

Draft

Town of Plainfield

Zoning Regulations

| [Plainfield Draft Zoning 6-22-2022, updated 8-30-2022](#)

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ARTICLE I: ENACTMENT, PURPOSE, AMENDMENTS AND DEFINITIONS

Section 1.1 Enactments

In accordance with the Vermont Municipal and Regional Planning and Development Act, hereinafter referred to as the "Act", 24 V.S.A., Chapter 117, §4401 and §4419, there are hereby established unified development bylaws for Plainfield, which are set forth in the text, maps, and appendices that constitute these regulations. These regulations shall be known as the "Town of Plainfield Land Use and Development Regulations."

Section 1.2 Purposes

It is the intent of these Regulations to provide for orderly community growth, to implement the Plainfield Town Plan, and to further the purposes and goals established in §4302 of the Act. Specifically, the Town of Plainfield adopts these regulations for the following purposes:

- To provide for orderly growth and coordinated development in the Town of Plainfield.
- To assure the safety, health, and welfare of the town's landowners and residents.
- To carry out the purposes of the Town Plan.
- To assure conformance with any existing capital budget and program, and any other Town ordinances or regulations.
- To make proper provision for drainage, water, sewerage, recreational facilities, open space and the safe and convenient movement of pedestrian and vehicular traffic.
- To ensure that the rate of growth does not exceed the ability of the Town to provide public services and facilities.
- To assure a compatible relationship of development to landform, topography and geology, to natural drainage and surface water run-off, and to the groundwater table.
- To preserve and manage the rural character, natural resources, natural beauty and topography of the Town and encourage the prudent use of natural resources.
- To discourage developmental sprawl and minimize the fragmentation of productive farmland or woodlands in order to ensure their continued use and availability for agriculture and forestry.
- To preserve sites that are historically significant.

Section 1.3 Applications and Interpretation of Regulations

Except as specified in Section 1.4 of these Regulations, no building or structure shall be erected, moved, or extended; no land, building or structure or part thereof shall be occupied or used; and no land shall be subdivided, unless in conformity with the Regulations herein specified for the district in which it is located. Any use not permitted by these Regulations shall be deemed prohibited.

Where these Regulations impose a greater restriction upon use of a structure or land than are required by any other statute, ordinance, rule, regulations, permit, easement or agreement, the provisions of these Regulations shall control. Further, these Regulations shall supersede any prior Zoning Regulation for the Town of Plainfield. However, these Regulations are not intended to repeal,

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annul, or in any way to impair any permits previously granted that have not yet expired.

The application of these Regulations is subject to all applicable sections of 24 V.S.A., Chapter 117.

Section 1.4 State Limitations on Local Regulations

A) As provided in §4413 of 24 V.S.A., Chapter 117, the following uses may only be regulated with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, screening requirements, for compliance with Section 2.8 regulating development in the Flood Hazard Overlay District, and only to the extent that the Regulations do not have the effect of interfering with the intended functional use:

- State or community-owned and operated institutions and facilities.
- Public and private schools and other educational institutions certified by the state Department of Education.
- Churches and other places of worship, convents, and parish houses.
- Public and private hospitals.
- Regional solid waste management facilities certified under 10 V.S.A. chapter 159.
- Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

B) As provided in §4413 of 24 V.S.A., Chapter 117, and these Regulations shall not apply to:

- Public utility power generating plants and transmission facilities regulated under 30 V.S.A. § 248. Such facilities, however, should conform to all applicable policies and objectives of the Plainfield Town Plan.
- Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets or the Commissioner of Forests, Parks and Recreation. For purposes of this section, "farm 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, but excludes a dwelling for human habitation. Although no municipal permit for a farm structure shall be required, a written notification, including a site plan map showing structure setback distances from roads, property lines and surface waters, shall be submitted to the Zoning Administrator and the construction shall abide by setbacks approved by the Secretary of Agriculture, food and markets.
- The installation, operation, and maintenance, on a flat roof (having a slope less than or equal to five degrees) of an otherwise complying structure, of a solar energy device that heats water or space or generates electricity.
- Ancillary improvements as defined in Section 1.7.
- The following improvements associated with the construction or installation of a communications line, except such regulation necessary to ensure compliance with the national flood insurance program:
 - The attachment of a new or replacement cable or wire to an existing electrical

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distribution or communications distribution pole.

- The replacement of an existing electrical distribution or communications distribution pole with a new pole, so long as the new pole is not more than 10 feet taller than the pole it replaces.

Section 1.4.1 Waivers

In accordance with 24 V.S.A. Section 4414(8), the Development Review Board may waive the dimensional or use standards contained in the regulations in situations of medical necessity for the establishment of temporary housing for not more than two persons, one of whom has a disability, illness or infirmity necessitating proximity to a dedicated caregiver. A zoning permit issued in accordance with this provision shall be valid as long as the conditions under which the permit was obtained still exist.

Section 1.5 Amendments

These Regulations may be amended according to the requirements and procedures established in §4442 of the Act.

Section 1.6 Severability

A finding by any court or body of competent jurisdiction that any part of these Regulations is invalid shall not invalidate the remainder thereof.

Section 1.7 Definitions

Except where specifically defined herein, all words used in these Regulations shall carry their customary meaning. Words used in the present tense include the future, and the singular includes the plural; the word "shall" is mandatory; "occupied" or "used" shall be considered as though followed by "or intended, arranged or designed to be used or occupied"; "person" includes individual, partnership, association, corporation, company or organization. Condominiums, joint tenancy and tenancies in common shall be treated as single associations. Doubt as to the precise meaning of any word in these Regulations shall be clarified by the Planning Commission.

Definitions contained in §4303 of the Act shall be applicable throughout these Regulations. Furthermore, unless otherwise expressly stated in these Regulations, the following terms shall, for the purposes of these Regulations, have the meaning herein indicated, **note that terms specific to the Flood Hazard Overlay District (Section 2.8) are defined in Section 1.8)**

Accessory Dwelling—An efficiency or one-bedroom apartment that is clearly incidental, appurtenant and subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, is in compliance with state waste water regulations, and does not exceed 40% of the total habitable floor space of the single-family dwelling or 1,100 square feet, whichever is greater.

Accessory Structure - A structure which is: 1) detached from and clearly incidental and subordinate to the principal use or structure on a lot, 2) located on the same lot as the principal structure or use, 3) clearly and customarily related to the principal structure or use, and 4) only used for vehicle parking, storage, or primarily building access. Examples include, garages, garden and tool sheds.

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and playhouses, but do not include "accessory dwellings."

Accessory Use or Structure – A ~~structure or~~ use clearly incidental to and customarily found in association with the primary use ~~or structure~~ and is subordinate in purpose to the primary use or structure on the parcel. ~~For residential uses these include, but may not be limited to, garages, garden and tool sheds, tree houses, and playhouses.~~

Act - The Vermont Municipal and Regional Planning and Development Act, Title 24 Chapter 117, Vermont Statutes Annotated.

Affordable Housing – either of the following:

- Housing that is owned by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes, insurance, and association fees is not more than 30 percent of the household's gross annual income.
- Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and association fees, is not more than 30 percent of the household's gross annual income.

Affordable Housing Development – A housing development of which at least 20 percent of the units or minimum of five units, whichever is greater, are affordable housing units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years, or longer as provided in these Regulations.

Agricultural Use – The use of property or structures for common farming-related activities necessary for animal production or cropland, including plant or tree nurseries.

Ancillary Improvement– Shall have the same definition as established in 30 V.S.A 248a(b). Ancillary Improvements means telecommunications equipment and site improvements that are primarily intended to serve a telecommunications facility, including wires or cables and associated poles to connect the facility to an electric or communications grid; fencing; equipment cabinets or shelters; emergency backup generators; and access roads.

Antenna Tower (telecommunications) – see definition for "Wireless Telecommunications Facilities."

Area of Special Flood Hazard – A term which is synonymous in meaning with the term "special flood hazard area" for the purposes of this bylaw.

Associated Transportation and Utility Networks - Those transportation and utility networks connected to a bridge, culvert, or utility for the purpose of crossing a river or stream and do not include transportation or utility networks within the river corridor that merely run parallel to a river or stream.

Authorized Representative - A person or group of persons who have been duly authorized by a letter filed with the Development Review Board by the Applicant to act in his or her behalf.

Banner – Any sign of lightweight fabric or similar material for the purposes of advertising or

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promotional information. Banners will be considered as part of a business' total sign area. National flags, state or municipal flags, or the official flag of any public institution shall not be considered banners.

Base Flood - means the flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the "100-year flood").

Base Flood Elevation (BFE) - the elevation of the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is 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.

Basement - any area of a building having its floor elevation below ground level on all sides, including crawlspaces.

Bed and Breakfast – an owner-occupied dwelling using no more than five (5) sleeping rooms for rent for transient occupancy in exchange for compensation, including the serving of breakfast to guests only. The sale of alcoholic beverages is prohibited.

BFE - see Base Flood Elevation.

Boundary Line Adjustment - A readjustment, relocation or alteration of a boundary between existing adjoining parcels where no new lot or parcel is created.

Buffer- A designated strip or area of land intended to visibly and/or functionally separate one use from another; to shield or block sight lines, noise, lights, or other nuisance from neighboring properties; and/or to lessen the visual or physical impact of development on surface waters, wetlands and other natural and scenic areas. Along the bank of a river or stream a buffer shall be further defined as an undisturbed area consisting of trees, shrubs, ground cover plants, duff layer, and generally uneven ground surface that extends a specified distance horizontally across the surface of the land from the mean water level of an adjacent lake or from the top of the bank of an adjacent river or stream.

Building Envelope - A specific area delineated on a subdivided lot within which all structures are to be located, and outside of which only farm structures as defined by Vermont Secretary of Agriculture may be located.

Building Front Line – A line parallel to and measured from the centerline of the road right-of-way and which touches that part of a building closest to the street. This includes porches, whether enclosed or unenclosed, but does not include steps.

Burial Site, Home – a site on private land set aside for use as a burial space for immediate family members, which complies with the standards for Home Burial Sites in Article IV of these Regulations. See also definition for "Cemetery"

Cemetery –Any plot of ground used, or intended to be used, for the burial or disposition permanently of the remains of the human and/or animal dead in a grave, a mausoleum, a columbarium, a vault, or other receptacle, excluding crematoriums. Cemeteries may be established and operated by a municipality, a non-profit cemetery association or a religious institution or ecclesiastical society, in accordance with applicable state laws. An individual burial site on private land, registered with the Plainfield Town Clerk in accordance with state law, is exempted from this definition. See definition

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for "Burial Site, Home"

Change of Use –Any change of use from one category of use to another, for example, Residential to Commercial, etc. or within a category of use (one retail use to another, one manufacturing use to another or from single family use to 2-family or multi-family use). A change of use shall also include any change of character of the business activity, for example, retail to wholesale.

Channel - an area that contains continuously or periodic flowing water that is confined by banks and a streambed.

Child Care Home – A facility that operates according to a license or registration from the State of Vermont to provide care in the owner's residence on a regular basis for six or fewer children under the age of sixteen full time for a period not to exceed 24 hours and up to four additional children for after-school hours, excluding the children of the owner. A child care home is a permitted use in all zones allowing dwelling units.

Child Care Facility –A facility which operates according to a license or registration from the state of Vermont in which care is provided on a regular basis for seven or more children under sixteen years of age, at one time, for periods not to exceed 24 hours. Such facilities include those commonly known as "day care center", "day nurseries", "play groups", and "pre-school". The issuance of a conditional use permit is required for a child care facility.

Commercial Use – The use of a building or land or portions thereof for the purchase, sale or exchange of goods and commodities, services and amenities.

Compensatory Storage - means a volume not previously used for flood storage and which shall be incrementally equal to or exceed the theoretical volume of flood water at each elevation, up to and including the base flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream, or creek.

Common Plan of Development - means where a structure will be refurbished or constructed under one approved plan or permit, but in separate stages, phases, or in combination with other construction activities. Such work may be planned unit by unit and may take place at different times, on different schedules.

Construction Trailer - means a vehicle which is: (1) built on a single chassis; (2) 500 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable; and (4) designed for use as a temporary office facility used to support management of a construction project, and not as a permanent structure.

Community Facility – A building used for recreational, social, educational, and cultural ~~activities,~~
which activities, which is operated by a public or non-profit enterprise is open to the public and intended to serve the residents of Plainfield.

Community Sewage Disposal System - Any wastewater disposal system other than a municipal sewage disposal system, owned by the same person or persons, which disposes of sewage for domestic, commercial, industrial or institutional uses from two (2) or more users.

Community Water Supply System- Any non-municipal water system owned by the same person or persons that supplies water for domestic, commercial, industrial or institutional uses to two (2) or more customers.

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Contiguous Forest - -An area of forested land with either no roads or low, little or no human development (buildings, parking areas, lawns, gravel pits).

Cottage Industry –Any use of a lot for gainful employment, meeting the provisions of Section 4.2 of these Regulations.

Critical Facilities - means facilities that are vital to public health and safety, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities.

Design Flood Elevation (DFE) - in the Town of Plainfield means the Base Flood Elevation plus two feet.

Designated Center - a downtown, village center, new town center, growth center, or neighborhood development area designated pursuant to 24 V.S.A. chapter 76A.

Development– See “Land Development”.

Dormitory – A building used as group living quarters by six or more students and/or staff as an accessory use for an academic institution, convent, monastery, or similar institutional use.

Dwelling Unit – A room or set of rooms fitted with a private bath and kitchen facilities comprising an independent, self-contained residence intended to be occupied as one housekeeping unit and where up to three rooms may be let to individuals on a short term basis. Dwelling units do not include instances where the entire property is let through short term rentals,

Dwelling: One Family – A detached building or structure which contains no more than one dwelling unit.

Dwelling: Two Family– A detached building or structure which contains no more than two dwelling units.

Dwelling: Multiple Unit– A building or portion thereof containing three or more dwelling units.

Easement - The authorization of a property owner for the use by another person or entity, for a specified purpose, of any designated part of the owner's property. All easements shall be shown on a plat of the property and described in the property deed in the town land records.

Encroachment - fill or development that reduces the functional river corridor (impairs the equilibrium condition) or increases flood levels.

Educational Institution -A public, private or parochial institution licensed by the State of Vermont to provide educational instruction to students. Such facilities may also include accessory recreational and dining facilities, and be used as officially designated, temporary emergency shelters.

Equilibrium condition - the width, depth, meander pattern, and longitudinal slope of a stream channel that occurs when water flow, sediment, and woody debris are transported by the stream in such a manner that it generally maintains dimensions, pattern, and slope without unnaturally aggrading or degrading the channel bed elevation.

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Essential Service – Services and utilities needed for health, safety, and general welfare of the community, such as underground, surface, or overhead electrical, gas, telephone, steam, water, sewerage, and other utilities and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the area in which it is located.

Event Facility – Facility that hosts commercial gatherings (weddings, concerts, workshops) on a regular basis as in conformance with Section 4.12.

Family – One or more persons living, sleeping, cooking, and eating on the same premises as a single housekeeping unit.

Farm Structure – A structure or structures used for agricultural purposes as defined by the Vermont Secretary of Agriculture and Vermont statute.

FARM-WORKER HOUSING - Any living quarters, dwelling, boarding house, bunkhouse, or other housing accommodations, maintained exclusively for the occupancy of farm employees and their families in connection with any farm work or place where farm work is being performed.

Fill - any placed material that changes the natural grade, increases the elevation, redirects the movement of flood water, or diminishes the flood storage capacity at the site. Temporary storage of material for less than 180 days is not considered fill.

Final Subdivision Plat - The final drawings on which the subdivisions are presented to the Development Review Board for approval and which, if approved shall be filed for record with the Town Clerk.

FIRM – see Flood Insurance Rate Map.

Flood- (a) a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood Hazard - those hazards related to damage from flood-related inundation or erosion.

Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) - an examination, evaluation, and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation, and determination of mudslide (i.e., mudflow) and /or flood-related erosion hazards.

Floodproofing - 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.

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Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that flood hazard areas and floodways may be shown on a separate map panels.

Floor Area – The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of exterior walls, or from the centerline of party walls separating two buildings, excluding attic and basement areas used only for storage or the operation and maintenance of the building.

Fluvial Erosion - the erosion or scouring of riverbeds and banks during high flow conditions of a river. Fluvial erosion is most likely to occur within the river corridor.

Functionally Dependent Use – A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

FORESTRY - The growing and harvesting of trees or timber under proper forest management for purposes other than their fruit in accordance with accepted management practices for silviculture (forestry) as defined by the Commissioner of Forests, Parks, and Recreation [§4413(d)], including the construction of logging roads and bridges, provided the roads and bridges are used exclusively for agriculture or forestry. For purposes of these bylaws, the term "Forestry" shall also include the use of temporary processing equipment including, but not limited to, portable sawmills, wood chippers, and wood splitters which are used in association with harvesting operations and which are removed from the site once harvesting operations are complete.

Forest Fragmentation – The division or conversion of contiguous forest into smaller pieces leaving remnant forest patches separated by non-forested lands or other land-use types.

Forest Products Processing- A facility for the processing and/or storage for forestry products that is located off site from the harvesting operations. This may include, but is not limited to permanent sawmills, lumberyards, procurement yards, commercial firewood producers, wood pellet producers, wood kilns, and similar facilities. This definition does NOT include temporary equipment including, but not limited to, portable sawmills, wood chippers, and wood splitters, which are used in association with harvesting operations and which are removed from the site once harvesting operations are complete. Such temporary processing equipment shall be considered FORESTRY.

Grading - the movement or replacement of topsoil or other material originating on the site and within the hazard area. Grading results in minor or no changes in topographic elevations. If new material is brought from outside the hazard area and such new material is not offset with an equal or greater removal of material from the portion of the site within the hazard area, the new material shall be considered "fill" and shall not be considered grading.

Height – The vertical distance measured from the average elevation of the finished grade around the building to the highest point of the ridge line or roof surface, excluding the chimney, or for a structure without a roof, to the highest point of the structure.

Historic Structure - Any structure that is: (a) listed individually in the National Register of Historic Places 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

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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; or (d) individually listed on a local inventory of historic places established in accordance with state statute, in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

Home Occupation – An accessory use of a residence meeting the provisions for this use contained in Article IV of these Regulations.

Information Kiosk – A free-standing structure providing information of a public, non-commercial nature. Such structures shall be considered free-standing signs and regulated as such under these regulations. The permitted height is six feet, with a zoning permit, and twelve feet with a conditional use permit in all zones.

Land Development – The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land. In the Flood Overlay District see definition of "Development" in Section 4.8. For floodplain management purposes Land Development shall mean any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Landslide Hazard Area – A landslide hazard area is an area of land typically along a river corridor that is susceptible to the natural downslope movement of earth and rock under the natural forces of gravity. This includes slides, flows, or toppling of rock, earth, soil, or other naturally occurring material.

Letter of Map Amendment (LOMA) – A letter issued by the Federal Emergency Management Agency (FEMA) officially removing a structure or lot from the flood hazard zone based on information provided by a licensed engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area or conditions (either naturally occurring or man-made) have resulted in changes over-time to the flood hazard zone. It is the sole responsibility of the property owner(s) to provide a letter of map amendment from FEMA to the municipality at their own cost. A Letter of Map Amendment will remain with the property as attached to a zoning permit or registered with the deed and may not be reflected on the current Flood Hazard Overlay District Map.

Light Industry – Small scale manufacture, processing or fabrication of goods, wares or merchandise in conformance with section 4.11.

Lodge – A building designed, in whole or in part, to room and/or board persons on a nightly, weekly or seasonal basis.

LOMA – see Letter of Map Amendment.

Lot – Any parcel of land in single ownership and not divided by any town highway, occupied or to be occupied by a building and its accessory buildings, together with the required open spaces, and having not less than the minimum area, frontage, width and depth required for a lot in the district in which such land is situated. Only one primary dwelling structure is allowed per lot, except in Planned Unit Developments.

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Lot Frontage – The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the town or state highway OR the distance between the side lot lines of a lot created by or on an approved permanent easement or right-of-way access to a town or state highway. The required frontage for a lot shall be measured along a continuous line and shall not be interrupted, with the exception of a private drive, for the full length of the required distance.

Lot Line – Any boundary of a lot other than a street line.

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 C.F.R. § 60.3.

Maintenance - periodic actions required to keep up a condition and that do not significantly change the materials or extent of an existing condition in the hazard area.

Manufactured Home (or Mobile Home) - A structure, transportable in one or more sections, which is built off-site 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".

New Construction - structures for which the start of construction commenced on or after the effective date of floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

Nonconforming Lots or Parcels – Lots or parcels that do not conform to dimensional requirements contained in the present Regulations but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present Regulations, including a lot or parcel improperly authorized as a result of error by the Zoning Administrator.

Nonconforming Structure – A structure or part of a structure that does not conform to the present Regulations but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present Regulations, including a structure improperly authorized as a result of error by the Zoning Administrator. Structures that were in violation of the flood hazard regulations at the time of their creation, and remain so, remain violations and are not nonconforming structures.

Nonconforming Use – Use of land that does not conform to the present Regulations but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present Regulations, including a use improperly authorized as a result of error by the Zoning Administrator.

