Unified Development Bylaw

for the

Town of Williston
Vermont

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Credits

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Note to the reader: Beginning with the version adopted on January 21, 2103, this bylaw has been paginated by chapter to facilitate more efficient updating and revision. The pages in Chapter 1, for example, are labeled 1-2, 1-2, 1-3… If you are unsure if you have the most current version of this document, please contact the staff at Williston Planning.

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Findings checklists are not adopted. They are prepared by the Administrator, as authorized by WDB 4.3.6. A complete set is provided with copies of this bylaw, but please be certain you have the current version before using the checklists.

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Chapter 1

Authorities Purposes - Basic Principles

This chapter cites the statutory authorities for the adoption of this bylaw and states its purposes. It also adopts basic principles that guide the administration of this bylaw.

1.1 Authority

1.1.1 What is the legal authority for adoption of this bylaw? Vermont law provides abundant authority for the adoption of this bylaw. 24 V.S.A. § 4401, 4402, and 4410 authorize the regulatory implementation of municipal plans. 24 V.S.A § 4402 and 4419 specifically authorize the adoption of a unified development bylaw. 24 V.S.A. § 4419 states:

> Any bylaws authorized under this chapter may be integrated into a unified land development bylaw that combines the separate requirements into a consolidated review and permitting process.

1.1.2 What is a unified development bylaw? This unified development bylaw integrates zoning, as authorized by 24 V.S.A. §§ 4411-4414; site plan review, as authorized by 24 V.S.A. § 4416; planned unit development regulations, as authorized by 24 V.S.A § 4417, subdivision regulations, as authorized by 24 V.S.A. § 4418; requirements for adequate public facilities and growth management, as provided by 24 V.S.A. § 4423; the transfer of development rights, as authorized by 24 V.S.A. § 4423; and the regulation of shorelands and flood hazard areas, as authorized by 24 V.S.A. § 4424. Citations of authority for specific portions of this bylaw are given where needed.

1.2 Purposes. This bylaw is adopted for the purposes established by 24 V.S.A. § 4292 and to implement the regulatory policies of Williston's *Town Plan*. Policy 11.1 of that plan states:

> The Town of Williston will revise its bylaws to be consistent with the policies adopted in this plan. These revisions will take the form of a unified development bylaw.

The requirements of this bylaw are the minimum necessary to ensure that individual land use decisions are consistent with the *Town Plan*, as required by 24 V.S.A. § 4410.

1.3 Basic Principles Applicants Should Understand. Your signature on an application for a permit is an acknowledgement of the following basic principles.

1.3.1 State and federal regulations may apply. Applicants should understand that state and federal regulations apply to many projects. Where those regulations are not as restrictive as this bylaw, this bylaw applies. State and federal regulations may also be more restrictive than this bylaw, in which case both the requirements of this bylaw and the state or federal regulation apply. You should not submit an application for a permit to the town until you have a clear understanding of how state and federal regulations affect your project. If you obtain a permit from the town, then make a substantial change in the approved final plans to comply with state or federal regulations, you must apply for and obtain a new or amended town permit.

1.3.2 Private agreements may apply. Applicants should be aware that covenants, deed restrictions, easements, and similar private agreements affect many projects. Those agreements may be more restrictive than this bylaw. You should not submit an application for a permit to the town until you have a clear understanding of how private agreements affect your project. If you obtain a permit

from the town, then make a substantial change in the approved final plans to comply with a private agreement, you must apply for and obtain a new or amended town permit.

1.3.3 Burden of proof. Applicants should understand that the burden of demonstrating compliance with this bylaw rests with them. Be sure you understand the relevant requirements of this bylaw before submitting an application for a permit. It is important to submit a clear, complete application. The town provides application forms and checklists, but most applicants will need to retain qualified professional help to prepare their application.

1.3.4 Representations are binding. All representations made on application forms and checklists, and in the drawings and other materials that accompany an application, are binding. What does 'binding' mean? It means that the applicant must build the project as it is described and depicted in the materials approved by the Administrator or the DRB. Minor changes in approved final plans may be permitted by WDB 5.6. Substantial changes require a new administrative permit and may require the amendment of a discretionary permit or, possibly, a new discretionary permit

1.4 Severability. If any provision of this bylaw or the application of this bylaw in specific circumstances is held invalid by any court, the remainder of the bylaw and/or its application in other circumstances shall be unaffected.

1.5 Effective Date. These regulations became effective on June 22, 2009.

1.6 Title and Citation. This bylaw should be referred to as the *Williston Development Bylaw*. Sections should be cited as "WDB, (chapter number), (section number), (subsection number), (sub-subsection number).

1.7 About Text Boxes. The text boxes provide information that supplements this bylaw. They are not part of the bylaw, however, and the Administrator may edit them as necessary.

Chapter 2

Vested Rights Nonconforming Lots, Uses, and Structures

This chapter provides for the transition from the previous bylaws to this one. It repeals the previous bylaws, while protecting the rights of projects that are underway to proceed in compliance with those bylaws. It also establishes the rights of nonconforming lots, uses, and structures.

2.1 Previous Bylaws. All bylaws authorized by Chapter 117, Title 24 of the Vermont Statutes that existed on the effective date of this bylaw are hereby repealed to the extent of their inconsistency with this bylaw.

2.2 Vested Rights. It is important to understand the difference between these provisions for vested rights and the provisions this bylaw makes for existing, but nonconforming, lots, uses, and structures in WDB 2.3-2.6. This section applies only to developments for which a complete application had been filed or a permit approved, but that were not completed, and thus not 'existing,' on the effective date of the current version of this bylaw.

2.2.1 What is a vested right? A vested right is the right for a development to be completed in compliance with the rules that were in effect on the date the application for a permit for that development was deemed complete.

Complete? Completed? A 'complete' application is one that has been accepted as such by the Administrator, as provided by WDB 5.1.6 or 6.4.6. A 'completed' development is one for which a certificate of compliance (CC) has been issued, as provided by WDB 7.3, or where a CC is not required, one on which all work has been completed, as permitted.

2.2.2 How is a vested right established?

2.2.2.1 For Residential Subdivisions. Obtaining approval of a residential subdivision in Williston is a competitive process. Subdivisions are evaluated and ranked on the basis of their consistency with the town's goals, as stated in the town plan and this bylaw. Development rights do not vest until a residential subdivision has been through pre-application review as required by WDB 6.2; obtained an allocation from the town's residential growth target as provided by Chapter 11 of this bylaw; and submitted a timely and complete application for a discretionary permit following the procedures established in WDB 6.4, et seq.

2.2.2.2 For Other Developments. A vested right can be established only by having filed a complete application for a discretionary permit or an administrative permit, whichever is the appropriate first step in the proposed development's review. Vested rights cannot be established by filing a request for pre-application review.

2.2.3 What is the extent of a vested right?

2.2.3.1 For Subdivisions. Lots in subdivisions that are completed in reliance on a vested right may be conveyed, even if they have become nonconforming. Development of the lots must, however, comply with this bylaw or obtain a variance, as provided by WDB 8.1.3.6.

2.2.3.2 For Uses and Structures. Uses and structures that are completed in reliance on a vested right may be occupied, even if they become nonconforming. See WDB 2.5 and 2.6 regarding nonconforming uses and structures.

2.2.4 Can vested rights expire? Yes. Both this bylaw and the previous bylaws provide for the expiration of permits or approvals. Vested rights expire with the permit or approval.

2.2.5 Can a plan with vested rights be revised? Any substantial change in the approved final plans for a development voids its vested rights. Minor changes may be allowed, with the approval of the Administrator, as provided at WDB 5.6.

2.3 Specific Authority. The provisions of WDB 2.4, 2.5, and 2.6 are specifically authorized by 24 V.S.A § 4412(7), which requires all bylaws to "define how nonconformities will addressed, including standards for nonconforming uses, nonconforming structures, and nonconforming lots." These provisions are also consistent with 24 V.S.A § 4412(2), which limits municipal regulation of "existing small lots."

2.4 Nonconforming Lots

2.4.1 What is a nonconforming lot? Per 24 V.S.A. § 4303 (13), nonconforming "lots or parcels do not conform to the present bylaws covering dimensional requirements, but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer." Usually a lot is nonconforming because it is too small to accommodate any use that is permitted in its zoning district. Lots may also be nonconforming for other reasons, including the lack of legal or safe access.

2.4.2 Must nonconforming lots be merged? Contiguous, nonconforming lots that are under the same ownership are considered merged, except as provided below.

2.4.2.1 Exception to Merger. Contiguous, nonconforming lots may be conveyed in their pre-existing, nonconforming configuration where, on the effective date of this bylaw, each lot:

- was connected to central water and sewer systems or developed with a water supply and wastewater disposal system that is functioning in an acceptable manner, as verified in the field by a licensed designer, or

- had an allocation for a dwelling unit approved under any of the previous versions of the growth management system that is embodied in Chapter 11 of this bylaw.

2.4.2.2 Easements Required. The instruments of conveyance for contiguous, nonconforming lots that are not merged must create easements sufficient for the replacement and maintenance of water and wastewater systems on all lots involved.

What does it mean to "merge" lots? Lots are merged for the purposes of this bylaw only. They may still appear as separate in the land records or be subject to separate property tax bills. Merger means only that the lots are treated as one for the purposes of determining compliance with the standards of this bylaw.

2.4.3 How can a nonconforming lot be used? A nonconforming lot that is not subject to merger as required by WDB 2.4.2; is in individual, separate, and nonaffiliated ownership from surrounding properties; and was in existence on the effective date of this bylaw, may be used as provided here.

2.4.3.1 Boundary Adjustment. Nonconforming lots may be divided and added to adjoining lots using the boundary adjustment procedure established by Chapter 10 of this bylaw.

2.4.3.2 Development. A nonconforming lot may be developed for any of the uses permitted in the zoning district in which it is located, provided that the proposed development complies with all other requirements of this bylaw. If full compliance is not possible, a variance may be approved using the nonconformity as a basis for the findings required by WDB 8.1.3.

2.5 Nonconforming Uses

2.5.1 What is a nonconforming use? Per 24 V.S.A. § 4303(15), a nonconforming use is "a use of land that does not conform to the present bylaws, but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer."

2.5.2 Can nonconforming uses continue? Yes, but only with the limitations described in WDB 2.5.3 and 2.5.4.

2.5.3 Can a nonconforming use be changed? No. Any change in use, or in the nature or extent of use, is subject to the requirements of this bylaw.

2.5.4 What happens if a nonconforming use ceases to operate? If a nonconforming use ceases operation for more than one year (twelve months) it may be replaced only with a conforming use.

2.6 Nonconforming Structures

2.6.1 What is a nonconforming structure? Per 24 V.S.A. § 4303(14), a nonconforming structure is "a structure or part of a structure that does not conform to the present bylaws, but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer."

2.6.2 Can a nonconforming structure continue? Yes. Nonconforming structures can continue indefinitely in their present form, unless they are determined to be dangerous buildings, in accord with WDB 18.2. Routine maintenance and repair of nonconforming structures is permitted.

2.6.3 Can a nonconforming structure be replaced? Yes, with some limitations. A nonconforming structure may be replaced with a new one as long as there is no change in the nature or extent of -any nonconforming use if present, and the degree of the structure's nonconformity is not increased. A nonconforming structure that is demolished or destroyed may only be replaced if a permit to replace the nonconforming structure is obtained no later than one year (12 months) from the date when the nonconforming structure was destroyed.

Is allowing the replacement or enlargement of a nonconforming structure good policy? First, remember that a conforming use can be housed in a nonconforming structure. This means that the replacement or enlargement of a nonconforming structure may not result in a change in the nature or extent of a nonconforming use. Second, refusing to allow the replacement of nonconforming structures often results in blight, as these structures are not maintained. Allowing replacement may result in an improvement. Finally, most nonconforming structures are not nonconforming in every dimension. Consider a building that is too close to a stream or a property line. The side nearest the stream or property line is nonconforming, but as long as that side doesn't change, it may be possible to expand the building in another direction in full compliance with this bylaw. This possibility gives the owner an asset instead of a building there is little incentive to maintain.

2.7 Nonconforming Signs. See WDB 25.9.

2.8 Correction of Nonconformities. The DRB may require that nonconformities be corrected as a condition of approval of a discretionary permit for additional development on the same lot or on adjacent lots in the same ownership. This power is limited to requiring work that is reasonably proportional to the scale of the proposed development.

2.9 Additional Regulations for Nonconformities

2.9.1 What if a nonconforming lot, use, or structure is in a watershed protection buffer?

2.9.1.1 Within SFHA's**.** As provided by WDB 28.l6 and the requirements of the National Flood Insurance Program, nonconformities located in watershed protection buffers that are also Special Flood Hazard Areas may not be maintained, repaired, replaced, or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses conducted in accordance with standard engineering practices and certified by a registered professional engineer that the proposed work will result in no increase in flood levels during the occurrence of the base flood.

2.9.1.2 Outside SFHAs**.** Nonconformities located in watershed protection buffers that are not also Special Flood Hazards Areas may be maintained, repaired, replaced, and enlarged provided that the degree of nonconformity is not increased, and that all exterior work is subject to the runoff and erosion control requirements of Chapter 29 of this bylaw, but no change that permits or expands the processing, manufacture, storage, or handling of regulated hazardous materials or materials that could float and be dispersed downstream during a flood may be permitted.

2.9.2 What if a nonconforming lot, use, or structure is in the Village Zoning District? All exterior changes in the Village Zoning District must comply with the *Williston Village Historic District Design Review Guide*.

Chapter 3

Actors in the Administration of this Bylaw

This chapter lists the actors in the administration of this bylaw and explains their roles. It also addresses conflicts of interest and ex parte contacts.

3.1 Administrator. The Administrator is the town employee or contractor charged with the administration of this bylaw. As required by 24 V.S.A. App. § 156-16h(3)(J) (Section 16h(3)(J) of the Williston Town Charter), he or she is appointed by the Town Manager based on merit and fitness without a definite term. He or she may be removed for cause by the Town Manager, at any time. The Town Manager may also appoint Deputy Administrators.

3.2 Conservation Commission. The Conservation Commission is created by § 15(2)(C) of the *Town Charter*, which describes its composition and the appointment of its members, and in accord with 24 V.S.A. § 4501, et seq. Its role in the administration of this bylaw is to review developments for which a discretionary permit is required and advise the DRB regarding their compliance with this bylaw. The Conservation Commission reviews all developments that implement open space, including all neighborhood parks and watershed protection buffers, and/or recreation paths or trails. The Administrator may also refer other developments to the Conservation Commission.

Town Charter? Williston's charter may be found at the Town's website or in Title 24, Appendix Chapter 156 of the Vermont Statutes Annotated.

3.3 Development Review Board. The Development Review Board (DRB) is created by § 15(b)(2)(B) of the *Town Charter*, which describes its composition and the appointment of its members, and in accord with 24 V.S.A. § 4460 and 4461 (in Williston, the DRB is the AMP, appropriate municipal panel referred to in those statutes). The powers of the DRB are established by this bylaw. The DRB hears appeals from decisions of the Administrator, as provided by WDB 5.4 and reviews and acts on applications for discretionary permits, as described in Chapter 6 of this bylaw. The DRB's rules of procedure are generally established in this bylaw. See WDB 3.10 and 3.11, below, and Chapters 4-12. Rules for the organization of the DRB, including the election of officers, are established in Appendix A of this bylaw.

3.4 Director of Public Works. The Director of Public Works (DPW) is the town employee or contractor charged with the overall supervision of the town's infrastructure. The DPW promulgates the *Public Works Standards* that are referred to in many places in this bylaw and assists the Administrator and DRB in the review of proposed developments.

3.5 Historic and Architectural Advisory Committee (HAAC). The Historic and Architectural Advisory Committee is a seven-member advisory committee, appointed by the Selectboard under the authority of 24 V.S.A § 4433. Its role in the administration of this bylaw is:

3.5.1 … to review proposed developments, including major additions, in the design review districts established in Chapter 22 of this bylaw and advise the DRB regarding their compliance with the design review standards adopted in that and other chapters of this bylaw;

3.5.2 … to review proposed development for which a discretionary permit is required by this bylaw in the VZD and advise the DRB regarding its compliance with the standards established in Chapter 42 of this bylaw, including the standards of the *Williston Village Historic District Design Review Guide*; and

3.5.3 … review applications for administrative permits on referral from the Administrator, as provided by WDB 42.2.2.

3.6 Planning Commission. The Planning Commission is created by § 15(b)(2)(A) of the Town Charter, which describes its composition and the appointment of its members, and in accord with 24 V.S.A. § 4311, et seq. It prepared this bylaw, as provided by 24 V.S.A. 4441, and is responsible for the preparation of any amendments. The Planning Commission may also be asked to advise the Administrator and/or the DRB on the interpretation of this bylaw.

3.7 Selectboard. The five Selectboard members are Williston's chief elected officials. The Selectboard adopted this bylaw, as provided by 24 V.S.A § 4442 and must make any amendments. The Selectboard also appoints the Administrator and the members of the other bodies described in this chapter.

3.8 Town Clerk. This bylaw, as adopted, and some documents produced in its administration must be filed with the Town Clerk.

3.9 Town Manager. The Town Manager is the chief executive officer retained by the Selectboard. The Town Manager signs contracts on behalf of the town, including the development agreements required by Chapter 7 of this bylaw.

3.10 Conflicts of Interest

3.10.1 What is a conflict of interest? Conflicts of interest are defined by Williston's *Conflict of Interest Ordinance*, which is appended to this bylaw as Appendix B.

3.10.2 What is the proper response to a conflict of interest? Any actor in the administration of this bylaw, including staff or any member of the town boards listed in this chapter, who has a conflict of interest in the review of any application for a permit, or in any other proceeding authorized by this bylaw, shall declare that conflict and refrain from any participation in the proceedings.

3.11 Ex Parte Contacts

3.11.1 What is an ex parte contact? An ex parte contact occurs when a member of the DRB or either of the advisory boards (Conservation Commission, HAAC) discusses an application for a permit with the applicant, the applicant's representative, or any of the potentially affected neighbors outside a public meeting or their representatives. Ex parte contacts are defined in the town's *Conflict of Interest Ordinance*: see Appendix B.

3.11.2 What is the proper response to an ex parte contact? Members should avoid ex parte contacts whenever possible. When such a contact is unavoidable, members must disclose ex parte contacts for the record of the hearing.

Chapter 4

Permits Exemptions

This chapter requires a permit for all development activity. It also allows some complete and partial exemptions from that requirement and establishes the two types of permits used in the administration of this bylaw. Permit application, review, and appeal procedures are found in Chapters 5 and 6 of this bylaw.

4.1 Permit Requirements

4.1.1 Is a permit required for development? Yes. Permits are required for all development that is not specifically exempted by WDB 4.2. Failure to obtain a permit before beginning development is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

4.1.2 What is development? 24 V.S.A. § 4293(10) defines "land development" as "the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land." This bylaw uses the term 'development' rather than land development, but they are synonymous.

4.1.3 Are land boundary adjustments development? See Chapter 10 of this bylaw, which establishes the review procedure for proposed boundary adjustments that create no significant potential for future subdivision, but must be reviewed for content and form. Proposed boundary adjustments that present some potential for future subdivision will ordinarily be treated as development for which a discretionary permit is required, but WDB 10.1.3 does provide two possible exceptions to this rule.

4.1.4. Are outdoor sales and storage development? Yes. Outdoor sales and storage are development, and are regulated by this bylaw. Outdoor sales and storage are not permitted in all zoning districts. Where they are permitted, outdoor sales and storage areas must be specifically delineated on the plans submitted with an application for a permit. If approved, outdoor sales and storage will be confined to the delineated areas. Specific standards for outdoor sales and storage appear in the chapters establishing each zoning district.

4.1.5 Are exterior changes that do not change a building's dimensions development? They may be. 24 V.S.A. § 4414(e) specifically authorizes Williston to regulate such changes in design review districts and several zoning districts are designated as design review districts, including the BPZD, GZDS, MUCZD, MURZD, TCZD, and VZD. Development on lots in the IZDW that adjoin Marshall Avenue and Route 2 are also subject to design review.

4.1.6 Is the posting or placement of a sign development? Yes. The installation, posting, or placement of any sign, including temporary and portable signs, is development regulated by this bylaw. 24 V.S.A. § 2291(7) also gives the Town independent authority to regulate signs.

4.1.7 When is a permit required for development? Before ANY land division or work begins. Permits must be obtained before lots are created or before a site is cleared of vegetation or any earth is moved. Clearing or grading a site before applying for the required permits is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6. Restoration of the site to its original condition may be required.

4.2 Exemptions from the Requirements of this Bylaw

4.2.1 Are there exemptions from this bylaw? There are a few, which are listed below. There are also some partial exemptions, which are listed in WDB 4.2.2

4.2.1.1 State-Regulated Utilities**.** As provided by 24 V.S.A § 4413(b), this bylaw does not apply to public utility power generating plants and transmission facilities.

4.2.1.2 Agricultural and Silvicultural Practices. As provided by 24 V.S.A § 4413(d), this bylaw does not apply to specific Accepted Agricultural Practices and Accepted Management Practices in forestry defined by the secretary of agriculture, food, and markets or the commissioner of parks, forests, and recreation, respectively. Farmers must notify the Administrator in writing of the proposed construction activity. This notification must include a sketch of the proposed structure including how it meets local setbacks from adjoining property lines and road rights-of-way.

What are Accepted Agricultural Practices? Agricultural practices that are governed by these regulations [regulations promulgated by the Vermont Agency of Agriculture Food and Markets] include, but are not limited to, the following: (a) the confinement, feeding, fencing, and watering of livestock; (b) the handling of livestock wastes and by-products; (c)the collection of maple sap and production of maple syrup; (d) the preparation, tilling, fertilization, planting, protection, irrigation and harvesting of crops; (e) the ditching and subsurface drainage of farm fields and the construction of farm ponds; (f) the stabilization of farm field streambanks constructed in accordance with the USDA-Natural Resources Conservation Service standards and specifications or other standards approved by the Commissioner; (g) the construction and maintenance of farm structures in accordance with Federal Flood Insurance Management Program standards, the construction and maintenance of farm ponds, farm roads, walls, fences, structures to control the grade and head cutting in natural or artificial channels, and an irrigation, drainage or other water management system that conveys water, controls the direction or rate of flow, or maintains a desired water surface elevation; (h) the on-site production of fuel or power from agricultural products produced on the farm; (i) the on-site storage, preparation and sale of agricultural products principally produced on the farm; and (j) the on-site storage of agricultural inputs including, but not limited to, lime, fertilizer and pesticides. F**arm Structure** means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as "farming" is defined in subdivision 6001(23) of Title 10, but excludes a dwelling for human habitation**.**

4.2.2 Are there partial exemptions from this bylaw? As provided by 24 V.S.A § 4413(e), this bylaw applies to the following developments only to the extent that it does not have the effect of interfering with their intended functional use:

4.2.2.1 … institutions and facilities owned and operated by the state or a municipality;

4.2.2.2 … public and private schools and other educational institutions certified by the state department of education;

4.2.2.3 … churches and other places of worship, convents, and parish houses;

4.2.2.4 … public and private hospitals;

4.2.2.5 … regional solid waste management facilities certified under 10 V.S.A. Chapter 159; and

4.2.2.6 … hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A § 6606a.

4.2.2.7 Permit Requirement for Partially Exempted Developments. Permits are required for the uses listed above. The town is specifically authorized to regulate the "location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening" of these developments. However, the statute then states that the town may not interfere with the intended functional use. In order to clarify the local application of this language, the town adopts the policy stated in WDB 4.2.2.8.

4.2.2.8 Policy on the Regulation of Partially Exempted Developments. The town strongly discourages partially exempted development on sites that are not zoned for the proposed use. In compliance with the statute cited above, however, the town will accept an application for a discretionary permit for a partially exempted development in any zoning district. The DRB will then apply all standards of this bylaw to the proposed development and impose any conditions it finds necessary to maximize compliance. The burden of demonstrating that a condition imposed on a partially exempted development interferes with the intended functional use rests with the applicant.

4.2.3. Are there exemptions from the requirement for a permit, but not from the requirements of this bylaw? Yes. As explained below, permits are not required for some minor development activity that is still subject to all requirements of this bylaw.

4.2.3.1 Accessory Structures on Residential Properties. No permit is required for residential accessory structures, including decks, patios, play structures, and portable structures that are less than 10 feet in height and have a footprint of less than 120 square feet, unless those structures are located within the VZD. Accessory structures on residential properties must, however, comply with the requirements of this bylaw. For example, placing a 100 square foot play structure within 10 feet of a side property line in the MDRZD would not require a permit, but would be a violation of the 15-foot minimum side setback required in that zoning district, subject to enforcement as provided in WDB 7.4-7.6. This exemption does not apply to accessory structures located in the Special Flood Hazard Area.

4.2.3.2 Boundary Adjustments. Boundary adjustments must be reviewed and approved by the Administrator, as required by Chapter 10 of this bylaw, but do not require a permit.

4.2.3.3 Outdoor Lighting of Residential Properties. No permit is required for outdoor lighting associated with one and two family dwellings, but that lighting must comply with the requirements of Chapter 24.For example, installing more lighting than is permitted by WDB 24.2.3.2, would not require a permit, but would be a violation, subject to enforcement as provided in WDB 7.4-7.6.

4.2.3.4 Signs. All signs must comply with the requirements of this bylaw, but no permit is required for the placement or posting of certain signs, including directional signs. For example, no permit is required for directional signs, but placing one in a public right-of-way would be a violation, subject to enforcement as provided in WDB 7.4-7.6.

4.3 Types of Permits. This bylaw establishes two types of permits: administrative and discretionary.

4.3.1 What is an administrative permit? An administrative permit is required for all development that is not specifically exempted by WDB 4.2.1. Applications for administrative permits are reviewed and approved or denied by the Administrator following the procedures of Chapter 5 of this bylaw. Approval of an administrative permit authorizes development to begin. **Approval of a discretionary permit may be required before an application for an administrative permit is submitted.**

4.3.2 What is a discretionary permit? Discretionary permits are required for the developments listed in WDB 4.3.3 and 4.3.4. Applications for discretionary permits are reviewed and approved or denied by the DRB, following the procedures established in Chapter 6. Approval of a discretionary permit does NOT authorize development to begin, but allows the developer to apply for one or more administrative permits. For example, approval of the discretionary permit for a subdivision does not allow the developer to begin grading streets or building homes. An administrative permit must be obtained before grading or building construction begins.

4.3.3 Do I always have to obtain a discretionary permit before applying for an administrative permit? Usually, but not always. A discretionary permit is not required for:

4.3.3.1 … development that was exempted by WDB 4.2.1;

4.3.3.2 … the construction of one or two family dwellings on existing or approved lots, except in the VZD, where a discretionary permit is required;

Existing? Approved? For the purposes of the exemption established by WDB 4.3.3.2, an existing lot is one that is: a) zoned for residential use, b) is presently unoccupied by a dwelling, c) is separate from all adjoining parcels because it is in separate ownership and control or is a split parcel, as defined by WDB 12.1.3.1; and d) was not made separate from adjoining parcels that are in the same ownership by a violation of the town's subdivision regulations. In determining whether a parcel is 'existing,' please refer to the requirements of WDB 2.4. An approved lot is part of a residential subdivision for which a final plan has been recorded, as provided by this or previous bylaws.

4.3.3.3 … accessory dwellings that comply with WDB 17.1;

4.3.3.4 … accessory structures, decks, patios, pools, and certain other improvements on residential properties, as provided in WDB 4.2.3.1 and Chapter 17 of this bylaw;

4.3.3.5 … minor accessory structures, additions, exterior remodels, and site work on multi-family residential, commercial, institutional, and industrial properties, as explained in WDB 4.3.5:

4.3.3.6 … certain boundary adjustments, as provided by Chapter 10 of this bylaw;

4.3.3.7 … certain signs, as provided by WDB 4.2.3.4;

4.3.3.8 … demolition, except in the VZD, where a discretionary permit is required; and

4.3.3.9 … clearing, grading, or excavation that disturbs less than one-quarter (1/4) acre of land and is not undertaken in anticipation of a development for which a discretionary permit will be required. For more on the requirements for clearing, grading, or excavation see Chapter 29 of this bylaw.

4.3.4 To ask a different way: what types of development need a discretionary permit? A discretionary permit is required for all other development, which includes:

4.3.4.1 … the subdivision of land, except the administrative boundary adjustments that are permitted by Chapter 10 of this bylaw;

4.3.4.2 … clearing, grading, or excavation that disturbs one-quarter (¼) or more acres of land, excluding agricultural and forestry practices exempted by WDB 4.2.1.2; and

4.3.4.3 … all multi-family residential, commercial, institutional, and industrial development, including both site improvements and structures, and including both new structures and additions, except 'minor work,' which is defined by WDB 4.3.5.

4.3.5. What "minor" work is exempt from the requirement for a discretionary permit? The construction or installation of small accessory structures, additions, exterior remodels, and minor site work on commercial, industrial, institutional, and multi-family residential properties may require only an administrative permit. The exemptions listed in WDB 4.3.5.1-5 do not apply in the VZD.

4.3.5.1 Accessory Structures. To be 'minor,' accessory structures must be less than 10 feet in height and have a footprint of less than 120 square feet

4.3.5.2 Additions. To be minor, additions must be architectural extensions of the existing building, using identical or essentially identical exterior materials, and include less than 1000 square feet.

4.3.5.3 Exterior Remodels. To be minor, exterior remodels must be architectural extensions of the existing building, using identical or essentially identical exterior materials. An example would be the addition of windows or a door using a fully consistent spacing, rhythm, scale, and materials.

4.3.5.4 Site Work. To be minor, site work must affect less than 1,000 square feet.

4.3.5.5 Outdoor Lighting. To be minor, outdoor lighting work must involve only changes in materials that may be approved by the Administrator or involve the installation of no more than eight (8) luminaires.

4.3.6 Where do I obtain administrative forms**?** The Administrator is authorized to prepare permit application and other administrative forms, and to update those forms as experience and amendments to this bylaw necessitate. These forms may be obtained at Williston Planning, which is located in the Town Hall Annex at 7878 Williston Road or, with some exceptions, on-line at the town's website.

Chapter 5

Administrative Permit Procedures

This chapter establishes application, review, and appeal procedures for administrative permits. All development that is not specifically exempted by WDB 4.2 must obtain an administrative permit following these procedures.

5.1 Filing an Application for an Administrative Permit

5.1.1 Who can apply for a permit? All applications for permits must be signed by the owner of the land on which the development is proposed or by a trustee or guardian of the owner. The owner may appoint a representative to prepare and file the application, but his or her signature is required on the application form. If the proposed development will involve more than one property, the owners of all lots or parcels involved must sign the application for a permit.

5.1.2 What if I have questions before applying for a permit? The town staff can explain the requirements of this bylaw. Staff can also discuss proposed developments and make suggestions prior to the filing of an application. Staff cannot design your project or provide drawings. If you need that type of assistance, retain a qualified professional.

Please Make an Appointment! People who drop in to Williston's Planning Department are often disappointed to find that the entire staff has other commitments. Making an appointment guarantees that a staff person can spend time with you.

5.1.3 Is there an application form? Applications for administrative permits must be submitted on the forms provided by the Administrator, as authorized by WDB 4.3.6. There is a separate form for applications for administrative permits for signs. These forms may be obtained at Williston Planning, which is located in the Town Hall Annex at 7878 Williston Road or, with some exceptions, on-line at the town's website. Please be sure you have the most current version. Applications made on outdated forms will not be reviewed.

5.1.4 What type of plans must accompany the application form? The plans required will vary with the complexity of the proposed development.

5.1.4.1 Where a Discretionary Permit Was Required. The approved final plans must be submitted with the application for an Administrative Permit.

5.1.4.2 Where No Discretionary Permit was Required. The plans submitted must be accepted by the Administrator as sufficient to demonstrate compliance with this bylaw. Meeting this standard will ordinarily require submission of scaled, dimensioned drawings of the proposed development. For very simple projects, like the addition of a deck by a homeowner, a simple sketch and/or photographs illustrating existing conditions may be accepted.

5.1.5 How much does it cost to apply? Application fees are set by resolution of the Selectboard, which may revise the fees at any time. A copy of the current fee schedule is available from the Administrator or on-line at the town's website.

5.1.6 What happens if my application is incomplete? Incomplete applications will be returned with a list of what is needed to make the application complete.

5.2. Administrator's Review and Decision

5.2.1 How long will it take to review my application? 24 V.S.A. § 4448(d) gives the Administrator 30 days from the date a complete application is filed to review that application and make a decision.

Will it really take a month for my application for a permit to be reviewed? Williston Planning makes every effort to process administrative permits promptly. Some permits may be issued on the day the application is filed, but normally there is a short review period. The time required will vary with the workload and the complexity of the permit, however, and applicants are reminded that state law allows 30 days.

5.2.2 How will my application be evaluated?

5.2.2.1 Compliance. The Administrator will review the proposed development for compliance with all applicable requirements of this bylaw.

5.2.2.2 Consistency. The Administrator will review the proposed development for compliance with all applicable conditions of approval.

Conditions of Approval? Many proposed developments will be subject to conditions of approval imposed on previous permit approvals. For example, a subdivision may have been approved with the condition that no more than ½ acre of vegetation be cleared from each lot. The Administrator must review the development of each lot to ensure compliance with this condition.

5.2.2.3 Site Visits. The Administrator often needs to visit the site of a proposed development to assess compliance and consistency, as required by WDB 5.2.2.1 and 5.2.2.2. The filing of an application constitutes permission for a site visit at any time during regular business hours or as otherwise arranged with the applicant. Applicants must provide notice of hazardous conditions on a site and arrange a safe site visit at the Administrator's request.

5.2.2.4 Referrals. The Administrator may refer any application for an administrative permit to Conservation Commission or HAAC, for review and advice. Referrals must take place within the 30 days allowed for permit review by WDB 5.2.1.

5.2.2.5 Decision. If the proposed development complies with all applicable requirements of this bylaw and all applicable conditions imposed on previous permit approvals, the application will be approved and a permit issued. If the proposed development fails to comply, the application will be rejected and the applicant will receive a written explanation listing the requirements and/or conditions with which the proposed development did not comply.

5.2.3 Can conditions be imposed on my permit? Yes. The Administrator may impose conditions on the approval of administrative permits. All such conditions must be provided in writing with the approved permit and designed to ensure compliance with specifically cited requirements of this bylaw or of previous permit approvals.

5.2.4 How will I be notified of the administrator's decision? Some applications for permits may be reviewed while the applicant waits, but usually there is a short review period. In all other cases, the Administrator's decision will be mailed to the applicant via first class mail.

5.2.5 Must I keep a copy of the approved permit on the site while construction is underway? Yes. A legible copy of the approved administrative permit and the approved final plans must be maintained on the site and readily accessible to Town staff or contractors who are conducting inspections at all times until a certificate of compliance is issued or, where no certificate of compliance is required, until work is complete.

5.3 When Permits Take Effect. As explained in WDB 5.4, any decision of the Administrator may be appealed to the DRB. This means that an appeal period must run before permit approval takes effect.

5.3.1 How long is the appeal period? The appeal period begins on the day after the application for a permit is approved or rejected and runs for 15 days.

5.3.2 What must I do during the appeal period? Upon submitting your application, you should post the notice provided by the town in a location on your property that is prominently visible from the nearest public road. You must leave that notice in place for 15 days after receiving your approved permit [24 V.S.A. 4449(b)].

5.3.3 When can I begin work? Work on the development should not begin during the appeal period. **ANY WORK DONE DURING AN APPEAL PERIOD IS A VIOLATION OF THIS BYLAW SUBJECT TO ENFORCEMENT AS PROVIDED IN CHAPTER 7 AND IS UNDERTAKEN ENTIRELY AT THE OWNER'S RISK.** You could be required to remove the work done and restore the site to its original condition.

5.3.4 What happens if an appeal of my permit approval is filed? If an appeal is filed, the permit is suspended until the DRB has heard and made a final decision on that appeal, as provided in WDB 5.4. and the time for taking an appeal of the DRB's decision to the Environmental Court has passed.

5.4 Appeals. 24 V.S.A §4465, et seq. provide that any decision of the Administrator may be appealed to the DRB.

5.4.1 Who may file an appeal? Any interested party. This term is defined at WDB 6.5.5.

5.4.2 How long do interested parties have to file an appeal? 15 days, starting on the day after the permit is approved. A notice of appeal must be filed with the Administrator within 15 days of the day after the decision that is being appealed was made.

5.4.3 What contents are required for a notice of appeal? A notice of appeal must be submitted on the form provided by the town and accompanied by all materials required by the *Appeal Checklist*.

5.4.4 When will the appeal be heard? Upon receiving a notice of appeal, the Administrator will set a date and time for the hearing of the appeal at the next regular meeting of the DRB for which the notice requirements for DRB hearings can be met.

5.4.5 How will the appeal be heard? Appeals hearings will follow the master hearing procedure established at WDB 6.5.6, except that no hearing will be held in the case of successive appeals where the DRB, acting under the authority of 24 V.S.A. § 4470(a), determines that the issues raised and/or facts presented have been decided in an earlier appeal. In such cases, the DRB may reject the appeal and give notice of its action as provided by WDB 6.6.6.

5.4.6 What action can the DRB take on an appeal? Following its hearing of an appeal, the DRB may uphold, modify, or overturn the decision of the Administrator. In every case the DRB shall adopt written findings and conclusions supporting its action.

5.4.7 How will notice of the DRB's decision be given? Notice of the DRB's decision on the appeal will be provided as required by WDB 6.6.6.

5.4.8 Can I appeal the DRB's decision on an appeal? Yes. Appeals of DRB decisions go to the Environmental Court, as provided 24 V.S.A. § 4471.

5.5. Expiration of Administrative Permits

5.5.1 Do administrative permits expire? Yes. An administrative permit is valid for two (2) years from the date of its approval. Note that any time during which a permit is under appeal, either before the DRB or in court, the appeal time will not be counted toward the two (2) year deadline established here.

5.5.2 Can an administrative permit be renewed? Once. An administrative permit will be automatically renewed for one (1) year from the date of its expiration upon written request to the Administrator. Such requests must be received before the permit expires. No further renewals are permitted.

5.6 Changes in Development Plans after a Permit is Approved

5.6.1 What happens if I change a project after an administrative permit is approved? Failure to build in accord with the approved final plans is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6. A fine may be imposed and you may be required to remove all work that is not in accord with the approved final plans.

5.6.2 Aren't minor changes inevitable in any development? The town recognizes that small changes may be necessary as construction proceeds. The Administrator may permit minor revisions or changes to approved final plans as provided here. For substantial changes see WDB 5.6.3.

5.6.2.1 Revised Plans. The applicant must submit revised plans to the Administrator for review. Failure to do this before the proposed change is made is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

5.6.2.2 Dimensional Changes. The Administrator may permit small dimensional changes provided that they do not result in a violation of this bylaw or conditions imposed on previous permit approvals, or in a substantial change, as defined by WDB 5.6.3. For example, the Administrator could permit a builder to shift a door, and the sidewalk leading from the parking area to that door, by a few feet in order to accommodate a change in a proposed building's floor plan.

5.6.2.3 Materials Changes. The Administrator may permit substitutions for proposed building materials provided that the proposed substitute has the same appearance and performance as the approved material. For example, the Administrator could allow a builder to change the brand of outdoor light fixtures proposed for a parking area, if (and only if) the proposed substitute brand was the same height, had the same cutoff, and produced the same level of illumination.

5.6.2.4 Public Works Changes. Minor changes in the location and specifications of required improvements may be permitted. They must be referred to and approved by the DPW before being permitted by the Administrator.

5.6.2.5 Referral. The Administrator may refer proposals for minor changes or revisions to approved developments to the Conservation Commission or HAAC for review and comment before making a decision. Conservation Commission or HAAC reviews must be completed within the time allowed for review of the application by WDB 5.2.1.

5.6.3 What if the change I propose is substantial? If you are going to make a substantial change in a development for which plans have been approved you must apply for a new permit, as required by this bylaw. A substantial change changes:

5.6.3.1 … the approved use (more specifically, a change in use is from one three-digit NAICS classification to another);

5.6.3.2 … the location or extent of a proposed open space;

5.6.3.3 … the location or extent of the area proposed to be cleared, graded, or otherwise disturbed by more than 1,000 square feet (a smaller change in the area that will be cleared, graded, or otherwise disturbed is a minor dimensional change, as provided for by WDB 5.6.2.2);

5.6.3.4 … the location, extent, or design of any required improvements, public or private, including, but not limited to, proposed runoff and erosion control measures, utilities, parking areas, driveways, roads, trails, sidewalks, street trees, and landscaped buffers, except where a minor change is approved by the DPW, as provided by WDB 5.6.2.4;

5.6.3.5 … the approved number of lots, buildings, structures, units, or bedrooms;

5.6.3.6 … the approved location, number, type, and size of signs, excepting signs that would be exempt from the requirement for a permit; and/or

5.6.3.7 … any other architectural or landscape feature that is not "minor work," as defined by WDB 4.3.5.

Making a substantial change from approved final plans without obtaining a new permit is a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

Chapter 6

Discretionary Permit Procedures

This chapter establishes the application, review, and appeal procedures for discretionary permits.

6.1 Overview

6.1.1 What are the steps in the discretionary permit procedure? The principal steps in the review of a development for which a discretionary permit is required are:

- pre-application;
- for residential subdivisions only: growth management review;
- submission of an application, including a filing conference;
- public hearing notice;
- the public hearing;
- DRB action;
- submission of final plans;
- final plan review; and
- obtaining an administrative permit/s to authorize work.

Minor exceptions to some of these steps are explained below. **REMEMBER THAT APPROVAL OF A DISCRETIONARY PERMIT AND FINAL PLAN DOES NOT AUTHORIZE DEVELOPMENT ACTIVITY. IT AUTHORIZES THE APPLICANT TO OBTAIN AN ADMINISTRATIVE PERMIT OR PERMITS.**

6.1.2 What if I have questions before applying for a permit? The town's staff can explain the requirements of this bylaw. Staff can also discuss proposed developments and make suggestions prior to the filing of an application. Staff cannot design your project or provide drawings. If you need that type of assistance, retain a qualified professional.

Please Make an Appointment! People who drop in to Williston's Planning Department are often disappointed to find that the entire staff has other commitments. Making an appointment guarantees that a staff person can spend time with you.

6.2 Pre-Application

6.2.1 When is pre-application review required? Pre-application review is required for all subdivisions and all other new development for which a discretionary permit is required by Chapter 4 of this bylaw, except for subdivisions that create no new development potential and changes in existing developments, including accessory structures, additions, and remodels of multi-family,

commercial, institutional, and industrial properties. For these developments, an application for a discretionary permit may simply be filed as provided by WDB 6.4. Applicants are, however, strongly encouraged to review plans with the Administrator before filing an application.

6.2.2 What is the purpose of pre-application review*?* The purpose of pre-application review is to acquaint the DRB and its advisors with a proposed development site and its possibilities without requiring the presentation of extensive surveying, engineering, or design data. At this step in the review process, plans for complex projects should be presented in an informal way that invites comment and the discussion of alternatives.

6.2.3 How do I schedule a pre-application review? Pre-application review shall be scheduled by filing the appropriate form provided by the Administrator and all additional information required by the *Pre-Application Checklist*. Payment of a pre-application fee will also be required. Upon determining that it is complete, the Administrator will place the pre-application on the agenda of the next regularly scheduled DRB meeting at which time will allow its consideration.

6.2.4 Will my neighbors be notified about the pre-application? Yes. Notice will be provided to adjoining property owners and the general public in the same way as required for a hearing on an application for a discretionary permit: see WDB 6.5.3.

6.2.5 How will my pre-application be reviewed? Pre-applications will be referred to the Conservation Commission and/or HAAC, as relevant, before they are reviewed by the DRB. The Administrator may also provide comments.

6.2.6 Will site visits be required? Yes. The Administrator and members of the Conservation Commission, HAAC, and DRB often need to visit the site of a proposed development. The filing of a pre-application constitutes permission for a site visit at any time during regular business hours or as otherwise arranged with the applicant. Applicants must provide notice of hazardous conditions on a site and arrange a safe site visit at the Administrator's request.

6.2.7 I only want to develop a portion of my land. Why does the Pre-Application Checklist require me to cover it all? Town planning tries to ensure that the decisions individuals make in their own interest are consistent with the community's interests, as expressed in the *Town Plan*. This means looking at how development proposals implement goals like connectivity and watershed health. The requirement that concept plans present a proposed pattern of development for the entire contiguous holdings of the owner is necessary if the town is to do this well. The *Pre-Application Checklist* allows the level of detail presented in a concept plan to vary, and requires little more than a "bubble diagram" for areas that the applicant does not intend to include in the application for a discretionary permit. Actual development may proceed in phases, as provided in WDB 6.4.4 and 7.1.4

6.2.8 What type of action is taken on a pre-application? A pre-application is a basis for discussion. It is neither approved nor rejected and creates no vested rights. The DRB will adopt written recommendations that should be reflected in the application for a discretionary permit. The DRB may also require that certain information be included in the application for a discretionary permit, including:

6.2.8.1 … the wetlands delineation and/or functional assessment that may be required by WDB 29.8.1;

6.2.8.2 … the shared parking study that may be required by WDB 14.2.2; and/or

6.2.8.3 … a traffic study, where it is determined that existing studies do not provide sufficient information (see WDB 13.8).

6.2.8.4 Other Determinations. Pre-application review is also the time at which the DRB may:

- exempt proposed infill developments in the RZD from open space development requirements; and/or
- authorize the transfer of development rights in a discretionary permit application.
- The DRB may also recommend that the applicant prepare a specific plan before an application for a discretionary permit is filed.

6.2.9 How will I be notified of the action taken on my pre-application? The DRB's recommendations will be sent to the applicant and other interested parties by first class mail.

6.2.10 How soon after pre-application review must an application be filed?

6.2.10.1 For Residential Subdivisions. Proposed residential subdivisions are subject to growth management review in the year following their pre-application review. See WDB 6.3 and Chapter 11 of this bylaw.

6.2.10.2 For Other Developments. All other proposed developments must file an application for a discretionary permit within one year after pre-application review or repeat the pre-application process.

6.3 Growth Management Review. All applications for discretionary permits must go through the process described in WDB 6.4. There is, however, a step that all proposed residential developments must take first. That step is the growth management review established in Chapter 11 of this bylaw.

6.4 Filing an Application for a Discretionary Permit. Where required by WDB 6.2, a pre-application must have been submitted and reviewed before an application for a discretionary permit is filed. For proposed residential developments, the growth management review required by WDB 6.3, must also have been completed before an application for a discretionary permit is filed.

6.4.1 Who can apply for a permit? All applications for permits must be signed by the owner of the land on which the development is proposed or by a trustee or guardian of the owner. The owner may appoint a representative to prepare and file the application, but his or her signature is required on the application form. If the proposed development will involve more than one property, the owners of all lots or parcels involved must sign the application for a discretionary permit.

6.4.2 Is there an application form? Applications for discretionary permits must be submitted on the forms provided by the Administrator, as authorized by WDB 4.3.6. These forms may be obtained at Williston Planning, which is located in the Town Hall Annex at 7878 Williston Road or, with some exceptions, on-line at the town's website. Please be sure you have the most current version. Applications made on outdated forms will not be reviewed.

6.4.3 What plans and documents must accompany the application form? A preliminary plan, which may be presented on one or multiple sheets, and includes all items listed in the *Discretionary Permit Application Checklist* must be submitted.

6.4.4 Am I allowed to propose developing in phases? Yes. Where development in phases is proposed, the proposed development agreement that accompanies the application for a discretionary permit must show which parts of the proposed development will be constructed in each phase. A map showing the phases is also required. If the application for a discretionary permit is approved, final plans will be filed and reviewed for each phase.

6.4.5 How much does it cost to apply for a discretionary permit? Application fees are set by resolution of the Selectboard, which may revise the fees at any time. A copy of the current fee schedule is available from the Administrator or on-line at the town's website.

6.4.6 Can I just hand an application for a discretionary permit across the counter? Only if pre-application review was not required. All other applications for a discretionary permit must be filed at a filing conference.

6.4.6.1 Completeness When a Filing Conference is Not Required. The Administrator has 15 working days to determine whether an application for a discretionary permit that was not subject to pre-application review is complete and, if it is complete, to schedule a hearing before the DRB. Incomplete applications will be returned with a checklist indicating what is needed to make the application complete.

6.4.6.2 When a Filing Conference is Required. A filing conference is required for applications for proposed developments that were subject to pre-application review. The applicant must schedule this conference with the Administrator. Its purpose is to review the application materials and determine whether the application is complete. If the application is found to be complete, the Administrator has 15 working days to schedule a hearing before the DRB. If the application is not complete it may be withdrawn, a schedule for the submission of additional materials before a hearing is scheduled may be established by agreement of the applicant and the Administrator, or the applicant may appeal the Administrator's determination that the application is incomplete to the DRB, as provided by WDB 5.4.

6.4.7 Who may communicate with the town about an application for a discretionary permit? Applicants for a discretionary permit must designate a single representative who is responsible for communication with the town.

6.4.8 May I make changes in my application after it is filed, but before the DRB's hearing? Not after the hearing date has been noticed. Due process requires that the DRB's hearing be on the application that was noticed and made available for public review. You may ask the Administrator for time to make changes in response to recommendations of the Conservation Commission or HAAC before a hearing date is set, but must submit a set of plans that is complete and will remain unchanged **BEFORE** the Administrator schedules a hearing before the DRB.

6.5 Review of Applications for Discretionary Permits

6.5.1 Who reviews applications for discretionary permits? Your application will be reviewed by the DRB. In most cases, however, the Administrator will first refer your application to the

Conservation Commission and/or HAAC and to potentially affected departments of town government. Your application will not be placed on a DRB agenda until the Administrator is sure that review by the Conservation Commission and/or HAAC and by town departments will be complete before the hearing.

6.5.1.1 What is the Conservation Commission's role in the review of applications for discretionary permits? The Conservation Commission conducts an informal, but thorough, review of most applications for discretionary permits and makes written recommendations to the DRB. You may be required to arrange and participate in a site visit with the Conservation Commission.

6.5.1.2 What is the HAAC's role in the review of applications for discretionary permits? The HAAC conducts an informal, but thorough, review of applications for permits within the VZD and of applications for discretionary permits for proposed multiple family residential, commercial, industrial, and institutional developments, including major additions, and then makes written recommendations to the DRB. The specific responsibilities of the HAAC are described in WDB 3.5. Applicants may be required to arrange and participate in a site visit with the HAAC.

6.5.1.3 What role do town departments play in the review of applications for discretionary permits? Department heads review applications for discretionary permits and may make written recommendations to the DRB. The Administrator may also convene a project review committee consisting of department heads to provide input to the DRB. Applicants may be required to arrange and participate in meetings and/or site visits with department heads or their designees.

6.5.1.4 Are other agencies involved in development review? The Williston schools will be provided with notice of applications for discretionary permits for proposed residential developments. This notice will be provided in the same way as for an adjoining property owner. The town may also consult with potentially affected state and federal agencies.

6.5.2 Is a public hearing required for all applications for discretionary permits? Yes. The DRB holds a formal public hearing on all applications for discretionary permits.

6.5.3 What type of hearing notice is required? As required by 24 V.S.A. §4464(a)(1), notice of a hearing on an application for a discretionary permit must be given at least 15 days before the hearing, by the following means:

6.5.3.1 … publication of the date, place, and purpose of the hearing in a newspaper in general circulation in Williston;

6.5.3.2 … posting of the same information in three or more public places within the town, including an on-site posting within view from the public right-of-way most nearly adjacent to the property for which development review is required; and

6.5.3.3 … written notification to the applicant and the owners of all properties adjoining the property for which development review is required. This notice shall include:

- a brief description of the proposed development;

- an explanation of how and where the recipient may obtain additional information about the proposed development; and

- a statement that participation in the hearing is required to become an interested party, as defined by WDB 6.5.5.

6.5.3.4 Roles in Providing Notice. The Town will provide the text of the newspaper, posted, and written notices. The developer will provide stamped envelopes addressed to every owner of adjoining property for the Town to use in its mailings, as required by the *Discretionary Permit Checklist*. The developer will also post the notice on the development site and provide the Town with a dated photograph showing that sign, as seen from the nearest public right-of-way.

6.5.4 Must I be present at the hearing? Yes. The applicant or a representative must be present at the hearing. If the applicant or a representative fails to appear, the hearing will be re-scheduled once. If the applicant fails to appear at the re-scheduled hearing, the application for a discretionary permit will be considered void.

6.5.5 Who may speak at the hearing? All persons are free to offer oral or written testimony at hearings conducted by the DRB, but state law provides that only interested parties may appeal decisions. Consistent with 24 V.S.A. § 4465(b), interested parties include:

6.5.5.1 … the owner of the property for which the permit is required by this bylaw;

6.5.5.2 … any municipality or solid waste district that is empowered to condemn such a property, or an interest in it;

6.5.5.3 … the town or any adjoining municipality; and

6.5.5.4 … any person owning or occupying property in the immediate neighborhood of a property for which a permit or other approval required by the town's bylaws is requested who can show that approval of the permit would result in a physical or environmental impact on his or her interests; and alleges that approval of the permit would not be in accord with goals and policies of the *Town Plan* or the requirements of this bylaw.

6.5.5.5 Petitioners. Interested parties also include any ten persons who are owners of real property and/or voters in the town who submit a signed petition alleging that the reversal or modification of the Administrator's decision will not be in accord with goals and policies of the *Town Plan* or the requirements of this bylaw. The petition must designate one person as the group's representative.

6.5.5.6 State Agencies. Interested parties also include any department or administrative subdivision of the state that owns property, or an interest in property, in the town, and the Agency of Commerce and Community Development.

6.5.5.7 Interested Parties Must Participate. In order to file an appeal of a DRB decision, a party must meet the criteria adopted above and show that it participated in the hearing before the DRB. Participation is defined as having offered, through oral or written testimony, evidence or a statement of concern.

6.5.6 What is the hearing procedure?

6.5.6.1 Opening Statements. The presiding member shall state the purpose of the hearing;

- ask whether any member wishes to be excused on account of a conflict of interest, as defined at WDB 3.10, or report an ex parte contact, as defined at WDB 3.11, and excuse any member declaring a conflict-of-interest; and

- advise participants that there are specific statutory requirements for becoming an interested party who can appeal a decision. The chair need not review those requirements, but shall refer the participants to the requirements of this bylaw and state law. The chair shall also state that anyone wishing to be considered an interested party must sign the register specifically provided for that purpose.

6.5.6.2 Questions and Answers. The purpose of a hearing is to take statements for consideration by the DRB. Once the hearing is opened, the DRB will not answer questions nor will it permit questions or discussion among members of the audience. For this reason, the hearing will be preceded by a staff report, which may be followed by questions and answers from the audience.

6.5.6.3 Staff Report. The Administrator or a staff person assigned by the Administrator will present a report that summarizes the findings of fact and conclusions of law included in the written report from the staff. This may be followed by questions from the audience, which shall be directed through the presiding member. No statements of position or opinion will be taken at this time. The purpose of the question and answer session is to help participants understand the development process and to establish the facts.

6.5.6.4 Testimony. Before taking testimony, the presiding member shall remind those who wish to speak to first state their name and address, and that statements are to address the merits of the proposed development, as demonstrated by its compliance or failure to comply with specific requirements of this bylaw. The presiding member shall then ask for testimony, which will begin with the statement of the applicant. Commission members may ask questions following any statement, with questions and responses being directed through the presiding member.

6.5.6.5 Time Limits. The DRB may set and enforce a time limit on oral statements.

6.6 DRB Action

6.6.1 On what basis will the DRB make its decision? The DRB's decision will be based on the proposed development's compliance or failure to comply with the requirements of this bylaw. Where it is considering a proposed development that is subject to a previously approved permit, it will also determine whether or not that proposed development is consistent with all applicable conditions imposed on the previous approval.

6.6.2 Will I be able to listen to the DRB discuss my application? Not necessarily. The DRB may enter a closed deliberative session to discuss any application.

6.6.3 What options does the DRB have after the hearing?

6.6.3.1 Recess. The DRB may recess any hearing to a date certain pending the submission of further information. This is a recess for the purpose of obtaining information only. The 45 days

permitted for a decision by WDB 6.6.4 does not begin until the DRB has received the requested information, closed the hearing, and commenced its deliberations.

6.6.3.2 Approve. The DRB may find that the proposed development complies with the requirements of this bylaw and approve the application for a permit. Conditions may be imposed on the approval of a permit, as provided by WDB 6.6.5.

6.6.3.3 Deny. The DRB may find that the proposed development fails to comply with the requirements of this bylaw and reject the application for a permit.

6.6.4 How long does the DRB have to make a decision? No hearing may be recessed for more than 45 days, except at the request of the applicant, and all decisions must be made and reported within 45 days after the close of a hearing. If a decision is not made within 45 days after a hearing, the proposed development will be deemed approved.

6.6.5 May conditions be imposed on the approval of a discretionary permit? Yes. Conditions designed to ensure compliance with the requirements of this bylaw may be imposed on any approval, as specifically authorized by 24 V.S.A. § 4464(b)(2).

6.6.6 How will the DRB's decision be reported? Within 45 days after the DRB's decision, the administrator shall prepare a record of decision that conveys the DRB's findings of fact and conclusions of law. Copies of the record of decision shall be sent to all agencies or persons who submitted testimony, verbally or in writing, at the hearing. A copy shall also be filed with the Town Clerk. The applicant's copy shall be sent by certified mail.

6.7 Expiration

6.7.1 Do approvals of discretionary permits expire? Yes. Final plans or, where phased development has been approved, final plans for the first phase must be submitted for review within one year of the day the record of decision was issued. If final plans are not filed within the specified time frame set forth in this bylaw, the approval of the discretionary permit shall become null and void.

6.7.2 Is it possible to extend the deadline for filing final plans? Yes. One extension of six months will automatically be granted upon written application to the Administrator.

6.7.3 Are there any additional extensions to the deadline for filing final plans? Yes. The DRB may grant one additional six month extension for the filing of final plans.

6.7.4 Do approvals of discretionary permits expire after final plans are signed? In some case, yes. Discretionary permits approved for non-residential development shall have one year from the date the final plans are signed to obtain administrative permits in accordance with the provisions of WDB Chapter 5, or the discretionary permit approval shall expire.

6.8 Appeals. Appeals from decisions of the DRB may be taken to Environmental Court, as provided by 24 V.S.A. § 4471.

6.9 Final Plans

6.9.1 How soon after approval of the discretionary permit must final plans be filed? As established by WDB 6.7.1, within one year, unless an extension is granted as provided by WDB 6.7.2. Appeals to the Environmental Court must be filed within 30 days after the DRB's decision.

6.9.2 What must be included in final plans? Everything required by the *Final Plan Checklist*.

6.9.3 How are final plans evaluated? The purpose of final plan review is to demonstrate compliance with all conditions imposed on the approval of the discretionary permit and to file final paper work, including a development agreement.

6.9.3.1 Review by Administrator. The DRB may, in its record of decision, delegate review of the final plans of any proposed development to the Administrator.

6.9.3.2 Are the Plans Complete? The Administrator has 15 working days after the filing of a final plan to determine whether it is complete. Upon determining that it is complete the Administrator shall, if authorized as provided by WDB 6.9.3.1, review it, or schedule its review at the next regular DRB meeting at which time permits its consideration.

6.9.3.3 Basis of Review. Compliance with this bylaw was determined when the application was approved by the DRB. The Administrator or the DRB review final plans to ensure that they are in full compliance with the DRB's action, including all conditions of approval imposed in the record of decision.

6.9.3.4 Signatures. Approval of the final plan is indicated by the signature of the Chair of the DRB, or where this authority has been delegated as provided by WDB 6.9.3.1, the Administrator, in the signature block provided on the final plan, and by the signature of the Town Manager on the development agreement, where one is required.

6.9.3.5 Notice of Decision. One copy of the signed plan and development agreement will be provided to the applicant by hand delivery or certified mail. A copy will also be provided to the DPW and any other department head who requests one. Copies will be made available to any other interested party for the cost of copying.

6.9.3.6 Recording. Final plans for subdivisions must be recorded in the town's land records. WDB 6.9.5 sets a deadline on the recording of subdivision plans. Other final plans are not recorded.

6.9.4 Can conditions be imposed on the approval of a final plan? No. A final plan is complete and ready to build by definition. It must be either approved or denied. The approved development agreement and the other means of enforcement adopted in Chapter 7 of this bylaw will ensure compliance with all conditions of approval.

6.9.5 When must a final subdivision plan be recorded? If the final plan of a proposed subdivision or phase of a subdivision is not recorded within 180 days after the approval of the final plans for that subdivision, its approval becomes null and void. The Administrator may, upon written request, extend this deadline by up to 90 days if other local or state approvals are pending.

6.10 Amendments

6.10.1 What if I want to change the approved plan before, or during, construction? Final plans are binding, as approved. No administrative permit will be approved for development that is not consistent with the approved final plans. WDB 5.6 does allow some exceptions for minor changes.

6.10.2 Is making a change without a permit a violation of this bylaw? Yes. Making a substantial change from approved final plans without obtaining a new permit is a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

6.10.3 What if a substantial change is necessary? The approved final plans must be amended. Final plan amendments are made using the discretionary permit procedure of this chapter, but skipping the pre-application step, and subject to the additional rules established here.

6.10.3.1 Limited Scope. The scope of the hearing and DRB action will be limited to determining whether the proposed amendment complies or fails to comply with this bylaw.

6.10.3.2 Exception to Limited Scope. The scope of review may be expanded when an amendment to the approved final plans is proposed on a property that is not in full compliance with those plans or this bylaw.

6.10.3.3 Conditions. The DRB may impose conditions designed to ensure compliance with specific, cited requirements of this bylaw on the approval of a proposed amendment.

6.10.3.4 Depiction. The plans submitted with the proposed amendment must show the proposed changes from the approved final plans using color or another technique that makes it easy for reviewers to identify the changes.

Chapter 7

Enforcement, Including Guarantees that Improvements will be Made

This chapter provides for the enforcement of this bylaw. It requires developers to provide adequate guarantees that required improvements will be installed as proposed and requires that a certificate of compliance be issued before most developments or phases of developments may be occupied or used. This chapter also establishes the procedures by which violations of this bylaw may be addressed, including civil penalties.

7.1 Required Improvements

7.1.1 What is a required improvement? A required improvement is any improvement, public or private, required for compliance with this bylaw. Required improvements – not all of which are required in every development - include the following, as shown on the final plans approved by the DRB:

7.1.1.1 … roads, public or private, including bridges, culverts, curbs, gutters, sidewalks, street lights, signs, signals, street trees, and other associated improvements;

7.1.1.2 … access driveways, off-street parking and loading areas, and associated improvements;

7.1.1.3 … paths, trails, urban parks, neighborhood parks and other open spaces, and associated improvements;

7.1.1.4 … water and sewer mains, community sewerage systems, storage reservoirs, pump stations, and associated improvements;

7.1.1.5 … runoff, erosion control, and stormwater management measures, including plantings;

7.1.1.6 … landscaping, including landscaped buffers, landscaping in required setbacks, parking area landscaping, and all other required and/or approved landscaping, screening or buffering; and

7.1.1.7 … all other improvements required by this bylaw to protect public safety or mitigate the potential impacts of the development.

7.1.2 Who pays for the installation of required improvements? Installation of required improvements shall be at the developer's expense. An exception may be made where it is prudent for the town to participate in the installation of improvements in order to correct existing deficiencies in service to other properties or to anticipate future needs. The town's participation shall be negotiated by the DPW before final plans are reviewed and included in the signed development agreement.

7.1.3 Are there standards for required improvements? Yes. Required improvements shall be installed in compliance with this bylaw and the *Public Works Standards*.

7.1.4 When must required improvements be installed? All required improvements must be in place and accepted before a certificate of compliance - which permits a development, or a phase of a development, to be occupied - can be issued by the town, as provided by WDB 7.3. Certificates of compliance may be issued for all improvements at once or by phase. Either way, the installation, inspection, acceptance, and warranty of required improvement shall proceed as provided by a development agreement.

7.1.5 What is a development agreement? A development agreement is a contract between the applicant and the town, signed by both. A development agreement is required for all developments that include required improvements. It:

7.1.5.1 … incorporates by reference the approved final plans of the entire development or, where phased development of required improvements has been approved, detailed plans of the initial phase;

7.1.5.2 … sets a schedule for the completion of the required improvements in the entire project or the initial phase, and, where applicable, provides an anticipated schedule for the submission of final plans, cost estimates, and guarantees of improvements in future phases;

7.1.5.3 … lists all required improvements, either for the entire project or the initial phase, and their estimated cost;

7.1.5.4 … guarantees completion of all required improvements using one of the methods listed at WDB 7.1.6;

7.1.5.5 … establishes a schedule for the inspection of required improvements as work progresses;

7.1.5.6 … provides a process by which the town may, if necessary, complete required improvements using the guarantees provided;

7.1.5.7 … provides a process by which either party may request renegotiation of the development agreement,

7.1.5.8 … provides a process by which the development agreement may be transferred, with notice to the town, to the developer's successors; and

7.1.5.9 … provides that the development agreement and any vested rights created by approval of the final plan become void if the town is required to use a guarantee to complete required improvements or if the anticipated schedule of improvements required above is not met or renegotiated. The anticipated schedule may be renegotiated without losing vested rights, provided that such negotiations are initiated within 180 days after failure to initiate or complete a phase as scheduled.

7.1.5.10 Maintenance. A development agreement may also include a contract for town plowing of roads or other routine maintenance to be performed by the town during the warranty period required by WDB 7.2.1.

A draft development agreement must be submitted with the preliminary plans, as required by the Discretionary Permit Application Checklist.

Model Development Agreement. Development agreements can be complex. The town provides a model, which is attached as Appendix C. but each agreement will require careful thought and drafting.

7.1.6 How will the installation of required improvements be guaranteed? Completion of the improvements identified in a development agreement must be guaranteed by one of the following methods:

7.1.6.1 For Required Improvements that Will Come Into Public Ownership. This may include arterial and collector roads, and associated improvements; local roads that will become town toads, and associated improvements; water and sewer mains and associated improvements; certain paths and trails and associated improvements; and other required improvements specified as public in the approved final plans and the development agreement. The applicant must place an amount equal to 110% of the estimated cost of installing the required improvements in escrow for the town before an administrative permit for work on the required improvements will be approved. The development agreement will specify the location and terms of the escrow account, including the phased return of portions of the funds taken in escrow as work proceeds, provided that at least one-third (33%) of the funds taken shall be retained until a certificate of compliance has been issued.

7.1.6.2 For Required Improvements that Will Not Come Into Public Ownership. Many required improvements, parking areas and landscaping, for example, will remain in private ownership, maintained by the applicant, the applicant's successors, or an owner's association. These improvements are still necessary for compliance with this bylaw and must be in place before a certificate of compliance is issued. The town will seek to ensure timely completion of these improvements by requiring the applicant to provide an irrevocable letter of credit or place money in escrow, in the amount of 10% of the estimated cost of the required private improvements before any administrative permit for work on the project is approved. The letter of credit will be surrendered or the amount taken in escrow returned when a certificate of compliance has been issued. The development agreement will specify the terms of the letter or credit or escrow account, including the phased return of portions of the funds taken in escrow as work proceeds, provided that at least one-third (33%) of the credit offered shall be retained until a certificate of compliance has been issued.

7.1.6.3 In Case of Default. If any of the required improvements are not completed as provided by the development agreement, the town shall use as much as necessary of the money held in escrow or the credit offered to complete those improvements. Any balance remaining in the escrow account will be returned to the applicant.

7.1.6.4 Disposition of Interest. Interest earned on escrow accounts established to comply with WDB 7.1.6.1 and 7.1.6.2 shall be added to the account to reflect the inflating cost of making the improvements in the event of default.

7.1.7 Will required improvements be inspected? Yes.

7.1.7.1 By the Town. Required improvements must be inspected by the Administrator and/or the DPW or their designees before a certificate of compliance is issued and the guarantees required by WDB 7.1.6 are returned. As provided by WDB 7.1.5.5, a proposed schedule of

inspections must be included in the draft development agreement. A final schedule will be included in the approved development agreement.

7.1.7.2 By the Applicant. Applicants may be required to provide reports of inspections made by their own architects, engineers, landscape architects, or other appropriate professionals during the construction or installation of required improvements. The frequency of these reports may vary with complexity and extent of the work. A schedule will be determined by the Administrator, with the advice of the DPW and included in the development agreement.

7.1.8 Are there inspection fees? Yes. Fees for the inspection of required improvements are established in the *Public Works Standards*. Inspection fees must be paid at the pre-construction meeting.

7.1.9 Are as-built drawings of required improvements required? Yes. Reproducible as-built drawings of all required improvements must be provided to the town in the format specified by the DPW, at the applicant's expense.

7.2 Maintenance of Required Improvements

7.2.1 Is continuing maintenance of required improvements required? Yes. Continuing maintenance of required improvements that will not come into ownership of the town or another public agency is required. Failure to maintain a required improvement is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

7.2.2 Must there be a warranty for required improvements? Yes. The applicant is responsible for the maintenance of all required improvements that have been dedicated to the town for three years after the certificate of compliance is issued. This includes correcting defects in materials and workmanship, and repairing damage to required improvements caused by construction. This warranty will be secured by keeping 10% of the funds placed in escrow and/or made available via an irrevocable letter of credit to comply with WDB 7.1.6 available to the town. As provided by WDB 7.1.6.3, the town may use those funds where an applicant fails to make good on the warranty required here.

7.2.3 How will maintenance of required improvements be guaranteed when the developer is gone? Continuing maintenance of improvements that will not come into ownership of the town or another public agency is the responsibility of the owner. Any development that results, or may reasonably be expected to result, in the creation of multiple ownerships, including subdivisions and condominiums, shall create an owner's association or similar mechanism that is responsible for continuing maintenance of required improvements. Drafts of the declaration of covenants, articles of incorporation, and bylaws for that association shall be submitted with the application for a discretionary permit. The final version of these documents must be approved with the final plan, and recorded before an administrative permit is issued for any work on the project.

7.2.4 What does maintenance include? Standards for the maintenance required by WDB 7.2.3 are set in Chapter 16 of this bylaw.

7.3 Certificates of Compliance

7.3.1 When is a certificate of compliance required? A certificate of compliance (CC) is required upon the completion, inspection, and acceptance of required improvements and/or when any new

structure is connected to town utilities. CC's are not required for other developments. Failure to obtain a CC where one is required is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

7.3.2 How do I get a certificate of compliance The applicant must file a written request for a CC before the final inspection scheduled in the development agreement or as a condition of approval. If all required improvements have been completed in accord with the approved final plans and the development agreement, a CC will be issued within 15 working days following that final inspection.

7.3.3 Winter is coming! Is it possible to get a temporary certificate of compliance? Yes. The Administrator may, upon written application, and after consulting with the DPW, issue temporary certificates of compliance (TCC) for periods of up to 365 days. TCC's shall expire on a date certain and shall specifically list all work that must be completed before a CC will be issued. Failure to complete work as scheduled when a TCC has been issued is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

7.4 Enforcement I. The town has access to two different enforcement procedures. The first is established by the state's planning enabling legislation. It is explained in this section. The second enforcement procedure is the same as for ordinances. It is explained in WDB 7.5. Either procedure may be used to address any violation of this bylaw. Generally the procedure established here, in WDB 7.4, will be used for major violations, while the procedure established in WDB 7.5 will be used for minor violations, like the posting of a temporary sign without a permit.

7.4.1 How is this bylaw enforced? As provided by 24 V.S.A. § 4452, the administrator may, in the name of the town, institute any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate a violation of this bylaw.

7.4.2 Must the owner be notified before enforcement? Yes, but only for the first offense. As required by 24 V.S.A § 4451, alleged offenders will be given seven (7) days warning, via certified mail, and an opportunity to correct the violation before the Administrator institutes an action. The seven-day warning and opportunity to correct the violation need not be provided for a second offense that occurs within 12 months of a warning being provided.

7.4.3 What is the penalty for a violation? Any person who violates this bylaw may be fined not more than $100 for each offense. Each day that a violation continues is a separate offense.

7.5 Enforcement II

7.5.1 Can the administrator issue tickets for violations of this bylaw? Yes. As authorized by 24 V.S.A. § 1974a, the Administrator may issue a Vermont Civil Violation Complaint for any violation of this bylaw.

7.5.2 How do I respond to a civil violation complaint? Violations of this bylaw are civil matters, supervised by the Judicial Bureau. You have 20 days to respond to a complaint issued by the Administrator. You may respond by admitting the violation or pleading "no contest" and paying the waiver fee. You may also deny the violation, in which case a hearing will be scheduled before the Judicial Bureau.

What is the Judicial Bureau? See http://www.vermontjudiciary.org/courts/JudicialBureau/FAQmunord.htm

7.5.3 What is the penalty for a civil violation? First, you should understand that each day in which a violation continues is a separate violation, subject to a separate complaint and penalty.

7.5.3.1 First Offense. The penalty for a first offense shall be $250.00, but the waiver fee for those who admit the violation or plead no contest shall be $150.00.

7.5.3.2 Subsequent Offenses. The penalty for each subsequent offense shall be $500.00, but the waiver fee those who admit the violation or plead no contest shall be $400.00.

7.6 An Additional Means of Enforcement. No permit, administrative or discretionary, may be approved for development on a parcel on which there is an outstanding violation of this bylaw.

Chapter 8

Variances and Amendments

This chapter establishes a variance procedure that provides for relief from the strict application of this bylaw when certain findings can be made. It also explains how this bylaw can be amended.

8.1 Variances

8.1.1 Is it possible to obtain a variance from the requirements of this bylaw? Yes, but not easily. A variance may be granted only where the DRB can make the findings required by WDB 8.1.3 or, if applicable, WDB 8.1.4.

8.1.2. How would I apply for a variance? An application for a variance is treated as an application for a discretionary permit. It will be combined with such an application where the variance would permit development for which a discretionary permit is required. Where only an administrative permit would ordinarily be required, a development for which a variance is needed will be treated as if a discretionary permit was required.

8.1.3 What findings are required for the DRB to approve a variance? The DRB must, as required by 24 V.S.A. §4469, make the following findings:

8.1.3.1. …there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of this bylaw in the neighborhood or district in which the property is located.

8.1.3.2. …because of these physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of this bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

The "Bottom Line" on Variances. If the property has been, or can be, developed for a conforming use, the town cannot allow a variance. See WDB 8.1.4 for a narrow exception to this rule for renewable energy resource structures.

8.1.3.3. … the unnecessary hardship has not been created by the appellant or his/her predecessors in interest.

8.1.3.4 … the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare, and

8.1.3.5. … the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and the *Town Plan*.

8.1.3.6 <u>For Nonconformities</u>. A variance may be approved to permit the reasonable use of a nonconforming lot, but only in the limited situations that are made possible by WDB 2.2.3.1 and 2.4.3.2,

8.1.4 Isn't it easier to obtain a variance for renewable energy resource structures? A little. As provided by 24 V.S.A. § 4469(b), a variance for a proposed renewable energy resource structure may be approved where the DRB finds that it is unusually difficult or unduly expensive for the applicant to build a suitable renewable energy resource structure in conformance with this bylaw, and can also make the findings of WDB 8.1.3.3 through 8.1.3.5.

8.2 Amendments. This section is based on 24 V.S.A. § 4441 which provides the statutory requirements for bylaw adoption, amendments, and repeal.

8.2.1 Who may propose an amendment of this bylaw? Amendments may be proposed by the planning commission or any other person or body. Proposed amendments that are not prepared by the planning commission must be submitted in writing, along with supporting materials, at least 30 days before the regularly-scheduled planning commission meeting at which their consideration is requested. Requests for consideration of an amendment may be accompanied by a petition, as explained in WDB 8.2.2.

8.2.2 Can the planning commission be compelled to conduct a hearing on a proposed amendment? The planning commission may find that an amendment proposed by another person or body would be consistent with the *Town Plan* and proceed as if it had prepared that proposal. If the planning commission declines to consider a proposed amendment, it may be compelled to do so by a petition signed by not less than five percent (5%) of the town's registered voters.

8.2.3 Can the planning commission change proposed amendments that are submitted via petition? The planning commission may correct technical deficiencies in proposed amendments submitted via petition, but may make no other changes before preparing the report required by WDB 8.2.4, and scheduling a hearing.

8.2.4 How will proposed amendments be explained to the public? The planning commission must prepare a report on all proposed amendments. That report is required to explain the proposed amendment and its purpose, and address the following:

8.2.4.1 … how it conforms with or furthers the goals and policies contained in the *Town Plan*, including the effect of the proposal on the availability of safe and affordable housing;

8.2.4.2 … how it is compatible with the proposed future land uses and densities of the *Town Plan*; and

8.2.4.3 … how it, as applicable, carries out any specific proposals for planned community facilities.

8.2.5 How will notice of the hearing be given? Upon completion of the report required by WDB 8.2.4, above, the planning commission shall schedule at least one public hearing on the proposed amendment. Notice of that hearing shall be given as provided here.

8.2.5.1 Publication. The hearing, the date, time, place, and purpose of the hearing shall be published in a newspaper of general circulation within the town at least 15 days before the hearing.

8.2.5.2 Posting. The date, time, place, and purpose of the hearing shall be posted in three or more public places within the town, including the offices of the town clerk, at least 15 days before the hearing.

8.2.5.3 Additional Contents. The hearing notice shall also include:

- a statement of purpose for the proposed amendment, which shall be same as the statement of purpose included in the report required by WDB 8.2.4;
- a map or description of the area that will be affected by adoption of the proposed amendment;
- a table of contents or list of section headings, and
- an explanation of how a copy of the full text may be obtained.

8.2.5.4 Notice to Agencies. At least 15 days before the hearing, a copy of both the proposed amendment and the report required by WDB 8.2.4, above, shall be delivered, with proof of receipt, or mailed by certified mail, return receipt requested, to each of the following: the chairperson of the planning commission of each adjoining municipality, or in the absence of a planning commission, the clerk of the m:unicipality; the Executive Director of the Chittenden County Regional Planning Commission; and the Vermont Department of Housing and Community Affairs.

8.2.6 What is the hearing procedure?

8.2.6.1 Opening Statements. The presiding member shall state the purpose of the hearing, and if the hearing concerns a zoning map amendment or another change that affects the interests of a particular landowners or owners (as opposed to a change that affects the entire town):

- ask whether any member wishes to be excused on account of a conflict of interest, as defined at WDB 3.11 or report an ex parte contact, as defined at WDB 3.11, and excuse any member declaring a conflict of interest; and
- advise participants that there are specific statutory requirements for becoming an interested party who can appeal a decision. The chair need not review those requirements, but shall refer the participants to the requirements of this bylaw and state law. The chair shall also state that anyone wishing to be considered an interested party must sign the register specifically provided for that purpose.

8.2.6.2 Questions and Answers. The purpose of a hearing is to take statements for consideration by the planning commission. Once the hearing is opened, the commission will not answer questions, nor will it permit questions or discussion among members of the audience. For this reason, the hearing will be preceded by a staff report, which may be followed by questions and answers from the audience.

8.2.6.3 Staff Report. The staff will summarize the written report required by WDB 8.2.4 and present additional information regarding the proposed amendment. This report may be followed by questions from the audience, which shall be directed through the presiding member. No statements of position or opinion will be taken at this time. The purpose of the question and

answer session is to help participants understand the amendment process and to establish the facts.

8.2.6.4 Testimony. Before taking testimony, the presiding member shall remind those who wish to speak to first state their name and address, and that statements are to address the merits of the proposed amendment. The presiding member shall then ask for testimony. Members may ask questions following any statement, with questions and responses being directed through the presiding member.

8.2.6.5 Time Limits. The Planning Commission may set and enforce a time limit on oral statements.

8.2.7 What actions can the planning commission take? After considering all statements taken at the hearing, the Planning Commission may decide that no further action on the proposed amendment is justified or revise the proposed amendment and the accompanying report as it deems necessary, then submit them to the Selectboard for consideration.

8.2.8 Can the Planning Commission be compelled to send a proposed amendment to the Selectboard? Yes. Upon written request of the Selectboard or where the proposal was accompanied by a petition signed by not less than five percent (5%) of the town's registered voters, the Planning Commission shall correct any technical deficiencies and promptly submit the proposal, together with its recommendation, to the Selectboard.

8.2.9 Must the Selectboard hold a hearing on a proposed amendment*?* Yes. Within 120 days of receiving a proposed amendment from the Planning Commission, the Selectboard shall schedule one or more public hearings on that proposal. Notice shall be given in the same way as provided for planning commission hearings. The Selectboard may make minor revisions to the proposed amendment, but these shall be complete and available for public review at least 14 days before the scheduled hearing.

8.2.10 What actions can the Selectboard take*?* The Selectboard may, at any meeting after the final public hearing, decide not to adopt the proposed amendment, adopt the proposed amendment as presented, or make revisions. If the Selectboard makes substantial revisions in the proposal, it shall schedule and give notice of new hearings. Proposed revisions shall also be filed with the Town Clerk and the Planning Commission at least 10 days before the scheduled hearing. Upon receipt of such changes, the Planning Commission shall amend the report required by WDB 8.2.4, and submit that report and its recommendation to the Selectboard at, or before, the hearing.

8.2.11 When does an amendment or repeal become effective? Upon adoption by the Selectboard, an amendment becomes effective in 21 days.

8.2.12 Is the public allowed to vote on amendments to this bylaw? A petition calling for a popular vote may be filed with the Town Clerk within 20 days following the adoption of an amendment by the Selectboard. If the petition is signed by not less than five percent (5%) of the town's registered voters, the amendment shall not take effect, and a town meeting shall be warned for the purpose of voting upon the proposed amendment by Australian ballot.

Chapter 9

Specific Plans

This chapter provides for the creative evolution of development in Williston, consistent with the vision and objectives of the *Town Plan*, and as specifically called for by 3.3.6 of that plan. To do this, it sets up a procedure by which landowners work cooperatively with the Planning Commission and public to draft and propose amendments to the *Town Plan* and this bylaw.

9.1 Purpose – Definition - Authority

9.1.1 What is the purpose of the specific plan option? The 2006 *Town Plan* called for the use of the specific plan as a tool that replaces the PUD/PRD provisions of the bylaws as they then existed. The availability of this tool will encourage and permit the creative redesign and redevelopment of commercial areas. The specific plan option may also be used in other areas where it would help realize the objectives of the *Town Plan*. The two principal advantages of the specific plan option are explained below.

9.1.1.1 A Specific Commitment. Conventional zoning makes it impossible for a community to change zoning for a specific use that provides substantial public benefits without the risk that the desirable use will not materialize and the zoning change will permit less desirable ones. A 'specific' plan remedies this by providing detailed performance standards for development in the area it includes. Its adoption permits only the **specific** types of changes proposed by the applicant/s. If the specific changes proposed by the applicants are not made, the standards will continue to apply until changed by another specific plan or an amendment proposed by the Planning Commission and adopted as provided in Chapter 8 of this bylaw.

