

# 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 ‘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 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.

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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.

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## 40 **2. Administration, Enforcement and Appeals**

### 41 **2.1 Zoning Administrator**

42 A Zoning Administrator is hereby appointed to administer this Zoning Bylaw as provided for in  
43 24 V.S.A. § 4448 of the Vermont Planning and Development Act. The Zoning Administrator  
44 shall enforce literally the provisions of this Bylaw and in so doing shall receive applications,  
45 inspect premises, maintain records, issue permits and notices of violations, and perform other  
46 tasks as may be necessary to carry-out the provisions of these Bylaws.

### 47 **2.2 Development Review Board**

48 A Development Review Board is established in accordance with the provisions of 24 V.S.A. §  
49 4460. Meetings of the Board shall be held at the call of the Chair and shall be open to the public.  
50 The Board shall conduct its affairs in accordance with 24 V.S.A. § 4462.

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

- 54 1. To hear and rule on appeals concerning any order, requirement, decision, or  
55 determination made by the Zoning Administrator in the administration and enforcement  
56 of this Zoning Bylaw.
- 57 2. To hear and grant or deny a request for a waiver or variance.
- 58 3. To hear and approve or deny a request for a Conditional Use.
- 59 4. To review site plans.
- 60 5. To review land development or use within a historic district or with respect to historic  
61 landmarks.
- 62 6. To review planned unit developments and plans for subdivisions.
- 63 7. To review wireless telecommunications facilities.
- 64 To review rights-of-way or easements for land development without frontage.

### 65 **2.3 Records**

66 The Zoning Administrator shall be the custodian of the Town's Zoning Records and keep on file  
67 and available to the public, a full and accurate record of all applications, decisions, permits and  
68 violations received or issued.

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69 **2.4 Zoning Permits**

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

77 **2.4.1 Application for Zoning Permit**

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

- 84 1. signed by the applicant (who must be the owner of record, or the owner and future  
85 developer) and;
- 86 2. accompanied by the required fees.

87 **2.4.2 Relationship of Zoning Permit to Other Approvals/Permits**

88 The granting of a Zoning Permit under this Bylaw does not relieve the applicant of the need for  
89 any other local, state or federal permit under other regulations. When other municipal or state  
90 permits, approvals, or authorizations are required by this Bylaw, the Zoning Administrator shall  
91 notify the applicant of these and refer the application within thirty (30) days to the appropriate  
92 body. The Zoning Administrator may coordinate a unified effort on behalf of the municipality in  
93 administering the various local development review programs. These include, but are not limited  
94 to:

- 95 1. An access permit from the Selectboard if there is a new or modified access onto the  
96 property from a Town Highway. This is not a permit under this Bylaw but is a  
97 prerequisite to most Zoning Permits.
- 98 2. An access permit from the Vermont Agency of Transportation if there is a new or  
99 modified access onto the property from a State Highway as per the regulations under 19  
100 V.S.A. § 1111. This is not a permit under this Bylaw but is a prerequisite to most Zoning  
101 Permits.
- 102 3. A Wastewater System & Potable Water Supply Permit (or Permit Deferral) from the  
103 Drinking Water and Groundwater Protection Division of the Vermont Agency of Natural  
104 Resources. This is not a permit under this Bylaw but is a prerequisite to most Zoning

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- 105 Permits.
- 106 4. An Acceptance Letter or Permit for a connection to the Chelsea public sanitary or  
107 combined sewer system issued by the Chelsea Water Department Board if there is a new  
108 or modified access onto the property or increase in the total number of Bedrooms. This is  
109 not a permit under this Bylaw but is a prerequisite to most Zoning Permits.
- 110 5. Conditional Use Approval from the Development Review Board is needed under this  
111 Bylaw prior to the issuance of a Zoning Permit if the land development requires  
112 conditional use review and approval.
- 113 6. A Floodplain Development Permit from the Development Review Board is needed under  
114 a separate ordinance if the project is in the area regulated under the Chelsea Flood Hazard  
115 Regulations. This Floodplain Development Permit must be received prior to applying for  
116 a Zoning Permit, will be in addition to any Zoning Permit needed, and supersedes the  
117 Zoning Permit if stricter.
- 118 7. A State subdivision permit or required statement on the deed is required whenever any  
119 person is subdividing a lot.
- 120 8. A letter from the Vermont Agency of Transportation confirming that the Agency has  
121 reviewed a proposed subdivision and determined whether a permit is required under the  
122 provisions of 19 V.S.A. § 1111 whenever any person is subdividing a lot adjacent to a  
123 State Highway.
- 124 9. A letter from the Vermont Agency of Transportation confirming that the Agency has  
125 reviewed the proposed site plan and determined whether a permit is required under the  
126 provisions of 19 V.S.A. § 1111 whenever a proposed site plan involves access to a State  
127 Highway or other work in the State Highway right-of-way such as excavation, grading,  
128 paving, or utility installation.
- 129 10. A waiver or variance under this Bylaw may be needed prior to a Zoning Permit if a project  
130 does not conform exactly to the requirements of this Bylaw.

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

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

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144 **2.4.3 Completion or Expiration of Zoning Permit Application**

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

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

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

154 **2.4.4 Issuance of a Permit**

155 Before any land or building is devoted to a new or changed use or before the erection, structural  
156 alteration or extension of any building, a Zoning Permit shall be obtained from the Zoning  
157 Administrator. The fees for the Zoning Permit shall be established by the Selectboard. Within  
158 thirty (30) days of receipt of an application which is deemed complete, the Zoning Administrator  
159 shall either issue or deny a Zoning Permit, or refer the application for a Zoning Permit to the  
160 Development Review Board. If denied, the Zoning Administrator shall so notify the applicant in  
161 writing stating the reasons therefore. If the Zoning Administrator fails to act with regard to a  
162 complete application for a Zoning Permit within thirty (30) days, whether by issuing a decision  
163 or by making a referral to the Development Review Board, a Zoning Permit shall be deemed  
164 issued on the thirty-first (31) day.

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

- 166 1. Deliver a copy of the Zoning Permit to the Listers of the municipality; and  
167 2. Post a copy of the Zoning Permit at Chelsea Town Hall until the expiration of fifteen (15)  
168 days from the date of issuance of the Zoning Permit. No permit is final (and no work  
169 within the scope of the permit may be performed) until the fifteen (15) day appeal period  
170 has expired.

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

174 **2.4.5 Effective Date**

175 No Zoning Permit issued pursuant to this Section shall take effect until the time for appeal  
176 outlined in Section 2.9 of the Bylaw has passed, or in the event that a notice of appeal is properly  
177 filed, no such Zoning Permit shall take effect until adjudication of that appeal by the

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178 Development Review Board is complete and the time for taking an appeal to the Vermont  
179 Superior Court, Environmental Division has passed without an appeal being taken. If an appeal is  
180 taken to the Vermont Superior Court, Environmental Division, the Zoning Permit shall not take  
181 effect until the Vermont Superior Court, Environmental Division rules in accordance with 10  
182 V.S.A. § 8504 on whether to issue a stay, or until the expiration of fifteen (15) days, whichever  
183 comes first.

#### 184 **2.4.6 Transmission of Zoning Permits**

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

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191 **2.6 Conditional Uses**

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

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

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

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

213 **2.6.1 Conditional Use Applications**

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

- 218 1. A map showing the general location of the property within the Town and its relationship  
219 to existing public roads and highways.
- 220 2. A proposed site plan, drawn to an appropriate scale, showing the location, height, spacing  
221 uses, and architectural relationships of all buildings, existing and proposed open spaces,  
222 landscaping, utility lines, streets, driveways, off- street parking and loading facilities,  
223 unique or manmade features and the physical conditions of the site.
- 224 3. A statement and/or map sufficient to demonstrate the relationship of the proposed  
225 development to adjacent land uses, both existing and proposed.
- 226 4. A statement including the uses of adjacent property, and the names and current addresses

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227 of all owners of land immediately adjacent to and directly across all public highways  
228 from the property at issue.

229 5. A development schedule indicating the approximate dates when construction or stages of  
230 the project are expected to begin and be completed.

231 6. Any application fees, as may be required.

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

## 235 **2.7 Public Notice Requirements**

236 In accordance with 24 V.S.A. 4464, a warned public hearing shall be required for conditional use  
237 review (Section 2.6), appeals of decisions of the Zoning Administrator (Section 2.9), waivers  
238 (Section 2.8.1), variances (Section 5.8.2), site plan review (Section 5.18), and final subdivision  
239 review. Public Hearings of the Development Review Board under these Bylaws may be  
240 combined with Public Hearings of the Development Review Board under the Chelsea Flood  
241 Hazard Area Regulations without the need for separate meetings or warnings. Any public notice  
242 for a warned public hearing shall be given not less than fifteen (15) days prior to the date of the  
243 public hearing by all of the following:

244 1. publication of the date, place and purpose of the hearing in a newspaper of general  
245 circulation in the municipality;

246 2. posting of the same information in three or more public places within the municipality,  
247 including the posting of a notice within view from the public right-of-way nearest to the  
248 property for which the application is being made;

249 3. written notification to the applicant and to owners of all properties adjoining the property  
250 subject to development, without regard to public rights-of-way, which includes a  
251 description of the proposed project, information that clearly informs the recipient where  
252 additional information may be obtained, and that participation in the local proceeding is a  
253 prerequisite to the right to take any subsequent appeal.