Nonconformity – A nonconforming use, structure, lot, or parcel.

Non-Residential – uses which do not include a dwelling unit and may include businesses, churches, schools, nursing homes, pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, industrial structures, and warehouses.

Office, Business or Professional - A room, suite of rooms or building used for conducting the affairs of a business, profession, government, or organization; or used as an accessory to personal services, industry and other uses. The ~~on-premise~~ on premise retail sale of goods is specifically excluded from this definition.

Open Space - Land in a natural state or in agricultural use, or the undeveloped portion of any

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development parcel(s) which is not intended to be occupied by buildings, private access roads, rights-of-way, driveways, parking spaces, commercial recreation facilities, or other development.

Parcel - see Lot.

Parking Space, Off-street– A temporary storage area for motor vehicles that a) has the minimum dimensions required in these Regulations and b) is not located on a dedicated street right of way.

Person - An individual, corporation, partnership, association or other organization, group or legal entity.

Planned Unit Development (PUD) – One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. In a PUD, the standards set forth in these Regulations, including lot size, density, and setbacks, are given greater flexibility in order to promote patterns of development appropriate to the qualities of the land being developed and the zoning district in which it is located. See Article VII, Planned Unit Development.

Plat - A scale drawing of land showing lot lines, town highways, private access roads, buildings or building envelopes, and other proposed improvements.

Preliminary Plat - The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Development Review Board for its consideration.

Primary Residence – A dwelling in which a resident claims primary residency for tax, voting, and/or postal purposes.

Private Access Road -Any non-public road, lane or other way accessing more than one lot in a subdivision.

Public Water, Public Sewer – Sewage disposal and water supply systems approved by the water & wastewater commission.

Recreational Use, Commercial – Privately owned and operated use or buildings for sports or other leisure time activities, including, but not limited to, tennis court, skiing facility, skating rink, swimming pool, golf course. This shall not include automobile or other motorized vehicle tracks, firing ranges and amusement parks.

Recreational Use, Public – Playground, playing field, park, open space, swimming pool or other recreational use or building operated by a governmental body or agency.

Recreational Vehicle – A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Replacement structure - a new building placed in the same footprint as the pre-existing building and does not include a change in use.

Religious Institution – Any premises used and operated as a non-profit operation principally as a place of worship and religious education, but not including a school.

Residential Care Home – A group home operated under state licensing or registration serving not

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more than eight persons who have a handicap or disability as defined in 9 V.S.A. § 4501. Such home 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 residential care home.

Re-Subdivision - A change of recorded subdivision plat if such change affects any access road layout on such plat, or area reserved thereon for public use, or any lot line, or the change if it affects any map of plan legally recorded.

River - the full length and width, including the bed and banks, of any watercourse, including rivers, streams, creeks, brooks, and branches which experience perennial flow. "River" does not mean constructed drainage ways, including water bars, swales, and roadside ditches.

River Corridor - The land area adjacent to a river that is required to accommodate the dimensions, slope, landform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition, as that term is defined in 10 V.S.A. §1422, and for minimization of fluvial erosion hazards, as delineated by the Agency in accordance with the ANR River Corridor Protection Guide. River Corridors will also include Landslide Hazard Areas as defined herein.

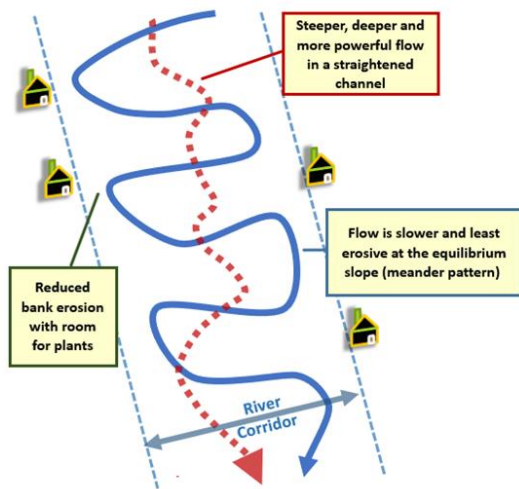


Figure 1. River Corridor Diagram showing room for river channel adjustments to minimize slope and erosive power.

Setback, Front– The distance between the nearest portion of any building on a lot and the center of the road in the Village and Rural Residential zoning districts, and as measured from the edge of the road in the Forest & Agricultural Lands District.

Setback, Side & Rear – The distance between the nearest ~~portion~~portions of any building on a lot and the side or rear property line of the lot.

Short Term Rental – The rental of a portion of or an entire dwelling unit on an overnight or short term basis of less than 30 days at a time for no more than 90 days in a calendar year.

Sign – Any structure, display, device or representation which is designed or used to advertise or call attention to ~~any thing~~anything, person, business, activity or place and is visible from any highway or other right-of-way. It does not include the flag, pennant or insignia of any nation, state or town. Whenever dimensions of a sign are specified, they shall include panels and frames.

Sign, Portable – Any sign not permanently attached to the ground or other permanent structure. Maximum size of portable signs is 5' tall x 3' wide.

Sign, Temporary – A sign, including its supporting structure, for the purposes of announcing or promoting a particular event, intended to be maintained for a period not to exceed 14 consecutive

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days. Temporary signs are meant to announce one-time events, e.g. a church supper, a play, auction, etc.

Significant Wildlife Habitat —~~These~~ Those natural features that are essential for the survival and/or reproduction of the native wildlife of Plainfield and the surrounding region. This shall include, but is not limited to habitat for rare, threatened and endangered species (state or federally listed); riparian areas, surface waters, and vernal pools; wildlife travel corridors; and large areas (e.g. 500+ acres) of contiguous, unfragmented forest. See Appendix 4.

Sketch Plan: A sketch of the proposed subdivision showing information specified in Article V Section 5.3 of these Regulations to enable the subdivider to save time and expense in reaching general agreement with the Development Review Board as to the form of the subdivision and objectives and requirements of these Regulations.

Special Flood Hazard Area (SFHA) - the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. For purposes of this bylaw, the term "area of special flood hazard" is synonymous in meaning with the phrase "special flood hazard area." This area is usually labeled Zone A, AE, ZA, AH, or A1-30 in the most current flood insurance studies and on the maps published by FEMA. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov. Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of special flood hazard areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

Start of construction - for purposes of floodplain management, determines the effective map or bylaw that regulated development in the special flood hazard area. The "start of construction" includes substantial improvement and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stable – A commercial boarding and grooming facility for horses or other livestock which may include stall rental or the leasing or renting of horses or livestock for riding or as pack animals. A stable may also include riding facilities and trails.

Street Line – The line dividing the street, including right of way, and a lot. Where the width of the street is not established or cannot be determined, the street line shall be considered to be twenty-four (24) feet (i.e., one and one-half (1 1/2) rods) from the center of the existing traveled way.

Storage -the aggregation of materials, items, or objects whether natural or human-made; that is kept as a stockpile, collection, or inventory; where individual materials from the stockpile, collection or inventory may change, but where the general footprint of the stored materials continues to be used for the same purpose; whether set upon the land or within a container, structure, or facility; and that

would not otherwise be in compliance with these development standards.

Structure – An assembly of materials for occupancy or use, including a building, mobile home or trailer, sign, wall, or fence. For purposes of floodplain management structure shall mean a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.

Subdivider - Any person who shall lay out for the purpose of sale or development any subdivision or part thereof as defined in these Regulations, either for themselves or others. The term shall include an applicant for subdivision approval.

Subdivision: Any division of any part, parcel, or area of land by the owner into two or more lots, parcels, plots, units, sites, or other legal division of land for the purpose of transfer of ownership, building development, improvement, lease, or sale. The term includes amended subdivisions, re-subdivisions, and the alteration of boundaries in an approved subdivision. The term shall also include the development of a parcel of land as a planned unit development.

Subdivision, Major - All subdivisions not classified as minor subdivisions, including but not limited to any division of land which results in four (4) or more lots, including all lots created from a single parcel within the past ten (10) years; any size subdivision which requires the installation of public improvements; any Planned Residential Development or Planned Unit Development; or any nonresidential subdivision.

Subdivision, Minor - Any subdivision of land which results in not more than three lots including all lots created from a single parcel within the past ten (10) years, fronting on or connected by a permanent easement to an existing public highway, which does not involve any extension of municipal facilities or the creation of any public improvements; and which does not adversely affect the remainder of the parcel, adjoining property or municipal facilities, and which is not in conflict with any provision or portion of the Plainfield Town Plan, or the Plainfield Land Use and Development Regulations.

Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years, or over a the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Temporary Dwelling – The use, under limited and specified conditions and for periods of not more than 12 consecutive months, of any structure as a dwelling.

Temporary Structure – A non-residential structure designed for limited use with no foundation or footings, which is easily relocated and which remains in place for less than six months in any one-year period. Trailers that were intended for on-road usage, box vans, shipping containers and similar conveyances shall be considered structures requiring a permit if they are used for storage and/or

located on a parcel for more than six (6) months and are not full registered and "road-ready."

Top of Bank - the point along a streambank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high water stage.

Top of Slope - a break in slopes adjacent to steep-banked streams that have little or no floodplain; or a break in slope where the side slopes adjacent to an incised, or deeply cut, channel meet floodplains that have been abandoned or are undergoing abandonment.

Town Plan - The Plainfield Town Plan as most recently adopted.

Wetlands – Those areas of the state that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs, vernal pools, and ponds, but excluding such areas that grow food or crops in connection with farming activities.

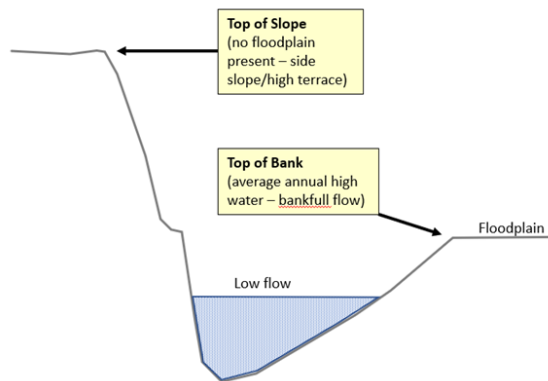
Wildlife – Any species of wild, free-ranging flora or fauna including plants, birds, fish, mammals, reptiles, aquatic species, and invertebrates.

Wireless Telecommunication Service – Any commercial mobile service, wireless service, common carrier wireless exchange service, cellular service, personal communication service (pcs), specialized mobile radio service, paging service, wireless data service, or public or private radio dispatch service.

Wireless Telecommunication Facility – Any tower or other support structure, including antennae, that will extend 20 or more feet vertically, and any accompanying structure, building, access road, service utility or equipment that broadcasts or receives radio frequency waves carrying wireless telecommunication services.

Wireless Telecommunication Service Provider – Any person or entity providing wireless telecommunication services.

Violation - the failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 C.F.R. § 60.3 is presumed to be in violation until such time as that documentation is provided.



Base Flood – The flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the “100-year flood”).

Base Flood Elevation (BFE) – The elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is 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.

BFE – see Base Flood Elevation

Buffer – An undisturbed area consisting of trees, shrubs, ground cover plants, duff layer, and generally uneven ground surface that extends a specified distance horizontally across the surface of the land from the mean water level of an adjacent lake or from the top of the bank of an adjacent river or stream.

Channel – An area that contains continuously or periodic flowing water that is confined by banks and a streambed.

Channel Width (or bankfull width) – The width of a stream channel when flowing at a bank full discharge. The bank full discharge is the flow of water that first overtops the natural banks. This flow occurs, on average, about once every 1 to 2 years.

Common Plan of Development – Where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

Critical Facilities – Includes police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and other structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station.

Development – Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling

operations, or storage of equipment or materials.

Fill—Any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

FIRM—see Flood Insurance Rate Map

Flood—(a) a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood Insurance Rate Map (FIRM)—An official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, PDF, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study—An examination, evaluation and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

Floodplain or Flood-Prone Area—Any land area susceptible to being inundated by water from any source (see definition of “flood”).

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

Floodway—The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that Special Flood Hazard Areas and floodways may be shown on a separate map panels.

Floodway, Regulatory in Town of Plainfield—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.

Fluvial Erosion—Erosion caused by streams and rivers. Fluvial erosion can be catastrophic when a flood event causes a rapid adjustment of the stream channel size and/or location.

Functionally Dependent Use—A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

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

Landslide Hazard Area—A landslide hazard area is an area of land typically along a river corridor that is susceptible to the natural downslope movement of earth and rock under the natural forces of gravity. This includes slides, flows, or toppling of rock, earth, soil, or other naturally occurring material.

Letter of Map Amendment (LOMA)—A letter issued by the Federal Emergency Management Agency (FEMA) officially removing a structure or lot from the flood hazard zone based on information provided by a licensed engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area or conditions (either naturally occurring or man-made) have resulted in changes over time to the flood hazard zone. It is the sole responsibility of the property owner(s) to provide a letter of map amendment from FEMA to the municipality at their own cost. A Letter of Map Amendment will remain with the property as attached to a zoning permit or registered with the deed and may not be reflected on the current Flood Hazard Overlay District Map.

Lowest Floor—The lowest floor of the lowest enclosed area, including basement, except an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Manufactured Home (or Mobile Home)—A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

New Construction—For regulation under this bylaw means structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

Nonconforming Structure—A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the Zoning Administrator. Structures that were in violation of the flood hazard regulations at the time of their creation, and remain so, remain violations and are not nonconforming structures.

Nonconforming Use—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 Zoning Administrator.

Nonconformity—A nonconforming use, structure, lot, or parcel.

Non-Residential Use—Limited to structures directly accessory to the uses permitted in the district.

Recreational Vehicle—A vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

River Corridor—The land area adjacent to a river that is required to accommodate the dimensions, slope, landform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition, as that term is defined in 10 V.S.A. §1422, and for minimization of fluvial erosion hazards, as delineated by the Agency in accordance with the ANR River Corridor Protection Guide. River Corridors will also include Landslide Hazard Areas as defined herein.

Special Flood Hazard Area—The floodplain within a community subject to a 1-percent or greater chance of flooding in any given year. For purposes of these regulations, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area”. This area is usually labeled Zone A, AE, AO, AH, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov. Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

Start of Construction—For purposes of floodplain management, determines the effective map or bylaw that regulated development in the Special Flood Hazard Area. The “start of construction” includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

Structure—For regulatory purposes under this bylaw, a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.

Substantial Damage—Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement—Any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years, or over a the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed.

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~~The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".~~

~~**Top of Bank**—The vertical point along a stream bank where an abrupt change in slope is evident.— For streams in wider valleys it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope.~~

~~**Violation**—The failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.~~

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ARTICLE II: ESTABLISHMENT OF ZONING DISTRICTS

Section 2.1 Zoning Map

The location and boundaries of the zoning districts described below are established as shown on the attached zoning map. The boundaries of the Flood Hazard Area Overlay District, including the Special Flood Hazard Area, are defined by the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources. The boundaries of the River Corridor Overlay District are defined by the most current river corridor maps as published by the Vermont Agency of Natural Resources. The zoning map is hereby made a part of these regulations, together with all future notations, references and amendments.

Section 2.2 Interpretation of Zone Boundaries and Regulations

If uncertainty exists to the boundary of any district shown on the zoning map, Zoning Administrator shall determine the location of such boundary. All uses not listed as permitted or conditionally permitted within a district are deemed prohibited in that district. If the proposed use does not comply with the definition for the use contained in these regulations, it is deemed prohibited.

Section 2.3 General Regulations for All Districts

In addition to specific regulations as set forth for development in each zoning district, the General

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and Specific Use Regulations contained in Articles III and IV of these Regulations apply to uses in all districts. Where district-specific regulations conflict with the regulations in Articles III and IV, the more restrictive standard will apply.

Section 2.4 Reserve Lands District

An area with steep slopes, scenic ridge lines and high elevations, lacking good road access, suitable mainly for forestry, low-impact recreation and wildlife habitat. This district is limited to lands with an elevation above 2200 feet which includes LR Jones State Forest and Spruce Mountain.

Section 2.4.1 Permitted Uses:

- Agricultural uses, except dwelling unit
- Fire towers
- Forestry uses under direction of the county forester
- Low intensity, non-commercial recreation uses including nature study, hunting, hiking, cross country skiing, snowmobiling, etc., but excluding any structure
- Public forests and parks
- Wildlife refuge

Section 2.5 Forest and Agricultural Lands District

This zone contains all of the land not included in other districts. There are large parcels of forest and agricultural land, some of which are still based on the earliest settled farms. This district contains areas of forestry and agricultural uses as well as residential uses. The goals of this district are to maintain contiguous forest tracts, preserve prime agricultural soils, support viable agricultural ventures and has potential to increase residential uses.

Section 2.5.1 Permitted Uses

- Accessory dwelling
- Agricultural uses
- Child Care Home serving fewer than 6 children
- Forestry uses
- Home occupation
- Low intensity, non-commercial recreation use including hunting, fishing, hiking, horseback riding, snowmobiling, cross country skiing, etc.
- One-family dwelling
- Public forests and parks
- Residential Care Home, subject to conditions in Section 4.9 of these regulations.
- Uses and structures accessory to listed permitted uses, including agricultural employee residence

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Section 2.5.2 Conditional Uses

The following uses are permitted after issuance of a conditional use permit by the Development Review Board:

- Bed and breakfast
- Cemetery
- Community facility
- Cottage industry
- Educational Institution
- Fence over 4 feet in height within required setback area
- Light Industry
- Lodge
- Two-family dwelling
- Planned unit development
- Recreation, public and commercial
- Stable
- Temporary dwelling
- Event facility
- Short term rentals
- Forest Products Processing
- Farm-Worker Housing

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Section 2.5.3 Dimensional Standards:

Lot area minimum:	Five acres
Lot frontage minimum:	300 feet
Lot width minimum:	300 feet
Lot depth minimum:	300 feet
Front setback minimum:	50 feet – as measured from edge of road
Side & rear minimum:	50 feet 50 feet for accessory use for lots 5 acres or greater 25 feet for accessory use for non-conforming lots less than 5 acres
Building height maximum:	35 feet (agricultural uses exempt)

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Section 2.6 Rural Residential District

The areas adjacent to the Village which are served by town water and sewer or are close enough for future expansion of this infrastructure. Most of this district is in residential use with some agricultural

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and forestry uses. Rural residential has potential for residential growth close to the village center.

Section 2.6.1 Permitted Uses:

- Accessory dwelling
- Agricultural and forestry uses
- Child Care Home Serving fewer than 6 children
- Home Occupation
- One-family dwelling
- Public forests and parks
- Residential Care Home
- Two-family dwelling
- Uses and structures accessory to listed permitted uses, including agricultural employee residence

Section 2.6.2 Conditional Uses

The following uses are permitted after issuance of a conditional use permit by the Development Review Board:

- Bed and breakfast
- Cemetery
- Community facility
- Cottage industry
- Educational institution
- Fence over four feet high within required setback area
- Light industry
- Lodge
- Planned unit development
- Professional office
- Recreational use, public or commercial
- Religious institution
- Temporary dwelling
- Event facility
- Short term rentals

Section 2.6.3 Dimensional Standards:

Lot area minimum:	One-half acre with public sewer Two acres without public sewer
Lot frontage minimum:	50 feet for lots of one-half acre or less 150 feet for lots over one half acre
Lot width minimum:	50 feet for lots of one-half acre or less

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Lot depth minimum:	150 feet for lots over one half acre 200 feet
Front setback minimum:	50 feet – as measured from centerline
Side and rear minimum:	20 feet for lots of one-half acre or less 25 feet for lots over one half acre
Building height maximum:	10 feet for accessory structure 35 feet (agricultural uses exempt)

Section 2.7 Village District

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This District, which is served by Town water and sewer, is a mixed-use area containing businesses, civic and religious buildings, and many residences. Multiple uses within one structure will be permitted provided that all the uses are either permitted or conditional uses in this district. The district has the highest density for housing and the most services available to support growth of business and residential use.

Section 2.7.1 Permitted Uses

- Accessory dwelling
- Agricultural and forestry uses
- Business or professional office
- Child Care Home Serving 6 or less children
- Home Occupation
- One-family dwelling
- Public forests and parks
- Residential Care Home, subject to conditions in Section 4.9 of these regulations
- Two-family dwelling
- Uses and structures accessory to listed permitted uses, including agricultural employee residence

Section 2.7.2 Conditional Uses

The following uses are permitted after issuance of a conditional use permit by the Development Review Board:

- Bed and breakfast
- Community facility
- Cottage industry
- Dormitory
- Educational institution
- Fence over 4 feet in height within required setback area
- Light industry
- Lodge
- Multi-family dwelling
- Planned unit development

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- Recreational use, commercial or public
- Religious institution
- Retail or wholesale commercial service
- Event facility
- Short term rentals

Section 2.7.3 Dimensional Standards

Lot area minimum:	0.25 acre with public sewer Two acres without public sewer
Lot frontage minimum:	50 feet for lots of one-half acre or less 100 feet for lots over one-half acre
Lot width minimum:	50 feet for lots of one-half acre or less 100 feet for lots over one-half acre
Lot depth minimum:	100 feet
Front setback minimum:	28 feet – as measured from centerline
Side and rear minimum:	10 feet 10 feet for accessory use
Building height maximum:	35 feet

Section 2.8 Flood Hazard Overlay District

Section 2.8 Flood Hazard and River Corridor Overlay District

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Section 2.8.1 Statutory Authorization and Effect

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In accordance with 24 V.S.A. Chapter 117, §§ 4424 and 4414, this is a bylaw for areas at high risk of flood damage in the Town of Plainfield, Vermont. Except as additionally described below, all administrative procedures follow municipal procedures under 24 V.S.A. Chapter 117 and 44 CFR § 60.3(d).

