

2202. Conservation (COD) Overlay District

4. There shall be no development in the ~~RC~~ **COD** overlay except:
- agricultural and silvicultural practices exempted under Section 1103.
 - Normal maintenance and repair of existing development.
 - Demolition of a structure or portion of a structure provided that there is no change in elevation under or adjacent to the removed structure or portion of a structure.
 - Subdivision of land.
 - Public access and recreational trails that do not require active management or alteration of the existing or natural environment.

Commented [WG1]: This was a typo.

3002. Access

2. Access by Class 4 Roads and ~~Other Unimproved Rights-of-Way~~ **Town Trails**.
- Applicants may seek approval from the Selectboard to upgrade a Class 4 town road or ~~other unimproved right-of-way~~ **town trail** to meet state standard B-71 to serve as access for two or fewer houses, or to Class 3 town road standards for three or more houses. Upgrades will be at the applicant's expense and in accordance with town policies and standards so that it may serve to provide access to the proposed development. Applicants upgrading a shared class 4 road should consider entering into a private road maintenance agreement with their neighbors. When there is no such agreement any resident on such a road has the right under state law to bring a civil action to require a person who benefits from a private road to contribute to the cost of maintenance.
 - No provision of these regulations will be interpreted to require the Town of Londonderry to maintain a Class 4 town road or ~~other unimproved right-of-way~~ **town trail**, or to upgrade a Class 4 town road or ~~other unimproved right-of-way~~ **town trail** so that it may serve to provide access.
 - The provisions of this section will not be interpreted to prevent a property owner with a previously developed lot accessed from a Class 4 town road from obtaining a zoning permit provided that the proposed development will not generate more traffic (e.g., a residential addition or accessory structure would be allowed without upgrading the access but building another residence on the property would not be allowed unless the access was upgraded).

Commented [WG2]: Town Counsel thinks this is clearer from a legal point of view.

4405. Dimensional Waivers

1. **Granting Waivers.** The Development Review Board may grant a waiver for a porch, deck, entryway, or other minor addition to an existing building provided one of the following conditions are satisfied:
- The proposal is for an addition to an existing principal structure that does not:
 - increase the footprint of the structure by more than ~~200~~ **400** square feet, or
 - increase the building's degree of nonconformity.
 - The proposal is for an accessory structure or an addition to an accessory structure that does not:
 - increase the lot coverage by more than ~~200~~ **400** square feet.
 - increase the property's degree of nonconformity.

Commented [WG3]: Town Counsel says allowing people to do additions that don't increase the degree of nonconformity is important.

- c) The addition is specifically intended to improve access for disabled persons, or to improve fire safety.

2109. Shoreland (SL) Districts

Purpose. The purpose of the Shoreland Districts is to maintain the scenic, ecological and recreation resources associated with Lowell Lake, Lily Pond and Gale Meadow Pond, to preserve water quality and protect wildlife habitat; and to preserve protective vegetation through the careful siting of the location, design and intensity of residential development and associated activities.

1. **Dimensional Requirements.** Min. Lot Size 10 Acre, Min. Frontage 200 Ft, Min. Lot Depth 400 Ft., Min. Front Setback (from middle of road) 75 Ft., Min. Side Setback 50 Ft, Min. Rear Setback 50 Ft., Min Setback from Shore 300 Ft., Max. Height 35 Ft., Max. Lot Coverage 4%
2. **Permitted Uses.**
None (see Conditional Use and Site Plan Approval Required).
3. **Site Plan Approval Required.**
None (see Conditional Use and Site Plan Approval Required).
4. **Conditional Use and Site Plan Approval Required**
Campground, Group Home< 6 residents, Home Business, Owner Occupied Bed and Breakfast, Primitive Camp, Public Outdoor Recreation/Park/Nature Preserve/Wildlife Sanctuary, Single-Unit Dwelling, Two-Unit Dwelling, Accessory Dwelling, On-farm business or Agricultural Enterprise, Day Care Fac.< 7 Children.
5. **Other.** Farm Stand (highway access permission), Short Term Rental (registration required), Home Occupation (No Permit Required) Farming Forestry (No Zoning Is Permit Required).
7. **Special District Requirements.**
 - a) A landowner must apply for a conditional use permit and site plan review for all land development (as defined in this bylaw) in these districts.
 - b) Any Development requiring major site plan review must be reviewed carefully by the Conservation Commission and the Development Review Board to ensure that any development recognizes sensitive environmental and aesthetic considerations, ~~and that it meets the special dimensional standards and the requirements in Section 3020 riparian buffers.~~
 - c) **Applications for new development, redevelopment, or clearing within 250 feet from mean water level may require a separate state permit. In the event of a conflict in the conditions imposed upon the applicant, the more restrictive condition shall apply**
 - d) **The Administrative Officer must condition all permits for development within this overlay district on the applicant obtaining all necessary state and federal permits before the start of construction.**
 - e) ~~Within the Shoreland District, the following standards shall apply to all development:~~
 - ~~Except as provided for lake access described below, a vegetated buffer 50 feet in depth shall be maintained along the length of the shoreline. No cutting of trees greater than 4 inches in diameter within this buffer shall be allowed except for the removal of damaged, diseased or dead trees, or selective pruning to maintain views. This buffer width may be modified as appropriate due to site conditions under site plan or conditional use review.~~
 - ~~One access of a width no greater than 20 linear feet, measured parallel to the shoreline, is allowed per lot or per 500 feet of shoreline frontage, unless otherwise~~

