

Chelsea Vermont Zoning Bylaw

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1. Authority and Purpose

1.1 Introduction

The Chelsea Planning Commission has prepared this Bylaw to enable the Town of Chelsea to implement the Town Plan, while providing the minimum amount of regulation necessary to achieve that purpose. Any current land use that was legal prior to the adoption of this Zoning Bylaw may be continued. This Zoning Bylaw does not regulate some uses, such as farming and forestry, that are exempted by Vermont law.

1.2 Enactment

Whereas the Town of Chelsea, Vermont has created a Planning Commission and has in effect a plan adopted by the Town under the Vermont Municipal and Regional Planning and Development Act, 24 V. S.A., Chapter 117, herein referred to as the “Act”, there is hereby established a zoning bylaw for the Town of Chelsea.

This Zoning Bylaw shall be referred to as the Chelsea Zoning Bylaw. When used in this document, it may also be referred to as the ‘Zoning Bylaw’ or simply ‘the Bylaw’.

1.3 Purpose

It is the purpose of this Bylaw to implement the Chelsea Town Plan by providing for the appropriate use of all lands in the Town of Chelsea in a manner which will:

- promote and protect the public health, safety, prosperity, comfort, convenience, efficiency, and general welfare;
- protect soils, forests, streambanks, wetlands, and other natural resources;
- encourage the density and distribution of settlement to be in character with the rural residential environment of the town;
- and further the purposes set forth in 24 V.S.A. § 4302 of the Act.

1.4 Effective Date

This Bylaw or any amendments thereto, shall become effective twenty-one (21) days after adoption by the Selectboard, or upon date of their adoption by a vote of the Town by Australian Ballot at a regular or special Town meeting, when the Town has so voted.

28 **1.5 Status of Prior Bylaws and Ordinances**

29 Upon the effective date of this Bylaw, previous versions shall be void.

30 **1.6 Severability**

31 If any provision of this bylaw is held to be invalid, such a decision shall not affect the validity of
32 the bylaw as a whole or any part thereof other than the part held to be invalid.

33 **1.7 Precedence**

34 The provisions of this Bylaw shall be held to be minimum requirements adopted for the
35 promotion of the public health, safety, comfort, convenience, and general welfare. Whenever this
36 Bylaw imposes a greater restriction upon the use of a structure or land than are required by any
37 other statute, bylaw, rule, permit or agreement, the provisions of this Bylaw shall control.

38 In the event of changes to the Act which nullifies or supersedes a specific provision of these Bylaws, the
39 requirements of the Act, as most recently amended, shall control.

2. Administration, Enforcement and Appeals

2.1 Zoning Administrator

A Zoning Administrator is hereby appointed to administer this Zoning Bylaw as provided for in 24 V.S.A. § 4448 of the Vermont Planning and Development Act. The Zoning Administrator shall enforce literally the provisions of this Bylaw and in so doing shall receive applications, inspect premises, maintain records, issues permits and notices of violations, and perform other tasks as may be necessary to carry-out the provisions of these Bylaws.

2.2 Development Review Board – Creation

A Development Review Board is established in accordance with the provisions of 24 V.S.A. § 4460. Meetings of the Board shall be held at the call of the Chair and shall be open to the public. The Board shall conduct its affairs in accordance with 24 V.S.A. § 4462.

2.3 Records

The Zoning Administrator shall keep on file and available to the public, a full and accurate record of all applications, decisions, permits and violations received or issued during the course of their appointment.

2.4 Permits

Except as provided for in Sections 3.3 and 3.4 of this Bylaw, no building or land development, construction, reconstruction, conversion, relocation or enlargement of any building or other structure, nor any mining, extraction or landfill, nor any change in the use of any building or other structure, or land or extension of use of land, may commence unless a Zoning Permit shall have been duly issued by the Zoning Administrator. Prospective applicants for Zoning Permits may obtain application materials from the Town Offices during regular office hours.

2.4.1 Application for Permit

An Application for a Zoning Permit shall be filed with the Zoning Administrator on forms approved by the Development Review Board accompanied by fees set by the Selectboard. In addition to the information requested on the form, additional information may be required such as surveys, site plans, or drawings to enable the Administrator or Development Review Board to adequately review the proposed land development. An application shall not be accepted unless:

1. signed by the applicant (who must be the owner of record, or the owner and future

69 developer) and;

70 2. accompanied by the required fees.

71 **2.4.2 Relationship of Permit to Other Approvals/Permits**

72 The granting of a Zoning Permit under this bylaw does not relieve the applicant of the need for
73 any other local, state or federal permit under other regulations. When other municipal or state
74 permits, approvals, or authorizations are required by this bylaw, the Administrator shall notify
75 the applicant of these and refer the application within thirty (30) days to the appropriate body.
76 The Administrator should coordinate a unified effort on behalf of the municipality in
77 administering the various local development review programs. These include, but are not limited
78 to:

- 79 1. An access permit from the Selectboard if there is a new or modified access onto the
80 property from a Town Highway. This is not a permit under this bylaw, but is a
81 prerequisite to most Zoning Permits.
- 82 2. An access permit from VTrans if there is a new or modified access onto the property from
83 a State Highway as per the regulations under 19 V.S.A. § 1111. This is not a permit
84 under this bylaw, but is a prerequisite to most Zoning Permits.
- 85 3. A Wastewater System & Potable Water Supply Permit from the Protection Division of
86 the Agency of Natural Resources. This is not a permit under this bylaw, but is a
87 prerequisite to most Zoning Permits.
- 88 4. An Acceptance Letter or Permit for a connection to the Chelsea public sanitary or
89 combined sewer system issued by the Chelsea Water Department Board if there is a new
90 or modified access onto the property. This is not a permit under this bylaw, but is a
91 prerequisite to most Zoning Permits.
- 92 5. Conditional Use Approval from the Development Review Board is needed under this
93 bylaw prior to the issuance of a Zoning Permit if the land development requires conditional
94 use review and approval.
- 95 6. A Floodplain Development Permit from the Development Review Board is needed under
96 a separate ordinance if the project is in the area regulated under the Chelsea Flood Hazard
97 Regulations. This Floodplain Development Permit must be received prior to applying for
98 a Zoning Permit, will be in addition to any Zoning Permit needed, and supersedes the
99 Zoning Permit if stricter.
- 100 7. A State subdivision permit or required statement on the deed is required whenever any
101 person is subdividing a lot.
- 102 8. A letter from the Agency of Transportation confirming that the Agency has reviewed a
103 proposed subdivision and determined whether a permit is required under the provisions of
104 19 V.S.A. § 1111 whenever any person is subdividing a lot adjacent to a State Highway.
- 105 9. A letter from the Agency of Transportation confirming that the Agency has reviewed the
106 proposed site plan and determined whether a permit is required under the provisions of 19
107 V.S.A. § 1111 whenever a proposed site plan involves access to a State Highway or other

work in the State Highway right-of-way such as excavation, grading, paving, or utility installation.

10. A waiver or variance under this bylaw may be needed prior to a Zoning Permit if a project does not conform exactly to the requirements of this bylaw.

The Administrator shall also inform any person applying for a Zoning Permit or authorizations that the person should contact the regional Permit Specialist employed by the Agency of Natural Resources to fill out a Project Review Sheet in order to assure timely action on any related state permits. Nevertheless, the applicant retains the obligation to identify, apply for, and obtain relevant state permits.

When an application for Zoning Permit seeks approval of a structure, the Zoning Administrator shall provide the applicant with a copy of the applicable building energy standards under 30 V.S.A. § 51 (residential building energy standards) and § 53 (commercial building energy standards). However, the administrative officer need not provide a copy of the standards if the structure is a sign or a fence or the application certifies that the structure will not be heated or cooled. In addition, the administrative officer may provide a copy of the Vermont Residential Building Energy Code Book published by the Department of Public Service in lieu of the full text of the residential building energy standards.

2.4.3 Completion or Expiration of Permit Application

An application for a Zoning Permit will not be considered complete by the Zoning Administrator and acted upon until it includes:

1. all required information,
2. any applicable necessary approvals as allowed by law, and
3. for any permit for the development of land within the area of special flood hazard area, a copy of such flood development permit in accordance with 24 V.S.A. § 4424.

When additional information is requested from the applicant by the Zoning Administrator in order to consider the permit application complete, and such information is not presented within ninety (90) days of the request, the application will be deemed rejected and all fees forfeit.

2.4.4 Issuance of a Permit

Before any land or building is devoted to a new or changed use or before the erection, structural alteration or extension of any building, a Zoning Permit shall be obtained from the Zoning Administrator. The fees for the Zoning Permit shall be established by the Selectboard. Within thirty (30) days of receipt of an application which is deemed complete, the Zoning Administrator shall either issue or deny an Administrative Zoning Permit, or refer the application for a Zoning Permit to the Development Review Board. If denied, the Zoning Administrator shall so notify the applicant in writing stating the reasons therefore. If the Zoning Administrator fails to act with regard to a complete application for a Zoning Permit within thirty (30) days, whether by issuing

a decision or by making a referral to the Development Review Board, a Zoning Permit shall be deemed issued on the thirty-first (31) day.

Within three (3) days following the issuance of a Zoning Permit, the Zoning Administrator shall:

1. Deliver a copy of the Zoning Permit to the Listers of the municipality; and
2. Post a copy of the Zoning Permit at Chelsea Town Hall until the expiration of fifteen (15) days from the date of issuance of the Zoning Permit. No permit is final until the fifteen (15) day appeal period has expired.

Additionally, the applicant must also post a permit notice, in a form prescribed by the Town of Chelsea, within view of the public right-of-way most nearly adjacent to the subject property until the time for appeals has passed.

2.4.5 Effective Date

No Zoning Permit issued pursuant to this Section shall take effect until the time for appeal outlined in Section 2.9 of the Bylaw has passed, or in the event that a notice of appeal is properly filed, no such Zoning Permit shall take effect until adjudication of that appeal by the Development Review Board is complete and the time for taking an appeal to the Vermont Superior Court, Environmental Division has passed without an appeal being taken. If an appeal is taken to the Vermont Superior Court, Environmental Division, the Zoning Permit shall not take effect until the Vermont Superior Court, Environmental Division rules in accordance with 10 V.S.A. § 8504 on whether to issue a stay, or until the expiration of fifteen (15) days, whichever comes first.

2.4.6 Transmission of Permits

All conditional use applications will have a written decision issued within forty-five (45) days of the final hearing or are automatically granted on the forty-sixth (46) day. Upon granting or denying approval, the Development Review Board shall send to the applicant a copy of the decision. Copies of the decision also shall be mailed to every “interested person” as defined in Section 2.9.1, with the Zoning Administrator, who shall forthwith issue a Zoning Permit, and with the Town Clerk as a part of the public records.

2.5 Development Review Board – General Duties

The Development Review Board (DRB) shall be charged with the proper interpretation of the Zoning Bylaw and their consequent application within the municipality, and with the administration of the procedures allocated to it by this Zoning Bylaw including the following:

1. To hear and rule on appeals concerning any order, requirement, decision, or determination made by the Zoning Administrator in the administration and enforcement of this Zoning Bylaw.

2. To hear and grant or deny a request for a waiver or variance.
3. To hear and approve or deny a request for a Conditional Use.
4. To review site plans.
5. To review land development or use within a historic district or with respect to historic landmarks.
6. To review planned unit developments and plans for subdivisions.
7. To review wireless telecommunications facilities.
8. To review rights-of-way or easements for land development without frontage.