9.1.1.2 But Not Spot Zoning. The specific plan avoids claims of "spot" zoning because it is not a "deal" between a community and an individual landowner. A specific plan must go through the same process required for adoption of the *Town Plan* and bylaws. This ensures that, while it will (as all land use changes do) serve private interests, it will also provide substantial public benefits. The specific plan process cannot begin without a finding, by the Planning Commission, that substantial public benefits could result.

> ***Excerpt from the 2006 Town Plan***
>
> **3.3.6 Revise the PUD/PRD Regulations.** The current planned unit (PUD) and planned residential (PRD) development sections of the town's bylaws will be revised to reflect Williston's actual practice in reviewing major projects. While the procedure has never been written into code, the town has attracted citizen involvement early in the review of major development proposals and worked with developers to create specific plans for particular parcels. The most recent example was the process that resulted in 2004 approval of a concept plan for the Pecor-Gianarelli property. The existing PUD/PRD regulations will be replaced with a participatory, performance-driven specific plan process that facilitates commercial and mixed-use development and redevelopment that advances the goals of this plan. This process will also be available wherever it would help realize the objectives of this plan, including the expanded Village Zoning District (see 3.4.1) and the ARZD (see 3.6.2).

9.1.2 What is a specific plan? A specific plan is a set of amendments to the *town's Comprehensive Plan* and this bylaw that has been developed by one or more landowners working with the Planning Commission and the public, at the landowners' expense. The contents of a specific plan will vary with the type and complexity of the development or redevelopment it would permit: see WDB 9.3.5

9.1.3 Is the specific plan option permitted by Vermont law? Yes. Because a specific plan is a set of amendments to the *Town Plan* and bylaws, it is adopted using the procedures set forth in 24 V.S.A. § 4384-4385 for the amendment of plans and 24 V.S.A § 4441-4442 for the amendment of bylaws, as well as the additional procedures established here.

9.1.4 Could a specific plan also be a master plan, as permitted by Vermont's growth centers law? Possibly. 24 V.S.A. § 2793c(i)(5) provides for master plan applications to district environmental commissions.

9.2 Use of the Specific Plan Option

9.2.1 When is use of the specific plan option permitted? The specific plan option may be used only where the Planning Commission determines that a substantial benefit to the town could result.

9.2.2 What is a substantial benefit? A substantial benefit is an action or actions, to be taken by the applicant/s at their expense, which implements the ~~*Town*~~ *town's Comprehensive Plan* by:

9.2.2.1 Open Space. Conserving one or more open space assets identified in the *town's Comprehensive_Plan*, or another open space asset acceptable to the Conservation and Planning Commissions.

Open Space Assets? Potential open space acquisitions are identified in the *Open Space Plan*, which is Appendix C of the *2006 TownPlan*.

9.2.2.2 Housing. Providing a substantial number of perpetually affordable, entry-level, or employee housing units, as called for by the *town's Comprehensive Plan*.

Affordable Housing? The need for more affordable housing is addressed in Chapter 5 of the 2006 Town Plan. See 5.2 – Housing Opportunities.

9.2.2.3 Infrastructure. Providing a major infrastructure asset, the need for which is identified in the *town's Comprehensive Plan*.

Major Infrastructure Assets? Major infrastructure assets that could be provided as part of a specific plan include development of the park north of the Allen Brook School, as described in the *Open Space Plan*, any of the major transportation improvements listed in Chapter 6 of the *2006 Town Plan*; and/or any of the improvements listed in Chapter 7 of that plan, including construction of a new town shop in a suitable location and major sewer and water system improvements.

9.2.2.4 Town Center. Making a major contribution to the public infrastructure required for the development of a pedestrian-friendly, design-conscious, mixed-use town center, consistent with the vision and objectives of the *town's Comprehensive Plan*.

Town Center Development? See Chapters 3 and 4 of the 2006 Town Plan, specifically 3.3 Taft Corners, 4.2 Commercial Design, and 4.3 Mixed Use. See also the vision presented in Williston's successful application for growth center designation.

9.2.2.5 Jobs. Providing significant job retention or expansion in a basic industry may also be considered a substantial benefit, but ONLY when combined with at least one of the other substantial public benefits listed above.

What is a "basic industry?" A basic industry is one that exports goods, services, and/or information from the region. While Williston is a regional shopping hub, retailing and personal services are not considered basic.

9.2.2.6 Transit. Where transit is available, any development permitted by a specifc plan that will employee 100 or more people must provide discount bus passes to its employees and otherwise participate in the available transportation demand management programs.

9.2.2.7 Consultation. In making its determination of substantial benefit, the Planning Commission shall consult, as appropriate, with the Conservation Commission, the Historic and Architectural Advisory Committee, the DPW, and other town boards and officials.

9.2.2.8 Mere Compliance is NOT a Substantial Public Benefit. Compliance with the requirements of this bylaw is a minimum expectation, not a substantial benefit to the community. Substantial benefits must be actions above and beyond what an applicant would be required to take to comply with this bylaw.

9.3 Specific Plan Procedure

9.3.1. How does the specific plan process begin? Development of a specific plan begins with an application from one or more landowners to the Planning Commission. This application shall be submitted on the form provided by the Administrator and accompanied by all of the materials required on the Specific Plan Application Checklist.

9.3.2 How does the planning commission respond to an application to create a specific plan? The Planning Commission will review the application at a regularly scheduled meeting. If the Commission tentatively determines that a substantial benefit may result from adoption of the proposed specific plan, it will schedule public review of the application.

9.3.3 How will the public be involved in reviewing a proposed specific plan? The review process will always end with public hearings before the Planning Commission and the Selectboard, but will begin with a community meeting and, in most cases, the appointment of a citizen's advisory committee.

9.3.3.1 Community Meeting: Notice. The Planning Commission will schedule a community meeting regarding the proposed specific plan. This informal meeting will be preceded by at least 15 days' written notice to all owners of adjoining properties and potentially affected public service providers and agencies. Notice will also be published in a newspaper of general circulation in Williston and provided by such other means as the applicants and commission agree. Notice will be provided by the applicants, at their expense. Failure to provide timely notice will end the process.

9.3.3.2 Community Meeting: Procedure. The community meeting on a proposed specific plan will be informal. The applicants will present their proposal for discussion. Following that discussion, the Planning Commission will:

- decide not to continue the process, having determined that no substantial community benefit is likely result; or

- determine, in written findings, that substantial community benefits could result and appoint a citizen advisory committee to work with the applicant/s to develop the specific plan.

- The Planning Commission may also determine, again in written findings, that the proposed specific plan provides a substantial benefit/s without having the potential of adverse impacts on neighboring properties, the town's infrastructure, or the environment, and direct the applicants to work with staff to complete the specific plan and schedule a public hearing.

9.3.3.3 Advisory Committee Composition. Advisory committees will vary with the nature of the proposed plan, but should include:

- at least one Planning Commission member;

- one or more representatives of other town boards, as they may be affected or involved:

- one or more representatives of the affected neighborhood;

- representatives from adjoining municipalities and state agencies, as they may be affected or involved, or offer special expertise;

- members representing the community at large; and

- independent experts qualified to contribute to and evaluate the work of the applicants as the specific plan is developed, who may serve as *ex officio* members.

The goal is to create a committee that is both broadly representative of those whose interests may be affected by the proposed specific plan and well-qualified.

9.3.3.4 Deadline. The Planning Commission shall impose a reasonable deadline on the work of a specific plan advisory committee.

9.3.4 How will the specific plan be developed? The applicants will work with the advisory committee and/or staff to develop a specific plan within the deadline established by the Planning Commission. The applicants will be responsible for the costs of this process, including scheduling and conducting meetings, which must be public meetings, and providing the services of attorneys, designers, facilitators, and planners, as needed.

9.3.5 What will the specific plan include? A specific plan is a detailed guideline for the development or redevelopment of a given site, or sites, presented in the form of proposed amendments to the *town's Comprehensive Plan* and this bylaw. A specific plan also includes a plan for the provision of any major public infrastructure needed to serve the development or redevelopment it enables. See the *Specific Plan Contents Checklist* for details.

9.3.6 What can a specific plan change?

9.3.6.1 The Plan. A specific plan can refine and add detail to the objectives and policies of the *Town Plan*, provided that it is consistent with and implements the overall vision stated in the *Town Plan*.

9.3.6.2 The Bylaw. A specific plan can refine the standards adopted in this bylaw. It can also create new zoning districts, with their own standards. No specific plan can change the administrative procedures established in this bylaw or state statute.

9.3.7 Presentation of the specific plan. The advisory committee and applicants will, upon completing their work, present the proposed specific plan to the Planning Commission at the next regularly scheduled meeting at which time will allow its consideration.

9.4 Adoption of a Specific Plan. Adoption of a specific plan will follow the procedures established at 24 V.S.A. §§ 4384-4385 for the amendment of plans and the procedures established at 24 V.S.A §§ 4441-4442 and in Chapter 8 of this bylaw for the amendment of this bylaw.

Chapter 10

Boundary Adjustments

This chapter provides for the administrative approval of boundary adjustments where no new building lots are created and there is no adverse impact on roads, other public facilities, or neighboring uses.

10.1 Definition – Authority - Limitations

10.1.1 What is a boundary adjustment? A boundary adjustment is any revision to property lines, including revisions to a plat that has been legally filed with the Town, which moves property lines, but creates no new separate lots or parcels and has no adverse impact on access, the provision of public services and utilities, or neighboring uses. A boundary adjustment may occur between two or more adjacent parcels. Because a boundary adjustment is not a subdivision, it may be approved by the Administrator.

10.1.2 What gives the Administrator the authority to approve boundary adjustments? This power is delegated to the Administrator, as authorized by 24 V.S.A. § 4464(c).

10.1.3 Are there any limitations on administrative boundary adjustments? If the total acreage that would be transferred from one lot or parcel to another as a result of the boundary adjustment would be large enough to subdivide (based on the average density permitted in its zoning district, which will be taken as a minimum lot size for this purpose) the proposed boundary adjustment will be treated as a subdivision for which a discretionary permit is required. There are two possible exceptions to this rule.

10.1.3.1 DRB Waiver. The Administrator may ask the DRB to authorize administrative approval of a larger boundary adjustment where an absence of public road access, difficult terrain, or other physical characteristics of the land involved allow the DRB to find that there is no significant potential for future subdivision.

10.1.3.2 Land Conservation. Boundary adjustments that expand the holdings of the town or other public agencies for land conservation purposes may be of any size.

10.2 Administrative Boundary Adjustment Procedure. The boundary adjustment procedure begins with the submission of a preliminary sketch for review by the Administrator. If the Administrator finds that the proposed boundary adjustment complies with this bylaw, an application form, checklist, fee, and plat must be filed.

10.2.1. How does the boundary adjustment process begin? The applicant should, having first made an appointment, visit the Administrator's office with a preliminary sketch of the proposed boundary adjustment for the Administrator's review. This sketch need not be professionally drawn.

10.2.2. What will the administrator look for? Before authorizing a proposed boundary adjustment the Administrator shall determine that:

10.2.2.1 … no new lot is being created;

10.2.2.2 … no lot will made nonconforming or more nonconforming; and

10.2.2.3 … the proposed boundary adjustment will have no adverse impact on access, the provision of public services and utilities, or neighboring uses.

10.2.3 What happens next if the administrator approves my proposed boundary adjustment? You must prepare a plat of the proposed boundary adjustment, and submit it to the Administrator for recording in the town's land records. A plat is a legal drawing made by a registered land surveyor. It must include all information required by the *Boundary Adjustment Application Checklist* and ~~and~~ be accompanied by the *Boundary Adjustment Application* form provided by the Administrator. Plats of boundary adjustments must also comply with the surveying standards established by Chapter 12 of this bylaw. The application must also be accompanied by draft deed documents that include language reflecting the proposed boundary line change(s) to the affected properties.

10.2.4 How do I get the plat of my proposed boundary adjustment recorded? The Administrator will act on the plat within 15 working days of its receipt. If it complies with all requirements of the Boundary Adjustment Application Checklist, the Administrator will sign the plat and submit it for recording in the land records. If the plat fails to comply, the Administrator will return it to the applicant with a list of deficiencies that must be corrected before it can be recorded.

10.2.5 Can the administrator's decision on a proposed boundary adjustment be appealed? Yes. An appeal may be made using the procedure provided by WDB 5.4.

Chapter 11

Growth Management

This chapter establishes a competitive growth management system for residential subdivisions. The policy basis for this system appears in Section 5.1 of the town's *Comprehensive Plan*. Readers are encouraged to read that material first, as background for understanding the procedure established here.

11.1 Purpose - Authority

11.1.1 Why does Williston limit the pace of residential development? The purposes of growth management review are to:

11.1.1.1 … ensure that residential growth does not exceed the capacity of the town's existing infrastructure and support planning for the expansion of municipal facilities and services; and

11.1.1.2 … given the limited capacity of the town's infrastructure, to encourage residential subdivisions that successfully implement the goals of the town plan.

11.1.1.3 More specifically, the residential growth management system adopted here supports the development of a compact, pedestrian-friendly mixed-use center in the Taft Corners growth center by encouraging housing construction in close proximity to that center, while also rewarding the protection of open space resources identified in the *Open Space Plan* and the provision of trails, energy conservation, and other actions residential developers can take to help implement the *Town Plan*.

11.1.2 What gives the town authority to limit the rate of development? Limiting the pace of development "to avoid or mitigate any undue impact on existing or planned community facilities or services" is specifically authorized by 24 V.S.A. § 4423.

11.2 Applicability

11.2.1 Which developments are subject to growth management review? Growth management review is required before a proposed residential subdivision or the residential portion of a proposed mixed-use development may apply for a discretionary permit.

11.2.2 Are there any exceptions to growth management review? There is a full exemption for the construction of a single dwelling on certain existing undeveloped parcels. The DRB has authority, but is not required, to provide a partial exemption for proposed minor residential subdivisions.

11.2.2.1 Existing Lots. One dwelling may be constructed on any undeveloped parcel on which dwellings are permitted by this bylaw that was, and has continued to be, in separate ownership since the town adopted its first growth management system in 1990. It is important to review the lot merger requirements of this bylaw (see WDB 2.4) before determining that an existing parcel qualifies for this exception.

11.2.2.2 Minor Subdivisions. The DRB may, after having evaluated and ranked all proposed residential subdivisions as provided in this chapter, allocate as many as four dwelling units each fiscal year to proposed minor residential subdivisions, regardless of their score on the evaluation standards established in WDB 11.6, 11.7, or 11.8.

Why is there a Minor Subdivision Exception? This exception is needed to allow the town to adopt evaluation standards that are stringent enough to encourage positive performance by larger subdivisions without penalizing landowners who wish to create only one or two lots from a relatively small parcel.

11.2.3 ***What about lots approved under previous versions of growth management?*** Lots created by approved subdivisions under previous versions of the town's growth management system will continue to be subject to the allocation rules applied at the time that the subdivision was approved.

11.3 Residential Growth Target

11.3.1 What is the town's annual residential growth target? Section 5.1.2 of the *Town Plan* sets a residential growth target of 80 dwelling units or dwelling unit equivalents, as defined in WDB 46.3.46, per fiscal year, each year through FY 2025.

11.3.2 How is a dwelling unit defined? For the purposes of this chapter and for calculating density under WDB Chapter 19, one dwelling is defined as a dwelling unit containing 2 or more bedrooms. A dwelling containing only one bedroom or less (studio) is counted as 0.5 of a dwelling unit.

What Happens After 2025? It is assumed that the town will have acquired additional sewage treatment capacity and other new infrastructure and that this chapter will have been revised accordingly.

11.3.2 Is there a geographic component to the growth target? Yes. Section 5.1.3 of the *Town Plan* provides that the 80 dwelling units will be distributed as follows:

11.3.2.1 … in the sewer service area, in the designated growth center, 56 dwelling units;

11.3.2.2 … in the sewer service area, outside the designated growth center, 12 dwelling units, and

11.3.2.3 … outside the sewer service area, 12 dwelling units.

11.3.2.4 Shift to the Growth Center. The DRB may shift available units from areas outside the growth center to proposed residential and mixed-use developments within the designated growth center.

11.3.2.5 Shift to Certain Developments in the ARZD. The DRB may shift available units from other areas to proposed residential subdivisions that qualify under WDB 31.11.

11.3.2.6 Accessory Dwellings. Accessory dwellings permitted by WDB 23.1 are not dwelling units for the purposes of this chapter.

11.3.3 How does affordable housing affect the growth target? Residential developments that include some portion of the dwellings proposed shall be given priority in making allocation decisions in the evaluation criteria of residential developments. Of the 80 dwellings available for allocation

each fiscal year, a minimum of 25% of those dwelling units in each allocation area shall be reserved expressly for perpetually affordable housing as defined in WDB 46.3.9.

11.4 Growth Management Procedure

11.4.1 At what point in the development review process does growth management review occur?
Growth management review follows pre-application review. All proposed residential subdivisions that have cleared pre-application review on or before December 31 of any year shall be subject to growth management review in the following year. If a proposed residential subdivision has not cleared pre-application review by December 31 of a given year, it will not be reviewed during the following year.

11.4.2 How is growth management review conducted?

11.4.2.1 Notice to Eligible Applicants. All applicants whose proposed subdivisions qualify for growth management review shall be notified of the date of the DRB's growth management hearing (see WDB 11.4.2.2) and provided with a *Growth Management Questionnaire*.

11.4.2.2 Growth Management Questionnaires. Applicants must return their completed growth management questionnaires at least 15 working days before the scheduled hearing. All representations made on a *Growth Management Questionnaire* are binding and must be reflected in the application for a discretionary permit if the proposed residential subdivision receives an allocation of dwelling units.

11.4.2.3 Public Hearing. The DRB shall, in February or March of each year, hold a public hearing at which it reviews all proposed residential subdivisions that cleared pre-application review during the preceding year. This hearing shall generally follow the procedures prescribed in Chapter 6 for the review of applications for discretionary permits, but only published notice is required.

11.4.2.4 Evaluation and Ranking. Following the public hearing required by WDB 11.4.2.3, the DRB shall evaluate and rank the proposed residential subdivisions using the evaluation criteria established in his chapter. These criteria guide the DRB in awarding points to proposed residential subdivisions based on their implementation of specific goals and objectives of the town plan.

11.4.2.5 Allocation of the Growth Target. The DRB shall allocate the remaining portion (see WDB 11.5.1.2) of the growth target established in the *Town Plan* to the proposed residential subdivisions according to their ranking and the rules established in WDB 11.5, below. The DRB may also decide to allocate as many as four dwelling units under the exemption established by WDB 11.2.2.

11.4.2.6 Allocation Certificates. Notice of the DRB's decision shall be provided by the distribution of one Residential Allocation Certificate for each dwelling unit allocated to the applicant. Applicants who are denied allocations shall be notified by first class mail. The Residential Allocation Certificate must be presented with the application for the administrative permit to build the dwelling.

11.5 Allocation Rules

11.5.1 Are there rules the DRB must follow in making the allocations authorized by WDB 11.4.2.5, above? Yes.

11.5.1.1 Minimum Score. No proposed subdivision that is awarded fewer than 30 points shall receive an allocation, except via the exemption provided by WDB 11.2.2.2.

11.5.1.2 Number of Units. The DRB may allocate only the number of dwelling units allowed by the residential growth target adopted in the *Town Plan*. This does not mean that the DRB allocates 80 dwelling units each fiscal year. It does not. The number of dwelling units previously allocated is deducted from the growth target for each fiscal year in which those allocations were made, ensuring that an average of no more than 80 dwelling units per fiscal year are allocated.

What's Left? A chart showing the number of allocations that remain available in each fiscal year may be obtained from Williston Planning.

11.5.1.3 Lack of Demand. Dwelling units that are not allocated due to a lack of demand for the units available in a given fiscal year will be available for allocation in subsequent fiscal years through FY 2025.

11.5.1.4 Partial Allocations. The DRB may make partial allocations to help create an equitable division of the dwelling units available among proposed residential subdivisions that have equal or essentially equal rankings. The DRB may also, due to the limited availability of dwelling units and the rules adopted here, including WDB 11.5.1.5's limit on allocations to any one proposed residential subdivision, allocate fewer units to a proposed residential subdivision than were requested in its pre-application or on its growth management checklist.

11.5.1.5 Maximum Allocation. There are limits on the number of units of allocation that may be allocated in any of the allocation years. No more than 75% of the units available in a given fiscal year and in any of the three 'allocation areas' established by WDB 11.3.2 may be allocated to any one proposed residential subdivision. In addition, no more than 50% of the number of allocation units in any of the allocation areas may be allocated two or more years prior to the fiscal year the allocation becomes available, and no more than 75% of the number of allocation units in any of the allocation areas may be allocated one year prior to the fiscal year the allocation becomes available.

11.5.1.6 Changes in Capacity. Sewage treatment plant capacity may change due to changing regulations, the failure of plant components, and other causes. The DRB shall not allocate units for which adequate sewage treatment plant capacity is not available regardless of the growth target established in the town plan. Any decision not to allocate units on this basis shall be based on a written finding by the Selectboard that changing conditions have resulted in inadequate capacity.

11.5.2 Do allocations made by the DRB expire? Yes. Applicants must meet two deadlines, one for the submission of an application for a discretionary permit for the proposed residential subdivision and one for the actual construction of the dwelling unit.

11.5.2.1 Submission of Plans. An application for a discretionary permit for the proposed residential subdivision must be filed within one year of the date of the record of decision for the DRB meeting at which the allocation of dwelling units to that subdivision was made. If an application is not filed within one year, the allocation becomes void and the units of allocation it included will be made available for allocation to another proposed residential subdivision or development.

11.5.2.2 Construction of Units. Allocations of dwelling units are available beginning on July 1 of a particular year (the start of the town's fiscal year). An administrative permit for the construction of an allocated dwelling unit must be approved within five years after the July 1 on which it becomes available. If an administrative permit is not approved within five years, the allocation becomes void and the unit will be made available for allocation to another proposed residential subdivision.

11.6 What happens if some portion of a subdivision's allocation expires? A subdivision that has had some portion of its allocation expire may reapply for residential growth management allocation under the provisions of *WDB* 11.6.1.1-6 under limited circumstances.

11.6.1 What are the specific rules for reapplying for allocations that have expired?

11.6.1.1 Time Limitation. A subdivision may apply to have its previously awarded allocation returned without having to compete against other subdivisions if a request for pre-application is submitted prior to the end of the calendar year when the expiration of the units of allocation was identified by the Williston Planning office.

11.6.1.2 Substantial Progress. A residential subdivision applying to have some portion of its allocation re-established under these provisions must demonstrate that substantial progress towards implementing the subdivision has been made. For the purpose of these provisions substantial progress determined by the DRB must include all of the following:

- Construction of any required public or private street or driveway necessary to provide access to the subdivision
- Dedication of land or easements for open space, public access or conservation purposes as required under the initial subdivision approval
- Administrative Permits for the construction of at least one dwelling unit within the subdivision must have been obtained

11.6.1.3 Expiration. Allocation re-established under these provisions may receive an additional five years to obtain administrative permits to begin construction beginning on the July 1st immediately following the DRB meeting when the allocation was awarded under these provisions. No additional extensions of time under these provisions are possible.

11.6.1.4 Conditions of Approval. The original conditions of subdivision approval shall continue to apply to any subdivision awarded allocations under these provisions. The DRB shall only impose additional conditions of approval in cases where it is necessary to preserve the public health, safety and welfare.

11.6.1.5 Special Findings. In order for a subdivision to re-establish some portion of its allocation under these provisions, the DRB must find that the subdivision is in substantial compliance with the intent and purpose of the current development regulations.

11.6.1.6 Expired Allocation. Any allocation that has expired under these provisions was not re-applied for within the time constraints of WDB 11.6.1.1, or that does not meet the criteria specified under WDB 11.6.1.1-5 shall be returned to the pool of available units of allocation and shall only be awarded through the competitive process specified under WDB 11.4 & 5.

11.7 Evaluation Criteria for Proposed Residential Subdivisions in the Growth Center. The evaluation criteria the DRB will use to evaluate and rank proposed residential subdivisions or the residential portion of proposed mixed-use developments in the growth center are summarized and weighted to create a 100-point scoring scale in the growth management checklists. They are explained in detail below.

***11.7.1 Conserve Energy*.** This criterion encourages energy conservation in accord with Policy 9.4 of the *Town Plan*. Scoring will be based on the percentage of total dwelling units that will be Five-Star or LEED certified.

- 100% of all units certified – 10 points
- 80-99% of all units certified – 8 points
- 60-79% of all units certified – 6 points
- 40-59% of all units certified – 4 points
- 20-38% of all units certified – 2 points
- less than 20% of all units certified – 0 points

***11.7.2 Build Affordable Housing*.** Consistent with Policy 5.2.1 of the *Town Plan*, this criterion provides an advantage to applicants who will build perpetually affordable housing. "Affordable" includes two levels: what is affordable at 100% and at 80% of the median income. The units affordable at the 80% of median income level are included in the overall percentage of affordable units.

- 40% or more of all proposed dwelling units will meet the definition of perpetually affordable below 120% of the median income level, and 20% or more of all proposed dwelling units will be affordable between 80-100% of the median income level, and 10% or more of all proposed dwelling units will be affordable at the 80% or less than the median income level – 10 points
- 30% or more of all proposed dwelling units will meet the definition of perpetually affordable below 120% of the median income level, and 20% or more of all proposed dwelling units will be affordable between 80-100% of the median income level, and 10% or more of all proposed dwelling units will be affordable at the 80% or less than the median income level – 8 points
- 20% or more of all proposed dwelling units will meet the definition of perpetually affordable below 120% of the median income level, and 10% or more of all proposed dwelling units will be affordable between 80-100% of the median income level, and 5% or more of all proposed dwelling units will be affordable at the 80% or less than the median income level – 6 points

- 15% or more of all proposed dwelling units will meet the definition of perpetually affordable below 120% of the median income level, and 5% or more of all proposed dwelling units will be affordable between 80-100% of the median income level, and 5% or more of all proposed dwelling units will be affordable at the 80% or less than the median income level – 4 points

- 10% or more of all proposed dwelling units will meet the definition of perpetually affordable – 2 points

- Less than 10% perpetually affordable units will be provided – 0 points

***11.7.3 Offer Housing Choices*.** Consistent with Policy 5.2.3 of the *Town Plan*, this criterion encourages each subdivision to include housing options for a broad spectrum of household incomes and types, and for both owners and renters. The goal is not merely to promote affordability as WDB 11.6.2 does, but to ensure that limited housing choices do not result in a community with limited cultural and social diversity.

- Proposed residential subdivisions should include a mix of dwelling types and sizes that will result in a mix of different housing costs and tenures. Where the proposed residential subdivision is part of a mixed-use development, it must include units that are demonstrably affordable to the typical employee who will be working there in order to be awarded any points for this criterion. 1-10 points depending on the range of housing options proposed

- The proposed residential subdivision does not contribute to housing diversity. – 0 points.

***11.7.4 Provide Neighborhood Space*.** This criterion encourages the provision of urban and/or neighborhood parks, and/or of indoor space for neighborhood activities. Points will be awarded for the construction of an urban or neighborhood park, as defined in Policies 1.2 and 2.2 of the *Open Space Plan*, and/or for the construction of a building space that can be used as a meeting room, fitness center, day care center, or other neighborhood space acceptable to the DRB. The developer must commit to equip the space provided for its purpose to earn points. The intent here is to encourage the creation of places for recreational and civic activities that foster neighborliness, but need not be maintained by the town.

- The proposed subdivision provides developed neighborhood space that is easily accessible and useful to its inhabitants – 1-10 points, depending on the size, diversity of functions, and other characteristics of the space/s provided.

- The proposed residential subdivision provides no such space, or inadequate space – 0 points.

***11.7.5 Build Paths and Trails*.** This proposed criterion favors proposed residential subdivisions that build their portion of the paths and trails called for by the *Town Plan* (see Policy 6.6).

- The majority of the proposed dwelling units are served by the town's path and trail system, with the developer building all on-site segments – 5-10 points, depending on the length of the path or trail segment/s.

- no path or trail connection is built – 0 points

11.7.6 Conserve Open Space. While there are limited opportunities for open space conservation within the growth center, this criterion encourages the permanent conservation of any remaining lands identified in the *Open Space Plan* or another open space asset acceptable to the Conservation Commission via dedication or conservation easement.

- the proposed development will protect open space lands identified in the open space plan via dedication to the town or another public agency, or via a conservation easement – 1-10 points depending on the extent and the importance of the open space protected

- the proposed development will not provide permanent open space protection – 0 points

11.7.7 Design for the Context. Proposed residential subdivisions should provide for a scale of housing (height, bulk) that is compatible with the surrounding uses. This does not mean that the density or mix of housing forms must be identical or very similar. It means that the overall character of the proposed residential subdivision will complement neighboring uses.

- the proposed development is in scale and compatible with the surrounding uses – 1-10 points depending on the effort made to ensure compatibility

- the proposed development is not in scale and compatible with its context – 0 points

11.8 Evaluation Criteria for Proposed Residential Subdivisions that Have Sewerage, but Are Not Within the Growth Center. The evaluation criteria the DRB will use to evaluate and rank proposed residential subdivisions in the MDR and Village zoning districts are summarized and weighted to create a 100-point scoring scale in the Growth Management Checklists. They are explained in detail below.

11.8.1 Conserve Energy. Same as WDB 11.7.1.

11.8.2 Build Affordable Housing. Same as WDB 11.7.2.

11.8.3 Offer Housing Choices. Same as WDB 11.7.3.

11.8.4 Provide Neighborhood Space. Same as WDB 11.7.4

11.8.5 Build Paths and Trails. Same as WDB 11.7.5

11.8.6 Design for the Context. Same as WDB 11.7.7.

11.8.7 Build Close to Services. Williston encourages new residential development within walking distance of focal points in the growth center or village. There must be a safe pedestrian way from the units for which points are awarded to a focal point in the growth center or the village. This means

there must be existing sidewalks and/or a town recreation path or trail, or that the developer will construct a safe pedestrian way. Distances will be measured along the shortest pedestrian way from the mid-point among the proposed units to the nearest focal point.

- Proposed units are within 1,310 feet of focal point in the growth center or village – 10 points

- Proposed units are within 2,640 feet of focal point in the growth center or village – 5 points

- All other proposed units – 0 points

What is a Focal Point? Focal points are public gathering places, formal or informal. They are currently identified in the town's vision for its growth center, as set forth in the town's application to the state for growth center designation. This material will eventually be incorporated into the *Town Plan*.

***11.8.8 Neighborhood Design*.** This criterion does not include architectural design or the details of landscape design. Those subjects are addressed after an application for a discretionary permit is filed. Proposed residential subdivisions will be scored based their use of open space to both buffer and integrate the neighborhood, as well to manage stormwater, and on the siting of homes to encourage walking and social interaction among neighbors.

- Open space is used both creatively and to serve functional needs like buffering and stormwater management, while homes are sited so as to encourage walking and social interaction among neighbors – 0-10 points depending on how well this goal is implemented.

- Permanent protection of open space identified in the *Open Space Plan* will result in the award 1-5 additional points on this criterion, depending on the extent and quality of the open space resource being protected.

- Open space is not used creatively and/or site planning techniques do not encourage walking and social interaction – 0 points

11.9 Evaluation Criteria for Proposed Residential Subdivisions Outside the Sewer Service Area. The evaluation criteria the DRB will use to evaluate and rank proposed residential subdivisions outside the sewer service area are summarized and weighted to create a 100-point scoring scale in the growth management checklists. They are explained in detail below.

11.9.1 Conserve Energy. Same as WDB 11.7.1.

11.9.2 Build Affordable Housing. Same as WDB 11.7.2.

11.9.3 Build Paths and Trails. Same as WDB 11.7.5

11.9.4 Design for the Context. Same as WDB 11.7.7

11.9.5 Conserve Open Space. This criterion encourages the long-term protection of the open spaces identified in the open space plan. It awards points for the protection of lands identified in the open space plan by dedication or conservation easement.

- the proposed development will protect open space lands identified in the open space plan or another open space asset acceptable to the Conservation Commission via dedication to the town or another public agency, or via a conservation easement – 1-10 points depending on the extent and the importance of the open space protected

- the proposed development will not provide permanent open space protection – 0 points

11.9.6 Minimize Visual Impact. This criterion encourages "rural" developments that are sited so as to disappear into the landscape.

- the proposed project will not be visible from public roads, except any new road built to provide direct access to the site – 10 points

- the proposed project will be minimally visible from public roads, except any road directly serving the site – 5 points

- the proposed project will be visible from public roads – 0 points

Chapter 12

Subdivisions Final Plans

This chapter establishes definitions and additional application requirements that are specific to the division of land, including standards for the setting of survey monuments. Some of these standards also apply to final plans for other developments.

12.1 Authority – Definitions

12.1.1 Does the town have specific authority to regulate the division of land? Yes. 24 V.S.A § 4418 authorizes Vermont towns to regulate subdivisions.

12.1.2 What is a subdivision? The "division of a parcel into two or more parcels" is land development, as defined by 24 V.S.A § 4303(10). This definition is repeated in 24 V.S.A § 4418. WDB 12.1.3 and 12.1.4 clarify this definition.

12.1.3 What is a "parcel?" For the purposes of this bylaw, a 'parcel' is any contiguous area of land that is owned or effectively controlled by the same person, family, partners, or shareholders. The key to this definition is effective control. How the land is described on the town's tax map or in the land records, how the land was assembled from smaller parcels, or how the land is affected by rights-of-way or easements, is relevant only as provided by WDB 12.1.3.1-3.

12.1.3.1 Split Parcels. Where a parcel is split by a public road right-of-way or a railroad right-of-way it will be treated as two parcels for the purposes of this bylaw. Easements will not ordinarily be considered to split a parcel, but the Administrator may determine that an easement for a high-voltage power line or major pipeline has the same impact on the use of a parcel as a public road or railroad right-of-way and permit that parcel to be 'split' for the purposes of determining compliance with this bylaw. The Administrator may require that a survey defining the limit and extent of the split parcel be prepared and recorded in the town's land records as part of an application for an administrative permit on split parcels. The Administrator's decision is subject to appeal, as provided by WDB 5.4.

12.1.3.2 Approved Lots. Where a parcel consists of more than one approved subdivision lot, the lots may be sold and/or used separately, consistent with all conditions of approval imposed on the subdivision and the requirements of this bylaw. An approved subdivision lot is one that is shown on a recorded plat approved as provided by this bylaw or the town's previous subdivision regulations.

12.1.3.3 Homesteads. The Administrator may permit a homestead site that is part of a larger parcel, that has a surveyed legal description, and that is occupied by an existing dwelling to be conveyed separately, without being reviewed as a subdivision, but only where that conveyance will not adversely affect the potential subdivision of the remainder of the property by impeding access (via road or trail, or for utilities).

12.1.3.4 Non-Conforming Lots. This bylaw includes specific provisions for the use of non-conforming lots. See WDB 2.4.

12.1.4 What is a "division?" A 'division' occurs whenever any part of a parcel that does not qualify for one of the exceptions established by WDB 12.1.3, is sold or otherwise conveyed (for example, by gift or court order), leased, or developed.

12.2 Permit Requirements. As provided by WDB 4.3.4.1, a discretionary permit is required for most subdivisions. The only exception to this requirement is for boundary adjustments. See Chapter 6 of this bylaw for the discretionary permit procedure. See Chapter 10 for the boundary adjustment procedure.

12.3 Final Plans and Plats

12.3.1 Are there standards for the accuracy and contents of subdivision plans? Yes. Final plans and plats must include everything on the *Final Plan Checklist* established by WDB 6.9.2. They must also comply with the requirements of state law, specifically including 26 V.S.A. § 2602 and 27 V.SA. §§ 1401-1406.

12.3.2 Are there examples of the certificates and signature blocks that must appear on the final plans? Yes.

12.3.1 Certificate of Dedication. All final plans and plats showing any improvements that will become public must include a Certificate of Dedication, as required by WDB 15.13.

12.3.2 Approval Signature Block. All final plans and plats must include an approval signature block.

SAMPLE APPROVAL SIGNATURE BLOCK

Upon finding that the final plans complied with all requirements of the *Williston Development Bylaw* and all conditions imposed on the approval of Discretionary Permit ___ - ____, the Williston Development Review Board/Administrator approved the final plans for the (name Subdivision) on the ____ day of (month), 20 __ .

(presiding member or Administrator's signature)

NOTE: This signature block should be prepared for the signature of Administrator on boundary adjustments and where the DRB has delegated final approval of a minor subdivision or final plans to the Administrator. Otherwise, it should be prepared for the signature of the presiding member of the DRB.

12.4 Survey Monuments

12.4.1 Where must survey monuments be placed? Survey monuments shall be set at the following locations:

12.4.1.1 … at each corner and angle point of all lots, blocks and parcels of land shown on the final plans.

12.4.1.2 … at every point where the outer boundary of a subdivision intersects with an existing or approved road right-of-way; and

12.4.1.3 … at every point of curve, point of tangency, point of reversed curve, point of compounded curve, and point of intersection on each existing road or trail right-of-way that is not already a line created by the development.

12.4.1.4 A monument must also be set wherever a meander line used to delineate watershed protection buffers or other irregular features shown on the approved final plans intersects any of the lot, block, parcel, or right-of-way boundaries established by the survey.

12.4.1.5 Open space areas required by WDB 31.7 and/or any other area required to be permanently delineated by this bylaw or conditions of approval imposed by the DRB must also be monumented but may be allowed to be monumented on a more limited basis as determined by the DRB, depending on physical features of the site and the nature of the area being delineated. Vermont state grid coordinates depicted on the final plans may also be required at critical points along the perimeter of important areas.

12.4.2 What if it is not possible to set one of the required survey monuments? A properly-documented reference monument may be set instead. Where the need for a reference monument was not anticipated in the approved final plans, the surveyor who sets the reference monument shall record a Certificate of Survey showing the correction to the approved final plans. A copy of that Certificate of Survey must also be filed with the Administrator. Simply documenting a reference monument does not necessitate an amendment to the final plans.

12.4.3 When must survey monuments be in place? As many of the required monuments as possible shall be set before the final plans are recorded. The Administrator may, however, permit monuments that could be destroyed or inadvertently moved during construction to be set after the work is complete, but before a certificate of compliance is issued.

Chapter 13

Access - Connectivity
Traffic Studies

This chapter implements policies 6.2 and 6.3 of the *Town Plan*. These standards are intended to maximize the capacity of existing highways; improve traffic safety; limit the potential for conflict between vehicles, pedestrians, and cyclists; and reduce congestion, while providing safe access to private properties. These standards also promote connectivity for vehicles, cyclists, and pedestrians, and to provide emergency access, facilitate movement, and foster a sense of community.

13.1 Basic Requirement - Applicability

13.1.1 What is the basic requirement of this chapter? That all developments and all lots, uses, and structures within developments have safe, adequate, legal access to a public or private road. The standards adopted in this chapter define 'safe' and 'adequate.'

13.1.2 Do these standards apply to points of access to state highways? Yes. Access to state highways is regulated by the Vermont Agency of Transportation (AOT), but 19 V.S.A § 1111 and 24 V.S.A. § 4302 provide a basis for this bylaw to apply to points of access to state highways.

Need to Obtain Access to a State Road? Contact District 5 of the Vermont Agency of Transportation at (802) 655-1580.

13.1.3 Do these standards apply to points of access to private roads? Yes. Points of access to private roads are 'required improvements,' regulated by this bylaw.

13.2 Access Management. The plans submitted with applications for permits must clearly demonstrate compliance with these standards.

13.2.1 How may access be provided? The type and number of points of access permitted will depend on the functional classification of the road being accessed.

13.2.1.1 Arterials and Collectors. Access to arterial and collector roads must be from local roads, not directly from adjoining properties. The DRB may permit an exception to this standard where physical barriers, including property ownership or difficult terrain, make compliance infeasible. Where an exception is permitted, the applicant is responsible for all improvements needed to ensure that permitting direct access does not result in undue congestion or safety hazards.

13.2.1.2 Local Roads. Adjoining properties may have direct access to local roads in compliance with the standards adopted in this chapter and the other requirements of this bylaw. The DRB may require that shared driveways be used for access to local roads in order to reduce the number of points of access.

13.2.1.3 Parking Areas. Parking areas must not rely on adjoining public roads as part of their internal circulation pattern. Specifically, parking areas on private property (this chapter does not apply to on-street parking) must be designed so that vehicles do not back directly onto a

public road. Standards for the location, size, and design of parking lots are adopted in Chapter 14 of this bylaw.

13.2.2 Can I keep all of my existing points of access? No. Multiple points of access to arterials or collectors and continuous curb cuts along any road must be consolidated to the minimum number needed to serve the existing and proposed uses on the property as a condition of approval for a permit. The required consolidation shall include:

13.2.2.1 … eliminating access to arterials and shifting it to a local roads or collectors, and/or

13.2.2.2 … eliminating points of access that do not have adequate corner clearances, as required by WDB 13.2.4.

13.2.2.3 Exceptions. The DRB may permit an exception to this standard where physical barriers, including property ownership or difficult terrain, make the consolidation of points of access infeasible.

13.2.3 Are there design standards for points of access? Yes.

13.2.3.1 Alignment. Proposed points of access shall be aligned at a 90° angle (±5°). The DRB may permit an exception to this standard where physical barriers, including property ownership or difficult terrain, make compliance infeasible. Where an exception is permitted, the applicant is responsible for all improvements needed to ensure that the proposed point of access does not result in safety hazards.

13.2.3.2 Grade. The grade approaching a proposed point of access to a local road shall be less than three percent (3%) for at least 50 feet before the intersection. The grade of proposed approaches to collector and arterial roads shall be as determined by the DRB, with the advice of the DPW. The DRB may permit an exception to this standard where physical barriers, including property ownership or difficult terrain, make compliance infeasible. Where an exception is permitted, the applicant is responsible for all improvements needed to ensure that the proposed approach does not result in a safety hazard.

13.2.3.3 Sight Distance. Sight lines and sight distance calculations for all proposed access drives shall be shown on the plans submitted with applications for discretionary permits. The sight distance required for a point of access varies with conditions. The minimum necessary shall be as provided by the Vermont AOT's *Access Management Program Guidelines*. There will be no exceptions to this standard. The applicant must provide the level of traffic control needed to attain compliance.

13.2.3.4 Clearance. Proposed access drives must be placed far enough from existing driveways and intersections to minimize congestion and safety hazards. The minimum separation shall be as provided by the Vermont AOT's *Access Management Program Guidelines*. The DRB may permit an exception to this standard to provide access to properties that have no reasonable alternative point-of-access. Where an exception is permitted, the applicant is responsible for any improvements needed to mitigate the congestion and safety impacts of the proposed point of access.

13.2.3.5 Additional Standards. Additional standards for the design and construction of residential driveways that serve more than one dwelling are established by WDB 13.2.6. All

other proposed points of access must be designed by a licensed professional engineer in compliance with the Vermont AOT's *Access Management Program Guidelines,* the *Uniform Manual of Traffic Control Devices*, and Williston's *Public Works Standards*.

13.2.4 Do the sight distance standards adopted in 13.2.3.3 affect land use? Yes. The areas needed to provide the sight distances required by WDB 13.2.3.3 must be kept open and free of visual obstructions. There shall be no structures that rise above grade in these areas except for required regulatory signs and landscaping will be limited to turf or another ground cover and ornamental plantings that attain a height of no more than 32". Existing trees may be permitted to remain if they are pruned to a single stem up to eight (8) feet above grade.

13.2.5 Who must provide turning lanes, medians, and other access management improvements? Applicants must provide acceleration, deceleration, and turning lanes; medians, and all other improvements, including signs, signals, and lighting, that are required to provide safe access to their development. The need for these improvements may be established by the *Town Plan*; corridor plans; or traffic studies prepared by the town, the CCMPO, or the Vermont AOT; or by a traffic study required by WDB 13.8. Chapter 7 establishes procedures that guarantee the completion of required improvements, including points of access.

13.2.6 What are the additional standards for the construction of residential driveways? These standards apply to driveways that serve more than one dwelling.

13.2.6.1 Grade. The grade of a residential drive shall not exceed 10%.

13.2.6.2 Width. Residential drives shall be no less than 12 feet in width, and no more than 16. Where the drive travels through brush, woods, or forest, there shall be a cleared area of four feet on either side of the drive.

13.2.6.3 Length. No private driveway shall be longer than 1,320 feet. The DRB may permit an exception to this standard where physical barriers, including property ownership or difficult terrain, make provision of another point of access infeasible. Where an exception is permitted, the density of development served by the private driveway shall average 1 dwelling per 10 ten acres or less.

13.2.6.4 Construction. Residential drives shall consist of a minimum four-inch finish course of gravel or, alternatively of asphalt or concrete paving, a minimum eight (8) inch base course, and a geotextile layer. The first 30 feet back from a paved public road shall be paved. Specifications for these materials are found in the *Public Works Standards*. Drainage shall be provided in the form of a swale, or swale, and culverts. Runoff and erosion control shall be provided as required by Chapter 29 of this bylaw.

13.2.6.5 Pull-Outs. A pull-out permitting vehicles to pass shall be provided for every 400 feet of residential drive.

13.2.6.6 Natural Hazards. Residential drives shall not be permitted where they would be subject to regular seasonal flooding, slope failure, or other natural hazards.

13.2.6.7 Addresses. Where the building and required building numbers are not visible from the road, dwellings served by a residential driveway must be identified with a freestanding

sign displaying the address number or numbers as required by Williston's *Road Name and Road Location Addressing Ordinance,* which is attached as Appendix D.

13.3 Bicycle and Pedestrian Access. WDB 13.2 sets standards for vehicular access. Developments must also be safely accessible to bicyclists and pedestrians.

13.3.1 Must all development have bicycle and pedestrian access? Yes. The plans submitted with applications for discretionary permits must show how bicyclists and pedestrians can safely reach at least one employee or customer entrance. See also Chapter 14 of this bylaw's requirements for bicycle parking. More specific standards for bicycle and pedestrian access may apply in some zoning districts.

13.3.2 What constitutes "safe" bicycle and pedestrian access? Potential conflicts between pedestrians, cyclists, and vehicles must be minimized by the use of sidewalks or paths, pavement markings and textures; signs; and similar techniques approved by the DRB. Certain uses must also provide safe pedestrian drop-offs, as required by WDB 13.3.3.

13.3.3 Where must a safe pedestrian drop-off be provided?

13.3.3.1 Required. Safe off-street pedestrian drop-offs must be provided for all child care uses, with the exception of family day care homes in residential zoning districts; for all places of public assembly; and for all schools. The DRB may permit an exception to this standard, but only where it finds that safe on-street pedestrian drop-off is possible.

13.3.3.2 At the DRB's Discretion. The DRB may also require safe pedestrian drop-offs for hotels and other lodging places, multi-family residences, neighborhood parks, and in shopping areas where considerable pedestrian traffic is anticipated.

13.4 Access for the Disabled. All development in Williston must be fully accessible, as required by the Americans with Disabilities Act. Parking for people with disabilities is addressed in Chapter 14 of this bylaw.

Accessibility? Because the town does not administer a building code its role in ensuring access for people with disabilities is quite limited. The principal responsibility for this function lies with the Vermont Division of Fire Safety, which enforces a state building code. The Division's web site is at: http://www.dps.state.vt.us/fire/

13.5 Multiple Points of Access. These standards limit the number of homes that may be served by a single point of road access.

13.5.1 How many dwellings may be served by a private driveway? Where a new private driveway is being established in compliance with WDB 13.2, the maximum number of dwellings it may serve is limited to five (5). There are two exceptions to this standard.

13.5.1.1 Existing Driveways. Where an existing private driveway serves more than five (5) parcels, and offers the only access to one or more undeveloped parcels, it may serve one dwelling per parcel, but must be upgraded to meet the standards of WDB 13.2.6 before a sixth dwelling is permitted.

13.5.1.2 Lower Density. The DRB may permit an exception to this standard where doing so will preserve landscape features and neighborhood character that would be adversely

impacted by requiring construction of a private or public road, where the existing driveway meets or will be improved to meet the standards of WDB 13.2.6, and where the average density of the development served will be one unit per 10 acres or less.

13.5.2 How many dwellings may be served by a road that ends in a loop or cul-de-sac? No more than 40 dwellings may be served by a single point of access. Where an existing dead-end road already serves 40 dwellings, further development served by that road will be limited to one dwelling for each lot or parcel that is currently vacant.

13.5.3 Is there a limit on the length of access drives or roads that end in a loop or cul-de-sac? Yes. See WDB 13.2.6.3 for the length of private driveways. The length of a dead-end road, private or public, is limited to 2,640 feet. The DRB may permit an exception to this standard, but only where physical barriers, including property ownership or difficult terrain, make provision of a second point of access infeasible. Where such an exception is permitted, the density of the development served shall be limited to one dwelling per 10 acres.

13.5.4 Can access be provided by an emergency access road that does not meet the standards for a private or public road? Where two points of access are required, both must meet Williston's standards for a private or public road, whichever applies. The DRB may permit an exception to this standard for an emergency access for a nonresidential development, like an industrial plant, where control of public access is an operational necessity. Any emergency access permitted by the DRB must be kept passable to ambulances and fire engines at all times. Failure to maintain an emergency access, including failure to promptly remove snow, will be a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

13.6 Drive-Throughs. Consistent with the Town Plan vision of pedestrian-friendly development, Williston permits drive-through service only for bulky, heavy objects (feed, lumber) and financial institutions, where drive-through service preserves privacy and where a prohibition would result in several nonconforming uses.

13.7 Connectivity. Consistent with Policy 6.3 of the *Town Plan*, developments should have safe, functional connections with adjoining developments for vehicles, bicyclists, and pedestrians. Interconnected street and trail systems, shared points of access, and shared parking will be required wherever they are not precluded by physical barriers, including property ownership, historic land use patterns, and difficult terrain.

13.8 Traffic Studies. The town's review of proposed developments, including determinations about compliance with this and other chapters of this bylaw, will be based in part on traffic and transportation studies.

13.8.1 Is it possible to use existing information to evaluate transportation impacts? In many cases, yes. All proposed developments for which a discretionary permit is required must submit estimated traffic generation data based on the most current edition of the Institute of Transportation Engineers *Trip Generation*. Beyond that, a traffic study will be required only where the DRB, with the advice of the DPW, determines that existing studies do not provide sufficient information on which to base a decision. This determination will be made during pre-application review so that the traffic study can accompany the application for a discretionary permit.

13.8.2 Are there standards for traffic studies when they are required? Yes. Where a traffic study is required it must be conducted in accord with the most current edition of the Institute of Transportation Engineers' *Transportation Impact Analyses for Site Development: an ITE Recommended Practice*. Further, all traffic studies must be consistent with the assumptions and modeling used for the *Grid Street Evaluation Final Report* prepared for the Town of Williston, October 10, 2006 by RSG, Inc.

Chapter 14

Off-Street Parking and Loading

This chapter sets standards for off-street parking and loading. Its intent, consistent with Policy 4.2.4 and other guidance from the *Town Plan*, is to minimize the area devoted to surface parking while still ensuring that there is a reasonable supply of parking, including spaces that can be safely used by those whose mobility or vision is impaired.

Minimizing the area devoted to surface parking will:

- protect watershed health, which may be adversely impacted by accelerated runoff from new impervious surfaces;
- conserve energy and make outdoor spaces more useable by moderating microclimatic extremes on intensively developed sites; and
- make it more pleasant to walk or cycle in Williston by contributing to streetscapes that are both comfortable and lively.

It is also specifically the intent of these standards to encourage shared parking arrangements, the use of parking structures, and the use of porous pavements.

14.1 Applicability

14.1.1 Do these standards apply to all development? Yes. The standards adopted in this chapter apply to all development for which a permit is required by this bylaw. Existing and proposed parking and loading areas must be clearly shown on the plans submitted with any application for a permit.

14.1.2 Do other requirements of this bylaw apply to off-street parking and loading areas? Yes. Off-street parking and loading areas must comply with all relevant standards of this bylaw. Some particularly relevant standards are cited below.

14.1.2.1 Drainage/Stormwater. Chapter 29 of this bylaw sets standards for stormwater management that apply to off-street parking and loading areas.

14.1.2.2 Landscaping. See Chapter 23 and specifically WDB 23.5 for the landscaping requirements that apply to off-street parking and loading areas.

14.1.2.3 Snow Removal/Storage. WDB 16.6 sets standards for snow removal and storage that apply to off-street parking and loading areas.

14.2 Off-Street Parking Requirements

14.2.1 How many off-street parking spaces are permitted for a given use? Table 14.A establishes the number of off-street vehicle (Column A) and bicycle (Columns B and C) parking spaces that are required for typical land uses. For uses that are not listed in the table, see WDB 14.2.3. The minimum number of accessible off-street vehicle parking spaces required is given by Table 14.B. It is important to understand that the numbers in Column A of Table 14.A are both minimums (you

must provide at least this many vehicle parking spaces) and maximums (you may not provide more vehicle parking spaces). The required number of off-street parking spaces may be changed only on the basis of a shared parking analysis (see WDB 14.2.2) or as provided by WDB 14.2.4 or 14.2.5.

14.2.2 Can parking be shared by uses that have different peak hours of operation? Yes. In fact, this may be required. Retail, office, institutional and entertainment uses are expected to share off-street parking spaces wherever possible.

14.2.2.1 Calculations. The DRB may, when reviewing a pre-application, require that shared parking calculations be made for any development that includes uses with potentially different peak periods of parking demand. Shared parking analyses may also be voluntarily submitted by adjoining land owners. In either case, the analysis shall be conducted using the shared parking methodology published by the Urban Land Institute.

14.2.2.2 Distance To. Shared off-street parking spaces shall be no more than 600 feet from a main entrance for customer parking and no more than 1000 feet from an employee entrance for employee parking.

14.2.2.3 Easement. Shared parking arrangements run with the land and must be honored by successors in interest. Failure to do so will be a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6. Where different owners are involved in a shared parking arrangement, a draft easement providing for shared parking, including the number and location of the proposed shared spaces, must be submitted for review with the application for a discretionary permit. The signed easement, which must also specifically indicate how the costs of maintenance of the shared parking spaces will be shared, must be submitted with the final plans and recorded before a certificate of compliance may be issued, as provided by WDB 7.3.

14.2.2.4 Accessible Spaces. Given the need for proximity to the use served, the accessible parking spaces required by Table 14.B may not be shared.

14.2.3 What if a use is not listed in Table 14.A? The required number of off-street parking spaces shall be determined by the Administrator based on the similarity of the proposed use to one or more uses listed in Table 14.A and the Institute of Transportation Engineer's *Parking Generation*. The Administrator's determination of how many spaces will be permitted is subject to appeal using the procedure for the appeal administrative permits provided by WDB 5.4 of this bylaw.

DRAFT Table 14.A - Minimum/Maximum Off-Street Parking Permitted - Minimum Bicycle Parking Permitted

	Column A	*Column B*	*Column C*
	Off-Street Motor Vehicle Spaces	**Total Bicycle Parking Spaces**	**Long Term Bicycle Parking Spaces**
Land Use	***per 1000 SF gross floor area, unless otherwise specified***		
Industrial Uses	1.00	5% of vehicular	75% of required spaces
Industrial uses are very diverse. Use 1.00 spaces per 1000 SF GFA as a starting point. The actual requirement will be set by the Administrator or DRB.			
Residential Uses			
One and Two Family Dwellings	2.00 per dwelling	none	none
Accessory Dwellings	Two reserved spaces: See WDB 17.1.23.1.3.5		
Multiple-Family Dwellings	1.75 per unit	10% of vehicular	1 per 4 units
Senior Housing (independent living)	1.00 per dwelling	5% of vehicular	1 per 8 units
Senior Housing (assisted living)	0.35 per dwelling	5% of vehicular	75% of required spaces
Lodging Uses	1.00 per room	7% of vehicular	50% of required spaces
Conference space and restaurants should be accounted for separately.			
Recreational Uses			
Health Club	5.00	10% of vehicular	50% of required spaces
Other Recreational Uses	Too diverse to list. Will require individual analysis		
Theaters, Places of Assembly	.25 per seat	7% of vehicular	none
Includes churches, live and movie theaters, and similar gathering places. Associated offices and other spaces should be accounted for separately. Church schools should be accounted for separately.			

NOTE: The DRB may permit an exception to the bicycle parking requirements as provided by WDB 14.8.5

Table 14.A, cont.	Off-Street Motor Vehicle Spaces	Total Bicycle Parking Spaces	Long Term Bicycle Parking Spaces
Land Use	***per 1000 SF gross floor area, unless otherwise specified***		
Educational and Health Care Uses			
Child Care Centers, Pre-School	.35 per student	10% of vehicular	75% of required spaces
Schools, K-8	.35 per student	30% of vehicular	20% of required spaces
Schools, 9-12	.35 per student	30% of vehicular	20% of required spaces
Community Colleges	.35 per student	30% of vehicular	20% of required spaces
Libraries	4.25	30% of vehicular	20% of required spaces
Hospitals, Clinics, Medical Offices	5.00	7% of vehicular	75% of required spaces
Nursing Homes	1.50	5% of vehicular	75% of required spaces
Veterinary Clinics	2.00	5% of vehicular	75% of required spaces
Office Uses			
Office Building	3.50	7% of vehicular	50% of required spaces
Offices w/ High Turnover	5.00	10% of vehicular	50% of required spaces
Retail Uses			
Convenience Stores	4.00	7% of vehicular	20% of required spaces
Supermarket/Groceries	5.00	7% of vehicular	20% of required spaces
Drugs	2.50	7% of vehicular	20% of required spaces
Bulky Retail (furniture, lawn and garden)	3.00	7% of vehicular	20% of required spaces
General Retail, Shopping Centers	4.00	7% of vehicular	20% of required spaces
Services			
Banks	4.75	7% of vehicular	50% of required spaces
Quality Restaurant	20.00	7% of vehicular	20% of required spaces
Fast Food Restaurant (no drive-through)	15.00	7% of vehicular	20% of required spaces

14.2.4 How could I increase the number of permitted off-street parking spaces?

14.2.4.1 Build a Parking Structure. Consistent with Policy 3.3.4 of the *Town Plan* (which says this bylaw should include an incentive for structured parking) developments may increase the number of permitted off-street parking spaces by 25% by providing a multilevel parking structure. This incentive is available only where at least 30% of the off-street parking spaces required by Table 14.A are in the structure/s. All of the additional parking spaces permitted must be in the structure/s. Note also that there is a building height incentive for the provision of structured parking in the MUCZD, MURZD and TCZD.

14.2.4.2 Use Porous Pavement. Developments may increase the number of permitted off-street parking spaces by 15% by using porous pavement for a majority of all vehicular parking spaces required by Column A of Table 14.A. Porous pavement specifications must be approved by the Administrator, with the advice of the DPW.

14.2.4.3 Provide Spaces for Alternate Fuel Vehicles and Carpools. Off-street parking spaces that are dedicated to vehicles that operate primarily on alternative fuels (electric, hydrogen, natural gas, biodiesel) or that are dedicated to vehicles participating in a carpooling program shall not be counted towards the total number of off-street parking spaces required by Table 14.A. These spaces – which must not make up more than five percent (5%) of the total number of off-street parking spaces required - must be clearly identified with a placard reserving their use for vehicles that operate primarily on alternative fuels or that are participating in a carpooling program.

14.2.5 How could I decrease the number of off-street parking spaces required by Table 14.A? Proposed reductions in the required number of off-street parking spaces must be approved by the DRB. They are not automatic.

14.2.5.1 Be Close to Public Transit. The DRB may permit a development that is within a 10-minute walk of a bus stop to reduce the required number of off-street parking spaces by as much as 20%, but only where the major employer/s in the proposed development commit to active participation in the Chittenden County Transit Authority's discount bus pass program.

14.2.5.2 Have On-Street Parking. The DRB may permit a one-to-one (on-street for off-street) reduction in the required number of off-street parking spaces for on-street parking that is available within 600 feet of a main entrance of the proposed development. This reduction of the number of off-street parking spaces may not, however, reduce the number of off-street parking spaces to less than two per dwelling.

14.2.5.3 Shared Parking. The number of off-street parking spaces required for a particular use may be reduced by a shared parking study required by WDB 14.2.2.

14.2.6 Can I reduce the area used for parking by using smaller spaces for compact cars? Yes. The DRB may permit compact car spaces (see Table 14.C for the dimensions) to comprise as many as 25% of the off-street parking spaces required by Table 14.A. These spaces shall be clearly identified by a sign and/or pavement marking that says "Compact Car Only."

14.2.7 Where must off-street parking spaces be located?

14.2.7.1 Ownership. Off-street parking spaces shall be provided on the same lot or parcel and under the same ownership as the use they serve, except where a shared parking arrangement is required or permitted by WDB 14.2.2.

14.2.7.2 Distance: Nonresidential. The off-street parking spaces serving nonresidential developments must be within 600 feet of a main entrance for uses requiring customer parking and within 1,000 feet of an employee entrance for employee parking.

14.2.7.3 Distance: Residential. The off-street parking space/s serving a dwelling must be within 100 feet of the principal entrance to that dwelling. The DRB may allow a longer distance between parking and a dwelling in mixed-use developments.

14.3 Accessible Parking. Note that these requirements are more demanding in some ways than those of the Americans with Disabilities Act (ADA).

14.3.1 What is the minimum required number of accessible off-street parking spaces? See Table 14.B.

14.3.2 Don't some uses need more or fewer accessible off-street parking spaces? The DRB may find that a development needs more or fewer accessible off-street parking spaces than are required by Table 14.B and modify the requirements of that table accordingly. The DRB's action must still be consistent with the ADA. Examples of developments for which a modification may be appropriate include:

Table 14.B – Required Number of Accessible Off-Street Parking Spaces

Total Number of Spaces	Minimum Number of Accessible Spaces
1-15	1
16-30	2
31-45	3
46-60	4
61-75	5
76-100	6
greater than 100 spaces	6+ 4% of the spaces greater than 100 rounded to the nearest whole number

14.3.2.1 Hospitals and Medical Offices: at least 10% of the off-street parking spaces serving visitors and patients must be accessible. Specialty medical offices serving persons with mobility impairments may need as many as 20% accessible spaces.

14.3.2.2 Developments with Valet Parking: No accessible off-street spaces are required in parking areas used for valet parking. An accessible passenger loading zone is required.

14.3.2.3 Industrial Uses. Industrial uses may be permitted to meet the ADA standards – which are somewhat lower - for the required numbers of accessible off-street parking spaces.

14.3.3 Where should accessible off-street parking spaces be located? Accessible off-street parking spaces and the routes between those spaces and the buildings or other destinations they serve must be clearly identified on the plans submitted with applications for permits.

14.3.3.1 Location of Accessible Routes. There must be a clearly marked accessible route that meets all ADA standards between the accessible off-street parking space required by Table 14.B and an accessible building entrance or other destination. Where a development has multiple accessible entrances or destinations, the required accessible off-street parking spaces should be dispersed and located near each accessible entrance.

14.3.3.2 Design of Accessible Routes. Accessible routes must be as short as reasonably possible, safe and convenient for people with mobility and visual impairments. Accessible routes should not cross aisles, driveways, or any other part of the vehicular circulation system on the site. The DRB may, however, permit an exception to this standard where physical constraints like difficult terrain or existing development make compliance infeasible.

14.4 Dimensional Standards

14.4.1 What are the minimum required dimensions of off-street parking spaces? The dimensional standards for off-street parking spaces appear in Table 14.C.**Table 14.C - Minimum Parking Space Dimensions**

Angle of Parking Space	Width of Space	Length of Space	Width of Angled Space	Length of Angled Space	Minimum Back-Up Length
STANDARD SPACES					
Parallel Parking	9.0’	22.0’	-	-	-
45° Angle	9.0’	20.0’	12.7’	20.5’	15.0’
60° Angle	9.0’	20.0’	10.4’	21.8’	18.0’
90° Angle	9.0’	20.0’	9.0’	20.0’	24.0’
Minimum aisle width (one-way)			10’		
Minimum aisle width (two-way)			20’		
COMPACT SPACES					
Parallel Parking	8.0’	20.0’	-	-	-
45° Angle	8.0’	18.0’	11.2’	18.3’	13.0’
60° Angle	8.0’	18.0’	9.2’	14.8’	15.0’
90° Angle	8.0’	18.0’	8.0’	18.0’	20.0’

14.4.2 What are the minimum required dimensions for accessible off-street parking spaces and the associated aisles? Accessible off-street parking spaces must be designed to accommodate vans. They shall be at least nine feet (9’) wide with an adjacent aisle at least eight feet (8’) wide. A sidewalk may be used as an access aisle for end spaces.

14.4.2.1 Shared Aisles. Accessible off-street parking spaces may share an access aisle by using front-in and back-in parking.

14.4.2.2 Obstructions. Planters, curbs, wheel stops, and similar installations, including cars overhanging a sidewalk, must not obstruct accessible routes. There shall be no snow storage along accessible routes.

14.4.2.3 Grade. The aisle serving an accessible off-street parking space must be level with that space, with a grade that does not exceed 1:50 (2%) in any direction.

14.4.2.4 Curb Ramps. Curb ramps must be located outside the aisle and parking space. To put it another way, accessible parking spaces and the adjacent aisles must be level and on the same grade. Grade changes (ramps) must be built into the adjacent sidewalk.

14.4.2.5 Signs/Pavement Markings. Accessible off-street parking spaces must be marked by a sign showing the standard symbol of accessibility. This sign must be affixed to a post or a building where it will be clearly visible from a vehicle searching for accessible parking spaces. Aisles must be marked with contrasting stripes or hatching on the pavement.

14.5 Off-Street Loading

14.5.1 Where are off-street passenger loading areas required? Off-street passenger loading areas shall be provided as explained below.

14.5.1.1 Institutional and Entertainment Uses. Day care centers, theaters, schools, and other places for public assembly must provide at least one safe off-street passenger loading area. The DRB may require additional off-street loading passenger loading areas for institutional and entertainment uses that have more than one principal entrance.

14.5.1.2 Other Uses. The DRB may require that any other use which adjoins an arterial or collector road provide a safe, off-street passenger loading area.

14.5.2 Where are off-street freight loading areas required? Safe off-street freight loading areas must be provided for commercial and industrial development buildings that include more than 10,000 SF GFA. At least one off-street freight loading area of at least 600 square feet shall be provided, along with one additional off-street freight loading area for each additional 20,000 square feet of GFA.

14.6 Access to Off-Street Parking and Loading Areas. Chapter 13 of this bylaw establishes standards for all points of access, including those to parking and loading areas.

14.7 Circulation within Off-Street Parking Areas. The pattern of circulation in off-street parking areas shall provide safe and efficient access to individual parking spaces, protect pedestrians moving through the parking area, and facilitate safe access to adjoining roads.

14.7.1 Are there minimum aisle widths for parking areas? Yes. The minimum aisle widths are included in Table 14.C, which also provides dimensional standards for parking spaces.

14.7.2 Must directional signs and/or pavement markings be provided in parking areas? Yes. Directional signs and pavement markings shall be used to guide traffic through parking areas and structures.

14.7.3 How must pedestrian access around, through, and to parking areas be provided?

14.7.3.1 Around. There shall be safe pedestrian access in the form of sidewalks around all parking and loading areas. The DRB may permit the use of a recreation path or other pedestrian way as an alternative to a sidewalk.

14.7.3.2 To. Accessible routes must be provided from parking areas to the building/s of other destinations they serve. WDB 14.3 provides standards for accessible routes.

14.7.3.3 Through. The DRB will require that safe pedestrian access be provided through large parking areas.

14.8 Bicycle Parking. Proposed bicycle parking must be shown on the plans submitted with an application for a permit.

14.8.1 How many bicycle parking spaces are required? Columns B and C of Table 14.A give the minimum number of required total and long term bicycle parking spaces for typical uses. There is no maximum. Column B provides the basis for calculating the total number of bicycle parking spaces that will be required. To express it as a formula:

Total Required Bicycle Parking Spaces = Total Vehicular Parking Spaces Required (based on Column A) **X** the Percentage from Column B.

For example, a 40,000 SF industrial building will require 40 vehicular parking spaces (Column A requires 1 per 1,000 GFA) and 2 bicycle parking spaces (Column B requires 5% of the vehicular total).

14.8.2 What is a short-term bicycle parking space? A short term bicycle parking space is a space in a bicycle rack that is large enough to accommodate a bicycle (approximately two by six feet), permits the locking of the bicycle frame and one wheel to the rack, and supports the bicycle in a stable position without damage. The number of short-term bicycle parking spaces that is required is calculated by subtracting the number of long term bicycle parking space required by Column C of Table 14.A from the total calculated using Column B. To express it as a formula:

Required Short-Term Bicycle Parking Spaces = Total Required Bicycle Parking Spaces – Required Long-Term Bicycle Parking Spaces from Column C

For example, a 100,000 SF GFA retail building needs 400 vehicular parking spaces (Column A requires 1 per 1,000 SF GFA), 28 total parking bicycle parking spaces, 6 long-term bicycle parking spaces (Column C says that 20% of all bicycle parking spaces must be long-term), and 22 short-term bicycle parking spaces.

14.8.3 Are there design standards for short-term bicycle parking? Yes. Short term bicycle parking must be as visible, as well lit, and as convenient for cyclists as the vehicular parking on the site is for drivers.

14.8.3.1 Visibility. Short-term bicycle parking or a directional sign leading to it shall be visible from the principal entrance of the building it serves. Short term bicycle parking serving buildings with multiple entrances shall be dispersed so that it serves every principal entrance. Short term bicycle parking will ideally be within 50 feet of the building entrance.

14.8.3.2 Security. Bicycle racks shall be securely anchored to the ground, allow the bicycle wheel and frame to be locked to the rack with a U-lock, and be in a well-lit, highly visible location.

14.8.3.3 Paving. Short-term bicycle parking shall be on a paved surface.

14.8.4 What is a long-term bicycle parking space? A long-term bicycle parking space provides secure storage in a bicycle locker or a bicycle storage room or enclosure. These facilities must protect the entire bicycle, including its components and accessories against theft and the weather. They must also include a clothes storage locker that has a minimum size of 12" wide, 18" deep, and 36" high. Lockers do not need to be in the same location as the long term bicycle parking space. The required number of long-term bicycle parking spaces is given as a percent of the required number of total bicycle parking spaces and is listed in Column C of Table 17.A.

14.8.5 Can the number of required bicycle parking spaces be reduced? The DRB may reduce the bicycle parking requirements adopted in this chapter where the location and/or nature of the proposed development make the use of bicycles highly unlikely.

14.9 End-of-Trip Facilities

14.9.1 Why are end-of-trip facilities required? End-of-trip facilities are an important element in long range strategies to reduce energy consumption and dependence on nonrenewable energy resources. Few people can ride a bicycle even a modest distance to work if there is not a place to shower and change.

14.9.2 What end-of-trip facilities are required for developments? End-of-trip facilities include showers and a changing area. Facilities must be provided on-site or via an agreement with a nearby (within 600 feet) use. Table 14.D outlines the minimum number of required end-of-trip facilities based on the number of long-term bicycle parking spaces required.

Table 14.D - Shower and Changing Facilities

Required Long Term Bike Parking Spaces	Minimum Number of Required Shower and Changing Facilities
1-3	1
4-18	1 per gender
17-30	2 per gender
30+	3 per gender

Chapter 15

On-Site Infrastructure

This chapter establishes standards for the provision of on-site infrastructure, including private and public roads, utilities, and associated improvements. These standards are supported by Chapter 7 of this bylaw, which establishes the procedures needed to ensure that the improvements required here are actually built. On-site infrastructure may also be subject to the continuing maintenance standards of Chapters 7 and 16.

15.1 Basic Requirement – Applicability

15.1.1 What is the basic requirement of this chapter? The basic requirement of this chapter is that developments will be served by adequate on-site infrastructure installed by the developer.

15.1.2 What does 'on-site' mean? On-site infrastructure is on the land that is proposed for development or in a public right-of-way immediately adjoining that land. This term may also include necessary extensions of roads or utilities to a development across other lands.

15.1.3 Do the standards adopted here apply to all development? These standards apply to all development for which a discretionary permit is required. The plans submitted with applications for discretionary permits must clearly demonstrate compliance with these standards.

Relationship to Impact Fees. Williston requires development to contribute to the continuing improvement of its infrastructure in two major ways. The first is through the provision of on-site infrastructure, as required by this bylaw. While on-site infrastructure may incidentally benefit others, it primarily serves the occupants/users of the development where it is installed. The second contribution is through the payment of impact fees. Impact fees are used to help cover the costs of off-site infrastructure, that is to say, of improvements that are, in part, necessitated by a development, but that serve a larger public and may be located miles away.

15.2 Circulation. Many developments will be served by existing roads, with access to those roads governed by Chapter 13 of this bylaw. These standards apply where new roads must be built.

15.2.1 Will all roads built to serve new development be public? No. Applicants may be required to build public or private roads as explained here.

15.2.2 Where will public roads be required? Where a development includes a proposed arterial or collector road, that road will be public, and designed and built to the appropriate standards of the American Association of State Highway and Transportation Official's (AASHTO) *Policy on the Geometric Design of Highways and Streets* and Williston's *Public Works Standards*.

15.2.3 What about local roads? Are they to be public or private? That depends. Proposed local roads that serve a single development and/or that will serve 40 or fewer dwellings and/or that provide no connection to other lands shall be dedicated to public use, but privately maintained by the owner or an owner's association, as provided by WDB 7.2. The town may accept some local roads as provided by WDB 15.2.3.3

15.2.3.1 Very Low-Volume Roads. Where a private road will serve 40 or fewer dwellings or a projected traffic volume of 400 ADT or less it shall be designed and built to comply with

the current edition of the American Association of State Highway and Transportation Official's *Guide for the Geometric Design of Very Low Volume Local Roads* and Williston's *Public Works Standards*. Low-volume private roads that serve residential development with an average density of one dwelling per 10 acres or less may be unpaved.
15.2.3.2 Other Private Roads. Private roads that will serve more than 40 dwellings or carry more than 400 ADT traffic must be designed and built to comply with the current edition of the American Association of State Highway and Transportation Official's *Policy on the Geometric Design of Highways and Streets* and Williston's *Public Works Standards*.

15.2.3.3 Town Acceptance of Local Roads. The town may choose to accept a new local road that provides access to a municipal or other public facility or where the connectivity required by the *Town Plan* and Chapter 13 of this bylaw is not provided by an existing road. Where the town will accept a local road, it must be designed and built to comply with the current edition of the American Association of State Highway and Transportation Official's *Policy on the Geometric Design of Highways and Streets* and Williston's *Public Works Standards*.

15.2.4 Must sidewalks or recreation paths be provided along roads? Sidewalks that are designed and built to comply with Williston's *Public Works Standards* must be provided along both sides of all proposed roads except:

15.2.4.1 … where the *Town Plan* calls for the provision of a recreation path along the proposed road, which must be provided instead; or

15.2.4.2 … where the DRB finds that the type and/or density of development served by the proposed road does not necessitate a sidewalk or recreation path, or at least a sidewalk or recreation path on both sides of the road. In making this determination, the DRB shall be guided by these principles.

- The DRB may limit the requirement for a sidewalk to only one side of a proposed road in areas of low intensity commercial or industrial development. Where it does so, it may require the provision of signed and/or striped crosswalks to properties on the side of the road that has no sidewalk.

- The DRB may modify or eliminate the requirement for a sidewalk where safe adequate bicycle and pedestrian circulation is provided by an off-street system of paths.

- Sidewalks will not ordinarily be required in the ARZD due to the low density of development permitted in that zoning district. Recreation paths and primitive trails will be required as shown in the *Town Plan* and may also be required to create or enhance connectivity in open space developments, as provided by WDB 31.7.5.

Where can I find the map of proposed trails in the *Town Plan*? Existing and proposed trails are shown on Map 10 and on Map 4 of the *Open Space Plan*.

15.2.4.3 Crosswalks. Signed and/or striped crosswalks must be provided at all intersections. The DRB may also require mid-block crossings to serve specific destinations and additional measures to ensure the safety of cyclists and pedestrians, including textured crosswalks and other streetscape design features, signs, and traffic calming. The DRB may permit an

exception to this standard where an applicant would otherwise be required to install a crosswalk that does not connect to a pedestrian way on the other side a street.

15.2.5 Are there standards for the drainage of roads? All roads shall be properly drained, as required by the *Public Works Standards* and in compliance with Chapter 29 of this bylaw, which regulates runoff from roads and other impervious surfaces.

15.2.6 Are there standards for signs, street lights, etc? Improvements associated with roads, including signs required by the *Uniform Manual of Traffic Control Devices*, street lights, and similar facilities shall be provided as required by the *Public Works Standards*.

15.2.7 Are street trees required? Street trees must be planted as required by Chapter 26.

15.2.8 What about bus stops? Applicants whose projects will benefit from transit service may be required to provide or contribute to the provision of bus stop pull-outs, shelters, and signage.

15.3 Neighborhood Parks. Like the other on-site infrastructure required by this chapter, neighborhood parks are 'required improvements' subject to all applicable requirements of Chapter 7 and the maintenance requirements of Chapter 16.

15.3.1 Are developers required to provide neighborhood parks? Section 2 of the *Open Space Plan* provides detailed guidance for the provision of neighborhood parks in residential developments. The DRB must find that all proposed residential developments comply with that guidance. Note also that the growth management review standards adopted in Chapter 11 of this bylaw encourage the provision of neighborhood recreational space.

15.3.2 Are neighborhood parks open space? Neighborhood parks come in different forms, depending on the character of the neighborhood they serve. Some may be quite urban, including lots of hard surfaces. They are not automatically included in "open space" where it is required by this bylaw, but may be included where the DRB finds that they serve open space functions.

15.3.3 When does access to an existing park fulfill the Open Space Plan's guidance for neighborhood parks? Section 2 of the Open Space Plan provides that proposed residential developments may be served by an existing community park rather than providing a new neighborhood park. This will be permitted where the existing park is within 1,320 feet walking distance of the majority of dwellings in the proposed residential development, where the walk to the existing park does not involve crossing an arterial road, and where the proposed development makes a cash contribution to the continuing development of community parks via an increased impact fee.

15.3.4 When is a proposed residential development too small to provide a neighborhood park? The applicant may propose to provide a neighborhood park in a residential development of any size. Consistent with Section 2 of the *Open Space Plan*, however, a neighborhood park will not be required in any proposed residential development that has fewer than 15 dwellings.

Increased Impact Fee. The upcoming revision of the parks and recreation impact fee will require a higher fee from dwellings in developments that rely on existing parks rather than providing a neighborhood park.

15.3.5 Must neighborhood park space be developed? Consistent with Section 2 of the *Open Space Plan* only basic development of neighborhood parks, consisting of grading, the installation of turf

and other ground covers, and the planting of trees is required. Further development and maintenance of the park will be the responsibility of the owners' association. Note, however, that in order to receive a point award on the growth management review standards of Chapter 11 of this bylaw, the applicant must provide additional facilities or a park development fund that may be used by the owners' association.

15.5 Private Utilities

15.5.1 Must the plans I submit show utilities that are not provided by the town? Yes. Cable television, electric power, and natural gas may be provided as available and in accord with the requirements of each service provider. The plans submitted with the application for a discretionary permit must show where and how these utilities will be installed and clearly demonstrate that they will not conflict or interfere with the construction and maintenance of roads or the installation and maintenance of municipal utilities.

15.5.2 Must private utilities be placed underground? Yes. The DRB may permit an exception to this standard where placing utilities underground is physically infeasible.

15.6 Sewage Disposal: Municipal

15.6.1 Is access to Williston's municipal sewerage system limited? Yes. All proposed development must have or obtain an allocation of sewage treatment plant capacity as provided by Williston's *Sewer Allocation Ordinance* and, for residential developments, the growth management review system established by Chapter 11 of this bylaw. An allocation certificate signed by the DPW must accompany all applications for permits for development that requires sewage treatment plant capacity.

15.6.2 Which developments must connect to the town's sewerage system? Development within the sewer service area established in the *Town Plan* and the *Sewer Allocation Ordinance* must be connected to the municipal sewerage system via a collection system that includes all necessary pump stations or pump station improvements and that meets the design and construction standards established by Williston's *Public Works Standards* and state law. The DPW may permit an exception to this standard where physical barriers, including property ownership or the terrain, make connection to the municipal sewerage system infeasible and where an on-site wastewater disposal system that complies with WDB 15.6 exists or can be installed.

What are the boundaries of the Sewer Service Area? See Map 7 of the *Town Plan*.

15.6.3 Does this mean that existing development may have to connect? Yes. The requirement of WDB 15.5.2 applies not only to new lots and structures, but also to existing structures that are within 150 feet of a sewer main that has adequate capacity. Existing structures must connect in order to obtain an administrative permit to proceed with a change of use or an addition of more than 600 square feet. The DPW may permit an exception to this standard where physical barriers, including property ownership or the terrain, make connection to the municipal sewerage system infeasible and where an on-site wastewater disposal system that complies with WDB 15.8 exists or can be installed.

15.6.4 Are there any other limitations on municipal sewerage service? Pretreatment of certain kinds of waste may be required by Williston's *Sewer Use Ordinance*. Contact the DPW for more on this.

15.7 Sewage Disposal: On-Site

15.7.1 What are the standards for the installation of on-site sewage disposal systems? Where a proposed development will not be served by the town's sewerage system, plans for an on-site wastewater disposal system that meets all standards established by the Vermont Department of Environmental Conservation shall accompany the application for a discretionary or administrative permit, whichever is required. These plans must be prepared and certified by a licensed designer.

What is a licensed designer? See http://www.anr.state.vt.us/dec/ww/sitetech.htm for an explanation of this state program.

15.7.2 How does the town know that an on-site sewage disposal system has been installed as designed? No certificate of compliance shall be issued and no development occupied until as-built plans for the on-site sewage disposal system have been filed with the Administrator.

15.7.3 Are community wastewater disposal systems permitted? Yes, but only in specific situations, in the ARZD. See WDB 31.10.

15.8 Solid Waste. Solid waste collection in Williston is provided by the private sector. This bylaw does include standards intended to ensure that all developments have adequate facilities for the handling and storage of solid waste before it leaves the site. See Chapter 16.

15.9 Stormwater. Stormwater collection and treatment must be provided in compliance with Chapter 29 of this bylaw.

15.10 Water: Municipal

15.10.1 Are there standards for water systems that will be installed by developers? Yes. Where municipal water service is available, the applicant shall install a water system that meets the standards of Williston's *Public Works Standards* and state law.

