may not commence until a waste water and potable water supply permit pursuant to 10 V.S.A. Chapter 64 is filed with the Town Clerk's Office.

#### SECTION 808 APPLICATION INFORMATION

Each application shall be submitted with one set of plans in an eight and one-half inch by eleven inch (8.5 x 11") or eleven inch by seventeen inch (11" x 17") format. Digital submittals are encouraged.

- A. Administrative permit applications shall include but not be limited to the following information:
  - 1. Subdivision:
    - a. Survey map or site plan showing lots and access rights-of-way, if any. A survey is not required if the resulting lots are at least three (3) times larger than the minimum lot.
    - b. Town of Woodstock confirmation of sewer connection potential, if applicable.
    - c. Letter confirming positive percolation tests or septic system "deferral of permit" from the State.
  - 2. Single-family and two family dwelling:
    - a. Building footprint and floorplan with dimensions.
    - b. Site plan (location of all existing and proposed structures on lot with setbacks indicated).
    - c. Elevations (showing all sides of building).
    - d. Driveway access permit, if necessary.

- e. Confirmation of sewer connection approval by Town of Woodstock, or
  - f. Evidence of on-site septic approval by the State of Vermont, which is required before breaking ground or start of project.
3. Accessory structure: Provide 2a, 2b, and 2c from above.
  4. Lotline adjustment: Survey of land to be transferred and of any lot involved not larger than three (3) times the minimum lot size, otherwise a site plan is required. (See Section 705).
  5. Signs: Drawing of the sign with dimensions and a site plan with proposed sign location.
  6. Landscaping/Grading: A before and after site plan.
- B. Every zoning application for Conditional Use, Variance, or Site Plan Approval shall include the following plans and supporting information:
1. Name and address of owner on record;
  2. One set of maps showing the location of the site within the community, including existing roads and highways, adjacent land uses, and a statement including the name and address of the owner of record of the property at issue;
  3. A site plan, drawn at appropriate scale, illustrating the proposed site development in enough detail to allow the reviewing board to assess the relationship of the proposed development to the site's natural features. The site plan shall include:
    - a. the location of proposed buildings in and adjacent to the site;
    - b. the location of streets, driveways, parking and loading areas;
    - c. traffic circulation patterns, loading docks, pedestrian walkways;
    - d. landscaping, fencing and screening;
    - e. physical features of the site including waterways, wetlands, flood plains, fields and open spaces, forested areas, topography and other significant or unique features.
  4. Construction sequence and time schedule for completion of each phase of building, parking spaces, and landscaped areas of the entire development.
  5. Confirmation of sewer connection or on-site septic approval where applicable.
- C. The TDRB may require without limitation any of the following additional information before the application is acted upon:
1. A property survey with percolation sites and replacement septic field;
  2. A grading and drainage plan;
  3. A topographic plan;
  4. A traffic and circulation plan;
  5. A landscaping plan.
- D. The TDRB shall act to approve or disapprove a site plan within sixty (60) days of the date it receives a completed plan, and failure to act within such period shall be deemed approved.

#### SECTION 809 SITE PLAN APPROVAL

- A. No zoning permit shall be issued by the Administrative Officer for any commercial, industrial, public and quasi-public use, multi-family dwelling (three (3) units or more), subdivision of three (3) lots or more, until the TDRB grants site plan approval.
- B. In considering its action, the TDRB shall review the application information required under Section 808, taking into consideration the following objectives:
  1. The maximum safety of vehicular and pedestrian circulation between the site and street network and adjacent traffic generators.
  2. The adequacy and safety of circulation, parking and loading facilities.
  3. Adequacy of landscaping, screening, and setbacks in regard to achieving maximum compatibility and protection of adjacent properties.
  4. The avoidance of glare.
  5. The adequacy of surface drainage facilities.

6. The utilization of renewable resources and the protection of natural resources.
  7. The provision of municipal services.
- C. The TDRB shall conform to the requirements of Section 4416 of the Act before acting on any application and shall impose appropriate conditions and safeguards only with respect to the above objectives, such conditions to include, but not be limited to, the following:
1. May limit the number and nature of access points to a site from adjacent public highways.
  2. May require fencing and/or plantings to screen outdoor lighting, outdoor storage areas and driveways, and parking from adjacent residential properties.
  3. May require installation of surface drainage facilities to mitigate and control the runoff from parking areas and hard surfaces.
- D. The TDRB requires as a condition of approval the filing of as-built plans, which may require certification of either a licensed architect, registered engineer, or licensed surveyor.
- E. The TDRB may impose conditions that allow a permit to be reviewed after issuance.

#### SECTION 810                   CONDITIONAL USE APPROVAL

- A. Any use and/or structure which requires a Conditional Use Permit shall not be granted a zoning permit by the Administrative Officer unless the TDRB determines that the proposed use shall conform to the general standards prescribed in these Regulations by not causing an undue adverse effect on the following.
1. The capacity of existing or planned community facilities;
  2. The character of the area affected;
  3. Traffic on roads and highways in the vicinity;
  4. By-laws then in effect;
  5. Utilization of renewable energy resources.
- B. In addition, the TDRB shall find that the proposed use and/or structure adequately meets such specific standards with respect to:
1. Minimum lot size;
  2. Distance from adjacent or nearby uses;
  3. Minimum off-street parking and loading facilities;
  4. Landscaping and fencing;
  5. Design and location of structures and service areas;
  6. Size, location, and design of signs;
  7. Access and circulation.
- C. In granting or denying a Conditional Use Permit, the procedures followed by the TDRB shall be in accordance with Section 4414 of the Act.
- D. As a condition of permitting a conditional use, the TDRB may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Act and these Regulations.
- E. The TDRB may impose conditions that allow a permit to be reviewed after issuance.
- F. Except as otherwise provided in Section 707, a change in use, expansion or contraction of land, area, or alteration of a structure or use that is designated as a conditional use within the district in which it is located and was existing therein prior to the effective date of zoning regulation, shall conform to all regulations pertaining to conditional uses and shall not be commenced unless and until a permit is issued by the TDRB for such change, expansion, construction or alteration under Section 815.
- G. The effective date of a zoning permit issued as a conditional use shall be thirty (30) days from the date of issuance, during which time, appeals from the decision may be filed; in which case, the result of the appeal shall determine the outcome.