2.6 Conditional Uses

No Zoning Permit shall be authorized or issued by the Zoning Administrator for any use listed as conditionally permitted within the various zoning districts, unless the Development Review Board has granted Conditional Use Approval. The Development Review Board, upon receipt of a complete application, shall conduct a legally noticed public hearing, and based upon the testimony presented at the hearing, render a written decision approving or denying the request. In granting approval, the Board shall find that the proposed use meets with the general and specific standards prescribed for such uses in these Bylaws. In its approval, the Board shall find that the use shall not result in an undue adverse effect on the following:

1. The capacity of existing or planned community facilities;
2. The character of the area affected; as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan,
3. Traffic on roads and highways in the vicinity;
4. The provisions of these Zoning Bylaws and ordinances in effect; and
5. Utilization of renewable resources.

Utilization of Renewable Resources

State statute is protective of residents who use renewable resources such as solar or wind to provide power to their home or business.

When examining a conditional use, the DRB must consider whether or not the proposed use or development would have a negative impact on a neighbor's ability to use those resources. For example, if a development would shade an adjacent property in such a fashion that it blocked a solar collector, the DRB would have to either deny the permit request, or apply conditions that would change the location of the development or use to allow the neighbor to continue to use the sun for power.

In granting such conditional use approvals, the Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Bylaws.

The Development Review Board shall act to approve or disapprove any such requested conditional use within forty-five (45) days after the date of the final public hearing held under this Section, and failure to so act within such period shall be deemed approval.

2.6.1 Conditional Use Applications

An application for Conditional Use Approval shall be the responsibility of the applicant to create and shall include submission of the following plans and supporting documents to the Development Review Board, unless otherwise waived by the Chair of the Development Review Board.

1. A map showing the general location of the property within the Town and its relationship to existing public roads and highways.
2. A proposed site plan, drawn to an appropriate scale, showing the location, height, spacing uses, and architectural relationships of all buildings, existing and proposed open spaces, landscaping, utility lines, streets, driveways, off- street parking and loading facilities, unique or manmade features and the physical conditions of the site.
3. A statement and/or map sufficient to demonstrate the relationship of the proposed development to adjacent land uses, both existing and proposed.
4. A statement including the uses of adjacent property, and the names and current addresses of all owners of land immediately adjacent to and directly across all public highways from the property at issue.
5. A development schedule indicating the approximate dates when construction or stages of the project are expected to begin and be completed.
6. Any application fees, as may be required.

Copies of application forms are available from the Zoning Administrator or at the Town Offices. Applicants are welcome to contact the Zoning Administrator for information prior to filling an application.

2.7 Public Notice Requirements

In accordance with 24 V.S.A. 4464, a warned public hearing shall be required for conditional use review (Section 2.6), appeals of decisions of the Zoning Administrator (Section 2.9), waivers (Section 2.8.1), variances (Section 5.8.2), site plan review (Section 5.18), and final subdivision review. Any public notice for a warned public hearing shall be given not less than fifteen (15) days prior to the date of the public hearing by all of the following:

1. publication of the date, place and purpose of the hearing in a newspaper of general circulation in the municipality;
2. posting of the same information in three or more public places within the municipality, including the posting of a notice within view from the public right-of-way nearest to the property for which the application is being made;
3. written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where

additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

2.8 Waivers and Variances

When approval or a Zoning Permit for a use has been denied, or is not possible using the requirements of this bylaw, an applicant may apply for a waiver to the Zoning Administrator in some circumstances, and in others would have to appeal this denial to the DRB for a waiver or a variance. If the matter has only to do with dimensional requirements (for example a smaller setback than is usually required), a waiver may be possible. For special and rare circumstances, a variance may be needed, but variances are difficult to get and must meet a five-part test as outlined in Section 2.8.2 (Variances).

2.8.1 Waivers

Dimensional requirements must be met unless a waiver is granted. Waivers cannot be granted on types of use. No waiver may be granted to reduce the dimensional requirements for buildings or structures to be set back thirty-five (35) feet from the top of the streambank or slope.

In all districts, waivers may be granted as an Administrative Permit by the Zoning Administrator for:

1. Reductions in front, side, or rear setbacks as necessary to allow for disability access;
2. Reductions in front, side, or rear setbacks to allow for necessary life safety or fire safety improvements.

In all districts, waivers may be granted to reduce dimensional requirements by no more than a fifty (50%) percent decrease for a structure after a hearing by the Development Review Board if either of the following criteria are met:

1. The proposed development conforms to the existing development patterns of the district;
OR
2. The proposed development will cluster development and more effectively preserve open land, forest land, or scenic vistas; or will result in permanently affordable housing units.

2.8.2 Variances

On an appeal, wherein a variance from the provisions of the Zoning Bylaw constitutes the relief requested by the appellant, the Board shall grant such variances, and render a decision in favor of the appellant, if all the following facts are found by the Board and 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 the Zoning Bylaw.

2. That as a result of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Bylaw 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, or contributed to, 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, reduce access to renewable energy resources, 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 from the Zoning Bylaw and from the plan.

In rendering a decision in favor of an appellant, the Board may attach such conditions to a variance as it may consider necessary and appropriate under the circumstances to implement the purpose of these Bylaws and the Town Plan.

The issuance of a variance shall not relieve the appellant of the obligation to obtain a Zoning Permit and such permit shall only be issued if the proposed land development complies with all other applicable provisions, except as varied by the Development Review Board.

2.9 Appeals

Any interested person as defined under the 24 V.S.A. § 4465 may appeal a decision or act of the Zoning Administrator within fifteen (15) days of the date of the decision or act by filing a notice of appeal with the Secretary of the Development Review Board, or the Town Clerk if no Secretary has been elected, and by filing a copy of the notice with the Zoning Administrator.

1. The Board shall hold a public hearing on a notice of appeal within sixty (60) days of its filing, as required under the 24 V.S.A. § 4468. The Board shall give public notice of the hearing under Section 2.7 and mail a copy of the hearing notice to the appellant not less than fifteen (15) days prior to the hearing date.
2. The Board may reject an appeal or request for reconsideration without hearing, and render a decision which shall include findings of fact within ten (10) days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts by or on behalf of the appellant in accordance with 24 V.S.A. § 4470.
3. In accordance with the 24 V.S.A. § 4468, all appeal hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in state statutes 3 V.S.A. § 810. Any interested person or body may appear and be

heard in person or be represented by an agent or attorney at the hearing. The hearing may be adjourned by the Board from time to time, provided that the date and place adjourned hearing shall be announced at the hearing.

4. A decision on appeal shall be rendered within forty-five (45) days after the final adjournment of the hearing, as required under the 24 V.S.A. § 4464(b). The decision shall be sent by certified mail to the appellant within the forty-five (45) day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Zoning Administrator and the Municipal Clerk as part of the public records of the municipality, in accordance with 24 V.S.A. § 4464(b). Failure of the Board to issue a decision within this forty-five (45) day period shall be deemed approval and shall be effective on the forty-sixth (46) day.

2.9.1 Interested Persons

The definition of an interested person under 24 V.S.A. § 4465(b) includes the following:

1. A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
2. The 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 plan or bylaw of that municipality.
4. Any twenty (20) persons who may be any combination of voters, residents, or real property owners within a municipality who, by signed petition to the Development Review Board, 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 Development Review Board must designate one (1) person to serve as the representative of the petitioners regarding all matters related to the appeal. An appeal shall not include the character of the area affected if the project has a residential component that includes affordable housing.
5. Any department and administrative subdivision of this State owning property or any interest in property within the municipality, and the Agency of Commerce and Community Development of this State.

2.9.2 Notice of an Appeal

A notice of appeal filed under this Section shall be in writing and include the following information, in accordance with 24 V.S.A § 4466:

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

2.9.3 Appeals to the Vermont Superior Court, Environmental Division In accordance with 24 V.S.A § 4471, an interested person who has participated in a regulatory proceeding of the Development Review Board may appeal a decision rendered by the DRB under Section 2.5, within thirty (30) days of such decision, to the Vermont Superior Court, Environmental Division. Appeals to Vermont Superior Court, Environmental Division shall also meet the following requirements:

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

2.10 Nonconformities

A use made non-conforming or a structure made non-complying by enactment of this Bylaw, or an amendment thereto, may be continued, subject to the following conditions:

1. A nonconforming use may be changed to another non-conforming use upon approval of the Development Review Board, but only if the Board finds that the degree of non-conformity of the new use is not greater than that of the original non-conforming use.
2. A non-complying structure may be extended within the boundary lines of parcel or lot existing on the effective date of this Bylaw, upon issuance of a Zoning Permit by the Zoning Administrator, provided that the extension shall not cause the use or structure to become in violation of any parking, unloading, required setback, lot area, coverage, building height, access road, or other requirements of this Bylaw. Where a building has less than the required front setback, additions that are lateral to the existing structure may be permitted so long as they become no closer to the road than the original structure, and provided that pre-existing non-conforming side and rear setback requirements are not reduced.
3. When a non-conforming use has been discontinued for a period of two (2) years, it shall

be considered discontinued and shall not thereafter be re-established.

4. Except as provided in part 5 below, a non-complying structure, which due to neglect lacks windows, walls, roof or other components needed for habitation and has become uninhabitable for longer than two (2) years shall be deemed abandoned upon notice by the Zoning Administrator, and shall be demolished by the owner and the site left in a safe condition. Failure to demolish or render the site safe is a violation of this bylaw, and may also engender condemnation proceedings by the town under its health or fire safety authorities.

5. A non-complying structure which has been damaged or destroyed by any cause may be reconstructed to its prior condition with the approval of the Zoning Administrator if such reconstruction is sought within two (2) years of the damage or construction.

2.11 Limitations

In accordance with 24 V.S.A. § 4413, the following limitations shall apply to development in Chelsea.

a) Unless provisions are included in this Bylaw, the following uses may only be regulated with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

- Public utility power generating plants and transmission lines
- State or community owned and operated institutions and facilities
- Public and private schools and other educational institutions
- Churches, convents, and parish houses
- Public and private hospitals
- Regional solid waste management facilities
- Hazardous waste management facilities
- Emergency shelters
- Hotels and motels converted to permanently affordable housing developments

b) 24 V.S.A. § 4412 limits the effect of this Bylaw where group homes, and antennae or similar structures are proposed.

2.12 Violations

The commencement or continuation of any land development that does not meet the requirements of these regulations after it has been adopted shall constitute a violation. All violations shall be pursued in accordance with 24 V.S.A § 4451 and 24 V.S.A § 4452. Each day

that a violation continues shall constitute a separate offense. The Zoning Administrator shall institute, in the name of the Town of Chelsea, any appropriate action, injunction or other proceeding to enforce the provisions of these regulations. All fines imposed and collected shall be paid over to the municipality. Each offense shall be fined two hundred (\$200.00) dollars per day.

2.12.1 Notice of Violations

No action may be brought under this Section unless the alleged offender has had at least fifteen (15) days' warning notice by certified mail that a violation exists, as required under 24 V.S.A. § 4451. The notice of violation also shall be recorded in the land records of the municipality under Section 2.3.

The notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the fifteen (15) day notice period, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the fifteen (15) days. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the regulations after the fifteen (15) notice period and within the next succeeding twelve (12) months from the first date a violation occurred.

