TOWN OF LONDONDERRY

100 Old School Street, South Londonderry, Vermont 05155

PLANNING COMMISSION REPORT
ON PROPOSED BYLAW AMENDMENTS

In accordance with 24 V.S.A. §4441, the Town of Londonderry Planning Commission (PC) has prepared and approved this written report on 2/9/26 prior to warning and holding a public hearing on the adoption of revised Town of Londonderry Unified Development Regulations (UDRs).

Brief Explanation of the Proposed Amendments

The Town of Londonderry's Zoning Bylaw was initially adopted in 1975, and it has not had any major amendments since 2009. In 2024 the Planning Commission submitted a set of proposed bylaws that attempted to addresses inconsistencies resulting from the many changes that have been made to state statutes since the bylaws were last updated, and to fix shortcomings of the existing bylaws that had resulted in confusion or difficulties for applicants, the Administrative Officer, and the Development Review Board over the years.

After the selectboard declined to adopt that proposed set of bylaws, a new Planning Commission took over the work of updating the bylaws, and they removed many of the items that people objected to in the 2024 draft. They also worked to clarify other issues from that draft, such as the difference between home businesses which are allowed in residential districts, and stand-alone businesses which are more tightly controlled and are only allowed in commercial districts. This new draft includes subdivision regulations, as well as the latest state model flood bylaws so they will be considered "Unified Development Regulations" by the state.

Compliance with the Town Plan

The proposed UDRs contain several policies which promote affordable housing, including allowing ADUs, two-unit homes, manufactured homes, multi-family homes, mobile home/tiny home parks, and PUDs, and hotels converted to multi-family dwellings. The proposed UDRs are compatible with the future land uses and densities outlined in the 2025 Londonderry Town Plan. They designate the existing village, business, and recreation areas for the highest density of development and seek to protect important natural resources in the more remote areas of town.

While the draft UDRs appear very different from the Zoning Bylaw in their structure and organization, the overall planning policies the UDRs are implementing remain largely the same. Changes that have been made are described in more detail below:

1. The list of exemptions (structures and activities that do not need a permit) has been expanded and clarified.
3. The process for allowing for multiple uses or buildings on a lot has been clarified.

4. A requirement to designate building envelopes that specify where buildings will be placed on a parcel has been added to the R3 and COD districts, to guide development away from significant agricultural and natural resources.
6. The town's policy for highway access has been clarified, and further residential development accessed from private and Class 4 roads will not be allowed without bringing the road up to town specifications.
7. Specific requirements for erosion prevention and sediment control (Section 3011) and stormwater treatment rules have been added. In practice, the DRB sometimes asks applicants to address erosion control and stormwater management when it is deemed an issue on a particular site, but the proposed regulations establish specific triggers related to the amount of disturbance or impervious surface being created to determine whether applicants will need to meet the standards.
9. Steep slope provisions (Section 3021) have been strengthened with a definition and additional criteria for reviewing development on steep slopes.
10. Chapter 3100 adds more detailed site design and performance standards for landscaping, parking, outdoor lighting, outdoor use areas, and other aspects of proposed multi-unit or non-residential development.
11. The adoption of subdivision regulations in accordance with the statute will change Londonderry's status from a 1-acre town under Act 250 to a 10-acre town. In practice, Londonderry has been reviewing land subdivisions under the Zoning Bylaw following the procedures for site plan review.
12. Density bonuses have been added for Planned Units Developments that are for affordable housing.
13. The Conservation Commission will be consulted when land is developed or subdivided in R3 and COD districts. Building envelopes on all new lots larger than 2 acres will specify what land within a larger parcel can be developed. Building envelopes will have to be sited to minimize resource impacts and fragmentation.
14. The authority of the Administrative Officer (AO) to review signs, minor projects, boundary adjustments, sketch plans, and small modifications to approved development has been expanded. The intent is to streamline the permitting process for small projects and avoid unnecessary delays and expense.
15. The zoning districts have been changed so that there are fewer nonconforming one acre lots in the R3 district, and there will be more lots in commercial districts that are not in flood zones.

Planned Community Facilities

The proposed amendments do not directly implement any specific proposals for planned community facilities. The draft UDRs continue to implement a community vision and set of land use policies that have been in place for many years. Growth will be directed to the villages, business, and recreation districts. Residential areas will welcome new housing in the villages, existing neighborhoods, and nearby suitable lands. Outlying development will fit into the landscape, seek to preserve rural character, and protect natural resources. Further fragmentation and development of high-elevation, inaccessible, and environmentally sensitive lands will be discouraged. Given that there is no substantive change in direction, the draft UDRs are not anticipated to create new or different demand for community facilities than the current Zoning Bylaw.

LONDONDERRY UNIFIED DEVELOPMENT REGULATIONS

Eight Draft

Index

1000 General Standards

1001. Title
1002. Authority
1003. Purpose
1004. Applicability
1005. Relationship With Other Laws or Regulations
1006. Effective Date
1007. Amendment or Repeal
1008. Severability
1009. Disclaimer of Liability

1100 Exemptions and Limitations

1101. General Exemptions
1102. Development with a Certificate of Public Good
1103. Farming and Forestry
1104. Government and Community Facilities
1105. Group Homes

1200 Prior Applications, Approvals and Uses

1201. Prior Applications
1202. Prior Permits and Approvals
1203. Change of Use
1204. Expansion of Use
1205. Discontinued Uses
1206. Abandoned Development
1207. Damaged or Destroyed Structures

1300 Nonconformities

1301. Nonconforming Structures
1302. Nonconforming Uses
1303. Nonconforming Lots
1304. Creation of a Nonconformity

2000 Zoning Districts

2001. General Provisions
2002. Establishment of Overlay Zoning Districts
2003. Official Zoning Map
2004. Lots Divided by a Zoning District or Municipal Boundary
2005. Use Standards
2006. Dimensional Standards
2007. Lot Size
2008. Lot Frontage
2009. Lot Coverage
2010. Setbacks.
2011. Height

2012. Building Footprint
2013. Density Standards

2100 Base Zoning Districts

2101. Residential Districts (VR, R1, R3)
2102. Village Residential Districts (VR)
2103. Rural Residential-One Acre District (R1)
2104. Rural Residential Three Acre (R3)
2105 Commercial Districts (VC, SC, RC)
2106. Village Commercial District (VC)
2107. Service Commercial (SC) District
2108. Recreation Commercial (RC) District
2109. Shoreland (SL) Districts

2200 Overlay Zoning Districts

2201 Aquifer Protection Overlay Districts (AP)

2202 Resources Conservation (COD) Overlay District

2203 Flood and Fluvial Erosion Overlay (FO)

2204. Introduction
2205. Abbreviations and Definitions
2206. Administration
2207. Application Submission Requirements
2208. Public Notice
2209. Decisions and Permits
2210. Variances In a Flood Zone
2211. Appeals of a Permit Decision
2212. Administrative Responsibilities, Records
2213. Enforcement
2214. Erosion: River Corridor Overlay (RCO) District
2215. Statement of Purpose for Managing River Corridors
2216. RCO District General Provisions
2217. Development Review in River Corridors
2218. Development Standards
2219. Inundation: Flood Hazard Area Overlay (FHO) District
2220. Statement of Purpose for Managing Inundation Hazards
2221. Lands to Which this Bylaw Applies
2222. Development Classifications and Permit Requirements in the FHO District
2223. Exempted Activities
2224. Permits
2225. Prohibited Development
2226. Development Standards
2227. Floodway Sub-district

2228. The FHO District (Zones A1-30, AE, AH, AO)

2229 Zoning District Summary Tables

Figure 2-05. Dimensional standards

Figure 2-06. Use Tables

3000 General Zoning Rules

3001. Applicability

3002.Access

Figure 3-01. Sight Triangle

3003. Accessory Structures

3004. Accessory Uses

3005. Camping and Camping Units

3006. Construction-Related Structures and Uses

3007. Demolition

3008. Development in a Public Right-of Way

3009. Drive-Through Facilities

3010. Driveways

Figure 3-02 Driveway Pull-Offs

Figure 30-03. Turnarounds

3011. Dwelling Units

3012. Energy Generation Facilities

3013. Erosion Prevention and Sediment Control

3014. Fences, Walls and Berms

Figure 3-04 Fence Height

Figure 3-05 Retaining Wall Height

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

3016. Landing Areas

3017. Manufactured Homes and Tiny Houses

3018. Ponds

3019. Portable Structures

3020. Riparian Buffers

3021. Steep Slopes

3022. Storage of Unregistered Vehicles or Trailers

3023. Stormwater Management

3024. Swimming Pools

3025. Temporary Structures and Uses

3026. Utility Facilities

3027. Water Supply and Wastewater Disposal

3028. Wetlands

3100 Site Design and Performance Standards For Commercial and Multi-Unit Housing Developments

3101. Commercial Outdoor Lighting

3102. Commercial Outdoor Use Areas

3103. Landscaping
3104. Loading Areas
3105. Parking Areas
3106. Performance Standards (for Commercial and Multi-Unit Dwelling Development).
3107. Signs
3108. Trash, Composting and Recycling Storage Areas

3200 Specific Use Standards

3201. Applicability
3202. Accessory Dwelling
3203. Accessory On-Farm Business
3204. Campground
3205. Care Home/Nursing Home
3206. Commercial Outdoor Recreation
3207. Communications Antennas and Towers
3208. Contractor's Yard or Unenclosed Storage
3209. Daycare for 6 or Fewer Children (Family Childcare Home)
3210. Daycare for 6 or More Children
3211. Extraction and Quarrying
3212. Fueling Station/ Car Wash/Auto Repair
3213. Home Business
3214. Home Occupation
3215. Hotel/Motel/Inn
3216. Primitive Camp
3217. Restaurant, Bar or Indoor Event Facility
3218. Rooming and Boarding House
3219. Short-Term Rental (STR)
3220. Storage And Distribution Services and Wholesale Trades
3221 Tank Farm or Fuel Storage and Distribution Services
3222. Veterinary, Pet or Animal Service

3300 Subdivision Standards

3301. Applicability
3302. Pre-Development Site Preparation
3303. Suitability of the Land
3304. Protection of Natural Resources
3305. Capability of Community Facilities and Utilities
3306. Provision of Necessary Improvements
3307. Lot Arrangement
3308. Lot Dimensions
3309. Building Envelopes
3310. Waiver of Building Envelope Requirement
3311. Public Works Specifications and Ordinances
3312. Technical Review
3313. Engineering Requirements

3314. Roads
Figure 3-05 Road Turnarounds
3315. Fire Protection and Emergency Services
3316. Water and Wastewater
3317. Erosion Control
3318. Soil Preservation
3319. Debris Removal
3320. Stormwater Management
3321. Monuments and Lot Corner Markers
3322. Construction and Maintenance of Necessary Improvements
3323. Acceptance of Roads or Other Necessary Improvements
3324. Subdivision Improvement Agreements

3400 Planned Unit Development (PUD) Standards

3401 Conservation PUD

3402. Purpose
3403. Modification of District Standards
3404. Multiple Parcels
3405. Density Transfer
3406. Conservation Set Aside.
3407. Development Areas

3408 Neighborhood PUD

3409. Purpose
3410. Applicability
3411. Residential Density
3412. Modification of District Standards
3413. Density Transfer
3414 Density Bonuses
3415. Multiple Parcels
3416. Design Standards

3417 Multi Building, Multi Use PUD

3418. Purpose
3419. Applicability
3420. Modification of District Standards
3421. Multiple Parcels
3422. Density Transfer
3423 Density Bonuses
3424. Design Standards
3425. PUD Signs

4000 Administration and Enforcement

4001. Roles and Responsibilities
4002. Administrative Officer
4003. Planning Commission

4004. Development Review Board

4100 Fees and Filing Requirements

4101. Permit Fees
4102. Impact Fees
4103. Technical or Legal Review Costs
4104. Performance Bonds or Sureties
4105. Monitoring or Inspection Costs
4106. As-Built Drawings
4107. Other Permits, Approvals and Certifications

4200 Zoning Permits

4201. Submitting a Zoning Permit Application
4202. Acting on a Complete Zoning Permit Application
4203. Permit Issuance
4204. Obtaining a Zoning Permit
4205. Amending Permits or Approvals Prior to Project Completion
4206. Inspecting Development During Construction
4207. Obtaining a Certificate of Zoning Compliance
4208. Revoking Permits or Approvals
4209. Appealing Administrative Actions or Decisions

4300 Commercial and Multi-Unit Home Development

4301. Application Process
4302. Application Requirements
4303. Sign Review
4304. Site Plan Review
4305. Conditional Use Review
4306. Review of Lot Line Adjustments and Lot Mergers
4307. Review of Building Envelopes
4308. Subdivision Review: General
4309. Sketch Plan Review and Classification
4310. Preliminary Plan Review
4311. Final Plan Review
4312. Acceptance of Improvements.
4313. Filing Requirements
4314. Modification of Approved Subdivisions
4315. Combined Review
4316. Amending Approved Plans

4400 Appeals

4401. Who May Appeal
4402. Appeals of Administrative Officer Decisions
4403. Motions to Reconsider
4404. Appeals of Development Review Board Decisions
4405. Dimensional Waivers

4406. Variances

4500 Notice, Hearings and Decisions

4501. Notice of Hearing
4502. Site Visits
4503. Conducting a Hearing and Taking Evidence
4504. Recessing or Continuing a Hearing
4505. Decisions

4600 Violations and Penalties

4601. Applicability
4602 Investigation and Action by the Administrative Officer
4603. Liabilities and Penalties
4604. Municipal Civil Complaint Ticket
4605. Notice of Violation

5000 Definitions

5001. Interpretation
5002. Defined Terms

1000. General Standards

1001. Title

These are the Town of Londonderry's Unified Development Regulations, and they constitute the town's zoning, subdivision, and flood hazard regulations.

