

SECTION 503: MAJOR SUBDIVISION STANDARDS

In addition to the specific standards outlined in each zoning and overlay district, the applicable standards in Articles 3 and 4 of these Regulations, and the standards detailed for conditional use and Minor Subdivisions, the DRB will evaluate Major Subdivision applications pursuant to all criteria listed below that are relevant to the proposal. The purpose of these specific design standards for Major Subdivisions is 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 and avoid suburban style land subdivision with single dwellings or structures located at the center of lots
- Facilitate the adequate and economic provision of streets, services and utilities
- Preserve and protect natural and historic features
- Preserve the natural and scenic qualities of open land in the community and protect the water
- Preserve agricultural land and promote agricultural use
- Provide a mixture and variety of housing types at different densities
- Allow the development of existing lots which because of physical, topographic, or geological conditions could not otherwise be developed
- Aid and encourage development that promotes affordability in housing
- Encourage and achieve energy-efficient development and redevelopment

1. General Planning Standards for Major Subdivisions.

- a. **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 be considered to have only front and side yards and frontage and front yard setback requirements shall apply along each road right-of-way. 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.
- b. **Mix of Building Styles.** In any Major Subdivision with four (4) or more single-family or two-family dwellings, buildings should reflect a diversity of floor plans, garage orientation, building facades, color and rooflines to better integrate the development into the surrounding area and avoid a homogeneous or monolithic appearance.
- c. **Front Yards.** Use of the area between structures and the street line shall be limited to landscaping, pedestrian paths and associated pedestrian amenities (e.g., street furniture, pedestrian scale lighting and signs) and driveways.
- d. **Clustering.** Structures shall be clustered when feasible and shall be sited to the best advantage allowed by the property. This may include siting towards an edge of the property, near an adjacent neighborhood, or along treelines or hedgerows. Clustering should, to the extent practical, occur on the portion of the parcel nearest to existing neighborhoods and settled areas, however, no clustering or site location shall have the effect, by determination of the DRB, of causing an undue adverse effect on adjoining neighborhoods, uses, or natural areas.

- e. **Dimensional Requirements.** Changes to the dimensional requirements of the district in which the project is located may be approved by the DRB, except that the minimum setbacks required for the district shall apply to the periphery of the project, in order to most efficiently subdivide and use the land.
- f. **Maximum Lot Coverage.** The DRB may allow increased lot coverage for Major Subdivisions in which the dimensional requirements have also been adjusted in order to allow for land development that best achieves the purpose of the Major Subdivision standards specified above.

2. Road Configuration Standards for Major Subdivisions.

Where road upgrades to Town roads will be required, applicant will need to secure the approval of the Select Board in addition to a letter approving the proposed upgrades from the road foreman. In addition to the general standards for driveways, streets and sidewalks in Section 304 of these Regulations, the following will apply to roads for major subdivisions.

a. General Standards for All Districts:

- (1) Roads associated with a proposed subdivision shall comply with the requirements of the Town of Cornwall Highway and Traffic Ordinance adopted by the Select Board on August 15, 2000 as amended. New roads, not offered to the Town, but serving the public shall be designed to comply with appropriate standards for the size and location of the subdivision as contained in the Vermont State Standards for the Design of Transportation Construction and Rehabilitation on Freeways Roads and Streets dated July 1, 2007, as amended.
- (2) Roads shall be designed to establish an interconnected network of streets of a scale designed to slow traffic and ensure pedestrian and vehicular safety.
- (3) Roads shall be designed with a minimum of two connections to public (State or Town) roads or, where two connections are not practical, a right-of-way shall be created to provide future connection to one or more adjacent parcels. Such right-of-way shall be located to provide the best practical opportunity for extending the street network and integrating future development within the subdivision.
- (4) The arrangements of roads in the subdivision shall provide for the continuation of principal roads in any adjoining subdivision or for their proper projection when adjoining property is not subdivided in order to create a logical system.
- (5) When an Official Map which includes planned future roads has been adopted by the town, subdivisions may be required by the DRB to conform to that map. Roads may be dedicated or served in the locations and widths shown on the Official Map as a condition of plat approval.
- (6) Roads shall be logically related to the topography so as to produce usable lots, reasonable grades and safe intersections in appropriate relation to the proposed use of the land to be served by such roads.
- (7) For gravel or paved access routes that are longer than 150 feet in drivable length from a public or private road, a turnaround space is required.
- (8) Subdivision projects judged by the DRB to generate traffic that exceeds the existing capacity or character of adjacent public roads or intersections shall be denied, or phased in a manner which allows the improvement of said capacity to better accommodate the project.

- (9) If the proposed access road or driveway intersects a Class 4 Town Highway, the DRB may deny the application. Alternatively, and contingent upon the approval of the Select Board, the DRB may require the applicant to improve the intersected road to Class 3 Town Highway construction standards. The DRB may also impose conditions on the approval of a subdivision which require the improvement of private roads or drives on the subdivided parcel which, in the judgment of the DRB, are inadequate to handle the increased traffic which may be expected.
- (10) Roads shall be identified by name on the preliminary plat. Proposed roads which are obviously in alignment with others already existing and named shall bear the E-911 names of existing roads. In no case shall the names for proposed roads duplicate existing names, irrespective of the suffix, be it road, street, avenue, boulevard, driveway, place, or court.
- (11) Curbs and sidewalks may be required where the density is greater than one residential unit for each two acres. If sidewalks or curbs are required by the DRB, construction must conform to specifications provided and approved by the Road Commissioner.

b. Specific District Standards:

- (1) Village District: In this district, major subdivision roads should continue to add to the village character and be consistent with current road patterns. The use of traffic calming devices, including on-street parking and street trees, is strongly encouraged. Lots, buildings and streets shall be configured to create a compact, pedestrian scale neighborhood with well-defined streetscapes characterized by consistent building setbacks, sidewalks and street trees.
- (2) Rural Neighborhood and Agricultural Residential Districts: Roads for major subdivisions in these districts should blend new development into the historic, agricultural landscape and maintain important natural and scenic resources as open space. Use of existing farm road locations should be considered to minimize additional land disruption.

3. Pedestrian/bicycle access standards for Major Subdivisions

- a. A proposed subdivision will promote and contribute to a logical, convenient and safe street environment and pedestrian network. Such a network should include pathways and sidewalks connecting existing land uses in and adjacent to the project and be designed to include reasonable connections with planned roads, recreational areas, bike paths or walking trails.
- b. Pedestrian networks should provide direct access from sidewalks and parking areas to building entrances and be maintained for year-round access.
- c. Provisions shall be made for year-round pedestrian circulation within the site and for pedestrian access to adjacent properties.
- d. Rights-of-way for pedestrian or bicycle travel and access may be required to facilitate circulation within the subdivision and to provide access to public property or other appropriate destinations.

4. Common Land, Open Space and Public Recreational Facilities.

The applicant shall demonstrate that the project will result in common land, open space and/or public recreational facilities consistent with the purposes of this section. Lands or facilities designated to meet the purposes of this section shall meet the following criteria.

- a. **General Requirements.** For major subdivisions the DRB shall require as one of the criteria for approval an impact fee to cover costs to provide adequate common land and/or public recreation facilities, if and when the Town has adopted impact fees for recreational uses. In addition, the Town encourages, but

will not require, that common lands and open spaces be incorporated into the project design to be used for recreation and/or preservation of natural resources.

- (1) **Impact Fee.** The impact fee payment use by the Town is limited to public common lands, open space and/or recreation purposes, current or future, but is not limited to land acquisition. Fees paid pursuant to this section shall be deposited in a special fund to be used for acquisition or development or maintenance of common lands, open space, and/or recreational facilities.
- (2) **Dedicated Lands.** In lieu of, or in addition to, an impact fee, the applicant may incorporate common lands (such as a green, park, playground, or other recreational space) or open spaces (for agriculture, forestry, wildlife habitat, natural areas, aquifer protection areas, water body bank, or municipal purposes).

b. **General Standards.** Provisions for common lands, open spaces and recreational facilities shall include but shall not be limited to the following objectives.

- (1) In determining the appropriateness of common lands, open spaces, or recreational facilities, the applicant and the DRB shall consider the goals and recommendations of the Town Plan, in addition to, the location, shape, size, and character of the resource relative to the size, density, topography, and the number of parcels and/or type of units proposed in the subdivision.
- (2) Common lands, land dedicated to open space and/or recreational facilities shall be in a location or locations, and of a size and shape approved by the DRB and shall be suitable for its intended use and located so as to conform with and extend existing and potential common lands, open spaces or recreational areas on adjacent parcels.
- (3) Common lands, and designated open spaces shall provide for the protection of resources on the site and encompass lands characterized by fragile or significant natural features, woodlands, wildlife habitat, slopes in excess of twenty percent (20%), buffers, path and trail corridors, access corridors, views and vistas, aquifer protection areas, stream banks, agricultural land, and historic sites.
- (4) Common lands and open spaces shall be suitably improved and/or maintained for its intended use, except that lands containing natural resources worthy of preservation may be required to be left unimproved. Provisions will be made to enable lands designated for agriculture and forestry to be utilized for these purposes. Management plans for forestry and wildlife habitat may be required.
- (5) Additional measures may be imposed to protect resources identified on the parcel, such as restrictions on building sites through the designation of buildable envelopes and clearing limits.
- (6) Road rights-of-way and parking spaces shall not be included in the determination of the common lands or open space requirements of this section.
- (7) Provision of space adjacent to roadways or off-road for existing and new trail networks for parking is encouraged.

c. **Ownership, Use and Maintenance Conditions.**

- (1) As a condition of its approval, the DRB may establish such conditions as to the ownership, use and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes.

- (2) When a development involves common ownership of community facilities, open spaces, or other commonly held property, a management organization to operate and maintain these facilities may be required by the DRB. A prospectus shall be submitted by the developer describing this organization, its financing, membership, and the basic terms of the agreement or declaration. Approval will be contingent on the Town's, and its counsel's, receipt and approval of final drafts of organizational documents for permit compliance and implementation.
- (3) In addition to demonstrating that an organization exists to operate and maintain common areas, open spaces and/or recreation facilities, the DRB may require that the applicant provide a management plan describing how the resources preserved will be maintained.
- (4) As set forth in Section 805.3.f.3, all costs associated with administering and maintaining these common lands, open spaces and/or recreation facilities shall be the responsibility of the applicant and subsequent landowners and/or third parties approved by the DRB.
- (5) The DRB may require that the Town be a party to any legal mechanisms for the protection of open space.

d. Recording Requirements.

- (1) Designated common lands, open spaces and/or recreational facilities shall be indicated with appropriate notation on the final plat.
- (2) Where a proposed park, playground, or other recreation area is shown on the Official Map adopted by the Town of Cornwall pursuant to 24 V.S.A Section 4421 at the time of application to be located in whole or in part in a proposed subdivision, the DRB shall require that such area or areas be shown on said Plat. However, the area indicated on the Plat shall not exceed fifteen (15) percent of the total area of the Plat. Should applicant desire to proceed without the proposed public facility, the DRB should continue its review of the property subject to 24 V.S.A. § 4421.

- 5. Site preservation and improvements.** The DRB, in consultation with the Tree Warden and Road Foreman, may require that suitable, preferably native, hardwood shade tree species (such as sugar maples, red maple, or oak), be planted along streets where trees do not exist. All trees shall measure at least 10 feet in height and at least two inches in diameter measured at breast height. All trees are to be planted within five to eight (5-8) feet from the street line at intervals to be specified by the DRB.
- 6. School Facilities.** Where a Major Subdivision will cause the population of the school to exceed the capacity of the existing facility, the DRB may require a payment to the Town of Cornwall to be used for the acquisition and development of school sites or capital improvements to school structures. If mutually agreed by the DRB and the Applicant, in lieu of and/or in addition to any payments, the DRB may require designation of land and/or access to a site for a new facility. The DRB shall require the Applicant to set aside such a site and/or access and to show such areas on the Plat.

SECTION 504: PLANNED UNIT DEVELOPMENT STANDARDS

In addition to the specific standards outlined in each zoning and overlay district, the applicable standards in Articles 3 and 4 of these Regulations, and the standards detailed for conditional use and Minor and Major Subdivisions, the DRB will evaluate PUD applications pursuant to all criteria listed below that are relevant to the proposal. The purpose of these specific design standards for PUDs, in addition to those listed under Major

Subdivisions in Section 503, is to encourage inclusion of priority senior living facilities, housing for people with disabilities or affordable housing units that align with the current development in the specific district and help to achieve the goals of the Town Plan.

1. **Applicability.** PUD provisions will be applied to any parcel to be subdivided at the request of the applicant, but shall be a minimum of two residential structures, not including accessory structures. If a PUD requires site plan or conditional use approval, the DRB shall conduct that review, to the extent feasible, concurrently with subdivision and PUD review.
2. **PUD Dimensional Requirements.** The DRB may modify the dimensional requirements of the district in which the project is located, except that the minimum setbacks required for the district shall apply to the periphery of the project.
3. **General Standards for PUDs.** In addition to the general and specific standards outlined in these Regulations, the specific standards outlined in each district, and the standards detailed in Conditional Use Review, and the Subdivision design standards (Sections 502 and 503), applications for PUDs shall also meet the following general design standards:
 - a. The PUD is consistent with the Cornwall Town Plan.
 - b. The uses proposed for the PUD should be of varied types, including one-family, two-family, or multiple-family construction or commercial uses appropriate for the district(s) in which the proposed project lies.
 - c. The PUD is an effective and unified treatment of the development possibilities of the project site, and the development plan makes appropriate provision for preservation of water, streams and stream banks, steep slopes, Class II wetlands, and unique natural and man-made features.
 - d. Buildings, building envelopes, roadways, sewage disposal sites, and sewer and water lines will be located to minimize impacts on significant natural resources designated in the Town Plan and those protected under State law.
 - e. The PUD fits with and reinforces the character of the neighborhood.
 - f. The development plan is proposed over a reasonable period of time in order that adequate municipal facilities and services may be provided.
 - g. Where possible, buildings shall be sited so as to take advantage of southeast, south, or southwest orientations.
 - h. Energy efficiency shall be encouraged in the design and construction of a PUD, including minimizing building shadows that preclude the proposed or potential use of solar energy collectors.
 - i. Non-residential land development such as recreation facilities and small, community serving retail space (e.g.: country store) are permitted.
 - j. Any modification of these Regulations approved under this section shall be specifically set forth in terms of standards and criteria for the design, bulk, and spacing of buildings and the sizes of lots and open spaces which shall be noted on or appended to the application.
4. **Specific Standards for PUDs.** The following specific standards shall be met in order for the DRB to approve the application:
 - a. **Building Height and Spacing.** District regulations on height and spacing between main buildings shall be met unless otherwise waived by the DRB.

- b. **Utility Siting.** The Board may establish the location of the placement of the utilities in relation to the road. Where inclusion of utilities in the street right-of-way is impractical, perpetual, unobstructed easements at least twenty (20) feet in width shall be provided with satisfactory access to the street.
 - c. **Road Configuration.** Roads shall be designed to establish an interconnected network of streets of a scale designed to slow traffic and ensure pedestrian and vehicular safety. The use of traffic calming devices, including on-street parking and street trees, is strongly encouraged. Lots, buildings and streets shall be configured to create a compact, pedestrian scale neighborhood with well-defined streetscapes characterized by consistent building setbacks, sidewalks and street trees.
 - d. **Mix of Building Styles.** In any PUD with four (4) or more single-family or two-family dwellings, buildings should reflect a diversity of floor plans, garage orientation, building facades, color and rooflines to better integrate the development into the surrounding area and avoid a homogeneous or monolithic appearance.
 - e. **Common Land, Open Space, Public Recreational Facilities.** The applicant shall demonstrate that the project will result in common land, open space and/or public recreational facilities consistent Section 503.4. In the Rural Agricultural district, the applicant, to be eligible for a density bonus as defined in 504.5, shall demonstrate that a minimum of 70% of the pre-development parcel is designated as open space.
5. **PUD Lot Density.** Generally, the overall density of a PUD will not exceed the number of dwelling units that could be permitted if the land were subdivided into lots in accordance with the district regulations. However, the DRB may approve density bonuses increasing the overall density of a PUD project provided the DRB determines that the project meets planned unit development standards by providing for one or more units of the following types of facilities, designed in accordance with all applicable standards:
- (1) Senior living facility
 - (2) Housing for people with disabilities
 - (3) Affordable housing unit
- a. Calculation of the allowed density increase shall be based on the maximum allowable overall density of the project as defined by the district in which the project is located. Accessory dwellings shall not be counted when calculating the total number of units. All units shall be protected in perpetuity through deed restrictions, covenants, or other accepted legal mechanisms
 - i. A density bonus of up to 25% shall be granted for PUDs with at least one unit dedicated to one of the facilities defined above.
 - ii. A density bonus of up to 50% shall be granted for PUDs with all of the units being dedicated to one or more of the facilities defined above.
 - b. In the event that a parcel involved in a single PUD is located in two or more zoning districts, the total allowable density shall be calculated based on the dimensional standards for each zoning district, and the total acreage of each portion of the parcel located with the respective district. The increased base and bonus density of one district will not be permitted for lots in the less dense district. Two separate lot densities will be calculated and applied to the lots in the respective zoning districts.
 - c. Examples of how a density bonus might be calculated and applied are provided in Appendix 2.

