

Town of Cornwall Land Use and Development Regulations Planning Commission Draft for Adoption 3.1.19

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ARTICLE 1: AUTHORITY AND PURPOSE

SECTION 101: ENACTMENT

1. Pursuant to the Vermont Planning and Development Act 24 V.S.A., Chapter 117, Section 4401(c), hereinafter referred to as the “Act”, there is hereby established Land Use and Development Regulations for the Town of Cornwall (the “Town”) which are set forth in the text and maps below. These regulations shall be known and cited as the “Town of Cornwall Land Use and Development Regulations ” and referred to herein as “these Regulations”.

SECTION 102: INTENT AND PURPOSE

1. It is the intent of these Regulations to provide for orderly community growth and to further the purposes established in 24 V.S.A. §4302 and to further the goals and policies outlined in the Cornwall Town Plan which include the following:
 - a. To ensure that land development is compatible with the goals, objectives and policies, recommendations and capacities of public service providers in considering permit applications requiring modifications in subdivision proposals.
 - b. To ensure that all land development is compatible with the ecology, topography, geology, natural drainage, surface water runoff, groundwater resources, agricultural resources, and present and potential uses of land as identified in the maps and text of the Town Plan.
 - c. To preserve the natural ecology of the town and protect native and resident plant and animal species by considering the impact of land development on their environment.
 - d. To ensure conformity and compatibility of land development with other applicable laws, as presently enacted or as from time to time are hereinafter enacted, including but not limited to any applicable State of Vermont or Cornwall health ordinance or rental code, Capital Program, and the Official Map, if and when adopted by the Town of Cornwall.
 - e. To protect and provide for the health, safety, and general welfare of the Town of Cornwall, its property owners and its inhabitants.
 - f. To guide the future growth and orderly development of the Town and to ensure that existing public services and facilities are available and will have a sufficient capacity to serve any proposed land development.
 - g. To provide the most beneficial relationship between uses of land and buildings and the safe and convenient movement of pedestrian and vehicular traffic.
 - h. To provide for the conservation and protection of the natural, visual and historical assets of the Town; the preservation of the existing rural character of the Town through the proper arrangement of uses on development parcels; the preservation of adequate open space between and within developments; and the preservation of land values and an adequate tax base.
 - i. To encourage development that uses energy efficiently for residential and commercial uses, in building construction and transportation planning.

- j. To provide for public facilities and services such as parks and open spaces, recreation areas, schools, police and fire protection, off-street parking, and water supply and sewage disposal.

SECTION 103: AMENDMENTS

1. These Regulations may be amended pursuant to the requirements and procedures established in 24 V.S.A. §§4441 and 4442.
2. If public notice pursuant to 24 V.S.A. §442(a) has been issued by the Select Board for the first public hearing on a proposed amendment to these Regulations, for a period of 150 days following that notice the Zoning Administrator and Development Review Board (DRB) shall review any new application filed under the proposed amendment and these Regulations where applicable. If the new regulation or amendment has not been adopted by the conclusion of the 150 day period, or if the proposed regulation or amendment is rejected, the application shall be reviewed under all applicable provisions of these Regulations pursuant to 24 V.S.A. §4449(d).

SECTION 104: REPEAL OF FORMER BYLAWS

1. The Zoning Regulations and Zoning Map of the Town of Cornwall enacted March 3, 1987 and subsequently amended, most recently, on February 5, 2008, and the Subdivision Regulations, adopted February 5, 2008 currently in effect are hereby repealed, and replaced in their entirety, by these Regulations upon the effective date of adoption.

SECTION 105: INTERPRETATION

1. In their interpretation and application, the provisions of these Regulations shall be considered as the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.
2. Except where these Regulations specifically provide to the contrary, these Regulations are not intended to repeal, annul, or in any way to impair any regulations or permits previously adopted or issued, provided however, that where these Regulations impose a greater restriction upon the use of a structure, land development or subdivision than are required by any other statutes, ordinances, rule, regulation, permit easement, or agreement, the provisions of these Regulations shall control.

SECTION 106: EFFECTIVE DATE

These Regulations or amendments thereto shall take effect in accordance with the voting and other adoption procedures contained in 24 V.S.A. §§4442 and 4444.

SECTION 107: SEVERABILITY

The amendment, repeal or invalidity of any provision of these Regulations shall not be construed to invalidate any other part of these Regulations which shall, in all other respects, remain effective and enforceable.

ARTICLE 2: ZONING DISTRICT REGULATIONS

SECTION 201: ESTABLISHMENT OF ZONING DISTRICTS

Pursuant to §4414(1) of the Act, Cornwall is hereby divided into the following zoning districts:

- a. Village District
- b. Rural Neighborhood District
- c. Agricultural Residential District
- d. Special Features Overlay (SFO) District
- e. Wellhead Protection Area Overlay District
- f. Flood Hazard and River Corridor Overlay District

SECTION 202: ZONING DISTRICT MAPS

The location and boundaries of Zoning Districts are established as depicted on the Zoning Map and Special Feature Overlay District Maps and the Wellhead Protection Area Overlay Map as the same are recorded in the Cornwall Town Clerk's office. The Flood Hazard and River Corridor Overlay District is defined by Federal and State data as specified in Section 211.4 of these Regulations. The Zoning and Overlay District Maps, as amended, are included herein as Appendix 1 for reference purposes only.

SECTION 203: INTERPRETATION OF DISTRICT BOUNDARIES

1. Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend not more than thirty feet into the more restricted part provided the lot has frontage on a street in the less restricted district.
2. If uncertainty exists with respect to the boundary of any zoning or overlay district on the Zoning Maps, the DRB shall determine the location of such boundary based on the following rules:
 - a. boundaries indicated as following roads, railroad, or utility rights-of-way shall be interpreted to follow the centerlines of such features;
 - b. boundaries indicated as following rivers or streams shall be interpreted to follow the channel centerline and shall move with the centerline of such features;
 - c. boundaries indicated as following shorelines shall be interpreted as the normal mean water level. In the event of change in the shoreline the boundary shall move with the shoreline;
 - d. boundaries indicated as following lot lines shall be interpreted to follow the delineated property boundary as it existed as of the effective date of the zoning map as adopted;
 - e. boundaries indicated as following contour lines shall be interpreted to follow a constant, specified elevation as measured from mean sea level or other accepted reference datum;
 - f. boundaries indicated as parallel or perpendicular to, or extensions of the above features, shall be so interpreted on the ground.

SECTION 204: ZONING DISTRICTS – GENERAL STANDARDS

1. Uses of land and structures within Cornwall for which permits may be issued either as by-right or uses subject to conditional use review, are established for each zoning district in this Article 2. For uses and structures exempt from these Regulations, see Sections 211.5.e and 702 of these regulations. Even though exempt, certain uses, like farm structures, may require that a permit application be filed with the Zoning Administrator (ZA) to ensure compliance or limited review under applicable standards. Also, other “governmental and community” uses, by statute, may only be regulated as to certain design or site planning elements. Any land development within the town, other than development allowed by these regulations, shall be deemed prohibited and shall be subject to all penalties and remedies described in Sections 211.7.h and 612 of these Regulations, as amended.
2. All uses of land and structures listed in this Article must adhere to the general requirements and specific standards outlined in these Regulations, as applicable, as well as the general and specific standards outlined for each district.

SECTION 205: VILLAGE DISTRICT

1. **Purpose.** Cornwall Village and West Cornwall Village comprise the town’s Village District and serve as the historic and traditional town centers for the community. The villages are critical to the town’s identity as they provide a distinct visual setting that has defined the community for decades. This district allows residential, agricultural and commercial uses that support the function of a village center and contribute to or are compatible with the existing character and development pattern. Developments that provide public gathering places, promote community interaction or strengthen Cornwall’s sense of community constitute a priority in this district. The mass and scale of all structures shall not distract from the historic buildings of civic or cultural significance within the village. Large or franchise retail operations, strip development, and architecture that is out of scale or character with the village shall not be allowed. Adaptive reuse of buildings for public use is supported over new construction or demolition of existing buildings. Future development should be compatible with the architectural character and existing settlement patterns and support a range of housing options.
2. **Allowed Uses** (permit can be issued by ZA or following Site Plan review and approval)

Accessory dwelling	Multiple-family dwelling (< or = 4
Accessory structure	units/structure or conversion of existing
Accessory use (Existing building or new building	structure)
< 1,500 sq. ft.)	One-family dwelling
Family child-care home	Rural enterprise
Group residential care home	Two-family dwelling
Home occupation	Uses referenced in 24 V.S.A §4413(a)(1)(A)-(F),
Mobile food truck	as amended

3. Conditional Uses (permit requires DRB Conditional Use review and approval)

Bank without drive-thru	Nursery (for plants)
Bed & Breakfast	Professional office
Club	Personal services
Child-care facility	Recreation, indoor
Dormitory	Recreation, outdoor
Educational facilities	Renewable energy systems
Event venue	Residential care facility
Home industry	Restaurant (without drive-thru)
Light industry	Retail store (<2,500 sq. ft.)
Multiple-family dwelling (>4 units/structure)	Senior living facility
Motor vehicle sales facility	Worker housing
Motor vehicle service station (No fuel)	Veterinary clinic/Animal hospital

4. Uses which are Not Allowed

All other uses which are not exempt or specifically listed above as including, but not limited to:

Bank with drive-thru	Motor vehicle fuel station
Campground	Nightclub
Commercial slaughterhouse	Outdoor firing range
Contractor's yard	Personal landing area
Dry cleaner	Restaurant with drive-thru
Earth and water extraction	Telecom tower
Manufacturing and heavy industry	Salvage yard
Kennel	Self-storage facility

5. Dimensional Requirements*

Lot Area Minimum: 1 acre	Rear Yard Minimum: 25 feet
Lot Frontage Minimum: 100 feet	Side Yard Minimum: 15 feet
Lot Depth Minimum: 200 feet	Building Height Maximum: 35 Feet
Front Yard Setback Minimum: 35 feet	Lot Coverage Maximum: 30%

*Requirements for Major Subdivisions and PUDs may be adjusted as per Sections 503 and 504.

6. Specific Standards for All Land Use and Development within the Village District. In addition to the standards and other applicable requirements located elsewhere in these bylaws, all uses, other than those exempted per Section 702 of these regulations, permitted in the Village District and major subdivision or PUD development are subject to the following standards specific to land development only within the Village District.

- a. Land development involving structures, and associated site design, shall reinforce rather than disrupt a defined streetscape and development pattern by:
 - (1) Adding to the village character, lining public streets, ways and spaces, and enabling building sites and setbacks to be consistent with current village patterns.

- (2) Being located as close to the road as practical, with structures oriented to front on the road.
- (3) Placing parking lots behind the structure. Structures, along with trees, landscaping, and other site furnishings, shall be predominant along streets, rather than parking lots.
- (4) Maintaining structure heights similar to those seen historically on any given lot. For undeveloped lots, no land development involving new structures shall be less than two stories without a waiver pursuant to Section 610.
- (5) Significant areas of blank wall are not allowed at the front of the structure facing a road or right of way.
- (6) Where the placement of a structure along the front setback is not practical due to pre-existing site conditions, the site plan should incorporate landscaping features, such as low walls and planting materials, along the setback line to create a transition between the public right-of-way and the site.

- b. Residential uses are allowed and encouraged on the second-floor and above. Use of new accessory structures for year-round rental or affordable housing is encouraged.
- c. When there is a strong or dominant roof shape in an area, proposed new construction or alterations shall be compatible with existing structures in that area. Flat roofs are not appropriate and should be used only in areas where it is suitable to the context.
- d. The streetscape shall include meaningful spaces for pedestrians that draw them in and provide site furnishings, such as benches, tables, bicycle racks, and other pedestrian amenities made of durable, weather-resistant and vandal-resistant materials.
- e. Rooftop equipment and fixtures should be concealed from eye-level view from the public right of way and from the ground level of adjacent properties. In addition, they should be visually minimized with painted colors and finish complementary to the overall structure design.
- f. Mechanical equipment on the ground shall be screened from view with wing walls, fencing, landscaping, or a combination thereof. Screening shall be integral and consistent with the overall design of the structure and the landscape. At a minimum, screening materials shall include materials of the same type, quality, color and character as the principal materials of the structure or landscape.
- g. Fencing shall not dominate the structures or landscape. Walls and fences shall harmonize with the site and the structures on it in scale as well as in materials. Barbed wire and security fencing (razor-wire, concertina wire) are prohibited. Preferred fence materials include wood, stone, masonry and/or decorative metals.
- h. New land development fronting on public streets shall provide street tree plantings, landscape buffer, and/or other landscaping elements that incorporate planters or containers to provide areas for shrubs, perennial, and annual plantings. Plants and species need to be resistant to salt and other pollutants.

- 7. Historic Character Standards for Conditional Land Use and Development within the Village District.** In addition to the standards and other applicable requirements located elsewhere in these bylaws, all conditional uses, other than those exempted per Section 702 of these regulations, permitted in the Village District are subject to the following standards specific to land development only within the Village District. These specific standards are recommended, but not required, for permitted by-right uses to preserve the historic character of Cornwall for all residents. These standards are intended to assist the Zoning Administrator, DRB, property owners, and developers with the preliminary planning, design, and evaluation

of proposals and approval of projects. The applicant assumes the burden of proof to demonstrate how a proposed design meets the standards and determination will be made by the Zoning Administrator and/or DRB.

- a. In the Village District, the applicant should demonstrate how the structure they are proposing fits within and adds to the historic character of the area in which it is proposed.
 - (1) Historic structures should be renovated and reused, including any significant architectural features such structures may exhibit.
 - (2) New development and redevelopment shall be compatible in design, scale, mass, height, form, and architectural features with existing historic structures and patterns of the district. Structures need not be replicas of 19th century architecture but should complement the features of neighboring historic architecture.
- b. Windows, doors and porches shall be similar in size and shape to those found historically facing the street.
- c. Additions to a historic structure shall be designed to preserve, as much as possible, the original scale and overall character of the structure as well as the district. This can be accomplished by:
 - (1) Scale the addition as a complementary and subordinate mass to the main building mass.
 - (2) Place the addition on a side or rear elevation so as not to detract from the main structure's compatibility with adjacent structure.
 - (3) Typically, an addition should be stepped back from the existing structure's face (not on the same wall plane.)
 - (4) Typically, an addition should have a lower roof line than the existing structure (examples of exceptions might be a cupola or a tower as appropriate for the existing architecture.)
 - (5) If an addition is proposed for the front face of the existing main structure, it must be of a scale insignificant enough so as not to detract from the existing main structure mass and its compatibility with adjacent structures (examples might be a covered entry or a sun porch.)
- d. Substantial historic architectural details on existing structures, including but not limited to columns, dormers, porches and bay windows, should be maintained, repaired, rehabilitated or restored in their original form. Where reconstruction of an historic architectural detail is impossible because of a lack of historical evidence, then a new design must relate to the structure in general size, scale, and material.
- e. Demolition of any building or accessory structure which contributes to the historic or architectural significance of the Village District, should not occur unless public health and safety require the removal of the building or structure. Demolition may be considered if the structure does not contribute to the historic or architectural character of the district or where renovation is not physically or economically feasible as determined by the DRB.

8. Specific Standards for Major Subdivisions and PUDs within the Village District. In addition to the standards set forth in Sections 503 and 504, Major Subdivisions and PUDs proposed for location within the Village District shall meet the following standards. In the event that one of the standards under this subsection is in conflict with a standard under Sections 503 and 504, the standards set forth below shall apply.

- a. Lot layout should continue and add to the village character, lining public streets, ways and spaces, and shall enable building sites and setbacks to be consistent with current village patterns.

- b. All utilities shall be placed underground.
- c. Special consideration shall be given to proposed access on VT Route 30 and Route 74 and the potential impacts of increased traffic volume with the Village District.
- d. Parking shall be designed to incorporate and maximize the use of parallel or angled on-street parking and shared parking areas. Parking areas, with the exception of on-street parking and driveways serving one-family dwellings, shall be located to the side or rear of structures and shall be screened from view of adjacent roads and properties.
- e. Parcels that front upon Route 30, Route 74, North Bingham Street and South Bingham Street shall incorporate street trees along the highway frontage to establish a canopy and provide traffic calming.
- f. Landscaping shall be designed to emphasize the screening of parking areas and the establishment and the reinforcement of a roadside tree canopy along roads and driveways.
- g. Open space or common areas should serve as a central organizing feature within the Major Subdivision/PUD or should be designed to maintain a contrasting edge between the village and surrounding countryside by protecting agricultural land adjacent to the district boundaries. The DRB shall consider how the open spaces contribute to and connect with Village as a whole and may require that the applicant develop open space plans that contribute to a connected and cohesive village setting.
- h. Structures shall front toward and relate to streets, both functionally and visually, and not be oriented toward parking lots. The front facade shall include one or more pedestrian-scaled entry-ways.
- i. Garages and other accessory structures shall not be the dominant feature viewed from the street.
 - (1) Front-loading (entrance facing street) garages shall be set back from the front structure line a minimum of six feet from the front façade of the dwelling and shall not comprise more than 40% of the total front facade.
 - (2) Side-loading garages (entered from the side yard) visible from the street must have some architectural treatment facing the street, such as a window or door.

