Land Use & Development Regulations

for the

Town of Calais, Vermont

Amendments Proposed May, 2012
Adopted By The Calais Selectboard
On January 3, 2005

Adopted By Town Vote
On March 1, 2005

Amended By Town Vote
On March 7, 2006

Amended By Town Vote
On March 6, 2007

Amended By Town Vote
On March 4, 2008

Amended By Town Vote
On March 2, 2010

Amended By Town Vote
On March 1, 2011

Amended by Town Vote
On March 6, 2012

2012 Amendments to the Calais Land Use and Development Regulations were developed using funds awarded by the Agency of Commerce and Community Development through the Municipal Planning Grant Program

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Article 1. Purpose And Permit Procedures

Section 1.1 Enactment

Zoning and subdivision regulations are hereby established for the Town of Calais, Vermont, to effect the purposes of 10 V.S.A. Chapter 32 and in accordance with the Vermont Planning and Development Act [24 V.S.A., Chapter 117], hereafter referred to as "the Act." These regulations shall be known and cited as the "Land Use and Development Regulations for the Town of Calais." In accordance with 10 V.S.A. Chapter 32, and 24 V.S.A Chapter 117 §4424, §4411 and §4414, there is hereby established a bylaw for areas at risk of flood damage in the Town of Calais, Vermont.

Section 1.2 Purpose

The purpose of these regulations is to: (1) implement the Calais Town Plan in accordance with its vision and goals; (2) provide for a balanced and coordinated approach for community development while preserving a sustainable natural environment to include land, forests, water, wildlife, and air; and (3) protect the health safety and welfare of Calais residents

The purpose of this article is to provide an overview of the permit and approval process.

Section 1.3 Application & Interpretation

(A) One may commence development or subdivision of land only after obtaining a zoning permit or subdivision approval in compliance with these regulations (see Table 1.2). This does not mean customary maintenance and repair work.

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; any change in the use of any building or other structure or land or extension of use of land.

Subdivision: A type of development in which a parcel of land is divided into two or more parcels, for the purpose of sale, transfer, lease or development; with the exception of parcels to be leased for agricultural or forestry purposes where no permanent new roads are created. The term includes (lot line) adjustments, amended subdivision, re-subdivisions and the division of land held in common among several owners; and shall also include the development of a parcel planned unit development.

DRB: The Development Review Board.

(B) All land subdivisions, uses and structures legally in existence as of the effective date of these regulations can continue indefinitely. Nor do these regulations repeal existing permits or approvals. However, any changes are subject to these requirements, including provisions for nonconforming lots and uses, and noncomplying structures (Sections 3.7 and 3.8). If there is a change, and these regulations impose a greater restriction than any other authority, they shall control in the aspect of the lot, use, or structure that is proposed to be changed.

(C) The application of these regulations is subject to all subchapters of the Act as most recently amended.

(D) When the Selectboard has issued a public notice for its first public hearing with respect to a proposed amendment to these regulations, permit applications shall be reviewed under both the proposed amendment, and applicable existing regulations and ordinances, for a period of 150 days following the date of public notice. If the proposed amendment is either rejected, or has not been adopted within the 150-day period, applications shall then be reviewed under the existing regulations. Upon the request of an applicant, an application that was denied

under a proposed amendment that was subsequently rejected or was not adopted within the 150-day period shall be reviewed again, at no cost, under the existing regulations. A determination made by the Zoning Administrator may be appealed under Section 1.7.

Section 1. 4 Permits and Approvals

(A) Under these regulations permits are issued by the Zoning Administrator and Selectboard and approvals are issued by the DRB.

(B) Types of permits and approvals. Municipal land use permits and approvals include:

1) *Zoning Permits* issued by the Zoning Administrator issued under Section 1.6 for all developmentexcept as exempted under Section 1.5 (permits that requires DRB approval would first come to the Zoning Administrator);

2) *Variance Approval* by the DRB, issued under section 1.8, required for permit applications that are not in strict compliance with the requirements of these regulations;

3) *Conditional Use Approval* by the DRB, issued under section 5.3 or 5.4 (Flood Hazard Area Overlay District);

4) *Design Approval* by the Development Review Board (DRB), issued under section 5.5, required prior to the issuance of a zoning permit for development within the Kents Corner-Old West Church Overlay District;

5) *Subdivision Approval* by the DRB, for Major Subdivisions, issued under section 6.4(C)2

6) *Planned Unit Development (PUD) Approval* by the DRB, for the PUD plan issued under Article 7 which is considered concurrently with the PUD application for subdivision approval.;

7) *Access and Right of Way Permit* (Curb Cut) by the Calais Selectboard or Vermont Agency of Transportation, issued under Article 3.2(B)

1.5 Exemptions

No zoning permit shall be required for the following activities although these exemptions may not apply in the Calais Flood Hazard Overlay District and conditional use approval may be required for structures in the Flood Hazard Area Overlay District:

1) Major subdivisions which require subdivision approval from the DRB under Article 6.

2) Customary maintenance and repair of an existing structure.

3) Interior alterations or repairs to a structure which do not result in exterior alterations, nor an increase in wastewater output.

4) Exterior alterations to an existing structure that do not result in any change in the footprint or height of the structure, or a change in use; except that:

a. for a noncomplying structure, conversion of decks, porches, sheds and other unenclosed or unheated areas into an enclosed or heated area shall be considered an enlargement or expansion, (see Section 3.8, B) and;
b. an exterior alteration to a building located within the Kents Corner-Old West Church Overlay District shall require design approval from the DRB (see Section 5.5).

5) Residential entry stairs (excluding deck or porch areas), handicap ramps, walkways, and fences or walls less than six feet in height which do not extend into or obstruct public rights-of-way, or interfere with corner visibility or sight distances for vehicular traffic; with the exception of entry stairs, ramps, walkways and fences located within the Kents Corner-Old West Church Overlay District, which require design approval from the Development Review Board (DRB) under Section 5.5.

6) Minor grading and excavation associated with customary road and driveway maintenance, including culvert replacement and resurfacing, or lawn and yard maintenance.

7) Outdoor trails that do not involve the development or use of structures or parking areas (e.g., hiking, skiing or snow mobile trails).

8) Up to two accessory structures per property, providing that each structure does not exceed 100 square feet in total floor area or 12 feet in height, and meets all setback requirements for the district in which it is located.

9) Signs that are exempted under Section 3.11.

10) Home occupations which meet the requirements of Section 4.2.

11) Garage sales, yard sales, auctions or related activities not exceeding twenty-one consecutive days, nor more than 60 days in any calendar year.

12) Accepted Agricultural and Best Management Practices (AAPs, BMPs), including farm structures, as defined by the Secretary of Agriculture, Food and Markets; however written notification, including a conceptual plan of the structure showing setback distances from road rights-of-way, property lines, and surface waters shall be made to the Zoning Administrator prior to any construction as required under the AAPs. Farm structures shall meet all setback requirements under these regulations, unless the secretary specifically approves alternate setback distances for the project.

13) Acceptable Management Practices (AMPs) for silviculture (acceptable forestry practices) as those practices are defined by the Commissioner of Forests, Parks, and Recreation.

14) Public utility power generating plants and transmission lines regulated under 30 V.S.A. Section 248.

15) Hunting, fishing or trapping.

16) Parcels leased for agricultural or forestry purposes where no permanent roads or structures are created.

17) A camper which is not occupied on a lot in Calais for more than 180 days per year and is not connected to an external septic system or water supply, and which is in compliance with the permitted uses and dimensional standards of the district in which it is parked.

1.6 Zoning Permit

(A) Application Requirements. An application for a zoning permit shall be submitted to the Zoning Administrator on forms developed by the planning commission, along with any application fees as established by the Selectboard. In addition, the following will be required as applicable:

1) Permitted Uses. Applications for permitted uses shall include a statement of the existing and intended use of land and structures, and be accompanied by a conceptual plan that accurately depicts the following:

- the dimensions of the lot, including existing and proposed property boundaries;
- the location, footprint, and height of existing and proposed structures and additions;
- the location of existing and proposed easements, rights-of-way and utilities;
- the location of existing and proposed water and wastewater (septic) systems;
- setbacks from property boundaries, rights-of-way, surface waters, and wetlands;
- such other information as may be needed to determine compliance with these regulations.

2) Development Review Board Approval. Uses that require conditional use, variance, flood hazard area, or design review and approval by the DRB prior to the issuance of a zoning permit shall include a development review application prepared and submitted in accordance with Section 5.2.

3) Minor Subdivision Approval. A zoning permit application for a minor subdivision under Article 6 shall include a conceptual plan as required on the application form.

4) Uses Subject to State Agency Permits. . Applicants should consult the following table to determine whether their proposal may be subject to any state agency permit process.

Table 1.1 Uses Which May Be Subject to State Agency Permits	
Use Type or Area	**State Agency or Department**
Use within a designated flood plain or wetland area.	Department of Environmental Conservation
The damming of a stream to form an impoundment area of 5 acres or more for reservoir or recreational purposes.	Department of Environmental Conservation
The drilling of a well deeper than 50 ft. or with a potential yield of greater than 25,000 gallons per day, except by the owner of a farm or residence for his/her own use.	Department of Environmental Conservation
Game lands and stream bank areas owned or leased by the state.	Department of Fish and Wildlife
Camps with accommodations for more than 50 persons.	Department of Forests Parks and Recreation
Public beaches or land within 1,000 ft. thereof.	Department of Forests, Parks & Recreation
Natural areas as defined in Section 2607 of Title 10.	Department of Forests, Parks and Recreation
Ski areas with lifts or other equipment other than tows, with a total capacity of more than 500 persons per hour.	Department of Forests, Parks and Recreation
Use in or within 1000 ft. of state owned or leased property under the jurisdiction of the VT Dept. of Forests, Parks & Recreation, not including rail trail corridors.	Department of Forests, Parks and Recreation
Airports.	Vermont Transportation Board
Marinas with accommodations for 20 or more boats with lengths in excess of 20 feet.	Department of Forests, Parks and Recreation
Well or septic system; wastewater and potable water supply.	Department of Environmental Conservation
Disturbance of one acre or more of land.	Department of Environmental Conservation
Creation of one acre or more of impervious surface.	Department of Environmental Conservation
Development or Subdivision as defined in Act 250.	Natural Resources Board

(B) Issuance of Zoning Permit. A zoning permit shall be issued by the Zoning Administrator only in accordance with the Act and the following provisions:

1) No zoning permit shall be issued for any use or structure, which requires approval of the DRB and/or the Selectboard and/or Department of Environmental Conservation of the Agency of Natural Resources, until such approval has been obtained. No person shall initiate construction under a zoning permit unless and until all required wastewater and potable water supply permits have been issued by the Vermont Department of Environmental Conservation under 10 V.S.A. Chapter 64.

2) No zoning permit shall be issued for the development of a subdivided lot until a zoning permit or subdivision approval has been issued that authorizes subdividing the lot as required under Article 6.

3) Within 30 days of receipt of a completed application, including all application materials, fees and approvals, the Zoning Administrator shall either issue or deny a permit in writing. Denials shall include a statement of the time in which appeals may be made under Section 1.7. If the Zoning Administrator fails to act within the 30-day period, a permit shall be deemed issued on the 31st day.

4) Within three days of issuance, the Zoning Administrator shall deliver a copy of the permit to the listers and post, for a period of 15 days from issuance, a copy at the Town Office.

(C) Effective Dates. No zoning permit shall take effect until the time for appeal under Section 1.7 has passed, or in the event that a notice of appeal is properly filed, until final adjudication of the appeal.

(D) An Issued Permit is void if:

i) construction does not begin within 18 months (requires a new application and fee)

or;

ii) within 36 months of the date of the permit, construction has not been completed sufficiently to demonstrate compliance to the conditions of the application in vertical dimensions, horizontal dimension, and setbacks, (unless construction is delayed by litigation or proceedings to secure other permits or to secure title through foreclosure, in which case, this 36 month time period shall commence at the point in time where the delaying litigation or proceedings conclude). The applicant may be granted an extension of time (not to exceed 12 months) by the Zoning Administrator based on a review of the process to date and any regulatory changes.

Section 1.7 Appeals

(A) Decisions of the Zoning Administrator. In addition to the applicant, any interested person may appeal a decision or act of the Zoning Administrator by filing a notice of appeal and proof of notification of adjoining landowners, with the Secretary of the DRB, or the Town Clerk if no Secretary has been appointed or elected, within 15 days of the date of such decision or act.

Interested Person. The definition in Title 24: Chapter 117: § 4464 of an interested person includes the following:

The town of Calais or an adjoining municipality.

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

A person owning or occupying property in the immediate neighborhood of a property that is the subject of a decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria review, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the Calais Town Plan or regulations of the town.

Any ten persons who may be a combination of voters or real property owners within the town who, by signed petition to the DRB, allege that any relief requested by a person under this section, if granted, will not be in compliance with the Calais Town Plan or regulations of the town. This petition to the Town must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.

Any department or administrative subdivision of the state owning property or any interest therein within the town or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

1) The DRB shall hold a public hearing on a notice of appeal within 60 days of its filing. The DRB shall give public notice of the hearing under Section 8.4(C), and mail a copy of the hearing notice to the appellant and adjoining property owners without regard to any public right-of-way, not less than 15 days prior to the hearing date. The notification shall include a description of the proposed project and shall be accompanied

by information that clearly informs the recipient where additional information may be obtained and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

2) A decision on appeal, to include written findings of fact, shall be rendered promptly, at most within 45 days after hearing completion. The DRB may reject an appeal without hearing, and render a decision within 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. Copies of the decision shall be mailed to the appellant and hearing participants, and filed with the Zoning Administrator and Town Clerk.

(B) Decisions of the DRB. The applicant, or any interested person may appeal a decision of the DRB within 30 days of such decision to the Vermont Superior Court, Environmental Division. Notice of appeal shall be sent to every interested person appearing and having been heard at the hearing before the DRB.

(C) Notice of Appeal. A notice of appeal shall be in writing and include:

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 bylaw provisions;
4) the relief requested by the appellant, including any request for a variance from one or more provisions of this bylaw;
5) the alleged grounds why such relief is believed proper under the circumstances;

and

6) any request for a stay of enforcement, which may be granted or denied by the DRB.

Section 1.8 Variances

(A) The DRB shall hear and decide upon requests for variances following appeal procedures under Section 1.7, and considering the purpose of the particular zoning district. According to the Act (24 VSA, Chapter 117, §4468) the DRB may grant a variance, and render a decision in favor of the appellant, only if all of the following facts are found, and the findings are specified in its written decision:

1) that there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located;

2) that because of such physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is necessary to enable the reasonable use of the property;

3) that the unnecessary hardship has not been created by the appellant;

4) that the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare;

and

5) that the variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from the zoning regulation and from the Calais Town Plan.

(B) On an appeal for a variance from the provisions of these regulations that is requested for a structure that is primarily a renewable energy resource structure (e.g., solar structures, wind generators, and other similar renewable energy structures), the DRB may grant such variance only if all of the following facts are found in the affirmative and specified in its written decision:

1) it is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with these regulations;

2) that the hardship was not created by the appellant;

3) that the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare;

and

4) that the variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from the zoning regulation and from the Calais Town Plan.

(C) Variances within the Flood Hazard Area. In addition to requirements under Subsection (A), variances for development within the Flood Hazard Overlay District shall be granted by the DRB only in accordance with Section 5.4(E).

(D) 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 Calais Town Plan . In no case shall the DRB grant a variance for a use which is not permitted or conditionally permitted within the zoning district.

Table 1.2 Municipal Permits & Approvals			
Permit/Approval	**Required for**	**Issued by**	**See**
Zoning Regulations			
Zoning Permit	Development, as defined in Section 9.2, including ~~subdivision of land into three or fewer lots~~minor subdivisions (see below), and conversions or changes of use, unless specifically exempted from these regulations under Section 1.5	Zoning Administrator	Section 1.6
Variance Approval	Requests on appeal for a variance from the provisions of these regulations	DRB	Section 1.8
Property Access Approval	Development without frontage on a maintained public road or public waters (nonfrontage lot)	DRB	Section 3.2
Conditional Use Approval	All uses classified as conditional uses; all uses within the flood hazard area overlay district; and as otherwise specified in these regulations	DRB	Sections 5.3, 5.4
Design Approval	All development within the Kents Corner-Old West Church Historic District, including demolitions of historic structures.	DRB	Section 5.5
Planned Unit Development (PUD) Approval	Subdivision of land which incorporate variances from the provisions of these regulations as specified for PUDs to be approved simultaneously with approval of a subdivision plan	DRB	Article 7
Subdivision Regulations			
Zoning Permit	Minor subdivisions~~, including the subdivision of land into 3 or fewer lots (unless a nonfrontage lot is created)~~as defined in Section 6.2~~, and boundary (lot line) adjustments that do not create new or nonconforming lots.~~	Zoning Administrator	Section 6~~.2~~
Subdivision Approval	~~All other subdivisions of land (major subdivisions), as defined in Section 6.3, including subdivisions or resubdivisions of land creating nonfrontage lots; 4 or more lots within an 8 year period; PUDs.~~Major Subdivisions, as defined in Section 6.32	DRB	Section 6.~~3~~ 2
Conceptual Plan Approval	All applications for major subdivision approval	DRB	Section 6.4~~3~~
Preliminary Plan Approval	All applications for subdivision approval, if required by DRB at Conceptual Plan Review.	DRB	Section 6.4~~3~~
Final Plan Approval [Including plat approval]	All applications for subdivision approval	DRB	Section 6.4~~3~~
Plat Recording	All minor and major subdivisions ~~approved by the DRB~~	Zoning Administrator (minor) or DRB (major	Section 6.~~4~~5
Other Municipal Approvals			
Road Access Approval	All development requiring access onto municipal highways	Selectboard	Road Ordinance
Road Acceptance, Upgrade, Naming	Road naming, maintenance and upgrade; the municipal acceptance of private roads	Selectboard	Local Ordinances

Article 2. Zoning Districts

Section 2.1 Establishment of Zoning Districts & Map

(A) The Town of Calais is divided into the following zoning districts as described in the accompanying tables and as shown on the official *Calais Zoning District Map*:

- Village District
- Residential District
- Rural ~~Residential~~ District
- Resource Recreation District
- Shoreland District
- Upland Overlay District
- Natural Resources Overlay District
- Kents Corner-Old West Church Overlay District
- Flood Hazard Area Overlay District

(B) The location and boundaries of each zoning district are as shown on the official *Calais Zoning District Map* prepared by the Central Vermont Regional Planning Commission, and the most current National Flood Insurance Program maps which are adopted by reference and declared to be part of these regulations. They are located in the Calais Town Office. The official *Calais Zoning District Map* is identified by the signatures of the Selectboard, as attested to by the Town Clerk. These maps are the final authority as to the zoning status of any lands or waters in the town. The official *Calais Zoning District Map* may be altered or amended in accordance with Section 8.2.

Section 2.2 Zoning District Standards

(A) The following Tables set forth the purpose, allowed uses and specific standards for each zoning district.

(B) All uses and structures, unless specifically exempted from these regulations under Section 1.5, must comply with applicable standards for the district in which they are located, and the regulations of Articles 3 and 4. The standards for each district shall apply uniformly to each class of use or structure, unless otherwise specified. Nonconforming uses and noncomplying structures in legal existence as of the effective date of these regulations are regulated under Section 3.8.

(C) All development shall have adequate water supply and sewage disposal systems which shall be provided in accordance with state regulations.

(D) Overlay district standards as authorized under 24 V.S.A., Chapter 117, Section 4414 (2), shall be applied concurrently with the standards for underlying zoning districts. Where one district imposes more restrictive standards on the use of land or a structure, the strictest standards shall apply.

(E) Uses for each district are classified as "permitted uses" ("uses by right") to be reviewed by the Zoning Administrator in accordance with Section 1.6, or as "conditional uses" to be reviewed by the DRB in accordance with Section 5.3. Both permitted and conditional uses are subject to applicable district requirements and general standards under Article 3.

(F) Uses not specifically allowed as permitted or conditional uses under these regulations are prohibited.

(G) All parking requirements under Section 3.10 and sign regulations under Section 3.11 shall be met.

(H) All uses shall meet applicable steep slope and surface water protection standards under Sections 3.1~~2~~3 and 3.1~~3~~4.

(I) Conversions of accessory or seasonal dwellings to single-family, two-family, or multi-family dwellings shall require a new Zoning Permit, if such uses are permitted in the district in which the structure to be converted is located, or conditional use review, if such uses are conditional in the district in which the structure to be converted is located. Conversion ~~, or~~ of single-family ~~,~~ dwellings to two-family or multi-family dwellings~~;~~ - shall require a new Zoning Permit, if such uses are permitted in the district in which the structure to be converted is located, or conditional use review, if such uses are conditional in the District in which the structure to be converted is located.~~are subject to conditional use review under Sections 3.3 and 5.3.~~ Such conversions shall be subject to the requirements of Section 3.3. The number of new dwelling units created as a result of a conversion shall not exceed the maximum overall density requirements of these regulations.

Section 2.3 Zoning District Boundary Interpretation

(A) Where uncertainty exists as to the location of district boundaries as shown on the official *Calais Zoning District Map* and overlays, the following rules shall apply:

1) Boundaries indicated as following roads, transportation or utility rights-of-way shall be interpreted to follow the centerlines of such features.

2) Boundaries indicated as following rivers or streams shall be interpreted to follow the channel centerlines of such features, and shall move with the centerlines.

3) Boundaries indicated as following shorelines shall be interpreted as the normal mean water level. In the event of change in the shoreline the boundary shall move with the shoreline.

4) Boundaries indicated as following lot lines shall be interpreted to follow delineated property boundaries.

5) Boundaries indicated as following contour lines shall be interpreted to follow a constant, specified elevation as measured from mean sea level or other accepted reference datum.

6) Boundaries indicated as following compass headings shall be interpreted to follow such headings.

7) Boundaries indicated as parallel or perpendicular to, or extensions of the above features, shall be interpreted as such on the ground.

8) Distances not specifically indicated shall be determined by the scale on the official Calais Zoning District Map.

9) Boundaries indicated as following a ridgeline shall be interpreted to follow the height of land.

(B) The abandonment or relocation of a right-of-way or roadway, or the change in a line or feature that references a district boundary line, after the effective date of these regulations, shall not affect the location of the district boundary line except as specified above for shorelines, streams and rivers.

(C) Regulated Flood Hazard Areas. These regulations shall apply to the Special Flood Hazard Areas (hereafter called "hazard areas") in the Town of Calais. These hazard areas overlay any other existing zoning districts and the regulations herein are the minimum standards that must be met before meeting the additional standards in the underlying district. The hazard areas include the Special Flood Hazard Area in and on the most current flood insurance studies and maps for Washington County, Vermont published by the Department of Homeland Security, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 §753, which are hereby adopted by reference and declared to be part of these regulations as defining the Calais Flood Hazard Overlay District.

(D) Except for the Calais Flood Hazard Overlay District, if the Zoning Administrator cannot definitely determine the location of a district boundary, the Planning Commission and/or appropriate state or federal official may be

consulted prior to issuing a determination. A determination by the Zoning Administrator regarding the location of a district boundary may be appealed to the DRB under Section 1.7. In the Flood Hazard Overlay District, a determination by the Zoning Administrator that a site is in the Special Flood Hazard Area may only be overcome by a Letter of Map Amendment from FEMA.

(E) If a district boundary divides a lot in single ownership on effective date of these regulations, the DRB may extend district standards for either portion of the lot up to 50 feet beyond the district line into the remaining portion of the lot. Except that the district boundary that separates the Curtis Pond shoreland and Maple Corner village districts shall not be extended closer to the shoreland district under this section.

(F) Where a lot is divided by a town boundary, the standards of these regulations shall be applied to that portion of the lot located in the Town of Calais in the same manner as if the entire lot were located in the town.

Table 2.1 Village District (VIL)

(A) **Purpose:** to encourage the development of our villages as compact, livable, socially and economically vibrant community centers surrounded by open, working landscapes. Villages should accommodate relatively high-density residential development as well as businesses and public buildings sized to provide services to the Calais community and environs, compatible with the needs of the town. Buildings should be designed and built at a scale and orientation that is compatible with the historic and existing development in the village.

(B) **Permitted Uses**

Accessory Dwelling [see Section 4.5]
Accessory Structure/Use (to a permitted use)
Agriculture [see Section 1.5]
Bed & Breakfast
Community Center
Forestry [see Section 1.5]
Group Home [8 or fewer residents]
Home Child Care
Home Occupation [see Section 4.2]
Office [not to exceed 1500 sq. ft.; (F)(1)]
Public Park
Seasonal Dwelling
Single Family Dwelling
Two Family Dwelling
Small Scale Telecommunications Facility [see Section 4.11(E)]
Multi-family Dwelling
Mixed Use [see Section 3.15]

(C) **Conditional Uses**

Accessory Dwelling [see Section 4.5]
Accessory Structure/Use (to a conditional use)
Automobile Service Station
Community Care Facility
Cultural Facility
Day Care Facility
Farmers' Market (indoor or outdoor)
Financial Institution
Garden Center
Gas Station
Health Clinic
Historic Barn Reuse [see Section 4.7]
Home Industry [see Section 4.2]
Inn
Light Industry [see Section 4.3]
Mixed Use [see Section 3.1~~4~~5]
Mobile Home Park [see Section 4.9]
~~Multi-family Dwelling~~
Office [greater than 1500 sq. ft.; (F)(1)]
Parking Facility
Personal Service [not to exceed 2500 sq.ft. (F)(1)]
Place of Worship [see Section 4.10]
Private Club
Public Facility/Utility [see (E)(3); Section 4.10]
Recreation Facility: indoor and outdoor
Restaurant
Retail Store [not to exceed 2500 sq.ft; (F)(1)]
School [see Section 4.10]
Small-scale Hydroelectric Facility
Veterinary Clinic

(D) **PUDs.** Planned Unit Developments (PUDs) are allowed under the provision of Article 7 of these regulations.

(E) **Dimensional Standards** (unless otherwise specified by use type):

Minimum Lot Area:	None
Minimum Frontage:	64 ft.
Minimum Setback/Front (from CL)	40 ft.
Minimum Setback/Side, Rear	10 ft.
Maximum Lot Coverage:	65%
Maximum Building Height: (see Section 3.5)	35 ft.

Wetlands buffer	50 feet (see Section 3.1~~3~~4)
Stream buffer	50 or 20 feet (see Section 3.1~~3~~4)
Lakes and ponds buffer	50 feet (see Section 3.1~~3~~4)

(F) **District Standards**

1. Square footage limitations for uses in this district apply to total floor area, except for retail uses for which square footage limitations apply only to total retail floor space (and not storage space).

2. For conditional uses, all conditional use standards under Section 5.3 shall be met; the DRB shall also find that building siting, design, scale, height and orientation are consistent with the physical character of district.

3. Public facilities and utilities in this district are limited to municipal or other government facilities open to the public and intended for public access and use (e.g., town office, town hall, post office, community center); or which otherwise serve the public (e.g., fire station, town garage, transfer station). Transmission lines, solid and hazardous waste disposal facilities, correctional facilities, and other large institutional uses are specifically excluded from this district.

Table 2.2 Residential District (R1)

(A) **Purpose**: To encourage the concentration of people at moderate densities around existing villages and other important community centers. The Residential District will provide for a variety of housing options to meet the diverse needs of the population, include a mix of single and multi-family housing. The orientation of new buildings should encourage easy and safe movement of pedestrians. Pedestrian linkages to the villages and other neighborhoods within the Rural and Residential Districts are encouraged. The use of density averaging and PUD's to provide for a balance of development and resource protection is encouraged in this district. Small service-oriented commercial uses may be approved if they are compatible with the predominantly residential character of the district.

(B) **Permitted Uses**

Accessory Dwelling [see Section 4.5]
Accessory Structure/Use (to permitted uses)
Agriculture [see Section 1.5]
Bed & Breakfast
Forestry [see Section 1.5]
Group Home [8 or fewer residents]
Home Child Care
Home Occupation [see Section 4.2]
Seasonal Dwelling
Single Family Dwelling
Two Family Dwelling
Small Scale Telecommunications Facility [see Section 4.11(E)]
Mixed Use [see Section 3.15]
Multi-Family Dwelling

(C) **Conditional Uses**

Accessory Dwelling [see Section 4.5]
Accessory Structure/Use (to a conditional use)
Campground [see Section 4.8]
Cemetery
Community Care Facility
Community Center
Cultural Facility
Day Care Facility
Extraction & Quarrying [see Section 4.4]
Farmers' Market (Indoor or outdoor)
Garden Center
Historic Barn Reuse [see Section 4.7]
Home Industry [see Section 4.2]
Inn
Light Industry [see Section 4.3]
Mixed Use [see Section 3.15]
Mobile Home Park [see Section 4.9]
Nature Center
Place of Worship [see Section 4.10]
Public Facility/Utility [see (E)(2); Section 4.10]
Public Park
Recreation Facility: indoor and outdoor
Restaurant
Salvage Yard
School [see Section 4.10]
Small-scale Hydroelectric Facility
Telecommunications Facility [see Section 4.11]

(D) **PUDs.** Planned Unit Developments (PUDs) are allowed under the provision of Article 7 of these regulations.

(E) **Dimensional Standards** (unless otherwise specified by use type):

Minimum Lot Area 2 acres
Minimum Frontage: 100 ft.
Minimum Setback/Front (from CL): 40 ft.
Except that along the right of way of State Highway Route 14 northerly & southerly of the East Calais Village District, and State Aid Highway #1 southerly of the Maple Corner Village District, and Town Highway #5 northerly of the Maple Corner Village District to the intersection of Town Highway #5 with Town Highway #9, the minimum setback shall be 65 feet from the centerline of said roads.
Minimum Setback/Side, Rear 25 ft.