15.10.2 Are there limitations on the extension of municipal water service? Yes. Water service may be not be extended into the ARZD and may be extended in other zoning districts only where adequate water pressure can be provided by gravity flow from existing town reservoirs.

15.11 Water: On-Site. This standard is adopted to protect the town and its utility rate payers from the necessity of extending municipal water service over long distances to serve areas where the groundwater supply is limited.

15.11.1 Will development that is not served by the municipal water system be permitted? Yes, but where the use of an on-site water supply is proposed, the applicant must demonstrate that groundwater sufficient to support the development is available. This must be done by conducting on-site well tests under the supervision of a registered engineer or a groundwater hydrologist.

15.11.2 How should well tests be conducted? And is this requirement ever waived? Well tests shall be conducted in accord with the current requirements of the Vermont Water Supply Rule for long-term yield testing. The DRB may waive the requirement of WDB 15.11.1 for an on-site well

test where the average density of the proposed development is one dwelling per 10 acres or less and the geologic mapping available to the town suggests that the groundwater supply will be sufficient for very low density residential development.

15.11.3 Must wells be tested for water quality? Whenever a well test is required by WDB 15.11.1, the water yielded shall also be tested for basic drinking water quality parameters and radon.

15.12 Extensions of Service

15.12.1 Are there geographic limits on the extension of town infrastructure? Yes. See WDB 15.6 and WDB 15.10.2. Sewerage may not be extended outside the sewer service area established in the *Town Plan* except in response to a public health emergency. Additional water service may not be extended into the ARZD except again, where necessary to address a public health emergency. Nor may water service be extended into areas that cannot be served by gravity flow.

15.12.2 Will the town ever participate in extensions of service needed to support development? The DPW may, with the approval of the Selectboard, choose to provide partial funding for the extension of town roads or utilities to a development where doing so will help correct a deficiency in the existing circulation or utilities systems or where the proposed extension will provide capacity for the anticipated development of other lands.

15.12.3 Can the town recoup the costs it incurs in extending service? Yes, at least in part. Where the town funds an extension of service that benefits undeveloped properties, it shall collect a proportional share of the costs it incurred before a permit for the development of those properties is approved.

15.13 Certificate of Dedication. Infrastructure that will be owned by the Town of Williston shall be dedicated to the town via a certificate on the cover sheet of the recorded final plans. This certificate shall be signed and dated in the presence of a notary public by all owners or by a guardian or trustee who is entitled to sign for the owner/s and shall be acknowledged as the only instrument of conveyance needed to transfer ownership of the listed facilities to the town.

15.14 Acceptance of Roads. Roads that will be dedicated to and maintained by the town will be accepted by the Selectboard, but only after the inspections and warranty period required by Chapter 7 of this bylaw are complete.

SAMPLE CERTIFICATE OF DEDICATION

We, the undersigned, certify that we are the legal owners of the property described by the recorded plans on which this certificate appears, and that we hereby dedicate the public roads and pedestrian ways, including all associated improvements, rights-of-way, and easements; the public utilities, including all associated improvements and right-of-way; and all other public improvements [these should be specifically listed] shown on these plans for the (name of development), as it was approved by the Williston Development Review Board on (date) to the Town of Williston. We understand that our signatures below result in the transfer of ownership of the lands and facilities described here unconditionally and forever to the town. We also understand that, while ownership shifts to the town upon the recording of these plans, we may be responsible for the continuing maintenance of some or all of these lands and facilities until a warranty period expires.

_____, _____
(date)

_____, _____
(date)

At Williston, Vermont this _____ th day of _____, A.D. _____, _____
(date) (month) (year) (name/s)
personally appeared and acknowledged the dedication made by the above certificate as his/her/their free and deed.

Before Me: _____
(notary public)

Insert this additional language where needed:

We further dedicate the private roads shown on these plans to public use. It is understood that these roads will be privately maintained by our selves or our successors in ownership, but that guaranteed public access is necessary to provide for emergency services.

Chapter 16

Maintenance

This chapter expands on the maintenance requirement of WDB 7.2. It provides detailed definitions of the term "maintenance" as it applies to specific improvements required by this bylaw. It also requires that applications for discretionary permits show how important operational aspects of developments, including snow storage and solid waste disposal, will be handled.

16.1 Basic Requirement – Applicability

16.1.1 What is the basic requirement of this chapter? The basic requirement of this chapter is that required improvements must be properly maintained.

16.1.2 Do the standards adopted here apply to all development? The standards adopted here apply to all developments that include improvements required by this bylaw. The plans submitted with applications for discretionary permits must clearly demonstrate compliance with these standards.

16.1.3 How can the maintenance standards adopted here be enforced? As stated at WDB 7.2.1, failure to maintain required improvements is a violation of this bylaw, subject to the as provided by WDB 7.4-6.

16.2 Community Sewerage Systems. Community sewerage systems are permitted in compliance with WDB 31.10.2.

16.2.1 Are there specific standards for the continuing maintenance of community sewerage systems? Yes. The type maintenance that is needed will depend on the type of system that is installed, but in every case, it must include annual submission of a maintenance contract with a firm that is acceptable to the Administrator by the owner or owners' association and annual submission of an annual report by the maintainer to the Administrator. This report shall list all preventive maintenance measures taken and all repairs made.

16.2.2 What happens if a community sewerage system is not being maintained? As provided by WDB 16.1.3, failure to maintain a community sewerage system is a violation of this bylaw. Additionally, because failure to maintain a community sewerage system is assumed to pose a threat to public health, the town may - after providing 24 hours' notice to the owner or owners' association that it intends to do so - undertake or contract for the necessary maintenance. The town shall cover its expenses by placing a lien on all properties served by the community sewerage system it was compelled to maintain.

16.3 Landscaping, Neighborhood and Urban Parks, and Open Space

16.3.1 Are there specific requirements for the continuing maintenance of landscaping? Yes. Landscaping maintenance includes timely irrigation; the control of invasive species, pests, and weeds; pruning; mowing; the regular removal of litter; the regular removal and composting of dead plants, replacement plantings; trimmings and leaves; and all other activities required to maintain

the approved appearance and function of the landscaped area. More detailed landscaping maintenance standards are adopted in Chapter 23 of this bylaw.

16.3.2 Are there specific requirements for the continuing maintenance of neighborhood and urban parks? Yes. Parks that will remain in private ownership are subject to the landscaping maintenance standard of WDB 16.3.1 and the litter removal standards of WDB 16.4. Other features of parks must be kept in safe, functional working order. Where a public bulletin board is provided, the owner is responsible for the prompt, timely removal of dated items and ensuring that posted items do not become litter.

16.3.3 Are there specific requirements for the continuing maintenance of open spaces? Yes. Open space maintenance includes the regular repair of fences, stiles, private trails, and other structures; the control of listed weeds; litter removal; and wildfire suppression. Mowing may also be required in some cases. These maintenance activities must not diminish the open space values (wetlands, views, etc.) that are being protected. Those who are responsible for the maintenance of open space should also be aware of WDB 29.9.5, which limits the removal of vegetation from watershed protection buffers.

16.4 Litter

16.4.1 Is litter removal required? Yes. Regular removal of litter from landscaped and open space areas, neighborhood and urban parks, parking and loading areas, pedestrian ways, and all other outdoor spaces is required, as is the regular removal of trash from receptacles provided in compliance with WDB 16.4.2.

16.4.2 Can I be required to provide trash receptacles? Yes. The DRB may require the provision of outdoor trash receptacles to serve the users of a development.

16.4.3 Are trash receptacles subject to design review? Yes. Where outdoor trash receptacles will be provided, the applicant must provide specifications and drawings or photographs demonstrating that the proposed outdoor trash receptacles will be consistent with the architectural and landscape design themes of the development.

16.5 Runoff and Erosion Control Measures. Continuing maintenance of runoff and erosion control measures is required by WDB 29.5.11.

16.6 Snow Removal and Storage

16.6.1 Is snow removal required? Yes. The owner or owner's association is responsible for the removal of snow from fire lanes and from roads, sidewalks, trails, and other required improvements that remain in private ownership. EXCEPTIONS: This standard does not require that snow be removed from a facility, like a tennis court, that is not used during the winter, nor does it require that snow be removed from a pedestrian way that is groomed as a ski trail. This standard also does not prohibit a residential owner's association from requiring that individuals remove snow from sidewalks serving their homes.

16.6.2 Is a plan for snow storage required? Yes. Proposed snow storage areas adequate for the use of the proposed development must be clearly shown on the plans accompanying an application for a discretionary permit.

16.6.3 Are there limitations on where snow may be stored? Yes.

16.6.3.1 Impact on Water Quality. Areas proposed for snow storage must drain to an approved stormwater system. The DRB may permit an exception to this standard only where the applicant clearly demonstrates that melt water from a proposed snow storage area that is not served by an approved stormwater system will receive adequate treatment before entering a watercourse or reaching the water table. For the purposes of this sub-section, adequate treatment shall mean that melt water must flow across at least 100 feet of heavily vegetated land or infiltrate through at least four (4) feet of unconsolidated, Type A or Type B (highly to moderately permeable) soil before reaching the water table.

16.6.3.2 Impact on Landscaping. Snow may be stored on landscaped areas, but the plans submitted must demonstrate that the plant materials proposed for snow storage areas comply with the standards of Chapter 18 of this bylaw, specifically including WDB 23.5.3.

16.6.3.3 Impact on Parking Areas. Proposed snow storage areas may not include or obstruct access to required parking spaces. This standard does not apply for the first 48 hours after a snow event, during which time snow may be temporarily stored in parking spaces.

16.6.3.4 Impact on Pedestrian Ways. Snow storage may not obstruct sidewalks or other pedestrian ways.

16.7 Solid Waste

16.7.1 How do I show that I have made adequate provision for solid waste disposal? Solid waste containers, including trash receptacles, compactors, dumpsters, and similar installations must be shown on the plans accompanying an application for a discretionary permit.

16.7.2 Are there standards for the placement and screening of solid waste containers? Yes. Solid waste disposal containers must be accessible to haulers, but must also be fully screened from public view. This may be accomplished by architectural and/or landscape design.

16.7.2.1 Access for Haulers. The plans submitted must clearly demonstrate that proposed solid waste containers will be accessible to haulers. The DRB may require the applicant to provide a letter from the proposed hauler stating that access is adequate.

16.7.2.2 Preferred Location. The preferred way to screen solid waste containers is by placing them in the structure they serve, accessible via loading doors, or to use walls that are an architectural extension of the structure served by the containers.

16.7.2.3 Landscaped Screening. The DRB may permit the placement of solid waste containers away from a structure. Where it does so, the containers shall be fully screened from public view by a fence or wall of at least six (6) feet in height. Additional standards for landscaped screening are adopted in Chapter 23 of this bylaw.

16.7.2.4 Location. Unless placed inside a building, behind a loading door, solid waste containers must not be located on or along a pedestrian way or at a building's principal entrance/s.

16.6.2.5 Exception. The location and screening requirements of WDB 16.7.2.1-4 do not apply to trash receptacles placed on a site for the convenience of employees, shoppers, or the general public in compliance with WDB 16.4.2-3.

16.6.2.6 Litter. As required by WDB 16.4.1, areas surrounding solid waste containers must be kept free of litter.

16.6.2.7 Concrete Pad. Solid waste containers shall be placed on a concrete pad.

Chapter 17

Non Residential
Accessory Uses and Structures
Temporary Uses and Structures

This chapter provides standards for some common nonresidential accessory uses. Customary accessory structures and uses are permitted in all zoning districts. Residential accessory uses are addressed in Chapter 20. Temporary uses and structures are also addressed here because they are often accessory to another use. These standards apply to all temporary uses, however, whether they are appurtenant to another use or not. Remember that compliance with the standards of this chapter is in addition to all other requirements of this bylaw.

17.1 Accessory Dwellings

17.1.1 Are accessory dwellings permitted by state law? Yes. Accessory dwellings that are appurtenant to owner-occupied dwellings are permitted by 24 V.S.A. § 4412(1)(E). See WDB 20.1 for the standards governing accessory dwellings associated with an owner-occupied dwelling.

17.1.2 Are accessory dwellings permitted for any other uses? Yes. Residential uses are permitted in most of Williston's commercial zoning districts. In those commercial districts where dwellings are not permitted and in the industrial zoning districts, one accessory dwelling for the use of the owner or for use as housing by an employee will be permitted on each lot, provided that the following standards are met.

17.1.2.1 Owner or Employee Only. To ensure that occupants are aware of any nuisances or hazards associated with living on commercial or industrial premises, accessory dwellings in the districts (GZDN, IZDE, IZDW) where dwellings are not otherwise permitted may not be made available to the general public.

17.1.2.2 Maximum Size. Accessory dwellings may be attached or detached. They are limited to 1,500 SF in size.

17.1.2.3 Access/Parking. Accessory dwellings must have separate ingress/egress to the outside and two reserved parking spaces.

17.1.2.4 Fire Code. Accessory dwellings shall have the separations required by the National Fire Codes from commercial and industrial operations.

National Fire Codes? Williston has not adopted the National Fire Codes. However, those codes are occasionally referred to in this bylaw in order to establish a detailed standard for specific types of development. Compliance will generally come as a result of the plan reviews and inspections conducted by the Vermont Division of Fire Safety, but this bylaw adopts certain critical code requirements in order to have an independent basis for action. For information on the state's building inspection program see: http://www.dps.state.vt.us/fire/

17.1.2.5 Home Business. No home business shall be permitted in an accessory dwelling that is appurtenant to a commercial or industrial use.

17.1.2.6 Permit Required. Where a discretionary permit is required, proposed accessory dwellings must be included in the plans submitted with the application for that permit. A discretionary permit is also required for the addition of a new accessory dwelling to an existing commercial or industrial use.

17.2 Accessory Sales. This bylaw permits the incidental retail sale of convenience items and products used or produced by the principal use. Sales must take place within the same building or associated set of buildings as the principal use. The questions answered below are intended to provide specific examples of accessory sales and standards that will guide the Administrator and DRB in their review of other proposed accessory sales.

17.2.1 Can I have a gift shop in my bed and breakfast or motel? Yes. Incidental retail sales of convenience items and local artwork and handicrafts are permitted in lodging places.

17.2.2 Can I sell goods as an accessory use to a warehouse or distribution facility in the industrial zoning districts? Yes, but only on a limited basis. See WDB 17.2.3.

17.2.3 Are there specific limitations on accessory sales in the industrial zoning districts? Yes.

17.2.3.1 Limited Area. Accessory sales in the industrial zoning districts (GZDS, IZDE, IZDW) shall not occupy more than 10% of the floor area not to exceed 1,000 sq. ft., whichever is less, of the building in which they are located.

17.2.3.2 Limited Goods. Accessory sales in the industrial zoning districts shall be limited to goods that are distributed from, produced on, or repaired on-site. To put it another way, goods may not be brought to the site solely to be sold there.

17.3 Accessory Services. This bylaw permits the provision of on-site services to employees and customers or clients. The questions answered below are intended to provide specific examples of accessory services and standards that will guide the Administrator and DRB in their review of other proposed accessory services.

17.3.1 Can I provide child care for my employees and/or customers? Yes. Child care is a permitted use in most zoning districts, anyway, but it will always be permitted as an accessory to commercial, industrial, and institutional uses. Where a discretionary permit is required, proposed child care facilities must be included in the plans submitted with the application for that permit. A discretionary permit is also required for the later addition of child care facilities to an existing commercial, industrial, or institutional use.

17.3.2 Can I provide a cafeteria or other food service for my employees? Yes. A food service that is not advertised to the general public may be permitted as an accessory to commercial, industrial, and institutional uses. Where a discretionary permit is required, proposed food services must be included in the plans submitted with the application for that permit. A discretionary permit is also required for the later addition of a food service to an existing commercial, industrial, or institutional use.

17.3.3 Food sales with accessory sales. Limited service eating places may be allowed in conjunction with accessory sales with the approval of a discretionary permit. The gross floor area of the eating place, including all food preparation and storage areas shall be part of the limited area defined in WDB 17.2.31, and shall not occupy more than 10% of the floor area not to exceed 1,500 sq. ft., whichever is less, of the building in which they are located. Limited service eating places allowed under this provision may be advertised to the general public.

***17.3.4 What about mobile food vendors*.** Mobile food vendors (a.k.a. food carts) may be allowed as an accessory use on commercial and industrially zoned properties with the approval of a discretionary permit.

17.3.5 Are there specific limitations on accessory services? Yes.

17.3.5.1 Same Building. Accessory services must be within the same building, or associated set of buildings as the principal use.

17.3.5.2 Additional Parking. No accessory use shall require the addition of parking beyond that permitted for the principal use.

17.4 Accessory Structures. Except where specifically exempted or made subject to a different standard, accessory structures are subject to the same requirements of this bylaw as all other structures. For accessory structures on residential premises, see Chapter 20 of this bylaw.

17.5 Antennae. Local regulation of telecommunications antennae is limited by state and federal law. See Chapter 21 of this bylaw.

17.6 Energy Generation. On-site energy generation is a permitted accessory use. This includes cogeneration in the industrial zoning districts, photovoltaic installations and wind turbines in all zoning districts, and the production of energy from wastes that are otherwise permitted on the site in the industrial zoning districts and ARZD.

State Pre-Emption. Municipal regulation of energy generation in Vermont is largely pre-empted by the state. See WDB 4.2.1.1.

17.7. Parking. Off-street parking that complies with Chapter 14 of this bylaw is a customary accessory use in all zoning districts.

17.8 Scoreboards. Scoreboards are permitted as accessory structures on the same lot as and appurtenant to athletic fields.

17.8.1 Is a permit required to erect a scoreboard? Yes. An administrative permit must be obtained for the installation of a scoreboard, including the regular use of a portable scoreboard.

17.8.2 What may be displayed on a scoreboard? The only information that may be displayed or shown on a scoreboard when a game is not being played is a title stating the name of the facility (for example, "Allen Brook Park")and the name of the association, conference, or league that uses the facility (for example, "Williston Little League"). Where donor plaque display is not provided, a donor plaque may be attached to the scoreboard, as provided by Chapter 25 of this bylaw.

17.9 Signs. Signs fit the definition of an accessory structure provided in Chapter 46, but they are treated separately in Chapter 25 of this bylaw.

17.10 Special Events. Williston has a *Special Events Ordinance* which requires that applications for a special events permit be reviewed by the Fire and Police Departments. Special events also have temporary land use consequences and the Administrator must find that a special event complies with the standards adopted here before forwarding an application for a special events permit to other departments for approval.

17.10.1 Can I change the access to a site or building during a special event? Special events must not obstruct or interfere with access to a site or to a structure unless alternative access is temporarily provided. Temporary access must comply with the National Fire Codes.

17.10.2 Can I hold a special event in a parking area? Possibly. Special events may be staged on required parking spaces, but must not impede circulation through the remainder of the parking area.

17.10.3 Will additional parking be required for special events? The Administrator may, upon finding that attendance at a proposed special event may exceed the parking available on the site, require the applicant to provide a plan showing where and how overflow parking, including shuttle service if necessary, will be provided.

17.10.4 Are there requirements for waste management at special events? The Administrator may, upon finding that attendance at a proposed special event may exceed the capacity of the restrooms and/or solid waste disposal containers on the site, require the applicant to provide a plan showing where and how additional waste management facilities will be provided.

17.10.5 May additional signs be posted for a special event? See Chapter 25 of this bylaw.

17.11 Temporary Real Estate Sales. Temporary real estate sales offices are permitted in residential developments, but only when housed in an approved dwelling. A separate temporary structure is not permitted.

17.12 Temporary Signs. See Chapter 25 of this bylaw.

17.13 Temporary Structures. Unless specifically exempted, temporary structures are subject to the same standards as permanent structures.

17.14 Temporary Uses Associated with Construction. Construction can occur in any zoning district.

17.14.1 Do I need a permit to store construction equipment and materials on a job site? You do not need a separate permit, but construction equipment and materials may not be moved onto a site until an application for an administrative permit authorizing the work has been approved.

17.14.2 Are there standards for the storage of construction equipment and materials on a job site? Yes. Storage of construction equipment and/or materials that is not in compliance with the standards adopted here is a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

17.14.2.1 Removal. Construction equipment and materials must be removed within five (5) working days after a certificate of compliance is issued.

17.14.2.2 Access. Construction equipment and materials must not be stored so that they obstruct or interfere with access to a site or to a structure unless alternative access is temporarily provided. Temporary access must comply with the National Fire Codes.

17.14.2.3 Site Maintenance. Construction equipment and materials must not be stored so that they obstruct or interfere with site maintenance functions, including the removal of solid waste and snow storage between October 15 and April 15.

17.14.2.4 Security. Construction equipment and materials must not be stored so that they constitute an attractive nuisance. The Administrator or the DRB may require that security fencing or other measures be used to prevent entry onto construction sites or access to stored equipment and materials.

17.14.2.5 Parking. Construction equipment and materials may be stored in required parking spaces, but must not impede circulation through the remainder of the parking area. The Administrator or DRB may require any applicant who proposes to store construction equipment or materials in a parking area to provide a plan showing where and how overflow parking will be provided.

17.14.2.6 Landscaping. Construction equipment and materials may be stored in landscaped areas only where:

- … the landscaped area is not part of a watershed protection buffer or of a required buffer between residential and other uses. and

- … the landscaped area will be fully restored to its appearance and function before a certificate of compliance is issued.

17.14.3 Are on-site construction offices permitted? A mobile construction office may be temporarily placed on a job site, but only after approval of the administrative permit authorizing the work. The mobile construction office must be removed within five (5) working days after a certificate of compliance is issued.

17.15 Utilities and Telecommunications

17.15.1 Are underground utilities permitted accessory uses? Yes. Underground utilities, including cable television, electric power, and natural gas distribution lines and the associated surface installations are permitted accessory uses and structures in all zoning districts.

17.15.2 Are overhead utilities permitted accessory uses and structures? Yes. Overhead utilities, including cable television and electric power lines are permitted accessory uses in all zoning districts. Note, however, that overhead utilities are generally not permitted in new developments in Williston.

17.15.3 Are telecommunications facilities permitted accessory uses and structures? See Chapter 21. Telecommunications facilities that are attached to existing farm structures are permitted accessory uses, as are the types of antennae listed in WDB 21.2.2. Other new telecommunications facilities are not accessory uses.

Chapter 18

Compatibility
Potential Hazards
Potential Nuisances

The standards adopted in this chapter help ensure land use compatibility by adopting standards that prevent hazards and nuisances. Compatibility is also a goal of many other requirements of this bylaw, including the prohibition of certain uses in certain zoning districts and Chapter 23's standards for landscaped buffers.

18.1 Basic Requirement - Applicability

18.1.1 What is the basic requirement of the chapter? The basic requirement of this chapter is that no development should present a hazard to or constitute a nuisance for the occupants of adjoining lands.

18.1.2 Does the town have the authority to address existing or continuing nuisances that may not be "development?" Yes. 24 V.S.A. § 2291(12-17) provide clear authority for the town to define and regulate nuisances.

18.1.3 Do the standards adopted here apply to all development? Yes. The only exceptions from these standards are those explicitly noted in this chapter or those permitted by variance.

18.1.4 Can the Administrator refer uses that would otherwise be permitted with only an administrative permit, but that have the potential to become a nuisance to the DRB? Yes. The Administrator may refer uses that will generate smoke, odor, or other potential nuisances to the DRB, which may require that the application for an administrative permit be converted to an application for a discretionary permit.

18.2 Dangerous Buildings

18.2.1 Does this bylaw regulate dangerous buildings? Yes. Buildings that meet the criteria established in WDB 18.2.2 are public nuisances. As such, they are violations of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

18.2.2 What constitutes a dangerous building? The intent here is to define buildings that pose a hazard to public safety personnel - including fire fighters, emergency medical technicians, police officers, and others who may be required to enter these buildings if they are flooded or on fire, to perform a search or rescue, or to enforce the law - as dangerous, and therefore, as public nuisances. There is no intent to declare a building dangerous on aesthetic grounds, due to a temporary lack of maintenance, or due to the fact that it is awaiting renovations for which an application for a permit has been submitted. The criteria the Administrator will use to determine whether a building is dangerous are listed below. A building need not meet all of these criteria to be considered dangerous.

18.2.2.1 … the presence of charred or burnt surfaces and/or structural members, like framing or girders, remaining from an explosion or fire;

18.2.2.2 … the presence of exposed structural members, like framing or girders, that were not intended to be exposed when the building was built;

18.2.2.3 … the absence of window glass, or the presence of broken windows, and glass litter on the floors or the surrounding ground;

18.2.2.4 … the presence of a roof, stairs, or a floor that will not reliably support the weight of a fire fighter, or of open pits, shafts, or wells;

18.2.2.5 … the presence or suspected presence of abandoned hazardous materials or wastes; and

18.2.2.6 … that the building is open to unauthorized entry via a door, window, or other opening.

18.2.2.7 The Administrator will consult with the Williston Fire and Police departments and with the town's Public Health Officer before determining that a building is dangerous.

18.2.3 Will I get some warning before being required to fix or demolish a dangerous building? Yes. The town will begin enforcement of these standards for dangerous buildings using the procedure established at WDB 7.4. This procedure gives a property owner seven days to respond to a notice of violation.

18.3 Air Quality. Air quality in Williston is regulated by the State of Vermont. The standards adopted here seek to prevent some common air quality problems by anticipating the impacts of proposed developments.

Where can I learn about state air quality regulations? The Air Pollution Control Division of the Vermont Department of Environmental Conservation is on-line at: **http://www.anr.state.vt.us/air/**

18.3.1 Are there standards for dust suppression? Yes.

18.3.1.1 During Construction. Dust suppression shall be provided at construction sites in accord with the *Public Works Standards.*

18.3.1.2 After Construction. Generally sites will be stabilized with buildings, paving, and landscaping, and produce only incidental dust. Some industrial and mining processes are expected to produce dust, however, and so are recreational uses that use dirt trails or roads. These uses are confined to the ARZD and the industrial zoning districts. Within those districts, the DRB may require applicants to provide dust suppression and/or additional landscaped buffering to protect adjoining properties and/or prevent dust blowing across public ways.

18.3.2 What about uses that generate smoke? No development shall generate smoke that could adversely affect occupants or users of adjoining properties. Where the DRB finds that smoke will not ordinarily be confined on the property where it is generated or at least within an industrial zoning district, it may simply prohibit the proposed use. The DRB may also, consistent with state air pollution laws, require measures that would mitigate the anticipated nuisance.

18.3.3 Are there standards for the placement of exhaust fans, stacks, vents, and similar equipment? Yes. The plans submitted with applications for administrative or discretionary permits for uses that will have these types of equipment or installations must demonstrate that proposed

exhaust vents, stacks, fans, and similar equipment will not direct cooking odors, gases, hot air, smoke, steam, or vapor onto adjacent properties or public ways.

18.3.4 What if my development will stink? Are there standards for odors? Different people experience odors in different ways, making regulation difficult. Industrial processes or other uses that may reasonably be expected to produce odors that some people will find offensive shall be confined in the Industrial Zoning District West. Where the DRB finds that the anticipated odor will not or cannot ordinarily be confined on the property where it is generated, or at least within an industrial zoning district, it may simply prohibit the proposed use. The DRB may also, consistent with state air pollution laws, require measures that would mitigate the anticipated nuisance.

Do the standards adopted here apply to landfill odor? No. State law protects regional landfills from local regulations that would interfere with their intended function. See WDB 4.2.5). **Do these standards apply to odors generated by farming operations?** No. Accepted agricultural practices are exempted by WDB 4.2.1.2 and protected by Vermont's Right-To-Farm law, 12 V.S.A. § 5751. et seq)

18.4 Buffering. See Chapter 23 for this bylaw's standards for landscaped buffers between uses.

18.5 Hazardous Materials. Hazardous materials will be as defined by the *Uniform Fire Code* (UFC).

Fire Code Definition. Here are the basic definitions of "hazardous material" from the *Uniform Fire Code*. More details may be found in that code. It is important to have a clear understanding of the fire code and of the applicable state and federal regulations when proposing a use that will involve the storage, handling, or disposal of hazardous materials.

3.3.186.3 Hazardous Material. A chemical or substance that is classified as a physical hazard material or a health hazard material, whether the chemical or substance is in usable or waste condition. (See also 3.3.186.5, Health Hazard Material, and 3.3.186.10, Physical Hazard Material.) [5000, 2006]

3.3.186.5 Health Hazard Material. A chemical or substance classified as a toxic, highly toxic, or corrosive material in accordance with the definitions set forth in this Code. [5000, 2006]

3.3.186.10 Physical Hazard Material. A chemical or substance classified as a combustible liquid, explosive, flammable cryogen, flammable gas, flammable liquid, flammable solid, organic peroxide, oxidizer, oxidizing cryogen, pyrophoric, unstable (reactive), or water-reactive material. [5000, 2006]

18.5.1 Will the Williston Fire Department review my plans for a development that involves hazardous materials? Yes. Proposed developments that may reasonably be expected to involve the storage, handling, or disposal of hazardous materials will be referred to the Williston Fire Department for review.

18.5.2 What standards will be used in reviewing my plans for a development that involves hazardous materials? The town will rely on Chapter 60 of the *Uniform Fire Code*, which is hereby adopted by reference. Plans submitted with an application for an administrative or discretionary permit for a proposed development that involves the storage, handling, or disposal of hazardous materials must clearly show how that development complies with Chapter 60 and supporting requirements of the UFC.

18.5.3 Will I be required to submit a Hazardous Materials Management Plan? Possibly. The DRB, with the advice of the Williston Fire Department, may require submission of a hazardous materials management plan.

18.5.4 Must I maintain the measures required by Chapter 60 of the Uniform Fire Code? Yes. Failure to maintain the hazardous materials management measures required by Chapter 60 of the UFC is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

18.6 Hours of Operation. The DRB may limit the hours of operation of commercial, industrial, and institutional uses to protect the residents of nearby dwellings and/or or the residents of mixed use buildings. These limits may set the hours when deliveries and solid waste collection are permitted, as well as the hours when the use is open.

18.7 Light/Glare. Standards for outdoor lighting are found in Chapter 24 of this bylaw. The standards adopted here address glare from other sources.

18.7.1 Must welding equipment or other sources of intense light be screened from public view? Yes. Intense sources of light, like welding equipment, must be fully screened from view from adjoining properties and public ways by enclosure in a building or by an opaque screening fence or wall.

18.7.2 What about building materials that shine or reflect? Designers should choose building materials that do not generate glare. The DRB may require that roof, wall, or other materials be non-reflective. The DRB may also limit the glass area presented by a building to minimize glare. WDB 31.9.8.3 provides additional authority to limit the use of reflective materials in the ARZD.

18.8 Litter

18.8.1 Is litter removal a continuing condition of approval? Yes. Litter removal is part of the continuing maintenance required by Chapter 7 this bylaw.

18.8.2 Must areas where solid waste or other materials that may become windborne be fenced or screened to suppress blowing litter? Yes. See WDB 18.12.3.

18.9 Livestock. As explained by WDB 4.2.1.2, Vermont municipalities cannot regulate accepted agricultural practices, including the keeping of livestock. See WDB 20.10 re the keeping of livestock on residential premises.

18.10 Noise

18.10.1 Doesn't Williston already have a noise ordinance? Yes. That ordinance, which is attached as Appendix F, regulates all sources of noise, including existing land uses. These standards do not take the place of that ordinance. Their purpose is to provide a basis for the DRB's review of proposed developments, with the goal of ensuring that new uses will not generate excessive levels of sound.

18.10.2 What are the limits on the level of sound generated by proposed developments? No development that can reasonably be expected to generate sound exceeding the maximum levels set in Table 18.A shall be permitted.

18.10.3 Can I be required to present a study of potential sound levels? Yes. Where there is a question about compliance with this standard, the DRB may require the applicant to provide evidence in the form of a report prepared by a qualified firm whose qualifications are acceptable to the Administrator. Such reports shall show projected noise contours around the proposed source,

extending as far out as the 50 dBA_{L10} contour. Such a report may also be required to show the sound transmission coefficient of the proposed building materials.

18.10.4 Can the DRB require noise mitigation measures? Yes.

18.10.4.1 Mitigation Measures. The DRB may require the construction or installation of noise mitigation measures including landscaped berms, walls, and the use of sound-proofing architectural techniques. This requirement may be imposed both on new noise sources and on proposed developments that will be exposed to noise from existing sources.

18.10.4.2 Operating Hours. The DRB may also limit operating hours of commercial, industrial, and institutional uses in order to mitigate potential noise conflicts. See also WDB 18.6.

18.10.4.3 Where Uses are Mixed. Compliance with this standard is particularly important in buildings where different intensities of use will be mixed. As provided in Chapter 22 of this bylaw, the DRB may require an applicant to demonstrate that night-time interior sound levels in the residential portions of mixed-use developments will not exceed 40 dBA_{L10}.

Table 18.A - Maximum Anticipated Sound Levels

The maximum sound levels given in this table are measured in A-weighted decibels (dBA). Maximum sound levels may briefly exceed these levels, but for no more than 10 minutes out of an hour, making these levels dBA^{L10}. For enforcement purposes, maximum sound levels are measured on the property line of the receiving use at the point nearest the use generating the sound.

receiving zoning district		**maximum sound level dBA_{L10}**
ARZD		
	daytime	60
	nighttime	50
Business Park		70
Gateway North		75
Gateway South		70
Industrial East		75
Industrial West		75
Medium Density Residential		
	daytime	60
	nighttime	50
Mixed Use Commercial		70
Mixed Use Residential		
	daytime	60
	nighttime	50
Taft Corners Village		65
	daytime	60
	nighttime	50

18.11 Outdoor Sales and Storage. Where they are permitted, outdoor sales and storage may take place only within areas specifically delineated on the approved final plan and in compliance with the standards for outdoor sales and storage in the applicable zoning district.

18.12 Screening

18.12.1 What must be screened? The plans submitted with applications for administrative or discretionary permits must clearly show how utility installations, mechanical equipment, solid waste containers, and the like will be effectively screened from view from neighboring properties and public ways.

18.12.2 How should ground level screening be provided?

18.12.2.1 Hedge. Screening for utility installations, mechanical equipment, solid waste containers, and the like must include a dense evergreen hedge and other plant materials that are at least five (5) feet deep. The DRB may permit an exception to this standard where space or technical limitations make landscaped screening infeasible. Where the DRB permits an exception, a screening fence or wall shall be provided, in compliance with WDB 18.12.2.2.

18.12.2.2 Berm, Fence, or Wall. The DRB may require that a berm, fence, or wall be used to supplement the landscaped screening. Fence or wall materials, patterns, and colors must match or complement the materials, architectural details, and colors used on buildings on the site.

18.12.2.3 Blowing Litter. The DRB will require a fence or wall where necessary to trap blowing litter or other debris.

18.12.3 Must roof-mounted equipment be screened? Yes. Roof-mounted utility installations, mechanical equipment, and the like must be fully screened from view from neighboring properties and public views using location on the roof or parapets or other architectural extensions of the building. This standard does not require that roof-mounted equipment be screened from views from a taller building or higher ground. For the purposes of this standard, visibility will be determined from ground level from the centerline of the adjoining public way/s. Note that telecommunications equipment is generally exempt from this requirement, but see Chapter 21 of this bylaw.

18.13 Vibration

18.13.1 What are the limits on vibrations generated by a proposed development? No use that may reasonably be expected to generate vibrations that may be sensed at the property line without instruments shall be permitted. The DRB may permit exceptions to this standard in the industrial zoning districts, but only where a vibration study, as required by WDB 18.13.2, clearly demonstrates that there will be no adverse impact on neighboring properties or public ways.

18.13.2 Can I be required to present a study of potential vibrations? Yes. Where there is a question about compliance with this standard, the DRB may require the applicant to provide evidence in the form of a report prepared by a qualified firm whose qualifications are acceptable to the Administrator. Such reports shall show the projected levels of vibration generated by the proposed development along all property lines.

18.14 Water Quality. Water quality in Williston is regulated by the State of Vermont and Chapter 29 of this bylaw.

Where can I learn about state water quality regulations? Visit the Water Quality Division of Vermont's Department of Environmental Quality at http://www.vtwaterquality.org.

18.15 Weeds. The required maintenance of landscaped and open space areas includes the suppression of invasive species and other weeds. See WDB 7.2.3.

Chapter 19

Density
Transfer of
Development Rights

This chapter provides background information for the zoning districts created in this bylaw by explaining how the density or intensity of development is defined, measured, and regulated. This chapter also establishes a voluntary transfer of development rights program.

19.1 Applicability – Definitions

19.1.1 Do the definitions and standards adopted here apply throughout the town? Yes.

19.1.2 What is "density? Density is the general term used to describe how intensively a parcel of land is, or may be, used. Density is measured differently for different uses and in different situations.

19.1.3 How is density measured? The density of residential development in Williston is measured in the number of dwelling units per acre. For example, the Chelsea Place development has 6.31 dwellings per acre (6.31 du/A). Acreage encompasses everything within the platted boundaries of the development. It includes buildings, streets, sidewalks, stormwater detention ponds, all other improvements, and most types of open space. There are some exceptions, which are explained in WDB 19.1.3.1 and 2.

What is a dwelling unit? A dwelling unit is a building (typically a single-family home) or a separate space within a larger building (typically an apartment, townhouse , or the like) that contains complete housekeeping facilities for one household.

19.1.3.1 Accessory Dwellings. Accessory dwellings permitted by WDB 20.1 are not counted as dwellings when calculating density.

19.1.3.2 Acreage Exceptions. There are three exceptions from the acreage used as a basis for calculating density and one partial exception. These exceptions apply in all zoning districts.

- The acreage on a proposed development site that is included within the watershed protection buffers required by Chapter 29 of this bylaw will not be included in the gross acreage of that site for the purposes of calculating the permitted density.

- The acreage on a proposed development site that has a average slope of 30% or more will not be included in the gross acreage of that site for the purposes of calculating the permitted density.

- The acreage on a proposed development site that has an average slope of 15-30% will be included in the gross acreage of that site, but only at the rate established for development on slopes in the applicable zoning district. That rate is one dwelling unit for every 10 acres in the ARZD (see WDB 31.7.2.6) and one dwelling unit per acre in the RZD and VZD zoning districts (see WDB 39.4.2.2 and WDB 42.4.1).

19.1.3.3 Rounding. Residential density calculations often result in fractions. For example, a 17-acre parcel in the ARZD is permitted to have 7.62 dwellings. Does that mean it can have eight? No. Conventional mathematical rounding rules are not used for the density calculations required by this bylaw. A parcel must contain ALL of the acreage required for an additional unit. In the ARZD, a parcel has to contain at least 17.69 acres to be permitted eight dwellings.

19.1.4 How is density measured for nonresidential developments? There is no universally useful measure of the density or intensity of nonresidential developments. The density of nonresidential developments is limited and determined by the standards of this bylaw. There IS a practical minimum area for any given nonresidential development, but that area must be determined case-by-case, based on what is required to comply with the applicable standards. See WDB 19.3.

19.2 Residential Densities. Policies 3.5 and 3.6 of the *Town Plan* provide background materials that you might want to read before going on to the rest of this chapter.

19.2.1 What is the purpose of these residential density standards? The definitions and standards adopted in this chapter are intended to:

- … implement the open space policies adopted in the *Town Plan*, especially Policies 3.5 and 3.6 and Appendix C, the *Open Space Plan*;
- … help implement the affordable housing policies adopted in the *Town Plan* (see Chapter 5); and
- … give landowners and developers the flexibility needed to protect open space while creating compact and amenable neighborhoods.

To achieve these purposes, Williston requires open space residential development, which is defined in WDB 19.2.2. Because it can be difficult to design an open space development on smaller parcels, Williston also permits infill development, which is defined at WDB 19.2.3.

19.2.2 What is an open space development? An open space development is a residential subdivision in which a specified area of open space is protected as a condition of approval. How much open space is required varies with the zoning district. Open space development is required on parcels larger than 10.5 acres in the ARZD and RZD. Parcels in the VZD and smaller parcels in the ARZD and RZD may also be developed using an open space pattern, but where this is proposed, it must be approved by the DRB during pre-application review.

19.2.3 What is an infill development? Some parcels of land are too small to effectively use for open space development. Specifically, all residential developments that include 10.5 or fewer acres and all residential developments within the VZD will be treated as infill developments for the purposes of this bylaw, except where an exception is permitted by the DRB, as provided in WDB 19.2.2. All other residential developments must be open space developments.

19.2.4 So, how do I know how many homes I can build on my land? Each residential zoning district has both a permitted net density and a minimum area per dwelling unit. These standards are shown in Table 19.A.

19.2.4.1 Net Density. The average density column in Table 19.A tells you the maximum number of homes that can be built. It applies to both open space and infill developments. Applicants may make choices that reduce the average density permitted (see, for example, WDB 15.2.3.1), but the standards of Table 19.A. are the starting point.

For example, if you have a 40-acre parcel in the ARZD that includes no watershed protection buffers and no slopes of 15% of more, Table 19.A shows that you can build 22 dwelling units. See WDB 19.1.3.2 for an explanation of how having watershed protection buffers or slopes on your property affects the permitted density.

19.2.4.2 Minimum Area. The minimum area per dwelling unit may be different for open space and infill developments and is applied in different ways to different types of development. See WDB 19.2.5

Table 19.A - Permitted Residential Densities

zoning district	Net* density	minimum area per dwelling in an open space development	minimum area per dwelling in an infill development
ARZD	1 dwelling per 80,000 SF (.55 DU/A)	15,000 SF (.344 A)	80,000 SF (1.84 A)
RZD	open space developments: 3.00 DU/A	5,445 SF (0.125 A)	14,520 (.33 A)
VZD	2.00 du/A	6,534 SF (0.15 A)	6,534 SF (0.15 A)

*The net density given here is for development on slopes of less than 15%. Development on slopes of 15-29% is permitted only at the lower average densities established in WDB 19.1.3.2. Slopes of 30% of more are not included in the acreage base for development.

19.2.5 But how can I build that many homes if I am required to protect buffers along streams, conservation areas, slopes, wetlands, and other resources? This is where the minimum area per dwelling unit comes in. The combination of an average density with a minimum area per dwelling unit gives landowners and developers the flexibility to protect open space while meeting the demand for housing. It will also help make new residential neighborhoods more compact, and thus more affordable and pedestrian-friendly.

Is this "cluster" development? Yes. The approach the town is taking toward most residential development has been called "cluster" development. 'Open space development' is used in the *Town Plan* and this bylaw because it emphasizes the goal of open space protection.

19.2.5.1 Minimum Area, Individual Lots. The minimum area per dwelling unit can be interpreted as a minimum lot size in developments where buyers will get a lot. No lot can be smaller than the minimum area per dwelling unit. Do note, however, that WDB 31.8.3 prohibits developments with uniform lot sizes.

Imagine, **for example**, a 40-acre parcel in the ARZD. This parcel has no slopes or watershed protection buffers, so 22 dwelling units are permitted. But WDB 31.4.1 requires that 75% remain in open space. Can the owner still plat 22 lots? If he or she is willing (and the site is favorable) to install community sewerage systems for each cluster of lots (there is generally a limit of seven home sites per cluster), 22 lots could be approved on the 10 acres that are not set aside as open space. The shape and size of the lots must vary with the terrain, but the smallest lot/s can be as small as 15,000 SF, allowing some flexibility in the proposed subdivision's design.

19.2.5.2 Minimum Area Without Lots. Where the proposed development will be an apartment building or complex that will remain in one ownership or a condominium where the land will be held in common by the homeowners, the minimum area per dwelling unit determines the smallest area that can be used for buildings, parking, and other improvements.

Imagine, **for example**, an 80-acre parcel in the RZD that includes extensive (30 acres) wetlands and a rare plant community (10 acres). Table 19.A permits 240 dwelling units on that site (80 X 3). But given the natural constraints, it would be difficult to plat even that many conventional residential lots. Further, unless the wetlands and rare plants happen to be located in one corner of the parcel, adjacent to another open space) conventional development will have a fragmenting impact on those resources. Better resource protection and better utilization of land and infrastructure, can be achieved by shrinking the footprint of the housing. Using the minimum area per unit of 5,445 SF, this bylaw would permit all 240 units to be placed on less than 40 acres. This leaves ample space for a development that could take the form of flats, town homes, or other attached housing types. Placing 240 units on, say, 37.5 acres results in roughly the same density as many of Williston's existing condominium developments: 6.4 DU/A. **How does all this really work?** Landowners who are unsure about how to comply with the open space development requirements of this bylaw are encouraged to make an appointment with a staff person at Williston Planning. You may also want to seek the advice of an experienced design professional.

19.3 Nonresidential Densities

19.3.1 Are minimum lot sizes required for the nonresidential uses that permitted in the ARZD, RZD, and VZD? Yes.

19.3.1.1 In the ARZD. A minimum lot size of 80,000 SF is required for nonresidential uses in the ARZD.

19.3.1.2 In the RZD and VZD. A minimum lot size of 20,000 SF is required for nonresidential uses in the RZD and VZD.

19.3.2 Are there minimum lot sizes for nonresidential development in the other zoning districts? There is no minimum lot size for nonresidential uses in the other zoning districts. The density or intensity of nonresidential development that is permitted in those districts will be a function of the standards of this bylaw, as applicable.

19.4 Mixed-Use Densities. Williston's *Town Plan* emphasizes the desirability of mixed-use development in the growth center, and mixed-use development is permitted, or even required, in the BPZD, GZDS, MUCZD, MURZD, and TCZD. Each zoning district has its own standards for which uses may be mixed and how. Those standards are summarized in Table 19.B. Mixed-uses are also permitted in the VZD, in compliance with the standards established in Chapter 42 of this bylaw.

19.4.1. Is the mix of uses regulated? The mix of residential and nonresidential space may be limited. See the first column in Table 19.B for a summary of the standards adopted in the chapters establishing each zoning district.

19.4.2 How many dwelling units are permitted in a mixed-use development? The net permitted density of the residential component of a mixed-use development is shown in Table 19.B. That table also imposes a minimum density of five dwelling units per acre on residential development in most of the mixed-use zoning districts and shows that the net permitted density may rise to 10 or 15 DU/A with the transfer of development rights. The transfer of development rights is explained in WDB 19.5.

19.4.3 How much nonresidential development is permitted in a mixed-use development? The density of the nonresidential component of a mixed-use development will be a function of the limit, if any, on the mix of uses in the zoning district, the space that remains after the residential component is established, and the standards of this bylaw.

Table 19.B - Mixed Use Residential Densities

All numbers are DU/A

zoning district	residential/commercial mix	net density	density with TDR	minimum density*
BPZD	Residential uses are permitted, but not required.	5	not allowed	--
GZDS	Residential uses are permitted, but not required.	7.5	10	5
MUCZD	Residential uses are encouraged but not required.	7.5	15	5
MURZD	Must be predominantly** residential.	7.5	15	5
TCZD	Residential uses may be required.	7.5	15	5

* Where provided. This does not mean that residential uses have to be built where they are not required. ** 'Predominantly residential' is defined at WDB 38.1.3.1.

19.5 Transfer of Development Rights

19.5.1 What is the transfer of development rights? A transfer of development rights occurs when the right to develop on one parcel of land is used on a noncontiguous parcel. The parcels involved may be in the same or different ownerships.

19.5.2 Is the transfer of development rights permitted in Williston? Yes. Residential development rights may be voluntarily transferred from lands in the ARZD or from conservation areas shown in the *Open Space Plan* in other zoning districts to lands within the growth center. Development rights may be transferred one-to-one up to the maximum density permitted in the receiving zoning district by Tables 19.A and 19.B.

19.5.3 Is special permission required for a transfer of development rights? No. Transfers are permitted within the density limits established in Tables 19.A. and 19.B. The resulting development must, of course, comply with all requirements of this bylaw.

19.5.4 What are the mechanics of a transfer of development rights? A transfer of development rights is a private transaction. While it is enabled and encouraged by this bylaw, the town does not require TDRs.

19.5.4.1 TDRs at Pre-Application. An applicant who proposes to use TDRs in a development must make this clear in the pre-application materials.

19.5.4.2 TDR's and Growth Management. A TDR does not exempt the proposed dwelling units from growth management review, as required by Chapter 11 of this bylaw.

19.5.4.3 TDR's at Permit Review. Drafts of the instruments of conveyance for the TDR must accompany the application for a discretionary permit.

19.5.4.4 TDR's in Final Plans. The signed instruments of conveyance for the TDR must accompany the final plans. They must be recorded after approval of the final plans and before an administrative permit for any work on the site is approved.

Can you give me an example of how the transfer of development rights works? Yes. Suppose that you have a small farm in the ARZD. You could, if able to comply with all requirements of this bylaw, create 22 home sites on 40 acres. But really, you only want to build a home for yourself. Can you use the other 21 development rights in another way? Possibly. Suppose that a developer in the Tafts Corners area wants to build a mixed-used project on 10 acres. Without a transfer of development rights, Table 19.B says that this project can have 7.5 du/A, or 75 total units. With a transfer, however, it can have as many as 150 units (15 du/A). The developer could, if you name a reasonable price, purchase your 21 development rights and build 96 of the 150 units permitted with a TDR. This moves development into the growth center in accord with town policy, while helping protect the character of rural Williston.

Chapter 20

Residential Improvements

This chapter consolidates the definitions and standards for minor improvements to residentially developed property. The standards adopted here apply to all dwellings in all zoning districts. Requirements that may or may not apply, depending on a dwelling's location, are cross-referenced.

20.1 Accessory Dwellings. 24 V.S.A. § 4412(1)(E) states that "no bylaw shall have the effect of excluding as a permitted use one accessory dwelling unit that is located within or appurtenant to an owner-occupied single-family dwelling." Policy 5.2.5 of Williston's *Town Plan* states that the town will "continue to provide for accessory dwellings."

20.1.1 What is an accessory dwelling? For the purposes of this chapter, an 'accessory dwelling' is an independent efficiency or one or two bedroom dwelling that is located within or on the same lot as an owner-occupied single-family dwelling, and that complies with the standards established below.

20.1.2 Is a permit needed for an accessory dwelling? Yes. An administrative permit is required for any accessory dwelling.

20.1.3 What standards apply to accessory dwellings? An administrative permit for a proposed accessory dwelling shall be approved if the Administrator finds that it complies with the following standards.

20.1.3.1 Owner-Occupied. The single-family dwelling to which the proposed accessory dwelling would be accessory must be owner-occupied.

> ***What Does 'Owner-Occupied' Mean?*** The dwelling must be the principal residence of at least one of the owners named on the grand list.

20.1.3.2 Floor Area. The proposed accessory dwelling must occupy no more than 30% of the total floor area of the dwelling to which it is accessory, or where the parcel is larger than one-half acre, but too small to subdivide in the zoning district in which it is located, no more than 50% of the total floor area of the dwelling to which it is accessory, with a maximum size for any accessory dwelling of 1,500 square feet. Applicants must provide a floor and/or site plan drawn to scale and in sufficient detail to demonstrate compliance with this standard.

20.1.3.3 Using an Existing Dwelling as an Accessory to a New Dwelling. These standards present the possibility that an existing two-bedroom dwelling of 1,500 SF or less could be used as an accessory dwelling by an owner who proposes to build a new home of up to 3,000 SF. This is not prohibited, but will require a discretionary permit.

20.1.3.4 Shared Driveway. Approval of an accessory dwelling must not result in a new point of access to a public road. The Administrator may, with the advice of the DPW, waive this requirement where the terrain or other physical characteristics of the site make it safer for an accessory dwelling to have a separate point of access.

20.1.3.5 Off-Street Parking. There must be sufficient off-street parking for the proposed accessory dwelling. One off-street parking space is required for each efficiency or one-bedroom accessory dwelling and two off-street parking spaces are required for each two-bedroom accessory dwelling. Applicants must provide a site plan that is drawn to scale and in sufficient detail to demonstrate compliance with this standard.

20.1.3.6 Wastewater. Wastewater treatment capacity for the proposed accessory dwelling is available as part of an allocation of sewage treatment plant capacity or as part of the capacity of an existing or proposed on-site wastewater treatment system.

- Where the proposed accessory dwelling would be served by the town's sewerage system, the applicant must submit an allocation form signed by the DPW.

- Where the proposed accessory dwelling would be served by an on-site wastewater treatment system the applicant must submit: i) approved final plans showing that an existing system has sufficient capacity, ii) plans for a new system prepared by a licensed designer, or iii) a licensed designer's certification, based on a field investigation, that an existing system for which approved final plans are not available, has sufficient capacity for the proposed accessory dwelling.

What is a Licensed Designer? See http://www.anr.state.vt.us/dec/ww/sitetech.htm for an explanation of this state program.

20.1.3.7 Dimensional Standards. Addition of the proposed accessory dwelling will not result in a violation of the applicable dimensional standards of this bylaw. Applicants must provide a site plan drawn to scale and in sufficient detail to demonstrate compliance with this standard.

What is a Dimensional Standard? A dimensional standard controls the location of a structure or use on a lot and/or the dimensions of a structure. These standards include, but are not limited to, buffers, setbacks, coverage, and clear vision triangles.

20.1.3.8 In the Village. Detached accessory dwellings in the VZD must comply with the design standards of the *Williston Village Historic District Design Review Guide*. Applicants who wish to place a detached accessory dwelling in the VZD must provide architectural drawings, including elevations, drawn to scale and in sufficient detail to demonstrate compliance with this standard.

20.2 Accessory Structures. For the purposes of this chapter, an accessory structure is located on the same lot or parcel as a dwelling and serves a purpose that supports and is clearly subordinate to the residential use of the property. Accessory structures that are permitted for dwellings include detached garages, play structures, and sheds.

20.2.1 Is a permit needed for an accessory structure? Usually. An administrative permit is required for all accessory structures that are more than 10 feet in height or have a footprint of more than 120 square feet. Smaller structures are NOT exempt from the requirements of this bylaw. Placing a 100 square foot play structure within a side yard setback would be a violation of this bylaw, subject to enforcement provided by WDB 7.4-7.6, but would not require a permit.

What is a Garage? A garage is a building, or a part of a building, that houses, or at least is designed to house, one or more motor vehicles, watercraft, snow machines, farm implements, or other vehicles. ***What is Play Structure?*** A play structure is designed for children's play. Play equipment that does not have a footing or foundation is not a structure. ***What is a Shed?*** This term includes all roofed structures, including tool sheds, greenhouses, etc., that are accessory to a dwelling, except detached garages and accessory dwellings, which are separately defined.

20.2.2 What standards apply to accessory structures? An administrative permit for a proposed accessory structure shall be approved where the Administrator finds that it complies with the following standards.

20.2.2.1 Location. Accessory structures must be placed in a side or rear yard, except in the ARZD, where they may be placed in a front yard, if that front yard is at least twice as deep as the required setback.

20.2.2.2 Dimensional Standards. Accessory structures must comply with the applicable dimensional standards of this bylaw. Applicants must provide a site plan drawn to scale and in sufficient detail to demonstrate compliance with this standard.

20.2.3.3 In the Village. Accessory structures in the VZD must comply with the *Williston Village Historic District Design Review Guide* and may be subject to review by the HAAC and DRB. Applicants who wish to place an accessory structure in the VZD must provide architectural drawings, including elevations, drawn to scale and in sufficient detail to demonstrate compliance with that standard.

20.3 Additions. An addition is any expansion of an existing structure in any dimension, including height, width, depth, or length.

20.3.1 Is a permit required for an addition? Yes. An administrative permit is required for all residential additions.

20.3.2 What standards apply to additions? An administrative permit for a proposed addition shall be approved where the Administrator finds that it complies with the following standards.

20.3.2.1 Dimensional Standards. Additions must comply with the dimensional standards of this bylaw. Applicants must provide a site plan drawn to scale and in sufficient detail to demonstrate compliance with this standard.

20.3.2.2 Adding Bedrooms. The addition of a bedroom requires additional wastewater treatment capacity, either as part of an existing or new allocation of sewage treatment plant capacity, or as part of the existing or proposed capacity of an on-site wastewater treatment system.

- Where the proposed bedroom/s would be served by the town sewerage system, the applicant must submit an allocation form approved by the DPW.

- Where the proposed bedroom/s would be served by an on-site wastewater treatment system the applicant must submit: i) approved final plans showing that an existing system has sufficient capacity, ii) plans for a new system prepared by a licensed designer, or iii) a licensed designer's certification,

based on a field investigation, that an existing system for which approved final plans are not available, has sufficient capacity.

20.3.2.3 In the Village. Additions in the VZD must comply with the *Williston Village Historic District Design Review Guide* and may be subject to review by the HAAC and DRB. Applicants who wish to build an addition in the VZD must provide architectural drawings, including elevations, drawn to scale and in sufficient detail to demonstrate compliance with this standard.

20.4 Businesses. 24 V.S.A. § 4412(4) states that "No bylaw may infringe upon the right of any resident to use a minor portion of a dwelling unit for an occupation that is customary in residential areas and that does not have an adverse effect upon the character of the residential area in which the dwelling is located."

20.4.1 What is a home business? A home business is any commercial activity conducted in a one or two family dwelling by the resident/s of that dwelling, whether for profit or not, and that meets the standards established here. Conducting any other business in a dwelling is a violation of this bylaw, subject to enforcement, as provided by WDB 7.4-7.6.

20.4.2 Can I park a commercial vehicle at my home? The overnight parking of commercial vehicles of 10,000 pounds gross vehicle weight or more is a commercial activity, and will be regulated as such in the MURZD, RZD, and VZD.

20.4.3 Is a permit required to establish a home business? Yes. The type of permit required varies with the type of business proposed. A discretionary permit is needed for any home business proposed in a two-family dwelling and for all home businesses that propose to have more than one non-resident employee on site or generate more than one P.M. peak hour trip. An administrative permit is required for all other home businesses.

20.4.4 What standards apply to home businesses? The Administrator or the DRB, as appropriate, shall approve a permit for a home business that complies with the standards of Appendix G. See also WDB 20.7 re family child care homes.

20.5 Decks and Patios. A deck is an above-grade outdoor living space that is open to the sky, although it may be temporarily covered by an awning or partially covered by a ramada. A patio is an at-grade outdoor living space that is open to the sky. If one of these spaces is covered by a roof, it becomes an addition or, if detached from the dwelling, an accessory structure.

20.5.1 Is a permit required for a deck or patio? Yes. An administrative permit is required for any deck or for any patio that covers more than 120 square feet. Smaller patios are NOT exempt from the requirements of this bylaw. Placing a 100 square foot patio within a side yard setback would be a violation, subject to enforcement, as provided by WDB 7.4-7.6, but would not require a permit.

20.5.2 What standards apply to decks and patios. An administrative permit for a proposed deck or patio shall be approved where the Administrator finds that it complies with the following standards.

20.5.2.1 Dimensional Standards. Decks and patios must comply with the dimensional standards of this bylaw. Applicants must provide a site plan drawn to scale and in sufficient detail to demonstrate compliance with this standard.

20.5.2.2 In the Village. Decks in the VZD must comply with the *Williston Village Historic District Design Review Guide* and may be subject to review by the HAAC and DRB. Applicants who wish to build a deck in the VZD must provide architectural drawings, including elevations drawn to scale and in sufficient detail to demonstrate compliance with this standard.

20.6 Driveways. A permit is required for new driveways, or for any change in a driveway's width or location. For access to town roads, this permit is obtained from the town. For access to state roads, permits must be obtained from both the town and the Vermont Agency of Transportation. For more on access to public roads, see Chapter 13 of this bylaw.

20.7 Family Child Care Homes. 24 V.S.A. § 4412(5) makes family child care homes serving six or fewer children permitted uses of single-family dwellings. A family child care home that serves six or more children full-time and four or more part-time is also permitted, but a discretionary permit will be required.

20.7.1 What is a family child care home? A family child care home is a home or facility where the owner or operator is registered or licensed for child care as required by 33 V.S.A. § 3502(a).

20.8 Residential Care Homes or Group Homes. 24 V.S.A. § 4412(G) specifies that a residential care home or group home operated under state licensing or registration, and serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. § 4501, shall be considered by right to constitute a permitted single-family residential use of property, except that no such home shall be so considered if it is located within 1,000 feet of another existing or permitted such home.

20.8 Fences. A fence is a structure that serves as an enclosure, physical or visual barrier, and/or to mark a boundary. Freestanding walls serving these purposes are fences. Living shrubs, trees, or other vegetation, including hedges, are not fences.

20.8.1 Is a permit required to erect a fence? Yes, an administrative permit is required to erect a fence. Before applying for a permit, the town strongly recommends that you talk to neighboring property owner/s.

Planting a Hedge? If you plan to plant a hedge as a property boundary, the town strongly encourages you to communicate with your neighbors before planting.

20.8.2 Are there standards for fences? An administrative permit for a proposed fence shall be approved where the Administrator finds that it complies with the following standards.

20.8.2.1 Height. No fence on a residential property may exceed six (6) feet in height above grade, except as provided in WDB 20.8.2.3 and 20.8.2.4. Front yard fences are limited to 42 inches in height. See WDB 13.2.4 for additional height restrictions at intersections.

20.8.2.2 At Intersections. Fences within clear vision triangles must not obstruct drivers' vision. Solid or opaque fences must not exceed 29 inches in height above the grade of the adjoining road.

20.8.2.3 Privacy Enclosures and Kennels. Privacy enclosures (for example, around an outdoor spa) and the fencing of kennels may exceed the height limit established in WDB

20.8.2.1, above, but only within areas outside of the required setbacks for structures. The portion of the enclosure or fence that is over six (6) feet in height must not be solid. It may be a lattice or similar decorative work, screen, or wire.

20.8.2.4 Screening and Sound Barriers along Major Roads and Trails. Fences erected as screens and/or sound barriers along the right-of-way of an arterial or major collector may exceed six (6) feet in height. The Administrator shall, however, refer all such fences to the HAAC for review before acting on the application for an administrative permit.

20.8.2.5 Location. No fence shall extend into a public right-of-way or an easement held or used by the town without the written permission of the DPW, who may prohibit any such fence, or permit it with conditions that provide for its easy removal and replacement at the owner's expense. The DPW's written approval must be presented with the application for an administrative permit to erect the fence.

20.8.2.6 Materials/Color. The Administrator may require the submission of material samples for any proposed fence.

- No fence shall be made of scrap metal.
- No plain galvanized or slatted chain link fencing is permitted on residential properties. Vinyl-coated black or green chain link fencing is permitted.
- The structural elements of fences must be on the inward side (the side facing the dwelling to which the fence is accessory), if the adjoining property is in, or is platted for, residential use.
- Front yard fencing on residential properties must be at least 40% open. Traditional stone walls are exempt.
- Fencing should be a traditional white or a neutral color that is consistent with the color of the dwelling to which it is accessory.

20.8.2.7 In the Village. Fences in the VZD must comply with the *Williston Village Historic District Design Review Gu*ide and may be subject to review by the HAAC and DRB. Applicants who wish to erect a fence in the VZD must provide architectural drawings, including elevations, drawn to scale and in sufficient detail to demonstrate compliance with this standard.

20.9 Kennels. A kennel is any space used to confine dogs.

20.9.1 Is a permit needed for a kennel? Yes. An administrative permit is required for a kennel for the resident's dogs. Kennels used for commercial purposes, including boarding and breeding, may be permitted as a home business. See WDB 20.4.

20.9.2 Are there standards for kennels? An administrative permit for a proposed kennel shall be approved where the Administrator finds that it complies with the standards of WDB 20.2 for accessory structures and of WDB 20.8 for fences.

20.10 Livestock. For the purposes of this chapter livestock includes horses, cattle, sheep, llamas, poultry, and other animals, other than domestic dogs and cats, kept outdoors for the personal consumption or enjoyment of the residents of a residential property. The keeping of livestock on residential properties is not always "agriculture," as it is exempted by WDB 4.2.1.2.

20.10.1 Is a permit needed to keep livestock on a residential lot? No, but the keeping of livestock on residential premises is subject to the standards adopted in WDB 20.10.2.

20.10.2 Are there standards for the keeping of livestock on residential lots? While no permit is required, the town will enforce the following standards on a complaint basis.

20.10.2.1. Minimum Lot Size. The minimum lot size for the keeping of livestock shall be one acre.

20.10.2.2 Additional Setbacks. In the Village and Residential Zoning Districts, no structure in which livestock is kept or confined shall be closer than fifty (50) feet to any property line. No bedding or feed shall be stored within seventy-five (75) feet of any property line.

20.10.2.3 Watershed Protection. No structure in which livestock is kept or confined shall be located within a watershed protection buffer established by Chapter 29 of this bylaw.

20.10.2.4 Maintenance. All premises on which livestock is kept shall be maintained so as to ensure that dust, noise, and odor generated by livestock do not have an adverse impact on adjoining properties. This includes regular the removal of manure and other wastes, dust suppression, and insect control.

20.11 Outdoor Lighting. Preventing light trespass and protecting the night sky are important town goals. See Objective 4.4 of the town plan.

International Dark-Sky Association. For information about light pollution, light trespass, and appropriate lighting choices, visit: http://www.darksky.org/

20.11.1 What is outdoor lighting? Outdoor lighting includes any outdoor illuminating device lamp, light, reflective surface, luminous tube, or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. On residential properties, such devices include, but are not limited to path, pool, porch, and yard lights.

20.11.2 Do I have to get a permit to install an outdoor light fixture at my house? No permit is required for outdoor lighting at one or two family dwellings that meets the standard that is set by WDB 24.2.3.2 and repeated in WDB 20.11.3. A permit is required for any other outdoor lighting.

20.11.3 Are there standards for outdoor lighting? As provided by WDB 24.2.3.2, no permit is required for outdoor lights that are installed at one and two family dwellings and that are rated at 1,200 initial lumens or less per lamp, as long as the maximum lumen output per residential unit set by Table 24.A (5,500 initial lumens) is not exceeded.

20.11.4 Are floodlights permitted? Floodlights rated less than 1,200 initial lumens are permitted by WDB 20.11.3; however, floodlights or spot lamps must be aimed no higher than 45° above straight down (half way between straight down and straight to the side) and floodlight lamps must not be directly visible from adjacent parcels or public ways.

20.11.5 What about holiday lighting? Temporary, seasonal holiday lighting is not subject to review or compliance with this bylaw, if (and only if) the following conditions are met:

20.11.5.1 Seasonal holiday lighting must not create a hazardous distraction passing cyclists or drivers

20.11.5.2 Seasonal holiday lighting may be displayed for no more than 60 days surrounding the event those lights celebrate.

20.12 Outdoor Storage

20.12.1 Is outdoor storage permitted on residential premises? Yes. There are different standards for outdoor storage in different zoning districts.

20.12.1.1 In the ARZD. Outdoor storage is permitted within the required setbacks in side and rear yards, but note that Appendix F sets a stricter standard for outdoor storage associated with home businesses. Note also that this does not include the outdoor storage of recyclables or solid waste, including compost, the storage of which must be effectively screened from neighboring properties and public ways.

20.12.1.2 In Other Zoning Districts. Outdoor storage is permitted within the required setbacks in side and rear when it is effectively screened from neighboring properties. but note that Appendix F sets a stricter standard for outdoor storage associated with home businesses.

20.12.1.3 During Construction. The temporary storage of construction equipment and materials is permitted by WDB 17.14.

20.12.2 What constitutes 'effective screening?' Effective screening of outdoor storage may be provided by buildings; by a fence or wall that complies with WDB 20.8; or by landscaping, including dense hedges or similar planting, or on larger properties by a forested or wooded buffer that complies with the requirements of Chapter 23 for a Type I buffer. Small (less than one cubic yard) compost piles will be considered to be effectively screened if they are confined within a composting barrel or bin.

20.12.3 May I stack firewood outside without providing screening? Yes, an exception to the standards of WDB 20.12.1 is allowed for firewood. Firewood may be stacked on residential premises without screening if it is confined to the side or rear yard and within the required setbacks. Firewood may be stacked within the setback with the permission of the neighboring landowner.

20.13 Pools. A pool is any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground, and at-grade swimming pools, hot tubs, and spas.

20.13.1 Is a permit required for a pool? Yes. An administrative permit is required to install a pool.

Pool and Spa Safety. The Consumer Products Safety Commission offers information on pool and spa safety at: http://www.cpsc.gov/cpscpub/pubs/chdrown.html.

20.13.1.1 Barrier. Outdoor pools, whether in-ground, above-ground, or at grade, hot tubs, and spas in which water can be more than two (2) feet in depth must be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool.

- The wall of an above-ground pool may form the required barrier provided that access to the pool, whether from a deck or via a ladder is gated in compliance with this standard.

- Gates and doors in such barriers shall always be closed. Release mechanisms shall be located on the pool side of the gate.

- Self-closing and self-latching gates shall be maintained so that the gate will positively close and latch when released from an open position of six (6) inches from the gatepost.

20.14. Portable Structures. Portable structures enclose space, but are designed to be easily moved. They do not have footings or a foundation. Common examples include "pop-up" carports or canopies and play structures that are not tied to footings or some other foundation.

20.14.1 Is a Permit Required for a Portable Structure? No permit is required for portable structures, but they must comply with the standards of WDB 20.14.2, below.

20.14.2 Are there Standards for Portable Structures? While no permit is required, the following standards will be enforced on a complaint basis.

20.14.2.1 Dimensional Standards. Portable structures are subject to same dimensional standards as other structures.

20.14.2.2 Portable Toilets. Portable toilets are permitted on residential properties only during construction/remodeling projects. They must be removed upon completion of the work.

20.15. Recreational Vehicles as Living Quarters. A recreational vehicle is a motor home or a trailer coach, as defined by state law.

20.15.1 Is a permit required to park an RV on my property? No. Recreational vehicles may be stored on residential premises without a permit, but see WDB 20.15.2, below.

20.15.2 Is there a limitation on the use of RV's parked on residential properties? Yes. A recreational vehicle may be used as guest quarters on a residential property for no more than 17 consecutive days, and for no more than 28 days cumulatively during a calendar year. Recreational vehicles may be used as temporary living quarters for the resident family during the construction or remodeling of a dwelling. This use must cease when a certificate of compliance is issued or the work is completed.

20.16 Remodeling. For the purposes of this chapter, remodeling is a change in the interior or exterior of an existing dwelling that does not change its exterior dimensions.

20.16.1 Is a permit required for remodeling? Possibly.

20.16.1.1 Adding Rooms. A permit is required for remodels that create or eliminate a room. Addition of a bedroom requires an allocation of sewage treatment plant capacity, approved by the DPW.

20.16.1.2 Other Interior Changes. New wall coverings, tile, carpet, counters, light fixtures, plumbing fixtures, trim, and similar interior changes do not require a permit.

20.16.1.3 Exterior Changes. Changes in roofing, siding, trim, windows and other architectural features and materials require a permit if your home is located in the VZD. See WDB 20.16.2.3, below. Outside the VZD, exterior changes require a permit only if they change the exterior dimensions of the home or an accessory building.

20.16.2 Are there standards for remodeling? An administrative permit for a proposed remodel shall be approved where the Administrator finds that it complies with the following standards.

20.16.2.1 Adding Rooms. Williston does not enforce a building code. Interior changes that add rooms are tracked solely to monitor the creation of additional bedrooms.

20.16.2.2 Adding Bedrooms. The addition of a bedroom requires additional wastewater treatment capacity, either as part of an existing or new allocation of sewage treatment plant capacity, or as part of the existing or proposed capacity of an on-site wastewater treatment system.

- Where the proposed bedroom/s would be served by the town sewerage system, the applicant must submit an allocation form approved by the DPW.

- Where the proposed bedroom/s would be served by an on-site wastewater treatment system the applicant must submit: i) approved final plans showing that an existing system has sufficient capacity, ii) plans for a new system prepared by a licensed designer, or iii) a licensed designer's certification, based on a field investigation, that an existing system for which approved final plans are not available, has sufficient capacity.

20.16.2.3 In the Village. A permit is required for exterior remodels in the VZD where they must comply with the *Williston Village Historic District Design Review Guide* and may be subject to review by the HAAC and DRB.

20.17 Repair and Maintenance

20.17.1 What is repair and maintenance? Repair and maintenance involves no clearing, grading, excavation, or fill; no change in the exterior dimensions of a structure, deck, dwelling, fence, patio, or pool.

20.17.2 Is a permit needed for repair and maintenance? Not if it is truly repair and maintenance. For example, patching your roof with new flashing or shingles of the same type and color is repair.

20.18 Residential Care and Group Homes. 24 V.S.A. § 4412(1)(G) provides that a residential care home or group home operated under state licensing or registration and serving not more than eight

persons who have a handicap or disability as defined by 9 V.S.A. § 4501, shall be treated as a single-family dwelling, except where it is within 1,000 feet of another such home.

20.19 Sale of Household Goods

20.19.1 May I have a vehicle for sale on my residential property? Yes. A "for sale" sign may be placed in the window of one currently registered, noncommercial vehicle that is parked on and owned by the owner or current occupant of a residential property.

20.19.2 May I have a "garage sale?" Yes. The occasional sale of household goods is permitted, without a permit, but subject to the following standards.

25.19.2.1 Frequency. Household goods may be offered for sale no more than twice a year.

25.19.2.2 Duration. Household goods may be offered for sale for no more than 72 hours.

25.19.2.3 Signs. The sign permitted by WDB 20.20 may be used to advertise the occasional sale of household goods. In addition, two directional signs of no more than three (3) square feet may be posted.

25.19.2.4 Parking. The owner is liable for any traffic hazard created by the sale of household goods. Before holding such a sale you should be sure that there is ample, safe parking available. Sales that create a traffic hazard are violations of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

20.20 Signs

20.20.1 Must I have building numbers for my home? Yes. The posting of building numbers is required by Williston's *Road Name and Road Location Numbering Ordinance*, which is attached to this bylaw as Appendix D. Building number signs may also display the name of the resident family and have a decorative framework or border. They are limited to three (3) SF.

20.20.2 May other signs be placed or posted on residential properties? Besides political signs, which are subject to the same standards everywhere in Williston, residential properties are limited to one sign with an area of no more than four (4) SF. That sign may be used for any noncommercial message, including, but not limited to, "for sale" or "for rent," to advertise the sale of household goods, or to identify a home business.

Chapter 21

Telecommunications Facilities

This chapter establishes standards for the installation of telecommunications facilities, including antennae, towers, and associated equipment. Remember that these facilities are also subject to all other applicable requirements of this bylaw.

21.1 Authority - Purpose

21.1.1 What is the legal authority for the adoption of these standards? 24 V.S.A. § 4417(12) specifically authorizes Vermont towns to regulate the construction, alteration, and development, decommissioning, and dismantling of wireless telecommunication facilities.

21.1.2 Doesn't the federal government regulate telecommunications The Telecommunications Act of 1996 (see 47 USC 332(c)(7)) specifically allows local governments to regulate telecommunications for aesthetic and safety purposes.

21.1.3 For what purposes is this bylaw regulating telecommunications facilities? The standards adopted here are designed to ensure that the placement, design, construction, removal, and modification of wireless communication facilities preserves the character and appearance of Williston and protects scenic, historic, cultural, and natural resources, while accommodating the telecommunication needs of the public and businesses. The goal is to minimize the number of towers while still allowing for adequate coverage. New facilities must co-locate with existing facilities whenever possible.

21.2 Permit Requirements

21.2.1 Do I need a permit to erect a telecommunication facility? Yes.

21.2.1.1 Discretionary Permits. Any new telecommunication facility that is not exempt from this bylaw (see WDB 21.2.2, below) must obtain a discretionary permit. Substantial changes in existing facilities, including any change in the height or location of an existing tower, must also obtain a discretionary permit.

21.2.1.2 Administrative Permits. Antennae that are co-locating on an existing telecommunication facility or that are accessory to an existing farm structure need not obtain a discretionary permit, but must obtain an administrative permit.

21.2.2 Are any telecommunication facilities exempt from the requirement for a permit? Yes. Telecommunications facilities used solely for amateur (ham) radio activities are exempt from this bylaw. Antennae for police, fire, ambulance, and other emergency dispatch, citizen's band radio, single-use local business radio dispatch, and television antennae for home use are also exempt, if:

21.2.2.1 On-Site. they are located on the site of the business or home being served, and

21.2.2.2 Height. they are no more than thirty-six (36) feet in height, measured from grade.

No other telecommunications facility is exempt, even if that facility would share a tower or other structure with exempt uses.

21.2.3 Do I need to submit anything besides what is required in the discretionary permit application checklist adopted in Chapter 6? Yes. There is a supplemental application checklist for telecommunications facilities. You must submit everything required by that checklist.

21.3 Location and Construction

21.3.1 Is co-location of telecommunication facilities required? Yes, this is the heart of Williston's regulation of telecommunications, the goal of which is to minimize the number and visual impacts of towers.

21.3.1.1 Design for Co-Location. Telecommunications facilities must be designed to allow for the future rearrangement of antennae and to accept antennae mounted at varying heights, within the overall permitted height. Telecommunications facilities shall also be designed with the structural and electrical capacity to accommodate both the applicant's antennae and any additional antennae that the overall permitted height will allow.

21.3.1.2 Commitment to Share Space. The owner of a telecommunications facility must permit shared use of that facility where it is technically feasible and the additional user/s agrees to meet reasonable terms and conditions for shared use. A binding letter of commitment to share space must accompany the application for a permit for the facility. See the *Telecommunications Application Checklist*.

21.3.2 Are there standards for the design and color of telecommunications structures? Yes. The goal of these standards is to minimize the visual impact of telecommunications facilities.

21.3.2.1 Monopole Construction. Telecommunications towers shall be unstayed monopoles. The DRB may permit an alternative design where it is clearly demonstrated that site conditions make this infeasible and the proposed alternative design complies with all standards of this bylaw.

21.3.2.2 Glare and Color. Exterior materials must be of a type, color, and style that minimizes glare and contrast with the surrounding environment. The DRB may permit an exception to this standard only where the Federal Aviation Administration or other state or federal authorities require a specific material or color scheme for safety purposes.

21.3.3 Is a fall zone for telecommunications towers required? Yes. Telecommunications facilities must be set back from any property line or any unrelated structure on the same property a distance that is at least equal to 110% of the facility's height above grade. This standard does not apply where an existing structure, such as a barn, silo, church steeple, or utility pole is proposed as a mounting for a telecommunications facility.

21.3.4 Must telecommunications facilities have security fences? Yes. The outdoor operating area around a telecommunications tower and its accessory structures and equipment shall have gated access only, with a security fence that is at least six (6) feet in height. The DRB may permit an exception to this standard where reasonable security for the facility is provided by another means.

21.3.4.1 Razor Wire. The use of razor wire on fences required by this standard is prohibited.

21.3.4.2 Fencing Material. Where a telecommunications facility is located in a developed area, the DRB may require the use of fencing that is an architectural extension of an adjoining or nearby building or that is identical or compatible with the exterior materials used on nearby buildings. The DRB may also require the use of vinyl-coated wire and slats where chain link fencing is appropriate.

21.3.5 Are signs permitted at telecommunications facilities? No advertising signs are permitted. An emergency contact sign is required.

21.3.5.1 Emergency Contact. One sign no greater than two (2) square feet stating the name of the facility's owner and a 24-hour emergency telephone number shall be posted adjacent to the gate. A separate administrative permit is not ordinarily required for such a sign: See WDB 25.4.4.3.

21.3.5.2 Permitted Signs. "No Trespassing" or other warning signs and the federal tower registration plate may be posted as required to comply with federal regulations. A separate administrative permit is not ordinarily required for such signs or for the sign required by WDB 21.3.5.1: See WDB 25.4.4.

21.3.5.3 Prohibited Signs. No other sign or lettering shall be placed on a tower or its accessory structures or fences.

21.3.6 What standards apply to the construction of access roads or utility lines serving telecommunications facilities? Telecommunications facilities may require construction or improvement of access roads and/or the construction or improvement of utility lines. All such work is subject to requirements of this bylaw that are intended to protect watershed health and the visual character of the town. See specifically the watershed health standards of Chapter 29.

21.3.7 Do I need to prove that my telecommunication facility will not interfere with public safety telecommunications? Yes. All applications for new telecommunications facilities shall be accompanied by an intermodulation study that predicts no likely interference, and certification that the study has been provided to potentially affected public safety agencies, including the Williston Fire and Police departments. Before testing or operating new service or changes in existing service, telecommunications providers shall notify the potentially-affected agencies at least 10 calendar days in advance of such changes and allow them to monitor interference levels during that testing process.

21.4 Minimizing Visual Impacts

21.4.1 Can telecommunications facilities be illuminated? The standards this bylaw adopts for outdoor lighting do not preclude beacons or lighting required by the FAA or another federal or state authority because of a tower's height.

21.4.2 Must landscaping or screening be provided for telecommunications facilities? Yes. Telecommunications facilities are subject to the landscaping standards of Chapter 23 of this bylaw and to the watershed protection standards of Chapter 29. Taken together those standards will ensure that clearing for the installation of a telecommunications facility is minimized and that landscaped buffers are provided where necessary. An exception to compliance with the buffering requirements of Chapter 23 will be automatically permitted where the telecommunications facility is installed on an existing structure, like a barn, silo, or church steeple.

21.4.3 Are there preferred locations for telecommunications facilities? Yes.

21.4.3.1 Watershed Protection Buffers. Telecommunications facilities must not be located within the watershed protection buffers or special flood hazard areas established by this bylaw.

21.4.3.2 Open Fields and Meadows. Telecommunications facilities must not be based in open fields, meadows, or clearings where there will be no visual absorption of the facility.

21.4.3.3 Habitat Conservation Areas. Telecommunications facilities may be permitted in habitat conservation areas where they can serve as an economically productive use that is preferable to developments that would disturb more land. A discretionary permit for a telecommunications facility in a habitat conservation area shall be approved only where the DRB, with the advice of the Conservation Commission, finds that, in addition to compliance with the other standards of this bylaw:

- land and habitat disturbance are minimized by the siting and design of the facility, and
- installation of the facility will result in conservation of the remainder of the habitat conservation area that is within the same ownership.

21.4.3.4 Woodland and Forest Areas. Telecommunications facilities may be based in wooded areas that do not fall into one of the other classifications listed here.

21.4.3.5 Developed Areas. Telecommunications facilities may be located in developed areas where their visual impact is mitigated by landscaped buffers and screening, as required by Chapter 23, and/or placement near or on existing buildings. The screening requirements of WDB 18.12 may also apply.

21.4.3.6 View from Public Spaces and Ways. Telecommunications facilities shall not intrude on the view from identified viewpoints from public parks or ways.

21.4.4 Is the height of telecommunication towers limited? Yes. The height limit for antennae, towers, and similar facilities shall not exceed:

21.4.4.1 …twenty-five (25) feet above the average height of the trees within fifty (50) feet of the base of the tower in wooded or forested areas; or

21.4.4.2 … twenty-five (25) feet above the average height of surrounding buildings within five hundred (500) feet of the base of the tower.

