

Town of Westfield Zoning Bylaw

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ARTICLE 1: AUTHORITY AND PURPOSE

§101: Enactment

This Town of Westfield Zoning Bylaw is enacted in accordance with the provisions of 24 V.S.A. Chapter 117, the Vermont Municipal and Regional Planning and Development Act, herein referred to as the "Act." This Bylaw shall be known and cited as the "Town of Westfield Zoning Bylaw," and herein referred to as the "Zoning Bylaw," or "Bylaw."

§102: Purpose

It is the purpose of this Zoning Bylaw to implement the Westfield Town Plan, to provide for orderly community growth, and to further the purposes established in 24 V.S.A. §4302.

§103: Application of Regulations

Except as exempted in this Bylaw, no development, as defined below, or in 24 V.S.A., Chapter 117, §4303 (10) of the Act, shall commence except in compliance with this Bylaw, including the following:

- A) subdivision of land, the division of a parcel into two or more parcels
- B) new construction, reconstruction, conversion, alteration, relocation, or enlargement of a structure
- C) mining and natural resource extraction
- D) a change in the use of a structure or land

A use not permitted by this Bylaw shall be deemed prohibited.

§104: Amendment of Bylaw

This Bylaw may be amended according to the requirements and procedure established in 24 V.S.A. §4441 and §4442. Mandatory requirements enacted by the State of Vermont will automatically become a part of this Zoning Bylaw.

§105: Interpretation

105.01 In their interpretation and application, the provisions of this Bylaw shall be held to be minimum requirements adopted for the promotion of public health, safety, and general welfare. If other concurrent regulations apply to an application for development, the more stringent or restrictive regulation shall apply.

105.02 State and Federal Regulations

- A) State and federal government may regulate certain aspects of land use; compliance with this Zoning Bylaw in no way implies compliance with such state or federal regulations. Such regulations include but are not limited to drilled wells, on-lot sewage systems and outdoor furnaces, regulated by the Agency of Natural Resources; underground storage tanks, regulated by the Department of Environmental Conservation; and setback of farm structures, regulated by the Secretary of Agriculture, Food and Markets.
- B) An applicant is advised to create a report for the parcel to be developed, from the State Permit Navigator available on the Vermont Agency of Natural Resources website to assess if permits issued by the State of Vermont may be required.

§106: Effective Date

This Bylaw shall take effect 21 days after adoption by the Town of Westfield according to the procedures contained in 24 V.S.A. §4442.

§107: Separability

If any section of the Zoning Bylaw is held unconstitutional or invalid by a Court of competent jurisdiction, the invalidity of any section shall not invalidate other sections of the Bylaw, and the unaffected sections shall remain in force.

§108: Repeal

The existing Zoning Bylaw, adopted on January 13, 2010, together with all amendments thereto is hereby repealed as of the effective date of this Bylaw.

ARTICLE 2: ADMINISTRATION AND ENFORCEMENT

§201: Zoning Administrator (ZA)

201.01 The Zoning Administrator (ZA) shall be nominated by the Planning Commission, and appointed by the Selectboard, for a term of three (3) years. The Selectboard may appoint an Assistant Zoning Administrator nominated by the Planning Commission, who shall have the same duties and responsibilities of the Zoning Administrator in the Zoning Administrator’s absence or to act on an application for a Zoning Permit which presents a conflict of interest for the ZA. The ZA and Assistant ZA may serve on any municipal board or hold any town office except the Development Review Board (DRB). The ZA and Assistant ZA may be removed from office for just cause at any time by the Selectboard, after consultation with the Planning Commission.

201.02 The ZA is empowered by §4448 of the Act and shall administer, interpret, and enforce this Bylaw literally and shall not have the power to permit land development which is not in accordance with this Bylaw.

201.03 The ZA shall maintain a record of all applications received for Zoning Permits along with any accompanying documents, and of all permits or other determinations issued.

§202: Planning Commission

202.01 The Selectboard shall appoint not less than three (3) or more than nine (9) members to the Planning Commission in accordance with the Act §4321– 4323. At least a majority of the full membership shall be residents of Westfield. Any member of the Planning Commission may be removed at any time by a unanimous vote of the Selectboard.

202.02 The Planning Commission shall adopt rules of procedure deemed necessary and appropriate for the performance of its functions as required under the Act §4323(b) and §4461(a) and Vermont’s Open Meeting Law.

202.03 The Planning Commission shall adopt rules of ethics with respect to conflicts of interest to guide its official conduct, as required under the Act §4461(a) and Vermont’s Open Meeting Law.

202.04 The duties of the Planning Commission shall be to keep the Westfield Town Plan and Westfield Zoning Bylaw current with changes in the Act or changes requested by the Selectboard, and shall be responsive to

the needs of the town by amending and updating in accordance with §4441 and §4442 of the Act, and may perform such other duties as set forth in §4325 of the Act.

§203: Development Review Board (DRB)

203.01 The Selectboard shall appoint not less than three (3) or more than five (5) members to the Development Review Board (DRB,) and two (2) alternates, who shall serve for a term of three (3) years. Members of the DRB shall serve staggered terms such that only a minority of the members' terms shall expire at any given time.

203.02 The DRB shall have the following powers and duties:

- A) Hear and decide appeals of actions made by the ZA, including, without limitation, any appeal alleging an error committed by the ZA.
- B) Hear and decide Site Plan Review.
- C) Hear and decide variance applications.
- D) Hear and decide Conditional Use applications.
- E) Hear and decide Planned Unit Development, (PUD) applications under Conditional Use review.
- F) Hear and decide applications for development in the Special Flood Hazard Area or the River Corridor.
- G) Hear and decide anything else that requires DRB review according to this Bylaw.

§204: Issuance and Posting of Zoning Permits

204.01 No development as defined in 24 V.S.A. §4303(10) and in this Bylaw may be commenced without a valid Zoning Permit issued by the ZA. No Zoning Permit may be issued by the ZA unless the proposed development complies with all applicable sections of this Bylaw, and all applicable approvals required by the DRB have been granted.

204.02 The ZA shall act upon Zoning Permit applications within thirty (30) days from the date of receipt of a complete application. The ZA shall approve, refer the application to the DRB, or deny the application. If the ZA fails to act on an application for a permit within thirty (30) days, the permit shall be deemed issued on the thirty first (31st) day.

204.03 If the application is denied or referred to the DRB, the ZA shall notify the applicant in writing, stating the reasons for the denial or referral.

204.04 Referral to the DRB. If the ZA refers the application to the Development Review Board, additional fees will be required, and additional information may be required.

204.05 Statement of Appeal. In accordance with §4449(b) of the Act, a Zoning Permit shall include a statement that an appeal may be taken within 15 days of posting. No permit shall become valid until the time for appeal has passed, or if a notice of appeal is properly filed, until final adjudication of the appeal. Appeals are described in §208 and §209.

204.06 Posting and public notice for Zoning Permits. Upon issuance of a Zoning Permit, the ZA shall post a copy of the permit in the municipal offices and shall provide the applicant with a notice of permit to post within view from the public right-of-way most nearly adjacent to the subject property until a 15-day time for appeal has passed. Barring any appeal, the Zoning Permit becomes valid on the 16th day after posting.

204.07 The ZA, within three (3) days of the date of issuance, shall deliver a copy of the Zoning Permit to the Listers. 24 V.S.A. §4449(b)(1).

204.08 Expiration. If the application is approved, all activity authorized by the Zoning Permit shall be commenced within two (2) years from the date the permit becomes valid, otherwise the permit becomes null and void, and a new application and associated fees shall be required to continue development.

204.09 Following the time for appeal, and within 30 days of the issuance of a Zoning Permit, the Zoning Administrator shall deliver the original, or a legible copy to the Westfield Town Clerk for recording in the Town of Westfield land records. 24 V.S.A. §4449(c)(1)(A).

§205: Fees

205.01 The fees for applications required by these Bylaws shall be established in a rate fee schedule adopted by the Selectboard. Upon request of the Selectboard the Planning Commission shall propose a schedule of fees to cover municipal costs of administering applications under this Bylaw. The current schedule of fees is available at the Town Clerk's office, and on the Town website.

205.02 The fee schedule available from the Town Clerk provides the fee amount for Zoning Administrator review, or other types of review with a public hearing by the DRB. Separate and additional fees apply for each type of review.

205.03 A separate and additional fee to record mylar plats, decisions, and notices in the Town record must be paid at the time these items are filed with the Town Clerk for recording.

205.04 Every application for a Zoning Permit, or Development Review Board or other approval, must be accompanied by the required fee to be a complete application.

205.05 Failure to obtain a Zoning Permit prior to commencement of construction or a change of use constitutes a violation of this Bylaw. An individual in violation of this Bylaw is subject to penalties described in §210.

§206: Public Hearings

206.01 Public notice for hearings

In accordance with §4464 of the Act, 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:

- A) Publication of the date, time, place and purpose of the hearing in a newspaper of general circulation in the municipality
- B) Posting of the same information in three (3) or more public places within the municipality
- C) Posting of a notice within view from the public right-of-way nearest to the property for which the application is being made
- D) Written notification is required by first class mail, to the applicant and abutters to the property subject to development, including those separated by a right of way. The notification shall include where additional information may be obtained, and that participation in the local proceedings is a prerequisite to the right to take any subsequent appeal. This notice shall be sent by the ZA. The ZA shall make a written personal attestation of the mailing with a record of the recipient addresses. If the public hearing is to appeal a ZA decision, see Appeals §208.
- E) No defect in the form or substance of any required public notice under this section shall invalidate the action where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading

in content. If an action is ruled to be invalid, the ZA shall provide new posting and notice for a new hearing. If the public hearing is to appeal a ZA decision, see Appeals §208.

206.02 Meeting and Hearing Procedures

- A) In accordance with §4461 of the Act, all meetings and hearings, except for deliberative sessions, shall be open to the public.
- B) For the conduct of any meeting or hearing, and the taking of any action, a quorum shall be not less than the majority of members of the DRB.
- C) In any public hearing there shall be an opportunity for each person wishing to achieve status as an interested person to demonstrate that the criteria set forth under §4465 of the Act are met. The DRB shall keep a record of the name, address, and participation of each of these persons.
- D) In accordance with §4464(b) and §4468 of the Act; the DRB may recess a hearing on an application or appeal pending the submission of additional information, provided that the next hearing date, the time, and place is announced at the hearing, or the hearing is re-warned according to §206.01
- E) The DRB is hereby authorized to conduct a public pre-hearing conference with the applicant or appellant under such rules as the Board shall establish in its Bylaws and Rules of Procedure. The purpose of such pre-hearing conferences shall be to clarify the issues in controversy, to identify documents and information to be submitted as evidence at the hearing, and to circumvent unnecessary delays that would interfere with an expeditious public hearing process.
- F) The chair or vice chair shall preside over the hearing; in their absence the DRB shall elect a temporary chair. The presiding officer shall cause the proceeding to be recorded.
- G) All testimony of parties and witnesses shall be made under oath or affirmation.
- H) Requirements regarding ex parte communications shall be followed. No member of the DRB shall communicate on any issue in the proceeding, directly or indirectly, with a party, party's representative, party's counsel, or an interested person in the outcome of the proceeding while the proceeding is pending without additional notice and opportunity for all parties to participate. All ex parte communications received by DRB members, all written responses to such communications and the identity of the person making the communication shall be entered into the record.

§207: Decisions

207.01 Members of the DRB shall not participate in the decision unless they have heard all the testimony and reviewed all the evidence submitted in the hearing. This may include listening to a recording of the hearing, or reading the transcripts of testimony they have missed and reviewing all exhibits and other evidence prior to deliberation.

207.02 Any action or decision of the DRB, including a decision on appeal, shall be taken by the concurrence of a majority of the full membership of the DRB. In accordance with the Act 24 V.S.A. §4464(b)(1), the DRB shall issue a written decision within 45 days after the adjournment of the hearing. Failure to issue a decision within the 45-day period shall result in deemed approval and shall be effective on the 46th day. A written Notice of Decision will be sent by the DRB to the applicant by certified mail and to interested parties by first class mail.

207.03 Decisions shall be in writing with a statement of facts and conclusions of law in accordance with 24 V.S.A. 4464(b)(1).

§208: Appeals of Zoning Administrator Decisions

208.01 An interested person as defined in §4465 of the Act, may appeal a decision or action taken by the ZA by filing a written notice of appeal with the DRB within fifteen (15) days of such decision or act. The DRB shall hold a public hearing as required in 24 V.S.A. §4468 within sixty (60) days of receiving a Notice of Appeal. The hearing will be in accordance with §206 of this Bylaw.

208.02 Notice of Appeal. The Appeal shall be made in writing to the DRB that shall include the following:

- A) a copy of the Zoning Application and the Zoning Administrator’s decision
- B) a brief description of the property with respect to which the appeal is taken
- C) a reference to the regulatory provisions applicable to that appeal
- D) the relief requested by the appellant
- E) the alleged grounds for the requested relief and justification for such relief under the circumstances
- F) the application fee for the appeal

208.03 Public notice for a hearing to appeal the decision of the ZA will be the responsibility of the Assistant Zoning Administrator and performed according to 206.01. Public notice for a hearing to appeal the decision of the Assistant ZA will be the responsibility of the ZA and performed according to 206.01.

§209: Appeals of Development Review Board Decisions

209.01 In accordance with §4471 of the Act, an interested person who has participated in a regulatory proceeding of the DRB may appeal a decision rendered by the DRB, within 30 days of such decision, by filing a notice of appeal to the Vermont Superior Court Environmental Division (Environmental Division.)

209.02 Appeals to Environmental Division shall also meet the following requirements:

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

§210: Violations and penalties

210.01 The commencement or continuation of any land development or subdivision that does not meet the requirements of these regulations shall constitute a violation. All violations shall be pursued in accordance with the Act §4451, §4452 or pursued with the Judicial Bureau in accordance with 24 V.S.A. § 1974a.

210.02 Any person who violates this Bylaw shall be fined not more than two hundred (200) dollars for each offense. Each day that a violation is continued shall constitute a separate offense.

210.03 Notice of Violation:

- A) No action may be brought under this section unless the alleged offender has had at least seven (7) days’ warning notice. Notice shall be made by proof that a written description of the violation has been sent to the address of record by certified mail, by publication in a local newspaper, by service

in person by a municipal official, by service in person by the Sheriff, or by other means of notice deemed appropriate as required under the Act §4451. The cost for certified mail and service by the Sheriff shall be recovered from the offender along with penalties due for the violation of the Zoning Bylaw.

- B) The notice of violation shall be recorded in the land records of the municipality.
- C) The notice shall state that a violation exists; that the alleged offender has an opportunity to cure the violation within the seven-day notice period, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days.
- D) Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of this Bylaw after the seven-day notice period and within the next succeeding 12 months.

210.04 Limitations on Enforcement:

An action, injunction or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required or duly recorded Zoning Permit may be instituted against the alleged offender if the action, injunction, or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred, and not thereafter, in accordance with the Act §4454. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted.

210.05 A structure of any type that requires a Zoning Permit, and is under construction or built without a permit may be removed at the owners' or builders' expense upon order of the Environmental Division of the Superior Court.

ARTICLE 3: ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP

§301: Establishment of Zoning Districts and District Boundaries

For the purposes of this Zoning Bylaw the Town of Westfield is divided into the following Zoning Districts:

- Village
- Recreational-Residential
- Rural-Agricultural
- Mountain
- Special Flood Hazard Area Overlay
- River Corridor Overlay

301.01 Village District

The Village District encompasses the most densely populated area in the Town of Westfield. The Village District is intended to further growth and community development in keeping with traditional village character of compact settlement and open space between villages. The village is characterized by space for public gatherings and social interaction, and businesses offering easy access to basic household needs.

District Boundaries: Four points define the boundaries: Route 100 North from the Town Garage to Route 100 South house #1465; School Street to Ball Ground Road; and North Hill Road to Bessett Road. The District extends 400 feet in each direction from the centerlines of Route 100, North Hill Road, and School Street.

301.02 Recreational-Residential District

The intention of the Recreational-Residential District is to provide an area within the Town of Westfield to allow for the development of residential and recreational land uses to accommodate residents and visitors to participate in indoor and outdoor recreation and events, while maintaining the rural character of these areas, including wildlife habitat, and protecting water quality.

District Boundaries: The northwest corner of Town extending a distance of 1500 feet south from the centerline of Route 242, west to the border of Montgomery and north to the border of Jay. The area known as Alpine Haven in the northwest section of town and north of Route 242 is entirely within this District (see map). Also, in the northeastern portion of Town as a buffer following Route 100 North and North Hill Road. The boundary of North Hill Road will extend 200 feet from the centerline of the road both eastward and westward, beginning from the village District boundary (Besette Road) and ending at the border of Jay. The boundary of Route 100 North will extend 200 feet from the centerline of the road both northward and southward, beginning from the village District boundary (Town Garage) and ending at the border of Troy.

301.03 Rural-Agricultural District

The Rural-Agricultural District encompasses most of the area outside the Village District, and the dominant land use is agriculture and forestry. This District is characterized by open space and areas of prime agricultural soils. Cluster development is encouraged for residential development in this District to protect the land base for continuation and innovation on farms in Westfield.

District Boundaries: All other land below 1600 feet in elevation in the Town including the areas of Buck Hill, Route 58, the remainder of the Kennison Road and the Loop Road that are not already in the Recreation-Residential District, Route 100 South from the border of the Village District (house #1465, VT Route 100) and all other land in-between.

301.04 Mountain District

The Mountain District is to ensure the Town's forestland and wildlife resources remain productive, intact, and healthy. Protecting forest function, particularly upland forests in this District, provides species adaptation and wildlife corridors, stormwater management and flood control through water infiltration and retention capacity that also recharges ground water. Placing restriction on development will protect these functions on steep slopes and shallow soils.

District Boundaries: All land at or above 1600 feet in elevation excluding areas designated as the Recreational-Residential District.

301.05 Special Flood Hazard Area Overlay

The purpose of this Overlay is to minimize future public and private losses due to flood, and to promote public health, safety and general welfare. Designation of this area is required for participation in the National Flood Insurance Program (NFIP) and is regulated under Article 10 of this Bylaw.