A notice of violation issued also shall state:

- (A) the bylaw or municipal land use permit condition alleged to have been violated;
- (B) the facts giving rise to the alleged violation;
- (C) the steps required to remedy the alleged violation;
- (D) to whom appeal may be taken and the period of time for taking an appeal; and
- (E) that failure to file an appeal within that period will render the notice of violation valid.

2.12.2 Limitations on Enforcement

An action, injunction or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required or duly recorded municipal land use permit may be instituted against the alleged offender if the action, injunction or other enforcement proceeding is instituted within fifteen (15) years from the date the alleged violation first occurred, and not thereafter, in accordance with 24 V.S.A. § 4454. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted. No enforcement proceeding may be instituted to enforce an alleged violation of a municipal land use permit unless the permit or a notice of the permit has been recorded in the land records of the municipality under Section 2.3.

3. General Regulations

3.1 Application of Bylaws

This Bylaw applies to all land development unless specifically exempted under statute or Section 3.4. No land development may take place unless in conformity with this Bylaw.

Land development located within the Special Flood Hazard Area must also conform to the requirements of Chelsea's Flood Hazard bylaw. The regulations under the Flood Hazard Bylaw may be more stringent than those contained within this Bylaw.

3.2 Permit Required

Except as provided for in Sections 3.3 and 3.4 of this Bylaw, no land development may commence unless a Zoning Permit shall have been duly issued by the Zoning Administrator. Land development is very comprehensive and includes the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land. Sitework incidental to construction is part of a project and shall not commence until a Zoning Permit is issued and the appeal period has passed.

Prospective applicants for Zoning Permits may obtain application materials from the Town Offices or Zoning Administrator during regular office hours.

All Zoning Permits for projects not substantially complete within a period of two (2) years from issuance, or the conclusion of any appeal, shall expire. Zoning Permits for projects that have met the requirements contained in the Zoning Permit within the required time shall not expire and shall 'run with the land' and are transferrable to subsequent owners. Approved projects not substantially complete at time of expiration of a Zoning Permit may not be commenced or recommenced without the application and receipt of a new Zoning Permit.

Zoning Permits located within the Special Flood Hazard Area may require an additional permit under the Flood Hazard Bylaw prior to issuance of a Zoning Permit under this Bylaw.

You need a permit!

Just because a use or type of development is "permitted" it does not mean you don't need a permit. You do!

Permits allow the town to track development throughout town and to be aware of any potential health or safety hazards that might exist. Failure to obtain a permit where required will result in enforcement action, which may include penalties.

Some uses are exempted from the permitting process by statute or by the town. See Section 3.4 for more information.

If you are unsure whether or not you need a permit, contact the Chelsea Zoning Administrator.

Projects requiring a Wastewater System & Potable Water Supply Permit from the State must receive such permit or record the required deed notice prior to issuance of a Zoning Permit under this Bylaw. Projects requiring an Acceptance Letter or Permit for a connection to the Chelsea public sanitary or combined sewer system must receive such Acceptance Letter or Permit prior to issuance of a Zoning Permit under this Bylaw.

Projects may also require other local, state, or federal permits, approvals, or certifications beyond those required in this Bylaw, and applicants should contact the Zoning Administrator for more information.

3.3 Development Approved or Commenced Prior to this Bylaw

No new Zoning Permit shall be required for any lawful land development which had begun prior to the adoption or amendment to this Bylaw. Nothing contained in this Bylaw shall require any change in plans or construction of a non-complying structure for which a Zoning Permit has been issued and which has been completed within two (2) years from issuance. Non-complying structures and non-conforming uses that were legally established may continue per the provisions of Section 2.10.

3.4 Exemptions

Except for those areas within the Flood Hazard Area (which are regulated by the Flood Hazard Bylaw), no Zoning Permit shall be required for the following activities, however all setback distances shall be complied with:

a) Required agricultural practices (RAPs), including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets, in accordance with 24 V.S.A § 4413(d). **Such structures shall meet all setback requirements under these regulations, unless specifically waived by the Secretary of Agriculture, Food and Markets.**

b) Accepted silviculture (forestry) practices as those practices are defined by the Commissioner of Forests, Parks and Recreation, in accordance with the Act 24 V.S.A § 4413(d). Forestry operations has the same meaning as in 10 V.S.A. § 2602.

c) Power generation and transmission facilities, which are regulated under 30 V.S.A. § 248 by the Vermont Public Utility Commission and telecommunications facilities subject to 30 VSA § 248a. Such facilities, however, shall conform to policies and objectives specified for such development in the Town Plan.

Is my farm structure exempt?

In order a farm structure to be considered exempt, the structure must conform to the definition of “farm structure” outlined in 24 V.S.A. § 413(d)(2)(A).

If your structure does not comply with this definition, your structure is NOT exempt from the permitting process or regulations contained within this Bylaw. For more information, contact the Vermont Agency of Agriculture, Food and Markets.

- d) Hunting, fishing, and trapping as specified under 24 V.S.A § 2295 on private or public land. This does not include facilities supporting such activities, such as firing ranges or rod and gun clubs, which for the purposes of these regulations are defined as outdoor recreation facilities.
- e) Any use having no impact or a de minimus impact as determined by the Zoning Administrator as authorized in 24 V.S.A § 4446.
- f) Normal maintenance, repair, upgrading, or remodeling of a building or structure that neither increases the building's footprint nor involves a change in use. However, such work may require compliance with the state Residential Building Energy Standards (RBES) or Commercial Building Energy Standards (CBES) (see the ZA for applicable rules).
- g) Replacement or repair of an existing structure or building damaged by fire or other disaster provided that the structure or building is no greater in any dimension and is within the original footprint, and that reconstruction begins within two (2) years of the date of damage. However, such work may require compliance with the state Residential Building Energy Standards (RBES) or Commercial Building Energy Standards (CBES) (see the ZA for applicable rules).
- h) The merger of lots in their entirety or platting of unplatted lots provided that the lots created meet the standards required in Section 3.7.
- i) The installation of a roof-mounted solar heat/photovoltaic panel. Antennae extending no more than twelve (12) feet above the roof and having any face surface area of no more than fifteen (15) square feet, except on a state or federally designated historical structure.
- j) The long-term rental of an existing dwelling unit. However, such a change in use may require a state building and state fire and safety permit.

3.5 Existing Small Lots

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of this Bylaw may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is:

- a) served by or able to connect to municipal sewer and water service and development is able to comply with setbacks; or
- b) is not less than one-eighth (1/8) acre in area, and has a minimum width or depth of forty (40) feet, receives a state Wastewater System & Potable Water Supply Permit, and is able to comply with setbacks.

If an existing small non-conforming undeveloped lot subsequently comes under common ownership with one or more contiguous lots, the nonconforming lot shall be deemed merged with the contiguous lot. However, a nonconforming lot shall not be deemed merged and may be separately conveyed if all the following apply:

- a) The lots are conveyed in their preexisting, nonconforming configuration.
- b) On the effective date of any bylaw, each lot was developed with a water supply and wastewater disposal system. At the time of transfer, each water supply and wastewater system are functioning in an acceptable manner.
- c) The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined in 10 V.S.A. § 1972.

3.6 Required Frontage On, or Access to, Public Roads or Waters

As required by Vermont law, no lot shall be permitted which does not have frontage on a public road or water, or, with the approval of the Development Review Board, access to such a road by permanent easement or right-of-way at least twenty (20) feet in width. Lots with access by a right-of-way less than thirty (30) feet in width shall be limited to only one principal structure as part of their Zoning Permit. Such accesses shall be constructed to no less than as specified in 24 V.S.A. § 4412(3). Existing parcels must have frontage on a public road or water, or, with the approval of the Development Review Board, access to such a road by permanent easement or right-of-way at least twenty (20) feet in width to be developed.

Construction or reconstruction/modification of an access onto a public highway requires a separate access permit (see the Zoning Administrator for more information).

3.7 Division of Lots

No lot shall be subdivided into two or more lots unless all the lots resulting from such a division conform to the applicable minimum area and dimensional standards. All resulting lots must have either a Wastewater System & Potable Water Supply Permit or the required deed notice per state rules; or are connected, or able to connect, to the Chelsea public sanitary or combined sewer system.

3.8 Streambank Conservation

To prevent soil erosion and to ensure conservation of streams for recreational and other purposes, all buildings or structures erected from the effective date of these Bylaws shall be set back thirty-five (35) feet from the top of the streambank or slope. Top of streambank shall mean the point along a streambank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high-water stage. Top of slope shall mean a break in slopes adjacent to steep-banked streams that have little or no floodplain; or a break in slope where the side slopes adjacent to an incised, or deeply cut, channel meet floodplains that have been abandoned or are undergoing abandonment.

3.9 Equal Treatment of Housing

Pursuant to 24 V.S.A § 4412(1)(B), a mobile home, modular housing or prefabricated housing must be considered a single-unit dwelling and must meet the same zoning requirements applicable to single-unit dwellings.

3.10 Affordable Housing

No provision of this bylaw may have the effect of excluding from the municipality housing to meet the needs of the population as determined in accordance with 24 V.S.A. § 4412(1)(a).

Pursuant to 24 V.S.A. § 4412(13), in any area served by municipal sewer and water infrastructure that allows residential development, these Bylaws shall permit any affordable housing development, as defined in 24 V.S.A. § 4303(2), including mixed-use development, to exceed density limitations for residential developments by an additional forty (40%) percent, which shall include exceeding maximum height limitations by one floor, provided that the structure complies with the Vermont Fire and Building Safety Code.

3.11 Sewage Disposal

An applicant for a Zoning Permit whose land requires a Wastewater System & Potable Water Supply Permit from the Protection Division of the Agency of Natural Resources shall obtain such permit prior to the issuance of a Zoning Permit . A copy of such Permit shall be submitted as part of the Zoning Application. An application submitted without a required state Wastewater System & Potable Water Supply Permit shall be deemed incomplete.

An applicant for a Zoning Permit whose land abuts any street, alley, right-of-way in which there is now located a public sanitary or combined sewer of the Town of Chelsea provided that said public sewer is within two hundred (200) feet of the structure must include an Acceptance Letter or Permit for a connection to the said public sanitary or combined sewer system issued by the Chelsea Water Department Board. A copy of such Acceptance Letter or Permit shall be submitted as part of the Zoning Application. An application submitted without a required Acceptance Letter or Permit shall be deemed incomplete. Applicants should consult the Chelsea Water and Sewer Ordinance for further information.

3.12 Multiple Uses

A lot may have more than one principal use. Minimum lot sizes apply per principal use. A mixed-use building (a combination of principal uses within a single building) is allowed, provided that the uses are permissible in the district, and all other applicable standards are met for all uses. For a proposed use that is a single enterprise that covers a blend of permitted use categories, the ZA will determine which is the principal use category and treat the application under that category.

640 **3.13 More Than One Principal Building**

641 No more than one principal building may be placed on a lot unless such buildings and any
642 structures accessory to such principal buildings are positioned such that the lot is able to be
643 subdivided into separate and individual lots, and all lots and their respective uses conforming to
644 all applicable provisions of this Bylaw.

4. Zoning District Regulations

4.1 Establishment of Zoning Districts

For the purpose of these Bylaws, the following Land Use Districts are hereby established within the Town.

- Village (VIL)
- Industrial (IND)
- Rural Residential (RR)
- Mixed Use Development (MU)
- Conservation Area (CA)

4.1.1 Village District (VIL)

The purpose of this district is to be a center of high-density development that includes mixture of housing types, commercial uses, services, light industry, and community facilities. Because the Village District is served by an off-site public sewer system with a secondary sewage treatment, higher density and intensity of uses is appropriate, providing that they are of the same character as existing development.