ARTICLE 6: ADMINISTRATION AND ENFORCEMENT

SECTION 601: ZONING ADMINISTRATOR

1. These Regulations shall be administered and enforced by a Zoning Administrator, nominated for a three (3) year term by the Planning Commission and appointed by the Select Board. The Zoning Administrator may be removed from office for cause at any time by the Select Board after consultation with the Planning Commission. The Zoning Administrator shall be compensated in an amount established by the Select Board.
2. In accordance with 24 V.S.A. §4448 and §4449, the Zoning Administrator shall administer these Regulations literally, and shall have no authority to permit land development that is not in conformance with these Regulations. The Zoning Administrator shall administer these Regulations uniformly. The Zoning Administrator shall inspect land developments, maintain records, and perform all other necessary tasks to carry out the provisions of these Regulations, including providing interested persons with forms and information necessary to obtain municipal permits and coordinating a unified effort on behalf of the municipality in administering its development review programs.
3. The general powers of the Zoning Administrator are to grant or deny zoning permits, boundary line adjustments, to administer and enforce these Regulations and any other land use regulations, to assist the DRB and the Planning Commission, and to assist applicants and all other persons in the permit application process. Specific powers vested in the Zoning Administrator related to processing and reviewing applications are enumerated in these regulations.
4. An acting Zoning Administrator shall be nominated by the Planning Commission and appointed by the Select Board to serve in the absence or disability of a Zoning Administrator, or in case of a conflict of interest. The acting Zoning Administrator shall have the same duties, responsibilities and authority as the Zoning Administrator in the Zoning Administrator's absence.

SECTION 602: PLANNING COMMISSION

1. The Planning Commission shall consist of seven (7) members elected by the voters. Vacancies shall be filled by appointment of the Select Board only until the next meeting of the municipality, at which time the voters shall elect a commissioner to fill the unexpired term. Elected commissioners may not be removed by the Select Board. The Planning Commission's duties with respect to these Regulations shall include:
 - a. Nominating the Zoning Administrator with approval of the Select Board to administer these Regulations, as provided for in 24 V.S.A. §4448(a).
 - b. Preparing and presenting to the Select Board amendments to these Regulations and other regulations as permitted by the Act.
 - c. Preparing and updating the Town Plan for consideration by the Select Board as required by the Act and preparing and presenting amendments to the Plan as necessary.
 - d. Participating as a Party in State regulation proceedings as authorized by law including Act 250 proceedings and proceedings under 33 V.S.A. §248.

SECTION 603: DEVELOPMENT REVIEW BOARD

1. The Development Review Board (DRB) shall consist of up to seven (7) members, with a minimum of five (5), and up to three (3) alternates, the numbers and terms of appointment to be determined by the Select Board. Members of the DRB shall be appointed by the Select Board subject to the provisions of §4460 of the Act. Any member of the DRB may be removed for cause by the Select Board upon notice of written charges and after a public hearing.
2. The DRB shall have all powers and duties as set forth in the Act to administer the provisions of these Regulations, including but not limited to the power to hear and act upon:
 - a. Appeals from any decision, act or failure to act by the Zoning Administrator.
 - b. Applications for requests for variances. (Section 611)
 - c. Applications for requests for waivers. (Section 610)
 - d. Applications for conditional use review. (Section 707)
 - e. Applications for site plan review. (Section 706)
 - f. Applications for subdivision review. (Article 8)
 - g. Applications for planned unit developments. (Section 806)
 - h. Demolition of historic buildings. (Section 205.5.a (5))
 - i. Any other permit reviews as required in these Regulations or as set forth in 24 V.S.A. §4460(e).

SECTION 604: PUBLIC NOTICE

1. In accordance with 24 V.S.A §4464(a)(1) a warned public hearing shall be required for all development review applications involving conditional use reviews, site plan reviews, variances, appeals of decisions of the Zoning Administrator, and preliminary and final plat reviews for subdivisions. Any public notice for a warned public hearing shall be given not less than fifteen (15) days prior to the date of the public hearing by all the following:
 - a. Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected. The Zoning Administrator or chair of the DRB shall place the notice in the newspaper.
 - b. Posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. §312(c)(2), including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made. The Zoning Administrator, Town Clerk, or chair of the DRB shall post notices two places within town. The Zoning Administrator or chair of the DRB shall be responsible for posting the property.
 - c. Written notification to the applicant or appellant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way, and in any situation in which a variance is sought regarding setbacks from a State highway, also including written notification to the Secretary of Transportation.
 - (1) The notification shall state the name of the applicant, the location of the property in question, the nature of the application, the date, time, and place of hearing, the action sought and/or a description of the proposed land development, the place and time where additional information

can be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

- (2) The applicant shall be responsible for notifying owners of all properties adjoining the property subject to development, without regard to any public right-of-way, either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.
- (3) Prior to the hearing, the applicant shall demonstrate compliance with this notification provision by producing a copy of the letter sent, a list of those persons served and the certified mailing receipts or a sworn certificate of service. The applicant need only demonstrate that the letter was sent as required by these regulations, and not that it was received. If the applicant fails to reasonably demonstrate that they sent notice to the adjoining property owners and any other interested party, the DRB may postpone the hearing.
- (4) In the event that a properly warned public hearing is cancelled or continued at no fault of the applicant, either due to a weather event, lack of quorum, or similar situation, the DRB assumes the responsibility for written notification of the new hearing date to owners of all properties adjoining the property subject to land development and shall follow the same procedures as required of the applicant as set forth above.

2. In accordance with 24 V.S.A §4464(a)(2), public notice for hearings on all other types of development review, including site plan review, shall be given not less than seven (7) days prior to the date of the public hearing, and shall include all the following:
 - a. Posting of the date, place, and purpose of the hearing in three or more public places within the municipality in conformance with the time and location requirements of 1 V.S.A. §312(c)(2). The Zoning Administrator, Town Clerk, or chair of the DRB shall post notices two places within town. The Zoning Administrator or chair of the DRB shall also be responsible for posting the property.
 - b. Written notification to the applicant or appellant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way.
 - (1) The notification shall state the name of the applicant, the location of the property in question, the nature of the application, the date, time, and place of hearing, the action sought and/or a description of the proposed land development, the place and time where additional information can be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.
 - (2) The applicant shall be responsible for notifying owners of all properties adjoining the property subject to development, without regard to any public right-of-way, either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.
 - (3) Prior to the hearing, the applicant shall demonstrate compliance with this provision by producing a copy of the letter sent, a list of those it was sent to and the certified mail receipts or sworn certificate of service. The applicant need only demonstrate that the letter was sent as required by these regulations, and not that it was received. If the applicant fails to reasonably demonstrate that they sent notice as required by these Regulations and any other interested party, the DRB may postpone the hearing.

- (4) In the event that a properly warned public hearing is cancelled or adjourned at no fault of the applicant, either due to a weather event, lack of quorum, or similar situation, the DRB assumes the responsibility for written notification of the new hearing date to owners of all properties adjoining the property subject to development and shall follow the same procedures as required of the applicant as set forth above.
3. No defect in the form or substance of any required public notice under this section shall invalidate the action of the Zoning Administrator or DRB where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the DRB or the Environmental Court, the action shall be remanded to the DRB to provide new posting and notice, hold a new hearing, and take a new action.

SECTION 605: MEETING AND HEARING REQUIREMENTS

1. In accordance with the 24 V.S.A §4461(a), all meetings and hearings of the DRB and PC, except for deliberative and executive sessions, shall be open to the public, and the rules of evidence in any development review hearing shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 24 V.S.A. §1206.
2. The DRB and PC shall ensure that minutes are kept of all proceedings, excluding executive and deliberative sessions, showing the vote of each member upon each question, or if absent or failing to vote, indicating this, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Town Clerk as a public record.
3. For the conduct of any hearing or public meeting, and the taking of any action, a quorum shall be not less than the majority of members of the DRB or PC (vacancies must be counted). The DRB, in conjunction with any hearing under these Regulations, may, as specifically provided in 24 V.S.A. §4461(b):
 - a. examine or caused to be examined any property, maps, books, or records bearing upon the matters concerned in that proceeding;
 - b. require the attendance of any person having knowledge in the premises;
 - c. take testimony and require proof material (i.e.: evidence) for its information;
 - d. require an independent technical review of one or more aspects of an application such as, but not limited to, a traffic study, engineering studies, aesthetic assessment, environmental impact analysis, or fiscal impact analysis, to be paid by the applicant; and
 - e. administer oaths or take acknowledgement in respect of those matters.
4. The DRB or PC shall recognize all persons from the public wishing to be heard at any hearing or public meeting. The chair may elect to limit public comments to a period of time set aside for public comments and may establish a time limit for any person to speak. Interested persons should be permitted reasonable time to submit evidence in addition to the time allotted for comment.
5. In any public hearing there shall be an opportunity for each person wishing to achieve status as an interested person to demonstrate that the criteria set forth under Section 609.2 of these Regulations are met. The DRB shall keep a record of the name, address, and participation of each of these persons.

6. In accordance with 24 V.S.A. §§4464(b) and 4468, the DRB may recess a hearing on any application or appeal pending the submission of additional information, provided that the next hearing date and place is announced at the hearing. No further public notice shall be required.

SECTION 606: DECISIONS

1. The DRB shall issue a written decision within forty-five (45) days after adjournment of the hearing. Failure to issue a decision within the forty-five (45) day period shall be deemed approval and shall be effective on the forty-sixth (46th) day.
2. All decisions shall be issued in writing and shall separately state findings of fact and conclusions of law. Findings of fact shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on recorded evidence (testimony and exhibits). Conclusions of law shall be based on the findings of fact. The decisions shall also include a statement of the time within which appeals (Section 609) may be taken.
3. In making a decision in favor of the applicant, the DRB may attach conditions and safeguards as it deems necessary to implement the purposes of the Act, these Regulations, and the Cornwall Town Plan currently in effect. Conditions of approval may include:
 - a. the submission of a performance bond, escrow account, or other form or surety acceptable to the Select Board as provided in Section 607; and/or
 - b. a requirement that no zoning permit be issued for an approved development until required improvements have been satisfactorily installed in accordance with the conditions of approval
 - c. a requirement for the phasing of development as necessary to avoid or mitigate any undue adverse effects to existing or planned community facilities
 - d. any other reasonable requirement that the DRB deems necessary to implement the purpose of the Act, these Regulations, and the Cornwall Town Plan currently in effect
4. All decisions shall be sent to the applicant or appellant by certified mail within forty-five (45) days after adjournment of the hearing as required by 24 V.S.A. 4464(b)(3). Copies of each decision shall also be mailed to every person or body appearing and having been heard at the hearing and to all adjoining property owners. A copy of the decision shall be filed with the Zoning Administrator and the Town Clerk who shall record the decision as a public record.
5. After the DRB has issued its decision, the Zoning Administrator shall forthwith take any further action necessary to approve, with conditions as stated by the DRB or authorized by these Regulations or deny the pending permit application.

SECTION 607: PERFORMANCE BOND

The applicant may be required, as a condition of permit approval, to secure a performance bond in an amount that is, or may be, reasonably necessary to assure compliance with all permit conditions and/or reclamation and completion conditions as stated in any land development permit or DRB decision. A land development permit will not be issued until such time as the bond is furnished to the Town in a form and content that is satisfactory to the Select Board and the Town's legal counsel. The DRB may determine the amount of the bond or certified

check based upon the recommendations of a professional architect/engineer or construction expert hired by the Town at the expense of the applicant pursuant to 24 V.S.A. §4440(d).

SECTION 608: RECORDING REQUIREMENTS

1. Within thirty (30) days after the issuance of a municipal land use permit or notice of violation, the Zoning Administrator shall deliver either the original, a legible copy, or a notice of permit violation to the Town Clerk for recording in the municipal land or permit records as provided in 24 V.S.A. §1154(a). The applicant may be charged the cost of the recording fees as required by law.
2. For development within the Flood Hazard and River Corridor Overlay District, the Zoning Administrator shall also maintain a record of:
 - a. all permits issued for development in areas of special flood hazard;
 - b. elevation certificates that show the elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings;
 - c. the elevation, in relation to mean sea level, to which buildings have been floodproofed; all floodproofing certifications required under this regulation; and
 - d. all variance actions, including the justification for their issuance.
3. For approved subdivisions, all final plats must be recorded in the office of the Town Clerk within one hundred and eighty (180) days of the date of final plan approval or the approval expires. The Zoning Administrator may extend the date for recording by an additional ninety (90) days, if final local or state permits or approvals are still pending. The approved final subdivision plat shall be filed with the Town Clerk. The plat to be recorded shall meet all requirements required for the recording of a survey plat pursuant to 27 V.S.A. §1403. Prior to recording, the final subdivision plat must be signed as approved by two (2) authorized members of the DRB. Final subdivision plats for Boundary Line Adjustments shall be signed by the Zoning Administrator.
 - a. A plat will be deemed void if revised after DRB approval. No changes, modifications, or revisions shall be made in any final subdivision plat after the DRB has issued its approval and executed the plat. Any changes, revisions or modifications to an approved plat must be resubmitted to the DRB for review, including a public hearing, and approval.
4. For any subdivision which requires the construction of streets or other public improvements by the applicant, which have been, or are expected to be, dedicated to the Town as public improvements, the plat will not be signed until the applicant has:
 - a. Demonstrated that the proposed public improvements have been accepted by the Select Board and any other municipal official having jurisdiction over such improvements in writing,
 - b. Secured any performance bonds to secure the completion of any streets or other public improvements required as condition of sub-division approval, or
 - c. Constructed all streets or public improvements to the satisfaction of the Select Board or other municipal official with jurisdiction over the streets or public improvements.

SECTION 609: APPEALS

1. **Notice of Appeal.** An “interested person” may appeal any decision or act taken by the Zoning Administrator by filing a notice of appeal with the clerk of the Town. This notice of appeal must be filed within fifteen (15) days of the date of that decision or act, and a copy of the notice of appeal shall be filed with the Zoning Administrator.
2. **Interested Person.** For the purposes of these Regulations, an “interested person” means any one of the following, in accordance with the 24 V.S.A. §4465(b):
 - a. A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by these Regulations, who alleges that the Regulations impose on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
 - b. The Town of Cornwall or any adjoining municipality that has a municipal plan or regulation at issue in an appeal brought under these Regulations.
 - c. A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under these Regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the Town Plan or these Regulations.
 - d. Any ten persons who may be any combination of voters or real property owners within the municipality who, by signed petition to the DRB, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the Cornwall Town Plan or these Regulations. This petition to the DRB must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.
 - e. Any department and administrative subdivision of the State of Vermont owning property or any interest in property within the Town of Cornwall or an adjoining municipality, and the Agency of Commerce and Community Development.
3. **Appeals of decisions or act by the Zoning Administrator.**
 - a. Requests for appeals of decision or act by the Zoning Administrator shall be made by interested persons by filing a written notice of appeal with the DRB within fifteen (15) days of the act or decision at issue.
 - b. A notice of appeal filed under this Section shall be in writing and include the following information, in accordance with the 24 V.S.A. §4466:
 - (1) The name and address of the appellant.
 - (2) A brief description of the property with respect to which the appeal is taken.
 - (3) A reference to applicable provisions of these Regulations.
 - (4) The relief requested by the appellant.
 - (5) The alleged grounds why such relief is believed proper under the circumstances.
 - c. The DRB shall hold a public hearing on a notice of appeal within sixty (60) days of its filing. The DRB shall give public notice of the hearing as described under Section 604 and mail a copy of the hearing notice to the appellant not less than fifteen (15) days prior to the hearing date.