SECTION 206: RURAL NEIGHBORHOOD DISTRICT

1. **Purpose.** This district contains residential development mixed with agricultural uses and should remain primarily residential and agricultural. To maintain the town's rural character, this area should retain open lands for conservation and recreational purposes. The District allows future residential development that will extend the existing settlement pattern, lot configuration and architectural character. Existing public uses within this district should continue to be supported and, if needed, expanded to the extent that they do not negatively impact the residential character of the area. Development of further public uses, with the exception of recreation and appropriate town facilities, are discouraged in order to guide public uses into the Village District.
2. **Allowed Uses** (permit can be issued by ZA or following Site Plan review and approval)

Accessory dwelling	Accessory use (Existing building or new building
Accessory structure	< 1,500 sq. ft.)
	Family child care home

Home occupation	Rural enterprise
Group residential care home	Two-family dwelling
One-family dwelling	Uses referenced in 24 V.S.A §4413 (a), as amended
Mobile Food Truck	
Multiple-family dwelling (< or = to 4 units/structure or conversion of existing structure)	

3. Conditional Uses (permit requires DRB Conditional Use review and approval)

Bed & Breakfast	Nursery (for plants)
Campground	Professional office
Child care facility	Recreation, indoor
Club	Recreation, outdoor
Contractor's yard	Renewable energy system
Commercial slaughterhouse	Residential care facility
Dormitory	Restaurant (No drive-thru)
Home industry	Retail store (< 2,500 sq. ft.)
Educational facilities	Self-storage facility
Event venue	Senior living facility
Light industry	Veterinary clinic/Animal hospital
Multiple-family dwelling (> 4 units/structure)	Worker housing

4. Uses which are Not Allowed

All other uses which are not exempt or specifically listed above including, but not limited to:

Bank	Nightclub
Dry cleaner	Outdoor firing range
Earth and water extraction	Personal landing area
Kennel	Personal services
Manufacturing and heavy industry	Restaurant with drive-thru
Motor vehicle fuel station	Salvage yard
Motor vehicle sales facility	Telecom tower
Motor vehicle service station (No fuel)	

5. Dimensional Requirements*

Lot Area Minimum: 2 acres	Rear Yard Minimum: 50 feet
Lot Frontage Minimum: 250 feet	Side Yard Minimum: 50 feet
Lot Depth Minimum: 250 feet	Building Height Maximum: 35 feet
Front Yard Minimum: 75 feet	Lot Coverage Maximum: 15%

*Requirements for Major Subdivisions and PUDs may be adjusted as per Sections 503 and 504.

6. **Specific Standards for Rural Neighborhood District.** In addition to the standards and other applicable regulations located elsewhere in these Regulations, all allowed and conditional uses, other than those exempted per Section 702 of these regulations, in the Rural Neighborhood District are subject to the following standards. These standards are intended to assist the Zoning Administrator, DRB, property owners, and developers with the preliminary planning, design, and evaluation of proposals and approval of projects. The applicant must demonstrate how a proposed design meets these standards with reference to the following criteria.
- a. New development should be consistent with the predominantly residential and rural character of these areas.
 - b. New development shall effectively integrate with the existing scenic and open views along major transportation corridors especially Routes 30 and 125.
 - c. New structures should be located to the side or rear of existing residences or dwellings.
 - d. Use of new accessory structures for year-round rental or affordable housing is encouraged.
 - e. Traffic calming elements shall be encouraged.
 - f. Lot layout for major subdivisions and PUDs should be clustered to blend new development into the historic, agricultural landscape and maintain important natural, scenic, and cultural resources as open space.

SECTION 207: AGRICULTURAL RESIDENTIAL DISTRICT

1. **Purpose.** This district encompasses most of the western half of the Town, where agriculture continues as one of the primary existing land use. Consequently, one of the primary objectives of this district is to preserve and encourage agricultural use. Existing residential uses will be supported and future residential development encouraged to locate away from agriculturally viable land and environmentally sensitive areas, with a preference for low density or clustered residential development. Commercial uses within this area will continue to be primarily home-based businesses, home occupations, and rural enterprises, including those that are based out of buildings on the property other than the residence. Agricultural-related businesses or adaptive reuse of existing buildings is encouraged. Public uses, with the exception of recreation and appropriate town facilities, should not be encouraged in this district, in order to guide such uses into the villages.
2. **Allowed Uses** (permit can be issued by ZA or following Site Plan review and approval)

Accessory dwelling	Mobile food truck
Accessory structure	Multiple-family dwelling (<or=4 units/structure)
Accessory use (Existing building or new building < 1,500 sq. ft.)	One-family dwelling
Family child care home	Rural enterprise
Group residential care home	Two-family dwelling
Home occupation	Uses referenced in 24 V.S.A §4413 (a), as amended
3. **Conditional Use** (require DRB review)

Bed & Breakfast	Nursery (for plants)
Campground	Personal landing area
Child care facility	Professional office
Club	Recreation, indoor
Commercial slaughterhouse	Recreation, outdoor
Contractor's yard	Renewable energy system
Dormitory	Residential care facility
Earth and water extraction	Restaurant (without drive-thru)
Educational facilities	Self-storage facility
Event venue	Senior living facility
Light industry	Veterinary clinic/Animal hospital
Home industry	Worker housing
Kennel	Telecom tower
Multiple-family dwelling (>4 units/structure)	

4. Uses which are Not Allowed

All other uses which are not exempt or specifically listed above including, but not limited to:

Bank	Nightclub
Dry Cleaner	Restaurant with drive-thru
Manufacturing and heavy industry	Outdoor firing range
Motor vehicle fuel station	Retail store
Motor vehicle sales facility	Personal services
Motor vehicle service station	Salvage yard

5. Dimensional Requirements*

Lot Area Minimum: 4 acres
Lot Frontage Minimum: 300 feet
Lot Depth Minimum: 300 feet
Front Yard Minimum: 75 feet
Rear Yard Minimum: 50 feet
Side Yard Minimum: 50 feet
Building Height Maximum: 35 feet
Lot Coverage Maximum: 5%

*Requirements for Major Subdivisions and PUDs may be adjusted as per Sections 503 and 504

6. **Specific Standards.** In addition to the standards and other applicable regulations located elsewhere in these Regulations, all allowed and conditional uses, other than those exempted per Section 702 of these regulations, in the Agricultural Residential District are subject to the following standards. These standards are intended to assist the Zoning Administrator, DRB, property owners, and developers with the preliminary planning, design, and evaluation of proposals and approval of projects. The applicant must demonstrate how a proposed design meets these standards with reference to the following criteria.
- a. Preserving and protecting open space and natural areas should be considered when siting buildings and development. Place improvements in a manner that minimizes encroachment in wooded areas and open fields, and below ridgelines. Maintain or establish adequate buffers around sensitive environmental or aesthetic resources.
 - b. New development shall effectively integrate with the existing scenic character and open views along major transportation corridors especially Routes 30, 74, and 125.
 - c. Underground utilities shall be buried at a sufficient depth so as not to interfere with agricultural operations on viable land.
 - d. Locate development such that it will not conflict with existing agricultural uses in the area and provide adequate buffers between potentially conflicting uses. Protect those areas which are used for agriculture. Large contiguous open space shall be protected for farming and pockets of housing shall occur in less productive areas that results in cluster development, small networks of utilities and roads, and large sections of unfragmented land.
 - e. Employ narrower driveway/road cuts and road widths to reduce runoff and retain landscape and aesthetic character.
 - f. New structures should be placed on the side or rear of existing structures or dwellings.
 - g. Use of accessory structures for year-round rental or affordable housing is encouraged.
 - h. Lot layout for major subdivisions and PUDs should be clustered to blend new development into the historic, agricultural landscape and maintain important natural, scenic, and cultural resources as open space.

SECTION 208: SUMMARY OF USES BY ZONING DISTRICT

E = Exempt – no permit required A = Allowed Use C = May be Allowed as a Conditional Use X = Not Allowed	Village	Rural Neighborhood	Agricultural Residential
Agriculture and Related Uses			
Commercial slaughterhouse	X	C	C
Rural enterprise	A	A	A
Residential Uses			
Accessory dwelling	A	A	A
Accessory structure	A	A	A
Accessory use (Existing building or new building <1,500 sq. ft.)	A	A	A
Dormitory	C	C	C
Group residential care home	A	A	A
Multiple-family dwelling (< or = to 4 units/structure or conversion of existing structure)	A	A	A
Multiple-family dwelling (> 4 units/structure)	C	C	C
One-family dwelling	A	A	A
Residential care facility	C	C	C
Two-family dwelling	A	A	A
Senior living facility	C	C	C
Worker housing	C	C	C
Recreational Uses			
Outdoor firing range	X	X	X
Recreation, indoor	C	C	C
Recreation, outdoor	C	C	C
Commercial Uses			
Bank with drive-thru	X	X	X
Bank without drive-thru	C	X	X
Bed & Breakfast	C	C	C
Campground	X	C	C
Child care facility	C	C	C
Club	C	C	C
Contractor's yard	X	C	C
Dry Cleaner	X	X	X
Earth and water extraction	X	X	C

E = Exempt – no permit required A = Allowed Use C = May be Allowed as a Conditional Use X = Not Allowed	Village	Rural Neighborhood	Agricultural Residential
Educational Facilities	C	C	C
Event venue	C	C	C
Family child care home	A	A	A
Home industry	C	C	C
Home occupation	A	A	A
Kennel	X	X	C
Light industry	C	C	C
Manufacturing and heavy industry	X	X	X
Mobile food truck	A	A	A
Motor vehicle fuel station	X	X	X
Motor vehicle sales facility	C	X	X
Motor vehicle service station (No fuel)	C	X	X
Nightclub	X	X	X
Nursery (for plants)	C	C	C
Personal Services	C	X	X
Professional office	C	C	C
Renewable energy systems	C	C	C
Restaurant with drive-thru	X	X	X
Restaurant without drive-thru	C	C	C
Retail store (<2,500 sq. ft.)	C	C	X
Salvage yard	X	X	X
Self-storage facility	X	C	C
Veterinary clinic/Animal hospital	C	C	C
Other Uses			
Earth and water extraction	X	X	C
Personal landing area	X	X	C
Renewable energy structure (note regulated by 30 V.S.A. §248)	C	C	C
Telecom tower	X	X	C
Uses referenced in Section 702 of these Regulations	E	E	E
Uses referenced in 24 V.S.A §4413 (a)(1)(A)-(F)	E	E	E

SECTION 209: SPECIAL FEATURES OVERLAY (SFO) DISTRICT

1. **Purpose and Applicability.** Pursuant to §4414(2) of the Act, Cornwall has identified special areas or features in town that require an additional level of review due to their ecological, scenic, and agricultural function and value. These Regulations have been established for the Special Features Overlay districts which specify what additional information is needed at the time of submittal, and/or what special development standards must be met by land development within the SFO district. These Regulations for the SFO shall be regarded as supplementary to the regulations of any underlying zoning district(s) in which the land development is being proposed. If the Regulations of the SFO and the applicable zoning district conflict, the more restrictive provision shall apply. The areas requiring special consideration under the SFO include:
 - a. Wetlands
 - b. Riparian areas
 - c. Steep slopes
 - d. Ecologically significant sites and interior forest and connectivity blocks
 - e. Prime and statewide agricultural soils
2. **Wetlands.**
 - a. **Intent.** To protect the functions and values that wetlands provide such as water storage, water quality protection, erosion control, fish and wildlife habitat, habitat for sensitive plants and animals, exemplary natural communities, education and research, recreation and economic benefits, and open space.
 - b. **Applicability.** These Regulations apply to all land development within a wetland or its associated buffer zone. For these regulations, the definition of a wetland, as well as the types of wetlands actually regulated, shall be the same as the State of Vermont Wetland Rules, adopted under the authority of the Secretary of Natural Resources (Secretary) pursuant to 10 V.S.A. §905b(18). For the purposes of these Regulations, wetlands include all lands located within the perimeter of, or contiguous to wetlands identified on the Vermont Significant Wetlands Inventory (VSWI) maps, as amended, published by the Vermont Agency of Natural Resources, and as shown on the Town of Cornwall's SFO District Map 1. The VSWI and SFO maps are intended to denote the approximate location and configuration of significant wetlands. The actual boundaries of wetlands shall be delineated by a professional wetlands scientist and in accordance with the current guidelines of the Army Corps of Engineers. The need for a wetlands delineation will be determined during pre-application review.
 - c. **Uses allowed without a permit.** Uses specified in Section 6 of the State of Vermont Wetland Rules, as amended, are permitted in Class I and Class II wetlands without obtaining a permit provided that the provisions noted are met. Such uses include activities within existing lawns, including mowing, the placement of barbeque pits, sand boxes, bird houses, and other similar activities incidental to ordinary residential uses.
 - d. **Supplemental Standards.**
 - (1) Class I and Class II wetlands: All land development and subdivisions proposed within Class I and Class II wetlands and their buffer zones (100 feet and 50 feet respectively) are subject to the Vermont Wetland Rules (Vt. Code R. 12 004 056), as amended, issued by the Vermont Agency of Natural Resources and unless otherwise designated by Secretary of Natural Resources.

- i. Land development that obtains a state wetlands permit shall be assumed to have met the requirements of this section with the exception of land development within an identified vernal pool or vernal pool buffer. Any zoning permit or approval shall be conditional upon the applicant submitting a copy of the state permit to the Zoning Administrator prior to the start of construction.
- (2) Class III wetlands and vernal pools: Wetland and respective buffer zone delineation for Class III wetlands and vernal pools will be required for conditional uses, major subdivisions, and PUDs. The DRB shall consider the following factors prior to issuance of a permit under these Regulations to avoid impact:
 - i. Minimize development including disturbance of vegetation, soils, and forest canopy within the delineated boundary and buffer zone of Class III wetlands and vernal pools.
 - ii. Minimize earthwork and alteration of the natural grade of the land and natural drainage characteristics on lands directly adjacent to the buffer zone of vernal pools and Class III wetlands.
 - iii. Limit road and utility crossings through the delineated boundary and buffer zone of Class III wetlands buffers and vernal pool buffers and locate any unavoidable crossings at the narrowest section of the wetland buffer or vernal pool buffer.

3. **Riparian Areas.**

- a. **Intent.** To promote the establishment and protection of heavily vegetated areas of native vegetation and trees along the Town's water bodies to reduce the impact of stormwater runoff, prevent soil erosion and pollution, protect wildlife and fish habitat, and maintain water quality.
- b. **Applicability.** These regulations apply to development of non-exempt structures, all conditional use land development, and subdivisions proposed within the buffer zones of the rivers, streams and open water as shown on the Town of Cornwall's SFO District Map 1. Riparian buffer zones are defined as follows:
 - (1) All land within 100 feet horizontal distance measured from the top of bank of the Lemon Fair River.
 - (2) All land within 50 feet horizontal distance measured from the top of slope, or top of bank, as appropriate, for all other rivers, streams, and intermittent streams.
- c. **Supplemental Standards.** All land development and subdivisions proposed within riparian buffer zones are subject to the following supplemental standards:
 - (1) Except as provided in Subsections (5) and (6) below, all lands within a riparian buffer shall be left in an undisturbed, vegetated condition.
 - (2) Removal of dead trees or trees of immediate threat to human safety as well as reasonable pruning of existing trees is permitted.
 - (3) The creation of new lawn areas within riparian buffers is not permitted. Property owners already encroaching on the riparian buffer are encouraged to return mowed areas to their vegetated state. Supplemental planting with appropriate native vegetation to restore and enhance the effective filtering and bank stabilization functions of a riparian buffer is encouraged.
 - (4) Any areas within a riparian buffer that are disturbed during construction shall be mulched and seeded with a naturalized mix of grasses rather than standard lawn grass.

- (5) Development shall not increase potential of materials to be swept onto other lands or into streams that would cause damage to other properties from fluvial erosion.
- (6) The following may be conducted within riparian areas without permit:
 - A. Trees may be trimmed as long as the canopy is maintained.
 - B. Underbrush may be replaced with native vegetation that is more appropriate to a riparian zone.
- (7) The following may be permitted as conditioned within riparian buffers subject to the standards and conditions enumerated for each use:
 - A. Unpaved footpaths located at least ten (10) feet horizontal distance measured from the top of slope of the stream, river, or intermittent stream.
 - B. Roadways or access drives crossing a riparian buffer to gain access to land on the opposite side of the buffer, or for purposes of providing safe access to an approved use, in cases where there is no feasible alternative for providing safe access. A roadway access drive shall occur at a right angle to the stream channel, unless determined impractical by the DRB.
 - C. Utility lines, including telephone, cable, sewer and water, to the extent necessary where there is no feasible alternative for providing or extending utility services.
 - D. Outdoor recreation and education facilities provided that any building or structure (including parking and driveways) associated with such use is located outside the riparian buffer.
 - E. Stream restoration projects, including dam removals, in accordance with a plan approved by the Vermont Agency of Natural Resources.

4. **Steep Slopes.**

- a. **Intent.** To prevent erosion and the resulting overland flow of soil sediments into streams, ponds and public roads, which are detrimental to water quality and aquatic life, and a potential hazard to public safety, as well as to maintain the aesthetic value of ridgelines.
- b. **Applicability.** These regulations apply to all areas of the Town that are steeply sloping (15% or greater) and prone to severe erosion if disturbed, or for developments that create slopes 15% or greater.
- c. **Supplemental Standards.** All land development and subdivisions proposed on steep slopes are subject to the following supplemental standards:
 - (1) Development proposals should be designed to exclude steep slopes 15% or greater. In the event that no other land is practical for land development, the building envelopes and subsequent land development shall be designed to encroach upon steep slopes to the minimum extent feasible. In such cases, site disturbance shall be minimized to 5,000 sq. ft. Grading on a slope exceeding 15% will be permitted for a portion of a driveway accessing a single-family dwelling when it can be demonstrated that no other routing that avoids slopes exceeding 15% is feasible, and the driveway follows the natural contours. Land development proposals on slopes greater than 15%, at the request of the DRB, may require a licensed professional engineer to certify that they do not pose a landslide or erosion risk. In no case will development on slopes greater than 25% be allowed and creation of slopes greater than 25% shall not be permitted.
 - (2) Distinctive natural features, the general topography of the site, and existing natural vegetation defined by steep slopes shall be preserved.