#### SECTION 811 BOND TERM AND FORFEITURE

A performance bond or other surety may be required by the TDRB pursuant to Site Plan or Conditional Use Review. The amount, term and conditions of forfeiture shall be stated in the decision which requires the surety and shall be reflected in the surety contract. The surety contract shall be filed with the Town Clerk and shall be satisfactory to the legislative body as to form, sufficiency and manner of execution.

#### SECTION 812 INSPECTIONS

The Administrative Officer (or designee) shall have the right to make such inspections, at reasonable times as is necessary to assure compliance with these Regulations.

#### SECTION 813 CERTIFICATE OF OCCUPANCY

- A. All new structures (except accessory structures), substantial improvement, commercial change of use or permits upon determination by the TDRB shall require a Certificate of Occupancy before such use or permit may vest. Said Certificate of Occupancy shall show that the premises comply with all applicable provisions of these Regulations and the permit as granted.
- B. Said Certificate of Occupancy shall be granted or denied within fourteen (14) days after written notice of completion by the applicant to the Administrative Officer, and shall remain in effect as long as such building or use is in compliance with the standards and conditions authorized by the zoning permit. Applicant shall have the right to occupy said premises if Administrative Officer does not respond within the fourteen (14) day period. But this shall not be conclusive evidence that the premises comply with the provisions of these Regulations. Neither the Town nor the Administrative Officer is responsible for any Certificate of Occupancy issued in good faith after a reasonable inspection.
- C. If the Administrative Officer, after such final inspection, refuses to issue a Certificate of Occupancy, he shall state such refusal and cause therefore in writing and immediately mail notice of such refusal to the applicant at the address indicated on the application. Appeals from decisions of the Administrative Officer shall be taken to the TDRB under Section 817 of these Regulations.
- D. Owners-builders may apply for a temporary Certificate of Occupancy, to be reviewed annually, which will allow occupancy in the structure until completion of construction. In certain circumstances, to be determined by the Administrative Officer, a Conditional Certificate of Occupancy may be issued.
- E. Where a zoning permit requires a new septic system or a change in the existing septic system, a state "installation certificate" and copy of final septic plan shall be filed with the Town Clerk's Office before a Certificate of Occupancy can be issued.
- F. Where applicable, a Residential Building Energy Standards Certificate per 21 V.S.A. 266 shall be filed with the Town Clerk's office before a Certificate of Occupancy can be issued.

#### SECTION 814 PENALTIES

Violations of these Regulations shall be regulated as prescribed in Sections 4451 and 4452 of the Act.

#### SECTION 815 VARIANCES

- A. The TDRB may grant a variance from the provisions of these Regulations pursuant to 4469 of the Act if all the following facts are found by the TDRB and such findings are specified in its decision:
  - 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 Regulations 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 Regulations 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 of development of adjacent property, nor be detrimental to the public welfare.
  5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of these Regulations and the Plan.
- B. In granting a variance under this section, the TDRB may attach such conditions to the variance as it may consider necessary and appropriate under the circumstances to implement the purposes of these Regulations, the Plan or the Act.
- C. The effective date of a zoning permit issued as a variance shall be thirty (30) days from the date of issuance, during which time, appeals from the decision may be filed; in which case, the result of the appeal shall determine the outcome.

#### SECTION 816 DEVELOPMENT REVIEW BOARD LIMITATIONS

Except as specifically provided herein, the TDRB may not amend, alter, invalidate or affect the Plan or by-law of the municipality or the implementation or enforcement thereof, or allow any use not permitted by these Regulations.

#### SECTION 817 APPEALS FROM DECISIONS OF ADMINISTRATIVE OFFICER

- A. In accordance with Section 4465 of the Act, an interested person may appeal any decision or act taken by the Administrative Officer by filing notice of appeal with the clerk of the TDRB. Such notice of appeal must be filed within fifteen (15) days of the date of such decision or act, and a copy of the notice of appeal shall be filed with such officer.
- B. If the Administrative Officer fails to act with regard to an application for a permit within thirty (30) days, a permit shall be deemed issued on the 31<sup>st</sup> day.

#### SECTION 818 APPEALS FROM DECISIONS OF DEVELOPMENT REVIEW BOARD

An interested person may appeal a decision of the TDRB within 30 days of said decision to the Vermont Environmental Court in accordance with Sections 4471 of the Act. In the event that a notice of appeal is properly filed, such permit shall not take effect until final adjudication of said appeal.

#### SECTION 819 PUBLIC NOTICE

- A. Any public notice required for public hearing under these Regulations shall be given by the publication of the date, place and purpose of such hearing in a newspaper of general circulation in the municipality, and the posting of a notice in three or more public places within the municipality not less than fifteen (15) days prior to the date of the public hearing.
- B. Where such hearing is called in reference to any amendment of these Regulations or any other matter relating to written material, such public notice shall include either the full text or a brief summary describing the principle provisions and a reference to a place within the municipality where copies of the proposed material may be examined.