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Section 2.8.2 Statement of Purpose

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It is the purpose of this bylaw to:

1. To implement the goals, policies, and recommendations in the municipal plan;
2. To protect health, safety and welfare of the public, 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-related inundation and erosion hazards;
3. Support equitable wellbeing for the entire community;
4. Ensure that development in our community protects floodplain and river corridor functions, and avoids and reduces damage from flooding and erosion;
5. Manage all flood hazard areas pursuant to 24 VSA §4382 and 10 VSA §§751, 753; and
6. Make the Town of Plainfield, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available.

Section 2.8.3 Other Provisions

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A. Precedence of Bylaw

The provisions of these flood hazard bylaws shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this flood hazard regulation imposes a greater restriction the provisions here shall take precedence. Where River Corridors and Flood Hazard Areas overlap, the Flood Hazard Area provisions shall also apply.

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B. Validity and Severability

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

C. Warning of Disclaimer of Liability

This bylaw does not imply that land outside of the areas covered by this bylaw will be free from flood or erosion damages. This regulation shall not create liability on the part of the Town of Plainfield, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

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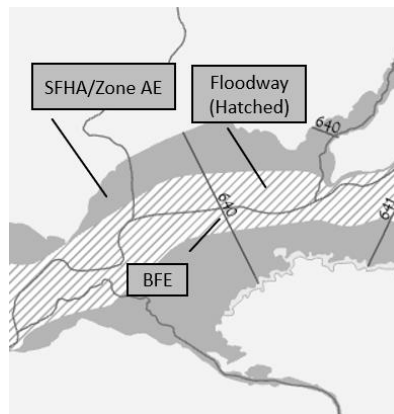


Figure 2. Diagram of Special Flood Hazard Area (SFHA) containing the Floodway (shown in hatched pattern). Also, cross-sections marked with the Base Flood Elevation (BFE) at that location.

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Section 2.8.4 Lands to Which these Regulations Apply

A. Regulated Flood Hazard Areas

1. Flood Hazard Area Boundaries

This bylaw shall apply to the Special Flood Hazard Areas (SFHA) as mapped in the Town of Plainfield, Vermont identified in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources (ANR) pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of this bylaw.

i. Base Flood Elevations and Floodway Limits

- a. Where available, base flood elevations (BFE) and floodway limits provided by the NFIP and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce this bylaw.
- b. The floodway, as adopted by this community, shall consist of the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.
- c. In the SFHA where base flood elevations and/or floodway limits have not been provided by the NFIP in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or state or federal agencies to administer this bylaw.
- d. If the Town acquires data that indicates a change in published base flood elevations, the Town will, within 6 months, submit the technical or scientific data to Vermont ANR and the NFIP Map Specialist.

2. Jurisdictional Determination

- i. The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.
- ii. If uncertainty exists with respect to the boundaries of the Flood Hazard Area, the location of the boundary shall be determined by the Zoning Administrator (ZA).

B. Regulated River Corridor

1. River Corridor Boundaries

- i. This bylaw shall apply to the River Corridors in the Town of Plainfield, Vermont, as published by the Agency of Natural Resources (ANR) including refinements to that data which are hereby adopted by reference.
- ii. River Corridors shall also include Landslide Hazard Areas as defined herein and noted in the "Landslide Hazard Analysis of the Great Brook Watershed, Plainfield, Vermont" written by George Springston and Ethan Thomas and revised on March 17, 2014.
- iii. On streams with a watershed size greater than half a square mile for which River Corridors are not mapped, the standards shall apply to the area measured as 50 feet from the top of the stream bank or slope.

2. Jurisdictional Determination

The information presented on any maps, or contained in any studies adopted by reference, is presumed accurate.

- i. If uncertainty exists with respect to the boundaries of the River Corridor, the location of the boundary on the property shall be determined by the Zoning Administrator (ZA).
- ii. If the applicant disagrees with the determination made by the ZA or with the river corridor as mapped, the applicant has the option to either:
 - a. Hire a licensed land surveyor or registered professional engineer to stake out the River Corridor boundary as mapped on the property; or,
 - b. Provide data as needed for ANR to update the river corridor map following the Flood Hazard Area and River Corridor Protection Procedure ("Procedure"); or
 - c. Request a letter of determination from ANR that the proposed development meets the Performance standard in the Procedure.

Section 2.8.5 Development Review in Hazard Areas

A. Development in the Flood Hazard Area Overlay.

For any development in the Flood Hazard Area Overlay, the Flood Hazard Area Development standards (see Section 5.4) shall be applied concurrently with the standards for underlying districts. Where the overlay district imposes more restrictive standards on the use of a structure or land, the standards of the overlay district shall apply.

B. Table of Uses.

Use categories are intended to be broadly defined. The Zoning Administrator shall determine the applicability of a specific definition to a proposed use. Said determination may be appealed to the Development Review Board. Proposed uses shall be subject the following types of reviews:

- a. Permitted: Permitted uses for each hazard area are denoted with a "P" in the Table of Uses. All permitted uses require a Zoning Permit approved by the Zoning Administrator according to the requirements of Section 2.8.6 and Article VIII.
- b. Conditional Use Review: Conditional uses for each hazard area are denoted with a "C" in the Table of Uses. Before the Zoning Administrator may issue a Zoning Permit, a proposal is subject to conditional use review and approval of the Development Review Board and are subject to the requirements Section 2.8.6 and Article VIII.
- c. Prohibited Uses: If a specifically defined use is neither denoted as Permitted, Site Plan, or Conditional Use within a District, it shall be considered prohibited. Prohibited uses for each District are denoted with an "x" in the Table of Uses.
- d. Exempt Uses: Lists uses do not require review under Section 2.8.
- e. Uses not listed in the Table of Uses If a proposed use is not specifically listed in the Table of Uses, the Zoning Administrator shall first determine if the use is substantially similar to a listed use found within the Table of Uses, using the definitions of uses in this Bylaw. If deemed substantially similar to a listed use, the Zoning Administrator shall treat the use accordingly, as a permitted, conditional or a prohibited use. If deemed to be not substantially similar to a listed use in the Table of Uses, the use shall be deemed not listed and it shall be prohibited. The Zoning Administrator's determination may be appealed to the Development Review Board.

Table 1: Hazard Area Uses

<u>Activity / Use</u>	<u>Flood Hazard Area</u>	<u>Floodway</u>	<u>River Corridor</u>
<u>P – Permitted</u>	<u>X – Prohibited</u>		
<u>C – Conditional Use Review</u>	<u>E – Exempted</u>		
<u>Additions to existing accessory structures which are 500 square feet or less</u>	<u>P</u>	<u>X</u>	<u>P,C</u>
<u>Additions to existing accessory structures which are more than 500 square feet</u>	<u>C</u>	<u>X</u>	<u>P,C</u>
<u>Additions to existing structures (also see Substantial and Non Substantial Improvements)</u>	<u>C</u>	<u>X</u>	<u>P,C</u>
<u>Agricultural activities conducted in accordance with the Vermont Department of Agriculture’s Accepted Agricultural Practices. Prior to the construction of farm structures, the farmer must notify the ZA in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.</u>	<u>E</u>	<u>E</u>	<u>E</u>
<u>All development not exempted, permitted, or conditionally permitted</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Building utilities and new or replacement fuel storage tanks</u>	<u>P</u>	<u>C</u>	<u>E</u>
<u>Critical facilities</u>	<u>X</u>	<u>X</u>	<u>C</u>
<u>Development related to on-site septic or water supply systems</u>	<u>P</u>	<u>C</u>	<u>P</u>
<u>Demolition or removal of a building or other structure in whole or in part</u>	<u>E</u>	<u>E</u>	<u>E</u>
<u>Grading or excavating for the purpose of any other activity not specifically listed</u>	<u>C</u>	<u>C</u>	<u>E</u>
<u>Improvements, Non substantial</u>	<u>P</u>	<u>C</u>	<u>n/a</u>
<u>Improvements, Substantial (including the replacement of a manufactured home)</u>	<u>C</u>	<u>C</u>	<u>n/a</u>
<u>Junk yards</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Landscaping and planting projects, which do not result in a net increase of new fill</u>	<u>E</u>	<u>E</u>	<u>E</u>
<u>Maintenance of existing transportation infrastructure and storm water drainage</u>	<u>E</u>	<u>E</u>	<u>E</u>
<u>Minor interior improvements or repairs that cost less than \$500</u>	<u>E</u>	<u>E</u>	<u>E</u>
<u>Municipal transportation infrastructure improvements</u>	<u>P</u>	<u>C</u>	<u>P</u>
<u>New accessory structures (500 square feet or less)</u>	<u>P</u>	<u>X</u>	<u>P,C</u>
<u>New accessory structures (greater than 500 square feet)</u>	<u>C</u>	<u>X</u>	<u>P,C</u>
<u>New principle structures (residential or non-residential buildings)</u>	<u>C</u>	<u>X</u>	<u>C</u>
<u>New bridges, culverts, docks or other projects which are functionally dependent on stream access or stream crossings</u>	<u>C</u>	<u>C</u>	<u>E</u>
<u>New drainage or channel management projects</u>	<u>C</u>	<u>C</u>	<u>P</u>
<u>New dwelling units</u>	<u>C</u>	<u>X</u>	<u>C</u>

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<u>New fill</u>	<u>X</u>	<u>X</u>	<u>E</u>
<u>New fully enclosed areas below grade on all sides, including below grade crawl spaces and new basements</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>New outdoor recreation areas w/out structures (such as at grade trails which require no fill or grading)</u>	<u>P</u>	<u>P</u>	<u>E</u>
<u>New parking area and driveways, at-grade</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>New parking areas and driveways requiring grading or excavating</u>	<u>C</u>	<u>C</u>	<u>P</u>
<u>Open fencing and signs elevated on poles or posts</u>	<u>P</u>	<u>P</u>	<u>E</u>
<u>Outdoor storage of materials and storage of hazardous materials</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Recreational vehicles, campers and temporary shelters</u>	<u>P</u>	<u>X</u>	<u>E</u>
<u>River and floodplain restoration projects</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Routine maintenance (private, public and infrastructure)</u>	<u>E</u>	<u>E</u>	<u>E</u>
<u>Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices</u>	<u>E</u>	<u>E</u>	<u>E</u>
<u>Subdivision or land or Planned Unit Developments (which does not involve or authorize development.</u>	<u>P</u>	<u>P</u>	<u>E</u>

Section 2.8.6 Development Standards in Flood Hazard Areas

A. Development Standards within the Flood Hazard Area

1. No net loss of flood storage capacity.
 - i. Except as needed to fill an existing basement or mitigate an existing structure;
2. All development below the DFE, except development that is exempt under Section 2.8.5 B, shall be:
 - i. Reasonably safe from flooding;
 - ii. Designed (or modified) and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
 - iii. Constructed with materials resistant to flood damage;
 - iv. Constructed by methods and practices that minimize flood damage;
 - v. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
 - vi. Adequately drained to reduce exposure to flood hazards.
3. Fuel storage tanks and vents must be elevated above the DFE and securely anchored;
4. Storage tanks may be placed underground if a qualified professional certifies the installation will be anchored and protected from flood forces.
5. In Zones AE and A1 – A30 where floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than one foot at any point within the community. The demonstration shall be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.
6. Recreational vehicles, equipment, boat trailers, portable toilets, construction trailers, and other travel trailers shall:
 - i. Be currently registered, licensed, and ready for highway use; or
 - ii. Be on site for fewer than 180 consecutive days; or
 - iii. Meet the requirements for structures in Section 2.8.6.A.13.

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7. Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
8. Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
9. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
10. The flood carrying capacity within any altered or relocated portion of any watercourse shall be maintained, any alteration or relocation shall not result in any decrease of stream equilibrium.
11. Bridges, culverts, and channel management activities, which by their nature shall be placed in or over the watercourse, shall have a Stream Alteration permit from the Agency of Natural Resources, if required.
12. Subdivisions and Planned Unit Developments shall be accessible by dry land access.
13. Structural Standards:
 - i. New or Substantially Improved structures shall have the lowest floor, including basement, elevated to or above the Design Flood Elevation (two feet above base flood elevation). This shall be documented in the proposed and as-built condition with a FEMA Elevation Certificate;
 - ii. New non-residential structures, and non-residential structures to be substantially improved, replaced, or that have incurred substantial damage shall:
 - a. Meet the standards of Section 2.8.6.A.13.i above; or,
 - b. Have the lowest floor, including basement, together with attendant utility and sanitary facilities, designed so that to at least two feet above the base flood elevation the structure is dry floodproofed, meaning watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
14. A permit for dry floodproofing shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications, and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection:
 - i. New or Substantially Improved structures in Zone ZA shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least two feet above the depth number specified on the community's FIRM, or at least three feet if no depth number is specified;
 - ii. Critical facilities to be substantially improved shall have the lowest floor, including basement, elevated or dry-floodproofed at least one foot above the elevation of the 0.2% annual flood height (500-year floodplain), or three feet above base flood elevation, whichever is higher;
 - iii. Historic structures being substantially improved shall meet the requirements in this bylaw other than the Lowest Floor Elevation (Section 2.8.6.A.13.ii.b);
 - iv. Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited;
 - v. Fully enclosed areas below the lowest floor, that are above grade, below the DFE, and subject to flooding, shall:
 - a. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs shall be certified by a registered professional engineer or architect; or
 - b. meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square

- inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above adjacent 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; and
- vi. A small accessory structure of 500 square feet or less need not be elevated to the base flood elevation if adequate flood openings are provided, the structure is placed on the site so as to offer the minimum resistance to the flow of floodwaters, and the construction meets the criteria in Section 2.8.6.A.2 above.

B. Development Standards within the Floodway

1. Within the Floodway new development and encroachments are prohibited except for the following, which also shall comply with Section 2.8.6.B.2, below:
 - a. changes to existing structures where the footprint is proposed to expand horizontally into the floodway less than 500 square feet;
 - b. new encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects;
 - c. new encroachments relating to health and safety measures, such as replacement of pre-existing on-site septic and water supply systems, if no other practicable alternative is available.
2. Within the Floodway all proposed new development and new encroachments are required to provide a hydraulic analysis, performed by a registered professional engineer, in accordance with standard engineering practice, certifying that the proposed development will:
 - a. Not result in any increase in flood levels during the occurrence of the base flood;
 - b. Not increase base flood velocities; and
 - c. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
3. For development that will not result in any change in grade, the hydrologic & hydraulic analyses may be waived, where the applicant will provide pre- and post-development elevations demonstrating that there will be no change in grade, and that the development will be adequately protected from scour.

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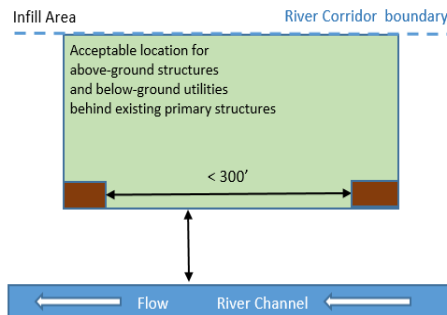


Figure 14: In-fill Development Standard

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C. Development Standards in River Corridors

1. All development within the River Corridor shall meet the following standards. Where more than one district is involved, the most restrictive standard shall take precedence:

- a. Development must be located no closer to the top of bank than the existing primary structures, within a gap that is no more than 300 feet (see Figure 4 Infill Development), or
- b. An addition to an existing structure, or an accessory structure that is adjacent to an existing structure, shall be located in the shadow area directly behind and further from the channel than the existing structure, or within 50 feet to the downstream side and no closer to the top of bank. Below-ground utilities may also be placed within the same shadow dimensions of an existing below-ground system (see Figure 5. Down River Shadow Area). Only primary structures existing before this bylaw may be considered for shadowing other development.

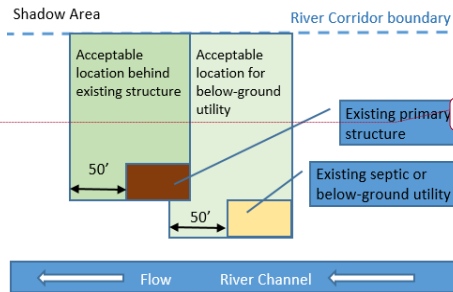


Figure 25: Shadow Area Development Standard

2. Proposals that do not meet the infill or shadowing criteria in Section 2.8.6.C.1 shall be subject to conditional use review and must demonstrate that the proposed development will:

- a. not be placed on land with a history of fluvial erosion damage or threatened by fluvial erosion; and,
- b. not cause the river reach to depart from or further depart from the channel width, depth, meander pattern, and slope associated with natural stream processes and equilibrium conditions; and,
- c. not result in a need for bank armoring or stream channelization as a result of the proposed development, that would increase flood elevations and velocities, or alter the sediment regime triggering channel adjustments and erosion in adjacent and downstream locations.
- d. The DRB may request or consider additional information to determine if the proposal meets the River Corridor Standards, including data and analysis from a consultant qualified in the evaluation of river dynamics and erosion hazards; and comments provided by the DEC Regional Floodplain Manager on whether the proposal meets the River Corridor Performance Standard.

Section 2.8.7 Administration

A. Permits

1. Where eligible, a permit shall be issued by the ZA only in accordance with 24 V.S.A. Chapter 117;
2. Permits must state that all other necessary permits from state and federal agencies must be obtained before work may begin.

B. Application Submission Requirements

All applications for development shall include:

1. A site plan that depicts the proposed development including water, Flood Hazard Areas, and River Corridor boundaries; the shortest horizontal distance from the

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proposed development to the top of bank of any stream, any existing and proposed drainage, any proposed fill, pre- and post-development grades, and the elevation of the proposed lowest floor as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps.

2. A copy of the ANR Permit Navigator Results Summary.

C. Review Procedures

1. Within 30 days of receipt of a complete application the ZA shall issue or deny a permit in writing or refer it to the DRB.
2. Any application for a proposed conditional use, variance, or appeal shall be referred by the ZA to the DRB in accordance with 24 V.S.A. §§ 4448 and 4469.
3. Referrals to State Agencies:
 - i. Any application regarding New Construction, Substantial Improvement, development in a Floodway, development in a River Corridor, or a Variance shall be submitted by the ZA to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources in accordance with 24 V.S.A. § 4424. A permit may be issued following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.
 - ii. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall be submitted by the ZA to the adjacent communities, the River Management Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers.

D. Substantial Improvement and Substantial Damage Determinations

1. In the event of damage of any kind to a structure located within any Flood Hazard Area, the ZA shall determine if Substantial Damage occurred regardless of any intended repair at that time.
2. In the review of any proposal for the repair or improvement of a structure located within any Flood Hazard Area District, the ZA shall determine if the proposal indicates Substantial Improvement.
3. Substantial Improvement or Substantial Damage determinations shall be made in accordance with current FEMA and ANR guidance, or by a procedure meeting FEMA standards and established by the Town in accordance with 24 V.S.A. § 1972.

E. Variances

1. Variances may be granted in writing by the DRB only in accordance with all the criteria in 24 V.S.A. § 4469 after a public hearing noticed in accordance with 24 V.S.A. § 4464. For development located within any Flood Hazard Area, the proposal shall also comply with 44 C.F.R. § 60.6.
2. Any variance issued in the Flood Hazard Area shall not increase flood heights and the DRB shall inform the applicant in writing over the signature of the ZA that the issuance of a variance to construct a structure below the BFE increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

F. Decisions

1. Decisions on applications that go to the DRB for review shall be made in accordance with 24 V.S.A. § 4464 including all findings of fact, conclusions, and conditions.
2. The DRB shall consider comments from the ANR.
3. No permit shall be issued by the ZA for any use or structure which requires the approval of the DRB until such approval has been obtained.

G. Records

The ZA shall properly file and maintain a record of:

1. All permits and supporting documents;
2. A FEMA Elevation Certificate for any new, replacement or substantially improved buildings (not including accessory buildings) in the Flood Hazard Area;
3. All floodproofing and other certifications required under this regulation; and,
4. All decisions of the ZA and DRB (including those for Substantial Improvement, Substantial Damage, appeals, variances, and violations) and all supporting findings of fact, conclusions, and conditions.
5. All Certificates of Compliance, and receipts as required for the determination of Substantial Improvement.

H. Certificate of Compliance

1. A Certificate of Compliance (CoC) is required for any new or Substantially Improved primary structure permitted under this bylaw. It shall be unlawful to use or occupy any structure within the areas affected by this bylaw, until a CoC is issued by the ZA in accordance with 24 V.S.A. § 4449 stating that the structure conforms to the requirements of this bylaw.
2. A Certificate of Compliance is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw.
3. Upon receipt of the application for a Certificate of Compliance, the ZA shall review the permit conditions and inspect the premises to ensure that:
 - i. any required state and federal permits have been received,
 - ii. all work has been completed in conformance with the zoning permit and associated approvals, and
 - iii. all required as-built documentation has been submitted to the ZA (e.g., updated FEMA Elevation Certificate, dry floodproofing certificate, as-built volumetric analysis, or as-built floodway encroachment analysis).
 - iv. If a Certificate of Compliance cannot be issued, notice will be sent to the owner and copied to the lender.