- (3) All land development shall produce a final grade that is compatible with surrounding natural terrain. A harmonious transition should be created between graded slopes and the natural terrain. Contour graded slopes by varying the slope increment to produce a final grade that undulates both vertically and horizontally and avoid creating continuous unbroken slopes or linear slopes.
- (4) Retaining walls, terraces, and cut-and-fill banks shall be varied to produce a final grade that has visual interest and allows for naturalistic landscaping.
- (5) Building pad elevations on sites with multiple structures should be varied to follow the natural terrain.
- (6) Compact building forms and or multi-story buildings should be utilized where possible to minimize building footprint.
- (7) Split- or multi-level building forms that step up or down the slope should be used where practical to avoid skylining.

5. **Ecologically Significant Sites and Interior Forest and Connectivity Blocks.**

- a. **Intent.** To maintain ecologically significant sites and interior forest and connectivity blocks that provide important habitat and allow animals to travel from one large forest block to another. Data for Interior Forest and Connectivity Blocks comes from the Vermont State Agency of Natural Resources. In addition, the Regulations under this section are informed by *An Ecological Inventory of Cornwall, Vermont*, prepared by Brett Engstrom in 2015 which is available at the Cornwall Town Hall.
- b. **Applicability.** These Regulations apply to conditional use land development and major subdivisions and PUDs proposed within Ecologically Significant Sites and Interior Forest and Connectivity Blocks as shown on the Town of Cornwall's SFO Map 2. These Regulations are intended to minimize the impact on wildlife habitat and important natural features.
- c. **Supplemental Application Requirements.**
 - (1) For all areas identified on the Special Features Overlay Map 2, the DRB may require an ecological impact report to be prepared prior to making a recommendation or decision on a land development proposal, as permitted in the applicable zoning district, if there is a potential for significant impact to habitat or species resulting from the development proposal.
 - (2) If required, the study shall be prepared by an expert, specialist, or other party qualified to assess the impact of development on ecologically significant areas. The applicant shall pay for the cost of the study. The study shall address the following:
 - A. Total acres of interior forest and connectivity blocks in the parcel or project area;
 - B. Location and total acreage of open space and habitat areas in the parcel or project area;
 - C. Wildlife species and their use patterns (movement corridors, feeding areas, etc.) known to be present or occurring on the site and potential impact of proposed project on these species;
 - D. Critical connections or relationships with adjoining habitats outside the parcel or project area;
 - E. Potential impacts on forest fragmentation;

- F. List of potential mitigation methods for potential impacts of the proposed project for each wildlife habitat and species, including proper siting of building envelopes, roads, driveways, and utility corridors; and
 - G. Any other information deemed necessary by the DRB to adequately assess the impact of the proposal on biological areas within or adjacent to the project site.
- d. **Supplemental Standards.** All conditional use land development and major subdivisions and PUDs within areas identified on the Special Features Overlay Map 2 are subject to the following supplemental standards:
 - (1) Building lots shall be clustered to avoid the fragmentation of forest and connectivity blocks.
 - (2) Development shall be placed close to roads and/or developed areas to allow sufficient wildlife corridors through the area and avoid fragmentation. Site clearing and disturbance, including the removal of existing vegetation, shall be limited to the greatest extent possible. Exceptions may be considered for removal of invasive species.
 - (3) The length of roads, driveways and utility corridors shall be minimal and follow existing linear features (e.g., rights-of-way, stone walls, fence lines, or forest edges) and natural contours (not including naturally occurring streams or waterways) to limit encroachment and avoid resource fragmentation.
 - (4) Roads, driveways, and utility corridors shall be shared to the extent feasible and designed to avoid or limit forest fragmentation.
 - (5) Fences, walls, or substantial changes in grade that would disrupt the movement of wildlife within a wildlife corridor shall be minimized to the greatest extent possible.
 - (6) The subdivision of forestland shall, to the extent feasible, be configured to allow for ongoing forest management of the parcel after subdivision. Lot boundaries and development envelopes should be laid out to avoid the unnecessary fragmentation of productive timber stands, and provision for forest management access should be a consideration of the final plan if active management is taking place.
 - (7) A buffer area of adequate size, as recommended by an expert or specialist, from the edge of development shall be established to ensure the protection of critical wildlife habitats and travel corridors.
- 6. **Prime and Statewide Agricultural Soils.**
 - a. **Intent.** To promote the continuation of agriculture on productive farm fields, to promote conservation easements, to retain the maximum possible amount and quality of agricultural lands that often provide important scenic views, to protect historically viable farmland and prime and statewide agricultural soils, and preserve Cornwall's rural character, scenic characteristics including open lands, views, and working landscape qualities in accordance with the Cornwall Town Plan, as amended.
 - b. **Applicability.** These regulations apply to all land development proposed within prime and statewide agricultural soils as shown on the Town of Cornwall's Special Features Overlay Map 3.
 - c. **Supplemental Standards.** All development and subdivisions within areas identified on the Special Features Overlay Map 3 are subject to the following supplemental standards:
 - (1) Building envelopes, structures, driveways, roads and utility corridors shall be located, where feasible, at natural edges along fields, treelines, or hedgerows. In the event that no other land is

- practical for development, building envelopes should be sited on the least fertile soils in order to minimize the use of productive agricultural land and impacts on existing farm operations.
- (2) Buildings shall be clustered next to adjacent development to avoid the fragmentation of productive farmland/open land.
 - (3) Preserve significant blocks of primary agricultural soils on the property as common or open space.
 - (4) Development shall be located such that it will not conflict with existing agricultural uses in the area and provide adequate buffers between potentially conflicting uses to ensure the continued agricultural use.
 - (5) Underground utilities shall be buried at a sufficient depth so as not to interfere with agricultural operations on viable land.
 - (6) When development is proposed within open fields or meadows that contribute to an important viewshed or scenic backdrop, site houses below the line of sight or below the skyline to maintain the integrity of the landscape and views that contribute to the rural character, where applicable.

SECTION 210: WELLHEAD PROTECTION AREA OVERLAY (WPAO) DISTRICT

1. **Purpose.** The purpose of the Wellhead Protection Area Overlay (WPAO) District is to protect the ground water and ground water recharge areas of the town from adverse development or land use practices and to preserve and protect present and potential sources of water supply for the public health and safety.
2. **Applicability.** These regulations apply to the wellhead protection area identified on the Wellhead Protection Area Overlay District Map, which includes a circle with a radius of 500 feet around the identified well.
3. **Standards for Development.**
 - a. All on-site septic systems, including leach fields, shall be located outside of the WPAO District to the extent feasible.
 - b. For proposed single- and two-family dwellings, and associated accessory uses and structures, the applicant shall demonstrate that they have reviewed the Wellhead Source Protection Plan as most recently adopted and approved by the state and have located any proposed land development in an area designed to reduce the likelihood of any impact on the well and its water source.
 - c. All other development within WPAO District, except for agriculture, forestry, and uses that are specifically prohibited under Section 211.d below, shall be subject to conditional use review by the DRB under Section 607, which shall make specific findings that:
 - (1) The proposed development is consistent with the Source Protection Plan as most recently adopted and approved by the State of Vermont and does not present a threat to the public water supply.
 - (2) There shall be no on-site discharge of hazardous materials from floor drains; all floor drains will drain into holding tanks.
 - (3) Dry wells shall be used only when other methods are not feasible, and shall be preceded by oil, grease, and sediment traps to facilitate removal of contaminants. All drainage ways, dry wells, and sediment traps shall be regularly maintained in full working order by the owner.

- (4) Site clearing and disturbance, and on-site paving, roofing, and other impervious surfaces that increase surface runoff and limit water infiltration and recharge, are minimized. All runoff from impervious surfaces shall be diverted to areas covered with vegetation for surface infiltration.
 - (5) The storage and application of fertilizers, pesticides, herbicides, and other chemicals shall comply with all state and federal regulations and best management practices.
 - (6) Above ground storage tanks for oil, gasoline, or other petroleum products shall be placed in a building or other impervious containment area to prevent spills and leaks from reaching groundwater.
 - (7) The use of sodium chloride for ice control shall be minimized.
 - (8) The DRB, as a condition of approval, may require groundwater monitoring on-site or in the immediate vicinity of the project.
- d. The following uses and activities are specifically prohibited within the WPAO District:
- (1) Operations, including home industry and home occupations, which manufacture, use, process, store or dispose of hazardous materials or wastes in amounts that could threaten public water supplies, including but not limited to metal plating, chemical manufacturing, wood preserving, photographic processing, motor vehicle service, auto body repair, furniture stripping, and dry-cleaning materials.
 - (2) Solid and hazardous waste landfills, storage and transfer facilities, dumps, salvage, and junk yards.
 - (3) Outdoor storage of salt, de-icing materials, snow dumps, pesticides, or herbicides.
 - (4) The storage or spreading of sludge from wastewater treatment facilities.
 - (5) Cemeteries.
 - (6) The storage of unregistered vehicles unless stored in an enclosed structure and parked on an impervious surface or drained of all fluids.
 - (7) Installation of floor drains or sumps that discharge directly to the ground.
 - (8) Underground storage tanks and above ground storage tanks that lack an adequate impervious containment area.
- e. Applicants may demonstrate compliance by securing a letter from the Vermont Agency of Natural Resources, Department of Environmental Conservation, Drinking Water and Groundwater Protection Division reviewing the project and certifying the project design will not unduly threaten the WPAO District or by performing a study further defining the WPAO District beyond the current "default" area and demonstrating that the proposed development either lies outside or will not unduly threaten, the district.

SECTION 211: FLOOD HAZARD AND RIVER CORRIDOR OVERLAY

1. **Statutory Authorization.** In accordance with the purposes of 10 V.S.A. Chapter 32, the Vermont Planning and Development Act, 24 V.S.A., Chapter 117, §§4411, 4414 and 4424, and 24 V.S.A. Chapter 59, there are hereby established Land Use and Development Regulations for areas at risk of flood damage in the Town of Cornwall. Except as additionally described below, all administrative procedures follow municipal procedures under 24 V.S.A. Chapter 117 and Articles 6, 7 and 8 of these Regulations.

2. **Statement of Purpose.** It is the purpose of the Flood Hazard and River Corridor Overlay district to promote the public health, safety, and general welfare, to prevent increases in flooding caused by the uncontrolled development of lands in areas at risk of flood damage, and to minimize losses due to floods by:
 - a. implementing the goals, policies, and recommendations in the Cornwall Town Plan, as amended;
 - b. avoiding and minimizing 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;
 - c. ensuring that the selection, design, creation, and use of development in hazard areas is reasonable, safe, and accomplished in a manner that is consistent with the public well-being, does not impair stream equilibrium, flood plain services, or the stream corridor;
 - d. protecting individuals from buying lands that are unsuited for their purposes because of flood and fluvial erosion hazards.
3. **Other Provisions.**
 - a. **Precedence of Regulations.** The provisions of these flood hazard regulations shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this flood hazard regulation imposes a greater restriction on land development, the more restrictive provisions shall apply.
 - b. **Warning of Disclaimer of Liability.** This regulation does not imply that land outside of the areas covered by this regulation will be free from flood or erosion damages. This regulation shall not create liability on the part of the Town of Cornwall, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.
4. **Applicability and Lands to Which these Regulations Apply.**
 - a. **Applicability.** These regulations shall apply to the Special Flood Hazard Areas and River Corridors (hereafter called “hazard areas”) in the Town of Cornwall, Vermont as described below. These hazard areas overlay any other existing zoning or overlay districts and the Regulations herein are the minimum standards that must be met before meeting the additional standards applicable in any underlying districts. These hazard areas include:
 - (1) The Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 §753, which are hereby adopted by reference and declared to be part of these regulations.
 - (2) The River Corridors as published by the Vermont Agency of Natural Resources including the Statewide River Corridors and refinements to that data based on field-based assessments which are hereby adopted by reference. Where River Corridors are not mapped, the standards in Section 211.7 shall apply to the area measured as fifty (50) feet from the top of the stream bank or slope.
 - b. **Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas.** Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations. In

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

- c. **Interpretation.** The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.
 - (1) If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the floodway, the location of the boundary shall be determined by the Zoning Administrator (ZA). If the applicant disagrees with the determination made by the Zoning Administrator, a Letter of Map Amendment from FEMA shall presumptively establish the boundary.
 - (2) If uncertainty exists with respect to the boundaries of the River Corridor, the location of the boundary shall be determined by the Zoning Administrator. If the applicant disagrees with the determination made by the Zoning Administrator, a letter of determination from the Vermont Agency of Natural Resources shall presumptively establish the boundary.

5. **Land Development in Hazard Areas.**

- a. **Permit.** A permit is required from the Zoning Administrator for all land development in all areas defined in Section 211.4.a(2). Development that requires conditional use approval, non-conforming use approval, or a variance from the DRB under these flood hazard and river corridor regulations, must have such approvals prior to the issuance of a permit by the Zoning Administrator. Any development subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in Section 211.4.b. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.
- b. **Allowed Uses.** For the purposes of review under these regulations, the following development activities in the Special Flood Hazard Area where outside of the floodway and outside of the River Corridors, and meeting the Development Standards in Section 211.6 below, require only an administrative permit from the Zoning Administrator:
 - (1) Non-substantial improvements;
 - (2) Accessory structures;
 - (3) Development related to on-site septic or water supply systems;
 - (4) Building utilities;
 - (5) At-grade parking for existing buildings; and,
 - (6) Recreational vehicles.
- c. **Conditional Uses.** Conditional use review and approval by the DRB, is required prior to the issuance of a permit by the Zoning Administrator for the following proposed development:
 - (1) Substantial improvement, elevation, relocation, or flood proofing of existing structures;
 - (2) New or replacement storage tanks for existing structures;
 - (3) Improvements to existing structures in the floodway;
 - (4) Grading, excavation, or the creation of a pond;
 - (5) Improvements to existing roads;
 - (6) New bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing;

- (7) Public utilities;
- (8) Improvements to existing primary structures in the River Corridors that do not expand the footprint of the existing structure more than 500 square feet;
- (9) Accessory structures in the River Corridors, of 500 square feet or less, that represent a minimal investment;
- (10) Building utilities in the River Corridors; and,
- (11) At-grade parking for existing buildings in the River Corridors.

d. **Prohibited Land Development.**

- (1) New residential or non-residential structures (including the placement of manufactured homes);
- (2) Outdoor storage of junk or salvage yards;
- (3) New fill except as necessary to elevate structures above the base flood elevation;
- (4) Accessory structures in the floodway;
- (5) Any development in the floodway that increases in upstream flood elevations;
- (6) Critical facilities are prohibited in all areas affected by mapped flood hazards; and,
- (7) All development not exempted, permitted, or conditionally permitted.

e. **Exempted Activities.** The following activities are exempt from these Regulations:

- (1) The removal of a building or other structure in whole or in part;
- (2) Maintenance of existing roads and storm water drainage;
- (3) Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices; and,
- (4) Agricultural activities conducted in accordance with the Vermont Agency of Agriculture's Required Agricultural Practices (RAP). Prior to the construction of farm structures, the farmer must notify the Zoning Administrator in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.

f. **Variances.** Variances may be granted in writing by the DRB only in accordance with all the criteria in 24 V.S.A. §4469, and 44 CFR Section 60.6, after a public hearing noticed as described in Section 611.

- (1) A variance for development within the River Corridors may be allowed if, based on a review by VT ANR, it is determined in writing that the proposed development will not obstruct the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse.
- (2) Procedures for granting variances for land development within the hazard areas should comply with 44 CFR Section 60.6.

g. **Nonconforming Structures and Uses.** The DRB may, after public notice and hearing, approve the repair, relocation, replacement, or enlargement of a nonconforming structure within a flood hazard area provided that:

- (1) The proposed development is in compliance with all the Development Standards in Section 211.6 of these Regulations;
- (2) A nonconforming structure that is substantially damaged or destroyed may be reconstructed only in circumstances when the structure cannot be relocated to a less hazardous location on the parcel. The lowest floor of the reconstructed structure must be rebuilt to one foot or more above the base flood elevation, and the structure must otherwise comply with all requirements of the National Flood Insurance Program;

- (3) Nonconforming structures or uses shall be considered abandoned where such structures or uses are discontinued for more than twelve (12) months; and
- (4) An individual manufactured home lot in an existing manufactured home park that is vacated shall not be considered a discontinuance or abandonment of nonconformity. Replacement manufactured homes must be placed so as to meet the development standards in these Regulations.