1002. Authority

Londonderry adopted these regulations in accordance with and as authorized by the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A. Chapter 117, and 10 V.S.A. Chapter 32.

1003. Purpose

These regulations implement the goals and policies of the *Londonderry Town Plan,* and the *Vermont Municipal and Regional Planning and Development Act* as most recently amended. They are intended to:

1. Provide for orderly and coordinated development.
2. Prevent land use and development from adversely impacting public health, safety and welfare.
3. Protect important natural resources including wetlands, shorelands, floodplains, riparian buffers, priority forest blocks, significant wildlife habitat and primary agricultural soils.
4. Allow for commercial and light industrial land use and development to support a strong and diverse economy.
5. Allow for outdoor recreation and tourism-oriented land uses and development that enhance Londonderry's quality of life and economy.
6. Allow for residential land uses and development to meet the housing needs of residents and sustain a diverse population.
7. Allow for agriculture, forestry, agri-tourism, value-added businesses and other resource-based land uses and development that sustain the town's rural character and economy.
8. Facilitate the adequate and efficient provision of public services and facilities.
9. Allow for growth to the extent that it does not exceed the existing capacity of, or the town's ability to adequately provide public services and facilities.
10. Provide for safe and adequate vehicular, pedestrian, and emergency access to and within development sites.
11. Require buildings, infrastructure and other structures to be built and maintained in a safe and adequate condition.
12. Establish sound development and engineering standards that result in well-constructed projects that contribute positively to community character, enhance property values, and do not burden the town or future landowners with unreasonable costs to build, maintain or repair infrastructure.
13. Prevent land use and development that would detract from the natural beauty of the rural areas of town and the historic character of the villages.

1004. Applicability

Unless specifically exempted in Sections 1100-1105, all land development within the Town of Londonderry requires a zoning permit or subdivision approval issued in accordance with these regulations. Land development includes:

1. The division of a parcel into two or more parcels.
2. The construction, reconstruction, demolition, structural alteration, conversion, relocation, or enlargement of any structure.
3. Addition of a dormer.
4. Mining, excavating, or filling land.
5. Any change in, or extension of, the use of land or a structure, including the addition of any bedrooms.
6. The adjustment of boundary lines.
7. The merger of lots.

1005. Relationship With Other Laws or Regulations

1. If any provision of these regulations is more restrictive than any other law, regulation or code, the provision of these regulations will apply and take precedence.
2. If any provision of another law, or regulation or code is more restrictive than these regulations, the provision of these regulations will be superseded, and the more restrictive provision will apply.
3. No provision of these regulations will be interpreted to prevent the Town of Londonderry from acting to prevent or eliminate threats to public health, safety and welfare in accordance with other town codes or ordinances and under the authority granted to the municipality by the State of Vermont.

1006. Effective Date

These regulations and any subsequent amendments will take effect 21 days after their adoption by the Londonderry Selectboard in accordance with the procedures established in the *Vermont Municipal and Regional Planning and Development Act*.

1007. Amendment or Repeal

The Town of Londonderry may amend or repeal these regulations, in whole or part, at any time in accordance with the procedures established in *the Vermont Municipal and Regional Planning and Development Act*.

1008. Severability

If a court of competent jurisdiction invalidates any provisions of these regulations, that decision will not affect the validity, application or enforcement of the remaining provisions of these regulations.

1009. Disclaimer of Liability

These regulations do not create any liability on the part of the Town of Londonderry, its officials, agents, employees, or representatives, for alleged damages that result from reliance on these regulations, or any lawful administrative action or decision taken under these regulations.

1100. Exemptions and Limitations

1101. General Exemptions

Except within the:

- Regulated Flood Hazard Area,
- A riparian setback,
- A wetland or a wetland setback,
- A town or state highway right of way.

landowners do not need to obtain a zoning permit for the land use and development activities listed below. For land use and development activities within the Regulated Flood Hazard Area see Section 2203-2223. For development that may be in riparian setbacks see Section 3020, for wetlands see Section 3028. Unless specifically stated otherwise, land development that is exempted is not required to meet dimensional (setback, height, etc.) or other standards of these regulations.

1. Emergency repair and stabilization of a structure damaged or destroyed by any cause to the extent necessary to protect public health and safety, and to protect the structure from the elements. Landowners must obtain a zoning permit for repair or reconstruction beyond the minimum necessary to stabilize and secure the structure.
2. Normal maintenance and repair of an existing structure other than a sign (for more information on signs see Section 3107), including interior alterations to a building that does not increase the:
   a) Structure's exterior dimensions,
   b) Wastewater generation or use,
   c) Amount of floor area or functional headroom associated with an existing use,
   d) Number of bedrooms in a dwelling,
   e) Number of units (residential or non-residential) in the structure.
3. Normal maintenance and repair of sidewalks and walkways, including replacement or reconstruction within the same footprint as the original.
4. Normal maintenance and repair of electricity, gas, telephone, cable, water or sewer infrastructure. including replacement or reconstruction within the same footprint as the original.
5. Installation, maintenance, repair and replacement of wastewater disposal and potable water systems (a state Wastewater System and Potable Water Supply Permit may be required; contact the Community Assistance Specialist at the Rutland Regional Office of the Vermont Department of Environmental Conservation).
6. Landscaping, grading and excavating associated with:
   a) Normal maintenance and repair of roads, driveways, parking areas, sidewalks, walkways, stormwater facilities or essential services.
   b) Non-agricultural site improvements that do not result in the disturbance of one acre of soil being disturbed within any calendar year, and site improvements that do not affect existing drainage patterns on adjacent lots or public rights-of-way.
7. Construction of a small pond that will:
   a) Have a surface area of not more than 500 square feet.
   b) Not exceed a depth of 10 feet.
   c) Meet applicable setback requirements for the zoning district.
   d) Not involve damming or otherwise altering a stream or other natural water body.

e) Not affect existing drainage patterns on adjacent lots or public rights-of-way.
f) Not be located within a wetland, wetland buffer, riparian buffer or flood hazard area.

8. Demolition of a fence, addition or an accessory structure with a footprint of 500 square feet or less.
9. Replacement or reconstruction of an existing fence or wall that is in the same location and is not higher than the original.
10. A new fence or wall (see Section 3014 for further guidance on fences and walls, including how to measure height) that:
    a) Is not more than 4 feet tall, if functioning as a retaining wall, or is not more than 6½ feet tall otherwise.
    b) Does not extend into or obstruct a public right-of-way.
    c) Does not interfere with corner visibility or sight distance for vehicular traffic.
    d) Does not affect existing drainage patterns on adjacent lots or public rights-of-way.
    e) Does not pose a safety hazard.
    f) Is not designed to inflict physical harm.
11. An above ground fuel tank that:
    a) Holds not more than 1,000 gallons of propane or 500 gallons of other kinds of fuel for on-site use.
    b) Meets applicable setback requirements for the zoning district.
    c) Is sited, installed and secured in accordance with state and federal regulations.
12. Any ground-mounted HVAC system, back-up generator or similar mechanical equipment that:
    a) Has a footprint or is placed on a pad that does not exceed 200 square feet.
    b) Meets applicable setback requirements for the zoning district.
    c) Is sited, installed and secured in accordance with state and federal requirements.
13. A small inground pool or spa that is smaller than 500 square feet.
14. Skate ramps, trampolines, tents and similar small portable structures under 500 square feet that meet district setbacks.
15. Wheelchair ramps, uncovered entry stairs, or walkways that do not:
    a) Exceed 6 feet in width.
    b) Extend into or obstruct a public right-of-way.
    c) Interfere with corner visibility or sight distance for vehicular traffic.
    d) Affect existing drainage patterns on adjacent lots or public rights-of-way.
16. Signs listed in Section 3107.2, and street and traffic control signs.
17. Cisterns, mailboxes, newspaper tubes, house numbers and clotheslines.
18. A solar energy device that:
    a) Will be installed on and project not more than 10 feet above the surface of a roof with a slope greater than 5%.
    b) Will be installed on a roof with a slope of 5% or less.
19. A television antenna, radio antenna, satellite dish or similar device used to provide on-site communication service that:
    a) There are not more than 15 square feet in area, if a dish antenna.
    b) Does not extend more than 12 feet above the roofline, if attached to a building.
    c) Does not extend more than 50 feet above the ground, if a freestanding amateur radio antenna (including any support structure).
    d) Meets applicable setback requirements for the zoning district.
    e) Does not interfere with public safety communications.

20. Antennas mounted on existing structures, which are used for single-use local business radio dispatch purposes or for police, fire, ambulance or similar emergency dispatch purposes and do not interfere with public safety communications.
21. Telecommunications equipment and related site development that does not exceed a footprint of 300 square feet and a height of 10 feet.
22. The attachment of a new or replacement cable or wire to an existing electrical distribution or communications distribution pole.
23. The replacement of an existing electrical distribution or communications distribution pole with a new pole.
24. A transit shelter not within a road right-of-way that has a footprint of not more than 200 square feet and that is not more than 12 feet tall.
25. A home occupation that meets the requirements of Section 3214.
26. Mobile food service that is not located on a parcel for longer than 3 consecutive days and for more than 8 days in any calendar year.
27. Farmers' markets that do not occur on the lot for longer than 1 consecutive day and for more than 26 days in any calendar year. A farmers' market will be considered a retail use subject to permitting and approval under these regulations if improvements are made to the site to accommodate the use such as parking, signage or structures that remain on the site when the market is not open. Farmers markets must receive an itinerant vendors license from the selectboard.
28. Garage sales, yard sales, tent sales, auctions, casual sales of vehicles, equipment or similar used personal or business goods owned by the landowner or tenant that do not occur on the lot for more than 12 consecutive days in any calendar year.
29. Use of public or private land for noncommercial outdoor recreation (any permanent structures associated with such use may require a zoning permit).
30. Non-commercial unimproved paths and trails.
31. Unimproved trails on private land associated with and managed by the operator of a lawful commercial outdoor recreation use. The trail use will be considered a commercial outdoor recreation use subject to permitting and approval under these regulations if permanent improvements are made to the site to accommodate the use such as non-exempt signage (see Section 3107.2) or warming huts.

1102. Development with a Certificate of Public Good

In accordance with state statute (30 V.S.A. § 248.a) landowners do not need to obtain a zoning permit for development associated with utility, energy or telecommunications infrastructure that receives a Certificate of Public Good from the Public Utility Commission.