301.06 River Corridor Overlay

The River Corridor overlay encompasses the sensitive area along the Missisquoi River and its tributaries where there is a need for vegetated buffer areas to prevent bank erosion and collapse. Development proposed in these areas is subject to a more complex review to determine potential impacts on erosion, aquatic habitat, and stormwater runoff and infiltration and is regulated in Article 10 of this Bylaw.

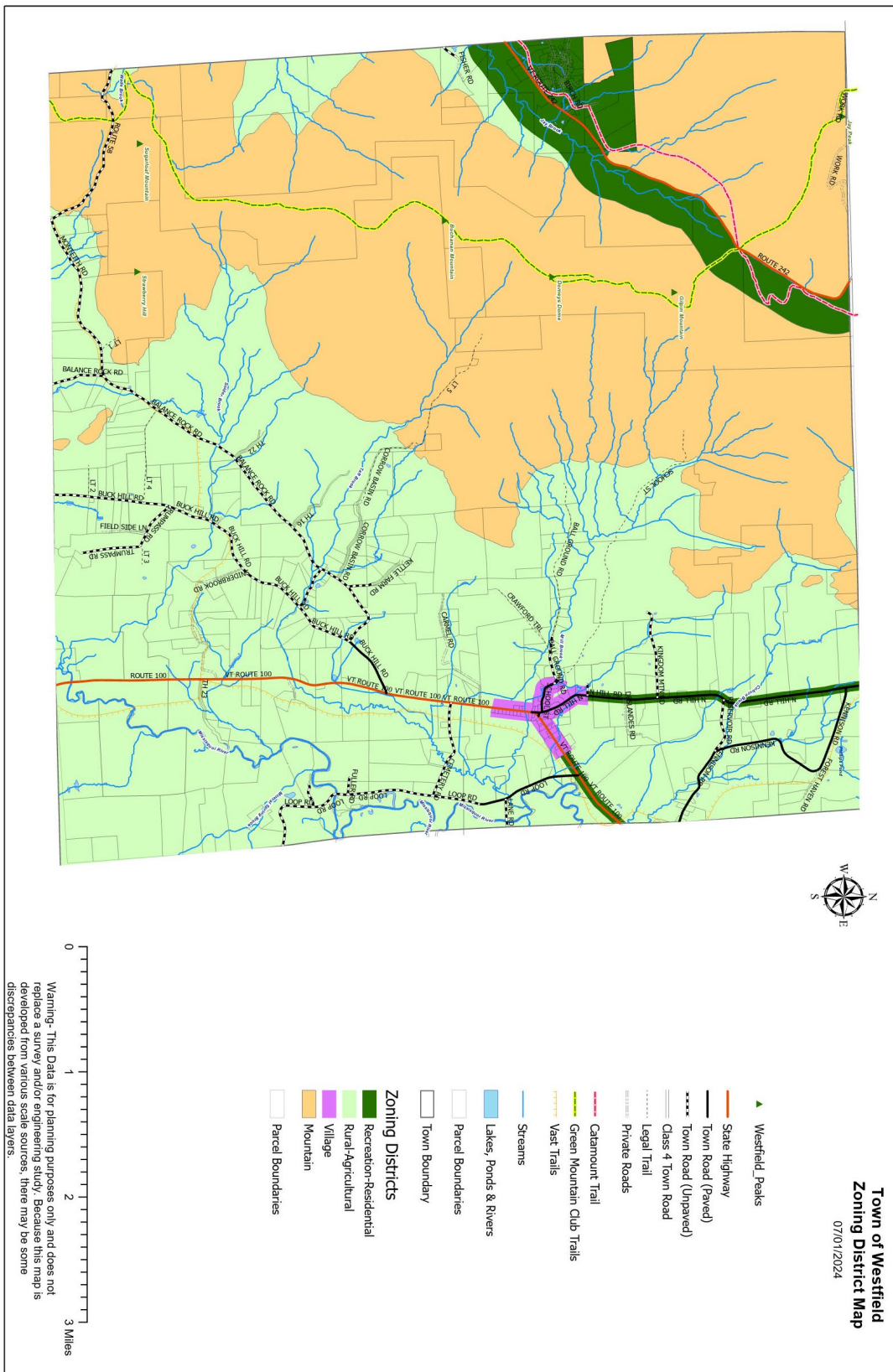
§302: Zoning Map and Interpretation of Zoning District Boundaries

302.01 The final authority as to the Zoning status of lands or waters in the Town, regardless of copies made, is the official Westfield Zoning Map, signed by the Selectboard and attested to by the Town Clerk located in the Town Clerk's office as a paper and digital record. The official Westfield Zoning Map incorporates by reference the most recent Flood Insurance Rate Maps published by the Federal Emergency Management Agency and the current River Corridor map, published by the Vermont Agency of Natural Resources, and these maps are declared to be part of this Bylaw. A copy of the Westfield Zoning Map is included as Figure 1.

302.02 Interpretation of Zoning District Boundaries:

- A) District boundaries shown within the lines of roads, streams and transportation rights-of-way shall be deemed to follow the center lines. The abandonment of roads shall not affect the location of District boundaries.
- B) Interpretation of the Zoning District boundaries by the ZA may be appealed to the DRB for a declaratory ruling. An appeal to the DRB shall be made according to §208.
- C) Where a Zoning District boundary divides a lot of record, the uses for the less restrictive part of the lot shall extend not more than thirty (30) feet into the more restricted part, provided the lot has frontage on a street in the less restricted Zoning District.
- D) Lots located in two Zoning Districts may be subdivided according to the requirements of the least restrictive Zoning District of the new lot. Development within the new lot is regulated according to the Zoning District where the development is to occur.

Figure 1. Zoning Map



ARTICLE 4: ZONING PERMITS, APPLICATION, AND TABLE OF USES BY ZONING DISTRICT

§401 Application of Regulations (Do I need a Zoning Permit?)

401.01 No development, as defined by this Bylaw and §4303 in the Act, may be commenced until a valid Zoning Permit is issued by the Zoning Administrator that specifically authorizes the action, unless exempted below in 401.02, 401.03 or elsewhere in this Bylaw.

Development requiring a Zoning Permit includes but is not limited to:

- A) construction, assembly, or placement of a new structure.
- B) repair, improvement, reconstruction, or structural alteration which changes the footprint or total living space of an existing structure.
- C) total reconstruction of a damaged structure on an existing footprint following a damaging event does require a Zoning Permit. (see 803.03.)
- D) initiating a new use or changing or expanding the use of land or a structure, such as a home business. (see §910)
- E) subdivision of land; the division of a parcel into two or more parcels. (see Article 7)
- F) boundary line adjustment (see §703)
- G) natural resource extraction, new or expanded. (see §912)
- H) fences (see §809)
- I) signs (see §805)
- J) ponds (see §812)
- K) removal of a structure except in the Floodway (For removal in the River Corridor see 1003.03 A) and for removal in the Special Flood Hazard Area outside of the floodway see 1004.03 A))

401.02 Town Exemptions from Zoning Bylaw

The following development activities specifically do not require a Zoning Permit unless located in the Special Flood Hazard Area (SFHA) or the River Corridor. Exempt activities must meet setbacks for the Zoning District in which they are located.

- A) maintenance, repair, improvement, or alteration which does not change or expand the current footprint or total living space of an existing structure
- B) interior renovation that does not change or expand the use of the structure
- C) driveways and private roads (Driveways and private roads entering onto a public road require a driveway permit, or a Vermont Department of Transportation highway access permit see §801.)
- D) small shallow ponds or ground depressions with surface area less than 2000 square feet (see §812)
- E) certain signs (see §805)
- F) home occupation (see §905)
- G) road, sidewalk, bridge, infrastructure, and utility improvements and maintenance within the existing public rights-of-way
- H) improvements that do not exceed 100 square feet with a height not to exceed 10 feet such as a chicken coop, doghouse, swing set, woodshed or other small structure not to be used as a dwelling, unless in an area designated as River Corridor or Special Flood Hazard Area
- I) landscaping with minor grading and excavation related to an approved use that does not alter or increase the flow of water to the detriment of any nearby property, including road and driveway maintenance, cemetery maintenance, and lawn and yard maintenance

- J) connector paths for walking or biking or other non-motorized travel
- K) green burial
- L) wells and septic systems (Vermont Department of Environmental Conservation regulations apply)

401.03 Statutory Exemptions

- A) In accordance with the Act § 4413,
- B) The following uses may be regulated only with respect to location, size, height, setbacks, density of structures, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:
 - 1. state or community owned and operated facilities
 - 2. public and private schools certified by the State
 - 3. places of worship, churches, convents, parish houses
 - 4. hospitals
 - 5. regional solid waste management facilities certified under 10 V.S.A. Chapter 159
 - 6. hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. §6606a
- C) In accordance with the Act §4413 no municipal Zoning Permit or approval under this Bylaw shall be required for the following:
 - 1. Required Agricultural Practices and Best Management Practices as adopted in rules by the Agency of Agriculture, including farm structures, and defined by the Secretary of Agriculture, Food and Markets (However, written notification, including a sketch plan of the farm structure showing setback distances from roads, rights-of-way, property lines, and surface waters shall be made to the ZA prior to construction and recorded in the Town record.)
 - 2. Acceptable Management Practices for silviculture (forestry) as defined by the Commissioner of Forests, Parks, and Recreation
 - 3. public utility power generating plants and transmission facilities regulated by the Vermont Public Utility Commission (PUC) under 30 V.S.A. §248
- D) In accordance with the 24 V.S.A. §2295 no municipal Zoning Permit or approval under this Bylaw shall be required for hunting, fishing, or trapping on public or private land. This excludes facilities that may support such activities, such as firing ranges, gun clubs, and fish and game clubs which are subject to this Bylaw.

§402 Zoning Permit Applications

402.01 Zoning Permit Applications are available from the Town Office or the Town Website and must be submitted to the Town Clerk with the associated application and recording fees (see §205.) It is suggested to contact the Zoning Administrator prior to submitting the application. Applicants shall provide all information requested on the form, including a mapped plan showing the location of existing and proposed development.

- A) The application for a permitted structure or permitted use shall describe the project on the application and include a site map, no smaller than 8.5" x 11", drawn to scale, that depicts the following:
 - 1. the dimensions of the parcel, including existing property boundaries
 - 2. the location, footprint and height of existing and proposed structures or additions

3. the location of existing and proposed accesses, driveways, private roads, and parking areas
 4. the location of existing and proposed easements and rights-of-way
 5. existing and required setbacks from property boundaries, setbacks from road rights-of-way, setbacks from surface waters and wetlands
 6. the location of existing and proposed water and wastewater systems
 7. proposed erosion and sedimentation control measures
 8. other such information as required by the Zoning Administrator to determine compliance with this Bylaw
- B) An application shall be deemed complete when all application materials are received by the ZA and all applicable fees are received by the Town Clerk.

402.02 No Amendment After Application

After a complete application for a Zoning Permit has been reviewed by the ZA and a decision rendered, or after a Notice of Decision has been issued by the DRB, no changes shall be made which significantly affect the design of the development. If significant changes are necessary for the land development project, a new application must be submitted along with the associated fees, and a new review process with a new decision will ensue.

402.03 Public Notice and Issuance

Public notice and issuance requirements must be met before a Zoning Permit becomes valid according to §204.05.

402.04 Zoning Permit Approvals and Referrals

- A) Before issuing a Zoning Permit, the ZA shall confirm that the proposal is in conformance with this Bylaw through an administrative review. Development must meet Dimensional Requirements (Table 2) and the Performance Standards in §501.
- B) The ZA shall refer applications that require DRB approval to the DRB for review and action. No Zoning Permit shall be issued by the ZA for any use or structure that requires the approval of the DRB until such approval has been obtained.

§403 Zoning Districts and Permitted Development

403.01 The Table of Uses (Table 1) sets forth a list of structures and uses in each Zoning District indicating if a structure or use is:

-Permitted, meaning a permit may be issued by the Zoning Administrator after administrative review that the application is in compliance with this Bylaw

-Permitted with Site Plan Review, meaning a permit may be issued after Site Plan Review and approval by the DRB

-Conditional with Site Plan Review, meaning a permit may be issued with conditions after Site Plan Review and approval, and Conditional Use Review and approval by the DRB

-Exempt, meaning that the structure or use does not require a Zoning Permit. Individuals initiating agricultural structures and uses must notify the Town in writing which can be accomplished on the Zoning Permit Application.

-Prohibited, meaning that a Zoning Permit cannot be issued for a structure or use.

Permitted uses are administratively reviewed by the ZA. Conditional Use Review and approval, and Site Plan Review and approval from the DRB are conducted according to §502-503. Alterations or minor changes to an existing and approved Conditional Use such as rearrangement of a site plan or parking area, or expansion of a structure not to exceed 10%, that are not a “change of use” may be permitted by the ZA as a permitted use under this Bylaw.

403.02 Development within the River Corridor and Special Flood Hazard Area is subject to additional review. The Special Flood Hazard Area Table of Uses (Table 3) and required review processes are contained in Article 10.

403.03 If a proposed use is not listed in the Table of Uses, the ZA shall first determine if the use is substantially similar to a listed use found within the Table of Uses, using the definitions found in this Bylaw. If deemed substantially similar to a listed use, the ZA shall review the use accordingly, and with the corresponding required approvals. If deemed to be not substantially similar to a listed use in the Table of Uses, the use shall be deemed not listed and shall be prohibited. The ZA’s determination may be appealed to the DRB.

403.04 The Table of Dimensional Standards (Table 2) sets forth the minimum lot area and dimensional requirements for development in each of the Zoning Districts.

TABLE 1. TABLE OF USES

	Village	Recreational -Residential	Rural- Agricultural	Mountain	River Corridor Overlay See Table 3 in Article 10
Accessory On-Farm business (AOFB)	P/S	P/S	P/S	P/S	
Accessory use/structure	P	P/S	P	C/S	
Agriculture and Forestry	E	E	E	E	
Auto repair	C/S	C/S	C/S	--	
Bank	P/S	C/S	C/S	--	
Bar/Nightclub	C/S	C/S	C/S	--	
Camp	P	C/S	P	P	
Campground	C/S	C/S	C/S	--	
Campsite	C/S	C/S	C/S	C/S	
Cemetery	C/S	C/S	C/S	--	
Child Care home Registered	E	E	E	E	
Child Care home Licensed by State of Vermont	C/S	C/S	C/S	--	
Club (formerly Private Club)	C/S	C/S	C/S	--	
Communications Antennas and Towers (formerly wireless telecom facilities)	--	--	C/S	--	
Community Center	C/S	C/S	C/S	--	
Demolition, removal of a structure	E	E	E	E	

P Permitted; Administrative Review for Zoning Permit
 C Conditional Use Review and Zoning Permit
 S Site Plan Review and Zoning Permit
 -- Prohibited
 E Exempt; Written notification to Town

P Permitted; Administrative Review for Zoning Permit
 C Conditional Use Review and Zoning Permit
 S Site Plan Review and Zoning Permit
 -- Prohibited
 E Exempt; Written notification to Town

	Village	Recreational -Residential	Rural- Agricultural	Mountain	
Dwelling, accessory	P	P	P	C/S	River Corridor Overlay See Table 3 in Article 10
Dwelling, multiple households	C/S	C/S	C/S	C/S	
Dwelling, single household	P	P	P	C/S	
Dwelling, two household	P	P	P	C/S	
Public or Private Large Event	C/S	C/S	C/S	C/S	
Excavation & Filling,(non-commercial)	C/S	C/S	C/S	C/S	
Food Trucks	P	P	P	--	
Funeral home	C/S	C/S	C/S	--	
Gas station/ Charging Station	C/S	C/S	--	--	
Group Home	P	P	P	--	
Helipad or Personal Airstrip	C/S	C/S	C/S	--	
Home Occupation	E	E	E	E	
Home business	C/S	C/S	C/S	C/S	
Hydro energy systems	C/S	C/S	C/S	C/S	
Lodging Facility	C/S	P/S	C/S	--	
Indoor Recreation	C/S	C/S	C/S	--	
Salvage Yard (formerly known as Junkyards)	--	C/S	C/S	--	
Light manufacturing	C/S	C/S	C/S	--	
Natural Resource Extraction (commercial) (formerly Earth Resource Removal)	--	C/S	C/S	--	
Outdoor Recreation	C/S	C/S	C/S	C/S	
Place of Worship (formerly religious uses)	P/S	P/S	P/S	--	
Planting projects for restoration which do not include any construction or grading	E	E	E	E	
Post Office	P/S	C/S	C/S	--	
Professional Offices	P/S	C/S	C/S	--	
Professional Services	C/S	C/S	C/S	--	
Public facility	P/S	P/S	P/S	--	
Restaurant/Bakery	P/S	P/S	C/S	--	
Retail sales	C/S	C/S	C/S	--	
Schools	P/S	P/S	P/S	--	
Self-storage units	C/S	C/S	C/S	--	
Short term rental	C/S	C/S	C/S	--	
Signs	P	P	P	--	
Solar panels for home use; ground & rooftop	P	P	P	P	
Wetland/Habitat restoration approved by VT Agency of Natural Resources	E	E	E	E	
Wind energy systems	C/S	C/S	C/S	C/S	

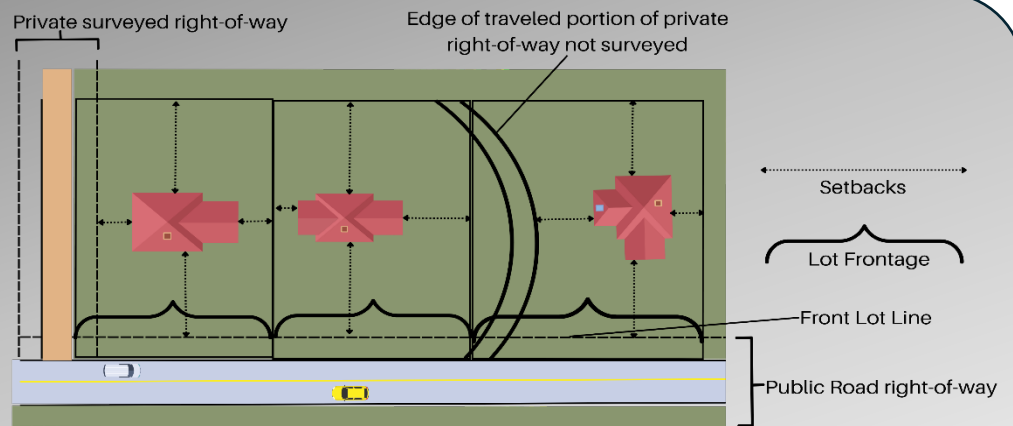
TABLE 2: TABLE OF DIMENSIONAL STANDARDS

	Village	Recreation-Residential	Rural-Agricultural	Mountain
Minimum Lot Size (acres)	.25 acre	1 acre	2 acres	10 acres
Minimum Lot Frontage (feet)	60 ft	150 ft	150 ft	300 ft
Minimum Lot Depth (feet)	60 ft	150 ft	150 ft	300 ft
Minimum Setback from front lot line (feet)	Public ROW: 20 ft Private Surveyed ROW: 10 ft	50 ft	50 ft	50 ft
Minimum Setback from side lot line (feet)	20 ft ¹	20 ft	20 ft	50 ft
Minimum Setback from rear lot line (feet)	10 ft	30 ft	30 ft	50 ft
Maximum Structure Height ² (feet)	35 ft	35 ft	35 ft	35 ft
Minimum Setback from Waterways ³ (feet)	50 ft	50 ft	50 ft	50 ft

Fences are exempt from setbacks in all Zoning Districts. They may be up to, though not on, the property line and must be at least one (1) foot from the edge of any right-of-way. See §809.