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

a. **Special Flood Hazard Areas.**

- (1) All development shall be:
 - A. Reasonably safe from flooding;
 - B. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
 - C. Constructed with materials resistant to flood damage;
 - D. Constructed by methods and practices that minimize flood damage;
 - E. 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;
 - F. Adequately drained to reduce exposure to flood hazards;
 - G. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
 - H. Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.
- (2) In Special Flood Hazard Areas where floodways and/or Base Flood Elevations have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a licensed professional engineer.
- (3) Structures to be substantially improved shall be located such that the lowest floor is at least one foot above base flood elevation, this must be documented, in as-built condition, with a FEMA Elevation Certificate;
- (4) Non-residential structures to be substantially improved shall:
 - A. Meet the standards in 211.6.a(3) or
 - B. Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; a permit for flood proofing shall not be issued until a licensed professional

engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

- (5) Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.
- (6) Fully enclosed areas that are above grade, below the lowest floor, below BFE, and subject to flooding, shall:
 - A. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
 - B. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a licensed professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (7) Recreational vehicles must be fully licensed and ready for highway use;
- (8) A small accessory structure of 500 square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in 211.6.
- (9) Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- (10) Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (11) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (12) The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability;
- (13) Bridges and culverts, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources where applicable.
- (14) Subdivisions and Planned Unit Developments must be accessible by dry land access outside the special flood hazard area.

b. Floodway Areas.

- (1) Encroachments or development above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a licensed professional engineer, certifying that the proposed development will:
 - A. Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;

B. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

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

c. River Corridors.

- (1) Improvements to existing structures, and any associated fill as needed to comply with elevation requirements in the Special Flood Hazard Area shall not decrease the distance between the existing primary building and the top of bank;
 - (2) Accessory structures may be located within 50 feet of the existing primary building provided that the location does not decrease the distance between the existing primary structure and the top of bank.
 - (3) Development shall not increase the susceptibility of that or other properties to fluvial erosion damage;
 - (4) Development shall not increase the potential of materials being swept onto other lands or into the stream and causing damage to other properties from fluvial erosion;
 - (5) Development shall not cause an undue burden on public services and facilities including roads, bridges, culverts, and emergency service providers during and after fluvial erosion events.
 - (6) Bridge and culvert projects must have a Stream Alteration Permit; and
 - (7) Channel management activities must be authorized by the Agency of Natural Resources.
- d. Upon consideration of these standards, and the purposes of these Regulations, the DRB shall attach such additional conditions to the granting of a Permit as are necessary to meet the purposes and hazard area requirements of these Regulations.

7. Administration.

- a. **Application Submission Requirements.** In addition to the application requirements in Article 7, applications for development within the Flood Hazard Area and River Corridor Overlay District shall also include the following information:
- (1) The location, on the site development plan, of the proposed development, all water bodies, Special Flood Hazard Areas, floodways, River Corridors, 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;
 - (2) As applicable, a completed FEMA Elevation Certificate prepared by a registered surveyor, engineer, architect or other official authorized by the state to certify building elevations;
 - (3) Where flood-proofing is proposed, a completed FEMA Flood-proofing Certificate prepared by a registered professional engineer or architect who is authorized by the state to certify flood-proofing design and construction that the designed and proposed method of construction of buildings to be floodproofed are in accordance with accepted standards of practice for meeting the standards of these Regulations;
 - (4) A hydraulic and hydrologic analysis for any development located within the floodway;

- (5) A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development; and,
- (6) A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the Zoning Administrator and attached to the permit before work can begin.

b. Referrals.

- (1) Upon receipt of a complete application for a substantial improvement or new construction, the Zoning Administrator shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. §4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.
- (2) If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner. The DRB should consider comments from the NFIP Coordinator at ANR.

c. Decisions. The DRB shall consider comments from the NFIP Coordinator at ANR. The DRB may recess the proceedings on any application pending submission of additional information. Upon the close of the hearing, the DRB shall issue its decision, and any conditions included therein, pursuant to the procedure outlined in Articles 6, 7 and 8 of these Regulations.

d. Records. The Zoning Administrator shall properly file and maintain a record of:

- (1) All permits issued in areas covered by this bylaw;
- (2) An Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, substantially improved, or flood proofed buildings (not including accessory structures) in the Special Flood Hazard Area;
- (3) All flood proofing and other certifications required under this regulation; and,
- (4) All decisions of the DRB (including variances and violations) and all supporting findings of fact, conclusions and conditions.

e. Reporting.

- (1) The Zoning Administrator shall, to the extent possible, submit to the FEMA Administrator the information required by the FEMA annual report form with respect to the administration and enforcement of these flood hazard area bylaws.
- (2) A copy of the annual report shall be submitted to the State coordinating agency.

- f. **Fees.** The Select Board may establish additional fees as may be necessary for the filing of notices and the processing of hearings and action thereon under this Section of these Regulations. All such fees shall be paid to the DRB upon application for a permit under this Section of these Regulations.
- g. **Certificate of Occupancy.** In accordance with Chapter 117 §4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure within Special Flood Hazard Area or River Corridors until a certificate of occupancy is issued therefore by the Zoning Administrator, stating that the proposed use of the structure or land conforms to the requirements of these bylaws. 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. Within 14 days of the receipt of the application for a certificate of occupancy, the Zoning Administrator shall inspect the premises to ensure that all permits identified on the Project Review Sheet have been acquired and all that all work has been completed in conformance with the zoning permit and associated approvals. If the Zoning Administrator fails to grant or deny the certificate of occupancy within 14 days of the submission of the application, the certificate shall be deemed issued on the 15th day. If a Certificate of Occupancy cannot be issued, notice will be sent to the owner and copied to the lender.
- h. **Enforcement and Penalties.**
 - (1) This Regulation shall be enforced under the Town of Cornwall Land Use and Development Regulations in accordance with 24 VSA Chapter 117 §§4451 and 4452 and 24 VSA Chapter 59 §1974a. A copy of the notice of violation will be mailed to the State NFIP Coordinator.
 - (2) 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.
 - (3) Violations of the Required Agricultural Practices shall be enforced under this Section as violations of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. §4812.

ARTICLE 3. GENERAL REQUIREMENTS APPLICABLE TO ALL LAND DEVELOPMENT

SECTION 301: ABANDONED OR DAMAGED STRUCTURES AND LAPSED USES

1. **Abandoned Structures.** Land development involving the construction, renovation or addition to any structure which is not substantially completed within two (2) years of the issuance of a zoning permit shall be considered abandoned for the purposes of these regulations. For such structures, the owner shall either:
 - a. Apply for a zoning permit under Section 704 to resume construction or repair, and thereby confirm the intent not to abandon the structure; or
 - b. Remove all materials from the site, restore the site to a normal grade, and establish ground cover sufficient to prevent erosion.
2. **Damaged Structures.** No zoning permit shall be required for the stabilization of a damaged structure to prevent hazards to public health and safety, or to adjoining properties, structures or uses; nor for the timely repair or reconstruction of a damaged structure to the extent of its prior condition and use. However:
 - a. Repair or reconstruction of a damaged structure must begin within one (1) year and be substantially completed within two (2) years of the date of the event resulting in its damage or destruction.
 - b. A zoning permit shall be required for any repair or reconstruction that results in changes in structural dimensions (e.g., height or footprint), density (e.g., number of units), or use under applicable provisions of these regulations.
 - c. Any repair or restoration of a nonconforming structure that increases the degree of noncompliance is subject to review by the DRB under Section 315.
 - d. The repair or replacement of a damaged structure within a Flood Hazard and River Corridor Overlay District is subject to conditional use review and must comply with all applicable requirements under Section 211.
3. **Lapsed Uses.** Conditional uses which have previously been issued a permit, whether such use has been enacted or not by the land owner to which the permit was issued, if the specific use is not conducted for a period of greater than 2 years, the use permit will become void. Additionally:
 - a. If there previously was a non-residential use on the property, but that use has been discontinued or not actively carried out during the past 2 years, the owner will need a new zoning permit before re-opening or re-starting the use. Depending on the type of use and the location, the owner may also need a site plan approval (see Section 525) or conditional use approval (see Section 526) from the DRB.
 - b. If the former use is no longer allowed under these regulations, the owner will not be able to re-open or re-start it after it has not been operated for more than 12 months unless the DRB grants a waiver to this requirement as described below.
 - c. The owner can request a waiver from the DRB to extend the period of time that a non-residential use can be discontinued and then resume without requiring a new permit, up to a maximum of 5 years. The DRB may grant a waiver if there are special circumstances that prevent the use from

being carried out such as the owner is trying to sell the property, the property is being transferred to a new owner, the structure has been damaged and repairs are still ongoing, or similar reasons beyond the owner's control. The owner will need to request a waiver within 2 years of discontinuing the use.

- d. The DRB will determine whether the non-residential use has remained active or has been discontinued. The Development Review Board may ask the owner to provide evidence that the following have been maintained as applicable to the particular use:
 - i. Regular hours;
 - ii. Necessary equipment, supplies or stock in trade;
 - iii. Necessary utility services; or
 - iv. A license, certificate, registration or similar type of state or municipal recognition, if required for the type of use

SECTION 302: CONSTRUCTION APPROVED PRIOR TO REGULATIONS

The Town shall not require any change in the plans for, or construction of, a structure or use for which a Zoning Permit has been issued and which has subsequently been made non-conforming by a zoning amendment if the activities authorized by the Permit are completed while the Permit is valid. Any change in the footprint, use or intensity of use will require a new permit application.

SECTION 303: CONSTRUCTION MITIGATION

Applicants shall demonstrate that they will mitigate impacts caused by construction or demolition by agreeing to the following mitigating conditions:

1. Hours. Every attempt will be made to limit the hours of construction to between 7:00 a.m. and 7:00 p.m.
2. Trucking Hours. Every attempt will be made to limit the hours of material trucking to between 7:00 a.m. and 7:00 p.m.
3. Blasting notification. Requiring notification of neighbors before any blasting.
4. No noise which violates the Town noise ordinance in effect at the time of the application, if any, or which is excessive at the property line and represents a significant increase in noise levels in the vicinity of the development so as to be incompatible with the reasonable use of the surrounding area shall be permitted. Construction activities shall follow current federal Occupational Safety and Health Administration (OSHA) Standards for Occupational Noise Exposure with respect to permissible noise exposures.
5. Machinery that produces dust shall be equipped with satisfactory dust elimination devices.
6. Jobsites will be kept clean and orderly so as not to cause an undue adverse impact on neighboring properties or the character of the area. Materials and equipment shall be contained within a designated staging area at the end of each work day.
7. The applicant will provide sufficient parking for all workers on site, and shall limit use of roadways or right-of-way, for equipment parking, deliveries, or similar to a maximum of one hour.

SECTION 304: DRIVEWAYS, STREETS AND ROADS, AND SIDEWALKS

1. **Driveways and Access (Curb Cut).**

- a. **Required Frontage.** In accordance with 24 V.S.A. §4412(3), no land development, except for forestry and agriculture, is permitted on lots that do not have frontage on a maintained public road, or public waters, or a permanent easement or right of way of record approved by the DRB as a conditional use in accordance with Section 707 of these Regulations. Minimum frontage is established in Article 2 for each district. Frontage applies to all property lines bordering maintained public or private roadways but not driveway easements.
- b. **Non-frontage (Landlocked) Lots.** Permits may be granted for lots or parcels legally in existence as of the effective date of these Regulations, which does not have the required minimum frontage on a public road or public waters, provided access is safe and adequate and is available by a permanent easement or rights-of-way. Access easements or rights-of-way shall not be less than 20 feet in width, as per 24 V.S.A. §4412(3). The DRB may require easements or rights of way to be up to 50 feet in width to ensure adequate safety and provide for orderly future development. Preexisting right of ways shall be subject to review upon a change in use, development, redevelopment, relocation, or expansion. All lots subdivided after the effective date of these regulations shall meet applicable frontage requirements for the district in which they are located.
- c. **Highway Access (Curb Cut) Permit.** Access onto public highways is subject to the approval of the Select Board, and for state highways, the Vermont Agency of Transportation. As a condition of access approval, compliance with these Regulations is required. In the event that subdivision, site plan and/or conditional use approval from the DRB is required, highway access approval shall be obtained following the issuance of such approvals or conditioned on securing all necessary permits and approvals. Town or state highway access permits must be obtained prior to the issuance of a certificate of occupancy.
- d. **Emergency Access.** Year-round graveled or paved access shall be available for fire, ambulance, and police vehicles to within 100 feet of the principal entrances to dwellings, commercial or industrial establishments, and institutions and a driveway with a width of less than 12 feet at its narrowest point shall not be permitted. The DRB may require a turnaround or pull-off for emergency vehicles.
- e. **Driveways.** All driveways shall meet standards for roadbeds, shoulders, ditches, and culverts specified in Section 304.2(a)(4). In addition:
 - (1) Driveways may be located within side or rear yard setback areas.
 - (2) Any construction of or modification to a driveway intersecting with a public road shall be approved by the Road Commissioner prior to the issuance of a Zoning Permit. The Commissioner may require conditions with respect to the location, design, construction, and landscaping of such driveways to ensure safety and to provide access by emergency vehicles.
 - (3) To provide room for snow, drainage, or landscaping, a driveway shall be set back at least 5 feet from the lot or right-of-way lines.
 - (4) No driveway shall exceed an average grade of 15% within any 50-foot section. The approach area within 20 feet of the road right-of-way shall not exceed a 5% grade.
 - (5) Driveways 500 feet or more in length shall include, at minimum, one (1) 10-foot by 30-foot pull-off area and a turn around.

- (6) Driveways, to the extent feasible, shall be sited to avoid areas of steep slopes (15% or more), primary agricultural soils, and surface waters, wetlands and associated buffer areas (Section 210) and to minimize the number and extent of stream crossings.
- (7) Shared driveways and private roads serving up to three (3) lots are encouraged and may be required for development subject to review by the DRB. Driveways and private roads serving four (4) or more lots shall be considered a private road. For shared driveways, the interests of the owner of each lot shall be protected by an easement recorded in the deed of each lot, which provides for private joint maintenance of the common driveway.
- (8) Land development proposals that include driveways of greater than 800 feet require conditional use review under Section 707. In addition to considering safety and traffic pattern impacts, the DRB may consider and impose conditions to ensure there is no undue adverse impact on surface waters, wetlands, significant wildlife habitat, wildlife travel corridors, productive forestry, and agricultural lands. Conditions may include limiting the length of the driveway, requiring relocation to other areas of the parcel or limiting the scale of the road.

f. Access (Curb Cut) Management Standards.

- (1) No lot shall be served by more than one (1) access (curb cut) except for:
 - A. a temporary or permanent access used only for farming or forestry purposes, as approved by the Select Board;
 - B. a temporary access used for construction purposes or special events, as approved by the Select Board;
 - C. a lot for which it has been determined, subject to subdivision, site plan, or conditional use review by the DRB, that additional access is necessary to ensure vehicular and pedestrian safety; or that given physical site constraints (e.g., streams, wetlands, or steep slopes) strict compliance with this requirement would result in a less desirable site layout. For development subject to review by the DRB, the DRB may require, in consultation with the Road Commissioner or the Vermont Agency of Transportation, the elimination, consolidation and/or relocation of existing accesses to meet the requirements of these Regulations.
- (2) The width of an access shall be limited to the width as approved and shall not extend along the length of road frontage. The installation of curbing, landscaping, or other edge-defining features may be required for accesses subject to review by the DRB.
- (3) Particular consideration shall be given to visibility at intersections, to traffic flow and control, to pedestrian safety and convenience, and to access in case of emergency.
- (4) Shared access is encouraged and may be required for development subject to review by the DRB. For shared access, the interests and responsibilities of each owner of each lot shall be protected by an easement recorded in the deed of each lot.
- (5) No access shall be provided to serve a lot located in another zoning district which is to be used for a use that is prohibited within the district in which the access is located.
- (6) Where a lot has frontage on two roads (e.g., a corner or through lot), access to the lot shall be provided from the secondary (less traveled) road unless otherwise approved by the DRB.
- (7) Driveways or access areas in multiple towns need to conform to each town's zoning regulations.