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254 **2.8 Waivers and Variances**

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

262 **2.8.1 Waivers**

263 Dimensional requirements must be met unless a waiver is granted. Waivers cannot be granted on types of  
264 use. No waiver may be granted to reduce the dimensional requirement for buildings or structures  
265 to be set back thirty-five (35) feet from the top of the streambank or slope. Further, no waiver  
266 may be granted to reduce the buffer strips associated with industrial uses.

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

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

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

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

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278 **2.8.2 Variances**

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

- 282 1. That there are unique physical circumstances or conditions, including irregularity,  
283 narrowness, or shallowness of lot size or shape, or exceptional topographical or other  
284 physical conditions peculiar to the particular property, and that the unnecessary hardship  
285 is due to such conditions and not the circumstances or conditions generally created by the  
286 provisions of the Zoning Bylaw.
- 287 2. That as a result of such physical circumstances or conditions, there is no possibility that  
288 the property can be developed in strict conformity with the provisions of the Zoning  
289 Bylaw and that the authorization of a variance is therefore necessary to enable the  
290 reasonable use of the property.
- 291 3. That such unnecessary hardship has not been created, or contributed to, by the appellant.
- 292 4. That the variance, if authorized, will not alter the essential character of the neighborhood  
293 or district in which the property is located, nor substantially or permanently impair the  
294 appropriate use of development of adjacent property, unreasonably reduce access to  
295 renewable energy resources, nor be detrimental to the public welfare.
- 296 5. That the variance, if authorized, will represent the minimum variance that will afford  
297 relief and will represent the least modification possible from the Zoning Bylaw and from  
298 the plan.

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

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

305 **2.9 Appeals**

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

- 310 1. The Board shall hold a public hearing on a notice of appeal within sixty (60) days of its  
311 filing, as required under the 24 V.S.A. § 4468. The Board shall give public notice of the  
312 hearing under Section 2.7 and mail a copy of the hearing notice to the appellant not less  
313 than fifteen (15) days prior to the hearing date.

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- 314 2. The Board may reject an appeal or request for reconsideration without hearing, and  
315 render a decision which shall include findings of fact within ten (10) days of the filing of  
316 a notice of appeal, if the Board determines that the issues raised by the appellant have  
317 been decided in an earlier appeal or are based on substantially or materially the same  
318 facts by or on behalf of the appellant in accordance with 24 V.S.A. § 4470.
  - 319 3. In accordance with the 24 V.S.A. § 4468, all appeal hearings shall be open to the public  
320 and the rules of evidence applicable at these hearings shall be the same as the rules of  
321 evidence applicable in contested cases in hearings before administrative agencies as set  
322 forth in state statutes 3 V.S.A. § 810. Any interested person or body may appear and be  
323 heard in person or be represented by an agent or attorney at the hearing. The hearing may  
324 be adjourned by the Board from time to time, provided that the date and place adjourned  
325 hearing shall be announced at the hearing.
  - 326 4. A decision on appeal shall be rendered within forty-five (45) days after the final  
327 adjournment of the hearing, as required under the 24 V.S.A. § 4464(b). The decision shall  
328 be sent by certified mail to the appellant within the forty-five (45) day period. Copies of  
329 the decision shall be mailed to every person or body appearing and having been heard at  
330 the hearing, and filed with the Zoning Administrator and the Municipal Clerk as part of  
331 the public records of the municipality, in accordance with 24 V.S.A. § 4464(b). Failure of  
332 the Board to issue a decision within this forty-five (45) day period shall be deemed  
333 approval and shall be effective on the forty-sixth (46) day.

## 334 **2.9.1 Interested Persons**

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

- 336 1. A person owning title to property, or a municipality or solid waste management district  
337 empowered to condemn it or an interest in it, affected by a Bylaw, who alleges that the  
338 Bylaw imposes on the property unreasonable or inappropriate restrictions of present or  
339 potential use under the particular circumstances of the case.
- 340 2. The municipality that has a plan or a Bylaw at issue in an appeal brought under this  
341 chapter or any municipality that adjoins that municipality.
- 342 3. A person owning or occupying property in the immediate neighborhood of a property that  
343 is the subject of any decision or act taken under this chapter, who can demonstrate a  
344 physical or environmental impact on the person's interest under the criteria reviewed, and  
345 who alleges that the decision or act, if confirmed, will not be in accord with the policies,  
346 purposes, or terms of the plan or Bylaw of that municipality.
- 347 4. Any twenty (20) persons who may be any combination of voters, residents, or real  
348 property owners within a municipality who, by signed petition to the Development  
349 Review Board, allege that any relief requested by a person under this title, if granted, will  
350 not be in accord with the policies, purposes, or terms of the plan or Bylaw of that  
351 municipality. This petition to the Development Review Board must designate one (1)  
352 person to serve as the representative of the petitioners regarding all matters related to the  
353 appeal. An appeal shall not include the character of the area affected if the project has a  
354 residential component that includes affordable housing.

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355 5. Any department and administrative subdivision of this State owning property or any  
356 interest in property within the municipality, and the Vermont Agency of Commerce and  
357 Community Development of this State.

## 358 **2.9.2 Notice of an Appeal**

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

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

367 2.9.3 Appeals to the Vermont Superior Court, Environmental Division In accordance with 24  
368 V.S.A § 4471, an interested person who has participated in a regulatory proceeding of the  
369 Development Review Board may appeal a decision rendered by the DRB under Section 2.5,  
370 within thirty (30) days of such decision, to the Vermont Superior Court, Environmental Division.  
371 Appeals to Vermont Superior Court, Environmental Division shall also meet the following  
372 requirements:

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

## 383 **2.10 Nonconformities**

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

- 386 1. A nonconforming use may be changed to another non-conforming use upon approval of  
387 the Development Review Board, but only if the Board finds that the degree of non-  
388 conformity of the new use is not greater than that of the original non-conforming use.
- 389 2. A non-complying structure may be extended within the boundary lines of parcel or lot

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390 existing on the effective date of this Bylaw, upon issuance of a Zoning Permit by the  
391 Zoning Administrator, provided that the extension shall not cause the use or structure to  
392 become in violation of any parking, unloading, required setback, lot area, coverage,  
393 building height, access road, or other requirements of this Bylaw. Where a building has  
394 less than the required front setback, additions that are lateral to the existing structure may  
395 be permitted so long as they become no closer to the road than the original structure, and  
396 provided that pre-existing non-conforming side and rear setback requirements are not  
397 reduced.

398 3. When a non-conforming use has been discontinued for a period of two (2) years, it shall  
399 be considered discontinued and shall not thereafter be re-established.

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

407 5. A non-complying structure which has been damaged or destroyed by any cause may be  
408 reconstructed to its prior condition with the approval of the Zoning Administrator if such  
409 reconstruction is sought within two (2) years of the damage and the replacement structure  
410 complies with all state and municipal laws, rules, and regulations relating to flood hazard  
411 area development.

## 412 **2.11 Limitations**

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

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

- 420 • Public utility power generating plants and transmission lines
- 421 • State or community owned and operated institutions and facilities
- 422 • Public and private schools and other educational institutions
- 423 • Churches, convents, and parish houses
- 424 • Public and private hospitals
- 425 • Regional solid waste management facilities
- 426 • Hazardous waste management facilities

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- 427                   • Emergency shelters  
428                   • Hotels and motels converted to permanently affordable housing developments  
429       b) 24 V.S.A. § 4412 limits the effect of this Bylaw where group homes, and antennae or  
430           similar structures are proposed.

## 431   **2.12 Violations**

432   The commencement or continuation of any land development that does not meet the  
433   requirements of these regulations after it has been adopted shall constitute a violation. All  
434   violations shall be pursued in accordance with 24 V.S.A § 4451 and 24 V.S.A § 4452. Each day  
435   that a violation continues shall constitute a separate offense. The Zoning Administrator shall  
436   institute, in the name of the Town of Chelsea, any appropriate action, injunction or other  
437   proceeding to enforce the provisions of these regulations. All fines imposed and collected shall  
438   be paid over to the municipality. Each offense shall be fined two hundred (\$200.00) dollars per  
439   day.

### 440   **2.12.1 Notice of Violations**

441   No action may be brought under this Section unless the alleged offender has had at least fifteen  
442   (15) days' warning notice by certified mail that a violation exists, as required under 24 V.S.A. §  
443   4451. The notice of violation also shall be recorded in the land records of the municipality under  
444   Section 2.3.