Maximum Lot Coverage: 40%
Maximum Building Height: 35 ft. (Section 3.5)
Wetlands buffer 50 feet (see section 3.14)
Stream buffer (see section 3.14)
Lakes and ponds buffer 50 feet (see section 3.14)

(F) **District Standards**

1. Before issuing a permit for conditional uses, all conditional use standards under Section 5.3 shall be met; before issuing a permit, the DRB shall also find that, to the extent practicable:

- Open space and agricultural land shall be incorporated into the layout of the development. Development shall either be sited to facilitate the creation of central greens, commons, community gardens, or similar outdoor spaces, or shall be clustered at the edges of open spaces and agricultural lands in a way that leaves land open for farming or recreational use
- Development shall be below rather than on ridgelines in order to protect the scenic quality of the rural landscape.
- Driveways shall be shared and located close to the edges of open spaces to minimize visual impacts.
- Buildings with floor areas greater than 3,500 square feet shall be allowed only when screened to minimize visual impact. Parking areas shall be landscaped in accordance with Section 3.10.

2. Since Gospel Hollow is the geographic center of Calais, all types of public facilities and utilities, except for correctional facilities, are allowed as a conditional use within 750 feet of the Calais Town Hall in Gospel Hollow. In order to further the purposes of the rural residential district, in all other portions of the district public facilities and utilities are limited to those not intended for regular or frequent public access. Public facilities which are not generally open to the public, such as a fire station, town garage, waste transfer station, reservoir, correctional facility, or other large institutional use may be allowed as a conditional use.

Table 2.~~2~~3 Rural ~~Residential~~ District (R2~~R1~~)

(A) **Purpose**: To allow land uses that support, protect, and are compatible with natural resources characteristic of the rural district, including: 1) water resources such as lakes, ponds, streams, wetlands, floodplains, and fluvial erosion hazard areas; 2) earth resources such as primary agricultural soils and mineral resources; 3) contiguous stretches of forest and undeveloped land and other significant wildlife habitat, rare, threatened and endangered species, and important natural communities; and 4) connecting habitat corridors of smaller forests which tie together the larger contiguous areas and are critical for the survival of many species of animals and plants. New development is allowed and must maximize the protection of rural land and natural resources through the use of density averaging (see Subdivision Article) or PUD provisions for new subdivisions, and definition of building sites for other uses. Expansion of existing residences and small home businesses is allowed within this District. ~~to guide the development of residences, home businesses and other allowed uses in ways that minimize their impact on the working and natural environment, including open spaces, core forests, wildlife habitat, agricultural soils, farming, wetlands, ridgelines, and ecologically sensitive areas~~.

(B) **Permitted Uses**

Accessory Dwelling [see Section 4.5]
Accessory Structure/Use (to permitted uses)
Agriculture [see Section 1.5]
Bed & Breakfast
Forestry [see Section 1.5]
Group Home [8 or fewer residents]
Home Child Care
Home Occupation [see Section 4.2]
Seasonal Dwelling
Single Family Dwelling
Two Family Dwelling
Small Scale Telecommunications Facility [see Section 4.11(E)]
Mixed Use [see Section 3.15]

(C) **Conditional Uses**

Accessory Dwelling [see Section 4.5]
Accessory Structure/Use (to a conditional use)
Campground [see Section 4.8]
Cemetery
Community Care Facility
Community Center
Cultural Facility
Day Care Facility
Extraction & Quarrying [see Section 4.4]
Farmers' Market (Indoor or outdoor)
Garden Center
Historic Barn Reuse [see Section 4.7]
Home Industry [see Section 4.2]
Inn
Light Industry [see Section 4.3]
Multi-Family Dwelling
Mixed Use [see Section 3.~~14~~15]
Mobile Home Park [see Section 4.9]
Nature Center
Place of Worship [see Section 4.10]
Public Facility/Utility [see (E)(2); Section 4.10]
Public Park
Recreation Facility: indoor and outdoor
Restaurant
Salvage Yard
School [see Section 4.10]
Small-scale Hydroelectric Facility
Telecommunications Facility [see Section 4.11]

(D) **PUDs.** Planned Unit Developments (PUDs) are allowed under the provision of Article 7 of these regulations.

(E) **Dimensional Standards** (unless otherwise specified by use type):

Minimum Lot Area 3 acres
Minimum Frontage: ~~300~~ 200 ft.
Minimum Setback/Front (from CL): 40 ft.
Except that along the right of way of State Highway Route 14 northerly & southerly of the East Calais Village District, and State Aid Highway #1 southerly of the Maple Corner Village District, and Town Highway #5 northerly of the Maple Corner Village District to the intersection of Town Highway #5 with Town Highway #9, the minimum setback shall be 65 feet from the centerline of said roads.
Minimum Setback/Side, Rear 25 ft.
Maximum Lot Coverage: 20%

Maximum Building Height:	35 ft. (Section 3.5)
Wetlands buffer	50 feet (see section 3.14~~3~~)
Stream buffer	(see section 3.14~~3~~)
Lakes and ponds buffer	50 feet (see section 3.13~~3~~4)

(F) **District Standards**

1. Before issuing a permit for conditional uses, all conditional use standards under Section 5.3 shall be met; before issuing a permit, the DRB shall also find that, to the extent practicable:

- Development shall be sited and/or clustered at the edges of open spaces and agricultural lands in a way that leaves land open for farming or recreational use.
- Development shall be below rather than on ridgelines in order to protect the scenic quality of the rural landscape.
- Driveways shall be shared and located close to the edges of open spaces to minimize visual impacts.
- Buildings with floor areas greater than 3,500 square feet shall be allowed only when screened to minimize visual impact. Parking areas shall be landscaped in accordance with Section 3.10.
- ~~Large buildings and parking lots, which are not in keeping with the scale of development in Calais, shall be allowed only when screened to minimize visual impact.~~

2. Since Gospel Hollow is the geographic center of Calais, all types of public facilities and utilities, except for correctional facilities, are allowed as a conditional use within 750 feet ~~250 yards~~ of the Calais Town Hall in Gospel Hollow. In order to further the purposes of the rural residential district, in all other portions of the district public facilities and utilities are limited to those not intended for regular or frequent public access. Public facilities which are not generally open to the public, such as a fire station, town garage, waste transfer station, reservoir, correctional facility, or other large institutional use may be allowed as a conditional use.

Table 2.~~3~~4 Resource Recreation District (RR~~2~~)

(A) **Purpose**. The purpose of the resource recreation district is to protect the natural resource value of those lands in Calais which are essentially undeveloped, are important wildlife habitat, could have high potential for commercial forestry use or other extractive enterprises, are unsuitable for commercial, industrial or higher density residential development, or are necessary to protect ground water and aquifers, a fragile ecology, or significant recreational or scenic resources. Low density residential, and limited outdoor recreation, conservation and forestry uses are allowed.

Note. Permitted and Conditional Uses:
If the use involves a permitted structure that is within a minimum of 40 feet and a maximum of 200 feet from the centerline of the town highway, it is a permitted use.
If the use involves a permitted structure that is more than 200 feet from the centerline of the town highway, it is a conditional use.

(B) **Permitted Uses**
Accessory Dwelling [see Section 4.5]
Accessory Structure/Use (to a permitted use)
Agriculture [see Section 1.5]
Bed & Breakfast
Forestry [see Section 1.5]
Group Home [8 or fewer residents]
Home Child Care
Home Occupation [see Section 4.2]
Public Park, Forest or Conservation Area
Seasonal Dwelling
Single Family Dwelling
Two Family Dwelling
Small Scale Telecommunications Facility [see Section 4.11(E)]

(C) **Conditional Uses**
Accessory Dwelling [see Section 4.5]
Accessory Structure/Use (to a conditional use)
Campground [see Section 4.8]
Cemetery
Extraction & Quarrying [see Section 4.4]
Historic Barn Reuse [see Section 4.7]
Home Industry [see Section 4.2]
Nature Center
Permitted structures more than 200 feet from the centerline of the town highway
Public Facility/Utility [see (F)(2); Section 4.10]
Recreation Facility: outdoor
Telecommunications Facility [see Section 4.11]

(D) **PUDs**. Planned Unit Developments (PUDs) are allowed under the provision of Article 7 of these regulations.

(E) **Dimensional Standards** (unless otherwise specified by use type):

Minimum Lot Area	10 acres
Minimum Frontage:	300 ft.
Minimum Setback/Front (from CL)	40 ft.
Maximum Setback for permitted structures/Front (from CL) (does not apply to agricultural structures)	200 ft.
Minimum Setback/Side, Rear	25 ft.
Maximum Lot Coverage:	10%
Maximum Building Height:	35 ft. (Section 3.5)
Wetlands buffer	50 feet (see section 3.1~~3~~4)
Stream buffer	(see section 3.1~~3~~4)
Lakes and ponds buffer	50 feet (see section 3.1~~3~~4)

(F) **District Standards**

1. For conditional uses, in addition to conditional use standards under Section 5.3, the DRB shall also find that:

- Development is clustered to minimize the area to be developed, and is located to avoid areas of steep slope (25% or more), rock outcrops, shallow soils, critical wildlife habitat, headwater and aquifer recharge areas.
- Development is sited to minimize the fragmentation of productive farm and forestland, and wildlife habitat.

- Development is sited below rather than on prominent ridgelines and hilltops in order to protect the scenic quality of the rural landscape. Screening may be required to minimize the visual impacts of development from public vantage points.
- To the extent feasible, driveways and utility corridors shall be located in wooded areas or along the edge of open fields to minimize fragmentation and visual impacts.
- The development will not result in the pollution of groundwater or surface waters, or undue erosion into streams, ponds, and wetlands. Storm water management and/or erosion control plans may be required.
- A plan exists for the protection of endangered, threatened or rare species or other critical wildlife habitat identified within or adjoining the parcel to be developed.

2. Public facilities and utilities in this district are limited to municipal or other government facilities which are not open to the public and not intended for regular or frequent access but which otherwise serve the public (e.g., reservoirs, transmission towers and lines, substations). Solid and hazardous waste disposal facilities, correctional facilities, and other large institutional uses are excluded from the district.

Table 2.~~4~~5 Shoreland District (SHR)

Lakes, ponds, and associated shoreland areas are valuable, irreplaceable ecological, recreational and aesthetic resources to the Town and its residents.

(A) **Purpose**: to protect the environmental, ecological, and recreation value of our ponds, lakes and associated shore lands for existing and future generations by preventing and controlling sources of pollution and by minimizing developmental impact within the shoreland area. Sources of pollution include septic systems, roofs and other impervious surfaces, roads, ditching, and lawns. Developmental impact includes disturbance of the ecological buffer around the ponds and visual impact of any structure. This district generally consists of all land within 800 feet of the shoreline (mean water mark)* of all lakes and ponds with a surface area of 20 acres or more (Bliss Pond, Curtis Pond, Nelson Pond, North Montpelier Pond, Mirror Lake or #10 Pond, and Woodbury Lake). District boundaries may vary, however, to reference physical landmarks such as roads or ridges or where there is no surface or subsurface drainage into a pond or lake due to geological formations (see the official *Calais Zoning District Map*). Where a lot contains both Shoreland District and Village District, the portion of that property that does not border on the shoreline and that does not drain into the body of water, shall be considered part of the village district and not part of the shoreland district.

(B) **Permitted Uses**

Accessory Dwelling [see Section 4.5]
Accessory Structure/Use (to a permitted use)
Agriculture [see Section 1.5]
Dock (temporary) [See (E)(1)]
Forestry [see Section 1.5]
Group Home [8 or fewer residents]
Home Child Care
Home Occupation [see Section 4.2]
Public Park, Beach or Conservation Area
Seasonal Dwelling
Single Family Dwelling
Two Family Dwelling
Small Scale Telecommunications Facility [see Section 4.11(E)]
Mixed Use [see Section 3.15]

(C) **Conditional Uses**

Accessory Dwelling [see Section 4.5]
Accessory Structure/Use (to a conditional use)
Bed & Breakfast
Boat House [see (F)(1)]
Boat Access/Ramp [See (F)(1)]
Campground [see Section 4.8]
Dock (permanent) [see (F)(1)]
Historic Barn Reuse [see Section 4.7]
Home Industry [see Section 4.2]
Inn
Marina
Mixed Use [see Section 3.1~~4~~5]
Nature Center
Public Facility/Utility [see (F)(4); Section 4.10]
Restaurant
Recreation Facility: outdoor
Small-scale Hydroelectric Facility
Creation of impervious surface within 150' of the lake or pond

(D) **PUDs.** Planned Unit Developments (PUDs) are allowed under the provision of Article 7 of these regulations.

(E) **Dimensional Standards** (unless otherwise specified by use type):

Minimum Lot Area: 3 acres above mean watermark
Minimum Road Frontage: 300 ft.
Minimum Set Back/Front (from CL) 40 ft.
Minimum Set Back/Side, Rear 25 ft.
Minimum Setback/Mean Water Mark: 150 ft.
Minimum Shoreland Frontage: 300 ft.

Maximum Lot Coverage: 10%
Maximum Building Height: 35 ft. (Section 3.5)
Wetlands buffer 50 feet (see section 3.1~~3~~4)
Stream buffer (see section 3.1~~3~~4)
Lakes and ponds buffer 50 feet (see section 3.1~~3~~4)

(F) **District Standards**

1. The following structures may be allowed within shoreland setback and buffer areas with the issuance of a zoning permit by the Zoning Administrator:

- One temporary dock per lot which is mounted on floats, does not exceed 50 feet in length or 500 square feet in area, does not include concrete, masonry, earth or rock fill, sheet piling, bulkheading, cribwork, or similar construction, and is intended only for use by the dock owner.
- Structures which provide visual or physical access to the lake (such as permanent walkways, docks and boat ramps), or public facilities or utilities requiring lakeshore access (e.g., boat houses, pumping stations) may be located within shoreland setback and buffer areas subject to conditional use review under Section 5.3. See also Section 3.1~~3~~4.

2. No cutting and removal of vegetation, except to clear a path 5 feet or less in width, shall be permitted within 50 feet of the shoreline, unless approved by the DRB as a conditional use subject to conditional use review under Section 5.3. Limited pruning to maintain a view of the water is allowed without a permit.

3. For conditional uses, all conditional use standards under Section 5.3 shall be met, and the DRB shall also find that:

- The development will not result in the pollution of groundwater or surface waters, or undue erosion into streams, ponds, and wetlands. A storm water management and erosion control plan may be required.
- Shoreline setback and buffer distances are sufficient to protect water quality. The DRB may impose increased setback distances and/or vegetative buffering requirements as needed to minimize erosion and runoff, to protect water quality, and/or to preserve the scenic character of the shoreline.

4. Public facilities and utilities in this district are limited to municipal or other government facilities which are open and accessible to the public (e.g., public parks, beaches, picnic areas and associated accessory uses and structures); or water-related facilities which otherwise serve the public (e.g., pumping stations, hydrants, and water treatment facilities). Solid and hazardous waste disposal facilities, correctional facilities, and other large institutional uses are excluded from this district.

Table 2.~~5~~6 Upland Overlay District (UPL)

(A) **Purpose**. The purpose of this district, which includes all areas over 1,500 feet elevation above mean sea level within the Town of Calais, is to protect sensitive upland areas from the adverse effects of inappropriate or high density development. These areas are generally characterized by steep slopes, rock outcrops and shallow soils, and include important headwater and aquifer recharge areas, large tracts of unbroken wildlife habitat, valuable timber and recreational land, and scenic hills and ridgelines. They are also generally distant from public services and facilities, and as a result are difficult and costly to access.

(B) **Permitted Uses**

Accessory Dwelling [see Section 4.5]
Accessory Structure/Use (to a permitted use)
Agriculture [see Section 1.5]
Forestry [see Section 1.5]
Home Child Care
Home Occupation [see Section 4.2]
Public Park, Forest or Conservation Area
Small Scale Telecommunications Facility [see Section 4.11(E)]

(C) **Conditional Uses**

Accessory Dwelling [see Section 4.5]
Accessory Structure/Use (to a conditional use)
Bed & Breakfast
Campground (Primitive Only) [see (F)(1)]
Group Home [8 or fewer residents]
Historic Barn Reuse [see Section 4.7]
Home Industry [see Section 4.2]
Nature Center
Recreation Facility: outdoor
Seasonal Dwelling
Single Family Dwelling
Two Family Dwelling
Telecommunications Facility [see Section 4.11]

(D) **Dimensional Standards** (unless otherwise specified by use type):

Minimum Lot Area	25 acres
Minimum Frontage:	500 ft.
Minimum Setback/Front (from CL)	40 ft.
Minimum Setback/Side, Rear	25 ft.
Maximum Lot Coverage:	5%
Maximum area cleared for building site:	1 acre
Maximum Building Height:	35 ft. (Section 3.5)

Wetlands buffer	50 feet (see section 3.1~~4~~3)
Stream buffer	(see section 3.1~~4~~3)
Lakes and ponds buffer	50 feet (see section 3.1~~4~~3)

(E) **District Standards**:

1. Campgrounds within this district shall be limited to unimproved, tenting areas. No roads, utilities or other services or facilities, except for pit or composting toilets, shall be provided.

2. Recreational facilities are limited to outdoor facilities (e.g. parks, wildlife refuges, trail networks, touring centers, shooting and archery ranges), and associated accessory structures. Golf courses are specifically excluded from this district.

3. Forestry uses shall follow all acceptable management practices as defined by the Vermont Department of Forests, Parks and Recreation. A forestry management plan may be required.

4. Public facilities and utilities, except for those subject to review by the Department of Public Service under Section 248 and service lines to allowed uses, are specifically excluded from this district.

5. All uses shall meet applicable steep slope and surface water protection standards under Sections 3.1~~2~~3 and 3.1~~3~~4.

6. For conditional uses, all conditional use standards under Section 5.3 shall be met, and the DRB shall also find that:

- Development is sited within a designated building site that minimizes the area to be developed, and is located to avoid areas of steep slope (25% or more), rock outcrops, shallow soils, critical wildlife habitat, headwater and aquifer recharge areas.
- Development and associated building sites are located to minimize the fragmentation of productive farm and forestland, and wildlife habitat.
- Development and associated building envelopes are sited below rather than on prominent ridgelines and hilltops in order to protect the scenic quality of the rural landscape. Screening may be required to minimize the visual impacts of development from public vantage points.
- To the extent feasible, driveways and utility corridors shall be located in wooded areas or along the edge of open fields to minimize farmland, forest and wildlife habitat fragmentation, and visual impacts.
- The development will not result in the pollution of groundwater or surface waters, or undue erosion into streams, ponds, and wetlands. Storm water management and/or erosion control plans may be required.
- A plan exists for the protection of endangered, threatened or rare species or other critical wildlife habitat identified within or adjoining the parcel to be developed.

Table 2.7 Natural Resources Overlay District (NRO)

(A) **Purpose**. To preserve critical wildlife habitats within the Town of Calais. The Natural Resources Overlay District consists of the following areas:

1. Deer Wintering Areas -- the "winter deer range" as depicted on the current version of the Vermont Department of Fish and Wildlife map entitled "Significant Habitat Map", or other areas that have been investigated and confirmed by the Vermont Department of Fish and Wildlife to be deer critical habitat.
2. Core Forest Habitat – as mapped by the Vermont Department of Fish and Wildlife and/or found on the Resources Map of the most recent Calais Town Plan. Generally, this consists of forestlands that are at least 100 meters (328 feet) from significant development.
3. Black Bear Reproductive Habitat as mapped by the Vermont Department of Fish and Wildlife.

(B) **Permitted Uses**
All permitted uses within the underlying district, provided the use is located within 200 feet from the centerline of the town highway, excluding a class IV road.

(C) **Conditional Uses**
All permitted uses within the underlying district, if the use is located more than 200 feet from the centerline of a class II or III town highway, or a state highway
All Conditional uses within the underlying district.

(D) **Dimensional Standards** (unless otherwise specified by use type)-- As specified for the underlying district

(E) **District Standards**:

1. Any development, building, and/or building impact zones located within the Natural Resources Overlay and more than 200 feet from the centerline of a class II or III town highway shall be subject to conditional use review.

2. An applicant for development within the Natural Resources Overlay District that requires conditional use review shall submit an evaluation by a certified wildlife biologist or ecologist which identifies those areas of the parcel that will have the least impacts on wildlife habitat.

3. No more than 20% of the area within the Natural Resources Overlay District which is more than 200 feet from the centerline of a class II or III town highway may be developed. Development, buildings, building impact zones, utility lines, and access roads shall be located to minimize impacts and fragmentation of wildlife habitat, based on the recommendations of the evaluation above. Density averaging or PUDs are encouraged to cluster the overall maximum density allowed on the parcel onto the most suitable areas. -

4. In addition to landscaping that may be required by Section 5.3(E)(3) or 6.9(G), applicants for major subdivision or conditional use may be required to install plantings to improve the parcel's function as wildlife habitat and/or to mitigate the loss of habitat caused by the development. Such measures shall be based on the recommendations of the evaluation above.

4. Recreational facilities are limited to outdoor facilities (e.g. parks, wildlife refuges, trail networks, touring centers, shooting and archery ranges), and associated accessory structures. Golf courses are specifically excluded from this district.

5. Forestry uses shall follow all acceptable management practices as defined by the Vermont Department of Forests, Parks and Recreation. A forestry management plan may be required based on the recommendations of the evaluation referenced above.

6. Public facilities and utilities, except for those subject to review by the Department of Public Service under Section 248 and service lines to allowed uses, are specifically excluded from this district.

7. All uses shall meet applicable steep slope and surface water protection standards under Sections 3.13 and 3.14.

Table 2.8~~6~~ Kents Corner-Old West Church Design Control Overlay District (KCO)

(A) **Purpose.** This district, defined by the official Calais Zoning District Map, is a design control overlay district, which is intended to ensure the protection of the historic and architectural integrity of the Kents Corner-Old West Church Historic District. This area is regarded as an important asset to both the town and the state. The design control overlay district includes a portion of the May 17, 2006 National Register Old West Church and Kents' Corner Historic District and the Kent's Corner-Old West Church Historic District designated by the Vermont Division for Historic Preservation Historic Sites and Structures in 1979, and some of the adjoining properties. All development within this district, including development otherwise exempted from permit requirements as specified under Section 1.5, shall be required to obtain design approval from the DRB prior to the issuance of a zoning permit in accordance with Section 5.5.

(B) Permitted Uses

As allowed in the underlying district.

(C) Conditional Uses

As allowed in the underlying district.

(D) Dimensional Standards (unless otherwise specified by use type):

As specified for the underlying district.

(E) **District Standards**

1. All development within this district shall be subject to design review under Section 5.5. Where the standards of this overlay district differ from underlying district standards, the more restrictive shall apply.

2. All development within this district shall be consistent with the Kents Corner-Old West Church Design Control Guidelines as most recently amended.

Table 2.97 Flood Hazard Area Overlay District (FHO)

(A) **Purpose** The purpose of the flood hazard area overlay district is to prevent or minimize the loss of life and property, disruption of commerce, impairment of the tax base and extraordinary public expenditure from the results of flooding; to further insure that design and construction of development would eliminate or minimize the potential for flood damage; and to ensure that the flood-prone lands are managed in accordance with state and federal regulations and thereby ensure that property owners are eligible for flood insurance through the National Flood Insurance Program (NFIP).

(B) **Permitted Uses**

Agriculture [see Section 1.5]
Forestry [see Section 1.5]
Home Child Care
Home Occupation [see Section 4.2]

(C) **Conditional Uses**

- Flood Management Facilities
- Dredging, filling, grading, paving, drilling and equipment or materials storage or any other change to improved or unimproved real estate [Sections 5.3 and 5.4.]
- Small-scale Hydroelectric Facilities
- All other uses as allowed within the underlying district which do not involve a prohibited use or activity [see (E)].

(D) **Dimensional Standards** (unless otherwise specified by use type):
As specified for the underlying district.

(E) **District Requirements**

1. Permitted uses within the Flood Hazard Area Overlay specifically include agriculture and forestry, unimproved open space, and those uses generally permitted within existing single family dwellings which do not require structural alterations (i.e., home child care and home occupations as defined herein). All other uses and structures, including new or expanded single family dwellings, additions and accessory structures, shall be subject to review under Section 5.4, as well as all other applicable municipal and state regulations. A "permitted use" in the underlying zoning district shall be reviewed only in accordance with the standards set forth in Section 5.4, and not other conditional use standards under Section 5.3.
2. Within this district all Mandatory state [4412] and federal [44 CFR 60.3 and 60.6] requirements for continued eligibility in the National Flood Insurance Program B including but not limited to associated structural standards, definitions, administrative and variance requirements as most recently amended are hereby adopted by reference and shall be applied to all development in this district. Accordingly:

    - Applications for development within the Flood Hazard Area Overlay District shall be submitted in accordance with the provisions of Section 5.4, and are subject to state and federal agency referral requirements in accordance with Sections 1.6 and 5.4.
    - Development in the Flood Hazard Area Overlay District shall be subject to conditional use review under Section 5.4, as well as applicable requirements of the underlying zoning district.
    - Requests for variances for development within the Flood Hazard Area Overlay District shall be subject to review under Sections 5.4 and 1.8.
    - Permits, certifications and variance actions for development within the Flood Hazard Area Overlay District shall be recorded by the Zoning Administrator in accordance with Sections 5.4 and 8.4.

(F) **Warning of Disclaimer of Liability**

This ordinance does not imply that land outside of the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of

the Town of Calais or any town official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(G) **Precedence of FHO District**

The provisions of this section of the ordinance shall not in any way impair or remove the necessity of compliance with any other applicable ordinances or sections. Where this section imposes a greater restriction, the provisions of this section shall take precedence.

Article 3. Requirements and Standards that Apply to All Zoning Permits

Section 3.1 Purpose of the Article

The purpose of this article is to describe standards which may apply to any development permit or approval. The table of contents on page 2 lists all the items covered in this article.

Section 3.2 Access for Nonfrontage lots, Curb Cuts, & Driveway Standards

(A) Access to Nonfrontage Lots. Development is permitted only on lots which have either frontage on a maintained public road [Class I, II, III, or state highway] or public waters; or with the approval of the DRB, access to such a road or waters by means of a Class IV road (public right of way) or permanent easement or right-of-way at least 20 feet in width. The DRB may grant approval for access to a nonfrontage lot in accordance with the following provisions:

1) The DRB may consider the intended use of the property, safety, traffic, road, and site conditions in granting, conditioning, or denying access approval. Conditions may be imposed by the DRB as appropriate to ensure public safety and welfare. These include, but are not limited to conditions that:

   a. the town not be required to provide school bussing beyond maintained public rights-of-way;
   b. the owner of the property shall have the responsibility to maintain the right-of-way for access by emergency vehicles to any dwelling unit;

   and

   c. public rights-of-way used for access shall remain open to the public.

2) If a Class IV road is to be used for access to development
   a. the applicant shall receive approval for use of the road as access from the DRB prior to applying for approval for a curb cut onto the Class IV road from the Selectboard, and
   b. any maintenance or upgrading to a Class IV road by or on behalf of an applicant shall be done in accordance with a plan developed with and agreed to by the Selectboard pursuant to the Calais Policy Regarding Class IV Highways.

3) Residential development on a nonfrontage parcel accessed by a right-of-way or easement under this provision shall be limited to one seasonal or single family dwelling, in accordance with other applicable provisions of these regulations, except where additional dwellings are allowed by Subdivision, PUD, or other projects subject to conditional use review.

(B) Curb Cut Approval[1]

1) Approval for a curb cut onto public roads is subject to the approval of the Calais Selectboard under the Calais Curb Cut Ordinance, and for state highways, the Vermont Agency of Transportation. As a condition of curb cut approval, compliance with all local regulations and ordinances pertaining to roads and land use is required

2) Where two public roads serve a commercial or industrial use (e.g., a corner or through lot), the curb cut shall be on the secondary road unless otherwise approved under subdivision or conditional use review.

(C) Access Standards.

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[1] ***19 V.S.A. § 1111. Permitted use of the right-of-way http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=19&Chapter=011&Section=01111***

1) Shared access is encouraged and may be required for development, subdivision, planned unit development, or other project subject to conditional use review. Access shall be limited to the approved width and location.

2) Where two public roads serve a commercial or industrial use (e.g., a corner or through lot), access shall be provided from the secondary road unless otherwise approved under subdivision or conditional use review.

(D) Driveway Standards. All new or changed driveways entering onto public roads must meet Selectboard specifications for culverts, grading, ditching, and design. In addition, driveways shall be logically sited in relation to existing topography.

Section 3.3 Conversion or Change of Use

(A) A conversion or a change of use of the land, existing buildings or other structures is subject to the provisions of these regulations.

1) The proposed use shall be subject to all the requirements of these regulations pertaining to such use, including but not limited to any district, access, and/or parking requirements, as well as any other applicable municipal, state or federal regulations currently in effect.

2) An accessory structure such as a garage or barn may be converted to a principal use allowed within the district in which it is located only if the structure is located on a separate conforming lot and complies with all dimensional, setback, parking, subdivision and other requirements applicable to the proposed use and district.

3) A conversion or change of use from one permitted use to another permitted use requires a zoning permit issued by the Administrative Officer under Section 1.6~~,~~ except as provided in section 2.2.