2. **Streets and Roads.**

- a. **Required Road Improvements.** Design of streets, roads and driveways serving three (3) or more lots shall conform to Town and State of Vermont approved standards and shall be constructed logically in relation to the topography so as to provide safe intersections, grades and alignments, and adequate drainage. Land development proposals that include new roads of greater than 800 feet require conditional use review under Section 707. As a condition of approval of any development, the applicant shall be required to provide the following street improvements:
- (1) Construction of all new public and private roads shall coordinate with adjacent to tracts.
 - (2) Permanent dead-end roads and cul-de-sacs are specifically discouraged unless deemed necessary by the DRB due to physical site limitations or safety considerations. No dead-end road shall be allowed without a suitable turn around at its terminus. "T" or "Y" configurations suitable to topography are preferred, but a cul-de-sac with a radius of not less than thirty-five (35) feet and a minimum paved area of twenty (20) feet in width may also be considered as appropriate. The maximum length of a cul-de-sac or dead-end street shall be one thousand two hundred (1,200) feet. An exception to the requirements may be made for temporary dead-end streets. Provisions shall be made for temporary turn-arounds for temporary dead-end streets.
 - (3) Where existing roads provide access between the development and the state highway system, and the existing roads do not meet Town and State of Vermont standards for the traffic volumes which would occur once the development is built, upgrading of existing roads to the Town standards is required for the projected traffic volume. The preparation of a traffic impact study, conducted by a qualified professional, may be requested to identify impacts and mitigation measures necessary to ensure road safety and efficiency, the cost of which is to be borne by the applicant. When a proposed development necessitates an upgrade in the capacity of a public road to accommodate traffic generated by that development, the development may be disapproved until such upgrade has been completed or phased in a manner which allows the improvement of said capacity to better accommodate the project. The applicant may be required to contribute to any or all of the expenses involved with road improvements necessitated by the project.
 - (4) All improvements necessary for street drainage, including but not limited to culverts, drainage pans, inlets, curbs and gutters are required. Generally, roadbeds, shoulders, ditches, and culverts shall be designed and maintained in conformance with the Vermont Agency of Transportation (VTRANS) *Vermont Better Backroads Manual*, as most recently amended.
 - (5) Traffic control devices including signs and signals, street name signs, street lighting, striping and pedestrian crosswalks in conformance with the criteria contained in *"The Manual of Uniform Traffic Control Devices"* as adopted and amended by VTRANS.
 - (6) Street medians and median landscaping and other traffic calming devices, if required by the DRB.
 - (7) In addition to considering safety and traffic pattern impacts, the DRB may consider and impose conditions to ensure there is no undue adverse impact on surface waters, wetlands, significant wildlife habitat, wildlife travel corridors, productive forestry, and agricultural lands. Conditions may include limiting the length of the road or driveway, requiring relocation to other areas of the parcel or limiting the scale of the road

- b. **Class 4 Roads.** The town, in accordance with state law, is not required to maintain Class 4 roads for year-round use. If a proposed access road or driveway intersects a Class 4 Town Highway, the DRB may deny an application. At minimum, the applicant shall upgrade the road to meet town driveway standards. Alternatively, and contingent upon the approval of the Select Board, an applicant may be required to improve the intersected road to Class 3 Town Highway construction standards.
 - c. **Private Roads.** For the purposes of these Regulations, any access driveway or road serving four (4) or more lots shall be considered a private road, which must meet the Town of Cornwall Highway and Traffic Ordinance adopted by the Select Board, as amended, and the requirements of Section 503.
 - d. **Obstruction of Vision.** On a corner lot, within the triangular area formed by the intersection of two roads and a line joining them at points twenty-five (25) feet away from the intersection of the two roads intersecting, there shall be no obstruction to vision between the height of three (3) feet and ten (10) feet above the average grade of each street. The twenty-five (25) feet is to be measured along the center line of the roads intersecting.
3. **Sidewalks and Curbs.**
- a. A safe and attractive pedestrian environment shall be provided as appropriate to the use. Sidewalks or recreation paths may be required by the DRB where they are deemed necessary to safely accommodate pedestrian circulation within the proposed land development or from the land development to other points of interest such as schools, parks, shopping areas, etc.
 - b. In general, curbs shall be provided where sidewalks are provided within road rights-of-way. Curbs may otherwise be omitted only upon recommendation of the DRB and upon demonstration that adequate drainage for streets and sidewalks will be provided.
4. **Financial Impacts.** The DRB may condition approval of any or land development on the applicant paying for any or all of the expenses required to comply these Regulations as specified in Section 703.

SECTION 305: DWELLING UNITS BELOW GRADE

The lowest dwelling unit in every two-family or multiple-family structure shall have ingress to and egress from any finished floor level of that unit.

SECTION 306: ENERGY CONSERVATION

In order to conserve energy, all land development shall:

- 1. Use the least areas of roadway and the least length of sewer, water, and utility lines within environmentally and economically sound limits.
- 2. Buildings should be sited so as to take advantage of southeast, south, and southwest orientations where practical.
- 3. Landscaping should be effectively used to provide wind barriers and reduce heat loss and heat gain.
- 4. Cluster development is encouraged throughout town, except for development or locations where it is required as outlined in these Regulations.

SECTION 307: ENERGY STANDARDS FOR NEW CONSTRUCTION

1. Residential buildings, as defined by 30 V.S.A. §51 (a) (2), that are principal buildings, are required to meet the state mandated Residential Building Energy Standards (RBES).
2. Commercial buildings, as defined by 30 V.S.A. §53 (a), that are principal buildings, shall comply with the Commercial Building Energy Standards Stretch Code Guideline, as prepared and revised by the Vermont Public Service Department. Such buildings for which the CBES Certificate certifying compliance with the CBES and Guideline is not recorded in the local records shall be deemed land development without a zoning permit in violation of these Regulations.

SECTION 308: EQUAL TREATMENT OF HOUSING

1. Except as provided in 24 V.S.A. §4414(1)(E) and (F), nothing in these Regulations will treat mobile homes, modular housing or other forms of prefabricated housing differently from any other one-family dwelling type.
2. Nothing in these Regulations will be construed to prevent the establishment of mobile home parks pursuant to 10 V.S.A. Chapter 153.
3. Nothing in these Regulations will have the effect of excluding from Cornwall affordable housing to meet the needs of the low and moderate income citizens as determined by studies described in 24 V.S.A. §4382(c).

SECTION 309: FIRE, EXPLOSIVE, AND SAFETY HAZARDS

No fire, explosive, or safety hazard shall be permitted which significantly endangers other property owners or which results in a significantly increased burden on municipal facilities.

SECTION 310: FREEDOM TO FARM

The Cornwall Town Plan and these Regulations specifically support farming and agricultural activity. Pursuant to 24 V.S.A. §4413(d), agricultural activities are exempt from these Regulations, except as specifically referenced in 24 V.S.A. §4413 (c)(3) and (4) and Section 702 of these Regulations. Additionally, agricultural activities conducted on farmland consistent with Required Agricultural Practices are presumed to be reasonable and are presumed not to constitute a nuisance under these Regulations. The burden shall be on the identified interested party who is making a complaint concerning agricultural activity to demonstrate that the activity has a substantial adverse effect on the public.

SECTION 311: HEIGHT OF CERTAIN STRUCTURES

1. No structure shall exceed the maximum district height requirements except for specified exempt structures listed below or those as allowed elsewhere in these Regulations:
 - a. Farm structures in accordance with Section 702;
 - b. Church steeples, spires and belfries;

- c. Water towers;
- d. Utility structures regulated by the Vermont Public Utilities Commission;
- e. Utilities not regulated by the Vermont Public Utilities Commission, including wind generation towers and equipment reviewed under Section 420;
- f. Telecommunication towers reviewed under Section 424
- g. The following accessory uses provided they do not exceed the district maximum height by more than 10 feet:
 - a. HAM radio antennas;
 - b. Flag poles;
 - c. Chimneys and weathervanes

SECTION 312: HISTORIC FEATURES

Historic structures and features such as dwellings, barns, outbuildings, fences, stone walls, heritage trees, existing pathways, or other historic and traditional settlement pattern landscape features should be prioritized as key features of development and every effort to maintain, re-use or stabilize the feature should be taken.

SECTION 313: LOADING & SERVICE AREAS AND PARKING

1. **Loading and Service Areas.** Where a proposed land development will require the frequent or regular loading or unloading of goods or passengers, sufficient on-site service areas shall be provided. Service areas also may be required for emergency vehicles, waste disposal and collection, bus or van service, and other purposes as may be necessitated by the proposed use.
 - a. Loading and services areas shall be located to the rear of the building it serves. When this is not feasible due to site constraints, it shall be located in the least visibly obtrusive location as viewed from the public right of way, and from adjoining residential areas, where applicable.
 - b. Adequate space for maneuvering in and out of loading and service areas shall be provided and located so as not to interfere with circulation to and within the site.
 - c. All loading and service areas shall be clearly marked and located in such a manner so that parked vehicles will not block or obstruct sight visibility at intersections, or from any internal road or access.
 - d. Provision shall be made for efficient snow and refuse removal and storage.
2. **Parking.** To ensure the safe and continuous flow of traffic and emergency vehicles, all land development shall include adequate off-street parking spaces sufficient to meet the reasonable parking needs of employees, customers, visitors or other persons making use of the premises.
 - a. All land development shall provide for a minimum of parking spaces as set forth below:
 - (1) Residential: Two (2) parking spaces per dwelling.
 - (2) Retail: One (1) parking space for every 150 sq. ft. or fraction thereof of floor area.
 - (3) Professional Offices: One (1) parking space for every 250 sq. ft. of gross floor area.
 - (4) Bed & Breakfast Lodgings: Two (2) parking spaces plus one (1) for each room for hire.
 - (5) Schools or Child Care Facilities: Three (3) spaces for every ten (10) children enrolled.

- b. Parking shall be located to the rear or interior side (side not fronting on public road) of buildings, unless otherwise permitted by the DRB due to site conditions which would prevent the reasonable use of the property if this standard were strictly enforced.
 - c. All required parking spaces shall have a minimum width of nine (9) feet, a minimum length of 18 feet, unobstructed access and maneuvering room, and a gravel or paved surface sufficient for year-round use.
 - d. Large, uninterrupted expanses of parking shall be avoided.
 - e. All off-street parking areas in excess of eight (8) parking spaces shall incorporate landscaped areas which at minimum equal 10% of the total parking area, unless otherwise approved by the DRB. Landscaped areas shall be integrated into parking lot and stormwater management design and shall be regularly maintained.
 - f. Parking will be prohibited within setback areas when alternate space for parking is available elsewhere on the lot.
 - g. Parking areas shall be designed to prevent vehicles from having to back out into a public way.
 - h. Parking areas shall be surfaced, graded, drained, and maintained to properly dispose of all surface water and minimize erosion. Run-off and eroded surface materials shall not flow onto adjacent streets or properties.
 - i. Permeable surfaces may be required for proposed parking areas to limit storm water runoff. Relocation or redesign of parking areas may be required to limit runoff and control erosion.
 - j. Non-residential parking lots shall be screened or hidden from adjacent uses, public highway view and the view of persons in residential districts.
 - k. Non-residential parking lots adjacent to residential uses shall be at least 50 feet from the lot line.
 - l. Accessible spaces shall be provided in accordance with ADA requirements and shall count toward meeting the number of spaces required by these Regulations.
 - m. Electric vehicle charging stations shall be allowed in parking areas as an allowed accessory use in any zoning district. Development that will create more than 20 parking spaces for residents or employees shall provide at least 1 electric vehicle charging station per 20 parking spaces. Additional parking shall not be required when parking spaces are converted and reserved for charging vehicles and such spaces shall count towards the minimum parking required under this section.
 - n. Snow cleared from off-street parking areas shall be stored onsite without obstructing vehicular or pedestrian visibility or circulation to the maximum extent feasible given the physical characteristics of the subject property. Snow shall not be cleared or stored in such a manner that would damage required landscaping.
3. **Parking waivers.** The actual number of parking spaces required may be reduced by the DRB upon a sufficient showing by the applicant that the proposed land development will not require the minimum number of parking spaces established in Section 313.2.a given (1) that the specific characteristics of the proposed use and number of employees, visitors or customers who are reasonably expected to access the proposed land development by vehicle, and (2) that imposing the minimum requirement would be detrimental to the planning objectives in the Cornwall Town Plan, as amended, by creating unnecessary impermeable surfaces.
4. **Financial Impacts.** The DRB may condition approval of any land development on the applicant paying for any or all of the expenses necessitated to comply these Regulations.

SECTION 314: LOT, YARD, AND SETBACK REQUIREMENTS

Lot and setback requirements for each zoning district are specified in Sections 205, 206 and 207 of these Regulations. In addition the following are requirements for land development in all zoning and overlay districts.

1. **Principal Use.** Only one principal use or structure shall be located on a single lot, unless otherwise allowed as an adaptive reuse under Section 403 or, with the approval of the DRB, as part of a major subdivision or PUD under Sections 503 and 504.
2. **Existing Small Lots.**
 - a. Any undeveloped lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of these Regulations may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth (1/8) acre in area with a minimum width or depth dimension of forty (40) feet.
 - b. Any pre-existing small lots that were or came into contiguous ownership as of May 27, 1998 or thereafter and were deemed automatically merged, may be re-subdivided along the pre-existing lines by action of the DRB applying the procedures and criteria necessary to secure a conditional use permit.
3. **Corner Lots.** A corner lot shall be considered to have only front yards and side yards. Frontage and front yard setback requirements shall apply along each road right-of-way.
4. **Landlocked Lots.** Any lot which does not have frontage on either a public road shall have a minimum yard requirement for all yards which is equal to the side yard minimum setback specified for lots in that district.
5. **Projection in Yards.** Every part of a required yard shall be open from grade level to the sky unobstructed, except for vegetation and for the ordinary projections of sills, cornices, pilasters, chimneys, and eaves, provided that no such projections may extend more than two (2) feet into any required yard. Additionally, certain architectural features needed for the operation of active and passive solar energy systems, including but not limited to overhangs, detached solar collectors, reflectors, and piping may be permitted by the DRB to project into the required yard if conformance with yard requirements will cause undue expense or unusual difficulties. Any carport, porch, terrace, pergola, deck, or steps not covered overhead by a roof, awning, or other similar covering may extend into a yard.
6. **Reduction of Lot Area.** No lot shall be reduced in area such that the lot area minimum, yards, lot frontage minimum, lot coverage maximum, or other requirements of these Regulations do not conform to the requirements herein prescribed for each district, except as approved by the DRB for a major subdivision or PUD under Sections 503 and 504. The provisions of this section shall not apply when part of a lot is taken for a public purpose.

SECTION 315: NON-CONFORMITIES

1. The following provisions shall apply to all lawful buildings and uses existing on the effective date of these Regulations which do not conform to the requirements set forth in these Regulations and to all buildings and uses that in the future do not conform by reason of any subsequent amendment to these Regulations.
2. Any non-conforming lawful buildings or uses except those specified below, may be continued indefinitely, but:

- a. Shall not be moved, enlarged, altered, extended, reconstructed or restored (except as provided below), nor shall any external evidence of such use be increased by any means whatsoever, without approval by the DRB, and then only after a public hearing carried out pursuant to the provisions governing a conditional use review in Sections 707 in a manner, which, in the opinion of the DRB does not enlarge the nature of the non-conformance.
- b. Shall not be changed to another non-conforming use without approval by the DRB, and then only after a public hearing carried out pursuant to the provisions governing a conditional use review in Section 707 and only to a use, which, in the opinion of the DRB is of the same or of a more restricted nature.
- c. Shall not be re-established if such use has discontinued for a period of one (1) year or has been changed to, or replaced by, a conforming use without approval by the DRB, unless after a public hearing carried out pursuant to the provisions governing a conditional use review in Section 707 it changes to a use, which, in the opinion of the DRB, is of the same or of a more restricted nature. Intent to resume a non-conforming use shall not confer the right to do so.
- d. Shall not be restored for other than a conforming use after damage from any cause unless the non-conforming use is reinstated by the commencement of construction within one (1) year of such damage and the completion of construction and restoration of such building within two (2) years; otherwise, the non-conforming use of such building shall be deemed to have been discontinued, unless such non-conforming use is carried on uninterrupted in the damaged part of the building.
- e. Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-conforming building provided that such action does not increase the degree of non-conformance.

SECTION 316: PERFORMANCE STANDARDS

1. **Purpose.** No land or building shall be used or occupied in any manner so as to create dangerous, noxious or otherwise objectionable conditions in such a manner or in such an amount as to effect adversely the reasonable use of the surrounding area of adjoining properties. The following standards are set forth to implement this purpose.
2. **Applicability.** Pursuant to 24 V.S.A. §4414(5), the following performance standards, together with all applicable State standards, must be met. In all zoning and overlay districts, uses are not allowed which exceed any of the following standards measured at the individual property line. The burden of proof that the following standards are met shall be on the applicant.
3. **Noise.** No noise which violates the Town noise ordinance in effect at the time of the application, if any, or which is excessive at the property line and represents a significant increase in noise levels in the vicinity of the development so as to be incompatible with the reasonable use of the surrounding area shall be permitted. Between the hours of 6am and 9pm, no persistent noise shall exceed 70 decibels. Between the hours of 9pm and 6am, no persistent noise shall exceed 60 decibels.
4. **Glare, Lights, and Reflection.** No light, lumen, glare or reflection shall constitute a nuisance to other property owners or tenants, impair the vision of motor vehicle operators, or otherwise be detrimental to public health, safety, and welfare. Where necessary, additional landscaping may be required by the DRB to provide light screening between a non-residential project and adjoining residential properties to help

prevent light trespass. Applicants shall protect dark skies at night and ridgelines by minimizing exterior lighting or obtrusive glare by implementing the following measures:

- a. Limiting the amount of exterior night lighting;
 - b. Installing, constructing and maintaining all outdoor lighting and illuminated signs to minimize the intrusion of light across property lines, eliminate upward illumination, and reduce glare and to maximize the effectiveness of site lighting by limiting light to a target area within a building envelope;
 - c. Installing any pole lights to be lower than the building whose area they illuminate or not greater than 15 feet, whichever is less;
 - d. Requiring externally lit commercial signs to be fully cut off or shielded to the point at which it does not cast light beyond the property line, glare-free, or lit from the top down;
 - e. Requiring all building lighting for security or aesthetics to be cut off or shielded and targeted;
 - f. Prohibiting wall pack lights.
 - g. Requiring all outdoor lighting fixtures, including display fixtures, to be turned off after the close of business, unless needed for safety or security, in which case the lighting shall be minimized;
 - h. Limiting wattage;
 - i. Encouraging motion detectors to limit use;
 - j. Using non-reflective material for roofs or siding;
 - k. Limiting excessive windows;
 - l. These Regulations shall not apply to solar or other energy generating structures.
5. **Fly Ash, Dust, Fumes, Vapors, Gases, Other Forms of Air Pollution.** No emission shall be allowed which can cause any damage to human health, animals, vegetation or other forms of property, or which can cause any excessive soiling at any point on the property of others, and in no event may any emission from any chimney, or otherwise, of any solid or liquid particles in concentrations exceed those outlined in the National Ambient Air Quality Standards (NAAQS), as amended, established by the U.S. Environmental Protection Agency (EPA).
6. **Electromagnetic disturbances or electronic transmissions or signals.** No electromagnetic disturbances or electronic transmissions or signals shall be allowed which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which are otherwise detrimental to public health, safety, and welfare (except from facilities which are specifically licensed and regulated through the Federal Communications Commission).
7. **Odor.** The emission of odorous gases or other odorous matter from any property in such concentrations as to be readily detectable at any point along the boundaries of said property or in such concentrations as to create a public nuisance or hazard beyond such boundaries is prohibited. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is established as a guide in determining such quantities of offensive odors, Table III, "Odor Thresholds," in Chapter 5, "Air Pollution Abatement Manual," by Manufacturing Chemists Association, Inc., Washington, D.C.
8. **Vibration.** No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instrument at or beyond the lot lines; nor shall any vibration produced exceed 0.002g (g=acceleration of gravity) peak at up to 60 cycles per second (cps) frequency, measured at or beyond the lot line using either seismic or electronic vibration measuring equipment. Vibrations occurring at higher than 50

cps frequency or periodic vibrations shall not induce accelerations exceeding .001 g. Single impulse periodic vibrations occurring at an average interval greater than five (5) minutes shall not induce accelerations exceeding .01g.