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

451   A notice of violation issued also shall state:

452           (A) the Bylaw or municipal land use permit condition alleged to have been violated;

453           (B) the facts giving rise to the alleged violation;

454           (C) the steps required to remedy the alleged violation;

455           (D) to whom appeal may be taken and the period of time for taking an appeal; and

456           (E) that failure to file an appeal within that period will render the notice of violation  
457           valid.

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458 **2.12.2 Limitations on Enforcement**

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

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## 467 **3. General Regulations**

### 468 **3.1 Application of Bylaws**

469 This Bylaw applies to all land development unless specifically exempted under statute or Section  
470 3.4. No land development may take place unless in conformity with this Bylaw.

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

### 474 **3.2 Zoning Permit Required**

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

483 Prospective applicants for Zoning Permits may obtain application materials from the Town  
484 Offices or Zoning Administrator during regular office hours. Application materials are also  
485 available on the Town’s website.

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

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

494 Projects requiring a Wastewater System & Potable Water Supply Permit from the State must  
495 receive such permit or permit deferral prior to issuance of a Zoning Permit under this Bylaw.  
496 Projects requiring an Acceptance Letter or Permit for a connection to the Chelsea Public Water  
497 and Sewer System system must receive such Acceptance Letter and/or Permit prior to issuance  
498 of a Zoning Permit under this Bylaw.

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

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501 information.

### 502 **3.3 Development Approved or Commenced Prior to this Bylaw**

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

### 509 **3.4 Exemptions**

510 Except for those areas within the Flood Hazard Area (which are regulated by the Flood Hazard  
511 Bylaw), no Zoning Permit shall be required for the following activities, however all setback  
512 distances shall be complied with, and a letter of intent shall be delivered to the Zoning  
513 Administrator prior to the commencement of development of any exempt activities:

- 514 a) Required agricultural practices (RAPs), including the construction of farm structures, as  
515 those practices are defined by the Secretary of Agriculture, Food and Markets, in  
516 accordance with 24 V.S.A § 4413(d). **Such structures shall meet all setback  
517 requirements under these regulations, unless specifically waived by the  
518 Secretary of Agriculture, Food and Markets.**
- 519 b) Accepted silviculture (forestry) practices as those practices are defined by the  
520 Commissioner of Forests, Parks and Recreation, in accordance with the Act 24 V.S.A §  
521 4413(d). Forestry operations has the same meaning as in 10 V.S.A. § 2602.
- 522 c) Power generation and transmission facilities, which are regulated under 30 V.S.A. § 248  
523 by the Vermont Public Utility Commission and telecommunications facilities subject to  
524 30 VSA § 248a. Such facilities, however, shall conform to policies and objectives  
525 specified for such development in the Town Plan.
- 526 d) Hunting, fishing, and trapping as specified under 24 V.S.A § 2295 on private or public  
527 land. This does not include facilities supporting such activities, such as firing ranges or rod  
528 and gun clubs, which for the purposes of these regulations are defined as outdoor recreation  
529 facilities.
- 530 e) Any building or structure not intended for human habitation not exceeding 250 square feet  
531 in usable area provided that it meets all dimensional requirements of the district in which it  
532 is constructed without a waiver of setbacks.
- 533 f) Any use having no impact or a de minimis impact as determined by the Zoning  
534 Administrator as authorized in 24 V.S.A § 4446.
- 535 g) Normal maintenance, repair, upgrading, or remodeling of a building or structure that  
536 neither increases the building's footprint nor involves a change in use. However, such work  
537 may require compliance with the state Residential Building Energy Standards (RBES) or

- 
- 538 Commercial Building Energy Standards (CBES) (see the ZA for applicable rules).
- 539 h) Replacement or repair of an existing structure or building damaged by fire or other disaster  
540 provided that the structure or building is no greater in any dimension and is within the  
541 original footprint, and that reconstruction begins within two (2) years of the date of  
542 damage. However, such work may require compliance with the state Residential Building  
543 Energy Standards (RBES) or Commercial Building Energy Standards (CBES) (see the ZA  
544 for applicable rules).
- 545 i) The merger of lots in their entirety or platting of unplatted lots provided that the lots  
546 created meet the standards required in Section 3.7.
- 547 j) The installation of a roof-mounted solar heat/photovoltaic panel. Antennae extending no  
548 more than twelve (12) feet above the roof and having any face surface area of no more than  
549 fifteen (15) square feet, except on a state or federally designated historical structure.
- 550 k) The long-term rental of an existing dwelling unit. However, such a change in use may  
551 require a state building and/or state fire and safety permit.

### 552 **3.5 Existing Small Lots**

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

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

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

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

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### 573 **3.6 Required Frontage On, or Access to, Public Roads or Waters**

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

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

### 584 **3.7 Division of Lots**

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

### 590 **3.8 Streambank Conservation**

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

### 600 **3.9 Equal Treatment of Housing**

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

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604 **3.10 Affordable Housing**

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

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

613 **3.11 Sewage Disposal**

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

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

627 **3.12 Multiple Uses**

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

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## 634 **4. Zoning District Regulations**

### 635 **4.1 Establishment of Zoning Districts**

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

- 638 • Village (VIL)
- 639 • Industrial (IND)
- 640 • Rural Residential (RR)
- 641 • Mixed Use Development (MU)
- 642 • Conservation Area (CA)

#### 643 **4.1.1 Village District (VIL)**

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

#### 649 **4.1.2 Rural Residential District (RR)**

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

#### 656 **4.1.3 Industrial District (IND)**

657 The purpose of this district is to provide an area with adequate transportation access and power  
658 availability for industrial, commercial, and municipal land uses. Light industrial uses are allowed  
659 in this district. However, heavy industry is a conditional use in this district. Residential uses  
660 within this district are allowed.

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#### 661 **4.1.4 Mixed Use Development District (MU)**

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

#### 666 **4.1.5 Conservation Area (CA)**

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

### 672 **4.2 Establishment of Overlay Districts**

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

- 675 • Flood Hazard (FHO)
- 676 • Well-Head Protection Overlay (WHPO)

677 All applicable standards of the underlying district shall apply.

#### 678 **4.2.1 Flood Hazard Overlay District (FHO)**

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

#### 685 **4.2.2 Well-Head Protection Overlay District (WHPO)**

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

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690 **Prohibited Uses within the Well-Head Protection Overlay District**

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

697 **Special Provisions within the Well-Head Protection Overlay District**

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

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

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

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

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

717 **4.3 Official Zoning Map**

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

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## 723 **4.4 Interpretation of Zoning and Overlay District Boundaries**

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

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

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

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

- 744 1. All structures and/or uses, and any uses or structures accessory to principal uses or  
745 structures, shall comply with the provisions of the zoning district or overlay district  
746 within which the entirety of such structures(s) or uses are to be located.
- 747 2. All structures and/or uses, and any uses or structures accessory to principal uses or  
748 structures, that span multiple zoning districts or overlay districts will be deemed a part of  
749 the district in which the majority of the parcel lies and must comply with the provisions  
750 of that zoning district or overlay district

## 751 **4.5 Dimensional Standards, Permitted and Conditional Uses By** 752 **District**

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

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758 **4.5.1 Accessory Building or Use**

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

765 **4.5.2 Land Uses by District**

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

772 Village District<sup>1</sup> applies to the parcels of the district served by municipal sewer and water  
773 infrastructure. Village District<sup>2</sup> applies to the parcels of the district not served by municipal  
774 sewer and water infrastructure

<b>Land Use Categories</b>	<b>VIL<sup>1</sup></b>	<b>VIL<sup>2</sup></b>	<b>IND</b>	<b>RR</b>	<b>MU</b>	<b>CA</b>
<b>Accessory Building or Use</b>	P	P	P	P	P	P
<b>Accessory Dwelling Unit</b>	P	P	P	P	P	P
<b>Accessory On-Farm Business</b>	P	P	P	P	P	P
<b>Bed &amp; Breakfast, Hotel, Motel, or Inn</b>	C	C	C	C	C	C
<b>Child Care Facility</b>	P	P	X	P	P	P
<b>Community Group Service</b>	P	P	C	C	C	C
<b>Commercial Outdoor Recreation</b>	C	C	C	C	C	C
<b>Community Service</b>	P	P	C	C	C	C
<b>Extraction of Gravel, Sand, Soil, and Rock</b>	X	X	C	X	C	X
<b>Heavy Industrial</b>	X	X	C	X	X	X
<b>Home Occupations</b>	P	P	P	P	P	P
<b>Home Industries</b>	C	C	C	C	C	C
<b>Individual Service</b>	P	P	P	C	C	C
<b>Light Industrial</b>	C	C	P	C	C	X
<b>Multiunit Dwelling with Five or More Units</b>	C	C	C	C	C	C
<b>Multiunit Dwelling with Four or Fewer Units</b>	P	C	C	C	C	C
<b>Permanent Signs</b>	P	P	P	P	P	P
<b>Primitive Camps</b>	C	C	C	P	C	C
<b>Principal Retail</b>	P	P	X	X	X	X
<b>Residential Care Home, Group Home, or Recovery Residence</b>	C	C	C	C	C	X
<b>Salvage Yards, Junkyards, or Automobile Graveyards</b>	X	X	C	X	C	X

Land Use Categories	VIL <sup>1</sup>	VIL <sup>2</sup>	IND	RR	MU	CA
Single-Unit Dwelling	P	P	P	P	P	P
Town Municipal	P	P	P	P	P	X
Two-Unit Dwelling	P	P	P	P	P	P
Village Municipal	P	P	P	P	P	X

- 776 P = Permit Required  
777 C = Conditional Use Approval Required  
778 X = Prohibited

779 **4.5.3 Dimensional Requirements by District**

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

Dimensional Requirements	VIL <sup>1</sup>	VIL <sup>2</sup>	IND	RR	MU	CA
Minimum Lot Area	One-eighth (1/8) of an acre.	One (1) acre.	One (1) acre.	Two (2) acres.	One (1) acre.	Ten (10) acres.
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.