4) A conversion or change of use from a permitted to a conditional use, or from a conditional use to another conditional use, requires conditional use approval under Section 5.3.

5) Where a permit is issued for any development, conversion or change of use, including but not limited to the conversion of a seasonal or accessory dwelling to a single family dwelling, initiation of construction is prohibited unless and until applicable wastewater and potable water supply permits have been issued by the Department of Environmental Conservation, under 10 V.S.A Chapter 64.

6) Changes or conversions involving nonconforming uses and/or noncomplying structures also are subject to and will be reviewed under Section 3.8.

Section 3.4 Damaged Structures

(A) No zoning permit shall be required for the stabilization of damaged structures to prevent hazards to public health or safety, or to adjoining properties, structures or uses; nor for the timely repair, restoration, or reconstruction of damaged structures to the extent of their prior condition and use, however:

1) rebuilding that results in changes in density, dimension or use under applicable provisions of these regulations will require a zoning permit;
2) repair or rebuilding that results in exterior alterations to buildings within the Kents Corner-Old West Church Overlay District will require design approval from the DRB in accordance with Section 5.5;

and

3) rebuilding a damaged noncomplying structure is subject to the requirements of Section 3.8 (B).

(B) The demolition of a damaged historic structure within the Kents Corner-Old West Church Overlay District is subject to review by the DRB under Section 5.5(E).

Section 3.5 Height Requirements; Exemptions

No structure shall exceed maximum district height requirements except for the following structures, which are specifically exempted from the height provisions of these regulations:

1) agricultural structures, including barns, silos and grain elevators;
2) church steeples, spires and belfries;
3) accessory structures associated with a public or residential use which are less than 50 feet in height including antennas, satellite dishes less than three feet in diameter, wind generators with blades less than 20 feet in diameter, rooftop solar collectors, chimneys, belvederes and cupolas, flag poles, and weather vanes;
4) telecommunications towers which meet the requirements of Section 4.11;
5) electric transmission, fire, water and public observation towers;

and

6) renewable energy structures, including windmills with blades less than 20 feet in diameter or rooftop solar collectors less than 10 feet high which are mounted on complying structures (24 VSA Sec.4412 (6)).

Section 3.6 Lot & Yard Requirements

(A) Only one principal use or structure may be located on a single lot, unless:
1) otherwise allowed as a mixed use under Section 3.154,
2) otherwise allowed as the reuse of an historic barn under Section 4.7,

or

3) with approval of the DRB, as part of a planned unit development under Article 7.

(B) An accessory structure or use must conform to all lot, setback, coverage and other dimensional requirements for the district in which it is located, unless specifically exempted from such requirements under Section 1.5.

(C) No lot shall be so reduced in area that it cannot meet dimensional requirements for its district, except through the use of density averaging as provided under Section 6.10 or ~~except~~ as approved by the DRB for a planned unit development under Article 7.

(D) Space required under these regulations to satisfy area, yard or other open space provisions in relation to one structure shall not be counted as part of the open space for any other structure.

(E) Frontage requirements for lots served by private roads (rights-of-way serving four or more lots) shall be the same as frontage requirements for lots served by public roads.

(F) For lots which do not have frontage on a public or private road (a nonfrontage or interior lot) the minimum setback distance from all property lines shall equal the minimum side yard setback for the district in which the lot is located.

(G) Corner lots shall meet applicable front yard setback requirements for each property line adjoining a road.

Section 3.7 Nonconforming Small Lots

(A) Any lot in individual and separate, nonaffiliated ownership from surrounding properties, lawfully in existence on the date of enactment of these regulations, may be developed for the uses allowable in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one eighth of an acre in area with a minimum width or depth dimension of 40 feet, and all other applicable requirements of these regulations are met.

(B) If a nonconforming lot subsequently comes under common ownership with one or more contiguous lots, the lot shall be deemed merged with the contiguous lot for the purposes of these regulations. However such lot shall not be deemed merged and may be separately conveyed if:

1) the lots are conveyed in the preexisting, nonconforming configuration,
and
2) on the effective date of these regulations each lot had been developed with a water supply and wastewater disposal system,
and
3) at the time of transfer, each water supply and wastewater system is functioning in an acceptable manner,
and
4) the deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined in 10 V.S.A. Chapter 64.

(C) A municipal permit for any lot conveyed under Subsection (B) shall state that, if the wastewater system fails, the owner shall be required to obtain from the Agency of Natural Resources or the Department of Environmental Conservation, Division of Wastewater Management (DEC) either:

1) a wastewater permit, or
2) a certification that the wastewater system has been modified or replaced with the result that it no longer constitutes a failed system.

Section 3.8 Nonconforming Uses & Noncomplying Structures

(A) **Nonconforming Uses**. Any use of land or a structure in legal existence as of the effective date of these regulations which does not conform with the requirements of these regulations may continue indefinitely, however a nonconforming use:

1) may be changed to another nonconforming use which is of the same or a more restricted nature only with the approval of the DRB, subject to conditional use review under Section 5.3;
2) shall not be re-established if such use has been changed to, or replaced by, a conforming use, or if such use has been discontinued for a period of 12 months, regardless of the intent to resume such prior use;
and
3) may be re-established within a structure or portion thereof which has been damaged or destroyed, only if reconstruction is started within one year.

(B) **Noncomplying Structures**. Any structure, or portion thereof, in legal existence as of the effective date of these regulations which is not in compliance with the requirements of these regulations, may continue indefinitely. A noncomplying structure also may be repaired, rebuilt, restored or expanded in accordance with this subsection. The conversion of a deck, porch, shed, or other unenclosed or unheated area into an enclosed or heated area shall be considered an enlargement or expansion under number 4 below. A noncomplying structure also may:

1) undergo normal maintenance and repair without a permit, provided that such action does not increase the degree of noncompliance or constitute a reconstruction or rebuilding of the noncomplying structure;
2) be reconstructed or rebuilt with the approval of the Zoning Administrator, provided that the reconstruction or rebuilding does not increase the degree of noncompliance;
3) be restored to a safe condition with the approval of the Zoning Administrator, if declared unsafe by a proper authority; however such restoration may increase the degree of noncompliance only to the minimum extent required for safety;
4) be moved, enlarged, or expanded horizontally or vertically only with approval of the DRB, subject to conditional use review under Section 5.3, and a finding by the DRB that the move, enlargement, or expansion will have no adverse effect on the public health, safety or welfare. The DRB shall only allow the move, enlargement or expansion to increase the degree of noncompliance if it finds that the change better

satisfies the purpose of the district. However, a noncompliant structure may be moved, enlarged or otherwise modified to eliminate the cause of non-compliance upon receipt of a permit from the Zoning Administrator.

Section 3.9 Outdoor Storage Tanks

The storage of any highly flammable or hazardous liquid or gas in an above ground tank with a unit capacity greater than 1,000 gallons shall be constructed and managed in accordance with all applicable state and federal regulations for storage and containment in the event of a spill or release. Such tanks shall be located at least 100 feet from all property boundaries and surface waters.

Section 3.10 Parking, Loading & Service Area Requirements

(A) **Parking**. Off-street parking shall be provided on the same lot as the associated use, or on adjacent lots or lots within 1,500 feet under the same ownership or permanent easement, or in public parking areas, with approval by the Calais Selectboard. Area for parking shall be a minimum of 9 by 22 feet per parking space required, have adequate off-street maneuvering room and, except in the case of a seasonal dwelling, be maintained for year-round use.

1) Residential Uses: at least two parking spaces shall be provided for each dwelling unit. In the case of a single-family residence, a portion of the driveway may be counted as a parking space.

2) Conditional Uses: shared parking, pedestrian walkways, and/or the landscaping, screening, or lighting of parking areas may be required. The DRB shall determine a reasonable number of parking spaces to be provided, and the extent of related loading and service areas based on:

a. the type or nature of the business or use;
b. the number of anticipated residents and guests;
c. the number of employees on-site during the largest shift;
d. the number of patrons served at capacity;
e. the gross floor area (measured in square feet) of the business or use;
f. the likelyhood that users/customers will access the use by means other than automobiles, such as on foot from adjacent residential areas or via bicycle, public transportation, or other similar means.

and

g. the availability of shared or off-site parking.

3) Parking Lot Landscaping: All off-street parking lots containing 5 or more spaces shall be screened from any adjacent residential uses and public roads. Screening shall include a mixture of vegetation that creates a visual buffer (not necessarily an impervious "wall"). Attractive fencing integrated with the vegetation, or the buildings themselves, may also be used to provide screening.

(B) **Loading & Service Areas**. Where a proposed development requires the regular loading or unloading of goods or passengers, sufficient on-site service and transit areas shall be provided.

1) All loading and service areas shall be clearly marked, and located in such a manner so that parked vehicles will not block or obstruct sight visibility at intersections or to or from any internal road or access.

2) For development subject to conditional use review, the DRB may require service areas for emergency vehicles, waste disposal and collection facilities, snow retention, bus, taxi, or van stops, or other purposes necessitated by the proposed use.

Section 3.11 Sign Requirements

(A) **Applicability**. A zoning permit shall be required prior to the erection, construction or replacement of any outdoor sign, except for signs which are specifically prohibited, or which are otherwise exempted from these provisions, as listed under Table 3.2.

(B) **General Standards**. All signs, other than those specified under Subsection (A), shall require a zoning permit issued by the Zoning Administrator in accordance with the following requirements pertaining to all signs:

1) No outdoor advertising signs shall be approved in any district except for the purposes of identifying an approved, on-premise use.
2) There shall be only one sign per principal business or service.
3) No sign shall exceed 16 square feet per face.
4) No sign, including mounted or freestanding supporting structures, shall exceed 16 feet in height, or the height of the nearest building on the premises, whichever is less.
5) No sign shall be placed within a public right-of-way, or within 150 feet of any road intersection unless affixed to a building so that it does not extend beyond the building more than three feet.
6) Signs shall be illuminated so as not to produce undue glare, hazards, or distractions. A constant, shielded light source may be used for indirect lighting, provided that the lighting is directed downward onto the sign surface, and does not adversely affect neighboring properties, rights-of-way, or vehicular traffic. The light source shall not be visible from adjacent properties or roads.
7) No sign shall be illuminated during hours when the premises are not occupied or open for business.
8) No sign shall contain string lighting, pennants, or similar attention gathering devices, nor may it contain or support any device capable of emitting noise.
9) All signs shall be maintained in a secure and safe condition. Nothing in these regulations shall prevent normal sign maintenance and repair, including the replacement of broken parts. If the Zoning Administrator is of the opinion that a sign is not secure, safe, or in a good state of repair, a written warning and/or notice of violation under Section 8.5 may be issued with a request that any defect in the sign immediately is corrected.
10) Nonconforming signs may remain in use until such time as they are damaged beyond 50 percent of their appraised value, and/or are reconstructed, remodeled, relocated, replaced or enlarged.

(C) Measurement. The area of measurement of any sign shall be the total area of the sign face to the outer edge, including any supporting frames or panels. Signs consisting of freestanding characters shall include any intervening spaces (the entire message area) in the calculation of total sign area.

Table 3.2 Exempted & Prohibited Outdoor Signs	
(A) **Exempt Signs**. No zoning permit shall be required for the following types of signs, which are exempt from these regulations: (1) Signs erected by the state or town on public roads. (2) Non-advertising signs placed for directional, safety or public service purposes which do not exceed 4 square feet in area. (3) One residential sign per dwelling unit identifying the occupant, not to exceed 2 square feet in area; and residential flags or banners intended solely for ornamental or non-advertising purposes. (4) Signs relating to trespassing and hunting, each not to exceed 2 square feet in area. (5) Temporary auction, lawn, or garage sale or real estate for sale signs, not to exceed 2 in number or 6 square feet in total area, which shall be removed immediately following the event or sale. (6) Temporary election signs to be posted and removed in accordance with state law. (7) Temporary signs or banners advertising public or community events, to be displayed on premise or in designated locations on town property with the prior permission of the Selectboard, which shall be removed immediately following the event. (8) Signs or bulletin boards incidental to places of worship, schools, libraries or public facilities, not to exceed one per establishment, 16 square feet in total area, or 6 feet in height above ground level. (9) Unlit signs associated with farm operations, not to exceed one per establishment or 16 square feet in area. (10) Unlit wall-mounted or freestanding signs advertising a home occupation, home industry or home day care facility, not to exceed one per residential dwelling or 4 square feet in area. (11) On-premise historic or landmark signs. (12) Wall murals intended solely for artistic, non-advertising purposes. (13) Window signs which do not exceed 30 percent of the windowpane area.	(B) **Prohibited Signs**. The following signs are prohibited in all districts: (1) Signs which impair highway safety. (2) Signs which are internally illuminated, animated, flashing, oscillating, revolving or made of reflective material, unless necessary for public safety or welfare; (3) Signs painted on or attached to rock outcrops, trees, or similar natural features. (4) Roof and wall signs which extend above the roof eave. (5) Permanent signs which project over public rights-of-way or property lines. (6) Signs identifying businesses or uses which are no longer in existence except historic or landmark signs as exempt under Table 3.2 A (11). (7) Off-premises signs, except for those which conform to state laws.

Section 3.12 Protection of Natural and Cultural Resources.
~~Section 6.10 Protection of Natural & Cultural Resources~~

(A) Significant Natural Features. All development, ~~S~~subdivision boundaries, lot layout and building impact zones shall be located and configured to avoid undue adverse impact to sensitive or significant natural features. For the purposes of these regulations, these shall include wetlands, flood hazard areas, slopes in excess of 15%,

critical wildlife habitat areas, surface waters, associated buffer areas, and other resources identified in the Calais Town Plan. Methods for avoiding such adverse impacts include, but may not be limited to, the following:

1) Building impact zones shall be located and sized to exclude these features.

2) Applicants for subdivision or development ~~Subdividers~~ may be required to designate buffers and/or develop and maintain management plans to protect such features.

3) Roads, driveways and utilities shall be located to prevent, to the extent feasible, encroachments on or the fragmentation of such features.

4) Within the Upland Overlay District, development, parcel boundaries and building sites shall be configured to ensure that development will not result in the placement of any structure on steep slopes, shallow soils, or the height of land (the highest point) of any prominent ridgeline or hilltop. In addition:

   a. Building sites may be located to access views, provided that they do not interrupt the natural line of slope or the crown line of mature trees in the vicinity, and will not result in the placement of a structure that appears unduly prominent or out of character with the surrounding terrain.

   b. A tree cutting, pruning, landscaping, and/or forest management plan may be required to ensure that ridgelines and hilltops remain wooded, and that buildings are visually screened to interrupt facades and reduce reflective glare, as viewed from off-site.

5) Within the Shoreland District, parcel boundaries and building impact zones also shall be configured to avoid the fragmentation of designated shoreland buffer areas (see Section 3.1~~3~~4), and any adverse impacts to water quality. In addition:

   a. Existing physical and visual access to the water shall be preserved where feasible. Shared access to public waters (docks, beach areas, boat ramps) is recommended and may be required by the DRB to minimize encroachments within designated buffer areas.

   b. The DRB may impose increased setback distances and/or vegetative buffering requirements as needed to minimize erosion and runoff, to protect water quality, and/or to preserve the scenic character of the shoreline.

   c. The DRB may require the submission of shoreland management plan, to include provisions for the long-term management of shoreland buffer and access areas, including proposed restrictions on clearing, grading or tree removal.

4) Subdivisions which conserve land or use density averaging to protect natural resources identified in the Calais Town Plan may reduce the frontage requirement by up to 80%. ~~receive a waiver of up to 50% of the frontage requirement.~~
   a. The percentage of reduction of the frontage requirement may not exceed the percentage of land permanently set aside from development.
   b. Shared driveways are encouraged and may be required to limit the number of curb cuts to the number allowed by the frontage requirements of the district.

5) When evaluating the impact of proposed developments or subdivisions on identified natural resources, the DRB may solicit recommendations from the Calais Conservation Commission

(B) Protection of Farmland. Within the Rural District and Residential District, development, subdivision boundaries, lot layout and building impact zones shall be located and configured to avoid adverse impacts to prime and statewide agricultural soils (as identified by the most recent USDA Natural Resources Conservation Service Soil Survey) and other farmland currently in production. Methods for avoiding such adverse impacts include, but may not be limited to, the following:

1) In the Rural District, ~~Buildings~~development shall be located at field and orchard edges or, in the event that no other land is practical for development, on the least productive soils in order to minimize impacts of development on ~~the use of~~ productive agricultural land~~; impacts on~~and existing farm operations.~~, and disruption to the scenic qualities of the site.~~

2) Within the Residential District, prime and statewide agricultural soils shall be treated in the manner prescribed above, or may be incorporated into the layout of the development for the creation of central greens, commons, community gardens, or similar outdoor spaces. This method may also be used in the Rural District where density is increased through density averaging and/or density transfer.

3) Vegetated buffer areas may be required between agricultural and other uses to minimize land use conflicts.

4) Access roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these to minimize the fragmentation of productive agricultural land and adverse visual impacts.

5) In the Rural and/or Residential Districts, any subdivision or development which will result in development, buildings, and/or building impact zones located more than 200 feet from the centerline of a town highway and within prime or statewide agricultural soils shall be subject to conditional use review.

(C) Protection of Wildlife Linkages. Development, subdivision boundaries, lot layout and building impact zones shall be located and configured to avoid adverse impacts to wildlife linkages identified on and/or found on the Resources Map of the most recent Calais Town Plan. Methods for avoiding such adverse impacts include, but may not be limited to, the following:

1) Any development, buildings and/or building impact zones shall be located outside of any mapped wildlife linkage, unless the standards in 3.12(C)2 below are met.

2) Any development, buildings and/or building impact zones located within a mapped wildlife linkage, shall be subject to conditional use review by the DRB under Section 5.3. In addition to the submittal requirements In Section 5.2, the applicant shall submit an evaluation by a certified wildlife biologist or ecologist which identifies those areas of the parcel that will have the least impact on the wildlife linkage, and/or measures that will mitigate adverse impacts on the wildlife linkage (ex. Providing additional appropriate vegetation). Development, buildings, building impact zones, utility lines, and access roads shall be located to minimize adverse impact on the wildlife linkage, based on the recommendations of the evaluation above. The DRB may also require the applicant to implement other measures to mitigate adverse impacts on the corridor. Mitigation should be proportional to the amount of development proposed and typically falls within 3% of the total development costs.

(~~C~~D) Protection of Historic & Cultural Resources. Development and s~~S~~ubdivision boundaries, lot layout and building sites shall be located and configured to minimize adverse impacts to historic and archaeological sites and resources identified in the Calais Town Plan, by the Vermont Division for Historic Preservation, or through site investigation. Methods to minimize adverse impacts include but may not be limited to the following:

1) Historic features, including existing historic buildings, stone walls and cellar holes, should be preserved and integrated into the development or subdivision design (e.g., driveways that follow stone walls) to the extent feasible.

2) The development or subdivision of land on which historic structures are located shall be designed to maintain the historic context of the site, and to minimize the impact of new development on the site's historic and architectural integrity.

3) When evaluating the impact of proposed development or subdivisions on historic resources, including all subdivisions in the Kents Corner-Old West Church Overlay District, the DRB may solicit recommendations from the Calais Historic Preservation Commission.

(~~D~~E) Flood Hazard Consideration.

a. New development, subdivision proposals, and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data where applicable.

b. Development and Subdivisions (including manufactured home parks) shall be designed to assure:

(i) such proposals minimize flood damage within the flood-prone area,

(ii) public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and

(iii) adequate drainage is provided to reduce exposure to flood hazards.

Section 3.1~~2~~3 Steep Slopes

(A) Development on slopes in excess of 15% shall be subject to conditional use review by the DRB under Section 5.3. The DRB may require the submission of an acceptable erosion and sedimentation control plan, prepared by an engineer licensed by the state, which provides detailed information regarding temporary and permanent erosion and sedimentation control measures to be used prior to, during and following construction.

Section 3.1~~3~~4 Surface Water Protection

(A) Applicability. To maintain water quality, protect wildlife habitat, and prevent soil erosion and pollution associated with surface runoff, the following shall apply to all new development, including additions to existing structures:

1) Surface Waters. A naturally vegetated buffer strip of at least 50 feet shall be maintained from the mean water mark of all lakes and ponds, and the top of the banks of all named streams and rivers, and at least 20 feet from all other streams and rivers, as identified in the Calais Town Plan or from current U.S. Geological Survey maps.
2) Wetlands. A naturally vegetated buffer strip at least 50 feet in width shall be maintained around all naturally occurring wetlands as identified on current Vermont Significant Wetland Inventory (VSWI) Maps, National Wetland Inventory (NWI) Maps, Vermont Base Maps (orthophotos), or through site investigation. The width of the buffer strip shall be measured from the wetland boundary. When there is a dispute as to the location of the wetland boundary, it shall be delineated based on the 1987 *Corps of Engineers Wetland Delineation Manual.*

(B) Buffer Requirements. No development, excavation, land filling or grading shall occur within vegetated buffers required under Subsection (A), and vegetation shall be left in an undisturbed state, with the exception of limited clearing and site development associated with the following encroachments:

1) road, rail, driveway and utility crossings;
2) stream bank stabilization or restoration projects, designed and constructed in accordance with applicable state and federal regulations;
3) unpaved recreation paths that do not exceed five feet in width;
4) temporary docks or structures requiring a zoning permit within the Shoreland District (See Table 2.4, (F)(1));
5) public lake or river access;
6) limited pruning to maintain visual and physical access to the water. However, no cutting and removal of vegetation, except to clear a path 5 feet or less in width, shall be permitted within 50 feet of the shoreline, unless approved by the DRB as a conditional use subject to conditional use review under Section 5.3. Limited pruning to maintain a view of the water is allowed without a permit;
7) small-scale hydroelectric facilities.

(C) All other encroachments within designated buffer areas shall be considered conditional uses under Section 5.3.

(D) For development subject to subdivision or conditional use review, the DRB may also require increased setback and buffer distances due to steep slopes and/or erodible soil conditions, and basic erosion control measures to keep disturbed soils from reaching the water.

(E) The expansion or enlargement within designated buffer areas of any structure legally in existence prior to the effective date of these regulations shall be subject to review as a noncomplying structure under Section 3.8.

(F) A landowner who has mowed within a surface water buffer within five years prior to adoption of this bylaw may continue to mow the same area following adoption of this bylaw. However, the area mowed may not be expanded, and failure to mow at least once every five years shall mean that the provisions of this section apply and the area may no longer be mowed.

(G) The geological formation that separates the shoreland and the Curtis Pond Shoreland District from the Maple Corner Village Districts (see reference points and Calais Zoning District Map) along a water divide shall be protected from bedrock alteration with a 25 foot buffer on either side. No digging, trenching, or excavation which disturbs the bedrock may be performed within this buffer, nor may surface fill be added that alters the direction of surface runoff. No blasting is permitted within 100 feet of the boundary.

Section 3.~~14~~15 Mixed Use

In designated zoning districts, more than one principal use may be allowed within a single building, or on a single lot~~,~~. If all mixed uses within a single building are permitted in the district, the building shall be considered a permitted use. If any use within a mixed use building is conditional in the district, conditional use review under Section 5.3 shall be required. All mixed use buildings shall comply with the following provisions: ~~subject to conditional use review under Section 5.3 and the following provisions~~:

1) Each of the proposed uses is allowed as a permitted or conditional use within the zoning district in which the mixed use is located.

2) The combined uses meet all applicable standards for the district in which the mixed use is proposed, including ~~minimum lot~~maximum overall density, frontage and setback requirements, and maximum lot coverage; or the mixed use is part of a planned unit development (PUD) reviewed in accordance with Section 7.7.

3) The mixed use meets all applicable general regulations under this article, including sign and parking requirements.

Section 3.~~15~~ 16 Equal Treatment of Housing

(A) In accordance with 24 V.S.A. Chapter 117, Section 4412, no provisions of these regulations shall:

1) Have the effect of excluding from the municipality housing to meet the needs of the population as determined in the housing element of the Calais Town Plan.

2) Have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing from the municipality except upon the same terms and conditions as conventional housing is excluded. Mobile homes shall be considered single-family dwellings, and must meet the zoning requirements for such dwellings, except when located in an approved mobile home park or sales establishment, or as allowed as a temporary structure.

3) Have the effect of excluding multi-unit or multifamily dwellings from the municipality.

4) Have the effect of excluding accessory dwellings, except under the conditions of Sections 4.5 and 5.3 of these regulations.

Article 4. Specific Use Regulations

Section 4.1 Purpose of the Article

The purpose of this article is to describe and encourage a variety of specific structures and land uses in the town of Calais. The table of contents on page 2 lists the items covered in this article.

Section 4.2 Home Based Business [Home Occupation, Home Industry]

(A) **Home Occupation.** These regulations shall not infringe upon the right of any resident to use a minor portion of a dwelling for a home occupation that is customary in a residential area, and which does not have an undue adverse impact upon the character of surrounding area or neighborhood, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Calais Town Plan. A home occupation is a business which is conducted on-site by one or more residents of the dwelling, and does not occupy more than 25% of the total floor area of the principal dwelling or an accessory structure to the dwelling, or 400 square feet, whichever is less. No zoning permit shall be required for home occupations that meet the following:

1) One unlit exterior sign is permitted in accordance with Section 3.11. The exterior storage of materials, or other exterior indications of the home occupation, including alterations to the residential character of the dwelling, are not permitted.

2) The home occupation shall not generate noise, smoke, vibration, dust, glare, odors, electrical interference, heat or other nuisance that is detectable at or beyond the boundaries of the property.

3) The home occupation shall not result in an increase in the amount of wastewater generated by the dwelling, nor in the generation of any hazardous materials or wastes.

4) The home occupation shall not result in traffic volumes (e.g., associated with commercial deliveries or sales), which are uncharacteristic of a residential use.

(B) **Home Industry**. All other home-based businesses are home industries, as distinguished from a home occupation under Subsection (A), which may be allowed in designated zoning districts in association with a single family dwelling subject to conditional use review under Section 5.3, and the following provisions:

1) The home industry shall be conducted on-site by one or more residents of the single-family dwelling, and no more than five nonresident, full-time equivalent (FTE) employees.

2) The home industry may be conducted in a building or buildings accessory to the dwelling, however the total floor area occupied by the home industry shall not exceed 50% of the total floor area of the principal dwelling, or 2,000 square feet, whichever is less.

3) The home industry shall be compatible with the residential use of the property, and not have an undue adverse impact upon the character of the neighborhood in which it is located, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Calais Town Plan.

4) One unlit sign may be permitted in accordance with Section 3.11.

5) Exterior storage areas for materials and equipment must be screened from the view of public rights-of-way and neighboring properties.

6) Adequate off-street parking shall be provided for all residents, employees, customers and vehicles associated with the home industry, in accordance with Section 3.10.

7) The home business shall not generate traffic of a type or volume that would have an undue adverse impact upon the character of the neighborhood or area.

8) Adequate provision shall be made for water supply, wastewater and solid waste disposal in accordance with all applicable municipal and state regulations.

9) Any hazardous materials used on-site shall be stored and disposed of in accordance with all applicable state and federal regulations.

10) The home industry shall not generate noise, smoke, vibration, dust, glare, odors, electrical interference, heat or other nuisance that is uncharacteristic of the area in which it is located.

11) Sales on the premises shall be products produced on-premise, services provided on-premise, or products which are related to services provided on-premise.

Section 4.3 Light Industry

(A) Light industry may be allowed within designated zoning districts as a conditional use subject to conditional use review under Section 5.3, and the following provisions:

1) The industrial use shall not have more than 30 employees on-site per shift.

2) The industrial use shall not occupy more than 15,000 square feet of total floor area, not including total outdoor storage areas.

3) The industry shall not generate undue noise, smoke, vibration, dust, glare, odors, electrical interference, heat or other nuisance that is detectable at or beyond the boundaries of the property.

4) Adequate off-street pedestrian, parking and service areas for employees, customers and deliveries shall be provided in accordance with Section 3.10. Where feasible, parking, loading and service areas shall be located to the side or rear of the principal building and screened from public view.

5) Adequate landscaping and screening shall be provided as needed for purposes of buffering, safety and security, and to minimize any adverse aesthetic impacts to neighboring and facing properties.

6) Adequate water supply and wastewater systems, and solid and hazardous waste storage and disposal facilities shall be provided in accordance with all applicable municipal, state and federal regulations.

7) Office and storage space, and cafeteria, recreation and/or day care facilities for employee use, may be provided on-site as accessory uses to the industrial use.

8) On-site retail sales shall be limited to products produced on the premises.

(B) Additional conditions including but not limited to restrictions on the hours of operation may be imposed by the DRB as needed to protect public health, safety and welfare, and public infrastructure and services.

Section 4.4 Extraction & Quarrying

(A) Applicability. The extraction, quarrying, or removal of topsoil, sand, gravel, rock, minerals or other similar materials, or the commercial extraction of water, and the on-site storage and processing of materials, may be allowed in designated zoning districts as a conditional use subject to conditional use review under Article 5.3 and the provisions of this Section. The following are specifically exempted from these provisions:

1) The extraction of up to a total of 3,500 cubic yards of material for use on-site.

2) The extraction of materials associated with agricultural and forestry operation, for use in such operations (e.g., for farm and logging roads).
3) Site and excavation work incidental to another use for which a zoning permit has been issued (such as for building foundations, driveways, cemeteries, etc.).
4) Extraction and quarrying operations in lawful existence as of the effective date of these regulations, which maintain existing rates of extraction and do not expand onto adjoining parcels of land.