Section 2.8.1 Statutory Authorization and Effect

~~In accordance with 10 V.S.A. Chapter 32, and 24 V.S.A. Chapter 117 §4424, §4411 §4414, and 24 VSA Chapter 59, there is hereby established a bylaw for areas at risk of flood damage in the Town of Plainfield, Vermont. Except as additionally described below, all administrative procedures follow municipal procedures under 24 VSA Chapter 117.~~

Section 2.8.2 Statement of Purpose

It is the purpose of this bylaw to:

Implement the goals, policies, and recommendations in the current municipal plan;

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~~Avoid and minimize 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 related inundation and erosion;
Ensure that the selection, design, creation, and use of development in hazard areas is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair stream equilibrium, flood plain services, or the stream corridor.
Manage all flood hazard areas designated pursuant to 10 V.S.A. Chapter 32 § 753, the municipal hazard mitigation plan; and make the Town of Plainfield, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.~~

Section 2.8.3 Other Provisions

~~A. Precedence of Bylaw~~

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

~~B. Validity and Severability~~

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

~~C. Warning of Disclaimer of Liability~~

~~This bylaw does not imply that land outside of the areas covered by this bylaw will be free from flood or erosion damages. This regulation shall not create liability on the part of the Town of Plainfield, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.~~

Section 2.8.4 Lands to Which these Regulations Apply

~~A. Regulated Flood Hazard Areas~~

~~These regulations shall apply to the River Corridors and Special Flood Hazard Areas (hereafter called "hazard areas") in the Town of Plainfield, Vermont as described below. These hazard areas overlay any other existing zoning districts and the regulations herein are the minimum standards that must be met before meeting the additional standards applicable in the underlying district. These hazard areas include:~~

~~The River Corridors as published by the Vermont Agency of Natural Resources including the Statewide River Corridors and refinements to that data based on field based assessments which are hereby adopted by reference. Where River Corridors are not mapped, the standards in 2.8.7 shall apply to the area measured as fifty (50) feet from the top of the stream bank or slope. River Corridors will also include Landslide Hazard Areas as defined herein and noted in the "Landslide Hazard Analysis of the Great Brook Watershed, Plainfield, Vermont" written by George Springston and Ethan Thomas and revised on March 17, 2014. These areas will be referenced via maps created by the Central Vermont Regional Planning Commission and updated from time to time.~~

~~The Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be~~

part of these regulations.

B. Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas

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

C. Interpretation

The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.

If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the floodway, the location of the boundary shall be determined by the Zoning Administrator. If the applicant disagrees with the determination made by the Zoning Administrator, a Letter of Map Amendment from FEMA shall constitute proof.

If uncertainty exists with respect to the boundaries of the River Corridor or Landslide Hazard Areas, the location of the boundary shall be determined by the Zoning Administrator. If the applicant disagrees with the determination made by the Zoning Administrator, a letter of determination from the Vermont Agency of Natural Resources shall constitute proof.

Section 2.8.5 Summary Table: Development Review in Hazard Areas

The hazard areas are not appropriate sites for new structures nor for development that increases the elevation of the base flood or obstructs the ability of streams to establish and maintain geomorphic equilibrium.

#	Activity	Hazard Zone		
		Special-Flood-Hazard-Area	Floodway	River-Corridors
	P Permitted C Conditional Use Review X Prohibited A Exempted			
1	New Structures	X	X	X
2	Storage	X	X	X
3	Improvements to Existing Structures	P, C	C	C
4	Small Accessory Structures	P	X	C
5	At Grade Parking	P	C	C
6	Replacement water supply or septic systems	C	C	C
8	Fill as needed to elevate existing structures	C	C	C
9	Fill	X	X	X
12	Grading	C	C	C
13	Road maintenance	A	A	A
14	Road improvements	C	C	C
15	Bridges and culverts	C	C	C

16	Channel management	G	G	G
17	Recreational vehicles	P	P	P
18	Open space, recreation	A	A	A
19	Forestry	A	A	A
20	Agriculture	A	A	A

Section 2.8.6 Development Review in Hazard Areas

A. Permit

A permit is required from the Zoning Administrator for all development in all areas defined in Section 2.8.4. Development that requires conditional use approval, non-conforming use approval, or a variance from the Development Review Board (DRB) under these flood hazard regulations, must have such approvals prior to the issuance of a permit by the Zoning Administrator. Any development subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in Section VI and VII. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

B. Permitted Development

For the purposes of review under these regulations, the following development activities in the Special Flood Hazard area where outside of the floodway and outside of the River Corridors (including Landslide Hazard Areas), and meeting the Development Standards in Section VII, require only an administrative permit from the Zoning Administrator:

- Non-substantial improvements;
- Accessory structures;
- Development related to on-site septic or water supply systems;
- Building utilities;
- At-grade parking for existing buildings; and,
- Recreational vehicles.

C. Prohibited Development in Special Flood Hazard Area and River Corridors

- New residential or non-residential structures (including the placement of manufactured homes);
- Storage or junk yards;
- New fill except as necessary to elevate structures above the base flood elevation;
- Accessory structures in the floodway;
- Critical facilities are prohibited in all areas affected by mapped flood hazards; and,
- All development not exempted, permitted, or conditionally permitted.

D. Conditional Use Review

Conditional use review and approval by the DRB, is required prior to the issuance of a permit by the Zoning Administrator for the following proposed development:

- Substantial improvement, elevation, relocation, or flood proofing of existing structures;
- New or replacement storage tanks for existing structures;
- Improvements to existing structures in the floodway;
- Grading, excavation, or the creation of a pond;
- Improvements to existing roads;
- Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing;

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Public utilities;

~~Improvements to existing primary structures in the River Corridors (Including Landslide Hazard Areas) that do not expand the footprint of the existing structure more than 500 square feet;~~

~~Accessory structures in the River Corridors (Including Landslide Hazard Areas), of 500 square feet or less, that represent a minimal investment~~

~~Building utilities in the River Corridors (Including Landslide Hazard Areas); and,~~

~~At-grade parking for existing buildings in the River Corridors (Including Landslide Hazard Areas).~~

~~E. Exempted Activities~~

~~The following are exempt from regulation under this bylaw:~~

~~The removal of a building or other structure in whole or in part;~~

~~Maintenance of existing roads and storm water drainage;~~

~~Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices; and,~~

~~Agricultural activities conducted in accordance with the Vermont Department of Agriculture's Accepted Agricultural Practices (AAP). Prior to the construction of farm structures the farmer must notify the Zoning Administrator in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.~~

~~F. Variances~~

~~Variances may be granted in writing by the DRB only in accordance with all the criteria in 24 V.S.A. § 4469, § 4424 (E), and 44 CFR Section 60.6, after a public hearing noticed as described in Section 2.8.8.~~

~~A variance for development within the River Corridors (Including Landslide Hazard Areas) may be allowed if, based on a review by VT ANR, it is determined that the proposed development will not obstruct the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse nor increase the landslide hazard. Any variance for development within the River Corridor or Landslide Hazard Area will require a determination from the Secretary of ANR based on the guidance outlined in Section 7.0(a)(2)(B)(iv) of "The Vermont DEC Flood Hazard and River Corridor Protection Procedures" dated December 5, 2014 and as updated from time to time. Any variance issued in the Special Flood Hazard Area will not increase flood heights, and will inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.~~

~~G. Nonconforming Structures and Uses~~

~~The DRB may, after public notice and hearing, approve the repair, relocation, replacement, or enlargement of a nonconforming structure within a flood hazard area provided that:~~

~~The proposed development is in compliance with all the Development Standards in Section 2.8.7 of this bylaw;~~

~~2. A nonconforming structure that is substantially damaged or destroyed may be reconstructed only in circumstances when the structure cannot be relocated to a less hazardous location on the parcel.~~

The lowest floor of the reconstructed structure must be rebuilt to one foot or more above the base flood elevation and the structure must otherwise comply with all requirements of the National Flood Insurance Program;

3. Nonconforming structures or uses shall be considered abandoned where such structures or uses are discontinued for more than 12 months; and

4. An individual manufactured home lot in an existing manufactured home park that is vacated shall not be considered a discontinuance or abandonment of nonconformity. Replacement manufactured homes must be placed so as to meet the development standards in this bylaw.

Section 2.8.7 Development Standards—The criteria below are the minimum standards for development in the flood hazard areas. Where more than one zone or area is involved, the most restrictive standard shall take precedence.

A. Special Flood Hazard Area

All development shall be:-

Reasonably safe from flooding;

Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;

Constructed with materials resistant to flood damage;

Constructed by methods and practices that minimize flood damage;

Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

Adequately drained to reduce exposure to flood hazards;

Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,

Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.

In Zones AE, AH, and A1—A30 where base flood elevations and/or floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a licensed professional engineer.

Structures to be substantially improved in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least one foot above base flood elevation, this must be documented, in as built condition, with a FEMA Elevation Certificate;

Non-residential structures to be substantially improved shall:-

Meet the standards in 2.8.7 A.3; or,

Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; A permit for flood proofing shall not be issued until a licensed professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods-

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~~of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.~~

~~Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.~~

~~Fully enclosed areas that are above grade, below the lowest floor, below BFE and subject to flooding, shall~~

~~Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,~~

~~Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a licensed professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.~~

~~7. Recreational vehicles must be fully licensed and ready for highway use;~~

~~8. A small accessory structure of 500 square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in 2.8.7 A 6 (above).~~

~~9. Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.~~

~~10. Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.~~

~~11. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.~~

~~12. 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;~~

~~13. Bridges and culverts, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources where applicable.~~

~~14. Subdivisions and Planned Unit Developments must be accessible by dry land access outside the special flood hazard area.~~

~~15. Existing buildings, including manufactured homes, to be substantially improved in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least as high as the depth number specified on the community's FIRM, or at least two feet if no depth number is specified.~~

~~B. Floodway Areas-~~

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~~Encroachments or development above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a licensed professional engineer, certifying that the proposed development will:~~

- ~~a) Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;~~
- ~~b) Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.~~

~~Public utilities may be placed underground, and the analyses may be waived, where a licensed professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.~~

~~C. River Corridors and Landslide Hazard Areas~~

~~Improvements to existing structures, and any associated fill as needed to comply with elevation requirements in the Special Flood Hazard Area shall not decrease the distance between the existing primary building and the top of bank;~~

~~Accessory structures may be located within 50 feet of the existing primary building provided that the location does not decrease the distance between the existing primary structure and the top of bank. Development shall not increase the susceptibility of that or other properties to fluvial erosion or landslide damage;~~

~~Development shall not increase the potential of materials being swept onto other lands or into the stream and causing damage to other properties from fluvial erosion;~~

~~Development shall not cause an undue burden on public services and facilities including roads, bridges, culverts, and emergency service providers during and after fluvial erosion events.~~

~~Bridge and culvert projects must have a Stream Alteration Permit; and~~

~~Channel management activities must be authorized by the Agency of Natural Resources.~~

Section 2.8.8 Administration

~~A. Application Submission Requirements~~

~~Applications for development shall include:~~

~~Where applicable, a site plan that depicts the proposed development, all water bodies, Special Flood Hazard Areas, floodways, River Corridors, Landslide Hazard Areas, the shortest horizontal distance from the proposed development to the top of bank of any stream, any existing and proposed drainage, any proposed fill, and pre and post development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;~~

~~A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the Zoning Administrator and attached to the permit before work can begin;~~

~~B. Referrals~~

~~Upon receipt of a complete application for a substantial improvement or new construction the Zoning Administrator shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments~~

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from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner. The Board should consider comments from the NFIP Coordinator at ANR.

~~C. Decisions~~

~~The DRB shall consider comments from the NFIP Coordinator at ANR. The DRB may recess the proceedings on any application pending submission of additional information.~~

~~D. Records~~

~~The Zoning Administrator shall properly file and maintain a record of:~~

~~All permits issued in areas covered by this bylaw;~~

~~An Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, substantially improved, or flood proofed buildings (not including accessory buildings) in the Special Flood Hazard Area;~~

~~All flood proofing and other certifications required under this regulation; and,~~

~~All decisions of the DRB (including variances and violations) and all supporting findings of fact, conclusions and conditions.~~

Section 2.8.9 Enforcement and Penalties

~~A. This bylaw shall be enforced under the municipal zoning bylaw in accordance with 24 V.S.A. Chapter 117 § 4451, § 4452 and 24 V.S.A. Chapter 59 §1974a. A copy of the notice of violation will be mailed the State NFIP Coordinator.~~

~~B. If any appeals have been resolved, but the violation remains, the Zoning Administrator shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.~~

~~C. Violations of the Accepted Agricultural Practices shall be enforced under this Section as violations of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. Section 4812.~~

Section 2.8.10 Definitions – See Section 1.8

ARTICLE III: GENERAL REGULATIONS

Section 3.1 Miscellaneous Requirements

The provisions of these regulations shall be subject to such additions, modifications or exceptions as herein provided by the following general regulations.

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Section 3.2 Nonconforming Uses, Structures, Lots & Parcels

The following provisions shall apply to all nonconformities as defined in Section 1.8 of these regulations:

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- Any nonconforming building, structure or use of a building or land legally existing at the time of the enactment of these regulations may be continued indefinitely, but:
 - Shall not be changed to another nonconforming use without approval of the Development Review Board, and then only to a use which, in the opinion of the board, is of the same or a more restricted nature;
 - Shall not be reestablished if such use has been discontinued for a period of twelve months or replaced by a conforming use;
 - May be repaired or rebuilt if damaged by fire or accident provided that reconstruction is started within one year.
- Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.
- A nonconforming use shall not be expanded, but the expansion of a permitted use to any portion of a nonconforming building which existed on the effective date of these regulations shall not be deemed the expansion of a nonconforming use.
- A nonconforming mobile home may be replaced by another mobile home provided that the degree of nonconformity is not increased.
- A nonconforming structure may be enlarged only to the extent that the degree of noncompliance is not increased.

Section 3.3 Existing Small Lots

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of said regulations may be developed for purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth of forty feet.

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Section 3.4 Required Frontage On or Access to Public Roads

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No development may be permitted on lots which do not have frontage on a public road, class 4 town highway, or public waters; or, with the permission of the Development Review Board, access to such road or waters by permanent easement or right-of-way. The easement or right of way shall be at least twenty feet in width, be accessible to emergency vehicles, and will not negatively impact any waterway, wetland or adjacent residences. The access does not traverse a slope greater than 15%. Such access shall be provided at no cost to the Town, and shall meet the requirements of Section 3.4.1 of these regulations. Any future public roads must have a right-of-way of 50 feet and a grade of no more than 10%.

Section 3.4.1 Access Management (Curb Cuts)

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Access onto public roads is subject to the approval of the Town of Plainfield Zoning Administrator with a Zoning Permit or, in the case of state highways, approval by the Vermont Agency of Transportation. The zoning permit granting access shall have the approval of the Road Commissioner or Road Foreman. As a condition of access approval, compliance with all ordinances and regulations pertaining to roads and land development is required. This includes the Town of Plainfield Road and Bridge Standards and the standards contained in Section 6.7 of these regulations. A minimum setback of 10 feet on side and rear lot lines is required. Access permits must be obtained prior to the issuance of a zoning permit. In the event that approval by the DRB is required for the development, the access permit shall be obtained before DRB approval. In addition, the following provisions shall apply:

- With the exception of accesses (curb cuts) used solely for agricultural or forestry purposes, no lot may be served by more than one curb cut. The DRB may approve additional accesses in the event that:
 - the additional access is necessary to ensure vehicular or pedestrian safety; or
 - the strict compliance with this standard would, due to the presence of one or more physical features (e.g. rivers and streams, steep slopes, wetlands) result in a less desirable development or subdivision design than would be possible with the allowance of an additional access; or
 - a traffic management plan is developed in association with a planned unit development approved in accordance with Article VII of these regulations.
- Applicants for a zoning permit for any parcel with more than one access must eliminate or combine accesses in order to meet the applicable standards unless otherwise approved by the DRB.
- Access shall be limited to an approved width, and shall not extend along the length of road frontage.

Section 3.5 Nonconforming Lots for Public Use

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None of the provisions or restrictions set out in the zoning ordinance, including but not limited to setback requirements, frontage requirements or lot size, shall prevent the creation of a nonconforming lot of land for the purpose of conveyance to the Town for public use. This lot shall be subject to prior Selectboard approval and the review by the Development Review Board for conformance with the Town Plan. Any subsequent development or change of use shall require a conditional use permit. Donated parcels, conveyed to the town for public use, shall not count as a subdivision under Section 5.1 of the Plainfield Land Use and Development Regulations, but shall be filed in the Town land records.

Section 3.6 Signs in All Districts

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The purpose of the sign regulations is to regulate sign placement and control proliferation of non-essential signs in order to: improve pedestrian and traffic safety, protect the economic and scenic values of the town, minimize the possible adverse effect of signs on or nearby public and private property, and enable the fair and consistent enforcement of these sign restrictions.

A zoning permit shall be obtained prior to the erection of any sign except as set out below in sub-Section 12 regarding temporary signs. No signs shall be permitted in any district except as specifically permitted herein as follows:

- Signs shall be on the same lot as the use advertised.
- A "locator sign" shall not be more than two square feet in size.
- No permanent sign shall be attached to trees or utility poles, or painted on rocks or other natural features.
- Wall-mounted signs shall not extend beyond the building facade or be mounted on a roof.
- Signage may appear on both sides of a free standing sign. Only one side of a free-standing sign counts towards the maximum square footage.
- In the forest and agricultural lands district and the rural residential district one sign is permitted per premises. A freestanding sign shall not exceed six square feet in total size, nor shall it exceed six feet in height. A wall-mounted sign shall not exceed twelve square feet. A wall-mounted sign of not more than twenty square feet may be permitted with the issuance of a conditional use permit.
- In the village district and along route 2 the total square footage of all signs on a premise shall not exceed forty square feet unless a conditional use permit has been issued. A total square footage of up to eighty square feet may be permitted with the issuance of a conditional use permit.
 - Free-standing signs of not more than sixteen square feet are permitted. The maximum size of the freestanding sign may be increased up to forty square feet with the issuance of a conditional use permit. An information kiosk, as defined in these regulations, shall be considered a free-standing sign.
 - Wall-mounted signs are permitted provided such signs do not exceed twenty-four square feet. A wall-mounted sign of not more than forty square feet may be permitted with the issuance of a conditional use permit. A wall-mounted sign composed of cut out letters shall be measured from the left edge of the first letter of the sign to the right edge of the last letter of the sign.
 - The number of signs permitted on each premises shall be determined by the number of approved road accesses to the premises and shall not exceed three in number.
- Whenever dimensions of a sign are specified they shall include panels and perimeter frames, but not the supporting structure. The supporting structure shall not extend more than

one foot beyond the top or sides of the sign.

- An outdoor sign shall not be placed within twenty-five feet of the centerline of a highway or within fifty feet of an intersection of town highways unless affixed to a building and not extending beyond or above the same more than four feet. The placement of signs at distances closer to a highway right of way or intersection may be permitted with the issuance of a conditional use permit provided the placement of such sign does not obstruct the view of vehicular traffic in a manner which would be unsafe. Signs under jurisdiction of a government are exempt from this subsection.
- Signs may be illuminated by a steady light, providing that it complies with the standards in Section 3.8 and follows the guidelines contained in the "Outdoor Lighting Manual for Vermont Municipalities."
- Flashing, oscillating and revolving signs shall not be permitted, unless necessary for public safety or welfare.
- The following temporary signs as defined in Article I, Section 1.8 above do not require a permit if constructed and installed according to the provisions of Section 3.6, Subsections 111 above:
 - real estate signs, not larger than 6 square feet
 - construction site sign
 - temporary signs displayed from the interior of a building
 - political signs
 - public announcement banners
 - state and municipal signs
 - portable signs, signboards
 - public hearing notice signs
 - hunting/fishing/trespassing/safety zone restriction signs

Section 3.7 Fences

In all districts, fences over four feet in height built within the setback area for the district shall require a conditional use permit. Fences and walls may not be constructed within the road right of way, except in the village district where they shall not create a safety or road/sidewalk maintenance hazard as determined by the road foreman. Agricultural fences are not subject to these limitations to the extent exempted by state law or regulation.

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Section 3.8 Outdoor Lighting

1. Outdoor lighting shall be limited to minimum levels necessary to ensure safety and security of persons and property.
2. Outdoor light sources shall emit white, color-balance light, shall be shielded, and shall not illuminate public roads or adjacent properties.