- 783 Village District<sup>1</sup> applies to the parcels of the district served by municipal sewer and water  
784 infrastructure. Village District<sup>2</sup> applies to the parcels of the district not served by municipal  
785 sewer and water infrastructure

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786 **5. Specific Regulations**

787 **5.1 Outdoor Storage of Junk**

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

794 **5.2 Protection of Home Occupations**

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

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

809 **5.3 Home Industry**

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

- 816 1. The conduct of the home industry is clearly secondary to the residential use of the  
817 premises and occupies no more than fifty (50%) percent of the total living area of the  
818 structure;

- 
- 819 2. The home industry is conducted by the resident at the residence and employing more than  
820 two people other than the residents of the house;
- 821 3. Automobile traffic resulting from the home industry is not at a volume substantially  
822 greater than would be normally anticipated.

## 823 **5.4 Temporary Structures**

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

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

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

## 834 **5.5 Signs**

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

### 841 **5.5.1 Signs - General Requirements**

842 The following general requirements shall apply to all signs:

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

- 
- 852 of being such a high intensity or glare as to impair the vision of the driver of a motor  
853 vehicle.
- 854 5. Flashing and moving exterior signs are not allowed.
- 855 6. The area of a sign shall not exceed twenty (20) square feet.
- 856 7. The total combined on-premise sign area of all signs on a lot visible from adjacent  
857 roadways shall not exceed one hundred and fifty (150) square feet. Temporary signs shall  
858 not be included in this calculation.

### 859 **5.5.2 Signs - Exemptions**

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

## 862 **5.6 Extraction of Gravel, Sand, Soil and Rock**

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

- 867 1. Plans for the restoration of the disturbed portions of the site during and following the  
868 operation shall be adequate to ensure that a safe, attractive, and useful condition  
869 results.
- 870 2. Plans for the operation of the facility shall be sufficient to ensure that the operation  
871 will not adversely affect water quality, drainage patterns, or create excessive dust,  
872 traffic, vibration, and noise at the site or areas in close proximity to the site. Except  
873 under emergency conditions, the site shall not operate outside of 7:00 AM to 7:00  
874 PM. Blasting shall be prefaced by notification to all occupied structures within one  
875 thousand (1,000) feet of the boundary line at least twenty-four (24) hours prior.
- 876 3. The operation shall be managed to prevent the permanent creation of excessively  
877 steep slopes, overhangs, exposed boulders, uprooted stumps, and other debris. Tops of  
878 slopes/rock faces shall not be located within fifty (50) feet of property lines.
- 879 4. The scale of intensity of the operation shall not place uneconomic demands on  
880 bridges, culverts, and roadways leading to and from the project site.
- 881 5. If power-activated crushing or sorting operations are to be allowed on the site, such  
882 activity shall not unduly affect the character of the immediate neighborhood area.  
883 Crushing or sorting machinery are not permitted to operate within three hundred  
884 (300) feet of adjacent structures.

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

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888 **5.7 Accessory Dwellings**

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

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

901 **5.8 Childcare Facilities**

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

909 **5.9 Outdoor Furnaces**

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

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

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

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919 **5.10 Travel Trailers**

920 No travel trailer shall be parked in the Town of Chelsea except in accordance with the following  
921 regulations:

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

931 **5.11 Ponds**

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

937 **5.12 Planned Unit Development**

938 **5.12.1 General Intent and Purposes**

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

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

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949 **5.12.2 Standards and Conditions**

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

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

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987 **5.12.3 General Procedures**

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

- 991 1. Upon receipt of an application for Planned Unit Development Approval, the DRB shall  
992 ascertain if the application is complete.
- 993 2. A request for Planned Unit Development Approval shall be scheduled for a least one  
994 Public Hearing held by the Development Review Board within thirty (30) days from the  
995 date of acceptance of the completed application. Administrative Review procedures as set  
996 forth in 24 V. S.A. § 4464 shall apply also.
- 997 3. Land development for which Approval has been granted shall not commence unless the  
998 Zoning Administrator has issued a Zoning Permit for such development.

999 **5.12.4 Common Facilities, Common Land, & Land to be Conserved**

- 1000 1. Land that is to be dedicated for common facilities or for the preservation and  
1001 maintenance of areas of high public value (see below) may be held in common or  
1002 individual ownership, or it may be conveyed to the Town, should the Town choose to  
1003 accept it.
- 1004 2. Common Land. Land to be dedicated to shared facilities (e.g., private road, community  
1005 wastewater and water supply systems, or other community facilities,) may be held in  
1006 common, and will be subject to the legal requirements set forth below and in and any  
1007 other section of this Unified Development Bylaw. Land and/or facilities to be held in  
1008 common shall be subject to appropriate deed restrictions and/or covenants stipulating  
1009 their allowed use, and establishing the person or entity responsible for their regular  
1010 maintenance and long term management. All costs associated with administering and  
1011 maintaining common land and associated facilities shall be the responsibility of applicant  
1012 and subsequent property owners.
- 1013 3. Land to be Conserved. Land to be dedicated to the preservation and maintenance of areas  
1014 of high public value (see below) may be held in common or individual ownership, and  
1015 may be located on one or more lots, although isolating such resources on a single lot is  
1016 preferred by the Town. The ownership of the land or the benefit of an easement  
1017 preserving such land shall be in a manner and form approved by the Development  
1018 Review Board; such ownership or easement may be held by the municipality or a  
1019 nonprofit land conservation organization, if such entities choose to accept such ownership  
1020 or easement. Conservation and agricultural easement areas ("open space areas") shall be  
1021 indicated with an appropriate notation on the final plat.  
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1023 Areas of high public value include land characterized by:

- 1024 • Land in active agricultural use,
- 1025 • Primary (prime & statewide) agricultural soils,
- 1026 • Steep slopes equal to or in excess of twenty-five (25%) percent,
- 1027 • Flood hazard areas,
- 1028 • Surface waters, wetlands and associated setback and buffer areas,
- 1029 • Shoreland setback and buffer areas,
- 1030 • Special areas (identified in the Chelsea Town Plan),
- 1031 • Critical wildlife habitat (as identified in Chelsea Town Plan or as field delineated),
- 1032 • Water supply source protection areas (SPAs),
- 1033 • Historic districts, sites and structures,
- 1034 • Scenic views and vistas within the district, or
- 1035 • Conserved land on adjacent parcels.

### 1036 **5.12.5 Legal Requirements**

- 1037 1. Documentation and assurances shall be provided that all required improvements and  
1038 associated rights-of-way and easements and other common facilities and land will be  
1039 adequately maintained either by the applicant, subsequent or other landowners, a  
1040 homeowners' association, or through other accepted legal mechanism. Such  
1041 documentation shall be in a form approved by the Development Review Board and filed  
1042 in the Chelsea Land Records.
- 1043 2. All required improvements shall be constructed to approved specifications in accordance  
1044 with a construction schedule approved by the Development Review Board. The  
1045 Commission may require that all such improvements be completed prior to the issuance  
1046 of an Zoning Permit or certificate of compliance for subsequent development on  
1047 approved lots. A performance bond or comparable surety acceptable to the Selectboard  
1048 may be required to ensure that all improvements are completed to specification.

### 1049 **5.13 Accessory On-Farm Businesses (AOFBs)**

1050 An Accessory On-Farm Business (AOFB) shall have the same definition in these Bylaws as in  
1051 24 V.S.A. § 4412. An AOFB shall be a permitted land use on the same location as a farm if all of  
1052 the following apply:

- 1053 1. The business is operated by the farm owner, one or more persons residing on the farm  
1054 parcel, or the lessee of a portion of the farm.

- 
- 1055 2. The farm meets the threshold criteria for the applicability of the Required Agricultural  
1056 Practices rules adopted pursuant to 6 V.S.A. chapter 215, subchapter 2.
- 1057 3. The proposed AOFB adheres to all dimensional requirements of the applicable zoning  
1058 district.
- 1059 4. The proposed AOFB receives site plan approval from the Development Review Board.

1060 An AOFB may take place inside new or existing structures or on the land.

1061 For the purposes of these Bylaws, “farming” shall have the same meaning as in 10 V.S.A. §  
1062 6001; and “farm” shall have the same meaning as in 24 V.S.A. § 4412.