Driveways are exempt from setbacks in all Zoning Districts except they must be at least one (1) foot from property lines and the edge of any right of-way.

Figure 2: A diagram illustrating rights-of-way and how to measure dimensional requirements of Lot Frontage and Setbacks. Unless indicated otherwise by Town records, all public road rights-of-way shall be deemed fifty (50) feet in width, centered on the center line.



¹ The minimum setback from the side lot line in the Village District may be reduced to no less than 10 feet through Conditional Use Review

² Height maximum may be increased through Conditional Use Review

³ Setback from waterways is measured from the top of the bank

ARTICLE 5: DEVELOPMENT APPROVALS AND REVIEW STANDARDS

§501 Performance Standards

All development in the Town of Westfield must meet these standards as a minimum requirement.

No land or structure in any Zoning District shall be used or occupied in a manner that creates dangerous, injurious, noxious, or otherwise objectionable conditions which adversely affect the reasonable use of adjoining or nearby properties. In accordance with §4414(5) of the Act, the following Performance Standards, as measured at the property line, must be met, and maintained in all Districts for all uses, except for agriculture and forestry. In determining on-going compliance, the burden of proof shall fall on the applicant, property owner, and/or all successors and assignors. The Zoning Administrator or Development Review Board may consult with state and federal regulatory agencies in determining accepted Performance Standards for a particular use.

501.01 No use, under normal circumstances, shall cause, or result in:

- A) Noise (as measured by the American National Standards Institute ANSI Standard S1.1, Acoustical Terminology) shall not exceed 45 fast, A-weighted decibels (LAFmax) at or beyond the lot line of the property from which it originates, except specifically for:
 - 1. temporary maintenance or construction.
 - 2. transportation vehicles not used in the ordinary operation of a use or business.
 - 3. occasionally used safety signals, warning devices, and emergency relief valves.
- B) Vibration. All commercial uses shall cause no inherent and recurring generated vibration at any point along the lot line, except for temporary construction and maintenance activities.
- C) Smoke, dust, noxious gases, or other forms of air pollution which constitutes a nuisance or threat to neighboring landowners, businesses or residents; which endanger or adversely affect public health, safety or welfare; or which cause damage to property or vegetation.
- D) Glare, lumen, light, or reflection that impairs the vision of motor vehicle operators, which constitutes a nuisance to other property owners or tenants, or which is otherwise detrimental to public health, safety, and welfare.
- E) Liquid or solid waste or refuse which cannot be disposed of by available methods without undue burden to municipal or public disposal facilities, which pollutes surface or ground waters, or which is otherwise detrimental to public health, safety and welfare.
- F) Fire, explosive, radioactive emissions, or other hazard which endangers or degrades public facilities, or neighboring properties, or which results in a significant increased burden on municipal facilities and services.

§502 Conditional Use Review

502.01 Applicability

A Zoning Permit for any use, expansion of use, structure, or expansion of structure that requires Conditional Use approval according to the Table of Uses shall not be issued by the Zoning Administrator until the Development Review Board (DRB) grants such approval.

502.02 Application Requirements

Applications for Conditional Use approval shall be made on a Zoning Permit Application and be submitted to the Zoning Administrator. The Zoning Administrator shall refer the application to the Development Review Board for review.

The application shall include an explanation of the land development and the status of any applicable State permits including but not limited to Potable Supply and Wastewater Permit, Vermont Department of Transportation Letter of Intent for Highway Access, Act 250 Permit, Vermont Wetlands Permit.

The application shall include two (2) sets of maps drawn to scale showing

- A) existing structures
- B) existing land features and contours including waterways, wetlands, and any prime or statewide significant agricultural land
- C) proposed structure locations and other areas to be used for driveways, parking and loading, pedestrian walkways and landscaping
- D) stormwater management and erosion control plans, prepared by a licensed professional, for all phases of development that disturb an area of one-half (1/2) an acre or more, according to §811

502.03 Public Hearing Notification

Applications for Conditional Use approval are subject to notification and procedures set forth in §206.

502.04 Conditional Use Review Standards

In reviewing an application for Conditional Use approval, the DRB shall determine that the proposed use or structure shall not adversely affect the following:

- A) capacity of existing or planned community facilities
- B) character of the area affected, as defined by the purpose of the Zoning District within which the project is located, and specifically stated policies and standards of the Town Plan
- C) traffic on roads and highways in the vicinity
- D) utilization of renewable energy,
- E) Performance Standards as defined in §501

502.05 Conditions

In permitting a Conditional Use, the DRB may impose, in addition to the regulations and standards specified by this Bylaw, other conditions it deems necessary to implement the purposes of this Bylaw, and the Town Plan currently in effect. These conditions may include the following:

- A) increasing the required lot size or setback to protect adjacent properties
- B) limiting the coverage or height of structures because of obstruction to view and reduction of light and air to adjacent properties
- C) controlling the location and number of vehicular access points to the property
- D) increasing street width.
- E) increasing the number of off-street parking or loading spaces required
- F) limiting the number, location, and size of signs
- G) requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area

- H) specifying a specific time limit for construction, alteration, or enlargement of a structure to house a Conditional Use
- I) stormwater management and erosion control
- J) other reasonable conditions and safeguards as it may deem necessary to implement the purposes 24 V.S.A. Chapter 117 and this Bylaw

§503 Site Plan Review

503.01 Applicability

A Zoning Permit for any use, expansion of use, structure, or expansion of structure that requires Site Plan Review and approval according to the Table of Uses shall not be issued by the Zoning Administrator until the Development Review Board (DRB) grants such approval.

503.02 Application Requirements

- A) Applications for Site Plan Review and approval shall be made on a Zoning Permit Application and be submitted to the Zoning Administrator. The Zoning Administrator shall refer the application to the Development Review Board for review.
- B) The application shall include an explanation of the proposed development and the status of any applicable State permits including but not limited to Potable Supply and Wastewater Permit, Vermont Department of Transportation Letter of Intent for Highway Access, Act 250 Permit, Vermont Wetlands Permit.
- C) The application shall include two (2) sets of maps drawn to scale showing the following:
 - 1. existing property boundaries and structures
 - 2. existing land features and slope contours including waterways, wetlands, and any prime or statewide significant agricultural land
 - 3. proposed property boundaries, structures, and other areas for driveways, parking and loading, pedestrian walkways, and landscaping

503.03 Public Hearing Notification

Applications for Site Plan Review are subject to notification and procedures set forth in §206.

503.04 Conditions

When reviewing site plans, the Development Review Board may impose appropriate conditions and safeguards with respect to the following:

- A) adequacy of traffic access
- B) adequacy of circulation and parking
- C) adequacy of landscaping and screening
- D) protection of the utilization of renewable energy resources
- E) protection of erosive areas such that no building lot that is created as the result of subdivision of land shall have more than 50% of its buildable area in slopes greater than 20%

§504 Combined Review

504.01 Applicability

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 single hearing for the purpose of reviewing and acting on the proposal.

The application shall include an explanation of the proposed development and the status of any applicable State permits including but not limited to Potable Supply and Wastewater Permit, Vermont Department of Transportation Letter of Intent for Highway Access, Act 250 Permit, Vermont Wetlands Permit.

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

1. Site Plan
2. Access by right-of-way
3. Requests for variances
4. Subdivision Approval
5. Conditional Use Review

504.02 Application Requirements

Applications for more than one type of review shall be made on a Zoning Permit Application and be submitted to the Zoning Administrator. The materials required for each type of review must be submitted along with the application. For Conditional Use Review with Site Plan Review, some of the application materials are the same and only one copy is needed for both review processes. The Zoning Administrator shall refer the application to the Development Review Board for review.

504.03 Public Hearing Notification

Applications for more than one review are subject to notification and procedures set forth in §206. The notice shall include a statement that the hearing will be a combined review and list each review process that will be conducted at the hearing.

504.04 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 and coordinated where appropriate.

§505 Variance

505.01 Applicability

According to the Act §4469(a), an applicant may apply to the Development Review Board for a variance from the provisions of this Bylaw if the proposed development meets all the review standards in this section. Accommodations for disability access, fire safety, or other legal requirements may be part of a variance application.

505.02 Application

Applications for variance approval shall be made on a Zoning Permit Application as an initial application, or as an appeal (see §208) and be submitted to the Zoning Administrator. The Zoning Administrator shall refer the application to the Development Review Board.

505.03 Public Hearing Notification

Applications for variance approval are subject to notification and procedures set forth in §206.

505.04 Review Standards

The DRB shall grant a variance and render a decision in favor of the applicant or appellant only if all the following facts are found, and the findings must be specified in its written decision:

- A) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or District in which the property is located.
- B) Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property.
- C) The unnecessary hardship has not been created by the appellant.
- D) The variance, if authorized, will not alter the essential character of the neighborhood or District in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
- E) The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from this Bylaw and from the Town Plan
- F) For a request for a variance for a structure which is primarily a renewable energy resource structure, the DRB may grant the variance only if it finds that all the facts listed in 24 V.S.A. §4469(b) are true for the proposed project.
- G) For a request for a variance for a structure located in the Special Flood Hazard Area or River Corridor, the DRB shall also find that the request complies with requirements in Article 10 Special Flood Hazard Area and River Corridor Regulations.

505.05 Conditions

In granting a variance, the DRB may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the Town Plan currently in effect.

§506 Special Flood Hazard Area and River Corridor Review

Applications for land development within the Special Flood Hazard Area Overlay or River Corridor Overlay shall meet the requirements of Article 10 Special Flood Hazard Area and River Corridor Regulations.

Permit applications for development within the Special Flood Hazard Area Overlay or River Corridor Overlay shall also be referred to the Agency of Natural Resources (ANR) for review, and a permit shall not be issued until a response has been received from ANR, or the expiration of 30 days following the submission of the application to ANR.

ARTICLE 6: NONCONFORMING USES, STRUCTURES, AND LOTS

§601 Permits Issued prior to Adoption or Amendment of Bylaw

Nothing contained in this Bylaw shall require any change in plans or construction of a nonconforming structure, use, or lot for which:

- A) a valid Zoning Permit has been issued, and
- B) has been substantially commenced before the expiration date indicated on that valid Zoning Permit.

These structures, lots, and uses with a Zoning Permit shall be referred to as nonconforming structures, nonconforming lots, and nonconforming uses.

§602 Maintenance of Nonconforming Structures

Nothing in this section shall be deemed to prevent normal maintenance and repair of a nonconforming structure provided that such action does not increase the degree of nonconformance.

§603 Continuation of Nonconforming Structures and Uses

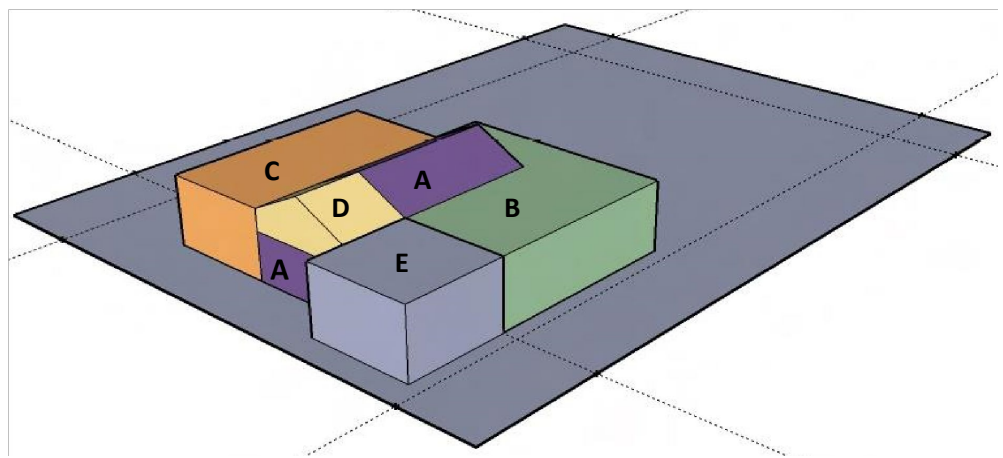
The following provisions shall apply to structures, uses and lots existing on the effective date of this Bylaw that do not conform to the requirements of this Bylaw and:

- A) have a valid Zoning Permit or
- B) have been in continuous existence and use for more than 15 years.

603.01 Any nonconforming structure or lot may be used indefinitely, except:

- A) a nonconforming structure shall not be moved, enlarged, altered, or reconstructed in a way that increases nonconformance (see Figure 3) unless Conditional Use approval is granted by the DRB, except reconstruction of a damaged structure.
- B) a damaged nonconforming structure may be reconstructed according to 803.03.

Figure 3: *Increasing the Degree of Nonconformity of a Structure*
The building 'A' is the original nonconforming structure because it encroaches into the setback. Additions 'B' and 'D' are allowed under these regulations because they do not encroach further into the setback than Building 'A'. Addition 'C' and 'E' are not allowed under these regulations because it encroaches further into the setback than Building 'A'.



603.02 A nonconforming use may be continued indefinitely, except a nonconforming use shall not be expanded or changed to another nonconforming use.

603.03 A nonconforming use shall not be re-established if such use has been discontinued for a period of six months or has been changed to a conforming use.

§604 Existing Small Lots

604.01 A lot that is legally subdivided, is in separate and nonaffiliated ownership from surrounding properties, and is in existence on the effective date of this Zoning Bylaw may be developed for the purposes permitted in the District in which it is located, even though such a small lot does not conform to the minimum lot size requirements of this Bylaw, if

- A) such lot is not less than one-eighth acre in area, or
- B) has a minimum width or depth dimension of not less than forty feet.

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

- A) Lots are conveyed in their preexisting, nonconforming configuration.
- B) On the effective date of this Bylaw, each lot was developed with a water supply and wastewater disposal system.
- C) At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner.
- D) Deeds of conveyance create appropriate easements on the existing small lots being conveyed for the replacement of one or more wastewater systems, potable water systems, or both, in the event there is a failed system or failed supply as defined in 10 V.S.A. Chapter 64.

604.03 If a merged lot does not meet all the criteria in 604.02, then a subdivision must be completed meeting all the current requirements of this Bylaw for subdivision and recorded in the Town records prior to separate conveyance of a portion of the merged lot.

ARTICLE 7: SUBDIVISION OF LAND

§701 Reduction of Lot Area

No lot shall be so reduced in area that the area, setbacks, lot width, frontage, or other requirements of this Bylaw are not met according to the Table of Dimensional Standards (Table 2.) The provisions of this section shall not apply when part of a lot is taken for public purpose.

§702 Review process for subdivision

702.01 Minor subdivision

Applications for subdivision of a parcel to create up to two (2) lots (including the original lot in its new configuration) shall be reviewed as a minor subdivision by the Zoning Administrator under the Administrative Review process. Any subsequent subdivision resulting in more than two (2) parcels from the original lot within a 5-year period shall be reviewed as a major subdivision. Zoning provisions run with the land and any

application by subsequent owners of subdivided lots for further subdivision within a 5-year period are subject to review as a major subdivision.

702.02 Minor subdivisions shall comply with all other applicable sections of this Bylaw.

702.03 Major subdivision

Applications for subdivisions of a parcel to create three (3) or more lots (including the original lot in its new configuration) shall be reviewed according to Site Plan Review §503. If the major subdivision is proposed for agricultural land of statewide significance, subdivision shall be proposed according to the provisions of Planned Unit Development §913 to cluster structures and maintain open space.

§703 Application requirements

Any application for subdivision of land shall be accompanied by a plat of sufficient scale and clarity to portray existing boundaries and conditions along with proposed boundaries and development. In addition, a topographic survey may be required.

The plat shall include:

- A) all existing and proposed lot lines and boundary dimensions
- B) slope of all existing and proposed lots
- C) names of roads abutting the property
- D) location and size of existing improvements identified as “existing”
- E) location and size of proposed improvements identified as “proposed”
- F) setback dimensions of proposed and existing structures
- G) location of existing and proposed driveways and culverts
- H) location of existing and proposed wells and septic systems and location of waterways, wetlands, and flood plains

§704 Recording a subdivision

- A) An approved subdivision may not be officially recorded in the Town record until either all appeal periods have expired, or all appeals are concluded.
- B) A final plat on mylar of the entire parcel with a surveyor’s stamp must be submitted to the Zoning Administrator for review and approved at a DRB public hearing (§206) before the subdivision is filed and recorded in the Town’s land records. If the subdivision is within 500 feet of a town line, that Town Clerk shall be notified at least 15 days prior to the public hearing.
- C) The final plat on mylar of the entire parcel with a surveyor’s stamp must be recorded in the Town’s land records within 180 days following the date that the permit for the subdivision becomes valid by DRB approval. If it is not recorded within 180 days, a new permit will be required.
- D) For parcels with more than one lot described in the deed, and a lot is to be conveyed as a separate parcel to a new owner, a Zoning Permit for subdivision is required. A mylar plat of the lot to be conveyed with a surveyor’s stamp must be recorded in the Town’s land records.