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Section 3.9 Parking

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- **Residential Uses:** one-family and two-family dwelling units - one parking space for every unit. Multiple family dwelling units - one and one-half parking spaces for every unit. Professional residence/office - one parking space, plus one additional parking space for every three hundred square feet of office space.
- **Hotel, Motel, Bed and Breakfast:** one parking space for every rental room, in addition to one for the dwelling.
- **Dormitory, Fraternity, Hospital:** one parking space for two beds.
- **Places of Public Assembly:** for every structure used as a theater, amusement facility, auditorium, community center, stadium, religious institution, or private assembly which provides facilities for seating of people: 1 space per 4 seats; however, not less than one parking space shall be provided for every two hundred square feet of floor area.
- **Business, Professional and Medical Offices:** one parking space for every two hundred square feet of office space.
- **Commercial, Business, and Unspecified Uses:** one parking space for every motor vehicle used in the business, plus one parking space for every one hundred square feet of floor area.
- **Restaurant, Eating and Drinking Establishment:** one parking space for every one hundred and fifty square feet of floor area.
- **Industrial, Wholesale, Warehouse, Storage, Freight and Trucking uses:** one parking space for every motor vehicle used in the business, plus one parking space for every two employees.
- **Outdoor Recreation:** as required by the Development Review Board.

The parking requirement may be waived by the Development Review Board for all permitted and conditional uses in the village district.

Section 3.10 Construction Along Watercourses and Water bodies

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Notwithstanding any other provision for setback specified in these regulations, no building shall be constructed within 50 feet of the shoreline of any stream, brook, river, pond and any documented vernal pool. Placement of electric power or telephone lines or poles in these areas must be accomplished in a manner which will minimize adverse impact to water quality.

Section 3.11 Historic Sites and Buildings Preservation

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Notwithstanding any other provision for district uses specified in these regulations, application for the proposed use of any parcel of land which contains an historic site or building listed on the state and/or national registers of historic places, or is located within a district listed on such registers, will be required to have site plan approval by the Development Review Board prior to issuance of a permit. See Historic District Map and report, in the appendix to these regulations.

The Development Review Board shall consider the following in its review of plans submitted:

- The historic or architectural significance of the structure, its distinctive characteristics, and its relationship to the historic significance of the surrounding area.
- The relationship of the proposed changes in the exterior architectural features of the structure to the remainder of the structure and to the surrounding area.
- The general compatibility of the proposed exterior design, arrangement, texture, and materials proposed to be used.
- Any other factors, including the environmental setting and aesthetic factors that the Development Review Board deems to be pertinent.

When the Development Review Board is reviewing an application relating to an historic district, the board:

- Shall be strict in its judgment of plans for those structures deemed to be valuable under this section, but is not required to limit new construction, alteration, or repairs to the architectural style of any one period, but may encourage compatible new design.
- If an application is submitted for the alteration of the exterior appearance of a structure or for the moving or demolition of a structure deemed to be significant under this section, shall meet with the owner of the structure to devise an economically feasible plan for the preservation of the structure.
- Shall approve an application only when it is satisfied that the proposed plan will not materially impair the historic or architectural significance of the structure or surrounding area.
- In the case of a structure deemed to be significant under this section, may approve the proposed alteration if the board finds either or both of the following: (i) The structure is a deterrent to a major improvement program that will be of clear and substantial benefit to the municipality. (ii) Retention of the structure would cause undue financial hardship to the owner.

Section 3.12 Temporary Use or Structure

Temporary permits may be issued for certain nonconforming uses, described below, conditional upon written agreement by the owner to remove the structure and/or discontinue the use upon expiration of the permit:

- Temporary permits may be issued as by the zoning administrator for temporary structures incidental to construction project, including the use of such structures as housing for the intended residents of a new residence under construction.
- No permit will be issued for a temporary residential use that is not in compliance with state septic Regulations.

Section 3.13 Building Height

The maximum height of structures in all districts shall be 35 feet.

The Development Review Board may permit as a conditional use television and radio towers, antennas, wind towers, belfries, church spires, water or fire towers, monuments, and chimneys at height of more than 35 feet.

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Agricultural barns and silos shall be exempt from this requirement.

Section 3.14 Subdivision Certification

For the purpose of this section, the term “subdivision” shall mean a division of any part, parcel, or area of land by the owner either by lots or metes and bounds into lots or parcels two or more in number for the purpose of conveyance, transfer, lease, improvement, platting or sale, or any re-subdivision of land.

The town clerk of Plainfield shall not record any deed which evidences a subdivision of land unless the Zoning Administrator certifies that such subdivision has received the required approvals and is in compliance with Town Land Use Regulations.

Section 3.15 Certification of Required Land Areas

If doubt exists with respect to the area of land owned by an applicant who is required to comply with the provisions of these regulations, said area shall be certified by the Board of Listers of the Town of Plainfield. Disputes between the Board of Listers and the applicant regarding land area owned shall be settled at the applicant’s expense by a professionally certified survey of the land area in dispute.

Section 3.16 Boundary Line Adjustment

A boundary line adjustment is required if the readjustment, relocation or alteration of a boundary between existing, adjoining parcels where no new lot or parcel is created.

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ARTICLE IV: SPECIFIC USE REGULATIONS

Section 4.1 Home Occupations

In accordance with 24 V.S.A. §4412(4), no provision of this bylaw shall prevent a person from using a minor portion of the dwelling in which he or she resides for a Home Occupation which is customary in residential areas and which does not have an undue adverse effect on the character thereof. The following standards expand on the terms “minor” and “customary in residential areas” and shall apply to all Home Occupations, which require no town permit providing they comply with the following standards. Note that this does not release the owner from the responsibility of obtaining all applicable state/federal permits.

- The principal operator of the business or activity shall be a full-time resident of the dwelling where the Home Occupation is conducted. There shall be no more than two employees of the business who are not occupants of the residence.
- The Home Occupation must be conducted out of a legally established dwelling unit or accessory building and occupy an area that is less than 50% of the floor area of the dwelling. On-site activity related to the Home Occupation must be carried out principally within the enclosed walls of the dwelling unit or accessory building except for infrequent outdoor activity of short duration.
- No traffic shall be generated in greater volume than would normally be expected in the neighborhood.
- The Home Occupation shall not produce or result in levels of noise, vibration, smoke, dust, odors, electrical disturbances, heat, glare or risk of fire or other activity or condition beyond those usually present in residential neighborhoods, nor shall it generate objectionable levels of noise, smoke, vibration, dust, glare or odors detectable at the boundaries of the lot (or outside of the dwelling for a building with more than one dwelling).
- Multiple Home Occupations in one dwelling shall be considered together as one Home Occupation.
- The use is not a retail establishment; however, incidental sales are allowed.
- Sufficient parking shall be provided outside of the town right-of-way for residents of the dwelling and any on-site employees, long-term contractors or clients.
- No exterior storage of materials or equipment visible from the road or from any adjacent property shall be permitted, unless in conjunction with seasonal sales approved by the Development Review Board for a Cottage Industry.
- There shall be no signage or outdoor display except one 1'x2' identifier sign with no advertising language.

Section 4.2 Cottage Industry

Any use of a lot for gainful employment operating at a small scale shall meet the following criteria:

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Section 4.2.1 Length of Validity of Permit for Cottage Industry

Any permit for a Cottage Industry is granted to the applicant for the length of time that the applicant occupies the dwelling or is running their business on the lot. Permit shall expire upon relocation by the applicant and shall not transfer to subsequent occupants or to a new location.

Section 4.2.2 Standards

In addition to general standards for conditional uses (Section 8.6.1), the Development Review Board shall make findings on the following specific standards for Cottage Industry:

- The Cottage Industry does not occupy more than 3000 square feet of a legally established unit or accessory buildings to the unit.
- The Cottage Industry shall be carried on only by no more than five FTE employees.
- Effects of sales will be incidental and non-detrimental to character of neighborhood.
- Limited outside display of products may be allowed subject to conditional use permit.
- The Cottage Industry must be easily convertible to a barn or permitted use or be removable (a bond may be set by DRB to guarantee removal).
- The DRB, as part of conditional use approval, shall establish hours of operation, which assure that the Cottage Industry does not disturb neighboring residences.
- Outdoor storage is allowed in compliance with minimum setbacks in zoning district.

Section 4.2.3 Structures

A Cottage Industry may be located in a structure that looks like a structure common in the community and that fits in the neighborhood. The structure shall conform with the design of other structures in the neighborhood, and shall be designed for easy conversion to an allowed use in the district, if the Cottage Industry ceases to operate. However, if the Cottage Industry is located in a house or barn constructed prior to January 1, 2006, the entire house or barn may be used for the Cottage Industry, unless the Development Review Board, as part of conditional use review, restricts the Cottage Industry to a portion of the structure.

Section 4.2.4 Building plans and drawings

The Development Review Board shall have the right to require building plans or architectural drawings (elevations) showing the design of the structure, to evaluate whether the structure has the required outward appearance. The DRB may require other information as it deems necessary.

Section 4.3 Amateur Radio Towers

• In any district, the erection of an amateur radio tower shall require a conditional use permit from the Development Review Board.

• An amateur radio tower shall not be increased in height or changed in location without the application for and issuance of a conditional use permit.

• In addition to all other provisions regarding conditional uses, the Development Review Board shall consider the location of the proposed amateur radio tower, the sight lines involved, the

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structure proposed and whether the amateur radio tower proposed presents a risk of falling on electric power lines, telephone lines, or any structures or buildings.

- ◆ Such amateur radio tower shall not be converted to a commercial use without complying with the section of these Regulations pertaining to Wireless Telecommunication Facilities, nor shall the owner of such amateur radio tower allow the use of the tower for commercial purposes.

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Section 4.4 Wireless Telecommunication Facilities

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Section 4.4.1 Permit Required; Exemptions

- Wireless telecommunication facilities may be permitted as conditional uses upon compliance with the provisions of this section in all zoning districts except the Reserve District.
- No installation or construction of, or significant addition or modification to, any wireless telecommunication facility shall commence until a permit has been issued by the zoning administrator following site plan and conditional use approval. However, in accordance with 24 V.S.A. §4412(9), a permit shall be issued for a Wireless Telecommunication Facility that, in the determination of the Development Review Board, will impose no impact or merely a de minimis impact, upon any criteria established in Section 4.4.5 below. The Development Review Board determination regarding no impact or de minimis impact shall be in writing and shall be subject to appeal under 24 V.S.A. § 4471.
- No permit shall be required for a wireless telecommunication facility that is used exclusively for municipal radio dispatch service or emergency radio dispatch service and which does not exceed 50 feet in elevation.
- These standards shall not apply to amateur radio, citizens band radio, am or fm radio, or broadcast television service.
- No permit shall be required for a Wireless Telecommunication Facility that has received a certificate of public good pursuant to 30 V.S.A. § 248a.
- This section shall not prohibit a property owner's ability to place or allow placement of antennae used to transmit, receive, or transmit and receive communications signals on the property owner's premises if the aggregate area of the largest face of the antennae is not more than eight square feet, and if the antennae and the mast to which they are attached do not extend more than 12 feet above the roof of that portion of the building to which they are attached.

Section 4.4.2 Permit Application Requirements

In addition to information otherwise required in these regulations for site plan review, applicants shall include the following supplemental information:

- The applicant's legal name, address and telephone number. If the applicant is not a natural person, the applicant shall provide the state in which it is incorporated and the name and address of its resident agent.
- The name, title, address and telephone number of the person to whom correspondence concerning the application should be sent.

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- The name, address and telephone number of the owner or lessee of the property on which the wireless telecommunication facility will be located.
- The names and addresses of all adjoining property owners. Adjoining property owners shall be determined without regard to any public right-of-way.
- A vicinity map showing the entire vicinity within a 1,000 foot radius of the facility, including the location of any tower, topography, public and private roads and driveways, buildings and structures, utilities, water bodies, wetlands, landscape features, historic sites and wildlife habitats. It shall indicate the property lines of the proposed facility site parcel and all easements or rights of way needed for access from a public way to the facility.
- The location of the facility on a USGS topographic map or a GIS-generated map compatible with Vermont center for geographic information (VCGI) standards and encompassing the area within at least a two-mile radius of the proposed tower site.
- Elevations and proposed site plans of the facility showing all facades and indicating all exterior materials and colors of towers, buildings and equipment, as well as all landscaping, utility wires, guy wires and screening. (All plans shall be drawn at a minimum scale of 1 inch = 50 feet).
- In the case of a site that is forested, the approximate average elevation of the existing vegetation within 50feet of any tower base.
- Construction sequence and time schedule for completion of each phase of the entire project.
- A report from a qualified engineer that:
 - Describes any tower's design and elevation,
 - Documents the elevation above grade for all proposed mounting positions for antennas to be collocated on a tower and the minimum distances between antennas,
 - Describes a tower's capacity, including the number, elevation and types of antennas that the tower is proposed to accommodate.
 - In the case of new facilities, demonstrates that existing towers and structures within 5 miles of the site cannot reasonably be modified to provide adequate coverage and adequate capacity (including speed, quality of service, etc.) to the community.
 - Describes potential changes or additions to existing structures or towers that would enable them to provide adequate coverage.
 - Describes the output frequency, number of channels and the power output per channel for each antenna. In the alternative, a coverage map may be provided.
 - Demonstrates the facility's compliance with the standards set forth in this bylaw or other applicable standards.
 - Provides proof that at the proposed facility site the applicant will be in compliance with all FCC regulations, standards and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC regulations, standards and requirements for radio frequency radiation (RFR).
 - Includes such other information requested by the Development Review Board to evaluate the application.

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- A letter of intent committing the facility owner and its successors to permit shared use of any tower if the additional users agree to meet reasonable terms and conditions for shared use, based on current regional fair market value, including compliance with all applicable FCC regulations, standards and requirements and the provisions of this bylaw and all other applicable laws.
- In the case of an application for additional antennas or other equipment to be installed on an existing facility, a copy of the executed contract with the owner of the existing structure.
- To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the facility, or a written statement by the applicant that an EA is not required for the facility.

Section 4.4.3 Independent Consultants

Upon submission of an application for a wireless telecommunication facility permit, the Development Review Board may retain independent consultants whose services shall be paid for by the applicant. These consultants shall be qualified professionals in telecommunications engineering, structural engineering, monitoring of electromagnetic fields and such other fields. The consultant(s) shall work at the Development Review Board direction and shall provide them such reports and assistance, as they deem necessary to review an application.

Section 4.4.4 Balloon Test

The Development Review Board may require the applicant to fly a four-foot diameter brightly colored balloon at the location and maximum elevation of any proposed tower or to use the best appropriate technology. If a balloon test is required, the applicant shall advertise the date, time, and location of this balloon test at least 7 days in advance of the test in a newspaper with a general circulation in the Town. The applicant shall also inform the Development Review Board, in writing, of the date, time and location of the test, at least 15 days in advance of the test.

The balloon shall be flown for at least eight consecutive daylight hours on two days. If visibility and weather conditions are inadequate for observers to be able to clearly see the balloon test, further tests may be required.

Section 4.4.5 Criteria for Approval and Conditions

An application for a wireless telecommunication facility permit shall be approved after site plan review and conditional use review conducted in accordance with Sections 8.5 and 8.6 of these Regulations when all the following criteria have been met:

1. The facility will not be built on speculation. If the applicant is not a wireless telecommunication service provider, the applicant may be required to provide a copy of a contract or letter of intent showing that a wireless telecommunication service provider is legally obligated to locate a wireless telecommunication facility on lands owned or leased by the applicant.
2. The facility will not project more than 20 feet above the average elevation of the tree line measured within 50 feet of the highest vertical element of the wireless telecommunication facility, unless the proposed elevation is reasonably necessary to provide adequate wireless telecommunication service capacity or coverage or to facilitate collocation of facilities.
3. The minimum distance from the base of any tower to any property line is not less than 100% the

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total elevation of the tower, including antenna or equipment.

4. The facility will not be illuminated by artificial means and will not display any lights or signs except for such lights and signs as required by Federal Aviation Administration, federal or state law, or these regulations.

5. The applicant will remove the facility, should the facility be abandoned or cease to operate. The Development Review Board may require the applicant to provide a bond, or other form of financial guarantee acceptable to the Plainfield Select board to cover the cost of removal of the facility, should the facility be abandoned or cease to operate.

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

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

8. The facility will be properly identified with appropriate warnings indicating the presence of radio frequency radiation. A permit may be conditioned on the provision of appropriate fencing.

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

- The proposed equipment would exceed the structural or spatial capacity of the existing facility and the existing facility cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost.
- The proposed equipment would materially impact the usefulness of other equipment at the existing facility and such impact cannot be mitigated or prevented at a reasonable cost.
- The proposed equipment, alone or together with existing equipment, would create radio frequency interference and/or radio frequency radiation in violation of federal standards.
- Existing towers and structures cannot accommodate the proposed equipment at an elevation necessary to function reasonably or are too far from the area of needed coverage to function adequately.
- Collocation of the equipment upon an existing tower would cause an undue aesthetic impact.

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

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

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

- The results of the balloon test, if conducted.
- The extent to which the proposed towers and equipment have been designed to blend into the surrounding environment through the use of screening, camouflage, architectural design, and/or imitation of natural features.
- The extent to which access roads have been designed to follow the contour of the land and will be constructed within forest or forest fringe areas and not open fields.
- The duration and frequency with which the facility will be viewed on a public highway or from public property.

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- The degree to which the facility will be screened by existing vegetation, topography, or existing structures.
- Background features in the line of sight to the facility that obscure or make the facility more conspicuous.
- The distance of the facility from the point of view and the proportion of the facility that is above the skyline.
- The sensitivity or unique value of a particular view affected by the facility.
- Any significant disruption of a view shed that provides context to an important historic or scenic resource.

13. The facility will not destroy or significantly imperil necessary wildlife habitat or that all reasonable means of minimizing the destruction or imperilment of such habitat or species will be utilized.

14. The facility will not generate undue noise.

Section 4.4.6 Continuing Obligations for Wireless Telecommunication Facilities

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

Section 4.4.7 Removal of Abandoned or Unused Facilities

Unless otherwise approved by the Development Review Board, an abandoned or unused wireless Telecommunication facility shall be removed within 90 days of abandonment or cessation of use. If the facility is not removed within 90 days of abandonment or cessation of use, the Town of Plainfield may cause the facility to be removed. The costs of removal shall be assessed against the facility owner.

Unused portions of a wireless telecommunication facility shall be removed within 180 days of the time that such portion is no longer used. Replacement of portions of a facility previously removed shall require a new permit, pursuant to this Section.

Section 4.5 Storage of Waste Materials

Commercial or public use dumping or storage of trash, waste, garbage, junk or automobile junk shall be permitted only as part of the normal operation of a solid waste management facility or salvage yard established in accordance with 24 V.S.A, Chapter 61, Subchapters 8 and 10, authorized by the Selectboard and approved by the Development Review Board and the appropriate State regulatory agency.

Section 4.6 Extraction of Natural Products

1. In any district, the removal for sale of soil, loam, sand, gravel or quarried stone, except when incidental to or in connection with landscaping or the construction of a building upon the premises by the owner, shall be permitted only as a conditional use upon approval of the Development Review Board. The Development Review Board may only give such approval after public hearing if it finds, in addition to all other provisions regarding conditional uses, that such removal:

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- Will not cause physical damage to neighboring properties,
- Will not cause erosion, sedimentation or water pollution and
- Will not create an undue burden on town roads.

2. Application for approval for the operation of sand and gravel excavations or sand removal is contingent upon approval of the Development Review Board with the advice of the soil conservation service at the Winooski Natural Resource Conservation District, and the provision of a plan for the rehabilitation of the site at the conclusion of the operation, and submission by the applicant of a bond to assure the rehabilitation.

Section 4.7 Accessory Dwellings

In accordance with 24 V.S.A. §4412(1)(E), no zoning regulation shall have the effect of excluding as permitted use one accessory dwelling unit that is located within or appurtenant to an owner-occupied single-family dwelling. These accessory units shall satisfy the following requirements:

1. The property has a state waste water permit.
2. Floor space shall not exceed ~~430~~ percent of the floor space of the existing living area of the single family residence or ~~1,100~~ square feet, whichever is greater; and
3. Applicable setbacks and parking requirements specified in the bylaws are met.

Section 4.8 Recreational Vehicle or Temporary Dwelling (Camp)

A person may park one recreational vehicle or other temporary dwelling (e.g., tent, tipi, and yurt), on a residential or undeveloped lot subject to the following provisions:

1. It complies with required setbacks for the district in which it is located; and
2. It is not occupied for dwelling purposes for more than 180 days within any one year period; and
3. It is not hooked up to a water system, septic system or other utilities, except in accordance with all state wastewater regulations; and
4. Written documentation shall be provided that any sewage generated by a camper or other temporary shelter shall be disposed of in accordance with all applicable local and state regulations; and
5. This may be a permanent building which is temporarily occupied; and
6. It complies with the requirements of the Flood Hazard Overlay District, if located in that district.

Section 4.9 Residential Care Home

A group home operated under state licensing or registration serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. § 4501. Such home 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 residential care home.