21.5 Temporary Wireless Communication Facilities. Telecommunications facilities that are set up for temporary use at a special event are exempt from the standards of this chapter, but may be erected only after the owner has obtained a special events permit as provided by Williston's *Special Events Ordinance*.

21.5.1 How long is "temporary?" Such a permit shall be valid for no more than five (5) consecutive days and for no more than five (5) days in a year.

21.5.2 Are there any other restrictions on temporary telecommunications facilities? Yes. The maximum height of any temporary facility is fifty (50) feet above grade.

21.6 Abandoned Telecommunications Facilities

21.6.1 When is a telecommunication facility considered abandoned? Like any other use, a telecommunications facility is abandoned if it has ceased operation for 12 or more consecutive months.

21.6.2 Is removal of an abandoned telecommunications facility required? Yes.

21.6.2.1 Removal. The owner shall remove an abandoned telecommunications facility within 180 days, and reclaim the site. Failure to do so is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

21.6.2.2 Reclamation. Applications for discretionary permits for telecommunications facilities shall be accompanied by a plan for the decommissioning and removal of the facility upon its abandonment, at the owner's expense. Such plans shall include both the removal of all structures and equipment and reclamation of the site, including re-vegetation consistent with the surrounding landscape.

Chapter 22

Design Review

This chapter establishes a design review overlay district and some broadly applicable standards for architectural and site design in that overlay. Additional, more specific architectural and site design standards also apply in many zoning districts. Landscape design is addressed in Chapter 23.

22.1 Purpose

22.1.1 What is the purpose of the design review districts and standards adopted in this chapter? Design review is intended to help ensure that new buildings and major additions to existing buildings along Williston's major roads make a positive contribution to the visual character of the community, and thus to its continued success as a place to live, learn, play, work, and conduct business.

22.1.2 Does the town have the authority to regulate design? Yes. 24 V.S.A. 4414(1)(E) authorizes Vermont municipalities to create design review districts and require a detailed review of the design features of development within those districts. Policy 4.2 of the *Town Plan* states:

> The Town of Williston will continue to promote commercial site planning and architectural design that responds to the vision stated in Chapter 2. This will be accomplished via the existing design review process, with some additions and revisions.

22.1.3 Isn't design just a matter of preference or taste? No. While most design review standards cannot be made quantitative like the dimensional standards adopted in this bylaw, the standards adopted here address definite, easily identified elements of proposed developments and call for levels of performance with which compliance can be assessed in a way that is consistent and fair.

22.2 Design Review District

22.2.1 What are the boundaries of the design review district? The design review district that is established in this chapter is not a separate zoning district (the zoning established in Chapters 31-42 of this bylaw applies everywhere in Williston). It is an overlay that includes the BPZD, GZDS, GZDN, GZDW, MUCZD, MURZD, and TCZD, and all lots in the IZDW that abut Marshall Avenue or Route 2.

Isn't there also design review in the Village? Yes, but the VZD is a separate zoning district, in which design review is established under a different authority in Chapter 42 of this bylaw.

22.2.2 Is all development in the design review district subject to the standards adopted here? No. The design review standards adopted in this chapter apply broadly: all new commercial, industrial, and institutional buildings and multiple-family dwellings, and major additions to those buildings are covered. The design review standards adopted in this chapter do not apply to one and two family dwellings or to accessory structures that are not visible from a public way.

22.2.3 If these standards only say "should," do I really have to comply? Yes, to the extent feasible. The use of 'should' and similar formulations of standards in this chapter does not exempt anyone from compliance. This language is, instead, an acknowledgement of the wide range of building and

site types, and contexts, and of the difficulty of writing design review standards that can address this diversity. 'Should' provides some flexibility for the DRB to accept practical solutions that are in the spirit of the *Town Plan* and these standards.

22.3 Architectural Design: Form, Color and Materials. The form (shape), colors, and materials used in the surrounding buildings are, after signs, the most noticeable feature of a streetscape. How well they are designed will be a major determinant of the success – both commercially and as a part of the community – of a development.

22.3.1 Respect the Context. The choice of building form, colors, and materials should be compatible with the surrounding landscape and built environment. It is especially important that the bulk and proportions (height, width, depth) not be a radical departure from the context, except in redeveloping areas where larger buildings are consistent with the *Town Plan* or an applicable specific plan.

22.3.2 Form Should Follow Function. Building facades should reflect true building form or to say it another way, the building's functions. False fronts are generally inappropriate.

22.3.3 Provide Enclosure. Streets and outdoor spaces like urban parks (greens, plazas, squares, whatever you call them) function best if the surrounding buildings are tall enough to provide a sense of enclosure. Construction of multiple story buildings is strongly encouraged in some zoning districts (BPZD, MUCZD, MURZD, TCZD), but this principle applies everywhere.

22.3.4 Size Outdoor Spaces Properly. Urban parks (the generic term for greens, plazas, squares, and similar outdoor spaces) are not comfortable for users if they are too large. These spaces should be sized appropriately so that a sense of enclosure is provided by the surrounding buildings and landscaping.

How Big is Too Big? A rule-of thumb is that the width of an urban park (the distance between the surrounding buildings, including sidewalks and streets, if any are present, as well as the urban park should be no more than about twice (2X) the height of the surrounding buildings. So, the maximum width of an urban park where there is a 36-foot height limit should not be much more than 72 feet. The performance standard adopted above provides designers and the DRB with some flexibility by not stating a number.

22.3.5 Use a Variety of Colors and Materials, but With Restraint. A variety of colors and materials with different textures should be used to create visual interest in buildings, but the variation in color and materials should not be simply for variety's sake. It should reflect the functions that must be served. For example, the sign band on a building or group of buildings could be used to introduce a different color and material. Likewise, different materials could be used to mark entrances, as required by WDB 22.4.1.

22.3.6 Avoid Dead Walls. Dead walls are prohibited in the most pedestrian-oriented zoning districts (MUCZD, MURZD, TCZD), but should be avoided in many other situations. At the least architectural features, including doors, windows, and detailing should offer some horizontal and/or vertical relief from monotonous walls.

22.3.7 Do Not Use Reflective Materials. Designers should choose building materials that do not generate glare. The DRB may require that roof, wall, or other materials be non-reflective. The DRB may also limit the glass area presented by a building to minimize glare. WDB 31.9.8.3 provides additional authority to limit the use of reflective materials in the ARZD and GZDS.

22.4 Architectural Design: Doors and Windows. Doors and windows connect a building to the community. How they are placed and spaced is an important element of the streetscape.

22.4.1 Mark Building Entrances

22.4.1.1 Entrances and Architecture. Principal building entrances should be marked by architectural features that make their location readily visible from the parking areas, pedestrian ways, and streets that serve the building.

22.4.1.2 Entrances and the Site Plan. Way-finding to the principal entrances of the building should be reinforced by the site plan, including the placement of sidewalks, landscaping, outdoor lighting, signage, and the location of functional outdoor areas, which may relate to, but not obscure the entrance.

22.4.1.3 Relationship to the Street. A strong, direct relationship between principal building entrances and the street is required in some zoning districts. See the BPZD, MUCZD, MURZD, and TCZD.

22.4.2 Protect Building Entrances

22.4.2.1 From the Climate. Principal building entrances must be provided with permanent overhead protection from the elements, including ice and snow falling from the roof.

22.4.2.2 From Conflicts. Service areas, including dumpster and utility enclosures, must be separated from principal building entrances.

Isn't that obvious? Williston actually has some particularly egregious violations of this standard. People who want to dine at the Ponderosa walk right by the dumpster enclosure. Depending on where they park, office workers in Building C of Maple Tree Place must pass between dumpsters and loading doors.

22.4.3 Provide Airlocks. Principal entrances to buildings must incorporate an airlock. This standard does not apply to entrances for vehicles, to loading doors, or to emergency exits used for that purpose only. The DRB may permit other exceptions to this standard for minor entrances.

22.4.4 Use Doors and Windows to Provide a Strong, but Compatible Visual Pattern or Rhythm. The placement and spacing of doors and windows should create a consistent rhythm and the size and design of doors and windows must be compatible with the building's overall size and bulk, and with the pattern of entrances and fenestration of neighboring buildings.

22.4.5 Shield Light Spill from Windows. Where the terrain does not provide it, landscaping shall be used to screen and diffuse the light emanating from large banks of windows. Compliance with this standard is especially important for proposed buildings on slopes. For the application of this standard in the GZDS see WDB 34.8.5.5.

22.5 Architectural Design: Roofs

22.5.1 Use Pitched Roofs. Pitched roofs are preferred over flat, but it is acknowledged that a flat roof may be most practical for some types of building, especially in the IZDW. Pitched roofs are required wherever a height incentive is claimed under WDB 37.5.4, 38.5.4, or 41.5.4.

22.5.2 Consider Sliding Ice and Snow. Building entrances (see WDB 22.4.2.1), parking areas, and pedestrian ways must be protected from ice and snow sliding off roofs. This may be accomplished by a roof plan that directs ice and snow away from these areas and/or by structural protection.

22.5.3 Use Compatible Colors, Forms, and Materials. Roof colors, forms, and materials should be compatible with the colors, detailing, and materials used on the building and on neighboring buildings. Variations in roof form should reflect the building's function, reinforce the architectural detailing (for example, roof form could be used to help mark entrances, as required by WDB 22.4.1.1), and not be overly complicated.

22.5.4 Hide Roof Drains. Roof drains must be integrated into the design of the facade on which they are mounted, not added as an afterthought.

22.5.5 Consider the View from Above. There are a few places in Williston's design review district where a roof may be viewed from above. New development in those places must provide a rendering of the view of the roof in its application for a discretionary permit and the DRB may require modifications of the plans submitted (switching from roof-mounted to ground-mounted mechanical equipment for example) to minimize the impact on the view.

22.6 Mixed Use Buildings. Williston's *Town Plan* encourages mixed-use development, with the goal of making it possible for people to live near commercial services and places of employment. There is, however, a higher potential for conflict among uses are mixed, and especially where they are mixed in the same building.

22.6.1 What must mixed-use developments do to ensure compatibility? First, the plans submitted for a proposed mixed-use development must clearly demonstrate compliance with the standards adopted in this chapter. In particular, the applicant should anticipate the need for sound-proofing and show how that has been provided in compliance with Chapter 18 of this bylaw.

22.6.2 Are there additional standards for buildings that house both residential and commercial uses? Yes.

22.6.2.1 <u>Entrances</u>

- Different uses may share an entrance, but the principal entrance/s to the dwellings shall not pass directly by solid waste containers or other equipment or installations that must be screened or located away from neighboring uses, as required by Chapter 23 of this bylaw.

- The principal entrance to the dwellings should be from/through a pedestrian-scale space, not directly from a parking lot that is also used for commercial purposes. This could mean entry from a pedestrian-friendly commercial streetscape or entry via a private courtyard or similar space.

22.6.2.2 <u>Hours of Operation</u>

- As provided in Chapter 18 of this bylaw, the DRB may impose limits on the hours of operation of businesses in mixed-use developments to help maintain use compatibility.

- The DRB may also impose limits on the hours during which deliveries may be accepted and/or trash collection may be scheduled.

22.6.2.3 Outdoor Space. Residents of mixed-use buildings shall have reasonable access to an outdoor space. This could be in the form of a private courtyard or door yard garden, but can also be in the form of an urban or neighborhood park that is within a five-minute walk.

22.6.2.4 Signs and Lighting. The location and design of signs and outdoor lighting is even more important than usual in mixed-use developments. The DRB may impose limits on signs and outdoor lighting that are more stringent than those established elsewhere in this bylaw to ensure use compatibility in mixed-use developments.

22.6.2.5 Soundproofing. The DRB will require applicants to demonstrate that night-time interior sound levels in the residential portions of proposed mixed-use developments will not exceed 40 dBA_{L10}.

22.6.2.6 Views. Dwellings in proposed mixed-use buildings must be designed to provide their residents with views to the mountains, nearby open spaces, or attractive streetscapes. Designs that feature views primarily of rooftops, parking areas, or service spaces will be rejected.

22.7 Outdoor Lighting. Chapter 24 of this bylaw regulates the intensity and type of outdoor illumination that may be provided. Beyond those standards, design review will consider the choice of luminaires, pole, pole bases, and other elements of the outdoor lighting system, which should complement and be compatible with the other design features of the building and the site.

22.8 Signs. Architectural and site design must anticipate the need for signs as required by Chapter 25 of this bylaw.

22.9 Site Planning. The functional aspects of site planning are covered in other chapters of this bylaw and additional site design standards apply in many zoning districts.

22.9.1 Respect the Terrain. Consistent with the watershed protection standards of Chapter 29 and the specific standards adopted in some districts, buildings, parking areas, and other site improvements should fit the terrain, rather than the land being fit to the building.

22.9.2 Build a Strong Street Line, as Appropriate for the Area. Buildings, not parking areas, should dominate streetscapes in the commercial and mixed use zoning districts, while an ample green planting strip and buffer should be provided in the industrial zoning districts.

22.9.3 Leave Front Yards Open. Front yard (along the street) fencing is generally not permitted for commercial, industrial, institutional, or multi-family developments. The DRB may allow an exception to this standard for industrial developments where it finds that the presence of hazards or need for security outweigh the aesthetic value of an open streetscape.

22.9.4 Fencing and Screening. Where fencing is provided, it shall be of a type that is compatible with the surrounding landscape and uses. Traditional fencing patterns, like stone walls or picket fences, will be preferred. The DRB may permit security fencing of side and back yards where it is necessary to prevent public access.

Chapter 23

Landscaping

This chapter provides performance standards for the landscaping of all development for which a discretionary permit is required, including higher density residential, mixed-use, commercial, industrial, and institutional developments.

These standards seek to:

- protect functional existing vegetation as development occurs;
- protect water quality by integrating landscaping with measures to control stormwater runoff and erosion;
- limit runoff and allow for groundwater and wetlands recharge by maintaining vegetated spaces in developing areas;
- protect urban wildlife habitat by requiring species diversity and vertical structure in most landscaped spaces;
- ensure land use compatibility by requiring effective landscaped buffers between potentially incompatible uses;
- create favorable microclimates and reduce energy consumption in developed spaces;
- complement other requirements of this bylaw, including the requirements for erosion and runoff control, watershed protection buffers, the provision of neighborhood parks, the provision of trails; and site maintenance; and
- maintain and enhance the appearance and character of individual developments and the community.

23.1 Applicability – Landscape Plans

23.1.1 Do these standards apply to my project? These standards apply to all development for which a permit is required.

23.1.2 How do these requirements interact with other requirements of this bylaw? Virtually every development in Williston is required to provide open space. Some of that open space must be left in its existing condition and some of it must be landscaped, as required by this chapter. Both types of requirements may apply to the same development. Areas in which existing vegetation generally must be retained are listed below. This chapter applies to all other open areas, including landscaped buffers and setbacks.

23.1.2.1 Open Fields and Meadows. The annual mowing of open field and meadows may be required by the DRB to preserve scenic views. Where mowing is required, the DRB may impose a requirement that mowing take place after June 15 in order to protect nesting birds.

23.1.2.2 Open Space Development.

- Residential subdivisions in the ARZD are generally (there is an exception for parcels under 10.5 acres) required to provide substantial open space, not all of which will necessarily falls into one of the other categories listed here. This required open space is generally to be left in the existing vegetation, but certain exceptions may be required or permitted by Chapter 31, which may also require the enhancement of existing vegetation.

- Residential subdivisions in the RZD and VZD may be required to provide substantial open space, not all of which will necessarily fall into one of the other categories listed here. This required open space is generally to be left in the existing vegetation, but certain exceptions may be permitted by the DRB.

23.1.2.3 Watershed Protection. Existing riparian and wetlands vegetation is to be retained within the watershed protection buffers required by Chapter 29 of this bylaw.

23.1.2.4 Wildlife Habitat. Existing vegetation is to be retained in habitat conservation areas that are protected from development.

23.1.2.5 Woodland and Forest. Existing woodland and forest vegetation must be retained outside any clearing limits imposed by the DRB.

23.1.2.6 Forest Management. None of the above preclude pruning, thinning, or the selective harvest of trees in accordance with a forest management plan.

23.1.3 Must I submit a landscaping plan? Yes. All applications for a discretionary permit must be accompanied by a landscaping plan, the required contents of which are listed in the *Landscaping Plan Checklist*. This requirement does not apply to proposed developments in which no new landscaping is required by this or other chapters of this bylaw.

23.2 Existing Vegetation

23.2.1 Can I clear an entire site of existing vegetation The clearing of an entire site of more than one-half (1/2) acre at one time is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6. Vegetation must be removed from larger sites in phases. This may eventually lead to removal of vegetation from an entire site, but note that WDB 23.2.2 requires functional existing vegetation to be retained wherever possible.

23.2.2 Can I replace all existing vegetation? Existing vegetation that can effectively serve the landscaping functions listed in the introduction to this chapter shall be retained to the extent possible, while accommodating the permitted level of development. An application for a permit may be rejected solely on the grounds that it fails to retain existing vegetation where that vegetation can fulfill the functions listed in the introduction to this chapter.

23.2.3 Must I protect existing vegetation during construction? Yes. Existing vegetation that is to be retained must be protected from damage during construction, as required by the *Public Works Standard*s. The landscaping plan must include a schedule showing that all measures required to protect existing vegetation will be put in place before other construction activities begin. This schedule may apply to the entire site or to sequential phases of construction.

23.3 Landscaped Buffers

23.3.1 Must a development provide landscaped buffers for adjoining uses? Table 23.A shows where landscaped buffers are required. It also summarizes the principal standards for the design of those buffers, which are set forth in detail below.

23.3.2 How wide must the required landscaped buffers be? Table 23.A establishes a minimum width for landscaped buffers of different types in different situations. This minimum width may, in some cases, be reduced by the inclusion of an earthen berm or screening fence, as provided by WDB 23.3.3. The types of landscaped buffers are described below. The landscaping plan must show the dimensions of the proposed buffer/s, including all crossings and inclusions; a planting design and schedule appropriate for the proposed buffer type; and one or more typical cross-sections. Plant selection is subject to the requirements of WDB 23.7.

23.3.2.1 Watershed Protection Buffers. A watershed protection buffer required by Chapter 29 may be used as a landscaped buffer required by Table 23.A. Where the watershed protection buffer consists primarily of marsh or open water, it shall be supplemented by a Type III or IV landscaped buffer, whichever is most appropriate to the context, of at least eight (8) feet in width.

> ***DRB Discretion.*** 'Context' simply means the surroundings. Determining what type of landscaped buffer will be appropriate in a particular context is an important exercise of discretion for the DRB, with the advice of the advisory boards. The DRB and the advisory boards also have the discretion to determine whether or not a berm and/or a screening fence are needed in a landscaped buffer, and to review the design of berms and fences.

23.3.2.2 Type I - Existing Vegetation. A landscaped buffer composed primarily of existing woodland or forest that must be of sufficient height and density to provide an effective visual buffer. Where this type of buffer is proposed, the landscaping plan shall include photographic documentation of the buffer's effectiveness. The landscaping plan shall also propose supplemental new plantings where the existing vegetation is too thin to be an effective visual buffer. This type of buffer must be relatively wide to sustain its habitat value and to function as a woodland or forest that needs only minimal maintenance. Other types of buffers may be narrower, but are assumed to require regular maintenance.

23.3.2.3 Type II - Dense Plantings. A Type II landscaped buffer must be composed primarily of continuous dense screening vegetation that will grow to at least six (6) feet in height. The screening vegetation or hedge must be supplemented, on the exterior side, by a Type III or IV landscaped buffer, whichever is most appropriate to the context, of at least (8) feet in width. This type of buffer is most appropriate in re-development projects where space is limited. The buffer width reduction provided for in WDB 23.3.3 shall be given where the DRB requires a berm or fence.

23.3.2.4 Type III – Informal Plantings. A Type III landscaped buffer must be composed of a planted area that includes a ground cover, a partial understory of shrubs and small trees, and major trees. The minimum density of planting per 100 feet of buffer shall be a full ground cover, two major trees, three ornamental or understory trees, and any combination of shrubbery or flower beds that occupies at least 50% of the area at the time of planting. This type of buffer can be used in many circumstances. The DRB may require an earthen berm, a screening fence or wall, and/or additional plant materials where the uses being separated are

substantially different in intensity. The buffer width reduction provided for in WDB 23.3.3 shall be given where the DRB requires a berm or fence.

23.3.2.5 Type IV – Formal Plantings. A Type IV landscaped buffer is a park-like landscaped area that includes a ground cover of turf and major trees. It may also include ornamental trees, shrubs, flowers, and planters. Plantings are usually evenly distributed, although an artistic departure from pattern may be permitted. The minimum density of planting per 100 feet of buffer shall be: a full ground cover of turf and three major trees. This type of buffer is most appropriate between uses of similar intensity or along public ways. It does not include a berm or a fence.

23.3.3 Will screening berms or fences be required? Can a screening berm or fence be used to reduce the width of a required buffer? In some cases.

23.3.3.1 Earthen Berms. An earthen berm may be required to increase the effectiveness of a landscaped buffer for outdoor storage and/or work areas, including areas where trucks or heavy machinery will be parked. The landscaping plan shall show the contours of the proposed berm and one or more cross-sections detailing its construction. The required buffer width may be reduced by the height of the berm, but not by more than 25%.

- Berms should not ordinarily be more than six feet in height. The DRB may, however, permit a higher berm where physical characteristics of the site, like grade changes, warrant it.

- No berm shall have a slope greater than 3:1, except where a retaining wall is used.

- Retaining walls shall be constructed of, or faced with timber, native or cast stone, or masonry that matches or complements buildings on the site.

- Retaining walls should ordinarily face inward, away from public ways. The DRB may, however, permit an exception where an outward-facing retaining wall results in less grading.

- Plans calling for retaining walls that are four feet or more in height shall be accompanied by engineering specifications demonstrating that the proposed retaining walls are capable of bearing the anticipated load.

23.3.3.2 Screening Fences. An opaque fence may be required to increase the effectiveness of a landscaped buffer for outdoor storage and/or work areas, including areas where trucks or heavy machinery will be parked. The landscaping plan shall show the location of the screening fence and provide one or more elevations detailing its construction. The buffer's width may be reduced by the height of the fence, but not by more than 25%. The height and design of a screening fence is subject to design review and approval by the DRB. Fence materials, patterns, and colors should match or complement the materials, architectural details, and colors used on buildings on the site.

23.3.4 Are any impervious surfaces permitted in landscaped buffers? Yes.

23.3.4.1 Crossings. Landscaped buffers may be crossed by driveways, roads, sidewalks, trails, and utility lines, including necessary risers and boxes, serving the development. The width of these crossings will necessarily vary with the scale and nature of the development, but should be minimized.

23.3.4.2 Sidewalks/Trails. Sidewalks and trails may run within and parallel to a landscaped buffer. The width of the sidewalk or trail shall not, however, be counted as part of the width of the buffer.

23.3.4.3 Light Standards. The bases of standards for approved outdoor lighting may be placed in a landscaped buffer.

23.3.4.4 Miscellaneous. The base of a permitted free-standing or directional sign may be placed in a landscaped buffer. Landscaped buffers may also include retaining walls, planters, minor impervious surfaces that are part of runoff and erosion control works; and sculptures or other works of art.

23.3.5 Do landscaped buffer requirements eliminate setback requirements? Where they are required, they eliminate side and rear setbacks, but do not eliminate front setbacks. Landscaped buffers replace rear and side yard requirements for uses other than one and two family dwellings. Front setback requirements vary with the type of street and may be found in the chapters establishing the individual zoning districts.

23.3.6 Should landscaped buffers be used as part of development's stormwater management system? Required landscaped buffers must function as part of the development's stormwater management system wherever feasible. See WDB 29.5 and other provisions of Chapter 29 of this bylaw concerning the role of vegetation in stormwater management.

23.4 Landscaped Screening Utility installations, mechanical equipment, solid waste containers, and the like must be fully screened from view from neighboring properties and public ways.

23.4.1. How should screening be provided? Screening for utility installations, mechanical equipment, solid waste containers, and the like must include a dense evergreen hedge and other plant materials that are at least five (5) feet deep. The DRB may permit an exception to this standard where space constraints prevent provision of an adequate hedge. Where such an exception is made, screening must be accomplished using a fence or wall that complies with WDB 23.4.2.

23.4.2 Will more screening ever be required? Possibly. The DRB may require that a berm, fence, or wall be used supplement the landscaped screening. Fence or wall materials, patterns, and colors must match or complement the materials, architectural details, and colors used on buildings on the site.

Table 23.A - Landscaped Buffer Matrix

use providing buffer	adjoining use	Minimum Buffer Width Type I(1)	Type II(2)	Type III(3)	Type IV(3)
open space residential, ARZD	Any other use	*Open space developments must provide ample buffers. See Chapters 31and 39 of this bylaw.*			
other residential subdivisions, one and two family dwellings	agriculture/conserved lands	50 feet	not permitted	36 feet	not permitted
	open space residential	50 feet	not permitted	9 feet	not permitted
	other residential subdivisions	50 feet	not permitted	9 feet	9 feet
	higher density residential	50 feet	13 feet	23 feet	23 feet
	mixed use, including residential	50 feet	13 feet	23 feet	27 feet
	retail/service commercial	50 feet	13 feet	27 feet	36 feet
	heavy commercial/industrial (4)	50 feet	13 feet	36 feet	not permitted
	public ways	*See the dimensional standards for your zoning district. See also Chapter 26 - Street Trees.*			
higher density residential in the MDRZD or VZD	agriculture/conserved lands	50 feet	not permitted	36 feet	not permitted
	open space residential	50 feet	not permitted	9 feet	not permitted
	other residential subdivisions	50 feet	13 feet	23 feet	27 feet
	higher density residential	50 feet	13 feet	9 feet	23 feet
	mixed use, including residential	50 feet	13 feet	9 feet	23 feet
	retail/service commercial	50 feet	13 feet	23 feet	27 feet
	heavy commercial/industrial (4)	50 feet	13 feet	36 feet	36 feet
	public way	*See the dimensional standards for your zoning district. See also Chapter 26 - Street Trees.*			
mixed use including residential	agriculture/conserved lands	50 feet	not permitted	36 feet	not permitted
	open space residential	50 feet	not permitted	23 feet	not permitted
	other residential subdivisions	50 feet	13 feet	23 feet	27 feet
	higher density residential	50 feet	13 feet	9 feet	23 feet
	mixed use, including residential	50 feet	13 feet	9 feet	23 feet

Table 23.A, continued

	neighbor	Minimum Buffer Width Type I(1)	Type II(2)	Type III(3)	Type IV(3)
	retail/service commercial	50 feet	13 feet	23 feet	27 feet
	heavy commercial/industrial (4)	50 feet	13 feet	27 feet	36 feet
	public way	*See the dimensional standards for your zoning district. See also Chapter 26 - Street Trees.*			
retail/service commercial	Agriculture/conserved lands	50 feet	not permitted	36 feet	not permitted
	open space residential	50 feet	not permitted	23 feet	not permitted
	other residential subdivisions	50 feet	13 feet	27 feet	36 feet
	higher density residential	50 feet	13 feet	23 feet	27 feet
	mixed use, including residential	50 feet	13 feet	23 feet	27 feet
	retail/service commercial	50 feet	13 feet	9 feet	23 feet
	heavy commercial/industrial (4)	50 feet	13 feet	23 feet	27 feet
	public way	*See the dimensional standards for your zoning district. See also Chapter 26 - Street Trees.*			
heavy commercial/industrial	Agriculture/conserved lands	50 feet	not permitted	36 feet	not permitted
	open space residential	*Open space developments must provide ample buffers. See Chapters 31and 39 of this bylaw.*			
	other residential subdivisions	50 feet	23 feet	36 feet	48 feet
	higher density residential	50 feet	23 feet	27 feet	36 feet
	mixed use, including residential	50 feet	23 feet	27 feet	36 feet
	retail/service commercial	50 feet	13 feet	23 feet	27 feet
	heavy commercial/industrial (4)	50 feet	13 feet	9 feet	23 feet
	public way	*See the dimensional standards for your zoning district. See also Chapter 26 - Street Trees.*			

(1) Minimum 50 feet width for Type I is based on typical tree height and reflects the protection of habitat values and low maintenance needs of remnant woodland or forest.
(2) Type II buffer heights are based on the width of a hedge plus an 8-foot planting strip. Type II is permitted only where space limitations preclude use of the other types.
(3) Type III and IV buffer heights are based on the maximum building height, or fractions thereof.
(4) All outdoor storage and work areas are to be treated as heavy commercial/industrial.

23.5 Landscaping Parking Lots Parking lots are subject to the same buffering requirements as the uses they serve. These standards call for additional landscaping within larger parking lots.

23.5.1 Is landscaping required within parking areas? Yes.

23.5.1.1 5% Landscaping. Parking areas that include more than 24 spaces shall be broken up by landscaped islands or medians that occupy a minimum of five percent (5%) of the parking area.

23.5.1.2 Rank Length No single rank of parking spaces shall include more than 24 spaces without being broken up by one or more landscaped islands or medians.

23.5.1.3 Shade Trees. Parking lot landscaping shall include large high branching deciduous shade trees that will help keep paved surfaces cool by creating a canopy that is as continuous as possible over the parking area.

23.5.1.4 Soil Volume. Landscaped islands and medians must have an uncompacted soil volume sufficient to support long-term health of the proposed plant materials. The DRB may require the use of porous pavement and/or structural soils to help ensure the success of plantings.

23.5.2 Should parking lot landscaping be integrated into the stormwater system? Yes. Wherever feasible, parking lot landscaping should be designed to function as part of the stormwater management system required by Chapter 29 of this bylaw.

23.5.3 What about snow storage and landscaping? Aren't they incompatible? Landscaping and snow storage can co-exist. Salt-tolerant plant materials must used in and around parking areas and in the snow storage areas required by WDB 16.6. Plant materials selected for these areas must also have a growth form that is not subject to, or that resists, the physical damage that can be caused by snow moving equipment and the stacking of snow. See WDB 16.6 for more on snow storage.

23.6 Landscaping Setbacks from Roads

23.6.1 Is landscaping required along public and private roads? Almost always. Chapter 26 of this bylaw requires street trees along both sides of new roads, public or private, and along the existing road frontage of redevelopment projects. A landscaped front setback area is also required in most zoning districts.

23.6.2 Are there additional landscaping requirements in the VZD? Landscaping must be consistent with the historic character of the Village. See Chapter 42 of this bylaw.

23.7 Plant Materials

23.7.1 What criteria should be used in selecting plant materials? Plant materials should include a variety of species (see WDB 23.7.3), that are:

- native to Vermont, where possible;
- exhibit Vermont fall foliage, where possible;

- well-adapted (hardy) for the site;
- suitable for the functions the landscaping must perform; and
- that provide color throughout the growing season and into winter.
- Salt-tolerant species must be used near roads, parking areas, and pedestrian ways.

Which tree should I use? A useful guide to the selection of trees that appropriate for different functions and sites is the *Vermont Tree Selection Guide*, a copy of which is available for review at Williston Planning.

23.7.2 Are the plants that may be used limited? Yes. The species listed in Table 23.B must not be used.

Table 23.B – Prohibited Species

Common Name(s)	Scientific Name
TREES	
Norway Maple	*Acer platanoides*
Amur Maple	*Acer ginnala*
Tree of Heaven	*Ailanthus altissima*
Black Locust	*Robinia pseudoacacia*
SHRUBS	
Japanese barberry	*Berberis thunbergii*
Common Barberry	*Berberis vulgaris*
Bush Honeysuckles (many varieties)	*Lonicera, spp.*
Russian Olive	*Elaeagnus angustifolia*
Autumn Olive	*Elaeagnus umbellate*
Multiflora Rose	*Rosa multiflora*
Common Buckthorn	*Rhamnus cathartica*
Glossy Buckthorn	*Rhamnus frangula*
Burning Bush	*Euonymous alata*
HERBACEOUS	
Celandine	*Chelidonium majus*
Oriental Bittersweet	*Celastrus orbiculatus*
Flowering Rush	*Butomus umbellatus*
Common Reed	*Phragmites australis*
Goutweed	*Aegopodium podagraria*
Garlic Mustard	*Allaria petiolata*
Purple Loosestrife	*Lythrum salicaria*
Pale Swallow-wort	*Vincetoxicum hirundinaria*
Japanese knotweed	*Polygonum cuspidatum*
Wild Chervil	*Anthriscus sylvestris*
Yellow-flag iris	*Iris pseudacorus*

23.7.3 What does a 'variety' of species mean? Species diversity must be maintained to ensure that landscaping continues to function when one or more plant species are affected by a pest or disease. No more than 15% of the plants (excepting turf grass and other ground covers) used on a site may be from the same genus.

23.7.3.1 Green Ash. The use of green ash - which currently accounts for over 40% of all new tree plantings in Williston – in required plantings is banned. The DRB may permit an exception to this prohibition to support a particular landscape design concept.

23.7.3.2 Departures. The DRB may approve departures from this standard to support a particular landscape design concept.

23.7.4 Are there specifications for plant materials and their installation? Yes.

23.7.4.1 American Standard. Plant materials shall conform to ANSI Z60.1 the *American Standard for Nursery Stock.*

23.7.4.2 Size of Materials. The minimum size of new plant materials installed in required plantings shall be as follows:

- large trees – 2 ½ inch caliper
- medium and small trees – 2 inch caliper
- shrubs, ornamentals – 2 gallon

Departures from these standards may be proposed, and approved by the DRB, for mass plantings.

23.7.4.3. Soil Volume. The landscaping plan must demonstrate that there is an un-compacted soil volume sufficient to support the long-term health of all plant materials. This standard is especially important in urban parks and plazas, and in narrow planting strips. The DRB may require the use of porous pavement and/or structural soils under adjoining paved surfaces to help ensure the success of plantings.

Soil Volume? Recommended un-compacted soil volumes for trees are listed in *Recommended Trees for Vermont Communities.*

Structural Soil? Structural soil is designed to provide adequate support for paved surfaces like parking lots and sidewalks, while also serving as a suitable medium, for tree growth and health. Specifications for structural soil are included in the *Public Works Standards*. For more information about structural soil, visit the Cornell University web site: http://www.hort.cornell.edu/department/faculty/bassuk/uhi/

23.7.4.4 In Snow Storage Areas. Salt-tolerant plant materials must used in and around paved areas and in the snow storage areas required by WDB 16.6. Plant materials selected for these areas must also have a growth form that is not subject to, or that resists, the physical damage that can be caused by snow moving equipment and the stacking of snow.

23.8 Landscaping Installation and Maintenance

23.8.1 Are there requirements for the installation of landscaping? Yes

23.8.1.1 Supervision. Installation of landscaping in development containing more than 20,000 square feet of landscaping must be supervised by a landscape architect, a certified arborist, or a certified horticulturist.

23.8.1.2 ANSI Standard. Trees and shrubs shall be installed in compliance with the current edition of *ANSI A290 – Best Management Practices – Tree Planting*,

23.8.1.3 Distance from Curb. No tree may be planted closer to any curb or sidewalk than the following: small trees – 3 feet; medium trees – 4 feet; large trees – 5 feet (tree species are identified as small, medium or large in *Recommended Trees for Vermont Communities*).

23.8.1.4 Other Utilities. Tree location must be coordinated with the location of light standards and other overhead utilities.

23.8.1.5 Inspection. Landscaping is subject to the inspection requirements of WDB 7.1.7.

23.8.2 Are there landscaping maintenance requirements? Yes. Landscaping is a 'required improvement,' as defined in Chapter 7 of this bylaw, subject to all requirements that chapter imposes. See also the maintenance requirements of WDB 16.3.1.

23.8.3 Must new landscaping be watered? Landscaping plans required by WDB 23.1.3 shall include provisions for the timely irrigation whenever it will be necessary to support newly-installed plant materials. 'Timely' irrigation is once a week in any week during the growing season when natural precipitation has totaled less than one (1) inch.

23.8.4 Must a maintenance manual be provided? Where there will be more than 20,000 square feet of landscaping, the landscaping plan shall include a maintenance manual.

Chapter 24

Outdoor Lighting

This chapter establishes standards for outdoor illumination.

24.1 Scope and Purpose

24.1.1 What is "outdoor lighting"? Outdoor lighting includes any outdoor illuminating device, lamp, light, reflective surface, luminous tube, or similar device, permanently installed or portable, used for illumination, decoration, or as part of a sign.

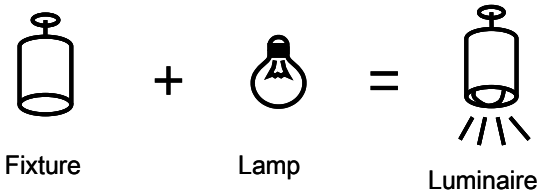
24.1.2 What is the purpose of these standards? The purpose of this chapter is to allow for outdoor lighting that enhances the safety, security, and nighttime use of property while minimizing the obtrusive effects of outdoor lighting on neighboring parcels, public ways, and the night sky. These standards seek to direct appropriate amounts of light to where it is needed, when it is needed; to increase the use of energy-efficient light sources; and to reduce the waste of light and glare from overlighting and poorly shielded or inappropriately directed lighting fixtures.

Lighting Terminology

A **fixture** is the assembly that houses a lamp or lamps. It may include mounting brackets; a ballast; lamp socket; a reflector, mirror, or refractor; lens, and/or a shield.

A **lamp** is the component of a luminaire that produces the actual light. One example is an incandescent light bulb.

A **luminaire** is a complete lighting system, including the lamp or lamps and fixture.



A **lumen** is a unit used to measure the amount of light emitted by lamps. For example, a basic 60-watt incandescent bulb and a 15-watt compact florescent bulb both emit approximately 900 lumens when new. For the purposes of this bylaw, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

A **foot-candle** is a unit of light intensity equal to one lumen per square foot. Foot-candles can be measured using a light meter. Unless otherwise specified in this bylaw, foot-candles shall be measured horizontally at grade level.

A **pole** is a more or less vertical support that holds a luminaire at a specified mounting height.

24.2 Applicability

24.2.1 Does my outdoor lighting have to meet the requirements of this chapter? Yes. Unless it is specifically exempted by WDB 24.2.3, new and replacement outdoor lighting must comply with the standards of this chapter.

24.2.2 Do I have to get a permit to install outdoor lighting? An administrative permit is required to install outdoor lighting that is not exempted by WDB 24.2.3. The installation of outdoor lighting without a permit is a violation of this bylaw, subject to enforcement, as provided by WDB 7.4-7.6. Outdoor lighting must also be shown on applications for discretionary permits, as required by WDB 24.3.

24.2.3 Are there types of outdoor lighting for which no permit is required? Yes.

24.2.3.1 Emergency Lighting. No permit is required for temporary emergency lighting used by the fire, police, and public works departments or other emergency service agencies.

24.2.3.2 Residential Lighting. No permit is required for outdoor lights that are installed at one and two family dwellings and that are rated at 1,200 initial lumens or less per lamp, as long as the maximum lumen output per dwelling set by Table 24.A (5,500 initial lumens) is not exceeded. Floodlights rated less than 1,200 initial lumens are included in this exception; however, all floodlights must adhere to the installation guidelines of WDB 24.5.1.

What does 1,200 initial lumens actually mean? 1,200 lumens initial output is approximately equivalent to one 75-watt incandescent bulb or one 20-watt compact fluorescent bulb.

24.2.3.3 Holiday Lighting. Temporary, seasonal holiday lighting is not subject to review or compliance with this chapter, if (and only if) the following conditions are met:

- Seasonal holiday lighting must not constitute a traffic hazard or a nuisance to neighboring properties.
- Seasonal holiday lighting may be displayed for no more than 60 days.

24.2.4 Are some types of outdoor lighting prohibited? Yes.

24.2.4.1 Uplighting. Lighting directed upwards (above horizontal) to illuminate flags, buildings, signs or landscaping is prohibited. The only exception to this standard is that one U.S. flag per parcel may be uplit with luminaires of less than 2,500 lumens total (all lamps).

24.2.4.2 Laser and Search Lights. Laser-source lights and search lights, sweeping or stationary, are prohibited for all but emergency purposes.

24.2.4.3 Moving Lights. Flashing, flickering, moving, or otherwise animated lighting (other than seasonal holiday lighting meeting the requirements of WDB 24.2.3.3) is prohibited.

24.2.4.4 Mercury Vapor. The use of mercury vapor lighting is prohibited.

24.2.4.5 Bands of Light. Lighting fixtures containing lighting elements that form a band of light are not allowed. The use of internally illuminated bands of color and/or light on building exteriors is prohibited.

24.2.5 Must existing outdoor lighting be brought into compliance when I apply for a permit? Yes. Existing outdoor lighting that does not comply with the standards established in this chapter has a right to continue as a nonconforming use. As provided by WDB 2.8, however, the DRB may condition approval of a permit required by this bylaw on the removal of nonconforming outdoor lighting.

24.3 Lighting Plans

24.3.1 What must be submitted with my Discretionary Permit, Administrative Permit, or Sign Permit application in order to approve my outdoor lighting? The lighting plans called for by the Discretionary Permit Checklist must include a lighting plan that presents the information listed here. Applications for administrative permits, including sign permits, that propose outdoor lighting must include as much of the information listed here as is necessary to demonstrate compliance with the standards of this chapter.

24.3.1.1 Lighting Levels. All applications must show the total lumens per acre or lumens per dwelling in all areas that will be illuminated, including both existing and proposed outdoor lighting. Lighting plans that are part of applications for discretionary permits must include a point-by-point analysis of anticipated illumination levels in all areas that would be illuminated. This lighting grid must be based on the proposed luminaires and their mounting heights. The proposed maximum, minimum, and average illumination levels, and uniformity ratios shall be calculated for each area proposed to be illuminated.

24.3.1.2 Lighting Locations. The lighting plan must outline the area(s) to be illuminated (thus documenting the basis of the calculations called for by WDB 24.3.1.1), and show the locations and mounting heights of all proposed luminaires.

24.3.1.3 Lighting Specifications. The lighting plan include the manufacturer's specifications for all proposed luminaires, There must be sufficient detail to demonstrate compliance with the standards of this chapter, including shielding details and initial lumen outputs.

24.3.2 May the Administrator refer lighting plans that accompany applications for administrative permits to the HAAC for review? Yes. Where the proposed lighting has not been reviewed as part of an application for a discretionary permit, the Administrator may refer that proposed lighting to the HAAC for a review of its impacts on neighboring properties, public ways, and the night sky before taking action on the application for an administrative permit.

24.4 Lamp and Fixture Types - Shielding

24.4.1 What types of lamps are allowed for outdoor lighting in Williston? The types of lamp allowed include incandescent, compact fluorescent, metal halide, light-emitting diode (LED), and high and low pressure sodium. As per WDB 24.2.4.4, the use of mercury vapor lamps is prohibited. The use of other types of lamps may be approved by the DRB where it finds that they will comply with the standards established in this chapter.

24.4.2 What types of lighting fixtures are allowed? Except where specifically exempted in this bylaw, all lighting fixtures must be fully shielded. This means that the fixture is constructed so that all the light emitted by the lamp (including indirect reflection off reflectors) is projected below horizontal. Only low lumen lighting (less than 1,200 lumens per lamp) may be unshielded and Table 24.A sets a stringent limit on the total amount of light that can be generated by unshielded fixtures.

Where can I find fully shielded lighting fixtures? The International Dark-Sky Association (www.darksky.org) maintains lists of manufacturers and distributors of fully-shielded lighting fixtures.

24.5 Lighting Zones and Cumulative Light Output

24.5.1 Are there different lighting standards for different parts of Williston? Yes. This chapter establishes somewhat different lighting standards for each of the four Lighting Zones listed below.

24.5.1.1 Lighting Zoning 1, which consists of the Agricultural/Rural Zoning District (ARZD);

24.5.1.2 Lighting Zone 2, which consists of the Residential Zoning District (RZD);

24.5.1.3 Lighting Zone 3, which consists of the Village Zoning District (VZD); and

24.5.1.4 Lighting Zone 4 – which encompasses all other zoning districts established in this bylaw.

24.5.2 Are there limits on the total amount of outdoor light any one parcel can generate? Yes Maximum light outputs, as measured in initial lumens per acre of surface to be lit or lumens per residential unit, are specified in Table 24.A.

24.5.2.1 Nonresidential All non-residential uses of lighting must adhere to the lumen/acre maxima of Table 24.A

24.5.2.2 Residential uses are allowed up to 5,500 lumens/residential unit, or the lumen/acre maximum, whichever is less. Of the total allowable lumen output per parcel, only that portion specified in the third column of Table 24.A may originate from luminaires that do not have fully shielded fixtures.

Table 24.A Maximum Total Lumen Output from Outdoor Lighting

Lighting Zone	Maximum Allowable Total Lumen Output	Maximum Allowable Unshielded Lumens
1 – ARZD	50,000 lumens/acre or 5,500 lumens/residential unit	4,000 lumens/acre of surface to be lit
2 – RZD	100,000 lumens/acre or 5,500 lumens/residential unit	10,000 lumens/acre of surface to be lit
3 – VC	100,000 lumens/acre or 5,500 lumens/residential unit	10,000 lumens/acre of surface to be lit
4 - All Other	200,000 lumens/acre or 5,500 lumens/residential unit	10,000 lumens/acre of surface to be lit

24.5.3 Are there any types of lighting that are exempt from total lumen/acre maximums? Yes. Outdoor recreational facility lighting, temporary lighting for special events, and seasonal holiday lighting are exempt from lumen/acre maxima, but this chapter establishes specific requirements for those types of lighting.

24.5.4 Are there limits to how long my outdoor lights can be on? Yes, this is another way of limiting light output. Unless otherwise specified in this bylaw - the hours of illumination for some specific

uses are addressed in WDB 24.7 - businesses must turn off outdoor lights, including those illuminating signs, within one half hour after the close of business or 10:00PM whichever is later. Outdoor lights may be turned on one half hour prior to opening. There are some exceptions to this standard.

24.5.4.1 Event Lighting. Recreational or social events requiring outdoor lighting may utilize exterior lighting during the event or activity, but it must be turned off after the event ends.

24.5.4.2 Motion-Activated Lighting. Motion-activated lighting is allowed to be on at all times, provided the lights are programmed to turn off no more than five (5) minutes following the last detectable motion.

24.6 Luminaire Orientation and Mounting Height

24.6.1 Are there limitations on how and where I can place or orient outdoor lighting on my property? Yes.

24.6.1.1 Shielding Must be Maintained. Luminaires must be installed so that the full shielding of the fixture is maintained. A fixture cannot be angled so that light is directed above horizontal.

24.6.1.2 Interior Orientation is Required. Light from outdoor luminaires may not be directed beyond the parcel boundaries onto adjacent properties or public ways.

24.6.13 Floodlights. Floodlights or spot lamps must be aimed no higher than 45 degrees above straight down (half way between straight down and straight to the side). Floodlight lamps may not be directly visible from adjacent parcels or public ways.

24.6.2 Are there limitations on the mounting height of outdoor lighting? Yes. The mounting height of outdoor lighting fixtures may not exceed 25 feet above finished grade. Except outdoor lighting fixtures mounted on the façade of buildings described in WDB 24.7.4 may not exceed 15 feet above finished grade, from which the DRB may allow an exception to this standard where the pole and luminaire assemblies are more than 250' from the nearest parcel boundary, even in the case of an exception; however, no fixture may be mounted at a height greater than that of the tallest building on the site.

* The average illumination of ground level areas shall be measured horizontally at grade level and computed only over the area designated as being illuminated in the security plan. Average illumination shall not exceed maximums listed in Table 3 for each lighting zone.

** The average illumination level of vertical surfaces shall be measured at a height of 5 feet above grade and computed over the area of surface designated to be illuminated in the security plan. Average illumination shall not exceed maximums listed in Table 3 for each lighting zone.

24.7 Specific Outdoor Lighting Standards

24.7.1 Are there specific standards for the lighting of convenience store and gas station canopies? Yes.

24.7.1.1 Lighting Level. Areas around pump islands and under canopies shall be illuminated so that the minimum light level at finished grade is at least 1.0 foot-candle, but no more than 5.5 footcandles. Areas on the apron away from the canopy shall be considered parking lots,

and must meet the lighting standards for parking lots set by WDB 24.7.3. Where there are no gasoline pumps, the entire apron shall be treated as a parking lot.

24.7.1.2 Canopy Lighting. No light fixtures shall be mounted on the top or sides of a canopy, which shall be opaque and not illuminated. Lighting under canopies shall utilize flat lenses and be fully recessed into the lower surface of the canopy or otherwise fully shielded.

24.7.1.3 Light Output. All lighting around pump islands and under canopies shall be included in the total lumen/acre output cap set by Table 24.A.

24.7.1.4 Fleet Fueling Facilities. Fleet fueling facilities should provide motion sensitive canopy and/or pump island lighting that does not exceed 5.5 footcandles, while otherwise maintaining the same light level as a parking lot after business hours (see WDB 24.7.3.4).

24.7.2. Are there specific standards for the lighting of outdoor recreational facilities? Yes. A variety of outdoor recreation facilities may be illuminated to allow nighttime use, including tennis courts, ball fields, driving ranges, swimming pools, outdoor skating rinks, and ski areas. The regulations in this section are intended to allow the necessary illumination of such facilities while minimizing adverse impacts such as glare, skyglow, and light trespass on nearby properties.

24.7.2.1 Lighting Levels. The lighting plan for an outdoor recreation facility must demonstrate that only the minimum level of illumination required for the proposed activity or activities will be provided. The DRB may independently determine the minimum illumination level required for any activity and impose that level as a condition of approval.

24.7.2.2 Internal Orientation. Fixtures must be mounted and aimed so that their beams fall within the primary playing area and its immediate surroundings. the visibility of light sources from nearby properties and public ways must be minimized. No direct illumination may be aimed off the site.

24.7.2.3 Hours of Illumination. Lights on outdoor recreational facilities shall be turned off except when the facilities are in use or being maintained.

24.7.3 Parking Lot Lighting. Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and safety, and to prevent glare or direct illumination onto adjacent properties or public ways.

24.7.3.1 Lighting Levels. Illumination levels in parking areas must meet the requirements set forth for each Lighting Zone in Table 24.B. Parking areas in the ARZD shall not be illuminated unless the DRB finds that specific conditions exist which make that illumination necessary. In such cases, the lighting shall meet the standards for parking areas in the RZD.

Table 24.B. Maximum Average Illumination and Uniformity Ratios Required for Parking Lots in each Lighting Zone

Lighting Zone	Average Illumination* shall not exceed:	Uniformity Ratio^ shall not exceed	Maximum Illumination of any point shall not exceed
ARZD	Parking lot illumination discouraged	Parking lot illumination discouraged	Parking lot illumination discouraged
RZD	1.0 footcandles	20:1	5.0 footcandles
VC	1.0 footcandles	20:1	5.0 footcandles
All Other	1.2 footcandles	20:1	5.0 footcandles

* Average illumination shall be measured horizontally at grade level, computed over the area of the parking lot.
^ Uniformity ratio is a measure of the consistency of light levels across a given area. It is expressed as maximum : minimum illumination levels.

24.7.3.2 Shielding. All lighting serving parking lots must be fully shielded. The DRB may permit a limited exception to this standard in the VZD, as provided by WDB 24.7.3.3.

24.7.3.3 In the VZD. Alternatives to fully shielded lighting fixtures may be permitted in the VZD in order to accommodate fixtures of a particular "period" design or architectural style, but those alternatives must comply with this standard.

- If alternative fixtures are not fully shielded, the maximum initial lumens generated by each fixture shall not exceed 1,200 (equivalent to a 75-watt incandescent bulb).

- The mounting height of such fixtures shall not exceed 20 feet.

24.7.3.4 Hours of Illumination. Parking area illumination must be reduced by at least 75% within ½ hour of the close of the business(es) the parking area serves. This reduced lighting level can be achieved by turning off at least 75% of the parking lot lighting fixtures or by dimming lighting levels by 75%. This standard does not require that lighting levels be reduced below 0.2 footcandles as measured horizontally at finished grade level.

24.7.4 *Building Façade Lighting*. The lighting of building facades shall be designed to accentuate the architectural features of the building and the building entry or entries. Lighting fixtures must be located, aimed and shielded so that the light is directed downward towards the ground and not onto adjacent roads, sidewalks or properties. Lighting fixtures on building facades shall not be mounted at a height exceeding 15 feet above average finished grade.

24.7.5 Pedestrian Ways. The lighting standards for pedestrian ways will generally be the same as for parking lots. The DRB may, however, permit elevated lighting levels to highlight the entrances to buildings or particular pedestrian spaces. The DRB may also permit elevated lighting levels in areas, like passenger loading areas, where pedestrians and cars will be in close proximity.

24.7.6 Security Lighting. All night lighting for security surveillance will be minimized. The use of motion-activated lights and alarms will be encouraged as an alternative. All applications for discretionary permits that propose security lighting shall include a security plan which delineates the

area/s to be illuminated for security purposes and outlines the need for and purposes of the security lighting.

24.7.6.1 Referral. The Administrator may refer security lighting plans to the Williston Police Department for comment.

24.7.6.2 Light Levels. Security lighting must not exceed the light levels established in Table 24.C.

24.7.6.3 Standards. Security lighting is subject to all standards, including shielding, light orientation, etc. established in this chapter.

Table 24.C. Maximum average illumination levels for security lighting on horizontal (grade level) and vertical surfaces

Lighting Zone	Average* Horizontal Illumination Level at Grade	Average** Vertical Illumination at 5' Above Grade
ARZD	Discouraged	Discouraged
RZD	Shall not exceed 1.0 footcandles	Shall not exceed 1.0 footcandles
VC	Shall not exceed 1.0 footcandles	Shall not exceed 1.0 footcandles
All Other	Shall not exceed 1.5 footcandles	Shall not exceed 1.5 footcandles

* The average illumination of ground level areas shall be measured horizontally at grade level and computed only over the area designated as being illuminated in the security plan. Average illumination shall not exceed maximums listed in Table 3 for each lighting zone.

** The average illumination level of vertical surfaces shall be measured at a height of 5 feet above grade and computed over the area of surface designated to be illuminated in the security plan. Average illumination shall not exceed maximums listed in Table 3 for each lighting zone.

24.7.6.4 Perimeter Lighting. Security lighting designed to illuminate a perimeter of a property (such as along a fence) must include motion sensors designed to stay off unless triggered by an intruder located within 5 feet of the perimeter. Pole-mounted security lighting must be installed no more than 10 feet from the perimeter of the designated area being illuminated, and poles cannot be located outside the parcel boundaries.

24.7.7 Sign Illumination. See Chapter 25 of this bylaw.

24.7.8 Street Lighting. Street lights must comply with the *Williston Public Works Standards.*

Chapter 25

Signs and Public Art

This chapter establishes standards for signs. It begins with a statement of purposes and principles for sign regulation in Williston. A list prohibited types of signs and an explanation of permit requirements, including the requirement for master sign plans, follows. Standards for the permitted type, number, size, and illumination of permanent signs in each zoning district are presented in a table and WDB 25.6 and 25.7. WDB 25.8 addresses temporary signs. The chapter ends with standards for continuing use of nonconforming signs and definitions of 'community information center' and 'public art.'

25.1 Purpose – Principles –Authority

25.1.1 What role do signs play in Williston's landscape? Williston permits signs that serve the public by identifying local businesses, providing directions, making people aware of regulations and possible safety hazards, making people aware of community events and political messages, and assisting town residents in the occasional sale or lease of homes and household goods.

What is a sign? For the purposes of this bylaw, a "sign" is anything that is intended to attract attention that is not specifically excluded from this definition. This includes what people typically think of as signs, ranging from small "No Parking" signs to large billboards. It also includes other attention getting devices or displays, including vending machines that are visible from a public way; pennants and pinwheels that bear no message; and similar devices or displays. Community information centers and public art, both of which are defined later in this chapter, are excluded. So are scoreboards installed as provided by WDB 17.8.

25.1.2 What principles guide sign regulation in Williston?

25.1.2.1 Signs are Important. Signs that effectively serve the purposes listed above are an important feature of the town's landscape. They help people navigate through the community and make people aware of local businesses, homes for sale or rent, the sale of household goods, and community events. They also help make people aware of regulations and safety hazards and provide a means of political expression.

25.1.2.2 Freedom of Speech. Federal courts have made it clear that signs are a legitimate medium for political expression. Noncommercial signs are permitted wherever and however commercial signs are permitted by these standards.

25.1.2.3 Signs Have Impacts. Despite their importance in the town's life, signs that are too numerous, too large, poorly placed, improperly illuminated, or out of scale or character with their surroundings will seriously detract from Williston's landscape and economy. They can block or diminish scenic views, obstruct views at driveways and intersections; distract motorists; block pedestrian ways; hide architectural or landscape details that contribute to the character of buildings, neighborhoods, and the town; create light trespass and pollution; and

project a sense of clutter and haste that is not consistent with either a healthy economy or a healthy community life.

25.1.2.4 A Positive Contribution. Well-designed signs in the right locations can make a positive contribution to Williston's landscape, economy, and community life. Compliance with these standards will ensure that they do so.

25.1.2.5 Location Matters. Different types, numbers, and sizes of signs are appropriate in different parts of Williston and the standards adopted here vary accordingly.

25.1.2.6 Signs Require the Same Level of Planning and Design as Buildings. The need for signs must be anticipated at the beginning of every project. A master sign plan is required for all developments that could have multiple occupancies. Whether a master sign plan is required or not, all new buildings and major additions to existing buildings must be designed with a sign band or other definite locations for the placement of permitted signs. An application for a discretionary permit is not complete if it fails to show how signs will be placed or posted.

Placement of Signs v Design of Signs. To be clear, WDB 25.1.2.6 does not require applicants to include a specific number, type, or size of signs, or the design of individual signs in applications for discretionary permits. It simply requires that the applicant show where signs may be placed on the site or on proposed buildings or additions. The individual signs that fill those "blanks" will be separately permitted.

25.1.3 Under what authority does the town regulate signs? 25 V.S.A. § 2291(7) gives Vermont municipalities the authority to:

> To regulate or prohibit the erection, size, structure, contents and location of signs, posters or displays on or above any public highway, sidewalk, lane or alleyway of the municipality and to regulate the use, size, structure, contents and location of signs on private buildings or structures.

Note also that signs are "structures" within the meaning of 25 V.S.A. § 4411, which provides the general authority for local zoning.

25.2 Sign Regulation by Zoning District. Because signs must be consistent with the purpose of each zoning district, the type, number, height, and size of signs allowed varies among the districts. See Table 25.A for specific requirements for signs in each zoning district. Signs in VZD must also comply with the *Williston Village Historic District Design Review Guide*. WDB 25.6 provides an explanation of Table 25.A.

25.3 Prohibited Signs. Some types of signs simply may not be placed or posted in Williston. Those types of signs are listed below. Also, any sign that does not comply with the standards established in this chapter, with any other requirement of this bylaw, or with an applicable, approved master sign plan is prohibited. The placement or posting of a prohibited sign is a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

25.3.1 Are animated signs permitted? No. Animated, blinking, flashing, and moving signs or signs that appear to move are prohibited. This includes any sign that interferes with, imitates, or resembles an official traffic control sign, signal, or device, or attempts or appears to direct the movement of traffic with motion or the appearance of motion. Holiday displays that comply with WDB 25.4.2.11 are exempt from this prohibition.

25.3.2 Are illuminated signs permitted? Illuminated signs are permitted in compliance with WDB 25.6.7 and Chapter 24 of the bylaw, but three types of illuminated signs are simply prohibited.

25.3.2.1 Beacons. The use of spotlights, searchlights, beacons, or similar lights that are projected toward the sky to attract attention is prohibited.

25.3.2.2 Glaring. Any sign with lighting that interferes with the safe operation of motor vehicles or bicycles or that unnecessarily trespasses on neighboring properties is prohibited.

25.3.2.3 Internally Illuminated. With the exception of the limited use of illuminated window signs, internally illuminated signs are prohibited.

25.3.3 Are off-premises signs permitted? An off-premise sign is a sign that advertises a commercial enterprise or event that is placed on a parcel of land that is not the same parcel where the enterprise or event is located. Off-premises signs are generally prohibited, but there are three minor exceptions to this standard.

25.3.3.1 Directional Signs. Off-premises directional signs may be permitted where a special event is permitted under the provisions of the Special Events Ordinance as described in Appendix E.

25.3.3.2 Product Advertising. Product advertising signs are "off-premise" signs and, thus, prohibited. A limited exception for product advertising using temporary signs is provided by WDB 25.8.

25.3.3.3 Off-premise agricultural signs. Signs placed in in the ARZD, VZD and RZD advertising the sale of agricultural products in the ARZD, VZD and RZD. While state law generally prohibits off-site signage, 24 V.S.A Section 494 (12) provides an exception as follows:

Directional signs, subject to regulations adopted by the Federal Highway Administration, with a total surface area not to exceed six square feet providing directions to places of business offering for sale agricultural products harvested or produced on the premises where the sale is taking place, or to farmers' markets that are members of the Vermont farmers market association selling Vermont agricultural products.

Signs advertising farms, farmstands, and farmer's markets that are members of the Vermont farmers market association and that are located in the RZD, VZD and ARZD may be placed off-premise, only in the ARZD, VZD and RZD, under the following conditions:

- Only one off-premise agricultural sign may be placed on any one parcel of land.
- Off-premise agricultural signs may not exceed four feet in height
- Off-premise agricultural signs may not exceed six feet in area and may be double-sided.
- Off premise agricultural signs must not be permanently anchored to the ground
- Off premise agricultural signs may not be placed more than 10 days prior to the commencement of the sales activity they advertise and must be removed no more than 10 days following the cessation of such activity.
- Off premise agricultural signs must be set back a minimum of five feet from the edge of any public or private right-of-way.
- No permit is required for the placing of such signs, but the property owner where the sign is placed must give his or her permission for the sign.

25.3.4 Is product advertising permitted? Only in the limited way permitted by WDB 25.8.

25.3.5 Are pennants and similar attention-getting displays permitted? No. Pennants, strings of flags, and other serial signs are prohibited.

25.3.6 May I place a sign in the public right-of-way? No sign shall be placed in a public right-of-way except for the official signs permitted by WDB 25.4.4.8. Any other sign placed in a public right-of-way is subject to immediate removal by the town or state and the enforcement procedures of WDB 7.4-7.6.

25.3.7 May I hang a sign on a lamp post or other streetscape feature? Complying official and regulatory signs may be attached to light standards, bridges, and other functional features of the streetscape, public or private, but only where doing so is consistent with WDB 25.3.6.

25.3.8 Are roof signs permitted? No sign shall be mounted on the roof of a building. Further, no sign that is attached to a building may extend above the roofline. The DRB may permit an exception to this prohibition for signs mounted on the sloping sides of gambrel or mansard roofs. Where such an exception is allowed the resulting sign/s will be treated as wall signs, and as part of the development's overall sign area.

What is the roofline? For the purposes of sign regulation, this bylaw defines the "roofline" as the lowest point defined by the eaves or, where there are no eaves or similar overhangs, the top of the wall.

25.3.9 May I hang a sign on a tree? No. Signs may not be painted on or attached to cliffs, boulders, trees, or any other naturally occurring feature of the landscape. The administrator may, however, permit an exception to this standard for building numbers and/or home business signs when no reasonable alternative exists or the placement of a freestanding sign would result in the unnecessary clearing of trees.

25.3.10 May I place as sign on an antenna or tower? No. Signs may not be attached to antennae or towers that are regulated by Chapter 21 of this bylaw. See WDB 21.3.5.3.

25.3.11 May I use a parked vehicle to advertise my business? The use of an unregistered vehicle or trailer as a sign is prohibited. The use of signs affixed to registered vehicles or trailers is also prohibited. This prohibition is not intended prevent a business from painting vehicles that are routinely used in the conduct of that business, but the administrator may require that existing parking areas where such vehicles are routinely parked be brought into compliance with the landscaped buffer requirements for parking areas that are adopted in this bylaw.

25.3.12 Unsafe Signs. The following types of signs are unsafe, by definition, and constitute a violation of this bylaw that must be removed upon receipt of a notice of violation sent under the authority of WDB 7.4:

25.3.12.1 … any sign that interferes with drivers' or cyclists clear and unobstructed view of official traffic control signs and approaching or merging traffic;

25.3.12.2 … any sign that prevents drivers or cyclists from seeing approved signs on neighboring properties;

25.3.12.3. … any sign with lighting that interferes with the safe operation of motor vehicles or bicycles or that unnecessarily trespasses on neighboring properties; and

25.3.12.4 … any sign that obstructs a pedestrian way. At least 70% of the width of the pedestrian way must be left open to passage when placing portable sign approved in compliance with WDB 25.7.2.3.

25.3.12.5 Any sign that is determined to be structurally unsound or to present a hazard of electrical shock will also be considered unsafe and subject to immediate repair or removal. The Administrator will use the most recent edition of the *Uniform* or *International Sign Code* as the basis for the enforcement of this standard.

25.4 Permit Requirements for Signs

25.4.1 Is a permit required for a sign? Usually, but it depends on the type of sign. WDB 25.4.4 exempts some types of signs from the need for a permit, but NOT from compliance with this bylaw. An administrative permit is required for the placement or posting of all other signs.

25.4.2 Is there a special application form for sign permits? Yes. Applicants must use the *Sign Permit Application* and *Sign Permit Checklist* provided by the town in preparing their applications.

25.4.3 Is there a fee for the placement or posting of a sign? The application fee set by the Selectboard must accompany all applications for permits for signs.

25.4.4 What type of signs may be placed or posted without a permit? No review is required for the placement or posting of non-illuminated signs of the types listed below or for the routine maintenance and repair of existing signs. This exemption from the requirement for a permit does not, however, exempt any sign from compliance with all other requirements of this chapter and this bylaw. Exempt signs do not count as part of the total number or area of signs permitted by this chapter.

25.4.4.1 Building Numbers. No permit is required for building numbers required by Williston's *Road Name and Road Location Numbering Ordinance*. The relevant portions of that ordinance appear as Appendix F of this bylaw. The placement of building numbers must comply with the standards set by Table 25.A.

25.4.4.2 Changes in Copy. No permit is required for changes in copy that use the originally approved font, size, and color of lettering or for copy changes to approved kiosks, bulletin boards, or other community information centers on which the messages posted are expected to change on a regular basis.

25.4.4.3 Directional Signs. No permit is required for the placement or posting of up to 4 directional signs that have an area of less than two (2) SF each and do not include a logo larger than one-half (0.5) SF or a commercial message. See WDB 25.7.9 for additional restrictions on directional signs.

25.4.2.4 Donor or Recognition Plaques. No permit is required for the placement or posting of a donor or recognition plaque not exceeding two (2) SF on a permitted structure or sign.

25.4.4.5 Flags. No permit is required for the display of flags provided that:

- Each flag does not exceed 25 SF in size, and

- no more than four (4) are flown at any one time.

Proposed freestanding flagpoles must be included on the plans submitted for permit approval.

25.4.4.6 Holidays.

- No permit is required for seasonal holiday displays that include no commercial message or logo, that are not permanently attached to the ground or a structure, that are removed after 30 days, that are comprised of parts which do not individually exceed four (4) SF each.

- Signs that are temporarily displayed on town property for Williston's Independence Day (4th of July) celebration need not obtain a permit.

25.4.4.7 Memorial Signs. No permit is necessary for cornerstones or similar displays of the names of buildings and their date of erection or for messages in memory of individuals or groups that do not exceed six (6) SF in size, that are cut into a stone or masonry surface or that are cast in bronze or a similar material, and that permanently affixed to an approved building.

25.4.4.8 Regulatory Signs. No permit is required for the placement or posting of a regulatory sign placed by the town or the state. Regulatory signs may be placed in the public right-of-way in accord with the *Uniform Manual for Traffic Control Devices*.

25.4.4.9 Special Events. An additional permit is not required for the placement or posting of signs that are approved by a special events permit. The Administrator may place limitations on the number and location of these signs, and these signs may only be displayed for a maximum of 30 days. These signs are not allowed to be placed in the public right of way.

25.4.4.10 Temporary Signs. There are different standards for temporary window signs and all other temporary signs.

- No permit is necessary for the posting of temporary window signs that do not, cumulatively, exceed 25% of the total window area, that are each less than four (4) SF each in size, and that are removed or changed within 30 days of their posting.

- No permit is required for the placement or posting of other temporary signs that have an area of six (6) square feet or less and are displayed for a maximum of 90 days per calendar year. The number of allowed temporary signs, whether or not they are exempt from the requirement of having to file an Administrative Permit, is regulated by WDB 25.8.3 Portable signs that are used on a regular basis in the same location are not temporary signs. See WDB 25.7.2.3.

- Grand Opening Banner. Any business opening in a new location may place one banner on the property where the business is situated for a period of up to 30 days, provided that the size of the banner does not exceed 24 square feet.

- See WDB 25.8 for additional restrictions on temporary signs.

25.4.5 What type of permit is required for signs that are not exempt? You must have an administrative permit to place or post any sign that is not explicitly made exempt by WDB 25.4.4. Some common questions about permit requirements for signs are clarified below.

25.4.5.1 Temporary Signs. A permit is required for the placement or posting of temporary signs that are over six (6) SF in size or, in windows, over four (4) SF in size. This includes temporary signs advertising a business while a permanent sign is being prepared.

25.4.5.2 Illuminated Signs. With the exception of regulatory signs posted by a public agency, the placement or posting of illuminated signs is never exempt from the requirement for a permit.

25.4.5.3 Master Sign Plans. Posting a sign in compliance with an approved master sign plan requires an administrative permit, except for the posting of temporary signs approved by an approved Master Sign Plan.

25.4.6 Are there signs for which discretionary review is required? Yes.

25.4.6.1 In the VZD. A Certificate of Appropriateness is required for the placement or posting of any non-exempt sign in the Village Zoning District.

25.4.4.2 Developments with Multiple Occupancies. While the sign itself will not require a discretionary permit, the placement or posting of a new sign in an existing development that has, or reasonably could have, multiple occupancies will not be permitted until a master sign plan has been approved for that development, as provided by WDB 25.5. The administrator may permit the temporary placement or posting of a single sign of no more than 16 SF in size for a new tenant pending the approval of a master sign plan, with no such permit running for more than 180 days. Failure to obtain approval of a master sign plan within 180 days will void that permit and immediate removal of the sign will be required. The replacement of an existing sign with a sign of the same size or smaller in the same location will not trigger the requirement for a master sign plan.

25.5 Master Sign Plans

25.5.1 Are master sign plans required for new developments? A proposed master sign plan must be submitted with the application for a discretionary permit for any development that will, or may reasonably be expected to, have multiple occupancies.

25.5.2 Are master sign plans required for existing developments? A proposed master sign plan must be submitted and approved by the DRB before any new sign for which a permit is required may be posted in any existing development that has, or may reasonably be expected to have, multiple occupancies.

25.5.3 What should be included in a proposed master sign plan? Everything required by the *Master Sign Plan Checklist*. Master sign plans must anticipate all permanent and temporary signs, including seasonal banners and portable signs like sandwich boards, except for signs that are exempt under WDB 25.4

25.5.4 How are master sign plans reviewed? Review of a proposed master sign plan will ordinarily be combined with the review of an application for a discretionary permit. Existing uses may, however, need to secure approval of a master sign plan to permit new signs. In such cases, the DRB will review the proposed master sign plan following the procedure for the review of an application for a discretionary permit.

25.5.5 Can a master sign plan permit more or larger signs on my property? Possibly. An applicant may propose, and the DRB may approve, a master sign plan that permits some variation from these standards. Where such a variation is permitted, the DRB must make a specific written finding that the variation is consistent with the comprehensive plan and the purpose and principles for sign regulation established in this chapter.

25.6 Basic Sign Standards. Basic standards for the permitted types of signs are set in Table 25.A. Additional explanations and more detailed standards are provided here and in WDB 25.7.

25.6.1 Is the number of signs that may be placed or posted on a site limited? Yes. See Table 25.A for limitations on the number of permanent signs. In some cases, that table specifies the maximum number of signs permitted on a lot. In other cases, it specifies a number of signs permitted per point of access or a number of signs permitted per building entrance or occupancy. No maximum number is specified for permanent wall or window signs, the extent of which is limited by the total sign area requirement of Table 25.A.

25.6.1.1 Signs Per Building. For the purposes of this chapter, the term "building entrance" includes only principal entrances to a building or to parts of a building that has multiple occupancies. It does not include emergency exits, loading doors, or any entrance to which public access is restricted.

25.6.1.2 Signs Per Point of Access. For the purposes of this chapter, the term "point of access" includes only widely spaced principal entrances from a road or path to a development. It does not include emergency or service drives, nor does it include points-of-access that are less than 330 feet apart.

25.6.2 Is the total area of signs that may be placed or posted on a property limited? Yes. The combined area of all signs, excluding the signs that are exempted by WDB 25.4 and special events signs, must fall within the total sign area indicated for the zoning district in Table 25.A.

25.6.3 Is the area of individual signs limited? Yes. Table 25.A sets maximum areas for most individual signs.

25.6.4 How is sign area measured? The area of a sign is measured in square feet (SF) as the area within the smallest regular geometric shape - circle, rectangle, square, or triangle - that can be drawn around the copy of the sign, including logos, graphics, and all other contents, and the background on which that copy is displayed. The area of a freestanding, projecting, or suspended size is measured for one face of the sign only. This means that if, for example, a freestanding sign can have an area of 16 SF, it can have two faces, one facing each direction, that are 16 SF each.

25.6.5 Are the dimensions of signs limited? Yes.

25.6.5.1 Height: Freestanding. Table 25.A limits the height of freestanding signs. The height of a freestanding sign is measured from the highest point of the sign structure to the average grade of the ground on which the sign is based.

25.6.5.2 Height: Other Signs: Signs that are attached to a building may not extend above the roofline of that building.

25.6.5.3 Width. The total width of that portion of a sign structure that is more than three (3) feet tall shall not be more than double the width of the sign itself.

25.6.6 Must sign structures conform to a construction code? Sign structures must comply with the requirements of the most recent edition of the *Uniform* or *International Sign Code*.

25.6.7 Are there standards for the illumination of signs? Yes. In addition to the standards adopted here, the lighting of signs must comply with the standards of Chapter 25 of this bylaw. Note specifically that signs may not be uplit. External illumination must be directed downward onto the face of the sign.

25.6.7.1 Internal Illumination. With the exception of the illuminated window signs permitted by WDB 25.7.7, the internal illumination of signs is not permitted

25.6.7.2 External Illumination. External light sources must be fully shielded so as to direct light only onto the sign face.

25.6.7.3 Backlit Illumination. Backlit signs must take the form of individually illuminated channel letters or symbols. Again, the light sources must be fully shielded so as to direct light only into the channels.

25.6.7.4 Time Illuminated. Signs associated with a specific use may be illuminated only from one hour before that use opens until one hour after it closes. Other signs may be illuminated between 7:00 AM and 11 P.M.

25.7 Standards by Sign Type. The standards adopted here are in addition to those of Table 25.A and apply where the type of sign for which the standard is set is permitted in the zoning district.

25.7.1 What are the standards for signs on awnings? The lowest point on any awning must be at least 7 feet, 6 inches above the sidewalk or other surface above which it extends. Temporary signs hung from awnings must maintain this clearance. Awning signs count toward the total number and area of signs allowed.

25.7.2 What are the standards for freestanding signs? Freestanding signs are placed or posted on their own structures. They are not attached to a building or any other structure and may be portable. Different types of freestanding signs may be described in different ways, such as ground signs, monument signs, pole signs, portable signs, etc., but they are all subject to the same standards, except where this bylaw explicitly provides otherwise. Freestanding signs count toward the total number and area of signs allowed.

25.7.2.1 Landscaping. Except as provided by Table 25.A for the VZD and for portable signs regulated by 25.7.2.3, the base of all permanent freestanding signs shall be landscaped with perennial and/or annual plantings. This landscaping shall be part of the landscaping plan required by Chapter 23 – Landscaping, and is subject to all standards adopted in that chapter.

25.7.2.2 Type/Design. The DRB may require that a specific type of freestanding sign be used in the village or – at the time it is reviewing a proposed master sign plan - in any development, in accord with the principles of WDB 25.1.

25.7.2.3 Portable Signs. Portable signs, such as sandwich board signs, are designed for easy placement, but given their usual use, they are considered permanent and included in the total sign number and area.

- Portable signs may not exceed 12 SF on each face and must be removed when the business they advertise is closed.

- Sandwich boards may take up no more than 30% of a pedestrian walkway and may not be placed in a public right-of-way. Sandwich boards must be brought inside when the business with which they are associated is closed.

25.7.2.4 Vending Machines. Outdoor vending machines and other sales displays function as and are regulated as freestanding signs.

25.7.3 What are the standards for projecting signs? A projecting sign extends outward from the wall of a building. It may be perpendicular to the building wall or at an angle, but its message is intended to be read primarily by people approaching from one or both sides. Projecting signs count toward the total number and area of signs allowed.

25.7.3.1 Distance from Building. No projecting sign may extended more than four (4) feet beyond the building wall from which it projects.

25.7.3.2 Clearance above Grade. The lowest point on a projecting sign must be at least 7 feet, 6 inches above grade.

25.7.4 What are the standards for suspended signs? A suspended sign is hung under the ceiling of an arcade or other overhanging structure, more or less perpendicular to the building. Its message is intended to be read primarily by people approaching along the arcade. Suspended signs count toward the total number and area of signs allowed.

25.7.4.1 Clearance above Grade. The lowest point on a suspended sign must be at least 7 feet, 6 inches above the floor of the arcade, porch, or other pedestrian way over which it hangs.

25.7.4.2 Under a Ceiling Only. A suspended sign may not project outward beyond the ceiling of the arcade, porch, or other pedestrian space in which it hangs.

25.7.5 What are the standards for wall signs? A wall sign is painted on or attached to a wall and runs parallel to that wall. Its message is intended to be read primarily by people facing the building. Wall signs count toward the total number and area allowed.

25.7.5.1 Newer Buildings. Wall signs must be placed within the sign band or other space specifically designated for signs.

25.7.5.2 All Buildings. Wall signs must be placed so as not to block emergency exits, fire escapes, or windows, or to obscure architectural features.

25.7.6 What are the standards for window signs? Window signs may be posted within the glass area of a window. Table 25.A sets a limit on how much of each window signs may cover. That total area includes both permanent and temporary window signs.

25.7.7 May some window signs be illuminated? Yes, but only in the commercial and mixed use zoning districts. Illuminated window signs may be illuminated by LED, neon or another noble gas, or any other form of illumination approved by the administrator. Only one illuminated window sign per window, not to exceed two (2) per business establishment is permitted. No illuminated window sign shall exceed two (2) square feet in area.

25.7.8 What are the standards for directory signs? Directory signs are used when more than one business shares a site or structure. A directory sign may be of any of the sign types allowed in the zoning district in which it is located and must adhere to the size limit for an individual sign. One directory sign is allowed at each point of access from a collector or arterial. Directory signs must be approved as part of a master sign plan, as provided by WDB 25.5 and may be exempted from the total area or number of signs allowed by the DRB in order to encourage good attention to wayfinding.

25.7.9 What are the standards for directional signs? Directional signs may be of any permitted type. They convey directions (RESTROOMS →), regulations (NO PARKING), and similar information. No permit is required for the placement or posting of up to 4 directional signs that have an area of less than two (2) square feet and do not include a logo larger than one-half (0.5) SF or a commercial message. These smaller directional signs are not counted against the permitted number or area of signs, but must comply with the individual sign standards of Table 25.A. More than four (4) smaller directional signs may be allowed by an administrative permit at the discretion of the Administrator. Larger directional signs or directional signs featuring a larger logo or other commercial message may be placed or posted only with an administrative permit. Larger directional signs are included in the total number and area of signs allowed.

25.7.10 What are the standards for banners? Banners are signs whose message is painted or printed on a flexible material. They are regulated as freestanding, suspended, or wall signs depending on how they are used. Banners are generally temporary, but their regular use (on lamppost standards, for example) may be approved as part of a master sign plan.

25.7.11 What are the standards for recognition and donor signs? Recognition and donor signs do not count against the overall permitted number or area of signs, but must comply with the individual sign standards of Table 25.A.

25.8 Temporary Signs. Temporary signs usually announce events, like elections, meetings, or sales that have a limited duration, but may be used for any lawful message. Portable signs that are used on a regular basis in roughly the same location are not temporary signs.

25.8.1 Is a permit required to post a temporary sign? Maybe. As provided by WDB 25.4.4.10, no permit is required for the placement or posting of a temporary sign that has an area of six (6) SF or

less. Also, temporary signs associated with events requiring a special event permit are regulated through that permit, and do not need an administrative permit. An administrative permit is required for the placement or posting of any other temporary sign.

25.8.2 What are the standards for the dimensions, height, and location of temporary signs?

25.8.2.1 How Table 25.A Applies. Temporary signs may be any of the types allowed in the zoning district in which they are located and while they do not – with the exception of temporary window signs - count toward the total number or area of signs permitted, they must comply with the limits that Table 25.A places on individual signs of their type. Temporary window signs are counted as part of the total area of window signs permitted.

25.8.2.2 Product Advertising. Temporary signs, including temporary window signs, may provide information regarding product names, logos, prices, and names and/or logos of financial sponsors. This information may comprise no more than 50% of the total area of each temporary sign.

25.8.2.3 A Reminder. Temporary signs may never be placed in a public right-of-way or otherwise violate the prohibitions of WDB 25.3.

25.8.2.4 Held Signs. Signs held or waved by a person are temporary signs, subject to all requirements of this bylaw.

25.8.3 What are the standards for the number of temporary signs? Temporary signs that are not associated with a special event permit are limited to:

- One (1) sign per public road frontage for parcels with fewer than ten (10) commercial occupancies, credit will be given for no more than two (2) road frontages OR

- Two (2) signs per public road frontage for parcels with ten (10) or more commercial occupancies, credit will be given for no more than two (2) road frontages.

25.8.4 What are the standards for the duration of temporary signs? Temporary signs as permitted by 25.8.3 may be posted for no more 90 days in any one calendar year. Signs that will be posted for more than 90 days (a subdivision sale sign, for example) are considered permanent and may be placed or posted only with a permit.

Event? An event may include an election, a fund-raising campaign, a game, a meeting, or any other activity that has a definitely limited duration.

25.9 Abandoned and Nonconforming Signs

25.9.1 What is an abandoned sign? A sign is 'abandoned' when the use with which it was associated ceases to exist.

25.9.2 Must abandoned signs be removed? Yes. An abandoned sign must be removed within 90 days after the use with which it was associated ceases to exist.

25.9.3 What is a nonconforming sign? A nonconforming sign is an existing sign that would not be permitted if submitted for approval under this bylaw.

25.9.4 May nonconforming signs be maintained and repaired? Yes. Routine maintenance and repair of nonconforming signs is permitted.

25.9.5 When must nonconforming signs be replaced with conforming signs? A nonconforming sign may be used indefinitely, but must be removed, as required here, when circumstances change.