§705 Boundary Line Adjustment

- A) An application for a boundary line adjustment must include an original signature from all property owners impacted by the adjustment. An approved boundary line adjustment may not be officially recorded in the Town record until either all appeal periods have expired, or all appeals are concluded.
- B) Amended deed records reflecting the adjusted boundary for each parcel, and a final plat on mylar of the boundary(ies) affected by the adjustment with a surveyor's stamp, must be submitted to the Zoning Administrator for review and approval before the boundary line adjustment is recorded in the Town's land records.
- C) Amended deed records reflecting the adjusted boundary for each parcel, and the final plat on mylar of the boundary(ies) affected by the adjustment with a surveyor's stamp must be recorded in the Town's land records within 180 days following the date that the permit for the subdivision becomes valid. If it is not recorded within 180 days, a new permit will be required.

§706 Natural Subdivision

A town road or waterway may create a natural subdivision of a parcel if the road or highway splits the parcel in a way that prevents use in a unified way. Presence of a road or waterway does not automatically create a natural subdivision.

ARTICLE 8: GENERAL REGULATIONS

§801 Roads, Driveways, and Access Requirements

801.01 Access to Land Development without Frontage

Development may be permitted on lots without adequate frontage on a public road or navigable waters if access through a permanent easement or right of way has been recorded in the deed of each affected property and approved as access by right-of-way by the Development Review Board under Conditional Use approval in §502 and according to the following standards:

- A) Access easement or right of way shall not be less than 25 feet in width.
- B) If serving more than two lots or uses, the Development Review Board may require a right-of-way up to 50 feet in width to ensure public safety and orderly development.
- C) Development on lots with access by right-of-way is subject to the setback requirements for the Zoning District.

801.02 Driveway and Private Road Requirements

- A) Applicants proposing to build residential driveways and private roads entering onto public roads must obtain a driveway permit from the Zoning Administrator and must meet specifications for grade, culverts, ditching, and visibility.
- B) Driveways may be constructed within the setback from the property line that is required for structures.
- C) If the driveway or private road enters a state highway, the applicant must be permitted by Vermont Agency of Transportation for that point of access as required by 19 VSA, § 1111(b).
- D) Driveways and private roads shall be located at least fifty (50) feet from an existing intersection.

- E) Commercial uses shall have driveway access to a maintained public road and shall have unobstructed visibility of such road for three hundred (300) feet in both directions from the point of driveway access.

801.03 Road Construction Standards

Public and private roads shall comply with the Vermont State Design Standards as adopted by the Vermont Agency of Transportation.

§802 Structures on Lots

802.01 Up to two (2) single-household or two-household dwellings are a permitted use on a parcel. Each single-household or two-household dwelling may have a permitted Accessory Dwelling Unit for up to six (6) total dwelling units on a parcel. On a single parcel, any configuration of more than six (6) dwelling units requires Conditional Use Approval.

802.02 Multiple uses on a parcel may be allowed if those uses are permitted and approved according to this Bylaw.

802.03 Relocation of an existing structure on a parcel is a permitted use as long as the new location meets setback requirements and any other applicable requirements of this Bylaw.

§803 Abandonment of Structures and Uses, and Damaged Structures

803.01 Abandonment of Structures. An existing structure shall be deemed abandoned when it has not been maintained for its current use for at least one (1) year. There is no time limit on how long a structure may remain unused provided it is maintained for the current use. A maintained structure is usable and habitable with, including but not limited to, exterior walls, intact windows, and an intact roof. An abandoned structure is prohibited in all Districts and the owner shall:

- A) Remove any ruined structural material and seed the site to prevent erosion, or
- B) Reconstruct or repair the structure to be usable or habitable with, including but not limited to, exterior walls, intact windows, and an intact roof.

If active work on an uncompleted construction project has not occurred for more than one (1) year, and the Zoning Administrator determines that the structure, development, or construction constitutes a health or safety hazard, the structure shall be deemed abandoned, and the owner shall:

- A) Remove any ruined structural material and seed the site to prevent erosion, or
- B) Reconstruct, repair, or resume construction.

803.02 Abandonment of Conditional Uses

For a parcel granted Conditional Use, if that use is discontinued and not resumed for two (2) years and ownership of the property has been transferred, it is considered an abandoned use. A new Zoning Permit is required to change or resume an abandoned use, and Conditional Use Review will be required according to this Bylaw.

803.03 Abandonment of Nonconforming Uses is regulated according to §603.

803.04 Damaged Structures

- A) Damaged structures are the result of a specific destructive event that diminishes the value and function of a structure. Damaged structures are deemed abandoned if not repaired or rebuilt within two (2) years following the date of the destructive event. Abandoned structures are prohibited in all Districts and must be brought into compliance described in 803.01.
- B) Reconstruction of a damaged structure shall require a Zoning Permit, except under the conditions described in C) of this section, below.
- C) A Zoning Permit Application for reconstruction of a conforming or nonconforming damaged structure, on a conforming or nonconforming lot submitted no more than two (2) years from the date of the destructive event may be approved as a permitted structure without Conditional Use Review if the rebuilt structure shall not increase any degree of nonconformity compared to the previous structure. For example, a fire destroys a structure that is nonconforming because it does not meet the current setback requirements. If the owner applies for Zoning Permit within two years following the fire, it may be approved by the Zoning Administrator without DRB review for a variance if the structure is to be built on the pre-existing footprint and does not exceed height limitations.
- D) A Zoning Permit Application for reconstruction of a damaged structure submitted more than two (2) years from the date of the destructive event shall be approved if the structure and lot meet the regulations of this current Bylaw. For example, a fire destroys a structure that is nonconforming because it does not meet the current setback requirements. More than two (2) years pass. To rebuild the structure in its pre-existing footprint and condition, the applicant would need to apply for and meet the standards for a variance. Alternatively, the owner could apply for a permit to rebuild on a different footprint which meets the setback requirements.

§804 Parking

804.01 Off-Street parking for dwellings shall be at a minimum:

- 2 spaces per single-household dwelling
- 1 space per accessory dwelling unit
- 1.5 spaces per unit for double and multi household dwellings

804.02 Off-street parking and loading spaces for permitted uses other than dwellings must be approved by the DRB under Site Plan Review §503 or Conditional Use Review §502 according to the review requirements in the Table of Uses. The DRB may at its discretion approve combined parking areas.

804.03 Siting of parking areas:

- A) Registered vehicles may be parked in any location on a lot.
- B) No more than three (3) unregistered vehicles may remain on a lot for more than 90 days. Outdoor storage or deposit of four (4) or more unregistered motor vehicles for more than 90 days is regulated by the State and requires a Salvage Permit (see §915.)
- C) Unregistered vehicles may not be parked between a structure and a public right-of-way except within a driveway.
- D) Unregistered vehicles may be parked between a structure and the side and rear lot lines, or within the side and rear setbacks if they are screened from adjoining properties and any right- of-way.
- E) Unregistered and inoperable vehicles may be parked according to C) and D) above and shall be drained of oil, gas, transmission fluid, brake fluid, and batteries. Fluids must be disposed of off-site in accordance with State hazardous waste regulations.

804.04 Vehicles for sale

Registered or unregistered vehicles that are legitimately for sale may be parked anywhere on a property in the same location for no more than nine (9) continuous months.

§805 Signs

Signs require a Zoning Permit in accordance with this Section.

805.01 Types of signs:

- A) projecting signs may be mounted on the exterior of a structure so the sign projects away from the face of the structure or as an extension of the structure
- B) free standing signs (i.e. monument and pole signs) may be fastened to a monument, pole or other free-standing structure

805.02 Signs That Do Not Require a Zoning Permit:

- A) portable temporary signs not to exceed twenty (20) square feet (Any sign at a location for more than 30 days is not temporary and requires a permit.)
- B) residential signs not exceeding four (4) square feet in size and six (6) feet in height, which only state the name and address of the occupants
- C) farm signs with the name of the farm
- D) historic markers
- E) one (1) temporary real estate sign, not exceeding six (6) square feet
- F) signs erected by the Town of Westfield, State of Vermont, or US Government
- G) murals painted directly onto a building

805.03 Signs that are permitted and require a Zoning Permit:

All signs must be on the premises of use or business.

- A) one (1) professional or home business sign
- B) signs identifying any permitted non-residential use

805.04 Sign Specifications

- A) Every projecting sign shall:
 - 1. not extend within a highway right-of-way.
 - 2. not extend horizontally more than four (4) feet from the structure wall.
 - 3. not be less than ten (10) feet above the surface of a public walking area.
 - 4. not exceed twenty (20) square feet in area.
- B) Every free-standing sign shall:
 - 1. not exceed twenty (20) feet in height above the finished grade.
 - 2. be set back at least five (5) feet from the edge of the right-of-way, and at least ten (10) feet from any other lot line.
 - 3. not exceed twenty (20) square feet in area.
- C) When computing the total permissible sign area for any use:
 - 1. Existing signs shall be included.

2. A business may have more than one (1) sign, however, the total area of all the signs on any given property shall not exceed seventy-five (75) square feet.
 3. Signs consisting of free-standing letters, numerals, or other devices shall include the area within the outer frame of the sign and include intervening space among all the sign letters and images.
- D) Every sign shall be designed and located in such a manner as to:
1. not impair public safety.
 2. not restrict clear vision between a sidewalk and a street.
 3. not be confused with any traffic sign or signal.
 4. not prevent free access to any door, window, or fire escape.
 5. withstand a wind pressure load of at least thirty (30) pounds per square foot.
- E) Signs may be illuminated by a steady light provided that such lighting will not illuminate or reflect onto other properties.

805.05 The following signs shall not be permitted in any Zoning District:

- A) flashing, oscillating or revolving signs unless necessary for public safety or welfare
- B) roof signs
- C) free standing signs more than twenty (20) feet high
- D) signs which impair public safety

§806 Alteration of Existing Grade (Excavation, Grading, and Filling)

A Zoning Permit is required for the alteration of existing grade by excavation, grading, removal of earth, and or depositing rock, concrete, stone, gravel, sand, cinders, stumps, soil, or other material used as fill unless exempted by 401.02 of this Bylaw.

806.01 In any District, the dumping of refuse and waste material for landfill is prohibited. Only loam, soil, rock, stone, gravel, sand, cinders, and other inert materials may be used for landfill to grades approved by the Development Review Board. The finished grade of such filling shall not exceed a grade of 1:1.5 (rise to run) and shall be immediately seeded to prevent erosion.

806.02 The alteration of existing grade by excavation, grading, removal of earth, and/or depositing of rock or other material for fill shall not be done in a manner that may cause a change in the rate or direction of drainage to the detriment of any neighboring property, roadway, or right-of-way.

§807 Landscaping and Screening Requirements

Landscaping may be required under Site Plan Review and Conditional Use Review for screening and/or stormwater management purposes. When required, landscaping with native species whenever possible shall be installed and maintained, shall take the form of shade trees, deciduous shrubs, evergreens, grassed areas and ground cover. All such landscaping shall be maintained in a healthy, growing condition, with ground cover or grassed area. Wherever possible, existing healthy trees and shrubs shall be preserved. Invasive species are prohibited as listed on the Vermont Invasives website.

§808 Alpine Haven Well Head Protection Area and the Westfield Water System

No land development shall occur within a two hundred (200) foot radius of the Alpine Haven Well. No land development shall occur within a two hundred (200) foot radius of the source of the Westfield Water System.

§809 Fences

Fences require a Zoning Permit and shall be permitted in accordance with the following:

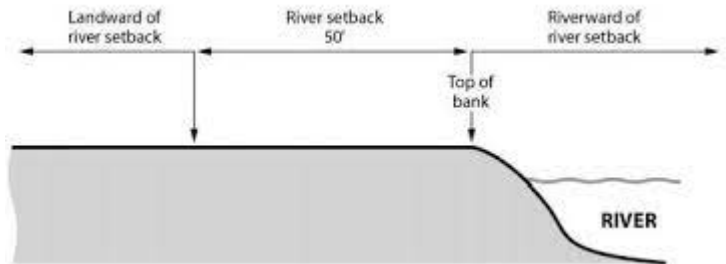
- A) Fences on corner lots shall not impede the line of site for vehicles.
- B) Fences shall not be subject to setbacks established in the Table of Dimensional Requirements. However, fences may be constructed up to, though not on the property line where the property does not abut a right-of-way. Fences that abut a right-of-way shall be at least (1) foot from the edge of the right-of-way.
- C) A fence shall be maintained by the owner.

§810: Waterway Setbacks, Vegetated Buffer Strip, and Wetlands

810.01 The minimum setback from the top of the bank of all waterways to structures or other land development shall be fifty (50) feet in all Zoning Districts. Any existing vegetation within the fifty (50) foot buffer strip shall remain as undisturbed vegetation along waterways, with the use of native vegetation in the landscaping if possible. No activity may destabilize the shoreline. Cutting and removal of vegetation in the buffer strip area along the shoreline and extending fifty (50) feet inland from the top of the bank is prohibited except as follows:

- A) Removal of dangerous dead or dangerous dying trees is allowed.
- B) A path no more than ten (10) feet wide is permitted for shoreline access. The path may not create runoff or erosion.

Figure 4: Illustration of the top of the bank and required setback from a waterway.



810.02 Land development within a wetland and within a fifty (50) foot buffer around a wetland is regulated by the State. Applicants may need to alter development plans based on the need for a Wetland Permit and so it is recommended that the applicant consult with the Vermont Wetlands Program prior to submission of the application for a Zoning Permit.

§811 Stormwater Management and Erosion Control

Under Conditional Use Review, the DRB may require that land development incorporates temporary and permanent stormwater management and erosion control practices as appropriate for the type and density of proposed development and lot coverage to ensure that the project and subsequent development does not result in soil erosion, the degradation of surface waters and/or hazards to properties within the vicinity.

811.01 All storm water management systems shall be designed to:

- A) use natural drainage systems to the extent feasible and minimize the need for system maintenance.
- B) maximize on-site infiltration and treatment of storm water, and prevent additional surface runoff to roadways, ditches and adjacent waterways.
- C) accommodate anticipated flows, including existing surface water runoff and total runoff generated by the proposed development, during storm events.

- D) provide storage areas and treatment to manage flows and protect water quality.
- E) avoid damage to adjoining properties and downstream drainage areas.

811.02 All areas exposed during construction shall be protected in accordance with standards contained in the most current version of Low Risk Site Handbook for Erosion Prevention and Sediment Control published by the Vermont Department of Environmental Conservation, Agency of Natural Resources (referred to as Handbook herein.)

811.03 The DRB shall require the submission of stormwater management and erosion control plans with the application materials, prepared by a licensed professional, for all phases of development that disturb an area of one-half (1/2) an acre or more. Such plans shall incorporate accepted management practices as recommended by the Handbook and identify the person or organization responsible for system maintenance.

§812 Ponds

The construction of ponds and other impoundment may be allowed as an accessory use in any Zoning District except the Mountain District. Ponds with up to 2,000 square feet of surface area do not require a Zoning Permit but must meet setback requirements measured from the bottom of the slope of impoundment (or from the high water mark if there is no berm or slope) to the boundary or right-of-way. A pond shall have no discharge, overflow, or spillway that could conduct water toward public or private shared rights-of-way, roads and ditches. Ponds with greater than 2000 square feet of surface area inundated at the high water mark require a Zoning Permit.

812.01 In addition to the application requirements for a Zoning Permit, applications for ponds shall include the following on a map:

- A) drawing of pond specifications including all dimensions, depth, and volume
- B) locations of all public or private shared rights-of-way, roads, and ditches
- C) neighboring property uses
- D) all structures on adjacent properties including structures, springs, septic, wells, driveways
- E) hydrologic connectivity between the pond and any stream, spring, or wetland area
- F) spillway for the pond and an outlet for water level regulation that is directed away from rights-of-way or other structures

812.02 For any pond involving the impoundment of water through creation of an embankment, berm, or other structure that exceeds the natural grade of the site and contains greater than 200,000 cubic feet of water (i.e. .46 acres by 10 feet deep) – a written certification that the pond has been designed by a state licensed professional engineer.

812.03 For any pond that will be capable of impounding in excess of 500,000 cubic feet of water (i.e. 1.15 acres by 10 ft deep,) an approved permit from the Vermont Department of Environmental Conservation in accordance with 10 V.S.A. Chapter 43 shall be filed with the Town.

812.04 If the project requires any work in a stream and if a stream alteration permit or other approval is required from the Vermont Department of Environmental Conservation in accordance with 10 V.S.A. Chapter 41, the applicant must file this permit with the Town.

812.05 If the project requires any work in a wetland or within 50 feet of a wetland, it may require a Wetlands Permit. If such a permit is required, the applicant must file this permit with the Town.

§813 Maximum Height Exemptions

813.01 The height of antenna structures, wind turbines with blades less than 20 feet in diameter, or rooftop solar collectors less than 10 feet high which are mounted on complying structures, shall not be regulated unless this Bylaw provides specific standards for regulation.

813.02 Silos, agricultural structures, water towers, and/or public utility towers shall be exempt from the maximum height limits.

813.03 The Development Review Board under Conditional Use Review may permit structures taller than 35 feet provided the structure

- A) does not change the character of the area.
- B) does not constitute a hazard.
- C) has a height of occupancy that does not exceed 35 feet, meaning the portion above 35 feet shall remain unoccupied except for normal maintenance.