4.1.2 Rural Residential District (RR)

The Rural Residential district is predominantly forested and interspersed by farmland. It is also the location for much of Chelsea's housing stock. This pattern of land use is the primary purpose of this district. However, some non-residential uses, including individual services and commercial outdoor recreation are allowed provided that such uses are planned in a manner that avoids unreasonable burdens on town roads and services or other adverse impacts on the rural, residential character of the district..

4.1.3 Industrial District (IND)

The purpose of this district is to provide an area with adequate transportation access and power availability for industrial, commercial, and municipal land uses. Light industrial uses are allowed in this district. However, heavy industry is a conditional use in this district. Residential uses within this district are allowed, but need to be separated from non-residential uses as much as possible.

4.1.4 Mixed Use Development District (MU)

The purpose of the Mixed Use Development Areas is to provide a flood resilient location for new commercial and mixed-use development in Chelsea. Within these areas a mix of land uses is allowed, including service businesses, light manufacturing, and professional offices, as well as residences.

4.1.5 Conservation Area (CA)

The purpose of the Conservation Area is to provide Chelsea with an area containing large blocks of unfragmented forest that are needed to sustain a forestry industry and areas that contain critical wildlife habitat and allow safe wildlife movement. Within these areas, development will be limited to maintain the area's ability to provide timber production, outdoor recreation, flood storage and aquifer recharge, scenic beauty, and wildlife habitat.

4.2 Establishment of Overlay Districts

For the purpose of these Bylaws, the following Overlay Districts are hereby established within the Town.

- Flood Hazard (FHO)
- Well-Head Protection Overlay (WHPO)

All applicable standards of the underlying district shall apply.

4.2.1 Flood Hazard Overlay District (FHO)

This district encompasses all lands shown as the area of special flood hazard (flood fringe and floodways) on the latest Flood Insurance Rate Map (FIRM) for the Town of Chelsea. Any land development within the area of special flood hazard on the town's Flood Insurance Rate Map is regulated under the Town's standalone Flood Hazard Area Regulations, and shall require a conditional use approval following the issuance of a **separate permit** under the Flood Hazard Area Regulations.

Flood Hazard Permit

Chelsea has a "stand alone" Flood Hazard Area Regulations. Any development proposed within the area outlined in Section 4.2.1 will require a **separate** Flood Permit in to meet the requirements of this Bylaw.

4.2.2 Well-Head Protection Overlay District (WHPO)

Chelsea's village is served by a public water system which is comprised of multiple wells. Due to the relatively high risk of permanent groundwater contamination, the following uses or activities are prohibited within the Well-Head Protection Areas as designated on the official zoning map. All applicable standards of the underlying district shall apply.

Prohibited Uses within the Well-Head Protection Overlay District

1. Commercial salvage yards, junkyards, or automobile graveyards;
2. Manufacture, use, or storage of toxic materials exceeding 50 gallons or 250 pounds of dry weight;
3. Uncontained storage of animal manure;
4. Landfills or waste transfer stations; and
5. Industrial uses that discharge process waste on-site.

Special Provisions within the Well-Head Protection Overlay District

Commercial storage of liquid petroleum products is prohibited unless the Development Review Board determines that all appropriate precautions have been taken to eliminate the possibility of contamination of the groundwater or the public water supply.

No land development that involves or typically requires the installation, maintenance, or operation of a subsurface sewer disposal system shall be permitted unless the Development Review Board first determines that such a facility will not adversely affect groundwater quality or contaminate public water supplies.

Plans for the construction of roads or related improvements shall be reviewed by the Development Review Board prior to development of such facilities. Approval by the Board shall be granted on finding that the proposed project will not result in undue soil erosion or water pollution. The Board may attach conditions to its approval.

To the above ends, the Development Review Board shall require the applicant to engage, at their expense, a licensed sanitation engineer to review their plan and present their written opinion regarding the effect it may have, if any, as a potential contaminator of the source.

Prior to rendering a decision for any land development within the Well-Head Protection Area, the Zoning Administrator or Development Review Board shall provide notice to the Chief Operator of the Chelsea Water System. The Chief Operator shall coordinate its review of any proposed development with the Selectboard and Development Review Board.

4.3 Official Zoning Map

The location and boundaries of Zoning and Overlay Districts are established as shown on the Official Zoning Map maintained at the Chelsea Town Office. The Official Zoning Map, together with interpretive guidelines and all amendments thereto, is hereby made a part of this Ordinance. All amendments to the Official Zoning Map are subject to the provisions of this Ordinance regarding amendments.

4.4 Interpretation of Zoning and Overlay District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the location of such boundaries shall be determined by the Zoning Administrator. The decisions of the Zoning Administrator may be appealed by the applicant or interested parties to the DRB for action. In making such a determination, the DRB may require the application to submit additional information on the property.

The Zoning Administrator and DRB shall use the following guidelines to assist them in making a determination:

1. Boundaries indicated as approximately following the centerlines of roads, streams, transportation and utility rights-of-way shall be construed to follow such centerlines;
2. Boundaries indicated as approximately following lot lines shall be construed to follow such lot lines;
3. Boundaries indicated as following shorelines shall be construed as the normal mean water level;
4. Boundaries indicated as parallel to or extensions of features in (1) through (3) above shall be so construed;
5. Where circumstances are not covered by (1) through (4) above, the DRB shall interpret the district boundaries.

Where a zoning district or overlay district boundary divides a lot of record held in single or joint ownership on the effective date of these Bylaws, such lot may be developed according to the following:

1. All structures and/or uses, and any uses or structures accessory to principal uses or structures, shall comply with the provisions of the zoning district or overlay district within which such structure or uses are to be located.
2. All structures and/or uses, and any uses or structures accessory to principal uses or structures, that span multiple zoning districts or overlay districts will be deemed a part of the district in which the majority of the parcel lies and must comply with the provisions of that zoning district or overlay district

4.5 Dimensional Standards, Permitted and Conditional Uses By District

Various uses requiring a Zoning Permit or Conditional Use Approval in addition to a permit are listed below for each district. If a use is not listed or exempted under Section 3.4, it is prohibited. Dimensional requirements must be met unless a waiver is granted (see Section 2.8.1 for more information). Waivers cannot be granted on types of use. Means for measurements are covered in Section 2.8.

4.5.1 Accessory Building or Use

All principal uses or structures imply the inclusion of appropriate accessory uses or structures that are customarily incidental and subordinate to the principal use or structure and located on the same lot. All accessory structures, except fences, walls, driveways and parking areas shall conform to the dimensional standards in the district where they are located. A Zoning Permit shall be required for the construction of any accessory building, structure, or use, except where exempted in Section 3.4.

4.5.2 Land Uses by District

The following table outlines the permitted, conditional, and prohibited uses for each district. Permitted uses require only the payment of a filing fee set by the Selectboard and issuance of an Administrative Zoning Permit by the ZA. Conditional uses require conditional use approval by the DRB prior to the issuance of a Zoning Permit. As a prerequisite to the issuance of a Zoning Permit for any land use category other than single-unit or two-unit dwellings and their appurtenant uses, the DRB may require the review and approval of site plans.

Village District¹ applies to the parcels of the district served by municipal sewer and water infrastructure. Village District² applies to the parcels of the district not served by municipal sewer and water infrastructure.

Changing Uses? You Need a Permit!

If you have plans to change the use in a building on your property from one type to another, you need to know that a permit IS required.

Example: If you own a building that is currently a residence, but you want to begin a home occupation within the confines of your residence, you'll need a permit.

However, there are instances where a change of use permit may not be needed, such as a change from selling groceries to selling hardware.

Different uses can have different impacts on the surrounding area. Therefore, the Town must have the opportunity to consider the potential for negative impacts that might occur as a result of a change of use and whether or not the proposed use is appropriate in that district.

Contact the Chelsea Zoning Administrator for more information on changing uses.

Land Use Categories	VIL¹	VIL²	IND	RR	MU	CA
Accessory Building or Use	P	P	P	P	P	P
Accessory Dwelling Unit	P	P	P	P	P	P
Accessory On-Farm Business	P	P	P	P	P	P
Bed & Breakfast, Hotel, Motel, or Inn	C	C	C	C	C	C
Child Care Facility	P	P	X	P	P	P
Community Group Service	P	P	C	C	C	C
Commercial Outdoor Recreation	C	C	C	C	C	C
Community Service	P	P	C	C	C	C
Extraction of Gravel, Sand, Soil, and Rock	X	X	C	C	C	C
Heavy Industrial	X	X	C	X	X	X
Home Occupations	P	P	P	P	P	P
Home Industries	C	C	C	C	C	C
Individual Service	P	P	P	C	C	C
Light Industrial	C	C	P	C	C	C
Multiunit Dwelling with Five or More Units	C	C	C	C	C	C
Multiunit Dwelling with Four or Fewer Units	P	C	C	C	C	C
Permanent Signs	P	P	P	P	P	P
Primitive Camps	C	C	C	P	C	C
Principal Retail	P	P	X	X	X	X
Residential Care Home, Group Home, or Recovery Residence	C	C	C	C	C	C
Salvage Yards, Junkyards, or Automobile Graveyards	X	X	C	X	C	X
Single-Unit Dwelling	P	P	P	P	P	P

Land Use Categories	VIL ¹	VIL ²	IND	RR	MU	CA
Town Municipal	P	P	P	P	P	C
Two-Unit Dwelling	P	P	P	P	P	P
Village Municipal	P	P	P	P	P	C

- 800 P = Permit Required
 801 C = Conditional Use Approval Required
 802 X = Prohibited

803 4.5.3 Dimensional Requirements by District

804 The following table outlines the dimensional requirement for each district. All front setbacks are
 805 measured from the road centerline. All side and rear setbacks are measured from the property
 806 line. Corner lots shall be deemed to have front setbacks on all adjacent roads.

Dimensional Requirements	VIL ¹	VIL ²	IND	RR	MU	CA
Minimum Lot Area	One-eighth (1/8) of an acre.	One (1) acre.	One (1) acre.	One (1) acre.	One (1) acre.	One (1) acre.
Minimum Front Setback	Twenty-five (25) feet.	Twenty-five (25) feet.	Thirty-five (35) feet.	Thirty-five (35) feet.	Thirty-five (35) feet.	Thirty-five (35) feet.
Minimum Side/Rear Setback	Ten (10) feet.	Ten (10) feet.	Thirty-five (35) feet.	Thirty-five (35) feet.	Thirty-five (35) feet.	Thirty-five (35) feet.

- 807 Village District¹ applies to the parcels of the district served by municipal sewer and water
 808 infrastructure. Village District² applies to the parcels of the district not served by municipal
 809 sewer and water infrastructure.

5. Specific Regulations

5.1 Outdoor Storage of Junk

The open storage of materials, inoperable, or retired junk vehicles, dismantled equipment and other similar items shall be screened from view from a public highway whether or not such items are used in connection with a business. Fences, walls, trees, shrubs, buildings, and land contours are acceptable means of screening outdoor storage. Maintenance of screening for the above purposes shall be a responsibility of the owner of the premises. Applicants should refer to the Chelsea Outdoor Storage of Junk Ordinance for more information about screening requirements.