- d. The DRB may reject an appeal without hearing, and render a decision which shall include findings of fact within ten (10) days of the filing of a notice of appeal, if the DRB determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts by or on behalf of the appellant.
 - e. All hearings on appeal shall be open to the public. Any interested person or body may appear and be heard in person or be represented by an agent or attorney at the hearing. The hearing may be adjourned by the DRB from time to time, provided that the date and place that the adjourned hearing will be continued shall be announced at the hearing.
 - f. A decision on appeal shall be rendered within forty-five (45) days after adjournment of hearing. The decision shall be sent by certified mail to the appellant within the forty-five (45) day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Zoning Administrator and the Town Clerk as part of the public records of the municipality, in accordance with Section 608.
4. **Appeals of decisions by the DRB.**
- a. Pursuant to 24 V.S.A. §4471, an interested person who has also participated in a regulatory proceeding of the DRB may appeal a decision rendered by the DRB within thirty (30) days of such decision to the Vermont Superior Court – Environmental Division.
 - b. “Participation” in a DRB proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceedings.
 - c. A notice of appeal filed under this Section shall be in writing and include the following information:
 - (1) The name and address of the appellant.
 - (2) A brief description of the property with respect to which the appeal is taken.
 - (3) A reference to applicable provisions of these Regulations.
 - (4) The relief requested by the appellant.
 - (5) The alleged grounds why such relief is believed proper under the circumstances.
 - d. The notice of appeal shall be filed by certified mailing, with fees as required, to the Superior Court – Environmental Division and by mailing a copy to the town clerk who shall supply a list of interested persons (including the applicant if not the appellant), to the appellants within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person.

SECTION 610: WAIVERS

- 1. **Waivers by the Zoning Administrator.** In all zoning districts, waivers for any dimensional requirements may be granted by the Zoning Administrator, without a hearing by the DRB, for:
 - a. Reductions in setbacks as necessary to allow for disability accessibility, fire safety and other legal requirements.
 - b. Additions and improvements on pre-existing non-conforming structures so long as the project does not increase the degree of non-conformity.
- 2. **Procedure.** Applicants must provide the Zoning Administrator with a complete permit application and a supplemental letter or plan containing information necessary to make a decision. The nature of any waiver

and any conditions attached to it shall be entered on the face of the zoning permit, incorporated therein and shall be enforceable in the same manner as all other applicable requirements of these Regulations.

3. **Waivers by the DRB.** In all districts, the DRB may waive any dimensional requirements using the conditional use approval process outlined in Section 707 for roads, driveways, single story attached garages, decks, porches, and/or accessory structures in cases where conditions exist which affect the ability to otherwise meet setback requirements. Before granting a waiver to the setback requirements, the DRB shall make the following written findings or recommendations, including the rationale for each:
 - a. The waiver will be consistent with the purposes of the Town Plan and these Regulations;
 - b. The waiver will not create an undue adverse affect on:
 - (1) natural resources, rural character or aesthetics;
 - (2) public health and safety; and
 - (3) the ability of an adjoining property owner to use and enjoy their property.
 - c. The DRB may consider and require design features, screening, or some other remedy in order to mitigate anticipated impacts of any such waiver. Examples of options include a wall, a solid fence, a densely planted hedge or natural and/or man-made landforms.
 - d. All outdoor storage of materials and equipment, including waste storage facilities, shall not be stored or located within the reduced setback area.
 - e. The DRB shall provide only the minimum waiver that will represent the least deviation possible from these Regulations.
4. **Appeals.** Decisions of the Zoning Administrator or DRB regarding waivers are appealable pursuant to criteria and procedure outlined in Section 609.

SECTION 611: VARIANCES

1. **Variance Criteria.** The DRB shall hear and decide requests for variances as required by the 24 V.S.A. §4469(a). In granting a variance, the DRB may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these Regulations and the Cornwall Town Plan currently in effect. The DRB shall grant a variance from the provisions of these Regulations, and render a decision in favor of the appellant, only if all the following facts are found to be true and such findings are specified in its written decision:
 - a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of these Regulations in the neighborhood or district in which the property is located;
 - b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these Regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 - c. That such unnecessary hardship has not been created by the applicant;

- d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 - e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible of these Regulations and of the Town Plan.
 - f. Additional requirements for variances in the Flood Hazard and River Corridor Overlay District are specified in Section 211.5(f) of these Regulations.
2. **Renewable Energy Structures.** Where a variance is requested for a structure that is primarily a renewable energy resource structure, in accordance with the 24 V.S.A. §4469(b), the DRB may grant such variance only if all of the following facts are found in the affirmative and specified in its written decision:
- a. It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with these regulations;
 - b. The hardship was not created by the appellant;
 - c. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and
 - d. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the Town Plan.

SECTION 612: VIOLATIONS AND ENFORCEMENT

1. **Violations.** The commencement or continuation of any land development that does not meet the requirements of these Regulations or the terms and conditions of a land use permit issued pursuant to these Regulations, as amended, or any predecessor or bylaws or regulations shall constitute a violation. The Zoning Administrator shall enforce zoning violations as prescribed in 24 V.S.A. §4451 and §4452, as amended.
2. **Reporting Violations.** Reports of violations may be filed with the Zoning Administrator who shall investigate all such filings. The complaint shall state fully the causes and basis for the alleged violation. The Zoning Administrator shall properly record such complaint in the zoning records of the Town and investigate and take action as appropriate in accordance with these Regulations.
3. **Fines.** Any person found by the Zoning Administrator to have violated any regulation shall be fined following the procedures and penalties established in the Act or these Regulations. Penalties may include fines of up to \$200 per day, which may double in the event of default, injunctive action or any other remedy the town may lawfully seek under the statute. All fines imposed and collected shall be paid over to the Town of Cornwall.
4. **Notice of Violation.** No violation may be enforced unless the alleged offender has had at least seven (7) business days' notice by certified mail that a violation exists and has failed to satisfactorily respond or correct the violation. The warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven (7) day period, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven (7) day period. Action may

be brought without notice and opportunity to cure, if the alleged offender repeats the violation of the Regulation after the seven (7) day notice period and within the next succeeding twelve (12) months.

5. **Limitations of Enforcement.** An action, injunction or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required or duly recorded municipal land use permit may be instituted against the alleged offender if the action, injunction or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred, and not thereafter, in accordance with the 24 V.S.A. §4454. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted. No enforcement proceeding may be instituted to enforce an alleged violation of a municipal land use permit unless the permit or a notice of the permit has been recorded in the land records of the municipality under Section 608 of these Regulations.

ARTICLE 7: ZONING PERMITS AND LAND DEVELOPMENT REVIEW

SECTION 701: APPLICABILITY

1. No land development or change of use may commence in the Town of Cornwall until a zoning permit has been issued by the Zoning Administrator and any land development, site plan review or conditional use review approval, as required by the Act or these Regulations, has been obtained. It shall be the responsibility of the landowner (or an authorized agent) to obtain the zoning permits required by these Regulations prior to the commencement of any land development. Potential applicants are encouraged to discuss their project with the Zoning Administrator prior to application in order to fully understand the requirements of these Regulations and the permit process.

SECTION 702: EXEMPTIONS

1. No zoning permit or site plan or conditional use approval is required for the following activities:
 - a. 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 exempt from local permitting requirements. Such facilities, however, shall conform to the screening requirements and recommendations of these Regulations and the policies and objectives specified for such development in the Town Plan.
 - b. Pursuant to 24 V.S.A. § 4413(d) farm structures (excluding dwellings for human habitation), Required Agricultural Practices (RAPs) Accepted Management Practices (AMPs) for silviculture and forestry operations are exempt from local permitting requirements. However, persons intending to erect a farm structure must notify the Zoning Administrator in writing of the intent to build a farm structure, and abide by setbacks as approved contained within these Regulations, unless the person provides proof of lesser setbacks by the Secretary of the Agency of Agriculture, Food and Markets. The notification to the Zoning Administrator must contain a sketch of the proposed structure and include the setback distances from adjoining property lines, the street right-of-way and surface waters. Additionally, all farm structures within the Flood Hazard and River Corridor Overlay District must comply with the National Flood Insurance Program. The municipality may report violations of RAPs or AMPs to the appropriate state authorities for enforcement.
 - c. Hunting, fishing, and trapping as specified under 24 V.S.A §2295 on private or public land. This does not include facilities supporting such activities, such as rod and gun clubs, which for the purposes of these regulations are defined as clubs, or outdoor firing ranges which are not allowed.
 - d. Fences, hedges, or walls which are at least 5 feet from all property lines and 8 feet in height or less, and do not interfere with corner visibility.

- e. Doghouses, sheds, tree houses, greenhouses, and gazebos or similar structures having less than 144 square feet in floor area and less than 12 feet in height, and which are at least 5 feet from all property lines.
 - f. Telecommunication dishes or antennae attached to an existing structure for personal use by a single individual or family either mounted on the residence or accessory building or on a tower that does not exceed the district height maximum by more than 10 feet.
 - g. Any sign erected by the Town or State for directional information or traffic control purposes.
 - h. Outdoor recreational trails (e.g., walking, hiking, horse trails, cross-country skiing and snow mobile trails) which do not require the installation of structures or parking areas.
 - i. Residential entry stairs (excluding decks and porches), handicap access ramps, walkways, and fences or walls less than four (4) feet in height which do not extend into or obstruct public rights-of-way, or interfere with corner visibilities or sight distances for vehicular traffic.
 - j. Garage sales, yard sales, auctions or similar events provided that they extend for a period of less than four consecutive days, nor more than ten days in a calendar year, and are managed in a way not to cause traffic or parking problems or create other nuisances for neighbors.
 - k. Temporary roadside stands for the sale of agricultural products provided that:
 - (1) No stand shall be closer to any lot line than twenty feet;
 - (2) Off-street parking spaces shall be provided for at least two motor vehicles;
 - (3) Access to or egress from any stand shall not create a traffic hazard;
 - (4) The stand otherwise meets the definition of an agricultural structure noted above.
 - l. Normal maintenance and repair of an existing structure that does not result in exterior alterations or expansion or a change of use.
 - m. Interior alterations or repairs to a structure that does not result in exterior alterations or expansion or a change in use.
 - n. Infrastructure integral to a permitted building or structure and located primarily underground, such as drainage, wells and water systems.
2. Under the Vermont Municipal and Regional Planning and Development Act (Title 24 V.S.A. Chapter 117), any use not specifically authorized or exempted under these Regulations is prohibited.

SECTION 703: TECHNICAL REVIEW FEES

1. Pursuant to 24 V.S.A. §4440(d), the Town Select Board may establish procedures and standards for requiring the applicant to pay for reasonable costs of an independent technical review of a permit application.
2. The DRB may require an applicant seeking approval of any proposed land development to bear the costs incurred by the Town for any qualified professional reviews and inspections which are reasonably required by the DRB in connection with such application, or in connection with the ongoing development, including, but not limited to, fees and disbursements charged to the Town for engineering, legal or hydrological services rendered on behalf of the Town in connection with the development. The DRB may set the amount that the applicant gives to the Town in escrow for these purposes at the end of the discussion phase.

SECTION 704: ZONING PERMITS

1. **Application Requirements.** Prior to applying for a zoning permit or related development approval, applicants are encouraged to meet with the Zoning Administrator for a preliminary review of the proposal and a discussion of the applicable provisions of these Regulations, permitting requirements, application materials, fees and review procedures.
 - a. The Zoning Administrator shall determine whether proposed land development will require a zoning permit or any other type of development approval and shall provide applicants with the necessary form(s) to apply for the applicable permit(s) and approval(s).
 - b. All forms and applications shall be submitted to the Zoning Administrator and accompanied by the applicable fee. Applications without appropriate fees will be denied. Fees shall be established by the Select Board with the intention of covering the costs of administering these regulations. Fees are non-refundable and are for application only and do not guarantee issuance of a permit.
 - c. The zoning permit application shall include the following information:
 - (1) Applicable fee.
 - (2) Completed *Application for Zoning Permit* form provided by the municipality.
 - (3) Any deed restrictions on the property.
 - (4) Sketch plan, drawn to scale, no smaller than 8.5" x 11" and not more than 24" wide x 36", with an arrow depicting north. The drawing shall depict:
 - A. the dimensions of the lot, including property and zoning boundaries,
 - B. the location, footprint and height of existing and proposed structures or additions,
 - C. the location of existing and proposed accesses (curb cuts), driveways and parking areas,
 - D. the location of existing and proposed easements and rights-of-way, and utilities,
 - E. existing and required setbacks from property boundaries, road rights-of-way, surface waters and Class I and II wetlands,
 - F. the location of existing and proposed water and wastewater systems, and
 - G. other such information as required by the Zoning Administrator to determine conformance with these regulations.
 - d. The Zoning Administrator shall determine whether the application is complete after the applicant submits it and inform the applicant in writing if additional information is required.
2. **Uses Subject to Development Review by the DRB.** For development requiring one or more approvals from the DRB prior to the issuance of a zoning permit, application for such approvals and required application fees shall be submitted concurrently with the application for a zoning permit for referral to the DRB.
3. **Flood Hazard and River Corridor Approval.** Any application for development within the Flood Hazard and River Corridor Overlay District shall include copies of application information as required for referral to the Vermont Agency of Natural Resources, the Federal Insurance Administrator, and adjacent municipalities in accordance with the 24 V.S.A. §4424(D) and Section 211.
4. **Issuance.** A zoning permit shall be issued by the Zoning Administrator only in accordance with 24 V.S.A §4449 and the following provisions:
 - a. Within thirty (30) days of receipt of a complete application, including all application materials and fees, the Zoning Administrator shall act to either issue or deny a zoning permit in writing, or to refer the

application to the DRB. If the Zoning Administrator fails to act within the 30-day period, a permit shall be deemed issued on the 31st day. If the zoning permit is approved, the Zoning Administrator shall issue a permit with appropriate conditions, if any. If the application is denied, the Zoning Administrator shall state such denial and the reasons therefore in writing and shall immediately mail notice of such denial to the applicant at the address indicated on the application.

- b. For any use or structure which requires the approval of the DRB or Select Board, no zoning permit shall be issued by the Zoning Administrator until such approval has been obtained and all conditions of the approval have been met.
 - c. A zoning permit shall include a statement of the time within which appeals may be taken under Section 609; and shall require posting of a notice of permit, on a form prescribed by the municipality, within view of the nearest public right-of-way until the time for appeal has expired.
 - d. The Zoning Administrator, within three (3) days of the date of issuance, shall deliver a copy of the zoning permit to the Listers; and shall post a copy of the permit in the municipal offices for a period of fifteen (15) days from the date of issuance.
5. **Effective Date.** No permit issued pursuant to this section shall take effect until the 15 day time for appeal authorized in 24 V.S.A. §4465 has passed, or in the event that a notice of appeal is properly filed, no such permit shall take effect until adjudication of that appeal by the DRB is complete and the time for taking an appeal to the Environmental Court has passed without an appeal being taken. If an appeal is taken to the Superior Court – Environmental Division, the permit shall not take effect until the Environmental Court rules in accordance with 10 V.S.A. §8504 on whether to issue a stay, or until the expiration of 15 days, whichever comes first.
6. **Time Limit on Zoning Permits.** All activities authorized by the issuance of a zoning permit shall be substantially completed within two (2) years of its date of issue. If a zoning permit expires before the applicant substantially completes the construction or commences the use authorized by the permit, the applicant shall apply for a new zoning permit and any other associated development approvals under these Regulations.
7. **Notice of Permit.** Each Permit issued under this section shall contain a statement of the period of time within which an appeal may be taken. The Zoning Administrator shall post a *Notice of Permit* on a form prescribed by the municipality within view from the public right-of-way most nearly adjacent to the subject property until the time for appeal (15 days) has passed.
8. **Amending a Permit.** Upon written request from the applicant, the Zoning Administrator may, prior to completion and occupancy, amend a zoning permit or approved site plan that has involved or required development review by the DBR. In order to approve an amendment, the Zoning Administrator must find that the proposed change:
- a. Is not a material change. A material change means a change in the planned use or land development or a structure that may have affected the decision made or any conditions placed on the permit if it had been included in the plans as approved.
 - b. Does not affect the type, character or intensity of the approved land development or use to the extent specified below:
 - (1) Any proposed change shall not result in an increased requirement for parking or loading spaces.