(B) Application Process. The DRB shall conduct a Preliminary Open Hearing with the applicant and interested parties to review the application and to identify the specifics of Conditional Use approval. The applicant shall provide a written narrative describing the extent and magnitude of the operation and how it will be closed once the extraction is complete; the DRB will review the narrative along with the applicant, and interested parties and decide what is necessary for conditional use review

(C) Conditions of Approval. The DRB shall grant Conditional Use Approval after determining that the proposed extraction or quarrying application does not:

1) Create a hazard to public health and safety,

Nor

2) Have an undue adverse impact on:

a) Neighboring properties due to noise, dust or vibration;
b) Public facilities and services;
c) Drainage, surface and groundwater supplies;
d) Landscaping and screening requirements for safety and aesthetics or
e) Other natural, cultural, historic or scenic features in the vicinity of the operation.

(D) Upon completion of the extraction or quarrying, or at designated phases in the project, the site shall be returned to a stable condition, e.g. such that banks are not at risk of collapse or erosion, topsoil exists that can support natural growth of fields or forests, and surface water is protected as set forth in the Natural Resources section of the Calais Town Plan

(E) Surety. For all extraction, a performance bond, escrow account, or other form of surety acceptable to the Selectboard may, at the discret ion of the Selectboard, be required as a condition of approval to cover the cost of any regrading, reseeding, reforestation, or other required site reclamation activity. Upon the failure of the permit holder, their successors, or assigns to complete site reclamation as required, the town may take legal action as appropriate to ensure site stabilizationreclamation, and cost recovery.

Section 4.5 Accessory Dwelling

(A) An Accessory Dwelling means an efficiency or one or two bedroom apartment that is clearly subordinate to a single-family dwelling and has facilities for independent living, including sleeping, food preparation, and sanitation. One accessory dwelling that is located within or appurtenant to an owner-occupied single-family dwelling shall be allowed as permitted use provided the unit complies with all of the following:
1) the property has sufficient wastewater capacity;
2) applicable setback, coverage and parking requirement specified in these regulations are met;
3) the accessory dwelling shares the existing curb cut and driveway;
4) the entire structure of the accessory dwelling is within 150 feet of the single-family dwelling; and
5) the accessory dwelling does not exceed 30 percent of the total habitable floor area of the single-family dwelling or 1000 square feet, whichever is larger

An accessory dwelling that exceeds these conditions may be approved as a conditional use subject to review under Section 5.3 or as a Planned Unit Development under Section 7.6A.

(B) Permit Conditions. A zoning permit issued for an accessory dwelling shall clearly state that the dwelling is permitted only as an accessory to the principal residential or agricultural use of the property and as such shall be retained in common ownership. Such a dwelling may be subdivided and/or converted for conveyance or use as a principal dwelling only if it is found to meet all current municipal regulations applying to a single (or two) family dwelling, including all density and dimensional requirements for the district in which it is located (see Section 3.3). All applicable municipal permits and approvals shall be required prior to subdivision, conversion, or conveyance as a principal dwelling.

Section 4.6 Temporary Structure

(A) Structures used on construction sites, or for special events approved by the Calais Selectboard, may be allowed as temporary accessory structures to an existing or permitted use. The Zoning Administrator must issue a temporary zoning permit for such structures for a specified period of time, not to exceed one year from the date of issuance, with the provision that such structures will be dismantled and/or removed within 60 days of the completion of the construction or the event.

(B) Temporary housing which is intended solely to house farm workers and their the families, or seasonal or migrant farm workers, and is accessory to the principal agricultural use of the property, may be allowed under the conditions of subsection (A) and the following requirement:

1) Temporary farm dwellings shall be mobile homes, which must be removed from the property in the event that they are no longer needed to house farm workers, or seasonal agricultural operations cease;
2) Up to two temporary farm dwellings, not including the principal farm residence may be allowed per farm;
3) Occupancy of temporary farm dwellings is restricted to farm workers and their families;
4) The maximum acreage set aside (not to be considered a subdivision) for temporary farm dwellings shall be one acre per dwelling;
5) Temporary farm dwellings shall meet all other requirements pertaining to single family dwellings, including minimum setback, access and parking requirements;
and
6) Adequate water supply and wastewater systems shall be provided as required under state regulations.

Section 4.7 Historic Barn Reuse

(A) Purpose. To encourage the viability, restoration, rehabilitation and continued use of historic barns, which are no longer used for agriculture, by allowing for alternate uses.

(B) Applicability. The use of an historic barn for nonagricultural purposes may be considered a conditional use subject to review by the DRB under Section 5.3 and the provisions of this Section where such use is not expressly allowed as a permitted use in these regulations. Historic barns, for the purposes of these regulations, shall include all barns which:

1) are at least 50 years old and have been a farm structure, or
2) are listed or eligible for listing on the state register of historic sites and structures, or
3) have been determined to be of historic significance to the town by the Calais Selectboard, with input from the Calais Historic Preservation Commission.

(C) Allowed Uses. The following uses may be allowed, subject to conditional use review under Section 5.3:

1) Conditional uses allowed in the district in which the barn is located.

2) The following additional uses:

a. Agribusiness (including the sale of agricultural products)
b. Art or Craft Shop, Studio or Gallery
c. Antique Shop

d. Cultural Facility
e. Day Care Facility
f. Garden Center
g. Office
h. Restaurant
i. Private Club
j. Storage Facility

3) Conversion to a single-family, two-family dwelling, or a multi-family dwelling with no more than four units, in districts in which residential uses are permitted.

4) Special events, not to exceed four consecutive weeks in duration, or 12 weeks within any 12-month period.

5) A combination of the above listed uses.

(D) Special Requirements. The restoration, rehabilitation and reuse of historic barns shall also meet the following requirements:

1) If the barn is a noncomplying structure, the use shall in no way increase the degree of noncompliance, except in accordance with the requirements of Section 3.8.

2) The proposed use shall not significantly alter the footprint, historic facade, character or immediate context (e.g., barn yard) of the barn, and shall be in keeping with the essential character of the neighborhood. In reviewing proposals for the reuse of an historic barn, the DRB shall determine that the historic character of the barn will be retained to the extent practical.

(E) A zoning permit for the reuse of an historic barn shall clearly state that the use is allowed only within the existing structure, and shall not be re-established if the structure is substantially modified, destroyed or demolished, except in accordance with the requirements of these regulations for damaged structures (see section 3.4). Prior to the re-establishment of such use in a substantially modified or new structure, all applicable municipal permits and approvals shall be required.

Section 4.8 Campground

(A) A new or expanded campground or primitive campground on a single parcel of land, may be allowed in designated zoning districts subject to conditional use review under Section 5.3, state agency referral as applicable under Section 1.6, and the following requirements:

1) The parcel of land for a campground shall be no less than five acres in area, with at least 20% of the total campground area set aside for conservation, recreation and open space. The number of camp or cabin sites shall not exceed 10 per acre.

2) Sufficient access and parking will be provided for each campsite.

3) Buffer areas of at least 100 feet in width along property boundaries, and 75 feet in width along public rights-of-way and waters, are to be maintained. Buffer areas shall not be included in the calculation of open space under Subsection (A)(1). No building, campsite, parking or service area shall be located in a buffer area.

4) Recreational vehicles, campers and trailers may be stored on the property only if they are properly registered.

5) Landscaping and/or fencing along property boundaries will be provided as appropriate for screening, security, and privacy.

6) Roads within the campground shall meet the following minimum standards and be properly maintained.

Table 4.1 Campground Road Standards		
	One-way Roads	**Two-way Roads**
Right-of-Way Width	18 feet	33 feet
Gravel Depth	12 inches	12 inches
Gravel Width	10 feet	20 feet

7) Lavatory, shower, and toilet facilities sufficient to serve all campsites are to be provided. Water and wastewater disposal systems must be designed and installed in accordance with applicable state regulations, including state Environmental Protection Rules as most recently amended for campgrounds.

8) Covered and screened facilities for the sanitary collection and disposal of trash and recyclables shall be provided.

9) Customary accessory uses and structures to campgrounds, subject to conditional use review, include equipment and supply stores, playground and athletic fields, recreation and dining halls, snack bars, laundry and shower facilities and similar facilities intended solely for the use of campground residents and guests.

(B) For substantially undeveloped, primitive campgrounds (e.g., tenting areas) located on public or private land, the DRB may waive any or all of the requirements under Subsection (A) if it is demonstrated to their satisfaction that access, total lot area, camp site area, and setback distances are sufficient to:

1) support the proposed level of use,
and
2) avoid any adverse impacts to water quality, natural areas, and adjoining properties and uses.

Section 4.9 Mobile Home Park

(A) A mobile home park, consisting of the design, layout and/or placement of two or more mobile homes on a single parcel of land, may be established, modified or extended within designated zoning districts as a planned unit development subject to review under Article 7.

(B) A mobile home park shall also meet all applicable municipal and state regulations pertaining to mobile home parks, including but not limited to state environmental protection rules pertaining to mobile home parks [10 V.S.A. Chapter 153].

Section 4.10 Public Facility

(A) The following uses, except as excluded under Subsection (B) or otherwise regulated under Subsection (C), are subject to conditional use review under Section 5.3, but may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, building density, off-street parking and loading facilities, traffic, noise, lighting, and landscaping or screening requirements and only to the extent that such regulation does not have the effect of interfering with their intended functional use:

1) public and private hospitals;
2) regional solid waste management facilities certified by the state [10 V.S.A. Chapter 159];
and

3) hazardous waste management facilities for which a notice of intent to construct has been received under state law [10 V.S.A. § 6066a].

(B) The following public facilities are excluded from specified zoning districts:
Solid and hazardous waste management facilities are specifically excluded from the Village, Resource Recreation, Upland Overlay, Shoreland, Kents-Corner Old West Church Overlay, and Flood Hazard Overlay Districts.

(C) In accordance with the Act, reasonable provision has been made within designated zoning districts for the following uses, which are subject to all applicable provisions of these regulations including, but not limited to, zoning district requirements:

1) publicly-owned and operated institutions and facilities (see Public Facility/Utility);
2) public and private schools and other educational institutions certified by the Vermont Department of Education (see School);

and

3) churches, convents and parish houses (see Place of Worship).

Section 4.11 Wireless Telecommunications Facility

(A) Purpose. In order to protect the historic, cultural, natural and aesthetic resources of Calais, while allowing for the development of adequate wireless telecommunication facilities and coverage, this section regulates the placement, design, construction and modification of such facilities. It is intended to comply with the federal 1996 Telecommunications Act and 24 V.S.A. subsection 2291(19).

(B) Applicability. This section applies to all wireless telecommunications facilities except:

1) amateur radio, citizens band radio, AM or FM radio, and broadcast television service;
2) a telecommunications facility that is used exclusively for municipal radio dispatch service or emergency radio dispatch service and which does not exceed 50 feet above grade level;
3) a facility which does not result in construction of a new structure and which does not extend more than 10 feet from an existing structure not used primarily for the provision of telecommunications services.

(C) Permit Requirements. All applicable permits and approvals shall be obtained before commencing any work on site. Alterations or additions shall require a permit amendment when they involve changes: (1) in the number of buildings or facilities on the site, (2) in the technology that results in change to visual impact or may affect public safety, or (3) resulting in additional height, greater visibility, or structural wind loading, including additional antennas not originally specified.

(D) [Deleted]

(E) Small Scale & Temporary Facilities: The Zoning Administrator may issue a zoning permit without review by the DRB under section 5.3 or 4.11(H) to a small scale or temporary telecommunications facility. In addition to standard information required in the application, a permit for a small scale or temporary facility shall include a final site and building plan and, where applicable, a report indicating the structure's suitability for the telecommunications facility. The report must include complete details of all fixtures and couplings and the exact point(s) of attachment shall be indicated, and documentation that the method of affixing the antenna or other device to the structure complies with standard engineering practices.

1) Small scale facility: The appearance of an existing structure shall be unchanged except as required for mounting. Accompanying equipment shall be screened from view.
2) Temporary facility: The duration of the permit shall be specified in the permit and the facility removed within 10 days following the permit expiration date.

(F) Application Requirements. In addition to conditional use review information (Section 5.3), a telecommunications application shall include the following:

1) the name and address of the applicant, landowners of record and agents, all adjoining property owners of record, and contact information for the person(s) authorized to operate, maintain and ensure the safety of the facility;
2) copy of an executed contract with the owner of the existing structure, or written documentation from other facility owners that no other sites are available to achieve the desired coverage;
3) a coverage map (USGS Quadrangle) showing existing topography, existing and proposed coverage(s), location of other towers, suitable buildings or structures located within 5 miles of the proposed site, a site plan drawn to scale (1 inch equals 50 feet) showing the footprint of existing and proposed facilities, access roads, utility corridors, and landscaping, fencing and screening;
4) a report from a qualified, licensed professional engineer, documenting: facility height, design, construction and capacity, including materials, cross-sections, elevations, potential mounting locations, and fall zones; potential changes to existing facilities; number of channels and output power and frequency;
   a. steps to be taken to avoid interference with any public safety system, to include an intermodulation study and written notification to public safety agencies;
   b. applicant will comply with all FCC requirements regarding both interference (RFI) and radiation (RFR), and agrees to unannounced, independent evaluations of compliance as arranged by the DRB.
5) a written 5-year plan for use of the proposed telecommunications facility, including reasons for seeking capacity in excess of immediate needs if applicable, as well as plans for additional development and coverage;
6) an indication of the timing and construction sequence for each phase of the entire project;
7) a letter of intent committing the facility owner and his/her successors to allow shared use of the facility if an additional user agrees in writing to meet reasonable terms and conditions for shared use, including compliance with all applicable federal, state, and municipal regulations and associated permits and approvals;
8) copies of any state-required Act 250 permit application and/or federally-required draft environmental assessment or impact statement (EA or EIS) which describe the probable impacts of the proposed facility;
9) any additional information as needed to determine compliance with the provisions of these regulations, including but not limited to visual impact assessments or independent evaluations of the proposed facility, to be paid for by the applicant.

(G) Independent Review. The Selectboard, at the request of the DRB, shall hire qualified persons to conduct an independent technical review of the application, the costs of which shall be paid by the applicant.

(H) Specific Standards. In addition to meeting conditional use standards under Section 5.3, the DRB, in granting conditional use approval, shall also find that the proposed telecommunications facility complies with the following standards:

1) Proposed telecommunications equipment cannot be accommodated on an existing or approved tower or other structure due to one or more of the following reasons, as documented by a professional engineer appropriately licensed.

a. There is no existing or approved tower or other suitable structure in the area in which coverage is sought.

b. Proposed telecommunications equipment exceeds the structural or spatial capacity of an existing tower or structure; and the existing tower or structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.

c. Proposed telecommunications equipment will cause interference, which materially impacts the usefulness of other existing or permitted equipment at the site, and such interference cannot be prevented at a reasonable cost.

d. Proposed telecommunications equipment, either alone or together with other existing equipment, would create RFI or RFR in violation of federal standards or requirements.

e. Existing or approved towers and structures cannot accommodate the planned equipment at the height needed, or are too far from the area of needed coverage, to function reasonably.

f. Aesthetic reasons make it unreasonable to locate the planned telecommunications equipment on an existing or approved tower or building.

2) New towers shall be designed to accommodate the collocation of both the applicant's antennas and comparable antennas for one or more additional users, depending on tower height. Towers must be designed to allow future rearrangement of antennas, and to accept antennas mounted at varying heights. New Towers shall not be allowed for speculative purposes.

3) Telecommunications facilities, including tower construction and wiring, shall meet all state and federal requirements, including but not limited to FCC requirements for transmissions, emissions and interference. No telecommunication facility shall be located or operated in such a manner that it poses a potential threat to public health or safety, nor interferes with public safety telecommunications. Prior to the siting of new antennas at existing sites, written certification of FCC compliance shall be provided based on the results of a cumulative RFR emissions study performed by the applicant.

4) New, modified or expanded facilities may be allowed only in designated districts (Rural Residential, Resource Recreation, Upland Districts). Telecommunications facilities, including associated support and accessory structures, shall meet the minimum setback requirements for the district in which they are located. In addition, telecommunications towers shall be set back from all property lines and public rights of-way for a distance equaling their total height, including attached antennas.

5) New telecommunications facilities, including towers, supporting and accessory structures, shall be sited and designed to minimize their visibility. No tower shall exceed 180 feet in height. No tower or equipment shall be located on an exposed ridge line or hill top, nor extend vertically more than 20 feet above the average height of the adjoining tree canopy, as measured within 100 feet of the highest vertical element of the proposed facility. The DRB may require the submission of a management plan to maintain average tree height and screening provided by the tree canopy in the immediate vicinity.

6) New or modified towers and antennas shall be designed to blend into the surrounding environment to the greatest extent feasible, through the use of natural topography, existing vegetation, landscaping and screening, the use of compatible materials and colors, and/or other camouflaging techniques. The DRB, to assist in its review, may require that the applicant provide a visual impact assessment of the proposed facility from specified vantage points, to include visual representations (e.g., photographic simulations) and/or field tests.

7) Towers shall be enclosed by security fencing at least 6 feet in height, and shall be equipped with anti-climbing devices and warning signs. The DRB may require landscaping or screening adjacent to the security fence to minimize visual impacts as viewed from neighboring properties or public vantage points.

8) No commercial signs, lettering, logos or other advertising shall be placed on telecommunications towers or associated support and accessory structures.

9) Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration (FAA) or other federal or state authority for a particular tower because of its height. The DRB may require tower relocation, or a reduction in tower height to eliminate the need for lighting.

10) Access roads or driveways and utility corridors, to the extent feasible, shall be shared, and designed to minimize site disturbance, to follow natural contours and linear features (e.g., tree lines, field edges), and to aesthetically blend in with the surrounding environment. The DRB may require closure of access roads to vehicles following facility construction where it is warranted by site conditions and where maintenance personnel can reasonably access the facility site on foot or by air transport. All utilities proposed to serve a telecommunications site, to the extent feasible, shall be installed under ground.

11) Landscaping shall be provided in a manner that preserves and incorporates existing vegetation on-site and in the immediate vicinity of the facility, and screens ground mounted equipment from the view of neighboring properties and public vantage points. The DRB may require increased setbacks, landscaping and screening as appropriate to minimize adverse impacts to adjoining properties, and/or the submission of a landscaping plan, to include provisions for long-term maintenance.

(I) Removal. All abandoned, unused, obsolete, or noncompliant wireless telecommunications facilities, including towers, accessory structures and/or equipment, shall be removed within 180 days of the cessation of operations at the site, and the site shall be restored to its original appearance. A copy of the relevant portions of any signed lease which requires the applicant to remove the tower and associated facilities shall be submitted at the time of application. A bond or other form of surety acceptable to the Selectboard may be required to ensure tower removal and site reclamation.

Article 5. Development Review
[Conditional Use, Flood Hazard Area & Design Review]

Section 5.1 Purpose

This article applies to development requiring approval by the DRB including development subject to conditional use review (Section 5.3), flood hazard area review (Section 5.4), and design review (Section 5.5). For subdivisions of land subject to review by the DRB, including planned unit developments, see Articles 6 and 7.

Section 5.2 Development Review Application

(A) In addition to the application requirements under Section 1.6 for a zoning permit, an application for development review by the DRB shall include one original and one complete copy no larger than 11 x 17 of each of the following:

1) Applicant information, including the name(s) and addresses of the applicant, the owner(s) of the property of record, and the person or firm preparing the application and related plans; the date of the application and related plans; names and addresses of adjoining landowners and proof of notification of adjoining landowners.

2) A general location map, showing the location of the proposed development in relation to public highways, drainage patterns, and adjoining properties and uses.

3) A plan drawn to scale which shows:

   a. north arrow, scale, title (project name), date, and the name of the preparer;
   b. property lines and, where applicable, zoning district boundaries;
   c. existing site features including: topography, drainage and surface waters, vegetation and tree lines, historic sites and structures, mapped natural or critical habitat areas (including deeryards), and designated flood plain, wetland and source protection areas;
   d. the location of existing and proposed structures (footprints), rights-of-way and easements, signs, walls and fences, and utilities, including water supply and wastewater disposal areas;
   e. existing and proposed traffic and pedestrian circulation, including roads and driveways, parking, loading and service areas, and pedestrian paths;
   f. existing and proposed site grading, storm water management and erosion control practices;
   and
   g. existing and proposed landscaping and screening.

4) Information specifically requested by the DRB, as determined from the location, type, magnitude and/or potential impact of the proposed development, including:

   a. existing and proposed structural elevations;
   b. design specifications for exterior facades, including materials to be used;
   c. storm water management, erosion control, landscaping, shoreland or buffer management plans;
   d. traffic or visual impact assessments;
   d. other information as required to determine project conformance with these regulations.

(B) Waivers. The application shall not be considered complete by the DRB until all required materials have been submitted. The DRB may waive one or more application requirements at the request of the applicant, if it is determined that such requirements are unnecessary for the comprehensive review of the application. Waivers shall be issued by the DRB in writing at the time the application is accepted and deemed complete.

Section 5.3 Conditional Use Review

(A) Applicability. Conditional use approval is required prior to the issuance of zoning permit for development or use identified as a conditional use in article 2, 3 or 4.

(B) Application Requirements. An applicant for conditional use review shall submit to the Zoning Administrator a development review application prepared in accordance with Section 5.2, and any applicable fees.

(C) Review Procedures. Upon receipt of a complete application, the DRB shall schedule a public hearing, warned in accordance with Section 8.4(C). The DRB may recess the hearing (adjourn to a time and date) to allow for the submission of additional information by the applicant or other interested parties. The DRB shall act to approve, approve with conditions, or deny an application for conditional use review, within 45 days of the date of the final public hearing. The written decision shall include findings, conditions of approval or reasons for denial, and provisions for appeal. Failure to act within the 45-day period shall be deemed approval.

(D) Required Standards. Conditional use approval shall be granted by the DRB upon finding that the proposed development is consistent with the general standards set forth in these regulations for the district in which it is located and will not have an undue adverse impact upon the following:

1) The capacity of existing or planned community facilities and services. The DRB shall consider the demand for community facilities and services that will result from the proposed development in relation to the existing and planned capacity of such services and facilities, and any municipally adopted capital budget and program currently in effect. The DRB may request information or testimony from other local officials to help evaluate potential project impacts on existing and proposed community facilities and services. Conditions may be imposed regarding the provision of services and facilities on-site, and/or the timing and phasing of development in relation to anticipated capital expenditures or improvements, to minimize any adverse impacts to community facilities and services.

2) Character of the neighborhood or area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Calais Town Plan. The DRB shall consider the design, location, scale, and intensity of the proposed development in relation to the character of adjoining and other properties likely to be affected by the proposed use. Conditions may be imposed as appropriate to ensure that the proposed development is compatible with the character of the area or neighborhood, as determined from zoning district purpose statements, the Calais Town Plan, and testimony from affected property owners. An impact assessment may be required. Conditions may be imposed as necessary to eliminate or mitigate adverse impacts, including but not limited to conditions on the design, scale, intensity or operation of the proposed use.

3) Traffic on roads and highways in the vicinity. The DRB shall consider the potential impact of traffic generated by the proposed development on the capacity, safety, efficiency, and maintenance of roads, highways, intersections, bridges, and the effect on pedestrians and bicyclists in the vicinity. A traffic impact assessment may be required. Conditions may be imposed as necessary to ensure that a proposed development will not result in unsafe conditions for pedestrians or motorists, including but not limited to physical improvements on or off site, or accepted traffic management strategies.

4) Bylaws in effect. The DRB shall determine whether the proposed development conforms to other municipal bylaws and ordinances currently in effect, including but not limited to any road and on-site wastewater ordinances. The DRB shall not approve a proposed development that does not meet the requirements of other bylaws and ordinances in effect at the time of application.

5) The utilization of renewable energy resources. The Board will consider whether the proposed development will interfere with the sustainable use of renewable energy resources by either diminishing their future availability, or by interfering with neighboring property owners' access to such resources (e.g., for solar or wind power). Conditions may be imposed as appropriate to ensure access to and the long-term availability of renewable energy resources.

(E) Discretionary Standards. In addition to required standards under subsection 5.3(C), the DRB may also consider and impose conditions as appropriate to minimize or mitigate adverse impacts of a proposed development:

1) Health and Environmental Standards. The DRB may impose conditions on the installation, operation, storage or maintenance of devices or materials as reasonably necessary to prevent or reduce fumes, gas, dust, smoke, odor, noise, vibration, glare, electrical interference, or any other nuisance which may be detectable at the property line, or which represents a public health or safety hazard. In determining appropriate performance standards, the DRB may consult with state officials and consider accepted industry standards. In addition, the DRB may limit hours of operation so that the use shall be consistent with the character of the area as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Calais Town Plan. Evening or night operations shall be permitted only if noise levels, lighting and traffic will not have an undue adverse impact on surrounding uses.

2) Access & Circulation Standards. The DRB may impose conditions as may be reasonably necessary to ensure the safety of vehicular and pedestrian traffic on- and off-site, including but not limited to conditions on access and intersection locations, limits on the number of curb cuts, requirements for shared access and parking, and provisions for emergency access, parking, service, snow storage and loading areas, and pedestrian and transit facilities (e.g., paths, sheltered school bus stops) as appropriate.

3) Landscaping & Screening. The DRB may require landscaping, fencing, screening or site grading as may be reasonably necessary to maintain the character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Calais Town Plan, or to screen an unsightly or incompatible use from public rights-of-way and adjoining properties. Particular consideration will be given to the preservation of existing vegetation, visibility from public vantage points, and the adequacy of landscaping and screening materials to meet seasonal weather, lighting and soil conditions. A landscaping management plan, and surety for up to three years that is acceptable to the Selectboard, may be required to ensure that required landscaping and screening is installed and properly maintained.

4) Required Buffers & Open Space. The DRB may impose or increase required setback distances and buffer areas as may be reasonably necessary to protect adjoining properties, surface waters, wetlands, shoreland areas, and other natural and cultural features from incompatible development.

5) Storm water, erosion control and/or buffer management plans may be required as appropriate to mitigate long-term impacts.

Section 5.4 Flood Hazard Area Review

(A) Applicability. All development within the Flood Hazard Area Overlay District (FHO), with the exception of agriculture and forestry, and home child care and home occupations within pre-existing single family dwellings, shall be subject to conditional use review by the DRB under Section 5.3, and the following flood hazard area regulations. Permitted uses within the underlying district, which would otherwise not be subject to conditional use review, are not required to meet conditional use standards under Subsections 5.3(C) and (D). Conditional uses within the underlying district are subject to both conditional use and flood hazard area requirements.

(B) Application Requirements. In addition to a development review application prepared in accordance with Section 5.2, an applicant for conditional use review within the flood hazard area overlay district shall submit to the Zoning Administrator the following: a completed Elevation Certificate prepared by a licensed surveyor, engineer or other state official who is authorized by the state to certify building elevation information, for consideration by the DRB and a Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the Calais permit application. The identified permits, or letters indicting that such permits are not required, shall be submitted to the Administrative Officer and attached to the Calais permit before work can begin.

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

(D) Flood Hazard Overlay District Standards. The DRB may impose specific conditions or require project modifications for development within the Flood Hazard Area Overlay District in accordance with the following standards:

1) The DRB shall review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards. Development within floodways is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are specifically prohibited within the floodway. If no floodway is designated, until a regulatory floodway is designated, no new structures shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community._

2) All development shall be designed to (a) minimize flood damage to the proposed development and to public facilities and utilities; and (b) to provide adequate drainage to reduce exposure to flood hazards.

3) Structures shall be (a) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood, (b) be constructed with materials resistant to flood damage, (c) be constructed by methods and practices that minimize flood damage, and (d) be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4) The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

5) New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate the infiltration of flood waters into the systems and discharges from the systems into flood waters.

6) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. Wastewater disposal systems shall not be located in the floodway area.

7) New, substantially damaged, substantially improved, and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is at least one (1) foot above the base flood elevation; this must be documented, in as-built condition, with a FEMA Elevation Certificate.

8) The lowest floor, including basement, of all new buildings shall be at least one (1) foot above the base flood elevation; this must be documented, in as-built condition, with a FEMA Elevation Certificate.

9) Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of Subsection (8).

10) Existing buildings to be substantially improved for nonresidential purposes shall either (a) meet the requirements of Subsection 8, or (b) be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a building proposed to be flood proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications, and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

11) Fully enclosed areas *below grade on all sides* (including below grade crawlspaces and basements) are prohibited. Fully enclosed areas that are above grade below the lowest floor, below BFE and subject to flooding shall: a) be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly stated on any permits; and b) be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

12) Recreational Vehicles placed on sites within Zones A1-A30, AH and AE shall either (1) be on the site for fewer than 180 consecutive days, (2) be fully licensed and ready for highway use, or (3) meet all standards of Section 60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" of Section 60.3(c)(6).

(E) Other permits. Proposed development within the flood hazard area overlay district shall also be reviewed to assure that all necessary permits have been received from federal or state agencies from which approval is required under federal or state law. Prior to issuing a permit, a copy of the application and supporting information shall be submitted by the zoning administrator to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner. Adjacent town and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section shall be notified at least 30 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the National Flood Insurance Program. Any permit issued shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(F) Variances. Variances for development in the Flood Hazard Area Overlay District shall be reviewed and granted in accordance with Section 1.8 and:

1) in accordance with sections 4469 and 4424(2)(E) of the Act and the criteria for granting variances found in CFR, Section 60.6 of the National Flood Insurance Program;
2) upon determination that during the base flood discharge the variance will not result in increased flood levels; **and**
3) upon determination that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

When a variance is approved in the Flood Hazard Area Overlay District, the applicant will be informed in writing over the signature of the Development Review Board Chair or designee that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as $25 for $100 of coverage. Such notification shall be

maintained with a record of all variance actions. A copy of such a variance shall be affixed to the deed of the property on file in the municipal clerk's office.