### 1063 **5.14 Short-Term Rentals**

1064 As per 18 V.S.A § 4301, a short-term rental is a dwelling unit or part thereof rented to the  
1065 transient, traveling, or vacationing public for a period of fewer than thirty (30) consecutive days  
1066 at a time and for more than fourteen (14) days cumulative per calendar year. Establishing a short-  
1067 term rental requires a Change in Use Permit. In addition to any rules that apply to the dwelling  
1068 unit, the following also apply:

- 1069 1. No recreational vehicle, tent or other temporary structure may be used as a short-term  
1070 rental outside of a trailer park or campground.
- 1071 2. A notice to renters of house rules pertaining to parking, rubbish, noise, etc. shall be  
1072 visibly displayed in the rental.
- 1073 3. Application must include a copy of the “Short Term Rental Safety, Health and Financial  
1074 Obligations” and/or “Change of Use or Ownership Inspection Request”, that they have  
1075 previously submitted to the State of Vermont. All applicable State Construction Permits  
1076 shall be submitted with the application.
- 1077 4. If not connected to Town of Chelsea Sewer System, owner must adhere to the Vermont  
1078 Department of Environmental Conservations regulations, proving the system is adequate  
1079 for additional load created by the Short-Term Rental’s maximum occupancy.

### 1080 **5.15 Buffer Strips**

1081 In cases where an industrial use abuts a residential district, with the exception of access points or  
1082 driveways, a buffer strip of land not less than twenty (20) feet in depth shall be maintained along  
1083 the common boundary on the parcel in industrial use. The buffer shall be used and maintained as  
1084 a barrier from residential uses to mitigate undue adverse visual impacts which would exist  
1085 between dissimilar uses. Visual barriers may include fencing and/or planting trees, shrubs,  
1086 flowers, or similar property enhancements installed and maintained by the owner of the parcel in  
1087 industrial use..

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1088 **5.16 Wetlands**

1089 A minimum 100-foot Water & Aquatic Habitat Protection Buffer shall be established from the  
1090 spring high water mark and/or delineated boundary of all Class 1 wetlands identified on the  
1091 Vermont Wetlands Inventory Map. A minimum 50-foot Water & Aquatic Habitat Protection  
1092 Buffer shall be established from the spring high water mark and/or delineated boundary of all  
1093 Class 2 wetlands identified on the Vermont Wetlands Inventory Map. Applicants may be  
1094 required to hire a qualified person to perform a wetland delineation in accordance with Vermont  
1095 standards.

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1097 **5.17 Steep Slopes**

1098 It is the purpose of this Section to prevent harm to Town soils and waters that could result from  
1099 environmentally unsound development on slopes in excess of twenty-five (25%) percent. Unless  
1100 otherwise exempt from a Zoning Permit, no building, structure, or use of land subject to  
1101 regulation under this Bylaw shall be permitted on slopes exceeding twenty-five (25%) gradient  
1102 without Conditional Use Review and Approval by the DRB. The DRB in rendering approval  
1103 must find that the proposed building, structure, shall minimize soil erosion, and not result in a  
1104 reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition  
1105 may result. To help satisfy this requirement, applicants shall provide an erosion control plan and  
1106 agree to adhere to it.

1107 **5.18 Site Plan**

1108 **5.18.1 When Site Plan Approval is Issued**

1109 As authorized by 24 V.S.A. § 4416, Zoning Permits for any other use or structure, other than a  
1110 single-unit or two-unit dwelling and their appurtenant accessory structures, require Site Plan  
1111 approval granted by the DRB. The applicant shall submit the information as required along with  
1112 the application. In order to streamline notice requirements and review, when both Site Plan and  
1113 Conditional Use Approval is required for the same application, the provisions of this Section  
1114 shall be combined with those for Conditional Use under a single combined review by the DRB.

1115 **5.18.2 Application for Site Plan Approval**

1116 Every applicant for a Zoning Permit requiring site plan approval shall submit two (2) printed sets  
1117 of the site plan maps or an electronic copy at a sufficient scale to permit the study of the  
1118 elements of the plan and supporting data which shall include the following information:

- 1119 1. Name and address of the owner of record, and the name(s) and address(es) of the  
1120 owner(s) of adjoining lands. Name and address of person or firm preparing map. Scale of  
1121 map, north point and date.
- 1122 2. Survey of property showing existing features, including contours, structures, large trees,  
1123 streets, utility easements, rights-of-way, land use and deed restrictions.
- 1124 3. Site plan showing proposed structure locations and land use areas; streets, driveways,  
1125 traffic circulation, parking and loading spaces and pedestrian walks; landscaping plans,  
1126 including site grading, landscape design and screening.
- 1127 4. Construction sequence and time schedule for completion of each phase for buildings,  
1128 parking spaces and landscaped areas of the entire development.

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### 1130 **5.18.3 Standards for Approval of Site Plan**

1131 The DRB shall review the site plan map and supporting data before approval, approval with  
1132 stated conditions, or disapproval is given and shall make a finding in any approval decision that:

- 1133 1. Reasonable attempts have been made to maximize safety of pedestrian and vehicular  
1134 circulation between the site and the street/sidewalk network. Particular consideration  
1135 shall be given to visibility at intersections, to traffic flow and control, to efforts to  
1136 minimize curb cuts and interconnect uses, to pedestrian safety and convenience, and to  
1137 access in case of an emergency. The DRB may require shared accesses or other traffic  
1138 safety/pedestrian measures to satisfy this condition.
- 1139 2. Circulation, parking, and loading/sanitary facilities are adequate for the proposed use;  
1140 and that vehicle and site lights, timing of operations, vehicle noise and noise from  
1141 operations, and odors from operations, including refuse storage, do not unduly affect  
1142 adjoining properties.
- 1143 3. All exterior site lighting shall use shielded fixtures so that the light source is not directly  
1144 visible from off site.
- 1145 4. Landscaping, other forms of physical screening, and the distance of the setbacks provide  
1146 reasonable protection to, and compatibility with, adjacent properties. Particular  
1147 consideration shall be given to preservation of existing vegetation, visibility of unsightly  
1148 or incompatible areas from the road and adjoining properties, and the adequacy of  
1149 plantings/materials to meet seasonal conditions, soil conditions, and light on the site.

1150 Whenever a proposed site plan involves access to a State highway or other work in the State  
1151 highway right-of-way such as excavation, grading, paving, or utility installation, the application  
1152 for site plan approval shall include a letter from the Vermont Agency of Transportation  
1153 confirming that the Agency has reviewed the proposed site plan and determined whether a permit  
1154 is required under 19 V.S.A. § 1111. If the Agency determines that a permit for the proposed site  
1155 plan is required under 19 V.S.A. § 1111, then the letter from the Agency may set out conditions  
1156 that the Agency proposes to attach to the permit required under 19 V.S.A. § 1111.

### 1157 **5.19 Residential Care Home, Group Home, or Recovery Residence**

1158 In accordance with the provisions of 24 V.S.A. § 4412(g), a residential care home or group home  
1159 operating under State licensing or registration, serving not more than eight (8) persons who have a  
1160 disability as defined in 9 V.S.A. § 4501, or a recovery residence serving not more than eight (8)  
1161 persons, shall be considered by right to constitute a permitted single-unit residential use of  
1162 property.

1163 A “recovery residence” means a shared living residence supporting persons recovering from a  
1164 substance use disorder that:

- 1165 (i) Provides tenants with peer support and assistance accessing support services and  
1166 community resources available to persons recovering from substance use disorders.
- 1167 (ii) Is certified by an organization approved by the Department of Health and that is either a

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Vermont affiliate of the National Alliance for Recovery Residences or another approved organization or is pending such certification.

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## 1170 6. Definitions

1171 For the purposes of this Bylaw, meanings of the following words and terms shall be interpreted  
1172 as defined below and all other words shall be presumed to have their normal meaning, unless  
1173 such meaning runs counter to the purposes and objectives of this Bylaw or the Town Plan. The  
1174 definitions of terms defined in 24 V.S.A. § 4303 of the Act, and not otherwise defined herein are  
1175 made a part of these Bylaws.

1176 **ABANDONED:** A habitable or public structure shall be considered abandoned if, due to neglect  
1177 or damage, it lacks a roof, walls, windows, plumbing, or any other major component for more  
1178 than two (2) years, or if it is determined to be unstable by a licensed structural engineer.

1179 **ACCESSORY DWELLING UNIT (ADU):** A distinct unit that is clearly subordinate to a  
1180 single-unit or two-unit residential dwelling on an owner-occupied lot and has facilities and  
1181 provisions for independent living, including sleeping, food preparation, and sanitation, provided  
1182 there is compliance with all the following:

1183 A. the property has sufficient wastewater capacity; and

1184 B. the unit does not exceed thirty (30%) percent of the total habitable floor area of the  
1185 single-unit or two-unit dwelling or nine hundred (900) square feet, whichever is greater

1186 **ACCESSORY ON-FARM BUSINESS:** Activity on a farm, the revenues of which may exceed  
1187 the revenues of the farming operation, and comprises one or both of the following:

1188 (I) The storage, preparation, processing, and sale of qualifying products, provided that  
1189 the qualifying products are produced on a farm; the sale of products that name, describe,  
1190 or promote the farm or accessory on-farm business, including merchandise or apparel  
1191 that features the farm or accessory on-farm business; or the sale of bread or baked goods.