- (2) Any proposed change in building footprint shall not exceed 5% or 100 square feet, whichever is less.
- (3) Any proposed substitution of planting materials shall not change the overall landscape design concept.
- c. The Zoning Administrator may:
 - (1) Require that the owners of properties adjoining the subject property be notified and have an opportunity to comment prior to acting on the amendment request.
 - (2) Decline to amend an approved site plan and refer the request to the DRB.
 - (3) Require the applicant to submit an application for a new zoning permit.
- d. Any amendment to a zoning permit shall be posted as set forth in Section 704.7 above.
- e. Once a land development for a permit is complete, a new application is required for any amendment.
- 9. **Revoking a Zoning Permit.** Any permit issued based on material inaccuracies or misrepresentation in an application, or any supporting documentation to an application, shall be null and void; and any associated development activity commenced under such permit shall constitute a violation of these Regulations and be subject to enforcement.
- 10. **Certificate of Occupancy.** Pursuant to 24 V.S.A. §4449(a)(2), a certificate of occupancy issued by the Zoning Administrator shall be required prior to the use or occupancy of any land or structure, or part thereof, for which a permit under these Regulations has been issued.
 - a. An application for a certificate of occupancy shall be provided with the zoning permit issued by the Zoning Administrator. The applicant shall submit a completed application and applicable fee to the Zoning Administrator prior to the use or occupancy of the land or structure.
 - b. A certificate of occupancy shall not be issued until all necessary approvals and permits required by these regulations have been obtained for the project, and the Zoning Administrator determines that the project has been fully completed in conformance with all such approvals and permits.
 - c. Within fourteen (14) days of receipt of the application for a certificate of occupancy, the Zoning Administrator may inspect the premises to ensure that all work has been completed in conformance with the zoning permit and associated approvals, including all applicable permit conditions. If the Zoning Administrator fails to either grant or deny the certificate of occupancy within fourteen (14) days of the submission of an application, the certificate shall be deemed issued on the fifteenth (15th) day.
- 11. **Certificate of Zoning Compliance.** Upon completion of the application for a Certificate of Zoning Compliance and its submission to the Zoning Administrator, along with the applicable fee, the Zoning Administrator may issue a Certificate of Zoning Compliance. The Certificate will be provided on a form provided by the Town and may report, only, on whether the Town is currently pursuing any enforcement actions against the property.
 - a. Purchasers of real estate and their representatives and agents have the responsibility for making a thorough review of the municipal records and independently determining whether there are any encumbrances on the subject property arising out of or relating to acquisition of all necessary and required zoning and other municipal approvals or with the laws of the State of Vermont.
 - b. Nothing within shall preclude or prejudice the Town of Cornwall from taking any and all enforcement actions it deems appropriate against either the seller or buyer of real estate for a

violation of these Regulations, other municipal ordinances, bylaws or regulations, or the laws of the State of Vermont.

SECTION 705: COMBINED REVIEW

1. Pursuant to 24 V.S.A. §4462, in cases where a proposed land development will require more than one development review process, the DRB may warn and hold a joint hearing or single hearing for the purpose of reviewing and acting on the proposal. In cases where a joint hearing cannot be conducted to address each necessary review, the proceedings for each review shall occur concurrently or semi-concurrently (initiating one review process while the preceding process is nearing completion). The Zoning Administrator shall identify proposed projects appropriate for combined review and assist applicants in preparing and submitting coordinated applications to facilitate combined review.
2. Notice for a combined review hearing shall be made in accordance with 24 V.S.A. §4464(a)(1). The hearing notice shall include a statement that the hearing will be a combined review of the proposed project and list each review processes that will be conducted at the hearing. In the case of differing notice requirements, the process which provides more notice, by amount of time or by other means, shall apply.
3. As applicable, the combined review process shall be conducted in the following order unless the DRB determines that a different order will better facilitate the development review process by saving Town, applicant or interested party time and resources:
 - a. Site Plan
 - b. Requests for Waivers or Variances
 - c. Subdivision Approval (preliminary and final)
 - d. Conditional Use Review
4. All hearing and decision requirements, and all deadlines applicable to each review process shall apply. Separate written decisions may be issued for each review conducted as part of the combined review but shall be coordinated where appropriate.

SECTION 706: SITE PLAN REVIEW

1. **Applicability.** Pursuant to 24 V.S.A. §4416, site plan review by the DRB shall be required for any use or structure, except allowed uses as specified in Articles 205, 206, and 207 of these Regulations and other land developments exempted in Section 702. Where appropriate, the DRB shall conduct site plan review simultaneously with all other DRB reviews required for a proposed land development under the combined review process in Section 705. Site plan reviews should be conducted only after a completed permit application is submitted to the Zoning Administrator.
2. **Site Plan Review Application Requirements.** All applications that require a public hearing shall submit ten (10) sets of site plans and supporting data to the DRB, by delivering the application to the Zoning Administrator. The Zoning Administrator, for applications reviewed only by the Zoning Administrator, or the DRB for all other applications, may waive any information required on the site plan if the information is not relevant to the proposed land development. The application shall include the following information, presented in graphic form and accompanied by written text:

- a. Property identification numbers of the property taken from the latest tax records;
 - b. Name and address of the owner of record, the applicant if different from the property owner, and the names and addresses of owners of adjoining lands, without regard to rights of way;
 - c. Name and address of person or firm preparing the site plan; scale of map of at least 1"=200', north arrow, and date prepared.
 - d. Demonstration on the site plan that the siting and layout complies with specific standards contained in Article 2 of these regulations.
 - e. Existing site conditions including lot size(s), property and zoning boundaries, adjacent properties, dimensions, contours, existing structures, large trees, streets, access points to roads, utility easements, rights of way, land use and deed restrictions, significant natural features including but not limited to surface waters, wetlands and associated buffers, woodlands, steep slopes (20% or greater), flood hazard areas, source protection areas, important habitat areas, historic sites, primary agricultural soils, and unique geologic features such as prominent knolls or cliff outcroppings.
 - f. Proposed improvements including location of structures, building footprints, building envelopes, roads, driveways, parking areas, access points, signs, streets, sidewalks and other walkways, loading docks, outside storage areas, sewage disposal areas, water, landscaping, exterior lighting, screening, site grading and drainage.
 - g. Site clearing and disturbance, and on-site paving, roofing, and other impervious surfaces that increase surface runoff and limit water infiltration and recharge.
 - h. Specifications for handling of runoff from impervious surfaces to ensure ground infiltration.
 - i. Locations for the storage and use of chemicals and hazardous materials.
 - j. Elevations of proposed structures; floor plans may also be required.
 - k. Detailed specifications of the planting and landscaping materials to be used.
 - l. Construction sequences and time schedules for completion of each phase for buildings, parking spaces, and landscaped areas of the entire development.
 - m. General description of proposed uses including employees, inhabitants, operating hours, impacts of uses, use or storage of hazardous materials, and proposals for mitigating impacts and hazards, as applicable.
 - n. Estimate of daily and peak hour traffic generation.
 - o. A description of energy utilization and conservation measures for each heated structure, and that, for commercial structures, reasonable energy conservation measures have been incorporated.
 - p. A description of signs, lighting and steps taken to mitigate against noise created by the proposed use, as applicable.
 - q. For land development within the Special Features Overlay District, any information required under Section 210, unless waived by the DRB.
 - r. Any other information that the DRB may reasonably require to determine project conformance with the provisions of these Regulations, including but not limited to site plans prepared by licensed engineer or surveyor, traffic impact studies, stormwater management plans, erosion control measures, economic impact analyses, or visual assessments.
3. **Public Notice and Review for Site Plan Review.** Public notice of hearing shall be given as specified in Section 604 of these Regulations if conducted independently or under Section 707 or Article 8 if conducted as a

portion of a conditional use or subdivision review. The DRB shall review this application pursuant to review procedure established in Section 606.4 below of these Regulations and pursuant to any rules of procedure it adopts.

4. **Site Plan Review Procedure.** Site plan review shall require a public hearing, after submission of a completed application packet. The DRB may impose appropriate conditions and safeguards with respect to the adequacy of traffic access, circulation and parking for vehicles and pedestrians, landscaping and screening, exterior lighting, signs, hours of operation, design criteria for the exterior of the building proposed and protecting the utilization of renewable energy resources. The DRB shall review the site plan and supporting data to determine whether or not it conforms with or would be in conflict with the Town Plan; these Regulations; developments proposed for any public agency; existing private and public development, facilities and services; and for any special problems that may be encountered.
5. **Site Plan Review Decisions.** Upon the close of the hearing, the DRB shall issue its decision pursuant to the procedure outlined in Section 606 of these Regulations. In approving a project with conditions, the DRB may require specific modifications to the design, scale, layout and/or design, or configuration of the project, and any fees or bonds.

SECTION 707: CONDITIONAL USE REVIEW

1. **Applicability.** Pursuant to 24 V.S.A. §4414(3), the Zoning Administrator shall not issue a zoning permit for any use or structure that requires conditional use approval, or for the expansion or enlargement or change in use of an existing conditional use, until the DRB grants such approval in accordance with these Regulations and the following standards and procedures. Uses requiring conditional use review and approval by the DRB are listed in Article 2 in the sub-sections governing each zoning district. General and specific standards to which each conditional use must also conform are set forth in Articles 3 and 4 of these Regulations.
2. **Conditional Use Review Procedure.** Conditional use review shall require a public notice and hearing, after submission of a completed application packet, following the procedures in Sections 604 and 605. The DRB shall grant conditional use approval if and only if the DRB determines that the proposed use is compatible with the Cornwall Town Plan and will conform to the general and specific standards outlined in these Regulations. In granting conditional use approval, the DRB may attach reasonable conditions and safeguards as are necessary to implement these Regulations. Where conditional use review is required it shall be in addition to site plan review. When feasible, both procedures shall occur concurrently.
 - a. For all relevant criteria applicable to the requested use, the applicant has the burden of proof. The applicant shall provide sufficient evidence that all relevant criteria have been met even if no party actually opposes that project. Evidence must be credible and clear enough for the DRB to be able make findings that ensure the public health, safety, and welfare and compliance with these Regulations.
3. **Existing Conditional Uses.** Uses listed as conditional uses which existed prior to the effective date of these Regulations shall conform to all requirements herein pertaining to conditional uses with respect to a change in use, expansion or contraction of lot area, or alteration of structures.
4. **Conditional Use Application Requirements.** In addition to the site plan requirements outlined in Section 706.2, the applicant shall submit ten (10) copies of the *Application to the DRB* form to the Zoning

Administrator summarizing the proposed conditional use which addresses all elements of this section, and all other information necessary to illustrate compliance with these Regulations and for the DRB to make its decision. The complete application must arrive to the Zoning Administrator at least twenty-five (25) days prior to the next regular monthly meeting of the DRB for it to be considered for hearing by the DRB at this meeting.

5. **General Criteria for Conditional Use Review.** When determining the appropriateness of a proposed conditional use, the DRB shall determine whether or not it conforms with or would be in conflict with the Town Plan; these Regulations; and all regulations and ordinances in effect at the time of submission of the application. A conditional use shall not excessively inhibit or restrict access to or the use of renewable natural resources (including, but not necessarily limited to, water and sunlight) for energy generation. In addition, the DRB shall determine that the development or use will not result in an undue adverse impact on any of the following:
 - a. A conditional use shall not overburden or exhaust the capacity of existing or planned municipal or community facilities or services.
 - b. The character of the area affected as defined by the purpose or purposes of the zoning district or overlay districts within which the project is located, and specifically stated policies and standards of the Town Plan. A conditional use may not, by its nature, scale, or conduct cause an undue adverse change to the character of the area, as the area would exist if fully developed in accordance with the Town Plan. To that end, the conditional use shall meet or, where it is deemed appropriate by the DRB, exceed dimensional requirements for the district, the sign standards in Section 318, and any other performance standards specified in these Regulations. The estimated traffic generated by a conditional use shall not exhaust or exceed the capacity of the road to accept increased traffic, which could affect the peaceable enjoyment and character of the area, unless the applicant agrees to a condition requiring the applicant to upgrade the road, implement roadside plantings, or other mitigation methods to lessen the impact of increased traffic on neighbors.
 - c. The estimated traffic that will be generated by a conditional use shall not, in combination with other uses, exceed the road capacity. A traffic impact study shall be required for any application that is expected to generate 75 or more new trips during the a.m. or p.m. peak hour on Class 1 roads, and 25 or more new trips during the a.m. or p.m. peak hours on Class 2 and 3 roads. The study shall be prepared by a qualified professional in accordance with VTrans' traffic impact study policy.
6. **Conditions for Conditional Use Approval.** The DRB may place conditions on a project in order to ensure that the standards of these Regulations will be met, including, but not limited to:
 - a. Limitations on size, scale, or dimensions of the project.
 - b. Increasing distances for non-residential uses which are contiguous to residential uses, recreation uses, or natural areas.
 - c. Limiting outdoor storage of materials, goods, and equipment.
 - d. Requiring that storage of goods, parts, supplies, vehicles or machinery being worked on or finished or partially finished will be inside a building or behind screening.
 - e. Requiring roadway improvements on-site or off-site, if deemed necessary, to accommodate the increased traffic and noise associated with the development. Improvements may also include traffic calming, sidewalks, crosswalks, street trees, and other similar streetscape improvements.

- f. Conditions with regard to size, design, and location of parking areas, landscaping, and signs.
 - g. Limiting hours of operation.
 - h. Phasing proposed development so that the rate of growth shall not exceed the Town's ability to provide community facilities and services.
 - i. Paying for all or a portion of off-site improvements to community facilities and utilities deemed necessary to accommodate the proposed project.
 - j. Paying for all or a portion of off-site transportation improvements deemed necessary to accommodate anticipated traffic resulting from the proposed project.
 - k. Setting aside land for recreation purposes such as playgrounds, parks, trails, and multi-use paths.
 - l. Setting aside land for conservation purposes and protecting it from future development.
 - m. Other improvements necessary to ensure conformance with these Regulations.
 - n. Any associated fees or bonds as deemed necessary by the DRB.
7. **Conditional Use Review Decisions.** The DRB may request additional information that it deems necessary to make an informed decision, including but not limited to, studies at the applicant's expense performed by licensed engineers, hydrologists, geologists, landscape architects, architects, biologists or other qualified professionals or experts. Upon the close of the hearing, the DRB shall issue its decision pursuant to the procedures outlined in Section 606 of these Regulations and attach any additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of these Regulations and the Town Plan.

ARTICLE 8. SUBDIVISION REVIEW

SECTION 801: APPLICABILITY

Pursuant to §4418 of the Act, whenever any subdivision of land is proposed to be made, before any contract for sale, lease or transference of such subdivision or any part thereof is made, before any grading, clearing of more than ½ acre, construction, or other improvement is undertaken, or before any permit for erection of a structure in such proposed subdivision is granted, and before a plat may be filed with the Town Clerk, the applicant, or authorized agent, shall apply in writing to the DRB for and secure approval of the proposed subdivision in accordance with these Regulations.

SECTION 802: PRELIMINARY PROCESS FOR SUBDIVISIONS

1. **Subdivision Pre-Application Meeting.** In order to ensure a smooth application process, potential applicants for all types of subdivisions may contact the Zoning Administrator prior to filing an application for any subdivision review to discuss the application requirements and review process. The purpose of a pre-application meeting is to familiarize the applicant with the requirements of these Regulations and answer basic questions of procedure. No written decision will be issued and no comments by either the applicant or the Zoning Administrator are binding.
 - a. The applicant may present any information that he or she deems appropriate at the pre-application meeting, including site information and/or conceptual subdivision design.
 - b. All applicants for subdivision review are encouraged to contact adjoining landowners and other potentially interested persons prior to submitting an application to ensure that legitimate concerns of neighbors are addressed early in the subdivision design process.
2. **Subdivision Sketch Plan Review.** For subdivision proposals *other than boundary line adjustments*, and for the purpose of preliminary discussion and review, and designation of the type of subdivision (minor or major), an applicant proposing to subdivide their land shall, prior to submitting a formal application, submit to the Zoning Administrator at least twenty-five (25) days prior to a regular meeting of the DRB ten (10) copies of a sketch plan of the proposed subdivision.
 - a. **Sketch Plan.** A sketch plan shall include the following drawings and information:
 - (1) Name and address of the landowner and/or applicant, names of all adjacent property owners, and name of project.
 - (2) A drawing showing the location of the development parcel in the Town and all sites previously developed or subdivided by the applicant/owner (as defined in Section 501) in the Town within the past five (5) years.
 - (3) A drawing at a scale not to exceed one inch = one hundred feet (1" = 100') drawn on a contour map at no greater than 10 foot intervals showing the project boundaries, zoning district boundaries, adjacent land uses and ownership, significant natural and manmade features, existing easements, and layout and size of the proposed lots, uses, and improvements.