1103. Farming and Forestry

1. In accordance with state statute, landowners do not need to obtain a zoning permit to conduct accepted agricultural practices or accepted forestry practices as defined by the State of Vermont Agency of Agriculture or Department of Forests, Parks and Recreation, respectively. The Administrative Officer (AO) may require a landowner to submit a written determination from the applicable state agency as to whether the subject land use activity is an accepted agricultural or forestry practice.

2. In accordance with state statute, landowners do not need to obtain a zoning permit to build a farm structure in accordance with state regulations and the following:

a) Landowners must submit a zoning permit application demonstrating that proposed development qualifies as an exempt farm structure, but they do not have to pay the associated application fee.
b) The Administrative Officer may require landowners to provide a written determination from the Vermont Agency of Agriculture, Food and Markets as to whether proposed development qualifies as an exempt farm structure.
c) Farm structures, other than walls or fences used for farming purposes, must meet the setback requirements for the district unless the applicant provides the Administrative Officer with a written waiver from the Vermont Agency of Agriculture, Food and Markets. Farm structures are not required to meet bulk or height requirements for the district.
d) Upon finding that the proposed development qualifies as an exempt farm structure, the Administrative Officer will issue the landowner a letter informing the landowner that he/she may build and use the structure for farming purposes in accordance with the state's required agricultural practices without a zoning permit, but that he/she must obtain a zoning permit before using the structure for any other purpose other than personal storage.

1104. Government and Community Facilities

The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

1. State- or community-owned and -operated institutions and facilities.
2. Public and private schools and other educational institutions certified by the Agency of Education.
3. Churches and other places of worship, convents, and parish houses.
4. Public and private hospitals.
5. Regional solid waste management facilities certified under 10 V.S.A. chapter 159.
6. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.
7. Emergency shelters.
8. Hotels and motels converted to permanently affordable housing developments.
9. Fire departments and ambulance services serving Londonderry.

1105. Group Homes

In accordance with state statute, landowners do not need to obtain a zoning permit to use a lawful single unit dwelling as a group home that will:

1. Not serve more than 8 residents who have a disability (for larger facilities, see Section 3205).
2. Not be located closer than 1,000 feet from another residential care or group home as measured from property line to property line.
3. Be operated under state licensing or registration.

Landowners must obtain a zoning permit for home construction or other associated development to the same extent as required for other single-unit dwellings in the zoning district.

1200. Prior Applications, Approvals and Uses

1201. Prior Applications

The Administrative Officer and Development Review Board will review applications based on the regulations in effect at the time the Administrative Officer determined that the filed application was complete.

1202. Prior Permits and Approvals

1. **Zoning Permits Issued Prior to Amendment or Adoption of these Regulations.** If the Administrative Officer lawfully issued a zoning permit before the Town of Londonderry adopted or amended these regulations, an applicant will not need a new or amended permit for the project. If such an applicant does not substantially complete the development or receive an extension before that permit expires, the applicant will need to apply for a new zoning permit, including any development approvals as applicable, under the regulations in effect at the time of the new application.

2. **Prior Zoning Permits for Phased Projects.** If an applicant received approval for a phased project before the Town of Londonderry adopted or amended these regulations, the Administrative Officer will issue permits for the development as approved irrespective of any change in the regulations. However, if such an applicant does not substantially complete the phased project as a whole within the timeframe specified in the approval, the applicant will need to apply for a new zoning permit, including any development approvals as applicable, under the regulations in effect at the time of the new application.

3. **Prior Development Approvals.** If an applicant does not obtain a zoning permit for proposed development, other than a subdivision, that the Development Review Board approved within 12 months of receiving that development approval, the approval will expire and the applicant will need to apply for a new approval under the regulations in effect at the time of the new application. (Note: An applicant may request a delay in effect for a zoning permit and/or development approval in accordance with Section 4204.2.)

4. **Effect of Change in Ownership.** Zoning permits and development approvals remain valid irrespective of any change in ownership of the property.

5. **Lawfully Recorded Subdivision Plats.** If an applicant lawfully recorded an approved subdivision plat in the Londonderry land records, that plat will remain valid and will not expire irrespective of any change in these regulations or in ownership of the property.

1203. Change of Use

A landowner must obtain a zoning permit, and any development approvals as applicable, for a change from one use to another. A landowner will not need to obtain a zoning permit or development approval for a change of use if both uses fall under the same definition in Section 5000 (e.g., a retail sales use like a bookstore to a retail sales use like a home furnishings store). Other site development associated with the change of use may require a permit or approval (e.g., new or modified signage, outdoor lighting, parking, etc.).

1204. Expansion of Use

A landowner must obtain a zoning permit, and any development approvals as applicable, to expand a use to occupy additional space in a building or on a lot.

1205. Discontinued Uses

1.One- and Two-Unit Dwellings. A landowner will not need to obtain a zoning permit to resume residential use of a lawful vacant dwelling unit.

2.Other Uses. A landowner must obtain a new zoning permit in accordance with these regulations, and any development approvals as applicable, to resume a lawful use other than at a one- or two-unit dwelling that has been discontinued for more than 3 years except:

a. If the landowner has had to discontinue a non-residential use as result of damage to the structure in which it is housed, the owner may re-establish the use once the structure has been repaired or rebuilt in accordance with Section 1207.
b. The Administrative Officer may extend the period of discontinuance for a conforming use another 12 months if the landowner demonstrates that he/she is actively marketing the property or business for sale or lease.

3.**Nonconforming Uses**. If the use is nonconforming, see Section 1302

1206. Abandoned Development

If the development authorized by a zoning permit is abandoned without being completed prior to the expiration of the zoning permit authorizing the development (see Section 4204.7), the Development Review Board may require after a warned hearing, that the landowner demolish or secure any partially completed structures, remove all structural materials from the site, restore the site to a natural grade, and re-establish groundcover to prevent erosion prior to the zoning permit expiring.

1207. Damaged or Destroyed Structures

1. **Stabilize and Secure.** A landowner must act promptly to stabilize and secure a structure that was damaged or destroyed (as defined in Section 5000) as necessary to protect public health and safety, and to maintain it in that condition until such time as it is demolished or reconstructed.

2. **Demolition or Reconstruction.** Within 12 months of a structure being damaged or destroyed (as defined in Section 5000) a landowner must obtain a zoning permit for either reconstruction or demolition of the structure. The landowner will not have to pay the associated application fee if a complete application is filed within 12 months of the structure being damaged or destroyed. See Section 3007 for guidance on demolition. The Development Review Board may grant waivers to this rule for structure that they determine to be of historic value.

3. **Extension of Period to Act.** The Administrative Officer may extend the deadline to obtain a zoning permit to not more than 24 months in the case of a declared disaster or upon the landowner demonstrating that the deadline cannot be met due to factors beyond his or her control (e.g. legal or insurance processes).
4. **Failure to Act.** The failure to obtain a zoning permit for demolition or reconstruction, or to maintain a damaged or destroyed structure as required under this section will be considered a violation of these regulations subject to enforcement under Section 4600-4605.

5. **Nonconforming Structures.** If a nonconforming structure is damaged or destroyed by a cause other than neglect, a landowner may rebuild and use the structure in accordance with Section 1301 provided that:
   a) The structure as reconstructed is not more nonconforming than the original structure.
   b) The landowner submits a complete application for a zoning permit for reconstruction within 3 years of the structure being damaged or destroyed.

1300. Nonconformities

1301. Nonconforming Structures

1. **General.** A nonconforming structure that lawfully existed when the Town of Londonderry adopted or amended these regulations may continue to exist unchanged indefinitely.

2. **Use.** A landowner may obtain a zoning permit, and any applicable development approvals, to use a nonconforming structure for any land use allowed in the zoning district.

3. **Repair and Maintenance.** A landowner may undertake normal repair and maintenance of a nonconforming structure without a zoning permit in accordance with Section 1101.

4. **Changes to Nonconforming Structures That Can Be Approved by the AO**
   The Administrative Officer may approve a zoning permit for changes to a nonconforming structure provided that the proposed development:
   a) Will not result in any expansion (horizontal or vertical) of that portion of the nonconforming structure that extends into the minimum setback or beyond the maximum building height.
   b) Will not convert a nonconforming porch, deck, entryway or similar feature to enclosed and/or conditioned building space.
   c) Is not subject to conditions from prior approvals or permits that would otherwise restrict the proposed development.
   d) Would not otherwise require a development approval from the Development Review Board.
   e) Is for the Replacement of a nonconforming porch or deck in the same footprint.
   f) Is for the replacement of all or part of a foundation without moving the structure.
   g) Is necessary to comply with state or federal building code, energy code or accessibility requirements.

5. **Damaged or Destroyed Structures**. A landowner may obtain a zoning permit to repair or reconstruct a nonconforming structure that has been damaged or destroyed by any cause other than neglect (as defined in Section 5000) in accordance with Section 1207, and provided that the repair or reconstruction does not change the exterior dimensions of the structure in a manner that would result in the repaired or reconstructed structure or portion of the structure encroaching further beyond the previous nonconforming building line or height. For rules on rebuilding nonconforming structures in flood zones see Section 2203. For rules on rebuilding nonconforming structures in wetlands see Section 3028, riparian buffers, Section 3020.

6. **Changes to Nonconforming Structures that Require a Hearing**. Other changes to nonconforming structures require a dimensional waiver (see section 4405) or a variance (see section 4406) from the Development Review Board.

1302. Nonconforming Uses

1. **General**. A nonconforming use that lawfully existed when the Town of Londonderry adopted or amended these regulations may continue to exist in its current location, configuration and intensity indefinitely.
2. **Relocation**. A landowner must not move a nonconforming use from one location to another where it would also be a nonconforming use.
3. **Resumption**. A landowner must not resume a nonconforming use that he/she abandoned, discontinued or replaced with another use for more than 3 years. If a nonconforming use is located in a structure that is damaged or destroyed (as defined in 5003) the landowner may resume the use once the structure is repaired or rebuilt in accordance with Section 1207.
4. **Minor Expansion**. The Administrative Officer may issue a zoning permit to allow a landowner to extend or expand a nonconforming use to:
   a) Fully occupy space within the associated structure as that structure existed when the use became nonconforming.
   b) Occupy up to 25% more floor area than when the use became nonconforming in another structure or in a lawful addition to the existing structure.
5. **Major Expansion**. The Development Review Board may approve a greater extension or expansion of a nonconforming use as a conditional use upon the applicant demonstrating the proposed extension or expansion will not result in greater adverse impacts on the character of the area. See section 1301.6.
6. **Change of Use**. The Development Review Board may approve the change of one nonconforming use to another nonconforming use as a conditional use upon the applicant demonstrating that the proposed nonconforming use will be less intensive in nature, have fewer off-site impacts and will be more compatible with the character of the area than the existing nonconforming use.

1303. Nonconforming Lots

1. **General**. A nonconforming lot may continue to exist unchanged indefinitely.
2. **Merger**. If a lot with insufficient acreage comes into common ownership with one or more contiguous lots, Londonderry will not deem the lots merged for the purposes of these regulations (a landowner may choose to merge contiguous lots in accordance with Section 4306). Lots deemed merged under the previous bylaws will be deemed unmerged by this new rule.
3. **Lot Size**. In accordance with statute, a landowner may develop a lot that does not meet the minimum dimensional standards of the zoning district in accordance with all other applicable provisions of these provided that the lot:
   a) Is legally subdivided and able to be conveyed separate from any other lot.
   b) Existed as of the effective date of these regulations.
   c) Is at least ¼ acre in area.
   d) Is not less than 40 feet wide or deep.
4. **Lot Frontage**. A landowner with an existing lot that does not meet the minimum lot frontage for the zoning district may develop that lot in accordance with all other applicable provisions of these regulations provided that:
   a) The lot has access to a maintained public or private road by at least 35 feet of lot frontage, or by a permanent easement or right-of-way at least 35 feet in width after approval by the Development Review Board,
   b) Access to the proposed development will conform to the requirements of Section 3002.
   c) The applicant is able to get a highway/road access permit from the Selectboard.

5. **Subdivision.** A landowner with an existing lot that does not meet the minimum lot frontage for the zoning district must not subdivide that lot unless:
   a) The lot has access to a maintained public or private road by lot frontage, permanent easement or right-of-way at least 50 feet in width.
   b) Access to the subdivided lots will conform to the requirements of Section 3002.