1192 (II) Educational, recreational, or social events that feature agricultural practices or  
1193 qualifying products, or both. Such events may include tours of the farm, farm stays,  
1194 tastings and meals featuring qualifying products, and classes or exhibits in the  
1195 preparation, processing, or harvesting of qualifying products. Farm stay shall mean a  
1196 paid, overnight guest accommodation on a farm for the purpose of participating in  
1197 educational, recreational, or social activities on the farm that feature agricultural  
1198 practices or qualifying products, or both. A farm stay includes the option for guests to  
1199 participate in such activities.

1200 **ACCESSORY STRUCTURE:** A structure customarily incidental and subordinate to the  
1201 principal building, except as otherwise provided, located on the same lot with such principal  
1202 buildings. Examples are garages and garden sheds.

1203 **ACCESSORY USE:** A use customarily incidental and subordinate to the principle use and  
1204 located on the same lot.

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1206 **ACT, THE:** The Vermont State statute that is the authority for this Bylaw. Full title: Vermont  
1207 Municipal and Regional Planning and Development Act, 24 V.S.A. Chapter 117, et seq.

1208 **AFFORDABLE HOUSING:** As defined in 24 V.S.A. § 4303, affordable housing shall mean  
1209 either

1210 a) owner-occupied housing for which the total annual cost of ownership, including  
1211 principal, interest, taxes, insurance, and condominium association fees, does not exceed  
1212 30 percent of the gross annual income of a household at 120 percent of the highest of the  
1213 following:

1214 (i) the county median income, as defined by the U.S. Department of Housing and Urban  
1215 Development;

1216 (ii) the standard metropolitan statistical area median income if the municipality is located  
1217 in such an area, as defined by the U.S. Department of Housing and Urban Development;  
1218 or

1219 (iii) the statewide median income, as defined by the U.S. Department of Housing and  
1220 Urban Development.

1221 b) rental housing for which the total annual cost of renting, including rent, utilities, and  
1222 condominium association fees, does not exceed 30 percent of the gross annual income of  
1223 a household at 80 percent of the highest of the following:

1224 (i) the county median income, as defined by the U.S. Department of Housing and Urban  
1225 Development;

1226 (ii) the standard metropolitan statistical area median income if the municipality is located  
1227 in such an area, as defined by the U.S. Department of Housing and Urban Development;  
1228 or

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

1231 **AGRICULTURE:** Land which is used for raising livestock, or agricultural or forest products,  
1232 including farm structures and the storage of agricultural equipment; riding and boarding stables;  
1233 and meets the Vermont Agency of Agriculture’s definition of “farming use” by achieving one or  
1234 more of the following criteria:

1235 a) is used in connection with the sale of \$1000 or more of agricultural products in a normal  
1236 year; or

1237 b) is used in connection with the raising, feeding, and management of at least the following  
1238 number of adult animals: four equines; five cattle or American bison; fifteen swine;  
1239 fifteen goats; fifteen sheep; fifteen fallow deer; fifteen red deer; fifty turkeys; fifty geese;  
1240 one-hundred laying hens; two-hundred and fifty broilers, pheasant, Chukar partridge, or  
1241 Coturnix quail; three camelids; four ratites (ostriches, rheas, and emus); thirty rabbits; one

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1242 hundred ducks; or one-thousand pounds of cultured trout; or

1243 c) is used by a farmer filing with the Internal Revenue Service a 1040 (F) income tax  
1244 statement in at least one of the past two (2) years; or

1245 d) is on a farm with a business and farm management plan approved by the Secretary.

1246 **ALTERATION:** Structural change, that increases the exterior height, width or length of the  
1247 building, including a change of location of, or addition to, a building.

1248 **APPLICANT:** The owner of land proposed to be subdivided or his or her representative. Any  
1249 party with a legal interest in the property may apply in cooperation with the owner of the  
1250 property.

1251 **APPEAL:** The exclusive remedy of an interested party who wishes to reverse any decision or act  
1252 of the Zoning Administrator or provision of this ordinance. Appeals are made to the DRB and  
1253 thence to the Vermont Superior Court, Environmental Division under an adverse decision from  
1254 the DRB.

1255 **APPURTENANT:** Something subordinate to or belonging to another larger principal entity.

1256 **AUTOMOBILE GRAVEYARD:** means a yard, field, or other outdoor area on a property  
1257 owned or controlled by a person and used or maintained for storing or depositing four or more  
1258 junk motor vehicles. "Automobile graveyard" does not include:

1259 (A) an area used by an automobile hobbyist to store, organize, restore, or display motor  
1260 vehicles or parts of such vehicles, provided that the hobbyist's activities comply with all  
1261 applicable federal, State, and municipal law;

1262 (B) an area used for the storage of motor vehicles exempt from registration under 23  
1263 V.S.A. chapter 7;

1264 (C) an area owned or used by a dealer registered under 23 V.S.A. § 453 for the storage of  
1265 motor vehicles; or

1266 (D) an area used or maintained for the parking or storage of operational commercial  
1267 motor vehicles, as that term is defined in 23 V.S.A. § 4103(4), that are temporarily out of  
1268 service and unregistered but are expected to be used in the future by the vehicle operator  
1269 or owner.

1270 **BED AND BREAKFAST:** A residential dwelling, occupied by an owner of the business, in  
1271 which a portion of the home is adapted to use as lodging for travelers or transients as an  
1272 accessory use to the residence that does not change the residential character of the neighborhood.  
1273 Breakfast only may be served to those lodging on the premises.

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- 1275 **BOARDING HOUSE:** A residential building with a dwelling unit occupied by a permanent  
1276 resident caretaker that also has six or fewer rooms for rent on a long-term basis that may lack  
1277 individual kitchen facilities, that share common areas, and that may provide meals for tenants.
- 1278 **BUFFER STRIPS:** An undisturbed area consisting of trees, shrubs, ground cover plants, duff  
1279 layer, and generally uneven ground surface that extends a specified distance horizontally across  
1280 the surface of the land from the mean water level of an adjacent lake or from the top of the bank  
1281 of an adjacent river or stream.
- 1282 **BUILDING:** A structure having a roof supported by columns or walls and intended for the  
1283 shelter or enclosure of persons, animals or chattel, excluding fences. For the purposes of this  
1284 Bylaw, any travel trailer occupied for more than sixty (60) days per calendar year shall be  
1285 considered a building.
- 1286 **BUILDING/STRUCTURE, NON-CONFORMING:** A building or structure or part thereof,  
1287 not conforming with this zoning Bylaw covering bulk, dimensions, height, area, yards, density,  
1288 or off-street parking, loading requirements, where such building or structure conformed to all  
1289 applicable law, ordinances or regulations prior to the enactment of this Bylaw.
- 1290 **CAMP, PRIMITIVE:** Cabin, trailer, shelter or other accommodation suitable and used for  
1291 temporary living purposes and with interior plumbing that consists of no more than a sink with  
1292 water. Can be used for no more than three (3) consecutive weeks per year and no more than a  
1293 total of sixty (60) days per year.
- 1294 **CHANGE IN USE:** A change or increase in the scale, intensity, type of activity, hours of  
1295 operation, or physical setting of the use.
- 1296 **CHILD CARE FACILITY:** A home or facility where the owner or operator is to be licensed or  
1297 registered by the State of Vermont for child care.
- 1298 **CLUSTERED HOUSING DEVELOPMENT:** Is a form of land development in which  
1299 principal buildings and structures are grouped together on a site, thus saving the remaining land  
1300 area for common open space, conservation, agriculture, recreation, and public and semipublic  
1301 uses.
- 1302 **COMMERCIAL GROUP SERVICE:** Any use of land or structures limited to twenty-five  
1303 (25,000) square feet or less for the purpose of providing a service involving the presence of a  
1304 number of individuals at one time. Examples: motels, hotels, theatres, restaurants.
- 1305 **COMMERCIAL OUTDOOR RECREATION:** Any use of land or structures for the provision  
1306 of private outdoor recreational services that do not involve the construction of substantial  
1307 structures. Examples: travel trailer parks, tennis courts, golf courses.
- 1308 **COMMUNITY SERVICE:** Any use of land or structures for the purpose of providing or  
1309 conducting educational or religious services. Examples: schools (public and private), churches.
- 1310 **CONDITIONAL USE:** A land use permitted in a given zoning district only after a hearing and  
1311 decision by the DRB (e.g., Site Plan Approval, Steep Slope, and Right of Access).