- (4) A written description of proposed development plans, including the total parcel size, the number and size of lots, general timing of construction, and nature and extent of all improvements. The DRB may require additional information before recommending that the applicant proceed with the application.
- b. **Review.** The DRB shall review the sketch plan to determine whether or not it conforms to or would be in conflict with the Town Plan; these Regulations; Official Map when and if adopted; developments proposed by any public agency; existing and un-built but approved private and public development, facilities and services; and for any special problems that may be encountered.
- c. **Sketch Plan Meeting.** The DRB shall, within sixty (60) days of receipt of the sketch plan by the Zoning Administrator, discuss the sketch plan with the applicant, or his/her duly authorized representative, at a regular meeting of the DRB. The applicant, or his/her duly authorized representative, will be given notice to attend the meeting and should be prepared to discuss the proposal in depth.
- d. **DRB Recommendation.** The DRB shall, within forty-five (45) days of the meeting defined in Section 802.2 above, or any continuation thereof, will classify the project as a Minor or Major Subdivision or PUD and inform the applicant in writing of any specific recommendation for changes in subsequent submissions. The DRB may request additional information to be submitted with the formal application, including special studies and/or supporting documentation as appropriate. The DRB may inform the applicant or authorized representative verbally, in lieu of writing, at the sketch plan meeting of specific recommendations and or subsequent submissions. The minutes of the meeting shall indicate the recommendations of the DRB.
 - (1) DRB recommendations under sketch plan review are intended to serve as guidance to the applicant for the subsequent submission of a formal subdivision application. Any determination the DRB makes at sketch plan review does not constitute approval of the proposed subdivision.
 - (2) DRB recommendations remain in effect for six (6) months from the date of issuance, unless otherwise approved or extended in the written determinations issued by the DRB.
- e. **Failure to Appear.** If the applicant, or his/her duly authorized representative, fails to appear at the meeting defined in Section 706.4, then the DRB may require the applicant to resubmit the sketch plan and the forty-five (45) day notice requirement may be deemed to have been waived by the applicant.

SECTION 803: BOUNDARY LINE ADJUSTMENTS

Pursuant to 24 V.S.A. §4464(c), boundary line adjustments are handled as an administrative procedure by the Zoning Administrator. Upon submission of a completed subdivision application, proper payment of fees, and submission of all required supporting documentation including a survey of the new boundary line, the Zoning Administrator shall conduct a review of the boundary line adjustment submittal and, if finding that the proposal meets all the applicable requirements of these Regulations, shall grant a permit for Boundary Line Adjustment. Prior to granting the permit, the Zoning Administrator may require an accurate map of the property showing existing features, including structure locations, water and wastewater facilities, driveways, easements, parking and loading spaces and pedestrian walks and other information pertinent to the issue.

1. **Standards.** The Zoning Administrator may grant a permit for a Boundary Line Adjustment, if the applicant can satisfy all of the following standards:

- a. The adjustment requested meets the definition of a Boundary Line Adjustment;
 - b. No new lots are created;
 - c. The lots resulting from the Boundary Line Adjustment meet the dimensional requirements for lots within the underlying zoning district;
 - d. The adjustment requested is in conformance with the Town Plan and the goals set forth in 24 V.S.A. §4302;
 - e. The adjustment requested is designed to conform to the character of the land use area in which it lies as defined in the Town Plan and these Regulations;
 - f. The Boundary Line Adjustment does not cause any structure on either lot to violate any dimensional setback requirements in these Regulations; and
 - g. The applicant demonstrates through a permit or a deferral of permit that the Boundary Line Adjustment is acceptable for State water supply and wastewater permitting purposes.
2. **Decision.** The Zoning Administrator shall make a decision on the request for Boundary Line Adjustment by applying the facts presented in the application to the criteria listed above, and incorporating all into a written decision. In approving a project, the Zoning Administrator shall act to ensure, and may impose conditions requiring, that the Boundary Line Adjustment, if permitted, will conform to these Regulations and the Cornwall Town Plan. The nature of any conditions attached to it shall be entered on the face of the permit and upon the final subdivision plat depicting the adjustment and shall be enforceable in the same manner as all other applicable requirements of these Regulations. The decision of the Zoning Administrator regarding the permit is appealable to the DRB pursuant to Section 609 of these Regulations.
- a. **Filing Final Plat.** Upon securing a permit decision from the Zoning Administrator, prior to that permit taking effect, the applicant shall be required to file a final subdivision plat pursuant to the recording requirements of Section 608 of these Regulations.

SECTION 804: MINOR SUBDIVISION REVIEW

1. **Minor Subdivision Review Procedure:**
- a. As per Section 705, the DRB may review a minor subdivision application in the context as a combined review proceeding. If a Minor Subdivision requires site plan or conditional use approval, the DRB shall conduct that review concurrently with subdivision review.
 - b. Within six (6) months after classification of the project as a Minor Subdivision by the DRB, the applicant shall submit a complete subdivision application to the Zoning Administrator, including the following:
 - (1) The complete application must arrive to the Zoning Administrator at least twenty-five (25) days prior to the regular monthly meeting of the DRB for it to proceed to hearing for approval of a final plan. The Zoning Administrator will determine if the application is complete.
 - (2) The plan shall conform to the layout presented to the DRB at the sketch plan review, plus any recommendations made by the DRB.
 - (3) If the applicant fails to file a complete subdivision application within six (6) months from the conclusion of the sketch plan phase, the DRB may refuse to act without prejudice and require the applicant to resubmit the application to the DRB for another sketch plan review.

- (4) At the sketch plan meeting, the DRB will make an initial determination concerning which of the following application requirements are not applicable to the current application.

2. Minor Subdivision Application Requirements:

- a. In addition to the site plan requirements outlined in Section 706.2 of these Regulations, an original and ten copies (10 total) of the following shall be included in the application:
 - (1) A completed subdivision application.
 - (2) The application fee and any initial funds the DRB has determined will need to be escrowed to cover Cornwall's technical review or inspection costs.
 - (3) All information submitted from the sketch plan review.
 - (4) A survey of the boundaries of the proposed subdivision parcel, including the entirety of the existing parcel, and existing site conditions of the subdivision parcel, by a Vermont licensed surveyor.
 - (5) A statement of the compliance of the proposed subdivision with the Town Plan, Land Use and Development Regulations and other bylaws in effect. If the applicant seeks a variance from any provision of the Land Use and Development Regulations, the applicant shall submit a clear statement regarding the variance(s) requested and why the variance is appropriate under Cornwall's Land Use and Development Regulations.
 - (6) Description of proposed water supply.
 - a. A report from an engineer, hydrologist or other person qualified to render an opinion describing the type of system proposed and stating that the system will be designed to meet the State of Vermont Water Supply and Wastewater Rules, including a map depicting the approximate location of the infrastructure necessary for the system.
 - b. If the source is a community water supply system, the applicant shall present evidence of the right to use such system and the adequacy of such a system to meet water supply requirements of the project.
 - (7) Description of proposed sewage disposal system.
 - a. A report prepared in conformance with state subdivision regulations from an engineer, hydrologist or other person qualified to render an opinion describing the type of system proposed and stating that the system will be designed to meet the State of Vermont Water Supply and Wastewater Rules, including a map depicting the approximate location of the infrastructure necessary for the system.
 - b. If a community sewage disposal system is to be used, the applicant shall submit evidence of the right to use such system and an engineer's statement of the adequacy of the system to handle the additional sewage.
 - (8) Other criteria, including those listed in Section 503, may be required at the sole discretion of the DRB.

3. Minor Subdivision Review and Approval:

- a. The DRB shall hold a public hearing and act on a final subdivision in accordance with Sections 604, 605 and 606 of these Regulations.
- b. DRB will review a Minor Subdivision application to determine whether or not it conforms with or would be in conflict with the Town Plan; these Regulations; regulations and ordinances in effect at the time of

submission of the application; developments proposed for any public agency; existing and un-built but approved private and public development, facilities and services; and for any special problems that may be encountered such as capacity of existing or planned community facilities and character of the area. Approval, with or without conditions, or denial of the application will be issued by the DRB in accordance with Section 606 of these Regulations.

- c. Upon securing a permit decision from the Zoning Administrator, prior to that permit taking effect, the applicant shall be required to file a final minor subdivision plat pursuant to the recording requirements of Section 608 of these Regulations.

SECTION 805: MAJOR SUBDIVISION REVIEW

1. Major Subdivision Review Procedure:

- a. As per Section 705, the DRB may review a major subdivision in the context of a combined review. If a Major Subdivision requires site plan or conditional use approval, the DRB shall conduct that review concurrently with subdivision review.
- b. Whether or not the major subdivision is being reviewed as a stand alone application or part of a combined review, the process will include the following:
 - a. Preliminary Plan Application and Review
 - b. Final Plan Application and Review

2. Major Subdivision Preliminary Plan Application:

- a. **Process:** Within six (6) months after classification of the project as a Major Subdivision by the DRB, the applicant shall submit a complete subdivision application for preliminary plan review to the Zoning Administrator.
 - (1) The complete application must arrive to the Zoning Administrator at least twenty-five (25) days prior to the regular monthly meeting of the DRB for it to proceed to hearing for approval of a final plan. The Zoning Administrator will determine if the application is complete.
 - (2) The plan shall conform to the layout presented to the DRB at the sketch plan review, plus any recommendations made by the DRB.
 - (3) If the applicant fails to file a complete subdivision application for preliminary plan review within six (6) months from the conclusion of the sketch plan phase, the DRB may refuse to act without prejudice and require the applicant to resubmit the application to the DRB for another sketch plan review.
 - (4) At the sketch plan meeting, the DRB will make an initial determination concerning which of the following application requirements are not applicable to the current application.
- b. **Major Subdivision Preliminary Application Requirements:** In addition to the site plan requirements outlined in Section 706.2 of these Regulations, an original and nine copies (10 total) of the following shall be included in the application for a preliminary plan of a major subdivision:
 - (1) A completed subdivision application.
 - (2) The application fee and any funds the DRB has determined will need to be escrowed to cover Cornwall's technical review or inspection costs.
 - (3) All information submitted from the sketch plan review.

- (4) A survey of the boundaries of the subdivision parcel, including the entirety of the existing parcel, and the existing site conditions of the subdivision, by a Vermont licensed surveyor.
- (5) A statement of the compliance of the proposed subdivision with the Cornwall Town Plan, Land Use and Development Regulations and other bylaws in effect. If the applicant seeks a variance from any provision of the Land Use and Development Regulations, the applicant shall submit a clear statement regarding the variance(s) requested and why the variance is appropriate under Cornwall's Land Use and Development Regulations.
- (6) A statement setting forth the nature of all proposed modifications, changes, or supplementations to these Regulations and the standards and criteria which the applicant proposes for the development, including the location, height, spacing of buildings, open spaces and their landscaping and long-term stewardship, streets, driveways, off-street parking spaces, and all other physical features.
- (7) A brief summary of the project and how it meets the standards of this section as well as all other applicable regulations including specific Major Subdivision standards established for the zoning district where the development shall occur.
- (8) A description of any deed covenants, homeowner's association articles and bylaws, and maintenance or management plans.
- (9) In instances in which an applicant proposes development of a portion of a larger parcel, or development of a parcel contiguous to another parcel(s) in common or affiliated ownership, a general indication of the intended use of the remaining (undeveloped) portion of the land.
- (10) Any additional information required by the DRB to determine whether the proposed mix of uses, density and scale and intensity of uses will meet the standards of these regulations.
- (11) A statement and maps, if necessary, or other documents demonstrating that the applicant has considered the impact the development may have on the Town of Cornwall's waters and has designed the project to comply with the standards contained in Section 210 of these Regulations. Additionally, applicants proposing a subdivision containing commercial spaces shall describe the type and volume of any waste produced by any commercial entities and how the waste will be disposed of. Additionally, the applicant will describe the steps they have taken to screen the delivery/disposal area from the road and neighboring properties. Applicants are advised to look at Section 706 regarding Site Plan review.
- (12) A description of proposed water supply:
 - a. A report from an engineer, hydrologist or other person qualified to render an opinion describing the type of system proposed and stating that the system will be designed to meet the State of Vermont Water Supply and Wastewater Rules, including a map depicting the approximate location of the infrastructure necessary for the system.
 - b. If the source is a community water supply system, the applicant shall present evidence of the right to use such system and the adequacy of such a system to meet water supply requirements of the project.
- (13) A description of proposed sewage disposal system:
 - a. A report prepared in conformance with state subdivision regulations from an engineer, hydrologist or other person qualified to render an opinion describing the type of system

proposed and stating that the system will be designed to meet the State of Vermont Water Supply and Wastewater Rules, as amended, including a map depicting the approximate location of the infrastructure necessary for the system.

- b. If a community sewage disposal system is to be used, the applicant shall submit evidence of the right to use such system and an engineer's statement of the adequacy of the system to handle the additional sewage.
- (14) A description of stormwater systems:
- a. A report from an engineer, hydrologist or other person qualified to render an opinion describing the type of stormwater system proposed and stating that the system will be designed to meet the State of Vermont Stormwater Regulations, as amended, governing both construction and permanent infrastructure and a map depicting the systems.
 - b. Additionally, the applicant will supply preliminary grading plans showing areas of cut and fill and revised contours, at a contour interval sufficient to demonstrate the scope of the earthwork.
- (15) A description of transportation infrastructure and impact:
- a. A report and map from an engineer, or other qualified person, describing and depicting existing and proposed transportation infrastructure including street right-of-way lines, widths of streets, typical road, walkway, and other transportation infrastructure.
 - b. For larger projects, or as deemed necessary by the DRB, in its sole discretion, applicant may be required to provide evidence that the traffic generated by the project will not cause the capacity of roadways and intersections in the area to be exceeded. Information to be provided should include but not be limited to current traffic volumes, current excess capacities or deficiencies, trip generation estimates and their impact on capacities, and sight stopping distances for new road intersections with Town highways.
- (16) A description of impacts on school and other municipal services:
- a. Applicant shall describe the municipal services that the project will impact and provide evidence demonstrating that any impact will be acceptable to the local officials responsible for providing the service.
 - (1) *Schools*: A letter from the school official responsible for the Addison Central School District showing that school age population projected for the project can be accommodated in the existing facilities in conformance with school capital improvement program and budget.
 - (2) *Road Access*: A letter from the Road Commissioner regarding the capacity of roads, intersections and bridges in the immediate vicinity of the proposed subdivision to accommodate additional traffic generated by the proposed subdivision within an appropriate level of service.
 - (3) *Fire*: A letter from officials of the Cornwall Volunteer Fire Department confirming that the proposed subdivision is designed in such a manner to allow them sufficient access for response vehicles and that they have the ability to provide service to the proposed subdivision.

- b. Applicants unable to provide letters from local officials shall provide any other evidence they or the DRB determines will be appropriate to satisfy the condition, including additional compensation the applicant will provide towards mitigating the impact created.
- (17) A description of Natural Resource impacts:
- a. A report describing and a map depicting the natural resources on the property and how the proposed application will impact each of the following the general character of the land as it currently exists and how it will exist after the development. The report and map should include:
 - i. A depiction of significant wetlands, floodplains, streams, brooks, steep slopes, rock outcroppings scenic areas, ridgelines, exceptional trees or other significant natural or historic features and description of methods used to preserve those features or otherwise reduce impacts, if any, to them.
 - ii. The steps proposed to retain natural cover and limit impacts of construction.
 - iii. A description of agricultural activities currently on or adjacent to the parcel proposed to be subdivided and depiction of prime agricultural soils on the property and the steps proposed to minimize the impacts on the soils or operations in light of the requirements listed in Section 210.6 of these Regulations.
 - iv. The steps proposed to reduce the visual impact of the proposal in light of the requirements listed in Section 317 of these Regulations.
 - v. A description and depiction of deer wintering areas on the property and, if they exist, the steps proposed to mitigate impacts on them.
 - vi. A description and depiction of threatened or endangered species known to exist on the property and the steps proposed to mitigate impacts on them. Vermont statute 10 V.S.A §5403 provides information for the protection of threatened and endangered species.
- (18) Description and depiction of all land proposed to be dedicated to open or public uses, recreation, or to be reserved for screening and buffer purposes and the methods for assuring and maintaining such dedication or reservation.
- (19) Description of the homeowners' association or other form or management organization, if such is proposed, and provide copies of the association documents.
- (20) Description of utilities serving the project. A report and map from an engineer, or other qualified person, describing and depicting existing and proposed utilities infrastructure including utility easements, provisions for connections with municipal infrastructure, if any, location of electric telephone and cable infrastructure, and any energy conservation measures incorporated into the design.
- (21) A description of the construction activities including hours of operation, hours of trucking, blasting, if any, or any other steps applicant has taken to reasonably reduce construction impacts.
- (22) Establish temporary markers on the site adequate to enable the DRB to locate and appraise the basic layout of the lots and infrastructure in the field. On the map, show an existing street intersection or provide the distance from one corner of the property to the nearest existing street.