1304. Creation of a Nonconformity

The Town of Londonderry prohibits any development that would create a nonconformity except that a public project that requires the transfer or taking of land (e.g., road widening) may create a nonconformity.

2000. Zoning Districts

2001. General Provisions

These regulations establish the following zoning districts as shown on the Official Zoning Map and described in Sections 2100-2109:

1. Village Residential District (VR)
2. Rural Residential-1 District (R1)
3. Rural Residential-3 District (R3)
4. Village Commercial District (VC)
5. Service Commercial District (SC)
6. Recreation Commercial District (RC)
7. Shoreland District (SH)

2002. Establishment of Overlay Zoning Districts

These regulations establish the following overlay zoning districts as shown on the Official Zoning Map and described in Section 2203:

1. Aquifer Protection Overlay (APO)
2. Conservation Overlay (CO)
3. Flood and Fluvial Erosion Overlay (FO)

2003. Official Zoning Map

1. The Town of Londonderry incorporates the maps delineating the boundaries of the various base and overlay zoning districts established in this section by reference into these regulations and adopts them as part of these regulations as the Town of Londonderry's Official Zoning Maps.
2. The Official Zoning Maps is on file in the town office. The map on the town website and the small-scale, unofficial versions of the maps included in these regulations are for convenience only. The Official Zoning Maps must be used for all measurements and interpretations of the district boundaries.
3. If a specific distance or measurement is not specified on the map, the Administrative Officer will interpret any Official Zoning Map boundaries:
   a) Which follow, parallel or extend from roads, power lines or rights-of-way to follow, parallel or extend from the centerlines of such roads, power lines or rights-of-way.
   b) Which Follow or extend from lot lines or municipal boundaries to follow or extend from such lines or boundaries.
   c) Which Follow or parallel rivers, streams or other drainageways to follow or parallel the centerlines of such rivers, streams or drainageways.
4. The Administrative Officer will interpret any of the features listed in Section 2003.3 to be located where they exist on the ground or as shown on a survey at the time of the interpretation if they vary from their depiction on the Official Zoning Map except that:
   a) A boundary line adjustment, lot merger, subdivision or other change to the location of a lot line will not change the location of any zoning district boundary indicated as following that lot line.
   b) The reclassification or discontinuance of a road will not change the location of any zoning district boundary indicated as following that road.

2004. Lots Divided by a Zoning District or Municipal Boundary

1. **Zoning District Boundary**. When a lot includes land in two or more zoning districts, proposed development may only extend across the district boundary if it conforms to the standards of the adjoining district(s).
2. **Municipal Boundary**. When a lot includes land in two or more municipalities, proposed development may only extend into the portion of the lot in Londonderry if it conforms to the standards of the applicable district. However, the standards of the applicable district can be met by considering the entire lot including portions not located in Londonderry (e.g., lot size, frontage and access requirements can be met with land in the other town).

2005. Use Standards

1. **Allowed Uses**. A proposed use must be listed as a permitted or conditional use in the applicable zoning district unless the subject use is an existing nonconformity and the proposed development is in conformance with the requirements of Section 1300.

2. **Permitted Uses**. The Administrative Officer may issue a zoning permit for a new permitted use in accordance with Section 4200.

3. **Site Plan Approval** Uses other than signs, farming, forestry, temporary uses, single- and two-unit dwellings and related accessory uses will also require site plan approval under Section 4304.

4. **Temporary Uses** The Administrative Officer may issue permits for temporary structures in accordance with Sections 3025.

5. **Conditional Uses**. The Administrative Officer may issue a zoning permit for a new conditional use in accordance with Section 4200 only after the applicant obtains a conditional use approval from the Development Review Board under Section 4305.

6. **Prohibited Uses**. A use not specifically listed as permitted or conditional in a zoning district is prohibited in that zoning district unless the applicant demonstrates to the Administrative Officer that the unlisted use:
   a) Is materially similar to a use that is a permitted or conditional use in the same zoning district in accordance with Section 2005.7 below.
   b) Is required to be allowed in a zoning district by state or federal law.

7. **Materially Similar Uses**.

The Administrative Officer may make a written determination that a proposed use not listed on the use table as permitted or conditional in any district is materially similar to a use listed as permitted or conditional in the applicable zoning district and that the unlisted use should be allowed to the same extent and subject to the same standards as that listed permitted or conditional use. To determine that a use is materially similar, the Administrative Officer must find that the proposed use has:

a) Similar impacts such as traffic, noise and exterior lighting as the listed use.

b) Similar characteristics such as building type, site arrangement, floor area, number of employees, customer traffic, equipment use, hours of operation, parking, vehicle trips and signage as the listed use.

8. Multiple and Mixed Uses.

In the three commercial districts, a landowner may use a lot or structure for any combination of uses allowed in the applicable zoning district. Each use will be individually reviewed and permitted under these regulations based on the standards of the zoning district and any other standards of these regulations that are applicable to the proposed use. The total amount of development on the lot must not exceed the maximum lot coverage allowed in the district. In residential districts there must not be more than one single or two-unit dwelling on any lot unless approved as part of a planned unit development.

9. Accessory Structures.

Landowners may locate accessory structures on a lot in accordance with Section 3003.

10. Accessory Uses.

A landowner may establish accessory uses on a lot in accordance with Section 3004.

2006. Dimensional Standards

Applicability. Development must conform to the dimensional standards for the applicable zoning district unless:

1. A subject lot or structure is a preexisting nonconforming structure, and the proposed development is in conformance with the requirements of Section 1300.
2. The applicant receives a dimensional waiver (Section 4405) or variance (Section 4406) from the Development Review Board.
3. The proposed development will be approved as a planned unit development (see Section 3400).

2007. Lot Size Lot size will be regulated as follows:

1. Any lot created under these regulations must meet the minimum lot size requirement for the applicable zoning district unless approved as part of a planned unit development.
2. The Development Review Board must not grant a waiver or variance under Section 4405 or Section 4406 to allow the creation of a lot that does not meet the minimum lot size requirement for the applicable zoning district.
3. A pre-existing developed lot that does not meet the minimum lot size requirement for the applicable district may be used and further developed as allowed in the applicable zoning district.
4. A pre-existing undeveloped lot that does not meet the minimum lot size for the applicable district may be developed in accordance with Section 1303.
5. An existing lot must not be reduced in size below the minimum lot size requirement for the applicable zoning district unless the reduction is the result of land being acquired for a public purpose (e.g. road widening).
6. A lot created under these regulations that will include land in more than one zoning district must meet the minimum lot size requirement for the zoning district that the portion of the

lot with road frontage is located in. If the lot has road frontage in more than one zoning district, the lot must meet the largest minimum lot size requirement.

2008. Lot Frontage

All lots must front on a public or private road as specified in the applicable zoning district as follows:

1. Pre-Existing Lots. A landowner with an existing lot that does not meet the minimum lot frontage for the zoning district may develop that lot in accordance with all other applicable provisions of these regulations provided that:

a) The lot has access to a maintained public or private road by at least 25 feet of lot frontage, or after approval by the Development Review Board, by a permanent easement or right-of-way at least 25 feet in width.
b) Access to the proposed development will conform to the requirements of Section 3002.
c) The applicant is able to get a highway/road access permit from the Selectboard.

2. Corner Lots. Lots that front on more than one road must have the minimum frontage on the side from which the lot will be accessed.

3. New Lots. All new lots created under these regulations must have the minimum frontage on a maintained public (state highway, or Class 1, 2 or 3 town highway) or private road unless the Development Review Board:

a) Approves a lot with less frontage as part of a planned unit development under Section 3400.
b) Approves a waiver under Section 4405 to reduce the frontage requirement to not less than 35 feet for irregularly shaped lots when necessary to accommodate topography, streams or other site features.
c) Approves a waiver under Section 4405 to reduce or eliminate the frontage requirement for lots accessed by a shared driveway with a permanent easement or right-of-way (also see Section 3002 and 3008).
d) Approves a waiver under Section 4405 to reduce or eliminate the frontage requirement for lots restricted to farming, forestry or open spaces uses through a legally enforceable and permanent means such as a conservation easement.
e) Approves access from a class 4 road that is upgraded to a driveway or a private road as appropriate (see Section 3002.2).

2009. Lot Coverage

The total footprint of structures on a lot must not exceed the maximum lot coverage established for the applicable zoning district.

2010. Setbacks

Development must meet applicable setback requirements for the district as follows:

1. **Corner and Through Lots**. Lots with frontage on more than one road must meet front setback requirements on the side with the highway/road access, and they must meet side setback requirements on the remaining sides.

2. **Interior Lots**. Lots with no frontage must meet the side setback for the applicable district on all sides.

3. **Lots in Common Ownership**. Side and rear setback requirements will apply irrespective of whether the same landowner owns the adjoining lot.

4. **Front Setbacks**. Front setback requirements will be measured horizontally from the middle of the road right-of-way to the closest point of the structure excluding entry steps or ramps. On state highways applicants should consult with the Administrative Officer and VTrans about the width of the right of way.

5. **Side and Rear Setbacks**. Side and rear setbacks will be measured along a line that runs perpendicular to the property line to the closest point of the structure.

6. **Stream and Shoreline Setbacks**. For measuring stream and shoreline setbacks see Section 3020.

7. **Closest Point of the Structure**. The closest point of the structure will be interpreted to include any porch, deck, balcony, portico, roof overhang of more than 2 feet, carport, garage, canopy or other structural or architectural element that is an attached component of the structure. Ramps and uncovered entry stairs are not subject to setback requirements.

8. **Dimensional Waivers or Variances**. The Development Review Board may grant a dimensional waiver or variance to reduce setback requirements in accordance with Section 4405 or Section 4406.

9. **Development that is Close to A Boundary.** If development is proposed that is very close to a boundary, the AO can require that the owner call for an inspection once the site has been staked out or demarcated, but before actual start of construction. If a structure is close to the maximum height allowed, the ZA can require an inspection of the site's grade before the structure is framed.

2011. Height Development must meet applicable height requirements as follows:

1. **Exemptions**. Height limits do not apply to:
   a) Architectural features such as belfries, spires, steeples, cupolas, domes or similar features not used for human habitation.
   b) Mechanical or utilitarian features such as skylights, parapet walls, cornices, chimneys, ventilators, bulkheads or equipment typically located on a roof, provided that such features are limited to the height necessary for their proper functioning.

   For rules on height exemptions for communication towers see Section 3207, renewable energy projects see Section 3012.

2. **Measurement.** Height will be measured:
   a) From the average finished grade at ground level (midway between the highest and lowest point of the finished surface of the ground measured around the perimeter of the structure) to the midpoint between the eaves and the ridgeline excluding the building

elements listed in Section 2011.1 above for buildings with a primary roof pitch of 5:12 (22.62o) or steeper.

b) From the average finished grade at ground level to the highest portion of the structure excluding the building elements listed in Section 2011.1 above for all other structures.

3. **Dimensional Waiver**. The Development Review Board may grant a dimensional waiver for tall nonresidential structures in accordance with Section 4405 allowing:
   a) Commercial or industrial structures such as communication antennas which exceed the maximum height standard upon the appropriate fire chief finding that the additional height is the minimum necessary to accommodate the proposed activity and will not pose a risk to public safety.

2012. Building Footprint

Building footprints will be measured as the area encompassed by the building's outer walls at ground level whether supported by piers or a full foundation.

2013. Density Standards

There is no maximum density established in Londonderry's zoning districts. The intensity of development on a lot is controlled solely by lot coverage, maximum height restrictions, and the standards of these regulations with regard to minimum dwelling unit size, maximum building footprint and height, minimum parking and access requirements, etc.

2100. Base Zoning Districts

2101. Residential Districts (VR, R1, R3)

Purpose. The primary purpose of a residential district is to provide housing and residential living, separating these uses from commercial or industrial activities, except for home businesses which can contribute to the local economy and provide valuable goods and services to the community.

2102. Village Residential Districts (VR)

1. **Purpose.** The purpose of the Village Residential Districts is to provide for high density residential development in and around the Town's village centers in a manner that maintains and enhances the traditional village pattern, pedestrian scale and historic character of these areas.