(G) Certificate of Occupancy: In accordance with Chapter 117 §4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure within Special Flood Hazard Area until a certificate of occupancy is issued therefore by the Administrative Officer, stating that the proposed use of the structure or land conforms to the requirements of these bylaws. A certificate of occupancy is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw. Within 14 days of the receipt of the application for a certificate of occupancy, the AO shall inspect the premises to ensure that all permits identified on the Project Review Sheet have been acquired and that all work has been completed in conformance with the zoning permit and associated approvals. If the AO fails to grant or deny the certificate of occupancy within 14 days of the submission of the application, the certificate shall be deemed issued on the 15th day.

(H) Zoning Administrator Duties. In addition to other permit recording requirements under Section 8.4, the Zoning Administrator shall also maintain a record of:

1) all permits issued for development in areas of special flood hazard;
2) an Elevation Certificate with the as-built elevation (consistent with the datum of the elevation of the current Flood Insurance Rate Maps) of the lowest floor, including basement, of all new, substantially improved, or flood proofed buildings (not including accessory buildings) in the Special Flood Hazard Area;
3) all flood proofing and other certifications required under this regulation;

and

4) all variance actions, including justification for their issuance.

(I) Definitions. The following definitions apply in Section 5.4 ***only***:

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.

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

Existing manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the initial floodplain management regulations adopted by the Town of Calais.

Expansion to an existing manufactured home park or subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

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

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.

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.

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.

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 certified 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.

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

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

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New construction: for regulatory purposes within this district means structures for which the *start of construction* commenced on or after the effective date of the floodplain management regulation adopted by Calais and includes any subsequent improvements to such structures.

New manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted on March 4, 2008.

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.

Special Flood Hazard Area: The land in the floodplain subject to a 1 percent or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH,

AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

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

Structure: for regulatory purposes within this district means a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.

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

Substantial Improvement: Any repair, reconstruction or improvement to a structure during any 5 year period, the cumulative cost of which equals or exceeds fifty percent of the market value of the structure either: (a) before the improvement or repair is started, or (b) if the structure has been damaged and restored, before the damage occurred. For the purpose of administering flood hazard area regulations, this definition does not include either: (a) the improvement of a structure to comply with existing municipal or state health, sanitary, or safety code specifications which are solely 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."

Violation: The failure of a structure or other development to be fully compliant with the regulations of this section. 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.

Section 5.5 Design Review

(A) Applicability. All development within the Kents Corner-Old West Church Design Control Overlay District shall be subject to design review by the Calais Design Advisory Board (DAB), appointed in accordance with Section 8.4 to serve in an advisory capacity to the Calais Development Review Board (DRB).

1) Development subject to design review includes:
   a. the proposed demolition of structures listed on the Vermont Historic Sites and Structures Survey for the Town of Calais, including but not limited to all structures listed on the National Register of Historic Places;
   b. the relocation of an existing structure;
   c. exterior changes to an existing structure;
   d. all new structures;
   and
   e. major landscaping changes, including but not limited to the removal of a row of trees, reshaping the contour of the land with earthmoving equipment, or installing large retaining walls.

2) The following are specifically exempted from design review:

a. structures associated with active agricultural operations that come under the definition of "Accepted Agricultural Practices" as defined by the Secretary of Agriculture, Food and Markets and are therefore exempted from zoning regulations (see Section 1.5);
b. routine maintenance and repairs to an existing structure in which missing or damaged structural components are replaced with identical or matching materials to restore the structure to sound condition;
and
c. routine landscaping to include the planting of flowers and trees or the removal of excess scrub brush or trees, which does not significantly alter scenic views or vistas.

(B) Application Requirements. In additional to a development application prepared in accordance with Section 5.2, and required fees, the applicant shall submit the following documents and supporting materials, unless waived by the DRB under Subsection 5.2(B):

1) For changes to an existing structure, or new accessory structures:

a. photographs of the site, of existing structures, and the site of proposed additions or structures;
b. a plan, drawn to scale, which clearly shows the proposed changes, additions, or new structures, including their location in relation to existing structures;
c. elevations, drawn to scale, which clearly show existing and proposed elevations and the facades (e.g., window and door placements, roof lines, etc.) of existing structures, additions, or new structures;
d. a description of siding materials to be used;
and
e. a description of existing and proposed landscaping.

2) For new structures, including but not limited to new residential, commercial or industrial buildings:

a. photographs of the site, to include all existing structures and the site of proposed structures in relation to their visual context;
b. exterior elevations, drawn to scale from all perspectives, including details of facades and exposed foundations, from the ground up;
c. a description of existing and proposed siding and roofing materials to be used;
and
d. a site plan that shows, in addition the required information under Subsection 5.2(A)(3), existing and proposed landscaping; the location, height and material of walls and fences, exterior lighting; and the location, size and design of exterior signs.

3) For the demolition of an historic structure:

a. evidence that it is not economically feasible to restore and maintain the structure, based on the assessment of a qualified architectural historian;
b. an indication of the manner in which the site is to be restored to grade, surfaced, landscaped and/or screened to minimize adverse visual impacts, and to prevent hazards to public safety and adjoining properties;
and
c. an indication of the future use of the site.

(C) Design Review Process. The Zoning Administrator shall forward all applications for design review to the Development Review Board (DRB), and provide a copy of the application and related materials to the Chairperson of the Design Advisory Board (DAB).

NOTE: In order to complete this application in a speedy manner, applicants should meet informally with the Design Advisory Board (DAB) in advance of applying for a permit to help prepare the application.

1) The Design Advisory Board (DAB) shall meet to review application materials in accordance with applicable design review standards under Subsection (D), and design control district guidelines as most recently

amended, and submit written comments to the Development Review Board (DRB) within 15 days of the date the application is filed with the Zoning Administrator.

2) Within 30 days of receipt of an application for design review, the DRB shall hold a public hearing, to be warned in accordance with Section 8.4 to consider the application, and associated recommendations of the Design Advisory Board (DAB). The DRB shall issue its written findings and decision, granting approval, approval with conditions, or denial, and the time for appeal to Superior Court, Environmental Division, within 15 days of the date of the final hearing.

3) Where conditional use review under Section 5.3 or planned unit development review under Article 7 is also required, design review may occur concurrently with these review processes; however concurrent hearings shall be separately warned, and decisions under each process shall be issued separately.

4) The Design Advisory Board (DAB) and/or the DRB may consult as needed with the Calais Historic Preservation Commission in their review of an application for design review.

(D) Design Review Standards. The following standards shall apply within the Kents Corner-Old West Church Design Control Overlay District:

1) The rehabilitation of structures listed on the National Register and/or the State Register of Historic Sites and Structures shall adhere to the standards set forth in the federal Secretary of the Interior's most recent Standards for the Treatment of Historic Properties", (Appendix 2 in the Historic District Guidelines) which are available at the Calais Town Office.

2) Structural and exterior changes to existing structures shall be harmonious with typical 19th century Calais architecture and appropriate to their surroundings, in accordance with Design Control District Guidelines currently in effect, which are available at the Calais Town Office.

3) Architectural creativity is encouraged for new structures, including the use of contemporary designs and materials, in a manner, which is compatible with the sense of the past that is being preserved. New structures shall be harmonious with typical 19th century Calais architecture, and appropriate to their surroundings, in accordance with design control district guidelines currently in effect. In addition:

a. New structures shall be sited and built to be compatible with the location, setback and orientation of adjacent structures, the contour of the land and scenic vistas. Setbacks differing from adjacent structures for the purpose of increasing energy efficiency may be considered.

b. New residential structures shall not exceed 2 1/2 stories in height, in keeping with the height of existing historic structures within the district. Accessory structures shall not exceed 2 stories in height. All other structures shall not exceed 35 feet in height. Building scale, rooflines, and the placement of doors, windows, porches, and dormers shall be compatible with existing historic structures within the district.

c. Exterior materials (those on the visible exterior weather surface) shall be in keeping with the predominant materials used in the district. The use of compatible modern materials is acceptable.

6) Signs in this district, in addition to meeting requirements under Subsection 3.11, shall require design approval from the DRB as to their size, placement, materials, lettering, lighting and design in relation to the district's historic context and character.

7) In order to minimize any adverse visual impacts, the DRB shall review, and may condition as necessary, all landscape alterations, including:

a. fences and walls, except temporary fences or walls which are removed at least once a year;
b. driveways and parking lots;
c. roadway modifications;

d. pond construction;
e. the removal of healthy trees or shrubs along roads, waterways or property boundaries;
f. the installation of exterior ventilation ducts, utility or equipment service units;
and
g. exterior lighting, including high intensity security lighting.

(E) Demolition Review. The demolition or replacement of any structure or portion thereof within this district, which is listed on the Vermont Historic Sites and Structures Survey for the Town of Calais, is subject to review and approval by the DRB.

1) The DRB may seek the advice of a licensed engineer or architect with experience in rehabilitation regarding the soundness of the structure(s) and suitability for rehabilitation.

2) Prior to approving the demolition of an historic structure, the DRB may also temporarily adjourn the hearing process for a period not to exceed six months from the date of application, to provide time for the municipality, the Calais Historic Preservation Commission, or another historic preservation organization to meet with the property owner to develop a feasibility plan for the restoration of the structure, or to document the historic and architectural elements of the structure prior to its demolition.

Article 6. Subdivision Review

Section 6.1 Purpose

To guide growth and development in a way that implements the Calais Town Plan and is consistent with the purpose of the zoning districts.

Section 6.2 Applicability

(A) A person proposing to subdivide land shall apply for and secure approval of the proposed subdivision prior to undertaking:

1) any binding contract for the sale, conveyance or lease of any subdivided portion of a property;
2) any grading, clearing, construction, land development or other improvement (excluding forestry or agricultural activities); or
3) the application for a zoning permit for the development of any subdivided portion of a property; or
4) the filing of a subdivision plat with the Town Clerk.

[redacted]

(B) Exemptions. The following is exempted from subdivision regulations: parcels leased for agricultural or forestry purposes where no permanent roads or structures are created.

(C) Minor & Major Subdivisions. For the purposes of these regulations, subdivisions are defined as "minor" or "major" subdivisions according to the following:

1) Minor Subdivisions, proposals and applications are reviewed by the Zoning Administrator under Section 6.3, Minor Subdivisions include:

   a. lot line or boundary adjustments between existing lots which do not create an additional lot or nonconforming lot;
   b. ~~the subdivision of land, or the re-subdivision of a previously subdivided parcel, which results in the creation of a total of three or fewer lots within any ten year period, regardless of any change in ownership;~~ the subdivision of land, or the re-subdivision of a previously subdivided parcel, which results in the creation of a total of five or fewer lots within any 3,652 day (10 year) period, regardless of any change in ownership, provided the following standards are met;
      i. Density Averaging, in accordance with Section 6.10 is utilized; and
      ii. All yard setbacks and wetland, stream, and lake and pond buffers are met.
      iii. No development, including buildings and building impact zones, is located in areas that would require conditional use review. -
      iv. At minimum, 50% of the area of the parcel or parcels to be subdivided is classified as "Land set aside permanently from development, in accordance with Section 6.10, unless the parcel to be subdivided is located in the Village District.

   or

   c. amendments to an approved minor subdivision plan that will not change the previous subdivision or conditions of approval to one that requires major subdivision approval.

2) Major subdivisions, have the potential for greater impact and therefore require more substantive review. Major subdivision proposals and applications are reviewed by the DRB under Section 6.4. Major subdivisions include:

a. the subdivision of land, or the re-subdivision of a previously subdivided parcel, which results in the creation of a total of five or fewer lots within any 3,652 day (10 year) period, regardless of any change in ownership which do not meet the standards in Section 6.2(C)1b. above;
b. the subdivision of land, or re-subdivision of previously subdivided land which results in the creation of a total of ~~four~~ six or more lots within any ~~ten year~~3,652 day (10 year) period, regardless of any change in ownership;
c. The creation of any lot which requires a waiver or variance under these regulations. ~~does not meet the minimum requirements for the district in which it is located; ;~~
d. an amendment to a~~n~~ major approved subdivision plan that will alter the subdivision as approved;
or
e. developments which include a mix of permitted or conditional uses.

(D) Coordination with Planned Unit Development Review. Applications for planned unit developments (PUDs) shall be reviewed concurrently as major subdivisions in accordance with Section 6.4, and associated PUD requirements under Article 7.

Section 6.3 Minor Subdivision Review
Minor subdivisions are reviewed by the Zoning Administrator – in order to advance an application for a Minor Subdivision most efficiently, applicants should meet informally with the Zoning Administrator before preparing application materials.

(A) Zoning Permit Requirements. A zoning permit for minor subdivision approval is required for all minor subdivisions. The zoning permit for a minor subdivision shall be separate from a zoning permit issued for a permitted use, however zoning permits may be issued concurrently by the Zoning Administrator for the subdivision of land, and for the subsequent development of the subdivided portion of the parcel. A zoning permit issued for a subdivision under this section may be appealed to the DRB (see Section 1.7).

(B) Review Criteria. The application for a zoning permit shall include a conceptual plan of the proposed subdivision, as described in Table 6.1. The Zoning Administrator shall review the conceptual plan to determine whether all proposed lots comply with applicable overall density requirements~~lot size~~, setback, surface water buffers, natural and cultural resource standards, standards of any overlay district, area and access requirements of these regulations.

(C) Minor Subdivision Review. The Zoning Administrator shall approve, approve with modifications, or disapprove the Zoning Permit Application within 30 days of review of the conceptual plan.

Section 6.4 Major Subdivision Review
Major subdivisions are reviewed by the Development Review Board (DRB) – in order to advance an application for a Major Subdivision most efficiently, applicants should meet informally with the Zoning Administrator ~~or the DRB before~~prior to preparing application materials.

(A) Conceptual Plan Review.
1. Prior to the submission of an application for preliminary plan or final plan approval, the applicant and/or an authorized representative shall meet with the DRB at a regularly scheduled board meeting to present a conceptual plan for review and discussion. The purpose of this pre-application meeting is to provide an opportunity for the DRB and applicant to discuss the proposed subdivision in relation to the standards set forth in Sections 6.8 through 6.15 prior to incurring expenses related to surveying, engineering and design. The conceptual plan shall generally illustrate the subdivision of land in accordance with Sections 6.8 through 6.1~~6~~5 and shall include information requested in Table 6.1. In addition, the applicant may, at the time of the pre-application meeting, request the waiver of one or more provisions of these regulations in accordance with Section 6.7.

2. Action on Conceptual Plan. The DRB, based on the information provided, shall promptly make recommendations for modifications or changes in subsequent submissions and/or make requests for additional studies or supporting documentation that may be required, and shall respond to any waiver requests. . The DRB shall also determine whether Preliminary Plan Review is necessary for the application. In making this determination, the DRB shall consider the number of lots to be created, the nature of natural resources, if any, to be impacted, the detail provided in the Conceptual Plan, and any other factors it considers to be germane. This shall be done at most within 30 days of the initial meeting. DRB recommendations, requests for additional information and determinations regarding waiver requests, shall be issued in the form of a written decision or meeting minutes, and mailed to the applicant.

(B) Preliminary Plan Review. If, in accordance with Section 6.4(A)2, the DRB determines that preliminary plan review is necessary, ~~W~~within six months of the date of the Conceptual Plan Review, unless otherwise waived by the DRB under Section 6.7, the applicant shall submit an application and associated fees for preliminary plan and plat approval, to include a two full-sized originals and one copy not larger than 11 x 17 inches of the information required for preliminary plan review as specified in Table 6.1. The preliminary plan should conform to the layout depicted on the conceptual plan, including recommended modifications, and shall be accompanied by additional information or studies as requested by the DRB at the Conceptual Plan Review.

1) **Public Hearing**. The DRB shall promptly hold a public hearing on the preliminary plan, at most within 45 days of submission of the application, warned in accordance with Section 8.4(C).

2) **Preliminary Plan Approval**. The DRB shall promptly approve, approve with modifications, or disapprove the preliminary plan, at most within 45 days of final adjournment of the public hearing. Their action shall be based on a determination of whether or not the preliminary plan conforms to applicable subdivision review standards under Sections 6.8 through 6.1~~6~~5, or would be in conflict with the Calais Town Plan and other municipal regulations in effect. The DRB may also require, as a condition of preliminary plan approval, the submission of proposed changes or modifications to the subdivision plan. Approval, conditions of approval, or grounds for disapproval shall be set forth in a written notice of decision. The approval of a preliminary plan shall be effective for a period of six months from the date of written notice of approval, unless otherwise approved or extended by the DRB in the written notice of decision.

3) **Effect of Preliminary Plan Approval**. Approval of the preliminary plan shall not constitute approval of the final subdivision plan and plat. Subsequent to the approval of the preliminary plan, the DRB may require the submission of all applicable approvals of municipal officials (e.g. Selectboard) and/or agencies having jurisdiction over the project and such state and federal agencies as may be required by law. Upon receipt of evidence of approval of the preliminary plan by said agencies, if required, and the expiration of all relevant appeal periods, the applicant may apply to the DRB for final plan approval.

(C) Final Plan Review. Within six months of preliminary plan approval, ~~unless otherwise waived by the DRB~~or, if preliminary plan review is not required by the DRB, within six months of the date of the Conceptual Plan Review, the subdivider shall submit an application for final subdivision plan approval. If the subdivider fails to do so, s/he will be required to resubmit a new preliminary plan for approval subject to all zoning and subdivision regulations then in effect. The application for final subdivision plan approval shall include associated fees and, unless otherwise specified or waived by the DRB, two full-sized originals and one copy not larger than 11 x 17 inches of the information for final plan and plat review as specified under Table 6.1. The final plan should conform to the layout depicted on the preliminary plan, including DRB recommended modifications, and shall be accompanied by additional information or changes requested by the DRB in association with preliminary plan approval.

1) Public Hearing. Within 45 days of the submission of a complete application for final plan approval, the DRB shall hold a public hearing on the proposed final plan, warned in accordance with Section 8.4. Copies of the hearing notice shall also be sent, at least 15 days prior to the hearing date, to the regional planning commission, and to the clerk of an adjacent municipality in the case of a plat located within 500 feet of a municipal boundary.

2) Final Plan Approval. Within 45 days of the date of adjournment of the public hearing, the DRB shall approve, approve with conditions, or disapprove the final subdivision plan and associated plat, based on a determination of whether or not the plan and plat conform to subdivision review standards under Sections 6.8 through 6.1~~6,~~5 or would be in conflict with the Calais Town Plan and other municipal regulations in effect. Failure to act within such 45-day period shall be deemed approval, as certified by the Town Clerk. Approval, conditions of approval, or grounds for disapprovals, and provisions for appeal under Section 1.7, shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent to the applicant and any other interested parties appearing at the public hearing within the 45-day period.

3) Performance Bonding. For any subdivision that requires the construction of roads or other public improvements by the applicant, the DRB may require the subdivider to post a performance bond or comparable surety to ensure completion of the improvements in accordance with approved specifications. The form, content, amount and manner of execution of such bond or surety shall be to the satisfaction of the Selectboard and as described by section 4419 of VT Title 24.

4) Effect of Final Plan Approval. Approval by the DRB of a final subdivision plan and associated plat shall not be construed to constitute acceptance by the town of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Selectboard in accordance with state statute. The approval of a final plat shall contain a time limit within which all improvements shall be completed, not to exceed three years unless otherwise required or extended by the DRB.

(D) Other Review Requirements. Approval of a major subdivision shall not exempt proposed development from Conditional Use (Section 5.3) or Design Review (Section 5.5), or requirements of any overlay district as applicable under these regulations. Such Review processes may be held concurrently, in accordance with the application, notice, and other review procedures and standards for each.

Table 6.1 Subdivision Application Requirements

*Upon written request, may be waived by DRB			
(A) Application Information	**Conceptual Plan**	**Preliminary Plan**	**Final Plan**
Application Form [number of copies]	1 original 1 copy	1 original & 2 copies	1 original & 2 copies
Application Fee [as set by the Calais Selectboard]	☐	☐	☐
Name of project, if any	☐	☐	☐
Name, address of applicant [landowner and/or subdivider]	☐	☐	☐
Written description of proposed development plans, including number and size of lots; general timing of development	☐	☐	☐
Waiver request, in writing [optional]	☐	☐	
Names, addresses of all adjoining property owners	☐	☐	
Evidence of written notification to adjoiners of intent to subdivide; to include copies of any waiver request		☐	
(B) Plan/Plat Mapping Requirements	**Conceptual**	**Draft Plat**	**Final Plat**
Materials	Paper	Paper	Mylar
Preparer Information, Certifications (as applicable)	☐	☐	☐
Scale (adequate to clearly depict the property & its features)	☐	☐	☐

Date, North Arrow, Legend	☐	☐	☐
Project boundaries, property lines; associated rights-of-way or easements	Drawn	Drawn	Surveyed
Existing and proposed lot lines, dimensions, associated rights-of-way or easements	Drawn	Drawn	Surveyed
Proposed land set aside from development, if density averaging used.	☐	☐	☐
Adjoining land uses, roads and drainage	☐	☐	☐
Zoning and overlay district designations and boundaries	☐	☐	☐
The location of natural and physical features located on the site, including buildings, roads, driveways and parking areas; utilities, fences and walls and slopes in excess of 15% and 25%	☐	☐	☐
Maps showing the location or proximity to natural features on or adjacent to the site, as indicated on the Agency of Natural Resources' Environmental Interest Locator Map, available online at: http://maps.vermont.gov/imf/sites/ANR_NATRESViewer/jsp/launch.jsp, including rivers and streams, lakes and ponds, rare, threatened and endangered species, significant natural communities, deer wintering areas, core forest habitat,black bear reproductive habitat, wildlife linkages, and primary agricultural soils and wetlands. For help printing out these free online maps, please contact the Zoning Administrator.	☐	☐	☐
Environmental impact assessment* (environmental impacts, proposed mitigation measures) in conformance to the "Calais Natural Resources" section of the Calais Town Plan	Description	Draft	Final

Table 6.1 Subdivision Application Requirements (cont.)

(B) Plan/Plat Mapping Requirements (continued)	**Conceptual**	**Draft Plat**	**Final Plat**
A general indication of land cover, including forested areas and land in current or recent (prior 3 years) agricultural production	☐	☐	☐
Proposed roads, accesses (curb cuts), driveways, paths, and parking areas	Drawn	Drawn	Drawn
Proposed utilities, water and wastewater systems and associated rights-of-way or easements*	☐	☐	☐
Existing and proposed elevations, contour lines*		5' interval	5' interval
Proposed building sites and building impact zones		☐	☐
Road profiles, road, intersection and parking area geometry and construction schematics*		☐	☐
Proposed landscaping and screening*		☐	☐
Proposed conservation buffer and/or open space easement areas*		☐	☐
Location of survey monuments or corner markers			☐
Base flood elevation data if applicable			
(C) Supporting Information & Documentation	**Conceptual Plan**	**Preliminary Plan**	**Final Plan**

Site location map showing proposed subdivision in relation to major roads, drainage ways, and adjoining properties	☐	☐	☐
Statement of compliance with the Calais Town Plan and applicable municipal regulations	☐	☐	☐
Engineering reports (water and wastewater systems)		☐	☐
Existing and proposed traffic generation rates, volumes*		Estimated	Documented
Off-site easements (e.g., for water, wastewater, access)*	Description	Draft	Final
Proposed phasing schedule*	Description	Draft	Final
Proposed covenants and/or deed restrictions*	Description	Draft	Final
Proposed homeowner or tenant association or agreements*	Description	Draft	Final
Proposed performance bond or surety*		Description	Final

Table 6.1 Subdivision Application Requirements (cont.)

(D) As may be required by the Development Review Board			
Stormwater and erosion control plan (best management practices)	Not Applicable	As required by the DRB under conceptual plan approval	As required by the DRB under preliminary plan or conceptual approval
Shoreland or buffer area management plan			
Open space management plan			
Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)			
Fiscal impact analysis (fiscal costs and benefits to the town)			
Historic or archeological assessment (impacts, mitigation)			
Environmental impact assessment (environmental impacts, proposed mitigation measures)			
Other			

* Upon written request may be waived by the DRB.

Section 6.5 Plat Recording Requirements

(A) Within 180 days of the date of final plat approval under Section 6.3(C) Section 6.4(C), the applicant shall submit to the Town Clerk two copies of the final subdivision plat (one Fixed Line Mylar no larger than 18 x 24 inches and one paper copy no larger than 11 x 17 inches), for recording in conformance with the requirements of Title 24 V.S.A., Chapter 117, Section 4463 (b). The plat submitted for recording shall bear a certification by a

Vermont licensed land surveyor that it conforms to the plat approved by the DRB or Zoning Administrator. Approved plats not recorded within this 180-day period shall expire. The ~~DRB may extend the date~~deadline for submitting the plat by an additional 90 days if final local or state permits or approvals are still pending. Such an extension may be granted by the Zoning Administrator for minor subdivisions and the DRB for major subdivisions.

(B) No plat showing a new street or highway may be filed or recorded until it has been approved by the DRB, and that approval is endorsed in writing on the plat in accordance with Title 24 V.S.A., Chapter 117, Section 4463 (b)(2).

(C) All minor subdivision final plats must include the following statement:
The subdivision depicted on this plat was duly approved, by the Calais Zoning Administrator in accordance with applicable laws and regulations on the_____ day of _____, 2____. Subdivision Permit # _____.

(~~C~~D) All major subdivision final plats must include the following statement:
The subdivision depicted on this plat was duly approved, as conditioned, by the Calais Development Review Board in accordance with applicable laws and regulations on the_____ day of _____, 2____. Subdivision Permit # _____.

(~~D~~E) The municipality shall meet all recording requirements for final subdivision plat approval as specified for municipal land use permits under Section 8.4.

Section 6.6 Revisions to an Approved Plat

No changes, modifications, or other revisions that alter the plat or conditions attached to an approved subdivision plan shall be made unless the proposed revisions are first submitted to the Zoning Administrator (minor subdivision) or DRB (major subdivision), and, if a major subdivision, the DRB approves such revisions after public hearing. In the event that such subdivision plan revisions are recorded without complying with this requirement, the revisions shall be considered null and void.

Section 6.7 Waiver Authority

(A) The DRB may waive or vary, subject to appropriate conditions, ~~preliminary plan approval under Section 6.4(B)~~, any application requirements specified in Table 6.1, or any requirements under Sections 6.8 through 6.16 except 6.10(D) Flood Hazard considerations which, in its judgment will not impact any of the natural resources identified in the Calais Town Plan on or adjacent to the proposed project; are not requisite in the interest of the public health, safety and general welfare;
and at least one of the following:

1) are inappropriate due to the extraordinary and unnecessary hardship that may result from strict compliance with these regulations; or
2) are inappropriate because of the inadequacy or lack of connecting facilities adjacent to or in proximity to the subdivision, or
3) would add unnecessarily to the cost of affordable or senior housing as defined under Section 9.2.

(B) In granting waivers, the DRB shall require such conditions as will, in its judgment, substantially meet the objectives of the requirements so waived or varied. No such waiver may be granted if it would have the effect of nullifying the intent and purpose of the Calais Town Plan or varying these regulations or other municipal ordinances or regulations.

Section 6.8 Applicability of Subdivision Standards

(A) Major Subdivisions: The DRB shall evaluate any major subdivision in accordance with the standards set forth below. The DRB, to assist in its evaluation, may require an independent technical review under one or more standards, prepared by a qualified professional, to be paid for by the subdivider.

(B) The DRB may also, as a result of findings made concerning the proposed subdivision's conformance with these standards, require modification of the subdivision design, the phasing of development, and/or additional measures to avoid or mitigate any adverse impacts likely to result from the proposed subdivision.

(C)Minor Subdivisions: The Zoning Administrator shall apply the standards below in review of minor subdivisions.

Section 6.9 General Standards

(A) Character of the Land. All land to be subdivided shall, in the judgment of the DRB, be of such character that it can be used for the intended purpose and density of use without undue adverse impact on public health and safety, the environment, neighboring properties, or the character of the surrounding area and community as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Calais Town Plan. Land that is characterized by periodic flooding, poor drainage, steep slopes, or other hazardous conditions, or that is inadequate to support structures (including streets, utilities, and buildings) shall not ordinarily be subdivided for development purposes. However, such land may be permanently set aside from development to fulfill the "average density" requirements of 6.9D(2).

(B) Conformance with the Calais Town Plan & Other Regulations. Subdivisions shall conform to the Calais Town Plan, other provisions of these regulations, the adopted capital budget and program, and all other municipal bylaws, ordinances, and regulations currently in effect.

(C) District Settlement Patterns Subdivisions shall be designed to achieve the purpose, objectives, and desired settlement pattern of the zoning district(s) within which they are located, as defined in Article 2. To the extent feasible, new subdivisions of land shall:

1) maintain and extend settlement patterns in accordance with the Calais Town Plan, including lot area and configuration, road layout, and building locations, for the neighborhood or district in which they are located;
2) maintain contiguous tracts of open land with adjoining parcels; and
3) connect to, and extend where appropriate, existing road, path, utility and wildlife corridors.