9. **Fire and explosion hazards.** All activities involving, and all storage of, inflammable and explosive materials shall proceed with, and be provided with, adequate safety devices against the hazards of fire and explosion, and such adequate fire-fighting and fire suppression equipment and devices as are standard in the industry.
10. **Liquid or solid.** No discharge shall cause harmful wastes to be discharged into the sewer system, streams, groundwater, wetlands, or other bodies of water. Effluent disposal shall comply with the local and State sewer health standards.

SECTION 317: SCENERY AND AESTHETICS

1. Land development shall endeavor to preserve the scenic visual corridors along rural roads and scenic byways that characterize Cornwall through the following measures:
 - a. Homes, driveways and other structures will be appropriately sited to blend in with the landscape. Design buildings to fit the character of the site with attention given to mass and scale. The size and proportions of new structures shall also relate to the scale of adjacent buildings.
 - b. Locate structures and drives at the edge of treelines, hedgerows or adjacent developed areas and not in the middle of fields. Place improvements along hedgerows, wooded edges and/or nearby developed areas and follow existing contours, roads, tree lines, and stone walls. Where possible, provide for shared driveway access to ensure the minimum amount of tree removal necessary for constructing within a delineated building envelope.
 - c. Locate utilities underground or adjacent to or within treelines, hedgerows or adjacent development;
 - d. Site structures and infrastructure so they blend into the landscape and are not highlighted against the sky when viewed from roads or neighboring properties;
 - e. Clearing for homes, driveways and other structures should be controlled as follows:
 - (1) Limiting the extent of clearing and ridgeline disturbance necessary to accommodate the structures and services;
 - (2) Outside of the building footprint, not inclusive of non-native species and dead or dying trees, minimize clearing by selectively cutting small trees with diameters of less than 4" at breast height and the lower branches of larger trees when clearing views out from the structure to look strategically through the tree line. This provision is intended to control clearing that impacts the views of structures. It is not intended to prohibit the clearing of the meadows that give Cornwall its unique character.

SECTION 318: SIGNS

1. **General.** The requirements in Section 318 will apply to all signs with the exception of the following types of signs within the Residential Districts when located on the immediate property:
 - a. One professional, home occupation or home-based business sign, not exceeding six square feet.
 - b. One temporary real estate sign, not exceeding six square feet.

- c. Directional or informational sign, not exceeding four square feet.
 - d. Signs necessary for public safety or welfare.
- 2. **Permits.** A Zoning Permit shall be required for the placement of all other signs. All signs should be applied for in conjunction with the main land development or subdivision permit application. No signs shall be permitted without meeting the following criteria:
 - a. Be in the public interest and not to the detriment of the public safety or welfare;
 - b. Not be detrimental to surrounding properties;
 - c. Be of a character, size, and location that will be in harmony with the orderly development of the district.
- 3. **Allowed Signs:**
 - a. The following signs are permitted when located on the immediate property:
 - i. One business sign not larger than one square foot for each lineal foot of frontage occupied by the establishment, but not to exceed 20 square feet.
 - ii. One directory sign not exceeding ten square feet.
 - iii. One temporary sign for the purpose of special events or occasions, not to exceed ten square feet, and not to be installed for a period longer than one month.
 - b. Any sign located elsewhere than upon the lot containing the subject of the sign shall conform to State statute and regulation.
- 4. **Specific Standards for Signage:**
 - a. Every wall sign shall:
 - (1) Not exceed the highest point of the building's roof.
 - (2) Not exceed 20 square feet in size.
 - b. Every projecting sign shall:
 - (1) Not extend beyond the street line.
 - (2) Not extend more than four feet from the building wall.
 - (3) Not be less than 10 feet above the surface of a public walkway area.
 - (4) Not exceed 16 square feet in area.
 - c. Every ground sign shall:
 - (1) Not exceed 20 feet in height above the finished grade.
 - (2) Be set back at least 20 feet from any street line, and at least 10 feet from any other lot line.
 - (3) Not exceed 20 square feet.
 - d. Roof signs shall not be permitted in any zoning district.
 - e. When computing the total permissible sign area for any use:
 - (1) Existing signs shall be included.
 - (2) The total area of all signs shall not exceed the requirements as set forth in these Regulations.
 - (3) Signs consisting of freestanding letters, numerals, or other devices shall include any intervening spaces between them.
 - f. 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 street.
 - (3) Not be confused with any traffic sign or signal.
 - (4) Not prevent free access to any door, window, or fire escape.

- g. No illuminated and flashing signs shall be permitted without meeting the following criteria:
 - (1) Signs may be illuminated by a steady light provided that such lighting will not illuminate or reflect onto other properties or upward toward the sky. No internally illuminated signs are permitted.
 - (2) Flashing, oscillating, or revolving signs shall not be permitted, unless necessary for public safety or welfare.

SECTION 319: SITE PRESERVATION AND EROSION CONTROL

1. **Existing Features.** Existing features including but not limited to exceptional trees, scenic areas, brooks, streams, rock outcroppings, hilltops and ridges, water bodies, wetlands, open land, meadows, farmland, stone walls and other natural and historic features which the DRB determines are assets to the site and/or the community shall be preserved. To avoid parcelization, isolation or destruction of such features, irregular or elongated lots may be restricted or prohibited, the location of structures or other development may be restricted or limited to within certain building envelopes established on the property, and fixed percentages of developable open space may be required.
 - a. **Vegetation and Natural Cover.** Land shall be subdivided and developed to minimize grading and cut and fill, and to retain, to the degree possible, the natural contours. Wherever possible the natural cover shall be conserved and stormwater runoff shall be limited. The integrity of existing woodlands, buffers and mature vegetation on site, particularly along roadsides and critical view corridors, shall be retained or may be reasonably required, with size and height requirements, by the DRB for screening and aesthetic purposes and to provide or maintain sufficient vegetative buffers between properties. The DRB may also require that suitable hardwood shade trees, with size and height requirements, be planted along streets where trees do not exist.
2. **Tree Removal.** In all existing vegetative areas, tree removal shall be limited to the following:
 - a. Within areas designated for a building envelope and for an access drive, tree removal may be permitted as needed to accommodate the purposes of the land development.
 - b. Mature trees that can be saved should be welled and protected against changes in grade.
 - c. Outside the area designated for a building envelope, the DRB may limit tree removal if it determines that such removal would cause soil erosion or would adversely affect ridgelines or other scenic views, screening for adjoining properties, or significant habitat sites. When tree removal is permitted to create view corridors, it should be accomplished with narrow view openings between trees and beneath tree canopies rather than with large openings. Selective cutting of small trees and the lower branches of large trees is preferred over the removal of mature trees
 - d. Tree removal, either within or outside the area designated for a building envelope, shall not be permitted where the DRB determines that it would adversely affect the scenic qualities of a ridgeline.
3. **Erosion and Sediment Control.** Control measures shall follow the guidelines of the *Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites*, Vermont Geological Survey, as amended. Projects must be designed and phased to control stormwater and erosion control both during and after construction using these guidelines. Any construction activity that disturbs 1 or more acres of land, or is part of a larger development plan that will disturb 1 or more acres, requires a Vermont state permit for stormwater discharges from construction sites. Smaller proposals shall make adequate provisions for the control of

runoff and erosion, before, during and after construction, by following the requirements in Section 2 of the "*Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control*" dated August 2006 and as subsequently revised.

4. **Excavation and Grading.** All excavation, filling and grading required for construction shall be as specified:
 - a. No grading, cutting, or filling shall be carried out in any district which leaves the slope of the finished grade in excess of 15% unless the conditions as specified in Section 210.4 of these Regulations are met.
 - b. Any changes in grading shall be made so that runoff is directed to established drainage courses and will not cause ponding or flooding of other properties, or exceed the capacity of downstream drainage facilities.
 - c. When possible, drainage systems shall be designed so that water runoff existing prior to site development shall not be increased after development.
 - d. All changes in grade shall be controlled so as not to cause a nuisance or damage to other properties or erosion of topsoil.
 - e. A minimum of four (4) inches of topsoil shall be provided to cover finished grades and slopes.
5. **Fill.** No stumps, wood, roots or other fibrous materials shall be used as fill except in an area stipulated for no development. A stump dump may be permitted only if the DRB determines that its location will cause no adverse environmental effects. The DRB may require the subdivider to submit evidence of boring and/or other soil investigations to determine the depth, composition and stability of the subgrade within road sections or where homes are to be located.
6. **Steep Slopes.** Development on slopes in excess of 15% must comply with the requirements in the Special Features Overlay District in Section 210.4.

SECTION 320: WATER SUPPLY AND WASTEWATER DISPOSAL

No land development involving a building or structure intended for human occupancy shall be erected, altered or converted to another use unless adequate water supply and wastewater disposal systems are provided in compliance with all applicable town and state regulations. Water supply and wastewater disposal systems shall be designed and installed by qualified professionals licensed by the state (i.e., a professional engineer, designer, site technician, installer) and approval of any permit may be conditioned on receipt of written approval from Department of Environmental Conservation of the Vermont Agency of Natural.

ARTICLE 4. REQUIREMENTS APPLICABLE TO SPECIFIC LAND USES

SECTION 401: ACCESSORY DWELLINGS

1. In accordance with the Act 24 V.S.A. §4412(1)(E)], one (1) accessory dwelling unit that is located within or attached to a one-family dwelling, or within an accessory structure to the one-family dwelling, may be allowed as an allowed use in any zoning district in which a one-family dwelling is allowed, subject to the issuance of a zoning permit by the Zoning Administrator under Section 704, and compliance with all the following:
 - a. The one-family dwelling, or the accessory dwelling, must be occupied by the owner of the one-family dwelling, or a member of the owner's family.
 - b. The property has sufficient wastewater capacity to serve both the one-family dwelling and the accessory dwelling unit.
 - c. The accessory dwelling unit must be clearly subordinate to the primary one-family dwelling and shall not exceed 30% of the total habitable floor area of the one-family dwelling or 1,000 square feet, whichever is greater.
 - d. Applicable setback, coverage, and parking requirements specified in these Regulations are met.

SECTION 402: ACCESSORY USES AND STRUCTURES

1. Accessory uses and structures may be located on a lot provided front, side, and rear yard setbacks and lot coverages are adhered to for the district involved, subject to the issuance of a zoning permit by the Zoning Administrator under Section 704.
2. Where more than one accessory use or structure is allowed on a lot, each shall be of a type or class allowed in the zoning district in which the land and the structures are located.
3. Every accessory structure shall be located at least five feet from any other structure on the lot unless it forms part of, or is attached to, the other structure.

SECTION 403: ADAPTIVE REUSE OF STRUCTURES

1. The reuse of older structures for new uses is a sustainable choice in building as it conserves land, saves energy and resources, and preserves community character. Adaptive reuse in Cornwall is intended to allow for the continued, economically viable use of existing structures that have outlived their original purpose but contribute to the historic, architectural and/or cultural fabric of the community. Accordingly, alternative uses may be allowed within the current dimensions of an existing structure.
 - a. Permitted by-right uses, and exempt uses listed in Section 702, do not require DRB review and approval for adaptive reuse.

2. Structures eligible for adaptive reuse are limited to those which can safely house and support the intended use.
3. For adaptive reuse of structures that have historical or architectural significance to the town and are listed, or are eligible for listing, on the Vermont Historic Sites and Structures Survey for the Town of Cornwall, maintained by the Vermont Division for Historic Preservation, the DRB may consult with the Vermont Division for Historic Preservation; and/or require the applicant to submit an independent evaluation prepared by a qualified architectural historian, to be paid for by the applicant, in order to make a determination regarding the structure's historic or architectural significance and structural integrity.
4. It shall also be demonstrated, to the satisfaction of the DRB that:
 - b. adequate water supply capacity, wastewater system capacity, and off-street parking exist to accommodate the proposed use; and
 - c. any proposed exterior renovations will be compatible with the original architectural design of the structure and,
 - d. any proposed exterior renovations of significant historic structures within the Village District maintain the structure's historic integrity in accordance with Section 205.5.

SECTION 404: CAMPERS

1. It shall be unlawful for any person to park a camper except:
 - a. In an approved campground;
 - b. In an approved camper sales lot; or
 - c. The owner of a camper may park it on his/her own property in the rear or side yards, providing that it is parked behind the face of the principal building, if possible, and no closer than six feet to any lot line. It shall not be used as living quarters for more than 90 days per year and shall not be hooked up to any water or sewage facility. Invitees may also park campers in the same manner as required of any owner on his/her own property. If this time limit is exceeded, it shall be deemed an accessory or one-family dwelling and shall be subject to all applicable requirements of these Regulations pertaining to an accessory or one-family dwelling or enforcement under Article 6.

SECTION 405: EARTH & WATER EXTRACTION

1. The removal of soil, sand, gravel, stone, or water for sale, except when incidental to construction of a building or other improvement on the same premises, is a conditional use in the Agricultural Residential District and the following specific conditions shall apply and will be added as conditions for any permit approval:
 - a. Before approval of any new soil, sand, gravel, or stone operation, or extension thereof, a performance bond may be secured from the Applicant sufficient to ensure that upon completion of the extraction operations the abandoned site will be reclaimed and left in a safe, attractive, and useful condition in the interest of public safety and general welfare. The owner shall submit a proposed reclamation plan to accomplish this end. The bond shall be sufficient to cover the cost of the plan.

- b. The removal of all material shall be conducted so as to result in the improvement of the land, having due regard to the contours in the vicinity such as leveling slopes and removing hills. The digging or creating of pits or steep slopes shall not be permitted, unless provision is made to refill such pits.
 - c. The excavation operation sites shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain. The operation site shall be fertilized, mulched, and reseeded on an on-going basis by the owner, operator and/or applicant so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion.
 - d. All surface drainage affected by excavation operations shall be controlled on an on-going basis by the owner, operator and/or applicant to prevent erosion debris and other loose materials from filling any drainage course, street, or private property. All provisions to control natural drainage water shall meet with the approval of the Zoning Administrator.
 - e. No excavation, blasting, or stockpiling of materials shall be located within two hundred feet of any street or other property line.
 - f. No power-activated sorting machinery or equipment shall be located within three hundred feet of any street or other property line, and all such machinery shall be equipped with satisfactory dust elimination devices.
 - g. All excavation slopes in excess of one to two shall be adequately fenced on an on-going basis as determined by the Zoning Administrator.
 - h. Extension of an existing non-conforming operation shall not be permitted.
 - i. Stripping of topsoil for sale or for use on other premises, except as may be incidental to a construction project, shall be prohibited.
2. The DRB may attach any additional conditions as it may find necessary for the safety and general welfare of the public, including but not limited to the following:
 - a. Require a traffic impact study or limit which roads may be utilized and the number of trucks per day going to and from the site.
 - b. Require screening of site from neighboring properties during extraction period.
 - c. Limit the hours of operation.

SECTION 406: FAMILY CHILD CARE HOME AND CHILD CARE FACILITY

1. State licensure and registration though 33 V.S.A. §3502 is required for child care homes and facilities. Family child care homes shall be considered an allowed use of a one-family residential property in all zoning districts. A child care facility is a conditional use all zoning district and subject to DRB review.
2. Child care facilities that are exempt from state licensure and registration through 33 V.S.A. §3502(b) (e.g.: persons providing care for children of not more than two families, facilities operated by religious organizations, after-school programs) are not regulated under these provisions but may be regulated in other sections of these Regulations.

SECTION 407: FILLING OF LAND

In all zoning districts, conditional use approval by the DRB, is required for the deposition of rock, concrete, stone, gravel, sand, cinders, stumps, and soil used for disposal purposes. A Permit may be issued provided the Applicant demonstrates that the activity will not significantly alter existing drainage patterns, cause soil erosion, or result in any hazard or expense to the community. State laws governing the filling of land must be adhered to.