Commented [WG4]: The rest of the changes are to eliminate overlap between town and state regulations, as recommended by town counsel.

provided for under site plan or conditional use review. Cleared openings legally in existence on the effective date of this regulation may be maintained but shall not be enlarged except as permitted herein. Access paths, stairways and ramps should be designed and maintained to avoid conducting runoff into the lake.

- Structures permitted within the shoreline setback and access areas include temporary docks, temporary or permanent stairways and associated landing not exceeding 4 feet in width; and, subject to conditional use review under Section 4305, stairways, landings and/or docks more than 4 feet in width, boat houses, permanent docks, and retaining walls only if it is found that such structures will not adversely impact water quality, significant natural or scenic features, or neighboring properties.
- No use shall result in the removal of more than thirty percent (30%) of the forest cover on any parcel.

6. **Application Requirements.** In addition to all other requirements of these regulations, Applicants are to submit a narrative describing any priority forest blocks, significant wildlife habitat, and any rare, threatened or endangered species on the property. Applicants may rely on the information available from the VT Natural Resource Atlas or may provide field assessment and/or delineations provided by a qualified professional.

2201. Aquifer Protection Overlay Districts

1. **Purpose.** The Aquifer Protection Overlay District is intended to protect public health and safety by preventing contamination, promoting recharge and maintaining the supply of public drinking water sources.
2. **Protection Areas.** The Aquifer Protection Overlay Districts include the following source protection areas (SPAs) within the Town of Londonderry as mapped by the Vermont Agency of Natural Resources Department of Environmental Conservation:
 - a) **Zone A.** Zone A, the Drinking Water Critical Impact Zone, is the area within Zones 1 and 2.
 - b) **Zone B.** Zone B, the Drinking Water Potential Impact Zone, is the area within Zone 3.
3. **Use Standards.** The uses allowed within this overlay district will be as allowed in the underlying zoning district except that Town of Londonderry prohibits the following uses within Zone A, but may allow them as a conditional use within Zone B if allowed in the underlying zoning district: Funeral services or cemetery, Dry cleaner, Golf course, Highway maintenance facility, Contractor's yard, Vehicle or equipment maintenance or fueling facility, Machine shop or manufacturing, Extracting, quarrying or stone cutting, Salvage yard, landfill or waste management facility, Composting facility, Underground storage tanks, Injection wells, dry wells, sumps or floor drains, Bulk storage of flammable, combustible, toxic or hazardous materials (including for on-site use), Extraction or use of more than 10,000 gallons of water per day for purposes other than supplying the water system associated with the protection area.
4. **Performance Standards.** Applicants must:
 - a) Locate proposed development outside the overlay district to the maximum extent feasible if the subject lot includes land outside the overlay district.
 - b) Adhere to applicable federal and state standards for the storage, handling, use and disposal of materials or wastes that have the potential to contaminate the drinking water supply if released into the environment.

c) Design any above ground facility (including open lagoons or ponds) involving the collection, handling, production, manufacture, use, storage, transfer or disposal of materials or wastes that have the potential to contaminate the drinking water supply if released into the environment with a secondary containment system that:

- ◆ Is designed to intercept any leak or spill from the primary containment vessel or structure.
- ◆ Is provided with an overflow recovery catchment area (sump).
- ◆ Is easily inspected.
- ◆ Is capable of containing 110% of the largest volume of storage (a larger volume of storage may be necessary if precipitation will be able to collect in the secondary containment system).

d) Design any below ground facility (including storage tanks and pipes) containing or carrying of materials or wastes that have the potential to contaminate the drinking water supply if released into the environment with:

- ◆ Double walls and inspectable sumps.
- ◆ A monitoring system and secondary standpipe for monitoring and recovery.

e) Maintain an up-to-date contingency plan for preventing contamination of the drinking water supply in the event of floods, fires, other natural catastrophes, equipment failure or other releases if use involves the collection, handling, production, manufacture, use, storage, transfer or disposal of materials or wastes that have the potential to contaminate the drinking water supply if released into the environment.

f) Report all releases of materials or wastes that have the potential to contaminate the drinking water supply to the Town of Londonderry and the Vermont Agency of Natural Resources.

5. **Referral.** The Administrative Officer must send a copy of all complete applications for development within this overlay district to the water system operator and the Vermont Agency of Natural Resources Drinking Water and Groundwater Protection Division. The Administrative Officer must not act on an application for development within this overlay district until the agency comments or the 30-day comment period elapses, whichever occurs first.

3013. Erosion Prevention and Sediment Control

1. Purpose. This section is intended to promote construction practices on development and redevelopment sites that limit soil disturbance, compaction, and minimize erosion and sedimentation of downstream water bodies.

2. Applicability. All construction or demolition activities that will disturb any amount of soil or involve bulk storage of construction materials must implement appropriate measures to prevent erosion and sedimentation from adversely impacting nearby properties, public infrastructure or downstream water bodies as set forth in the general standards below.

3. Small Projects Construction, demolition and property maintenance activities that will disturb ~~40,000 square feet~~ **1 acre** or less of soil must be undertaken in accordance with the best practices found in the Vermont Agency of Natural Resource's Low Risk Site Handbook for Erosion Prevention and Sediment Control, as most recently amended. ~~Applicants disturbing 1/2 acre or less of soil will not be required to submit documentation related to erosion control as part of a complete application but will be subject to enforcement action under these regulations if construction or~~

demolition activities result in erosion or sedimentation adversely impacting nearby properties, public infrastructure or downstream water bodies. Enforcement measures may include a stop work order until such time that the property owner has prepared and implemented an erosion control plan.

4. Large Projects. Applicants who are proposing construction or demolition activities that will disturb more than $\frac{1}{2}$ acre of soil ~~must~~ **may be required by the state to** submit and implement an erosion control plan in accordance with the *Vermont Standards and Specifications for Erosion Prevention and Sediment Control*, as most recently amended.

5. ~~Erosion Control Measures May Include:~~

- ~~a) Limiting the size of the disturbance area to the minimum necessary to accommodate the proposed construction or demolition.~~
- ~~b) Preserving existing mature trees within the disturbance area where feasible. Trees to be preserved within the disturbance area should be protected by fencing that at a minimum encloses the area around their drip line.~~
- ~~c) Marking site boundaries to identify the limits of disturbance (including storage and access areas) with flags or fencing.~~
- ~~d) Limiting the amount of soil exposed at one time to reduce the potential for erosion by phasing construction.~~
- ~~e) Stabilizing and maintaining the construction entrance to prevent mud from being tracked onto roads.~~
- ~~f) Installing silt fences to intercept runoff and allow suspended sediment to settle out on the downslope side of construction/demolition activities and between disturbed soil and any drainage feature, stormwater inlet or water body.~~
- ~~g) Diverting any stormwater from upslope areas around the disturbed area with appropriately stabilized berms and/or ditches to prevent the runoff from picking up sediment. Untreated stormwater and sediment must not be diverted to neighboring properties, public rights of way or surface waters.~~
- ~~h) Treating and filtering any water pumped out of the disturbance area before allowing it to flow off the site or to be discharged to a storm drain or surface water.~~
- ~~i) Slowing any concentrated flows of runoff by installing stone check dams in drainage channels.~~
- ~~j) Stabilizing exposed soil with seed and mulch, or erosion control matting promptly when work in an area is complete.~~
- ~~k) Monitoring the site to ensure that all sediment and erosion control measures are functioning properly. It is particularly important to check erosion control measures just before and after any significant rainfall.~~
- ~~l) Periodically cleaning, replacing and maintaining all sediment and erosion control measures until vegetation is permanently established on all disturbed areas.~~
- ~~m) Filling any compacted soil prior to the final seeding and mulching.~~
- ~~n) Stockpiling the topsoil removed during construction/demolition and spread it back onto disturbed areas prior to the final seeding and mulching. If the quality of the site's topsoil is inadequate to support appropriate vegetative cover, it does not need to be stockpiled and it may be replaced with better quality soil or, if it is retained, it must be amended as needed.~~