5.2 Protection of Home Occupations

Nothing in this Bylaw shall infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not have an undue adverse impact on the character thereof. A Zoning Permit for a home occupation shall be granted as an Administrative Permit by the ZA upon meeting the following standards in addition to any other specified within this Bylaw:

1. The home occupation shall be carried on by residents of the premises, employing not more than two (2) persons not living on the premises;
2. The home occupation is carried on wholly within a minor portion of the principal residential structure and occupies less than fifty (50%) percent of total living area of the structure, or within an accessory building or structure;
3. Exterior signs or displays other than those normally permitted in the district or exterior storage of material shall not be permitted;
4. The impacts associated with the home occupation are of a type and scale commensurate with a residential use.

5.3 Home Industry

This Bylaw acknowledges that as businesses grow, they often need to expand. In order to support their growth, the use class “home industry” is established. It is intended for businesses that are based out of and secondary to a residential use, but with slightly broader standards than qualify for a home occupation. A Zoning Permit for a home industry shall be granted after DRB Conditional Use approval upon meeting the following standards in addition to any other specified within this Bylaw:

1. The conduct of the home industry is clearly secondary to the residential use of the premises and occupies no more than fifty (50%) percent of the total living area of the structure;
2. The home industry is conducted by the resident at the residence and employing more than

two people other than the residents of the house;

3. Automobile traffic resulting from the home industry is not at a volume substantially greater than would be normally anticipated.

5.4 Temporary Structures

In order to facilitate the long-term use of property, temporary structures or buildings may be erected or placed on a lot in noncompliance with the area, structural, and setback requirements of this Bylaw upon approval of the Zoning Administrator. Prior to granting a Zoning Permit for a temporary structure or building, the Zoning Administrator shall first find:

1. That the structure's intended purpose is only temporary and;
2. That adequate assurance is established that such a structure or building will not remain on the lot for a period of more than twelve (12) months from date of issuance of such permit.

Examples of temporary structures or buildings include construction trailers, storage vans or trailers incidental to a building project, construction fences, electrical and telephone boxes, storage sheds.

5.5 Signs

Except for signs necessary for public safety and those signs as exempted by these Bylaws, no person shall erect, display or change the location, or size of an outdoor sign or lighted window sign without first obtaining a Zoning Permit from the Zoning Administrator. The purpose of this provision is to control the unplanned and uncoordinated proliferation of outdoor advertising in order to protect the economic, historic, and scenic values of the town and to prevent hazards to users of roads in town.

5.5.1 Signs - General Requirements

The following general requirements shall apply to all signs:

1. All signs shall be erected, displayed, or located on the same premises as the activity to which it relates (i.e. on-premise), unless the sign is an instructional sign regulated by the State of Vermont.
2. Affixed or projecting signs shall not exceed the highest point of a building to which it is attached.
3. The top of any freestanding sign shall not exceed ten (10) feet in height above the finished grade.
4. Excessively bright exterior lighting, flashing lights, or similar displays for the purpose of advertising are considered signs and are prohibited. No lighted sign shall have the effect of being such a high intensity or glare as to impair the vision of the driver of a motor

vehicle.

5. Flashing and moving exterior signs are not allowed.

6. The area of a sign shall not exceed twenty (20) square feet.

7. The total combined on-premise sign area of all signs on a lot visible from adjacent roadways shall not exceed one hundred and fifty (150) square feet. Temporary signs shall not be included in this calculation.

5.5.2 Signs - Exemptions

Zoning Permits shall not be required for temporary signs, including sandwich board signs. All exempt signs shall conform to items 4, 5, and 6 of Section 5.5.1.

5.6 Extraction of Gravel, Sand, Soil and Rock

The extraction of gravel, sand, soil and rock or the substantial change of such activities from existing operations shall require Conditional Use Approval from the Development Review Board. The Board, in its review of projects, shall incorporate at a minimum the following conditions:

1. Plans for the restoration of the disturbed portions of the site during and following the operation shall be adequate to ensure that a safe, attractive, and useful condition results.

2. Plans for the operation of the facility shall be sufficient to ensure that the operation will not adversely affect water quality, drainage patterns, or create excessive dust, traffic, vibration, and noise at the site or areas in close proximity to the site. Except under emergency conditions, the site shall not operate outside of 7:00 AM to 7:00 PM. Blasting shall be prefaced by notification to all occupied structures within one thousand (1,000) feet of the boundary line at least twenty-four (24) hours prior.

3. The operation shall be managed to prevent the permanent creation of excessively steep slopes, overhangs, exposed boulders, uprooted stumps, and other debris. Tops of slopes/rock faces shall not be located within fifty (50) feet of property lines.

4. The scale of intensity of the operation shall not place uneconomic demands on bridges, culverts, and roadways leading to and from the project site.

5. If power-activated crushing or sorting operations are to be allowed on the site, such activity shall not unduly affect the character of the immediate neighborhood area. Crushing or sorting machinery are not permitted to operate within three hundred (300) feet of adjacent structures.

To ensure that the rehabilitation of the site is properly managed, the Board may, as a condition to its approval, require that a performance bond or other forms of surety be posted to cover the costs of restoration or that no more than a predetermined area of the site be exposed at any one time.

5.7 Accessory Dwellings

Except in the Special Flood Hazard Area (see Chelsea Flood Hazard Area Regulations), an accessory dwelling unit that is located within or appurtenant to a single-unit dwelling or two-unit dwelling on an owner-occupied lot shall be a permitted use. An accessory dwelling unit shall be subordinate to a single-unit dwelling or two-unit dwelling, and have facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

1. The property has sufficient permitted wastewater capacity.
2. The unit does not exceed thirty (30%) percent of the total habitable floor area of the principal residential structure or nine hundred (900) square feet, whichever is greater.
3. The unit is located within or appurtenant to a single-unit or two-unit dwelling, whether the dwelling is existing or new construction.
4. Applicable setback, coverage, and parking requirements specified in the bylaws are met.

5.8 Childcare Facilities

A “family child care home or facility” as used in this bylaw means a home or facility where the owner or operator is to be licensed or registered by the state for child care. A family child care home serving six or fewer children shall be considered to constitute a permitted single-unit residential use of property. A family child care home serving no more than six children full-time and four children part-time, as defined in 33 V.S.A. § 3511(7), shall also be considered to constitute a permitted use. A family child care facility serving more than six children full-time and four children part-time shall constitute a permitted use.

5.9 Outdoor Furnaces

Given the potential for air pollution and noxious fumes from outdoor furnaces, the following standards must be met in order to receive a Zoning Permit from the Zoning Administrator:

Village – Within the village district, furnace smokestack must be equal in height to the chimneys of surrounding buildings. The extended smokestack must be properly fastened so as not to pose a potential hazard due to collapse. All outdoor furnaces within the village must have spark arrestors.

All other areas – In all other areas, furnace smokestacks must be a minimum of fifteen (15) feet from ground level.

5.10 Travel Trailers

No travel trailer shall be parked in the Town of Chelsea except in accordance with the following

944 regulations:

- 945 1. A travel trailer may be parked and used as living quarters at a trailer camp which meets
946 state standards.
- 947 2. No travel trailer shall be used as living quarters unless a Zoning Permit has been obtained.
- 948 3. The owner of a travel trailer may store it on his own property when not in use. A trailer
949 so parked shall not be used as living quarters and shall not be permanently hooked up to
950 any utilities.
- 951 4. A travel trailer that is used as living quarters for more than sixty (60) days in a calendar
952 year shall be considered a single-unit dwelling and must meet all applicable dimensional,
953 health and safety standards.

954 **5.11 Ponds**

955 A Zoning Permit is required for the construction of a pond. Ponds may require additional state
956 and federal permits. Any pond or impoundment shall meet with the setback distances for the
957 district in which it is located and not interfere with drainage from town highways. Applicants
958 shall receive any and all applicable state and federal permits before being issued a Zoning
959 Permit.

960 **5.12 Planned Unit Development**

961 **5.12.1 General Intent and Purposes**

962 The provisions for Planned Unit Development (PUD) set forth below are intended to permit the
963 development of larger parcels of land in such a manner as will result in the most efficient,
964 aesthetic, and desirable use of such parcels; encourage a more creative approach to the
965 development of such parcels than would otherwise result under these Bylaws; and to provide
966 flexibility in the design and placement of buildings, open spaces, vehicular and pedestrian
967 circulation and off-street parking areas so as to best utilize the features of the specific site.

968 In order to encourage innovation in design and layout and promote the efficient use of land, the
969 Development Review Board may grant Clustered Housing Development approval for proposals
970 subject to the standards and conditions set forth below.

971 **5.12.2 Standards and Conditions**

972 In its review and approval of a proposed Planned Unit Development, the Development Review
973 Board shall find in its written decision that the Project meets all of the following criteria and
974 standards:

- 975 1. The parcel size for the proposed Planned Unit Development meets the minimum area

requirements set forth below:

- a. Areas serviced by water and sewer: one-eighth of an acre
- b. Other Areas: ten acres
2. The project in its entirety shall comply with all applicable setback requirements.
3. The total number of dwelling units and other uses shall not exceed the number or densities which would be permitted if the involved land were subdivided into lots in conformance with the Bylaws.
4. Density Bonus - Notwithstanding the above, in order to encourage the most appropriate and efficient use of the involved land, the total number of dwelling units and other uses may be exceeded by up to twenty-five percent (25%). In granting any such requested density increase, the Commission shall find that:
5. The character and siting variations incorporated in the project consists of factors which make a substantial contribution to the general intent and purposes of the PUD provision. Such variation are appropriate based upon, but not limited to, the following project amenities: (i) siting, visual focal points, use of existing physical features such as topography, building orientation, variation in building groups such as clusters; (ii) design features, architectural styles, harmonious use of building materials, landscaping, and pedestrian ways; and (iii) extent and location of open space reservation relative total project area, proposed plans for use and management of such area, and the degree of preservation of natural features for any unimproved areas.
6. The design and layout of the project preserves any recognized historic sites or structures and to the greatest extent feasible any natural features or resources of the site.
7. Adequate conditions and technical plans exist to insure the safe treatment of sewage and the provisions of a safe supply of drinking water for the project.
8. If the proposal involves a greater concentration of land uses within some section of the development than upon others, such greater concentration shall be offset by a lesser concentration in other section or sections or by an appropriate reservation of common open spaces on the remaining lands.
9. To encourage maintenance or enhancement of forest resources, wildfire habitats, and critical resource areas for which the project has been designed so areas of the total parcel are permanently set aside as undevelopable and or the purposes set forth above.

5.12.3 General Procedures

The Development Review Board welcomes all to preliminary discussions about this development option. It invites prospective applicants to meet informally with the Board to learn how their project might be structured.

1. Upon receipt of an application for Planned Unit Development Approval, the DRB shall ascertain if the application is complete.
2. A request for Planned Unit Development Approval shall be scheduled for a least one

Public Hearing held by the Development Review Board within thirty (30) days from the date of acceptance of the completed application. Administrative Review procedures as set forth in 24 V. S.A. § 4464 shall apply also.

3. Land development for which Approval has been granted shall not commence unless the Zoning Administrator has issued a Zoning Permit for such development.

5.12.4 Common Facilities, Common Land, & Land to be Conserved

1. Land that is to be dedicated for common facilities or for the preservation and maintenance of areas of high public value (see below) may be held in common or individual ownership, or it may be conveyed to the Town, should the Town chose to accept it.