SECTION 408: FORMULA BUSINESS

1. In order to support small-scale local businesses and to maintain the unique rural character of Cornwall, any land development involving a new or expanded formula based business may only be approved in zoning districts in which restaurants and retail stores are conditional uses subject to conditional use review under Section 707. Additionally, the DRB may only grant conditional use approval if the following is demonstrated by the applicant:
 - a. The same formula business or a similar formula business is not available within the Town or within a radius of 15 miles of the proposed land development.
 - b. The proposed formula business will add diversity to and complement the mix of businesses in the area.
 - c. The DRB may, at their discretion, require an applicant to prepare and submit an economic impact analysis, at the applicant's expense, which must demonstrate that the proposed land development will not have an undue adverse impact on the continued use, development, and vitality of other businesses within the Town of Cornwall.
 - d. The proposed formula business will serve a community need or local demand.
 - e. The proposed formula business and its proposed architecture is compatible with the existing architectural and aesthetic character of the area.
 - f. Off the shelf, standardized formula business or franchise architecture is not allowed anywhere in Cornwall. The proposed project must utilize a unique visual appearance that reflects or complements the character of the area or zoning district in which it is located.
 - g. Buildings shall be designed so that facades, signs and other appurtenances will have an integrated, harmonious and attractive appearance, and in a size, scale and manner, which will not adversely affect the character of the area as defined in the Cornwall Town Plan and these Regulations. This includes harmonizing color schemes, trademarks, service marks, signage and décor with the surrounding character of the area. No drive-thru windows shall be allowed.
 - h. The size of any individual formula business shall not exceed 2,500 square feet of gross floor area.
 - i. The applicant must demonstrate that the existing vacancy rates in town are low enough (<5%) to support the need for new development (as opposed to adaptive reuse) to accommodate the proposed formula business. If vacancy rates are higher than 5%, and adaptive reuse is not feasible, then the applicant must demonstrate why it is a hardship and not economically possible.
 - j. There shall not be an undue adverse impact to the public safety or character of the area from increased traffic. At the discretion of the DRB, the applicant may be required to submit a traffic study, prepared by

a registered engineer, and at the applicant's expense, that demonstrates there will be no undue adverse impact from traffic.

- k. No internally illuminated signs shall be allowed.

SECTION 409: FREESTANDING DISHES AND ANTENNAS

1. The installation of freestanding dishes and antennas (Not exempt pursuant to Section 702) shall meet the minimum setback, lot coverage, and height requirements for the zoning district in which it is located and shall be permitted only in the rear yard of a dwelling or other building served. Alternative siting will be permitted by the DRB if the following criteria are met:
 - a. Quality reception requires alternative siting.
 - b. Screening that does not impair reception is used to minimize the visibility of the installation from the public right-of-way and neighboring properties.

SECTION 410: HOME INDUSTRY

1. Home industry, as distinguished from "home occupation" under Section 411, may be allowed as an accessory to a one-family dwelling in designated zoning districts subject to conditional use review under Section 707, and the following provisions:
 - a. The home industry shall be conducted on-site by residents of the dwelling, and no more than five (5) full-time nonresident employees at any given time.
 - b. The home industry shall not change the character of the neighborhood, nor result in a change in the outward appearance of the dwelling or the accessory structure.
2. Adequate off-street parking shall be provided for residents, employees, delivery vehicles and customers in accordance with Section 313.2. Commercial vehicles associated with the home industry shall be parked within designated parking areas approved by the DRB.
3. The home industry shall not generate traffic, including delivery traffic, in excess of volumes characteristic of other uses allowed in the district in which the home industry is located.
4. Retail operations are allowed as a portion of the home industry but should be secondary to the home industry's primary function.
5. The following heavy manufacturing industrial activities, including but not limited to the following, will not constitute a home industry:
 - a. Smelters or blast furnaces;
 - b. Commercial slaughterhouses, rendering plants, hide tanning or curing plants;
 - c. Manufacture or processing of fertilizer, bone, rubber, asphalt, ammonia and/or chlorine;
 - d. Manufacture or refining of petroleum, gas, or explosives;
 - e. Bulk storage of wholesale fuel oil, butane, propane or gasoline;
 - f. Junkyards, salvage yards, machinery wrecking yards; and
 - g. Unenclosed manufacturing or processing of goods.
6. The adaptive re-use of existing buildings is encouraged.

7. The storage of hazardous materials anywhere on the premises shall be limited to those materials necessary for the operation of the home industry and shall be stored in accordance with all applicable state and federal regulations.
8. Any exterior storage of materials and equipment associated with the home industry shall be limited to a clearly designated area approved by the DRB. The area shall meet all applicable setbacks and avoid undue adverse impacts to neighboring properties or the public right-of-way.
 - a. The DRB may require greater setbacks as a condition of approval.
 - b. The DRB may prohibit the storage of materials.

SECTION 411: HOME OCCUPATION

1. No provision of this bylaw shall infringe upon the right of any resident to use a minor portion of a dwelling that is customary in residential areas, which does not have an undue adverse effect upon the character of the residential area in which the dwelling is located. Home occupations are permitted as an accessory use in all districts where residential uses are permitted subject to the following provisions:
 - a. The home occupation shall be clearly incidental and secondary to the residential use of the property, and shall be conducted wholly within the principal or accessory structures;
 - b. The home occupation shall be carried on by members of the family residing in the dwelling unit. No more than two additional employees who are not members of the family are permitted;
 - c. No traffic shall be generated which would be uncharacteristic of the neighborhood;
 - d. Exterior displays or signs other than those normally permitted in the zoning district, exterior storage of materials, and exterior indications of the home occupation or variation from the residential character of the principal or accessory structures shall be prohibited.

SECTION 412: LANDSCAPING AND SCREENING

1. **Purpose.** These landscaping and screening provisions are intended for the protection and enhancement of the environment, to preserve and enhance the character, appearance and beauty of the community, and to ensure reasonable compatibility between land uses of differing intensity or impacts.
2. **Applicability.** Landscaping and/or screening shall be required for all conditional uses, as permitted in the zoning district within which the use is planned, and all major subdivisions and PUDs.
3. **Standards.** The DRB may waive any of the following conditions and standards as it deems appropriate.
 - a. Any project must incorporate sufficient landscaping and/or screening to ensure that the visibility the project does not create an undue adverse impact on the scenery and visual quality of the area, i.e.: mitigates adverse impacts on views from residences and public highways and harmonizes the land development with the character of the surrounding landscape, natural topography and be complementary to the scale and style of existing and proposed buildings.
 - b. Landscaping will serve to integrate the proposed development to the site, with particular consideration for natural topography and existing vegetation and will be complementary to the scale and style of existing and proposed buildings. Preservation of existing landscape materials and landforms is desirable.

- c. Parking areas shall be landscaped and screened from adjacent uses.
- d. Plantings for screening purposes shall be of sufficient height, density and maturity to achieve effective mitigation, where appropriate, within 3 years of planting.
- e. Landscaping and screening materials shall not conflict with visibility for motorists or pedestrian access.
- f. Shrubs and plantings will be non-invasive or adaptive plants chosen for drought-resistance, salt tolerance, or other qualities necessary to survive in local conditions.
- g. Plantings for screening shall be made in accordance with a screening maintenance plan, included with application for and made a condition of the project's permit. Such screening maintenance plan shall include at a minimum:
 - (1) A drawing showing the location of both existing and planned planting material, earthwork and structures.
 - (2) A plant material list including all plants to be made a part of the screening, listed by both common and botanical name, the size at installation, expected size at maturity, and expected number of years to maturity.
 - (3) The name, telephone number, email and street address of the party responsible for screening installation and maintenance, the timing of installation, and a plan for ensuring year-round screening maintenance.
- h. Where new screening materials must be installed or planted, natural, living, screening materials such as trees and shrubs shall be used in lieu of artificial screening materials such as walls, fences, and other structures; provided, however, that limited use of artificial screening materials is permissible to the extent that (i) the use of living screening in that area is not feasible, and (ii) the artificial screening is of size, scale and materials that are consistent with the character of the surrounding neighborhood and landscape.
- i. All plantings for landscaping and/or screening must be installed within four weeks of the date the principal construction is completed given appropriate planting conditions.
- j. In determining the amount and type of plantings or other site improvements to be required for landscaping and/or screening, the DRB shall take into account at least the following:
 - (1) Existing trees, shrubs, evergreens and other vegetation to be preserved on the site;
 - (2) The adequacy of landscaping materials to meet seasonal conditions, soil conditions, erosion control, and light on the site; and
 - (3) Adequate setbacks and site grading to ensure that plantings are not adversely affected by traffic and road salt.
- k. No landscaping and/or screening shall be placed in the public right of way except as waived or required by the DRB and written approval by the Cornwall Tree Warden and Road Foreman.
- l. Any screening vegetation contained in an approved planting plan that is allowed to die and is not replaced or repaired may be subject to a civil fine of up to the maximum amount allowed by 24 V.S.A. §4451, after sufficient notice by the Town.
- m. The DRB may require a separate bond or other surety against completion of the requirements of this section.

SECTION 413: MOBILE FOOD TRUCKS

1. Mobile food trucks are an allowed use in all zoning districts subject to, and conditioned on, the following regulations.
 - a. Mobile food truck owners shall be registered and maintain a valid business tax certificate from the State of Vermont, as well as all required insurances and permits required by the state.
 - b. Mobile food trucks shall be limited to the sale of food and beverage items.
 - c. Mobile food trucks shall receive a catering license from the Select Board prior to establishing any business operations in Cornwall.
 - d. The mobile food truck shall not obstruct or interfere with the free flow of pedestrian or vehicular traffic, including but not limited to access to or from any business, public building, or dwelling unit, nor shall it restrict sight distance at access areas.
 - e. The mobile food truck operator shall provide one trash receptacle and one recycling receptacle for use by patrons and in a convenient location that does not impede pedestrian or vehicular traffic. All litter or debris generated within a minimum of a 25-foot radius of the food truck shall be collected and removed by the mobile food truck operator.
 - f. Mobile food trucks operations shall occur within a level parking area, where it can be demonstrated that adequate parking spaces are available for patrons.
 - g. Where located within 500 feet of a dwelling unit, mobile food trucks may only operate between 7 a.m. and 9 p.m.
 - h. No amplified music or loudspeakers shall be permitted by a mobile food truck

SECTION 414: MOBILE, MANUFACTURED OR PREFABRICATED HOMES

Mobile, manufactured or prefabricated homes shall be considered the same as conventional homes except in a mobile home park.

SECTION 415: MOBILE HOME PARKS

Mobile homes are permitted in approved mobile home parks subject to the requirements of this section and State law. New Mobile Home Parks shall be allowed under the subdivision provisions of these Regulations on the same terms and conditions as Cornwall may allow any other type of housing in a specific area as a Planned Unit Development governed by these Regulations.

SECTION 416: MOTOR VEHICLE SERVICE STATIONS

1. A motor vehicle service station lot shall not be located within five hundred feet of any lot occupied by a municipal property, school, hospital, library or religious institution.
2. Lot size, frontage and depth shall conform to the acreage requirements of the zoning district.

3. Devices used in the servicing of motor vehicles shall be located at least fifty feet from the street line and side and rear lot lines.
4. All hazardous material storage shall conform to applicable State and Federal regulations.
5. All automobile parts and dismantled vehicles shall be stored within a building, and no repair work is to be performed outside a building.
6. Signs will conform the sign requirement within Section 318.
7. The storage of vehicles which are being serviced or equipment is not permitted except in an approved area which is screened as required in Section 412.

SECTION 417: PERSONAL LANDING AREAS

1. Personal landing areas (PLA) are limited in the Agricultural Residential (AR) District, for use by the landowner's personal aircraft and occasional use by others.
2. All personal landing areas are conditional uses are subject to review by the DRB. Upon receiving an application for a conditional use permit for a personal landing area, the DRB shall, prior to holding a hearing and rendering a decision thereon, obtain from the applicant a plan, drawn to scale, showing the dimensions, contours, and elevation of the lot; the size, height, and location on the site of existing and proposed structures; the location of the proposed runway; the location and elevations of streets and rights of way; existing and proposed landscaping and all other physical features; takeoff and landing patterns; and the location of adjacent and nearby structures and property lines. The DRB shall also obtain from the applicant, prior to the hearing, a statement of proposed frequency of flights, proposed hours of operation, and type of aircraft proposed to be operated at the PLA.
3. In reviewing each application, the DRB shall consider the impact of the proposed PLA upon the surrounding community, with special attention to surrounding residents' needs for peace, safety and privacy. Any lighting element required for the safe operation of the personal landing area shall be closely reviewed by the DRB in relation to its impact on the surrounding area. The DRB may apply conditions regarding the frequency of use, hours of operation, and other criteria necessary to mitigate any potential negative impacts.
4. As a condition of approval, the DRB shall specifically require that all regulations of the Vermont Agency of Transportation, the District Environmental Commission, the Federal Aviation Agency, and any other agencies pertaining to the licensing, safety, and insurance of aircraft and personal landing areas and their operation shall apply. Any permits from said agencies and regulations of said agencies shall be filed annually with Town officials. The landowner shall assume full responsibility for all air and ground operations at a personal landing area.

SECTION 418: PUBLIC FACILITY OR UTILITY

1. Pursuant to 24 V.S.A. §4413, the following uses may only be regulated with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-road parking, loading facilities, traffic, noise, lighting, landscaping or screening requirements and only to the extent that these 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. Churches, and other 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 Section 6606(a) of Title 10.
2. It is the intent of these Regulations to regulate these facilities to the maximum extent allowable under law. The uses noted above must meet applicable zoning district requirements, shall be subject to review by the DRB pursuant to the applicable procedure and criteria governing site plan review under Section 706, and may be subject to conditional use review under Section 707; however associated conditions of approval shall not exceed allowed regulation, as specified in the Act and stated herein.
3. Pursuant to 24 V.S.A. §4413(b), public utility power generating plants and transmission facilities regulated by the Vermont Public Utilities Commission (under 30 V.S.A. §248) are specifically exempted from municipal land use regulations. This includes solar and wind generation facilities that are “net metered” and connected to the electric grid. Such facilities, however, shall conform to policies and objectives specified for such development in the Cornwall Town Plan.

SECTION 419: PUBLIC UTILITY SUBSTATIONS

1. Public utility substations and similar utility structures, where permitted, shall comply with the following site planning standards:
 - a. The facility shall be surrounded by a fence which is set back from the property lines in conformance with the zoning district regulations for front, side, and rear yards.
 - b. A landscaped area at least twenty-five feet wide shall be maintained in front, rear, and side yards. The landscaping shall be configured to provide the maximum screening of the facility from adjacent roads and properties and shall be designed to liberally use copses of mixed, preferably native, species of trees. Plantings for screening shall be made in accordance with a screening maintenance plan, included with application for and made a condition of the project’s permit.
 - c. Transformers shall be the best available to reduce noise by the maximum level possible;
 - d. Lighting shall be minimized and shall comply with Section 316.4 of these Regulations.
 - e. Maintenance and construction, except for emergency repairs, shall take place Monday through Friday between the hours of 7:00 a.m. and 7:00 p.m.

SECTION 420: RENEWABLE ENERGY STRUCTURES

1. Cornwall encourages the use of properly sited renewable energy structures as accessory uses to residential or commercial uses. However, developers of renewable energy structures should practice a “good neighbor policy” and site the structure(s) in such a manner that the project creates no greater burden on neighboring property owners or public infrastructure than it does on the property on which it is sited.

2. Renewable energy structures not exempt from these Regulations as set forth in Section 702, whether as a part of an existing building or incidental to an existing building, are an accessory use and require a conditional use permit which will impose conditions including, but not limited to, abandonment and decommission of renewable energy structures.
3. In the Village District, renewable energy structures should be integrated with the building for which is provides power and solar energy systems, where possible, be located on rooftops.
4. Freestanding renewable energy structures are prohibited on lands contained within the Ecologically Significant Areas shown on the SFO District Map 2.
5. Applicants are strongly encouraged to request a meeting with the DRB in advance of their application to discuss siting of any ground-mounted solar system or wind energy generation system.
6. A renewable energy structure shall be considered abandoned if it is out-of-service or otherwise unused for a continuous 1-year period. This 1-year period may be extended by the Zoning Administrator if evidence is provided to demonstrate that repairs or maintenance is actively underway, if circumstances have, for any other reason beyond the control of the owner, the renewable energy structure has not been able to produce energy. If the system is determined to be abandoned, the Zoning Administrator shall notify the owner in writing, and the owner shall take the system down within 3 months of this notification.
7. Copies of all Vermont Public Service Board (PSB) orders authorizing the construction, operation and maintenance of solar projects are available on the PSB's website (<http://psb.vermont.gov/orders>). Hard copies of all applicable PSB orders and screening plans related to Cornwall projects shall be maintained for public viewing at the Cornwall Town Clerk's Office during normal business hours. Any person who believes that the screening requirements of a PSB order applicable to a particular Cornwall solar project are not being met may contact the PSB, the Vermont Department of Public Service, or the Cornwall Select Board and make his or her concerns known.
8. The following requirements shall also be met:
 - a. **Materials.** Each project must be designed and constructed of materials, colors, and textures that blend into the surrounding natural or built environment to the maximum extent feasible.
 - b. **Siting.** A project's location in the landscape constitutes a critical element in the aesthetic siting of a project. Poor siting cannot be adequately mitigated. Accordingly, the first element any applicant must consider is the proposed site's aesthetic impact on the surrounding landscape.
 - (1) The siting of renewable energy structures should be done in such a manner that the project creates no greater burden on neighboring property owners or public investments than it does on the property on which it is sited.
 - (2) A structure shall be sited within a parcel in such a manner as to make maximum use of pre-existing vegetation, hedgerows, hills, ridges, buildings, and other topographical features and structures that naturally screen the project, thereby minimizing the need for the installation of new screening materials, where applicable.
 - (3) Structures shall only be located in the rear or side yard and must not be highly visible from public streets or detract from other major character defining aspects of the site. Visibility from adjacent properties shall also be reduced to the greatest extent possible (through siting, landscaping, or other screening method) while still maintaining access to the renewable energy source. Placement of energy structures should avoid skylining whenever possible.