2. **Dimensional Requirements.** Min. Lot Size 1 Acre, Min. Frontage 75 ft., Min. Lot Depth 100 ft, Min. Front Setback (from middle of road) 40 ft., Min. Side Setback 10 Ft, Min. Rear Setback 20 Ft., Max. Height 35 Ft, Max. Lot Coverage 50%

3. **Permitted Uses.** Accessory Dwelling, Accessory Structure, Day Care Fac.< 7 Children, Group Home < 9 residents, Owner Occupied Bed and Breakfast, Single-Unit Home, Two-Unit home.

4. **Site Plan Approval Required.** Artist Gallery or Workshop, Cemetery, Educational Institution, Emergency Shelter, Government Facility, Hospital, Hotel converted to Emergency Housing or Multi Unit housing, Religious Institution, Rooming and Boarding House

5. **Conditional Use & Site Plan Approval Required.** Day Care Fac.> 6 Children, Cultural Facility/Museum/Library/Theater, Home Business, Multi-Unit Dwelling (3 or more units), On Farm Accessory Business, Personal Service, Public Outdoor Recreation/Park/Nature Preserve/Wildlife Sanctuary, Social Club, Social Work/Charity

6. **Other**. Farm Stand (highway access permission only), Short Term Rental (registration required), Home Occupation (No Permit Required), Farming/Forestry (No Zoning Permit Required)

2103. Rural Residential-One Acre District (R1)

1. **Purpose.** The purpose of the Rural Residential-1 Districts is to provide for moderate density residential development and compatible land uses in areas with convenient access to public roads, municipal services and commercial centers, while preventing commercial strip development along major highways and maintaining the rural character of the community

2. **Dimensional Requirements.** Min. Lot Size 1 Acre, Min. Frontage 150 Ft., Min. Lot Depth 150 Ft., Min. Front Setback (from middle of road) 55 Ft., Min. Side Setback 30 Ft., Min. Rear Setback 30 Ft., Max. Height 35 Ft., Max. Lot Coverage10%.

3. **Permitted Uses.** Accessory Dwelling, Accessory Structure, Day Care Fac.< 7 Children, Group

Home <9 residents, Owner Occupied Bed and Breakfast, Single-Unit Dwelling, Two-Unit Dwelling

4. **Site Plan Approval Required.** Cemetery, Hospital, Religious Institution.

5. **Conditional Use and Site Plan Approval Required.** Cultural Facility/Museum/ Library/Theater, Day Care Fac.> 6 Children, Home Business, On-farm business or Agricultural Enterprise, Public Outdoor Recreation/Park/Nature Preserve/Wildlife Sanctuary

6. **Other**. Farm Stand (highway access permission), Short Term Rental (registration required), Home Occupation (No Permit Required), Farming/Forestry (No Zoning Permit Required)

2104. Rural Residential Three Acre (R3)

1. **Purpose.** The purpose of the Rural Residential-Three Acre districts is to provide for agriculture, forestry, low density residential development and other compatible land uses in a manner that preserves forest blocks and wildlife habitat and maintains the Town's rural character, scenic landscape and natural resources.

2. **Dimensional Requirements.** Min. Lot Size 3 Acre, Min. Frontage 300 Ft., Min. Lot Depth 300 Ft., Min. Front Setback (from middle of road) 65 Ft., Min. Side Setback 50 Ft., Min. Rear Setback 50 Ft., Max. Height 35 Ft., Lot Coverage10%.

3. **Permitted Uses.** Accessory Dwelling, Accessory Structure, Day Care Fac.< 7 Children, Group Home <9 Residents, Owner Occupied Bed and Breakfast, Single Unit Dwelling, Two-Unit Dwelling, On-farm business or Agricultural Enterprise, Owner Occupied Bed and Breakfast, Primitive Camp.

4. **Site Plan Approval Required.**
Cemetery, Educational Institution, Emergency Shelter, Government Facility, Hospitals, Hotels converted to Emergency Housing or Multi-unit housing, Religious Institution, State Certified Waste Management Facilities

5. **Conditional Use and Site Plan Approval Required.**
Bulk Storage of Construction & Landscaping Materials, Campground, Cemetery, Commercial Outdoor Recreation, Cultural Facility/Museum/Library/Theater, Extraction/Quarrying, Day Care Fac.> 6 Children Government Facility, Home Business, Mobile Home/Tiny Home Park, Public Outdoor Recreation/Park/Nature Preserve/Wildlife Sanctuary

6. **Other**. Farm Stand (with highway access permission), Short Term Rental (registration required), Home Occupation (No Permit Required) Farming Forestry (No Zoning Permit Required)

2105. Commercial Districts (VC,SC,RC)

Purpose. Commercial zoning districts regulate land use and to allow for business activities like retail, office, and service-based businesses within specific areas. The primary purpose is to separate commercial activities from residential areas, fostering economic growth and providing essential services while minimizing potential conflicts and disturbances.

2106. Village Commercial District (VC)

1. **Purpose** The purpose of the Village Commercial Districts is to provide for a mix of commercial and residential uses at high densities in the Town's traditional centers in a manner that promotes pedestrian circulation and maintains and enhances the Town's traditional settlement pattern of compact village surrounded by rural countryside.

2. **Dimensional Requirements.** Min. Lot Size 1 Acre, Min. Frontage 75 Ft., Min. Lot Depth 100 Ft, Min. Front Setback (from middle of road) 40 Ft., Min. Side Setback 20 Ft., Min. Rear Setback 30 Ft, Max Height 35 Ft., Max. Lot Coverage 50%.

3. **Permitted Uses**. Accessory Dwelling, Accessory Structure, Day Care Facility< 7 Children, Group Home< 9 residents, On-Farm Business or Agricultural Enterprise, Owner Occupied Bed and Breakfast, Single-Unit Dwelling, Two-Unit Dwelling.

4. **Site Plan Approval Required.** Artist Gallery or Workshop, Care Home/Nursing Home, Cemetery, Educational Institution, Emergency Shelter, Food/Beverage Manufacturing/Catering, Food Truck (>3 Days), Government Facility, Hospitals, Hotels converted to Emergency Housing or Multi-unit housing, Medical Clinic or Outpatient Care Services, On-farm business or Agricultural Enterprise , Personal Service, Religious institution, Restaurant/Bar/Indoor Event Facility, Retail/Office/Bank/Bottle Redemption/Rental/Repair Service (non- automotive), Rooming and Boarding House, Transportation services, Sales lot/ Farm and Garden/ Lumber/Contractor's yard/Unenclosed storage, Social Club, Social Work/Charity, State Certified Waste Management Facilities, Storage and Distribution Services & Wholesale Trades.

5. **Conditional Use and Site Plan Approval Required.** Bulk Storage of Construction & Landscaping Materials, Commercial Outdoor Recreation, Cultural Facility/Museum/Library/Theater, Fueling Station/Carwash/Auto Repair, Day Care Fac.> 6 Children, Home Business, Hotel/Motel/Inn, Indoor Recreation, Light Industry Done Principally Indoors, Light Industry Done Principally Outdoors, Multiple Use/Mixed Use/Shopping Plaza, Mobile Home /Tiny Home Park, Multi-Unit Dwelling (3 or more units, Public Outdoor Recreation/Park/Nature Preserve/Wildlife Sanctuary, Sales Lot/Farm and Garden/Lumber Contractor's Yard/Unenclosed storage, Veterinary/pet or animal service.

6. **Other**. Farm Stand (highway access permission), Short Term Rental (registration required), Home Occupation (No Permit Required) Farming Forestry (No Zoning Permit Required).

2107. Service Commercial (SC) District

1. **Purpose.** The purpose of the Service Commercial Districts is to provide for relatively large scale commercial and industrial uses in a manner that minimizes the potential for adverse impacts on local roads, neighboring properties or the Town's rural character.

2. **Dimensional Requirements.** Min. Lot Size 1 Acre, Min. Frontage 150 ft, Min. Lot Depth 150 Ft., Min. Front Setback (from middle of road) 75 Ft, Min. Side Setback 50 Fy., Min. Rear Setback 50 Ft, Max. Height 35 Ft., Max. Lot Coverage 30%.

3. **Permitted Uses.** Accessory Dwelling, Accessory Structure, Day Care Fac.< 7 Children, Group Home< 9 residents, On-Farm Business or Agricultural Enterprise, Owner Occupied Bed and Breakfast, Single Unit Dwelling, Two -Unit Dwelling,

4. **Site Plan Approval Required.**
Artist Gallery or Workshop, Cemetery, Day Care Fac.> 6 Children, Educational Institution, Emergency Shelter, Food or Beverage Manufacturing/Catering, Food Truck (>3 Days), Government Facility, Hospitals, Hotels converted to Emergency Housing or Multi-Unit Dwellings, Medical Clinic or Outpatient Care Service, On-farm business or Agricultural Enterprise, Personal Service, Religious institution, Restaurant/Bar/Indoor Event Facility, Retail/Office/Bank/Bottle Redemption/Rental/Repair Service (non- automotive), Rooming and Boarding House, Sales Lot/Farm and Garden/Lumber Contractor's Yard/Unenclosed storage, Social Club, Social Work/Charity, State Certified Waste Management Facilities, Storage/Distribution Services /Wholesale Trades, Transportation services.

5. **Conditional Use and Site Plan Approval Required.** Bulk Storage of Construction & Landscaping Materials, Campground, Care Home/Nursing Home, Commercial Outdoor Recreation, Commercial Waste Services, Cultural Facility/Museum/Library/ Theater, Fueling station/Carwash/Auto Repair, Home Business, Hotel/Motel/Inn, Indoor Recreation, Light Industry Done Principally Indoors, Light Industry Done Principally Outdoors, Mobile Home /Tiny Home Park, Multiple Use/Mixed Use/Shopping Plaza, Multi-Unit Dwelling (3 or more units), Public Outdoor Recreation/Park/Nature Preserve/Wildlife Sanctuary, Veterinary, pet or Animal Service.

6. **Other.** Farm Stand (highway access permission), Short Term Rental (registration required), Home Occupation/Farming Forestry (No Permit Zoning Required).

2108. Recreation Commercial (RC) District

1. **Purpose.** The purpose of the Recreation Commercial District is to provide for a mix of residential, commercial and lodging uses concentrated near the base of Magic Mountain Ski Area to support the viability of the Town's tourist-recreation industry.

2. **Dimensional Requirements.** Min. Lot Size 1 Acre, Min. Frontage 100 Ft, Min. Lot Depth 100 Ft., Min. Front Setback (from middle of road) 50 Ft., Min. Side Setback 20 Ft., Min. Rear Setback 30 Ft., Max. Height 35 Ft., Max. Lot Coverage 50%

3. **Permitted Uses.**
Accessory Dwelling, Accessory Structure, Day Care Fac.< 7 Children, Group Home<9 Residents, On-Farm Business or Agricultural Enterprise, Single-Unit Dwelling, Two-Unit Dwelling.

4. **Site Plan Approval Required.**
Artist Gallery or Workshop, Cemetery, Commercial Outdoor Recreation, Commercial Waste Services, Cultural Facility/Museum/Library/Theater, Day Care Fac.> 6 Children, Educational Institution, Emergency Shelter, Food or Beverage Manufacturing/ Catering, Food Truck (>3 Days), Government Facility, Hospitals, Hotel/Motel/ Inn, Hotels Converted to Emergency Housing or Multi -Unit Dwellings, Medical Clinic or Outpatient Care Services, Personal Service, Transportation Services, Sales Lot/Farm and Garden/Lumber Contractor's Yard/Unenclosed

Storage, Social Club, Social Work/Charity, State Certified Waste Management Facilities, Storage and Distribution Services & Wholesale Trades.

5. **Conditional Use and Site Plan Approval Required.**
Bulk Storage of Construction & Landscaping Materials, Campground, Care Home/Nursing Home, Fueling station/ Carwash/ Auto Repair, Indoor Recreation, Light Industry Done Principally Indoors, Light Industry Done Principally Outdoors, Multiple Use/Mixed Use/Shopping Plaza, Mobile Home /Tiny Home Park, Multi-Unit Dwelling (3 or more units), Public Outdoor Recreation/Park/Nature Preserve/Wildlife Sanctuary, Religious institution, Restaurant/Bar/Indoor Event Facility, Retail/Office/Bank/Bottle Redemption, Rental/ Repair Service (non- automotive), Rooming and Boarding House, Veterinary/Pet /Animal service.