(23) Other criteria may be required at the sole discretion of the DRB.

- c. **Major Subdivision Preliminary Plan Review and Approval.** The DRB shall hold a public hearing and act on a preliminary plan in accordance with Sections 604, 605 and 606 of these Regulations.
 - (1) DRB will review the preliminary plan to determine whether or not it conforms with or would be in conflict with the Town Plan; these Regulations; regulations and ordinances in effect at the time of submission of the application; developments proposed for any public agency; existing and un-built but approved private and public development, facilities and services; and for any special problems that may be encountered such as capacity of existing or planned community facilities and character of the area.
- d. **Major Subdivision Preliminary Plan Conditions.** When granting approval of a preliminary plan, the DRB shall state the conditions of such approval, if any, with respect to:
 - (1) The specific changes which it will require in the preliminary plan,
 - (2) The character and extent of the required improvements for which waivers may have been requested,
 - (3) The amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the final plan,
 - (4) Any required phasing of the project to insure compliance with the Cornwall Town Plan or conformance with these Regulations or any capital budget adopted by Cornwall at the time of the application.
- e. **Major Subdivision Preliminary Plan Notification.** The action of the DRB and any conditions attached thereto shall be noted on three (3) copies of the preliminary plan. One (1) copy shall be returned to the applicant, one (1) retained by the DRB, and one (1) forwarded to the Select Board.
- f. **Validity of Major Subdivision Preliminary Plan Approval.** Approval of the preliminary plan shall not constitute approval of the subdivision plan. Prior to approval of the final subdivision plan, the DRB may require additional changes as a result of further study. Subsequent to the approval of the preliminary plan, the applicant shall submit the approved plan to any other local officials having jurisdiction over the project (e.g. Select Board and Health Officer). Upon receipt of evidence of approval of the preliminary plan by said officials, the applicant may apply to the DRB for final plan approval. The approval of a preliminary plan shall be effective for a period of six (6) months from the date of the written notice of approval.

3. Major Subdivision Final Plan Application:

- a. **Process:** Within six (6) months after preliminary plan approval by the DRB, the applicant shall submit a complete subdivision application for final plan review to the Zoning Administrator.
 - (1) If the applicant fails to do so, the DRB may require the applicant to resubmit a new plan for preliminary plan approval subject to any new zoning and subdivision regulations, unless the DRB determines that lengthy delays are beyond the applicant's control.
 - (2) The complete application must arrive to the Zoning Administrator at least twenty-five (25) days prior to the regular monthly meeting of the DRB for it to proceed to hearing.
 - (3) The date of such meeting following receipt of the required materials shall be the official submission date of the application for approval of a final plan.

- (4) The final application shall conform to the layout of the preliminary plan, plus any conditions required by the DRB.
- (5) The Zoning Administrator will determine if the application is complete before passing it on to the DRB. The final application for a major subdivision shall consist of ten (10) copies of a surveyed plan and project description including the following information:
 - (1) In the event of granting of easements to the Town of Cornwall, a written acknowledgment of the applicant's responsibility for maintenance of easement areas until such land has been legally accepted by the Town.
 - (2) Written evidence of approval by all local officials having jurisdiction over the project, and written evidence application for or approval of all State and Federal agency permits. Should the applicant move forward with only applications for State or Federal agency permits and fail to secure such permits prior to final plan approval, the DRB may issue approval subject to the condition that the applicant must secure State or Federal agency permits substantially similar to those presented to the DRB prior to recording the final subdivision plat.
- b. **Major Subdivision Final Plan Application Requirements:** All information required for the preliminary submittal shall be submitted in final form, including any revision or additional detail requested by the DRB.
 - (1) In the event of granting of easements to the Town of Cornwall, a written acknowledgment of the applicant's responsibility for maintenance of easement areas until such land has been legally accepted by the Town.
 - (2) Written evidence of approval by all local officials having jurisdiction over the project, and written evidence application for or approval of all State and Federal agency permits. Should the applicant move forward with only applications for State or Federal agency permits and fail to secure such permits prior to final plan approval, the DRB may issue approval subject to the condition that the applicant must secure State or Federal agency permits substantially similar to those presented to the DRB prior to recording the final subdivision plat.
- c. **Major Subdivision Final Plan Review and Approval.**
 - (1) The DRB shall hold a public hearing and act on a final subdivision in accordance with Sections 604, 605 and 606 of these Regulations.
 - (2) DRB will review a Major Subdivision application to determine whether or not it conforms with or would be in conflict with the Town Plan; these Regulations; regulations and ordinances in effect at the time of submission of the application; developments proposed for any public agency; existing and un-built but approved private and public development, facilities and services; and for any special problems that may be encountered such as capacity of existing or planned community facilities and character of the area. Approval, with or without conditions, or denial of the application will be issued by the DRB in accordance with Section 606 of these Regulations.
- d. **Major Subdivision Final Plan Conditions.** When granting approval of a Final Plan, the DRB shall state the conditions of such approval, if any, including but not limited to:
 - (1) The specific changes which it will require in the Final Plat
 - (2) The character and extent of the required improvements for which waivers may have been granted
 - (3) The responsibility of required improvements shall be identified, as applicable
 - (4) The improvement or the amount of all impact fees or bonds that the DRB will require to secure work on public infrastructure as prerequisite to the approval of the Final Plat
 - (5) The DRB may place additional construction mitigation conditions above and beyond those outlined in Section 303
 - (6) Any required phasing of the project to insure compliance with Town Plan, or conformance with these Regulations or any capital budget adopted by Cornwall at the time of the application
 - (7) Any conditions requiring the applicant to secure final State or Federal permits, should the DRB grant final approval of the plat prior to applicant's securing of all required final State and or Federal permits

e. **Filing Final Major Subdivision Plat:**

- (1) Upon securing approval for a permit from the DRB, prior to that permit taking effect, the applicant shall be required to file a final major subdivision plat pursuant to the recording requirements of Section 608 of these Regulations.

f. **Additional Considerations for Major Subdivisions:**

- (1) **Public Acceptance of Conditions:** Approval by the DRB of a subdivision plan shall not be deemed to constitute acceptance by the municipality of any street, easement, utilities, park, recreational area, or other open space shown on such final subdivision plan. The DRB may require, as a condition of approval, the filing of a written agreement or conveyance between the applicant and the Cornwall Select Board setting forth the terms and conditions of any dedication made by the applicant and acceptance of that dedication by the Town.
- (2) **Improvements and Performance Bond:** If the DRB deems it necessary to require a performance bond on any improvements benefiting the municipality, before the DRB grants approval of the final subdivision plan, the applicant shall follow the following procedures: In an amount set by the DRB the applicant shall either file with the Town Clerk a certified check to cover the full cost of the required improvements or the applicant shall file with the Town Clerk a performance bond to cover the full cost of required improvements. Any such bond shall be satisfactory to the Select Board and municipal attorney as to form, sufficiency, manner of execution and surety. The DRB shall fix the term of the bond up to three (3) years. The certified check or bond shall include an amount required for recreation land or improvements as specified in Section 503.4, if applicable. An inspection fee to be paid by the applicant to cover the costs of inspection shall be established by the Select Board as part of the application fee.

SECTION 806: PUD REVIEW

1. **PUD Application Procedure.** The DRB will review PUD preliminary and final plan applications as set forth for Major Subdivisions in Section 805. In addition to the information required for site plan and/or subdivision review, applications for PUD must include the following:
 - a. A statement setting forth the nature of all proposed modifications, changes, or supplementations to these Regulations and the standards and criteria which the applicant proposes for the development, including the location, height, spacing of buildings, open spaces and their landscaping and long-term stewardship, streets, driveways, off-street parking spaces, and all other physical features.
 - b. A brief summary of the project and how it meets the standards of this section as well as all other applicable regulations including specific PUD standards established for the zoning district where the development shall occur.
 - c. If being requested, a description of how the PUD meets the requirement for a density bonus and the density bonus calculation.
 - d. A description of any deed covenants, homeowner's association articles and bylaws, and maintenance or management plans.

- e. In instances in which an applicant proposes development of a portion of a larger parcel, or development of a parcel contiguous to another parcel(s) in common or affiliated ownership, a general indication of the intended use of the remaining (undeveloped) portion of the land.
- f. Any additional information required by the DRB to determine whether the proposed mix of uses, density and scale and intensity of uses will meet the standards of these regulations.

ARTICLE 9. DEFINITIONS

SECTION 901: DEFINITIONS

Certain means of references and words used herein shall be defined as listed below. Except where specifically defined herein, or, unless the content clearly indicates to the contrary, all words used in these Regulations shall carry their customary meanings. Words used in the present tense include the future, words in the singular include the plural and those in the plural include the singular. The word "person" includes an individual, partnership, association, corporation, company, organization, or unincorporated association. The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof." The word "may" is permissive; the words "shall" and "will" are mandatory. The word "lot" includes "plot"; "occupied" or "used" shall be considered as though followed by "or intended, arranged, or designed to be used or occupied"; and the word "street" is synonymous with "road". Doubt as to the precise meaning of any word used in these Regulations shall be clarified by the DRB, or the Town Attorney, as appropriate.

ACT: Chapter 117 of Title 24 of the Vermont Statutes Annotated

ACCESSORY DWELLING: An efficiency or one-bedroom apartment, located within an owner-occupied single-family dwelling or in an appurtenant structure, that is clearly subordinate to a one-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation.

ACCESSORY STRUCTURE: An existing or new structure of no more than 1,500 sq. ft. which is: 1) detached from and clearly incidental and subordinate to the principal use of or structure on a lot, 2) located on the same lot as the principal structure or use, and 3) clearly and customarily related to the principal structure or use.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or building and located on the same lot.

ADJOINING: Touching at some point or along a line; an adjoining property is next to, i.e., has a common boundary with, the area of land under review.

ADMINISTRATOR: The Federal Emergency Management Administrator.

ADVERSE IMPACT: A condition that creates, imposes aggravates, contributes to, or leads to inadequate, impractical, unsafe or unhealthy conditions on a site proposed for development or on an off-tract property, facilities or the community.

AFFORDABLE HOUSING : Means either of the following: (A) Owner-occupied housing for which the total annual cost of ownership, including principal, interest, taxes, insurance, and condominium association fees, does not

exceed 30 percent of the gross annual income of a household at 120 percent of the highest of the following: (i) the county median income, as defined by the U.S. Department of Housing and Urban Development; (ii) the standard metropolitan statistical area median income if the municipality is located in such an area, as defined by the U.S. Department of Housing and Urban Development; or (iii) the statewide median income, as defined by the U.S. Department of Housing and Urban Development, or (B) Rental housing for which the total annual cost of renting, including rent, utilities, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 80 percent of the highest of the following: (i) the county median income, as defined by the U.S. Department of Housing and Urban Development; (ii) the standard metropolitan statistical area median income if the municipality is located in such an area, as defined by the U.S. Department of Housing and Urban Development; or (iii) the statewide median income, as defined by the U.S. Department of Housing and Urban Development.24 V.S.A. §4303 (1).

AGRICULTURAL USE: Land or structure used for raising livestock; growing agricultural or forest products; storing equipment; temporary housing for seasonal labor (not to exceed four months); or, as an accessory use, selling agricultural products of which more than 51% are raised on the property.

ALLOWED USE: Use that can be issued a permit by the Zoning Administrator without DRB review or following only site-plan review and approval.

ALTERATION: Structural change, rearrangement, change of location, or addition to a building.

APPLICANT: Any person, firm, corporation, partnership, or association who shall lay out for the purpose of sale or development any subdivision or part thereof as defined herein, either for himself and/or for others. Within these Regulations, or any person, family member, personal or professional 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 considered as a single owner or applicant.

APPURTENANT STRUCTURE: Any building on a piece of real estate other than the main building. For example, a house may have a detached apartment on the same piece of property.

AUCTION: a public sale in which goods or property are sold to the highest bidder.

AUTHORIZED AGENT OR REPRESENTATIVE: A person or group of persons, who have been duly authorized in writing filed with the DRB by the applicant to act in his or her behalf.

BANKFUL: The water level, or stage, at which a stream, river or lake is at the top of its banks and any further rise would result in water moving into the flood plain.

BASEMENT: Story partly underground. A basement shall be counted as a story if the vertical distance between the basement ceiling and the average grade level of the adjoining ground is more than six feet.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the "100-year flood").

BASE FLOOD ELEVATION (BFE): The elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

BED & BREAKFAST: A residential dwelling or building, which is occupied by the owner or an employee of the owner, in which bedrooms within the building are let for shelter on a temporary basis for profit. A bed & breakfast is a public building, not a single family dwelling, because the public is served in it and its primary use is as a business enterprise with residential use as subordinate.

BOUNDARY LINE ADJUSTMENT: Any revision to a plat record or deed legally filed in the Town's land records which creates no new building lot(s) and which has no impact on roads, rights-of-way or other public facilities; (i.e. a case in which the owners of two adjoining properties wish to move a common boundary, without the intent to create an additional lot). A boundary adjustment shall be treated as an administrative change.

BUILDING: Structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or personal property. Includes any carport, porch, terrace, deck, or steps covered overhead.

BUILDING AREA: Total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory structures. Any solar collection device or related apparatus not included as floor area of a building is not included. All dimensions shall be measured between exterior faces of walls.

BUILDING ENVELOPES: A building envelope constitutes a specific area of land designated within a subdivided lot of land on which all of the infrastructure, except the driveway or utilities serving the lot, shall be located. Building envelopes constitute a useful tool for maintaining opens space and limiting the scope of impact of a project.

BUILDING FRONT LINE: Line parallel to the street line transecting that point of the building which is closest to the street line. Where a lot fronts on public waters but not a public road, "mean water line" shall replace "street line" in this definition.

BUILDING HEIGHT: Vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs.

BUILDING REAR LINE: Line parallel to the street line transecting that point of the building which is farthest from the street line. Where a lot fronts on public waters but not a public road, "mean water line" shall replace "street line" in this definition.

BUILDING SIDE LINE: Line parallel to the nearest side lot line transecting that point of the building which is nearest the side lot line.

BUFFER: A natural or man-made feature which separates land uses. Screening, buffering, and landscaping requirements address visual, light, and sound impacts of development. Screens and buffers enhance community appearance, reduce land use conflicts by separating incompatible land uses, improve the appearance of parking areas and public rights-of-way, minimize soil erosion, and reduce stormwater runoff. See also: RIPARIAN BUFFER.

BUSINESS: An organization where goods and services are exchanged for one another or for money. Businesses can be privately owned, not-for-profit or state-owned.

CAMPER: Any motorized or unmotorized vehicle mounted on wheels and used as sleeping, camping, or living quarters. This includes a camper body mounted on a truck, and excludes mobile homes.

CAMPGROUND: Any tract or parcel of land occupied by four or more campers, tents, or tent sites for vacation or recreational purposes.

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

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

CHILD CARE FACILITY: Any place or program operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is protection, care, and supervision of 10 or more children under 16 years of age outside their homes for periods of less than 24 hours a day by a person other than a child's own parent, guardian, or relative, as defined by child care Licensing Regulations, as amended, adopted by the Department for Children and Families, but not including a kindergarten approved by the state board of education.

CHURCH OR PLACE OF WORSHIP: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory structures and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

CLUB: Building or land use catering exclusively to club members and their guests for recreational, educational, or service purposes including, but not limited to, rod and gun clubs.

COMMERCIAL: An organization or activity that is concerned with making money or profits, rather than, for example, with scientific research or providing a public service.

COMMERCIAL SLAUGHTERHOUSE: A building or land use in which any person is engaged in the business of slaughtering livestock or poultry other than as a custom slaughterer or a person conducting slaughter under 6 V.S.A. §3312(b), as amended. Subsection 3312 provides specific criteria for the exemptions of bird slaughter.

COMMON PLAN OF DEVELOPMENT: A development or construction project plan which outlines multiple separate and distinct construction activities that may be taking place at different times on different schedules, but still under a single project and location.

COMMUNITY FACILITY: Include all facilities listed as special public uses and exempt from certain portions of these Regulations pursuant 24 V.S.A. §4413 implemented in Section 702 of these Regulations. As such, they include: State or community owned and operated facilities, schools, churches and other places of worship, hospitals and solid and hazardous waste management facilities.

COMMUNITY WATER SUPPLY SYSTEM: Any water system owned by one person that supplies water for domestic, commercial, industrial or institutional uses to two (2) or more but less than ten (10) users.