- c. **Decommissioning.** In order to preserve the aesthetic qualities of Cornwall's rural character all renewable energy structures shall be decommissioned at the end of their useful life and the property shall be restored to its pre-project condition, or better, including but not limited to the removal of all above-ground installed infrastructure. Owners of all renewable energy structures generating 100 kW and greater shall provide the town with appropriate assurances to guarantee funding exists to decommission the structure. The end of the useful life of the project shall be deemed to occur when less than 20% of the land development is used for its original purpose.
- d. **Building Integrated and Rooftop Solar.**
- a. Solar panels or other solar devices on roofs shall be placed on the least visually conspicuous area of a structure consistent with the requirements of maximum access to the sun. Location on a non-character defining roofline of a non-primary elevation (not readily visible from public streets) is preferred. However, solar shingles may be added to a roof surface visible from a primary public way if low or non-reflective shingles are used. Publicly visible solar devices mounted on roofs shall be evaluated on the basis of: size, least visible/high-performance location, panel arrangement and design, system infrastructure, color contrast with roof, glare, and impact on historic integrity of the structure. Shadow tolerant panels should also be considered for use in a less visible location.
 - (1) Solar panels and devices shall run parallel to the original roofline and be located so as not to rise above the roofline or alter a historic roofline or character-defining features such as dormers or chimneys.
 - (2) Collectors on sloped roofs shall be mounted flat on the surface and at the same pitch.
 - (3) Flat roof mounted solar panels should be discouraged. If there is no other option for placement, devices shall be setback from the edge of the roof to minimize visibility and may be set at a pitch and elevated if not highly visible from public streets.
 - (4) The smallest solar panel or device shall be used consistent with operational requirements. Scattered or disjointed arrays are not allowed. Avoid interrupting arrays with rooftop projections such as vents and skylights.
 - (5) Solar panels, solar devices, mechanical equipment and mounting structures shall use non-reflective finishes such as an anodized finish. Coordinate roof and building color and pattern as much as feasible with color and pattern of solar panels and solar devices. Darker roofing colors are preferred.
 - (6) Solar devices shall be used in non-historic windows, walls, siding or shutters that do not face public streets.
 - (7) Use building-integrated solar panels and devices in the initial design of new structures.
- e. **Ground Mounted Solar.**
- (1) Ground mounted facilities shall minimize views of the project from public roadways and from adjacent residential properties using the screening standards described in Section 412 of these Regulations.
 - (2) Preferred ground mounted solar sites generally have the following characteristics:
 - A. Located in close proximity to, or screened by, existing large-scale commercial, industrial or agricultural buildings;

- B. Proximity to existing trees, hedgerows, evergreen vegetation, berms, hills or other topographical features that naturally screens some aspects of the proposed project;
 - C. Reuse of former brownfields or otherwise impacted property, which otherwise complies with the set-back requirements of these Regulations.
- (3) Poor or less desirable ground mounted solar sites generally have the following characteristics:
- A. No natural screening;
 - B. Topography that causes the project to be conspicuous against the skyline;
 - C. Placement along a public road;
 - D. Prominently visible from important scenic and cultural vantage points such as the state scenic byway or historic districts; or
 - E. A location that requires clear-cutting of four (4) or more acres.
- (4) The minimum setbacks for ground mounted solar systems shall be:
- A. From a State or municipal highway, measured from the edge of the traveled way:
 - i. 200 feet for a facility with a plant capacity exceeding 150 kW; and
 - ii. 100 feet for a facility with a plant capacity less than or equal to 150 kW but greater than 15 kW.
 - B. From each property boundary that is not a State or municipal highway:
 - i. 100 feet for a facility with a plant capacity exceeding 150 kW; and
 - ii. 50 feet for a facility with a plant capacity less than or equal to 150 kW but greater than 15 kW.
- (5) The setbacks under this Section are not required for a facility with a plant capacity equal to or less than 15 kW. Projects equal to or less than 15 kW shall comply with the setback requirements of the district it is located in.
- (6) The requirements of the setbacks in this section may be decreased to the minimums set forth in Act 56 if the project developer can demonstrate to the Select Board that the topography of a site naturally screens 100% of project view from the boundary line in question.

f. Wind Turbines.

- (1) Wind energy systems are prohibited for lots under one half (1/2) acre.
- (2) For properties between one half (1/2) acre and one (1) acre in size, the total height of the system (including tower and turbine blades) may be up to eighty (80) feet. For properties one (1) acre or more in size, the total height of the system (including tower and turbine blades) shall not be more than one hundred fifty (150) feet.
- (3) The tower base shall be set back a distance equal to or greater than the total height of the system (including blade, rotor, or other vertical elements) from property lines, public road rights of way, and overhead utility lines that provide service beyond the subject property. Guy wire anchors and other accessory elements may extend to the setback for the zoning district in which it is located.
- (4) The system shall not be illuminated.
- (5) Climbing access to the tower must be restricted. For rotors twenty (20) feet or more in diameter, the area around each wind turbine and any appurtenant structure (other than an access road) shall be completely fenced for security to a height of 6 feet and gated. One sign no greater than 1

square foot shall be posted adjacent to the entry gate, indicating the name of the wind facility owner and a 24-hour emergency telephone number.

SECTION 421: RESIDENTIAL CARE OR GROUP HOME

A residential care home or group home, to be operated under state licensing or registration, serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. §4501, shall be considered to constitute a permitted one-family residential use of property, except that no such home shall be so considered if it locates within 1,000 feet of another existing or permitted home. A residential care home or group home, to be operated under state licensing or registration, serving nine or more who have a handicap or disability as defined in 9 V.S.A. §4501, shall be reviewed as a multi-family dwelling and shall be subject to conditional use and site plan review.

SECTION 422: RURAL ENTERPRISES

1. **Purpose.** This section recognizes that Vermont's rural areas are characterized by working landscapes where resource-based economic activities have traditionally flourished. The purpose of this section is to accommodate rural enterprises that support economically viable farm and forest lands in the region.
2. **Applicability.** Rural enterprises are accessory on-farm businesses as defined in 24 V.S.A. §4412(11) and may be allowed in any district following site plan review and approval by the DRB in accordance with the provisions of this section.
3. **Standards.** A rural enterprise shall meet the following standards:
 - a. Retail or food service or manufacturing uses shall have the sale or use of locally produced farm or forest products as a core element of the business.
 - b. Locally produced farm or forest products shall be interpreted to be within the State of Vermont plus 30 miles.
 - c. Any agricultural buildings not exempt under 24 V.S.A. §4413(d)(2) converted, modified or expanded to accommodate the business shall retain their original form, massing and style, particularly as viewed from public vantage points.
 - d. If the enterprise is located in the Agricultural Residential district:
 - (1) New structures shall be similar in form, massing and style to residential or agricultural buildings typical in the area.
 - (2) The overall character of the property as viewed from public vantage points shall be predominately rural and agricultural and shall not be predominately commercial or industrial.
 - e. Any agricultural land and current or former agricultural buildings may be used or adaptively reused for public assembly uses.

SECTION 423: STORAGE OF FLAMMABLE LIQUIDS

All storage for flammable liquids shall comply with applicable State and Federal regulations. Storage of explosives, where allowed, requires conditional use review and approval by the DRB.

SECTION 424: TELECOMMUNICATIONS FACILITIES

1. The purpose of this provision is to preserve the character and appearance of the Town of Cornwall and to regulate the location of commercial wireless telecommunications services. Small-scale devices for personal use (satellite dishes, antennas, etc.) are exempt from this regulation. Commercial structures shall comply with the following provisions:
 - a. The use of existing structures to locate wireless telecommunications antennas is encouraged and will be subject to only Site Plan Review by the DRB.
 - (1) Wherever possible, communications antennas must be mounted on existing structures, such as silos or water towers, and screened and sited to blend with their existing surroundings.
 - (2) Siting of structures and antennas must be accomplished in a manner designed to limit the visual impact on Cornwall's countryside and ridgelines.
 - (3) Structures and antennas must be screened and sited to blend in with their surroundings to the greatest extent possible.
 - (4) The DRB will conduct its review pursuant to the site plan criteria contained in these Regulations. Applications submitted must meet the requirements for site plan review. Additionally, at the discretion of the DRB and pursuant to 24 V.S.A. §4440, the DRB is authorized to hire qualified professionals, to be paid by the applicant, to determine an application's compliance with these Regulations.
 - b. A new telecommunications tower will be allowed as a conditional use in the Agricultural Residential District only.
 - (1) It will be allowed only after the Applicant has demonstrated that no existing structure is suitable for their proposed use within a 30-mile radius of the proposed site and the Applicant has agreed to allow co-location on the new structure.
 - (2) Pursuant to 24 V.S.A. §4440, the DRB is authorized to hire qualified professions, to be paid by the applicant, to determine an application's compliance with these Regulations.
 - c. All telecommunications structures and antennae must be maintained in accordance with the requirements of permits granted. Abandoned or unused structures or antennae must be removed from the property within 180 days of cessation of their use and the DRB may require a bond or other guarantee be posted with the Town to cover such removal.

SECTION 425: TEMPORARY STRUCTURES AND USES

1. **Temporary Structures.** Temporary structures, including trailers and mobile homes, may be used for temporary office or storage space, or for special events requiring a permit, may be allowed as a temporary accessory structure to an existing or allowed use in any zoning district, in accordance with the following:
 - a. Such structures shall not be used for dwelling purposes, except for campers, tents or yurts permitted to house participants at special events.
 - b. The Zoning Administrator may issue a zoning permit for a temporary structure, for a specified period of time not to exceed one (1) year from the date of issuance, with the provision that the structure will be

dismantled and/or removed upon expiration of the permit. The Zoning Administrator may renew a permit for a temporary structure for a period not to exceed one (1) additional year.

- c. A temporary structure located within the Flood Hazard and River Corridor Overlay District is subject to conditional use review under Section 707 and must meet applicable requirements for development within this district.

- 2. **Temporary Uses (Special Events).** Special events (e.g., weddings, receptions, concerts, festivals, fairs and other cultural events, trade and antique shows), may be allowed as a temporary accessory use to an existing use within any zoning district, provided that such use occurs for no more than seven (7) days within any 12 month period, and adequate off-street parking and circulation, sanitary, and trash collection facilities are provided. A zoning permit may be issued by the Zoning Administrator for a specified period of time not to exceed one (1) year from the date of issuance, with the provision that the use will be discontinued upon the expiration of the permit. In addition:
 - a. A zoning permit issued for any temporary event or use not exempted below shall be conditioned by prior approval of the Cornwall Select Board.
 - b. The following uses or activities are specifically exempted from the requirements of this section, and shall not require the issuance of a zoning permit:
 - (1) Family or household events held by owner or resident and associated with a residential use (e.g., weddings, reunions). Such events may also include temporary shelters on-site, such as campers or tents, to house guests.
 - (2) Auctions and yard sales, in accordance with Section 702

ARTICLE 5: REQUIREMENTS APPLICABLE TO SUBDIVISIONS

SECTION 501: TYPES OF SUBDIVISIONS

1. A subdivision is the division of a parcel of land with or without streets into two (2) or more lots, plots, or other legal division of land for transfer of ownership, building development, or sale. Cornwall recognizes four types of subdivisions:
 - a. **Boundary Line Adjustment** - A boundary line adjustment is where one or more property lines between two or more parcels are modified, but do not create any new lots, do not create non-conforming lots, or do not impact access to any parcel. These are not per se subdivisions, but applicants are required to file a subdivision application to obtain a boundary line adjustment. The review process and requirements for boundary line adjustments are covered in Section 803.
 - b. **Minor Subdivision** - A subdivision containing not more than three (3) lots which have frontage on an existing public street, and which does not require any new public street, extension of public street or of other municipal facilities.
 - c. **Major Subdivision** - Any subdivision containing four (4) or more lots is a major subdivision. Also, any subdivision containing two (2) or more lots which do not have frontage on any existing public street, or which do not have a permanent easement of at least 50 feet, or which require any new public street is considered a major subdivision. Subdivision applications following within 5 years of other subdivisions by the same property owner or applicant, or any affiliate of the property owner or applicant, or a legal entity in which the property owner or applicant holds an interest of 50% or more will be deemed Major Subdivisions. To encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, as defined in the Cornwall Town Plan and these regulations, the DRB may require adjustment of lot dimension requirements and permit adjustments to lot coverage maximums.
 - d. **Planned Unit Development Subdivision** - Pursuant to 24 V.S.A. §4417, Planned Unit Development (PUD) Regulations shall be established to provide relief from the strict dimensional standards for individual lots in these Regulations in order to encourage innovation in design and layout, efficient use of land including multiple use developments and affordable housing, the viability of infill development and redevelopment in the Town and to preserve important natural resources. PUD applications will be eligible for density bonuses as described in Section 504.

SECTION 502: MINOR SUBDIVISION STANDARDS

In addition the specific standards outlined in each zoning and overlay district, the applicable standards in Articles 3 and 4 of this document, and the standards detailed for conditional use, the DRB will evaluate Minor Subdivision applications pursuant to all criteria listed below that are relevant to the proposal

1. Planning standards.

- a. **Compatibility with Town Plan and compliance with existing ordinances.** The proposed development shall be compatible with the uses proposed for each area in the Town Plan and shall provide sufficient open space for the recreation, visual and aural privacy, and other domestic needs of the area's inhabitants. The proposed subdivision may be denied if the intended use cannot be shown to be capable of complying with the provisions of applicable regulations and ordinances.
- b. **Character of the land.** All land to be subdivided shall be, in the judgment of the DRB, of such a character that it can be used for building purposes without danger to public health or safety, or to the environment. Land with inadequate capability to accommodate structures, septic systems, roads, utilities, or other forms of development, or land with other hazardous conditions shall not ordinarily contain infrastructure necessary to support a subdivision.
- c. **Preservation of existing features.** Due regard shall be given to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources and historic features.
- d. **Reserved strips.** No privately owned reserved strip, except on open space areas, shall be permitted which controls access to any part of the subdivision or to any other parcel of land from any street, or from any land dedicated to public use, or which may be so dedicated.
- e. **Lot layout.** The layout of lots shall conform to the principles of the Town Plan and to the requirements of these Regulations. Lot layout shall be appropriate for the intended purpose and shall support the existing pattern of the district. Corner lots should have extra width to permit a setback on each street. Side lot lines shall generally be at right angles to straight streets or radial to curved street lines. Considerations in lot layout shall be given to topographic and soil conditions.

2. Site preservation and improvements.

- a. **Natural cover.** Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit stormwater runoff and conserve the natural cover and soil. After application for approval has been made to the DRB, no topsoil, sand or gravel shall be removed from the subdivision for any other purpose than to meet construction needs for that particular subdivision or to meet any requirements of these Regulations.
- b. **Erosion and sediment control.** Applicant shall demonstrate that the subdivision has been designed and phased to control stormwater and erosion control both during and after construction. The smallest practical area of land should be exposed at any one time during development. Land should not be left exposed during the winter months. Where necessary, temporary vegetation and/or mulching and structural measures may be required by the DRB to protect areas exposed during development. Sediment basins shall be installed and maintained on site to remove sediment from land undergoing development and from runoff water.

- c. **Excavation and grading.** The entire area of work shall be brought to the required lines and grades by excavation or filling. A minimum of four inches of topsoil shall be provided to cover all finished slopes. Materials for embankment shall be placed in successive horizontal layers not exceeding six inches in depth. They shall be thoroughly compacted. The DRB shall require embankments to be planted with stabilizing shrub or ground cover and seeded with a deep-root grass to prevent erosion.
- d. **Drainage improvements.** An adequate surface stormwater drainage system for the entire subdivision shall be provided. The applicant may be required by the DRB to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. Where it is anticipated that additional runoff incidental to the development of the subdivision will overload an existing downstream drainage facility so that there will be drainage to private property or an increase in the expenditure of public funds, the DRB shall not approve the subdivision until provision has been made for the improvement of said condition. Where a subdivision is traversed by a watercourse or drainageway, there shall be provided a stormwater drainage easement of such width as to encompass the twenty-five (25) year flood area of such watercourse, which easement shall be indicated on the final plat.

3. Utilities.

- a. **Utility easements.** Underground distribution lines for utilities should be placed either in the street right-of-way between the paved roadway and street line or placed horizontally underneath the roadway. Where inclusion of utilities in the street right-of-way is impractical, perpetual, unobstructed easements twenty (20) feet in width shall be provided with satisfactory access to the street.
- b. **Creation of municipal utilities.** All subdivisions shall make adequate provisions for water supply, storm water and sanitary sewage disposal, and required utilities and improvements. The DRB may require that a community water supply or wastewater system unconnected to municipal systems be designed in such a way that it may eventually be connected to a public municipal supply system.
- c. **Electric, telephone, cable.** The applicant shall coordinate the subdivision's design with the utility companies and submit a plan prepared with their cooperation showing all line extensions necessary to serve the subdivision. Such plan shall be integrated with a systematic program for distribution of service to the entire area around the subdivision now or in the future. Common rights-of-way should be utilized whenever possible and, when technology and terrain make it feasible, distribution systems should be built underground.
- d. **Solid waste.** Subdivisions for commercial or industrial users shall demonstrate that adequate facilities for the storage and removal of solid waste exist on the property and that said facilities are located in a service area screened from view of the roadway and any

- residential structures adjacent to the subdivision. Applicant shall also demonstrate that the solid waste stream is properly disposed of upon leaving the property.
- e. **Water.** Applicant shall demonstrate that an adequate supply of water exists for the subdivision and that said supply will not interfere with existing water supplies by procuring a State Water Supply Permit for each lot created.
 - f. **Wastewater.** Applicant shall demonstrate that the subdivision has been designed to reasonably dispose of wastewater by procuring a State Wastewater Disposal Permit for each lot created.