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- 1312 **DEVELOPMENT REVIEW BOARD:** The quasi-judicial body, appointed by the Selectboard,  
1313 which hears and decides appeals and applications for conditional uses, site plan, subdivisions,  
1314 waivers, and variance requests.
- 1315 **DISTRICT, ZONING:** A part, zone or geographic area within the town of Chelsea within  
1316 which certain zoning or development regulations apply.
- 1317 **DWELLING, SINGLE-UNIT:** A building containing one dwelling unit, other than an  
1318 accessory dwelling unit, with independent living quarters for one household, including at least  
1319 one bathroom and kitchen, and not in a motel, hotel, boarding house, tourist home or similar  
1320 structure.
- 1321 **DWELLING, TWO-UNIT:** A building containing two dwelling units. Synonymous with  
1322 duplex.
- 1323 **DWELLING, MULTIUNIT:** A building containing more than two dwelling units.
- 1324 **EMERGENCY SHELTER:** Any facility, the primary purpose of which is to provide a  
1325 temporary shelter for the homeless in general or for specific populations of the homeless and that  
1326 does not require occupants to sign leases or occupancy agreements.
- 1327 **EXTERIOR STORAGE:** Outside storage of materials, supplies, equipment or vehicles  
1328 incidental to a commercial use shall be adequately screened from view.
- 1329 **EXTRACTION:** Excavating and removing rock, stone, ore, soil, gravel, sand, minerals, and  
1330 similar materials from the surface and/or subsurface for the purposes of selling those materials or  
1331 utilizing those materials in a commercial venture.
- 1332 **FARMING:** Means the same as defined in 10 V.S.A. § 6001. –
- 1333 **FARM STRUCTURE:** A building, enclosure, or fence for housing livestock, raising horticultural or  
1334 agronomic plants, or carrying out other practices associated with accepted agricultural or farming  
1335 practices, including a silo, as "farming" is defined in subdivision 6001(22) of Title 10 of the Act, but  
1336 excludes a dwelling for human habitation.
- 1337 **FENCE:** Except as is incidental to an accepted agricultural practice, any structure or earth berm  
1338 which has the effect of creating a barrier to visibility or access.
- 1339 **FOOTPRINT:** The outer horizontal boundaries of the structure's limits, including decks,  
1340 porches, or stoops, and any overhanging roof .
- 1341 **FORESTRY OPERATION:** Means the same as defined in 10 V.S.A. § 2602(6).
- 1342 **HABITABLE:** Intended and acceptable for use as living quarters.
- 1343 **HAZARDOUS WASTE:** Those substances defined as hazardous waste by the Vermont Agency  
1344 of Natural Resources under Chapter 7 of the Vermont Environmental Protection Rules.

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1345 **HEAVY INDUSTRIAL:** The processing, assembly, distribution, or packaging of natural or  
1346 man-made products where such activity results in off-site impacts such as, but not limited to  
1347 noise, vibration, air pollution, fire hazard or noxious emission. All such activity and storage of  
1348 raw or unfinished products are not enclosed inside a building or screened from the abutting  
1349 properties and public rights-of-way. Such uses include, but are not limited to, the following:  
1350 lumber mills, junk yards, truck terminals, concrete, asphalt or brick plants, quarries, bulk fuel  
1351 storage facilities, foundry, and similar uses.

1352 **HISTORIC STRUCTURE:** Any structure that is: (a) listed individually in the National Register  
1353 of Historic Places (a listing maintained by the Department of the Interior) or preliminarily  
1354 determined by the Secretary of the Interior as meeting the requirements for individual listing on  
1355 the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as  
1356 contributing to the historical significance of a registered historic district or a district preliminarily  
1357 determined by the Secretary to qualify as a registered historic district; (c) individually listed on a  
1358 state inventory of historic places in states with historic preservation programs which have been  
1359 approved by the Secretary of the Interior; or (d) individually listed on a local inventory of  
1360 historic places in communities with historic preservation programs that have been certified  
1361 either: (i) by an approved state program as determined by the Secretary of the Interior or (ii)  
1362 directly by the Secretary of the Interior in states without approved programs.

1363 **HOME OCCUPATION:** Activities conducted within a dwelling or accessory building by the  
1364 residents thereof, which is clearly secondary to the dwelling's use as living quarters and does not  
1365 change the character thereof, excluding junk yards and any activity that generates hazardous  
1366 waste.

1367 **HOME INDUSTRY:** Activities conducted within a dwelling or accessory building by the  
1368 residents thereof, in which the conduct of the home industry is clearly secondary to the  
1369 residential use of the premises and occupies no more than fifty (50%) percent of the total living  
1370 area of the structure; and is conducted by the resident at the residence and does not involve more  
1371 than five (5) full-time people other than the residents of the house; and automobile traffic  
1372 resulting from the home industry is not at a volume substantially greater than would be normally  
1373 anticipated.

1374 **HOTEL, MOTEL, OR INN:** A structure or structures or portion thereof offering transient  
1375 lodging accommodations on a daily rate.

1376 **INDIVIDUAL SERVICE:** Any use of land or structures for the purpose of providing a service  
1377 which customarily involves the presence of no more than a few individuals at the same time.  
1378 Examples: real estate offices, hairdressers, repair shops, bed and breakfast.

1379 **INTERESTED PARTY:** Anyone lawfully afforded the right to appeal a decision or act of the  
1380 Zoning Administrator or Development Review Board as defined under 24 V.S.A. § 4464(b).

1381 **JUNK:** Old or discarded scrap copper, brass, iron, steel or other metals, or materials including  
1382 but not limited to tires, household appliances, furniture, rope, rags, batteries, glass, rubber debris,  
1383 waste, trash, construction debris, plumbing fixtures, or any discarded, dismantled, wrecked,  
1384 scrapped, or ruined motor vehicle or parts thereof. Any of the above items used in a bona fide

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- 1385 agricultural operation are excluded from this definition.
- 1386 **JUNKYARD:** Any area, lot, land parcel, or part thereof, used for the storage, collection,  
1387 processing, purchase, sale, of wastepaper, rags, scrap metal or other scrap or discarded goods,  
1388 materials, machinery, or two or more unregistered or inoperable motor vehicles or other types of  
1389 equipment.
- 1390 **LAND DEVELOPMENT:** The division of a parcel into two or more parcels, the construction,  
1391 reconstruction, conversion, structural alteration, relocation, or enlargement of any building or  
1392 other structure, or of any mining, excavation, or landfill, and any change in the use of any  
1393 building or other structure, or land, or extension of use of land.
- 1394 **LIGHT INDUSTRIAL:** The processing, assembly, distribution or packaging of natural or man-  
1395 made products where such activity results in no off-site impacts, such as, but not limited to noise,  
1396 vibration, air pollution, fire hazard or noxious emission. All such activity and storage of raw or  
1397 finished products are enclosed in a building or are screened from abutting properties and public  
1398 rights of way. Examples: woodworking shop, electronics manufacturing or assembly, machine  
1399 shop.
- 1400 **LOT:** A designated parcel, tract or area of land established by plat, subdivision, or as otherwise  
1401 permitted by law; to be used, developed or built upon as a unit, which is not divided by a public  
1402 highway as defined by 19 V.S.A § 1.
- 1403 **LOT AREA:** The total area within the property lines of the lot.
- 1404 **LOT FRONTAGE:** That portion of a lot which is adjacent and parallel to a public road as  
1405 defined by 19 V.S.A. § 1 or a private road as approved by the Development Review Board  
1406 pursuant to Section 3.6. In the case of corner lots, each side adjacent and parallel to a public road  
1407 or private road, shall be considered the lot frontage.
- 1408 **MANUFACTURED HOME PARK:** Any parcel of land under single or common ownership or  
1409 control which contains, or is designed, laid out or adapted to accommodate, more than two  
1410 manufactured homes. Manufactured home park does not mean any parcel of land under the  
1411 ownership of an agricultural employer who may provide up to four mobile home used by full-  
1412 time workers or employees of the agricultural employer as a benefit or condition of employment  
1413 or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes.
- 1414 **NEW CONSTRUCTION:** For regulation under this Bylaw, new construction means the  
1415 erection of new structures for which the start of construction commenced on or after the effective  
1416 date of this Bylaw adopted by the community and includes any subsequent improvements to such  
1417 structures.
- 1418 **NONCONFORMITIES:** A nonconforming use, structure, lot, or parcel.
- 1419 **NONCONFORMING LOT OR PARCEL:** Lots or parcels that do not conform to the present  
1420 Bylaws covering dimensional requirements but were in conformance with all applicable laws,  
1421 ordinances, and regulations prior to the enactment of the present Bylaws, including a structure  
1422 improperly authorized as a result of error by the Zoning Administrator.