25.9.5.1 When Abandoned. As provided by WDB 25.9.1, any sign, conforming or not, must be removed within 90 days of when the use it identified ceases. New signs must comply with this bylaw.

25.9.5.2 Before a New Sign. No permit may be issued for a new permanent sign on a lot where there is a nonconforming sign.

25.9.5.3 When Damaged. A nonconforming sign must be removed or brought into compliance with this bylaw if it is damaged or destroyed and the cost of replacement or repair is 51% or more of the sign's value at the time it was damaged or destroyed.

25.9.5.4 Change in Use. A nonconforming sign must be removed and, if replaced, replaced with a conforming sign when the use of the lot on which it is located changes.

25.9.6 Can a nonconforming sign be relocated? Yes, but only if the move is involuntary. Involuntary relocation may be caused by street widening or another town, state, federal, or utility action that is beyond the control of the sign's owner.

25.9.7 Can a nonconforming sign be altered? Yes, but only if the change brings the sign into, or at least closer to, compliance with this bylaw. A nonconforming sign that will not be brought into full compliance may be altered only if its degree of nonconformity is reduced by at least 25%. Signs that are nonconforming due to their internal illumination must be brought into full compliance with the sign illumination requirements of this chapter when they are altered in any way that requires a permit. This means that a permit to change the panel or copy on an internally-illuminated sign will not be issued unless the internal illumination of the sign is eliminated. By January 1, 2025, all internally illuminated signs must either be removed, discontinued, or brought into compliance with the town's regulations for the illumination of signs.

What does that mean? The degree of nonconformity is the extent to which a use is nonconforming. So, a sign that is 20 feet high instead of the permitted 12 feet, would have to be lowered by at least two feet (25% of 8 feet) for an alteration to be permitted.

25.10 Community Information Centers

25.10.1 What is a community information center? Permanent community information centers that allow the posting of information may be placed at municipal buildings and schools or on privately owned properties such as a green, park, or plaza, or other publicly visible locations. They do not count against the number or area of signs permitted by the bylaw if they bear only a small - maximum one SF - logo of the development, business, or institution.

25.10.2 Are there standards for community information centers? Yes. Community information centers may be provided in the form of bulletin boards, kiosks, or similar installations that are installed in accord with the standards this bylaw sets for accessory structures.

25.11 Public Art

25.11.1 What is public art? Public art includes sculptures, monuments, murals, and other objects of art that are not enclosed in a building or other structure and that will be visible from a public way. Public art may also be incorporated into functional objects like fountains, benches, lamp posts, and other streetscape features. Public art is often used to commemorate a person or event, but may also serve no purpose other than public enjoyment. While public art can and should help attract people to a place, it bears no commercial message, explicit or implicit.

25.11.2 Is public art regulated by the bylaw? It is not the intent of this bylaw to limit freedom of expression, but the town does need an opportunity to enforce the distinction between public art and signs. The town also needs to ensure that proposed public art does not constitute a hazard to drivers, cyclists, or pedestrians. For this reason, proposed public art must be included in all applications for discretionary permits and an administrative permit will be required for the addition of public art to an approved development.

Table 25.A Basic Standards for Permanent Signs for Nonresidential Uses. For temporary signs see WDB 25.4.4.10. For signs associated with residential uses, see WDB 20.20.

	ARRZD	RZD	VZD	MURZD
	for nonresidential uses permitted by WDB 31.1.3 and 31.A	for nonresidential uses permitted by WDB 39.1.3.2	for nonresidential uses permitted by WDB 42.A	for nonresidential uses permitted by WDB 38.1.3.2 and 38.1.3.3.
Maximum Sign Area as a Percentage of the Area of the Street-Facing Wall of the Structure				
	5%	**5%**	**5%**	**8%**
Awnings	permitted only as approved in a master	not permitted	not permitted	permitted only as approved in a master sign plan.
Building Numbers	The building numbers required by Williston's *Road Name and Road Location Numbering Ordinance* are permitted in all zoning districts.			
maximum number	1	1	1	1
maximum size	2 SF	2 SF	2 SF	2 SF
maximum height	as for freestanding signs	as for freestanding signs	as for freestanding signs	as for freestanding signs
Directional	permitted	permitted	permitted	permitted
maximum number	see WDB 25.7.9	see WDB 25.7.9	see WDB 25.7.9	see WDB 25.7.9
maximum size	2 SF	2 SF	2 SF	2 SF
maximum height	8 ft	8 ft	8 ft	8 ft
Freestanding	permitted	permitted	permitted	permitted
maximum number	1 permanent	1 permanent	1 permanent	1 per permanent per point of access
maximum height	8 ft.	8 ft	8 ft	8 ft
maximum size	16 SF	16 SF	16 SF	24 SF
*setback**	10 feet	10 feet	5 feet	5 feet
landscaping	base of permanent freestanding signs must be landscaped as required by WDB 25.7.2.1	base of permanent freestanding signs must be landscaped as required by WDB 25.7.2.1	permanent freestanding signs will be placed in greenbelt, additional landscaping optional	base of permanent freestanding signs must be landscaped as required by WDB 25.7.2.1
Projecting	not permitted	not permitted	not permitted	permitted
maximum number				1 per building entrance, as per WDB 25.7.3
maximum size				6 SF
Recognition	permitted, see WDB 25.4.2.4	permitted, see WDB 25.4.2.4	permitted, see WDB 25.4.2.4	permitted, WDB 25.4.2.4
Regulatory	permitted, see WDB 25.4.4.8	permitted, see WDB 25.4.4.8	permitted, see WDB 25.4.4.8	permitted, see WDB 25.4.4.8
Special Events	permitted only as approved by a special events permit, see WDB 25.4.4.9			
Suspended	not permitted	not permitted	permitted	permitted
maximum number			1 per building entrance, as per WDB 25.7.4	1 per building entrance, as per WDB 25.7.4
maximum size			3 SF	3 SF
Wall	permitted	permitted	permitted	permitted
maximum number	*limited by maximum area*	*limited by maximum area*	*limited by maximum area*	*limited by maximum area*
maximum size	24 SF	24 SF	16 SF	32 SF
Window	10% coverage of the glass area facing public ways, including both permanent and temporary window signs	not permitted	10% coverage of the glass area facing public ways, including both permanent and temporary window signs	20% coverage of the glass area facing public ways, inclduing both permanent and temporary window signs.

Table 25.A, continued

	IZDE, IZDW	all other commercial zoning districts		
	for nonresidential uses permitted by WDB	for nonresidential uses permitted by WDB 33.A, 34.A, 37.A and 41.A		
Maximum Sign Area as a Percentage of the Area of the Street-Facing Wall of the Structure				
	8%	**8%**		
Awnings	permitted only as approved in a master sign p	permitted only as approved in a master sign plan.		
Building Numbers	The building numbers required by Williston's *Road Name and Road Location Numbering Ordinance* are permitted in all zoning districts.			
maximum number	1	1		
maximum size	4 SF	4 SF		
maximum height	as for freestanding signs	as for freestanding signs		
Directional	permitted	permitted		
maximum number	see WDB 25.7.9	see WDB 25.7.9		
maximum size	2 SF	2 SF		
maximum height	8 ft	8 ft		
Freestanding	permitted	permitted		
maximum number	1 per point of access	1 per point of access		
maximum height	12 ft	12 ft		
maximum size	32 SF	32 SF		
*setback**	5 feet	5 feet		
landscaping	base of permanent freestanding signs must be landscaped as required by WDB 25.7.2.1	base of permanent freestanding signs must be landscaped as required by WDB 25.7.2.1		
Projecting	permitted	permitted		
maximum number	1	1 per building entrance, as per WDB 25.7.3		
maximum size	12 SF	12 SF		
Recognition	permitted, see WDB 25.4.2.4	permitted, see WDB 25.4.2.4	permitted, see WDB 25.4.2.4	permitted, WDB 25.4.2.4
Regulatory	permitted, see WDB 25.4.4.8	permitted, see WDB 25.4.4.8		
Special Events		permitted only as approved by a special events permit, see WDB 25.4.4.9		
Suspended	permitted	permitted		
maximum number	1 per building entrance, as per WDB 25.7.4	1 per building entrance, as per WDB 25.7.4		
maximum size	3 SF	3 SF		
Wall				
maximum number	*limited by maximum area*	*limited by maximum area*		
maximum size	24 SF	24 SF		
Window	20% coverage of the glass area facing public ways, including both permanent and temporary window signs	25% coverage of the glass area facing public ways, including both permanent and temporary window signs		

* A greater setback may be required for signs near driveways and intersections. Signs may not be placed in a clear vision triangle.

Chapter 26

Street Trees

Street trees are required along most new roads and for many re-development projects. This chapter sets standards for their installation.

26.1 Purpose - Applicability

26.1.1 What is the purpose of these standards? Street trees provide urban forestry benefits including improved air quality, reduced energy costs due to shading and cooling, traffic calming, reduced stormwater runoff and soil erosion, enhanced wildlife habitat, and increased property values. Beyond promoting these benefits, these standards will:

- increase and maintain species diversity in Williston's street tree population;
- ensure that the trees selected are appropriate to site conditions, taking into account soil type, drainage, rooting space, salt exposure, and the location of utilities;
- ensure that the installation of street trees is done in a manner that ensures their long-term health;
- provide for the maintenance of street trees following their installation;
- protect existing street trees as development occurs; and
- maintain and enhance the appearance and character of neighborhoods and the community.

26.1.2 Must street trees be provided in my project? Probably. These standards apply to all development for which a discretionary permit is required. Street trees are required along both sides of new roads, public or private. They are also required along the existing road frontage of re-development projects. There are two possible exceptions to this requirement.

26.1.2.1 Existing Woods. The DRB may waive this chapter's requirement for street trees where a road passes through existing woods and for open space developments in which formal planting plans are inappropriate.

26.1.2.2 Scenic Vistas. The DRB may also, with the advice of the Conservation Commission, waive the requirement for street trees to preserve a scenic vista.

26.1.3 How do these requirements interact with other requirements of this bylaw? Street tree plantings may be considered a Type IV Buffer as described in WDB 23.3 and may, therefore, fulfill a portion of a development's overall landscaping requirements. Street trees must be shown on the landscaping plan required in WDB 23.1.3 and on the runoff and erosion control plans required by WDB 29.4.1.

26.2 Planting Strip Design

26.2.1 Are there standards for design of the planting strip in which trees are to be installed? Yes. The following standards must be met when planning for installation of new street trees. Sample cross sections of planting strips are provided in the *Public Works Standards*.

26.2.1.1 Location of Planting Strip. Along public roads, the planting strip will be in the right-of-way, as shown in the *Public Works Standards*. Along private roads, the planting strip shall parallel the road. The DRB, with the advice of the DPW, may permit or require an exception to this standard where the terrain, the location of utilities, or other physical constraints necessitate a separation of the road and the planting strip.

26.2.1.2 Planting Strip Width/Depth. Street trees shall be planted in a planting strip that is at least eight (8) feet in width and has at least three (3) feet of un-compacted soil depth. Planting strips shall be continuous wherever possible. Tree pits or wells are allowed only in areas of intensive commercial and mixed use development where the *Town Plan* encourages wide sidewalks or where there is no reasonable alternative. Standards for the use of tree pits appear in WDB 26.3.

> *Vermont Tree Selection Guide* is a publication of the Vermont Urban and Community Forestry Program that provides town guidance in selecting appropriate street and landscape trees. Copies of the guide can be reviewed at Williston Planning.

26.2.1.3 Spacing: Residential Developments. In residential developments, street trees are to be planted so that there is at least one tree on the frontage of each lot, or at least one tree every 40 feet along the road, whichever results in the greater number of trees.

26.2.1.4 Spacing: Other Developments. In nonresidential developments, street trees must be planted at least every 40 feet along the road.

26.2.1.5 Distance from Curb. No tree may be planted closer to any curb or sidewalk than the following: small trees – 3 feet; medium trees – 4 feet; large trees – 5 feet (tree species are identified as small, medium or large in *Vermont Tree Selection Guide*).

26.2.1.6 Utilities. No street tree shall be planted under or within 20 lateral feet of any overhead utility wire, or over or within eight (8) lateral feet of any underground water line, sewer line, transmission line, or other utility. No trees shall be planted without prior notification of Dig Safe.

26.2.1.7 Corners and Intersections. No trees shall be planted within the clear vision triangles required by this bylaw.

26.3 Tree Pit Design

26.3.1 Are there standards for design of the tree pits? Yes. As provided by WDB 26.2, tree pits or wells may be used in areas of intensive commercial or mixed use development or where a continuous planting strip is not feasible. Tree pits or wells can be placed at grade or incorporated into raised planters, See the *Public Works Standards* for typical installations.

26.3.2 How much soil must be provided in tree pits or wells? Individual trees must be planted in at least the minimum volume of un-compacted soil called for in *Recommended Trees for Vermont Communities*. Where possible, individual tree pits or wells must also be connected to a continuous channel of structural soil under the adjoining pavement.

26.3.3 What is structural soil? Are there any exceptions to its use? Structural soil is designed to provide adequate support for paved surfaces like parking lots and sidewalks, while also serving as a suitable medium, for tree growth and health. Specifications for structural soil are included in the *Public Works Standards.* An exception to the requirement for the use of structural soils may be permitted where all of the surrounding paved surfaces are porous.

Structural Soils. For more information, see the structural Soil specifications on the Cornell University web site (http://www.hort.cornell.edu/department/faculty/bassuk/uhi/).

26.3.4 Are there standards for tree grates? Yes. Where tree pits or wells are placed at grade, tree grates shall be provided as specified in the *Public Works Standards.* Tree grates must be installed flush with the adjoining surface so as to not limit accessibility or create a safety hazard.

26.4 Street Tree Selection

26.4.1 Are there requirements for tree selection in terms of species, size, quality and diversity? Yes, the following standards must be met when selecting street trees for installation.

26.4.1.1 Permitted Species. Street trees will ordinarily be hardwood shade trees, selected from those listed in *Recommended Trees for Vermont Communities*. The DRB may approve smaller ornamental trees for use near intersections or at other locations where a large tree is inappropriate. Coniferous trees should be avoided, but may be permitted by the DRB where they support a particular design theme or contribute to required buffering or screening.

26.4.1.2 Prohibited Species. The following tree species are not permitted as street trees due to their invasive tendencies: Black Locust (*Robinia pseudoacacia*), Amur Maple (*Acer ginnala*), Norway Maple (*Acer platanoides*), Tree of Heaven (*Ailanthus altissima*) and Amur Corktree (*Phellodendron amurense*). The use of Green Ash (*Fraxinus pennsylvanica*) is not permitted without an exception from the DRB due to an existing overabundance of this species in Williston.

26.4.1.3 Species Selection. The following factors should be taken into consideration when selecting appropriate tree species for individual sites: available soil volume or rooting space; exposure to salt; soil type, pH, and drainage; and the distance to intersections and utilities.

26.4.1.4 Species Diversity. If more than 35 street trees are required, no more than 15% shall be from the same genus. If fewer than 35 street trees are required, no more than 5 trees shall be of the same genus.

26.4.1.5 Size of Stock. Street trees shall be of the following minimum sizes at the time of planting: large trees- 2 ½" caliper; medium and small trees- 2" caliper.

26.4.1.6 Quality of Stock. All trees to be planted shall be well rooted, balled and burlapped or containerized nursery-grown stock, free of injury, harmful insects, and disease. All trees to be planted shall conform to the ANSI Z60.1 *American Standard for Nursery Stock*.

26.5 Street Tree Installation and Maintenance

26.5.1 Are there requirements for the installation of street trees? Yes. Street trees shall be planted in accordance with the ANSI A300 *Best Management Practices for Tree Planting*. Planting specifications are also provided in the *Public Works Standards.*

26.5.1.1 Supervision. If more than 10 street trees are required in a development, installation must be supervised by a Certified Arborist. The Certified Arborist will provide a report, including a completed *Street Tree Post-Construction Checklist*, to Williston Planning verifying that trees have been installed correctly and as specified on the approved landscaping plan.

26.51.2 Inspection. Installed street trees are subject to the inspection requirements of 7.1.7.

26.5.2 Are there landscaping maintenance requirements? Yes. Street trees are a 'required improvement,' as defined in Chapter 7 of this bylaw, subject to all requirements that chapter imposes. Street trees must be maintained (including irrigation) by the developer for a period of three years following their installation. During this three-year period, any trees determined by the DPW to be dead, dying, or in poor health shall be replaced by the applicant/owner at his/her expense.

26.6 Protection of Existing Street Trees

26.6.1 Must I retain existing street trees? Yes. Existing street trees shall be retained wherever possible.

26.6.1.1 Protection during Construction. Existing street trees must be protected from damage during construction, as required by the *Public Works Standards*. The landscaping plan required by WDB 23.1.3 must show all proposed tree protection measures and include a schedule showing that these measures will be put into place before other construction activities begin. This information must also be shown on a runoff and erosion control plan, where one is required by WDB 29.4.1.

26.6.1.2 Documentation. The condition of existing street trees shall be documented with photographs before an administrative permit is approved and construction begins. The number of photographs the applicant must provide will be determined by the Administrator.

26.6.2 Can I transplant an existing street tree to a new location? Existing street trees may be transplanted to new locations if they cannot be retained in their current location(s). Transplantation of existing street trees shall be carried out when the trees are dormant (early spring or fall) and must be supervised by a Certified Arborist. Transplanted street trees are subject to the same two-year maintenance period described for new street trees in WDB 26.5.2.

Chapter 27

Conservation Areas

This chapter establishes standards that protect and preserve significant natural, scenic, and fragile areas.

27.1 Purpose – Authority

27.1.1 What are Conservation Areas? There are seven distinct Conservation Areas in Williston: 1) significant wildlife habitat areas; 2) areas containing uncommon, rare, threatened, or endangered species; 3) unique natural communities; 4) farmlands of local importance, 5) scenic viewsheds, 6) special flood hazard areas (see WDB Chapter 28), and 7) streams, wetlands, lakes, and ponds (see WDB Chapter 29).

27.1.2 What is the purpose of these standards? The protection of Conservation Areas will provide significant benefits for soil conservation, water quality, groundwater recharge, biological diversity, and the visual character that defines Williston. These standards will prevent incompatible development from impairing the ecological functions of these areas and reducing the benefits they naturally provide to humans and wildlife. This chapter establishes permit requirements and development standards designed to minimize and avoid undo adverse impacts to these resources. Development may be acceptable in Conservation Areas to the extent that it is compatible with the goal of protecting the physical features, ecological functions, and biodiversity they provide.

27.1.3 Under what authority does the town adopt these standards? These standards are adopted under the authority of 24 V.S.A. § 4302(c)(5), § 4382(a)(5), § 4411(b)(3)(F), and § 4418(1)(D), which allow for the protection and preservation of significant natural, scenic, and fragile areas.

27.2 Applicability

27.2.1 What activities are subject to these standards? These standards apply to any development that is located within the boundaries of one or more designated Conservation Areas and for which a permit is required by this bylaw. The Administrator may refer any projects that require a permit to the Conservation Commission for review and comment under these standards.

27.3 Permitted Uses and Exemptions

27.3.1 What uses are permitted in Conservation Areas? The allowed land uses are as provided for in the underlying zoning district, but are subject to review procedures and development standards provided in this chapter.

27.3.2 What activities are exempt from these standards? All development activities identified as exempt under WDB Chapter 4 are exempt from review requirements and standards of this chapter. Additional exemptions specific to each type of Conservation Area are presented in WDB 27.5 - 27.9 below.

27.4 General Standards. These general standards apply to all Conservation Areas. Additional standards specific to each type of Conservation Area are presented in WDB 27.5 - 27.9.

27.4.1 Do the general standards of this bylaw apply to development in Conservation Areas? Yes. Development in Conservation Areas must, unless specifically exempted, comply with all

standards established in Chapters 13-29. In addition, development in Conservation Areas must comply with all standards specific to the underlying zoning district where the property is located. Where the standards adopted in this chapter and other standards established by this bylaw differ, the most restrictive standard applies.

27.4.2 Landowners Right. Conservation Areas must be protected to the extent consistent with the landowner's right to beneficial use of his or her property. This means that if a property has only Conservation Areas or has no other lands physically suitable for development, the Conservation Commission and the DRB will work with that landowner to either effect a transfer of development rights, as provided by Chapter 16 of this bylaw, or to reconfigure the development and/or designate open space in a way that minimizes consumption of lands that should be protected.

27.4.3 Designate Open Space. Open space designation may be required for any development for which a discretionary permit is required. Open space shall be designated and configured so that the open space encompasses, to the maximum extent possible, Conservation Areas that are contiguous to Conservation Areas on adjoining properties, and serves to limit encroachment into the Conservation Area. Open space must be permanently protected using any of the three methods listed in WDB 31.7.5.

27.4.4 Avoid Undue Adverse Impact. Alternative site designs may be required, alternative locations for the development may be required, and the minimum amount of land required to be set aside as open space may be increased, if necessary to avoid undue adverse impacts to Conservation Areas.

27.5 Significant Wildlife Habitat Areas (SWHA)

27.5.1 What are Significant Wildlife Habitat Areas (SWHA)? Those natural features that contribute to the survival and/or reproduction of the wildlife of Williston and surrounding communities. This shall include: (1) core habitat; and (2) wildlife connectivity corridors.

27.5.2 What is Core Habitat? A combination of several different wildlife habitat types combined to form a unit of relatively continuous wildlife habitat. Areas characterized as Core Habitat generally consist of relatively large forested areas that might contain a combination of early succession habitats; forested riparian areas; wetlands and vernal pools; deer wintering areas (i.e. deeryards); mast stands; ledge, talus, or cliff habitats; and habitat identified by the Vermont Department of Fish and Wildlife as either significant wildlife habitat or necessary wildlife habitat in accordance with 10 V.S.A. Sec. 6086(a)(8)(A).

27.5.3 What is a Wildlife Connectivity Corridor? A route that permits the direct travel or spread of animals or plants from one area or region to another, either by the gradual spread of a species' population along the route or by the movement of individual members of the species. Generally, such areas are characterized by undeveloped forested and riparian corridors, including forest cover reaching to road rights-of-way, which serve to link large tracks of unfragmented core habitat. In Williston, the corridor was designed to accommodate bobcat, fisher, mink, four-toed salamander, wood frog, smooth green snake, and wood turtle.

27.5.4 What are the boundaries of the SWHAs? The boundaries of SWHAs are shown on the official map titled "*Significant Wildlife Habitat Areas*," which is available for review at the Williston Planning and Zoning Office.

27.5.5 What is the purpose of protecting Significant Wildlife Habitat Areas? This section establishes development standards designed to: guide development in a manner that maintains large blocks of forest and areas of contiguous habitat; protect distinct types of habitat required for specific wildlife species; and, ensure the continued movement of wildlife species between unfragmented blocks of forest and core habitat within the town and surrounding region.

27.5.6 What uses are exempted from these standards? Site work, structures, and/or impervious surfaces shall not encroach upon designated SWHAs except:

27.5.6.1 Expansion of Existing Structures. The expansion of an existing structure provided that the expansion, or the cumulative total of multiple expansions, does not exceed a total footprint of 100% of the footprint of the existing structure.

27.5.6.2 Accessory Structures. Accessory structures to an existing permitted structure or use shall be permitted within 150 feet of such existing permitted structure or use or placed on existing maintained lawns or impervious surfaces, or within building envelopes and roads and driveways, whichever is greater.

27.5.6.3 Fences. Construction of fences (i) used within cleared areas, or that enclose existing cleared areas (e.g., clearings for lawns and gardens immediately surrounding existing structures), provided the clearing occurred prior to [effective date of this provision] or (ii) lower than 4-1/2 feet and that have at least 16 inches of clearance between the lowest horizontal part of the fence and the ground, or (iii) that have minimum 16" x 16" gaps.

27.5.6.4 Alternative Energy. Any alternative and renewable energy installations.

27.5.6.5 Low Impact Clearing, Thinning, Grading, and Excavation. Low impact means less than 1/2 acre.

27.5.6.6 Documentation of No Undue Adverse Effect. Other activities not listed here may be exempted from these standards if a Habitat Disturbance Assessment in conformance to WDB 27.5.7 indicates that the proposed site work, new structures, or impervious surfaces will, because of mitigating factors, not result in undue adverse impact on the significant wildlife habitat area.

27.5.7 Review Procedures.

27.5.7.1 Who determines if my project will impact a SWHA? All development located within the SWHA, which is not exempted by section 27.5.6 or WDB Chapter 4, will require a Habitat Disturbance Assessment (HDA) to be prepared by a qualified wildlife biologist or other professional accepted by the town prior to Discretionary Permit or Administrative Permit review.

How can I find a wildlife biologist? The Vermont Fish and Wildlife Department maintains a directory of environmental consultants on their website: http://www.vtfishandwildlife.com/library.cfm?libbase_=Vendors_and_Sources (This database typically works best when using the Internet Explorer web browser.)

27.5.7.2 What must be included in a Habitat Disturbance Assessment? A permit application shall not be considered complete until the HDA has been submitted along with other required application materials. The Williston Conservation Commission shall review each HDA and make recommendations to the DRB or Administrator. Unless waived by the DRB or the Administrator, the HDA shall include the following:

- ***Habitat Inventory:*** An inventory of existing (pre-development) wildlife habitat found on the parcel of land where the development is proposed, including the presence of significant wildlife habitat, the specific types of habitat found on the parcel and their relative importance to the various wildlife species that rely on that habitat for one or more life-cycle function;

- ***Habitat Assessment:*** An assessment of the relationship of the habitat found on the on the parcel of land where the development is proposed relative to other significant wildlife habitat present in the town (e.g., does habitat found on the parcel provide for connectivity between core habitat blocks; is the parcel located contiguous to other significant wildlife habitat, or part of a core habitat block);

- ***Site Design:*** Identification of the distance of all proposed development activities, including designated homesites and associated clearing, driveways and infrastructure (e.g., septic systems) and areas of disturbance, from the significant habitat and, if significant habitat is proposed to be disturbed, the total area of disturbance and the total area of the remaining (undisturbed) habitat;

- ***Impact Assessment:*** An assessment of the likely impact of the proposed development, including associated activities (e.g., introduction of domestic pets, operation of vehicles and equipment, exterior lighting, introduction of non-native species for landscaping) on the ecological function of the significant wildlife habitat found on the site. This shall include an assessment of whether travel between areas of core habitat will be disrupted; and

- ***Recommendations:*** Specific measures that would avoid or minimize the proposed development's impact on the habitat, including alternative site designs considered for the project, alternative locations for the development on the parcel, and possible mitigation.

27.5.8 SWHA General Standards. All development within SWHAs shall be designed to:

27.5.8.1 Minimize the fragmentation of forest cover and other relevant habitat characteristics. All development in SWHAs shall be designed so that lots and building sites are located to avoid, to the greatest extent practicable given site conditions and development options on the site, impacts to significant wildlife habitat. Therefore, if a site on a parcel is capable of meeting all the standards of this section, then that site will be given precedence over other sites that do not conform.

27.5.8.2 Cluster development. Lots and building sites should be clustered to minimize impacts to, and avoid encroachment and associated fragmentation of, SWHAs.

27.5.9 Core Habitat Standards. All development within an area identified as Core Habitat shall be designed to:

27.5.9.1 Minimize the encroachment of development into core habitat. Site disturbances, the placement of buildings, and the extension of roads, driveways and utilities shall be located as close to existing roads as is practical, given development options for the site, to avoid encroachment into core habitat.

27.5.10 Habitat Connectivity Corridor Standards. All development within an area identified as a Habitat Connectivity Corridor shall be designed to:

27.5.10.1 Minimize disruption and fragmentation of the identified corridor. Ensure that the development will not prevent the continued use by wildlife species identified as being dependent on the corridor (bobcat, fisher, mink, four-toed salamander, wood frog, smooth green snake, and wood turtle) to travel between areas of core habitat.

27.5.10.2 Avoid Barriers. Avoid any placement of fences, walls, or substantial changes in grade that would disrupt the movement of wildlife within the corridor.

27.5.10.3 Mitigate impacts. If the requirements of 27.5.10.1 cannot be met, then the applicant shall mitigate impacts by restoring or enhancing woody vegetation cover in portions of the mapped corridor that have been previously disturbed by clearing or similar disturbance. Restoration and enhancement proposals must be approved by the Administrator, and the restored or enhanced acreage must be included in a designated open space area as described in 27.4.3.

27.6 Uncommon, Rare, Threatened, and Endangered Species (URTES) and Communities

27.6.1 What are Uncommon Species? These vulnerable species are at moderate risk of extinction\extirpation due to restricted range, relatively few populations or occurrences (often 80 or fewer), recent and widespread declines, or other factors.

27.6.2 What are Rare Species? These imperiled species are at high risk of extinction or extirpation due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors. Rare species face threats from development of their habitat, harassment, collection, and suppression of natural processes, such as fire.

27.6.3 What are Threatened, and Endangered Species? Endangered and threatened species are defined by both state and federal law. State law defines endangered species as a species listed on the state endangered species list under 10 V.S.A. Chapter 123 section 5401 or determined to be an endangered species under the federal Endangered Species Act. The term generally refers to species whose continued existence as a viable component of the state's wild fauna or flora is in jeopardy. Threatened species are defined in 10 V.S.A. Chap. 123 section 5402 as a species whose numbers are significantly declining because of loss of habitat or human disturbance, and unless protected will become an endangered species.

27.6.4 Are URTES located on my property? Known locations of URTES are shown on the official map titled "*Uncommon, Rare, Threatened, and Endangered Species and Communities*," which is available for review at the Williston Planning and Zoning Office. The location of URTES may also be identified by the Vermont Fish and Wildlife Department or through site investigation.

27.6.5 What is the purpose of protecting URTES? These standards are designed to maintain, restore, provide stewardship for, and conserve habitats and natural communities that support URTES.

27.6.6 Review Procedures

27.6.6.1 Who determines if my project will impact a URTES? All development located within a designated URTES habitat and which is not exempted by WDB Chapter 4 will require a written opinion issued by the Vermont Fish and Wildlife Department (VFWD) confirming the presence or absence of URTES. The applicant must provide the VFWD with a map and site plan showing the location of the URTES in relation to the proposed development.

27.6.6.2 What if a URTES is present? If a URTES is present, the applicant must obtain a written opinion from the VFWD indicating what measures must be taken to assure that the proposed development will not result in undue adverse impact the URTES. Recommendations from the VFWD may require additional work from the applicant. The presence of an Endangered or Threatened species may require an Endangered and Threatened Species Permit from the State of Vermont.

27.7 Unique Natural Communities (UNC)

27.7.1 What are Unique Natural Communities? These communities are composed of a unique natural assembly of physical and biological conditions that occur together to form a functionally distinct portion of the landscape. These special features could include bogs, cliffs, vernal pools, or special kinds of forest.

27.7.2 What are the boundaries of Unique Natural Communities? The boundaries of Unique Natural Communities are shown on the official map titled "*Unique Natural Communities*," which is available for review at the Williston Planning and Zoning Office.

27.7.3 What is the purpose of protecting Unique Natural Communities? The purpose is to protect unique natural communities that enhance the diversity and beauty of Williston's landscape.

27.7.4 Review Requirements

27.7.4.1 Who determines if my project will impact a Unique Natural Community? Many of Williston's UNCs have been inventoried by the town and so the significant resources have been documented. For all development proposed within the UNC and which is not exempted by WDB Chapter 4, the impact to the UNC shall be determined by the Zoning Administrator or the DRB. Prior to Discretionary Permit or Administrative Permit review, the Administrator may request recommendations from the Williston Conservation Commission who will identify the significant resources in the targeted UNC and make recommendations to assure that the proposed development will not conflict with the UNCs special features. The significant resources in each UNC are provided in the table 27.A below:

Table 27.A

Unique Natural Community	Significant Resources to Protect
Bur Oak Knoll	uncommon Bur Oak natural community

Johnson Falls	wildlife habitat, water quality
Gramma Ridge	forested uplands, vernal pools, wildlife habitat
Glacial Spillway	wildlife habitat, water quality
Brownell Mountain	forested uplands, wildlife habitat
Mud Pond	wildlife habitat, water quality, forested uplands
Lower Allen Brook Watershed	water quality, riparian forests, wildlife habitat
Winooski River Floodplain	water quality, riparian forests, wildlife habitat
Red Maple/Blueberry Swamp	wildlife habitat, water quality
Allen Brook Tributary Confluence	wildlife habitat, water quality
Hemlock woodland/wetland	wildlife habitat, water quality
Upper Lake Iroquois Watershed	wildlife habitat, water quality
Former Burnett Property	forested uplands, wildlife habitat

27.8 Farmlands of Local Importance.

27.8.1 What are Farmlands of Local Importance? Farmlands of Local Importance are classified by the Land Evaluation/Site Assessment (LESA) system. All properties that received a LESA Farmland Score are Farmlands of Local Importance. The LESA system is a framework for combining multiple factors into an integrated assessment of the importance of a particular site for continued agricultural use. Such factors as soil quality, agricultural productivity, development pressure, and measures of other public values are combined into a single score that allows the town to identify and protect important agricultural land and plan growth accordingly.

The State of Vermont uses a definition of agricultural lands that is based solely in the important farmlands definitions adopted by the Natural Resources Conservation Service (see 10 V.SA. § 6001(15)). Those definitions, which include "prime farmland" and "farmlands of statewide importance," reflect the inherent characteristics and management of a parcel, but ignore its context. Their use in Williston has been counterproductive, making it more difficult to promote a compact pattern of development because the state is "protecting" isolated parcels of productive soils that are surrounded by development and urban infrastructure. Williston focuses its farmland protection efforts on working farms (which may include soils that are not as productive) rather than on soil bodies.

27.8.2 Is my property considered a Farmland of Local Importance? Farmlands of Local Importance are shown on the official map titled "*1988 LESA Farmland*," which is available for review at the Williston Planning and Zoning Office.

27.8.3 What is the purpose of protecting important farmlands? Williston has lost a sizeable area of productive farmland to development. The purpose is to preserve to the greatest extent practicable the working landscapes support locally grown products and that many residents and visitors see as the classic image of Vermont.

27.8.4 What uses are exempted from these standards? Site work, structures, and/or impervious surfaces shall not encroach upon designated Farmlands of Local Importance except:

27.8.4.1 Growth Center. All lands that are included in Williston's designated growth center.

27.8.4.2 Residential Improvements. All residential improvements listed in WDB Chapter 20.

27.8.5 Review Procedures.

27.8.5.1 Who determines if my project will impact a Farmland of Local Importance? For all development proposed within a Farmland of Local Importance and which is not exempted by section 27.8.4 or WDB Chapter 4, the impact to the farmland shall be determined by the Zoning Administrator or the DRB. Prior to Discretionary Permit or Administrative Permit review, the Administrator may request recommendations from the Williston Conservation Commission.

27.8.6 Farmland of Local Importance Protection Standards

27.8.6.1 Minimize the encroachment of development into Farmlands of Local Importance. Site disturbances, the placement of buildings, and the extension of roads, driveways and utilities shall be located as close to existing roads as is practical, given development options for the site, to avoid encroachment into the important farmland. Development should be situated on the least productive soils.

27.8.6.2 Cluster development. Lots and building sites should be clustered to minimize impacts to, and avoid encroachment and associated fragmentation of, important farmlands.

27.9 Scenic Viewshed

27.9.1 What is a Scenic Viewshed? Williston's scenic viewshed includes the open fields and meadows, wooded slopes and ridgelines, and scenic viewpoints that make up the visual character of the town. Each viewshed category is described below. These categories are further broken down into "primary" and "secondary" designations. Places where different components overlap are judged to be more significant.

- ***Vantage Point.*** It is via accessible vantage points that a typical citizen "takes in" visual information about the landscape. For most people, these vantage points are found largely along the public roads daily travelled. Vantage points are public viewing points from roads and other places throughout town that provide access to views of high quality. The lands comprising these views have been analyzed and evaluated with respect to four major components, foreground, middleground, background and focal points.

- ***Foreground.*** These lands, generally consisting of cleared land adjacent to public roads, serve essentially as the community's "window" into the landscape. Since they provide access to the rest of the landscape they are the most important component of a scenic landscape (without them even the best middleground or background is lost to the viewer). They are most effective when they are framed by a woodland or hedgerow edge that creates a distinct first layer of a multi-layered view. In certain high quality short-range views, they can also consist of wooded land. Yet, because they tend to be visually uncluttered, prominent and easily accessed, they also are highly vulnerable to degradation by development.

- ***Middleground.*** These lands are generally a more complex composition of layered wooded and open lands and man-made features. Because of their inherent complexity they are able to absorb only limited and well-sited development without damaging their basic character. Middlegrounds often are important in the visual transition between foreground and background.

- ***Background.*** These lands now predominantly consist of forested hillsides that rise up behind the middleground. To the east and west the far horizon lines are the Green Mountains and the Adirondacks, seen from many vantage points in the town. With discretionary clearing of building sites, hillsides below the horizon may sometimes absorb a limited amount of development (soils and slopes permitting) without significant intrusion. At other times any development irrevocably compromises the view. The horizon line itself, due to its highly contrasted nature, is very sensitive to intrusion by man-made development. Publicly acceptable encroachments are generally limited to certain public structures such as church steeples and the rooflines of government buildings or the collective composition of a settlement.

- ***Focal Points.*** Most high quality views feature some kind of accent or focal point within the composition. The focal point draws the eye. These are typically provided by prominent man-made features such as farmstead clusters or church steeples or unique natural features such as rock outcroppings, great trees, or mountain peaks. Because the strength of focal points lie in their contrast to the surrounding landscape, they need to be protected from competing elements (i.e., adjacent buildings or trees should not obliterate a village church steeple).

27.9.2 What are the boundaries of the Scenic Viewshed? The boundaries of the Scenic Viewshed are shown on the official map titled "*Visual Assessment*," which is available for review at the Williston Planning and Zoning Office.

27.9.3 What is the purpose of protecting the Scenic Viewshed? The purpose is to maintain the visual character of Williston.

27.9.4 What uses are exempted from these standards? Site work, structures, and/or impervious surfaces shall not encroach upon the designated Scenic Viewshed except:

27.9.4.1 Growth Center. All lands that are included in Williston's designated growth center.

27.9.4.2 Residential Improvements. All residential improvements listed in WDB Chapter 20.

27.9.5 Review Requirements

27.9.5.1 Who determines if my project will impact a Scenic Viewshed? For all development proposed within a Scenic Viewshed and which is not exempted by section 27.9.4 or WDB Chapter 4, the impact to the viewshed shall be determined by the Zoning Administrator or the DRB. Prior to Discretionary Permit or Administrative Permit review, the Administrator may request recommendations from the Williston Conservation Commission.

Chapter 28

Special Flood Hazard Areas

This chapter establishes standards for development in Special Flood Hazard Areas (SFHAs). It should be understood that these standards have very limited applicability. Because the watershed protection buffers required by Chapter 29 of this bylaw essentially prohibit new structures in SFHAs, these standards will apply primarily to existing nonconforming uses.

28.1 Authority – Purpose - Boundaries

28.1.1 What is the legal authority for regulation of Special Flood Hazard Areas? These standards are adopted to effect the purposes of 10 V.S.A. Chapter 32, and as specifically authorized by 24 V.S.A. § 4424.

28.1.2 What is the purpose of these regulations for Special Flood Hazard Areas? These standards for SFHA's are adopted to:

- minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and flood-related hazards;

- ensure that the design and construction of development in SFHA's are accomplished in a manner that minimizes or eliminates the potential for flood loss or damage to life and property; and

- ensure that the state, municipalities, and individuals are eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds.

28.1.3 What are the boundaries of the Special Flood Hazard Areas? The SFHA's include all lands within the Town of Williston identified as SFHA's on the most current flood insurance maps and studies published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), or its successor, and as provided by the Secretary of the Vermont Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753. These maps are adopted by reference as part of this bylaw.

28.1.4 Who determines if a property is located within a Special Flood Hazard Area? The location of the boundary shall be determined by the Administrator based upon the most current information provided by the NFIP listed in WDB 28.1.3.

281.4 What if I believe my property has been incorrectly shown in a Special Flood Hazard Area? A property owner who believes that their property has been incorrectly shown in a SFHA may submit a request for a Letter of Map Amendment to FEMA in order to request a change in the SFHA classification for their property.

Where I can see a map of the SFHAs? The most current National Flood Insurance Program maps are available for review at Williston Planning, in the Town Hall Annex at 7900 Williston Road.

28.2 Definitions Specific to this Chapter

28.2.1 What is a Special Flood Hazard Area*?* Special Flood Hazard Areas include the area of floodplain that is subject to a one percent (1%) or greater chance of flooding in any given year. In some cases, the NFIP has determined base flood elevations for watercourses and further classified the SFHA into areas of Regulatory Floodway and Floodway Fringe, as described in WDB 28.2.2 and 28.2.3. In other cases, the NFIP has not yet classified the SFHA.

28.2.2 What is the Regulatory Floodway? The Regulatory Floodway includes the channel of a river or stream and the adjacent land areas that must be reserved in order to discharge the base flood - the flood having a one percent (1%) chance of being equaled or exceeded in a given year - without cumulatively increasing the water surface elevation more than one foot at any point.

28.2.3 What is the Floodway Fringe? The Floodway Fringe is the area of SFHA outside of the Regulatory Floodway, in areas where the Regulatory Floodway has been designated.

28.3 Permits. Permit requirements are explained in Chapters 4-6 of this bylaw. All development within SFHA's with the exception of accessory structures, decks, patios, pools, and improvements that do not constitute a substantial improvement of existing dwellings will require a discretionary permit before an administrative permit can be approved.

What is a Substantial Improvement? A 'substantial improvement' of an existing residential structure means any reconstruction, rehabilitation, addition, or other improvement, the cost of which over three years or improvements by way of a common plan of development, equals or exceeds 50% of the market value of the original structure before the start of construction.

28.3.1 Can an administrative permit be issued immediately once a discretionary permit has been approved or if no discretionary permit is necessary? No.

28.3.1.1 Referral to State. The town must submit a copy of the application for an administrative permit for development within an SFHA to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources in accordance with 24 V.S.A. § 4424. A permit may be issued only following the receipt of comments from the Agency or the passage of 30 days from the date the application was mailed to the Agency, whichever comes first.

28.3.1.2 Other Permits. The Administrator will not approve an administrative permit for development within an SFHA before determining that any state and/or federal permits which may be required have been issued.

28.3.1.3 Alteration or Relocation of a Watercourse. Applications for the alteration or relocation of watercourses must be referred to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, as provided in WDB 28.3.1.1, and to the River Management Section of that same agency, and to the Army Corps of Engineers. Applicants must also notify any adjacent communities. These referrals must be made at least 30 days before an administrative permit is approved. See also WDB 28.5.

28.3.2 What records must be maintained when development is permitted in an SFHA? The Administrator must maintain a separate record of all permits issued for development in SFHAs, including the elevation (consistent with the datum of the elevation on the NFIP maps for Williston) of the lowest floor, including basements, of all replacement or substantially improved buildings; the elevation (consistent with the datum of the elevation on the NFIP maps for Williston) to which buildings have been floodproofed; all floodproofing certifications required by these standards; and a record of all variances approved.

28.4 Standards

28.4.1 Do the general standards of this bylaw apply to development in the SFHAs? Yes. Development in SFHA's must, unless specifically exempted, comply with all standards established in Chapters 13-29. In addition, development in the SFHA must comply with all standards specific to the underlying zoning district. Where the standards adopted in this chapter and other standards established by this bylaw differ, the most restrictive standard applies.

28.4.2 Are there additional standards specific to SFHAs? Yes. They are presented in WDB 28.5 through 28.8.

28.5 Alteration of Streams. The alteration of watercourses is regulated by 10 V.S.A. § 1021, et seq. No administrative permit will be approved for development that involves the alteration of a stream until the applicant submits a copy of the approved permit from the Vermont Agency of Natural Resources for that alteration. The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability.

Where can I learn more about state regulation of stream alterations? The River Management Section of the Agency of Natural Resource's web page maybe found at: http://www.vtwaterquality.org/permits/htm/pm_streamalt.htm.

28.6 Regulatory Floodway

28.6.1 What are the additional restrictions on development within a Regulatory Floodway? Most new development is prohibited in areas that have been designated as a Regulatory Floodway. Only utility and road crossings, trails and trail crossings, with minor related facilities like signs and benches, and runoff and erosion control measures are permitted. Even these developments are permitted only after hydrologic and hydraulic analyses conducted in accord with standard engineering practice by a registered professional engineer demonstrate that the proposed development will result in no increase in flood levels during the occurrence of the base flood.

28.6.2 What about changes in nonconforming uses that are located within a Regulatory Floodway? First, any such changes must comply with Chapter 2 of this bylaw. Changes that would be permitted by Chapter 2 are further limited to those for which hydrologic and hydraulic analyses conducted in accordance with standard engineering practice by a registered professional engineer demonstrate that the proposed development will result in no increase in flood levels during the occurrence of the base flood.

28.6.3 Is outdoor storage, including the parking or storage of recreational vehicles, permitted within a Regulatory Floodway? No.

28.7 Floodway Fringe

28.7.1 What are the additional restrictions on development within the Floodway Fringe?

28.7.1.1 Most Development is Prohibited. All new development in areas that have been designated Floodway Fringe Areas by the NFIP is prohibited with the exception of utility and road crossings, trails and trail crossings, with minor related facilities like signs and benches, and runoff and erosion control measures.

28.7.1.2 Construction Standards. All development, including subdivision developments, planned unit developments, manufactured home or manufactured home parks, that is permitted must be reasonably safe from flooding and designed and adequately anchored to prevent floatation, collapse or lateral movement during the occurrence of the base flood. Any development proposed to be located in a SFHA must include base flood elevation data. Development must be adequately drained to reduce exposure to flood hazards, constructed with materials that are resistant to flood damage and using construction methods and practices that minimize flood damage. Utility and service facilities must be located designed, and constructed to prevent water entry and accumulation and to minimize or eliminate flood damage. Subdivisions and Planned Unit Developments located in part in the SFHA must be accessible by dry land access outside the special flood hazard area.

28.7.2 What about changes or additions to nonconforming uses and structures currently located within the Floodway Fringe? First, any such changes must comply with Chapter 2 of this bylaw. Changes that would be permitted by Chapter 2 are further limited to those which comply with the standards established by WDB 28.7.2.1 through 28.7.2.9.

28.7.2.1 Prevent Movement. All development must be reasonably safe from flooding, and designed and adequately anchored to prevent flotation, collapse, or lateral movement during the occurrence of the base flood.

28.7.2.2 Minimize Damage. All development must be constructed with materials that are resistant to flood damage and using construction methods and practices that minimize flood damage.

28.7.2.3 Protect Utilities. All development must be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding.

28.7.2.4 Below the Lowest Floor. Enclosed areas below the lowest floor which are subject to flooding shall be used solely for the parking of vehicles, building access, or storage, and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum standards.

- Fully enclosed areas below grade on all sides (including below grade crawl spaces and basements) are prohibited.

- There shall be a minimum of two openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding.

- The bottom of all openings shall be no higher than one foot above grade.

- Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

28.7.2.5 Lowest Floor: Residential. Residential development that is located in SFHA Zones A1-A29 shall have the lowest floor, including the basement if there is one, elevated to one foot or above the base flood elevation.

28.7.2.6 Nonresidential Development. Nonresidential development located in SFHA Zones A1-A29 shall have the lowest floor, including basement, elevated to one foot or above the base flood elevation or together with attendant utility and sanitary facilities be designed so that the structure is watertight up to two feet above the base flood elevation with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Nonresidential development must be reviewed by a registered professional engineer or architect who certifies that the design and proposed methods of construction.

28.7.2.7 Accessory Structures. Small accessory structures that are used for parking or storage (and not for human habitation) need not be elevated above the base flood elevation, but ALL structures, including accessory structures, must comply with elevation and development requirements listed in WDB 28.7.1.2, 28.7.2.1, 28.7.2.2, 28.7.2.3, and 28.7.2.4.

28.7.2.8 Water Supply and Sanitary Sewer Systems. Compliance with these standards must be certified by a registered professional engineer and, where applicable, approval by the Vermont Department of Environmental Conservation.

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

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

- On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

28.7.3 Can recreational vehicles be placed within the Floodway Fringe? Parking or storing recreational vehicles within the Floodway Fringe is prohibited unless the vehicle(s) is/are fully licensed and ready for highway use.

28.7.4 Is outdoor storage permitted within the Floodway Fringe? No.

28.8 SFHA not yet classified as Regulatory Floodway or Floodway Fringe

28.8.1 What if the SFHA on my property has not yet been classified by the NFIP as Regulatory Floodway or Floodway Fringe? In areas where base flood elevations and regulatory floodway limits have not been provided by the NFIP, base flood elevations and floodway data provided by

FEMA, the Vermont Agency of Natural Resources, or other sources may be obtained and used by to designate areas of Regulatory Floodway and Floodway Fringe. This research and mapping must be undertaken at the expense of the applicant.

28.8.2 What if there is no base flood elevation data available? Until a regulatory floodway has been designated, no new construction, substantial improvements, encroachment, or other development shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point. Any requests for new construction, substantial improvements, encroachment, or other development under this section must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

28.9 Variances - Enforcement

28.9.1 Is it possible to obtain a variance from the requirements of this chapter? Yes, though it is very unlikely. In addition to meeting the requirements for variances detailed in WDB 8.1, variances may only be granted for development within an SFHA if they meet the criteria found in 44 CFR, Section 60.6. Any variance(s) issued in the SFHA shall not increase flood heights. Applicants should also be aware that the issuance of a variance to construct a structure below the base flood elevation increases the risk to life and property and will result in increased flood insurance premiums to amounts as high as $25 for $100 of coverage. A copy of any variance obtained under this provision shall be affixed to the deed of the property on file in the town's land records.

28.9.2 What will happen if I do not comply with this bylaw? Whenever development occurs contrary to the provisions of this bylaw, enforcement shall proceed as provided by WDB 7.4-6. If development in an SFHA is still not in compliance after the opportunity to correct the violation has passed, the Administrator shall, in addition to taking any enforcement action authorized in Chapter 7, submit a declaration to the Administrator of the NFIP requesting a denial of flood insurance. Section 1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of their flood hazard area regulations. The declaration shall consist of: the name of the property owner and address or legal description of the property sufficient to confirm its identity or location; a clear an unequivocal declaration that the property is in violation this bylaw; a clear statement that the public body making the declaration has authority to do so and a citation to that authority; evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and a clear statement that the declaration is being submitted pursuant to Section 1296 of the National Flood Insurance Act of 1968, as amended.

28.10 Disclaimer of Liability. This bylaw does not imply that land outside the mapped SFHAs or any development permitted within an SFHA will be free from flooding or flood damages nor does it create a liability on the part of the town or any town official or employee for any flood damages that result from reliance on this bylaw or a decision lawfully made as this bylaw provides.

Chapter 29

Watershed Health

These standards help protect water quality and watershed health in Williston by regulating construction site erosion and stormwater management in new developments and on redevelopment sites. This chapter also establishes standards for the provision and protection of watershed protection buffers along streams and around wetlands and lakes.

29.1 Purpose - Authority

29.1.1 What is the purpose of these standards? In adopting these standards the Selectboard makes the following findings:

- it is well documented that land development - which alters the volume, velocity, and quality of surface runoff – is likely to adversely affect nearby streams, including the capacity and stability of their channels, their physical and chemical characteristics, and the health of the biological communities they support;

- federal law (see 33 U.S.C. 1293(d)) requires the State of Vermont to maintain a list of streams that are impaired, that is, that do not fully support certain functions due to poor water quality;

- the Allen Brook, Williston's principal stream, appears on that list because scientific surveys have shown it to be impaired for aquatic life support and contact recreation due to land development and the accompanying stormwater runoff and erosion;

- the Muddy Brook, Williston's natural boundary with South Burlington, also appears on Vermont's list of impaired waters because it fails to provide aquatic life support due to a lack of riparian buffers, land development, and erosion;

> See *http://www.anr.state.vt.us/dec/waterq/planning/docs/pl_2008.303d_Final.pdf* for Vermont's list of impaired waters. For factual background see the *Watershed Improvement Plan and Recommendations for a Total Maximum Daily Load (TMDL) for Sediment: Allen Brook, Williston Vermont: Final Report – March 29, 2003* by Lori Barg, Kari Dolan, Cully Hession, Chris Cianfrani, and Bob Kort, State of Vermont, Department of Environmental Conservation, Water Quality Division.

- the Town of Williston is subject to state and federal permitting requirements as a municipal small separate storm sewer (MS4) operator;

- the general permit (3-9017, as amended) under which Williston operates as an MS4 requires the town to adopt "minimum control measures," including programs for the reduction of pollutants from construction sites and for the post-construction management of stormwater runoff from new developments and redevelopment sites;

- while the town has actively worked on watershed health through its investments in stream restoration and the application of its regulations, restoring the health of the Allen Brook, preventing the addition of other local streams to the list of impaired waters, and complying with the requirements imposed by the MS4 permit make it necessary to adopt these standards.

29.1.2 Under what authority does the town adopt these standards? These standards are adopted under the authority of 24 V.S.A. § 4417(9). As noted in WDB 29.1.1, above, their adoption is also specifically required by 4.2.3 and 4.2.5 of General Permit 3-9017 (as amended February 19, 2004), as issued by Vermont Agency of Natural Resources, Department of Environmental Conservation.

29.2 Applicability

29.2.1 What activities are subject to these standards? These standards apply to any development for which a permit is required by this bylaw.

29.2.2 Are there any exceptions from these standards? As provided by WDB 4.2.1.2., accepted agricultural and forestry practices are exempt from the standards adopted in this chapter. Developments in which the total cumulative land disturbance including all clearing, grading, and excavation, is less than ¼ (one-quarter) acre are exempt from the runoff and erosion control standards provided in sections WDB 29.3 – 29.6 in this chapter, but are encouraged to monitor and minimize runoff and erosion, taking whatever measures are needed to protect neighboring properties and water quality.

29.2.3 What about small projects? These standards recognize that the level of runoff and erosion control required to protect water quality varies with the size and location of the proposed development.

29.2.3.1 Low Risk Development. WDB 29.3 sets relatively simple runoff and erosion control standards for smaller developments that pose a relatively low risk of accelerated runoff, erosion, and sedimentation.

29.2.3.2 All Other Development. WDB 29.4 establishes runoff and erosion control standards for larger developments and development in vulnerable areas.

29.2.4 What about routine maintenance? What about emergencies? These standards do not apply to the routine maintenance of public and private roads or utilities, including stormwater management works, nor do they apply to emergency repairs required by flooding, slope failures, or other natural hazards or civil emergencies, like a bridge failure. It is understood, however, that runoff and erosion control measures will be incorporated into maintenance activities where necessary, as part of the "good housekeeping" practices required by the town's MS4 permit.

29.3 Low Risk Development

29.3.1 What is a Low Risk Development? A low risk development is one in which the cumulative land disturbance is greater than ¼ (one-quarter) acre, but less than two (2) acres, in which all land that will be disturbed is outside the watershed protection buffers established by this chapter, and in which all land that will be disturbed has a slope of less than eight percent (8%).

29.3.2 What runoff and erosion control standards apply to Low Risk Development?

29.3.2.1 State Handbook. Applications for permits for low risk developments shall be accompanied by a completed Runoff and Erosion Control Checklist that shows how the applicant will comply with the guidance provided in the current edition of Vermont's *Low Risk Site Handbook for Erosion Prevention and Erosion Control*.

Where can I find the *Low Risk Site Handbook for Erosion Prevention and Erosion Control?* On-line at: http://www.vtwaterquality.org/stormwater/docs/construction/sw_low_risk_site_handbook.pdf

29.3.2.2 Additional Standards. Low risk developments must also comply with WDB 29.5.1 and 29.5.9-12.

29.4 Runoff and Erosion Control Plans for Other Developments

29.4.1 When must a runoff and erosion control plan be submitted? All applications for permits for developments that are not exempted by WDB 29.2.3.1, or defined as 'low risk' by WDB 29.3.1, above, shall be accompanied by a professionally-prepared runoff and erosion control plan that shows how compliance with the performance standards of WDB 29.5 will be attained both during the construction of the proposed development and the continuing use of the site.

29.4.2 What must be included in a runoff and erosion control plan? Runoff and erosion control plans shall be based on a grading plan of the site and its immediate environs, showing existing and proposed contours at intervals of no more than two feet and all information required by the Erosion and Runoff Control Plan Checklist. EXCEPTION: Detailed contour mapping is not required for portions of a site that will not be disturbed, but sufficient information must be provided to show how the transition from disturbed to undisturbed areas will be made.

29.4.3 How will a proposed runoff and erosion control plan be reviewed? The town's review of a proposed runoff and erosion control plan will begin with a meeting between the Administrator and the DPW or their designees and the applicant's designer. This meeting will ordinarily be on-site. If the application for a permit is approved, there will also be a pre-construction meeting, as required by WDB 29.5.3.

29.5 Runoff and Erosion Control Standards. Because these performance standards recognize that there is a different solution for every site, they sometimes use permissive terms, like 'should.' The use of permissive terms does not constitute an exception to a performance standard. It indicates only that the town is willing to review a variety of possible ways of achieving compliance.

29.5.1 Design to minimize runoff and erosion. The proposed site plan should fit the site, with the area to be disturbed, cut and fill, and impervious surfaces being minimized.

29.5.1.1 Avoid Slopes. Development should be directed away from slopes. This bylaw calls for reduced densities on slopes over 15% (see Chapter 19 and the various zoning districts). Development is prohibited (except where a variance can be justified) on slopes of 30% or more.

29.5.1.2 Fit the Terrain. Architectural forms and site improvements should fit the terrain. Access drives and roads, parking and loading areas, utility lines, and the long axes of buildings should run more or less parallel to, not more or less perpendicular to slopes. Where buildings cross slopes, floors should be staggered with the slope. Additional site planning and design

standards designed to ensure that development fits the terrain are imposed in some zoning districts, including the ARZD, GZDN, GZDS, and RZD.

29.5.1.3 Phase Construction. The area disturbed at any one time shall be minimized in both time and space. The runoff and erosion control plan shall show how clearing, grading, excavation, and fill will be phased so that disturbance is promptly followed by revegetation, and/or structural stabilization of the site, including temporary stabilization where areas will remain disturbed for more than 15 days. A copy of the phasing schedule and a checklist on which the installation of measures by phases is recorded shall be maintained on the site for review by the town when inspections are made.

29.5.1.4 Minimize Impervious Surfaces. The extent of paving and other impervious surfaces should be minimized by thoughtful site planning that keeps roads as narrow and as short as possible, and that keeps surface parking areas small. The use of porous pavements where site conditions permit is also strongly encouraged, and may be required of uses that propose to place extensive parking areas in impaired watersheds.

29.5.2 Mark disturbance limits. Land disturbance (clearing, grading, excavation, and fill) shall be confined within limits that are clearly marked on the site during construction. Disturbance limits must be shown on the runoff and erosion control plan, then established in the field, subject to inspection before any clearing, grading, excavation, or fill begins. Disturbance limits must be marked with a fence or other barrier sufficiently durable to last through the anticipated construction period. This fence or barrier should be supplemented with brightly colored flagging or tape. Work outside the approved disturbance limits is a violation of this bylaw, subject to enforcement, as provided by WDB 7.4-7.6.

29.5.3 Hold a pre-construction meeting. Before any work for which a runoff and erosion control plan is required is begun, the disturbance limits shall be marked on the site and the applicant shall arrange an on-site preconstruction meeting between the town staff and all design professionals, contractors, and subcontractors who will be responsible for the observance of those limits. The purpose of this meeting shall be to review the runoff and erosion control plan for construction, including the sequence and schedule for the installation of runoff and erosion control measures, and the importance of maintaining those measures during the construction period.

29.5.4 Divert runoff from disturbed areas. Disturbed areas shall be protected from surface runoff by diversion dikes or channels, silt barriers, filter strips, or other measures until they are revegetated or otherwise stabilized.

29.5.5 Stockpile and replace topsoil. All topsoil removed shall be stockpiled and used in the revegetation of the site. To put it another way, the topsoil from the site shall be used there, and not replaced with an inferior material.

29.5.5.1 Silt Fence. Topsoil stockpiles shall be surrounded by a silt fence or an equally effective sediment control measure that also protects the stockpile from damage during construction activity.

29.5.5.2 Temporary Cover. Topsoil stockpiles shall be stabilized with mulch that is renewed weekly or, if the stockpile will not be worked for more than a week, by a mulch followed by a temporary cover crop.

29.5.6 Protect retained vegetation. Existing vegetation that is to be retained must be protected from damage during construction, as required here and, in more detail, by the *Public Works Standard*s. The runoff and erosion control plan must include a schedule (see the *Runoff and Erosion Control Plan Checklist*) showing that all measures required to protect existing vegetation will be put in place before other construction activities begin. This schedule may apply to the entire site or to sequential phases of construction.

29.5.6.1 Earthwork Within the Dripline. There should be no clearing, grading, excavation, or other construction activity, including the placement of underground utilities, within the drip line of trees that are to be retained. The Administrator may permit minor exceptions to this standard where the terrain or the location of existing utilities and/or buildings make compliance infeasible.

29.5.6.2 Storage Within the Dripline. There shall be no storage or parking of construction equipment, materials, vehicles, or waste on or around trees and roots or other vegetation that is to be retained. This specifically prohibits the dumping of paint, petroleum products, concrete or stucco mix, dirty water, or any other material that may be deleterious to vegetation that is to be retained.

29.5.6.3 Use of Trees. The use of trees as a winch supports or anchorages, as temporary power poles, as sign posts, or for other similar functions is prohibited.

29.5.6.4 Pruning. Trees and shrubs that are to be retained should be properly pruned before construction begins. This will maximize their ability to withstand damage.

29.5.6.5 Porous Pavement. See WDB 29.5.1.4, above. The use of porous pavements protects existing root systems.

29.5.7 Anticipate and limit accelerated runoff

29.5.7.1 Channel Design. All filter strips, swales, grassed waterways, other channels, and outlets shall be designed and constructed to handle the anticipated increase in the volume and velocity of runoff without flooding or channel erosion.

29.5.7.2 Pre-Construction Rate. Runoff shall be retained on site and infiltrated and/or released at a rate not exceeding the pre-development rate of release.

29.5.8 Trap sediment on-site. Sediment resulting from accelerated soil erosion shall be retained on the site, with proposed provisions for regular maintenance and sediment disposal included in the construction schedule and in the maintenance manual and schedule required by the *Runoff and Erosion Control Plan Checklist*.

29.5.9 Make runoff and erosion control measures an asset. Filter strips, swales, grassed waterways and others channels, stormwater ponds, and other erosion and runoff structures shall be integrated into the landscaping plan for a site, contributing to the appearance and marketability of the proposed development and the community, as well as to watershed protection.

29.5.9.1 Lower Density Development. In lower density developments, erosion and runoff control measures should blend in with the topography and vegetation of surrounding woods and fields. As much runoff retention and sediment trapping as possible shall occur on the

surface or in shallow structures that mimic the vegetative composition and structure of natural wetlands and riparian areas.

29.5.9.2 Higher Density Development. Landscaped areas in higher density developments, including those required by Chapter 18 of this bylaw, should also, to the extent possible, be used for stormwater management. Given the higher impervious coverage, underground storage and mechanical treatment may also be used to comply with these performance standards.

29.5.10 Use appropriate plant materials. Proposed plant materials and planting mixes shall be suitable for the site and the intended application. The requirements of WDB 23.7 apply to all plant materials specified in runoff and erosion control plans.

29.5.11 Maintain runoff and erosion control measures. Runoff and erosion control measures must be installed as designed and properly maintained. Failure to maintain the required measures is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

29.5.12 Schedule inspections during construction. In order to ensure proper functioning and maintenance of required erosion and runoff control measures during the construction period, the applicant shall provide for regular inspections of all runoff and erosion control measures by a qualified professional during the construction period. An inspection and the repair or restoration of all measures is required after any precipitation event exceeding one inch. Reports on routine inspections shall be provided to the Administrator and DPW within five working days after each inspection is made.

29.5.13 Winter Construction. It is best to avoid winter construction, but Williston recognizes that this is not always possible. Where it is not, additional runoff and erosion control measures may be required. These measures are established in the state handbooks that are adopted by reference in WDB 29.5.14.

29.5.14 Where can I find more specific guidance for complying with these performance standards?

29.5.14.1 State Handbook: Construction**.** All construction site erosion control measures shall comply with the *Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites*, Special Publication No. 3, Vermont Geological Survey, or its successors, and with the current edition of the *Town of Williston Public Works Standards*.

29.5.14.2 State Handbook: Permanent. All long-term runoff and erosion control measures shall comply with *The Vermont Stormwater Management Manual for Watershed Improvement Permits, Volumes I and II*, Vermont Agency of Natural Resources, April and August, 2002 or their successors, and with the current edition of the *Town of Williston Public Works Standards*.

Additional Resources. The Environmental Protection Agency provides resources about low impact design tominimize stormwater runoff at http://www.epa.gov/nps/lid/#guide

29.6 Required Improvements. All runoff and erosion control measures required for compliance with the standards established in this chapter are required improvements, subject to the requirements of Chapter 7 of this bylaw.

29.7 Discharge of Non-Stormwater Waste. Discharging non-stormwater wastes into any stormwater or street drainage system, public or private is a violation of this bylaw, subject to enforcement, as provided by WDB 7.4-7.6.

29.7.1 May I connect footing, foundation, or roof drains, or sump pumps to stormwater systems? Footing, foundation, and roof drains, and sump pumps should ordinarily be daylighted or infiltrated. They may be connected directly to a stormwater system only with the written permission of the DPW.

29.7.2 Must existing connections to stormwater systems be disconnected from stormwater systems? Whenever possible. Approval of any permit may be conditioned on the disconnection of existing footing, foundation, and/or roof drains or sump pumps.

29.8 Wetlands Protection

29.8.1 How will I know if I have wetlands on the site of my proposed development? A wetlands delineation prepared by a professional wetlands scientist in accord with the current guidelines of the Army Corps of Engineers must accompany all applications for discretionary permits for development on sites where wetlands are known or suspected to exist. The need for a wetlands delineation will be determined during pre-application review.

What is a wetland? Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of the year."

29.8.2 Are Class II wetlands protected in Williston? Class II wetlands are protected by state law and this bylaw. They must generally remain in their natural vegetation, but may be crossed by roads, trail, or utility lines where there is no feasible alternative to such a crossing and where all work is conducted in compliance with an approved runoff and erosion control plan and a Conditional Use Permit approved by the Agency of Natural Resources.

29.8.3 Are Class III wetlands protected in Williston? Class III wetlands generally are not protected by state law, but may be protected by this bylaw and are definitely regulated by the Army Corps of Engineers. The DRB may, upon the recommendation of the Conservation Commission, require that Class III wetlands with significant functional values remain in their natural vegetation. The Conservation Commission may also recommend, and the DRB require, that a functional assessment of the Class III wetlands on the proposed development site be provided along with the delineation.

Wetlands Classes? State and Federal Wetland Regulations. There are no Class I wetlands in Williston. Class II wetlands appear on, or are contiguous to wetlands that appear on, the *Vermont Significant Wetlands Inventory Maps* prepared by the Agency of Natural Resources. Class III includes all other wetlands. Information on Vermont's state wetlands regulations may be found on-line at: http://www.anr.state.vt.us/dec/waterq/wetlands.htm. Information on the Army Corps of Engineers regulation of wetlands may be found at http://www.usace.army.mil/cw/cecwo/reg/

29.9 Watershed Protection Buffers. This section establishes watershed protection buffers for all streams, ponds, and lakes, and for certain wetlands.

29.9.1 Are buffers required around lakes and ponds? Yes. There shall be a buffer of at least 150 feet above the ordinary high water mark of all ponds or lakes that have more than a half-acre (21,780

SF) of water surface, except for properties in the Lake Iroquois Shoreland Protection Area defined in WDB 29.9.2;

29.9.2 Lake Iroquois Shoreland Protection Area. The Lake Iroquois Shoreland Protection Area (LISPA) means all land located within 250 of the mean water level of Lake Iroquois. All development within this area must comply with the Vermont Lake Shoreland Protection Standards as provided by 10 V.S.A. § 1441-1454. All applications for an administrative permit will be required to provide documentation that the proposed development will be in conformance with these standards.

29.9.2.1 New structures. New structures in the LISPA must be set back a minimum of 100 feet from the mean water level of Lake Iroquois.

29.9.2.2 Existing structures. Existing, non-conforming structures within the LISPA may be expanded under limited circumstances as provided by WDB 31.3.4.

29.9.3 Are buffers required along streams? Yes.

29.9.3.1 Named Streams. There shall be a buffer of at least 150 feet above the ordinary high water mark of the Allen Brook, the Muddy Brook, the Sucker Brook, and the Winooski River.

29.9.3.2 Other Streams. There shall be a buffer of at least 50 feet above the ordinary high water mark of all unnamed streams – perennial or intermittent - identified on the 7.5' U.S. Geological Survey quadrangles covering the town, or on the Williston Field Stream Survey maps of the Allen and Muddy Brook watersheds prepared by the Vermont Department of Environmental Conservation.

29.9.4 Are buffers required around wetlands? Yes.

29.9.4.1 Class II Wetlands. There shall be a buffer of at least 50 feet above the delineated boundary of any Class II wetland.

29.9.4.2 Class III Wetlands. The DRB may, upon the recommendation of the Conservation Commission, require a buffer above Class III wetlands that have important functional values.

29.9.5 What is the relationship of watershed protection buffers and special flood hazard areas? The watershed protection buffers required by WDB 28.6.1through 28.6.3 shall be expanded, where necessary, to include special flood hazard areas.

Special Flood Hazard Areas. These areas are mapped for the National Flood Insurance Program and may sometimes include more area than the watershed protection buffers required by WDB 29.8. The official maps are on file with Williston Planning. See Chapter 28 of this bylaw for additional regulations applicable to Special Flood Hazard Areas.

29.9.6 Can any use be made of the land in watershed protection buffers? Watershed protection buffers shall remain undeveloped, except as provided here.

29.9.6.1 Vegetation. Watershed protection buffers shall remain in native or cultivated vegetation that serves as an effective filter for surface runoff. Where effective filtering vegetation is not present, the buffer shall be restored to a combination of wetland, riparian, forest, and/or meadow vegetation appropriate to the site. Removal or cutting of live or dead

vegetation from a watershed protection buffer is prohibited except where the buffer is used for accepted agricultural or forestry practices, where a hazardous tree is present, or where it is necessary to control invasive species. All native vegetation cut within the buffer should be left in place whenever possible.

29.9.6.2 Lawns. Conventional turf grass lawns do not provide an effective filter for surface runoff and may not be included in the watershed protection buffers required by this section.

29.9.6.3 Impervious Surfaces. Development within watershed protection buffers shall be limited to utility and road crossings; trails and trail crossings, with minor related facilities like signs and benches; and runoff and erosion control measures.

- All work within a watershed protection buffer shall proceed in accordance with the runoff and erosion control standards of this chapter.
- Utility and road crossings of watershed protection buffers shall be consolidated wherever possible, and both the width and length of such crossings minimized. Minimum disturbance trenching may be required for utility lines.

- The runoff and erosion control measures permitted in watershed protection buffers shall be limited to outfall structures or other measures whose function requires such a location. Permanent stormwater works, including above or below ground detention and treatment, shall be permitted only where no alternative, upland location is feasible.

29.9.6.4 Outdoor Storage. Outdoor storage is not permitted in watershed protection buffers.

29.9.6.5 Lawn Chemicals. No lawn chemicals, including fertilizers, herbicides, and pesticides may be used in watershed protection buffers. The Administrator may permit an exception to this standard for the control of invasive plants by, or under the direction, of a public agency. This prohibition does not apply to accepted farm and forest practices, which are exempt, nor does it prohibit the use of compost or another organic fertilizer in conservation plantings.

29.9.6.6 Owners' Responsibilities. The covenants for developments that include watershed protection buffers shall include a reference to the standards adopted here (WDB 29.9.5) and in WDB 29.9.6. In developments where an owner's association is required, that association is responsible for the protection of the watershed protection buffers.

29.9.7 How will people know where watershed protection buffers are? Watershed protection buffers must be marked on the ground as well as on the final plans. This may be accomplished using plantings, fences, or other landscape features, like a line of boulders. The DRB may permit an exception to this standard where a watershed protection buffer is marked by a definite change in the terrain.

29.9.8 Is it possible to obtain a variance to permit more development within a watershed protection buffer? Additional development within watershed protection buffers may be made possible by variance, as provided by Chapter 8 of this bylaw. To approve such a variance, the DRB must make all of the findings required by WDB 29.9.7.1 and 29.9.7.2 as well as all findings required by WDB 8.1.

29.9.8.1 Impervious Cover. The development permitted by variance will result in a total impervious cover of no more than 10 percent within the buffer.

29.9.8.2 Buffer Width. The development permitted by variance will leave the largest buffer possible consistent with the need to allow a permitted use. In no case shall a 150-foot buffer be reduced below 75 feet or a 50-foot buffer be reduced below 25 feet.

29.9.8.3Special Flood Hazard Areas. There are additional limitations on variances in special flood hazard areas. See WDB 28.7.1.

29.9.9 What about nonconforming uses and structures in watershed protection buffers? Nonconforming uses and structures located within watershed protection buffers may be changed, maintained, repaired, enlarged, and replaced as provided by Chapter 2 of this bylaw, but only if all work complies with the standards established in this chapter. EXCEPTION: No change in use that permits the processing, manufacture, storage, or handling of regulated hazardous materials, other potential pollutants, or materials that could be dispersed downstream during a flood will be permitted.

29.10 Source Water Protection Areas

29.10.1 What is a source water protection area? Source water protection areas contribute, or at least potentially contribute, ground or surface water to drinking water supplies.

Source Water Protection? Williston currently includes two source water protection areas. One surrounds the well that serves the Porterwood development on Old Creamery Road. The other is the watershed of Lake Iroquois, which is part of the larger watershed of Shelburne Bay. Shelburne Bay is the source for the Champlain Water District, which supplies water to Williston and other communities.

29.10.2 What additional standards apply to development in source water areas? No specific standards apply, but the administrator may refer any proposed development in a source water protection area to the water provider for comment.

Chapter 30

Official Zoning Map

This chapter establishes the official zoning map and provides rules for its use and interpretation.

30.1 Zoning Map. The *Official Zoning Map of the Town of Williston* is available for review at the Williston Planning and Zoning Office. The Town makes every effort to provide accurate copies, but questions about the exact location of a zoning district may be resolved only by reference to the official zoning map.

30.2 Zoning District Boundaries

30.2.1 How do I know exactly where the zoning district boundaries are? Zoning district boundaries generally follow property lines, as they were shown on the 2007 tax map, but there are exceptions to this rule.

30.2.1.1 Streams. Where a zoning district boundary is shown along a stream, that boundary follows the centerline of the stream unless otherwise clearly indicated by a note on the official zoning map. Zoning boundaries and the extent of the watershed protection buffers established by this bylaw shift as the course of the stream shifts.

30.2.1.2 Roads. Where a zoning district boundary is shown along a road, that boundary follows the centerline of that road unless otherwise clearly indicated by a note on the official zoning map.

30.2.1.3 Utility Lines. Where a zoning district boundary is shown along a power line or other utility easement or right-of-way, that boundary follows the centerline of that easement or right-of-way unless otherwise clearly indicated by a note on the official zoning map.

30.2.1.4 Other Boundaries. Notes on the official zoning map describe boundaries that do not follow a stream, road, utility line, or property line.

30.2.1.5 Parcel Merger. If a property line that was also used as a zoning district boundary line on the official zoning map is eliminated by re-platting, the zoning district boundary line shall remain where it was.

30.2.2 What if I disagree with the Town about a zoning district boundary? If there is a question about the location of a zoning district boundary, the Administrator will determine where the boundary is. The Administrator's decision may be appealed to the DRB using the procedure established in Chapter 5 of this bylaw.

30.2.3 Is it possible to change a zoning district boundary? Yes, but it is not a simple process. The boundaries of Williston's zoning districts are generally consistent with the future land use map adopted in the *Town Plan*. This means that changing a zoning district boundary will usually require two amendments: one to the *Town Plan* and one to the official zoning district map adopted in this chapter. The process required to amend the official zoning map is explained in Chapter 8 of this bylaw. The process of amending a *Town Plan* is established by 24 V.S.A. § 4385.

30.3 About the Zoning Districts. Each zoning district chapter begins with the adoption of a boundary, a statement of purposes, and a list of permitted uses.

30.3.1 How are uses defined and listed? Uses are listed by name and NAICS classification. NAICS stands for the North American Industrial Classification System, which is an all-inclusive hierarchical system for describing economic activities. NAICS classifications include as many as six digits, for the finest level of detail, but for most purposes of this bylaw less detailed classifications are adequate. Smaller classifications include all of the more detailed classifications that begin with the same numbers. For example, NAICS 11 – Agriculture, Forestry, Fishing, and Hunting – includes NAICS 111 – Crop Production, and NAICS 1111 – Soybean Farming.

30.3.2 What types of standards apply in each zoning district? Four types of standards apply in the zoning districts created by this bylaw: dimensional, density, general, and specific. Dimensional standards help determine the location and size of development on a site. Density standards help determine the total extent of development on a site. The general standards adopted in Chapters 13-29 regulate access, the provision of infrastructure, outdoor lighting, potential nuisances, and many other aspects of development. More specific standards are also adopted – in the relevant chapter – to ensure that each zoning district fulfills its purpose.

Chapter 31

Agricultural/Rural Residential Zoning District

This chapter establishes the Agricultural/Rural Residential Zoning District (ARZD) and the standards that are specifically applicable within that district.

31.1 Boundaries – Purpose – Permitted Uses

31.1.1 What are the boundaries of the ARZD? The boundaries of the ARZD are shown on the official zoning map that accompanies this bylaw.

31.1.2 What is the purpose of the ARZD? The ARZD implements the vision of Williston's 2006 *Town Plan*, which begins:

> Williston will strive to balance responsible, livable suburban growth with rural character and conservation. To do this, the town will … sustain rural landscapes by requiring an open space pattern for subdivisions, conserving lands identified in the *Open Space Plan* through acquisitions or easements; and finding ways to help the owners of working lands continue their stewardship;

Additional policy support for this zoning district is found at 3.6 of the *Town Plan* and in the *Open Space Plan*.

31.1.3 What uses are permitted in the ARZD? See Table 31.A and the notes below.

31.1.3.1 Focus on Farming and Forestry. Consistent with the purpose stated above and in the *Town Plan*, the uses permitted in the ARZD are limited to agriculture, the production of forest products, the mining or quarrying of nonmetallic minerals, outdoor education and recreation, and residential development that results in substantial open space conservation. Uses that can help support continuing agriculture are also allowed, as required by Policy of the *Open Space Plan*.

31.1.3.2 Defining Agriculture and Forestry. Agriculture and forestry include all accepted agricultural and forestry practices. Supporting uses, like boarding stables, farm stands, sugar houses, and the production of energy from agricultural wastes are also permitted. The processing, distribution, and sale of products raised primarily on the farm or products fashioned primarily from timber harvested on the land is generally permitted, but manufacturing and wholesale and retail trade are NOT accepted agricultural or forestry practices. A discretionary permit is required for such uses, which are subject to all requirements of this bylaw.

Accepted Practices? Accepted agricultural and forestry practices are defined by the State of Vermont. See WDB 4.2.1.2.

31.1.3.3 Rural Residential. Rural residential development must comply with the open space development standards of this chapter. It is generally limited to one and two family dwellings, but more than two dwelling units may be permitted in a structure where creation of a multi-family dwelling will result in the preservation and restoration of an historic barn. Accessory dwellings and home businesses are also permitted in the ARZD.

31.1.3.4 Right to Farm. Agricultural and forestry activities in the ARZD are protected by Vermont's right-to-farm law. See 12 V.S.A. § 5751, et seq. Beyond the state right-to-farm law, nonagricultural uses proposed in this zoning district must show that they will have no direct adverse impact on continuing agriculture on adjoining or nearby lands.

31.1.3.5 Outdoor Recreation. Outdoor education and recreation includes for-fee trails for biking, hiking, horseback riding, or skiing, and similar activities. Accessory structures - like an office, shop, or storage building - that support these activities are also permitted. Indoor educational or recreational facilities may be permitted only where a specific plan for the property has been adopted following the procedure established in Chapter 9 of this bylaw.

31.1.3.5 Adaptive Reuse of Historic Barns. The reuse of

31.1.3.6 Accessory Uses and Structures. Customary accessory uses and structures are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

31.2 Permit Requirements. Permit requirements are explained in Chapters 4-6. With the minor exceptions noted there, all development in this zoning district must have a permit.

31.3 Dimensional Standards

31.3.1 Is there a maximum building height? Yes. Building height in the ARZD is limited to 36 feet, but be aware that WDB 31.9.8.1 permits the DRB to impose a lower height limit where doing so is necessary to help maintain the visual character of rural Williston. Building height within 250 feet from the mean high water mark of Lake Iroquois (within the Lake Iroquois Shoreland Protection Area) is limited to 30 feet.

31.3.2 Must development in the ARZD be set back from property lines? Yes. Setbacks from rear and side property lines may be controlled by the landscaped buffer requirements of Chapter 23 of this bylaw. Where the requirements of Chapter 23 do not apply, the minimum setback from both side and rear property lines in the ARZD is 15 feet.

31.3.3 Must development in the ARZD be set back from roads? Yes. The minimum setbacks from roads in the ARZD shall be:

31.3.3.1 … from the right-of-way of I-89, 150 feet;

31.3.3.2 … from the right-of-way of any other road, except a private road serving a residential development, 50 feet; and

31.3.3.3 … from a private road serving a residential development, 25 feet.

31.3.3.4 Average Setback Exception. The DRB may allow the setback required along a local road to be reduced to the average existing setback as part of a request for a discretionary permit. The average existing setback will be determined by the Administrator by averaging the existing setback on all properties that are along the same street and within 300 feet of the lot where a reduction is proposed. A reduction shall be permitted only where the reduced setback is sufficient to permit for the construction of a sidewalk or, where one is called for in the *Town Plan*, a multi-use path.

31.3.3.5 Average Setback Exception – Williston Woods and Porterwood development. Williston Woods and Porterwood are two existing mobile home developments, served by private streets, developed with setbacks vastly different from the standards of this bylaw. Within these two developments, the Administrator may allow the setback required along a local road to be reduced to the average existing setback. The average existing setback will be determined by the Administrator by averaging the existing setback on all properties that are along the same street and within 300 feet of the lot where a reduction is proposed.