6. ~~Projects Subject to State Permitting.~~ Development that obtains a state construction general or individual permit will be deemed to have met the requirements of this section. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the state permit to the Administrative Officer prior to the start of construction.

3015. Grading, Excavation, Fill and Storage of Earth Materials

1. **Applicability.** The provisions of this section apply to all grading, excavating or filling of land and storage of earth materials not exempted in Sections 1100-1105 or associated with a lawful earth resource extraction operation. A landowner must obtain a zoning permit for grading, excavating, filling of land or storing of earth materials in accordance with the provisions of this section.

2. **Waterways or Wetlands.** Grading, excavation, fill and storage of earth materials is prohibited within surface waters, wetlands, and any required buffers to surface waters or wetlands, unless the activity will be subject to state permitting and the applicant demonstrates that he/she has obtained all required state permits.

3. **Flood Hazard Areas.** See Section 2202-2226 for grading, excavation, fill and storage of earth materials within the Flood Hazard Overlay District.

4. **Fill Material.** The use of any material other than uncontaminated clean fill (may contain soil, stone, gravel, concrete, ceramic, or brick and mortar) is prohibited unless the proposed fill will be subject to state permitting, in which case the conditions of the state permit regarding the fill material will prevail.

5. **General Standards.** Grading, excavation and fill must conform to the following:

- a) Grading, excavation or fill is prohibited within side and rear setbacks.
- b) Grading, excavation or fill must not result in a slope steeper than a 2:1 (horizontal-to-vertical) ratio.
- c) Grading, excavation or fill must not affect existing drainage patterns on adjacent lots or public rights-of-way.

6. **Material Storage.** Stockpiles of earth materials (soil, mulch, compost, sand, gravel, crushed stone, etc.) must be properly managed to prevent erosion and sedimentation in accordance with the provisions of Section 3013. ~~A landowner must conform to the conditions specified in the Vt. Low Risk Site Handbook for Erosion Prevention and Sediment Control prior to storing more than 150 cubic yards of material on a site for more than 30 days. Applicants will be subject to enforcement action under these regulations if storage grading, excavating, filling of land or storing of earth materials results in erosion or sedimentation adversely impacting nearby properties, public infrastructure or downstream water bodies. Enforcement measures may include a stop work order until such time that the property owner has prepared and implemented an erosion control plan.~~

3028. Wetlands

1. **Purpose.** ~~This section is intended to protect and enhance the overall quality, function and ecological health of the town's natural environment by mitigating the impact of development within wetlands and wetland buffers.~~

2. **Applicability.** The provisions of this section apply to all mapped wetlands and land within 100 feet of Class 1 wetlands, 50 feet of Class 2 wetlands and 25 feet of all other wetlands **are subject to state wetland regulations**. Mapped wetlands will be interpreted as those shown on the most recent Vermont Significant Wetlands Inventory, or as determined through a field delineation by a qualified wetland scientist.

~~3. General Standards. Development is prohibited and natural vegetation must be maintained or established within wetlands and wetland buffers except that the following may be allowed as a conditional use (see Section 0020.5):~~

- ~~a) Public outdoor recreation and public trails will be allowed to the extent allowed in the applicable zoning district.~~
- ~~b) A landowner may remove dead, diseased or unsafe trees and invasive or nuisance species, and may prune tree branches within the bottom one-third of a tree's height within the wetland or wetland buffer.~~
- ~~c) A landowner may use the vegetation within the riparian buffer in conjunction with green stormwater infrastructure (GSI) practices provided that such practices will not significantly compromise the resource protection functions of naturally vegetated riparian buffers.~~
- ~~d) Water-dependent structures or uses, streambank or shoreline stabilization projects, and any development authorized by a state permit will be allowed within a wetland or wetland buffer to the extent allowed in the applicable zoning district as a conditional use. (see Section 0020.5).~~