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- 1423 **NONCONFORMING STRUCTURE:** A structure or part thereof not in conformance with the  
1424 Chelsea Zoning Bylaw covering building height, area, yards, density or off-street parking  
1425 requirements where such structure conformed to all applicable laws and regulations prior to the  
1426 enactment of this Bylaw.
- 1427 **PARCEL:** A contiguous area of land under single ownership or controlled by the same legal  
1428 entity regardless of whether acquired at different times or as separate conveyances; not divided  
1429 by a public highway, or a stream greater than ten (10) square miles of drainage area as defined in  
1430 accordance with current Vermont statues or which has been identified on a plat approved by the  
1431 Town pursuant to these regulations and duly recorded in the Chelsea land records. The "original  
1432 parcel" is the parcel as it existed on the date of adoption of this Bylaw. Parcel is synonymous  
1433 with lot.
- 1434 **PARKING AREA:** An area of land on a lot designated or used exclusively for the maneuvering  
1435 and storage of motor vehicles.
- 1436 **PARKING SPACE:** A defined space which is not larger than nine (9) feet by eighteen (18) feet  
1437 unless it is a American with Disabilities Act-compliant space and located outside of the right-of-  
1438 way or driveway used for the parking of one motor vehicle which affords practical access to the  
1439 road or right-of-way and graveled or paved sufficiently to permit year-round use.
- 1440 **PLAT:** A map or plan drawn to scale of one or more parcels, tracts or subdivisions of land,  
1441 showing, but not limited to, boundaries, corners, markers, monuments, easements and other  
1442 rights.
- 1443 **PLANNING COMMISSION:** The body appointed by the Selectboard for the purpose of  
1444 preparing the Town Plan, and this Unified Bylaw.
- 1445 **PERENNIAL STREAM:** A watercourse, or portion, segment or reach of a watercourse that, in  
1446 the absence of abnormal, extended or severe drought, continuously conveys surface water flow.  
1447 Human caused interruptions of flow; i.e. flow fluctuations associated with hydroelectric facility  
1448 operations, or water withdrawals, shall not influence the determination. A perennial stream shall  
1449 not include the standing waters of wetlands, lakes, and ponds.
- 1450 **PLANNED UNIT DEVELOPMENT (PUD):** A residential development in which one or more  
1451 lots, tracts, or parcels of land are to be developed as a single entity, the plan for which may  
1452 propose any authorized combination of density or intensity transfers or increases, as well as the  
1453 mixing of land uses.
- 1454 **PRINCIPAL BUILDING:** A dominant building or portion thereof, the use of which is  
1455 fundamental and superior to any other use of the land or the lot.
- 1456 **PRINCIPAL RETAIL:** Any use of land or structures for the primary purpose of buying or  
1457 selling goods where the goods are primarily contained inside a principal building. Such uses,  
1458 when located in the Rural Residential district are not to exceed six thousand (6,000) square feet  
1459 of floor area. Examples: retail shops, general store.
- 1460 **PRINCIPAL USE:** The primary or predominate use of any lot.

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1461 **ROAD, PRIVATE:** A road in a subdivision serving several units.

1462 **ROAD, PUBLIC:** A highway, street or other way owned by the Town of Chelsea or the  
1463 Vermont Agency of Transportation which exists for vehicular travel. The word "road" shall  
1464 mean the entire right of way.

1465 **SALVAGE YARD:** Any place of outdoor storage or deposit for storing, keeping, processing,  
1466 buying, or selling junk or as a scrap metal processing facility. "Salvage yard" also means any  
1467 outdoor area used for operation of an automobile graveyard. It does not mean a garage where  
1468 wrecked or disabled motor vehicles are stored for less than ninety (90) days for inspection or  
1469 repairs.

1470 **SETBACK, FRONT:** The shortest distance from the centerline of any public highway or private  
1471 road, or road right-of-way when no physical road is present, to the nearest part of any building or  
1472 structure. Corner lots shall be deemed to have front setbacks on all adjacent roads.

1473 **SETBACK, REAR:** The distance from the rear lot line to the nearest part of any building or  
1474 structure.

1475 **SETBACK, SIDE:** The distance from the side lot line to the nearest part of any building or  
1476 structure.

1477 **SIGN:** A communication device, structure, or fixture that incorporates graphics, symbols, or  
1478 written copy intended to promote the sale of a product, commodity, or service, or to provide  
1479 direction or identification for a facility or premises.

1480 **SIGN AREA:** The entire face of a sign, including the advertising surface and any framing, trim  
1481 or molding, but not including the supporting structure.

1482 **SIGN, FREESTANDING:** A sign having its own supporting structure, independent of any  
1483 building.

1484 **SIGN, INSTRUCTIONAL:** A structure which is used to direct the user of the premises for off-  
1485 street parking, traffic control, pedestrian areas, loading docks, safety zones or other similar  
1486 purposes.

1487 **SIGN, OFF-PREMISE:** A sign located on any parcel of land, regardless of ownership, other than that  
1488 on which the advertising or business referred to is located.

1489 **SIGN, ON-PREMISE:** A sign which contains information relating to the premises on which the sign  
1490 is located.

1491 **SIGN, PROJECTING:** A sign that is wholly or partially dependent upon a building for support and  
1492 which projects more than twelve (12) inches from such a building.

1493 **SIGN, TEMPORARY:** Any sign, banner, pennant, or advertising to be displayed for a limited  
1494 time period. Easily removed signs attached to windows are considered temporary signs.

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1495 **STRUCTURE:** An assembly of materials with fixed location on or below the ground or  
1496 attached to an object having an affixed location on the ground including, but not limited to,  
1497 towers, dish antennae, but excluding mailboxes, fences, roads or driveways, and underground  
1498 utilities.

1499 **SUBDIVISION:** The dividing of a parcel or change in the boundaries, or interests, by sale, gift or  
1500 lease, mortgage foreclosure, court ordered partition or the filing of a subdivision plat, for the  
1501 purpose, whether immediate or future, of sale, lease, or development. The term includes amended  
1502 subdivisions or re-subdivisions. The term also includes multi-unit residential, commercial  
1503 development and industrial development. The term does not apply to agricultural leases. It does not  
1504 apply to a sale or gift of land which adds to an existing contiguous parcel and does not result in the  
1505 creation of a new separate parcel.

1506 **SUBSTANTIALLY COMPLETE:** A structure is substantially complete when it has all of the  
1507 permitted conditions satisfied, has all major components in place (foundation, roof, siding,  
1508 windows, electrical, plumbing, heating) and is usable for its intended use. For new construction or  
1509 permitted renovation, this includes a filing of a certificate that the structure meets the Residential  
1510 Energy Standards (RES) or Commercial Building Energy Standards (CBES) as applicable.

1511 **SURFACE WATER:** Any year-round body of water such as brooks, streams, rivers, ponds or  
1512 lakes.

1513 **TEMPORARY STRUCTURE:** A structure for accessory use, without a permanent foundation  
1514 or footing and which is removed when the designated time periods, activity, or use for which it  
1515 was erected has ceased.

1516 **TOP OF STREAMBANK:** That vertical point along a stream bank where an abrupt change in  
1517 slope is evident. For streams in wider valleys, it is the point where the stream is generally able to  
1518 overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the  
1519 same as the top of slope.

1520 **TOWN MUNICIPAL:** Any use of land or structures for the purpose of providing municipal or  
1521 quasi-municipal services which require large vehicles and substantial storage for materials and  
1522 equipment. Examples: Town garage, fire station, rescue squad.

1523 **TRAVEL TRAILER:** A vehicle which is: (a) Built on a single chassis; (b) four hundred (400)  
1524 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-  
1525 propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as  
1526 a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or  
1527 seasonal use. Synonymous with recreational vehicle.

1528 **USE, CONDITIONAL:** A use which may be permitted upon approval of the Development  
1529 Review Board, following a public hearing.

1530 **USE, NON-CONFORMING:** A use of a building or land legally existing at the time of the  
1531 adoption of these Bylaws, or any amendment thereto, and which does not conform with the use  
1532 regulations of the district in which it is isolated.

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- 1533 **USE, PERMITTED:** A use which may take place in any district as set forth by this Bylaw,  
1534 excluding illegal uses and non-conforming uses.
- 1535 **VARIANCE:** A Permit issued in deviation from any provision of this Bylaw after an appeal,  
1536 public hearing, and approval by the DRB based on the standards set forth in Section 2.8.2 of this  
1537 Bylaw.
- 1538 **VIOLATION:** The failure to be fully compliant with this Bylaw. Each day that a violation  
1539 continues shall be considered a new violation.
- 1540 **VILLAGE MUNICIPAL:** Any use of land or structures for the purpose of providing municipal  
1541 or quasi-municipal services. Examples: municipal buildings, federal government buildings,  
1542 public parks, libraries, cemeteries.
- 1543 **WAIVER:** A permit issued to reduce dimensional requirements in accordance with this Bylaw's  
1544 specific standards after an appeal, public hearing, and approval by the DRB based on the  
1545 standards set forth in Section 2.8.1 of this Bylaw.
- 1546 **ZONING ADMINISTRATOR:** The Town Official appointed by the Selectboard who shall  
1547 enforce literally the provisions of this Bylaw and in so doing shall receive applications, inspect  
1548 premises, maintain records, issues permits and notices of violations, and perform other tasks as  
1549 may be necessary to carry-out the provisions of these Bylaws.