(D) Lot Layout. The layout of lots shall give consideration to topographic and soil conditions and conform to lot and yard requirements under Section 3.6. In addition, the following standards shall apply:

1) Lot Shape. Lots with irregular shapes (curves, jogs, dog-legs, etc.) shall not be created unless warranted by conditions of topography, the location of natural features, existing road conditions, timber type, proposed roads, existing land use or soil type, etc.
2) Lot Size & Density. The maximum overall density of a subdivision shall be determined based on the number of acres (excluding land area within designated road rights-of-way) of the parcel(s) to be subdivided, divided by the minimum lot area of the district in which the subdivision is located. In accordance with Section 6.10 below, lots of variable sizes may be permitted within a subdivision, provided the total number of lots does not exceed the maximum density described above. Lot sizes and densities set forth in Article 2 are a minimum standard and may not be achievable on all parcels; lower average densities ~~and/or larger lot sizes~~ may be required by the DRB based on prevailing site conditions and the potential impact on significant natural features. ~~The DRB may increase densities in a part of a development if the subdivision fulfills conditions a through d, or e, or both~~:
    a. **Density Bonu**s If the subdivision includes affordable or senior housing; the maximum overall density may be increased by up to 50%. An additional density bonus of up to 50% is available for a lot that is developed for senior housing or affordable housing. ~~Is for affordable or senior housing, which may be allowed a density increase of up to 50%.~~
    b. ~~Is in an area of low resource impact sensitivity.~~

c. ~~Conforms to district purposes, overlay purposes, and purposes of the Calais Town Plan.~~
d. ~~Does not, because of their increased density, place an undue burden on the roads or other infrastructure.~~
e. ~~Has lands of equal or higher resource impact sensitivity set aside permanently from development such that the average density of the development fulfills the standards of the district.~~

(E) Monuments & Lot Corner Markers. The locations of all proposed permanent surveying monuments and corner markers, as required under the Rules of the Board of Land Surveyors, Part 5, Standards for the Practice of Land Surveying, shall be identified on the subdivision plat.

(F) Establishment of Building Sites. The DRB may require the designation of building sites to limit the location of structures and associated development to one or more portions of a lot. The size and shape of each building site and building impact zone shall be established in accordance with the standards set forth in these regulations. The DRB also may require the identification of specific building footprints if, in its judgment, such information is needed to determine conformance with these regulations. Building site designations shall be included in a development plan, which uses Density Averaging. Designated building sites shall be clearly depicted on the final subdivision plat recorded with the Town Clerk in accordance with Section 6.5 of these regulations.

(G) Landscaping & Screening. The preservation, planting and maintenance of trees, ground cover or other vegetation, of a size and type deemed appropriate by the DRB, may be required:

1) to preserve existing trees, tree lines, wooded areas of particular natural or aesthetic value to the site, critical wildlife habitat, important wildlife habitat, or other natural resources identified in the Calais Town Plan or in Table 6.1;
2) to provide an undisturbed vegetated buffer between developed and undeveloped portions of the site to protect water quality or other natural features, in accordance with Sections 3.13 and 6.10;
3) to provide screening to increase privacy, reduce noise and glare, establish a barrier between incompatible land uses, or to otherwise soften and/or lessen the visual impacts of development;

or

4) to establish a tree canopy along public or private roads or pedestrian walkways where the DRB deems it appropriate.

(H) Energy Conservation. Energy-efficient site planning and layout shall be encouraged in subdivision design to take advantage of southern orientations. Landscaping shall be effectively used to provide wind barriers and reduce heat loss. To conserve energy, all subdivisions shall be designed to minimize roadway area and utility line extensions to the extent feasible. Developments using Density Averaging or clustered development (i.e. planned unit development as defined under Article 7) should be considered wherever feasible.

(I) Disclosure of Subsequent Development Plans. Whenever an applicant submits a proposal for development on a portion of a parcel, the DRB may require a general indication of the intended uses of the remaining portion of land. Such an indication shall include access, type of use, intensity of use, and phasing.

Section 6.~~12~~10 Density Averaging

A greater concentration of development on one portion of a site offset by a lesser concentration on the remainder of the site or a compensating portion set aside permanently from development.

Average Density: The number of acres (excluding land area within designated road rights-of-way) in the development divided by the number of single occupancy dwelling units, principal structures, or principal uses. In mixed use or multi-family dwellings, each use or single-family portion of a multi-family dwelling is "1".

Land set aside permanently from development: Land that is protected from any future development (including but not limited to subdivision or change of use) by deed restriction. This deed restriction can apply

to conserved land, common land, land that (with the acceptance of the Selectboard) is deeded to the Town, or a portion of a lot set aside for protection of a community use or an identified natural resource.

(A) Purpose and Applicability: Density Averaging is encouraged for all subdivisions. Density averaging is intended to provide landowners with the flexibility to design a subdivision in response to the specific characteristics of their property. It gives flexibility to protect important resources and removes some of the disincentives in identifying and conserving those resources. It also provides an alternative to fragmentation of land into residential lots that are "too big to mow and too small to plow" while retaining a density of development consistent with the district. Density averaging may also be used as a tool for owners of working land to subdivide small lots for their progeny, to provide employee housing, or to sell while retaining ownership of much of the balance of their property. Density averaging can be used to protect a valued resource; it can save the developer the extra difficulty of subdividing a parcel with a protected resource, and it can be used to create a community resource such as a ball field or pond.

(B) Standards: Densities may be increased in one area of a subdivision, provided the average density of the subdivision does not increase, and a compensating amount of land is set aside permanently from development. Density averaging shall conform to the standards below:

1) Increased density shall be directed toward area(s) of lower resource impact sensitivity, as defined by the standards contained in these regulations and the Calais Town Plan. Lots as small as 5020% of the district's "minimum lot area" may be created.
2) A compensating amount of land of higher impact sensitivity or containing a natural or cultural resource shall be set aside permanently from development, such that average density of the development fulfills the standards of the district or districts in which the subdivision is located.
3) Frontage Reduction: Minimum lot frontage requirements may be reduced by up to ~~50~~80%.

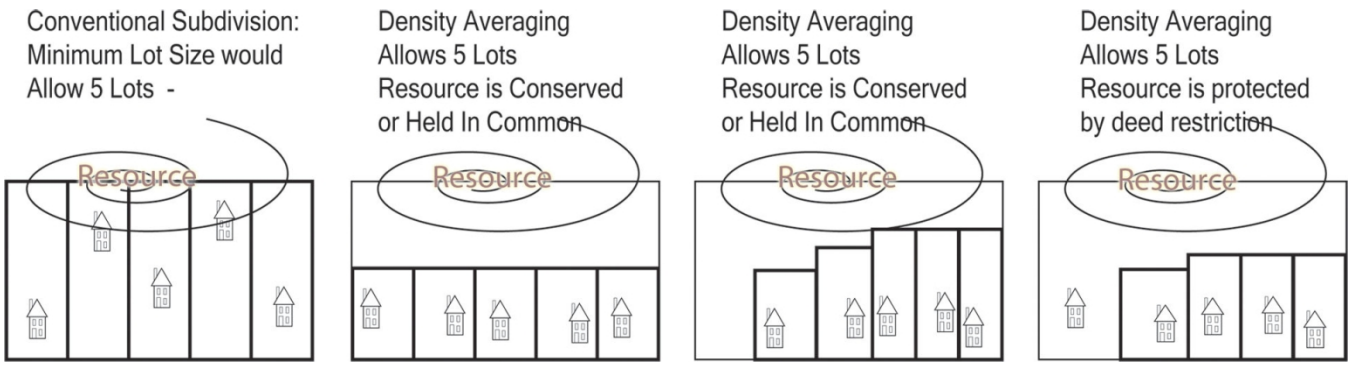
(C) Recording Requirements

1) Lands set aside permanently from development shall be clearly designated as such on the final subdivision plat recorded with the Town Clerk in accordance with Section 6.5 of these regulations. The final plat shall depict the boundaries of the parcel and the boundaries of land permanently set aside for development.
2) If the proposed subdivision will not result in development of the entire parcel, the final subdivision plat recorded with the Town Clerk shall clearly indicate the maximum overall density in accordance with Section 6.9(D)(2) above, the number of lots created, and the remaining number of lots that may be created in future subdivisions.
3) All land permanently set aside for development shall be permanently protected by deed restrictions and/or conservation easements recorded in the Town Land Records. Such easement shall specify that the protected portions of the parcel are to be used only for open space, agriculture, forestry, and passive outdoor recreation.

(D) Ownership of Land Permanently Set Aside from Development: Land permanently set aside from development may be owned by all lot owners in the subdivision in common, a single lot owner, or deeded to another third party, including the Town of Calais, with Selectboard approval. Regardless of ownership, all land permanently set aside from development shall be subject to appropriate deed restrictions, in accordance with Section 6.10(C)(3)

(E) Example: Below is an example of a parcel which the landowner wishes to develop into 5 lots. However, a Natural or Cultural resource exists on the parcel, a fact ~~the DRB~~ that must be considered under section ~~6.10~~3.12. Nevertheless, the number of lots which would otherwise be allowed under the District Standards may be created with lots as small as ~~50~~20% of the district's "minimum lot area", if a compensating amount of land of higher impact sensitivity or containing a natural or cultural resource is set aside permanently from development. Land that is conserved or held in common must still be permanently protected by deed restriction

~~This system is intended to provide landowners with the flexibility to design a subdivision in response to the specific characteristics of their property. It gives flexibility to protect important resources and removes some of the disincentives in identifying and conserving those resources. It also provides an alternative to fragmentation of land into residential lots that are "too big to mow and too small to plow" while retaining a density of development consistent with the district.~~



~~Density Averaging can be used to protect a valued resource; it can save the developer the extra difficulty of subdividing a parcel with a protected resource, and it can be used to create a community resource such as a ball field or pond.~~

(F) Density Averaging in two districts. When including acreage within two districts in a parcel being developed using Density Averaging the proposed plan shall:

1.Place the building site and impact zone within the district with less-strict development requirements.

2. Place the building site and impact zone to avoid areas of "high priority" impact sensitivity as identified in the Calais Town Plan "Natural Resources" section

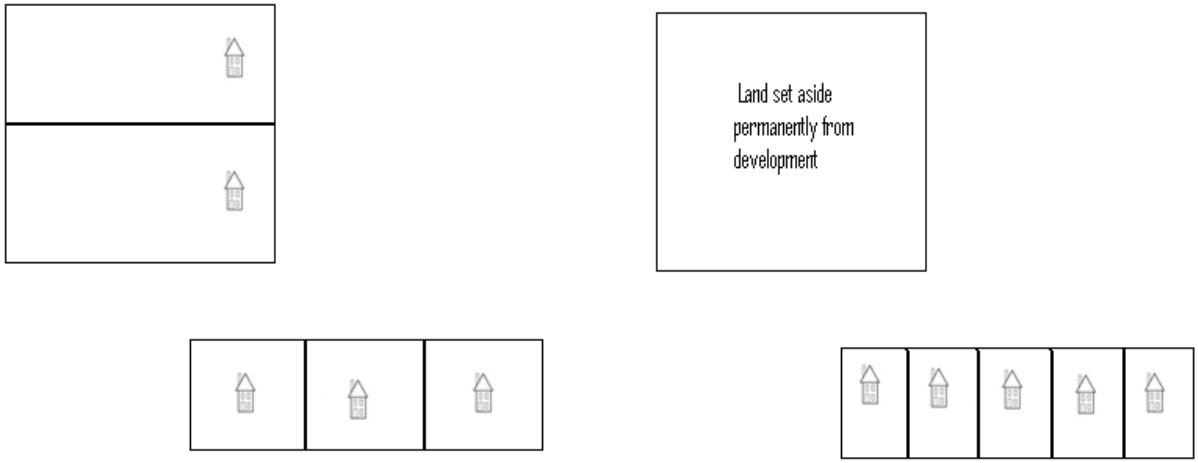
3. Pro-rate the acreage within the more-strict district according to that district's minimum lot size. [~~f~~For example, a development with land in both the Rural ~~Residential~~ (minimum lot size 3 acres) and the Upland Overlay (minimum lot size 25 acres) districts could have lot size as small as ~~1.5~~0.6 acres in the Rural ~~Residentia~~l District (~~50~~20% of the district's minimum lot-size of 3 acres) as long as the remainder of the " 3 acre minimum lot size" acreage is protected from development. If the "protected from development" land is provided for using land in the Upland Overlay district (minimum lot-size 25 acres), it would be pro-rated at the rate of 25/3 of the amount needed or, in this case, ~~1.5~~2.4 X 25/3 = ~~12.5~~20 acres protected from development by deed restriction. This "protected from development" land could be part of the subdivided lot, or could be part of a different lot, but it can not be used to fulfill minimum requirements for any other lot.]

(G) Density Averaging involving multiple parcels: Multiple parcels, whether contiguous or non-contiguous, may be combined into a single application for subdivision review. Total maximum overall density shall be based upon the cumulative acreage of all parcels, and shall be determined in accordance with the procedures in Section 6.9(D)(2) and 6.10(F) above. Density may be aggregated to allow for greater concentrations of development and corresponding land set aside permanently from development, provided the total overall density for the combined parcels does not exceed that which could be permitted in accordance with Section 6.9(D)(2) and 6.10(F) above.

Example: Density averaging is being applied to two parcels. Parcel A contains 6 acres in the Residential District and is located on a State Highway. Parcel B contains 50 acres in the Upland Overlay District accessed by a Class IV Road. The maximum overall density on Parcel A is 3 lots. The maximum overall density on Parcel B is 2 lots. If the entire density originating from Parcel B is transferred to Parcel A, a total of 5 lots could be developed

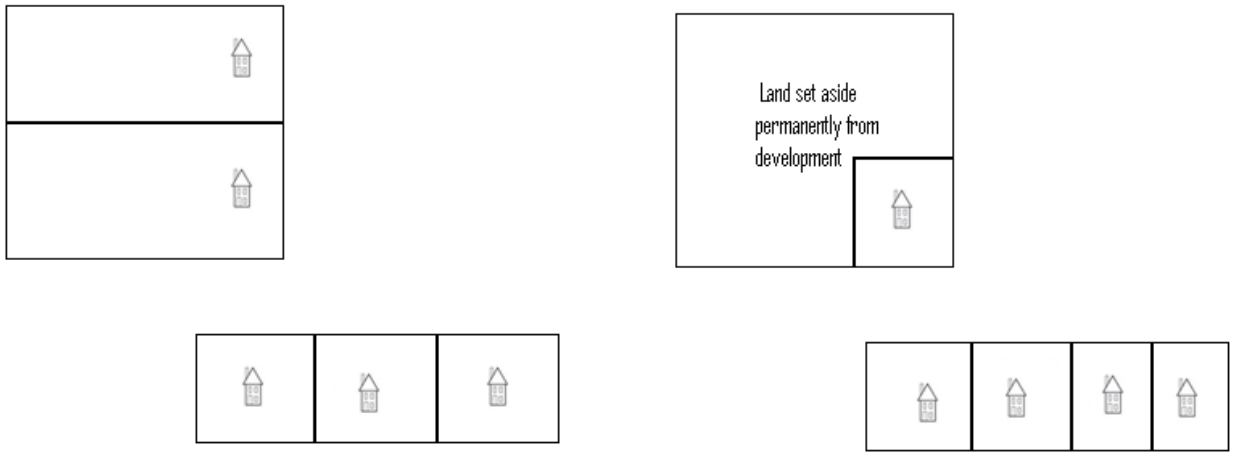
on Parcel A (3+2). Parcel B is subject to a permanent easement prohibiting further development or use other than open space, agriculture, forestry, and passive outdoor recreation.

Conventional Subdivision Density Averaging with Transfer



However, if only one lot was transferred from Parcel B to Parcel A, a total of 4 lots could be developed on Parcel A (3+1) and 1 dwelling could be developed on Parcel B (2-1).Parcel B could still be used as a single building lot, but could not be further subdivided.

Conventional Subdivision Density Averaging with Transfer



When density is aggregated in this manner, the following standards shall apply:

1. The transfer of density will contribute to the protection of natural resources identified in Section 3.12 and result in settlement patterns consistent with the purpose of the zoning district(s) in which the subdivision is located.

2. Density may be transferred from one parcel to another in accordance with the table below:

Table 6.2
Permitted Density Transfers

Density originating from:	**May be transferred to:**
Upland Overlay District	Upland Overlay District, Resource Recreation District, Rural District, Residential District, Village

	District
Resource Recreation District	Resource Recreation District, Rural District, Residential District, Village District
Shoreland District	Rural District, Residential District, Village District
Rural District	Rural District, Residential District, Village District
Residential District	Residential District, Village District
Village District	Village District

3. Since no minimum lot size is required in the Village District, density transfer shall be accomplished through a reduction in the minimum frontage requirement, in accordance with Section 6.10(B)(3)
4. The aggregation of density from one (1) or more parcels to a different parcel shall be administered in accordance with the following:

    a. The removal of density from a parcel shall be accomplished through a permanent conservation easement to be recorded in the Land Records. In addition to the recording requirements in Section 6.10(C), the final subdivision plat shall clearly indicate the total reduction of density on the parcel resulting from the transfer and any unallocated density available.

    b. The aggregation of density on a parcel shall be accomplished through a written agreement, to be recorded in the Land Records. Such agreement shall specify the total density being aggregated onto the parcel from other parcels and shall include deed reference to the easement covering the parcel(s) from which the density originated.

    c. Density credit from a parcel that contains land permanently set aside from development may only be used once, and cannot be used to fulfill minimum requirements for any other lot.]

5. Density Adjustments: In order to facilitate development patterns in conformance with the goals of the Calais Town Plan and the protection of natural resources, density originating in certain areas may be transferred at a ratio of greater than 1:1. The following adjustments shall be applied to density transfers. If a parcel contains multiple attributes eligible for a multiplier, density will be adjusted by the product of all multipliers. Decimals shall be rounded down.

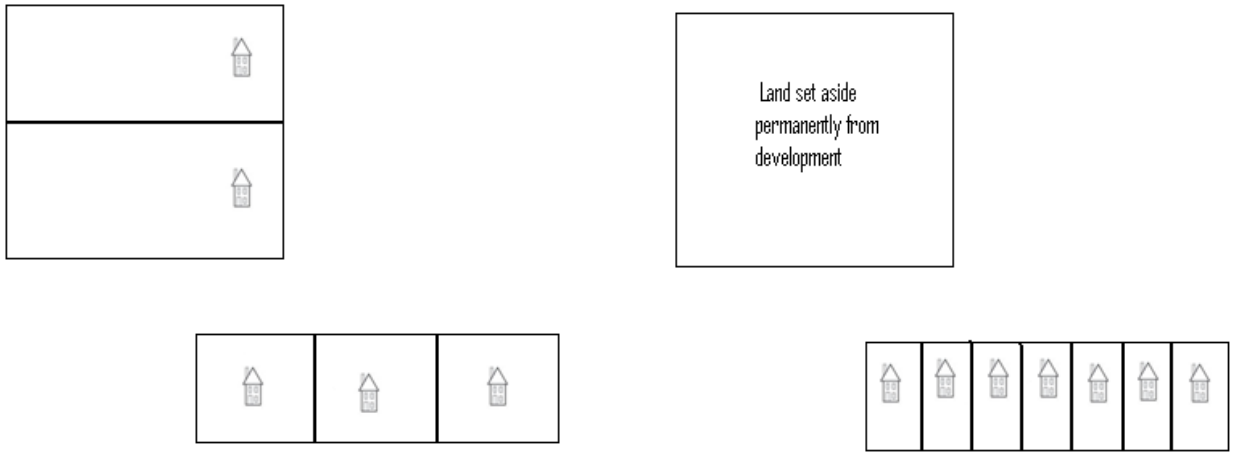
Table 6.3
Density Multipliers

Density Originating from:	**Transferred to:**	**Multiplier**
Within 650 feet of a Class IV Road	Paved Class II Road or State Highway	1.25
Resource Recreation District	Rural District	1.25
Resource Recreation District	Residential District	1.50
Upland Overlay District	Rural District (not in overlay)	1.50
Upland Overlay District	Residential District (not in overlay)	1.75
Natural Resources Overlay District	Rural District (not in overlay)	1.25
Natural Resource Overlay District	Residential District (not in overlay)	1.50
Parcel containing 20 or more acres of prime agricultural soils	Parcel in eligible district not containing prime agricultural soils.	1.25

Example: Density averaging is being applied to two parcels. Parcel A contains 6 acres in the Residential District and is located on a State Highway. Parcel B contains 50 acres in the Upland Overlay District accessed by a Class IV Road. The maximum overall density on Parcel A is 3 lots. The maximum overall density on Parcel B is 2 lots. If the entire density originating from Parcel B is transferred to Parcel A, a total of 5 lots could be developed on Parcel A (3+2), before density adjustments are applied. The density of parcel B is multiplied by 1.75 because density from a parcel in the Upland Overlay District is being transferred to a parcel in the Residential District and again by 1.25 because density originating from a parcel accessed by a class IV road is being transferred to a parcel served by a state highway. As a

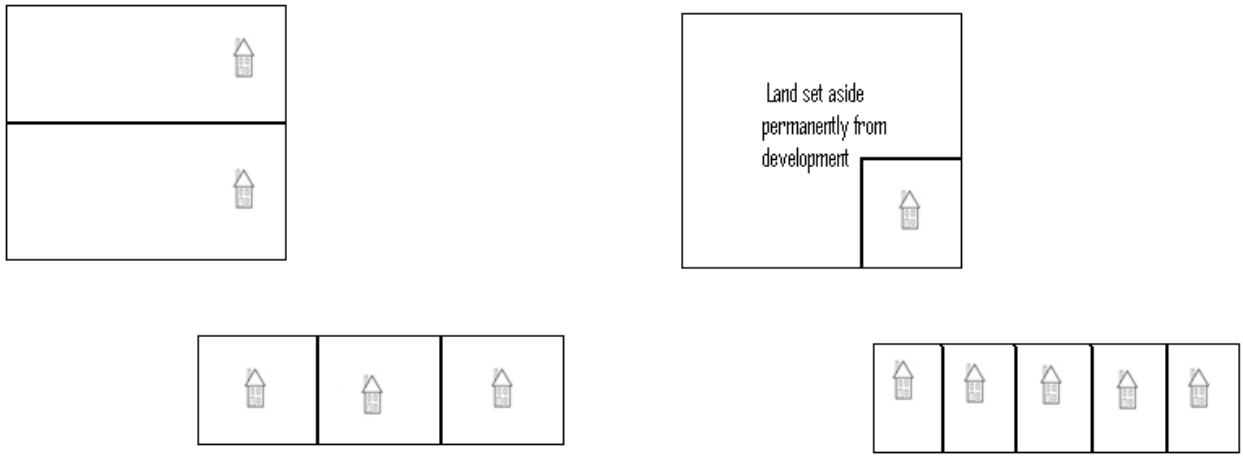
result, once density multiplies are applied a total of 4 lots may be transferred from Parcel B to Parcel A (2x1.75x1.25). As a result of the density transfer and adjustment, a total of 7 lots may be created on Parcel A (the original 3 lots from Parcel A plus the adjusted 4 lots from Parcel B). In this case, since all density is transferred, Parcel B is subject to a permanent easement prohibiting further development or use other than open space, agriculture, forestry, and passive outdoor recreation.

Conventional Subdivsion Density Averaging with Transfer &Adjustment



However, if only one lot was transferred from Parcel B to Parcel A, before density adjustments are applied, a total of 4 lots could be developed on Parcel A (3+1) and 1 dwelling could be developed on Parcel B (2-1). Only the lot transferred from Parcel B to Parcel A is subject to the density adjustments. Once density multipliers are applied a total of 2 lots are transferred from Parcel B to Parcel A. (1x1.75x1.25). As a result of density transfer and adjustment, a total of 5 lots may be developed on Parcel A (the original 3 lots from Parcel A plus the adjusted 2 lots from Parcel B). Parcel B could still be used as a single building lot, but could not be further subdivided.

Conventional Subdivsion Density Averaging with Transfer &Adjustment



6) Density Banking: In some areas, a second parcel in a lower density district from which to transfer density may not be available at the time of subdivision. In such cases, total overall density may be increased through a contribution to a dedicated fund for future land conservation. Density Banking shall be subject to the following standards

   a. Density Banking shall only be permitted in the Village, Residential, and Rural Districts.

   b. Density Banking may not be used to increase the total overall density of a parcel by more than 50%.

c. The layout of all lots, buildings and building impact zones shall comply with all resource protection standards defined in these regulations.

d. The contribution per additional lot shall be equal to X% of the average market value of an undeveloped, permitted building lot in the district in which the subdivision is located at the time of subdivision.

e. To be eligible for density banking in the Rural District or Residential District, at least 50% of the parcel to be subdivided shall be designated as land permanently set aside from development. In the Residential District, such land shall be held in common by all lot owners within the Subdivsion, or shall be made publicly accessible to serve as public green spaces, community gardens, public greens, or similar outdoor spaces.

~~Section 6.10 Protection of Natural & Cultural Resources~~

~~(A) Significant Natural Features. Subdivision boundaries, lot layout and building impact zones shall be located and configured to avoid undue adverse impact to sensitive or significant natural features. For the purposes of these regulations, these shall include wetlands, flood hazard areas, slopes in excess of 15%, critical wildlife habitat areas, surface waters, associated buffer areas, and other resources identified in the Calais Town Plan. Methods for avoiding such adverse impacts include, but may not be limited to, the following:~~

5) ~~Building impact zones shall be located and sized to exclude these features.~~

6) ~~Subdividers may be required to designate buffers and/or develop and maintain management plans to protect such features.~~

7) ~~Roads, driveways and utilities shall be located to prevent, to the extent feasible, encroachments on or the fragmentation of such features.~~

8) ~~Within the Upland Overlay District, parcel boundaries and building sites shall be configured to ensure that development will not result in the placement of any structure on steep slopes, shallow soils, or the height of land (the highest point) of any prominent ridgeline or hilltop. In addition:~~

a. ~~Building sites may be located to access views, provided that they do not interrupt the natural line of slope or the crown line of mature trees in the vicinity, and will not result in the placement of a structure that appears unduly prominent or out of character with the surrounding terrain.~~

b. ~~A tree cutting, pruning, landscaping, and/or forest management plan may be required to ensure that ridgelines and hilltops remain wooded, and that buildings are visually screened to interrupt facades and reduce reflective glare, as viewed from off-site.~~

6) ~~Within the Shoreland District, parcel boundaries and building impact zones also shall be configured to avoid the fragmentation of designated shoreland buffer areas (see Section 3.13), and any adverse impacts to water quality. In addition:~~

a. ~~Existing physical and visual access to the water shall be preserved where feasible. Shared access to public waters (docks, beach areas, boat ramps) is recommended and may be required by the DRB to minimize encroachments within designated buffer areas.~~

b. ~~The DRB may impose increased setback distances and/or vegetative buffering requirements as needed to minimize erosion and runoff, to protect water quality, and/or to preserve the scenic character of the shoreline.~~

c. ~~The DRB may require the submission of shoreland management plan, to include provisions for the long-term management of shoreland buffer and access areas, including proposed restrictions on clearing, grading or tree removal.~~

8) ~~Subdivisions which conserve land or use density averaging to protect natural resources identified in the Calais Town Plan may receive a waiver of up to 50% of the frontage requirement.~~
   a. ~~The percentage of reduction of the frontage requirement may not exceed the percentage of land permanently set aside from development.~~
   b. ~~Shared driveways are encouraged and may be required to limit the number of curb cuts to the number allowed by the frontage requirements of the district.~~

9) ~~When evaluating the impact of proposed subdivisions on identified natural resources, the DRB may solicit recommendations from the Calais Conservation Commission~~

~~(B) Protection of Farmland. Within the Rural Residential District, subdivision boundaries, lot layout and building impact zones shall be located and configured to avoid adverse impacts to prime and statewide agricultural soils and other farmland currently in production. Methods for avoiding such adverse impacts include, but may not be limited to, the following:~~

6) ~~Buildings shall be located at field and orchard edges or, in the event that no other land is practical for development, on the least productive soils in order to minimize the use of productive agricultural land, impacts on existing farm operations, and disruption to the scenic qualities of the site.~~

7) ~~Vegetated buffer areas may be required between agricultural and other uses to minimize land use conflicts.~~

8) ~~Access roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these to minimize the fragmentation of productive agricultural land and adverse visual impacts.~~

~~(C) Protection of Historic & Cultural Resources. Subdivision boundaries, lot layout and building sites shall be located and configured to minimize adverse impacts to historic and archaeological sites and resources identified in the Calais Town Plan, by the Vermont Division for Historic Preservation, or through site investigation. Methods to minimize adverse impacts include but may not be limited to the following:~~

4) ~~Historic features, including existing historic buildings, stone walls and cellar holes, should be preserved and integrated into the subdivision design (e.g., driveways that follow stone walls) to the extent feasible.~~

5) ~~The subdivision of land on which historic structures are located shall be designed to maintain the historic context of the site, and to minimize the impact of new development on the site's historic and architectural integrity.~~

6) ~~When evaluating the impact of proposed subdivisions on historic resources, including all subdivisions in the Kents Corner-Old West Church Overlay District, the DRB may solicit recommendations from the Calais Historic Preservation Commission.~~

~~(D) Flood Hazard Consideration.~~

~~a. New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data where applicable.~~

~~b. Subdivisions (including manufactured home parks) shall be designed to assure:~~
   ~~(i) such proposals minimize flood damage within the flood-prone area,~~
   ~~(ii) public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and~~
   ~~(iii) adequate drainage is provided to reduce exposure to flood hazards.~~

Section 6.11 Common Land

(A) Land to be held in common for the long-term maintenance and management of shared facilities (e.g., community wastewater and water supply systems, community facilities, lake access, parking areas, and/or road, trail and utility corridors), the preservation and maintenance of open space, or the protection of natural or cultural resources, shall be subject to the legal requirements set forth below and in Section 6.1~~6~~5.