6. **Other**. Farm Stand (highway access permission), Short Term Rental (registration required), Home Occupation/Farming Forestry (No Zoning Permit Required)

2109. Shoreland (SL) Districts

1. **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 sitting of the location, design and intensity of residential development and associated activities.

2. **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%

3. **Permitted Uses.**
None (see Conditional Use and Site Plan Approval Required).

4. **Site Plan Approval Required.**
None (see Conditional Use and Site Plan Approval Required).

5. **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.

6. **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) 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.

d) 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 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 decks 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.

7. **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.

2200. Overlay Zoning Districts

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.

2202. Conservation (COD) Overlay District

1. Purpose. The purpose of the Conservation Overlay District is to recognize and help preserve significant forest blocks, sensitive headwater streams and wildlife habitat at higher elevations and to avoid development on steep slopes, shallow soils and in areas with poor access to public roads, municipal services and commercial centers. It is the intent of this district to:

a) Protect the town's rural character and environmental quality by guiding development away from land that has significant natural resource constraints.
b) Minimize forest fragmentation and clearing.
c) Protect significant wildlife habitat blocks and rare, threatened or endangered species.
d) Preserve the natural beauty of highly visible hillsides and ridgelines.

2. Precedence. The provisions of this section will take precedence where they impose a greater restriction than another provision of these regulations. Where there is a conflict between the provisions of this section, the most restrictive provision will apply.

3. District Boundaries. The boundaries of this overlay district are shown on the zoning map located in the Londonderry Town Offices, 100 Old School Rd, South Londonderry, VT 05155, and on the Londonderry Town Website.

4. There shall be no development in the RC overlay-except:

a) agricultural and silvicultural practices exempted under Section 1103.
b) Normal maintenance and repair of existing development.

c) 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.
d) Subdivision of land.
e) Public access and recreational trails that do not require active management or alteration of the existing or natural environment.
f) Planting projects to restore natural and beneficial functions that do not involve grading or construction of structures.
g) Development subject to a Certificate of Public Good from the Vermont Public Utilities Commission.
h) State-owned and operated facilities or institutions.

2203 Flood and Fluvial Erosion Overlay (FO)

2204. Introduction

1. **Statutory Authorization and Effect**

In accordance with 24 V.S.A. Chapter 117, §§ 4424 and 4414, there is hereby established a bylaw for areas at risk of flood damage in the Town of Londonderry, Vermont. Except as additionally described below, all administrative procedures follow municipal procedures under 24 V.S.A. Chapter 117.

2. **Statement of Purpose**

It is the purpose of this bylaw to:

a) Implement the goals, policies, and recommendations in the current municipal plan.
b) Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding-related inundation and erosion hazards.
c) Ensure that the selection, design, creation, and use of development in flood hazard areas and river corridors is reasonably safe, accomplished in a manner that minimizes or eliminates the potential for loss and damage to life and property due to flooding-related inundation and erosion hazards, and does not impair stream equilibrium, floodplain services, or the river corridor.
d) Manage all flood hazard areas designated pursuant to 10 V.S.A. §§ 751 and 753.
e) Make the Town of Londonderry, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available.

3. **Other Provisions**

a) Precedence of Bylaw
The provisions of this bylaw shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this bylaw imposes a greater restriction the provisions here shall take precedence.
b) Validity and Severability
If any portion of this bylaw is held unconstitutional or invalid by a competent court, the remainder of this bylaw shall not be affected.
c) Warning of Disclaimer of Liability

This bylaw does not imply that land outside of the areas covered by this bylaw will be free from flood or erosion damages. This bylaw shall not create liability on the part of the Town of Londonderry, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this bylaw, or any administrative decision lawfully made hereunder.

2205. Abbreviations and Definitions

1. Abbreviations

The following abbreviations shall be the shortened form of the word or phrase indicated, the definitions of which may also be included in Section 2205.3 below:

Ac. ..... acre/acreage
AMP ..... Appropriate Municipal Panel
AO..... Administrative Officer
ANR ..... Vermont Agency of Natural Resources
BFE ..... Base flood elevation
CFR ..... Code of Federal Regulations
DRB ..... Development Review Board
FEMA ..... Federal Emergency Management Agency
FIRM ..... Flood Insurance Rate Map
FHA ..... Flood Hazard Area
FHBM ..... Flood Hazard Boundary Map
FHO ..... Flood Hazard Overlay District
Ft. ..... Feet/foot
LOMA ..... Letter of Map Amendment
LOMC..... Letter of Map Change
LOMR..... Letter of Map Revision
NA ..... Not applicable
NAI..... No adverse impact
NFIP ..... National Flood Insurance Program
RAPs..... Required Agricultural Practices
RCO ..... River Corridor Overlay District
SF ..... Square feet
VSA ..... Vermont Statutes Annotated
VT ..... Vermont
ZA..... Zoning Administrator
ZBA..... Zoning Board of Adjustment

2. Construction of Language

Except where specifically defined herein, all words used in this bylaw shall have their common meanings. The word "shall" means the action is mandatory; and "occupied" and "used," in the context of structures and vehicles, shall be considered as though followed by "or intended, arranged, or designed to be occupied or used."

3. Definitions

These Flood and Fluvial Erosion Overlay definitions come from state and federal laws, and they may vary from definitions in the local zoning regulations.

ACCESSORY STRUCTURE means a structure which is: 1) detached from and clearly incidental and subordinate to the principal use or structure on a lot, 2) located on the same lot as the principal structure or use, 3) clearly and customarily related to the principal structure or use, and 4) only used for vehicle parking, storage, or primarily building access. Examples include, garages, garden and tool sheds, and playhouses, but do not include "accessory dwellings."

AREA OF SPECIAL FLOOD HAZARD is synonymous in meaning with the term "special flood hazard area" for the purposes of this bylaw.

ASSOCIATED TRANSPORTATION AND UTILITY NETWORKS means those transportation and utility networks connected to a bridge, culvert, or utility for the purpose of crossing a river or stream and do not include transportation or utility networks within the river corridor that merely run parallel to a river or stream. These do not include state transportation networks or power generation and transmission utility networks subject to the Public Utility Commission jurisdiction, as those are exempt from municipal regulation and are regulated under the State Flood Hazard Area & River Corridor Rule

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

BASE FLOOD ELEVATION (BFE) is the elevation of the water surface elevation resulting from a flood that has a one 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.

BASEMENT means any area of a building having its floor elevation below ground level on all sides, including crawlspaces.

BFE see "Base Flood Elevation."

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

COMPENSATORY STORAGE means a volume not previously used for flood storage and which shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the base flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream, or creek.

COMMON PLAN OF DEVELOPMENT means where a structure will be refurbished or constructed under one approved plan or permit, but in separate stages, phases, or in combination with other construction activities. Such work may be planned unit by unit and may take place at different times, on different schedules.

CONSTRUCTION TRAILER means a vehicle which is: (1) built on a single chassis; (2) 500 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or

permanently towable; and (4) designed for use as a temporary office facility used to support management of a construction project, and not as a permanent structure.

CRITICAL FACILITIES means facilities that are vital to public health and safety, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities.

DESIGNATED CENTER means a downtown, village center, new town center, growth center, or neighborhood development area designated pursuant to 24 V.S.A. Chapter 76A.

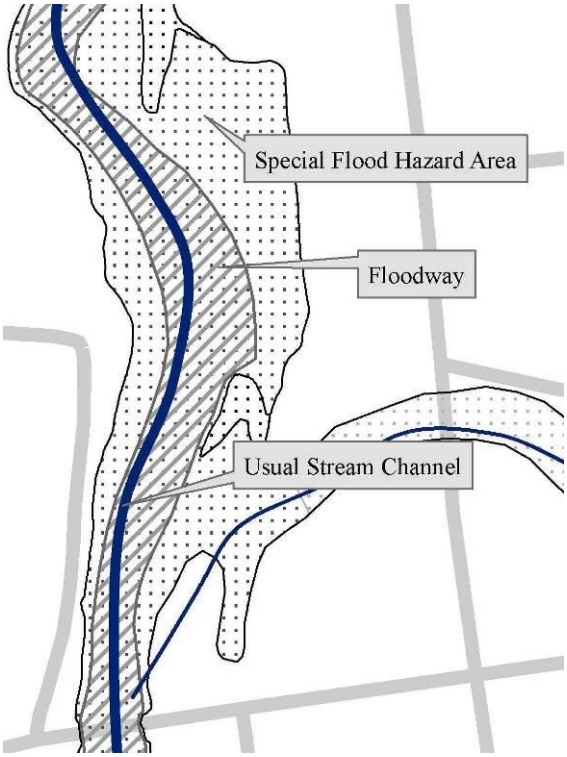
DEVELOPMENT means any human-made change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

ENCROACHMENT means activities or construction including fill, substantial improvements, and other development that may cause an increase in flood levels.

EQUILIBRIUM CONDITION means the width, depth, meander pattern, and longitudinal slope of a stream channel that occurs when water flow, sediment, and woody debris are transported by the stream in such a manner that it generally maintains dimensions, pattern, and slope without unnaturally aggrading or degrading the channel bed elevation.

FILL means any placed material that changes the natural grade, increases the elevation, redirects the movement of flood water, or diminishes the flood storage capacity at the site. Temporary storage of material for less than 180 days is not considered fill.

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



FLOOD FRINGE means the portion of the flood hazard area that is outside of the floodway but still inundated by the base flood (the flood having a one percent chance of being equaled or exceeded in any given year).

FLOOD HAZARD means those hazards related to damage from flood-related inundation or erosion.

FLOOD HAZARD AREA shall have the same meaning as "area of special flood hazard" under 44 C.F.R. § 59.1. "Area of special flood hazard" is synonymous with the term "special flood hazard area."

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

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

FLOODPLAIN OR FLOOD-PRONE AREA means any land area susceptible to being inundated by water from any source (see definition of "flood").

FLOODPROOFING means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that flood hazard areas and floodways may be shown on a separate map panels.

FLUVIAL EROSION means the erosion or scouring of riverbeds and banks during high flow conditions of a river. Fluvial erosion is most likely to occur within the river corridor.

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

GRADING means the movement or replacement of topsoil or other material originating on the site and within the hazard area. Grading results in minor or no changes in topographic elevations. If new material is brought from outside the hazard area and such new material is not offset with an equal or greater removal of material from the portion of the site within the hazard area, the new material shall be considered "fill" and shall not be considered grading.

HISTORIC STRUCTURE means 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: by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

INFILL DEVELOPMENT means construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other development in an area that was not previously developed but is surrounded by existing development.

LETTER OF MAP CHANGE (LOMC) is a letter issued by FEMA officially removing a structure or lot from the flood hazard area 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. A LOMC can include a Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), Letter of Map Revision based on Fill (LOMR-F), or a Letter of Map Revision for a Floodway (LOMR-FW).

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

NATIONAL FLOOD INSURANCE PROGRAM means the National Flood Insurance Program under 42 U.S.C. chapter 50 and implementing federal regulations in 44 C.F.R. parts 59 and 60. The National Flood Insurance Program aims to reduce the impact of flooding on private and public structures. It does so by providing affordable insurance to property owners in communities that adopt and enforce floodplain management regulations. These efforts help mitigate the effects of flooding on new and improved structures.

NATURAL AND BENEFICIAL FLOODPLAIN FUNCTIONS means the functions associated with the natural or relatively undisturbed floodplain that includes moderating flooding, retaining flood waters, and reducing erosion, sedimentation and flood related damage. Ancillary beneficial functions include support of ecosystem services such as wildlife habitat, water quality, and recharge of ground water.

NEW CONSTRUCTION means structures for which the *start of construction* commenced on or after the effective date of this bylaw and includes any subsequent improvements to such structures.

NONCONFORMING STRUCTURE means a structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer. Structures that were in violation of the regulations in effect at the time of their creation, and remain so, remain violations and are not nonconforming structures.

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

NON-RESIDENTIAL includes: businesses, churches, schools, nursing homes, pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, industrial structures, and warehouses.