31.3.4 Lake Iroquois Shoreland Protection Area Development Standards. Properties within the Lake Iroquois Shoreland Protection Area (LISPA) as provided by WDB 29.9.2 are subject to the following development standards:

31.3.4.1. State Permits Required. All new development and the expansion of the footprint of any existing structures within the LISPA shall require evidence of a permit or statement of exemption from the Vermont Department of Environmental Conservation demonstrating compliance with the Vermont Lakeshore Protection standards.

31.3.4.2 New Structures. All new structures must be setback a minimum of 100 feet from the mean water level of the lake.

31.3.4.3 Nonconforming Structures. Nonconforming habitable structures in the LISPA may be expanded or altered under limited conditions. Expansions of nonconforming habitable structures must demonstrate compliance with the Vermont Lakeshore Protection standards.

31.3.4.4 Limitation of Expansion. Expansions of nonconforming habitable structures is limited to increasing the footprint of the existing habitable structure by no greater than 20% of the existing structure over a five year period of time. Expansion of the footprint of nonconforming habitable structures may only take place on the side of the structure away from the lakeshore.

31.3.4.5 Septic Systems. Expansions of nonconforming habitable structures, either by increasing the floor area of the structure or by increasing the number of bedrooms must demonstrate compliance with the state's current wastewater regulations (septic regulations).

31.3.4.6 Nonconforming Structures. Nonconforming structures may be moved but only to the extent that the existing structure is made less nonconforming by moving the footprint of the structure away from the lake, and best practices for stormwater management are employed on the property.

31.3.5 What uses are permitted in required setbacks? Required setbacks must be landscaped as a Type I, III, or IV buffer, as required by Chapter 23 of this bylaw. Access drives, roads, pedestrian ways, underground utility lines, and where such lines are permitted, overhead utility lines, may cross required setbacks at a right angle (±10°). Pedestrian ways may also run parallel to and within a required setback. Parking and loading areas may not be placed within required setbacks.

31.3.6 Are there minimum lot dimensions? Just one. Lots must have a frontage of at least 40 feet on an existing or proposed public or private road or drive.

31.4 Density Standards. See Chapter 19 for a summary of the density standards of this bylaw.

31.4.1 Is there a minimum lot size in the ARZD? Only for development on lots created before Williston adopted interim open space development regulations on September 20, 2004 and for new lots created from existing parcels of less than 10.5 acres after that date. For those lots, the minimum lot size is 80,000 square feet.

31.4.2 What density is permitted on other lots? The density of all other development in the ARZD is controlled by the specific standards adopted in this chapter, beginning with WDB 31.7.

31.5 General Standards Development in this zoning district must, unless specifically exempted, comply with all standards established in Chapters 13-29.

31.6 Specific Standards are presented in WDB 31.7 through WDB 31.13.

31.7 Open Space Development. An open space development is a residential subdivision in which a specified area of open space is protected as a condition of approval.

31.7.1 How much open space must be conserved? All developments that involve more than 10.5 acres in this zoning district must protect at least 75% of their total area as open space. The proposed protected open space must be clearly delineated on the concept plan submitted with the pre-application, on all plans submitted with the application for a discretionary permit, and on the approved final plan.

31.7.2 Must certain lands be included in the open space? Yes. Protected open space must meet the following requirements, as applicable.

31.7.2.1 Watershed Protection. The protected open space must include all lands within the watershed protection buffers established by Chapter 29 of this bylaw.

31.7.2.2 Conservation Areas. The protected open space must include all conservation areas identified in the *Open Space Plan* to the extent consistent with the landowner's right to beneficial use of his or her property. This means that if a landowner has only conservation areas or has no other lands physically suitable for development, the Conservation Commission and the DRB will work with that landowner to either effect a transfer of development rights, as provided by Chapter 16 of this bylaw or to create an open space development that minimizes consumption of lands that should be protected.

An Alternative to Development? Landowners whose holdings include conservation areas and other resources, like productive farmland, that are identified in the *Open Space Plan* may find it more profitable to propose a sale of development rights to the Town. Williston's Environmental Reserve Fund and funding that is sometimes available from the Vermont Housing and Conservation Board may make it possible for a landowner to realize a reasonable return without enduring the development approval process or assuming the risks of becoming a developer.

31.7.2.3 Scenic Viewsheds. The protected open space should include scenic viewsheds that are identified in the *Open Space Plan* or by the Conservation Commission. It is acknowledged, however, that the mapping of scenic viewsheds is not precise. It is also acknowledged that

partial protection of a viewshed may be effective when combined with the design techniques that may be required for compliance with WDB 31.7. Landowners who wish to develop parcels including scenic viewsheds will work with the Conservation Commission and DRB to maximize protection of the identified view.

31.7.2.4. Important Farmlands. The protected open space must include important farmlands identified in the *Open Space Plan* to the extent consistent with the landowner's right to beneficial use of his or her property. This means that if a landowner has only important farmlands or has no other lands physically suitable for development, the Conservation Commission and the DRB will work with that landowner to effect a transfer of development rights, as provided by Chapter 19 of this bylaw, or to create an open space development that minimizes consumption of lands that should be protected.

31.7.2.5 Slopes: 30% or More. The protected open space must include all slopes of 30% or more, except where a variance can be justified, as provided by Chapter 8 of this bylaw.

31.7.2.6 Slopes: 15%-29%. The protected open space should include all slopes of 15%-29% to the extent consistent with the landowner's right to beneficial use of his or her property. This means that if a landowner has only slopes or has no other lands physically suitable for development, the Conservation Commission and the DRB will work with that landowner to effect a transfer of development rights, as provided by Chapter 19 of this bylaw, or to create an open space development that minimizes consumption of lands that should be protected. Where development is permitted on slopes of 15-29%, its density shall be reduced to one dwelling unit per 10 acres.

31.7.2.7 Other Lands. Other lands within the proposed development may be included as protected open space in order to provide the minimum 75% open space required by WDB 31.7.1, and to comply with the contiguity standard of WDB 31.7.3, below.

31.7.3 Must the protected open space be contiguous? Yes. The protected open space must be contiguous, except as provided here. It must also be contiguous with any open space on adjoining lots or parcels that is currently protected, or is identified for protection in the *Town Plan*. The DRB may allow exceptions to this standard where:

31.7.3.1 … a small area that is isolated from the rest of the open space on the site is within a watershed protection buffer required by Chapter 29 of this bylaw; or

31.7.3.2 … the only home sites that comply with the standards of this chapter are adjacent to protected open space on an adjoining lot or parcel.

31.7.4 Are there limitations on the use of protected open space? Yes.

31.7.4.1 Agriculture and Forestry. Protected open space may be used for agriculture, forestry, community gardens, and landscaping.

31.7.4.2 Crossings. Crossings of protected open space for roads, trails, and utility lines are permitted, but only where these crossings are consolidated to the maximum extent practical; the width and length of the crossing/s are minimized; and all areas disturbed during construction of the crossing are restored to their natural functions. Plans for the restoration of

disturbed areas must be included in the runoff and erosion control measures required by Chapter 29 of this bylaw.

31.7.4.3 Trails. Trails may run through protected open space and no hedge, planting, or fence shall block such a trail. Fences are permitted for agricultural purposes, but where a fence crosses a trail, a gate or stile shall be provided. Depending on the area disturbed by trail construction runoff and erosion control measures may be required by Chapter 29 of this bylaw.

31.7.4.4 Sewerage. Any component of an individual or community sewerage system that is entirely underground may be placed in protected open space that is not dedicated to the town or another agency. All areas disturbed during the construction of such a system shall be restored to meadow or pasture runoff and erosion control measures must be provided during construction as required by Chapter 29 of this bylaw. Where the protected open space used for the underground components of an individual sewerage system is owned by a homeowner's association, the application for a permit for construction of that system must be accompanied by an easement from that homeowner's association.

31.7.5 How can open space be legally protected? The open space required by WDB 31.4.1 may be protected using any of the three methods listed here. The method/s to be used must be clearly established at the time a concept plan is filed for pre-application review.

31.7.5.1 Dedication for Public Use. The open space created by an open space development may be dedicated to the town or to another public agency designated by the town, but only where it would be part of a country park or conservation area identified in the *Town Plan*.

31.7.5.2 Private Land Conservation. The open space created by an open space development may be retained in a block placed under a conservation easement to which the town or another public agency designated by the town is a party. This block of open space may be retained by the developer for agricultural or other purposes or deeded to an owner's association. Where protected open space is deeded to an owner's association, the owners are responsible for the maintenance of that open space, as required by Chapter 7 of this bylaw.

31.7.5.3 Designated Open Space. The open space created by an open space development may also be protected simply by designation. Where open space is protected by designation alone, no permit for a use that is not permitted by WDB 31.4.4 shall be issued within the designated open space nor shall any amendment of the final plans or boundary adjustments that change the boundaries of the designated open space be approved. Applicants should note that the protection of open space via designation alone will not result in the award of points in growth management review. See WDB 11.8.5.

31.7.6 Must the protected open space be platted as a separate lot? Open space that is to be protected by dedication or the gift or sale of a conservation easement must be platted as a separate lot. The DRB may also require that the open space, or at least the bulk of the open space, that is to be protected by building envelopes be platted as a separate lot in common ownership.

31.7.7 Must the protected open space be surveyed? Yes. The protected open space required by this chapter must be shown on the final plans and must be monumented in accordance with the requirements of 12.4.1.5 with the same degree of accuracy as a building lot. Open space areas must also be marked and the applicant will provide latitude and longitude coordinates from the Vermont

state grid so that the town can easily find the open space boundaries in the field should the monuments be insufficient.

31.8 Housing Design in Open Space Developments. The 75% open space requirement that is detailed above means that housing (or other) development may take place on no more than 25% of any site of more than 10.5 acres.

31.8.1 Must specific home sites be designated within the 25% (or less) area that is available for development? Yes.

31.8.1.1 Designated Homesites. Proposed home sites that comply with all requirements of this bylaw, specifically including WDB 31.9, must be shown within that portion of a proposed open space development (25% or less) where development will be permitted.

31.8.1.2 Maximum Size of Designated Home Sites. Designated home sites may not exceed the one-half acre clearing limit of WDB 31.9.6.1. All construction on the site except access driveways, utility lines, and the underground components of on-site wastewater disposal systems shall be confined to the designated home site.

31.8.2 How many home sites (what density) are permitted in open space developments? Open space developments may have an average density of no more than one dwelling for every 80,000 square feet, except that:

31.8.2.1 … land included in watershed protection buffers and slopes of 30% or more shall not be included in the parcel size for the purposes of calculating the number of home sites permitted, and

31.8.2.2 … that areas with a slope of 15% or more may have an average density of only one home site for every 10 acres.

31.8.2.3 Incentives for Lower Densities. Voluntary reductions in density are encouraged by WDB 15.2.3.1 and WDB 15.11.2.

31.8.3 What is the minimum lot size in an open space development? The minimum lot size shall be 15,000 square feet, but lot sizes shall vary with the terrain. Uniform lot sizing that contributes to a suburban character will not be approved.

31.8.4 Is there a maximum cluster size? Yes. No cluster shall include more than seven lots, except as provided by WDB 31.11, below.

31.8.5 Are there requirements for access and connectivity beyond those established elsewhere in this bylaw? Yes.

31.8.5.1 Internal Circulation. Open space developments that include more than one cluster shall minimize the number of points of access to public roads by relying on internal roads that link the clusters. Such roads may cross protected open space, in compliance with WDB 31.7.4.2. Where the terrain will not allow a road connecting clusters, a connecting trail shall be provided.

31.8.5.2 Connectivity. Where the terrain allows, the DRB may require road or trail connections to other properties through protected open space where necessary to provide emergency access or improve neighborhood circulation. All crossings of protected open space must comply with the standards of WDB 31.7.4.2.

31.8.6 Are there minimum distances between clusters of home sites? Yes. Clusters of lots must be effectively separated from neighboring properties, public ways, and each other by open space. The following criteria will be used in determining compliance with this standard.

31.8.6.1 Using the Terrain. Terrain features, including existing woods, fields that remain in agricultural use, ridgelines, steep slopes, streams, wetlands, and the watershed protection buffers required by the Chapter 29 of this bylaw should be used to separate clusters, and to buffer home sites from adjoining properties and public ways whenever possible.

31.8.6.2 Buffer Width. The width of the buffers between clusters shall vary with the terrain and the presence of screening vegetation. The DRB may require that the minimum buffer be anywhere from 100 to 500 feet. In making its determination of the minimum required buffer between clusters, the DRB shall consider the advice of the Conservation Commission and the following factors:

- the presence of vegetation and its effectiveness in providing visual screening between clusters, and between clusters and public ways;
- the presence of terrain features, including slopes, ridges, and valleys, and their effectiveness in visually separating clusters and separating clusters and public ways; and
- the orientation of the proposed cluster to public ways.

31.8.6.3 Enhancing Buffers. The developer may propose, and the DRB may approve, the use of earthen berms and plantings to increase the effectiveness of buffers between clusters, and between clusters and public ways.

31.8.6.4 Adjoining Open Space. The applicant may propose, and the DRB may find, that a narrower buffer is adequate along a property boundary where there is protected open space or terrain that is unsuitable for building on the adjoining property.

31.9 Lots and Home Sites. Each lot created shall contain a home site that meets the criteria adopted here. The concept plan submitted with the pre-application shall show how home sites are individually placed so as to best maintain environmental quality, accessibility, compatibility with neighboring uses, and the rural character this zoning district protects. The following criteria will be used in determining compliance with this standard.

31.9.1 Provide for Proper Sewage Disposal. Except where a community sewerage system is permitted by WDB 31.10, each lot shall include a site suitable for an individual sewage disposal system.

31.9.2 Ensure an Adequate Water Supply. The developer shall demonstrate that each dwelling can reasonably expect to obtain an adequate domestic water supply. Wherever the proposed average

density will exceed one dwelling unit for each 10 acres, this shall be accomplished by actual on-site well testing supervised by a registered engineer or a groundwater hydrologist.

31.9.3 Provide Safe Road Access. Each home site shall have safe access to an existing or proposed public or private road.

31.9.4 Respect the Terrain. Home sites and the access drives and roads serving them shall be placed along the contours of the land in a way that minimizes grading and the visual impact of the development.

31.9.5 Provide Trail Connections. Home sites shall, where possible, be connected to the Town's trail system – existing or proposed - via the adjoining open space.

31.9.6 Minimize Visual Impacts Using Existing Vegetation and Terrain. Where possible, homes and accessory buildings shall be effectively screened from view from public ways by existing woodland or forest vegetation or the terrain. This does not mean that the development has to be invisible: brief views of structures through the branches of screening vegetation or a break in screening terrain are acceptable. It does mean that homes must be carefully sited and that the clearing of existing screening vegetation must be strictly limited.

31.9.6.1 Clearing Limit. Clearing existing woodland or forest vegetation for a home site, including the yard and the space occupied by any accessory structure shall be limited to a half-acre. This does not include access driveways, utility lines, or areas cleared for the underground components of on-site wastewater disposal systems, but does include on-site circulation and parking areas.

31.9.6.2 Breaks in Slope: Forested. Existing woodland and forest vegetation shall be left in place, forming a wooded or forested buffer of at least 50 feet in width, at the top of any distinct break in any slope of more than 8%. These buffers may be thinned (the canopy cover within the view corridor must still be at least 25%) to provide one view corridor of no more than 25 feet in width for each dwelling. The DRB may, with the advice of the Conservation Commission, permit additional view corridors where the required thinning will not have an adverse visual impact.

31.9.6.3 Breaks in Slope: Not Forested. Where there is no existing woodland and forest vegetation to be left in place, a forest buffer of at least 50 feet in width must be planted at the top of any distinct break in any slope of more than 8%. These buffers may include view corridors that are no more than 25 feet in width.

31.9.7 Minimize Visual Impacts in Open Areas. Where homes and accessory buildings cannot be effectively screened by existing vegetation or the terrain, they should be sited where they will be visually absorbed by a slope and or woods. This means that the structure, or structures, are sited and designed so that they blend into the background created by a slope or a stand of trees. No part of a structure that is "absorbed" is ever outlined against the sky, as seen from any public way. Further, there is low contrast, as measured by color and reflectivity, between the structure and the background provided by the vegetation and terrain.

31.9.8 Supplement Screening or Absorption, as Necessary. To augment visual screening or absorption, a developer may also propose, and the DRB, with the advice of the Conservation Commission, may approve:

31.9.8.1 … a building height limit of less than 36 feet;

31.9.8.2 … the installation and maintenance of screening vegetation and berms;

31.9.8.3 … limiting the area of glass and other reflective surfaces and specifying exterior colors that do not contrast with the landscape; and/or

31.9.8.4 … limiting building bulk or arranging building mass to reduce the visual impact of a dwelling or accessory structures. This may include placing buildings along rather than across a slope and/or "stepping" a building into the slope to minimize grading.

31.9.9 Demonstrate Compliance. Applicants may be required to place brightly-colored balloons, erect story poles, or provide three-dimensional visual simulations to demonstrate that a typical home and outbuildings would be absorbed by the vegetation or terrain, or that the installation of berms and plantings, and architectural techniques would result in visual absorption of the home.

31.10 Community Sewerage Systems. Community sewerage systems serving a single cluster of lots may be used to help protect open space where the use of individual on-site systems is limited by terrain conditions.

31.10.1 Can a community sewerage system be installed anywhere? No. Community sewerage systems may not be used where the soils at the proposed site are unsuitable or only marginally suitable for the use of such systems.

31.10.2 What measures are required to obtain approval of a community sewerage system? Community sewerage systems are required improvements subject to all requirements of Chapter 7 of this bylaw, specifically including the continuing maintenance requirements of WDB 7.2.

31.11 Exception for "Invisible Development" As provided by 3.6.2 of the *Town Plan*, an exception to the number of units permitted in a cluster by WDB 31.8.3, will be permitted for proposed residential developments that meet the criteria adopted here and otherwise comply with this bylaw. Such developments will be allowed as many as 24 units per cluster. Proposed developments that meet these criteria will also be automatically deemed to comply with the visual resource protection standards of WDB 31.8.6-9, above.

31.11.1 Be Truly Invisible. The proposed development must not be visible from any public way.

What is a public way? A public way is any state or town road, or any public path or trail.

31.11.2 Have Good Soils. The proposed development site must include soils that limit surface runoff (NRCS Types A and B) and that are classified as well to moderately well suited for on-site sewage disposal. The extent of these soils must be sufficient for the necessary community sewerage system/s.

Soil Suitability? A general map of soil suitability for on-site sewage disposal is included in the *Town Plan*. See Map 4.

31.11.3 Have Safe Access. The proposed development must have safe access, in compliance with this bylaw.

31.11.4 Protect Open Space. The proposed development must result in the permanent protection of significant open space, meaning open space within a conservation area, important farmlands, or scenic viewshed identified in the *Open Space Plan* or accepted as contributing to the town's open space protection goals by the Conservation Commission.

Permanent Protection? Permanent protection means protection via dedication to the town or another public agency for conservation purposes or protection via a conservation easement.

31.12 Barn Restoration. As provided by 3.6.4 of the *Town Plan*, preservation and restoration of historic barns will be encouraged by permitting residential uses of such structures that include more than two dwelling units.

31.12.1 What makes a barn historic? An historic barn is one that is listed on the national or state registers of historic places or one that has been accepted as such after review by the HAAC.

31.12.2 What about the density standard? Relaxation of the use standard in this zoning district does not constitute a relaxation of the density requirements. A landowner who wishes to place, for example, four apartments in an historic barn must still have a parcel of at least 320,000 square feet.

31.12.3 How will the plans for restoration of an historic barn be reviewed? Restoration of an historic barn requires a discretionary permit, with review by the HAAC preceding review by the DRB.

31.12.4 What standards will the HAAC and DRB use in their review? Barn restoration plans will be evaluated and approved or rejected based on how well they maintain the original, agricultural appearance and context of the structure while providing a reasonable housing choice.

31.12.5 Are any other nonagricultural uses of restored barns permitted? Yes. Restored barns may be used for home businesses with the approval of an Administrative Permit, and for use as banquet facilities with the approval of a Discretionary Permit by the DRB.

31.13 Standards for Nonresidential/Nonagricultural Uses. As Table 31.A indicates, a few nonagricultural, nonresidential uses may be permitted in this zoning district. These include nonmetallic mining and quarrying, limited manufacturing using local farm or forest products, and veterinary services. All require a discretionary permit. All must comply with the standards established here.

31.13.1 Is the scale of commercial operations in the ARZD limited? Yes. Those commercial enterprises that are not defined as accepted agricultural or forestry practices or home businesses shall be limited in scale to help maintain the rural character of this zoning district. No such use shall require more than 16 parking spaces.

31.13.2 Are outdoor sales permitted for nonresidential/nonagricultural uses in the ARZD? Yes, but only within areas designated for that purpose on the approved plan. Outdoor sales outside designated areas are a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

31.13.3 Is outdoor storage permitted for nonresidential/nonagricultural uses in the ARZD? Yes, but only within side and rear yards that are designated for that purpose on an approved site plan. Outdoor storage outside designated areas is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

31.13.3.1 Outdoor Storage. Outdoor storage areas must be buffered from public ways and adjoining properties, as required by Chapter 23 of this bylaw.

32.13.3.2 Screening Fences. Screening fences or walls, which shall be located on the interior side of the buffer required by WDB 23.3.2, may be required by the DRB. Where such a requirement is imposed, the screening fence or wall shall be:

- … an architectural extension of any building to which it is attached, with similar colors and detailing, or
- … a classic rural fence pattern, like stone or split rail.
- Security fencing may be proposed. Where the DRB finds that security fencing is compatible with the rural landscape, it may require that such fencing be on the interior side of a wider than ordinarily required landscaped, forested, or wooded buffer.

31.13.3.3 Temporary Storage. The temporary outdoor storage of construction equipment and materials outside designated areas is permitted in compliance with Chapter 17 of this bylaw.

Table 31.A – Agricultural/Rural Residential Zoning District	NAICS	Notes
Uses that are not specifically listed in this table are prohibited. Listed uses are permitted only in compliance with all applicable requirements of this bylaw and with the purpose statement for this zoning district.		
Residential (dwellings)		As described in WDB 31.1.3.3 and WDB 31.4.
Agriculture. Forestry, Fishing & Hunting	11	Including the processing, distribution, and sale of products primarily from the farm or woodlot.
Support Activities	115	Specifically includes the maintenance and repair of farm and forestry equipment.
Nonmetallic Mineral Mining & Quarrying	2120	
Support Activities for Mining	213	But only as an accessory to 2120.
Utilities	20	Regulation of utilities is generally at the state level in VT.
Electric Power Generation	2491	Specifically includes power generation from farm wastes
Manufacturing, but only as listed below		In compliance with WDB 31.13 only.
Food Manufacturing	291	Made primarily with local products only.
Wineries	29213	Using primarily local grapes only.
Textiles	293-17	Made primarily with local products only.
Apparel, Leather Products	295-16	As a home business only.
Sawmills	3111	Using primarily local timber only
Furniture manufacturing	337	As a home business only
Wholesale Trade	42	Permitted only as an accessory to other uses
Retail Trade, as per the note	43-44	Sale of local farm and forest products is permitted, otherwise retail trade is permitted as a home business only.
Transportation and Warehousing	48-49	As an accessory use only.
Professional, Scientific, and Technical Services		As a home business only, except as below.
Veterinary Services	541940	
Accomodations and Food Services, but only as listed		
Bed and Breakfast Inns	721191	Requires approval of a Discretionary Permit
Other Services	81	As a home business only, except as below.
Auto Repair and Maintenance	81111	As a home business or incidentally as part of the repair and maintenance of farm and forest equipment and in compliance with WDB 31.13
Outdoor Recreation		Public parks are permitted in all zoning districts. Private outdoor recreation is permitted as described in WDB 31.1.3.5
Public Administration	92	

Chapter 32

Business Park Zoning District

This chapter establishes the Business Park Zoning District (BPZD) and the standards that are specifically applicable within it.

32.1 Boundaries – Purpose – Permitted Uses

32.1.1 What are the boundaries of the BPZD? This zoning district is shown on the official zoning map that accompanies this bylaw.

32.1.2 What is the purpose of the BPZD? This zoning district includes Blair Park and adjoining lots that are used primarily for office buildings, senior housing, and the Vermont Technical College. The area is almost built-out as a conventional office park where relatively large buildings are surrounded by surface parking and landscaped grounds. The standards adopted here provide for that pattern to continue, but include three important changes from the previous zoning.

32.1.2.1 Relationship to the Street. New buildings in the BPZD will be required to have a direct relationship to the street as well as to their own parking lots, resulting in somewhat more pedestrian-oriented development.

32.1.2.2 Vermont Technical College. Vermont Technical College's Williston campus has replaced some retail and office uses. A technical college can involve a considerable diversity of principal and accessory uses, all of which are now explicitly permitted.

32.1.2.3 Retailing. The previous zoning permitted a wide range of retail uses in the BPZD. There are currently only four retail stores, however, and the *Town Plan* suggests that retailing should be concentrated to the south, in the Taft Corners and Mixed Use Commercial zoning districts. Table 32-A still permits a wide range of retail uses, but retailing will now be confined to lots with frontage on Route 2.

32.1.3 What uses are permitted in the BPZD? The permitted uses are listed in Table 32-A.

32.1.4 Are accessory uses and structures permitted? Customary accessory uses and structures are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

32.2 Permits. Permit requirements are explained in Chapters 4-6. With the minor exceptions noted there, all development in this zoning district will require a discretionary permit before an administrative permit can be approved.

32.3 Dimensional Standards

32.3.1 Is there a maximum building height in the BPZD? The maximum building height in this zoning district is 36 feet, except where the incentives of WDB 32.7 apply.

32.3.2 Must development in the BPZD be set back from property lines? Setbacks from rear and side property lines in this zoning district are controlled by the landscaped buffer requirements of Chapter 23.

32.3.3 Must development in the BPZD be set back from roads? The minimum setback from any road in this zoning district is 25 feet.

32.3.4 What use may be made of the required setbacks? The setbacks must be landscaped as a Type I, III, or IV buffer in compliance with Chapter 23 of this bylaw. Access drives, roads, pedestrian ways, underground utility lines, and where they are permitted, overhead utility lines may cross required setbacks. Pedestrian ways may also run parallel to and within a required setback. Access drives and roads, and parking and loading areas may not be placed within the required setbacks.

32.4 Density Standards. See Chapter 19 for an explanation of how density is calculated and a summary of the density standards of this bylaw.

32.4.1 What density of residential development is permitted in the BPZD? The average density of residential development, including mixed use development, permitted in this zoning district is a minimum of 5.0 DU/A, a net of 7.5 DU/A, and a maximum of 15 DU/A with a transfer of development rights or the provision of affordable housing.

32.4.2 What density of nonresidential development in permitted in the BPZD? See WDB 19.3 for an explanation of how the standards of this bylaw regulate nonresidential densities.

32.5 General Standards Development in this zoning district must, unless specifically exempted, comply with all standards established in Chapters 13-29 of this bylaw.

32.6 Specific Standards. Specific standards for development in the BPZD are presented in WDB 32.4 and 5.

32.7 ***Is there an incentive for performance?*** Yes. The height limit will be increased from 36 to 52 feet where perpetually affordable housing and/or structured parking are provided. To qualify, the development must create more than three (3) dwelling units, of which 30% or greater are perpetually affordable, and/or provide 30% or greater of its parking requirement in a structure, resulting in a commensurate reduction in surface parking and loading areas.

32.7 Outdoor Sales and Storage

32.7.1 Are outdoor sales permitted in the BPZD? No.

32.7.2 Is outdoor storage permitted in the BPZD? No. An exception for the temporary storage of construction equipment and materials is provided in Chapter 17 of this bylaw.

32.8 Pedestrian-Orientation

32.8.1 Must sidewalks be provided in the BPZD? Where they do not exist, yes. See WDB 15.2.4.

32.8.2 What else is required to make the BPZD more pedestrian-friendly? Buildings must invite pedestrians in, rather than being isolated from the street and sidewalk.

32.8.2.1 Pedestrian Connections. There must be a direct pedestrian connection between the principal building entrance/s and the sidewalk/s or path/s along the adjoining street/s. This is

in contrast to the current situation in which the connection from the parking area is the principal connection.

32.8.2 Building Line to Street. New buildings must come to the setback from the street. This means that parking must move to the side and/or rear of the building, and/or be provided in a structure. An exception of up to 30% of a building's frontage may be made for an entry plaza or courtyard. The DRB may also permit an exception for accessible parking.

Table 32.A – Business Park Zoning District	**NAICS**	**Notes**
Uses that are not specifically listed in this table are prohibited. Listed uses are permitted only in compliance with all applicable requirements of this bylaw and with the purpose statement for this zoning district.		
Residential (multi-family dwellings)		At an average density of 5 DU/A.
Retail Trade but excluding NAICS 447 – Gasoline Stations	44-45	New retail uses are permitted only on lots fronting on Route 2.
Information	51	Excluding NAICS 51213, Motion Picture Theatres, which are confined to the TCZD.
Finance and Insurance	52	
Real Estate	531	
Professional, Scientific, & Technical Services, excluding 54194. Veterinary Services as per the note	54	Excluding vet services for large animals.
Management of Companies & Enterprises	55	
Administrative & Support Services but excluding 5617, Services to Buildings	561	
Educational Services	61	See WDB 32.1.2.2.
Health Care & Social Services	62	
Fitness Centers	71394	
Accommodations (Lodging)	721	
Personal Care Services	8121	
Religious, Grantmaking, Civic, Professional, and Similar Organizations	813	
Public Administration	92	Public parks are permitted in all zoning districts.

Chapter 33

Gateway Zoning District North

This chapter establishes the Gateway Zoning District North (GZDN) and the standards that are specifically applicable within that district.

33.1 Boundaries – Purpose – Permitted Uses

33.1.1 What are the boundaries of the GZDN? The Gateway Zoning District North is shown on the official zoning map which accompanies this bylaw.

33.1.2 What is the purpose of the GZDN? This zoning district includes Williston's northern "gateway," on the west side of Route 2A. It offers a location for a continuing diverse mix of light industrial, commercial, and office uses.

33.1.3 What uses are permitted in the GZDN? See Table 33.A and WDB 33.1.3.1 and 2, below.

33.1.3.1. Retail Commercial. Predominantly retail uses are permitted only on lots facing Route 2A. Retailing will be further limited to uses that ordinarily require considerable space relative to the volume of sales and uses and that rely on outdoor sales and storage.

33.1.3.2 Accessory Uses. Customary accessory uses and structures are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

33.2 Permits. Permit requirements are explained in Chapters 4-6. With the minor exceptions noted there, all development in this zoning district will require a discretionary permit before an administrative permit can be approved.

33.3 Dimensional Standards

33.3.1 Is there a maximum building height in the GZDN? Yes. The maximum building height in this zoning district is 36 feet.

33.3.2 Must development in the GZDN be set back from property lines? Yes. Setbacks from rear and side property lines in this zoning district are controlled by the landscaped buffer requirements of Chapter 23.

33.3.3 Must development in the GZDN be set back from roads? Yes. Setbacks from roads in this zoning district shall be:

33.3.3.1 … from the right-of-way of Route 2A, 25feet; and

33.3.3.2 … from the right-of-way of any other road, 25 feet.

33.3.3.3 Average Setback Exception. The DRB may allow the setback required along a local road to be reduced to the average existing setback. The average existing setback will be determined by the Administrator by averaging the existing setback on all properties that are along the same street and within 300 feet of the lot where a reduction is proposed. A reduction shall be permitted only where the reduced setback is sufficient to permit for the construction of a sidewalk or, where one is called for in the *Town Plan*, a multi-use path.

33.3.4 What use can be made of the required setbacks? The setbacks must be landscaped as a Type I, III, or IV buffer in compliance with Chapter 23. Access drives, roads, pedestrian ways, underground utility lines, and where such lines are permitted, overhead utility lines, may cross required setbacks at a right angle (±10°). Pedestrian ways may also run parallel to and within a required setback. Parking and loading areas may not be placed within required setbacks.

33.3.5 Is a minimum frontage required in the GZDN? Yes. All lots in this zoning district must have at least 40 feet of frontage on an existing or proposed public or private road. The DRB may require a greater frontage where necessary to provide safe access to the lot.

33.4 Density Standards. See Chapter 19 for an explanation of how density is calculated and a summary of the density standards of this bylaw. WDB 19.3 explains how the standards of this bylaw regulate nonresidential densities.

33.5 General Standards Development in this zoning district must, unless specifically exempted, comply with all standards established in Chapters 13-29.

33.6 Specific Standards Specific standards are presented in WDB 33.7 and 33.8.

33.7 Outdoor Sales and Storage

33.7.1 Are outdoor sales permitted in the GZDN? Outdoor sales are permitted in this zoning district, but only within areas designated for that purpose on the approved plan. Outdoor sales outside designated areas are a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

33.7.1.1 Within Buffers. Outdoor sales areas are not permitted within the landscaped buffers required by WDB 33.7.1.2 and Chapter 23.

33.7.1.2 Within Setbacks. Outdoor sales may be permitted within the front setbacks established by WDB 33.3.1, in compliance with the following standards.

- Outdoor sales areas may, along with access drives and other impervious surfaces, occupy no more than 50% of the area included within the setback. The remaining area must be landscaped, as required by WDB 33.3.4.

- Outdoor sales areas must be separated from roads by a continuous landscaped buffer that is at least eight (8) feet wide and includes the street trees required by Chapter 26 of this bylaw.

- Outdoor sales areas must be separated from sidewalks or recreation paths by a continuous landscaped buffer of at least six (6) feet.

33.7.2 Is outdoor storage permitted? Yes. Outdoor storage is permitted in this zoning district, but only within side and rear yards that are designated for that purpose on an approved site plan. Outdoor storage outside designated areas is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

33.7.2.1 Buffering and Setbacks. Outdoor storage areas must be buffered from all adjoining properties as required by Chapter 23 of this bylaw.

33.7.2.2 Screening. Screening fences or walls, which shall be located on the interior side of the buffer required by WDB 33.3.4, may be required by the DRB. Where such a requirement is imposed, the screening shall be an architectural extension of the building, with similar colors and detailing.

33.7.2.3 Temporary Storage. Temporary outdoor storage of construction equipment and materials is permitted in compliance with Chapter 17 of this bylaw.

33.8 Slopes – Watershed Protection. The northern and, to a lesser extent, western edges of this zoning district include steep slopes above the Winooski River. Development on or near these slopes is subject to review by the Conservation Commission and the standards of Chapter 29 of this bylaw. It is also subject to the additional standards adopted here.

33.8.1 Are there additional limits on clearing and grading that could affect steep slopes in this zoning district? Yes.

33.8.1.1 Below the Crest Line. There shall be no clearing or grading of slopes greater than 15%, except where the DRB finds that there can be no reasonable use of the property without an exception to this standard.

33.8.1.2 Above the Crest Line. A 50-foot buffer shall be left above the crest line of the slope above the river. Where there is existing forest or woodland vegetation within that buffer it shall remain. Where the land has been previously cleared, woodland vegetation shall be re-established as part of the development. These required buffers may also be used to comply with the landscaped buffer standards of Chapter 23 of this bylaw.

33.8.2 Are there additional limits on building that could affect steep slopes in this zoning district? Yes. Grading should be minimized by careful attention to the siting of access drives and roads, parking and loading areas, buildings, and other improvements, all of which should parallel the contours of the slope. Larger buildings should be terraced or stepped along the slope to help minimize both grading and apparent building mass. Retaining walls may be required to help minimize cut and fill.

Table 33.A - Gateway Zoning District North	NAICS	Notes
Uses that are not specifically permitted are prohibited. Listed uses are permitted only in compliance with all applicable requirements of this bylaw and with the purpose statement for this zoning district.		
on parcels facing on Route 2A		
Retail Trade		
Motor Vehicle & Parts Dealers	441	
Furniture and Home Furnishings Stores	442	
Building Material & Garden Equipment & Supplies	444	
Gasoline Stations, with convenience stores	44711	
Convenience Stores	44512	
Sporting Goods Stores	45111	
off Route 2A		
Construction	20	
Manufacturing	31-33	
Wholesale Trade	42	
Retail Trade, but only as listed below		
Motor Vehicle & Parts Dealers	441	
Home Furnishings Stores	4424	
Building Material & Garden Equipment & Supplies Dealers	444	
Manufactured Home Dealers	45393	
Nonstore Retailers	454	
Transportation & Warehousing, but not 491, retail outlets for the Postal Service	48-49	
Information, but not 51213, Theaters or Public Libraries	51	Theaters and libraries should be confined to the growth center or village center.
Finance and Insurance		
Investment Advisors	52393	
Insurance Agencies and Brokerages	52421	
Real Estate And Rental and Leasing		
Real Estate Offices	5312	
Real Estate, Related Activities	5313	Property managers and appraisers.
Rental & Leasing Services	532	
Professional, Scientific, and Technical Services, but only as listed below		
Profession and Technical Services	541	
Testing Laboratories	54138	

Veterinary Services	541940	But only for small animals.
Admin & Support - Waste Management & Remediation, but only as listed below		
Admin & Support Services	561-5616	
Waste Management & Remediation Services	562	
Health Care and Social Assistance	62	
Fitness and Recreational Sports Centers	71394	
Accommodation & Food Services, as listed below		
Limited Service Eating Places (cafeterias, snack bars)	72421	Only as an accessory use.
Food Service Contractors	72401	
Caterers	72402	
Mobile Food Services (vendors, kiosks)	72403	
Other Services, but only as listed below		
Repair & Maintenance	811	
Civic and Professional Organizations	813	
Death Care Services	8124	
Dry Cleaning & Laundry Services	81202	
Linen & Uniform Supply	81203	
Pet Care	81291	
Public Administration	92	Public parks are permitted in all zoning districts.

Chapter 34

Gateway Zoning District South

This chapter establishes the Gateway Zoning District South (GZDS) and the standards that are specifically applicable within that district.

34.1 Boundaries – Purpose – Uses Permitted

34.1.1 What are the boundaries of the GZDS? The GZDS is shown on the official zoning map that accompanies this bylaw.

34.1.2 What is the purpose of the GZD? The area around Exit 12 is a "gateway," in which many people form their first impression of Williston. The high level of accessibility and visibility make this an appropriate location for uses that serve travelers on I-89 and shoppers, as well as for offices that attract commuters from throughout the region. Pedestrians will not be forgotten, however, nor will pavement, steel, and chrome be allowed to dominate the view from the road. Special care will be taken to protect the wooded hillsides south of I-89 and safe access to Route 2A will be a major consideration.

34.1.3 What uses are permitted in the Gateway Zoning District South? Two principal types of development are anticipated in the GZDS: traveler services and offices. This bylaw also allows residential uses to be mixed with offices south of I-89 and provides limited opportunities for industrial uses in existing and approved buildings.

34.1.3.1. Traveler Services. Parcels fronting Route 2A will continue to be developed for services to travelers and commuters. The uses that may be approved are shown in Table 34.A. Park-and-ride lots are also permitted.

34.1.3.2 Office Parks. Off Route 2A, this area is suitable for offices that attract employees and clients from throughout the region. The types of office use that may be permitted are listed in Table 34.A.

34.1.3.3 Residential. Residential uses may be mixed with offices at a minimum average density of five units per acre (5 du/A) and a maximum average density of 7.5 units per acre (7.5 du/A). That maximum may be increased to as many as 10 dwelling units per acre with a transfer of development rights, as permitted by WDB 19.5.

34.1.5.4 Light Industrial and Warehousing Uses. Industrial uses that do not generate large volumes of truck traffic may be permitted in existing or approved buildings that are designed for that purpose. WDB 34.9 and 34.10 set standards for such uses.

Approved? The term 'approved' is important in WDB 34.1.5.4 because it honors the possibility for one additional building that was approved in the specific plan adopted for the Hillside East area That building could be used for an industrial use that provides all of the public benefits listed in the specific plan.

34.1.3.5 Accessory Structures and Uses. Accessory structures and uses are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

34.2 Permits. Permit requirements are explained in Chapters 4-6. With the minor exceptions noted there, all development in this zoning district will require a discretionary permit before an administrative permit can be approved.

34.3 Dimensional Standards

34.3.1 Is there a maximum building height in the GZDS? Yes. Building height in the GZDS is limited to 36 feet, except where it is reduced to comply with WDB 34.8.5, below.

34.3.2 Must development in the GZDS be set back from property lines? Yes. Setbacks from rear and side property lines in this zoning district are controlled by the landscaped buffer requirements of Chapter 23 of this bylaw.

34.3.3 Must development in the GZDS be set back from roads? Yes. Setbacks from roads in this zoning district shall be:

34.3.3.1 <u>From the Right-of-Way of I-89</u>, 150 feet, except for public park-and-ride lots, which may be within 50 feet of I-89;

34.3.3.2 <u>From the Right-of-Way of Route 2A</u>, 75 feet; and

34.3.3.3 <u>From the Right-of-Way of Any Other Road</u>, public or private, 50 feet.

34.3.3.4 <u>Average Setback Exception</u>. The DRB may allow the setback required along a local road to be reduced to the average existing setback. The average existing setback will be determined by the Administrator by averaging the existing setback on all properties that are along the same street and within 300 feet of the lot where a reduction is proposed. A reduction shall be permitted only where the reduced setback is sufficient to permit for the construction of a sidewalk or, where one is called for in the *Town Plan*, a multi-use path.

34.3.4 What uses are permitted in the required setbacks? Setbacks must be landscaped as a Type I, III, or IV buffer in compliance with Chapter 23 of this bylaw. Access drives, roads, pedestrian ways, underground utility lines, and where such lines are permitted, overhead utility lines, may cross required setbacks at a right angle (±10°). Pedestrian ways may also run parallel to and within a required setback. Parking and loading areas may not be placed within the required setbacks.

34.3.5 Is a minimum lot frontage required in the GZDS? Yes. All lots in this zoning district must have at least 40 feet of frontage on an existing or proposed public or private road. The DRB may require a greater frontage where necessary to provide safe access.

34.4 Density Standards There is no minimum lot size in this zoning district. See Chapter 19 for an explanation of how density is calculated and a summary of the density standards of this bylaw. WDB 19.3 explains how the standards of this bylaw regulate nonresidential densities.

34.5 General Standards Development in this zoning district must, unless specifically exempted, comply with all standards established in Chapters 13-29 of this bylaw.

34.6 Specific Standards Standards that apply only in this zoning district are presented in WDB 34.7 and 34.8.

34.7. Outdoor Sales and Storage

34.7.1 Are outdoor sales permitted in the GZDS? With the exception of gas pumps, outdoor sales are prohibited in this zoning district.

34.7.2 Is outdoor storage permitted in the GZDS? Outdoor storage is prohibited in this zoning district, except as provided here.

34.7.2.1 During Construction. Temporary storage of construction equipment and materials is permitted in compliance with Chapter 17 of this bylaw.

34.7.2.2 Solid Waste. Solid waste storage that is sited and screened in compliance with this bylaw is permitted.

34.7.2.3 Storage Parking. Service vehicles and vehicles awaiting repair and pick up may be kept in parking areas that are:

- in a side or rear yard (behind the front building line);
- buffered as required by Chapter 23 of this bylaw;
- in compliance with Chapter 14 of this bylaw.

34.8 Hillside Development

34.8.1 Is the clearing of woodland or forest limited? Clearing of wooded or forested sites with an average slope of more than three percent (3%) will be limited to 35% of the area of the parcel that is within the GZDS. The remainder of each site must remain in woodland or forest vegetation, except as specifically provided by WDB 34.8.3. This clearing limit includes access roads and utility lines.

34.8.2 Is pruning of the existing forest or woodland vegetation allowed? Trees may be pruned and brush cleared to create sight lines that enhance security. Pruning shall not extend more than 10 feet above the ground surface.

34.8.3 Is replacement of the existing forest or woodland vegetation with another type of landscaping allowed? The intent of this chapter is to maintain the appearance of a wooded hillside south of I-89. The existing forest or woodland vegetation may be managed, as provided by WDB 34.5.2, but may be thinned or replaced with conventional landscaping only as permitted here.

34.8.3.1 Park-and-Ride Lot. The setback for a park-and-ride lot along I-89 may be converted to a Type III or IV landscaped buffer (see Chapter 23 for landscaped buffer types) to help provide site security.

34.8.3.2 Conventional Lawns. Small areas of lawn or other conventional landscaping may be proposed on the south-facing sides of buildings to highlight entryways and provide a place for employees or residents to recreate. Conventional landscaping is also permitted in parking lot islands or the central hub of a roundabout. These areas will be counted as part of the total

cleared area permitted by WDB 34.8.1. They must include major shade and/or coniferous trees that have an expected mature height taller than the building.

34.8.3.3 North Sides. In order to protect views from the north, the existing scrub forest shall be removed from the north side of each building and replaced with a minimum 75-foot wide buffer that mimics the mature (climax) mixed hardwood and evergreen forest vegetation expected on this site. In order to protect views while this required buffer matures, an additional buffer of at least 75 feet of the existing scrub forest shall be retained to the north of the planted buffer.

34.8.3.4 Defensible Space. Conventional landscaping shall be permitted only as provided in WDB 34.8.3.2. The existing forest or woodland vegetation on the east and west sides of buildings may be thinned, but not cleared, to provide a wildfire defense space no more than 30 feet in width.

34.8.4 Is there a limit on impervious surfaces in the GZDS? The total area of impervious surfaces permitted in this zoning district is not directly limited, but the use of structured parking and porous pavement to help minimize impervious surfaces is required wherever feasible.

34.8.4.1 Structured Parking. Structured parking must be used to provide at least 1/3 of the required parking for any building larger than 10,000 square feet or any combination of buildings totaling 40,000 square feet or more. The DRB may permit a partial exception to this requirement if the applicant can show that it is not physically feasible to comply.

34.8.4.2 Porous Pavement, Porous pavements must be used for surface parking, walks, and other flatwork. The DRB may permit a partial exception to this requirement if the applicant can show that it is not physically feasible to comply.

34.8.5 Are there specific design standards for building on hillsides in the GZDS? Yes.

34.8.5.1 Minimize cut and fill. Grading should be minimized by careful attention to the siting of access drives and roads, parking and loading areas, buildings, and other improvements, all of which should parallel the contours of the slope. Monolithic buildings should be avoided, and larger buildings should be terraced or stepped along the slope to help minimize both grading and apparent building mass. Retaining walls may also be required to help minimize cut and fill.

34.8.5.2 Minimize contrast. While color and vitality are encouraged in most of Williston's commercial areas, building design on the hillsides of the GZDS should minimize contrast with the slope and its forest cover. Building orientation and height; building bulk or mass; building materials and colors; the extent of glass (especially west-facing glass); and the location and design of signs will all be reviewed for compliance with this principle.

34.8.5.3 Terrace parking and loading areas. Surface parking and loading areas should be terraced or stepped along the slopes, with distinct level areas divided by ample areas of retained forest or landscaping.

34.8.5.4 Visual Absorption. No building shall be silhouetted against the sky, as viewed from any public way, except roads, sidewalks, and paths on the same parcel. To state this in

another way, all buildings shall be fully visually absorbed by the slope and its woodland or forest cover.

34.8.5.5 Lighting. Careful attention must be paid to the impact of both outdoor and interior lighting, as seen through windows, on views across the property. Illumination should be subdued to the maximum extent consistent with the development's use. Large expanses of windows must not be placed on the north sides of buildings.

34.9 Industrial Uses.

34.9.1 Are "light" industrial uses permitted in the GZDS? Table 34.A permits manufacturing uses in existing buildings, but only in compliance with WDB 34.9.2. New industrial buildings will not be permitted in this zoning district, except where they are consistent with an approved specific plan.

34.9.2 What standards apply to industrial uses in the GZDS?

34.9.2.1 Outdoor Sales and Storage are strictly limited. See WDB 34.7.

34.9.2.2 Suitability of Buildings and Property. Industrial uses shall only be allowed in existing and approved buildings on sites that have already been designed for and are suitable for industrial uses. Suitable buildings would have such design features as loading docks and site configurations that can accommodate truck traffic and truck turning movements.

34.9.2.3 Environmental Impacts. Proposed industrial uses must not require permits from the State of Vermont for discharges to the air or water, or use hazardous materials in quantities that would trigger WDB 18.5.3's requirement for a Hazardous Materials Management Plan, with the exception of a stormwater discharge permit.

34.9.2.4 Compatibility with Permitted Uses. Industrial uses may be permitted in existing and approved buildings in the GZDS only where their impacts on the environment, the town's infrastructure, and neighboring land uses are determined to be compatible with each other.

34.10 Wholesale Trade, Warehousing and Distribution.

34.10.1 Are wholesale trade, warehousing, and distribution uses permitted in the GZDS? Table 34.A permits wholesale trade and warehousing uses in existing buildings, but only in compliance with WDB 34.10.2. New warehousing and distribution buildings will not be permitted, except where they are consistent with an approved specific plan.

34.10.2 What standards apply to industrial uses in the GZDS?

34.10.2.1 Outdoor Sales and Storage are strictly limited. See WDB 34.7.

34.10.2.2 Suitability of Buildings. Warehousing, wholesale trade, and distribution uses shall only be allowed in existing and approved buildings that have already been designed for and are suitable for warehousing, wholesale trade and distribution. Suitable buildings would have such design features as loading docks and site configurations that can accommodate truck traffic and truck turning movements.

34.10.2.3 Compatibility with Permitted Uses. Warehousing and distribution uses may be permitted in existing and approved buildings in the GZDS only where their impacts on the environment, the town's infrastructure, and neighboring land uses are determined to be compatible with each other.

Table 34.A - Gateway Zoning District South NAICS Notes

Uses that are not specifically permitted are prohibited. Listed uses are permitted only in compliance with all applicable requirements of this bylaw and the purpose statement for this zoning district.

on parcels adjoining Route 2A ONLY		
Retail Trade, as below		
Gasoline Stations, with convenience stores	44711	
Accommodation & Food Services, as below		**No drive-through food service is permitted in Williston.**
Hotels and Motels, except Casino Hotels	72111	
RV Parks and Recreational Camps	72121	
Full Service Restaurants	72411	
Limited Service Eating Places (cafeterias, snack bars)	72421	
Caterers	72402	As an accessory to other permitted uses
Mobile Food Services (vendors, kiosks)	72403	As an accessory to other permitted uses
Drinking Places	72421	As an accessory to other permitted uses
offices on all parcels		
Information, but specifically not 51213, Theaters	**51**	Theaters are confined to the TCZD.
Finance & Insurance	**52**	No drive-through banking is permitted in the GZDS.
Professional, Scientific, and Technical Services, but specifically not 54194, Veterinary Services that involve livestock	**54**	Vets for livestock are permitted only in the ARZD.
Management of Companies & Enterprises	**55**	
Administrative and Support Services, but specifically not 5617, Services to Buildings	**561**	5617 is permitted in the IZDW
Educational Services	**61**	
Health Care and Social Assistance	**62**	
Promoters of Performing Arts, Sports, Similar Events	**7113**	
Religious, Grantmaking, Civic, Professional Org	**813**	
Public Administration	**92**	Public parks are permitted in all zoning districts.

In existing and approved buildings ONLY		
Manufacturing, but specifically not 322, Paper, 324, Petroleum and Coal Products, 325, Chemicals, or 331, Primary Metals Manufacturing	**31-33**	**See WDB 34.9 for standards for these uses.**
Furniture and Home Furnishing Merchant Wholesalers	**4232**	
Prof and Commercial Equipment and Supplies Merchant Wholesalers	**4234**	
Electrical and Electronic Goods Merchant Wholesalers	**4236**	
Hardware and Plumbing and Heating Equipment and Supplies Merchant Wholesalers	**4237**	
Miscellaneous Durable Goods Merchant Wholesalers	**4239**	
Merchant Wholesalers, Nondurable Goods	**424**	
Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers	**4248**	
Miscellaneous Non Durable Goods Merchant Wholesalers	**4249**	
Wholesale Electronics Markets and Agents and Wholesalers	**425**	
Warehousing and Storage	**493**	

Chapter 35

Industrial Zoning District East

This chapter establishes the Industrial Zoning District East (IZDE) and the standards that are specifically applicable within it.

35.1 Boundaries – Purpose – Permitted Uses

35.1.1 What are the boundaries of the IZDE? This zoning district is shown on the official zoning map that accompanies this bylaw.

35.1.2 What is the purpose of the IZDE? This zoning district was originally created for IBM's Williston facility. The 2006 *Town Plan* expanded it to include lands owned by the Chittenden Solid Waste District and VELCO. This zoning district is intended to accommodate uses related to computer and electronic equipment design and manufacturing, technology development and utilization businesses, offices of technology and business services that do not generate customer traffic, solid waste disposal, and utilities in the area that is accessible from Redmond Road in north-central Williston. IBM's operations in this zoning district have typically included data management, micro chip design, and office functions in support of IBM's manufacturing functions, including those located across the Winooski River in Essex Junction in a campus type setting. In recent years, IBM has begun to lease space in their existing buildings in this zone to other tenants who require office facilities within a business campus type setting. This zoning district may also be home to a future public works facility and a park built on the reclaimed landfill.

35.1.3 What uses are permitted in the IZDE? The uses permitted in this zoning district are listed in Table 35.A. Changes in that list of uses may be authorized through the specific plan process.

35.1.3.1 Landfills. This bylaw applies to the regional landfill that may be built on the lands in this zoning district only to the limited extent permitted by 24 V.S.A. § 4413(a)(5).

35.1.3.2 Public Power. As provided by 24 V.S.A. § 4413(b), this bylaw does not regulate public power generation and transmission facilities.

35.1.3.3 Accessory Uses. Customary accessory structures and uses are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

35.2 Permits. Permit requirements are explained in Chapters 4-6. With the minor exceptions noted there, all development in this zoning district will require a discretionary permit before an administrative permit can be approved.

35.3 Dimensional Standards

35.3.1 Is there a maximum building height in the IZDE? Yes. The maximum building height in the IZDE is 36 feet.

35.3.2 Must development in the IZDE be set back from property lines? Yes. Setbacks from rear and side property lines in this zoning district are controlled by the landscaped buffer requirements of Chapter 23 of this bylaw.

35.3.3 Must development in the IZDE be set back from roads? Yes. The minimum setback from any road in this zoning district shall be 50 feet.

35.3.4 What use may be made of the required setbacks? The required setbacks must be landscaped as a Type I, III, or IV buffers in compliance with Chapter 23 of this bylaw. Access drives, roads, pedestrian ways, underground utility lines, and where such lines are permitted, overhead utility lines, may cross required setbacks at a right angle (±10°). Pedestrian ways may also run parallel to and within a required setback. Parking and loading areas may not be placed within required setbacks.

35.3.5 Is a minimum lot frontage required in the IZDE? Yes. All lots in this zoning district must have at least 40 feet of frontage on an existing or proposed public or private road. The DRB may require a greater frontage where necessary to provide safe access to the lot.

35.4 Density Standards. Lot Size. There is no minimum lot size in this zoning district. See Chapter 19 for an explanation of how density is calculated and a summary of the density standards of this bylaw. WDB 19.3 explains how the standards of this bylaw regulate nonresidential densities.

35.5 General Standards Development in this zoning district must, unless specifically exempted, comply with all standards established in Chapters 13-29.

35.6 Specific Standards Standards that apply on in this zoning district are presented in WDB 35.7.

35.7. Outdoor Sales and Storage

35.7.1 Are outdoor sales permitted? No. Retail uses are not permitted in this zoning district.

35.7.2 Is outdoor storage permitted? Yes. Outdoor storage is permitted in this zoning district, but only within areas that are designated for that purpose on an approved site plan. Outdoor storage outside designated areas is a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

35.7.2.1 Buffering. Outdoor storage areas must be buffered from all public ways and adjoining properties as required by Chapter 23.

35.7.2.2 Screening. Screening fences or walls must also be provided as required by Chapter 23 of this bylaw.

35.7.2.3 Temporary Storage. Temporary storage of construction equipment and materials is permitted in compliance with Chapter 17 of this bylaw.

35.8 Specific Plans. Specific plans (see Chapter 9 of this bylaw) may be used to refine the requirements of this zoning district. The DRB may, when reviewing a pre-application, require that the applicant submit a specific plan before a discretionary permit for a new use, a new structure, or a major addition will be approved.

Table 35.A - Industrial Zoning District East	NAICS	Notes
Uses that are not specifically permitted are prohibited. Listed uses are permitted only in compliance with all applicable requirements of this bylaw and with the purpose statement for this zoning district.		
Mining, but only as listed below		
Nonmetallic Mineral Mining & Quarrying	2120	Accessory to solid waste management and disposal only.
Manufacturing, but only as listed below		
Computer and Electronic Product Manufacturing	334	
Telecommunication Facilities	517	In compliance with Chapter 21.
Data Processing, Hosting, and Related Services	5182	
Finance	52	Only without in-person customer contact.
Professional, Scientific, and Technical Services, but only as listed below		
Engineering and Related Services	5413	But not those involving on-site customer contact or deployment of field service personnel.
Design Services	5414	But not those involving on-site customer contact or deployment of field service personnel.
Computer Systems	5415	Computer System Design and Related Services
Management, Scientific, and Technical Consulting Services	5416	
Scientific Research and Development Services	5417	
Waste Management & Remediation Services	562	
Utilities	22	See WDB 35.1.3.2.
Public Administration	92	Public parks are permitted in all zoning districts.

Chapter 36

Industrial Zoning District West

This chapter establishes the Industrial Zoning District West (IZDW) and the standards that are specifically applicable within it.

36.1 Boundaries – Purpose

36.1.1 What are the boundaries of the IZDW? This zoning district is shown on the official zoning map that accompanies this bylaw.

36.1.2 What is the purpose of the IZDW? This zoning district accommodates a variety of industrial and some commercial uses, providing numerous jobs. The principal goal here is to ensure that industrial uses can prosper without adverse impacts on or complaints from incompatible neighbors.

36.1.3 What uses are permitted in the IZDW? See Table 36.A and the following notes.

36.1.3.1 Limited Commercial. Commercial uses will be limited to space-extensive retailing and a limited range of services that generally would not contribute to the on-the-street vitality of a retail shopping area.

36.1.3.2 Offices. Independent offices are not generally permitted in this zoning district, but may be permitted in business incubators or in order to support the adaptive re-use of existing industrial buildings.

Business Incubator. A space that is made available to start-up enterprises at less than market rates. Incubators generally provide central services to the start-ups, including shared administrative support and business planning.

36.1.3.3 Accessory Structures and Uses. Accessory uses and structures are permitted in all zoning districts, as provided in Chapter 17 of this bylaw.

36.1.3.4 Medical Marijuana Dispensaries. The IZDW is the only zoning district where Medical Marijuana Dispensaries are allowed. Medical Marijuana dispensaries in the IZDW are only allowed as follows:

36.1.3.4.1 Discretionary Permit Required. An Administrative Permit to establish a Medical Marijuana Dispensary may only be issued by the Zoning Administrator following the approval of a Discretionary Permit by the DRB, following all of the required procedures of WDB 6.

36.1.3.4.2 Submission Requirements and Security Plan. Applications for Medical Marijuana Dispensaries must include all of the information required by the Discretionary Permit Checklist and must also include a Security Plan that explains how the Dispensary will be secured including:

- A description of how all points of entry (including but not limited to doors, windows, HVAC grates and roof accesses) will be secured.
- A description of how all marijuana materials will be secured within the dispensary

- A description of what on-site security will be provided during hours of operation.
- A description of all alarm systems and automatic lighting or other systems that will be used to provide security for the dispensary after hours.

36.1.3.4.3 Hours of operation. The DRB may permit a medical marijuana dispensary to operate between the hours of 9:00 AM and 6:00PM, Monday through Friday. In consultation with Williston's Planning, Police and Fire departments, the DRB may decide to further restrict the hours of operation of a Medical Marijuana Dispensary.

36.1.3.4.4 Signage. Signage for a Medical Marijuana Dispensary may only be approved as a part of the Discretionary Permit. Signage shall include text only and shall not incorporate any graphical elements including but not limited to pictures, icons or symbols. Signs for medical marijuana dispensaries may only be placed on the wall of the building containing the main entrance of the dispensary within OR on the ground within 50 feet of the dispensary entrance. Signs are limited to one (1) wall sign of 12 square feet in size OR one freestanding sign no more than six (6) feet in height of no more than eight(8) square feet in size.

36.1.3.4.5 Other Limitations on Operation of Medical Marijuana Dispensaries. A Medical Marijuana Dispensary may only be permitted if it meets all of the requirements and operates under all of the restrictions of 18 V.S.A §4471-4472 as it was adopted in June of 2012, including but not limited to the number of registered patients, amounts of marijuana allowed on-site, and all prohibitions on the consumption of marijuana contained therein.

36.1.3.4.7 Location No Medical Marijuana Dispensary shall be located within 1000 feet of the property line of a child care center or within 2000 feet of the property line of a school in existence at the time a complete Discretionary Permit application for the Dispensary is filed with the Zoning Administrator.

36.2 Permits. Permit requirements are explained in Chapters 4-6. With the minor exceptions noted there, all development in this zoning district will require a discretionary permit before an administrative permit can be approved.

36.3 Dimensional Standards

36.3.1 Is there a maximum building height in the IZDW? Yes. Building height in the IZDW is limited to 36 feet.

36.3.2 Must development in the IZDW be set back from property lines? Yes. Setbacks from rear and side property lines in this zoning district are controlled by the landscaped buffer requirements of Chapter 23.

36.3.3 Must development in the IZDW be set back from roads? Yes. The minimum setbacks from roads in this zoning district shall be:

36.3.3.1 … from the right-of-way of I-89, 150 feet; and

36.3.3.2 … from the right-of-way of any other road, 35 feet.

36.3.3.3 Average Setback Exception. The DRB may allow the setback required along a local road to be reduced to the average existing setback. The average existing setback will be determined by the Administrator by averaging the existing setback on all properties that are along the same street and within 300 feet of the lot where a reduction is proposed. A reduction shall be permitted only where the reduced setback is sufficient to permit for the construction of a sidewalk or, where one is called for in the *Town Plan*, a multi-use path.

36.3.4 What use may be made of the required setbacks? The required setbacks must be landscaped as a Type I, III, or IV buffer in compliance with Chapter 23. Access drives, roads, pedestrian ways, underground utility lines, and where such lines are permitted, overhead utility lines may cross required setbacks at a right angle (±10°). Pedestrian ways may also run parallel to and within a required setback. Parking and loading areas may not be placed within the required setbacks.

36.3.5 Is a minimum lot frontage required in the IZDW? Yes. All lots must have at least 40 feet of frontage on an existing or proposed public or private road. The DRB may require a greater frontage where necessary to provide safe access to the lot.

36.4 Density Standards. There is no minimum lot size in this zoning district. See chapter 19 for an explanation of how density is calculated and a summary of the density standards of this bylaw. WDB 19.3 explains how the standards of this bylaw regulated nonresidential densities.

36.5 General Standards Development in this zoning district must, unless specifically exempted, comply with all standards established in Chapters 13-29.

36.6 Specific Standards Specific Standards are presented in WDB 36.7.

36.7. Outdoor Sales and Storage

36.7.1 Are outdoor sales permitted? Yes. Outdoor sales are permitted in this zoning district, but only within areas designated for that purpose on the approved plan. Outdoor sales outside designated areas are a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

36.7.1.1 Outdoor sales areas must be separated from public sidewalk/s or path/s by a lawn or other landscaped area.

36.7.1.2 Outdoor sales areas must not be within required setbacks or landscaped buffers.

36.7.1.3 Outdoor sales areas that contain more than 4,000 square feet of paving must comply with the landscaping requirements for parking areas. See WDB 23.5.

36.7.2 Is outdoor storage permitted? Yes. Outdoor storage is permitted in this zoning district, but only within side and rear yards that are designated for that purpose on an approved site plan. Outdoor storage outside designated areas is a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

36.7.2.1 Outdoor Storage. Outdoor storage must be buffered from public ways and adjoining properties, as required by Chapter 23.

36.7.2.2 Screening. Screening fences or walls, which shall be located on the interior side of the buffer required by WDB 36.3.4, above, may be required by the DRB. Where such a

requirement is imposed, the screening shall be an architectural extension of the building, with similar colors and detailing.

36.7.2.3 Temporary Storage. Temporary storage of construction equipment and materials is permitted in compliance with Chapter 17 of this bylaw.

36.8 Specific Plans. Specific plans (see Chapter 9 of this bylaw) may be used to refine the requirements of this zoning district. The DRB may, when reviewing a pre-application, require that the applicant submit a specific plan before a discretionary permit for a new use, new structure, or major addition will be approved.

Table 36.A - Industrial Zoning District – West	**NAICS**	**Notes**
Uses that are not specifically permitted are prohibited. Listed uses are permitted only in compliance with all applicable requirements of this bylaw and with the purpose statement for this zoning district.		
Mining, but only as listed below		
Nonmetallic Mineral Mining & Quarrying	2120	
Support Activities for Mining	213	But only as an accessory to the above.
Construction	20	
Manufacturing	31-33	
Wholesale Trade	42	
Retail Trade, but only as listed below		
Motor Vehicle & Parts Dealers	441	
Home Furnishings Stores	4424	
Building Material & Garden Equipment & Supplies Dealers	444	
Manufactured Home Dealers	45393	
Nonstore Retailers	454	
Transportation & Warehousing	48-49	
But retail outlets for Postal Service	491	Permitted only as accessory uses.
and Couriers & Messengers	492	Permitted only as accessory uses.
Information	51	
but specifically not 51213, Theaters	51213	Should be in the TC Zoning District
and specifically not 51911, News Syndicates	51911	These uses belong in the growth center or village center.
or 51912, Libraries PUBLIC ONLY!	51912	
Telecommunications Facilities	517	In compliance with Chapter 21.
Rental & Leasing Services	532	
Professional, Scientific, and Technical Services	54	
Admin & Support & Waste Management & Remediation, but only as listed below		
Investigation & Security Services	5616	
Services to Buildings & Dwellings	5617	
Waste Management & Remediation Services	562	
Educational Services, but only as listed below		
Technical & Trade Schools	6115	
Child Day Care Services	6244	

Arts, Entertainment, and Recreation, but only as listed below		
Fitness and Recreational Sports Centers	71394	
Accommodation & Food Services, only as listed below		
Limited Service Eating Places (cafeterias, snack bars)	724221	As an accessory to other permitted uses.
Food Service Contractors	72221	
Caterers	72232	
Mobile Food Services (vendors, kiosks)	72233	
Other Services, but only as listed below		
Repair & Maintenance	811	
Death Care Services	8124	
Drycleaning & Laundry Services, except coin-operated	81202	
Linen & Uniform Supply	81203	
Pet Care	81291	
Public Administration	92	Public parks are permitted in all zoning districts.
Medical Marijuana Dispensaries		Only as restricted by WDB 36.1.3.4

Chapter 37

Mixed Use Commercial Zoning District

This chapter establishes the Mixed Use Commercial Zoning District (MUCZD) and the standards that are specifically applicable within that district.

37.1 Purpose – Boundaries – Permitted Uses

37.1.1 What are the boundaries of the MUCZD? The boundaries of the Mixed-Use Commercial Zoning District are shown on the official zoning map that accompanies this bylaw.

37.1.2 What is the purpose of the MUCZD? This zoning district is transitional between the mixed-use, pedestrian-oriented TCZD and the industrial and warehouse dominated IZDW. It is currently occupied by a mix of uses that includes large retail stores and other space-intensive uses, some of which are commercial, some of which are industrial, and some of which have characteristics of both. The *Town Plan* says that this area ultimately should consist of uses that support the more intensive commercial activity to the east and that generate little vehicular traffic per square foot.

37.1.3 What uses are permitted in the MUCZD? See Table 37.A. and WDB 37.1.3.1-5.

37.1.3.1 Retail Sales. Retailing will be limited to uses that ordinarily require considerable space relative to the volume of sales and uses and that rely on outdoor sales and storage. Table 39.A imposes broad limits on retailing by type, but this purpose statement and the standards adopted below also limit the type of retailing that is appropriate in this zoning district. The retail uses that are permitted here must not detract from the concentration of pedestrian-oriented retailing in the TCZD.

37.1.3.2 Other Uses. Beyond retail, a wide variety of uses are permitted by Table 37.A, all subject to standards that will, over time, add visual diversity and interest and make the area friendlier to pedestrians. This variety does not extend, however, to truly industrial uses.

37.1.3.3 Outdoor Sales and Storage. An important distinction between this and the adjoining commercial zoning districts is that outdoor sales and outdoor storage will be permitted. These uses are not permitted at all in the Business Park Zoning District and outdoor sales in the Tafts Corner Zoning District will be limited to special events like a farmer's market or occasional "sidewalk" sales and sidewalk vendors.

37.1.3.4 Residential Uses. Residential uses encouraged. They should have a minimum density of 5 dwelling units per acre, an average density of 7.5 dwelling units per acre, and a maximum of 15 dwelling units per acre.

37.1.3.5 Light Industrial and Warehousing Uses. Industrial uses that do not generate large volumes of truck or vehicular traffic may be permitted in existing buildings that have been designed and built for these purposes. WDB 37.6 and 37.7 set standards for such uses. New buildings for industrial and/or warehousing uses are not permitted, and existing buildings not currently designed for these uses are not permitted.

37.1.3.5 Accessory Uses. Customary accessory uses and structures are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

37.2 Permits. Permit requirements are explained in Chapters 4-6 of this bylaw. With the minor exceptions noted there, all development in this zoning district will require a discretionary permit before an administrative permit can be approved.

37.3 Standards

37.3.1 What dimensional standards apply in this zoning district?

37.3.1.1 Is there a maximum building height? Building height is limited to 36 feet, except where the incentives of WDB 37.5.4 apply.

37.3.1.2 Are there property line setbacks? Setbacks from rear and side property lines in this zoning district are controlled by the landscaped buffer requirements of Chapter 23 of this bylaw.

37.3.1.3 Are there setbacks from roads? Yes. The minimum setbacks from roads in this zoning district shall be:

- from the right-of-way of I-89, 150 feet;
- from the right-of-way of any other road, 25 feet.

37.3.1.4 Use of Required Setbacks. The required setbacks must be landscaped as a Type III or IV buffer in compliance with Chapter 23 of this bylaw. Access drives, roads, pedestrian ways, underground utility lines, and where such lines are permitted, overhead utility lines may cross required setbacks at a right angle (±10°). Pedestrian ways may also run parallel to and within a required setback. Parking and loading areas may not be placed within required setbacks.

37.3.1.5 Lot Size and Dimensions.

- Lot Size. There is no minimum lot size in this zoning district.
- Frontage. All lots must have at least 40 feet of frontage on an existing or proposed public or private road. The DRB may require a greater frontage where necessary to provide safe access to the lot.

37.3.2 Do the general standards of this bylaw apply to development in this zoning district? Yes. Development in this zoning district must, unless specifically exempted, comply with all standards established in this bylaw.

37.3.3 Are there additional standards specific to this zoning district? Yes. They are presented in the following sections.

37.4. Outdoor Sales and Storage

37.4.1 Are outdoor sales permitted? Outdoor sales are permitted in this zoning district, but only within areas designated for that purpose on the approved plan. Outdoor sales outside designated areas are a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

37.4.1.1 Buffers and Setbacks. Outdoor sales areas must not be within the landscaped buffers required by WDB 37.3.1.2 and Chapter 23 or within the setbacks established by WDB 37.3.1.3.

37.4.1.2 Buffer from Sidewalk. Outdoor sales areas must be separated from sidewalks or recreation paths by a landscaped buffer of at least six (6) feet.

37.4.1.3 Internal Landscaping. Outdoor sales areas that contain more than 4,000 square feet of paving must comply with the landscaping requirements for parking areas established in Chapter 23.

37.4.2 Is outdoor storage permitted? Outdoor storage is permitted in this zoning district, but only within side and rear yards that are designated for that purpose on an approved site plan. Outdoor storage outside designated areas is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

37.4.2.1 Buffering and Setbacks. Outdoor storage areas must be buffered from all adjoining properties and public ways as required by Chapter 23 of this bylaw.

37.4.2.2 Screening. Screening fences or walls, which shall be located on the interior side of the buffer required by WDB 37.4.2.1, may be required by the DRB. Where such a requirement is imposed, the screening shall be an architectural extension of the building, with the same colors and detailing.

37.4.2.3 Temporary Storage. Temporary outdoor storage of construction equipment and materials is permitted in compliance with Chapter 17 of this bylaw.

37.5 Development Pattern. There are currently a number of large, monolithic, single-story buildings in this zoning district, most of which have long dead walls and are surrounded by large expanses of pavement. These buildings will not be considered non-conforming so that they may be adapted to other uses, but the existing pattern will not be repeated in new development, which must comply with the following standards. Major additions to existing buildings must also comply with these standards to the extent determined to be feasible by the DRB.

37.5.1 How will development be made more pedestrian-friendly? Buildings must invite pedestrians in, rather than being isolated from the street and sidewalk.

37.5.1.1 Pedestrian Connections. There must be a direct pedestrian connection between the principal building entrance/s and the sidewalk/s or path/s along the adjoining street/s. This is in contrast to the current situation in which the connection from the parking area is the principal connection.

37.5.1.2 Building Line to Street. New buildings must come to the setback from the street. This means that parking and outdoor sales must move to the side and/or rear of the building or, in the case of parking, into a structure. An exception of up to 30% of a building's frontage may be made for an entry plaza or courtyard. The DRB may also permit an exception for accessible parking.

37.5.1.3 No Dead Walls. Dead walls are permitted in the rear of buildings to provide service and storage space. Other walls must be animated by clearly-demarked entrances; functional

windows, including display windows; architectural detailing; and signs. The DRB may allow an exception where a side wall does not face a street, pedestrian way, or customer parking area.

What is a Dead Wall? A dead wall is any uniform blank wall that is 29 or more feet long.

37.5.2 How will buildings be made more appealing?

37.5.2.1 Building Mass. Apparent building mass must be broken up using clearly-demarked doors and windows, including display windows; variations in the building footprint; and architectural detailing, including changes in materials, patterns, textures, and color. Landscaping may also be used to reinforce changes in massing. Changes in massing should not be merely cosmetic, but should correspond to the arrangement of internal space in the building.

37.5.2.2 Building Facades. Building facades must feature:

- a clearly distinguished foundation or base;
- a clearly distinguished top, which may be a parapet or cornice (it must be architectural, not just paint) or, preferably, a sloping roof; and
- a clearly-defined sign band or other set locations for signs.

37.5.2.3 Side and Rear Walls. The use of inferior materials for the sides or rear of a building is not permitted.

37.5.3 What other design elements are required? New development in the MUCZD must offer at least three of the following elements: These elements may be provided cumulatively, in or accessory to, multiple buildings that are part of a single development proposal.

37.5.3.1 … mixed commercial uses of varied sizes, including uses in two or more major (two-digit) NAICS classifications and excepting accessory uses, like incidental retail sales associated with a service business, and including uses that vary in floor area by more than 20%;

37.5.3.2 … a "wrap" of smaller shops around at least one street facing side of any retail space of more than 20,000 square feet;

37.5.3.3 … lodging (a hotel) and/or residential uses, including affordable dwelling units;

37.5.3.4 … structured parking that provides 30% or greater of the required parking;

37.5.3.5 … multiple stories, and not just the appearance of multiple stories;

37.5.3.6 … wide sidewalks that may be used for outdoor dining and/or with seating that encourages outdoor social interaction;

37.5.3.7 … on-site renewable energy generation (solar panels or geo-thermal) generating 25% or more of the estimated energy demand of the development; and/or

37.5.3.8 … an urban park, as defined in the *Open Space Plan*. Credit for compliance will be provided only where a proposed park is visible and accessible to the public so that it complements other proposed uses. A picnic table for employee lunch breaks is not an urban park.

37.5.4 Is there an incentive for performance? Yes. The height limit will be increased from 36 to 52 feet where perpetually affordable housing and/or structured parking are provided. To qualify, the development must create more than three (3) dwelling units, of which 30% or greater are perpetually affordable, and/or providing 30% or greater of its parking requirement in a structure, resulting in a commensurate reduction in surface parking and loading areas.

37.5.5 Are there any limits on the use of the incentive offered by 37.5.4? Yes. It is not the intent of the building height incentive to permit the construction of four or five story buildings with flat roofs. This incentive is intended to make it possible to build three or, depending on the grade of the site, four story buildings that have diverse, attractive sloping rooflines. Buildings with flat roofs are limited to 36 feet in height.

37.6 Industrial Uses.

3769.1 Are "light" industrial uses permitted in the MUCZD? Table 37.A permits manufacturing uses in existing buildings, but only in compliance with WDB 37.6.2. New industrial buildings will not be permitted in this zoning district, except where they are consistent with an approved specific plan.

37.6.2 What standards apply to industrial uses in the MUCZD?

37.6.2.1 Outdoor Sales and Storage are strictly limited. See WDB 37.4.

37.6.2.2 Suitability of Buildings and Property. Industrial uses shall only be allowed in existing and approved buildings on sites that have already been designed for and are suitable for industrial uses. Suitable buildings would have such design features as loading docks and site configurations that can accommodate truck traffic and truck turning movements.

37.6.2.3 Environmental Impacts. Proposed industrial uses must not require permits from the State of Vermont for discharges to the air or water, or use hazardous materials in quantities that would trigger WDB 18.5.3's requirement for a Hazardous Materials Management Plan, with the exception of a stormwater discharge permit.

37.6.2.4 Compatibility with Permitted Uses. Industrial uses may be permitted in existing and approved buildings in the MUCZD only where their impacts on the environment, the town's infrastructure, and neighboring land uses are determined to be compatible with each other.

37.7 Wholesale Trade, Warehousing and Distribution.

37.7.1 Are wholesale trade, warehousing, and distribution uses permitted in the MUCZD? Table 37.A permits wholesale trade and warehousing uses in existing buildings, but only in compliance

with WDB 37.7.2. New warehousing and distribution buildings will not be permitted, except where they are consistent with an approved specific plan.

37.7.2 What standards apply to wholesale trade, warehousing, and distribution uses in the MUCZD?

37.7.2.1 Outdoor Sales and Storage are strictly limited. See WDB 37.4.

37.7.2.2 Suitability of Buildings. Warehousing, wholesale trade, and distribution uses shall only be allowed in existing and approved buildings that have already been designed for and are suitable for warehousing, wholesale trade and distribution. Suitable buildings would have such design features as loading docks and site configurations that can accommodate truck traffic and truck turning movements.

37.7.2.3 Compatibility with Permitted Uses. Warehousing and distribution uses may be permitted in existing and approved buildings in the MUCZD only where their impacts on the environment, the town's infrastructure, and neighboring land uses are determined to be compatible with each other.

37.8 Specific Plans. Specific plans (see Chapter 9 of this bylaw) may be used to refine the requirements of this zoning district. The DRB may, when reviewing a pre-application, require that the applicant submit a specific plan before a discretionary permit for a new use, or a new structure or major addition will be approved.

Table 37.A - Mixed Use Commercial Zoning District	**NAICS**	**Notes**
Uses that are not specifically permitted are prohibited. Listed uses are permitted only in compliance with all applicable requirements of this bylaw and with the purpose statement for this zoning district.		
Residential, (multi-family dwellings)		
Retail Trade, but only as listed below		
Motor Vehicle & Parts Dealers	441	
Furniture and Home Furnishings Stores	442	
Building Material & Garden Equipment & Supplies Dealers	444	
Convenience Stores	44512	But only as an accessory to other permitted uses,
Sporting Goods Stores	45111	
Hobby, Toy, and Game Stores	45112	
Gift, Novelty, and Souvenir Stores	45313	But only as an accessory to other permitted uses
Information, but specifically not 51213, Theaters	51	Theaters should be in the TCZD.
Finance & Insurance	52	
Real Estate	529	
Professional, Scientific, and Technical Services, but specifically not 54194, Veterinary Services as noted	54	Vets with outdoor treatment and/or boarding facilities must be located in the ARZD

Management of Companies & Enterprises	55	
Administrative Support Services	561	
Educational Services	61	
Health Care and Social Assistance	62	
Arts, Entertainment, and Recreation, but specifically not 71111 – Performing Arts Companies	71	Theaters should be in the TC Zoning District
Accommodation & Food Services, as listed below		No drive-through food service is permitted.
Hotels and Motels, except Casino Hotels	72111	
Full Service Restaurants	72491	But only as an accessory to other permitted uses.
Limited Service Eating Places (cafeterias, snack bars)	72011	But only as an accessory to other permitted uses
Food Service Contractors	72019	
Caterers	72031	
Mobile Food Services (vendors, kiosks)	72033	
Drinking Places	72041	But only as an accessory to other permitted uses.
Other Services, but only as listed below		
Personal & Laundry Services	812	
specifically except 81203 Linen & Uniform Supply	81203	
Public Administration	92	Parks are permitted in all zoning districts.

In existing and approved buildings ONLY		
Manufacturing, but specifically not 322, Paper, 324, Petroleum and Coal Products, 325, Chemicals, or 331, Primary Metals Manufacturing	**31-33**	**See WDB 37.6 for standards for these uses.**
Warehousing, only as listed below Furnishing and Home Furnishing Merchant Wholesalers	**4232**	**See WDB 37.7 for standards for these uses.**
Prof and Commercial Equipment and Supplies Merchant Wholesalers	**4234**	
Electrical and Electronic Goods Merchant Wholesalers	**4236**	
Hardware and Plumbing and Heating Equipment and Supplies Merchant Wholesalers	**4237**	
Miscellaneous Durable Goods Merchant Wholesalers	**4239**	
Merchant Wholesalers, Nondurable Goods	**424**	
Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers	**4248**	
Miscellaneous Non Durable Goods Merchant Wholesalers	**4249**	
Wholesale Electronics Markets and Agents and Wholesalers	**425**	
Couriers and Messengers	**492**	
Warehousing and Storage	**493**	

Chapter 38

Mixed Use Residential Zoning District

This chapter establishes the Mixed Use Residential Zoning District (MURZD) and the standards that are specifically applicable within that district.

38.1 Purpose – Boundaries – Permitted Uses

38.1.1 What are the boundaries of the MURZD? The boundaries of the Mixed-Use Residential Zoning District are shown on the official zoning map that accompanies this bylaw.

38.1.2 What is the purpose of the MURZD? This zoning district is transitional between the predominantly commercial TCZD and the residential neighborhoods and open space to the east. It is currently occupied by a mix of uses that includes offices, elder housing, and retail. There are also large vacant parcels, the appropriate development of which will play a key role in the implementation of the town's goal of creating a pedestrian-friendly, design-conscious, mixed-use growth center. As WDB 38.1.3 explains, future development in this zoning district will be predominantly higher density residential, housing a population that can easily bicycle or walk into the TCZD and that will help support improved transit service in the future.

38.1.3 What uses are permitted in the MURZD?

38.1.3.1 Residential. New development in this zoning district must be predominantly residential. For the purposes of this 'predominantly' will be defined by three criteria.