(B) Land reserved for the preservation and maintenance of open space or the protection of natural or cultural features, may be held in separate ownership from contiguous parcels. Such land may be dedicated, either in fee or through a conservation easement ~~approved by the DRB~~ to a community association comprising all present or future owners of lots in the subdivision or, ~~by the DRB and the Selectboard~~4, to the Town of Calais or a nonprofit land conservation organization. At minimum, designated open space shall be indicated with an appropriate notation on the final plat. Conservation ~~-~~easements shall be subject to the review of the Town of Calais. The Zoning Administrator (minor subdivisions) or DRB (major subdivisions) may consult with the Town attorney prior to approving language for a conservation easement or deed restriction.

(C) Land and/or facilities to be held in common shall be subject to appropriate deed restrictions stipulating their allowed use, and establishing the person or entity responsible for their regular maintenance and long term management. All costs associated with administering and maintaining common land and associated facilities shall be the responsibility of applicant and subsequent property owners (see Section 6.1~~6~~5).

(D) Maintenance agreements, conservation easements, and deed restrictions references above shall be subject to approval by the Town of Calais. The Zoning Administrator (minor subdivisions) or DRB (major subdivisions) may consult with the Town attorney prior to approving such language.

~~**Section 6.12 Density Averaging**~~

~~A greater concentration of development on one portion of a site offset by a lesser concentration on the remainder of the site or a compensating portion set aside permanently from development.~~

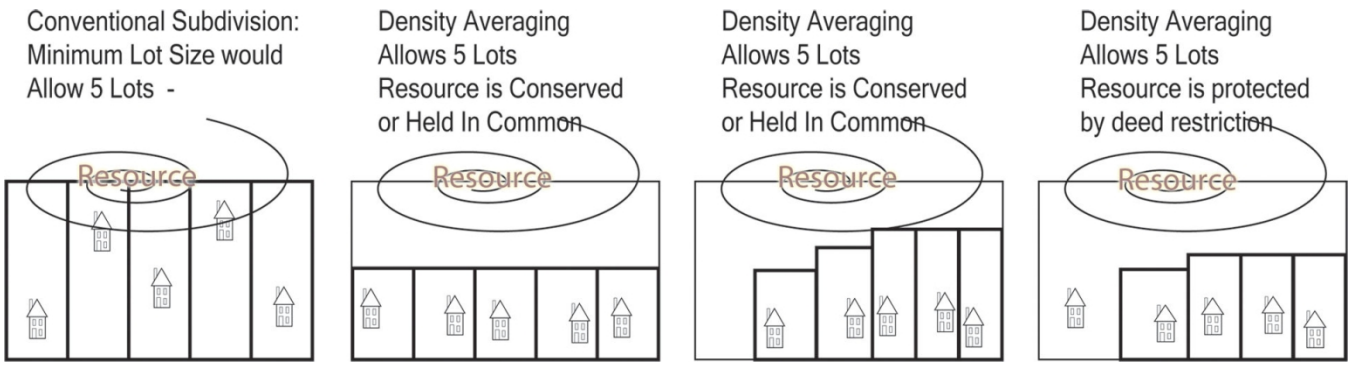
~~**Average Density:** The number of acres (excluding land area within designated road rights-of-way) in the development divided by the number of single occupancy dwelling units, principal structures, or principal uses. In mixed use or multi-family dwellings, each use or single-family portion of a multi-family dwelling is "1".~~

~~**Land set aside permanently from development:** Land that is protected from any future development (including but not limited to subdivision or change of use) by deed restriction. This deed restriction can apply to conserved land, common land, land that (with the acceptance of the Selectboard) is deeded to the Town, or a portion of a lot set aside for protection of a community use or an identified natural resource.~~

~~(A) Below is an example of a parcel which the landowner wishes to develop into 5 lots. However, a Natural or Cultural resource exists on the parcel, a fact the DRB must consider under section 6.10.~~
~~Nevertheless, the number of lots which would otherwise be allowed under the District Standards may be created with lots as small as 50% of the district's "minimum lot area", if a compensating amount of land of higher impact sensitivity or containing a natural or cultural resource is set aside permanently from development. Land that is conserved or held in common must still be permanently protected by deed restriction~~

~~This system is intended to provide landowners with the flexibility to design a subdivision in response to the specific characteristics of their property. It gives flexibility to protect important resources and removes some of the disincentives in identifying and conserving those resources. It also provides an alternative to fragmentation of~~

~~land into residential lots that are "too big to mow and too small to plow" while retaining a density of development consistent with the district.~~



~~Density Averaging can be used to protect a valued resource; it can save the developer the extra difficulty of subdividing a parcel with a protected resource, and it can be used to create a community resource such as a ball field or pond.~~

~~(B) Density Averaging in two districts. When including acreage within two districts in a parcel being developed using Density Averaging the proposed plan shall:~~

~~1.Place the building site and impact zone within the district with less-strict development requirements.~~

~~2. Place the building site and impact zone to avoid areas of "high priority" impact sensitivity as identified in the Calais Town Plan "Natural Resources" section~~

~~3. Pro-rate the acreage within the more-strict district according to that district's minimum lot size [for example, a development with land in both the Rural Residential (minimum lot size 3 acres) and the Upland Overlay (minimum lot size 25 acres) districts could have lot size as small as 1.5 acres in the Rural Residential District (50% of the district's minimum lot-size of 3 acres) as long as the remainder of the " 3 acre minimum lot size" acreage is protected from development. If the "protected from development" land is provided for using land in the Upland Overlay district (minimum lot-size 25 acres), it would be pro-rated at the rate of 25/3 of the amount needed or, in this case, 1.5 X 25/3 = 12.5 acres protected from development by deed restriction. This "protected from development" land could be part of the subdivided lot, or could be part of a different lot, but it can not be used to fulfill minimum requirements for any other lot]~~

Section 6.~~13~~12 Stormwater Management & Erosion Control

(A) Proposed grading, clearing and construction of subdivision improvements shall provide for the preservation of natural drainage systems, retention of native topsoil, stabilization of steep slopes and the prevention of erosion and consequent sedimentation of wetlands, streams and watercourses.

(B) Temporary and permanent stormwater management and erosion control measures may be required by the DRB to control surface runoff, protect water quality and avoid damage to downstream properties. All stormwater management practices shall be designed to use the natural drainage system to the extent feasible to minimize the need for maintenance. In addition, the DRB may require:

1) the submission and implementation of a stormwater management plan, prepared by a licensed engineer in accordance with the Vermont Stormwater Management Manual as most recently amended, that outlines the measures and practices used to manage and treat stormwater runoff during and after construction;

2) the submission and implementation of an erosion control plan, prepared by a licensed engineer in accordance with the standards and specifications set forth in the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites that outlines the measures and practices used to control erosion runoff during and after construction;

3) the establishment of building impact zones which define and limit the extent of site disturbance, construction, clearing and yard areas;

4) the phasing of construction or site development to reduce the amount of land disturbed at any one time, which may specify deadlines for the installation of erosion control or soils stabilization measures; and/or

5) establishment of undisturbed, naturally vegetated buffer areas in addition to the minimum requirements set forth in Section 3.1~~3~~4, to protect streams, wetlands and other fragile features. The DRB may require the submission of a buffer management plan to ensure that riparian vegetation will be maintained and/or established within the stream setback to protect water quality.

(C) The DRB may also require an evaluation of the effect of the subdivision on existing downstream drainage capacity outside of the area of the subdivision. Where the DRB finds that increased runoff from the subdivision will overload the capacity of the downstream drainage system, it may request the applicant to delay construction until improvements are made to downstream drainage areas, or require the applicant to install necessary improvements on or off-site.

Section 6.~~14~~13 Facilities, Services & Utilities

(A) Municipal Facilities & Services. The proposed subdivision will not create an undue burden on municipal facilities or an unreasonable demand for public services. A fiscal impact analysis and/or the phasing of development in accordance with a duly adopted capital budget and program may be required as appropriate.

(B) Fire Protection Facilities. Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided to the satisfaction of the DRB. Where practicable, or where required by the DRB, fire hydrants, dry hydrants or ponds shall be installed by the subdivider. The DRB, in determining the adequacy of fire protection facilities, may solicit recommendations from fire departments serving Calais.

(C) Water Supply. Proposed water supplies, including both individual and community systems, shall be designed and constructed in accordance with all state and local regulations. The DRB may require evidence that adequate water supply is available prior to granting approval.

(D) Sewage Disposal. Subsurface disposal of sewage shall be designed in accordance with all applicable state regulations. Where connection to pre-existing sewage disposal system is proposed, the applicant shall provide evidence as to the adequacy and availability of such a system.

(E) Utilities. All existing and proposed utilities, including but not limited to electric, telephone, and/or cable television utilities, shall be shown on the final plat and be located as follows:

1) All utilities shall be located underground throughout the subdivision, unless deemed unnecessary to the preservation of the scenic character of the area or determined to be prohibitively expensive by the DRB.

2) The applicant shall coordinate subdivision design with utility companies to ensure that adequate and suitable areas are available for under or above ground installation, both for the proposed subdivision, and areas adjacent to the subdivision. Utility easements of sufficient width shall be provided to serve both the proposed

subdivision and existing and anticipated development adjacent to the subdivision. Such easements shall be shown on the final plat.

3) Utility corridors shall be shared with other utility and/or transportation corridors where feasible, and located to minimize site disturbance; the fragmentation of farmlands, commercial forest land, and shore lands; and any adverse impacts to natural, cultural or scenic resources, and public health.

Section 6.~~15~~14 Roads

(A) Applicability of Road Standards. The standards contained herein shall apply to all proposed public roads, and to private roads serving four or more lots. In addition, these standards may be applied to private roads serving less than four lots when the DRB determines such standards are necessary to provide suitable access to, or to accommodate, the future subdivision of adjoining land. Acceptance of private roads by the municipality is subject to the approval of the Calais Selectboard pursuant to state law for the laying out of public rights-of-way. Construction of a road(s) to these standards in no way ensures such acceptance.

(B) Capacity of Existing Roads. Traffic to be generated by the proposed subdivision will not create unreasonable traffic congestion or cause unsafe conditions on public roads in the vicinity of the subdivision. The DRB may require the preparation of a traffic impact study to identify impacts and mitigation measures necessary to ensure traffic safety and efficiency, the cost of which is to be borne by the applicant. In situations where a development may require realignment, widening, or improvements to an existing road, or where the Calais Town Plan or capital program indicates such improvements may be required in the future, the applicant may be required to reserve land for such improvements. Traffic impact mitigation necessitated by the subdivision, including necessary road improvements or traffic control devices, shall be the responsibility of the applicant.

(C) Road Design. All roads serving proposed subdivisions of four or more lots shall be designed in accordance with Calais road ordinances currently in effect, and shall conform to the dimensional and geometric design standards for local roads and streets contained within the Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets, dated October 1997, or as most recently amended. Minimum design standards include the following:

1) Rights-of-way for all roads shall be a minimum of 50 feet in width.

2) Dead end roads in excess of 800 feet shall be constructed with a suitable turn around at the terminus. This may consist of a cul-de-sac with a radius of not less than 50 feet, or a "T" or other configuration suitable to topography and adequate for emergency vehicles to turn around efficiently.

3) The width of travel lanes and shoulders shall be based on average daily traffic (ADT) and design (anticipated posted) speeds. The design standards for rural roads are included in Table 6.2, which shall be considered the maximum standards. The DRB may modify such standards in situations in which such modification is warranted to ensure pedestrian and vehicular safety, or when the strict application of the standards would adversely impact the scenic character and/or natural resources or features located on the site.

Table 6.~~2~~4
Lane and Shoulder Widths for Rural Roads

Design Volume (ADT)	0-25	25-50	50-100	100-400	400-1500	1500-2000	2000+
Design Speed (mph)	Width of Lane/Shoulder (ft)						
25	7/0	8/0	9/0	9/2	9/2	10/3	11/3

30	7/0	8/0	9/0	9/2	9/2	10/3	11/3
35	7/0	8/0	9/0	9/2	9/2	10/3	11/3
40	7/0	8/0	9/2	9/2	9/2	10/3	11/3
45	---	---	9/2	9/2	9/2	10/3	11/3
50	---	---	9/2	9/2	10/2	10/3	11/3

Source: Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets, October 1997.

4) Roads shall logically relate to topography to minimize site disturbance, including the amount of cut and fill required, and to produce usable lots, reasonable grades and safe intersections in relation to the proposed use of the land to be served by such roads. Road grades should be consistent with local terrain.

5) Roads shall be designed and laid out to avoid adverse impacts to natural, historic, cultural and scenic resources, and to enhance the vitality of village areas. Roads should follow existing linear features, such as utility corridors, tree lines, hedgerows and fence lines, and should avoid fragmentation of agricultural land and open fields. Techniques for the preservation of scenic views and cultural features should be employed for the construction and maintenance of roads within scenic or village areas, including but not limited to the selection of visually compatible materials, the preservation of existing features, and the management of vegetation within the road corridor.

(D) Road Construction Standards. Road construction, including specifications relating to the crown, grade, sub-base and surfacing, shall conform to the Vermont Agency of Transportation's Standard A-76, as amended.

(E) Intersections. Intersections with existing roadways shall be as close to 90 degrees as possible. Approaches to intersections with existing roads should be at a grade as determined by the existing topography with due consideration for safety. Intersections should be located as to provide a minimum sight stopping distance in accordance with the Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads, and Streets.

(F) Road Drainage. Stormwater management facilities shall be provided to manage stormwater runoff from all proposed roads and/or parking areas in accordance with Section 6.12 of these regulations. Generally, roadbeds, shoulders, ditches and culverts shall be designed and maintained in conformance with the Vermont Better Back Roads Manual, as most recently amended.

(G) Road Maintenance. The maintenance of all roads not designated as Class III Town Highways or higher shall be the responsibility of the subdivider and subsequent owners. The subdivider shall supply evidence and assurance that such roads will be adequately maintained either by the subdivider or by an owners' association. In instances involving proposed lots with access onto Class IV Town Highways, a road maintenance agreement approved by the Calais Selectboard shall be required prior to subdivision approval.

(H) Connections with Adjoining Properties. The arrangement of lots and road rights-of-way in the subdivision shall allow for the future extension of roads to serve adjoining parcels, including existing or anticipated subdivisions, to allow for efficient traffic circulation, access management, and emergency vehicle access. Proposed road easements shown on the plat shall extend to the subdivision boundary.

(I) Access & Driveways. All accesses and driveways serving the subdivision shall be designed in accordance with Section 3.2, and the Vermont Agency of Transportation's Standard B-71 for residential and commercial driveways as most recently amended. The use of common or shared accesses and driveways is encouraged and may be required to limit the number of access points on public roads.

(J) Road Names & Signs. Roads names shall be approved by the Calais Selectboard, in accordance with any road naming ordinances or policies currently in effect. Approved road names shall be clearly depicted on the final plat, and identified on signs approved by the Selectboard.

(K) Modification of Road & Driveway Standards. In the case of unusual topographic conditions or other circumstances that would make strict adherence to these standards a substantial hardship, the DRB may, in consultation with the Selectboard, modify the application of one or more standards under this Section. They may do so providing that the applicant demonstrates that the proposed road or driveway:
1) is accessible to emergency vehicles;
2) does not pose a threat to motorists or pedestrians;
3) will not result in unreasonable maintenance requirements for property owners;
and
4) is designed in a manner that is consistent with other applicable standards of these regulations.

Section 6.~~16~~15 Legal Requirements

(A) Every subdivision plat shall show all proposed rights-of-way and easements as required under these regulations.

(B) Documentation and assurance shall be provided that all required improvements and associated rights-of-way and easements and other common lands or facilities will be adequately maintained either by the subdivider, a homeowners' association, or through other accepted legal mechanism. Such documentation shall be in a form approved by the DRB and filed in the Calais Land Records.

(C) All required improvements shall be constructed to approved specifications in accordance with a construction schedule approved by the DRB. The DRB may require that all such improvements be completed prior to the issuance of a zoning permit for development on approved lots. A performance bond or comparable surety acceptable to the Calais Selectboard may be required to ensure that all improvements are completed to specification.

Article 7. Planned Unit Development

Section 7.1 Purpose

(A) Planned unit developments are encouraged to allow for the more efficient subdivision and use of land; innovation and flexibility in the design and layout of structures; the adequate and economical provision of streets, utilities and services; the effective conservation and sustainable use of renewable energy resources; the conservation of natural and scenic resources, agricultural and forest lands, and open space; affordable housing and clustered, integrated mixed use development in appropriate locations. In accordance with the Calais Town Plan, planned development is specifically intended to:

1) take advantage of land areas suitable for clustered building sites, and preserve land which is less suitable, or not suitable, for development; and/or

2) integrate commercial or industrial uses with appropriately clustered residential use, and separate them from agricultural lands, wetlands, shorelands, streams, or from the view of public highways or recreation areas.

(B) To achieve these objectives, the DRB may modify applicable area and dimensional requirements under zoning, simultaneously with the approval of a subdivision plan and plat.

Section 7.2 Applicability

An applicant may apply for PUD approval from the DRB, as allowed within designated zoning districts, in association with any proposed subdivision or land use.

Section 7.3 Application Requirements

In addition to the application requirements for major subdivision approval under Section 6.~~3~~4, the accompanying application for PUD approval also shall include:

(A) A statement setting forth the nature of all requested modifications, changes or supplementations of the zoning regulations, including, but not limited to requested increases in the allowed density of development, and variances from district dimensional standards.

(B) A description of the number and types of structures and uses to be included in the PUD, including elevations and exterior design specifications.

(C) A site or subdivision plan showing lot lines, the location (footprint or building envelope) and spacing of buildings, common areas, landscaping, streets, driveways, parking areas, utilities, and any natural, scenic, agricultural, forestry, and/or other open space areas to be conserved.

(D) Management plans for common areas, facilities and services, and conserved lands that identify their ownership, use and long-term maintenance or management, to include proposed legal agreements, covenants and/or easements.

Section 7.4 Review Process

Applications for PUD approval shall be reviewed by the DRB concurrently with subdivision review, in accordance with the review process for major subdivisions set forth in Article 6. In addition:

1) Any approved modification of zoning regulations may be approved simultaneously with the approval of a subdivision plan.

2) If the application of PUD provisions results in common areas, facilities or services, or conserved land, the DRB may, as a condition of approval, establish such conditions on the ownership, use and maintenance of

such facilities, services, and lands as it deems necessary to ensure their long-term use, maintenance and/or management for their intended purpose.

3) The DRB may require increased lot sizes or setback distances, and require landscaped or managed buffer areas as it deems necessary to protect natural and scenic features, community facilities and services, or neighboring properties from adverse impacts associated with the proposed development.

4) The DRB, in accordance with Section 6.1~~5~~4, may also require the applicant to demonstrate fiscal capacity to complete the development as approved, through the provision of a bond, letter of credit or other surety, which is acceptable to the Calais Selectboard.

5) Approved modifications of the zoning regulations, and any other conditions of approval under these provisions, shall be specifically identified and noted or appended to the plat.

6) PUD approval shall not exempt proposed development from conditional use or design review as applicable under these regulations. Such review processes may be held concurrently, in accordance with the review procedures and standards for each, but shall be separately warned and decided.

Section 7.5 General Standards

In addition to meeting standards for major subdivisions under Article 6, a proposed PUD shall:

1) be consistent with the goals and policies of Calais Town Plan currently in effect, and the purpose of the zoning district(s) in which it is located;

2) not have an undue adverse impact upon the character of the district(s) in which it is located as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Calais Town Plan;

3) be planned to prevent soil erosion and contamination of ground and surface water;

4) be planned to preserve, to the maximum extent feasible, the agricultural, forestry, recreational or scenic value of any agricultural lands, open spaces, prime woodlands, and ridgelines;

5) be designed to give due consideration to streams and stream banks, steep slopes, wetlands, soils unsuitable for development, unique natural and manmade features, productive forest and agricultural soils, wildlife habitat, and floodplains;

6) be designed to be clustered and, to the maximum extent feasible, to be compatible in siting, layout, scale, architecture, landscaping, and access with the rural character of the town and surrounding area as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Calais Town Plan and traditional settlement patterns (village, hamlet, farmstead) found in Calais;

7) be designed to integrate vehicular and pedestrian circulation with neighboring properties and public rights-of-way, and not to create undue burdens on the traffic and roadway system of the town;

8) be energy efficient in site planning and layout, with consideration given to the effective utilization of renewable energy resources (wood, water, wind, solar), including access to solar energy through the design of active or passive systems which take advantage of southern orientation and are not hindered by shadows cast by adjacent structures; and the conservation of energy through landscaping and wind barriers, adequate insulation and weatherization, the installation of efficient heating systems, and other such measures;

9) be landscaped, fenced or screened as necessary to maintain district character, to screen incompatible components of the development from the view of the public and adjoining properties; and/or to minimize adverse impacts to scenic resources;

and

10) be served by adequate water supply and sewage disposal systems, which are designed in conformance with current municipal and state regulations;

11) conform to all other standards and procedural requirements established in these regulations.

Planned Residential Development (PRD) Standards [Deleted in 2010]

Section 7.6 Planned Unit Development (PUD) Standards

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

(A) Allowed Uses. PUDs may include a mix of uses, including any permitted or conditional use allowed in the district in which it is located, and multi-family dwelling units if otherwise not allowed. A PUD may involve the creation of separate building lots, or may include a development in which multiple buildings and uses are constructed on a single parcel to be held in common ownership. Dwelling units may be of varied types, including single family, two family, and multi-family dwellings. PUDs may also include, as accessory structures or uses, common areas or facilities for use by residents of the PUD.

(B) Density. Except for projects which incorporate affordable housing (as defined in Section 9.2), the overall density of development shall not exceed the number of dwelling units, structures or uses which would otherwise be permitted, in the DRB's judgment, if the land were subdivided in conformance with the zoning regulations. However:

1) A greater concentration of development may occur on one portion of the site provided there is an offset of lesser concentration on the remainder of the site, or the remainder is designated as conserved land.

2) The permitted number of dwelling units may include a density increase of up to 50% beyond the number that would otherwise be permitted for affordable housing developed as a component of the PUD.

3) In granting any increase in the concentration or density of development, the DRB shall consider the capacities of community services and facilities, and the character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Calais Town Plan.

Article 8. Authority &Administration

Section 8.1 Effective Date

These regulations shall take effect on the date of their adoption by the voters of the Town of Calais. All prior zoning and subdivision regulations and associated maps previously in effect for the Town of Calais are repealed as of the effective date of these regulations.

Section 8.2 Amendments

A) These regulations and associated maps may be amended or replaced by or through the planning commission in accordance with the requirements and procedures established in the Act.

B) It is generally in the best interest of the town not to transfer an individual parcel of land to another district for the purpose of relaxing development restrictions. However, a person or persons may submit a proposal for a zoning district boundary adjustment to the Planning Commission. In this case:

1) The Planning Commission shall review the proposal in accordance with the Act.

2) If the Planning Commission finds that legal, engineering, surveying or other technical work is necessary in order to review the proposal, the petitioner shall pay the costs. If the proposed change would affect the boundary of the Kents Corner-Old West Church Design Control Overlay District, the Planning Commission shall consult the Design Advisory Board. If the proposed change would affect the boundaries of shoreland, upland, or resource recreation districts, the Planning Commission shall consult the Conservation Commission.

3) Following review, the Planning Commission shall hold a public hearing;

i. if the proposal is supported by a petition signed by not less than 5% of registered Calais voters, or

ii. if it is determined that the petitioner has shown that the change is consistent with the Calais Town Plan and

a. there is an error in the boundary description or delineation,

b. there is a public need for the change which will be served by changing the boundary as proposed,

c. conditions in the affected area have changed and the boundary change would place the parcel in a more suitable zoning district, or

d. the change makes the Calais zoning district map substantially easier to understand.

Section 8.3 Severability

The provisions of these regulations are severable. If any provision or application of these regulations is held unconstitutional or invalid, the remainder of this ordinance shall not be affected.

Section 8.4 Municipal Administrative Requirements

(A) Appointments. The following appointments shall be made for the purpose of administration and enforcement of these regulations:

1) Zoning Administrator. The Planning Commission, with the approval of the Selectboard, shall appoint a Zoning Administrator (Administrative Officer) for a term of three years. In the absence of the Zoning Administrator, an Acting Zoning Administrator may be appointed by the Planning Commission with the approval of the Selectboard. The Zoning Administrator shall literally administer and enforce the provisions of these regulations, and in doing so shall inspect development, maintain records, and perform other associated tasks as is necessary and appropriate.

2) Development Review Board (DRB). DRB members and alternates shall be appointed by the Selectboard for terms determined by the Selectboard. The DRB shall adopt rules of procedure to guide its official conduct in accordance with the requirements of the Act and Vermont's Open Meeting Law; and 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 decide:

   a. variance requests;
   b. applications for conditional use approval;
   c. applications for design approval;
   d. applications for major subdivision approval;
   e. applications for planned unit development;
   f. applications for a right-of-way approval; and
   g. appeals from any decision, act or failure to act by the Zoning Administrator.

3) Design Advisory Board. Members of the Design Advisory Board shall be appointed by the Selectboard for terms determined by the Selectboard. The Design Advisory Board may include one or more members of the Calais Historic Preservation Commission, and shall serve in an advisory capacity to the DRB for the review under Section 5.5 of applications within the Kents Corner-Old West Church Historic Design Control Overlay District.

(B) Fee Schedule. The Calais Selectboard shall establish a schedule of fees to be charged in administering these regulations, with the intent of covering the town's administrative costs and any independent technical review of an application requested under these regulations.

(C) Hearing Notice Requirements:

1) Any notice required for public hearing under these regulations shall be given by the publication of the date, place and purpose of the hearing in a newspaper of general circulation in the town, and the posting of the notice in three or more public places within the town, including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made, not less than 15 days prior to the hearing date. Written notification of the hearing shall be given to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way, at least 15 days prior to the public hearing. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

2) For hearings associated with the review of subdivision plats, in addition to notice requirements under Subsection (C)(1), notice also shall be sent at least 15 days prior to the public hearing to the regional planning commission and, for plats located within 500 feet of a municipal boundary, to the clerk of the adjoining municipality ['4414].

(D) Recording Requirements.

1) Within 30 days after the issuance or denial of a municipal land use permit, or within 30 days of the issuance of any notice of violation, the Zoning Administrator shall deliver either the original, a legible copy, or a notice of the permit, denial or violation to the Town Clerk for recording in the land records of the town as provided in 24 V.S.A. '1154.

2) For development within the Flood Hazard Area Overlay District, the Zoning Administrator shall also maintain required records in accordance with Section 5.4(F).

Section 8.5 Violations & Enforcement

(A) Violations. The commencement or continuation of any land development, subdivision or use which is not in conformance with the provisions of these regulations shall constitute a violation. All violations will be pursued in accordance with the Act. Each day that a violation continues shall constitute a separate offense. The Zoning Administrator shall institute, in the name of the town, any appropriate action, injunction or other proceeding to enforce the provisions of these regulations. All fines imposed and collected for violations shall be paid over to the town.

(B) Notice of Violation. No action may be brought under this Section unless the alleged offender has had at least seven days notice by certified mail that a violation exists. The warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the bylaw after the 7-day notice period and within the next succeeding 12 months. For violations located within the Flood Hazard Overlay District, a copy of the notice of violation will be mailed to the State NFIP Coordinator.

(C) Limitations on Enforcement. An action, injunction or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required or duly recorded 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. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted.

(D) If a structure is still noncompliant with Flood Hazard requirements after the opportunity to cure has passed, the Zoning Administrator shall submit a declaration to the Administrator of the NFIP requesting a denial of flood insurance. Section 1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of their flood hazard area regulations. The declaration shall consist of: (a) the name of the property owner and address or legal description of the property sufficient to confirm its identity or location, (b) a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance, (c) a clear statement that the public body making the declaration has authority to do so and a citation to that authority, (d) evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and (e) a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

Article 9. Definitions

Section 9.1 Terms & Usage

(A) Except where specifically defined here or in the Act, or unless otherwise clearly required by the context, all words, phrases and terms in these regulations shall have their usual, customary meanings.

(B) In the interpretation of words and terms used, defined, or further described here, the following shall apply:

1) the specific controls the general;
2) the present tense includes the future tense;
3) the word "shall" is mandatory; the word "may" is permissive;
4) the word “structure” includes “building;”
5) the word “road” includes “street” and “highway,”
and
6) the word “lot” includes “parcel”.

(C) For the purposes of flood hazard area regulation under Article 5, National Flood Insurance Program definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations. Definitions of commonly used terms are provided in Section 9.2.

(D) Any interpretation of words, phrases or terms by the Zoning Administrator may be appealed to the DRB under Section 1.7. In such cases, the DRB shall base its decision upon the following definitions, state statute, and the need for reasonable and effective implementation of these regulations. The DRB shall publish and update from time to time such written interpretation, to ensure consistent and uniform application of the provisions of these regulations.

Section 9.2 Definitions

Accepted Agricultural Practices (AAPs): Accepted practices for agriculture, including farm structures other than dwellings, as currently defined by the Secretary of the Agency of Agriculture, Food and Markets (see Section 1.5).

Acceptable Management Practices (AMPs): Acceptable silvicultural (forestry) practices as currently defined by the Commissioner of the Vermont Department of Forests, Parks and Recreation (see Section 1.5).