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Section 4.10 Home Burial Sites

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Home burial sites must comply with the health and safety provisions contained in 18 V.S.A. § 5319 regarding the disposal of human remains. In addition, the following provisions shall be met:

1. In accordance with 18 V.S.A. § 5201 and 5210, a death certificate must be submitted to the town clerk and a burial-transit (certificate of permission) permit must be obtained from the clerk. After the burial is completed this permit must be certified and returned to the clerk.
2. A map of the burial site shall be drawn and recorded in the land records of the town clerk's office, including any easement permitting access to the burial ground across adjacent properties. If no access easement has been recorded, permission to grant temporary access to the burial ground may be requested from the Selectboard in accordance with 18 V.S.A. § 5322.
3. All burial sites shall be at least 150 feet from a water supply (100 feet from a drilled well) and 25 feet from a power line, and must meet the required zoning district setbacks, but not less than 25 feet from any property line.
4. The lot on which the home burial site is located must be at least 2 acres in size.

Section 4.11 Light Industry

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- will not more than 15 employees,
- occupy not more than 6,000 square feet of floor area and
- generate not more than five large trucks (10 wheeler) trips per day.
- Such industry should be compatible with the goals of the zoning district in which it is located and not cause any air, water or noise pollution, and comply with the Town of Plainfield Public Health.

Section 4.12 Event Facility

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Conditional use permits for Event Facilities will be evaluated based on the frequency of events, number of participants, length of events, traffic impact, and noise/disturbance impact on surrounding properties and parking conditions. The DRB can authorize a conditional use permit on an annual renewal basis. All event ~~facilites~~ facilities need to conform with all applicable state policies/regulations including public safety and wastewater conditions.

Section 4.13 Short Term Rentals—

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There are two types of Short Term Rentals:

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- 1) Primary Residence with Short Term Rentals, in which no conditional use permit is required. Primary Residence Dwelling with Short Term ~~Rentais~~ Rentals are limited to less than 3 bedrooms or 6 people.
- 2) Non-Primary Residence Short Term Rentals require a conditional use permit. Conditional use permits will be evaluated based on the frequency & number of rental units, traffic impact, parking conditions, and noise/disturbance impact on surrounding properties. The DRB can authorize a conditional use permit on an annual renewal basis.

All short term rentals need to conform with all applicable state policies and regulations and labor and

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industry standards.

ARTICLE V: SUBDIVISION REVIEW PROCEDURES

Section 5.1 Exempt Subdivision

A landowner may subdivide one lot from a parcel existing **on the date of these regulations** exempt from subdivision review; however, the parcel must comply with town zoning requirements for the district in which it is located and all applicable state requirements, including the recording of a plat in conformance with 24 V.S.A. §4416 and 27 V.S.A. Chapter 17. Any subsequent subdivision of any of the resulting parcels must follow these subdivision regulations.

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Section 5.2 Application of Subdivision Regulations

1. Applicability. Prior to any subdivision of land; before a final contract for sale of such subdivision or any part thereof is made; before any grading or clearing of building sites, or before any permit for erection of a structure in such proposed subdivision is granted, the subdivider shall apply in writing to the Development Review Board and secure approval of proposed subdivision in accordance with these Subdivision Regulations.

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These Subdivision Regulations apply to all non-exempt subdivisions: no lot shall be subdivided and no subdivision shall be recorded in the town land records until the subdivider has obtained final approval of the subdivision plan from the Development Review Board

2. Waivers. Pursuant to 24 V.S.A. §4418(2)(A) the Development Review Board may modify, waive or vary compliance with the application requirements contained in Article V and/or the review standards contained in Article VI of these regulations under the following stipulations:

- In granting modifications or waivers, the Development Review Board shall require such conditions which, in its judgment, will secure substantially the objectives of the requirements so modified, waived or varied. No such modification or waiver may be granted if it would have the effect of nullifying the intent and purpose of the Town Plan, the Plainfield Land Use and Development Regulations, or other Town ordinances or regulations.
- Each and every modification or waiver of these regulations sought by a subdivider shall be specifically applied for in writing by the subdivider at the time of submitting the application and plans. Any condition shown on the preliminary or final plan which would require a modification or waiver shall constitute a ground for disapproval of the plan unless a written request for such a modification or waiver accompanies the plans.
- When a waiver is requested with respect to a subdivision application, the notice of the public hearing on such application shall specify that such has been requested, shall identify the provision(s) of these Regulations to which the request for waiver pertains, and shall contain a concise statement of the nature and reasons for the request.
- Any modification, or waiver granted shall:
 - Pertain only to that particular subdivision for which it is granted.
 - Not impair the appropriate use or development of adjacent property, burden municipal services, or be detrimental to public safety or welfare.
 - Will represent the least deviation possible from the subdivision regulations and the Town Plan.

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- If a waiver is granted by the Development Review Board, the permit or approval for the subdivision shall identify the provision(s) of the Subdivision Regulation waived or varied and shall identify any conditions imposed by the Development Review Board in connection with the approval of the waiver.

3. Boundary Line Adjustments. A boundary line adjustment may be approved by the Zoning Administrator or the Development Review Board depending on the scope of the adjustment. In either case the following conditions apply for any boundary line adjustment:

- The total number of parcels resulting from the transaction will not be greater than the number of parcels that existed prior to the proposed boundary line adjustment;
- It will not make complying lots nonconforming, and will not increase the nonconformance of any existing lot.
- A plat map showing the locations of the new boundaries must be filed in accordance with Vermont statutes.

The Zoning Administrator may approve a boundary line adjustment if all of the following conditions are found to be true:

- The land is not located within a subdivision previously approved by the Development Review Board.
- The land area to be transferred is less than the minimum lot size in the district.
- No more than two lots are involved.

If the above conditions are not met, the boundary line adjustment must be reviewed by the Development Review Board

4. Parcels Not to Merge. When the owner of a parcel acquires an adjoining parcel the two adjoining parcels shall not automatically merge into a single parcel for purposes of these Land use and Development Regulations unless one of the parcels qualifies as a nonconforming lot, in which case it shall merge unless it has been previously developed in compliance with 24 V.S.A. §4406.

Section 5.3 Sketch Plans

1. Sketch Plan Application. Any owner of land shall, prior to submitting an application for subdivision of land, submit to the Zoning Administrator at least 15 days prior to a regular meeting of the Development Review Board, two copies of a Sketch plan of the proposed subdivision. The Sketch Plan shall consist of a map of the property showing the following information:

- Name and address of the owner of record and applicant.
- Names of owners of record of abutting properties.
- Boundaries and area of each of the proposed new lots.
- Date, true north arrow, scale and contour lines at intervals no greater than twenty (20) feet, from a field survey or USGS topographic map.

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- Existing land features: Delineation of significant physical features referenced in the Town Plan and/or identified through site investigation, including but not limited to:
 - Current land uses (sugar bush, woodlot, etc.)
 - Existing vegetation (meadow, hardwoods, etc.)
 - Structures, walls and fence lines
 - Driveways, access roads and utility easements
 - Historic sites and structures
 - Significant wildlife habitats
 - Floodplains, ponds & streams
 - Wetlands and geologic outcrops
- Proposed: The location of proposed development including building envelopes, access roads, driveways, utilities, related site improvements, and the location of proposed open space, land to be held in common and/or other features to be preserved.
- The location of existing zoning boundaries within 500 feet of the proposed subdivision.
- Type and location of existing and proposed restrictions on land, such as easements and covenants (e.g. utility right-of-way).
- Vicinity map showing general location of the property in relation to surrounding area.

2. Meeting Attendance. The subdivider or his/her authorized representative shall attend the meeting of the Development Review Board to discuss the requirements of these Subdivision Regulations including compliance with planning and design standards under Article VI.

3. Classification of Subdivision. At this meeting the Development Review Board will classify the Sketch Plans either a major subdivision or a minor subdivision.

4. Action on Sketch Plan. Development Review Board shall study the Sketch Plan to determine whether or not it conforms to or would be in conflict with the Town Land Use and Development Regulations and any other regulations currently in effect. The Development Review Board shall determine whether the Sketch Plan meets the purposes of these Regulations. The Development Review Board may make specific recommendations for changes and may request additional information to be submitted with the application including but not limited to surveys, special studies and/or supporting documentation as appropriate. Such recommendations and requests shall be given to the applicant within thirty (30) days of the meeting at which the Sketch Plan is classified.

Section 5.4 Minor Subdivisions

- Within six months of classification by the Development Review Board of the Sketch Plan as a minor subdivision, the subdivider shall submit to the Zoning Administrator an application and fee for Final Plat approval according to the procedures and requirements of Section 5.6.
- The Development Review Board may require where necessary for the protection of public health, safety and welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions.
- The proposed final subdivision plat shall conform to the layout shown on the Sketch Plan

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plus any recommendations made by the Development Review Board. The application also shall contain those items set forth in Section 5.7 of these Subdivision Regulations.

- The Development Review Board shall within forty-five (45) days after completion of the public hearing, approve, modify and approve or disapprove such application. Failure to act within such forty-five (45) days shall constitute approval of the application.

Section 5.5 Major Subdivisions – Preliminary Plat Review

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1. Preliminary Plat Application. Within six (6) months after classification by the Development Review Board of the Sketch Plan as a major subdivision, the subdivider shall submit to the Zoning Administrator an application and fee for approval of a Preliminary plat. The application shall contain those items set forth in Section 5.7 of these Regulations plus any other items for a major subdivision that may be required by the Development Review Board. It shall include evidence of notification of application submittal to abutting landowners, and shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Development Review Board.

2. Preliminary Plat Public Hearing. The Development Review Board shall hold a public hearing, warned in accordance with Section 8.9, on the Preliminary Plat at the earliest possible regularly scheduled meeting after the date of submission. The subdivider or his/her authorized representative shall attend the hearing to discuss the Preliminary Plat.

3. Action on Preliminary Plat. The Development Review Board shall study the Preliminary Plat with particular attention given to compliance with the planning and design standards in Article VI. Within forty-five (45) days of the completion of the public hearing, or any continuation thereof, the Development Review Board shall approve, modify and approve, or disapprove said Preliminary Plat. Failure to act within such forty-five days shall constitute approval of the Preliminary Plat. Development Review Board findings, conditions of approval, or the grounds for any modification required, or for disapproval, and provisions for appeal under Section 8.7 shall be set forth in a written notice of decision.

4. Effect of Preliminary Plat Approval. Approval of a Preliminary Plat shall not constitute approval of the subdivision plat. Prior to approval of the Final Subdivision Plat, the Development Review Board may require additional changes as a result of further study. The approval of a Preliminary Plat shall be in effect for a period of one (1) year, after which it shall be null and void and the subdivider shall be required to resubmit a new plat for preliminary approval, subject to all new Zoning and Subdivision Regulations in effect at the time of the new Sketch Plan. A new subdivision application shall be submitted accompanied by full application fees. Should the Development Review Board require phased development as a condition of Preliminary Plat approval, it may extend the one-year effective period of preliminary approval.

Section 5.6 Final Plat Review

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1. Final Plat Application. Within six (6) months of classification as a minor subdivision or of Preliminary Plat approval, the subdivider shall submit an application and fee to the Zoning Administrator for approval of a Final Subdivision Plat. The application shall contain those items set forth in Section 5.8 of these Regulations, and shall include evidence of notification of the application submittal to abutting landowners. It shall conform to the layout shown on the Sketch Plan or Preliminary Plat except as amended as a result of recommendations made by the Development Review Board. If phased development was a requirement of Preliminary Plat approval, a separate Final Plat application shall be filed for each section within the time periods imposed in the

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Preliminary Plat approval.

2. Final Plat Hearing. The Development Review Board shall hold a public hearing, warned in accord with Section 8.9, on the Final Plat at the earliest possible regularly scheduled meeting after the date of submission. The subdivider or his authorized representative shall attend the hearing to discuss the Final Plat.

3. Action on Final Plat. Within forty-five (45) days of the public hearing or any continuation thereof, the Development Review Board shall approve, modify and approve, or disapprove the subdivision plat. If the Development Review Board does not issue a decision within 45 days, the applicant may file an appeal with the Environmental Division of the VT Superior Court to recognize that the board's failure to act resulted in a "deemed approval" of the application. Development Review Board findings, conditions of approval, or the grounds for any modification required or for disapproval, and provisions for appeal under Section 8.7 shall be set forth in a written notice of decision.

4. Effect of Final Approval. The approval by the Development Review Board of a Final Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any road, easement, utilities, park, recreational area or open space shown on the Final Plat. Such acceptance may only be accomplished by formal resolution of the Select board. In addition, state permits may be required, and the applicant should contact state agencies to determine what permits must be obtained before any construction may commence.

5. Revisions to Approved Plats. No changes, erasures, modifications, or revisions shall be made on any Final Subdivision Plat after final approval, including any amendment or revision of a condition of Final Plat approval, unless said plat as modified is first resubmitted to the Development Review Board and approved in accordance with the procedures set forth above.

6. Final Plat Recording. The Final Plat shall be recorded in the Town land records in accordance with the provisions of 24 V.S.A. Section 4463.

5.7 Preliminary Application Submission Requirements (for Major Subdivisions only)

1. Preliminary Application. The Preliminary Subdivision Application shall consist of one or more maps or drawings, which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot. It shall be drawn to a scale of not more than one hundred (100) feet to the inch, showing or accompanied by the following information, unless specifically waived by the Development Review Board:

All the information required for a sketch plan application, plus:

- Proposed subdivision name or identifying title.
- Name and address of designer of Preliminary Plat.
- The width, location, and grades of all driveways or private access roads proposed by the subdivider. If applicable, the width and location of any public highways, trails or places shown in the Plainfield Town Plan within the area to be subdivided.
- Contour lines at intervals of five (5) or less feet of existing grades and of proposed finished grades where change of existing ground elevation will be five (5) feet or more.
- Typical cross sections of the proposed grading of driveways.

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- Deed description, survey of tract in accordance with VT Statutes and an accurate indication of proposed internal boundaries prepared and certified by a licensed land surveyor tied into established reference points.
- Connection with existing water supply or alternative means of providing water supply to the proposed subdivision.
- Connection with existing sanitary sewage system or proposed alternative means of sewage treatment and disposal.
- If private sewage disposal system is proposed, permit approval from state wastewater division.
- Provisions for collecting and discharging storm water in the form of drainage plan.
- Preliminary designs of any bridges or culverts which may be required.
- The location of temporary markers adequate to enable the Development Review Board to locate readily and appraise the basic layout on the site.

2. Supporting Documents.

The preliminary subdivision application shall include the following materials:

- A legal description of any proposed covenants and/or deed restrictions which are intended to cover all or a portion of the subdivision.
- A description of any proposed homeowners association or other form of management organization/agreement for lands, facilities or services.
- Erosion and sediment control plan and a storm water management plan.
- Other information, studies or reports required by the Development Review Board under Section 5.3 of these Regulations.
- Construction sequence and projected time schedule for completion of all proposed development and site improvements, if deemed applicable by the Development Review Board.

5.8 Final Plat for Major and Minor Subdivisions

1. Final Subdivision Plat. The final subdivision plat shall consist of one or more sheets of drawings that conform to the following requirements, in accordance with 27 V.S.A. § 1403:

The plat shall be on sheets 11 inches by 17 inches or 18 inches by 24 inches in size or 24 inches by 36 inches if the town has appropriate storage facilities as determined by the town clerk, and at least one copy of 11 inches by 17 inches shall be provided.

Plats shall also conform with the following technical requirements:

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- Each survey plat shall contain an inset locus map clearly indicating the location of the land depicted and a legend of symbols used.
- All lettering and data shall be clearly legible.
- Plat scale ratios shall be sufficient to allow all pertinent survey data to be shown, and each plat shall contain a graphic scale graduated in units of measure used in the body of the plat.
- Each plat sheet shall have a minimum one-half inch margin, except the binder side, which shall have a minimum one and one-half inch margin.
- Each plat sheet shall contain a title area in the lower right-hand corner of the sheet stating the location of the land, scale expressed in engineering units, date of compilation, the name of the record owner as of that date, the land surveyor's certification as outlined in 26 V.S.A. § 2596, and a certification that the plat conforms with requirements of this section. These certifications shall be accompanied by the responsible land surveyor's seal, name and number, and signature.
- Each survey plat shall contain a graphical indication of the reference meridian used on the survey plat and a statement describing the basis of bearings referenced on the survey plat.
- When the plat sheet is produced by a reproduction process, the process shall be identified and certified to by the producer in the margin of the plat sheet. Original plat sheets shall be so identified and certified to by the same process.
- The recordable plat materials shall be composed in one of the following processes:
 - Fixed-line photographic process on stable base polyester film; or
 - Pigment ink on stable base polyester film or linen tracing cloth.

2. The Final Subdivision Plat shall also show:

- Proposed subdivision name or identifying title; the name of the Town; the name and address of the record owner and subdivider and all abutting landowners; the name, license number and seal and signature of the licensed land surveyor; the boundaries of the subdivision and its general location in relation to existing highways or other landmarks; and scale, date and true north point.
- Lots within the subdivision numbered in numerical order.
- The location of all of the improvements referred to in Article VI including building envelopes, driveways, utility poles, underground lines, sewage and storm water disposal systems.
- Monuments which shall be set at all corners and angle points of the boundaries of the subdivision; at all new access roads and their intersections with town highways; angle points in access roads, points of curve and such intermediate points as shall be required by the engineer; and lot corner markers.

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- The boundaries of all areas to be held in common or reserved as undeveloped or conservation land pursuant to the requirements of Article VI.
- A notation stating: "Approval of this plat is subject to the terms and conditions imposed by the Plainfield Development Review Board in accordance with the Plainfield Land Use and Development Regulations, granted(date of Final Plat approval)," and containing two signature lines for endorsement by two DRB members.
- Any additional notations required by the Development Review Board which reference specific conditions of subdivision approval to be included on the final plat.

3. Supporting Documents. There shall be submitted to the Development Review Board with the final plat the following supporting documents:

- Written evidence of application to approval by all local, regional, state and federal agencies having jurisdiction over the project and written evidence of the expiration of all appeal periods.
- A certificate from a consulting engineer approved by the Select board as to the satisfactory completion of any improvements required by the Development Review Board or, in lieu thereof, an adequate performance bond or equivalent surety to secure completion of all improvements required by the Development Review Board and their maintenance for two (2) years, with written evidence from the Selectboard that it is satisfied with either the bonding or surety company, or with security provided by the subdivider.
- A legal description of any proposed covenants, easements and/or deed restrictions which are intended to cover all or a portion of the subdivision.
- Any other legal documentation the Development Review Board deems necessary for the administration and enforcement of these Regulations.

Article VI PLANNING AND DESIGN STANDARDS FOR SUBDIVISIONS

Section 6.1 Evaluation and Application of Standards

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The Development Review Board shall evaluate any minor or major subdivision of land in accordance with the standards set forth below. The Development Review Board may require the subdivider to address impacts related to these standards through modification and phasing of the proposed subdivision or measures to avoid or mitigate any adverse impacts. Planned Unit Development should be encouraged wherever possible.

Section 6.2 General Standards

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1. Character of the Land. All land to be subdivided shall be of such a character that it can be used for the intended purpose and density of use without undue adverse impact on public health or safety, the environment, neighboring properties or the rural character and natural beauty of Plainfield. Reference shall be made to the policies, goals and strategies in the Plainfield Town Plan and the significant Wildlife Habitats Map (appendix 4) in determining the suitability of the land for the proposed use. Land subject to periodic flooding, poor drainage, or other hazardous conditions, or lacking adequate capability to support buildings, access roads, utilities, and wastewater disposal shall not ordinarily be subdivided for the purpose of development.

2. Preservation of Existing Features. Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut or fill, and, insofar as possible, to retain the natural contours, limit storm water runoff, and conserve the natural cover and soil. Due regard shall be given to the preservation and protection of existing features, including but not limited to trees, scenic points, waterways and water bodies, rock outcroppings, steep slopes, unique geologic features, other natural resources, significant wildlife habitats, locally significant features as in appendix 4, agricultural lands, and historic resources as in appendix 3. Parcels containing historic structures or archeological sites shall be evaluated by a recognized authority prior to disturbance or alteration. Existing features can be identified through but not limited to the following resources:

- a) Agency of Natural Resources Natural Resource Atlas
- b) Appendix 3 Historic District Map
- c) Appendix 4 Significant Wildlife Habitats Map

The Development Review Board may require the preservation, planting and maintenance of trees, ground cover or other vegetation:

- To protect water quality and/or other natural features;
- To provide screening of development to increase privacy, reduce noise and glare, or otherwise soften and/or lessen the visual impacts of development,
- To establish trees along public or private roads to establish a canopy effect and/or maintain a pedestrian scale where the Development Review Board deems it appropriate.

3. Compatibility. The proposed subdivision shall be compatible with land uses, lot configurations, road networks, and natural, cultural, and scenic features on neighboring properties.

4. Compliance with Other Regulations. All subdivisions shall be in harmony with the Town Plan and shall be in conformance with other applicable federal, state, and local bylaws, ordinances and regulations.

Where these Regulations are in conflict with such other ordinances or regulations, the more stringent or those setting the higher standard shall apply.

5. Energy conservation. In order to conserve energy all subdivisions shall use the least areas of roadway and the least length of sewer, water, and utility lines within environmentally and economically sound limits. Subdivides are encouraged to submit designs that take advantage of southeast, south and southwest orientations where possible, allowing the maximum number of buildings to receive sufficient sunlight for solar energy systems for space and water heating. Likewise, landscaping should be used effectively for providing wind barriers and reducing heat loss or gain.