PERSON means an individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

PUBLIC WATER ACCESS means a public access to a water of the State and, except for toilet facilities, shall not include structures as defined in this bylaw.

RECREATIONAL VEHICLE means 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.

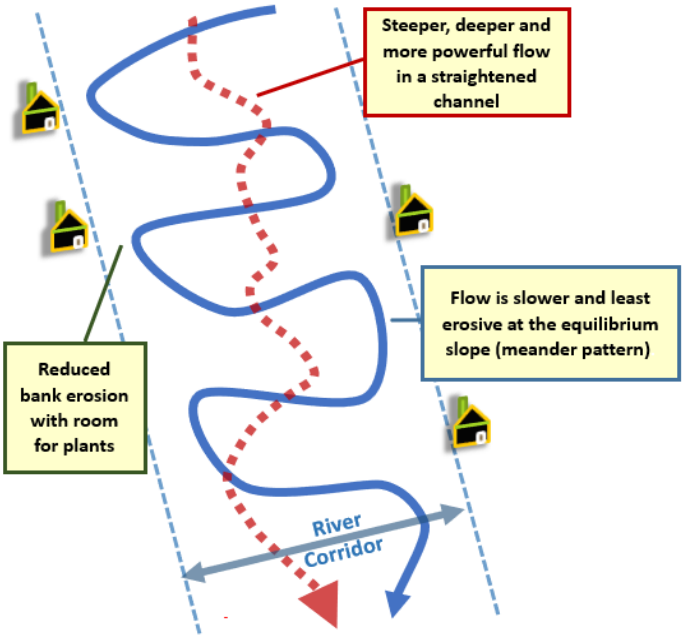
REDEVELOPMENT means construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other development in a previously developed area. The term includes substantial improvements and repairs to substantially damaged buildings.

REPLACEMENT STRUCTURE means a new building placed in the same footprint as the pre-existing building and does not include a change in use.

RIVER means the full length and width, including the bed and banks, of any watercourse, including rivers, streams, creeks, brooks, and branches which experience perennial flow. "River" does not mean constructed drainageways, including water bars, swales, and roadside ditches.

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

SPECIAL FLOOD HAZARD AREA is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. For purposes of this bylaw, the term "area of special flood hazard" is synonymous in meaning with the phrase "special flood hazard area." This area is usually labeled Zone A, AO, AH, AE, or A1-30 in the most current flood insurance studies and on the maps published by FEMA. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov. Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of special flood hazard areas that are determined by detailed methods. Please



note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

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

STORAGE means the aggregation of materials, items, or objects whether natural or human-made; that is kept as a stockpile, collection, or inventory; where individual materials from the stockpile, collection or inventory may change, but where the general footprint of the stored materials continues to be used for the same purpose; whether set upon the land or within a container, structure, or facility; and that would not otherwise be in compliance with these development standards.

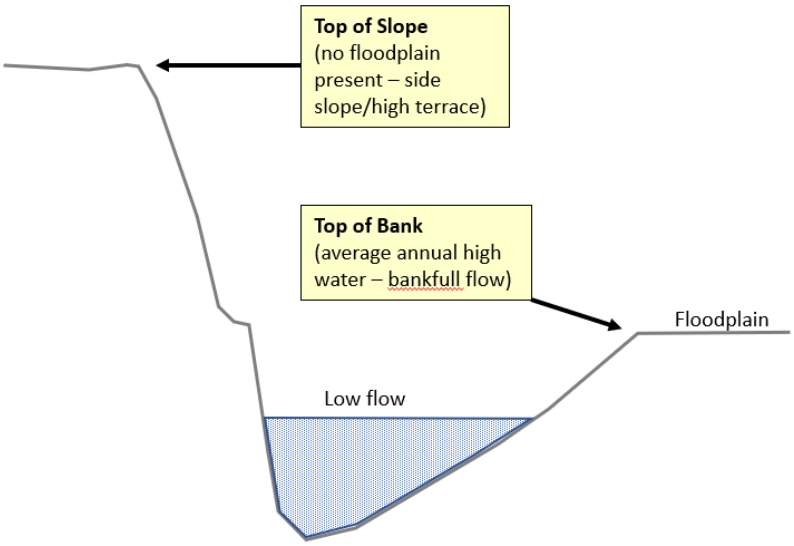
STRUCTURE means a walled and roofed building, as well as a manufactured home, including gas or liquid storage tanks.

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

TOP OF BANK means the point along a streambank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high-water stage.

TOP OF SLOPE means a break in slopes adjacent to steep-banked streams that have little or no floodplain; or a break in slope where the side slopes adjacent to an incised, or deeply cut, channel meet floodplains that have been abandoned or are undergoing abandonment.



VIOLATION means the failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 C.F.R. § 60.3 is presumed to be in violation until such time as that documentation is provided.

WATERCOURSE means any perennial stream and shall not include ditches or other constructed channels primarily associated with land drainage or water conveyance through or around private or public infrastructure.

WET-FLOODPROOFING means permanent or contingent measures applied to a structure that prevent or provide resistance to damage from flooding by allowing water to enter the structure in accordance with Technical Bulletin 7 published by FEMA. https://www.fema.gov/media-library/assets/documents/3503

2206. Administration

1. Administrative Officer & Appropriate Municipal Panel

a) **Administrative Officer (AO):** An Administrative Officer (AO) shall be appointed to administer this bylaw pursuant to 24 V.S.A. § 4448. The AO, shall administer this bylaw literally and in doing so shall inspect development, maintain records, enforce this bylaw, and perform all other necessary tasks to carry out the provisions of this bylaw and the statutory requirements of 24 V.S.A. Chapter 117. The AO shall not have the power to permit any land development that is not in conformance with this bylaw.

b) **Appropriate Municipal Panel (AMP):** The Appropriate Municipal Panel (AMP) for this bylaw shall be the Development Review Board (DRB) which shall be appointed by the Selectboard in accordance with 24 V.S.A. § 4460.

c) The **DRB** shall have the duties and responsibilities as described in 24 V.S.A. Chapter 117 and as otherwise required by the municipal bylaws.

2207. Application Submission Requirements

All Applications for development in the Flood and Fluvial Erosion Overlay shall include:

1. Site Plan. A site plan that depicts the proposed development, all water bodies, all Hazard Overlay District boundaries, the shortest horizontal distance from the proposed development to

the top of bank of any river, any existing and proposed drainage, any proposed fill, pre- and post-development grades, and the elevation of the proposed lowest floor as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;

2. Project Review Sheet. A Vermont Agency of Natural Resources Project Review Sheet.

3. Supplemental Application Requirements. Some applications may require additional information based on the location and type of the development. The following information shall be developed and provided with an application, as required below:

a) Base Flood Elevation (BFE). BFE information is required for:

- Replacement, substantially improved, or substantially damaged structures located within any Flood Hazard Overlay District, including Zone A, where no BFEs have been provided;
- Projects requiring elevation or dry-floodproofing above BFE;
- Additions to existing historic structures; and
- Any accessory structure proposed to be built in accordance with Section 2227.2.n and having building utility systems that will need to be protected from flood waters through elevation above the BFE.

b) Floodway Data. The following information is required for development located in the floodway. All floodway data shall be certified by a registered professional engineer. All submitted proposals shall include electronic input/output files and mapping showing cross-section locations.

- Hydraulic calculations demonstrating no rise in BFE or velocity for proposed new or expanded encroachments within the Floodway District.
- In accordance with 44 C.F.R. § 60.3(c)(10), where BFE data has been provided by FEMA, but no floodway areas have been designated, the applicant shall provide a floodway delineation that demonstrates that the proposed development, when combined with all existing and anticipated future development, will not increase the water surface elevation of the base flood by more than one foot at any point within the community.

c) Compensatory Flood Storage. The following information is required for applications that require compensatory flood storage pursuant to Section 2227.5.a:

- Designs shall provide equivalent storage volumes during peak flows up to and including the base flood discharge. This No Adverse Impact (NAI) volumetric analysis and supporting data shall be certified by a registered professional engineer.
- If it appears that the design may create an undue adverse impact to adjacent landowners or structures, a hydraulic analysis may be required to verify that a proposed development will not increase flood elevations or velocities of floodwaters. Hydraulic analyses and supporting data shall be provided by the applicant and certified by a registered professional engineer.

d) River Corridor Assessment. The following information is required for applications proposing development within the river corridor:

- Information clearly demonstrating how the proposed development meets the infill or shadowing requirements in Section 2218.1,2 or 3; or
- A narrative and supporting technical information from a qualified consultant that demonstrates how the proposal meets the River Corridor Performance Standard in Section 2207.4.c; or
- Evidence of an approved major or minor map update issued by ANR in accordance with the process outlined in the DEC Flood Hazard Area & River Corridor Protection Procedure, finding the proposed development is not located within the river corridor. Please note that ANR may require the applicant to provide technical data from a qualified consultant to justify a map update.

e) Waivers. Upon written request from the applicant, the DRB may waive specific application requirements when the data or information is not needed to comply with Sections 2214. and 2219. of this bylaw. A determination to waive the compensatory storage requirement shall include written concurrence from the ANR regional floodplain manager, that project will have only a minimal effect on floodwater storage.

4. **Referrals**

a) Upon receipt of a complete application for new construction or a substantial improvement, the ZA/AO shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner. The ZA/AO and DRB shall consider all comments from ANR.

b) Any application for a proposed conditional use or a request for a variance from these regulations shall be referred to the DRB in accordance with 24 V.S.A. § 4460.

c) If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the River Management Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner.

2208. Public Notice

1. Prior to the issuance of a permit, proposals needing conditional use review, nonconforming structures and uses review, or approval for a variance, must have a warned public hearing. A copy of the application shall be submitted to ANR at least 30 days prior to the date of the public hearing. warned following the procedure in Section 4501. In addition

2209. Decisions and Permits

1. **Comments from the ANR** The ZA/DRB shall consider comments from the ANR when making a decision on an application.

2. **Decisions on applications** that go to the DRB for review shall be made in accordance with 24 V.S.A. § 4464.

3. Permits

A permit shall be issued by the ZA only in accordance with 24 V.S.A. Chapter 117 and the following provisions:

a. **Within 30 days of receipt of a complete application**, including all application materials and fees, the ZA/AO shall act to either issue or deny a permit in writing, or to refer the application to the DRB or to ANR for consideration, as required by Section 2207.4 [Referrals]. In accordance with 24 V.S.A. § 4448 [Appointment and Powers of Administrative Officer], if the ZA/AO fails to act with regard to a complete application for a permit within the 30-day period, a permit shall be deemed issued on the 31st day, unless the permit is for new construction or substantial improvement, in which case a permit shall not be issued until the ZA/AO has complied with the requirements of Section 2207.4. [Referrals].

b. **DRB Approval** No permit shall be issued by the ZA/AO for any use or structure which requires the approval of the DRB until such approval has been obtained. For permit applications that must be referred to a state agency for review, no permit shall be issued until a response has been received from the State, or the expiration of 30 days following the submission of the application to the State, whichever is sooner.

c. **Appeals** A permit shall include a statement that any and all appeals shall be made within 15 days of permit issuance and shall require posting of a notice of permit on a form prescribed by the municipality within view from the public right-of-way most nearly adjacent to the subject property until the appeals period has passed. A permit shall also include a statement, approved by the Secretary of Natural Resources, that State permits may be required, and that the permittee should contact State agencies to determine what permits must be obtained before any construction may commence.

d. The ZA/AO, **within three days of the date of issuance of a permit**, shall deliver a copy of the permit to the listers of the municipality, and shall post a copy of the permit in the Town Offices for a period of 15 days from the date of issuance.

e) **Effective Date**. No permit shall take effect until the time for appeal has passed, or in the event that a notice appeal is properly filed, no such permit shall take effect until adjudication of that appeal by the AMP is complete and the time for taking an appeal to the Environmental Division of the Superior Court has passed without an appeal being taken. If an appeal is taken to the Environmental Division, the permit shall not take effect until the Environmental Division rules in accordance with 10 V.S.A. § 8504 on whether to issue a stay, or until the expiration of 15 days, whichever comes first.

f) **Notice of Permit**. The notice of a permit must be displayed within view from the public right-of-way nearest to the property until the time for appeal has passed.

g) **Within 30 days after a permit has been issued** or within 30 days of the issuance of any notice of violation, the appropriate municipal official shall:

- deliver the original or a legible copy of the permit or notice of violation or a notice of permit generally in the form set forth in 24 V.S.A. § 1154(c) to the town clerk for recording as provided in 24 V.S.A. § 1154(a); and

- file a copy of that permit in the offices of the municipality in a location where all municipal land use permits shall be kept.