ARTICLE 9: SPECIFIC USE STANDARDS

§901 Accessory Dwelling Unit

An Accessory Dwelling Unit shall be permitted on a lot for each single-household dwelling or two-household dwelling that is permitted, and shall comply with the following standards:

- A) The property shall have sufficient wastewater capacity (which requires State approval.)
- B) The unit shall not exceed 1200 square feet of above ground living space.
- C) Applicable setback requirements shall be met.

In any Zoning District, a business with more than one floor may have accessory dwelling units of up to 1200 square feet each on the floors above the ground floor in a conforming structure.

§902 Accessory On-Farm Business

In accordance with 24 V.S.A. 4412(11) Accessory On-Farm Businesses (AOFB) shall be permitted on the same lot as an agricultural enterprise. An application for AOFB is subject to Site Plan Review according to the Table of Uses and must be submitted to the DRB for Site Plan Review. The DRB will evaluate the suitability of the site, focusing on access, internal circulation, and parking for vehicles; landscaping and screening; exterior lighting, sign design, and the criteria listed for Site Plan Review §503 and Performance Standards §501.

§903 Agriculture and Forestry

In accordance with the Act §4413 no municipal Zoning Permit or approval under this Bylaw shall be required for:

- A) Required Agricultural Practices and Best Management Practices as adopted in rules by the Agency of Agriculture, including farm structures, and defined by the Secretary of Agriculture, Food and Markets.
- B) Acceptable Management Practices for silviculture (forestry) as defined by the Commissioner of Forests, Parks, and Recreation.

903.01 Zoning Permits are not required for farm structures. However, any landowner proposing to erect a farm structure shall notify the Zoning Administrator of such intent prior to building the structure by completing a Zoning Permit Application with a sketch of the proposed structure including the setbacks from adjoining property lines and road rights-of-way. This exempt application shall be recorded in the Town records. There is no application fee. A recording fee will apply.

903.02 Farm structures shall comply with setbacks contained in the Table of Dimensional Standards of this Bylaw. A person proposing to construct a farm structure with setbacks less restrictive than those contained herein shall submit, in writing, approval for a variance from the Secretary of Agriculture, Food and Markets.

§904 Campgrounds and Camping Vehicles

904.01 A camping vehicle used as a dwelling and sited so it is not moved or readily movable shall be deemed a dwelling and subject to regulation as a dwelling.

904.02 Campgrounds

New campgrounds, or any addition, or alteration to existing campgrounds require Conditional Use Review and approval (§502) in addition to meeting the following standards:

- A) Campgrounds shall provide for lavatory, shower, and toilet facilities and individual camping vehicle or tent spaces.
- B) A strip of land at least fifty (50) feet wide shall be maintained as a buffer area abutting all campground property lines. No camping vehicle, tent or service structure shall be in this buffer area.
- C) Applicants must comply with State regulations.

§905 Child Care Home

905.01 A person providing care for children from more than two (2) families other than their own must be registered or licensed in accordance with the Vermont Department for Children and Families.

905.02 A registered child care home shall be considered permitted as a single-household dwelling use of the property. Once a Zoning Permit for a single-household dwelling has been obtained, no further Zoning Permit is required for a registered child care home. New structures or alterations of the property that would otherwise require a permit still require a permit, including but not limited to a fence, an accessory structure for storage, or large permanent play structure exceeding 100 square feet.

905.03 A licensed child care facility must be operated by an owner or administrator who is licensed with the State of Vermont for childcare. Childcare that is licensed by Vermont Department for Children and Families requires a Zoning Permit subject to Conditional Use Review and approval according to the Table of Uses (Table 1).

§906 Communications Antennas and Towers

906.01 Purpose

The purpose of the section, in accordance with the Westfield Town Plan, is to protect the public health, safety and general welfare of the Town of Westfield including the following:

- A) minimize the impacts of communication facilities on surrounding areas by establishing standards for location, structural integrity and compatibility
- B) accommodate the need and demand for communications facilities
- C) encourage the location and co-location of communications equipment on existing structures in order to minimize visual, aesthetic, public safety and ecological impacts and reduce the need for additional towers
- D) provide for the replacement and/or removal of nonconforming or discontinued antennas and towers
- E) respond to the policies of the Telecommunications Act of 1996 by not unreasonably discriminating between providers of functionally equivalent personal wireless service and not effectively prohibiting provision of personal wireless service in the Town of Westfield

906.02 Applicability.

Except as specifically exempted in 906.04, Conditional Use Review, Site Plan Review, and the standards of this section in accordance with 24 V.S.A. §4412(8)(D), apply to the installation, construction, or modification of the following communications facilities:

- A) existing and proposed antennas and towers
- B) replacement antennas and towers
- C) broadcast antennas and towers
- D) co-located and combined antennas on existing towers
- E) roof-mounted antennas and supporting structures
- F) surface-mounted antennas
- G) antennas mounted on utility poles, including utility poles located within public rights-of-way
- H) stealth wireless communications facilities

906.03 Consistency with Federal and State Laws

The Development Review Board shall include in written findings that its decision regarding an application is intended to be consistent with federal law, particularly the Telecommunications Act of 1996. This Bylaw does not:

- A) prohibit or have the effect of prohibiting the provision of personal wireless services.
- B) unreasonably discriminate among providers of functionally equivalent services.
- C) regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the Federal Communications Commission (FCC) regulations concerning such emissions.

906.04 Exemptions.

The following require a Certificate of Public Good from the Vermont Public Utility Commission which preempts these regulations:

- A) placement of communication antennas and towers on electric transmission or generation facilities
- B) single application to construct or install 3 or more communications facilities, each at least 50 ft above ground level, within 3 years as part of a network
- C) No permit shall be required for antennae with an aggregate area of not more than fifteen (15) square feet on the largest face, and which are on masts that extend not more than twelve (12) feet above

the specific roof area to which they are attached, and are not located on historic landmarks, and are on structures that are exempt from these regulations.

- D) No permit shall be required for communication antennas and towers that are used exclusively for municipal radio dispatch service or emergency radio dispatch service and do not exceed 35 feet in height. If the facility exceeds 35 feet in height, the structure is exempt from the additional review requirements of this section, however, a Zoning Permit is required with Conditional Use Review §502 to exceed the maximum height for a structure.
- E) In accordance with 24 V.S.A. §4412(8)(B), the placement of communications antenna less than twenty (20) feet in height with a primary function to transmit or receive communication signals for commercial, industrial, institutional, nonprofit, or public purposes shall not be regulated if it is located on a conforming structure within a downhill ski area.

906.05 De Minimis Impact.

The Zoning Administrator may approve and issue a Zoning Permit for an application for a communication antenna or tower if it conforms to all applicable provisions of these regulations and imposes no or de minimis impact on any criteria established in these regulations. The Zoning Administrator will only consider an application to have a de minimis impact if it meets all the following:

- A) The height and width of the facility or tower, excluding equipment, antennas or ancillary improvements, will not increase.
- B) The total amount of impervious surface, including access roads, associated with the facility or tower will not increase by more than 300 square feet.
- C) Any addition, modification or replacement of an antenna or other equipment will not extend vertically more than 10 feet above and horizontally more than 10 feet out from the facility or tower as currently configured.
- D) Any additional or replacement equipment, antennas or ancillary improvements, excluding cabling, will not increase the aggregate surface area of the faces of the equipment, antennas or ancillary improvements on the facility or support structure by more than 75 square feet, and will not exceed the loading capacity of the support structure.

906.06 Application Requirements.

In addition to application requirements for Conditional Use Review and Site Plan Review, applicants for the installation, construction or modification of any communication antenna or tower must submit the following to demonstrate compliance with the provisions of this section:

- A) name and address of the applicant, facility owner, landowner of record, and contact information for the person(s) authorized to operate, maintain and ensure the safety of the facility
- B) report from a qualified, licensed professional engineer, documenting: facility height, construction design and capacity, including materials, cross-sections, elevations, potential mounting locations, and fall zones; potential changes to existing facilities; number of channels and output power and frequency
- C) signed statement from the facility's owner or owner's agent stating that the radio frequency interference (RFI) and radio frequency radiation (RFR) emissions will comply with Federal Communications Commission (FCC) standards
- D) proof that the proposed facility has been designed to withstand sustained winds of 110 mph and a 15-second wind gust of 130 mph

- E) proof that any proposed tower will be designed so that, in the event of a structural failure, it will collapse within the boundaries of the lot on which it is located
- F) FCC license, and construction development approval if applicable, to transmit radio signals in the Town of Westfield
- G) name, address and telephone contact information for the owner of any proposed or existing tower, and a statement that such information will be updated if there is a change
- H) stamped structural analysis of the proposed facility prepared by a professional engineer, indicating the proposed and future loading capacity of any tower
- I) proof of compliance with Federal Aviation Administration regulations of objects affecting navigable airspace
- J) propagation map and description of the coverage area to be served by the proposed facility showing existing topography, existing and proposed coverage(s), location of other towers, suitable buildings or structures located within 5 miles of the proposed site, a site plan drawn to scale (1 inch equals 50 feet) showing the footprint of existing and proposed facilities, access roads, utility corridors, and landscaping, fencing and screening
- K) map and description of the search area used to locate the proposed facility and information regarding the availability of existing towers and buildings located within a 5-mile site search ring for the proposed site, including documentation from other tower owners within the search ring that no suitable sites are available
- L) statement by a qualified professional engineer specifying the design structural failure modes of the proposed facility
- M) antenna heights and power levels of the proposed facility and all other facilities on the subject property
- N) 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, including compliance with all applicable FCC regulations, standards and requirements and the provisions of this Bylaw and all other applicable laws
- O) plan to mitigate soil disturbance and invasive species control methods that will be used including information on any planned herbicide use, and prevention and mitigation of runoff
- P) a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the Facility to the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, or a written statement by the applicant that an EA is not required for the facility

906.07 Siting Priorities and Prohibited Locations.

The Development Review Board will only approve a new tower upon the applicant demonstrating that the proposed antenna cannot be accommodated on an existing tower, building or other structure or by construction of a stealth facility. To justify the construction of new tower, the applicant must provide a statement of position, qualifications and experience by a licensed radio frequency engineer demonstrating that the alternatives below (listed in order of preference) do not constitute feasible alternatives:

- A) co-located or combined antennas
- B) surface-mounted antennas
- C) roof-mounted antennas
- D) stealth communications facilities

Prohibited Locations

- A) habitat of any State listed Rare or Endangered Species
- B) closer than 1.5 times its height from all other structures (not including structures accessory to the tower), property lines, road rights-of-way, surface waters, and above ground utility rights-of-way
- C) within 1500 feet of an existing structure used as a dwelling
- D) within 1500 feet of a property line of a school
- E) located in a manner that it poses, in the sole opinion of the DRB, a threat to public safety
- F) in the Village Zoning District
- G) in the Residential/Recreational Zoning District

906.08 Construction Standards

Communication Antennas and Towers shall conform to the following construction standards:

- A) The facility will not be built on speculation. If the applicant is not a Wireless Telecommunication Service Provider, the applicant shall provide a copy of a contract or letter of intent showing that a Wireless Telecommunication Service Provider is legally obligated to locate communication antennas and towers on lands owned or leased by the applicant.
- B) The facility shall be designed, in the sole opinion of the DRB, to blend into the surrounding environment to the greatest extent feasible using natural topography, existing vegetation, landscaping and screening, the use of compatible materials and colors, and other camouflaging techniques.
- C) The facility will not interfere with the view from a public park, natural scenic vista, historic building or district, or scenic view. The DRB, to assist in its review, may require that the applicant provide a visual impact assessment of the proposed facility from specified vantage points, to include visual representations (i.e. photographic simulations) and/or field tests (i.e. balloon tests.)
- D) The Development Review Board may require the applicant to provide a bond, or other form of financial guarantee acceptable to the Board, to cover the cost of removal of the Facility, should the facility be abandoned or cease to operate.
- E) The applicant shall demonstrate that the facility will comply with all FCC standards and requirements regarding radio frequency radiation.
- F) The facility will not have signs, except to be properly identified with warnings indicating the presence of radio frequency radiation.
- G) The facility shall provide reasonable opportunity for the installation and operation of other communications equipment.
- H) Unless otherwise approved by the Development Review Board, an abandoned or unused communications antenna or tower shall be removed within 2 years of abandonment or cessation of use. The applicant may apply to the Development Review Board for an extension for removal. If the antenna or tower is not removed, or an extension granted, within 2 years of abandonment or cessation of use, the Development Review Board may cause the structure to be removed. The costs of removal shall be assessed against the owner. Unused portions of communication antennas and towers shall be removed within 1 year of the time that such portion is no longer used. Replacement of portions of a facility previously removed shall require a new permit.
- I) The communications antenna and tower 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 structure unless

the proposed elevation is reasonably necessary to provide adequate service capacity or coverage or to facilitate installation and operation of facilities.

- J) The communications antenna or tower will not create glare, flicker, or 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 this Bylaw.

§907 Events- Public and Private Large

A Zoning Permit shall be required for events that anticipate or are planned for a capacity of more than 500 people or 100 cars.

Review standards for such an event are the following:

- A) Performance Standards (see §501)
- B) adequate parking for estimated attendance
- C) potable water supply and wastewater sanitation, for example portable toilets and hand wash stations
- D) liability coverage for life and property
- E) provisions to prevent erosion and remediate ground disturbance

§908 Food Trucks and Temporary Food Service

In addition to Vermont Department of Public Health license or approval, a food truck or other temporary food service provider that will serve food to the general public at the same publicly accessible location for more than 3 days in any month shall obtain a Zoning Permit. A licensed caterer at a private event does not require a Zoning Permit.

An operator of a food truck or food service provider shall:

- A) not be located or parked to obstruct any portion of the travelled way and shall be located outside the public right of way.
- B) provide a map with the Zoning Permit Application showing ingress and egress from a public road with a clear line of sight at least 50 feet in both directions at the temporary location.

§909 Helipads and Landing Strips

Conditional Use Review and approval is required for personal helipads and landing strips in all Zoning Districts. These uses must meet the Performance Standards in §501. The Development Review Board may stipulate conditions including, but not limited to, extended setbacks from property lines and hours of operation.

§910 Home Occupation and Home Business

No provision of these regulations may infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in a residential area, and which does not have an undue adverse impact on the character of the residential area in which the dwelling is located.

910.01 Home Occupation

A home occupation shall not require a Zoning Permit and shall be considered part of a dwelling use. A home occupation is conducted within a dwelling or accessory structure which is carried on by a resident of that dwelling. A home occupation shall meet the following criteria:

- A) no on-site employees other than the resident or other members of the household
- B) no signs or outdoor storage or displays
- C) no significant additional traffic
- D) no impact on the character of the neighborhood
- E) no objectionable noise, smoke, vibration, dust or odors on adjoining and nearby properties

910.02 Home Business

A home business requires a Zoning Permit. A home business shall meet the following criteria:

- A) The home business shall be conducted by residents of the dwelling and up to a maximum of two (2) nonresident employees on-site at any time.
- B) The home business shall be conducted within the principal dwelling, an attached garage, or an accessory structure on the same lot, and shall not occupy a gross area greater than 1,000 square feet. Services may be provided off site.
- C) Materials relating to the business may be stored outside if they are properly screened from view of adjacent roads and neighboring properties (see definition of screening).
- D) The home business shall meet all Performance Standards set forth in §501 of this Bylaw.
- E) Parking is provided off-street and not located in the setbacks.
- F) Adequate provisions shall be made for water, wastewater and the disposal of solid waste, in accordance with applicable municipal and state regulations.

910.03 A business use that is specifically listed in the Table of Uses and conducted in a home shall be reviewed according to the requirements for the specific business use listed in the Table of Uses. A home business use that is not specifically listed as a business use and is not similar to a listed business use in the Table of Uses is subject to Conditional Use Review and may be approved as a “home business.”

§911 Hydro Energy Conversion- Home systems

911.01 Purpose.

This section is to promote the conversion of solar energy to electricity for use in dwellings on site, near to where it is converted, and to minimize the impacts of solar facilities on the character of neighborhoods, on property values, on the scenic, historic, and environmental resources of the Town. It is also the purpose of this section to protect health and safety, while allowing solar energy technologies to be utilized.

911.02 Applicability

Conditional Use Review, Site Plan Review, and the standards of this section apply to the installation, construction, or modification of hydro energy conversion systems except as specifically exempted in 911.03.

911.03 Exemptions

- A) Hydro energy conversion systems for home use are permitted as an accessory structure. Facilities shall be sited and screened so that visual impacts are mitigated when viewed from public streets, scenic viewpoints, and/or adjacent properties. These projects require a Zoning Permit and must

meet setback requirements for the Zoning District in which they are located. These projects do not require Conditional Use Review or Site Plan Review.

- B) In accordance with 24 V.S.A. 4413(b) an electric generation facility, energy storage facility, or transmission facility requires a Certificate of Public Good and is regulated by the Public Utility Commission, which preempts this regulation.
- C) Projects that impound water or divert water from the stream channel may also require a U.S. Army Corps of Engineers permit.

911.04 Application Requirements

In addition to application requirements for Conditional Use Review and Site Plan Review, applicants for the installation, construction or modification of any hydro energy facility must submit the following to demonstrate compliance with the provisions of this section:

- A) name and address of the applicant, facility owner, landowner of record, and contact information for the person(s) authorized to operate, maintain, and ensure the safety of the facility
- B) report from a qualified, licensed professional engineer, documenting: facility design and capacity, including materials, cross-sections, elevations, and maintenance plan.

911.05 Construction Standards

Hydro Energy Conversion Facilities shall be designed, in the sole opinion of the DRB, to blend into the surrounding environment to the greatest extent feasible using natural topography, existing vegetation, landscaping and screening, the use of compatible materials and colors, and other camouflaging techniques. The facility will not interfere with the view from a public park, natural scenic vista, historic building or district, or scenic view. The DRB, to assist in its review, may require that the applicant provide a visual impact assessment of the proposed facility from specified vantage points, to include visual representations (i.e. photographic simulations) and/or field tests (i.e. balloon tests.)

The Development Review Board may require the applicant to provide a hydrologic analysis demonstrating no impact on the flow regime and habitat conditions upstream and downstream from the proposed project.