6. Building Envelopes. The Development Review Board shall require the designation of building envelopes to limit the site development to one or more portions of a lot, in order to favor open-space preservation and to lessen the visual impacts of development. No areas containing slopes of 15% or greater shall be included within building envelopes.

7. Lot Shape and Density. The layout of lots shall conform to the dimensional requirements of the district in which they are located except for Planned Unit Developments. The following standards shall apply to subdivisions:

- Side lot lines, where they intersect with the town road, shall generally be at right angles.
- Lot Shape. Lots with irregular shapes (curves, jogs, flag-shaped, etc.) should not be created unless warranted by conditions of topography or natural features.
- Lot Size and Density. Lot sizes and densities in the District Regulations are a minimum standard. Densities may be increased only for Planned Unit Developments.

8. Scattered Subdivision. Scattered subdivision of land that would involve danger or injury to health or safety by reason of inadequate water supply, drainage, transportation, school, fire protection, or other public services or that would necessitate an expenditure of public funds for the supply of such services or for the upgrade of roads, may be denied by the Development Review Board.

9. Disclosure of Future Development Plans. When a subdivider submits an application for a portion of a parcel, the Development Review Board may require a general indication of the intended uses of the remaining portion of land. Such an indication should include type and intensity of use, access, and phasing.

Section 6.3 Natural Resource and Agricultural Land Protection

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1. Preservation of Natural Resources and Agricultural Lands. Subdivision boundaries, lot layouts, access and utility corridors, and building envelopes should be located and configured so as to:

- Avoid adverse impacts to special environmental areas as defined in the Town Plan, including but not limited to, wetlands and significant wildlife habitat.
- Minimize/avoid the fragmentation and/or development of agricultural lands, meaning land in

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agricultural use or containing prime agricultural soils,

- Avoid the placement of principal buildings on ridgelines and the crest of hills.

2. Methods of Protection. Methods for minimizing such adverse impacts shall include but may not be limited to the following:

- Use Planned Unit Development (PUD) format contained in Article VII to allow flexibility in site and lot layout that will promote the most appropriate use of the land.
- In instances involving the subdivision of clearly defined ridges and hilltops above an elevation of 1500', building envelopes should be located off the height of land (i.e., highest point on a defined ridge or hill).
- Undisturbed buffer areas sufficient in width to protect the identified natural feature(s) should be designated. Buffer areas may be required between agricultural and other uses to minimize land use conflicts.
- Access roads, driveways and utility corridors should be shared to the extent feasible; and where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, should follow these in order to minimize the fragmentation of agricultural land and minimize visual impacts.
- A tree cutting, landscaping and/or forest management plan may be required to ensure that ridges and hill tops above an elevation of 1500' remain wooded and that sufficient trees remain standing to visually interrupt building facades and reduce reflective glare, as viewed from off site.
- Limit development density and strive for clustering of development to avoid or minimize impacts on significant wildlife habitat and wildlife corridors;
- Use "building" or "development" envelopes that limit the extent of development on the lot to ensure that activities incidental to the use, including clearing and yard area, do not adversely affect significant wildlife habitat.

Section 6.4 Open Space and Common Land

Major subdivisions shall be designed to preserve open space areas for such uses as recreation, agricultural use, and natural resources and to maintain scenic views. Common land should be designed to achieve these objectives and to facilitate the maintenance of community facilities.

1. Preservation of Open Space. Provision should be made for the preservation of open space. The Development Review Board shall approve the location, size and shape of lands set aside to be preserved for open space. Open space land should be located so as to conform with and extend existing and potential open space lands on adjacent parcels.

2. Creation of Common Land. Land held in common for the preservation and maintenance of open space or the maintenance and protection of shared facilities, may be held under separate ownership from contiguous parcels and shall be subject to the legal requirements set forth below. Such shared facilities may include community wastewater or water supply systems, or community recreation facilities, such as river and shoreline access and trail rights-of-way.

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3. Legal Requirements. Protected open space shall be dedicated, either in fee or through a conservation easement approved by the Development Review Board, to the Town, the Conservation Commission, a community association comprising all of the present and future owners of lots in the subdivision, or a non-profit land conservation organization. Such area shall be indicated with appropriate notation on the final plat. Land held in common shall be subject to appropriate deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long term stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of applicant and subsequent landowners

Section 6.5 Site Drainage, Storm water Management and Erosion Control

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1. Site Drainage and Storm water Management. An adequate surface storm water drainage system for the entire subdivision area shall be provided.

Residential and commercial development projects shall follow the Vermont Agency of Natural Resources Stormwater Management Rules. In particular, great care should be taken to avoid concentration of storm water runoff in areas of high erosion hazard and/or highly erodible soils.

The subdivider may be required by the Development Review Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivisions. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. Where it is anticipated that additional run-off incidental to the development of the subdivision will overload an existing downstream drainage facility so that there will be drainage to private property or an increase in the expenditure of public funds, the Development Review Board shall not approve the subdivision until provision has been made for the improvement of said condition. Where a subdivision is traversed by a watercourse or drainage way, there shall be provided a storm water drainage easement of such width as to encompass the 50-year flood area of such watercourse which easement shall be indicated on the Final Plat.

2. Erosion and Sediment Control. For all construction, erosion and sediment controls need to be installed correctly and be regularly maintained, following practices outlined in the Vermont Handbook for Erosion Prevention and Sediment Control (Vermont Department of Environmental Conservation, Water Quality Division, 2003 or as updated). The smallest practical area of land should be exposed at any one time during development. Excavated or disturbed land should not be left exposed during the winter months. Where necessary, temporary vegetation and/or mulching and structural measures may be required by the Development Review Board to protect areas exposed during the development.

The Development Review Board may require embankments to be planted with stabilizing shrub or ground cover and seeded with a deep root perennial grass to prevent erosion. Sediment basins shall be installed and maintained during development to remove sediment from runoff water and from land undergoing development.

Construction should be discouraged in areas that pose potential natural hazards including highly erodible soils such as sands, steep slopes, shallow soils and areas of high water tables.

Section 6.6 Community Services and Facilities

1. Public Facilities and Services. The proposed subdivision shall not create an undue burden on public facilities or create an unreasonable demand for public services. The Development Review

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Board will consider whether the anticipated tax return from the proposed development is equal to or exceeds the cost of anticipated municipal services and facilities directly attributable to the proposed development. It also will determine whether the proposed development will place an unreasonable burden on the ability of local governmental units to provide municipal, governmental or educational services and facilities. A fiscal impact analysis and/or the phasing of development in accordance with a duly adopted capital budget and program may be required as appropriate.

2. Fire Protection Facilities. Adequate water storage facilities for fire protection within the subdivision shall be provided to the satisfaction of the Development Review Board and the Town Fire Chief.

3. Parks, Playgrounds and Recreation Areas. Pursuant to 24 VSA §4417, the Development Review Board may require the set-aside of up to fifteen (15) percent of the total area of the Plat for a park, playground or other recreation purpose. All such land shall be of a reasonable character for such use.

4. Traffic. The Development Review Board may request the preparation of a traffic impact study to identify impacts and mitigation measures necessary to ensure road safety and efficiency. The implementation of mitigation including road improvements necessitated by the subdivision shall be the responsibility of the subdivider.

Section 6.7 Access Roads and Driveways

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The following standards apply to private access roads and driveways in all subdivisions, regardless of the number of lots accessed:

1. Topography. Access roads and driveways shall logically relate to topography so as to produce usable lots and safe intersections in appropriate relation to the proposed use of land and to minimize site disturbance, including the amount of cut and fill required.

2. Road Construction Standards. In addition to the measures listed in Section 6.5 all new access roads and driveways shall have erosion controls designed to eliminate adverse impacts on nearby properties, town highways and watercourses. All road and driveway runoff should be directed in such a way as to prevent non-point pollution of the town's surface waters and wetlands. Driveways serving individual lots generally shall comply with the Vermont Agency of Transportation's Standard B-71 for residential and commercial driveways, as amended. In addition:

- Driveways shall be accessible by emergency service vehicles, with reasonable grades and safe intersections with public or private roads. Maximum grade should not exceed ten (10) percent. For driveways in excess of five hundred (500) feet in length, a 10' x 30' turnout may be required.
- Driveways should be laid out to follow existing linear features, such as utility corridors, tree lines, hedgerows and fence lines, to minimize the fragmentation of agricultural land and open space, and to minimize adverse impacts to natural, cultural and scenic features.
- The use of common or shared driveways is encouraged and may be required in order to minimize the number of access points to town highways.

3. Town Highway Access

- Subdivider must obtain an access permit from the Zoning Administrator for each point where

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a driveway or private road connects with a town highway.

- If the Class 4 road is not intended by the Town to be reclassified as Class 3, it may be approved as sufficient access for the proposed subdivision, or the Development Review Board may require that the subdivider make arrangements for maintenance of the road and emergency vehicle access.
- The Development Review Board may require the subdivider to improve any town road where it intersects with new access roads or driveways in the subdivision to facilitate traffic circulation and pedestrian and vehicular safety.

4. Pedestrian and Bicycle Access. Where appropriate, rights-of-way for pedestrian and bicycle travel and access may be required to facilitate and encourage non-vehicular travel within the subdivision and to public areas beyond. Curbs and sidewalks may be required in subdivisions within or near to the village.

Major subdivisions:

1. Layout and Design. Private access roads and driveways serving four or more lots in a proposed subdivision shall generally conform to the Vermont State Standard for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets, dated October 1997 as amended. Acceptance of private roads by the Town is subject to the approval of the Selectboard pursuant to state law for the laying out of public rights-of-way. Construction of a road to these standards in no way ensures such acceptance.

Minimum design standards include the following:

- Rights of way for all access roads shall be a minimum of fifty (50) feet in width.
- Where the access road intersects with the town road:
 - The angle should be between seventy (70) and ninety (90) degrees;
 - The gradient within 100 feet of the intersection shall be minimized;
 - A safe sight stopping distance is provided as determined by probable traffic speed, terrain, and road alignments; and
 - No structure or planting is situated to impair corner visibility.

2. Cut and Embankment Slopes. All slopes shall be well rounded to form a smooth transition from the shoulder edge to the existing grades (see the Vermont Better Back roads Manual as amended).

3. Cul-de-sacs and Turn-arounds. Access roads shall terminate in a turn-around with a radius of thirty-five (35) feet, or a "T" or other configuration suitable to topography and adequate for emergency vehicles to turn around efficiently.

Note: The road and driveway standards for major subdivisions may be applied to minor subdivisions where the Development Review Board determines that such standards are necessary to provide suitable and safe access or to accommodate anticipated future subdivision.

[Section 6.8 Water Supply and Wastewater Disposal](#)

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1. Water Supply. Community water supply systems and individual wells shall be designed and built

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to meet all applicable state and local regulations. For subdivisions that will connect to the municipal water system, applications for connection shall be approved by the Water & Wastewater Commission.

2. Wastewater Disposal. Community sewage disposal systems and individual septic systems shall be designed and installed in accord with the requirements of the state on-site septic requirements and local zoning and health regulations. For subdivisions that will connect to the municipal sewage disposal system, applications for connection shall be approved by Water & Wastewater Commission.

Section 6.9 Utilities

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All utilities systems, existing and proposed, throughout the subdivision shall be shown on the final plat, and shall be located as follows:

1. All utility systems, including but not limited to electric, gas, telephone, and cable television, should be located underground throughout the subdivision, unless deemed unreasonable and prohibitively expensive by the Development Review Board.
2. The subdivider shall coordinate subdivision design with the utility companies to insure adequate and suitable areas for under or above ground installation both for the proposed subdivision, and areas adjacent to the subdivision.
3. Utility corridors shall be shared with other utility and/or transportation corridors where feasible and located to minimize site disturbance, fragmentation of agricultural and conservation lands, and to minimize any adverse impacts to public health and to natural, cultural or scenic resources.

ARTICLE VII: PLANNED UNIT DEVELOPMENT

Section 7.1 Purpose

In accordance with the Act [§4417], Planned Unit Developments (PUDs) are allowed in all zoning districts except the Reserve District. PUDs are intended to allow flexibility in site and lot layout that will promote the most appropriate use of land, and specifically achieve one or more of the following objectives:

- Encourage compact, pedestrian-oriented development along with the economical provision of shared facilities and infrastructure to provide housing in a cost effective and energy efficient manner.
- Implement the policies of the municipal plan, such as the provision of affordable housing.
- Cluster residential development to preserve and maintain open space, including but not limited to important agricultural lands, recreational resources and significant wildlife habitat.
- Protect significant natural, cultural or scenic features as identified in the Plainfield Town Plan, or through site investigation.
- Allow for creative design and layout of development, an efficient use of land, and an integrated mix of compatible uses.

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Section 7.2 Applicability

An applicant may apply for PUD approval from the Development Review Board, as allowed within designated zoning districts, either in conjunction with application for subdivision approval, or as a conditional use review.

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Section 7.3 Application Requirements

In addition to any application requirements that may be required if the PUD also requires subdivision approval, as outlined in Article V of these Regulations, the application for PUD approval shall also include:

- A statement describing any deviance from the zoning regulations, including, but not limited to requested increases in the allowed density of development and variances from district dimensional standards.
- A description of the number and types of structures and uses to be included in the PUD, including elevations and exterior design specifications.
- A site plan showing existing lot lines, the location (building footprint) and spacing of any existing and proposed buildings, common areas, landscaping, streets, driveways, parking areas, utilities, and any natural, scenic, agricultural, forestry, and/or other open space areas to be conserved.
- Management plans for common areas, facilities and services, and conserved lands that identify their ownership, use and long-term maintenance or management, to include

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proposed legal agreements, covenants and/or easements.

- Construction timeline indicating the number of dwellings to be developed in a given year.

Section 7.4 Review Process

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Applications for PUD approval shall be reviewed by the Development Review Board concurrently with subdivision review (if subdivision approval is sought), in accordance with the review process for subdivisions set forth in Article V of these Regulations. In addition:

- Any requested deviance from the zoning regulations may be approved simultaneously with any approval of subdivision plan.
- The Development Review Board may, as a condition of approval, establish conditions on the ownership, use and maintenance of any common areas, facilities or services, or open space areas as it deems necessary to ensure their long-term use, maintenance and/or management for their intended purpose.
- The Development Review Board may require increased lot sizes or setback distances, and require landscaped or managed buffer areas as it deems necessary to protect natural and scenic features, community facilities and services, or neighboring properties from adverse impacts associated with the proposed development.
- The Development Review Board may also require the applicant to demonstrate fiscal capacity to complete the development as approved, through the provision of a bond or other surety acceptable to the Plainfield Selectboard.
- Approved modifications of the zoning district regulations, and any other conditions of approval under these provisions, shall be specifically identified and noted or appended to the plan.
- Approval granted by the Development Review Board under this section for a PUD containing one or more conditional uses shall not exempt the proposed development from subsequent review before the Development Review Board in accordance with Article VIII of these Regulations. Development Review Board shall incorporate any applicable conditions of PUD site plan approval, including modifications to one or more provisions of these regulations, in conditional use review.
- Any substantial change to a previously approved PUD shall require a public hearing and approval by the Development Review Board.

Section 7.5 General Standards

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If the PUD is part of a proposed subdivision, in addition to meeting standards for major subdivisions contained in Article VI of these regulations, proposed PUD shall:

- Be consistent with the goals and policies of Plainfield Town Plan currently in effect, and the purpose of the zoning district(s) in which it is located.
- Be designed to have buildings and uses clustered and, to the maximum extent feasible, to be

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compatible in siting, layout, scale, architecture, landscaping, and access with the rural character of the town and surrounding area as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.

- Not have an undue adverse impact upon the character of the district(s) in which it is located as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.
- Represent an effective and unified treatment of the development site, including provisions as appropriate for the preservation or protection of surface and ground waters; wetlands and floodplains; significant topographic features, including hilltops and ridgelines; areas of steep slope or shallow soil; prime agricultural soil and forest land; historic or archaeological sites and structures; natural and significant habitat areas; and open spaces,...
- Be planned to conserve, to the maximum extent feasible, the agricultural, forestry, or recreational value of any agricultural lands, open spaces, woodlands, and ridgelines.
- Be designed to give due consideration to streams and stream banks, steep slopes, wetlands, soils unsuitable for development, unique natural and manmade features, productive forest and agricultural soils, wildlife habitat, and floodplains.
- Be designed to integrate vehicular and pedestrian circulation with neighboring properties and public rights-of-way, and not to create undue burdens on the traffic and roadway system of the Town.
- Be energy efficient in site planning and layout, with consideration given to the effective utilization of renewable energy resources (wood, water, wind, solar), including access to solar energy through the design of active or passive systems that take advantage of southern orientation and are not hindered by shadows cast by adjacent structures; and the conservation of energy through landscaping and wind barriers, adequate insulation and weatherization, the installation of efficient heating systems, and other such measures.
- Be landscaped, fenced or screened as necessary to maintain district character, to screen incompatible components of the development from the view of adjoining properties; and/or to minimize adverse impacts to scenic resources.
- Give consideration to adequate fire protection, such as a water storage pond and emergency vehicle access, as recommended by the Plainfield fire department.
- Be served by adequate water supply and sewage disposal systems which are designed in conformance with current municipal and/or state regulations.

Section 7.6 Specific Standards

Planned unit developments, in addition to meeting general standards under Section 7.5, shall also be subject to the following:

1. **Allowed Uses:** PUDs may include a mix of uses, including any permitted or conditional use allowed in the district in which it is located, and multi-family dwelling units if otherwise not allowed.

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- A PUD may involve the creation of separate building lots, or may include a development in which multiple buildings and uses are constructed on a single parcel to be held in common ownership.
- Principal buildings and mixed uses shall be compatible with each other, and buffered as appropriate to ensure visual and acoustical privacy for the residents of the development and for adjacent properties.
- The PUD plan shall include a sign plan for all signs to promote consistency in appearance.

2. Density: Except for projects which incorporate affordable housing, the overall density of development shall not exceed the number of dwelling units, structures or uses which would otherwise be permitted, in the Development Review Board's judgment, if the land were subdivided in conformance with the zoning regulations, however:

- A greater concentration of development may occur on one portion of the site provided there is an offset of lesser concentration on the remainder of the site, or the remainder is designated as conserved land.
- Where a district boundary line divides a parcel, the Development Review Board may allow the development of a single PUD with a total density based on the combined allowable density of each district.
- The DRB may grant a density increase of up to 50% of the allowable number of units in any district in PUDs in which not less than 50% of the total number of dwelling units created are affordable housing units, as defined in Section 1.7.
- In granting any increase in the concentration or density of development, the Development Review Board shall consider the capacities of community services and facilities, and the character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.

3. Open Space: Land area not allocated to building envelopes and streets shall be permanently reserved as open space.

- The minimum requirement for open space shall be 50% of the total acreage of the PUD, including the land where development is located. This area shall be in such a condition, size and shape as to be readily usable for agriculture, forestry, recreation or conservation. Such land must be reserved by one of the following means:
 - Held in corporate ownership by the owners of the units within the development. However, membership in said corporation shall be mandatory for all residents of the development. In case of corporate ownership, the developer shall include in the deed to the owners of the dwelling units the membership stipulation and the beneficial right in the use of open land.
 - By being donated to a non-profit land trust, with deed restrictions stipulated that will require the land to be permanently conserved as open space.

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- By legal deed restrictions or easements or other means acceptable to the Development Review Board that provide for permanent conservation of the open spaces.
- To qualify as open space, land shall be usable for agriculture, forestry, recreation or conservation and may not be occupied by streets, drives, parking areas, or structures except for freestanding and moveable structures measuring no larger than 100 feet square and 15 feet in height or farm structures as defined in the Vermont Dept. of Agriculture's Agricultural Practice Rules (2.07).
- The PUD should be designed to allow significant portions of the land to be kept in tracts suitable for agriculture or forestry uses, if appropriate.
- It is the intent of these regulations that land not used for building sites be kept open and usable for agriculture, forestry, recreation or conservation.
- Provision for the preservation of open space should also be made within the village district. In this district, which is intended to accommodate compact development at higher densities than in more rural districts, open space should be integrated into compact development patterns and be designed as formal green spaces, such as "village greens," pathways and trails, parkland and playgrounds, intended to serve the proposed development.

ARTICLE VIII: ADMINISTRATION AND ENFORCEMENT

Section 8.1 Zoning Administrator

The Zoning Administrator is nominated by the Planning Commission and appointed by the Selectboard, as provided for in § 4448 of the 24 V.S.A., Chapter 117. Said officer shall literally enforce the provisions of these regulations, and in so doing, shall inspect land developments, maintain records of his/her actions, report periodically to the public and the governing body and perform all other necessary tasks to carry out the provisions of these regulations and the duties of his/her office. The Zoning Administrator, in addition to other duties, shall report annually in the town report on permits granted and denied.

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Section 8.2 Zoning Permit, Issuance and Exemptions

Section 8.2.1 Applicability

No land development as defined herein, including a change of use, shall be commenced in Plainfield until a zoning permit has been issued by the Zoning Administrator, as provided for in §§4448–9 of the Act. When an application for a municipal land use permit seeks approval of a structure (other than a sign, fence, or a structure that will not be heated or cooled) the Zoning Administrator shall provide the applicant with a copy of the applicable building energy standards under 21 V.S.A. §§ 266 (residential building energy standards) and 268 (commercial building energy standards). The Zoning Administrator may provide a copy of the Vermont Residential Building Energy Code Book published by the Department of Public Service in lieu of the full text of the residential building energy standards.