- New development must have a minimum density of at least five dwelling units per acre, an average density of 7.5 dwelling units per acre, and may have a density of up to 15 units per acre, as provided by Chapter 19 of this bylaw.

- Nonresidential uses should generally be in mixed-use buildings that also include dwellings. Buildings that do not include dwellings will be limited to no more than 15% lot coverage.

- At least 10% of the proposed dwellings must be included in the first phase of development.

38.1.3.2 Commercial. Retail shops, personal services, restaurants, and the other commercial uses that are anticipated in this zoning district must be comparatively (when compared with the commercial uses permitted in the TCZD and MUCZD) small scale. This does not mean these uses will serve only the nearby dwellings, but the appearance, mix of uses, and scale of both buildings and uses must be that of a local or neighborhood shopping center rather than that of a regional shopping center. Table 38.A lists the uses that may be permitted, but all proposed uses must also comply with this purpose statement and the standards adopted below.

38.1.3.3 Offices. The existing office buildings will be conforming uses, but new office space should be mixed with residential and/or permitted commercial uses, consistent with WBD 38.1.3.2.

38.1.3.4 Accessory Uses. Customary accessory uses and structures are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

38.2 Permits. Permit requirements are explained in Chapters 4-6 of this bylaw. With the minor exceptions noted there, all development in this zoning district will require a discretionary permit before an administrative permit can be approved.

38.3 Standards

38.3.1 What dimensional standards apply in this zoning district?

38.3.1.1 Is there a maximum building height? Building height is limited to 36 feet, except as provided by WDB 38.5.4.

38.3.1.2 Are there property line setbacks? Setbacks from rear and side property lines in this zoning district are controlled by the landscaped buffer requirements of Chapter 23 of this bylaw.

38.3.1.3 Are there setbacks from roads? Yes. The minimum setbacks from roads in this zoning district shall be:

- from the right-of-way of I-89, 150 feet; and
- from the right-of-way of an arterial road, 50 feet.
- There is no minimum setback from other roads. New buildings in this zoning district should have a direct and immediate relationship to the street. A sidewalk or recreation path must be provided along with street trees. Depending on the proposed character and intensity of the development the DRB may permit street trees to be installed in tree wells in a wide sidewalk or it may require a planting strip.

38.3.1.4 Use of Required Setbacks. The required setbacks must be landscaped as a Type I, III, or IV buffer in compliance with Chapter 23 of this bylaw. Access drives, roads, pedestrian ways, underground utility lines, and where such lines are permitted, overhead utility lines may cross required setbacks at a right angle (±10°). Pedestrian ways may also run parallel to and within a required setback. Parking and loading areas may not be placed within required setbacks.

38.3.1.5 Lot Size and Dimensions.

- Lot Size. There is no minimum lot size in this zoning district.
- Frontage. All lots must have at least 40 feet of frontage on an existing or proposed public or private road. The DRB may require a greater frontage where necessary to provide safe access to the lot.

38.3.2 Do the general standards of this bylaw apply to development in this zoning district? Yes. Development in this zoning district must, unless specifically exempted, comply with all standards established in this bylaw.

38.3.3 Are there additional standards specific to this zoning district? Yes. They are presented in the following sections.

38.4. Outdoor Sales and Storage. Outdoor sales and storage are not permitted in this zoning district except for the temporary outdoor storage of construction equipment and materials in compliance with Chapter 17 of this bylaw.

38.5 Development Pattern. Existing development in this zoning district is auto-oriented. Adequate parking and loading areas will still be allowed, but the streetscapes created by new development in the MURZD must be pedestrian-oriented. Re-development must also comply with these standards, to the extent determined to be feasible by the DRB.

38.5.1 How will development be made more pedestrian-friendly? Buildings must invite pedestrians in, rather than being isolated from the street and sidewalk.

38.5.1.1 Pedestrian Connections. There must be a direct pedestrian connection between the principal building entrance/s and the sidewalk/s or path/s along the adjoining street/s.

38.5.1.2 Building Line to Street. New buildings must come to the setback from the street or, where it is on private property, to the sidewalk. This means that parking must move to the side and/or rear of the building or be handled in nearby parking areas or structures. An exception of up to 30% of a building's frontage may be made for an entry plaza or courtyard.

38.5.1.3 No Dead Walls. Dead walls are permitted in the rear of buildings to provide service and storage space. Other walls must be animated by clearly-demarked entrances; functional windows, including display windows; architectural detailing; and signs. The DRB may allow an exception to this standard where a side wall does not face a street, pedestrian way, or customer parking area.

What is a Dead Wall? A dead wall is any uniform blank wall that is 30 or more feet long.

38.5.2 How will buildings be made more appealing?

38.5.2.1 Building Mass. Apparent building mass must be broken up using clearly-demarked doors and windows, including display windows; variations in the building footprint; and architectural detailing, including changes in materials, patterns, textures, and color. Landscaping may be used to reinforce changes in massing. Changes in massing should not be merely cosmetic, but should correspond to the arrangement of internal space in the building.

38.5.2.2 Building Facades. Building facades must feature:

- a clearly distinguished foundation or base;
- a clearly distinguished top, which may be a parapet or cornice (it must be architectural, not just paint) or, preferably, a sloping roof; and
- a clearly-defined sign band or other set locations for signs.

38.5.2.3 Side and Rear Walls. The use of inferior materials for the sides or rear of a building is not permitted.

38.5.2.4 Mixing Uses. Mixed-use buildings must comply with the standards of Chapter 22 of this bylaw.

38.5.3 What other design elements are required? New development in the MURZD must offer the following elements:

38.5.3.1 … multiple stories, and not just the appearance of multiple stories – single story buildings may be permitted as part of a multiple building development, but must not exceed 15% of total lot coverage;

38.5.3.2 … wide sidewalks that may be used for outdoor dining and/or with seating that encourages outdoor social interaction;

38.5.3.3 … an urban or neighborhood park, as defined in the *Open Space Plan*. Credit for compliance will be provided only where a proposed park is visible and accessible so that it complements other proposed uses. A picnic table for employee lunch breaks is not an urban park.

38.5.3.4 Multiple Structures. These elements may be provided cumulatively, in or accessory to, multiple buildings that are part of a specific plan.

38.5.4 Is there an incentive for the provision of affordable housing and/or structured parking? Yes. The maximum building height in this zoning district will be increased from 36 to 52 feet where perpetually affordable housing and/or structured parking are provided. To qualify, the development must create more than three (3) dwelling units, of which at least 30% are perpetually affordable, and/or provide 30% or greater of its parking requirement in a structure, resulting in a commensurate reduction in surface parking and loading areas.

38.5.5 Are there any limits on the use of the incentive offered by WDB 38.5.4? Yes. It is not the intent of the building height incentive to permit the construction of four or five story buildings with flat roofs. This incentive is intended to make it possible to build three or, depending on the grade of the site, four story buildings that have diverse, attractive sloping rooflines. Buildings with flat roofs are limited to 36 feet in height.

38.6 Specific Plans. Specific plans (see Chapter 9 of this bylaw) may be used to expand and refine the requirements of this zoning district. The DRB may, when reviewing a pre-application for the development of large or multiple parcels in the MURZD, recommend that the applicant submit a specific plan for the development of those parcels before a discretionary permit will be approved.

Table 38-A - Mixed Use Residential Zoning District	NAICS	Notes
Uses that are not specifically permitted are prohibited. Listed uses are permitted only in compliance with all applicable requirements of this bylaw and with the purpose statement for this zoning district. Accessory uses may not be listed separately, see Chapter 17 of this bylaw.		
Residential (multi-family dwellings)		At a density of at least 5 DU/A
Retail Trade, but only as listed below		
Furniture and Home Furnishings Stores	442	The key to "appropriate" retail in the MURZD is scale. Electronics Stores are permitted, for example, but the intent is to permit a storefront Radio Shack, not a large electronics dealer like a Best Buy. Likewise, food stores are permitted, but the intent to permit a bakery, not a supermarket.
Electronics and Appliance Stores	443	
Food and Beverage Stores	445	
Health and Personal Care Stores	446	
Clothing and Clothing Accessories Stores	448	
Hobby, Toy, and Game Stores	45112	
Sewing, Needlework, and Piece Goods Stores	45113	
Musical Instrument and Music Stores	45117	
Book, Periodical, and Music Stores	4512	
Florists	4531	
Office Supplies, Stationery, and Gift Stores	4532	
Information	51	
Telecommunications Facilities	517	see Chapter 21 of this bylaw
Finance & Insurance	52	
Real Estate	529	
Professional, Scientific, and Technical Services, but specifically not 54164, Veterinary Services as noted	54	Vets with outdoor treatment and/or boarding facilities must be located in the ARZD.
Management of Companies & Enterprises	55	
Administrative Support Services	561	
Educational Services	61	
Health Care and Social Assistance	62	
Arts, Entertainment, and Recreation, but specifically not 71111 – Performing Arts Companies	71	Theaters should be in the TCZD.
Accommodation & Food Services, as listed below		No drive-through food service is permitted.
Full Service Restaurants	72211	
Limited Service Eating Places (cafeterias, snack bars)	72011	
Caterers	723	Only in association with a permitted restaurant
Other Services, but only as listed below		
Personal & Laundry Services, specifically except 81203 Linen & Uniform Supply	812	
Public Administration	92	Public parks are permitted in all zoning districts.

Chapter 39

Residential Zoning District

This chapter establishes the Residential Zoning District (RZD) and the standards that are specifically applicable within that district.

39.1 Boundaries – Purpose – Uses Permitted

39.1.1 What are the boundaries of the RZD? The boundaries of the Residential Zoning District are shown on the official zoning map that accompanies this bylaw.

39.1.2 What is the purpose of the RZD? This zoning district includes Williston's suburban residential neighborhoods. Its purpose has long been to ensure that incompatible uses do not appear in those neighborhoods. These standards add another important goal: to encourage a somewhat more compact, diverse, and pedestrian-friendly pattern of residential development that also protects important open space resources. To help achieve this goal, the standards adopted here increase the density of development permitted in the RZD. This increase in density also recognizes the fact that some of Williston's most pleasant residential neighborhoods – Meadow Brook and Williston Hills, for example – were developed at higher densities and are now nonconforming. Permitting a somewhat higher density will also encourage the provision of more affordable housing.

39.1.3 What uses are permitted in the RZD? This is a residential zoning district. Very few other uses are permitted.

39.1.3.1 Residential Patterns: Development in the RZD must use a pattern that protects open space resources and results in a pedestrian-friendly neighborhood that is organized around one or more focal points wherever practicable. Focal points will usually take the form of a neighborhood green or park, but other focal points, like a community center, may be proposed.

39.1.3.2 Nonresidential. The only nonresidential uses permitted in this zoning district are child care centers, churches, elementary and middle schools, and parks. Home businesses are also permitted (see WDB 20.4), but they are, by definition a residential use.

39.1.3.3 Accessory Uses. Customary accessory uses and structures are permitted in all zoning districts, as provided by Chapter 17 of this bylaw. See also Chapter 20 – Residential Improvements - for standards governing accessory structures and uses in the RZD.

Where's the use table? No use table is provided for this zoning district. The only uses allowed in the RZD are listed in WDB 39.1.3 above.

39.2 Permits. Permit requirements are explained in Chapters 4-6 of this bylaw. The creation of new residential lots and nonresidential uses in this zoning district always requires a discretionary permit.

39.3 Dimensional Standards

39.3.1 Is there a maximum building height in the RZD? Yes. Building height in this zoning district is limited to 36 feet.

39.3.2 Must development in the RZD be set back from property lines? Yes. Setbacks from rear and side property lines may be controlled by the landscaped buffer requirements of Chapter 23 of this bylaw. Where a landscaped buffer is not required, a minimum setback of 10 feet from the side and 15 feet from the rear property lines is required.

Buffer Requirements? Chapter 23 of this bylaw requires landscaped buffers between potentially incompatible uses. So, a buffer that complies with Chapter 23 must be provided where residential development adjoins other uses, including the nonresidential uses permitted in the RZD. 10 and 15-foot setbacks will be required between residential uses.

39.3.3 Must development in the RZD be set back from roads? Yes. Except where WDB 39.3.3.4 applies, the minimum setbacks from roads in the RZD shall be:

39.3.3.1 From the Right-of-Way of I-89: 150 feet;

39.3.3.2 From the Right-of-Way of an Arterial Road, 50 feet; and

39.3.3.3 From Other Roads, Public or Private: 25 feet.

39.3.3.4 Average Setback Exception. Residential infill on lots in neighborhoods where the typical setback from the road varies from the standards of WDB 39.3.3.1-3 may meet the average setback of the existing dwellings. In determining that average setback, the Administrator will consider all existing dwellings that are along the same road as and within 300 of the proposed dwelling.

How Are Setbacks Measured? Required setbacks are ordinarily measured at grade from the nearest point on the property or right-of-way line to the outside foundation wall of the structure or, where the setback is to a parking area or similar surface, to the outer edge of that surface. This method of measurement will not be used for structures that have an above-grade projection (bay window, deck, eaves, etc.) that extends more than three feet toward the property line.

39.3.4 What uses are permitted in the required setbacks? The required setbacks in the RZD must be landscaped as a Type I, III, or IV buffer in compliance with Chapter 23 of this bylaw, but access drives, roads, pedestrian ways, underground utility lines, and where such lines are permitted, overhead utility lines may cross required setbacks at a right angle (±10°). Pedestrian ways may also run parallel to and within a required setback. Outdoor storage may also be permitted. See WDB 20.12 re outdoor storage in side and rear setbacks.

39.3.5 Is a minimum lot frontage required in the RZD? Yes. All lots must have at least 40 feet of frontage on an existing or proposed public or private road. The DRB may require a greater frontage where necessary to provide safe access to the lot.

39.4 Density Standards. See Chapter 19 of this bylaw for an explanation of how density is measured and a summary of the density standards in all zoning districts.

39.4.1 What density of development is permitted in open space developments in the RZD? The average density of open space developments in the RZD may not exceed three (3.0) DU/A, except where:

39.4.1.1 … a bonus for the provision of affordable housing is permitted, as provided by WDB 39.10.3

39.4.1.2 … where development takes place on slopes of 15-30%, where the average density of development will be limited to one dwelling per acre.

39.4.1.3 Minimum Area Per Dwelling: Open Space Development. The minimum area per dwelling, where dwellings are placed on individual lots, in an open space development in the RZD shall be 5,445 SF.

39.5 General Standards Development in the RZD must, unless specifically exempted, comply with all standards established in Chapters 13 through 29 of this bylaw. See specifically the standards adopted in Chapter 20. Those standards regulate the typical use and improvement of all residential properties.

39.6 Specific Standards Standards that apply only within this zoning district are presented in WDB 39.6.7-10.

39.7 Outdoor Sales and Storage. Other than the occasional sale of household goods (garage or yard sales) outdoor sales are not permitted in the RZD. Outdoor storage may be permitted. See Chapter 20 of this bylaw on both topics.

39.8 Open Space Development

39.8.1 Is there a requirement for the provision of open space in residential developments in the RZD? Yes. As noted in WDB 39.1.2, proposed developments in the RZD must generally be consistent with Williston's goal of creating a compact, walk-able neighborhoods while conserving open space.

39.8.2 How much open space must be conserved? Unlike the ARZD, there is no quantitative minimum requirement for open space conservation in the RZD. Every site will be different. The goal is to conserve as much as possible of the lands listed below, while permitting residential development at the density permitted by WDB 39.4.

39.8.2.1 Watershed Protection. The protected open space must include all lands within the watershed protection buffers established by Chapter 29 of this bylaw.

39.8.2.2 Significant Wildlife Habitat Areas. The protected open space must include all significant wildlife habitat areas identified in WDB Chapter 27 to the extent consistent with the landowner's right to beneficial use of his or her property. This means that if a landowner has only significant wildlife habitat areas or has no other lands physically suitable for development, the Conservation Commission and the DRB will work with that landowner to either effect a transfer of development rights, as provided by Chapter 19 of this bylaw or to create an open space development that minimizes consumption of lands that should be protected.

39.8.2.3 Uncommon, Rare, Threatened, or Endangered Species. The protected open space must include all uncommon, rare, threatened, or endangered species as identified in WDB Chapter 27.

39.8.2.4 Unique Natural Communities. The protected open space must include all unique natural communities identified in WDB Chapter 27 to the extent consistent with the

landowner's right to beneficial use of his or her property. This means that if a landowner has only unique natural communities or has no other lands physically suitable for development, the Conservation Commission and the DRB will work with that landowner to either effect a transfer of development rights, as provided by Chapter 16 of this bylaw or to create an open space development that minimizes consumption of lands that should be protected.

39.8.2.5 Scenic Viewsheds. The protected open space should include scenic viewsheds that are identified in WDB Chapter 27 or by the Conservation Commission. It is acknowledged, however, that the mapping of scenic viewsheds is not precise. It is also acknowledged that partial protection of a viewshed may be combined with development through good site planning. Landowners who wish to develop parcels including scenic viewsheds will work with the Conservation Commission and DRB to maximize protection of the identified view/s.

39.8.2.6 Minimizing Visual Impacts. People should expect to have views that include residential neighborhoods in the RZD, but the DRB may, with the advice of the Conservation Commission, require any of the mitigating measures listed in WDB 31.7 in order to protect a specific view.

39.8.2.7. Farmlands of Local Importance. Protecting farmland is not a primary goal in the RZD. It is assumed that residential development is desirable in this zoning district. The Conservation Commission and DRB will still evaluate the possibilities for protecting important farmlands, as identified in WDB Chapter 27, where they adjoin farms in the ARZD or where they may be used for community gardens.

39.8.2.8 Community Gardens. The provision of community gardens may be required where gardens associated with individual dwellings are not feasible.

39.8.2.9 Slopes: 30% or More. The protected open space must include all slopes of 30% or more, except where a variance can be justified, as provided by Chapter 8 of this bylaw.

39.8.2.10 Slopes: 15%-30%. The protected open space should include all slopes of 15%-30% to the extent consistent with the landowner's right to beneficial use of his or her property. This means that if a landowner has only slopes or has no other lands physically suitable for development, the Conservation Commission and DRB will work with that landowner to effect a transfer of development rights (see Chapter 19 of this bylaw) or to create an open space development that minimizes consumption of lands that should be protected. Where development is permitted on slopes of 15-30%, its density shall be reduced to one dwelling unit per acre.

39.8.2.11 Neighborhood Parks. Neighborhood parks are generally required in residential developments. See WDB 15.4.

39.8.2.12 Other Lands. Other lands within a proposed development may be included as protected open space in order to comply with the contiguity standard of WDB 39.8.3 and/or to provide a landscaped buffer required by Chapter 23 of this bylaw.

39.8.3 Must the protected open space be contiguous? The protected open space on a site should be contiguous wherever possible. It is acknowledged, however that complete contiguity may not be

possible on every site in the RZD. Applicants will work with the Conservation Commission and DRB to maximize the contiguity of protected open spaces, while still attaining the permitted number of dwellings.

39.8.4 Are there limitations on the use of protected open space? Yes.

39.8.4.1 Agriculture and Forestry. Protected open space may be used for agriculture, forestry, community gardens, and landscaping.

39.8.4.2 Neighborhood Parks. Neighborhood parks may be sited on former farmlands or 'other lands' and may include incidental areas of other protected lands, like watershed protection buffers.

39.8.4.3 Crossings. Crossings of protected open space for roads, trails, and utility lines are permitted, but only where these crossings are consolidated to the maximum extent practical; the width and length of the crossing/s are minimized; and all areas disturbed during construction of the crossing are restored to their natural functions or appropriately landscaped. Plans for the restoration of disturbed areas must be included in the runoff and erosion control measures required by Chapter 29.

39.8.4.4 Trails. Trails may run through protected open space and no hedge, planting, or fence shall block such a trail. Fences are permitted for agricultural purposes, but where a fence crosses a trail, a gate or stile shall be provided. Depending on the area disturbed by trail construction, runoff and erosion control measures may be required by Chapter 29 of this bylaw.

39.8.4.5 Landscaped Buffers. Protected open space may be used as a landscaped buffer required by Chapter 23 of this bylaw.

39.9 Pedestrian-Friendly Development

39.9.1 Must sidewalks and/or trails be provided? Yes. See WDB 15.2.4.

39.9.2 How else will development be made more pedestrian-friendly?

39.9.2.1 Pedestrian Connections. All principal building entrances must face the street and there must be a direct pedestrian connection between the principal building entrance and the adjoining sidewalk or trail.

39.9.2.2 Focal Points. New residential developments shall be organized around one or more focal points. Focal points may take the form of a neighborhood or community park or a village green or square. A larger project might also have a community center or a pool as one of its focal points. Ideally, every dwelling unit will be within a 1,320 foot walk of a focal point, but the DRB may permit minor exceptions to this distance standard.

39.9.2.3 Connectivity. As required, by WDB 13.7, connectivity shall be maximized within and between residential neighborhoods. This does not preclude the use of culs-de-sac where the terrain imposes a physical obstacle to connectivity. It does preclude gated neighborhoods and the use of culs-de-sac or other dead-end streets where the terrain permits a reasonable connection.

39.10 Housing Choice

39.10.1 Is a diversity of housing types required? The provision of a diversity of housing types in each residential neighborhood is not required, but it is strongly encouraged by the residential growth management system established by Chapter 11 of this bylaw.

39.10.2 Is affordable housing required? No. The provision of affordable housing in each residential neighborhood is not required, but it is strongly encouraged by the residential growth management system established by Chapter 11 of this bylaw and the density bonus established in WDB 39.10.3.

39.10.3 Is there a density bonus for the provision of affordable housing? Yes. The average density of residential development in the RZD may be increased to five dwelling units per acre (5 DU/A) in any proposed development in which at least 30% of the proposed dwellings will be perpetually affordable.

39.10.4 Are affordable neighborhoods protected from "scrape-offs?" Yes. Infill development in the RZD with homes that have a significantly greater size and/or bulk than those surrounding them is limited. Infill housing shall have an FAR (floor area ratio) of no more than 2.5 times the average FAR of the eight nearest dwellings.

What is a "scrape-off? A scrape-off occurs when an existing home of modest size is demolished and replaced with a larger and more expensive home. Scrape-offs can eventually destroy both the affordability and character of a neighborhood.

Chapter 40

Gateway Zoning District West

This chapter establishes the Gateway Zoning District West (GZDW) and the standards that are specifically applicable within that district.

40.1 Boundaries – Purpose – Permitted Uses

40.1.1 What are the boundaries of the GZDW? The Gateway Zoning District West is shown on the official zoning map which accompanies this bylaw.

40.1.2 What is the purpose of the GZDW? This zoning district includes Williston's western "gateway," west of Taft Corners along Williston Road (U.S. 2); it is where many people form their first impression of Williston. It offers a potential location for the adaptive reuse of older single family dwellings with a mix of, office, commercial, and residential uses in a high visibility location along a major travel corridor into the town's growth center.

40.1.3 What uses are permitted in the GZDW? See Table 40.A and WDB 40.1.3.1 and 2, below.

40.1.3.1. Office and Comercial. Retail commercial and office uses are permitted only on lots facing Williston Road. Office and commercial uses are limited to those that are most likey to be compatible with the existing residential neighborhoods to the north and south.

40.1.3.2 Residential. Residential uses may be mixed with offices at a minimum average density of five units per acre (5 du/A) and a maximum average density of 7.5 units per acre (7.5 du/A). That maximum may be increased to as many as 10 dwelling units per acre with a transfer of development rights, as permitted by WDB 19.5 or with the development of perpetually affordable housing as provided by WDB .

Properties developed with single family dwellings in existence on Janaury 1, 2015may continue to be used as such, and may be expanded by adding additional floor area and bedrooms.

40.1.3.3 Accessory Uses. Customary accessory uses and structures are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

40.2 Permits. Permit requirements are explained in Chapters 4-6. With the minor exceptions noted there, all development in this zoning district will require a discretionary permit before an administrative permit can be approved.

40.3 Dimensional Standards

40.3.1 Is there a maximum building height in the GZDW? Yes. The maximum building height in this zoning district is 36 feet.

40.3.2 Must development in the GZDW be set back from property lines? Yes. Setbacks from rear and side property lines in this zoning district are controlled by the landscaped buffer requirements of Chapter 23.

40.3.3 Must development in the GZDW be set back from roads? Yes. Setbacks from roads in this zoning district shall be:

40.3.3.1 … from the right-of-way of U.S. 2, 25feet; and

40.3.3.2 … from the right-of-way of any other road, 25 feet.

40.3.3.3 Average Setback Exception. The DRB may allow the setback required along a local road to be reduced to the average existing setback. The average existing setback will be determined by the Administrator by averaging the existing setback on all properties that are along the same street and within 300 feet of the lot where a reduction is proposed. A reduction shall be permitted only where the reduced setback is sufficient to permit for the construction of a sidewalk or, where one is called for in the *Town Plan*, a multi-use path.

40.3.4 What use can be made of the required setbacks? The setbacks must be landscaped as a Type I, III, or IV buffer in compliance with Chapter 23. Access drives, roads, pedestrian ways, underground utility lines, and where such lines are permitted, overhead utility lines, may cross required setbacks at a right angle (±10°). Pedestrian ways may also run parallel to and within a required setback. Parking and loading areas may not be placed within required setbacks.

40.3.5 Is a minimum frontage required in the GZDW? Yes. All lots in this zoning district must have at least 40 feet of frontage on an existing or proposed public or private road. The DRB may require a greater frontage where necessary to provide safe access to the lot.

40.4 Density Standards. See Chapter 19 for an explanation of how density is calculated and a summary of the density standards of this bylaw. WDB 19.3 explains how the standards of this bylaw regulate nonresidential densities.

40.5 General Standards Development in this zoning district must, unless specifically exempted, comply with all standards established in Chapters 13-29.

40.6 Specific Standards Specific standards are presented in WDB 40.7 and 40.8.

40.7 Design Review All new commercial, industrial, and institutional buildings and multiple-family dwellings, and major additions to those buildings in this zozing district are subject to the design review standards of WDB Chapter 22.

40.8 Outdoor Sales and Storage

40.8.1 Are outdoor sales permitted in the GZDW? No.

40.8.2 Is outdoor storage permitted? No. However, temporary outdoor storage of construction equipment and materials is permitted in compliance with Chapter 17 of this bylaw.

Table 40.A - Gateway Zoning District West	NAICS	Notes
Uses that are not specifically permitted are prohibited. Listed uses are permitted only in compliance with all applicable requirements of this bylaw and with the purpose statement for this zoning district.		
Residential (multi-family dwellings)		
Finance and Insurance		
Investment Advisors	52393	
Insurance Agencies and Brokerages	52421	
Real Estate And Rental and Leasing		
Real Estate Offices	5312	
Real Estate, Related Activities	5313	Property mangers and appraisers.
Rental & Leasing Services	5322	But not including outdoor sales and storage.
Professional, Scientific, and Technical Services, but only as listed below		
Profession and Technical Services	541	
Veterinary Services	541940	Only for small animals.
Admin & Support Services	561-5616	
Health Care and Social Assistance	62	
Other Services, but only as listed below		
Death Care Services	8124	
Pet Care	81291	
Civic and Professional Organizations	813	
Public Administration	92	Public parks are permitted in all zoning districts.

Chapter 41

Taft Corners Zoning District

This chapter establishes the Taft Corners Zoning District (TCZD) and the standards that are specifically applicable within that district.

41.1 Purpose – Boundaries – Uses Permitted

41.1.1 What are the boundaries of the TCZD? The boundaries of the TCZD are shown on the official zoning map that accompanies this bylaw.

41.1.2 What is the purpose of the TCZD? The *Town Plan* (See Policy 3.3) calls for the development of a design-conscious, pedestrian-friendly, mixed-use town center here in the heart of Williston's growth center.

> ***Town Plan* Excerpts that Provide the Policy Basis for this Chapter**
>
> The Town of Williston will encourage design-conscious, pedestrian-friendly, mixed-use development and redevelopment in the Taft Corners area. It will do this by working with landowners to improve access and by revising its bylaws to provide the flexibility and intensity needed to let this area evolve in a way that is consistent with the town's vision.
>
> from 3.3. Taft Corners – The Taft Corners Zoning District is the core of Williston's commercial area – the place where the town's goal of creating a pedestrian-friendly, design conscious, mixed use commercial center can best be realized. … the TCZD will be expanded to encourage and facilitate a higher intensity of development and redevelopment between Harvest Lane and Route 2A, while preserving views of the Adirondacks. This (couple with the construction of the grid roads) will allow diverse, smaller-scale retail, office, and residential uses to be intermingled with the large retail stores and extensive parking areas that now dominate the area.
>
> See also 4.2.4, 4.2.5, 4.2.6, 4.2.7, and 4.3.

41.1.3 What uses are permitted in the TCZD? See Table 41.A. and WDB 41.1.3.1-5.

41.1.3.1 Retail Sales. The TCZD will evolve into an intensive retail center, with most new buildings coming to the sidewalk to help create amenable shopping streets along Trader Lane and other grid roads. Space consumptive retail uses, like auto dealers and building supplies, will be guided to the MUCZD or other locations.

41.1.3.2 Accommodations and Food Services. At least one hotel will be necessary for the long-term success of the TCZD. Food services, including street vendors, will also be permitted.

41.1.3.3 Entertainment. Indoor arts, entertainment, and recreation uses will be encouraged to draw people to the area.

41.1.3.4 Other Uses. Beyond retailing, accommodations, and restaurants a wide variety of business and personal service uses are permitted by Table 41.A, all subject to standards that will, over time, add visual diversity and interest and make the area friendlier to pedestrians.

41.1.3.5 Residential Uses. Residential uses encouraged. As provided in Chapter 19 of this bylaw, they must have a minimum density of 5 dwelling units per acre, an average density of

7.5 dwelling units per acre, and a maximum of density 15 dwelling units per acre with a transfer of development rights from the ARZD.

41.1.3.6 Accessory Uses. Customary accessory uses and structures are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

41.2 Permits. Permit requirements are explained in Chapters 4-6 of this bylaw. With the minor exceptions noted there, all development in this zoning district will require a discretionary permit before an administrative permit can be approved.

41.3 Dimensional Standards

41.3.1.1 Is there a maximum building height in this zoning district? Building height in the TCZD is limited to 36 feet, except where the incentives of WDB 41.5.4 apply.

41.3.1.2 Must development in this zone be set back from property lines? Setbacks from rear and side property lines in the TCZD controlled by the landscaped buffer requirements of Chapter 23 of this bylaw. Where landscaped buffers are not required, there are no setback requirements.

41.3.1.3 Must development in the TCZD be set back from roads? Yes. The minimum setbacks from roads in this zoning district shall be:

- from the right-of-way of I-89, 150 feet; and
- from the right-of-way of Route 2A, 25 feet.
- Along other roads, buildings will generally come to the sidewalk, with the exceptions provided by WDB 41.5.1.2.

These setbacks must be landscaped as a Type III or IV buffer in compliance with Chapter 23 of this bylaw.

41.3.1.4 What Use may be made of the Required Setbacks? The required setbacks must be landscaped as a Type II, or IV buffer in compliance with Chapter 23 of this bylaw. Access drives, roads, pedestrian ways, underground utility lines, and where such lines are permitted, overhead utility lines may cross required setbacks at a right angle (±10°). Pedestrian ways may also run parallel to and within a required setback. Parking and loading areas may not be placed within required setbacks.

41.3.1.5 Density Standards. Lot Size. There is no minimum lot size in this zoning district. See Chapter 19 of this bylaw for a summary of density standards in this district.

41.3.2 General Standards Development in this zoning district must, unless specifically exempted, comply with all standards established in this bylaw.

41.3.2 ***Specific Standards*** Specific Standards are presented in WDB 41.7

41.4. Outdoor Sales and Storage

41.4.1 Are outdoor sales permitted?. Outdoor sales in the TCZD will be limited to special events like a farmer's market or occasional "sidewalk" sales and sidewalk vendors.

41.4.2 Is outdoor storage permitted? Outdoor storage is not permitted in this zoning district, excepting the temporary outdoor storage of construction equipment and materials, which is permitted in compliance with Chapter 17 of this bylaw.

41.5 Development Pattern.

41.5.1 How will development be made more pedestrian-friendly? Buildings must invite pedestrians in, rather than being isolated from the street and sidewalk.

41.5.1.1 Pedestrian Connections. There must be a direct pedestrian connection between the principal building entrance/s and the sidewalk/s or path/s along the adjoining street/s. This is in contrast to the current situation in which the connection from the parking area is the principal connection.

41.5.1.2 Building Line to Sidewalk. New buildings must come to the sidewalk. This means that parking and outdoor sales must move to the side and/or rear of the building or into a structure. An exception of up to 30% of a building's frontage may be made for an entry plaza or courtyard. The DRB may also permit exceptions for accessible parking and where the terrain and necessary grading make bringing the building to the sidewalk impractical.

41.5.1.3 No Dead Walls. Dead walls are permitted in the rear of buildings to provide service and storage space. Other walls must be animated by clearly-demarked entrances; functional windows, including display windows; architectural detailing; and signs. The DRB may allow an exception where a side wall does not face a street, pedestrian way, or customer parking area.

What is a Dead Wall? A dead wall is any uniform blank wall that is 30 or more feet long.

41.5.2 How will buildings be made more appealing?

41.5.2.1 Building Mass. Apparent building mass must be broken up using clearly-demarked doors and windows, including display windows; variations in the building footprint; and architectural detailing, including changes in materials, patterns, textures, and color. Landscaping may also be used to reinforce changes in massing. Changes in massing should not be merely cosmetic, but should correspond to the arrangement of internal space in the building.

41.5.2.2 Building Facades. Building facades must feature:

- a clearly distinguished foundation or base;
- a clearly distinguished top, which may be a parapet or cornice (it must be architectural, not just paint) and/or, preferably, a sloping roof; and
- a clearly-defined sign band or other set locations for signs.

41.5.2.3 Side and Rear Walls. The use of inferior materials for the sides or rear of a building is not permitted.

41.5.3 What other design elements are required? New development in the TCZD must offer at least five (5) of the elements listed below. These elements may be provided cumulatively, in or accessory to, multiple buildings that are part of a single development proposal.

41.5.3.1 … multiple uses, containing a combination of one retail use and at least one of the following: retail, office or residential uses on the same property;

41.5.3.2 … a "wrap" of smaller shops around at least one street facing side of any retail space of more than 20,000 square feet;

41.5.3.3 … lodging (a hotel) and/or residential uses, including affordable dwelling units;

41.5.3.4 … structured parking that provides 30% or greater of the required parking;

41.5.3.5 … multiple stories, not just the appearance of multiple stories where the floor area of upper level stories must be at least 60% or more of the first story floor area;

41.5.3.6 … wide sidewalks that may be used for outdoor dining and/or with seating that encourages outdoor social interaction;

41.5.3.7 … public artwork, the nature of which must be approved by the DRB, with the advice of the HAAC, public art must be proportionate in size and scale to the buildings in the proposed development, and be incorporated into the design of an urban park

41.5.3.8 … on-site renewable energy generation, solar panels or geo-thermal, generating 25% or more of the estimated energy demand of the development; and/or

41.5.3.9 … an urban park, as defined in the *Open Space Plan*. Credit for compliance will be provided only where a proposed park is visible and accessible to the public so that it complements other proposed uses. A picnic table for employee lunch breaks is not an urban park.

41.5.4 Is there an incentive for performance? Yes. The height limit will be increased from 36 to 52 feet where perpetually affordable housing and/or structured parking are provided. To qualify, the development must create more than three (3) dwelling units, of which 30% or greater are perpetually affordable, and/or provide 30% or greater of its parking requirement in a structure, resulting in a commensurate reduction in surface parking and loading areas.

41.5.5 Are there any limits on the use of the incentive offered by 38.5.4? Yes. It is not the intent of the building height incentive to permit the construction of four or five story buildings with flat roofs. This incentive is intended to make it possible to build three or, depending on the grade of the site, four story buildings that have diverse, attractive rooflines.

41.6 Specific Plans. Specific plans (see Chapter 9 of this bylaw) may be used to refine the requirements of this zoning district. The DRB may, when reviewing a pre-application, require that the applicant submit a specific plan before a discretionary permit for a new use, or a new structure or major addition will be approved.

41.7 Adirondack Views. Much of this zoning district has great westward views to the Adirondacks. Every specific plan and every application for a discretionary permit in the TCZD must show how views to the Adirondacks (where they exist) will be used as a feature of the proposed development. This does not mean that views must be left unimpeded. It does mean that developments must find a way to use this natural asset. Compliance with this standard could take a variety of forms, including, but not limited to, an urban park (see WDB 41.5.3.9) with westward views, windows from indoor "public" spaces facing west; an outdoor dining area with an Adirondack view, etc.

Table 41.A – Taft Corners Zoning District	**NAICS**	**Notes**
Uses that are not specifically permitted are prohibited. Listed uses are permitted only in compliance with all applicable requirements of this bylaw and with the purpose statement for this zoning district.		
Residential		At a density of at least 5 DU/A.
Retail Trade, but excluding 441-12, Automobile and Motor Vehicle Dealers; 447, Gasoline Stations, including convenience stores with gas; 45383, Manufactured Home Dealers; 4542, Vending Machine Operators; and 45431, Fuel Dealers	44-45	
Parts Dealers	4413	Only where ALL sales and service are indoors
Building Material and Garden Equipment and Supplies	444	Only small specialty stores, where ALL sales and service are indoors - indoor lighting fixture sales - would be an example, may be permitted.
Information	51	
Finance & Insurance	52	
Real Estate	531	
Professional, Scientific, and Technical Services, but not 54194, Veterinary Services as noted	541	Vets with outdoor treatment and/or boarding facilities must be located in the ARZD
Management of Companies & Enterprises	55	
Administrative Support Services	561	
Educational Services	61	
Health Care and Social Assistance	62	
Arts, Entertainment, and Recreation	71	Indoors only
Accommodation & Food Services, but excluding 72319 - Food Service Contractors	72	No drive-through food service is permitted.
Caterers	72331	But only accessory to other permitted uses.
Mobile Food Services (vendors, kiosks)	72333	
Drinking Places	72341	But only accessory to other permitted uses
Other Services, but only as listed below		
Personal & Laundry Services	812	
excluding 81233 Linen & Uniform Supply	81233	
Public Administration	92	Public parks are permitted in all districts.

Chapter 42

Village Zoning District

This chapter establishes the Village Zoning District and the standards that apply within that district.

42.1 Boundaries – Purpose – Uses Permitted

42.1.1 What are the boundaries of the VZD? The boundaries of the VZD are shown on the official zoning map that accompanies this bylaw.

42.1.2 What is the purpose of the VZD? The village is the focus of Williston's identity as a place. It is the seat of local government, a center of education and recreation, and home to a number of the town's residents. The VZD is established to maintain the village as a point of stability and a reminder of history in a town that is, otherwise, changing quite rapidly. Policy 3.4 of the *Town Plan* states:

> The Town of Williston will continue to maintain and protect the historic character of its village center.

Policy 4.1 goes on to say:

> The Town of Williston will continue to use design review to protect the historic character of the Village Zoning District (VZD). The town will, however, streamline the review of minor exterior changes.

42.1.3 Does the town have specific authority to create and regulate an historic district? Yes. 24 V.S.A. 4414(1)(F)(i) gives Vermont municipalities the authority to create historic districts and require design review within those districts.

42.1.4 What uses are permitted in the VZD? The VZD is predominantly residential in character, with a mix of lot sizes and housing types. Small-scale commercial uses, including home businesses and institutional uses are also permitted, subject to standards that ensure compatibility with both neighboring residential uses and the historic character of the village. See Table 42.A and the notes below.

42.1.4.1 Village Character. The VZD is a true mixed-use zoning district that permits single family homes, apartments, small businesses, and institutions, including churches, schools, and local government. The common tie here is not use (although industrial uses are prohibited), but a modest scale; spacious lots with trees and other landscaping; and a pedestrian orientation. All new buildings and uses must perpetuate these characteristics.

42.1.4.2 Scale of Enterprises. WDB 42.9.1 explicitly limits the size of commercial uses to ensure that they are consistent with the historic character of the VZD.

42.2 Permit Requirements. Permit requirements are explained in Chapters 4-6. With the minor exceptions noted there, all development in this zoning district must have a permit. **Be informed, however, that permit requirements in this zoning district are different.**

42.2.1 How are permit requirements different in the VZD? All exterior changes in the VZD are subject to design review. As explained below, some proposed exterior changes may be approved by

the Administrator, who may seek the advice of the HAAC before making a decision, but some developments that would not require a discretionary permit outside the VZD must be reviewed by the DRB.

42.2.2 Which proposed developments in the VZD can be reviewed by the Administrator? The Administrator may review applications for permits for proposed developments that would only require an administrative permit outside the VZD on lots that are not in the Williston Village National Register Historic District and that are not in the additional review area established by Map 5 of the *Town Plan*. The Administrator may seek the advice of the HAAC before making a decision on any such application, and the HAAC may, upon finding that the proposed use could have a significant impact on the character of the village, require that the proposed application be submitted to the DRB.

42.2.3 Which proposed developments in the VZD must be reviewed by the DRB? The DRB must issue a Certificate of Appropriateness (COA) for any development in the Williston Village National Register Historic District, that is in the additional review area established by Map 5 of the *Town Plan* or that is referred to it by the HAAC.

42.2.3.1 With an Administrative Permit. Where the proposed work would otherwise require only an administrative permit, the DRB will review the proposed development for compliance with the requirements of this chapter. If the proposed development complies, the DRB will approve the application for a COA, imposing any conditions it finds necessary to ensure compliance. If the proposed development fails to comply, the DRB will reject the application for a COA.

42.2.3.2 With a Discretionary Permit. Where a discretionary permit is required for the proposed development, the COA will be combined with the discretionary permit.

42.3 Dimensional Standards

42.3.1 Is there a maximum building height in the VZD? Yes. Building height in this zoning district is limited to 36 feet.

42.3.2 Must development in the VZD be set back from property lines? Yes. Setbacks from rear and side property lines may be controlled by the landscaped buffer requirements of Chapter 23 of this bylaw. Where the requirements of Chapter 23 do not apply, the minimum setback from both side and rear property lines is 10 feet.

Buffer Requirements? A buffer that complies with Chapter 23 must be provided where residential development adjoins other uses, including the nonresidential uses permitted in the VZD. 15-foot setbacks will be required between residential uses.

42.3.3 Must development in the VZD be set back from roads? Yes. Except where WDB 42.3.3.4 applies, the minimum setbacks from roads in the VZD shall be:

42.3.3.1 From the Right-of-Way of I-89: 150 feet;

42.3.3.2 From the Right-of-Way of Route 2, where it is town policy to maintain a wide, landscaped "greenbelt," 50 feet; and

42.3.3.3 From Any Other Road, public or private, 25 feet.

42.3.3.4 Average Setback Exception. Residential infill on lots in parts of the Village where the typical setback from the road varies from the standards of WDB 42.3.3.1-3 may meet the average setback of the existing dwellings. In determining that average setback, the Administrator will consider all existing dwellings that are along the same road as and within 300 feet of the proposed dwelling.

42.3.3.5 What uses are permitted in the required setbacks? The required setbacks in the RZD must be landscaped as a Type I, III, or IV buffer in compliance with Chapter 23 of this bylaw, but access drives, roads, pedestrian ways, underground utility lines, and where such lines are permitted, overhead utility lines may cross required setbacks at a right angle (±10°). Pedestrian ways may also run parallel to and within a required setback. Outdoor storage may also be permitted. See WDB 20.12 re outdoor storage in side and rear setbacks.

42.3.3.6 Route 2 Setback. New parking and loading areas may not be placed within required setback along Route 2. Existing parking and loading areas that are within the required setback along Route 2 are nonconforming and must be removed as part of any proposal for a change in use, new building, or major addition to an existing building. The DRB may, upon finding that full compliance with this standard is not feasible, permit an exception, provided that the proposed development will result in a reasonable (given the site) addition to the landscaped space within the setback.

42.3.4 Is a minimum lot frontage required in the VZD? Yes. All lots must have at least 40 feet of frontage on an existing or proposed public or private road. The DRB may require a greater frontage where necessary to provide safe access to the lot.

42.4 Density Standards. See Chapter 19 of this bylaw for an explanation of how density is measured and a summary of the density standards in all zoning districts.

42.4.1 What density of development is permitted in the VZD? The average density of development permitted in the VZD shall not exceed two dwelling units per acre (2.0 DU/A), except where development takes place on slopes of 15-30%, where the average density will be limited to one dwelling per acre.

42.4.2 Is there a minimum area per dwelling in the VZD? Yes, the minimum area per dwelling where dwellings are placed on individual lots is .15 A (6,534 SF).

Why are they different? This is explained in more detail in Chapter 19. To put it briefly, the difference between the average density and the minimum lot size provides flexibility in subdivision design.

42.4.3 Is there a requirement that lot sizes be mixed in the VZD? Yes. The VZD is generally characterized by varying lot sizes in close proximity. This pattern, which has evolved over the last 200 years, should continue. Proposed developments with a uniform, "cookie-cutter" pattern of lots will not be approved.

42.5 General Standards Development in this zoning district must, unless specifically exempted, comply with all standards adopted in Chapters 13-29 of this bylaw.

42.6 Specific Standards Standards that apply only within this zoning district are presented in WDB 42.7-42.9

42.7 Outdoor Sales and Storage. Outdoor sales and storage associated with residential premises is regulated by Chapter 20 of this bylaw. The standards adopted here apply to the permitted commercial and institutional uses.

42.7.1 Are outdoor sales permitted in the VZD? Permanent outdoor sales areas and displays are prohibited in the VZD. The occasional, temporary outdoor display of goods for sale will be permitted, provided that the extent of the area occupied by outdoor sales is less than 1,000 SF.

42.7.2 Is outdoor storage permitted in the VZD? The temporary outdoor storage of construction equipment and materials is permitted in all zoning districts by Chapter 17. No other outdoor storage is permitted for commercial and institutional uses in the VZD.

42.8 Historic Design Review

42.8.1 ***Must all development in the VZD be consistent with the*** **Williston Village Historic District Design Review Guide*?*** Yes. Development in the VZD must be consistent with the *Williston Village Historic Design Review Guide (Guide)*, which is attached to this bylaw as Appendix H.

42.8.2 If the **Guide** ***only says "should," do I really have to comply?*** Yes, to the extent feasible. The use of 'should' and similar formulations of standards in this chapter does not exempt anyone from compliance. This language is, instead, an acknowledgement of the difficulties that are sometimes encountered in maintaining the historic appearance of existing buildings as they age, as well as of the fact that not all existing buildings in the VZD have historic character. 'Should' provides some flexibility for the Administrator or DRB to accept practical solutions that are in the spirit of the *Guide*. The designers of new buildings should read the *Guide* as mandatory.

42.8.3 Does this bylaw add anything to the **Guide*?*** Yes.

42.8.3.1 Color. The *Guide* does not make it clear that color is among the legitimate considerations in design review in the VZD. It is. The HAAC and DRB may consider the compatibility of proposed colors with those on surrounding buildings and the overall character of the Village.

42.8.3.2 Fences. The color and material of front yard fences in the VZD are subject to approval by the Administrator with the advice of the HAAC.

42.8.3.3 Siding. Vinyl siding is not permitted on historic structures. Cementitious fiberboard may be acceptable instead of clapboard outside the Williston Village National Register Historic District. Replacement siding must comply with this standard to the extent of the change being made.

42.8.3.4 Signs. Signs must comply with both the *Guide* and the standards adopted in Chapter 25 of this bylaw.

42.8.3.5 Skylights. Skylights are permitted, but they must not be visible from a public way.

42.9 Standards for Commercial Uses. See also WDB 42.4.

42.9.1 Is there a maximum size for commercial uses in the VZD? Yes. No more than 4,000 SF on any lot may be devoted to permitted (see Table 42.A) commercial uses, with no more than 2,500 SF of that space being on any one floor.

42.9.2 Do the off-street parking and loading requirements of this bylaw apply in the tight spaces of the VZD? The requirements of Chapter 14 do apply, but the DRB may permit the provision of less parking than is required by that chapter where doing so will better maintain the historic character of the village, while not creating parking conflicts with neighboring uses.

Table 42.A - Village Residential Zoning District	**NAICS**	**Notes**
Uses that are not specifically permitted are prohibited. Listed uses are permitted only in compliance with all applicable requirements of this bylaw and with the purpose statement for this zoning district. Accessory uses may not be listed separately. See Chapter 17 of this bylaw re accessory structures and uses.		
Residential (multiple or single family dwellings)		
Retail Trade, but only as listed below		
Furniture and Home Furnishings Stores	442	The key to appropriate retail in the VZD is scale, which is explicitly limited by WDB 42.9.1.
Food and Beverage Stores	445	
Health and Personal Care Stores	446	
Clothing and Clothing Accessories Stores	448	
Hobby, Toy, and Game Stores	45112	
Sewing, Needlework, and Piece Goods Stores	45113	
Musical Instrument and Music Stores	45117	
Book, Periodical, and Music Stores	4512	
Florists	4531	
Office Supplies, Stationery, and Gift Stores	4532	
Information	51	
Finance & Insurance	52	
Real Estate	529	
Professional, Scientific, and Technical Services, but specifically not 54164, Veterinary Services as noted	54	Vets with outdoor treatment and/or boarding facilities must be located in the ARZD
Management of Companies & Enterprises	55	
Administrative Support Services	561	
Educational Services	61	
Health Care and Social Assistance	62	
Arts, Entertainment, and Recreation	71	
Bed and Breakfast Inns	721191	
Full Service Restaurants	7221	No drive-through food service is permitted
Personal Care Services	8121	
Religious, Grantmaking, Civic, Professional, and Similar Organizations	813	
Public Administration	92	Parks are permitted in all zoning districts

Chapter 43

Parks and Recreation Impact Fees

This chapter establishes a parks and recreation impact fee that must be paid by most residential development projects.

43.1. Purpose – Authority - Repeal

43.1.1 Why does Williston charge a parks and recreation impact fee? The *2011-2016 Comprehensive Plan* (see Chapter 8) and other plans and studies prepared for the town make it clear that numerous parks and recreation improvements are needed to serve Williston's anticipated population growth. This chapter establishes a parks and recreation impact fee to help pay for those improvements and, specifically, to ensure that new residents bear a fair portion of the costs of those improvements.

43.1.2 Does the town have the authority to impose impact fees? Yes. 24 V.S.A. § 5200, et. seq., gives Vermont municipalities the authority to charge recreation (and other) impact fees.

43.1.3 Does this chapter replace the parks and recreation impact fee Williston has been charging? Yes. Adoption of this chapter repeals Section 3-B and Table R-3 of the *Williston Impact Fee Ordinance*, which was first adopted on November 29, 2001, and last amended on July 17, 2003.

43.2 Payment - Calculation

43.2.1 Who must pay the parks and recreation impact fee? Any residential development that results in an increase in the number of dwelling units must pay a parks and recreation impact fee.

43.2.2 When must the parks and recreation impact fee be paid? Payment of the parks and recreation impact fee required by WDB 43.2.1 must accompany the application for the administrative permit that will allow work to begin on the proposed dwelling(s) for which the fee is owed. Impact fee payments, like all other permit fees, will be made to the Town Clerk, based on a calculation provided by Williston Planning.

43.2.3 How was the parks and recreation impact fee calculated? The parks and recreation impact fee was calculated based on a study entitled *Recreation Impact Fee Analysis, Williston Vermont* prepared by Michael J. Munson, July 30, 2012. See Appendix I for an explanation of how the interim fee was established.

43.2.4 So, how much do I owe? The parks and recreation impact fees are:

43.2.4.1 Single Family Dwellings. The net parks and recreation impact fee for each single-family dwelling for Fiscal Years 2015-2025 is listed in Table 43.A

43.2.4.2 Multiple Family Dwellings/Condominiums. The net parks and recreation impact fee for each unit in a multiple-family or condominium dwelling for Fiscal Years 2015-2025 is listed in Table 43.A

43.2.5 Are there lower parks and recreation impact fees for affordable housing? Not at this time.

43.3 Use of the Fees. Parks and Recreation impact fees may be used to build all or any part of the parks and recreation improvements listed in Section III (A-E) of the report entitled *Recreation Impact Fee*

Analysis, Williston Vermont prepared by Michael J. Munson, July 30, 2012. Parks and recreation impact fees may not be used for other purposes, except that they may be used to support the update and revision of this chapter.

43.4 Management of the Fees

43.4.1 How will I know that the parks and recreation impact fees I paid were used for the projects listed in WDB 45.3?

43.4.1.1 Separate Account. Park and recreation impact fees will be placed in a separate interest bearing account: the "Williston Parks and Recreation Impact Fee Account." The Town Manager will maintain a ledger for this account which indicates the date of payment of each fee, the amount paid, the name of the payer, and the date that the fee collected was spent on one or more of the parks and recreation improvement projects listed in Table 43.A.

43.4.1.2 Annual Report. Once each year, the Town Manager shall prepare and submit to the Selectboard and Planning Commission an annual accounting of all fees paid into and withdrawn from the Williston Parks and Recreation Impact Fee Account. This report shall show the amounts collected and their source, the amounts expended, and the projects for which expenditures were made.

43.4.2 What happens if the town does not use the impact fee I paid in a timely fashion? If the town does not expend an impact fee within six years of the date it is collected, the owner of the property at the end of the six-year time period may apply for and receive a refund of that fee. The request for a refund must be filed in writing within one year after the expiration of the six-year time period.

43.4.3 What happens if the costs of the improvements supported by impact fees turn out to be less than estimated? As provided by 24 V.S.A. § 5302(d), if the actual expense of the projects funded by the impact fees established in this chapter is less than anticipated in the *Parks and Recreation Impact Fee Analysis*, the town will, upon request by the then owner of the property for which a fee was paid, refund that portion of the fee paid, with accrued interest, that was in excess of the amount that should have been charged. A request for this type of refund must be filed within one year of the completion of the last of the projects listed in Table 45.A.

43.4.4 Suppose I paid an impact fee, and then decided not to build. Can I get a refund? Anyone who pays a parks and recreation impact fee may request and receive a refund of that fee if the proposed development was never begun. Where such a refund is requested, the approved administrative permit will be voided and accrued interest will be retained to offset the town's administrative expenses. A new administrative permit, and if necessary, a new discretionary permit, and payment of all required fees, including the parks and recreation impact fee, will be required before any development activity is permitted on the site.

43.5 Appeals

43.6.1 Is it possible to appeal an impact fee? Yes. As required by 24 V.S.A. § 5203(f), anyone who must pay a parks and recreation impact fee may challenge the imposition of that fee or the amount of the fee by filing a written notice of appeal with the Town Clerk. The notice of appeal must be filed within thirty days after payment of the impact fee (the fee must be paid before an appeal can be filed) and must state the basis of the appeal as required by WDB 45.6.3,

43.6.2 Will there be a hearing on an appeal? Yes. Within sixty (60) days after the filing of a notice of appeal, the Selectboard shall hold a public hearing to receive oral and written evidence and argument from the appellant, staff, and other interested parties.

43.6.3 On what basis could the Selectboard overturn the imposition of an impact fee and provide a refund? The Selectboard's first concern in hearing a request to avoid the payment of impact fees must be equal treatment of all applicants. The appellant must, therefore, clearly demonstrate that it should not pay the fee, or pay a reduced fee, because its circumstances are unique, not shared by other applicants, and not adequately foreseen in the town's determination of the parks and recreation impact fees adopted in this chapter.

43.6.4 How will notice of the Selectboard's decision be reported? The Selectboard will provide the appellant with a written notice of its decision within forty-five (45) days after the end of the hearing. If that decision is to overturn the imposition of the fee, the notice of decision will be accompanied by a refund check.

TABLE 43.A
Parks and Recreation Impact Fees Fiscal Years 2015-2025
Per Dwelling Unit

FY	Single Family	Multi-Family
2015	$900.00	$711.00
2016	$1100.00	$869.00
2017	$1300.00	$1027.00
2018	$1500.00	$1185.00
2019	$1700.00	$1343.00
2020	$1900.00	$1500.00
2021	$2100.00	$1659.00
2022	$2100.00	$1659.00
2023	$2100.00	$1659.00
2024	$2100.00	$1659.00
2025	$2100.00	$1659.00

Chapter 44

School Impact Fees

This chapter establishes a school impact fee that must be paid by most residential development projects.

44.1. Purpose – Authority - Repeal

44.1.1 Why does Williston charge a school impact fee? The *2011-2016 Comprehensive Plan* (see Chapter 6) and other plans and studies prepared for the town make it clear that numerous improvements to both Williston Schools (K-8) and Williston's share of improvements to Champlain Valley Union High School (9-12) are needed to serve Williston's anticipated population growth. This chapter establishes a school impact fee to help pay for those improvements and, specifically, to ensure that new residents bear a fair portion of the costs of those improvements.

44.1.2 Does the town have the authority to impose impact fees? Yes. 24 V.S.A. § 5200, et seq. gives Vermont municipalities the authority to charge school (and other) impact fees.

44.1.3 Does this chapter replace the school impact fee Williston has been charging? Yes. Adoption of this chapter repeals Section 3-A and Table S-6 of the *Williston Impact Fee Ordinance*, which was first adopted on November 29, 2001, and last amended on July 17, 2003.

44.2 Payment - Calculation

44.2.1 Who must pay the school impact fee? Any development that results in an increase in the number of dwelling units must pay a school impact fee.

44.2.2 When must the school impact fee be paid? Payment of the school impact fee required by WDB 45.2.1 must accompany the application for the administrative permit that will allow work to begin on the proposed dwellings that will generate the additional population for which the fee is owed. Impact fee payments, like all other permit fees, will be made to the Town Clerk, based on a calculation provided by Williston Planning.

44.2.3 Can one prepay school impact fees in order to avoid possible increases in these fees? No. As provided in WDB 45.2.3, school impact fees may be paid only at the time an application for an administrative permit is filed.

44.2.4 How was the school impact fee calculated? The school impact fee was calculated based on a study entitled *School Impact Fee Analysis, Williston Vermont* prepared by Michael J. Munson, June 1, 2012. See Appendix I for an explanation of how the school impact fee was established.

44.2.5 So, how much do I owe? The school impact fees are:

44.2.5.1 Single Family Dwellings. The combined net school impact fee for each single-family dwelling for Fiscal Years 2012 through 2024 is listed in Table 44.A and varies from year to year.

44.2.5.2 Multiple Family Dwellings/Condominiums. The combined net school impact fee for each single-family dwelling for Fiscal Years 2012 through 2024 is listed in Table 44.A and varies from year to year.

44.2.6 Are there lower school impact fees for affordable housing? Not at this time.

44.3 Use of the Fees. School impact fees will be used to pay for the bonds used to finance the construction of the Allen Brook School in 1997, and the bonds used to finance the renovations to the Champlain Valley Union High School in 2005/6. School impact fees may not be used for other purposes, except that they may be used to support the update and revision of this chapter.

44.4 Management of the Fees

44.4.1 How will I know that the school impact fees I paid were used for the projects listed in WDB 45.3?

44.4.1.1 Separate Account. School impact fees will be placed in a separate interest bearing account: the "Williston School Impact Fee Account." The Town Manager will maintain a ledger for this account which indicates the date of payment of each fee, the amount paid, the name of the payer, and the date that the fee collected was spent on one or more of the school improvement projects listed in Table 44.A.

44.4.1.2 Annual Report. Once each year, the Town Manager shall prepare and submit to the Selectboard and Planning Commission an annual accounting of all fees paid into and withdrawn from the Williston School Impact Fee Account. This report shall show the amount collected and their source, the amounts expended, and the projects for which expenditures were made.

44.4.2 What happens if the town does not use the impact fee I paid in a timely fashion? If the town does not expend an impact fee within six years of the date it is collected, the owner of the property at the end of the six-year time period may apply for and receive a refund of that fee. The request for a refund must be filed in writing within one year after the expiration of the six-year time period.

44.4.3 What happens if the costs of the improvements supported by impact fees turn out to be less than estimated? As provided by 24 V.S.A. § 5302(d), if the actual expense of the projects funded by the impact fees established in this chapter is less than anticipated in the *School Impact Fee Analysis*, the town will, upon request by the then owner of the property for which a fee was paid, refund that portion of the fee paid, with accrued interest, that was in excess of the amount that should have been charged. A request for this type of refund must be filed within one year of the completion of the last of the projects listed in Table 45.A.

44.4.4 Suppose I paid an impact fee, and then decided not to build. Can I get a refund? Anyone who pays a school impact fee may request and receive a refund of that fee if the proposed development was never begun. Where such a refund is requested, the approved administrative permit will be voided and accrued interest will be retained to offset the town's administrative expenses. A new administrative permit, and if necessary, a new discretionary permit, and payment of all required fees, including the school impact fee, will be required before any development activity is permitted on the site.

44.5 Appeals

44.5.1 Is it possible to appeal an impact fee? Yes. As required by 24 V.S.A. § 5203(f), anyone who must pay a school impact fee may challenge the imposition of that fee or the amount of the fee by filing a written notice of appeal with the Town Clerk. The notice of appeal must be filed within thirty

days after payment of the impact fee (the fee must be paid before an appeal can be filed) and must state the basis of the appeal as required by WDB 45.6.3,

44.5.2 Will there be a hearing on an appeal? Yes. Within sixty (60) days after the filing of a notice of appeal, the Selectboard shall hold a public hearing to receive oral and written evidence and argument from the appellant, staff, and other interested parties.

44.5.3 On what basis could the Selectboard overturn the imposition of an impact fee and provide a refund? The Selectboard's first concern in hearing a request to avoid the payment of impact fees must be equal treatment of all applicants. The appellant must, therefore, clearly demonstrate that it should not pay the fee, or pay a reduced fee, because its circumstances are unique, not shared by other applicants, and not adequately foreseen in the town's determination of the school impact fees adopted in this chapter.

44.5.4 How will notice of the Selectboard's decision be reported? The Selectboard will provide the appellant with a written notice of its decision within forty-five (45) days after the end of the hearing. If that decision is to overturn the imposition of the fee, the notice of decision will be accompanied by a refund check.

TABLE 44.A
COMBINED NET IMPACT FEES FOR EDUCATION FACILITIES
Per Dwelling Unit

Fiscal Year	Net Fees for K-8 facilities		Net Fees for 9-12 facilities		**Combined Net Impact Fees**	
	Single family	Multi-family	Single family	Multi-family	**Single family**	**Multi-family**
2015	$7,148.21	$2,473.14	$4,061.18	$1,381.45	**$11,209.39**	**$3,854.59**
2016	$0.00	$0.00	$4,065.57	$1,384.88	**$4,065.57**	**$1,384.88**
2017	$0.00	$0.00	$4,069.56	$1,388.00	**$4,069.56**	**$1,388.00**
2018	$0.00	$0.00	$4,073.21	$1,390.86	**$4,073.21**	**$1,390.86**
2019	$0.00	$0.00	$4,076.56	$1,393.48	**$4,076.56**	**$1,393.48**
2020	$0.00	$0.00	$4,079.66	$1,395.91	**$4,079.66**	**$1,395.91**
2021	$0.00	$0.00	$4,082.78	$1,398.35	**$4,082.78**	**$1,398.35**
2022	$0.00	$0.00	$4,085.43	$1,400.42	**$4,085.43**	**$1,400.42**
2023	$0.00	$0.00	$4,087.90	$1,402.35	**$4,087.90**	**$1,402.35**
2024	$0.00	$0.00	$4,090.21	$1,404.16	**$4,090.21**	**$1,404.16**
2025	$0.00	$0.00	$4,090.21	$1,404.16	**$4,090.21**	**$1,404.16**

Chapter 45

Transportation Impact Fees

This chapter establishes a transportation impact fee that must be paid by most development projects.

45.1. Purpose – Authority - Repeal

45.1.1 Why does Williston charge a transportation impact fee? The 2006 *Town Plan* (see Chapter 6) and other plans and studies prepared for the town make it clear that numerous transportation improvements are needed to serve Williston's anticipated growth. This chapter establishes a transportation impact fee to help pay for those improvements and, specifically, to ensure that new residents and businesses bear a fair portion of the costs of those improvements.

45.1.2 Does the town have the authority to impose impact fees? Yes. 24 V.S.A. § 5200, et seq., gives Vermont municipalities the authority to charge transportation (and other) impact fees.

45.1.3 Does this chapter replace the transportation impact fee Williston has been charging? Yes. Adoption of this chapter repeals Section 3-C of the *Williston Impact Fee Ordinance*, which was first adopted on November 29, 2001, and last amended on July 17, 2003.

45.2 Payment - Calculation

45.2.1 Who must pay the transportation impact fee? Any development that results in an increase in the number of dwelling units or, in the case of nonresidential development, in an increase in PM peak hour vehicle trip ends (vehicle trips occurring between the hours of 4:00 PM and 6:00 PM on weekdays) must pay a transportation impact fee. The DRB may specify that an alternative measure of peak trip demand be used for determining the transportation impact fee on recommendation from the town's transportation engineer. Examples of such development include churches, schools, and other uses generating significant amounts of traffic with peak periods outside of the P.M. peak hour of demand.

45.2.2 Does "development" include additions or expansions of existing uses? Yes. Major additions to nonresidential uses that increase the size of the existing building(s) or facilities or increase the intensity of the use of the property, and are expected to increase the number of trips generated are subject to the transportation impact fee adopted here.

45.2.3 When must the transportation impact fee be paid? Payment of the transportation impact fee required by WDB 45.2.1 must accompany the application for the administrative permit that will allow work to begin on the proposed addition, building or dwellings that generates the trips for which the fee is owed. Impact fee payments, like all other permit fees, will be made to the Town Clerk, based on a calculation provided by Williston Planning.

45.2.4 Can one prepay transportation impact fees in order to avoid possible increases in these fees? No. As provided in WDB 45.2.3, transportation impact fees may be paid only at the time an application for an administrative permit is filed.

45.2.5 How was the transportation impact fee calculated? The net transportation impact fee adopted here is an interim fee pending future events and additional discussion. See Appendix I for an explanation of how the interim fee was established.

45.2.6 So, how much do I owe? The transportation impact fees are:

45.2.6.1 Single Family Dwellings. The net transportation impact fee for each single-family dwelling is $700.00 per PM peak hour trip end X 1.01 PM peak hour trip ends per dwelling, totaling $707.00

45.2.6.2 Multiple Family Dwellings/Condominiums. The net transportation impact fee for each unit in a multiple-family or condominium dwelling is $700.00 per PM peak hour trip end X 0.78 PM peak hour trip ends per dwelling, totaling $546.00.

45.2.6.3 Nonresidential Developments. The net transportation impact fee for all other development is $700.00 multiplied by the number of PM peak hour vehicle trip ends that development is expected to generate.

45.2.7 How do I know how many PM peak hour vehicle trip ends a proposed development will generate? The number of PM peak hour vehicle trips generated by a proposed nonresidential development will be estimated using the most current edition of the Institute of Transportation Engineers *Trip Generation*. The Administrator's determination of PM peak hour vehicle trip ends made using that reference is subject to appeal using the procedures of WDB 5.4.

45.2.8 Are there other ways of calculating the number of vehicle trips for the purpose of determining the transportation impact fee? There may be circumstances when other traffic generation sources may be required. Other sources may include professionally conducted traffic generation studies not included in the ITE TRIP GENERATION manual or local trip generation studies conducted for the particular use. Local trip generation studies are required when: a) the particular land use is not covered by ITE; b) there are fewer than 4 data points (studies) in the ITE TRIP GENERATION manual; c) the size or intensity of the use falls outside the range of the TRIP GENERATION data points. When using local trip generation studies, the town shall have its own traffic consultant verify the proposed trip generation calculation at the expense of the developer prior to acceptance by the Administrator.

45.2.8 Are there lower transportation impact fees for affordable housing? Yes. As permitted by 24 V.S.A. § 5205, 50% of the net transportation impact fees for perpetually affordable housing units will be waived. A perpetually affordable housing unit is one that meets the definition of 'affordable housing' established in this bylaw.

45.2.9 Do public facilities have to pay transportation impact fees? No. Transportation impact fees will not be collected for the construction of new municipal facilities or facilities built by the Chittenden Solid Waste District.

45.2.10 Are there any other waivers or adjustments that might reduce the transportation impact fee? The number of PM peak hour trips estimated using the Institute of Transportation Engineers *Trip Generation* will be reduced by 20% for uses that meet all of the following criteria.

45.2.10.1 Growth Center. To benefit from the 20% reduction in trips permitted by WDB 45.2.7, a use must be within the designated growth center.

45.2.10.2 Shared Parking. To benefit from the 20% reduction in trips permitted by WDB 45.2.7, a use must share parking with at least one other structure and use.

45.2.10.3 Small Scale. To benefit from the reduction in trips permitted by WDB 45.2.10, a use must be a small scale food service, retail, or personal service use that depends, at least in part, on being in close proximity to major or anchor uses. In order to ensure that this reduction in fees is applied correctly, a small scale use will be further defined as occupying no more than 3,000 gross square feet.

Can you give an example of a small scale use? The Ben & Jerry's store, the card shop, and similar uses at Maple Tree Place depend on traffic to the theater and the Christmas Tree Shoppe, which are the anchors of that center.

45.2.10.4 Additional Reduction. An additional 5% reduction in the transportation impact fee will be allowed for uses within developments that include both non-retail commercial and residential uses.

45.3 Use of the Fees. Transportation impact fees may be used to build all or any part of the transportation improvements listed in Table 45.A. Transportation impact fees may not be used for other purposes, except that they may be used to support the update and revision of this chapter.

45.4 Management of the Fees

45.4.1 How will I know that the transportation impact fees I paid were used for the projects listed in WDB 45.3?

45.4.1.1 Separate Account. Transportation impact fees will be placed in a separate interest bearing account: the "Williston Transportation Impact Fee Account." The Town Manager will maintain a ledger for this account which indicates the date of payment of each fee, the amount paid, the name of the payer, and the date that the fee collected was spent on one or more of the transportation improvement projects listed in Table 45.A.

45.4.1.2 Annual Report. Once each year, the Town Manager shall prepare and submit to the Selectboard and Planning Commission an annual accounting of all fees paid into and withdrawn from the Williston Transportation Impact Fee Account. This report shall show the amounts collected and their source, the amounts expended, and the projects for which expenditures were made.

45.4.2 What happens if the town does not use the impact fee I paid in a timely fashion? If the town does not expend an impact fee within six years of the date it is collected, the owner of the property at the end of the six-year time period may apply for and receive a refund of that fee. The request for a refund must be filed in writing within one year after the expiration of the six-year time period.

45.4.3 What happens if the costs of the improvements supported by impact fees turn out to be less than estimated? As provided by 24 V.S.A. § 5302(d), if the actual expense of the projects funded by the impact fees established in this chapter is less than anticipated in the *Transportation Impact Fee Study*, the town will, upon request by the then owner of the property for which a fee was paid, refund that portion of the fee paid, with accrued interest, that was in excess of the amount that should have been charged. A request for this type of refund must be filed within one year of the completion of the last of the projects listed in Table 45.A.

45.4.4 Suppose I paid an impact fee, and then decided not to build. Can I get a refund? Anyone who pays a transportation impact fee may request and receive a refund of that fee if the proposed development was never begun. Where such a refund is requested, the approved administrative permit

will be voided and accrued interest will be retained to offset the town's administrative expenses. A new administrative permit, and if necessary, a new discretionary permit, and payment of all required fees, including the transportation impact fee, will be required before any development activity is permitted on the site.

45.5 In-Kind Contributions.

45.5.1 Can the construction of transportation improvements by an applicant be credited against impact fees owed on the project? Yes. There may be times when a developer whose project will have to pay transportation impact fees will find it convenient to build or install one, or some part of one, of the improvements listed in Table 45.A.

45.5.2 How will credits for construction be determined? Where an application for a permit proposes that the applicant build all or part of a listed improvement, the development agreement required by Chapter 7 of this bylaw may include language, approved by the DRB with the advice of the DPW, that describes how the actual costs of building or installing the improvement will be credited against the transportation impact fees the project would otherwise pay. No such credit shall exceed 100% of the transportation impact fees that would otherwise be due, and where the credit will be less than the sum of the transportation impact fees that would be paid, the development agreement shall establish a lesser fee, to be paid when administrative permits are approved. Construction or installation of the listed improvement will become a "required improvement" subject to all security, inspection, warranty, and other standards established in Chapter 7 of this bylaw.

45.5.3 Are there any credits for construction of transportation improvements? Yes. A developer constructing some portion of the grid streets described in Table 45.A as part of their development may receive credit for up to 50% of the cost of construction of the grid streets against the amount of the transportation impact fees that would otherwise be due to the town. These grid streets are those planned for the Taft Corners area west of VT 2A, between Marshall Avenue on the south, Williston Road on the north, and Harvest Lane on the west. The method for determining the cost of the transportation improvements shall be consistent with the provisions of *WDB 45.5.2* for up to 50% of the cost of the improvements. Any credits towards the construction of these grid streets shall only be applied towards a development proposal obtaining a permit directly tied to the future construction of these grid streets.

45.6 Appeals

45.6.1 Is it possible to appeal an impact fee? Yes. As required by 24 V.S.A. § 5203(f), anyone who must pay a transportation impact fee may challenge the imposition of that fee or the amount of the fee by filing a written notice of appeal with the Town Clerk. The notice of appeal must be filed within thirty days after payment of the impact fee (the fee must be paid before an appeal can be filed) and must state the basis of the appeal as required by WDB 45.6.3,

45.6.2 Will there be a hearing on an appeal? Yes. Within sixty (60) days after the filing of a notice of appeal, the Selectboard shall hold a public hearing to receive oral and written evidence and argument from the appellant, staff, and other interested parties.

45.6.3 On what basis could the Selectboard overturn the imposition of an impact fee and provide a refund? The Selectboard's first concern in hearing a request to avoid the payment of impact fees must be equal treatment of all applicants. The appellant must, therefore, clearly demonstrate that it should not pay the fee, or pay a reduced fee, because its circumstances are unique, not shared by

other applicants, and not adequately foreseen in the town's determination of the transportation impact fees adopted in this chapter.

45.6.4 How will notice of the Selectboard's decision be reported? The Selectboard will provide the appellant with a written notice of its decision within forty-five (45) days after the end of the hearing. If that decision is to overturn the imposition of the fee, the notice of decision will be accompanied by a refund check.

Table 45.A
Improvements Eligible for Transportation Impact Fee Funding

SYSTEM	PROJECT	COST ($)	TOWN SHARE
Town	Grid streets from Alt B Taft Corners Study	1,380,000.00	100%
Town	Traffic signal Williston Rd. and Trader Ln./Helena Dr.	383,000.00	100%
Town	Talcott Rd. / Zephyr Rd. Connector Street	250,000.00	100%
Town	Contribution to sidewalk bond	78,550.00	100%
Town	Minor capital projects	400,000.00	100%
Town	N Williston Rd and Mountain View	423,100.00	100%
Town	Corridor studies: North Williston and Oak Hill	120,000.00	100%
Town	Zehpyr Road	2,500,000.00	100%
	Total eligible town projects >>>	**$ 5,534,650.00**	
State	Pedestrian way along Route 2	996,700.00	100%
State	Traffic calming at Village Entrance	130,000.00	100%
State	Upgraded pedestrian crossing in Village	20,000.00	100%
State	US 2 North Williston road intersection	300,000.00	100%
State	Rebuild Exit 12	15,000,000.00	100%
State	Rt. 2A and James Brown Drive Intersection	1,500,000.00	100%
State	US 2 and Industrial Avenue Intersection	2,500,000.00	100%
	Total eligible state projects >>>	**$20,446,700.00**	
TOTAL ELIGIBLE TRANSPORTATION IMPROVEMENTS		**$25,981,350.00**	

Chapter 46
Definitions

This chapter defines important terms used in this bylaw. It also presents a table of abbreviations and acronyms that are used in this bylaw.

46.1 Abbreviations. Abbreviations and acronyms used in this bylaw are defined in Table 46.A.

Table 46.A – Abbreviations & Acronyms

AICP	American Institute of Certified Planners
ARZD	Agricultural/Rural Residential Zoning District
BPZD	Business Park Zoning District
CC	Certificate of Compliance
COA	Certificate of Appropriateness
TCC	Temporary Certificate of Compliance
dbh	diameter, at breast height
DRB	Development Review Board
DPW	Director of Public Works
GZDN	Gateway Zoning District North
GZDS	Gateway Zoning District South
HAAC	Historic and Architectural Advisory Committee
IZDE	Industrial Zoning District East
IZDW	Industrial Zoning District West
MUCZD	Mixed Use Commercial Zoning District
MURZD	Mixed Use Residential Zoning District
NAICS	North American Industrial Classification System
RZD	Residential Zoning District
SF	square feet
SFHA	Special Flood Hazard Area
TCZD	Taft Corners Zoning District
VSA	*Vermont Statutes, Annotated*
VZD	Village Zoning District
WDB	*Williston Development Bylaw*

46.2 Use of the Definitions

46.2.1 Are there rules of construction for the terms used in this bylaw? Yes. Unless it is otherwise clearly indicated by the context, the singular of any term defined here includes the plural and vice versa.

46.2.2 What if I disagree with the Administrator's use of a definition? Definitions may become controversial. Williston has, for example, had a dispute about what is "customarily accessory" to a golf course. The Administrator's application of any of the definitions adopted here may be appealed to the DRB using the appeal procedure established in Chapter 5 of this bylaw.

46.3 Definitions A-D

46.3.1 Absorption. See 'Visual Absorption" at WDB 46.8.4.

46.3.2 Accepted Agricultural Practices are defined by the Vermont Agency of Agriculture Food and Markets as including, but not limited to: (a) the confinement, feeding, fencing, and watering of livestock; (b) the handling of livestock wastes and by-products; (c)the collection of maple sap and production of maple syrup; (d) the preparation, tilling, fertilization, planting, protection, irrigation and harvesting of crops; (e) the ditching and subsurface drainage of farm fields and the construction of farm ponds; (f) the stabilization of farm field streambanks constructed in accordance with the USDA-Natural Resources Conservation Service standards and specifications or other standards approved by the Commissioner; (g) the construction and maintenance of farm structures in accordance with Federal Flood Insurance Management Program standards, the construction and maintenance of farm ponds, farm roads, walls, fences, structures to control the grade and head cutting in natural or artificial channels, and an irrigation, drainage or other water management system that conveys water, controls the direction or rate of flow, or maintains a desired water surface elevation; (h) the on-site production of fuel or power from agricultural products produced on the farm; (i) the on-site storage, preparation and sale of agricultural products principally produced on the farm; and (j) the on-site storage of agricultural inputs including, but not limited to, lime, fertilizer and pesticides.

46.3.3 Accessory structures and uses are found in association with the principal use of a lot, which they support in some way. A detached garage is a typical example of an accessory structure. The incidental sale of local craft items at a bed-and-breakfast is a typical example of an accessory use. Chapter 17 of this bylaw provides standards that help define common nonresidential accessory structures and uses. Chapter 20 provides standards that help define common residential accessory structures and uses.

46.3.4 Accessory Dwelling. An 'accessory dwelling' is an independent efficiency or one or two bedroom dwelling that is located within or appurtenant to and on the same lot as an owner-occupied single family dwelling and that complies with the standards of WDB 20.1.

46.3.5 Acre. One acre equals 43,560 square feet.

46.3.6 Addition. An 'addition' is new space added to an existing building. Making an addition may involve remodeling or repair, but these terms have different specific meanings.

46.3.7 Adjoining. An 'adjoining' property is one that is directly contiguous to a property on which development review is required, or one that is separated from that property only by a public or utility right-of-way, or by a stream.

46.3.8 Administrative Permit. An administrative permit is required for all development that is not specifically exempted by WDB 4.2.1. Applications for administrative permits are reviewed and approved or denied by the Administrator following the procedures of Chapter 5 of this bylaw. Approval of an administrative permit authorizes development to begin. **Approval of a discretionary permit may be required before an application for an administrative permit is submitted.**

46.3.9 Affordable Housing consists of dwellings that will be made available for rent or for sale at prices which allow them to be rented or acquired by households having incomes of no more than

the median household income for Chittenden County, as defined by the United States Department of Housing and Urban Development, and adjusted for family size, without spending more than thirty (30) percent of their incomes on housing costs. Housing costs for renters shall include rent and utilities (heat, hot water, trash removal, and electricity). For homeowners, housing costs include mortgage (interest and principal), property taxes, and property insurance. To qualify as 'affordable,' the future rent or price of resell of a unit must be restricted to a rate of appreciation established by agreement with a housing trust or a public housing agency, as authorized by 27 V.S.A. § 610.

46.3.10 Agriculture consists of the "accepted agricultural practices" listed by the State of Vermont. See WDB 46.3.2. Agriculture is NAICS Code 11.

46.3.11 Allocation. An 'allocation' is the right to build one or more dwelling units within the residential growth target set by the town plan (see Chapter 5) and the growth management review system established by Chapter 11 of this bylaw.

46.3.12 Applicant. The applicant for a permit is, by definition, the owner or owners of the property on which the development is proposed. Owners need not appear in the proceedings required by this bylaw. They may appoint representatives, but the owner or owners must sign the required application form.

46.3.13 Arterial Road. The arterial roads in Williston are identified in Chapter 6 of the town plan.

46.3.14 Banner. Banners are signs whose message is painted or printed on a flexible material. They are regulated as freestanding, suspended, or wall signs depending on how they are used.

46.3.15 Base Flood. For the purposes of Chapter 28 of this bylaw, the 'base flood' is the flood having a one percent chance of being equaled or exceeded in any given year. The ***base flood elevation (BFE)*** is the height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

46.3.16 Basement. For the purposes of Chapter 28 of this bylaw, a 'basement' is any area of a building having its floor elevation subgrade (below ground level) on all sides.

46.3.17 Bedroom. A 'bedroom' is a room of 80 or more SF, with minimum dimensions of eight (8) and 10 feet, a window, a closet, and a door, and that is not fitted out as a bathroom, laundry or mechanical room, or as a kitchen. A room does not have to be used as a bedroom to be considered a bedroom for the purposes of determining how much wastewater treatment capacity is needed.

46.3.18 Boundary Adjustment. A 'boundary adjustment' is any revision to property lines, including revisions to a plat that has been legally filed with the Town, which moves property lines, but creates no new separate lots or parcels and has no adverse impact on access, the provision of public services and utilities, or neighboring uses. A boundary adjustment may occur between two or more adjacent parcels. Because a boundary adjustment is not a subdivision, it may be approved by the Administrator.

46.3.19 Building. A 'building' is a structure that is permanently tied to the ground by footings or a foundation and that has a roof.

46.3.20 Building Bulk. See 'Building Mass" at WDB 46.3.23. These terms are synonymous for the purposes of this bylaw.

46.3.21 Building Envelope. A 'building envelope' is the space on a lot within which development may occur. All development, including land clearing, but with the exception of driveways and utility lines that serve development within the building envelope, is confined to the building envelope. Where they are required by this bylaw, building envelopes will be shown on approved plans and marked on the lot by permanent survey monuments.