§912 Natural Resource Extraction

912.01 Applicability. Commercial extraction of earth resources including solids such as sand and gravel, liquids such as water, and gases such as natural gas, and including preparation activities such as crushing and washing, requires Conditional Use Review and Approval.

912.02 Supplemental Application Requirements. Before approval may be granted, the applicant shall:

- A) submit a plan showing existing and proposed finished grades noting areas during and after extraction that will create stormwater runoff and how this runoff will infiltrate on site. The plan will demonstrate that the site will be left in a usable condition.
- B) agree to cover the finished grades, except exposed ledge rock, with at least 3 inches of topsoil and seed with a suitable crop cover upon completion of the operation.
- C) post bond with the Town Treasurer sufficient to guarantee such restoration of the site, if required by the Development Review Board (see also §4464 of the Act).

912.03 Review Standards.

In determining Conditional Use approval, Performance Standards in §501 shall apply. The Development Review Board shall also consider impacts to roads and other infrastructure in its decision.

§913 Planned Unit Development

913.01 Purpose: The purpose of the Planned Unit Development (PUD) is to enable and encourage flexibility of design and development of tracts of land for single or multi-household dwellings into clusters to implement the Westfield Town Plan goal to ensure Zoning regulations offer options for future home sites, especially in the areas of town most able to support new growth while at the same time maintaining open agricultural land and undeveloped blocks of forest land. Land conservation covenants and limited access to municipal water supply limits residential development within and adjacent to the Village Zoning District. The flexibility of the PUD provides housing opportunity that can minimize encroachment on open farmland and intact forests by creating a permitting pathway for higher density, village like development with shared driveways and water systems in Zoning Districts with historically larger lot minimums. The purpose of the PUD is to create a more desirable environment than would otherwise be possible through the strict application of minimum Dimensional Standards for lots.

913.02 Applicability

PUDs may be allowed in the Village, Recreation-Residential, Rural-Agricultural, and Mountain Zoning Districts. In the Rural-Agricultural District, clustering is required for developments of three or more dwellings or for subdivisions that will result in three or more building lots, from a contiguous parcel on prime or statewide significant agricultural land. Statewide significant and prime agricultural land is as published by the Vermont Agency of Natural Resources (ANR) Natural Resources Atlas including refinements to that data which are hereby adopted by reference. Mobile home parks, condominiums and townhouse developments are required to design according to the provisions for PUDs.

913.03 Application and Review Process

- A) PUDs require Conditional Use Review and Approval, and Site Plan Review, and shall follow all applicable procedures set forth in §502 and §503 of this Bylaw.
- B) In addition to the requirements of the Conditional Use Review application, the applicant shall also provide the following information:
 - 1. height of all existing and proposed buildings, and locations of parking areas and landscaping
 - 2. location and size of areas to be conveyed, dedicated, reserved or otherwise held as common lands for public or semi-public use and a description of the method of conservation
 - 3. location and description of utilities, water supply, and septic systems

913.04 Decisions

The Development Review Board (DRB) shall approve or deny the project based on standards and procedures of Conditional Use Review with the following additional considerations:

A) Density. In a PUD the total number of dwelling units allowed shall not exceed the density requirements of the District where the project is located, except when the applicant is seeking a density bonus as allowed under section (D) below.

B) Open Space and Common Lands

The land area not allocated to building lots and roads shall be permanently reserved in open space. When choosing the location of this undeveloped area, consideration shall be given to the continuity of agricultural and forest lands, wildlife corridors, scenic views, and proximity to shared utilities. The proposed open space shall not include land required for community septic systems, parking lots, or utility easements. Undeveloped lands shall be reserved by one of the following means:

1. deeded to an approved land trust
2. held in corporate ownership by the owners of the lots within the subdivision and such other adjacent landowners who may wish to become members of the corporation (Membership in this corporation shall be mandatory for all landowners in the subdivision. In the case of corporate ownership, the developer shall include in the deed to the owners of the building lots the membership restrictions and the public and/or private rights and uses of the common open land. The charter of said corporation shall be subject to approval by the DRB. The DRB shall hold an interest in dissolution of said corporation.)
3. held in ownership by the developer, subject to a legal agreement with the Town specifying the developer's responsibility for maintenance of the lands

C) Setbacks and Lot Sizes

Changes in the setbacks and lot sizes for each building are the principal means to achieve the purposes of a PUD. Therefore, the building setbacks and lot sizes in a PUD may be reduced or expanded from the current Zoning District requirements to a configuration agreed upon between the applicant and the DRB when these reductions or expansions are in conformance with the Westfield Town Plan. The applicant may request a change in setbacks and lot sizes, shared open spaces that fulfill setback for more than one structure, and the request must be accompanied by maps and site sketches clearly showing building footprints, lot lines, parcel boundaries, roads and other infrastructure, natural features, and any other information the DRB deems appropriate to make a decision. The final decision to approve or deny a change in setbacks shall rest with the DRB. Subsequent structures may follow the setbacks established during review and approval of the PUD.

D) Density Allowance

1. Purpose: A density allowance may provide approval for an applicant or developer to build more houses than would otherwise be permitted by the Dimensional Standards for a District listed in this Bylaw. In exchange, the Town shall receive a public benefit such as affordable housing or conserved open space. In no way, stated or implied, does the Town guarantee greater profits or other benefits to a developer from the project because of a density allowance.
2. Applicable Districts: Density allowances may be approved in the Village, Recreation-Residential, Rural-Agricultural, and Mountain Zoning Districts.
3. Examples of public benefits which might result in the approval of a density allowance:
 - a. affordable housing dwelling units with one or more bedrooms, non age-restricted
 - b. affordable housing dwelling units with one or more bedrooms, for seniors
 - c. donation of land or development rights to an approved land trust

- d. donation of a right-of-way for a public recreation trail
 - e. donation of a public recreation area
 - f. affordable integrated housing and farmland to further the goals of the Westfield Town Plan and to encourage food sovereignty
 - g. conservation of forest land to maintain wildlife habitat and corridors, to protect water quality, and to further the goals of the Westfield Town Plan
4. Subject to Carrying Capacity Review: The density allowance shall be determined by the DRB after review of the development application. Such density allowances may be restricted, reduced or prohibited on any site if the DRB determines that the carrying capacity of the land, soils, or other environmental condition would not support the proposed project. The DRB may request from the applicant any additional information to make this determination. Density allowances do not supersede any local, state or federal laws, executive orders, or rules.

§914 Public Facilities - Limitation on Regulation

The following uses may be regulated only with respect to location, size, height, setbacks, density of structures, parking, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

- A) state or community owned and operated institutions and facilities
- B) public and private schools and other educational institutions certified by the state department of education
- C) places of worship, convents, and parish houses
- D) public and private hospitals
- E) regional solid waste management facilities certified under 10 V.S.A. Chapter 159
- F) hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a

§915 Salvage Yards

915.01 The storage of junk motor vehicles shall be prohibited in the Town of Westfield. Outdoor storage of no more than three (3) unregistered vehicles is allowed without a Zoning Permit according to 804.03 of this Bylaw.

915.02 In any Zoning District the dumping of refuse and waste material is prohibited, except in an approved solid waste facility. Composting of non-toxic materials is allowed.

915.03 Salvage yards are subject to Conditional Use Review according to the Table of Uses. All salvage yards (including any outdoor storage of 4 or more unregistered vehicles) shall have a Salvage Permit issued by the State of Vermont Department of Environmental Conservation and approval from the Selectboard.

§916 Shipping Containers, Transportation Equipment, and Portable Sheds Used as Storage

Shipping containers, box trailers, buses and other new or used equipment and other portable storage equipment such as a metal framed and fabric covered shed, with a footprint greater than 100 square feet

used as storage or used as an accessory structure shall have a Zoning Permit according to its use and will be regulated as a permanent structure.

§917 Short Term Rentals

917.01 Applicability

Conditional Use Review and Approval and Site Plan Review and approval shall be required to operate a short term rental offering sleeping accommodations to the public in exchange for payment if stays are for fewer than 30 consecutive days and the total number of rentals in a calendar year is 15 or more days. Short term rentals may be operated by a private person or an organization.

917.02 Exemptions

A resident owner, or other permanent resident may have one short term rental unit that is a portion of their dwelling or an accessory dwelling unit, permitted as a home occupation. The primary use of the property remains a single-household dwelling and is not considered a short term rental under this Bylaw. A dwelling with two (2) or more short term rental units requires Conditional Use Review.

917.03 Application Requirements

In addition to the requirements for Conditional Use Review, applications for Short Term Rentals shall include:

- A) proof of Insurance
- B) completed self-checklist for rental accommodations available from the Vermont Division of Public Safety
- C) inspection by the Division of Fire Safety
- D) copy of the Potable Supply and Wastewater Permit issued by DEC, or documentation that the property is exempt from the requirement

917.04 Regardless of the need for a Zoning Permit, the State of Vermont Rooms and Meals tax applies to all forms of guest lodging.

§918 Solar Energy Conversion Systems

918.01 Purpose

This section is to promote the conversion of solar energy to electricity for use in dwellings on site, near to where it is converted, and to minimize the impacts of solar facilities on the character of neighborhoods, on property values, on the scenic, historic, and environmental resources of the Town. It is also the purpose of this section to protect health and safety, while allowing solar energy technologies to be utilized.

918.02 Applicability

Conditional Use Review, Site Plan Review, and the standards of this section apply to the installation, construction, or modification of solar arrays and solar array facilities to convert solar energy to electricity, except as specifically exempted in 918.03.

918.03 Exemptions

- A) Ground mounted and roof top solar panels for home use are permitted as an accessory structure. All ground-mounted solar facilities shall be sited and screened so that visual impacts are mitigated when

viewed from public streets, scenic viewpoints, and/or adjacent properties. These projects require a Zoning Permit and must meet setback requirements for the Zoning District in which they are located. These projects do not require Conditional Use Review or Site Plan Review.

- B) In accordance with 24 V.S.A. 4413(b) an electric generation facility, energy storage facility, or transmission facility requires a Certificate of Public Good and is regulated by the Public Utility Commission, which preempts this regulation.

918.04 Application Requirements

In addition to application requirements for Conditional Use Review and Site Plan Review, applicants for the installation, construction or modification of any solar energy facility must submit the following to demonstrate compliance with the provisions of this section:

- A) name and address of the applicant, facility owner, landowner of record, and contact information for the person(s) authorized to operate, maintain, and ensure the safety of the facility
- B) report from a qualified, licensed professional engineer, documenting: facility height, construction design and capacity, including materials, cross-sections, elevations, potential mounting locations, and potential changes to existing facilities
- C) rendering of the plan illustrating any transient or persistent glare that will be cast to adjacent properties

918.05 Siting Priorities and Prohibited Locations.

The Development Review Board will only approve a new solar facility upon the applicant demonstrating that the proposed array cannot be accommodated on an existing structure. The following areas are specifically identified as preferred siting for solar facilities:

- A) roof-mounted systems
- B) systems located in proximity to existing commercial or industrial buildings
- C) areas with no known or possible constraints that are near existing hedgerows or a topographical feature that naturally screen the entire proposed array
- D) former brownfields
- E) facilities that are sited in disturbed areas, such as gravel pits, or former quarries
- F) working farms, where more than 50% of the energy generated by the solar development is used by the farm
- G) other preferred areas as mapped on Westfield's solar resources map

Prohibited Locations:

- A) Rural Recreational and Mountain Zoning Districts
- B) areas identified as the Special Flood Hazard Area Overlay
- C) areas identified as the River Corridor Overlay

918.06 Construction Standards

Solar Energy Conversion Facilities shall be designed, in the sole opinion of the DRB, to blend into the surrounding environment to the greatest extent feasible using natural topography, existing vegetation, landscaping and screening, the use of compatible materials and colors, and other camouflaging techniques. The facility will not interfere with the view from a public park, natural scenic vista, historic building or district, or scenic view. The DRB, to assist in its review, may require that the applicant provide a visual impact

assessment of the proposed facility from specified vantage points, to include visual representations (i.e. photographic simulations) and/or field tests (i.e. balloon tests.)

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

918.07 Screening Requirements

Screening shall be year-round. If topography alone does not provide sufficient screening, a combination of materials (such as native trees and shrubs) shall be used to create a naturalized screen rather than a large expanse of uninterrupted, uniform material. Plantings that die or become diseased shall be replaced within six months. Screening for solar energy conversion facilities along North Hill Road shall be held to a higher standard where solar projects shall not be visible within one thousand (1000) feet of a passenger vehicle travelling on North Hill Road.

§919 Wind Energy Conversion Systems

919.01 Purpose

Westfield's highest elevation lands are deemed unsuitable for large-scale commercial and industrial development according to the regional energy plan. Furthermore, the Long Trail passes through the entire length of the town on the mountain ridge prohibiting high elevations as sites for wind energy conversion. Small-scale systems that are not connected to the grid may be approved at homes, businesses, schools, and other institutions. Mid-scale systems that are not connected to the grid may be approved for the purpose of supplementing onsite energy consumption for farms and other businesses, and only small-scale and mid-scale wind energy conversion is supported by the Town Plan.

919.02 Applicability

This section provides basic design criteria for the responsible use of wind energy conversion systems (WECS) consistent with public safety. Any wind driven conversion or power generating facility, windmills and wind turbines that are being erected exclusively for personal use or to supplement farm or business use, and are not connected to the grid are subject to Conditional Use Review and Site Plan Review and shall conform to the regulations contained in this section.

919.03 Exemptions

Systems that are by nature ornamental, rather than functional, shall be exempt from attaining a permit if the total height is less than thirty-five (35) feet.

Any wind energy conversion facilities that are to be connected to the grid, including net metering systems, require a Certificate of Public Good and will be regulated under 30 VSA §248, and are exempt from the requirements of this Bylaw.

919.04 Application Requirements

In addition to the requirements for Conditional Use Review and Site Plan Review, applications shall contain the following information:

- A) standard drawings of the structural components of the WECS, including structures, pole or tower, base, footings, guy lines where required, and guy line anchor bases. The drawing shall include the distance of these components from all property lines
- B) height of any structure over thirty-five (35) feet within a five hundred (500) foot radius on-site or off-site of the proposed WECS
- C) evidence from a qualified individual that the site is feasible for a WECS
- D) certification from a registered engineer or qualified person that the rotor and overspeed control has been designed for the proposed use on the proposed site

919.05 Safety Requirements

The Town of Westfield promotes the effective and efficient use of WECS in a manner that the public health, safety and welfare of the neighboring property owners or occupants will not be jeopardized. To ensure that the use of the property will not result in material damage or prejudice to other properties in the area, the following requirements apply:

- A) The safety specifications of the design of all WECS towers, including distance of potential ice throw, shall be certified by a professional engineer or by an authorized factory representative.
- B) All WECS shall be equipped with manual and automatic overspeed controls to limit rotation of blades to speed below the designed limits of the conversion system. The professional engineer or authorized factory representative shall certify that the rotor and overspeed control design and fabrication conform to good engineering practices.
- C) The WECS shall be designed and installed to ground lightning strikes.
- D) Appropriate warning signs shall be posted. The type and placement of the signs shall be determined on an individual basis as safety needs dictate.
- E) It is the responsibility of the property owner or applicant to contact the FCC and FAA regarding additional permits.

919.06 Setbacks

- A) No part of the WECS shall be located within or above any required front, side, or rear setback area of the District in which it is located.
- B) The WECS shall be located at a distance of at least 1.5 times the height of the facility (measured from the base to the highest reach of the blade) from any structure occupied by humans and from all property lines.

919.07 Design Requirements

- A) The WECS shall be designed and placed in such a manner, in the sole opinion of the DRB, to minimize to the greatest extent feasible, all adverse visual impacts on neighboring areas. The colors and surface treatment of the WECS and supporting structures shall to the greatest extent feasible, minimize disruption of the natural characteristics of the site.
- B) The minimum height of the lowest position of the WECS blade shall be at least thirty (30) feet above the ground and forty (40) feet above the highest structure or tree within a two hundred and fifty (250) foot radius.
- C) Fence: All towers or poles must be secured by fencing and protected by anti-climbing devices and shall include all the following:
 - 1. fences with locking portals at least six (6) feet high
 - 2. anti-climbing devices twelve (12) feet from base of the pole

- 3. anchor points for guy lines supporting the tower that are enclosed by a six (6) foot high fence or enclosed within the WECS area which is completely fenced
- D) Operational noise measured at the property line will conform to the Performance Standards §501, and an engineer or authorized representative of the manufacturer shall provide an assessment of infrasound that will emanate from the WECS.
- E) Lighting of the exterior of the facility shall be prohibited, unless required by the FAA. In the event lighting is required, then the facility shall be sited to minimize impact on public safety and minimize light being cast onto any surrounding property.
- F) The site and any access roadways shall be developed and maintained in a manner that will minimize soil erosion, will infiltrate runoff, and avoid any contamination of surface waters and natural areas.

919.08 Interference: The WECS shall be operated such that no disrupting electromagnetic interference is caused. If it is determined that a WECS is causing electromagnetic interference, the operator shall take necessary corrective action to eliminate this interference including relocation or removal of the facilities.

919.09 Facility Removal: If any WECS structure becomes structurally unsound or becomes a hazard, the system must be removed at the owner’s expense. Removal of the unsound or hazardous components of the system may include the foundations, transmission equipment, and fencing. If an unsound or hazardous system component is not removed within one (1) year after the unsound component or hazard is identified, the municipality shall notify the owner and may remove the facility. Cost of removal shall be assessed against the property or WECS owner.

919.10 Insurance Requirements: The WECS operator shall maintain a current insurance policy which will cover installation and operation of the WECS.

919.11 Screening Requirements

Screening shall be year-round. If topography alone does not provide sufficient screening, a combination of materials (such as native trees and shrubs) shall be used to create a naturalized screen rather than a large expanse of uninterrupted, uniform material. Plantings that die or become diseased shall be replaced within six months.