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Section 8.2.2 Exemptions

In accordance with 24 V.S.A. §4446, in addition to the uses which are exempt from local review as per Article I, Section 1.4 of these Regulations, no zoning permit shall be required for the following activities, except some exemptions which may not apply in the Flood Hazard Overlay District:

- Normal maintenance and repair or modification of building interiors of an existing structure which do not result in exterior expansion or a change of use, except in the Flood hazard Overlay District.
- Residential entry stairs (excluding decks and porches and access to upper floors), handicap access ramps, and fences or walls no more than 4 feet in height which do not extend into or obstruct public rights of way or interfere with corner visibilities or sight distances for vehicular traffic, except in the Flood Hazard Overlay District.
- Minor grading and excavation associated with existing road and driveway maintenance which is incidental to an approved use, except in the Flood Hazard Overlay District.
- Temporary structures, as herein defined, which remain in place no longer than six months.
- One freestanding and structure without foundation, accessory to residential use on parcel,

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measuring no larger than 100 square feet and 15 feet in height per density unit (the minimum acreage required for a residence in a district), up to a maximum of three on a parcel shall not require a permit; however, no structure shall increase the external dimensions of another structure without a permit. All structures, temporary or otherwise, must meet applicable setbacks, except in the Flood Hazard Overlay District.-

- Arbors, trellises, children's playsets.
- Garage sales, yard sales, auctions or similar activities on private land, or on town land with Selectboard authorization, that do not exceed three consecutive days, nor more than twelve days total in any calendar year.

Section 8.2.3 Combined Review

In accordance with 24 V.S.A. § 4462, in cases where a proposed project will require more than one type of development review, the Development Review Board may warn and hold a joint hearing or single hearing for the purpose of reviewing and acting on the proposal. The zoning administrator shall identify proposed projects appropriate for combined review and assist applicants in preparing and submitting coordinated applications to facilitate combined review.

Notice for a combined review hearing shall be made in accordance with 24 V.S.A. § 4464(a) (1). The hearing notice shall include a statement that the hearing will be a combined review of the proposed project and list each review processes that will be conducted at the hearing.

As applicable, the combined review process shall be conducted in the following order:

- Site Plan
- Access by right-of-way
- Requests for Waivers or Variances
- Subdivision Approval (preliminary and final) or PUD approval
- Conditional Use Review

All hearing and decision requirements and all deadlines applicable to each review process shall apply. Separate written decisions may be issued for each review conducted as part of the combined review, but shall be coordinated where appropriate.

Section 8.2.4 Issuance of Permit

- A site plan map shall be submitted with each application for a zoning permit, commercial site plan review or conditional use review, as specified in these Regulations. At a minimum, the map shall indicate:
 - The dimensions of the lot
 - Location of all existing structures and development, including well, septic and driveway, on the lot

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- Adjacent landowners
 - Location map showing the site within the context of the Town
 - Any proposed development and structures for which the zoning permit is sought
- Within thirty (30) days of receipt of a complete application, including all application materials and fees, the Zoning Administrator shall act to either issue or deny a zoning permit in writing, or to refer the application to the Development Review Board and/or state for consideration. In accordance with 24V.S.A. §4448(d), if the Zoning Administrator fails to act within the 30-day period, a permit shall be deemed issued on the 31st day.
 - No zoning permit shall be issued by the Zoning Administrator for any use or structure which requires the approval of a municipal panel or the Selectboard until such approval has been obtained. For permit applications that must be referred to a state agency for review, no zoning permit shall be issued until a response has been received from the state, or the expiration of 30 days following the submission of the application to the state.
 - The Zoning Administrator, within three (3) days of the date of issuance, shall deliver a copy of the zoning permit to the Listers, shall post a copy of the permit in the municipal offices and shall post a notice of permit on the property concerned within view of the nearest public right-of-way until the time for appeal has expired.

Section 8.2.5 Effective Date

No zoning permit shall take effect until the time for appeal under 24 V.S.A. §4465 has passed, or in the event that a notice of appeal is properly filed, until final adjudication of the appeal. A zoning permit shall become void if the work described therein has not been commenced within one year from the date of issuance, including those permits issued under interim zoning regulations. Work begun in accordance with a zoning permit must be completed within three years. If not completed within three years, the applicant must secure another zoning permit. The Zoning Administrator may administratively renew a permit for a period not to exceed one additional year upon finding that there was reasonable cause for delay in the project.

Section 8.2.6 Wastewater and Water Supply

In accordance with 24 V.S.A. §4414 (13), no construction under a zoning permit may begin until a wastewater and potable water supply permit is issued under 10 V.S.A. Chapter 64.

The Zoning Administrator may enter the property with permission of the landowner to confirm that the development was done in compliance with the permit.

Section 8.3 Enforcement

In accordance with 24 V.S.A. §1974a (d) enforcement of municipal zoning violations may be brought as a civil ordinance violation or in an enforcement action pursuant to the requirements of §§4451–4452.

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Violations of Section 3.6 signs or violations involving a temporary use or event, a recreational vehicle or a moveable structure shall be enforced as a civil ordinance violation. A penalty of \$20 shall be imposed for the initial violation of any provision of this ordinance. The penalty for the second offense within a one-year period shall be \$50, and the penalty for each subsequent violation within a one year period shall be \$100. Each day that a violation continues will constitute a separate violation of this ordinance. If the foregoing enforcement strategy is not sufficient to deter violations, enforcement proceedings may also be initiated pursuant to 24 V.S.A. §4451and/or §4452.

For all other violations of this ordinance, enforcement proceedings will be initiated pursuant to 24 V.S.A. §4451and/or §4452, as they exist or are hereafter amended or revised, whereby a person shall be fined each offense an amount currently set at not more than one hundred dollars (\$100) for each offense. Each day that a violation is continued shall constitute a separate offense. No action may be brought under this Section unless the alleged offender has had at least seven days notice by certified mail that a violation exists. However, actions for subsequent violations may be brought without the seven-day notice as allowed by 24 V.S.A. 4451.

Section 8.4 Development Review Board

Plainfield has a Development Review Board consisting of five members appointed by the Selectboard for terms of three years except for the initial terms that were set forth on 3/1/2010. Members of Development Review Board shall be limited to nine consecutive years of service. Any member so served shall be ineligible for reappointment to the Board for one year or for appointment to the Planning Commission for one year.

Rules of procedure, nature of appeals, public notice, conditions for variance relief and all other matters shall be conducted as provided in Subchapters 10and 11 of 24 V.S.A Chapter 117. The Development Review Board must also issue its own rules of procedure to govern matters brought before the board.

Responsibilities and Duties

The following review functions shall be performed by the Plainfield Development Review Board. Unless the matter is an appeal from the decision of the Zoning Administrator, the matter shall come before the panel by referral from the Zoning Administrator. Any such referral decision shall be appealable as a decision of the Zoning Administrator.

- Review of right-of-way or easement for land development without frontage as authorized in §4412(3) of 24 V.S.A.
- Review of land development or use within an historic district or with respect to historic landmarks as authorized in § 4414(1)(F) of 24 V.S.A
- Review of proposed conditional uses as authorized in §4414(3) of 24 V.S.A.
- Review of planned unit developments as authorized in § 4417 of 24 V.S.A.
- Review of requests for waivers as authorized in § 4414(9) of 24 V.S.A.

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- Site plan review as authorized in §4416 of 24 V.S.A.
- Review of proposed subdivisions as authorized in § 4418 of 24 V.S.A.
- Review of wireless telecommunications facilities as authorized in § 4414(12) of 24 V.S.A
- Appeals from a decision of the Zoning Administrator pursuant to § 4465 of 24 V.S.A
- Review of requests for variances pursuant to § 4469 of 24 V.S.A.

Section 8.5 Site Plan Review

Site plan review by the Development Review Board is required for all commercial development. No zoning permit shall be issued for any commercial development or building until approval by the Development Review Board has been obtained. In addition to the requirements for site plans listed in Section 8.2.4 of these Regulations, site plans submitted for commercial site plans should show the following, as well as other information the DRB may need in order to review the proposed project:

- Parking areas
- Pedestrian and vehicular access
- Any existing and proposed landscaping and/or screening
- Location and description of proposed exterior lighting
- Location and size of existing/proposed signs

Section 8.5.1 Standards for Site Plan Review for Commercial Use:

- The scale/size of the development should be compatible with nearby properties and with the historic character of the village, if located in the village district.
- The use is appropriate in the district and will not be detrimental to the other uses within the district or to neighboring properties.
- The proposed development utilizes land efficiently. In the village district, mixed-use 2–3 story buildings are encouraged; for example, a store with office or apartment space on upper floor(s).
- Plans for safe traffic circulation and space for adequate parking, located at the side or rear of the building where possible.

• The use should create no odors/noise/lights beyond property line; to this end, landscaping and fencing may be required to screen the project. Plant material should be native to Vermont where possible and not on the agency of natural resources list of invasive or potentially invasive plants. Fencing should be of a natural material wherever possible in a color and style appropriate to both the proposed use on the parcel and to the surrounding

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properties. Outdoor lighting should be directed downward and should not illuminate adjacent properties or public roadways. Additionally, it should follow the guidelines in the Outdoor Lighting Manual for Vermont Municipalities.

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Section 8.6 Conditional Use Review

No zoning permit shall be issued by the Zoning Administrator for any use or structure which requires a conditional use permit under these Regulations until the Development Review Board grants such approval.

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Application for approval of a conditional use should include submission of a site plan containing the information listed in Section 8.5 of these Regulations.

In considering its action, the Development Review Board shall make findings on general and specific standards, hold hearings and attach conditions as provided for in 24 V.S.A. §4414(3).

Section 8.6.1 Standards for the Review of Conditional Uses

The general standards for conditional uses include assurance that the proposed use will not have an undue adverse effect on:

- The capacity of existing or planned community facilities;
- The character of the area affected, as defined by the purpose or purposes of the district in which the proposed project is located and the specifically stated policies and standards of the municipal plan;
- Traffic on roads and highways in the vicinity;
- Bylaws and ordinances then in effect;
- Utilization of renewable energy resources.
- The integrity of agricultural lands and significant wildlife habitats.

Specific standards for particular uses are included in Article IV of these Regulations, and also include the following standards:

- The Development Review Board may require the installation, operation and maintenance of such devices and/or such methods of operation as may in the opinion of the board be reasonably required to prevent or reduce fumes, gas, dust, smoke, odor, noise, vibration, excessive light, or similar nuisance. Performance standards shall be as specified by the appropriate state regulatory agencies.
- The board may impose such conditions regarding the extent of open spaces between the proposed use and surrounding properties as will tend to prevent injury which might result from the proposed use to surrounding properties and neighborhoods. The board shall not require more than double setback or double yards for the particular zoning district.

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- Landscaping and fencing may be required to maintain district character and to screen the use from view from a public way.
- Off-street parking facilities may be required to accommodate the use, subject to a maximum of one car per person of maximum projected use.
- Conformance with the Town Plan.

Section 8.7 Variances and Appeals

1. An interested person as defined in 24 V.S.A. §4465 may appeal any decision or act taken by the Zoning Administrator by filing a notice of appeal with the secretary of the Development Review Board. This notice of appeal must be filed within 15 days of the date of that decision or act, and a copy of the notice of appeal shall be filed with the Zoning Administrator.

2. The Development Review Board shall set a date and place for a public hearing on an appeal which shall be within sixty (60) days of the filing of the notice of appeal in accordance with 24 V.S.A. §4469.

3. On appeal for a variance for a structure that is not primarily a renewable energy resource structure, the Development Review Board shall grant such variance if all of the following facts are specifically found under the provisions of 24 V.S.A. §4468:

- That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located;
- That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- That unnecessary hardship has not been created by the appellant;
- That 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, nor be detrimental to the public welfare; and
- That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and

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from the plan.

4. On an appeal under 24 V.S.A. §4465 or §4471 in which a variance from the provisions of a bylaw or interim bylaw is requested for a structure that is primarily a renewable energy resource structure, the Development Review Board may grant that variance and render a decision in favor of the appellant if all the following facts are found, and the finding is specified in its decision:

- It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with the bylaws.
- The hardship was not created by the appellant.
- (a-e) from # 3above.

5. Decisions of the Development Review Board may be appealed to the Environmental Division in accordance with 24 V.S.A § 4471.

Section 8.8 Administrative Review

Minor revisions to previously approve for site plan and subdivision reviews may be reviewed and approved by the Zoning Administrator without Development Review Board review. Minor revisions are those that have no substantial impact under any of the standards outlined in relevant sections of the regulations. Conditions from prior approvals shall only be modified if the original rationale for the condition(s) is understood and has been adequately addressed in a manner consistent with current town regulations. Furthermore, no revision issued via administrative review shall have the effect of substantively altering any of the findings of fact of the most recent approval.

- **Application & Classification:** Submission requirements shall be the same as those outlined in the relevant section of the regulations. Classification as a minor or major revision (i.e., requiring Development Review Board review) is at the discretion of the Zoning Administrator.
- **Notice & Posting:** Public notice and posting requirements shall occur after the permit is issued as specified for zoning permits in Section 8.9 below. In addition, written notice shall be sent to abutting landowners and the Development Review Board within 3 days of the issuance of the permit.
- **Decision:** The Zoning Administrator shall act within 30 days of the receipt of a complete application, either by issuing a decision or by making a referral to the Development Review Board. The permit shall be deemed issued on the 31st day, if not acted upon. Revisions to a decision on a previously approved project shall be sent by certified mail to the applicant and landowner, and also to anyone else who makes a specific request. A permit shall not take effect until the time for appeal has passed.
- **Appeals:** Any interested person may appeal to the Development Review Board within 15 days of the date of the decision, in the same manner as other zoning permit appeals pursuant to 24 V.S.A. §4465.

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Section 8.9 Hearing and Notice Requirements

- The Zoning Administrator, within three days of approving a zoning application, shall post a notice of zoning permit approval at the property where the proposed development will take place at a location visible from the public right-of-way. This notice of zoning permit shall be posted until the appeal period has passed.
- Written notification of the hearing date and time to the applicant or appellant shall be provided by the Development Review Board for applications or appeals to the board for matters requiring a hearing before the Development Review Board not less than 20 days prior to the date of the meeting scheduled for a hearing on the application or appeal.
- A warned public hearing shall be required for conditional use review, variances, appeals from a decision of the zoning administrator, and final plat review for subdivisions. Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all the following:
 - Publication of the date, place, and purpose of the hearing in a newspaper of general daily or weekly circulation in Plainfield.
 - Posting of the same information in three or more public places within the municipality, including the municipal office.
 - Posting within view from the public right-of-way most nearly adjacent to the property for which an application is made, or which is the subject of an appeal, of a sign containing the date, place, and purpose of the hearing. The applicant or appellant shall post the sign, which shall be obtained from the Zoning Administrator or, for cases before the Development Review Board from the secretary or chair of the Development Review Board.
 - Written notification by the applicant/appellant to owners of all properties adjoining the property subject to development or the subject of an appeal and to all owners of property within 50 feet of any boundary of the property subject to development or the subject of an appeal, without regard to any public right-of-way or any waterway. The notification shall state the date, place and purpose of the hearing and shall also include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.
- Public notice for hearings on all other types of development review, including site plan review, shall be given not less than seven days prior to the date of the public hearing, and shall include at a minimum all the following:
 - Posting of the date, place, and purpose of the hearing in three or more public places

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within the municipality including the municipal office.

- Written notification by the applicant/appellant to owners of all properties adjoining the property subject to development or the subject of an appeal and to all owners of property within 50 feet of any boundary of the property subject to development or the subject of an appeal, without regard to any public right-of-way or any waterway. The notification shall state the date, place and purpose of the hearing and shall also include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.
- No later than seven (7) days prior to the scheduled hearing date, the applicant/appellant shall submit to the Development Review Board, for hearing before that board a list of the landowners to whom notice was provided and proof of notice to landowners, as specified in Section 8.9(3) (d) and (4) (b) above, made either by certified mail, return receipt requested, or hand-delivered supported by a sworn certificate of service.
- The applicant/appellant shall bear the cost of the notice by publication which cost shall be included as part of the fee for the filing of an application or appeal to the Development Review Board.
- In addition to the above requirements, the applicant/appellant shall comply with all provisions of 24 V.S.A. §4464(a).

Section 8.10 Decisions of the Development Review Board

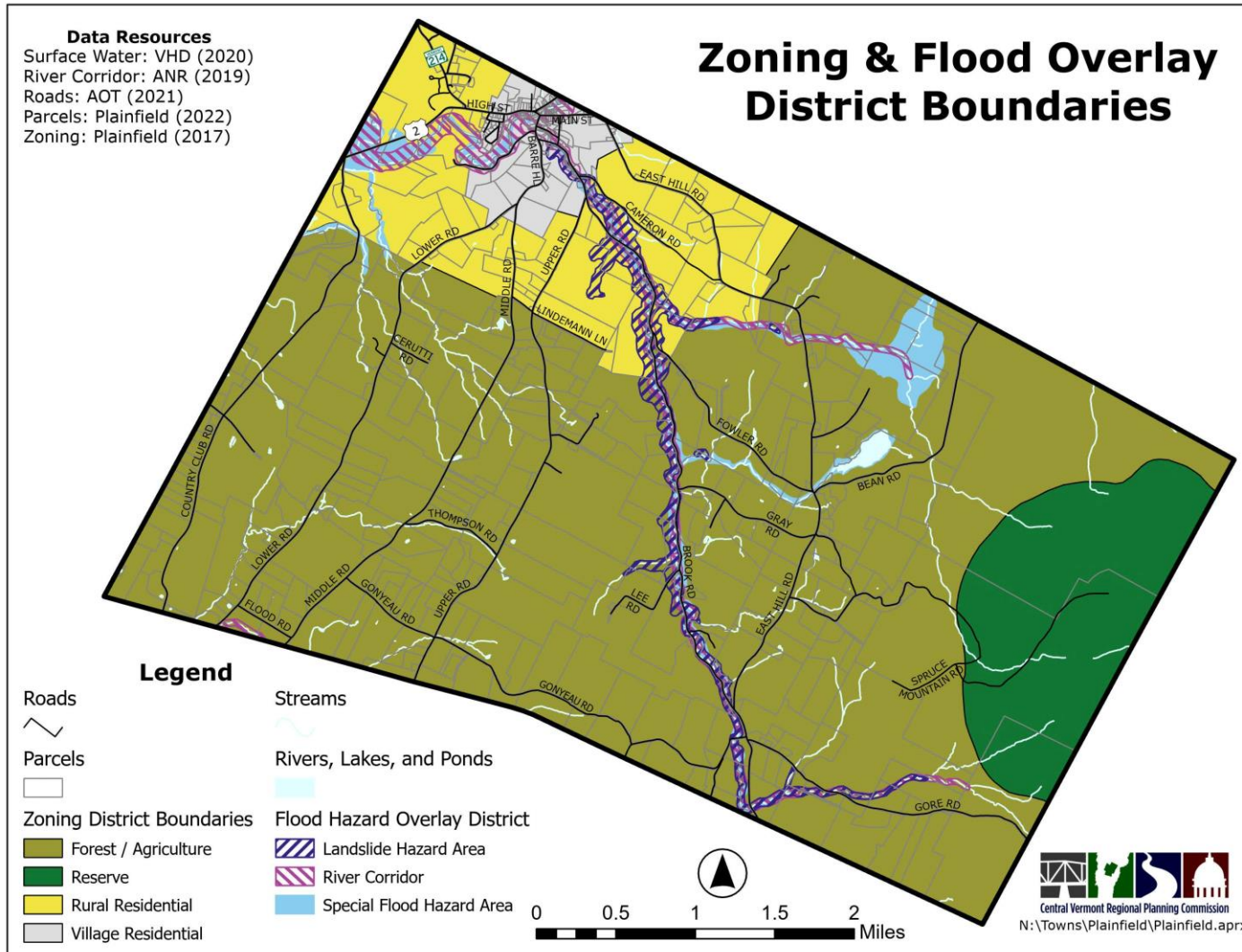
- The Development Review Board may recess the proceedings on any application pending submission of additional information. The DRB shall close the evidence promptly after all parties have submitted the requested information. The DRB shall adjourn the hearing and issue a decision within 45 days after the adjournment of the hearing. If the Development Review Board does not issue a decision within 45 days, the applicant may file an appeal with the Environmental Division of the VT Superior Court to recognize that the board's failure to act resulted in a "deemed approval" of the application. Decisions shall be issued in writing and shall include a statement of the factual bases on which the DRB has made its conclusions and a statement of the conclusions. The minutes of the meeting may suffice, provided the factual bases and conclusions relating to the review standards are provided in conformance with this subsection.
- In rendering a decision in favor of the applicant, the DRB may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of this chapter and the pertinent bylaws and the municipal plan then in effect.

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Appendix 1:

Zoning District Map



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Appendix 2-: -

Flood Hazard Overlay District Map