2. Common Land. Land to be dedicated to shared facilities (e.g., private road, community wastewater and water supply systems, or other community facilities,) may be held in common, and will be subject to the legal requirements set forth below and in any other section of this Unified Development Bylaw. Land and/or facilities to be held in common shall be subject to appropriate deed restrictions and/or covenants stipulating their allowed use, and establishing the person or entity responsible for their regular maintenance and long term management. All costs associated with administering and maintaining common land and associated facilities shall be the responsibility of applicant and subsequent property owners.

3. Land to be Conserved. Land to be dedicated to the preservation and maintenance of areas of high public value (see below) may be held in common or individual ownership, and may be located on one or more lots, although isolating such resources on a single lot is preferred by the Town. The ownership of the land or the benefit of an easement preserving such land shall be in a manner and form approved by the Development Review Board; such ownership or easement may be held by the municipality or a nonprofit land conservation organization, if such entities choose to accept such ownership or easement. Conservation and agricultural easement areas ("open space areas") shall be indicated with an appropriate notation on the final plat.

Areas of high public value include land characterized by:

- Land in active agricultural use,
- Primary (prime & statewide) agricultural soils,
- Steep slopes equal to or in excess of twenty-five (25%) percent,
- Flood hazard areas,
- Surface waters, wetlands and associated setback and buffer areas,
- Shoreland setback and buffer areas,
- Special areas (identified in the Chelsea Town Plan),
- Critical wildlife habitat (as identified in Chelsea Town Plan or as field delineated),

- 1051 • Water supply source protection areas (SPAs),
- 1052 • Historic districts, sites and structures,
- 1053 • Scenic views and vistas within the district, or
- 1054 • Conserved land on adjacent parcels.

1055 **5.12.5 Legal Requirements**

- 1056 1. Documentation and assurances shall be provided that all required improvements and
1057 associated rights-of-way and easements and other common facilities and land will be
1058 adequately maintained either by the applicant, subsequent or other landowners, a
1059 homeowners' association, or through other accepted legal mechanism. Such
1060 documentation shall be in a form approved by the Development Review Board and filed
1061 in the Chelsea Land Records.
- 1062 2. All required improvements shall be constructed to approved specifications in accordance
1063 with a construction schedule approved by the Development Review Board. The
1064 Commission may require that all such improvements be completed prior to the issuance
1065 of an Zoning Permit or certificate of compliance for subsequent development on
1066 approved lots. A performance bond or comparable surety acceptable to the Selectboard
1067 may be required to ensure that all improvements are completed to specification.

1068 **5.13 Accessory On-Farm Businesses (AOFBs)**

1069 An Accessory On-Farm Business (AOFB) shall have the same definition in these Bylaws as in
1070 24 V.S.A. § 4412. An AOFB shall be a permitted land use on the same location as a farm if all of
1071 the following apply:

- 1072 1. The business is operated by the farm owner, one or more persons residing on the farm
1073 parcel, or the lessee of a portion of the farm.
- 1074 2. The farm meets the threshold criteria for the applicability of the Required Agricultural
1075 Practices rules adopted pursuant to 6 V.S.A. chapter 215, subchapter 2.
- 1076 3. The proposed AOFB adheres to all dimensional requirements of the applicable zoning
1077 district.
- 1078 4. The proposed AOFB receives site plan approval from the Development Review Board.

1079 An AOFB may take place inside new or existing structures or on the land.

1080 For the purposes of these bylaws, “farming” shall have the same meaning as in 10 V.S.A. §
1081 6001; and “farm” shall have the same meaning as in 24 V.S.A. § 4412.

5.14 Short-Term Rentals

As per 18 V.S.A § 4301, a short-term rental is a dwelling unit or part thereof rented to the transient, traveling, or vacationing public for a period of fewer than thirty (30) consecutive days at a time and for more than fourteen (14) days cumulative per calendar year. In addition to any rules that apply to the dwelling unit, the following also apply:

1. No recreational vehicle, tent or other temporary structure may be used as a short-term rental outside of a trailer park or campground.
2. A notice to renters of house rules pertaining to parking, rubbish, noise, etc. shall be visibly displayed in the rental.
3. Application must include a copy of the “Short Term Rental Safety, Health and Financial Obligations” and/or “Change of Use or Ownership Inspection Request” , that they have previously submitted to the State of Vermont. All applicable State Construction Permits shall be submitted with the application.
4. If not connected to Town of Chelsea Sewer System, owner must adhere to the Vermont Department of Environmental Conservations regulations, proving the system is adequate for additional load created by the Short-Term Rental’s maximum occupancy.

5.15 Buffer Strips

In cases where an industrial use abuts a residential district, with the exception of access points or driveways, a buffer strip of land not less than twenty (20) feet in depth shall be maintained along the common boundary. The buffer shall be used and maintained only as fence or area for planting trees, shrubs, flowers, or similar property enhancements to mitigate undue adverse visual impacts which would exist between dissimilar uses.

5.16 Wetlands

A minimum 100-foot Water & Aquatic Habitat Protection Buffer shall be established from the spring high water mark and/or delineated boundary of all Class 1 wetlands identified on the Vermont Wetlands Inventory Map. A minimum 50-foot Water & Aquatic Habitat Protection Buffer shall be established from the spring high water mark and/or delineated boundary of all Class 2 wetlands identified on the Vermont Wetlands Inventory Map. Applicants may be required to hire a qualified person to perform a wetland delineation in accordance with Vermont standards.

5.17 Steep Slopes

It is the purpose of this Section to prevent harm to Town soils and waters that could result from environmentally unsound development on slopes in excess of twenty-five (25%) percent. Unless otherwise exempt from a Zoning Permit, no building, structure, or use of land subject to

regulation under this Bylaw shall be permitted on slopes exceeding twenty-five (25%) gradient without Conditional Use Review and Approval by the DRB. The DRB in rendering approval must find that the proposed building, structure, shall minimize soil erosion, and not result in a reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result. To help satisfy this requirement, applicants shall provide an erosion control plan and agree to adhere to it.

5.18 Site Plan

5.18.1 When Site Plan Approval is Issued

As authorized by 24 V.S.A. § 4416, Zoning Permits for any other use or structure, other than a single-unit or two-unit dwelling and their appurtenant accessory structures, require Site Plan approval granted by the DRB. The applicant shall submit the information as required along with the application. In order to streamline notice requirements and review, when both Site Plan and Conditional Use Approval is required for the same application, the provisions of this Section shall be combined with those for Conditional Use under a single combined review by the DRB.

5.18.2 Application for Site Plan Approval

Every applicant for a Zoning Permit requiring site plan approval shall submit two (2) printed sets of the site plan maps or an electronic copy at a sufficient scale to permit the study of the elements of the plan and supporting data which shall include the following information:

1. Name and address of the owner of record, and the name(s) and address(es) of the owner(s) of adjoining lands. Name and address of person or firm preparing map. Scale of map, north point and date.
2. Survey of property showing existing features, including contours, structures, large trees, streets, utility easements, rights-of-way, land use and deed restrictions.
3. Site plan showing proposed structure locations and land use areas; streets, driveways, traffic circulation, parking and loading spaces and pedestrian walks; landscaping plans, including site grading, landscape design and screening.
4. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development.

5.18.3 Standards for Approval of Site Plan

The DRB shall review the site plan map and supporting data before approval, approval with stated conditions, or disapproval is given and shall make a finding in any approval decision that:

1. Reasonable attempts have been made to maximize safety of pedestrian and vehicular circulation between the site and the street/sidewalk network. Particular consideration

shall be given to visibility at intersections, to traffic flow and control, to efforts to minimize curb cuts and interconnect uses, to pedestrian safety and convenience, and to access in case of an emergency. The DRB may require shared accesses or other traffic safety/pedestrian measures to satisfy this condition.

2. Circulation, parking, and loading/sanitary facilities are adequate for the proposed use; and that vehicle and site lights, timing of operations, vehicle noise and noise from operations, and odors from operations, including refuse storage, do not unduly affect adjoining properties.

3. All exterior site lighting shall use shielded fixtures so that the light source is not directly visible from off site.

4. Landscaping, other forms of physical screening, and the distance of the setbacks provide reasonable protection to, and compatibility with, adjacent properties. Particular consideration shall be given to preservation of existing vegetation, visibility of unsightly or incompatible areas from the road and adjoining properties, and the adequacy of plantings/materials to meet seasonal conditions, soil conditions, and light on the site.

Whenever a proposed site plan involves access to a State highway or other work in the State highway right-of-way such as excavation, grading, paving, or utility installation, the application for site plan approval shall include a letter from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and determined whether a permit is required under 19 V.S.A. § 1111. If the Agency determines that a permit for the proposed site plan is required under 19 V.S.A. § 1111, then the letter from the Agency may set out conditions that the Agency proposes to attach to the permit required under 19 V.S.A. § 1111.

5.19 Residential Care Home, Group Home, or Recovery Residence

In accordance with the provisions of 24 V.S.A. § 4412(g), a residential care home or group home operating under State licensing or registration, serving not more than eight (8) persons who have a disability as defined in 9 V.S.A. § 4501, or a recovery residence serving not more than eight (8) persons, shall be considered by right to constitute a permitted single-unit residential use of property.

A “recovery residence” means a shared living residence supporting persons recovering from a substance use disorder that:

(i) Provides tenants with peer support and assistance accessing support services and community resources available to persons recovering from substance use disorders.

(ii) Is certified by an organization approved by the Department of Health and that is either a Vermont affiliate of the National Alliance for Recovery Residences or another approved organization or is pending such certification.

6. Definitions

For the purposes of this Bylaw, meanings of the following words and terms shall be interpreted as defined below and all other words shall be presumed to have their normal meaning, unless such meaning runs counter to the purposes and objectives of this Bylaw or the Town Plan. The definitions of terms defined in 24 V.S.A. § 4303 of the Act, and not otherwise defined herein are made a part of these Bylaws.

ABANDONED: A habitable or public structure shall be considered abandoned if, due to neglect or damage, it lacks a roof, walls, windows, plumbing, or any other major component for more than two (2) years, or if it is determined to be unstable by a licensed structural engineer.

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

A. the property has sufficient wastewater capacity; and

B. the unit does not exceed thirty (30%) percent of the total habitable floor area of the single-unit or two-unit dwelling or nine hundred (900) square feet, whichever is greater

ACCESSORY ON-FARM BUSINESS: Activity on a farm, the revenues of which may exceed the revenues of the farming operation, and comprises one or both of the following:

(I) The storage, preparation, processing, and sale of qualifying products, provided that the qualifying products are produced on a farm; the sale of products that name, describe, or promote the farm or accessory on-farm business, including merchandise or apparel that features the farm or accessory on-farm business; or the sale of bread or baked goods.

(II) Educational, recreational, or social events that feature agricultural practices or qualifying products, or both. Such events may include tours of the farm, farm stays, tastings and meals featuring qualifying products, and classes or exhibits in the preparation, processing, or harvesting of qualifying products. Farm stay shall mean a paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm that feature agricultural practices or qualifying products, or both. A farm stay includes the option for guests to participate in such activities.

ACCESSORY STRUCTURE: A structure customarily incidental and subordinate to the principal building, except as otherwise provided, located on the same lot with such principal buildings. Examples are garages and garden sheds.

ACCESSORY USE: A use customarily incidental and subordinate to the principle use and located on the same lot.

ACT, THE: The Vermont State statute that is the authority for this Bylaw. Full title: Vermont

1220 Municipal and Regional Planning and Development Act, 24 V.S.A. Chapter 117, et seq.

1221 **ADMINISTRATIVE PERMIT:** Is a permit issued by the Zoning Administration that complies
1222 with the regulations and that does not require additional review by a municipal panel.