~~4. Nonconforming Sites. Pre-existing development within wetlands or wetland buffers will be regulated in accordance with the following:~~

- ~~a) The pre-existing development within the wetland or wetland buffer may continue.~~
- ~~b) A pre-existing building, developed site, or portion of a building or site within a wetland or wetland buffer may be used for any purpose allowed in the zoning district provided that there will be no extension of the development footprint within the wetland or wetland buffer.~~
- ~~c) Redevelopment and new construction may be allowed within the footprint of any existing impervious surface within the wetland or wetland buffer.~~
- ~~d) A conditional permit will be required if the applicant is proposing construction, new impervious surface or other physical modifications to the site or structure(s) that have the potential to adversely impact the natural functions of the wetland or wetland buffer.~~

~~5. Conditional Use Criteria. In addition to all other applicable criteria of these regulations, an applicant seeking conditional use approval for development or redevelopment within wetlands or wetland buffers must demonstrate that:~~

- ~~a) The proposed land development cannot reasonably be accommodated on any portion of the lot outside the wetland or wetland buffer.~~
- ~~b) The footprint of the proposed land development within the wetland or wetland buffer is the minimum necessary to accommodate the proposed use or structure.~~
- ~~c) The proposed land development will not have new or greater (as compared to existing conditions) adverse impact on the natural functions and quality of the wetland and wetland buffer.~~
- ~~d) There will be (listed in order of preference):~~
 - ~~• No net increase in impervious surface within the wetland or wetland buffer;~~
 - ~~• A de minimis increase in the amount of impervious surface within the wetland or wetland buffer; or~~
 - ~~• Mitigation for any additional impervious surface within the wetland or wetland buffer. Preferred mitigation is creation of a wetland area contiguous with the subject wetland that is equivalent or greater in size than the area to be impacted by proposed development. The Development Review Board may require the applicant to submit a professionally prepared environmental impact assessment and mitigation plan.~~

e) The applicant has contacted the Vermont Department of Environmental Conservation for a determination of whether a state wetland permit is required and, if required, has obtained or intends to obtain a state permit. If a state permit is required but has not been obtained, the Development Review Board must condition any approval on the applicant providing a copy of the state permit prior to the Administrative Officer issuing a zoning permit for the proposed development.

3020. Riparian Buffers

~~1. Purpose. This section is intended to protect and enhance the overall quality, natural function and ecological health of the town's surface water resources by mitigating the impact of development within riparian areas (lands that border bodies of water like rivers, streams, and lakes).~~

~~2. Applicability. The provisions of this section apply to all land (as measured from the top of bank) within stream and shoreline setbacks. Where this land is also within the Flood Hazard, the provisions of Section 2203-2220 will take precedence over the provisions of this section.~~

~~3. General Standards. Development is prohibited and woody vegetation must be maintained or established within riparian buffers except that:~~

- ~~a) Public outdoor recreation uses and trails will be allowed to the extent allowed in the applicable zoning district.~~
- ~~b) A landowner may remove dead, diseased or unsafe trees and invasive or nuisance species, and may prune tree branches within the bottom one-third of a tree's height within the riparian buffer.~~
- ~~c) On previously developed one- and two-unit residential lots, natural woody vegetation will not have to be re-established on areas within the riparian buffer being maintained as lawns or gardens.~~
- ~~d) A landowner may clear and use up to 1,000 square feet within the riparian buffer for private water access, outdoor recreation, outdoor seating, or a view corridor. That area may be covered with mowed lawn, decks, patios, walkways or other impervious surfaces.~~
- ~~e) A landowner may use the vegetation within the riparian buffer in conjunction with green stormwater infrastructure (GSI) practices in accordance with Section 3023 provided that such practices will:~~
 - ~~• Not significantly compromise the resource protection functions of naturally vegetated riparian buffers.~~
 - ~~• Adequately treat the stormwater so that it meets water quality standards before it is discharged to the surface water body.~~

~~4. Water dependent structures or uses, streambank or shoreline stabilization projects. Water dependent structures or uses, streambank or shoreline stabilization projects and other development authorized by a state permit will be allowed within the riparian buffer to the extent allowed in the applicable zoning district as a conditional use in accordance with Section 3020.6. The property owner must provide the Administrative Officer with a copy of the state permit prior to the start of construction.~~