Accessory Dwelling: A secondary dwelling unit established in conjunction with and clearly subordinate to a principal structure or use, such as a single family dwelling or operating farm, that is retained in common ownership, is located within, attached to or on the same lot as the primary structure or use, and which otherwise meets applicable criteria of these regulations (see Section 4.5).

Accessory Structure: A structure that 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. For residential uses these include, but may not be limited to garages, garden and tool sheds, playhouses, and swimming pools, which are incidental to the residential use of the premises and not operated for gain. See also Accessory Use.

Accessory Use: A use, which is, customarily incidental and subordinate to the principal use of a lot or parcel of land, is located on the same lot as the primary use, and is clearly related to the principal use.

Act, the: 24 V.S.A., Chapter 117, the Vermont Municipal and Regional Planning and Development Act as most recently amended.

Adjoiner: A person or organization which owns or controls lands or easements on lands which physically abut the applicant's project property, without regard to public rights of way. Landowners on the opposite sides of highways, railways and rivers and streams are considered adjoiners.

Administrator: the Federal Insurance Administrator.

Affordable Housing: Housing that is either:

(1) owned by its inhabitants, whose gross annual household income does not exceed 80% of the county median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes and insurance, is not more than 30% of the household's gross annual income; or

(2) rented by its inhabitants whose gross annual household income does not exceed 85% of the county median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30% of the household's gross annual income.

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

Agriculture: Land containing at least two acres which is used for raising livestock, the growing and harvesting of crops, orchards, tree farms, maple sugar stands, riding and boarding stables, nurseries and greenhouses, farm structures, and as an accessory use, the wholesale or retail sale of agricultural products grown on the premises where it is produced. For the purposes of these regulations, agriculture does not include slaughterhouses, canneries, or the raising of fur bearing animals for commercial purposes. See also Acceptable Agricultural Practices, Accessory Dwelling, Farm Structure, Light Industry.

Allowable Use: A use allowed as a permitted or conditional use in a given zoning district.

Alteration: Structural change, change of location, or addition to a building or structure, excluding normal maintenance and repair. Alterations shall include any construction that changes the number of dwelling units, or increases the size of a building or structure in terms of its height, length, width, footprint, or gross floor area. See also Improvement, Substantial Improvement.

Applicant: The owner of land or property proposed to be subdivided and/or developed in accordance with these regulations, and/or his or her duly authorized representative. Any party with a legal interest in land subdivision and/or development may apply in cooperation with the owner of the property.

Approval: A written decision issued by the DRB within the statutory time limit, or in the event of the DRB's failure to act within the specified time limit, a certification of such failure to act issued by the Zoning Administrator, as attached to the permit application and recorded in the land records of the town.

Area of Shallow Flooding: A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM) having a one percent greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where the velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Artist Studio: Workspace for individuals engaged in the application, teaching, or performance of one of the fine arts or an applied art or craft. See also Gallery, Home Occupation, Home Industry.

Automobile Service Station: An enclosed establishment whose principal purpose is the servicing and/or repair of automobiles and other motor vehicles, including car washes, body shops, general vehicle and engine repair, and

rebuilding and/or reconditioning shops. The sale of repaired or restored vehicles (not to exceed four on the lot at any time) and/or auto parts may be allowed as an accessory to the principal use. Gas stations are specifically excluded from this definition. See also Gas Station.

Average Density: The number of acres (excluding land area within designated road rights-of-way) in the development divided by the number of single occupancy dwelling units, principal structures, or principal uses. In mixed use or multi-family dwellings, each use or single-family portion of a multi-family dwelling is "1".

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").

Basement: Any area of a building having its floor at subgrade (below ground level) on all sides.

Bed & Breakfast (B&B): A single family dwelling occupied by the owner or operator, in which not more than four rooms within the dwelling and/or in an accessory structure located on the same lot, are rented out to provide overnight accommodations to transient travelers. Individual cooking and eating facilities shall not be provided; breakfast shall be the only meal served and shall be limited to overnight guests. The bed and breakfast shall function as a private home with houseguests. See also Inn.

Board: The Calais Development Review Board (DRB), as established under the Act, unless otherwise specified.

Buffer: Any space between adjoining land uses or between a land use and a natural feature, which is intended and designed to reduce the impact of one use on the other use or feature. Buffers may include open space, woodland, landscaped areas, undisturbed vegetated areas, or other types of physical, visual or sound barriers.

Building: (1) A structure used for the shelter or accommodation of persons, animals, goods, chattel or equipment, which has a roof supported by columns or walls; (2) for development within the flood hazard area overlay district, this definition also includes a gas or liquid storage tank that is principally above ground.

Building Envelope: The portion of a building that is visible from the outside, it's horizontal and vertical dimensions.

Building Footprint: The physical outline of a structure to its maximum horizontal dimension plus all attached appurtenances including but not limited to sheds, decks, porches, patios, awnings, garages, stairs, or ramps.

Building Impact Zones: An area on a lot that contains structures, parking areas, and associated site improvements, and the distance from those improvements that impacts the adjacent natural resources. Said distance shall be 150 feet from any building unless the adjacent natural resource is identified as one with special sensitivity in the Calais Town Plan's "Calais Natural Resources", in which case the Required Buffer which is associated with that resource shall be added to the 150 feet to calculate the impact distance.

Building Orientation: The location on a lot of a building or other structure in relation to roads, rights-of-way, parks, and building or street lines.

Building Site: The location of structures, parking areas, and associated improvements on a lot.

Camp: See Seasonal Dwelling.

Camper: Any vehicle used as temporary sleeping, camping or living quarters, which is mounted on wheels, a truck or a camper body, or towed by a motor vehicle. This definition includes recreation vehicles and travel trailers, but specifically excludes mobile homes. See Mobile Home.

Campground: A parcel of land upon which three or more sites are located for occupancy by a camper, travel trailer, recreation vehicle, tent, cabin, lean-to, or similar structure, or for a as temporary living quarters for

recreation, education, or vacation purposes. "Primitive" campgrounds are further characterized as campgrounds, which are limited to substantially unimproved campsites intended for tenting use only.

Cemetery: Land used or dedicated to the burial of the dead, which includes as accessory structures mausoleums, columbariums, and maintenance facilities, but specifically excludes crematoriums. An individual or family burial plot on private land, registered with the Calais Town Clerk in accordance with state law, is exempted from this definition.

Change of Use: A change from one type of permitted or approved use to another, for example, a change from a residential to commercial use, an accessory to a principal use, or a seasonal to year-round use. Change of use also includes a change that would increase the volume of wastewater generated. (see Section 3.3).

Commission: The Calais Planning Commission, as created under the Act.

Common Land: Land within a development or subdivision that is not individually owned or dedicated for public use, but which is intended to be held in common, for use, enjoyment, management and maintenance by the residents of the development or subdivision. Such land may include but not be limited to open space areas, parking lots, pedestrian walkways, utility and road rights-of way.

Community Care Facility: A residential care facility licensed by the state which provides 24-hour supervision, personal care services, and limited medical services to seven or more individuals who are in need of care, protection and/or assistance to sustain the activities of daily living. See also Group Home.

Community Center: A building owned by a public or nonprofit entity, or a homeowners or similar community association, which is used for recreational and social activities and is intended primarily to serve the population of the community in which it is located.

Community System: Any water or wastewater disposal system other than a municipally-owned system which provides potable water to or disposes of wastewater from two or more domestic, commercial, industrial, or institutional uses. Such systems shall include related collection, distribution and treatment facilities.

Contiguous Land: (1) A parcel of land contained within a single, unbroken parcel boundary (a division of land by a town road right-of-way shall not render such land noncontiguous); or (2) two or more parcels which share a common parcel boundary or point.

Cultural Facility: A museum, theater, concert hall, botanical or zoological garden, or other establishment, which offers programs, performances or exhibits of cultural, educational, historical, or scientific interest, and is not operated as a commercial use. See also Community Center, Indoor Recreation, Nature Center.

Day Care Facility: State registered or licensed day care facilities which do not meet the definition of "home child care", including nonresidential child and adult day care facilities, and home-based child care facilities that serve more than six children on a full-time basis. See also Home Child Care.

Density: The number of dwelling units, principal uses or structures permitted per area of land, excluding land area within designated road rights-of-way.

Density Averaging: Smaller lot sizes in one part of a subdivision are permitted when offset by common, conserved, or protected land elsewhere. See section 6.~~12~~10.

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, or any change in the use of any building or other structure or land or extension of use of land. See also Subdivision.

Driveway: A minor, private travel way, serving up to three adjoining parcels, which provides vehicular access from an adjoining road to a parking space, garage or other structure. See also Road.

Dwelling Unit: One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family or individual maintaining a household. See also Family, and Accessory, Seasonal, Single Family, Two-Family, and Multi-Family Dwellings.

Easement: The legal authorization given by a property owner to another person or party for the use of any designated part of his or her property for a specified purpose.

Elderly (Senior) Housing: A multiple dwelling in one or more buildings, each unit of which is specifically designed and intended for occupancy by at least one person who is retired and 55 years of age or older. Such housing may include, as accessory structures or uses, congregate dining and recreational facilities, and assisted living services. See also Community Care Facility.

Extraction: A use involving the on-site removal of surface and subsurface materials, including soil, sand, gravel, stone or organic substances other than vegetation, from land or water. Customary extraction operations include sand and gravel pits, and accessory operations such as the crushing, screening, and temporary storage of materials on-site (see Section 4.4). Specifically excluded from this definition are the grading and removal of dirt which is associated with and incidental to an approved site plan or subdivision, or an excavation associated with an acceptable agricultural practice (see Section 1.5). See also Quarrying.

Family: A group of two or more persons related by blood, marriage or civil union (as recognized by the State of Vermont), or a group of not more than five persons unrelated by blood, marriage or civil union, living together as a household, or a single person maintaining a household.

Farm Structure: A building, enclosure, fence or silo for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with agricultural or farming practices, including a silo, as "farming" is defined in '6001(22) of Title 10 but excludes a dwelling for human habitation. See also Accessory Dwelling, Agriculture.

Farmers Market: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

FIA: The Federal Flood Insurance Administration.

Financial Institution: A bank, savings and loan, finance, mortgage or investment company that is open to the public. See also Office.

Flood Insurance Study: An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Proofing: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to any combination of real estate or improve 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.

Forestry: The use and management of woodlands for purposes of timber production, harvesting, and management for commercial, wildlife and/or conservation purposes. This definition specifically excludes permanent sawmills, lumber yards and other similar facilities used for the processing and/or manufacturing of wood and wood products; but may include, as accessory uses, portable sawmills and equipment used on-site in

association with timber harvesting activities. See also Acceptable Management Practices, Home Industry, Light Industry.

Frontage: That portion of a lot adjacent and parallel to any state highway, town road, right-of-way, or public waters. In the case of corner lots, it includes the total frontage on both roads or rights of way. Frontage must be contiguous.

Gallery: An establishment engaged in the display, sale, or loan, of art and craft work, excluding noncommercial museums and art galleries. See also Artist Studio, Cultural Facility.

Garden Center: The use of land, buildings and/or structures for the purpose of selling lawn and garden equipment, furnishings and supplies. This definition specifically does not include nurseries and greenhouses that are defined by the state as "Agriculture" or "Accepted Agricultural Practices" and are therefore exempted from these regulations. See also Agriculture, Accepted Agricultural Practices.

Gas Station: An establishment principally used for the sale of automobile or motor vehicle fuels, lubricants, and related motor vehicles products, and/or which has facilities for fueling motor vehicles. This definition specifically excludes automobile and motor vehicle repair services and sales, and the sale of food and unrelated convenience or grocery items. See also Automobile Service Station, Mixed Use.

Group Home: A state licensed residential care home serving not more than 8 persons who are developmentally disabled or handicapped. A group home shall be considered by right to constitute a permitted single-family residential use of property, except that no such home shall be so considered if it locates within 1,000 feet of another group home.

Health Clinic: A building or part thereof used for the medical, dental, surgical, or therapeutic treatment of human beings, but does not include a public or private hospital or a professional office of a doctor located in his or her residence. See also Home occupation.

Height: The elevation of a building or structure as measured vertically from the average of the lowest finished grade at the foundation or base to the highest point on top of the building or structure (see Section 3.5).

Home Child Care: A state registered or licensed child care home serving six or fewer children on a full-time basis, and up to four additional children on a part-time basis, which is conducted within a single family dwelling by a resident of that dwelling. A childcare home shall be considered a permitted use of a single-family dwelling. See also Day Care Facility, Home Occupation.

Home Industry: See Section 4.2 See also Home Occupation, Light Industry.

Home Occupation: See Section 4.2. See also Child Care Home, Home Industry.

Impact Sensitivity: The degree to which a natural resource will be compromised or destroyed by adjacent building, roads, or human activity. These regulations will only consider the impact sensitivity of resources identified as having a high priority in the Calais Town Plan's "Natural Resources" section.

Impervious Surface: Those manmade surfaces, including, but not limited to, paved and unpaved roads, parking areas, roofs, driveways and walkways, from which precipitation runs off rather than infiltrates.

Improvement: Any physical addition to real property, or any part of such addition, including but not limited to any building, structure, parking facility, wall, fencing, or landscaping. See also Substantial Improvement.

Inn: A building or group of buildings on a single parcel which contain up to fifteen guest rooms which are rented out to provide overnight accommodations to transient travelers on a short-term basis of less than one month average, which may offer dining facilities for guests, and for hosting special events such as weddings. See also Bed & Breakfast.

Junk Yard: See Salvage Yard.

Kennel: The boarding, breeding, raising, grooming, or training of four or more dogs, cats, or other household pets of any age for a commercial use and/or which are not owned by the owner or occupant of the premises. See also Home Industry, Veterinary Clinic.

Land set aside permanently from development: Land that is protected from development (including but not limited to subdivision or change of use) by deed restriction. This can include conserved land, common land, land that (with the acceptance of the Selectboard) is deeded to the Town, or land that has a portion set aside for protection of a community use or an identified natural resource.

Light Industry: The manufacture, processing, or fabrication of products, except where ancillary or accessory to another allowed use, which meets all applicable requirements of these regulations (see Section 4.3). This definition does not include the processing of agricultural goods raised on the premises, which falls under the definition of agriculture. See also Agriculture, Home Industry.

Lot: (1) Land occupied or to be occupied by a principal structure or use and its accessory structures and/or uses, together with required open spaces, having not less than the minimum area required for a lot in the district in which such land is situated, having frontage on a road, or other means of access as may be approved by the DRB; (2) a portion of land in a subdivision or plat that is separated from other portions by a property line (see also Contiguous Land).

Lot Area: The total land area within the boundaries (lot lines) of a lot, exclusive of any land area designated for a road as measured to the boundary of such right-of-way or easement.

Lot Coverage: That portion (percentage) of a lot area which is covered by buildings, structures and other human-made improvements, such as parking and loading areas, access roads, service areas, tennis courts, and other impermeable surfaces, which prevent the infiltration of stormwater. Lawn areas are specifically excluded from this definition.

Lot Depth: The mean horizontal distance from the street line of the lot to its opposite rear line measured at right angles to the building front line.

Lot Width: Width measured at right angles to lot depth, at the required building front line.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished floor or flood resistant enclosure, used solely for parking 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 applicable federal (Section 60.3) non-elevation design requirements.

Major Subdivision: All subdivisions other than minor subdivisions, including but not limited to a subdivision and/or subsequent resubdivision of parcels to create four or more lots within any 8-year period, regardless of a change in ownership; the creation of a landlocked (nonfrontage parcel); and all planned unit developments. See also Lot, Minor Subdivision, Subdivision.

Manufactured Home: A single family dwelling, transportable in one or more sections, which is built on a permanent foundation and is connected to required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on the site for more than 180 consecutive days. For insurance purposes, and the other provisions of these regulations, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. See also Single Family Dwelling, Mobile Home.

Marina: An establishment having lake or river frontage provides launching, docking and/or mooring sites, and which may rent boats and boating accessories, and/or associated services such as boat storage and repair. This definition specifically excludes the sale of food and unrelated convenience or grocery items, which may otherwise be allowed subject to review as a mixed use. See also Mixed Use.

Mean Sea Level: The standard datum to which base flood elevations shown on Flood Insurance Rate Maps, and typical contour elevations, are referenced.

Minor Subdivision: (1) Lot line or boundary adjustments between pre-existing lots which do not create new or nonconforming lots, (2) the subdivision land or the resubdivision of a previously subdivided parcel, that results in the creation of three or fewer lots within any 8-year period regardless of any change in ownership, each of which meets the requirements for the zoning district in which it is located, or (3) amendments to an approved subdivision (including a the resubdivision of a subdivided parcel) which do not substantially alter the nature of the approved subdivision, result in the creation of a total of more than three lots within any 8-year period, or nonconforming or nonfrontage lots, or violate the original conditions of approval. See also Lot, Major Subdivision, Subdivision.

Mixed Use: A building or parcel containing two or more uses which are otherwise allowed as permitted or conditional uses within the district in which the building or parcel is located (see Section 3.145). See also Accessory Use.

Mobile Home: A prefabricated dwelling unit, which is (1) designed for continuous residential occupancy; and (2) is designed to be moved on wheels, as a whole or in sections. A mobile home shall be considered a single family dwelling, and cannot be excluded from a zoning district except on the same terms and conditions as conventional housing is excluded. See also Single Family Dwelling.

Mobile Home Park: A parcel of land under single or common ownership or control, which contains, or is designed, laid out or adapted to accommodate two or more mobile homes.

Multi-Family Dwelling: A building housing three or more dwelling units, including apartments or attached town houses. See also Dwelling Unit.

Municipal Land Use Permit: A permit or approval issued by the municipality, including: (1) final zoning, subdivision, site plan or building permits or approvals relating to subdivision and land development; (2) final official minutes of meetings which relate to permits or approvals, which serve as the sole evidence of such permits or approvals; and (3) any amendments to the previously listed permits and/or approvals.

Nature Center: A scientific or educational facility open to the public that provides facilities, services, research, materials, educational programs, exhibits and/or displays promoting the management and protection of the natural environment.

Non Conforming Lots or Parcels: lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances and regulations prior to the enactment of the present bylaws; including a lot or parcel improperly authorized as a result of error by the administrative officer.

Noncomplying 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. Nonconforming structure also includes a structure improperly authorized as a result of error by the Zoning Administrator prior to enactment of these bylaws on January 3, 2005.

Nonconforming Use: A use of land that does not conform to present bylaws but did conform to all applicable laws, ordinances and regulations prior to the enactment of the present bylaws. Nonconforming use also includes a use improperly authorized as a result of error by the Zoning Administrator prior to enactment of these bylaws on January 3, 2005.

Office: A room, suite of rooms or building principally used for conducting the affairs of a business or profession. This definition specifically excludes office space, which is associated with home occupations, or is clearly accessory to another allowed principal use. It also specifically excludes the on-premise retail sale of goods and services. See also Home Occupation.

Open Space: Land not occupied by structures, buildings, roads, rights-of-way, recreational facilities, and parking lots. Open space may or may not be held in common.

Parking Facility: A separate, off-street parking area, garage or similar structure that is the principal use of a lot.

Parking Space: An on- or off-street area, other than a loading or service area, which is to be used exclusively as a temporary storage space for one licensed private motor vehicle (see Section 3.10). A parking space shall be at least nine feet wide, and twenty-two feet long, not including associated access and maneuvering space, and shall have access onto a public or private road.

Person: Any individual, partnership, corporation, association, unincorporated organization, trust, or any other legal or commercial entity, including a joint venture or affiliated ownership, which owns or controls land or other property to be subdivided and/or developed under the provisions of these regulations. The word "person" shall also include any municipality or other government agency.

Personal Service: A business, which provides services of a personal nature, including but not limited to: laundry and dry cleaning, beauty and barbershops, shoe repair, funeral services, and photographic studios.

Place of Worship: A building used solely for purposes of assembly and worship by a legally established and recognized religious institution. This definition also includes such customary accessory structures such as parish houses.

Planned Unit Development (PUD): One or more lots, tracts or parcels of land to be developed as a single entity, the plan for which may propose any combination of density or intensity transfers, density or intensity increases, or the mixing of land uses, and which need not correspond to bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use density, intensity, lot coverage, parking, required common open space, or other standards. See also Major Subdivision,.

Plat: A map or representation on paper, Mylar or other accepted material, of a piece of land subdivided into lots and roads, drawn to scale.

Pre-existing: A lot, use or structure that was legally in existence as of the effective date of these regulations.

Principal Structure: A building or structure in which is conducted the main or principal use of the lot on which the building is located. See also Accessory Structure, Structure.

Private Club: A corporation, organization, or association or group of individuals existing for fraternal, social, recreational, or educational purposes, for cultural enrichment or to further the purposes of agriculture, which owns, occupies, or uses certain specified premises, which is not organized or operated for profit, and the benefits of which are available primarily to members only.

Public: Owned, leased, held, used, and/or controlled exclusively for public purposes by the Town of Calais, or any other department or branch of government, or publicly-regulated utility.

Public Improvement: Any improvement, which shall be owned and/or maintained by the Town of Calais or other department or branch of state or federal government.

Public Facility/Utility: A building, utility or other facility other than a public recreation facility, owned, leased, held, used, and/or controlled exclusively for public purposes by a municipal, state or federal government, regulated utility or railroad. Such facilities include, but may not be limited to: municipal buildings and garages, water and wastewater facilities, power generation and transmission facilities, reservoirs, solid and hazardous waste management facilities, institutional facilities, and telephone, cable and electrical distribution lines. Public facilities and utilities, including distribution and service lines to individual uses, are allowed within all zoning districts unless otherwise specified, or specifically excluded, under district standards (see Section 4.10). See also Public Improvement, Public Park, School, and Telecommunications Facility.

Public Park: An outdoor recreational, educational or resource management facility owned, leased, held, used, and/or controlled exclusively for public purposes by the Town of Calais, or any other department or branch of state or federal government.

Public Road: A road (street, highway), which is constructed within the boundaries of an officially deeded and municipally accepted public right-of-way (town highway), or a designated state road. See also Road.

Quarrying: The removal of rock by means of open excavation to supply material for construction, industrial or manufacturing purposes, and related operations such as blasting, crushing and the temporary storage of materials on site (see Section 4.4). See also Extraction.

Reasonable Use: A use of real property which is allowed within the district in which the property is located, which provides some (but not necessarily all potential) benefit to the owner, and which does not lead to unreasonable interference with another's use of property, or with the natural flow of water. Reasonable use does not mean highest and best use; nor does it include accessory uses, structures, or additions which may be customary, but are not necessary, to the existing or intended principal use (e.g., a garage or swimming pool).

Reconstruct: To replace or rebuild a building or structure which has been substantially destroyed or demolished without regard to cause.

Recreation Facility:
Indoor Recreation Facility A building or structure designed, equipped and used for sports, leisure time, and other recreational activities, except for such facilities, which are accessory to an approved educational facility or a residential use. This includes, but may not be limited to bowling alleys, movie theaters, pool halls, skating rinks, gymnasiums, and indoor swimming pools. See also Community Center, Cultural Facility.
Outdoor Recreation Facility: A facility for outdoor recreation, including but not limited to day camps, tennis courts, golf courses, athletic fields, swimming pools, and trails for hiking, horseback riding, bicycling, snowmobiling, and cross-country skiing; except for such facilities which are accessory to an approved educational facility or a residential use. See also Public Park.

Restaurant: A commercial establishment where food and drink are prepared, served and consumed primarily within the principal building. This definition includes taverns, but specifically excludes entertainment clubs.

Retail Store: Premises where goods or merchandise are offered for retail sale to the general public for personal, business, or household consumption and services incidental to the sale of such goods are provided. This definition specifically excludes the retail sale of gasoline and automobiles.

Ridgeline: The uppermost point of a ridge, hill, cliff, slope or face. It may coincide with the top (highest elevation) of a rock cliff or, where the bedrock is not exposed, the most obvious break in slope associated with the underlying bedrock. The term does not include intermediate terraces, steps, or elevations along the face of a slope.

Road: A right-of-way that provides access to four or more parcels. The word "road" shall mean the entire right-of-way. See also Driveway, Public Road.

Salvage Yard: A facility or area for storing, keeping, selling, dismantling, shredding, or salvaging of discarded material or scrap metal. This definition includes, but is not limited to "junkyards" as defined by the state.

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

Screening: The use of planted vegetation, fencing, walls, natural topography or earthen berms to visually shield or obscure a structure or use from neighboring structures, properties, rights-of-way, and/or designated public vantage points.

Seasonal Dwelling: A detached dwelling unit, which is not the primary residence of the owner or occupant and/or is occupied only on a part-time or seasonal basis, such as a hunting or summer camp. This definition shall include, but may not be limited to: 1) a dwelling which lacks one or more of the basic amenities, services or utilities required for year-round or all weather occupancy, including but not limited to a winterized plumbing system, insulated walls and roof, heating source, or adequate water or wastewater disposal systems, 2) a dwelling which is occupied no more than 180 days during any one year period; 3) a dwelling which is listed as a vacation dwelling (V1 or V2) on the Calais Grand List as of the effective date of these regulations; and/or 4) a dwelling that has been specifically permitted as a seasonal dwelling. See also Dwelling Unit, Single Family Dwelling.

Setback: The horizontal distance from a road, lot line, boundary or other delineated feature (e.g., a stream bank, shoreline, or wetland area), to the nearest part of a building, structure, or parking area on the premises. In the case of a road, the distance shall be measured from the road centerline. In the case of a corner lot, 'Front Setback' requirements shall be met from each road or right of way.

Sign: Any structure, display, device, or representation, which is designed or used to advertise, direct to, or call attention to any thing, person, business activity or place, and is visible from any public highway or other public vantage point. This definition does not include the flag, pennant, or insignia of any nation, state, or municipality (see Section 3.11).

Silviculture: See Forestry.

Single (One) Family Dwelling: A building housing one principal dwelling unit designed and intended for year-round use. See also Accessory Dwelling, Dwelling Unit, Group Home, Mobile Home, Manufactured Home, Seasonal Dwelling.

Small Scale Telecommunication Facility: A wireless telecommunications facility that is installed on the ground and does not exceed 20 feet in elevation or that is installed on an existing building or structure and does not extend more than 20 feet from the building or structure.

Stream: Any surface watercourse in the Town of Calais as depicted by the U.S. Geological Survey on topographic maps or as identified through site investigation; excluding artificially created irrigation and drainage channels. See also Stream Channel.

Stream Channel: A defined area that demonstrates clear evidence of the permanent or intermittent passage of water and includes, but may not be limited to bedrock channels, gravel beds, sand and silt beds, and swales. A stream bank may define the usual boundaries, but not the flood boundaries, of a stream channel. Artificially created watercourses such as irrigation and drainage ditches are specifically excluded from this definition. See also Stream.

Storage Facility (Warehouse): One or more structures used for the storage of goods and materials, and not as a primary location or outlet for retail uses.

Structure: An assembly of materials on the land for occupancy or use, including but not limited to a building, mobile home or trailer, sign, wall or fence, which necessitates pilings, footings, or a foundation attached to the land (see Exemptions under Section 1.5).

Subdivision: A type of development in which a parcel of land is divided into two or more parcels, for the purpose of immediate or future sale, transfer, lease or development; with the exception of parcels to be leased for agricultural or forestry purposes, where no permanent new roads are created. The term includes lot line adjustments, amended subdivisions, resubdivisions, and the division of land held in common among several owners; and shall also include the development of a parcel as a planned unit development. See also Major Subdivision, Minor Subdivision.

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either: (a) before the improvement or repair is started, or (b) if the structure has been damaged and restored, before the damage occurred. For the purpose of administering flood hazard area regulations, this definition excludes the improvement of a structure to comply with existing municipal or state health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the state or National Register of Historic Places, provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Telecommunications Facility: A support structure which is primarily for communication or broadcast purposes and which will extend vertically 20 feet, or more, in order to transmit or receive communication signals for commercial, industrial, municipal, county, state or other governmental purposes, and/or associated telecommunications equipment and ancillary facilities that provide access and/or house equipment (see Section 4.11).

Temporary Telecommunication Facility: A wireless telecommunications facility that is to be used for up to 30 days and whose height is no more than 50 feet from grade.

Town Highway: See Public Road.

Two Family Dwelling (Duplex): A building housing two principal dwelling units. See also Accessory Dwelling, Dwelling Unit.

Use: The purpose for which a building, structure, or parcel of land is designed, intended, occupied or used.

Variance: Permission to depart from the literal requirements of these regulations. Such permission is limited to departures from zoning requirements relating to dimensional frontage, setback, yard, coverage and height requirements. See also Noncomplying Structure, Nonconforming Use.

Veterinary Clinic: A building or part thereof used for the care, diagnosis, treatment and temporary boarding of animals. See also Kennel.

Warehouse: See Storage Facility.

Wireless Telecommunication Facility: Any equipment that broadcasts or receives radio frequency waves carrying Wireless Telecommunication Services, including any tower or structure upon which such equipment may be installed, and any accompanying structure, building, access road, or service utility (see Section 4.11).

Wireless Telecommunications Service: Any commercial mobile service, wireless service, common carrier wireless exchange service, cellular service, personal communication service, specialized mobile radio service, paging service, wireless data service, or public or private radio dispatch service.

Yard: The area defined by a front, side or rear setback distance.

Yard Sale: The casual sale of personal property open to the general public and generally denoted by the terms "garage sale", "attic sale", "lawn sale", "flea market", "barn sale" or similar phrase.

Zoning Administrator: Administrative Officer appointed and empowered in accordance with the Act.