COMMUNITY SEWAGE DISPOSAL SYSTEM: Any sewage disposal system, other than a municipal sewage disposal system, owned by one person that disposes of sewage for domestic, commercial, industrial, or institutional uses to two (2) or more users.

CONDITIONAL USE: Land use that because of its special nature may be suitable only in certain locations or arranged or operated in a particular manner. Conditional Uses may be approved by the DRB and issued a permit only after public notice and public hearing to determine whether the proposed use will conform to general and specific standards as set forth or referred to in this Regulation and pursuant to Section 4414(3) of the Act.

CONSTRUCTION DRAWINGS: Drawings showing the location, profile grades, size and types of drains, sewers, water mains, underground fire alarm ducts, underground power and telephone ducts, pavements, cross sections of streets, miscellaneous structures, etc.

CONTRACTOR'S YARD: Lot and /or buildings used to store a construction contractor's equipment and materials. This definition does not include retail building or construction equipment and materials stored for the purpose of retail sales.

CORNWALL TOWN PLAN, OR PLAN: A plan adopted pursuant to 24 V.S.A. §§ 4384 and 4385.

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

DRB: The Development Review Board of the Town of Cornwall (See Section 603).

DEER WINTERING AREA: Deer wintering areas within the Town of Cornwall shall constitute only those areas as depicted upon the Statewide Deer Wintering Area GIS data layer and map produced by the Agency of Natural

Resources, Department of Fish and Wildlife, as it may be modified from time to time or modified by direct field observations. A copy of the deer wintering area map for the Town of Cornwall is available at the Cornwall Town Clerk's office or may be viewed on the internet through the State of Vermont Agency of Natural Resource's Mapping website or at the Vermont Center for Geographic Information's ("VCGI") mapping website.

DEVELOPMENT: Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

DORMITORY: A residence hall providing sleeping rooms, bathrooms, and study rooms for individuals or for groups affiliated with an educational institution or a sports organization by contract or otherwise owned and operated by the educational institution or a sponsoring institution.

DRAWING(S): A relatively informal depiction of information in a visual format, where unless specifically required, scale is not represented to be accurate.

DRIVE-THRU: A facility that is designed so that customers can be served without leaving their cars.

DRIVEWAY: A road, especially a private one, leading from a street or other public way to a building, house, garage, etc. serving up to 3 homes.

DRY CLEANER: A business that uses the location for cleaning clothing or textiles by any process that uses a chemical solvent other than water.

DWELLING UNIT: A building or part thereof used as home, residence, living quarters, or sleeping place by one family. The terms "dwelling," "one-family dwelling," "two-family dwelling," or "multiple-family dwelling" shall not include a bed & breakfast or motor lodge.

EARTH AND WATER EXTRACTION: The removal of soil, sand, gravel, stone, or water for any reason, except when incidental to construction of a building or other improvement on the same premises.

EASEMENT: The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his or her property.

EDUCATIONAL FACILITIES: The facilities of any private school, commercial school, or institutional educational facility.

EVENT VENUE: A building or outdoor location for which the primary purpose is the hosting of public or private events of more than 25 people. This definition includes conference centers, convention centers, dance halls, performance spaces, festivals, theaters, warehouses, and wedding sites.

EXCEPTIONAL TREES: A tree, stand or grove of trees with historic or cultural value, or that by reason of age, rarity, location, size or aesthetic quality is worthy of preservation.

EXISTING SITE CONDITIONS: Physical features including lot size(s), property and zoning boundaries, adjacent properties, dimensions, contours, existing structures, large trees, streets, access points to roads, utility easements, rights of way, land use and deed restrictions, significant natural features including but not limited to surface waters, wetlands and associated buffers, woodlands, steep slopes (20% or greater), flood hazard areas, source protection areas, important habitat areas, historic sites, primary agricultural soils, and unique geologic features such as prominent knolls or cliff outcroppings.

EXISTING STRUCTURE: An existing structure shall be a structure substantially intact as of the effective date of these Regulations. Abandoned existing agricultural structures are encouraged for Adaptive Reuse.

FAMILY: Any numbers of individuals related by blood, marriage, civil union or adoption, living together as a single housekeeping unit. A group of not more than five (5) persons keeping house together, but not necessarily related by blood or marriage, may be considered a family for purposes of establishing density of use.

FAMILY CHILD CARE HOME: A day care facility licensed or registered by the State of Vermont which provides for care on a regular basis in the caregiver's own residence for not more than ten (10) children at any one time. Of this number, up to six (6) children may be provided care on a full-time basis and the remainder on a part-time basis.

FARM STRUCTURES: Farm structure means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo. Farm structures exclude a dwelling for human habitation. (24 V.S.A. §4413(d))

FARMING: As defined in 10 V.S.A. §6001(22) means A) the cultivation or other use of land for growing food, fiber, Christmas tree, maple sap, or horticultural and orchard crops; or B) the raising, feeding, or management of livestock, poultry, fish, or bees; or C) the operation of greenhouses; or D) the on-site storage, preparation and sale of agricultural products principally produced on the farm; or G) the raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines.

FEMA: Federal Emergency Management Agency.

FENCE: Structure or vegetation used primarily for enclosure or screening.

FHBM: Flood Hazard Boundary Map. An official map of a community, on which the Administrator has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FHBM is issued before the FEMA has conducted a flood study of the community.

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

FINAL SUBDIVISION PLAT: The final survey plat rendered by a licensed surveyor and meeting all the requirements of 27 V.S.A. §1403 for recording, on which the applicant's plan of subdivision is presented to the DRB. Applicant's plan of subdivision presented to the DRB in this form, if approved, may be filed for record with the Town Clerk.

FINISHED GRADE: Completed surfaces of ground, lawn, walks, paved areas, and roads brought to grade as shown on plans relating thereto.

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

FLAG LOT: A recessed interior lot with a long extended driveway, which sits behind (from the road perspective) the homes to the left and right. The driveway may be part of the lot or may be an access easement of a lot with road access. May also be referred to as a "corridor" or "rear" lot by realtors and land developers. (Add image)

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

FLOOD INSURANCE STUDY: An examination, evaluation and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

FLOODPLAIN (or flood-prone area): Any land area susceptible to being inundated by water from any source (see definition of "flood").

FLOODPROOFED OR FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

FLOOR AREA: Sum of the gross horizontal area of the floors of a building, excluding basement floor areas. All dimensions shall be measured between interior faces of walls.

FLUVIAL EROSION: Erosion caused by streams and rivers

FOREST BLOCK: Habitat blocks are areas of contiguous forest and other natural habitats that are unfragmented by roads, development, or agriculture. Vermont's habitat blocks are primarily forests, but also include wetlands, rivers and streams, lakes and ponds, cliffs, and rock outcrops. Forests included in habitat blocks may be young, early-successional stands, actively managed forests, or mature forests with little or no recent logging activity. The defining factor is that there is little or no permanent habitat fragmentation from roads, agricultural lands, and other forms of development within a habitat block.

FORMULA BASED BUSINESS: A retail store, restaurant, hotel or other business establishment that stands alone as a principal use or with another use as an accessory use, and which is required by contractual or other arrangements to maintain any one or more of the following standardized features that causes it to be substantially identical to 10 or more other businesses located worldwide, regardless of the ownership of those businesses; name; if food is served, menu, ingredients, uniforms, trademark; logo; symbol; architectural design; façade, signage; color scheme; merchandise, or any other similar standardized features.

FRONT YARD: Any yard adjoining a public road.

FRONT YARD SETBACK: The depth of the front yard (distance from building front line to street line) plus the distance from the street line to the center line of the existing roadway. Where a lot fronts on public waters but not a public road, the front yard setback shall consist only of the depth of the front yard (building front line to mean water line).

FUNCTIONALLY DEPENDENT USE: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

GARAGE SALE: see Yard Sale

GROUP RESIDENTIAL CARE HOME OR GROUP HOME: Any residential facility operating under a license or registration granted or recognized by a State agency, that serves not more than eight unrelated persons, who have a handicap or disability as defined in 9 V.S.A. §4501, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs. Group homes shall be considered allowed uses in all districts on the same basis as one-family homes, except that no such group home shall be permitted if it locates within 1,000 feet of another existing or permitted group home.

HEAVY MANUFACTURING OR INDUSTRY: The processing, assembly, distribution, or packaging of natural or man-made products where such activity results in substantial off-site impacts or all such activity and storage of raw or finished products is not enclosed inside a building or screened from the adjoining properties and public rights-of-way. Such uses include but are not limited to the following: paper, pulp, or lumber mills; truck terminals; concrete, asphalt, or brick plants; quarries; bulk fuel storage; rendering, hide tanning, or curing plants; manufacturing or processing of fertilizer, bone, rubber, ammonia, chlorine, petroleum products, gas, or explosives; and other similar uses.

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

HOME INDUSTRY: Home Industry constitute businesses operated on-site by residents of a one-family dwelling that allow for an expansion of the business beyond the strict confines of a home occupation to include up to five (5) full time nonresident employees at any given time. To be considered a home industry, the property owner or members of their family residing in the principal building shall operate the business within the principal dwelling or an existing accessory structure.

HOME OCCUPATION: The use by a resident of a minor portion of a dwelling or an appurtenant structure for an occupation that is customary in residential or rural areas and that does not have an undue adverse effect on the character of the residential or rural area in which the dwelling is located as provided in 24 V.S.A. §4412(4).

IMPACT FEE: An impact fee is a fee levied on new development to help mitigate its fiscal impacts on the community.

INFILL: The development of vacant parcels within previously built areas. These areas are already served by public infrastructure, such as transportation, water, wastewater, and other utilities.

INTERESTED PERSON: A person owning or occupying real property in the immediate neighborhood of a parcel of land that is the subject of any decision or act taken under these Regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. An "interested person" who has participated in a proceeding before the DRB may appeal a decision rendered in that proceeding to the Environmental Court. Participation in a local regulatory proceeding shall

consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. Please see 24 V.S.A. §4465 for a more complete definition.

JUNK: Old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material, including rope, rags, batteries, glass, rubber debris, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or parts thereof; or as defined in 24 V.S.A. §2241(5).

JUNK YARD: See Salvage Yard.

KENNEL: Any lot or premise on which two or more dogs, at least four months of age, are boarded or are kept for sale or commercial breeding purposes.

LAND DEVELOPMENT: The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill; and any change in the use of any building or other structure or land, or extension of use of land; as defined in 24 V.S.A. §4303 (10).

LANDLOCKED LOT: A land parcel that has no right of way to a public road and requires access to a public roadway via an easement. Also referred to as a non-frontage lot.

LANDSCAPING: The modification and enhancement of an area of land, which may take the form of lawns, trees, plants, and other natural materials such as rock, wood chips, and decorative features.

LAPSED USE: A conditional use for which a permit has been issued but the use has not been conducted for a period of more than 2 years. The permit will be considered no longer valid and for the use to be resumed, a new application for conditional use permit will be required.

LEGISLATIVE BODY: The Town of Cornwall Select Board.

LETTER OF MAP AMENDMENT (LOMA): A letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by a licensed engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area.

LIGHT INDUSTRY: The processing, assembly, distribution, or packaging of natural or man-made products where such activity results in no substantial off-site impacts and all such activity and storage of raw or finished products is enclosed in a building, or is screened from the adjoining properties and public rights-of-way. Such uses include but are not limited to the following: blacksmith's shop or foundry; cabinetry or woodworking shop; contractor's yards; diesel engine, truck, tractor, or heavy equipment storage, sales, or repair; electronics or high-tech manufacturing or assembly; food processing, the fermentation or distillation of alcoholic beverages; machine shop; manufacturing of value-added agricultural products, crafts, furniture and clothing; monument or stone works; sewing; printing; warehousing; wholesale trade; research and testing laboratory; and other similar uses.

LOADING SPACE: Off-street space, which is at least twelve feet wide, forty feet long, and at least fourteen feet high, not including access driveway, and having direct access to a street, used for the temporary location of one licensed motor vehicle.

LOT: For the purposes of land development, land and premises, with or without buildings, having not less than the minimum area, width, and depth required for a lot in the district in which such land is situated, and having frontage on a public road or public waters, or other means of access as may be required elsewhere in these bylaws. This definition includes an existing small lot, per Section 314.2 which may not meet minimum area, width, or depth requirements.

LOT AREA: Total area within the property lines excluding any part thereof lying within the boundaries of an existing or proposed street.

LOT, CORNER: Lot which has an interior angle of less than 135 degrees at the intersection of two streets.

LOT COVERAGE: Lot coverage shall include all impervious surfaces constructed on a lot including buildings, porches, accessory structures and driveways and parking lots (concrete, asphalt, gravel) and excluding decks and patios.

LOT DEPTH: Mean horizontal distance from the street center line to the rear lot line measured at right angles to the building front line. Where a lot fronts on public waters but not a public road, "mean water line" shall replace "street center line" in this definition.

LOT FRONTAGE: Distance measured across the width of the lot at the public road or, in the absence of a public road, the public waters or an approved right of way.

LOT LINE: Property lines bounding a lot.

LOT LINE, REAR: The lot line opposite and most distant from the street line. Where a lot fronts on public waters but not a public road, "mean water line" shall replace "street line" in this definition.

LOT WIDTH: Width measured at right angles to the lot depth, at the proposed or existing building front line.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of FEMA Regulation 44 Sec. 60.3.

MAJOR SUBDIVISION: Any subdivision containing four (4) or more lots. Also, any subdivision containing two (2) or

more lots which do not have frontage on any existing public street or which require any new public street.

MANUFACTURED HOME: See Mobile Home

MAP: A document depicting information in a visual format. Maps are more formal than drawings and should depict information in an accurate scale, but are not guaranteed to the same precision as formally surveyed plats.

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.

MIXED USE: Mixed uses of commercial and residential structures or developments are encouraged generally and especially in the village districts.

MOBILE/MODULAR/PREFABRICATED HOME: A prefabricated dwelling unit which is designed for long-term and continuous residential occupancy, is designed to be moved on wheels as a whole or in sections, and is ready for occupancy upon arrival at the site except for incidental unpacking, assembly, connections with utilities, and placement on supports or foundation or any structure for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the standards established under Title 42 of the U.S. Code. 10 V.S.A. §6201(1) (governing mobile homes). This does not include a "recreational vehicle".

MOBILE FOOD TRUCK: Motorized and registered vehicles or trailers from which food or drink (prepared on-site or pre-packaged) is sold or served to the general public, whether consumed on-site or elsewhere.

MOBILE HOME PARK: Any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate, more than two mobile homes. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes. Mobile Home Park does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes. 10 V.S.A. §6201(2).

MOTOR VEHICLE SALES FACILITY: A retail establishment, including any enclosed showrooms and parking lots, for the display and sale of motor vehicles, including but not limited to cars, trucks, vans, campers, boats, motorcycles, or snowmobiles.

MOTOR VEHICLE SERVICE STATION: Any lot or area of land, including the building or buildings, which has commercial facilities for lubricating, washing, painting, repairing, or servicing motor vehicles. Motor Vehicle Service Stations do not include the retail sale of gasoline or fuels.

MULTIPLE-FAMILY DWELLING: Building used as living quarters by three or more families living independently of each other. Multiple-family dwelling structures with less than or equal to four units per structure are generally considered allowed uses in districts allowing multiple-family dwellings. Multiple-family dwellings with greater than four units per structure are generally considered conditional uses in districts allowing multiple-family

dwelling. Existing Structures, as defined herein, (generally consisting of either large dwellings or agricultural structures that are converted to multiple-family dwellings, without changing the footprint of the existing structure) are considered allowed uses within districts that allow multiple-family dwellings.

MUNICIPALITY: The Town of Cornwall.

MUNICIPAL SEWAGE DISPOSAL SYSTEM: Any sewage disposal system owned and operated by the municipality that disposes of sewage for domestic, commercial, industrial, or institutional uses.

NATIVE PLANTS OR SPECIES: Plants are plants indigenous to a given area not introduced by humans. This includes plants that have developed, occur naturally, or existed for many years in an area.

NATURAL COMMUNITY: A natural community is an interacting assemblage of organisms, their physical environment, and the natural processes that affect them. As of 2018 there are 97 wetland and upland natural community types in Vermont. As more is learned over time, the natural community classification continues to evolve.

NEW CONSTRUCTION: A structure, or part of a structure, for which the start of construction commenced on or after the effective date of these Regulations adopted by the community and includes any subsequent improvements to such structures.

NIGHTCLUB: An establishment that primarily prepares and serves alcoholic beverages for immediate consumption and offers live entertainment.

NONCONFORMING LOT OR PARCEL: Lots or parcels that do not conform to the present regulations covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present regulations, including a lot or parcel improperly authorized as a result of error by the Zoning Administrator as per 24 V.S.A. §4303(13).