~~5. Nonconforming Sites. Pre-existing development within riparian buffers will be regulated in accordance with the following:~~

- ~~a) The pre-existing development within the buffer may continue.~~

- ~~b) A pre-existing building, developed site, or portion of a building or site within the buffer may be used for any purpose allowed in the zoning district provided that there will be no extension of the development footprint within the buffer.~~
- ~~c) Redevelopment and new construction may be allowed within the footprint of any existing impervious surface within the riparian buffer.~~
- ~~d) Conditional use approval in accordance with Section 3020.6 will be required if the applicant is proposing construction, new impervious surface or other physical modifications to the site or structure(s) that have the potential to adversely impact the natural functions of the riparian buffer.~~

6. ~~Conditional Use Criteria.~~ In addition to all other applicable criteria of these regulations, an applicant seeking conditional use approval for land development within a riparian buffer must demonstrate that:

- ~~a) The proposed land development cannot reasonably be accommodated on any portion of the parcel outside the riparian buffer.~~
- ~~b) The footprint of the proposed land development within the riparian buffer is the minimum necessary to accommodate the proposed use or structure.~~
- ~~c) The proposed land development will not have new or greater (as compared to existing conditions) adverse impact on the natural functions and quality of the surface water, drainage, erosion, sedimentation and downstream flooding.~~
- ~~d) There will be (listed in order of preference):~~
 - ~~■ No net increase in impervious surface within the riparian buffer;~~
 - ~~■ A de minimis increase in the amount of impervious surface within the riparian buffer;~~
 - ~~or~~
 - ~~■ Mitigation for any additional impervious surface within the riparian buffer. Preferred mitigation is re-vegetation of an area adjacent to the riparian buffer equivalent or greater in size than the area to be impacted by proposed development. The Development Review Board may require the applicant to submit a professionally prepared environmental impact assessment and mitigation plan.~~

3023. Stormwater Management

1. ~~Purpose.~~ This section is intended to:

- ~~a) Minimize and/or control the quantity and quality of stormwater run-off.~~
- ~~b) Promote stormwater management methods that maintain pre-development hydrology and drainage patterns through project layout, site design, and best management practices that manage stormwater run-off as close to the source as possible.~~
- ~~c) Limit clearing and grading to the minimum needed for construction and minimize impacts to natural vegetation.~~
- ~~d) Prevent soil erosion and sedimentation resulting from non-point source pollution generated by development.~~
- ~~e) Protect surface waters and other natural resources from degradation as a result of development.~~
- ~~f) Minimize hazards from flooding and streambank erosion.~~
- ~~g) Prevent damage to, and reduce public expenditures associated with, maintaining municipal infrastructure resulting from inadequate stormwater controls.~~

2. ~~Applicability.~~ The provisions of this section apply to any land development that will increase the amount of impervious surface on a lot.

~~3. **Public Works Specifications.** If there is a conflict between a provision of this section and a provision of any Public Works Specifications duly adopted by the Town of Londonderry, the Public Works Specifications will take precedence.~~

~~4. **General Standards.** All proposed development that will increase the amount of impervious surface of a lot must implement appropriate measures to reduce and manage stormwater to prevent run-off from adversely impacting nearby properties, public infrastructure or downslope water bodies.~~

~~5. **Design and Engineering Requirements.** Applicants must design proposed development in accordance with low impact site design (LID) approaches and green stormwater infrastructure (GSI) best management practices to the maximum extent feasible given site-specific conditions including, but not limited to, soil characteristics and slope as follows:~~

- ~~a) Applicants proposing development that will increase the amount of impervious surface on a lot by less than ½ acre must follow the rules in the Vt DEC *Small Sites Guide for Stormwater Management*~~
- ~~b) Applicants proposing development that will increase the amount of impervious surface on a lot by ½ acre must submit and implement a stormwater management plan prepared by a professional engineer in accordance with the *Vermont Stormwater Management Manual* available from the ~~may be required by the~~ Vt. Agency of Natural Resources, Division of Environmental Conservation Stormwater Program **to obtain and implement a stormwater Discharge Permit.**~~

~~6. **Projects Subject to State Permitting.** Development that obtains a state stormwater permit will be assumed to have met the requirements of this section. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the state permit to the Administrative Officer prior to the start of construction.~~