46.3.22 Building Height is the vertical distance measured from the average elevation of the finished grade immediately adjacent to the building to the highest point of the roof. The height of antennae, wind turbines with blades less than 20 feet in diameter, and rooftop solar collectors that rise less than 10 feet above the roofline is not included in 'building height.' Those structures may be regulated by this bylaw, but they are not counted when calculating building height.

46.3.23 Building Mass is the perceived scale of a building or a group of buildings, considered in three dimensions (height, depth, and width), and as seen from a given perspective. Building mass includes the entire area within a building or group of buildings that is above grade. Building mass cannot be readily quantified, but it has important physical and visual impacts that can be mitigated using standards like those adopted wherever this bylaw addresses 'building bulk' (which is synonymous) or mass.

46.3.24 Change in Use. A 'change of use' for which a permit is required by this bylaw occurs when the use of a building, a space within a building, or a lot is changed and the new use is not in the same four-digit NAICS category as the old use.

46.3.25 Child Care is occurring at any place operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is the protection, care, and supervision of children under sixteen years of age outside their homes for periods of less than twenty-four hours a day by a person other than the children's own parents, guardians, or relatives. Child Care is NAICS Code 6244. This bylaw recognizes two types of child day care facilities: 1) family child care homes, which are further defined in WDB 46.4.1 and 2) all other child care facilities. While child care is permitted in most zoning districts in Williston, this distinction is important because family child care homes are a statutory use-by-right wherever dwellings are permitted, while all other child care facilities require a discretionary permit.

46.3.26 Clearing is the cutting and/or removal of vegetation by chemical, mechanical, or any other means that results in the exposure of bare rock or soil.

46.3.27 Cluster. A cluster is a group of lots in an open space development. If large enough, open space developments may include more than one cluster.

46.3.28 Collector Road. The collector roads in Williston are identified in Chapter 6 of the town plan.

46.3.29 Commercial is the generic term this bylaw uses to refer to the conduct of business, including, but not limited to, retail sales and the provision of services. By itself, however, this term

tells one nothing about what uses either or are not permitted in a given zoning district. Please refer to the table of uses allowed in the relevant zoning district to determine whether a particular commercial use may be permitted.

46.3.30 Community Sewerage. A 'community sewerage' system is an on-site wastewater treatment system that is installed by the developer to serve a cluster of homes in an open space or "invisible" development permitted by Chapter 31 of this bylaw. Following its installation and the required warranty period, a community sewerage system is owned and operated by an owners' association. Community sewerage systems must be sited, designed, constructed, and maintained in compliance with a permit issued by the Vermont Department of Environmental Conservation, as well as in compliance with this bylaw.

46.3.31 Complete. A 'complete' application is one that has been accepted as such by the Administrator, as provided by WDB 5.1.6 or 6.4.6.

46.3.32 Completed. A 'completed' development is one for which a certificate of compliance (CC) has been issued, as provided by WDB 7.2, or where a CC is not required, one on which all work has been completed, as permitted.

46.3.33 Country parks are delineated in the *Open Space Plan*. See Appendix C of the town plan.

46.3.34 Conservation areas are described in WDB Chapter 27 and include: 1) significant wildlife habitat areas; 2) areas containing uncommon, rare, threatened, or endangered species; 3) unique natural communities; 4) farmlands of local importance, 5) scenic viewsheds, 6) special flood hazard areas (see WDB Chapter 28), and 7) streams, wetlands, lakes, and ponds (see WDB Chapter 29).

46.3.35 Cumulative Substantial Improvement. For the purposes of Chapter 28 of this bylaw, this term means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure, during any five (5) year period, the cumulative cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the state or local code enforcement official and which are the minimum necessary to ensure safe conditions.

46.3.36 Customary. This adjective applies to accessory structures and uses that are typically or commonly found in association with or appurtenant to a principal use. Where there is some question about whether a proposed accessory use is 'customary,' the burden of proof rests with the applicant, who must provide documentation that the proposed accessory use is, in fact, found appurtenant to the principal use in multiple other locations in Vermont or, where the principal use is unique (or nearly so) in Vermont, in multiple other locations in New England.

46.3.37 Days. For the purposes of this bylaw, 'days' refers to calendar days unless it is preceded by 'working,' in which case it refers to the regular business days of the Town of Williston.

46.3.38 Degree of Nonconformity. The 'degree of nonconformity' is the extent to which a use is nonconforming. For example, the degree of nonconformity of a sign that is 20 feet high instead of the permitted 12 feet, is eight (8) feet.

46.3.39 Density is the general term used to describe how intensively a parcel of land is, or may be, used. See Chapter 19 of this bylaw for an explanation of how density is calculated and regulated.

46.3.40 Development. 24 V.S.A. § 4293(10) and WDB 4.1.2 define "land development" as "the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land." This bylaw uses the term 'development' rather than land development, but they are synonymous. For the purposes of Chapter 28 of this bylaw, the definition of 'development' is expanded to cover any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Still have a question about the definition of development? WDB 4.1.3-6 answer some specific 'is _____ development?' questions.

46.3.41 Dimensional Standard. A dimensional standard controls the location of a structure or use on a lot and/or the dimensions of a structure. These standards include, but are not limited to, buffers, setbacks, coverage, and clear vision triangles.

46.3.42 Directional Sign. Directional signs may be of any permitted type. They convey directions (RESTROOMS →), regulations (NO PARKING), and similar information.

46.3.43 Directory Sign. Directory signs are used when more than one business shares a site or structure. A directory sign may be of any of the sign types allowed in the zoning district in which it is located.

46.3.44 Discretionary Permit. Discretionary permits are required for the developments listed in WDB 4.3.3 and 4.3.4: basically all developments that may have a significant impact on the environment, the Town's infrastructure, or neighboring uses. Applications for discretionary permits are reviewed and approved or denied by the DRB, following the procedures established in Chapter 6. Approval of a discretionary permit does NOT authorize development to begin, but allows the developer to apply for one or more administrative permits.

46.3.45 Disturbance, or 'land disturbance,' includes all clearing, grading, and excavation. ***Disturbed areas*** include all staging areas, materials stockpiles, and other areas affected by construction and use of the site.

46.3.46 Dwelling. A 'dwelling' or dwelling unit is a building (typically a single-family home) or a separate space within a larger building (typically an apartment, town home, or the like) that contains complete housekeeping facilities for one household

46.4 Definitions: E-H

46.4.1 Family Child Care Home. A family child care home is a facility that provides child care (see WDB 46.3.24) on a regular basis in the caregiver's own residence for not more than ten

children at any one time. Of this number, no more than six children may be provided care on a full-time basis. The remainder must be school-age children who are cared for on a part-time basis only. These limits do not include children who reside in the residence of the caregiver. Also, the part-time school-age children may be cared for on a full-day basis on school closing days, snow days, vacation days during the school year, and during the school summer vacation. This limit is expanded to 12 children if at least six of them are of school age and a second staff person is present and on duty when the number of children in attendance exceeds six.

46.4.2 Farming is the conduct of agriculture. See WDB 46.3.2.

46.4.3 Farm Structure. A 'farm structure' that is exempt from the requirements of this bylaw (see WDB 4.2.1.2) is any structure on a farm, including fences, that will be used to house livestock, to raise plants, or to carry out other accepted agricultural practices. Dwellings are not farm structures nor are commercial or industrial structures that are proposed on a farm.

46.4.4 Fiscal Year. July 1 through June 30.

46.4.5 Flood means (a) a general and temporary condition of partial or complete inundation of normally dry land from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; (b) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

46.4.6 Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to that community.

46.4.7 Flood Insurance Study means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

46.4.8 Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of "flood").

46.4.9 Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

46.4.10 Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

46.4.11 Floor Area includes the entire building, all floors and all rooms. Different measures are used for different purposes by others involved in real estate, but for the purpose of this bylaw it is Gross Floor Area.

46.4.12 Focal Point. A focal point serves as a community gathering place. It may be indoors – Town Hall or the library would be examples – or outdoors, in the form of a green, a park or a similar space.

46.4.13 Forest. A 'forest' is a plant community dominated by trees, which has a canopy cover of ≥60% at the peak of the growing season

46.4.14 Freestanding Sign. Freestanding signs are placed or posted on their own structures. They are not attached to a building or any other structure and may be portable. Different types of freestanding signs may be described in different ways, such as ground signs, monument signs, pole signs, portable signs, etc., but they are all subject to the same standards, except where this bylaw explicitly provides otherwise.

46.4.15 Garage. A garage is a building or a part of a building that houses, or at least is designed to house, one or more motor vehicles, watercraft, snow machines, farm implements, or other vehicles.

46.4.16 Growth Target. The 'growth target is the total number of new dwelling units that may be approved by the Town of Williston for construction in any given fiscal year. The growth target is established in Chapter 5 of the town plan and Chapter 11 of this bylaw.

46.4.17 Hazardous Tree refers to a tree that possesses a *structural defect* which poses an imminent risk if the tree or part of the tree would fall on a *target*.

- Structural defect means any structural weakness or deformity of a tree or its parts. A tree with a structural defect can be verified to be hazardous by the Administrator. A recommendation from the County Forester may be required at the Administrators discretion. If the tree has been determined to be hazardous, removal of the tree is permitted by WDB Chapter 29.9.5.1.

- A 'target' means a structure of an approved use. A tree may not be a hazard if a 'target' is absent within the falling distance of the tree or its parts (e.g., a substandard tree in an area away from approved structures may not be considered a hazard).

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

46.4.19 Home Business. A 'home business' is an industrial or commercial activity that is conducted in a dwelling or in an accessory structure that is appurtenant to a dwelling, and that complies with the standards of Appendix G of this bylaw.

46.4.20 Homestead. For the purposes of WDB 12.1.3.3, a homestead is an area that is part of, but distinguished from a larger parcel of land by the presence of a home and related improvements.

46.5 Definitions: I-L

46.5.1 Land Development.

46.5.2 Licensed Designer. A 'licensed designer' is a person authorized by the Vermont Department of Environmental Conservation to design wastewater disposal systems.

46.5.3 Local. A 'local' product is one that is grown or crafted in Vermont or the adjoining portions of the Champlain Basin.

46.5.5 Lot Frontage is the length, given in feet, of that portion of a lot that is directly adjacent to a road (public or private).

46.5.6 Lowest Floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; *provided*, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

46.6 Definitions: M-P

46.6.1 Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

46.6.2 Marginally Suitable. This term refers to soils that have been designated as marginally suitable for on-site wastewater disposal by the Natural Resources Conservation Service in the *2003 Ancillary Ratings for Residential On-Site Waste Disposal in Vermont*.

46.6.3 Natural Function. This bylaw uses this term to indicate the state to which a disturbed area must be restored or reclaimed. The 'natural function' of a disturbed area is not its pre-existing condition, which may be difficult or even undesirable (if noxious weeds are present, for example) to restore. Requiring the site to be restored to its 'natural function,' requires that a wetland be restored as a functional wetland, that a woodland be restored as a functional woodland, a field or meadow be restored as a field or meadow, etc.

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

46.6.5 Nonconforming Lots or Parcels are lots or parcels that do not conform to the dimensional standards of the current bylaws, but were in conformance with all applicable regulations prior to the enactment of this bylaw, including a lot or parcel improperly authorized as a result of error by the administrator.

46.6.6 Nonconforming Structures are structures or parts of structures that do not conform to the current bylaws, but were in conformance with all applicable regulations prior to the enactment of this bylaw, including a structure improperly authorized as a result of error by the administrator.

46.6.7 Nonconforming Uses are uses of land that do not conform to the current bylaws, but did conform to all applicable regulations prior to the enactment of the current bylaws, including a use improperly authorized as a result of error by the administrator.

46.6.8 Nonconformity. This generic term includes nonconforming uses, structures and, lots.

46.6.8 Outdoor Sales includes the outdoor (not under a roof and within at least three walls) display of merchandise or any other item or service for sale. Typical 'outdoor sales' include automobiles and other vehicles and nursery plants and other landscaping materials.

46.6.9 Outdoor Storage is the outdoor (not under a roof and within at least three walls) placement, stacking, or stockpiling of materials. Outdoor storage ranges from firewood stacked on residential premises to the stockpiling of gravel, sand, and other quarry products.

46.6.10 Owners Association. An owners' association is a nonprofit organization established by a developer to fulfill certain functions that are specified in its articles of incorporation and a set of covenants, including functions required of such associations by the town. Where one is required, continuing membership in the homeowners association is mandatory upon purchase of a lot in the subdivision.

46.6.11 Owner-Occupied. To be 'owner-occupied,' a dwelling must be the principal residence of at least one of the owners listed on the current grand list.

46.6.12 Play Structure. A 'play structure' is designed for children's play. It is distinguished from play equipment by having footings or some other type of foundation. Play equipment is not a building or structure for which a permit is required this bylaw. A permit is required to install most play structures.

46.6.13 Portable Signs, such as sandwich board signs, are designed for easy placement, but given their usual use, they are considered permanent and included in the total sign number and area permitted by this bylaw.

46.6.14 Projecting Sign. A projecting sign extends outward from the wall of a building. It may be perpendicular to the building wall or at an angle, but its message is intended to be read primarily by people approaching from one or both sides.

46.6.15 Public Way. A 'public way' is any public road or trail.

46.6.16 Public Works Standards**.** This book of standards and specifications may be obtained from Williston's Department of Public Works.

46.7 Definitions: Q-T

46.7.1 Recreational vehicle means a vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or

permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

46.7.2 Scoreboard. A scoreboard is a structure on the same lot as and appurtenant to an athletic field on which the score and other information regarding the progress of a game being played is electronically or manually displayed. A scoreboard the complies with the standards WDB 17.7 is not a sign.

46.7.3 Screening. This bylaw sometimes requires that development be effectively screened from view from public ways. This does not mean that the development has to be completely invisible: brief views of a part of a structure through the branches of screening vegetation or a break in screening terrain are acceptable.

46.7.4 Setback. Required setbacks are ordinarily measured at grade from the nearest point on the property or right-of-way line to the outside foundation wall of the structure or, where the setback is to a parking area or similar surface, to the outer edge of that surface. This method of measurement will not be used for structures that have an above-grade projection (bay window, deck, eaves, etc.) that extends more than four (4) feet toward the property line.

46.7.5 Shed. This term includes all roofed accessory structures, including tool sheds, greenhouses, etc., except detached garages and accessory dwellings, which are separately defined.

46.7.6 Special Flood Hazard Area is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

46.7.7 Start of Construction includes substantial improvement, and means the date the administrative permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

46.7.8 Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *Structure*, for insurance purposes, means: (a) a building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; (b) a manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or (c) a

travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and bylaws. For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition, or a gas or liquid storage tank.

46.7.9 Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

46.7.10 Subdivision. A 'subdivision' is land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, tracts, sites, plots, units, or interests for the purpose of conveyance, transfer, offer for sale, lease, or development.

46.7.11 Suspended Sign. A suspended sign is hung under the ceiling of an arcade or other overhanging structure, more or less perpendicular to the building. Its message is intended to be read primarily by people approaching along the arcade.

46.7.12 Swimming Pool. A 'swimming pool' is any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

46.7.13 Town. This term refers to the Town of Williston, Vermont unless the context clearly indicates otherwise.
46.7.14 Town Plan. This term refers to the *2000 Williston Comprehensive Plan*, as adopted on January 18, 2001.

46.7.15 Tree. A 'tree; is any self-supporting perennial woody plant that is ordinarily characterized by a single main stem or trunk of at least 6" diameter at breast height (4.5 feet above ground level).

46.8 Definitions: U-X

46.8.1 Unsuitable. As used in this bylaw, this term refers to soils that have been designated as unsuitable for on-site wastewater disposal by the Natural Resources Conservation Service in the *2003 Ancillary Ratings for Residential On-Site Waste Disposal in Vermont*.

46.8.2 Vested Rights. A 'vested right' is the right for a development to be completed in compliance with the rules that were in effect on the date the application for a permit for that development was deemed complete.

46.8.3 Violation. A 'violation' is the failure of a development to comply with any provision of this bylaw. For the purposes of Chapter 28 of this bylaw, structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

46.8.4 Visual Absorption. These regulations sometimes require visual "absorption." This means that a structure, or structures, are sited and designed so that they blend into the background created by a slope or a stand of trees. No part of a structure that is "absorbed" is ever outlined against the sky, as seen from any public way. Further, there is low contrast, as measured by color and reflectivity, between the structure and the background provided by the vegetation and terrain.

46.8.5 Wall Sign. A wall sign is painted on or attached to a wall and runs parallel to that wall. Its message is intended to be read primarily by people facing the building.

46.8.6 Wastewater Treatment Capacity. For a two-bedroom dwelling, this is the capacity to treat 135 gallons of sewage per day. For a three-bedroom dwelling, this is the capacity to treat 230 gallons of sewage per day. For all other uses, 'wastewater treatment capacity' is determined by the DPW.

46.8.7 Window Sign. Window signs are posted within the glass area of a window.

46.8.8 Woodland. A 'woodland' is a plant community dominated by trees, but with an open canopy of 20-60% cover at the height of the growing season.

46.8.9 Working Days refers to the regular business days maintained by the Town of Williston. It excludes weekends and official holidays.

46.9 Definitions: Y-Z

46.9.1 Year. January 1 through December 31. Fiscal years as defined by 46.4.4 are always referred to as such.

Appendix A – Board Procedures

A.1. Purpose. This appendix establishes procedures for the organization and operation of the town boards that are involved in the administration of this bylaw, including the Conservation Commission, the Development Review Board, the Historic and Architectural Advisory Committee, and the Planning Commission. These procedures relate primarily to the organization of the boards. The procedures for development review are established in Chapters 1-11.

A.2 Membership. The Conservation Commission, DRB, and Planning Commission are established by the Town Charter. The HAAC is established by this bylaw. Each board consists of seven members appointed by the Selectboard in accord with the following rules.

A.2.1 Residence. A majority of the members of each board must be residents of Williston.

A.2.2 Terms, Terms expire on May 1, or upon the removal (see A.2.6, below) or resignation of a member, and are for three consecutive years, except when a new member is appointed to fill an unexpired term. There are no term limits.

A.2.3. Reappointment. The Town Manager will contact members whose terms will expire before May. Members who wish to be re-appointed by the Selectboard must notify the Manager in writing before the Selectboard's first meeting in May. There is no right to another term. The decision to re-appoint will be made by the Selectboard based on its perception of the Town's needs.

A.2.4. New Applicants. Any prospective board member must apply to the Selectboard using the form provided by the Town. If an opening is available, the prospective member will be invited to interview with the Selectboard.

A.2.5 Alternates. The Selectboard may appoint one alternate member to each board. The alternate will sit as a voting member when necessary to ensure that a quorum is present.

A.2.6 Removal. Any member may be removed by majority vote of the Selectboard. Removal must be preceded by written charges and a public hearing.

A.2.7 Attendance. Members are expected to attend all meetings, but it is understood that occasional conflicts are inevitable. Members should notify the Administrator if they will be unable to attend a meeting.

A.3 Ethical Conduct. As provided by Chapter 3 of this bylaw, members must conduct themselves in accord with the town's *Conflict of Interest Ordinance*, which addresses both conflicts of interest and ex parte contacts. That ordinance appears as Appendix B.

A.4 Officers. Each board shall annually elect a Chair, Vice-Chair, and Secretary. Elections shall be held at the board's first May meeting (or as soon as possible after that). Vacancies due to removal or resignation may be filled at any time by a simple majority vote of the board. The Chair presides. The Vice-Chair presides in his or her absence. The Secretary is responsible for keeping minutes in the absence of staff support.

A.5 Regular Meetings. Regular meetings shall be as set by the board. Any change in the regular meeting schedule shall be preceded by at least 15 days notice published in a newspaper of general circulation in Williston, and by notices posted in the offices of the Town Clerk.

A.6 Special Meetings. This bylaw requires that most business be transacted at regular meetings. The board may meet at the call of the Chair, however, provided that notice of such a special meeting is posted at the offices of the Town Clerk at least 24 hours in advance. A special meeting may also be held at the request of any two members. Notice to members may be provided by telephone and or e-mail, again at least 24 hours before the meeting. Special meetings must be confined to the advertised topic.

A.7 Quorum. A quorum is necessary for any hearing or action set up by this bylaw. A quorum consists of a majority of the members, i.e. four, including, if necessary, the appointed alternate. Members who abstain do not count as part of a quorum for that vote. Only members who have attended all hearings or listened to the recordings of those hearings) regarding a particular appeal or application may vote on that appeal or application.

A.8 Minutes. Minutes shall be kept of all meetings. Minutes shall include the minimum contents required by state law. Recordings shall be made of all DRB meetings and of any meeting of the other boards at which a quasi-judicial or other potentially litigable action will be taken. Minutes will be available for public review in the office of the Administrator, and after approval by the board, the office of the Town Clerk.

Requirements for Minutes. From 1 V.S.A. § 312(b): (1) Minutes shall be taken of all meetings of public bodies. The minutes shall cover all topics and motions that arise at the meeting and give a true indication of the business of the meeting. Minutes shall include at least the following minimal information: (A) All members of the public body present; (B) All other active participants in the meeting; (C) All motions, proposals and resolutions made, offered and considered, and what disposition is made of same; and (D) The results of any votes, with a record of the individual vote of each member if a roll call is taken.

Appendix B - Town of Williston Conflict of Interest Ordinance

1. AUTHORITY

This civil ordinance is adopted pursuant to 24 V.S.A.§ 2081 (20) and Chapter 59.

2. POLICY STATEMENT

Accepting a position as a public official carries with it the acceptance of trust that the official will work to further the public interest. Maintaining that public trust is critical to the continued operation of good government. In addition, public decision-making should be open and accessible to the public at large. To preserve this public trust, there are five principles to which public officials should adhere:

2.1. A public official should represent and work towards the public interest and not towards private/personal interests.

2.2. A public official should accept and maintain the public trust (i.e. must preserve and enhance the public's confidence in their public officials).

2.3. A public official should exercise leadership, particularly in the form of consistently demonstrating behavior that reflects the public trust.

2.4. A public official should recognize the proper role of all government bodies and the relationships between the various government bodies.

2.5. A public official should always demonstrate respect for others and for other positions.

3. STANDARDS OF CONDUCT

No elected or appointed official of the Town, whether or not s/he is compensated for his/her service by the Town, shall directly or indirectly (ie. by others on his/her behalf or at his/her request or suggestion):

3.1. engage in any private business, transaction or employment, or have any significant financial interest therein, which is incompatible or in conflict with the proper and impartial discharge of his/her duties on behalf of the Town. A “significant financial interest” is any direct or indirect benefit to the decision-maker other than the interest that would accrue to him or her as a taxpayer or resident;

3.2. represent any private party before the public body on which the official sits or over which the official has appointment or budgetary powers;

3.3. disclose without authorization or use to further a personal interest, confidential information acquired in the course of official duties.

3.4. grant or influence the granting of any special consideration, advantage or favor, to any person, group, firm or corporation, beyond that which is the general practice to grant or make available to the public at large;

3.5. with the exception of occasional, non-pecuniary gifts, accept anything of economic value such as money, service, gift, loan, gratuity, favor or promise thereof for the purpose and intent of which is to influence any such official of the Town in the exercise of his/her official judgment, power or authority;

3.6. make personal use of staff, vehicles, equipment, materials or property of the Town except in the

course of his/her official duties or as duly authorized by the proper Town Officer, Board or Commission;

3.7. participate in the appointment, vote for appointment, or discussion of any appointment of an immediate family member or business associate, or use his/her position, directly or indirectly, to effect the employment status of an immediate family member or business associate to any Town office or position, paid or unpaid; or

3.8. receive or have any financial interest in any sale to the Town of any real estate when such financial interest was received under circumstances which would lead a reasonable person to expect that the Town intended to purchase, condemn or lease said real estate.

4. EX-PARTE COMMUNICATIONS: BOARDS, COMMISSIONS AND COMMITTEES

In any quasi-judicial matter (e.g. personnel hearings, road layouts and discontinuance's condemnation proceedings, hearings held under interim zoning rules, and matters involving the issuance of a permit or approval), or the award of a contract, before a Town Board, Commission or Committee, a public official sitting on such Board, Commission or Committee, shall not, outside of that Board, Commission or Committee, communicate with or accept a communication from a person for which there are reasonable grounds for believing to be a party to the matter being considered, if such communication is designed to influence the official's action on that matter. If such communication should occur, the public official shall disclose it at an open meeting of the Board, Commission or Committee prior to its consideration of the matter.

5. DISCLOSURE AND RECUSAL PROCEDURES

Whenever a matter comes before a Board, Commission or Committee, as to which any conflict of interest standard, as described in Section 2 of this Ordinance, applies to one of its members, the following provisions shall apply:

5.1. The public official involved shall disclose to the relevant Board, Commission or Committee, in an open public meeting, the nature of the conflict of interest, prior to any consideration of the matter by said Board, Commission or Committee.

5.2. Following such disclosure, such public official shall not participate in any consideration, discussion or vote on the matter before the Board, Commission or Committee. If the official wishes to address the issue at an open public meeting, the official may participate as a member of the public. During deliberation and vote on the matter, the official shall not be present. The official may attend an executive session to discuss the matter at the invitation of the Board, Commission or Committee, if such attendance complies with the statutory requirements of the Open Meeting Law.

5.3. The public official shall not, during any part of the Board, Commission, or Committee meeting pertaining to the matter requiring the disclosure, represent, advocate on behalf of, or otherwise act as the agent of the person or business entity in or with which the official has such an interest or relationship.

5.4. The foregoing shall not be construed as prohibiting the official from testifying as to factual matters at a hearing of the Selectboard, Planning Commission, Development Review Board, or any other Committee.

6. HOW TO SUBMIT A COMPLAINT OF ETHICS VIOLATION

6.1. A person, who believes that an appointed public official of the Town has violated any portion of this Ordinance, may send or deliver a signed, written complaint, signed under penalty of false statement to the Clerk of the Board of Civil Authority. The complaint shall include the name of the person alleged to have committed the violation and the specifics of the act(s) which constitute the violation. The Clerk shall forward the complaint to the person alleged to have committed the

violation, the Chair of the Board of Civil Authority, and the Chair of the Board with appointing authority over the position held by that person.

6.2. A person, who believes that an elected public official of the Town has violated any portion of this Ordinance, may send or deliver a signed, written complaint to the Chair of the Board upon which the elected official sits. The complaint shall include the name of the person alleged to have committed the violation and the specifics of the act(s) which constitute the violation. The Board Chair shall forward the complaint to the person alleged to have committed the violation.

7. INVESTIGATING COMPLAINTS

7.1. Upon receipt of a formal complaint, the Board of Civil Authority (BCA) shall appoint a five-person Committee from among its members, which shall conduct a preliminary investigation to determine if the complaint alleges sufficient acts to constitute a violation.

7.2. If the Board of Civil Authority Committee makes a finding of no violation, the complaint and the record of its investigation shall remain confidential, except upon the request of the respondent. No BCA Committee member or staff member shall disclose to any third party any information learned from the investigation, including knowledge of the existence of a complaint, which the disclosing party would not otherwise have known. The BCA shall inform the complainant and the respondent of its finding by registered or certified mail not later than three business days after termination of the hearing or investigation.

7.3. If the BCA Committee determines the complaint alleges sufficient acts, then within thirty (29) days after so determining, the BCA Committee shall fix a date for the commencement of the hearing on the allegations. The hearing date regarding the complaint shall not be more than sixty (60) days after the filing of the complaint.

7.4. In the conduct of its investigation of an alleged violation of this ordinance, the BCA Committee shall have the power to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses, and require the production for examination by the BCA Committee of any books and papers which the BCA Committee deems relevant in any matter under investigation or in question. In the exercise of such powers, the BCA Committee may use the services of the municipal police, who shall provide the same upon the BCA Committee's request.

7.5. The respondent shall have the right to appear and to be represented by legal counsel and to examine and cross-examine witnesses.

7.6. The BCA Committee shall make no finding that there is a violation of any provision of the Ordinance except upon the concurring vote of at least four of its members.

7.7. Any hearing conducted by the BCA Committee shall be governed by the administrative rules of evidence.

8. ENFORCEMENT AND PENALTIES

After a finding of violation, The BCA Committee may take one or more actions in response to a violation of this Ordinance:

8.1. Reconsideration - Ask any appointed board or commission or appointed official to reconsider a matter that the BCA Committee believes involved a violation of this Ordinance by any member of the board or commission or appointed official, if the law otherwise allows such reconsideration.

8.2. Recusal – request an appointed official to recuse himself or herself in proceedings having a direct connection to the ethic complaint.

8.3. Admonishment – A reminder or warning that a particular type of behavior may be or is in violation of law or this Ordinance and that if it occurs or is found to have occurred, could make an appointed official subject to a more severe penalty.

8.4. Censure - Censure is a formal statement by the BCA Committee officially reprimanding an appointed official. It is a punitive action, which serves as a penalty imposed for wrongdoing, but it carries no fine or suspension of the rights of the member as a public official.

8.5. Restitution of any pecuniary benefits received because of the violation committed.

8.6. Removal or Suspension – remove or suspend any appointed member of any board or commission from their position, the BCA Committee shall not impose censure on any public official for the exercise of his or her First Amendment rights, no matter how distasteful the expression was to the BCA Committee and the Town. However, nothing herein shall be construed to prohibit the BCA Committee members from individually condemning and expressing their strong dislike of such remarks.

9. SEVERABILITY

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

10. EFFECTIVE DATE

This ordinance shall become effective 60 days after its adoption by the Williston Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the effective date of this ordinance.

Adopted by the Selectboard, Town of Williston, on September 18, 2006

Appendix C - Model Development Agreement

Each development agreement must be carefully crafted to ensure compliance with the *Williston Development Bylaw*. This model and the accompanying annotations are a starting point.

-- Development Agreement --

This is an agreement between the Town of Williston (the Town) and (owner's name), (the Developer), the owner of (project name) (the Development), together known as the parties to this agreement.

1. What is the purpose of this agreement? The purpose of this development agreement, which is required by Section 7.1.5 of the *Williston Development Bylaw*, is to set forth in detail when and in accord with what plans and standards the Developer will construct or install the required improvements in the Development. This development agreement also addresses the inspection of those required improvements and establishes how the Developer will guarantee that the promised improvements are in fact made.

2. What is the term of this agreement? The term of this agreement begins when it is signed by the Town Manager and ends at the time the last promise is fulfilled by either of the parties. The Town Manager's signature will follow approval of the final plans for the Development by the Williston Development Review Board. This agreement must be signed by the Town Manager and recorded before an administrative permit for work on the Development will be approved.

When does the developer sign? The developer must provide a signed copy of the proposed development agreement with the final plans when they are submitted for review by the DRB.

3. On what consideration is this agreement based? The basis for this development agreement is the approval of the final plans submitted in compliance with the Williston Development Review Board's approval of Discretionary Permit ___ - _____ . It is understood that the scope of this agreement is confined to the required improvements that are shown on the approved final plans (see Item 4, below) and listed in Attachment A of this agreement. This development agreement is not intended to address other conditions of approval.

Could a development agreement address other conditions of approval? It is possible that the town and a developer could use a development agreement to address conditions of approval that are not related to required improvements. That possibility is not anticipated in this model, but the language above could be revised and additional items addressing other types of conditions of approval could be added to a development agreement.

4. Are the approved final plans for the development part of this agreement? Yes.

4.A. the Simple Version: The final plans of the Development, as approved by the Williston Development Review Board on (date) are hereby incorporated into this agreement by reference. It is understood that those approved final plans are binding on the Developer and the Town, and that this creates a vested right for the Developer, as provided by WDB 2.2. It is also understood that only the minor changes in plans permitted by WDB 5.6 are permitted without renegotiation of this development agreement.

OR

4.B. the Phased Version: The final plans of the Phase/s I/I-n, approved by the Williston Development Review Board are hereby incorporated into this agreement by reference. It is understood that those approved final plans are binding on the Developer and the Town, and that this creates a vested right for the Developer, as provided by WDB 2.2. It is further understood that the final plans for additional phases of the Development will be submitted to the Williston Development Review Board for review in accord with the following schedule:

Phase	Final Plans to be Submitted Between	
	earliest date	latest date
III	1-May-10	1-May-11
IV-V	1-May-12	1-May-13

The blanks in this table are filled in to provide an example.

Changes in this schedule will require renegotiation of this development agreement, as provided for below. Finally, it is also understood that only the minor changes in plans permitted by WDB 5.6 are permitted without renegotiation of this development agreement.

5. What improvements are covered by this agreement? All proposed improvements that were approved by the Williston Development Review Board in its approval of Discretionary Permit ___ - _____ and its subsequent approval of the final plans for the Development are covered by this development agreement. Those improvements are listed in Attachment A which includes cost estimates for each proposed improvement.

6. Which construction standards apply to the improvements covered by this agreement? Construction or installation of the improvements listed in Attachment A shall be in accord with all applicable standards of the *Williston Development Bylaw* and the *Williston Public Works Standards*, including the state or national standards referenced in those documents, as they existed on the date the application for Discretionary Permit ___ - _____ was deemed complete by the town.

7. When must the improvements shown on the final plans and listed in Attachment A be made?

the Simple Version: All improvements shown on the approved final plan and listed in Attachment A must be made before a certificate of compliance will be issued. A temporary certificate of compliance may be requested, as provided by WDB 7.3.3.

OR

the Phased Version: Discretionary Permit ___ - _____ permits the Development to be constructed in (number) phases, which are shown on (reference to the map of phases from the approved final plans). Attachment A has also been organized by phase so that the list and the costs of the improvements to be made in each phase are clear. It is understood that all improvements shown on the approved final plan and listed in Attachment A for each phase must be complete before a certificate of compliance will be issued for that phase. A temporary certificate of compliance may be sought as provided by WDB 7.3.3, but any such certificate will be clearly conditioned on completion of the required improvements as provided by this development agreement.

8. Will inspections be required? Yes. All work covered by this development agreement is subject to inspection by the Town, as provided by WDB 7.1.7 and the *Williston Public Works Standards*.

8.A By the Town. It is understood that the signature of the Developer on this agreement constitutes permission for representatives of the Town to enter onto the private property of Developer for the purpose of completing these inspections. The Developer further agrees to provide the Town with entry into locked areas and to arrange for safe inspections of potentially hazardous sites. The Developer will also, at his/her expense, provide the opportunity for the Town to discuss work on the required improvements with contractors, designers, and employees retained by the Developer.

8.B Scheduling Inspections. A final inspection schedule consistent with the *Public Works Standards* will be set at the pre-construction meeting, the date, time, and place for which will be set by mutual agreement of the Town and the Developer.

8.C. By the Applicant. The Developer will provide (weekly, bi-weekly, monthly – insert a time frame here) reports of inspections conducted by (list who – engineers, architects, landscape architects, etc.) to the Administrator and/or DPW.

9. Will as-built drawings be required? Yes. As-built drawings must be provided to the Town as required by WDB 7.1.9 and the *Williston Public Works Standards.*

10. What happens if the Developer fails to construct or install the improvements covered by this agreement in a timely manner? As provided by WDB 7.1.6.3, if the Developer fails to construct or install the improvements listed in Attachment A within the time frames established by this development agreement, the Town may use the securities provided in accord with 12 and 13, below, to complete the required improvements. If any funds remain in the escrow account after the Town has completed the required improvements, those funds will be returned to the Developer.

12. What securities must be provided to guarantee the completion of improvements that will become the property of the Town or another public agency? In accord with WDB 7.1.6.1, the Developer agrees to provide security by depositing funds equal to 110% of the estimated cost of constructing or installing the improvements that are to become publicly owned in an escrow account before an administrative permit for any work on the Development is approved. Attachment B provides details on the amount, name and location of the escrow account. That Attachment also provides details on how funds may be released as work proceeds, is inspected, and is found to be complete by the Town. It is understood, however, that at least one-third of the funds deposited shall be retained in escrow and returned only after a certificate of compliance is issued. It is further understood, that interest earned on the escrow account shall be retained in the account to reflect the inflating cost of the improvements and to be used by the Town in case of default.

13. What securities must be provided to guarantee completion of improvement that will remain in private ownership? In accord with WDB 7.1.6.2, the Developer agrees to provide security by providing an irrevocable letter of credit, posting a performance bond, or depositing funds in escrow equal to 10% of the estimated cost of constructing or installing the improvements that are remain in private ownership before an administrative permit for any work on the Development is approved. Attachment C provides details on the amount, name and location of the escrow account. It is understood, however, that the letter of credit, performance bond, or funds placed in escrow will be returned only after a certificate of compliance is issued. It is further understood, that interest earned on an escrow account shall be retained in the account to reflect the inflating cost of the improvements and to be used by the Town in case of default.

17. Must securities for phased developments be provided for the entire development or by phase? Securities for phased developments will be provided by phase.

15. What happens to vested rights if the Town must complete required improvements? They may disappear. As provided by WDB 7.1.2.9, if the Town is required to use a guarantee to complete required improvements, the Town may declare this agreement void, thereby cancelling all vested rights granted by the Town's approval of the discretionary permit and the final plans. In its sole discretion, the Town may instigate a renegotiation of this agreement by informing the Developer of its intention to do so within 180 days after the failure to initiate, implement, or complete a phase as scheduled.

16. May this agreement be re-negotiated? The parties to this development agreement are committed to its provisions. They recognize, however, that changes in regulatory or technical practices could necessitate changes in this development agreement. Neither party is obliged to renegotiate the terms of this development agreement, but if both parties agree to pursue changes, those changes shall be proposed in writing, either as an amendment to this agreement or as an entirely new draft development agreement. All proposed changes must be approved by the Williston Development Review Board and signed by the Town Manager following that approval.

17. Is this agreement binding on successors and assigns? Yes. This development agreement runs with the land to which it applies. It is binding on the Developer and the Developer's successors, heirs, and assigns, and on the Town's and the Town's successors and assigns. If either party learns that an assignment, sale, conveyance,

foreclosure, lease, or any other event is likely to change the identity of any party, that party shall provide written notice to the other party within 48 hours of such change, and shall provide the other party with copies of all documents relating to the transfer of interest in the Development.

18. At what address may the Developer be contacted when a formal notice must be given, as required by this agreement? The Developer's address is (full mailing address). This address constitutes the official contact for the Developer until the Developer provides a changed address in writing and that change is acknowledged by the Town. All notices required by this agreement will be sent to this address.

19. Is this agreement governed by the laws of Vermont? Yes, this agreement is governed by Vermont statute and case law.

Dated this ___ day of _____, 200__, at Williston, Vermont.

_____
Town Manager, Town of Williston

Dated this ___ day of _____, 200__, at Williston, Vermont.

_____
Duly-appointed Agent of Developer

Appendix D - Road Name and Road Location Addressing Ordinance
Town of Williston, Vermont

Only relevant sections of this ordinance are reproduced here.

SECTION I - AUTHORITY

This ordinance is enacted pursuant to 24 VSA, Chapter 59, Chapter 61, Subchapter 11 and Chapter 117, and 24 VSA, Section 2081 (16). It shall constitute a civil ordinance within the meaning of 24 VSA, Chapter 59.

SECTION II - PURPOSE

It is the purpose of this ordinance to promote the public health, safety, welfare and convenience and in order to develop a more uniform road naming, road renaming and road location addressing system throughout the Town of Williston to enable people to locate roads and addresses and to effectively provide emergency services and deliveries to Town citizens.

SECTION V - FUTURE DEVELOPMENT

A. Prior to the approval of a subdivision by the Planning Commission, the subdivider shall furnish a plan for road naming in accordance with this Ordinance to the E-911 Coordinator and the Development Review Board. The subdivider shall be responsible for installation of road signs, per Town of Williston specifications, prior to the issuance of any permits for construction on any of the subdivided lots.

B. Following the adoption of this Ordinance, the E-911 Coordinator shall give written approval for the proposed road name and the Selectboard shall add it to Attachment A pursuant to the procedure set forth above.

SECTION VI - GENERAL NUMBERING SYSTEM GUIDELINES

B. The Town of Williston shall assign each structure, as defined herein, a "location number" based upon its distance (i.e.: the number of 5.28 foot segments) from the starting point of the road to the center of the driveway or entrance from the road to the structure. The Town shall have the authority to assign a location number utilizing other physical information regarding the structure, if appropriate and necessary in order to effectively provide emergency services.

C. Each of the location numbers for structures must be at least four (4) inches high and two (2) inches wide. Location numbers must be sharply contrasting in color from the background with no other markings or symbols. Numbers must be clearly visible from the road if the location number signs are affixed to the structure. If the location number affixed to the structure is not clearly visible from the road, the location number shall be affixed on a board or plaque no smaller than 8 inches wide by 4 inches high and such board or plaque is affixed to a post, pole, fence or other structure near the driveway entrance so as to be clearly visible from the road during all seasons. Numbers may only be affixed to a mailbox if there is a single mailbox located at the entrance to the structure from the road and, in such event, the location number shall be on both sides of the mailbox. If there are multiple mailboxes at a single location or the mailbox is on the opposite side of the road to the entrance to the structure, any identifying information shall ~~only~~ be marked on the front of the mailbox facing the road. The property owner is responsible for the purchase and installation of numbers to be installed.

D. A multiple dwelling or use structure shall bear one number for each dwelling or use where possible. If each dwelling or use does not have a separate number, then the Town shall determine the appropriate numbering of each dwelling or use so as to effectively provide emergency services.

E. All location numbers shall be maintained so as to maintain clear visibility of the location number.

SECTION VII - ROAD NAME SIGNS

A. The Public Works Department, upon adoption of this Ordinance, shall institute a program for the installation and maintenance of municipal and private road name signs in accordance with this Ordinance. All private roads shall also be properly signed. The cost of initial installation (purchase and installing post and sign) shall be by the Town on existing Town roads listed on Attachment A. The owners/users of roads which are not State or Town highways shall be responsible for the acquisition, installation and maintenance, repair and replacement of such road signs for the private roads. The Town shall be responsible for the maintenance, repair and replacement of road signs on public highways.

B. All road signs shall conform to the *Manual on Uniform Traffic Control Devices for Streets and Highways*.

C. All signs shall be maintained so as to maintain clear visibility of the name of the road.

SECTION VIII - NUMBERING

All property owners of structures shall install their location numbers within sixty (60) days after the adoption of the road name upon which the structure is located and numbers have been assigned by the Town.

Adopted this 24th day of April, 1997:
Amended this 4th day of December, 2006

Appendix E – Special Events Ordinance

RESERVED PENDING ADOPTION OF A NEW SPECIAL EVENTS ORDINANCE

Appendix F - Noise Control Ordinance

1. **Authority**: This ordinance is adopted under authority of 24 V.S.A. § 2491 and 24 V.S.A. chapter~~s~~ 59.

2. **Purpose**: This ordinance is intended to protect, preserve and promote the health, safety, welfare, and peace and quiet for the citizens of the Town of Williston through the reduction, control and prevention of noise. This ordinance establishes controls that will eliminate and reduce unnecessary noises, which are physically harmful or otherwise detrimental to the enjoyment of life, property and maintenance of business.

3. **Definitions**

3.1. "Average sound level" – A sound level during a given period of time (e.g. one hour) found by the general rule of combination of sound levels. Also called equivalent sound level.

3.2. "Decibel" – Unit of measurement of the sound pressure level as prescribed by the American National Standards Institute.

3.3. "Emergency" Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

3.4. "Emergency Work" Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

3.5. " Instantaneous maximum sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has duration of less than one second.

3.6. "Plainly audible" means any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

3.7. "Property line" means either (a) the imaginary line including its vertical extension that separates one parcel of property from another; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property, the interface between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the property line would be the interface between the residential area and the commercial area).

3.8. "Receiving Property" – The location that is receiving the sound in question.

3.9. "Residential Property" - Property used for human habitation or sleeping

3.10. "Sound level" – In decibels measured by a calibrated ANSI type I or type II sound level meter, using "A" frequency weighting (expressed in dBA)

3.11. "Sound measurement standards" – Sound shall be measured in accordance with standards specified by the American National Standards Institute (ANSI)

3.12. "Unoccupied Lands" – Lands without permanent structures used for human habitation or business.

3.13. "Unreasonable Noise" Any excessive or unusually loud sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities within the Town of Williston. Elements to be considered in determining whether noise is excessive in a given situation include, but are not limited to, the following: intensity of the noise, whether the noise is usual or unusual, whether the origin of the noise is natural or unnatural, the intensity of the ambient noise, the proximity of the noise to sleeping facilities, the zoning district within which the noise emanates, the time of the day or night the noise occurs, the duration of the noise, whether the noise is continuous or intermittent, and/OR whether alternate methods are available to achieve the objectives of the sound producing activity.

4. General Prohibitions

No person or persons shall make, cause to be made, assist in making or continue any excessive, unnecessary, unreasonably loud noise or disturbance, which disturbs, destroys, or endangers the comfort, health, peace, or safety of others within the immediate vicinity of the noise or disturbance. Without limitations, the commission of one or more of the following acts, shall be deemed a violation of this Ordinance and shall be considered as a noise disturbance and public nuisance, provided that the instrument, devices, vehicles or other noise source is plainly audible from the receiving property Boundary line.

4.1. Defect in vehicle or operation of vehicle: The operation of any automobile, truck, motorcycle, all-terrain vehicle, snowmobile or boat in such a manner as to create squealing, or squealing of tires, or loud and unnecessary grating, grinding, exploding-type, rattling, or other noises.

4.2. Dogs, cats, birds and other animals. The keeping of any dog, cat, bird or other animal, which shall become a nuisance to another person in the vicinity where such dog, cat or other animal is kept, by frequent or continued barking, howling, yelping, screaming or other animal noise and vocalizations.

4.3. Vocal disturbances. Yelling, shouting, whistling, singing or making any other loud vocal or noise disturbance, including parties and other social events so as to disturb, destroy, or endanger the peace of persons in the immediate vicinity of the noise or disturbance. It shall be unlawful for any person in charge of a party or other social event to allow that party or event to produce unreasonable noise. A person shall be deemed to be in charge of a party or social event when that event occurs on private property and the person is present at the event and resides on the premises involved or is a person who lives in or on the premises involved and who has authorized the use of the premises for such event.

4.4. Construction related activities: Noises emanating from the road construction or from the excavation, demolition, alteration, construction, or repair of buildings, structures, property between the hours of 9:00 PM and 6:00 AM.

4.5. Loud speakers, amplifiers. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising, attracting the attention of the public, or communicating to employees.

4.6. Horns, signaling devices, etc. The sounding of any horn or signal on any automobile, motorcycle, boat or other vehicle except as a danger warning; the creation, by means of any other signaling device, of any unreasonable loud or harsh sound; and. the sounding of any such device for unnecessary and/or unreasonable periods of time.

4.7. Radios, phonographs, etc. The using, operating or permitting to be played, used or operated of any radio or television receiving set, musical instrument, phonograph, or other machine or device for producing or reproducing of sounds in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such a machine or device is operated and who are voluntary listeners thereto.

4.8. Exhaust. The discharge into the open air of the exhaust of any steam engine, internal combustion engine, motorboat, or motor vehicle, except through a muffler or other device that will effectively prevent loud or explosive noises therefrom.

4.9. Trash Removal. The removal of household and commercial trash by authorized commercial trash haulers utilizing mechanized conveyances within 500 feet from a residential property between the hours of 9:00 PM. and 6:00 A.M.

4.10. Mobile. Portable or Outdoor Electronic Sound-producing Devices. The playing or use of a mobile, portable or outdoor electronic sound-producing device in such manner or with such volume at any time and place as to disturb, destroy or endanger the comfort, repose or peace of persons.

5. Prohibitions for Non-Residential Uses

5.1. It shall be a violation of this Ordinance for anyone to create or allow the creation of noise not otherwise specified under General Prohibitions, in excess of the following stated limits during the stated time periods for noise generated on properties being used for other than residential purposes.

5.2. Noise measurements shall be made at the property line.

5.3. This standard shall not apply to unoccupied receiving properties.

5.4. Sound level measurements shall be taken with a sound level meter meeting the minimum American Standards Institute (ANSI) requirements for Type I or Type II accuracy, and shall use the fast response setting.

5.5. Nothing in this Ordinance shall limit the Board from imposing additional noise control measures beyond that needed to reach the limits set below.

Time Period	Receiving Property	One hour Average dBA	Instantaneous Maximum dBA
7:00 am to 10:00 pm	Industrial A	75	90
7:00 am to 10:00 pm	Residential	55 to 65	80
10:00 pm to 7:00 am	Industrial A	60	70
10:00 pm to 7:00 am	Residential	45	60
7:00 am to 10:00 pm	Other	65	50
10:00 pm to 7:00 am	Other	60	70

6. Exemptions and Exclusions

Sounds from the following sources shall be exempt from the prohibitions specified in this ordinance:

6.1. Any person or organization that has obtained a noise waiver from the Town of Williston. (i.e. parade, block party, fire works display, etc.)

6.2. Any vehicle and equipment owned by and operated by any governmental unit or a utility in the performance of its duties.

6.3. Noise associated with routine snow removal activities where customary practices and equipment are used and where the snow removal OR SNOW grooming equipment is operated within the manufacturer's specifications and in proper operating condition.

6.4. Any construction activity that has obtained approval of the Town of Williston to occur between the hours of 9:00 PM and 6:00 AM and that is deemed to be in the best interest of the public health, safety and welfare.

6.5. All safety signals and warning devices or any other device used to alert persons to any emergency or used during the conduct of emergency work including but not limited to police, fire and medical/rescue vehicle sirens, and backup alarms required by OSHA, VOSHA or other federal or state agency.

6.6. Noise associated with a bona fide response to an emergency situation that poses a threat to the public health, safety or welfare.

6.7. Musical, recreational and athletic events conducted by and on the site of a school or educational facility or municipal facility or is sponsored by the municipal, state or federal government.

6.8. Equipment for maintenance of lawns and grounds during the hours of 6:00 A.M. to 9:00 P.M. (including but not limited to lawn mowers, hedge trimmers, weed trimmers, chain saws, snow blowers and leaf-blowers) assuming they are properly muffled.

6.9. Vehicles or aircraft that meet state and federal standards operating on the public right-of-way or air space and operated in a manner consistent with state and federal law.

6.10. Noise associated with standard agricultural operations.

6.11. Sound created by bells, carillons, or chimes associated with specific religious observances or the Town Clock.

6.12. Natural phenomena including wind, rain, flowing water, and wildlife.

6.13. The use of firearms when used for hunting in accordance with state Fish and Wildlife laws or when used for sport shooting consistent with any permitting conditions placed on such use. For sport shooting uses permitted prior to January 1, 2005, the hours of operation will be determined through a written agreement with the Town.

6.14. Vocal disturbances, whether or not it is electronically amplified, by spectators or participants in a political protest or rally, an athletic event or assembly sponsored by a public or private school, or recognized organized recreational activities.

7. Variance

7.1. Residential Sources - Any person may apply to the Selectboard for a variance from the requirements of this Ordinance prior to doing acts prohibited by this ordinance. The applicant shall provide a list of property owners within two hundred fifty (250) feet of the site(s) where the activity is to occur. Ten (10) days advance written notice of the Selectboard meeting shall be provided to the property owners and residents appearing on the list. For good cause shown, the Selectboard may, in it sole discretion, either grant or deny the variance. If the variance is granted, the Selectboard may impose reasonable conditions to it. For noise events lasting less than a 12-hour period, the Board may waive or reduce the ten-day advance written notice of the Selectboard meeting.

7.2. Non-Residential Sources – An application for variance from the provisions of this Ordinance may be submitted to the Selectboard. Information the Selectboard may require includes:

- Information on the nature and location of the facility or process for which such application is made;
- The reason for which the variance is required;
- A description of the interim noise control measures to be taken by the applicant to minimize the impact caused by the noise;
- A statement of the length of time a variance will be required; and
- Any other relevant information requested by the Selectboard to make a determination regarding the application.
- Information on ambient sound levels.

7.3. Delegation of Authority – The Selectboard may delegate its authority to grant variance requests for events lasting less than a 12-hour period, if it so chooses, by a majority vote of the Board.

8. Enforcement

8.1. Enforcement - Any certified Vermont Law Enforcement officer shall be the designated enforcement officer. Such Officer may issue complaints and may be the appearing officer at any hearing.

8.2. An Enforcement officer may issue a Vermont Civil Violation Complaint to the individual responsible for any sound in violation of this ordinance including the driver of a motor vehicle, or the first registered owner of the vehicle, the owner of record or a resident of a single family home, or apartment, the proprietor of a business or the person who is in physical control of the sound emitting device or animal responsible for the unreasonable or excessive noise.

8.3. Violations - A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. § 1974a and § 1977 *et seq*. Anyone convicted of a violation or failure to comply with any of the provisions of this Ordinance, including the failure to make a required

report or to pay any fee, may be subject to a civil penalty of not more than $500 in addition to the waiver fees outlined in Sections 9.1 and 9.2 below. Each day a violation continues shall constitute a separate offense.

8.4. Initial Administrative Appeal – Anyone in found in violation of this ordinance shall have the right to appeal any waiver fee to the Police Chief. An appeal must be filed within 17 days of receipt of the fee or violation notice. The decision of the Police Chief may be appealed to the Williston Selectboard within 10 days of receipt of the Chief's decision. In the event such appeal is not satisfactorily resolved before the Selectboard, the Town pursuant to 24 V.S.A. § 1974(a) may bring civil enforcement proceedings.

9. Penalties

9.1. First offense - A first offense of any provision of this ordinance by a person shall be deemed a civil violation and shall be punishable by a fine of one hundred fifty dollars *($150.00).* The waiver fine shall be one hundred dollars *($100.00).*

9.2. Second and subsequent offenses - A second offense during a twelve-month period from the date of the first offense, shall be deemed to be a civil violation and shall be punishable by a fine of two hundred fifty dollars *($250.00).* The waiver fine shall be two hundred dollars *($200.00).* Each subsequent offense shall be deemed a civil violation and shall be punishable by a fine of five hundred dollars *($500.00).* The waiver fine shall be four hundred dollars *($400.00).*

9.3. PAYMENT DEADLINE - ALL FEES MUST BE PAID WITHIN THIRTY (30) DAYS OF RECEIPT OF NOTICE. IF FEES ARE PAID AFTER THIRTY DAYS, AN ADDITIONAL FEE OF $10.00 WILL BE CHARGED.

9.4. EACH DAY ON WHICH A VIOLATION OCCURS OR CONTINUES AFTER RECEIVING A VIOLATION COMPLAINT SHALL BE CONSIDERED A SEPARATE VIOLATION OF THIS ORDINANCE.

10. SEVERABILITY:

IF ANY SECTION, SENTENCE, OR PHRASE OF THIS ORDINANCE SHALL FOR ANY REASON BE HELD INVALID OR UNCONSTITUTIONAL BY A DECREE OR DECISION OF ANY COURT OF COMPETENT JURISDICTION, SUCH DECREE OR DECISION SHALL NOT AFFECT OR IMPAIR THE VALIDITY OF ANY OTHER SECTION OR REMAINING PORTION OF THIS ORDINANCE.

11. EFFECTIVE DATE:

THIS ORDINANCE WAS ADOPTED OCTOBER 25, 2004 AND SHALL TAKE EFFECT ON JANUARY 1, 2005.

Appendix G – Home Businesses

This appendix provides detailed standards for home businesses. The Administrator or DRB shall approve a permit for a proposed home business that complies with all of these requirements.

1. Must the owner of a home business be in residence? Yes. The proposed home business must be owned and operated by a current resident of the dwelling in which it is proposed. Should the owner move away, the right to continue the home business ends.

2. How much space can be used for a home business? The space that can be used for a home business is limited as follows:

a. in the MURZD and RZD: 25% of the floor area of the dwelling or 500 square feet, whichever is smaller;

b. in the VZD: 25% of the floor area of the dwelling or 750 square feet, whichever is smaller; and

c. in the ARZD: no more than 1,500 square feet within a building.

d. EXCEPTION FOR ADAPTIVE REUSE OF HISTORIC BARNS: The DRB may encourage the preservation of historic barns in the VZD and ARZD via adaptive reuse for a home business by waiving the area limitations established here. The DRB may not permit the expansion of an historic barn that is less than the maximum area, but may permit the use of a larger, historic barn for a home business that otherwise complies with the standards of this bylaw.

Applicants must demonstrate compliance with this standard by submitting a scaled floor plan of the dwelling or accessory structure that clearly delineates the area that will be used for the home business.

What is a Historic Barn? An historic barn is wood frame structure (which may have a masonry foundation or elements) that was historically used for agricultural purposes, including the storage of feed and/or housing of livestock. Questions about whether a particular structure qualifies as an historic barn will be referred to the Historic Preservation Commission.

3. Can a home business have work spaces or store materials outdoors? That depends on where it is located.

a. In the RZD, MURZD and VZD zoning districts, the space used for the proposed home business shall be within the dwelling or in an accessory structure that complies with all requirements of this bylaw. Outdoor work spaces and the outdoor storage of materials, supplies, equipment, vehicles, or goods for sale are prohibited in the RZD, MURZD, and VZD.

b. Outdoor work spaces and the outdoor storage of materials supplies, equipment, vehicles, or goods for sale associated with a home business in a one-family dwelling will be permitted in the ARZD, provided that they fall within the required setbacks and are fully screened from view from public ways and adjoining properties that are zoned for residential use.

c. The screening provided shall be a Type I or Type III landscaped buffer, as defined in Chapter 18, with a width of at least 36 feet.

d. Applicants must demonstrate compliance with this standard by submitting a scaled drawing of their property that clearly delineates the space (indoor and outdoor) that would be used for the proposed home business. This drawing must also show proposed landscaped buffer. Where it is proposed to use existing vegetation as the buffer, photographs of that existing vegetation must be submitted. Where the buffer will be installed, a planting plan must be submitted.

4. Must a home business provide parking? Yes. Off-street parking must be provided at a rate determined by the Administrator or the DRB. Where more than one additional parking space is required, the Administrator or DRB

may require that off-street parking for a home business meet the location (side or rear) and landscaping requirements that would apply in a commercial or industrial zoning district.

5. Are there restrictions on traffic generation by home businesses? Yes. Traffic generation by home businesses will be evaluated using the ITE *Trip Generation* manual. A home business generally should not generate more than one P.M. peak hour trip of traffic generation in the RZD or two P.M. peak hours trips in the VZD or ARZD. The DRB may permit exceptions where traffic flow from the proposed home business will not have an adverse impact on neighboring homes. The Administrator may use potential traffic generation as cause to refer a proposed home business that he/she would normally review to the DRB for discretionary review.

6. Are there restrictions on potential nuisances generated by home businesses?

a. No home business shall require an NPDES permit, as required by state law.

b. No home business shall require an air quality permit, as required by state law.

c. The storage, use, and disposal of hazardous materials by home businesses shall be permitted only to the extent allowed for residential occupancies by NFPA 1, the 2006 *Uniform Fire Code*. The DRB may permit an exception for a home business on a parcel of one or more acres in the ARZD upon finding that:

- the proposed home business will comply with all requirements of the National Fire Codes, including the requirements for inspections by the fire department; and

- the proposed home business will comply with all buffering and screening requirements that would apply to the same activity located in a commercial or industrial zoning district.

Hazardous Materials. While their use in small quantities may be permitted, you should not propose a home business that uses flammable, combustible, corrosive, toxic, or other hazardous materials unless you are familiar with the fire code requirements for the storage, use, and disposal of those materials.

d. This bylaw sets limits on the outdoor lighting permitted for dwellings. No home business shall result in additional outdoor lighting.

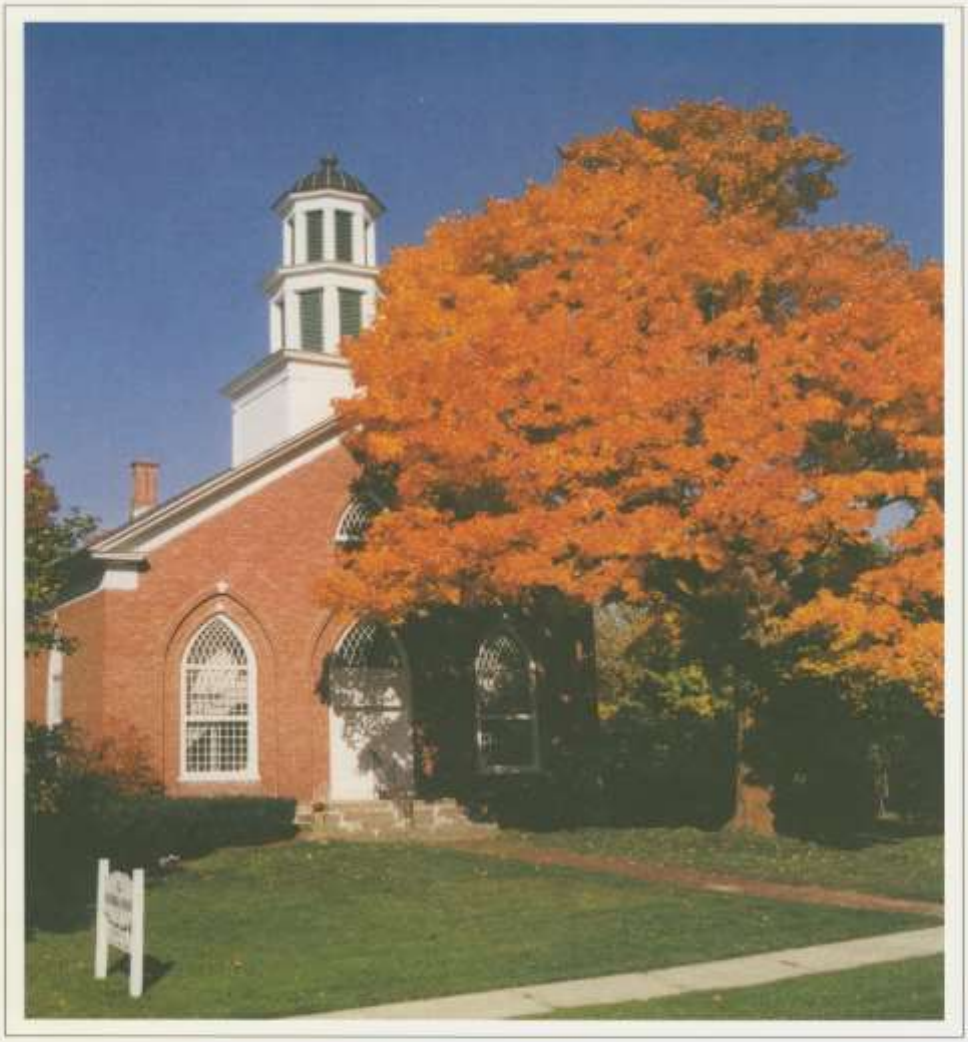
e. No home business shall result in blowing dust, radiant heat, glare from welding equipment or other sources of intense light, or smoke that affects adjoining properties. See also the applicable standards of Chapter 15.

f. No home business shall generate sound that exceeds the standards set in Chapter 15.

7. Can a home business have a sign? Yes. Home businesses may display a single sign of no more than four square feet in size. This may be a freestanding, hanging, projecting, or wall sign. The application for a permit to establish a home business must be accompanied by scaled drawings that show the placement of the sign on the property and/or structure and the dimensions of the sign. There are additional restrictions on signs in the VZD.

8. Can commercial vehicles associated with the business be parked on residential premises? Only vehicles of 10,000 pounds gross vehicle weight or less can be parked overnight on residential premises in the RZD, MURZD, or VZD. The overnight parking of larger vehicles is not a permitted part of home businesses.

Appendix H – Williston Village Historic District Design Review Guide



WILLISTON VILLAGE HISTORIC DISTRICT

Design Review Guide

WILLISTON HISTORIC PRESERVATION DISTRICT
WILLISTON VILLAGE HISTORIC DISTRICT
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What is the Williston Village Historic Preservation District?

Williston Village is listed on the National Register of Historic Places as a Historic District. It contains an impressive collection of 19th century Greek Revival and Federal-style buildings that attest to its role as an important stop along the "Williston Turnpike", the principal route from the Courthouse in Burlington to the Capitol in Montpelier.

The Village remains the civic center of the Town, containing the Town offices, the Central School, the library, the Town green, churches, the Armory, and the fire station. Most of these buildings are arrayed along Route 2, along with a number of residences and a few stores and businesses.

While growth and change are a part of the future of Williston, the historic character of the Village is preserved through the Historic Preservation Guidelines of the Zoning Ordinance.

Why do we have a historic preservation district?

Historic preservation promotes community identity. A town's history gives a community its roots and character. It is the goal of the Williston Historic Preservation Committee to preserve the special character of the Village Historic District, the old "Williston Turnpike" and the buildings and sites that represent our community's heritage.

A town's history, architecture and layout are what differentiate it from other communities. It is this enhanced cultural image that attracts people to reside in or visit Williston. Some buildings within the historic village district may seem to be of greater historical significance than other buildings, but all of the buildings and land support and contribute to the historic character of the district as a whole.

Historic preservation enhances property values. Tax credits and grant money may be available for certain types of renovation by property owners in historic districts. Historic preservation also is an asset for Vermont's tourism industry, an important part of our state's economy.

What is the Historic Preservation Committee?

The Williston Historic Preservation Committee (HPC) consists of volunteer members who are appointed by the Planning Commission. The Committee is composed of professional and lay members, a majority of whom reside within the town. The Committee serves in an advisory capacity to the Development Review Board concerning new construction, alterations, additions and demolition within the Village. The Committee meets at least once a month, in the Town Hall Annex.

Building components should be similar in size, shape and material to significant historic structures along the street.

When do you need to go to the Historic Preservation Committee?

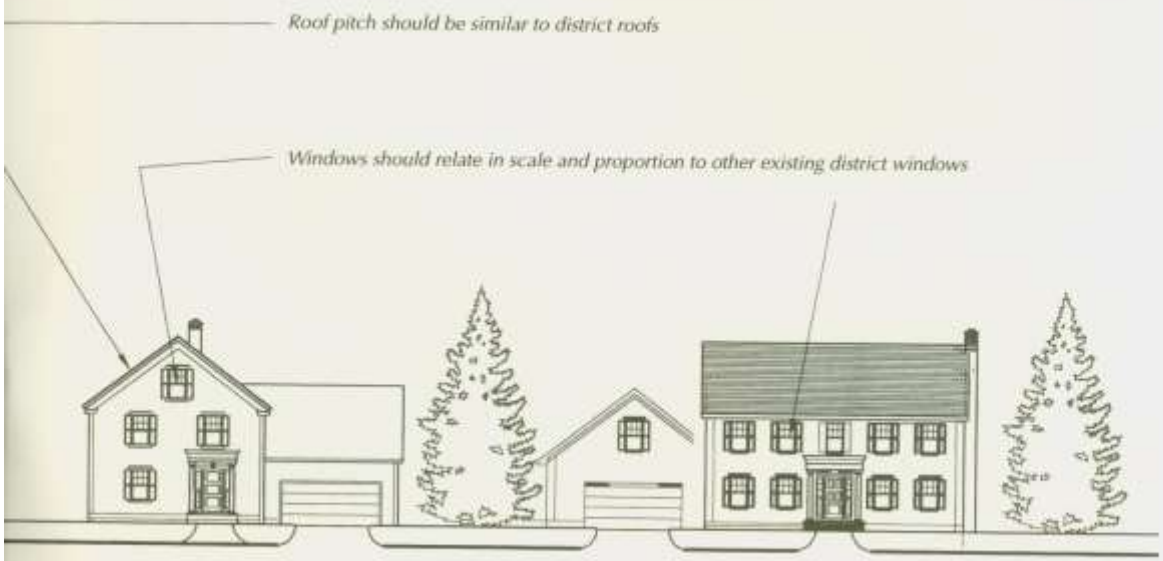
Before beginning your work, check in with the Williston Planning and Zoning office. The Zoning Administrator will determine what approvals and permits you need. If your project requires Historic Preservation Committee input, you will be asked to fill out an application. The HPC will evaluate the application and then make recommendations to the Development Review Board. You cannot proceed until the Development Review Board acts on your application.

How does the preservation ordinance work?

Once you complete your application, the Historic Preservation Committee will invite you to a public meeting to review your project and determine its impact, if any, on the historic character of the Village District. You will have an opportunity to explain your project and respond to any concerns raised by neighbors or Committee members. The Committee will then forward its recommendations to the Development Review Board. The Development Review Board has 30 days to decide either to accept the HPC's recommendations or to make its own determination instead.

What kind of work needs to be reviewed?

- All exterior work requiring a building or zoning permit
- All exterior alterations
- All new construction
- Major site work
- Signage and demolition



What kind of work does not need to be reviewed?

The Williston Historic Preservation Committee does not need to review any:

- Interior renovations that do not affect the exterior of the building.
- General maintenance work that does not affect the size, materials or design of the building.

How are the permit decisions enforced?

Before you can begin work on any property within the Village Historic District, you must have a Certificate of Appropriateness issued by the Development Review Board. The Williston Zoning Administrator is responsible for enforcing the Development Review Board's decisions.

For Further Information

In addition to its review responsibilities, the HPC maintains an inventory of historic sites and structures within the Town's boundaries. The Williston Historic Sites and Structures Survey provides historic and architectural information about many of Williston's historic older buildings and structures. The survey is available for public use at the Dorothy Alling Library, the Town Planning and Zoning Office, and the Vermont Division for Historic Preservation in Montpelier. If you have questions concerning your project's design, there is technical assistance available at the Williston Planning and Zoning Office.

Williston Planning and Zoning
6400 Williston Road
Williston VT 05495
(802) 878-6704

For historic preservation and rehabilitation tax credits:
Vermont Division for Historic Preservation
National Life Building, Drawer 20
Montpelier, VT 05620-0501
(802) 828-3211

For historic preservation and rehabilitation information:
Preservation Trust of Vermont
104 Church Street
Burlington, VT 05401
(802) 658-6647

ALTERATIONS AND RENOVATIONS

Incorporate elements of the original building, structure, or landmark into the renovation scheme.

- Do not obscure original materials.
- Do not alter the shape of original openings such as windows and doors.
- Do not obscure the facade or facade details by covering them with materials such as metal or plastic panels, signs, by painting them out, etc.

Respect the original character and period of the building, structure or landmark.

- Do not try to make the building, structure or landmark look "historically" older than it really is. This devalues what is truly historic.
- Do not try to modernize the architectural features of a building, structure or landmark.

Preserve the original finish of masonry facades.

- Always use the gentlest cleaning methods possible. Some chemical cleansers may be acceptable, but their effects should be researched before they are used, consult the State Historic Preservation Officer for further suggestions.
- Never sandblast masonry. Sandblasting removes water and accelerates erosion. Generally, let painted masonry remain painted, and let unpainted masonry remain unpainted.

ADDITIONS

The materials used for additions should be compatible with materials used on the original building, structure or landmark. They should be in keeping with the intent of the building.

- Design window additions to be similar to existing or original windows.
- Design the roof on additions to have the same pitch as the original or existing roof.

Additions that are sympathetic to the original building, structure or landmark yet in the spirit of this day, are encouraged.

Additions required for safety, such as fire escapes or handicap access, must be sympathetic and compatible to the building involved.

The materials used for renovations should be finished in ways that are consistent with the original building, structure or landmark.

- New siding should have the same dimensions and orientation as original clapboard siding, diagonal or vertical siding not being compatible in most cases.
- New brick should be of similar size as old brick and mortar should be of matching color, to the extent possible.
- Wood clapboard siding is preferred.

Addition materials, roof pitch and windows should be compatible with original building

Elements such as fire escapes and access ramps should relate to original building elements

- Do not remove fanlights, sidelights, door ornamentation, columns, or pilasters.

Porches should be compatible with the original structure in size, scale and use.

- A porch addition should match the style of the original or existing front of the structure. (See Streetscape Guidelines under New Construction for further Additions Guidelines.)

SIGNS

The Williston Sign Ordinance provides specific guidelines for sign proposals. This bulletin is not intended to replace the specific information listed in the Ordinance but rather provide useful suggestions. Please ask for a copy of the Sign Ordinance if you have specific concerns.

Keep signs subordinate to buildings and streetscape. Sign colors, materials, sizes, shapes, and type of illumination should reinforce the composition and preservation of the facade.

- The size of free standing signs should be limited so that they do not obscure the building's main facade, break patterns of the streetscape's facades and yards, or cause alteration to the greenbelt.
- Low monument signs are recommended.
- Signs placed on buildings should be limited to small identification panels at the entrance instead of projecting off the building.
- Signs should be illuminated with indirect light rather than internally. They should be downward shielded. The source of illumination should not be visible from adjoining properties or the road.
- Wood is the preferable material for signs, whether they are located in neighborhoods where older buildings of brick or wood prevail, or associated with new construction.

NEW CONSTRUCTION

Williston Village contains many fine examples of 19th century architectural styles, including Greek Revival, Federal, Queen Anne, Gothic Revival, Italianate, Stick, and Vernacular. The architectural themes provided by these structures should be considered and parallel in the design of any new structures. Sensitivity to surrounding buildings and existing land use patterns is essential to historically conscious development. New structures should be compatible with the Village's significant historical styles and their placement in the Village streetscape. Consider the following guideline criteria:

New construction should enhance and maintain scenic historic vistas as seen from major thoroughfares.

The heights of new buildings or structures should be similar to the heights of existing buildings or structures in order to keep the relationship between building heights compatible.

Setbacks should be compatible with neighboring structures' setbacks.

- The front yard setback of structures built in the Village, or any other district, are determined by the setback requirements of the underlying zoning regulations, and the relationship between the new structure and adjacent structures.
- Side yard spacing must conform to the underlying zoning regulations.

Garages and outbuildings should be secondary to the principle structure on the lot.

- These structures should be positioned so that the principal building is dominant. One way to accomplish this is to site the garage so that its front yard setback is significantly greater than that of the principal structure.
- The side yard relationship between new garages/outbuildings and neighboring buildings should respect open space patterns commonly found in the Village Overlay or other designated district.

- Architectural design and building materials should be similar to those of the principal structure.

Building components should be similar in size, shape and material, to significant historic structures along the street.

- Distinctive architectural features and materials, such as double hung windows, gabled roofs, cornices, eave returns, shutters, pediments, window lights, brick and wood clapboard, frequently recur along the streetscape. These details should suggest the extent, nature and scale of details on new buildings. The following components should be carefully considered:

- WINDOWS: The scale and proportions of the windows should relate to existing surrounding buildings and the building itself. Maintain the pattern created by upper-story windows as well as their horizontal arrangement.

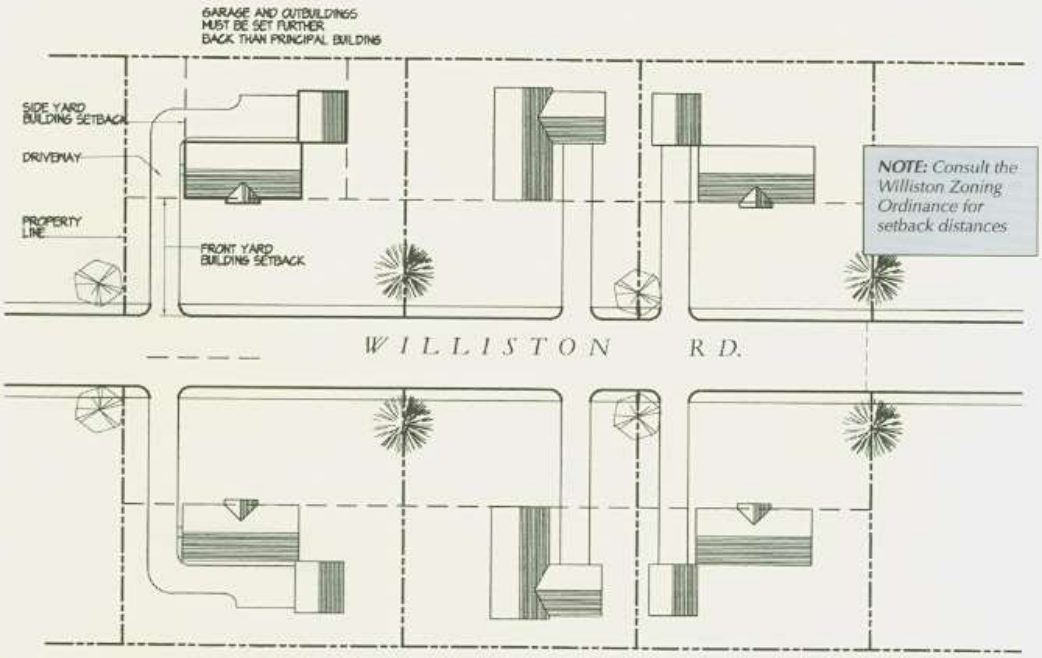
- ROOF FORM: Roof pitch should be moderate to steep. Similarity and compatibility with roof shapes in the surrounding area shall be considered in the construction.

- WALLS: Materials should be brick or narrow wood clapboard (3 inch reveal or less).

Maintain the pattern of front entrances.

- Avoid facades with no strong sense of entry. Historically, the formal entrance for each building is oriented toward the street. This entrance is usually emphasized by a walk leading to it, with steps if above grade.

- Avoid introducing incompatible facade patterns that upset the rhythm of openings established by the surrounding structures.



Principle buildings, garages, and outbuilding setbacks

Building elements (shutters, brackets, porches, etc.) should look functional.

- Use shutters with caution and only where the size of the shutters fits the size of the window.
- Brackets should actually support something.
- Porches should actually shelter entrances.

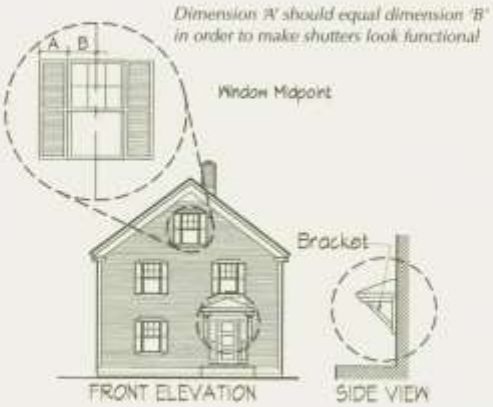
Building widths and mass should be compatible with structures already present in the streetscape.

In order to reinforce the existing streetscape, building placement and siting of new construction should be compatible with surrounding structures.

- Avoid a building orientation that puts the building at an angle to the street.
- Building lines should be oriented either parallel or perpendicular to the street.

Minimize modification to existing land contours.

- Grade changes should be incorporated so as to enhance the existing scale and character of the site.
- Any site grade modification should relate to grades on adjacent properties.
- Filling or cutting existing contours and natural areas is discouraged.



Buildings elements should look functional

Open space between buildings should be similar to those spaces commonly found in the Village.

- Side yard setbacks must conform to the underlying zoning regulations.

GREENBELT

The historic nature of the Village is enhanced by the greenbelt that lines Route 2. The greenbelt's composition is an integral part of the Village streetscape. It provides space for pedestrians, softens the impact of traffic noise and pollution, and serves to frame and give a setting to the historic structures and other buildings found in the Village.

The greenbelt includes the land between Route 2 and any structure. It is comprised of street trees, landscaping, sidewalks and grassy areas. This area must be kept free from built objects that would obstruct its visual continuity.

Preserve and maintain the greenbelt that lines the village streetscape.

- Maintain size and scale of existing landscaping.
- Replace lost vegetation, such as trees, with similar, healthy varieties. Plant new street trees of traditional varieties.

Maintain a sense of open space surrounding the village streetscape.

- New structures built on open land surrounding the Village streetscape should be placed so as to maintain a sense of open space behind the historic streetscape.

DEMOLITION

Consider all means of preserving historic buildings, structures and landmarks.

Consider such preservation means as:

- Adding an addition to the present structure
- Finding a new use for the structure
- Selling the property
- Demolishing only part of the structure, -i.e. outbuildings, additions
- Moving the structure

Appendix I – Calculation of the Interim Transportation Impact Fee

This appendix provides a brief history and explanation of the transportation impact fee that is adopted in Chapter 45. It also addresses the issue of tax credits against the transportation impact fee.

Part I - Basis for the Transportation Impact Fee

The transportation impact fee imposed by Chapter 45 of this bylaw is an interim fee that is substantially less than what would be required to fully fund the share of the listed improvements that can fairly be attributed to new development in Williston. This appendix explains how the interim fee was established.

Williston's 2006 comprehensive plan called for the update of the transportation impact fee.

> **6.9.2 Update the Current Transportation Impact Fee.** Williston has charged transportation impact fees since 1987, raising more than $2 million. The calculations on which the current impact fee—$300 per peak hour trip end—is based date back to 1999. The town will update its transportation impact fee to reflect current costs and match the priorities for improvements adopted in this plan.

The update began when the Town awarded a contract to RSG and Michael Munson to prepare an impact fee study. A draft transportation impact fee study was presented to the Planning Commission in November of 2007. That study documented the need for a gross fee of $2,824 per PM peak hour trip end: more than nine times the then-existing fee of $300 per PM peak hour trip end. The RSG/Munson study also demonstrated that, after deducting appropriate credits for property tax payments for transportation projects, the net transportation impact fees per trip end ranged from $2,500.57 to $2,800.56.

The Planning Commission scheduled a public hearing on the proposed fee on March 18, 2008 at its November 19, 2007 meeting. The hearing on March 18, 2008 featured a long discussion of the potential impacts of the proposed fee on local businesses and housing affordability, balanced with discussion of the need for transportation improvements. The Planning Commission revised its proposal and scheduled another public hearing for June 3, 2008. Following that hearing it was agreed that the Commission had reached the point of diminishing returns to effort on this topic and that a reduced fee should be imposed so that additional fees were being collected while the town's discussion of how best to finance transportation improvements continued. Specifically:

> The Commission was aware of, and needed to turn its attention to, the possible creation of a tax increment financing (TIF) distinct which would, if successful, pay for at least some share of the transportation improvements needed in the growth center.
>
> The Planning Commission also felt, though without much optimism, that another legislative session and/or the election of a new governor might lead to better funding for the extensive improvements needed on state roads in Williston.
>
> Finally, the Planning Commission felt the need for a broader community conversation that would inform interested residents about the need for transportation improvements and the options for funding those improvements.

The Commission's staff asked the Town's land use attorney for an opinion (copies are available from Williston Planning) on the defensibility of a transportation impact fee that was arbitrarily lower than the fee proposed by the November 2007 impact fee study or any of the fees subsequently calculated by RSG

and Michael Munson or the town's staff as discussion continued. Mr. Gillies advised that a lower fee was defensible and on June 17, 2008, the Commission voted to send the fee proposed in a draft of Chapter 45 to the Selectboard.

Part II – Tax Credit Tax Calculations

Since the proposed fee of $700.00 per PM peak hour trip end is net of all applicable credits, no tax credit calculations are necessary.