ARTICLE 10: RIVER CORRIDOR, SPECIAL FLOOD HAZARD AREA, AND FLOODWAY REGULATION

§1001 Purpose

1001.01 The purposes of this Article are the following:

- A) to implement the goals, policies, and recommendations in the Westfield Town Plan
- B) 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
- C) support equitable wellbeing for the entire community
- D) ensure that development in our community protects floodplain and river corridor functions, and avoids and reduces damage from flooding and erosion

- E) manage all flood hazard areas pursuant to 24 VSA §4382(12) and 10 VSA §§751, 753
- F) make the Town of Westfield, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available

§1002 Table 3. River Corridor Overlay and Special Flood Hazard Area Table of Uses

	River Corridor	Special Flood Hazard Areas	Floodway
New Principal Structures and Dwellings	--	--	--
Storage	--	--	--
Improvements to Existing Structures	C	C	C
Change of Use of Existing Structures	C	C	C
Small Accessory Structures less than 100 square feet	P	--	--
At Grade Parking	P	C	C
Replacement water supply or septic systems	ST,E	ST,E	ST,E
Fill or grading resulting in no net loss of flood storage	C	C	C
Fill or grading resulting in a loss of flood storage	--	--	--
Road maintenance	E	E	E
Road improvements	C	C	C
Bridges and culverts	ST,E	ST,E	ST,E
Channel management	ST,E	ST,C	ST,C
Recreational vehicles	P	P	P
Open space, recreation	E	E	E
Forestry and Agriculture	ST,E	ST,E	ST,E
Removal of a structure	E	E	P

§1003 River Corridor Protection

1003.01 Purpose

River corridors provide rivers and stream channels with the space necessary to maintain or reestablish floodplain access and to reduce erosion hazards through natural physical processes. The intent of this Bylaw

is to protect public health and safety by avoiding new encroachments into river corridors and minimizing erosion-related damage to existing structures.

1003.02 Applicability and River Corridor Boundaries

- A) A permit is required for all development that is located within the River Corridor except as provided in 1003.03 Exemptions. These are the requirements for development in the River Corridor. Where more than one District is involved, the most restrictive standard shall take precedence and the requirements for all Zoning Districts and Overlay areas shall also apply.
- B) This section applies to the River Corridors in the Town of Westfield, Vermont, as published by the Vermont Agency of Natural Resources (ANR) Natural Resources Atlas including refinements to that data which are hereby adopted by reference.
- C) 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.
- D) 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 River Corridor, the location of the boundary on the property shall be determined by the Zoning Administrator (ZA.)
- E) If the applicant disagrees with the determination made by the ZA or with the River Corridor as mapped, the applicant has the following options:
 - 1. hire a licensed land surveyor or registered professional engineer to stake out the River Corridor boundary as mapped on the property
 - 2. provide data as needed for ANR to update the River Corridor map following the Special Flood Hazard Area and River Corridor Protection Procedure (“Procedure”)
 - 3. request a letter of determination from ANR that the proposed development meets the Performance standard in the Procedure
- F) Prohibited in the River Corridor are the following:
 - 1. new structures, fill, and development that do not meet the standards in 1003.04 C) Development Standards
 - 2. any other development that is not exempt, permitted, or listed as a Conditional Use, which would cause or contribute to fluvial erosion hazards

1003.03 Exemptions in the River Corridor

The following activities do not require a permit under this section of the Bylaw:

- A) removal of a building in whole or in part, if the ground elevations under and adjacent to the removed structure remain unchanged or are restored to least erosive condition and the work is to be completed with erosion prevention measures in place during deconstruction
- B) maintenance of existing sidewalks, roads, parking areas, stormwater drainage, bridges, culverts, and channel stabilization
- C) functionally dependent uses that must be placed in or cross over rivers and streams, that are not located in a Special Flood Hazard Area, and that have coverage under a Stream Alteration Permit, if required, under 10 V.S.A. Chapter 41 and the rules adopted thereunder including the construction, removal, or repair of bridges and culverts, associated transportation and utility networks, dams, and dry hydrants

- D) planting projects which do not include any construction or grading
- E) subdivision of land that does not involve or authorize development
- F) Activities exempt from municipal regulation and requiring a permit from ANR under the Vermont Flood Hazard Area and River Corridor Rule (CVR 12-030-024) including the following:
 - 1. state-owned and operated institutions and facilities
 - 2. forestry operations or silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation
 - 3. agricultural activities conducted in accordance with the Vermont Agency of Agriculture, Food and Market's Required Agricultural Practices (RAPs). Prior to the construction of farm structures, the farmer shall notify the ZA in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks.
 - 4. public utilities regulated under 30 V.S.A. § 248
 - 5. communications facilities regulated under 30 V.S.A. § 248a

1003.04 Development Review in River Corridors

- A) Permitted by Administrative Review- The following development activities in the River Corridor which meet the Development Standards listed in 1003.05, may be permitted by the Zoning Administrator:
 - 1. small accessory structures not larger than 100 square feet
 - 2. routine maintenance of existing buildings
 - 3. maintenance of utilities along an existing right of way and serving a structure
 - 4. replacement on-site septic systems
 - 5. access and parking
 - 6. deck or patio that is 200 square feet or less attached to an existing structure, and is located no less than 100 feet from the top of bank
 - 7. unimproved trails on native grades and soils that will be relocated as needed to accommodate channel adjustments and avoid degradation to bank stability and riparian habitat
 - 8. river or floodplain restoration projects that do not involve fill, structures, utilities, or other improvements, and which have written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this Bylaw
- B) Conditional Use Review and approval by the DRB in accordance with 24 V.S.A. § 4461 is required prior to the issuance of a permit by the ZA for any activity in the River Corridor that is not exempt, prohibited, or eligible for administrative review.
- C) All permits shall require that a permittee have all other necessary permits from state and federal agencies before work may begin.

1003.05 Development Standards within the River Corridor

- A) River Corridor Performance Standard
For applications to be approved under Conditional Use Review within the River Corridor, the DRB must find, that the proposed development will:

1. not be placed on land with a history of fluvial erosion damage or threatened by fluvial erosion, and
 2. 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
 3. not result in a need for bank armoring or stream channelization because 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.
- B) The DRB may request or consider additional information to determine if the proposal meets the River Corridor Performance Standard, 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.
- C) New paths or alterations to paths that provide access to the water for the public, and promote the public trust uses of the water, shall not necessitate bank armoring, and must be relocated when the channel adjusts toward the path.

§1004 Special Flood Hazard Area and Floodway Protection

1004.01 Purpose

To protect public health and safety by avoiding cumulative increases in flood elevations, velocities, and river instability; the cumulative loss of beneficial floodplain functions; and to minimize flood damage to development and services already located within this hazard zone.

1004.02 Applicability

A) Special Flood Hazard Areas

This Bylaw shall apply to the Special Flood Hazard Areas (SFHA) as mapped in the Town of Westfield, 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 Vermont 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. The Floodway lies within the Special Flood Hazard Area.

B) Base Flood Elevations and Floodway Limits

1. Where available, base flood elevations (BFE) and floodway limits provided by NFIP and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce this Bylaw.
2. 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 to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.
3. 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 make an application under this Bylaw.
4. 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.

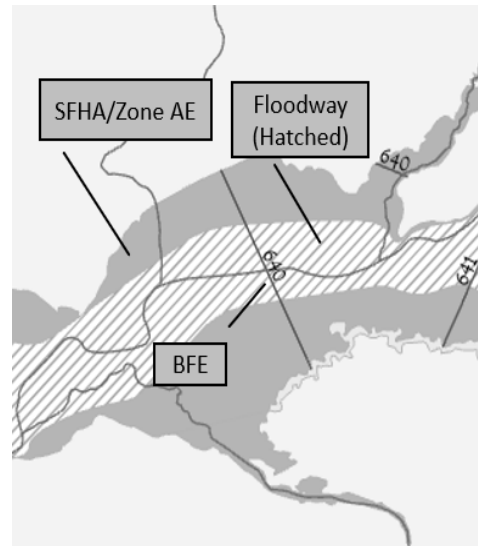


Figure 5. Diagram of Special Flood Hazard Area (SFHA) containing the Floodway (shown in hatched pattern). Also, cross-sections marked with the Base Flood Elevation (BFE) at that location.

Jurisdictional Determination

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

Prohibited in the Special Flood Hazard Area

The following uses are prohibited in the Special Flood Hazard Area:

- A) new critical facilities
- B) new residential or non-residential structures
- C) new accessory structures
- D) storage of materials or salvage yards

1004.03 Exemptions in the Special Flood Hazard Area

The following activities do not require a permit under this section of this Bylaw:

- A) the removal of a building in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged or are restored to least erosive condition and the work is to be completed with erosion prevention measures in place during deconstruction

- B) routine maintenance of existing buildings
- C) interior improvements or repairs to existing buildings that would not require a Zoning Permit under this Bylaw
- D) maintenance of roads, bridges, or stormwater drainage
- E) streambank stabilization, and abutment work that do not reduce the cross-sectional flow area of the river or stream channel and have coverage under a Stream Alteration Permit, if required
- F) planting projects which do not include any construction or grading activities in accordance with 24 V.S.A. § 4424(c)
- G) subdivision of land that does not involve or authorize development

The following activities are exempt from municipal regulation, but may require a permit under the State’s “Vermont Flood Hazard Area and River Corridor Rule” (Environmental Protection Rule, Chapter 29):

- A) state owned and operated institutions and facilities
- B) forestry operations and silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation
- C) agricultural activities conducted in accordance with the Vermont Agency of Agriculture Food and Market’s Required Agricultural Practices (RAPs) (Prior to the construction of farm structures, the farmer shall notify the Zoning Administrator in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks meeting community requirements)
- D) public utilities regulated under 30 V.S.A. § 248
- E) telecommunications facilities regulated under 30 V.S.A. § 248a

1004.04. Development Review in the Special Flood Hazard Areas

- A) Permitted by Administrative Review

The following development activities in the Special Flood Hazard Area which meet the Development Standards listed in 1004.05, may be permitted by the Zoning Administrator.

1. Outside of the Floodway:
 - a. new fill for existing associated transportation and utility networks or to accommodate a replacement on-site septic system, if it can be demonstrated that no other practicable alternative is available
 - b. recreational vehicles
 - c. river and floodplain restoration projects, including dam removal, that restore natural and beneficial floodplain functions and include written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this Bylaw
2. Within the entire Special Flood Hazard Area:
 - a. improvements or repairs from damage to structures that do not expand the existing footprint and do not meet the definition of “substantial improvement” or “substantial damage”
 - b. building utilities
 - c. at or below grade development (e.g. parking areas)
 - d. open fencing or posts

- e. municipal transportation infrastructure improvements designed by the Vermont Agency of Transportation that have written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this Bylaw
- B) Conditional Use Review
Conditional Use Review and approval by the DRB in accordance with 24 V.S.A. § 4461 is required prior to the issuance of a permit by the ZA for any activity in the Special Flood Hazard Area that is not exempt, prohibited, or eligible for administrative review.
- C) All permits shall require that a permittee have all other necessary permits from state and federal agencies before work may begin.

1004.05 Development Standards within the Special Flood Hazard Area

- A) New structures are prohibited in the Special Flood Hazard Area. These standards are included to make the Town of Westfield, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available.
- B) No development shall result in a net loss of flood storage capacity, except as needed to fill an existing basement or mitigate an existing structure.
- C) All development below the DESIGN FLOOD ELEVATION, except development that is exempt under 1004.03 shall be all the following:
 - 1. reasonably safe from flooding
 - 2. designed (or modified) and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure
 - 3. constructed with materials resistant to flood damage
 - 4. constructed by methods and practices that minimize flood damage
 - 5. 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
 - 6. adequately drained to reduce exposure to flood hazards
- D) Fuel storage tanks and vents must be elevated above the BFE and securely anchored.
- E) Storage tanks may be placed underground if a qualified professional certifies the installation will be anchored and protected from flood forces.
- F) 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.
- G) Recreational vehicles, equipment, boat trailers, portable toilets, construction trailers, and other travel trailers shall:
 - 1. be currently registered, licensed, and ready for highway use; or
 - 2. be on site for fewer than 180 consecutive days; or
 - 3. meet the requirements for structures in 1004.06.
- H) Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

- I) Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- J) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- K) 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.
- L) 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.
- M) Subdivisions and Planned Unit Developments shall have dry land access.

1004.06 Structural Standards within the Special Flood Hazard Area

- A) 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.
- B) New non-residential structures, and non-residential structures to be substantially improved, replaced, or that have incurred substantial damage shall:
 - 1. meet the standards of 1004.06 A), above; or,
 - 2. 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.
- C) 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.
- D) New or Substantially Improved structures in Zone AO depicted on the most recent FEMA map, 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.
- E) 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.
- F) Historic structures being substantially improved shall meet the requirements for structures in this Bylaw except for the Lowest Floor Elevation.
- G) Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.
- H) Fully enclosed areas below the lowest floor, that are above grade, below the DESIGN FLOOD ELEVATION, and subject to flooding, shall:
 - 1. 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,

2. 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 if they permit the automatic entry and exit of floodwaters; and
3. 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 to offer the minimum resistance to the flow of floodwaters, and the construction meets the criteria in Section 1004.05 C) above.

1004.07 Development Standards within the Floodway

- A) New structures are prohibited in the Floodway. These standards are included to make the Town of Westfield, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available.
- B) Within the Floodway new encroachments are prohibited except for the following, which also shall comply with 1004.07 C) below:
 1. changes to existing structures where the footprint is proposed to expand horizontally into the floodway less than 100 square feet
 2. new encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects
 3. 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
- C) Within the Floodway all proposed 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:
 1. not result in any increase in flood levels during the occurrence of the base flood,
 2. not increase base flood velocities, and
 3. not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
- D) 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.

§1005 Administration

1005.01 Applications

All applications for development shall include the following:

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

- B) A copy of the ANR Permit Navigator Results Summary.
- C) Any application regarding New Construction, Substantial Improvement, development in a Floodway, development in a River Corridor, or a variance shall be submitted by the Zoning Administrator 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.
- D) If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall be submitted by the Zoning Administrator to the adjacent communities, the River Management Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers.

1005.02 Variances within the Special Flood Hazard Area

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. If the proposed development is located within any Special Flood Hazard Area, the proposal shall comply with 44 C.F.R. §60.6. Any variance issued in the Special Flood Hazard Area shall not increase flood heights and shall inform the applicant in writing over the signature of a community official 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.

1005.03 Administrative Responsibilities

- A) The Zoning Administrator shall properly file and maintain a record of the following:
 - 1. permits and supporting documents
 - 2. a FEMA Elevation Certificate for any new, replacement or substantially improved buildings (not including accessory buildings) in the Special Flood Hazard Area
 - 3. floodproofing and other certifications required under this regulation
 - 4. decisions of the Zoning Administrator and Development Review Board (including those for Substantial Improvement, Substantial Damage, appeals, variances, and violations) and supporting findings of fact, conclusions, and conditions
 - 5. Certificates of Occupancy, and receipts as required for the determination of Substantial Improvement.
- B) Substantial Improvement and Substantial Damage Determinations
 - 1. In the event of damage of any kind to a structure located within any Special Flood Hazard Area, the Zoning Administrator 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 Special Flood Hazard Area District, the Zoning Administrator 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.
- C) Certificate of Occupancy

1. A Certificate of Occupancy (CO) 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 CO is issued by the Zoning Administrator in accordance with 24 V.S.A. § 4449 stating that the structure conforms to the requirements of this Bylaw.
2. A certificate of occupancy 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 occupancy, the Zoning Administrator shall review the permit conditions and inspect the premises to ensure that:
 - a. any required state and federal permits have been received,
 - b. all work has been completed in conformance with the Zoning Permit and associated approvals, and
 - c. all required as-built documentation has been submitted to the AO (e.g. updated FEMA Elevation Certificate, dry floodproofing certificate, as-built volumetric analysis, or as-built floodway encroachment analysis).
4. If a certificate of occupancy cannot be issued, notice will be sent to the owner and copied to the lender.

D) Enforcement

1. Enforcement shall be in accordance with 24 V.S.A. §§ 1974a, 4451, and 4452. All Notices of Violation under this Article 10 shall be provided to the State NFIP Coordinator.
2. No new flood insurance shall be provided for any property which the Federal Insurance Administrator finds has been declared to be in violation of local flood hazard area regulations. 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. New and renewal flood insurance shall be denied to a structure upon a finding by the Federal Insurance Administrator of a valid declaration of a violation.

1005.04 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 Bylaw shall not create liability on the part of the Town of Westfield, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this Bylaw, or any administrative decision lawfully made hereunder.

ARTICLE 11: DEFINITIONS

Except where specifically defined herein, all words used in this Bylaw shall carry their customary meaning. Words used in the present tense include the future and the singular includes the plural; the word "shall" means a requirement is mandatory; "occupied" or "used" shall be considered as though preceded by "or

intended, arranged or designed to be used or occupied"; "person" includes individual, partnership, association, corporation, company, organization or any other legal entity.

Abandoned Structure: A structure that has not been maintained for its current use for at least one year. For communications facilities the structure shall be deemed abandoned when it has not been maintained for two years.

Abandoned Use: A use that has been discontinued and not resumed for at least two years, and the property has changed ownership.

Abutter: Any person or persons, corporation or other entity that owns, leases, or in any other way uses or controls, the real property that shares a property line directly or across a waterway or right-of-way, with any portion of the property of another.

Accessory Dwelling: An attached or detached single-household dwelling, located within or appurtenant to a single-or two-household dwelling, that is clearly subordinate to the single-or two-household dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. The owner or a permanent resident shall occupy either dwelling.

Accessory On-Farm Business: An activity located on, and accessory to, a farm regulated by the Agency of Agriculture, Food & Markets under the Required Agricultural Practices (RAP) rules, that includes one or both of the following:

- The storage, preparation, processing, and sale of qualifying products, provided that more than 50% of the total annual sales are from products that are produced on the farm at which the business is located. Qualifying products are those wholly grown raised or produced on a farm or manufactured on-farm from such products.
 - Educational, recreational, or social events that feature agricultural practices or qualifying products, or both. Such events may include tours of the farm, farm stays, tastings and meals featuring qualifying products, and classes or exhibits in the preparation, processing, or harvesting of qualifying products.
-

Accessory Use/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, and 3) clearly and customarily related to the principal structure or use. Examples include, garages, garden and tool sheds, and playhouses, but do not include "accessory dwellings."