1223 **AFFORDABLE HOUSING:** As defined in 24 V.S.A. § 4303, affordable housing shall mean
1224 either

1225 a) owner-occupied housing for which the total annual cost of ownership, including
1226 principal, interest, taxes, insurance, and condominium association fees, does not exceed
1227 30 percent of the gross annual income of a household at 120 percent of the highest of the
1228 following:

1229 (i) the county median income, as defined by the U.S. Department of Housing and Urban
1230 Development;

1231 (ii) the standard metropolitan statistical area median income if the municipality is located
1232 in such an area, as defined by the U.S. Department of Housing and Urban Development;
1233 or

1234 (iii) the statewide median income, as defined by the U.S. Department of Housing and
1235 Urban Development.

1236 b) rental housing for which the total annual cost of renting, including rent, utilities, and
1237 condominium association fees, does not exceed 30 percent of the gross annual income of
1238 a household at 80 percent of the highest of the following:

1239 (i) the county median income, as defined by the U.S. Department of Housing and Urban
1240 Development;

1241 (ii) the standard metropolitan statistical area median income if the municipality is located
1242 in such an area, as defined by the U.S. Department of Housing and Urban Development;
1243 or

1244 (iii) the statewide median income, as defined by the U.S. Department of Housing and
1245 Urban Development.

1246 **AGRICULTURE:** Land which is used for raising livestock, or agricultural or forest products,
1247 including farm structures and the storage of agricultural equipment; riding and boarding stables;
1248 and meets the Vermont Agency of Agriculture's definition of "farming use" by achieving one or
1249 more of the following criteria:

1250 a) is used in connection with the sale of \$1000 or more of agricultural products in a normal
1251 year; or

1252 b) is used in connection with the raising, feeding, and management of at least the following
1253 number of adult animals: four equines; five cattle or American bison; fifteen swine;
1254 fifteen goats; fifteen sheep; fifteen fallow deer; fifteen red deer; fifty turkeys; fifty geese;
1255 one-hundred laying hens; two-hundred and fifty broilers, pheasant, Chukar partridge, or

1256 Coturnix quail; three camelids; four ratites (ostriches, rheas, and emus); thirty rabbits; one
1257 hundred ducks; or one-thousand pounds of cultured trout; or

1258 c) is used by a farmer filing with the Internal Revenue Service a 1040 (F) income tax
1259 statement in at least one of the past two (2) years; or

1260 d) is on a farm with a business and farm management plan approved by the Secretary.

1261 **ALTERATION:** Structural change, that increases the exterior height, width or length of the
1262 building, including a change of location of, or addition to, a building.

1263 **APPLICANT:** The owner of land proposed to be subdivided or his or her representative. Any
1264 party with a legal interest in the property may apply in cooperation with the owner of the
1265 property.

1266 **APPEAL:** The exclusive remedy of an interested party who wishes to reverse any decision or act
1267 of the Zoning Administrator or provision of this ordinance. Appeals are made to the DRB and
1268 thence to the Vermont Superior Court, Environmental Division under an adverse decision from
1269 the DRB.

1270 **APPURTENANT:** Something subordinate to or belonging to another larger principal entity.

1271 **AUTOMOBILE GRAVEYARD:** means a yard, field, or other outdoor area on a property
1272 owned or controlled by a person and used or maintained for storing or depositing four or more
1273 junk motor vehicles. "Automobile graveyard" does not include:

1274 (A) an area used by an automobile hobbyist to store, organize, restore, or display motor
1275 vehicles or parts of such vehicles, provided that the hobbyist's activities comply with all
1276 applicable federal, State, and municipal law;

1277 (B) an area used for the storage of motor vehicles exempt from registration under 23
1278 V.S.A. chapter 7;

1279 (C) an area owned or used by a dealer registered under 23 V.S.A. § 453 for the storage of
1280 motor vehicles; or

1281 (D) an area used or maintained for the parking or storage of operational commercial
1282 motor vehicles, as that term is defined in 23 V.S.A. § 4103(4), that are temporarily out of
1283 service and unregistered but are expected to be used in the future by the vehicle operator
1284 or owner.

1285 **BED AND BREAKFAST:** A residential dwelling, occupied by an owner of the business, in
1286 which a portion of the home is adapted to use as lodging for travelers or transients as an
1287 accessory use to the residence that does not change the residential character of the neighborhood.
1288 Breakfast only may be served to those lodging on the premises.

1289 **BOARDING HOUSE:** A residential building with a dwelling unit occupied by a permanent
1290 resident caretaker that also has six or fewer rooms for rent on a long-term basis that may lack
1291 individual kitchen facilities, that share common areas, and that may provide meals for tenants.

1292 **BUFFER STRIPS:** An undisturbed area consisting of trees, shrubs, ground cover plants, duff
1293 layer, and generally uneven ground surface that extends a specified distance horizontally across
1294 the surface of the land from the mean water level of an adjacent lake or from the top of the bank
1295 of an adjacent river or stream.

1296 **BUILDING:** A structure having a roof supported by columns or walls and intended for the
1297 shelter or enclosure of persons, animals or chattel, excluding fences. For the purposes of this
1298 bylaw, any travel trailer occupied for more than sixty (60) days per calendar year shall be
1299 considered a building.

1300 **BUILDING/STRUCTURE, NON-CONFORMING:** A building or structure or part thereof,
1301 not conforming with this zoning bylaw covering bulk, dimensions, height, area, yards, density, or
1302 off-street parking, loading requirements, where such building or structure conformed to all
1303 applicable law, ordinances or regulations prior to the enactment of this bylaw.

1304 **CAMP, PRIMITIVE:** Cabin, trailer, shelter or other accommodation suitable and used for
1305 temporary living purposes and with interior plumbing that consists of no more than a sink with
1306 water. Can be used for no more than three (3) consecutive weeks per year and no more than a
1307 total of sixty (60) days per year.

1308 **CHANGE IN USE:** A change or increase in the scale, intensity, type of activity, hours of
1309 operation, or physical setting of the use.

1310 **CHILD CARE FACILITY:** A home or facility where the owner or operator is to be licensed or
1311 registered by the State of Vermont for child care.

1312 **CLUSTERED HOUSING DEVELOPMENT:** Is a form of land development in which
1313 principal buildings and structures are grouped together on a site, thus saving the remaining land
1314 area for common open space, conservation, agriculture, recreation, and public and semipublic
1315 uses.

1316 **COMMERCIAL GROUP SERVICE:** Any use of land or structures limited to twenty-five
1317 (25,000) square feet or less for the purpose of providing a service involving the presence of a
1318 number of individuals at one time. Examples: motels, hotels, theatres, restaurants.

1319 **COMMERCIAL OUTDOOR RECREATION:** Any use of land or structures for the provision
1320 of private outdoor recreational services that do not involve the construction of substantial
1321 structures. Examples: travel trailer parks, tennis courts, golf courses.

1322 **COMMUNITY SERVICE:** Any use of land or structures for the purpose of providing or
1323 conducting educational or religious services. Examples: schools (public and private), churches.

1324 **CONDITIONAL USE:** A land use permitted in a given zoning district only after a hearing and
1325 decision by the DRB (e.g., Site Plan Approval, Steep Slope, and Right of Access).

1326 **DEVELOPMENT REVIEW BOARD:** The quasi-judicial body, appointed by the Selectboard,
1327 which hears and decides appeals and applications for conditional uses, site plan, subdivisions,
1328 waivers, and variance requests.

- 1329 **DISTRICT, ZONING:** A part, zone or geographic area within the town of Chelsea within
1330 which certain zoning or development regulations apply.
- 1331 **DWELLING, SINGLE-UNIT:** A building containing one dwelling unit, other than an
1332 accessory dwelling unit, with independent living quarters for one household, including at least
1333 one bathroom and kitchen, and not in a motel, hotel, boarding house, tourist home or similar
1334 structure.
- 1335 **DWELLING, TWO-UNIT:** A building containing two dwelling units. Synonymous with
1336 duplex.
- 1337 **DWELLING, MULTIUNIT:** A building containing more than two dwelling units.
- 1338 **EMERGENCY SHELTER:** Any facility, the primary purpose of which is to provide a
1339 temporary shelter for the homeless in general or for specific populations of the homeless and that
1340 does not require occupants to sign leases or occupancy agreements.
- 1341 **EXTERIOR STORAGE:** Outside storage of materials, supplies, equipment or vehicles
1342 incidental to a commercial use shall be adequately screened from view.
- 1343 **EXTRACTION:** Excavating and removing rock, stone, ore, soil, gravel, sand, minerals, and
1344 similar materials from the surface and/or subsurface for the purposes of selling those materials or
1345 utilizing those materials in a commercial venture.
- 1346 **FARMING:** Means the same as defined in 10 V.S.A. § 6001. –
- 1347 **FARM STRUCTURE:** A building, enclosure, or fence for housing livestock, raising horticultural or
1348 agronomic plants, or carrying out other practices associated with accepted agricultural or farming
1349 practices, including a silo, as "farming" is defined in subdivision 6001(22) of Title 10 of the Act, but
1350 excludes a dwelling for human habitation.
- 1351 **FENCE:** Except as is incidental to an accepted agricultural practice, any structure or earth berm
1352 which has the effect of creating a barrier to visibility or access.
- 1353 **FOOTPRINT:** The outer horizontal boundaries of the structure's limits, including decks,
1354 porches, or stoops, and any overhanging roof .
- 1355 **FORESTRY OPERATION:** Means the same as defined in 10 V.S.A. § 2602(6).
- 1356 **HABITABLE:** Intended and acceptable for use as living quarters.
- 1357 **HAZARDOUS WASTE:** Those substances defined as hazardous waste by the Agency of
1358 Natural Resources under Chapter 7 of the Vermont Environmental Protection Rules.
- 1359 **HEAVY INDUSTRIAL:** The processing, assembly, distribution, or packaging of natural or
1360 man-made products where such activity results in off-site impacts such as, but not limited to
1361 noise, vibration, air pollution, fire hazard or noxious emission. All such activity and storage of
1362 raw or unfinished products are not enclosed inside a building or screened from the abutting

properties and public rights-of-way. Such uses include, but are not limited to, the following:
lumber mills, junk yards, truck terminals, concrete, asphalt or brick plants, quarries, bulk fuel
storage facilities, foundry, and similar uses.

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

HOME OCCUPATION: Activities conducted within a dwelling or accessory building by the residents thereof, which is clearly secondary to the dwelling's use as living quarters and does not change the character thereof, excluding junk yards and any activity that generates hazardous waste.

HOME INDUSTRY: Activities conducted within a dwelling or accessory building by the residents thereof, in which the conduct of the home industry is clearly secondary to the residential use of the premises and occupies no more than fifty (50%) percent of the total living area of the structure; and is conducted by the resident at the residence and does not involve more than five (5) full-time people other than the residents of the house; and automobile traffic resulting from the home industry is not at a volume substantially greater than would be normally anticipated.

HOTEL, MOTEL, OR INN: A structure or structures or portion thereof offering transient lodging accommodations on a daily rate.

INDIVIDUAL SERVICE: Any use of land or structures for the purpose of providing a service which customarily involves the presence of no more than a few individuals at the same time. Examples: real estate offices, hairdressers, repair shops, bed and breakfast.

INTERESTED PARTY: Anyone lawfully afforded the right to appeal a decision or act of the Zoning Administrator or Development Review Board as defined under 24 V.S.A. § 4464(b).