NONCONFORMING STRUCTURE: A structure, or part of a structure, that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the Zoning Administrator as per 24 V.S.A. §4303(14). Structures that were in violation of the flood hazard regulations at the time of their creation, and remain so, remain violations and are not nonconforming structures.

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

NONCONFORMITY: A nonconforming use, structure, lot or parcel.

NON-FRONTAGE LOT: See landlocked lot.

NON-RESIDENTIAL: Includes, but is not limited to: small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

NURSERY: A place where young plants and trees are grown for sale or for experimental study.

OFFICIAL MAP: The map authorized under 24 V.S.A. §4402 (5) and adopted according to 24 V.S.A. §§4441 and 4442 and modified according to 24 V.S.A. §4421.

ONE-FAMILY DWELLING: Detached building used as living quarters by one family.

OPEN SPACE: Land not occupied by structures, buildings, streets, rights-of-way, and automobile parking lots.

OUTDOOR FIRING RANGE: A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment. Also known as a shooting range.

OUTDOOR RECREATIONAL TRAILS: Walking, hiking, horse trails, cross-country skiing and snow mobile trails, or similar, which do not require the installation of structures or parking areas.

PARKING SPACE: A space off the public road which is at least 20 feet long and nine feet wide with a sufficient ground surface to permit year round use.

PARTY STATUS: Confers the right to participate in Act 250 proceedings and the right to appeal a district commission decision to the Environmental Court and ultimately to the Vermont Supreme Court.

PERFORMANCE BOND: A performance bond constitutes a contractual obligation made by the applicant for the benefit of the Town protecting the Town against loss due to the inability of the applicant to install infrastructure to the conditions and standards identified by the DRB benefiting the town as may be required as a condition of a subdivision permit.

PERMANENT OCCUPANT: An individual or family residing in a dwelling or accessory building who meets the definition of Vermont state residency as per 32 V.S.A. §5811 (11).

PERSONAL LANDING AREA (PLA): Land maintained or improved for the purpose of allowing the owner's small private plane to land and take off with occasional use by others.

PERSONAL SERVICES: Barber, beauty parlor, shoe repair, laundromat, photographic studio, and other businesses providing similar personal services, except for medical services.

PLANNED UNIT DEVELOPMENT (PUD): An area of land to be developed as a single entity for a number of dwelling units, and commercial and industrial uses, if any, the plan for which does not correspond in lot size, bulk, or type of dwelling, commercial, or industrial use, density, lot coverage, and required open space to the zoning regulations established for the district in which it is proposed to be located. A PUD can encourage new communities,

innovation in design and layout, and more efficient use of land. See 24 V.S.A. §4417 for a more detailed description of PUDs.

PLANNING COMMISSION: The Planning Commission of the Town created under 24 V.S.A. §4321.

PLANS: Plans are generally equivalent to maps. They visually depict accurately scaled information, generally providing more detail than overall maps. Plans may consist of many maps or sheets of visually depicted data.

PLAT: A formal survey document of record describing a plot of land.

PRELIMINARY PLAN OR PLAT: The preliminary maps indicating the proposed layout of the subdivision to be submitted to the DRB for its consideration.

PRIMARY AGRICULTURAL SOILS: Prime agricultural soils within the Town of Cornwall constitute units of prime and statewide agricultural soils as defined by the Natural Resource Conservation Service of the United States Department of Agriculture. A copy of a map locating primary agricultural soils for the Town of Cornwall is available at the Cornwall Town Clerk's office or may be viewed on the World Wide Web through the State of Vermont Agency of Natural Resource's Mapping website or at the Vermont Center for Geographic Information's ("VCGI") mapping website.

PRINCIPAL STRUCTURE: A structure in which is conducted the principal use of the site on which it is located.

PRINCIPAL USE: The main use or chief purpose of land, as distinguished from a secondary or accessory use.

PROFESSIONAL OFFICE: Professional office including architect, accountant, dentist, doctor or other members of the medical professions for the diagnosis and out-patient treatment of human ailments, lawyer, engineer, psychologist, realtor or other similar occupations.

PUBLIC STREET OR ROAD: Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used for vehicular traffic exclusive of a driveway serving not more than three (3) one-family residential uses or lots.

PUBLIC WAREHOUSE: A business facility that provides short or long-term storage of inventory to companies on a month-to-month basis (as opposed to a "private warehouse," which is owned and operated by the company whose inventory is stored there.)

PUBLIC WATER SYSTEM: Any water system(s) owned by one person that supplies water for public, domestic, commercial or industrial uses to ten (10) or more users by pipe connection or by containers.

QUARRYING: Marble, granite, or other stone extraction operations and any land development incidental thereto. Quarrying includes the enlargement of any existing quarrying excavations.

REAR LOT LINE: In the case of a square or rectangular lot, the lot line opposite the front lot line (i.e.: the boundary line of a lot which abuts a public street). For a three-sided lot, the rear lot line is the point where two lot lines meet furthest from the front lot line. Any other type of lot, the rear lot line is the furthest lot line opposite the front lot line, including any contiguous line adjoining it at an angle of less than 45 degree.

REAR YARD: Yard between the rear lot line and the building rear line.

RECREATION, INDOOR: Bowling alley, theater, pool hall, arcade, skating rink, gymnasium, swimming pool, or other similar places of indoor recreation.

RECREATION, OUTDOOR: Low-impact dispersed outdoor commercial recreation including: a golf course or practice facility, outdoor educational facility, hunting preserve, skating rink, park, beach, swimming pool, cross country skiing facility, playground, ball field, or other similar places of outdoor recreation. Outdoor firing ranges are not included in this definition and are not permitted within the Town of Cornwall.

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

REGIONAL PLANNING COMMISSION: Planning Commission for a region created under Subchapter 3 of the Vermont Planning and Development Act, Title 24 V.S.A. Chapter 117.

RENEWABLE ENERGY STRUCTURE: Any structure designed to generate energy that is collected from renewable resources, which are naturally replenished on a human timescale, such as sunlight, wind, rain, tides, waves, and geothermal heat.

RENOVATION: The process of repairing and improving a building so that it is in good condition again, or the improvements that are carried out. Only exterior renovations, or renovations which impact the exterior of a structure, are covered by these Regulations.

REQUIRED AGRICULTURAL PRACTICES: As defined by 6 V.S.A. §§4810 and 4810a, Required Agricultural Practices (RAPs) are management standards to be followed by all persons engaging in farming in this state. The standards address activities which have a potential for causing agricultural pollutants to enter the groundwater and waters of the State, including dairy and other livestock operations plus all forms of crop and nursery operations and on-farm or agricultural fairground, registered pursuant to 20 V.S.A. §3902, livestock and poultry slaughter and processing activities. These Regulations shall not regulate Required Agricultural Practices (RAPs) as those practices are defined by the Secretary of the Agency of Agriculture Food and Markets.

RESIDENT OWNER: A property owner who resides in a dwelling or accessory building and meets the Vermont definition of residency as defined by 32 V.S.A. §5811 (11).

RESIDENTIAL CARE FACILITY: Any residential facility for the diagnosis or treatment of human ailments, including but not limited to a hospital, sanitarium, nursing home, convalescent home, and hospice.

RESIDENTIAL USE: One-family dwelling, two-family dwelling or multiple-family dwelling.

RESTAURANT: A public eating establishment in which the primary function is the preparation and serving of food.

RETAIL STORE: Any enclosed business operated primarily for profit and the sale of produce, products, goods, equipment, or commodities; excluding any drive-in facility, free-standing retail stand, gasoline or motor vehicle service station, motor vehicle sales facility, restaurant, or junk yard. Retail stores may serve food and beverage for on premises consumption so long as less than 30% of the usable floor space of the store is devoted to that use.

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

RIVER CORRIDOR: The land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition, as that term is defined in 10 V.S.A. §1422, and for minimization of fluvial erosion hazards, as delineated by the Agency in accordance with the ANR River Corridor Protection Guide

RURAL ENTERPRISE: A business that supports the economic viability of farming and forestry in Cornwall by adding value to, or assisting in the production of, local farm or forest products, including the direct marketing of local farm or forest products, engaging in agritourism or agri-education, or offering goods and services needed for farming or forestry.

SALVAGE YARD: Any place of outdoor storage or deposit for storing, keeping, processing, buying, or selling junk or as a scrap metal processing facility. This definition includes any outdoor area for operation of an automobile graveyard. It does not mean a motor vehicle service station where wrecked or disable motor vehicles are stored for less than 90 days for inspection or repairs.

SCREENING: Feature which blocks, hides, or filters one adjoining or nearby structure or use from another or from a road. It may take the form of landscaping or other site modifications such as berms, fences, and stone walls.

SELF-STORAGE FACILITY: A facility which offers space (such as rooms, lockers, containers, and/or outdoor space), for rental or lease to tenants, usually on a short-term basis (often month-to-month) for storage of personal belongings. Self-storage tenants include businesses and individuals and occupants have access to such facility for the purpose of storing and removing personal property. A self-service storage facility is not a public warehouse.

SENIOR LIVING FACILITY: Any age-restricted facility intended to provide residence primarily for persons over 55 or who have retired. This includes apartments, congregate housing or retirement communities.

SERVICE AREA: A designated space used for waste storage or pickup, utility areas, or for the delivery of goods and services to any building or land use.

SIDE YARD: Yard between a side lot line and a building side line.

SIGN: Any device, structure, building, or part thereof, for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

SITE PLAN: The plan for the development of a lot, including any proposed change in use. Site plans shall be drawn in accordance with the requirements of these Regulations.

SITE PLAN REVIEW: DRB review of the site layout and design of a proposed conditional use or subdivision project. Site plan review focuses solely on proper development within the site, not its compatibility or lack thereof with the surrounding area. Site plan review cannot be used to deny a project in the same way that conditional use or subdivision criteria would. However, the DRB may place conditions on any approval it gives to implement the objectives of the municipal plan as contemplated in the site plan review criteria contained in Section 706.

SKETCH PLAN: A drawing of a proposed subdivision showing information specified in Section 802 of these Regulations.

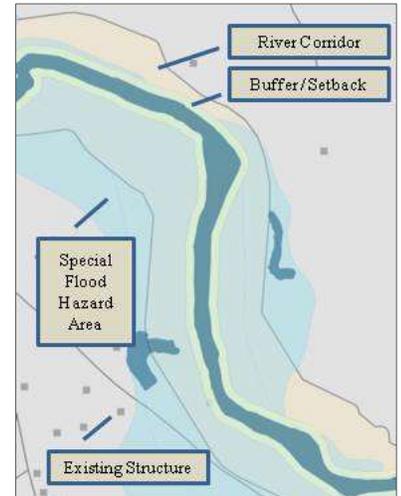
SKETCH PLAN MEETING: An informal open meeting between the Applicant and the DRB designed to save time and expense by allowing the Applicant to speak with the DRB concerning the form a proposed subdivision might take and the objectives and requirements of these Regulations.

SKYLINING: Placement of a structure so that it is visible on the skyline or horizon silhouetted against the sky thereby blocking a significant portion of the natural view of the sky above a ridgeline.

SOLAR COLLECTOR: A device or structure, combination or part thereof that transforms direct solar energy into thermal, chemical, or electrical energy.

SOLAR ENERGY SYSTEM: A complete design or assembly consisting of a solar energy collector, an energy storage facility, where used, and components for the distribution of transformed energy, to the extent that they cannot be used jointly with a conventional energy system. Passive solar energy systems, those which use natural or architectural components to collect and store solar energy without using external mechanical power, are included in this definition.

SPECIAL FLOOD HAZARD AREA: The floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. This area is usually labeled Zone A, AE, AO, AH, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov.



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

STORAGE FACILITY: See SELF STORAGE FACILITY

STREET: Public way for vehicular traffic which affords the principal means of access to adjoining properties.

STREET LINE: Right-of-way line of a street as dedicated by a deed or other proper instrument of record. Where the width of the street is not established, the street line shall be considered to be twenty-five feet from the center line of the street.

STRETCH CODE: As defined by 30 V.S.A. §51, “Stretch code” means a building energy code for residential buildings that achieves greater energy savings than the Residential Building Energy Standards (RBES).

STRIP DEVELOPMENT: A linear development pattern along well-traveled roads and highways lacking depth, as measured from the highway; uses characterized by a high dependence on the automobile resulting in a succession of parking lots and curb cuts; a predominance of commercial land uses (rather than residences, especially one-family homes); a preponderance of single story structures and limited pedestrian accessibility or overall integration with neighboring properties.

STRUCTURE: A walled and roofed building, as well as a manufactured home and any related built systems, including gas or liquid storage tanks, the use of which requires location on the ground, or attachment to something located on the ground, except walls, fencing or other structures exempt pursuant to Section 602 of these Regulations.

SUBDIVISION: 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. Subdivision includes resubdivision.

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

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

SURVEY PLAT: A map or representation of a parcel of land subdivided into lots and streets, drawn to scale by a licensed surveyor.

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

TELECOM TOWER: Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

THREATENED AND ENDANGERED SPECIES: Threatened or endangered species in the Town of Cornwall are depicted upon the Statewide Non-game and Natural Heritage Threatened and Endangered Species GIS data layer and map produced by the Agency of Natural Resources as it may be modified from time to time or modified by direct field observations. A copy of the map generally locating threatened and endangered species for the Town of Cornwall is available at the Cornwall Town Clerk's office or may be viewed on the internet through the State of Vermont Agency of Natural Resource's Mapping website or at the Vermont Center for Geographic Information's ("VCGI") mapping website.

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

TOWN HIGHWAY, CLASS 1: Town highways designated by the Transportation Board which are part of a State highway route and which carry a State highway route number.

TOWN HIGHWAY, CLASS 2: Town highways designated by the legislative body of the municipality with the approval of the Transportation Board for securing trunk lines of improved highways from town to town and to places which by their nature have more than normal amounts of traffic.

TOWN HIGHWAY, CLASS 3: All other traveled Town highways, other than Class 1 or Class 2, designated by the legislative body of the Town, after conference with a representative of the Transportation Board.

TOWN HIGHWAY, CLASS 4: All other Town highways, including trails and pent roads, other than Class 1, 2, or 3 highways, designated by the legislative body of the Town.

TWO-FAMILY DWELLING: Building used as living quarters by two families living independently of each other.

UNDUE ADVERSE IMPACT: An impact in which any of the following conditions are met: A. The project violates a clear written community standard intended to preserve the character of the area, B. The project's impacts are shocking and offensive to the average person because it is out of character with its surroundings, or materially diminishes the quality of the area, C. The applicant has failed to take generally available mitigating steps to improve the compatibility of the project with its surroundings, D. The estimated overall negative effects of the project outweigh the estimated overall positive effects.

VARIANCE: A departure from the zoning bylaws which is granted or denied by the DRB. The conditions specified in 24 V.S.A. §4469 must exist in order for a variance to be granted.

VETERINARY CLINIC/ANIMAL HOSPITAL: A building or premises for the medical or surgical treatment of domestic animals. The boarding of animals shall be limited to solely to those animals whose overnight care is medically necessary for their treatment.

VIOLATION (FLOOD HAZARD AND RIVER CORRIDOR OVERLAY): The failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

WAIVER: 24 V.S.A., §4414 Chapter 117 authorizes the use of "waivers" under zoning to grant reductions in applicable dimensional requirements. These may be applied, in lieu of variance criteria, under standards and review procedures specified in these regulations.

WAREHOUSE: A structure or part thereof for storing goods, wares, and merchandise. A warehouse may include a wholesale establishment, discount house, bulk storage, and bulk sales outlet.

WETLANDS: Areas of the state that are inundated by surface or ground water with a frequency sufficient to support plants and animals that depend on saturated or seasonally saturated soil conditions for growth and

reproduction. These areas are commonly known as ponds, bogs, fens, marshes, wet meadows, shrub swamps, and forested wetlands. Wetlands in Vermont are classified as Class I, II or III based on the functions and values which they provide.

WILDLIFE CORRIDOR: (Also known as Connectivity Habitat) Connectivity habitat is lands and waters that connect larger patches of habitat together within a landscape and allows the movement, migration, and dispersal of animals and plants.

WIND ENERGY CONVERSION SYSTEM: A device that converts wind energy to mechanical or electrical energy.

WORKER HOUSING: A dwelling where sleeping places are provided by an agricultural employer for his or her agricultural employees or by another person or employer, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary or seasonal occupancy.

YARD: Space on a lot which is not occupied by a building or structure.

YARD SALE: A sale of household belongings, typically held outdoors at the garage or yard of the seller; also called a garage sale.