Agricultural land of statewide significance: Land identified as statewide significant or prime according to the Vermont Agency of Natural Resources (ANR) Natural Resource Atlas.

Agriculture: The cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or the raising, feeding or management of livestock, poultry, equines, fish or bees; or the operation of greenhouses; or the production of maple syrup; or the on-site storage, preparation and sale of agricultural products principally produced on the farm; or the on-site production of fuel or power from agricultural products or waste produced on the farm; or the raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines.

Alteration: Structural changes, rearrangement, change of location, or addition to a building, other than repairs and modification in building equipment or fixtures.

Antenna Height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna: A device for transmitting and/or receiving electromagnetic waves, which is attached to a tower or other structure.

Application: The forms and all accompanying documents and exhibits required of an applicant by an approving authority for development review purposes.

Associated transportation and utility networks: 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 Factory Representative: An individual who has received factory or factory approved technical school training and certification regarding the installation and maintenance of wind energy conversion systems.

Auto Repair: A business establishment engaged in the repair or replacement of car, truck, van, motorcycle or other motorized vehicle on the same lot as a dwelling or in another facility.

Bank: Institution for receiving, lending, exchanging, and safeguarding money and in some cases, issuing notes and transacting other financial business.

Bar/Nightclub: An establishment which supplies alcoholic drinks, food and/or entertainment.

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 FIRM 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.

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).

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

Boundary Line Adjustment: A reconfiguration of land for the purpose of adjusting boundaries between adjacent lots or parcels where no new lot is created.

Camp Ground: Land on which are located four or more campsites, cabins, trailers, shelters, or other accommodation suitable for recreational, seasonal, or temporary living purposes.

Camp: A single hut, shed, cabin, yurt or similar small structure used by the owner as shelter from the weather for seasonal hunting or vacation. May not be used as a permanent dwelling or short-term rental. Limited to a total structural footprint of 900 square feet or less and a height of no more than 35 feet.

Camping Vehicle: A travel trailer, tent trailer, motor home, camper trailer, truck camper or any other device or conveyance so constructed as to permit its ready transport on public highways and designed as temporary living/sleeping quarters.

Campsite: An area available for overnight vacation or recreational purposes, including areas for tents or recreational vehicles (RVs).

Cemetery: Property used for the interring of the dead.

Change of Use: Any use that substantially differs from the previous use of a building or land, or a change that has the potential to increase the use beyond what is currently permitted.

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

Child Care Home (registered): A home serving six or fewer full-time and four part-time children, and registered with the State of Vermont

Child Care Facility (licensed): A home or facility serving more than six full-time and four part-time children, and licensed with the State of Vermont.

Club: Structure or use catering exclusively to members and their guests for recreational, educational, civic, religious, or other non-profit purposes.

Clustering: A land use pattern in which related uses are located closely together. It is used to increase the density of development in an area by grouping compatible uses and allowing for a higher intensity of development than would be allowed under standard zoning regulations.

Common plan of development: The overall process for a structure to 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.

Communications Facility: All equipment (including repeaters) and locations of equipment with which a communications provider transmits and receives the waves which carry their services. This facility may include antennas and towers, and may be sited on one or more towers or structure(s) owned and permitted by the provider or another owner or entity.

Community Center: Includes public or private meeting hall, place of assembly, museum, art gallery, library.

Compensatory storage: 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.

Completed: A structure shall be considered complete when the roof and walls are in place, all electrical and plumbing systems have been installed and are operational, and the structure is inhabitable.

Conditional Use: Any use permitted in a District upon Conditional Use approval by the Development Review Board.

Construction Trailer: 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.

Critical Facilities: Services and structures 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.

Damaged Structure: A structure having significant impairment that diminishes usefulness, value, normal function, or no longer exists, following a destructive event.

Design Flood Elevation: Base Flood Elevation plus two feet.

Destructive Event: A hurricane, flood, earthquake, fire, act of terrorism or other calamity resulting in immediate or imminent physical deterioration of a structure, such that it can no longer be occupied or used for its purpose.

Development: The division of a parcel into two or more parcels; any human-made change to improved or unimproved real estate, including but not limited to construction, reconstruction, conversion, structural alteration, relocation or enlargement of structure; any change in the use of a structure, or land, or extension of use; mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

District: A part, zone or geographic area within the municipality within which certain zoning or development regulations apply.

Driveway: A private access from a public or private road serving up to two lots, providing access for vehicles to a parking space, garage, dwelling or other structure.

Dwelling Unit: One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided for the exclusive use of a single-household as a residence.

Dwelling, Multiple Household: Structure used as a residence by three (3) or more households living independently of each other.

Dwelling, Single-household: Detached structure used for residence for one (1) household. This may include, though is not limited to, a home built on-site, a manufactured home, a modular home, or a tiny house.

Dwelling, Two-household: Structure used as a residence by two (2) households living independently of each other.

Easement: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

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

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.

Excavation, Grading, and Filling: The removal of earth, and or depositing rock, concrete, stone, gravel, sand, cinders, stumps, soil, or other material used as fill.

Farm Structure: A building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with agricultural or farming practices, including a silo, as "agriculture" is defined above, but excludes a dwelling for human habitation.

Farm: See the definition of Agriculture.

Fee: A fixed charge as determined by the Town's legislative body for the purpose of covering the cost of the administration of the Bylaw.

Fence: An artificially constructed barrier of any material or combination of material erected to enclose or screen areas of land.

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.

Finished Grade: Completed surfaces of ground, lawns, walks, paved areas and roads brought to grades as shown on plans relating thereto.

Flood Hazard: 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.

Flood Proofing: Means any combination of structural and nonstructural additions, changes, or adjustment to properties and 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.

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.

Food Truck: A licensed, motorized vehicle or mobile food unit, including a trailer or converted recreational vehicle, equipped to refrigerate and/or cook food where, on a temporary basis, such food items are sold to the general public.

Forestry: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

Funeral Home: A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Gas station/ Charging Station: A retail commercial establishment selling fossil fuel or other alternative fuel, or providing power for electrical recharging of vehicles, to the public on the premises, either as a primary or secondary use.

Grading: 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 Special Flood 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.

Group Home: Any residential facility operating under a license or registration granted or recognized by a state agency, that serves not more than eight unrelated persons, who have a handicap or disability as defined in 9 V.S.A. § 4501, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs.

Helipad: A single takeoff and landing zone designated for use by one helicopter at a time.

Historic Structure: Any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or

preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

Home Business: An enterprise that is conducted by residents of the dwelling and up to a maximum of two (2) nonresident employees on-site at any time, and shall be conducted within the principal dwelling, an attached garage, or an accessory structure.

Home Occupation: An activity conducted within a minor portion of a dwelling or accessory structure which is carried on solely by residents of that dwelling, and is customary in residential areas and which does not have an undue adverse effect upon the character of the residential area in which the dwelling is located, or any exterior evidence of the occupation.

Indoor Recreation: An establishment providing the general public with amusement or activities inside a structure.

Interested Person: In accordance with Section 4465 of 24 V.S.A, an interested person means any one of the following:

(1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.

(2) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.

(3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.

(4) Any ten persons who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.

(5) Any department and administrative subdivision of this state owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the agency of commerce and community development of this state.

Junk Motor Vehicle: A discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof.

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

Light Manufacturing: Fabrication, processing or assembly employing only electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or quiet machinery and processes, and free from neighborhood-disturbing agents, such as odors, gas, fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration.

Loading Space: An off-street space or berth used for the loading or unloading of commercial vehicles.

Lodging Facility: An establishment renting three or more guest rooms or units, that is regularly used, maintained, and advertised to the transient traveling or vacationing public as a place where sleeping accommodations are furnished. An attendant or employee is on site, and food may or may not be served. This includes, but not by way of limitation, hotels, motels, inns, and lodges.

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lot lines of a property

Lot Depth: The distance measured from the front lot line to that point farthest from the front lot line measured at right angles to the front lot line.

Lot Frontage: The length of the front lot line measured at the edge of the public right-of-way.

Lot Line, Front: The lot line separating a lot from a public right-of-way.

Lot Line, Rear: The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot: Land occupied or to be occupied by a structure and its accessory structures and uses, together with the required open spaces. It shall not have less than the minimum area, width and depth for a lot in the Zoning District in which such land is situated and shall have the required frontage on a public road or other means of access as may be determined by the Development Review Board.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR (Code of Federal Regulations), § 60.3, Flood Plain Management Criteria for Flood Prone Areas.

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 Special Flood Hazard Area.

Manufactured 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 connected to the required utilities. For flood plain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

Mean Sea Level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a communities Flood Insurance Rate Map are referenced.

Mobile Home Park: A parcel of land under single or common ownership or control that contains, or is designed, laid out, or adapted to accommodate, more than two mobile homes. “Mobile home park” does not include a parcel used solely for storage or display of mobile homes or a parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees, or any parcel of land used solely on a seasonal basis for vacation or recreation mobile homes.

Mobile Home: A structure or type of manufactured home, including the plumbing, heating, air-conditioning, and electrical systems contained in the structure, that is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and is transportable in one or more sections. A sectional prefabricated house shall not be considered a mobile home.

Monitoring Protocol: The testing protocol, such as the Cobbs Protocol, (or one substantially similar, including compliance determined in accordance with the National Council on Radiation Protection and Measurements, Reports 86 and 119) which is to be used to monitor the emissions and determine exposure risk from existing and new telecommunications facilities upon adoption of this article.

Monitoring: The measurement, by the use of instruments in the field, of non-ionizing radiation exposure at a facility site as a whole, or from individual personal wireless communication facilities, towers, antennas or repeaters.

Monopole: A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal or a wooden pole with below grade foundations.

Motel: Building containing rooms which are rented as a series of sleeping units for automobile transients, each sleeping unit consisting of at least a bedroom and bathroom.

Natural Resource Extraction (commercial): Commercial extraction of earth resources including solids such as sand and gravel, liquids such as water, and gases such as natural gas, and including preparation activities such as crushing and washing.

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 Lot or Structure: A lot or structure that does not meet the standards of the zoning regulations for the District in which it is located, where such lot or structure or lot conformed with all applicable laws, ordinances and regulations prior to the enactment of these regulations , including a structure improperly authorized as a result of error by the Zoning Administrator. Structures that were in violation of the regulations in effect at the time of their creation, and remain so, remain violations and are not nonconforming structures.

Nonconforming Use: Use of land or structure which does not comply with all zoning regulations for the District in which it is located, where such use conformed to all applicable laws, ordinances and regulations prior to enactment of these regulations.

Non-Residential Use: All uses of structures or land except dwellings.

Office Space: Sum of the gross horizontal area of the floors of the room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government. All dimensions shall be measured between interior faces of walls.

Outdoor Recreation: A facility open to the general public, including but not limited to golf course driving range, golf pitch and putt course, golf courses, hunting preserve, ski area, tennis courts, and any other public facilities as they become available.

Overlay: A mapped area showing where an additional layer of zoning standards applies in addition to the standards of the underlying Zoning District.

Parcel: One or more continuous lots under common and identical ownership.

Parking Space: Off-street space used for the temporary location of a motor vehicle, which conforms with the dimensional requirements for safe and navigable parking and having direct access to a public or private road or right-of-way.

Permitted Use: A use specifically allowed in a District; upon issuance of a Zoning Permit, excluding illegal uses and nonconforming uses.

Personal Airstrip: A private residential takeoff and landing facility attached to the airstrip owner's residential property and used only by the owner.

Personal Wireless Services: Commercial mobile services, unlicensed wireless exchange access services. These services include: cellular services, personal communications services, specialized mobile radio services, and paging services.

Personal Wireless Telecommunications Facility: All equipment (including repeaters) and locations of equipment with which a telecommunications provider transmits and receives the waves which carry

their services. This facility may be sited on one or more towers or structure(s) owned and permitted by the provider or another owner or entity.

Personal Wireless Telecommunications Service Provider: An entity licensed by the FCC to provide telecommunications services to individuals or institutions.

Place of Worship: A structure or space where individuals or a group of people come to hold religious services or perform acts of devotion.

Plat: A map representing a tract of land, showing the boundaries and location of individual properties and streets.

Plot: A parcel of land that can be identified and referenced to a recorded plat or map.

Pond: A small body of water formed naturally or by hollowing or embanking.

Post Office: An establishment handling the transmission of mail.

Principal Use: The primary or predominant use of any lot.

Private Road: A right-of-way from a public or private road serving three or more lots, providing access for vehicles to a parking space, garage, dwelling or other structure.

Professional Engineer: An engineer licensed to practice in the State of Vermont.

Professional Offices: A service-oriented business location, which may provide service remotely and in person to customers, and that does include high traffic to the physical location.

Professional Services: A service-oriented business providing services, not in a dwelling, that produce regular or periodic high traffic to its physical location.

Public Assembly: Includes auditorium, theater, public hall, school hall, meeting hall, church, and temple.

Public Facility: Any structure or land use necessary for either the conduct of municipal business or the maintenance of municipally owned structures, land, services, and/or vehicles.

Public or Private Large Event: A gathering that anticipate or are planned for a capacity of more than 500 people or gathering of 100 cars, at a dwelling or private land.

Recreational Vehicle: A vehicular type portable structure without a permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

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

Residential Area: Any part of Westfield in which this Bylaw permits accessory, one, two, or multi household dwellings.

Restaurant/Bakery: The use of any fixed or mobile facility to offer or prepare food or drink for retail sale, or for service with or without charge at the premises or elsewhere.

Retail Sales: The use of an enclosed space for the sale of goods manufactured onsite or offsite, and shall exclude an open-air retail stand, auto service, gas stations, and vehicle sales and service.

Right-Of-Way: The land area where legal rights exist, by use or by grant, for one entity to pass a specific path across or use for conveyance purposes, land owned by another entity. This includes but is not limited to land intended to be occupied or is occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary storm sewer and other similar uses. Unless indicated otherwise by Town records, all public road rights-of-way shall be deemed to be fifty (50) feet in width.

River Corridor: The land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition and for minimization of fluvial erosion hazards, as delineated by the Vermont Agency of Natural Resources in accordance with River Corridor protection procedures (10 V.S.A. § 1422), and depicted on the Vermont Agency of Natural Resources Atlas.

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 drainageways, including water bars, swales, and roadside ditches.

Salvage Yard: A place of outdoor storage or deposit for storing, keeping, processing, buying, or selling junk or as a scrap metal processing facility or any outdoor area used for operation of an automobile graveyard.

Scenic View: A wide angle or panoramic field of sight which may include natural and/or human-made structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a faraway object, such as a mountain, or a nearby object. Scenic views of particular importance are noted in the Westfield Town Plan under "Wildlife Habitat and Significant Natural and Historic Features".

School: Any structure, campus, or part thereof which is designed, constructed or used for educational purposes or instruction in any branch of knowledge. This term shall include pre-school, elementary school, secondary school or post-secondary school whether public or private.

Self Storage Units: A structure or land area containing two (2) or more indoor or outdoor storage units available to the general public in exchange for a fee, where such storage units are accessible to the lessee.

Setback: The shortest distance between a structure (including all features of the structure except uncovered steps) and the edge of property lines; or the traveled way of a private right-of-way where

no survey exists; or the edge of an established surveyed private right-of-way; or the established edge of the public road right-of-way.

Short term rental: A structure or area used completely or partially to offer sleeping accommodations to the public in exchange for payment for stays fewer than 30 consecutive days if those rentals total 15 or more days in a calendar year. This may include, and is not limited to, a home or room(s) in a home, cabin, cottage, condominium, tent, camper, campsite.

Sign: For the purposes of this Bylaw, a sign is any display or representation, used or placed as an announcement, direction, or advertisement. The word “placed” for the purpose of this definition shall include erected, constructed, fastened, or affixed to the ground or structure.

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, AO, 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, the effective map or bylaw that regulated development in the Special Flood Hazard Area for a structure. 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.

Stealth Communications Facility: Any facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, antenna structures designed to look like light poles, and structures designed to resemble natural features such as trees or rock outcroppings.

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.

Street: Public highway for vehicular traffic which affords the principal means of access to abutting properties.

Structure: A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. This includes, and is not limited to, a walled and roofed building, as well as a manufactured home, including gas or liquid storage tanks.

Subdivision: The establishment of new lot boundaries that result in creation of a new additional lot.

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 repair, 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 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 specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure."

Top Of Bank: The bank is the land area immediately adjacent to the bed of the stream which is essential in maintaining its integrity. The top of the bank is a point along a channel where the inclined walls of the bank and the more moderate slope of adjacent land meet.

Traveled Way: That portion of a public highway designed for the movement of a motor vehicle, shoulders, and roadside parking, rest, observation areas, and other areas immediately adjacent and contiguous to the traveled portion of the roadway.

Variance: Permission to depart from the literal requirements of this Zoning Bylaw. Such permission shall be granted only by the Westfield Development Review Board in compliance with the criteria set forth in 24 V.S.A. §4469 and after a public hearing warned in compliance with 24 V.S.A. §4464.

Vegetated Buffer Strip: Undisturbed vegetation located along waterways.

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.

Waterway: A body of flowing water identified as a river, stream, or brook on the Vermont Agency of Natural Resources Natural Resource Atlas.

Wind Energy Conversion System (WECS): Any device such as a wind charger, windmill or wind turbine which converts wind energy into a form of usable energy.

Index of Abbreviations and Acronyms:

ANR	Vermont Agency of Natural Resources
BFE	Base Flood Elevation
BMP	Best Management Practices
CO	Certificate of Occupancy
DEC	Department of Environmental Conservation
DRB	Development Review Board
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
LOMA	Letter of Map Amendment
NFIP	National Flood Insurance Program
RAP	Required Agricultural Practice
SFHA	Special Flood Hazard Area
WECS	Wind Energy Conversion System
ZA	Zoning Administrator