JUNK: Old or discarded scrap copper, brass, iron, steel or other metals, or materials including but not limited to tires, household appliances, furniture, rope, rags, batteries, glass, rubber debris, waste, trash, construction debris, plumbing fixtures, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or parts thereof. Any of the above items used in a bona fide agricultural operation are excluded from this definition.

JUNKYARD: Any area, lot, land parcel, or part thereof, used for the storage, collection, processing, purchase, sale, of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery, or two or more unregistered or inoperable motor vehicles or other types of

1403 equipment.

1404 **LAND DEVELOPMENT:** The division of a parcel into two or more parcels, the construction,
1405 reconstruction, conversion, structural alteration, relocation, or enlargement of any building or
1406 other structure, or of any mining, excavation, or landfill, and any change in the use of any
1407 building or other structure, or land, or extension of use of land.

1408 **LIGHT INDUSTRIAL:** The processing, assembly, distribution or packaging of natural or man-
1409 made products where such activity results in no off-site impacts, such as, but not limited to noise,
1410 vibration, air pollution, fire hazard or noxious emission. All such activity and storage of raw or
1411 finished products are enclosed in a building or are screened from abutting properties and public
1412 rights of way. Examples: woodworking shop, electronics manufacturing or assembly, machine
1413 shop.

1414 **LOT:** A designated parcel, tract or area of land established by plat, subdivision, or as otherwise
1415 permitted by law; to be used, developed or built upon as a unit, which is not divided by a public
1416 highway as defined by 19 V.S.A § 1.

1417 **LOT AREA:** The total area within the property lines of the lot.

1418 **LOT FRONTAGE:** That portion of a lot which is adjacent and parallel to a public road as
1419 defined by 19 V.S.A. § 1 or a private road as approved by the Development Review Board
1420 pursuant to Section 3.6. In the case of corner lots, each side adjacent and parallel to a public road
1421 or private road, shall be considered the lot frontage.

1422 **MANUFACTURED HOME PARK:** Any parcel of land under single or common ownership or
1423 control which contains, or is designed, laid out or adapted to accommodate, more than two
1424 manufactured homes. Manufactured home park does not mean any parcel of land under the
1425 ownership of an agricultural employer who may provide up to four mobile home used by full-
1426 time workers or employees of the agricultural employer as a benefit or condition of employment
1427 or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes.

1428 **NEW CONSTRUCTION:** For regulation under this Bylaw, new construction means the
1429 erection of new structures for which the start of construction commenced on or after the effective
1430 date of this Bylaw adopted by the community and includes any subsequent improvements to such
1431 structures.

1432 **NONCONFORMITIES:** A nonconforming use, structure, lot, or parcel.

1433 **NONCONFORMING LOT OR PARCEL:** Lots or parcels that do not conform to the present
1434 bylaws covering dimensional requirements but were in conformance with all applicable laws,
1435 ordinances, and regulations prior to the enactment of the present bylaws, including a structure
1436 improperly authorized as a result of error by the Zoning Administrator.

1437 **NONCONFORMING STRUCTURE:** A structure or part thereof not in conformance with the
1438 Chelsea Zoning Bylaw covering building height, area, yards, density or off-street parking
1439 requirements where such structure conformed to all applicable laws and regulations prior to the
1440 enactment of this Bylaw.

PARCEL: A contiguous area of land under single ownership or controlled by the same legal entity regardless of whether acquired at different times or as separate conveyances; not divided by a public highway, or a stream greater than ten (10) square miles of drainage area as defined in accordance with current Vermont statutes or which has been identified on a plat approved by the Town pursuant to these regulations and duly recorded in the Chelsea land records. The "original parcel" is the parcel as it existed on the date of adoption of this Bylaw. Parcel is synonymous with lot.

PARKING AREA: An area of land on a lot designated or used exclusively for the maneuvering and storage of motor vehicles.

PARKING SPACE: A defined space which is not larger than nine (9) feet by eighteen (18) feet unless it is a Americans with Disabilities Act-compliant space and located outside of the right-of-way or driveway used for the parking of one motor vehicle which affords practical access to the road or right-of-way and graveled or paved sufficiently to permit year-round use.

PLAT: A map or plan drawn to scale of one or more parcels, tracts or subdivisions of land, showing, but not limited to, boundaries, corners, markers, monuments, easements and other rights.

PLANNING COMMISSION: The body appointed by the Selectboard for the purpose of preparing the Town Plan, and this Unified Bylaw.

PERENNIAL STREAM: A watercourse, or portion, segment or reach of a watercourse that, in the absence of abnormal, extended or severe drought, continuously conveys surface water flow. Human caused interruptions of flow; i.e. flow fluctuations associated with hydroelectric facility operations, or water withdrawals, shall not influence the determination. A perennial stream shall not include the standing waters of wetlands, lakes, and ponds.

PLANNED UNIT DEVELOPMENT (PUD): A residential development in which one or more lots, tracts, or parcels of land are to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses.

PRINCIPAL BUILDING: A dominant building or portion thereof, the use of which is fundamental and superior to any other use of the land or the lot.

PRINCIPAL RETAIL: Any use of land or structures for the primary purpose of buying or selling goods where the goods are primarily contained inside a principal building. Such uses, when located in the Rural Residential district are not to exceed six thousand (6,000) square feet of floor area. Examples: retail shops, general store.

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

ROAD, PRIVATE: A road in a subdivision serving several units.

ROAD, PUBLIC: A highway, street or other way owned by the Town of Chelsea or the Vermont Agency of Transportation which exists for vehicular travel. The word "road" shall

1478 mean the entire right of way.

1479 **SALVAGE YARD:** Any place of outdoor storage or deposit for storing, keeping, processing,
1480 buying, or selling junk or as a scrap metal processing facility. “Salvage yard” also means any
1481 outdoor area used for operation of an automobile graveyard. It does not mean a garage where
1482 wrecked or disabled motor vehicles are stored for less than ninety (90) days for inspection or
1483 repairs.

1484 **SETBACK, FRONT:** The shortest distance from the centerline of any public highway or private
1485 road, or road right-of-way when no physical road is present, to the nearest part of any building or
1486 structure. Corner lots shall be deemed to have front setbacks on all adjacent roads.

1487 **SETBACK, REAR:** The distance from the rear lot line to the nearest part of any building or
1488 structure.

1489 **SETBACK, SIDE:** The distance from the side lot line to the nearest part of any building or
1490 structure.

1491 **SIGN:** A communication device, structure, or fixture that incorporates graphics, symbols, or
1492 written copy intended to promote the sale of a product, commodity, or service, or to provide
1493 direction or identification for a facility or premises.

1494 **SIGN AREA:** The entire face of a sign, including the advertising surface and any framing, trim
1495 or molding, but not including the supporting structure.

1496 **SIGN, FREESTANDING:** A sign having its own supporting structure, independent of any
1497 building.

1498 **SIGN, INSTRUCTIONAL:** A structure which is used to direct the user of the premises for off-
1499 street parking, traffic control, pedestrian areas, loading docks, safety zones or other similar
1500 purposes.

1501 **SIGN, OFF-PREMISE:** A sign located on any parcel of land, regardless of ownership, other than that
1502 on which the advertising or business referred to is located.

1503 **SIGN, ON-PREMISE:** A sign which contains information relating to the premises on which the sign
1504 is located.

1505 **SIGN, PROJECTING:** A sign that is wholly or partially dependent upon a building for support and
1506 which projects more than twelve (12) inches from such a building.

1507 **SIGN, TEMPORARY:** Any sign, banner, pennant, or advertising to be displayed for a limited
1508 time period. Easily removed signs attached to windows are considered temporary signs.

1509 **STRUCTURE:** An assembly of materials with fixed location on or below the ground or
1510 attached to an object having an affixed location on the ground including, but not limited to,
1511 towers, dish antennae, but excluding mailboxes, fences, roads or driveways, and underground
1512 utilities.

1513 **SUBDIVISION:** The dividing of a parcel or change in the boundaries, or interests, by sale, gift or
1514 lease, mortgage foreclosure, court ordered partition or the filing of a subdivision plat, for the
1515 purpose, whether immediate or future, of sale, lease, or development. The term includes amended
1516 subdivisions or re-subdivisions. The term also includes multi-unit residential, commercial
1517 development and industrial development. The term does not apply to agricultural leases. It does not
1518 apply to a sale or gift of land which adds to an existing contiguous parcel and does not result in the
1519 creation of a new separate parcel.

1520 **SUBSTANTIALLY COMPLETE:** A structure is substantially complete when it has all of the
1521 permitted conditions satisfied, has all major components in place (foundation, roof, siding,
1522 windows, electrical, plumbing, heating) and is usable for its intended use. For new construction or
1523 permitted renovation, this includes a filing of a certificate that the structure meets the Residential
1524 Energy Standards (RES) or Commercial Building Energy Standards (CBES) as applicable.

1525 **SURFACE WATER:** Any year-round body of water such as brooks, streams, rivers, ponds or
1526 lakes.

1527 **TEMPORARY STRUCTURE:** A structure for accessory use, without a permanent foundation
1528 or footing and which is removed when the designated time periods, activity, or use for which it
1529 was erected has ceased.

1530 **TOP OF STREAMBANK:** That vertical point along a stream bank where an abrupt change in
1531 slope is evident. For streams in wider valleys, it is the point where the stream is generally able to
1532 overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the
1533 same as the top of slope.

1534 **TOWN MUNICIPAL:** Any use of land or structures for the purpose of providing municipal or
1535 quasi-municipal services which require large vehicles and substantial storage for materials and
1536 equipment. Examples: Town garage, fire station, rescue squad.

1537 **TRAVEL TRAILER:** A vehicle which is: (a) Built on a single chassis; (b) four hundred (400)
1538 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-
1539 propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as
1540 a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or
1541 seasonal use. Synonymous with recreational vehicle.

1542 **USE, CONDITIONAL:** A use which may be permitted upon approval of the Development
1543 Review Board, following a public hearing.

1544 **USE, NON-CONFORMING:** A use of a building or land legally existing at the time of the
1545 adoption of these Bylaws, or any amendment thereto, and which does not conform with the use
1546 regulations of the district in which it is isolated.

1547 **USE, PERMITTED:** A use which may take place in any district as set forth by this Bylaw,
1548 excluding illegal uses and non-conforming uses.

1549 **VARIANCE:** A Permit issued in deviation from any provision of this Bylaw after an appeal,
1550 public hearing, and approval by the DRB based on the standards set forth in Section 2.8.2 of this

1551 Bylaw.

1552 **VIOLATION:** The failure to be fully compliant with this Bylaw.

1553 **VILLAGE MUNICIPAL:** Any use of land or structures for the purpose of providing municipal
1554 or quasi-municipal services. Examples: municipal buildings, federal government buildings,
1555 public parks, libraries, cemeteries.

1556 **WAIVER:** A permit issued to reduce dimensional requirements in accordance with this Bylaw's
1557 specific standards after an appeal, public hearing, and approval by the DRB based on the
1558 standards set forth in Section 2.8.1 of this Bylaw.

1559 **ZONING ADMINISTRATOR:** The Town Official appointed by the Selectboard who shall
1560 enforce literally the provisions of this Bylaw and in so doing shall receive applications, inspect
1561 premises, maintain records, issues permits and notices of violations, and perform other tasks as
1562 may be necessary to carry-out the provisions of these Bylaws.