4. **Expiration**
   a) A zoning permit shall remain valid for two (2) years from the date it is issued. If, before that time expires, the applicant files a renewal application and has made substantial progress of the land development described in the permit, the ZA/AO shall issue not more than two consecutive 12-month permit renewals without fee. If a zoning permit expires without substantial land development the permit shall become null and void.
   b) If a permit expires, any land development on the lot covered under that permit must cease. All subsequent land development must be approved after the submission of a new application for a permit, and all laws and ordinances then in effect will be applicable.
   c) Permits shall run with the land regardless of owner.

2210. Variances In a Flood Zone

1. Variances may be granted in writing by the DRB only in accordance with all the criteria in 24 V.S.A. § 4469 after a public hearing noticed in accordance Section 4501 [Public Notice]. consistent with 24 V.S.A. § 4464. If the proposed development is located within any Flood Hazard Overlay District, the proposal shall comply with 44 C.F.R. § 60.6.

2. Any variance issued in the Flood Hazard Area shall not increase flood heights and shall inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the BFE increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as $25 for $100 of coverage. Such notification shall be maintained with a record of all variance actions.

2211. Appeals of a Permit Decision

1. Appeals from any decision or act of the ZA/AO in connection with this bylaw shall be made as provided for in 24 V.S.A. § 4465. Additional provisions applicable to appeal of a substantial improvement or substantial damage determination made by the ZA/AO can be found in sub-Section 2212.2.d [Substantial Improvement and Substantial Damage Determinations, Post Flood Procedures], below.
2. Whenever the DRB does not grant a conditional use permit or a variance request on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the respective DRB at a later time unless in accordance with 24 V.S.A. § 4470. The applicant shall clearly demonstrate that:
   a) Circumstances affecting the property that is the subject of the application have substantially changed,
   b) New information is available that could not with reasonable diligence have been presented at a previous hearing. A request to be heard on this basis shall be filed with the ZA/AO within the time period for an appeal. However, such a request does not extend the period within which an appeal shall be taken.
   c) Appeals from any decision or act of the DRB in connection with this bylaw shall be made to the Vermont Superior Court, Environmental Division as provided for in 24 V.S.A. § 4471.

2212. Administrative Responsibilities, Records

1. Records

The ZA/AO shall properly file and maintain a record of:

a) All permits issued for development under the jurisdiction of this bylaw;
b) A FEMA Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, replacement, substantially improved, substantially damaged or flood-proofed buildings (not including accessory buildings) in the Flood Hazard Area;
c) All floodproofing and other certifications required under this regulation; and
d) All decisions of the ZA/AO and DRB (including those for substantial improvement, substantial damage, variances, and violations) and all supporting findings of fact, conclusions, and conditions.

2. Substantial Improvement and Substantial Damage Determinations, Post Flood Procedures

a) When a proposal for the renovation, rehabilitation, restoration, or repair of a structure located within any Flood Hazard Overlay District is reviewed, the ZA/AO shall make a substantial improvement determination.
b) In the event of damage to a structure located within any Flood Hazard Overlay District from flooding or other causes (such as, but not limited to, fire, wind or snow), the ZA/AO shall make a substantial damage determination based on the damage sustained by the structure regardless of intended repair at that time.
c) Substantial improvement or substantial damage determinations shall be made in accordance with current FEMA guidelines or procedure established by the DRB in accordance with 24 V.S.A. § 1972 and 24 V.S.A. § 4461 and shall be used to determine the appropriate development standards for repair and rebuilding.
d) A substantial improvement or substantial damage determination can be appealed by an applicant or property owner to the DRB in accordance with Section 2211 [Appeals of a Permit Decision] of this bylaw. In the consideration of an appeal of the ZA/AO's determination, the DRB shall consider additional documentation provided by the applicant which may include:
    - A recent building appraisal (within the past calendar year, or as determined to still be applicable) completed by a licensed and qualified real estate appraiser that documents the structure's market value (excluding land value) prior to the damage or improvement; or
    - A project/repair cost estimate provided by a qualified contractor, professional engineer or licensed architect. The material and labor cost estimate shall include a detailed accounting of the proposed improvements, additions, reconstruction or rehabilitation work, repairs or associated construction and development; or
    - In the case of substantial damage, an estimate of structure damage provided or reviewed by a local official from FEMA's *Substantial Damage Estimator* software.

3. Certificate of Occupancy

a) In accordance with 24 V.S.A. § 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 the areas affected by this bylaw, until a certificate of occupancy is issued by the ZA/AO stating that the proposed use of the structure or land conforms to the requirements of this bylaw.

b) 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.

c) Upon receipt of the application for a certificate of occupancy, the ZA/AO shall review the permit conditions and inspect the premises to ensure that:

- any required state and federal permits that have been received,
- all work has been completed in conformance with the zoning permit and associated approvals, and
- all required as-built documentation has been submitted to the ZA/AO, e.g. updated FEMA Elevation Certificate, dry floodproofing certificate, as-built volumetric analysis, or as-built floodway encroachment analysis.

d. If the ZA/AO fails to grant or deny the certificate of occupancy within 29 days of the submission of the application, the certificate shall be deemed issued on the 30th day. If a certificate of occupancy cannot be issued, notice will be sent to the owner and copied to the lender.

2213. Enforcement

1. This bylaw shall be enforced in accordance with 24 V.S.A. §§ 1974a, 4451, and 4452. All notices of violation shall be provided to the State NFIP Coordinator.
2. No new flood insurance shall be provided for any property which the Federal Insurance Administrator finds has been declared to be in violation of local flood hazard area regulations. If any appeals have been resolved, but the violation remains, the ZA/AO shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended. New and renewal flood insurance shall be denied to a structure upon a finding by the Federal Insurance Administrator of a valid declaration of a violation.

2214. Erosion: River Corridor Overlay (RCO) District

2215. Statement of Purpose for Managing River Corridors

Protection of the river corridor provides rivers and streams with the lateral space necessary to maintain or reestablish floodplain access and minimize erosion hazards through natural, physical processes. It is the intent of this bylaw to allow for wise use of property within river corridors that minimizes potential damage to existing structures and development from flood-related erosion, to discourage encroachments in undeveloped river corridors and to reasonably promote and encourage infill and redevelopment of designated centers that are within river corridors.

2216. RCO District General Provisions

1. **Establishment of RCO Districts** The RCO is an overlay district. All other requirements of the underlying district or another overlay district, such as the Flood Hazard Overlay District, shall apply in addition to the provisions herein, unless it is otherwise so indicated. If there is a conflict with another such district, the stricter provision shall apply.

2. **RCO District Boundaries** Sections 2214-2219 of this bylaw shall apply to the Statewide River Corridors in the Town of Londonderry, Vermont, as published by the Agency of Natural Resources (ANR) including refinements to that data based on field-based assessments which are hereby adopted by reference. This includes the river corridor small streams setback measured as 50 feet from top of the stream bank or slope for streams draining watersheds between 0.5 and 2 square miles. Requests to update a river corridor map shall be in accordance with the procedure laid out in the ANR *Flood Hazard Area and River Corridor Protection Procedure*.

3. Jurisdictional Determination and Interpretation The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate. If uncertainty exists with respect to the boundaries of the RCO, the location of the boundary on the property shall be determined by the Administrative Officer (AO). If the applicant disagrees with the determination made by the ZA/AO or the river corridor as mapped, the applicant has the option to either:

a) Hire a licensed land surveyor or registered professional engineer to stake out the RCO boundary on the property; or
b) Request a letter of determination from ANR which shall constitute proof of the location of the river corridor boundary. In support of a letter of determination request, applicants must provide a description of the physical characteristics that bring the river corridor delineation into question (e.g. the presence of bedrock or other features that may confine lateral river channel adjustment. When ANR receives a request for a letter of determination, ANR evaluates the site and existing data to see if a change to the river corridor delineation is justified, necessitating a river corridor map update. An ANR letter of determination will either confirm the existing river corridor delineation or will result in an update to the river corridor delineation for the area in question. If a map update is justified, an updated map will be provided with the letter of determination.

2217. Development Review in River Corridors

1. Exempted Activities The following activities do not require a permit under this section of the bylaw:

a) The removal of a building or other improvement in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged.
b) Any changes, maintenance, repairs, or renovations to a structure that will not result in a change to the footprint of the structure or a change in use.
c) Maintenance of existing sidewalks, roads, parking areas, or stormwater drainage; this does not include expansions.
d) Maintenance of existing bridges, culverts, and channel stabilization activities; this does not include expansions.

e) Construction or repair of stream crossing structures (bridges and culverts), associated transportation and utility networks (new transportation or utility development that runs parallel to the river is not exempt and shall meet the Development Standards in Section 2218, dams, dry hydrants, and other functionally dependent uses that must be placed in or over rivers and streams that are not located in a flood hazard area and that have coverage under a Stream Alteration Permit, if required, under 10 V.S.A. Chapter 41 and the rules adopted thereunder.

f) Activities exempt from municipal regulation and requiring a permit under the State's "Vermont Flood Hazard Area and River Corridor Rule" (Environmental Protection Rule, Chapter 29):
   - State-owned and -operated institutions and facilities
   - Forestry operations or silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation.
   - Agricultural activities conducted in accordance with the Vermont Agency of Agriculture, Food and Market's Required Agricultural Practices (RAPs). Prior to the construction of farm structures, the farmer shall notify the ZA/AO in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks.
   - Public utility power generating plants and transmission facilities regulated under 30 V.S.A. § 248.
   - Telecommunications facilities regulated under 30 V.S.A. § 248a.

g) Planting projects which do not include any construction or grading activities in accordance with 24 V.S.A. § 4424(c).

h) Subdivision of land that does not involve or authorize development.

2. Permits

Except as provided in Section 2223 [Exempted Activities], a permit is required from the AO for all development that is located within the River Corridor. Development that requires conditional use approval or a variance from the Development Review Board (DRB) under this bylaw must have such approvals prior to the issuance of a permit by the AO. Any development that is also subject to municipal jurisdiction in the designated flood hazard areas shall meet the criteria in Section 2219-2228 All permits shall require that a permittee have all other necessary permits from state and federal agencies before work may begin.

3. Prohibited Development in the RCO District

The following are prohibited in the RCO District:

a) New structures, fill, development, and accessory dwellings that do not meet the standards in Section 2218 [Development Standards].

b) Any other development that is not exempt, permitted, or listed as a conditional use which would cause or contribute to fluvial erosion hazards.

4. Administrative Review; Permitted Development

The following development activities in the RCO District meeting the Development Standards in Section 2218 require an administrative review from the ZA/AO and may receive a permit from the ZA/AO without review by the DRB.

a) Small accessory structures not larger than 500 square feet.
b) Improvements to existing utilities that are along an existing right of way and serve a building.
c) Replacement on-site septic systems.
d) An attached deck or patio to an existing structure that is 200 square feet or less and is located no less than 100 feet from the top of bank. An attached deck or patio does not include enclosed or three-season porches.
e) River or floodplain restoration projects that do not involve fill, structures, utilities, or other improvements, and which have written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw. Applicants should be made aware that any restoration project involving work within the stream channel may require a Stream Alteration Permit under 10 V.S.A. Chapter 41 and the rules adopted thereunder.

5. Conditional Use Review

In accordance with 24 V.S.A. § 4414, conditional use review and approval by the DRB is required prior to the issuance of a permit by the ZA/AO for any activity in the RCO District that is not exempt or eligible for administrative review. This includes public water accesses and unimproved paths that provide access to the water for the general public and promote the public trust uses of the water. Permits for such accesses and paths must include a condition prohibiting the permittee from actively managing the section of river to solely protect the public water access from lateral river channel adjustment. If there are pre-existing investments such as infrastructure or habitable structures in close proximity to the access, it may be appropriate to provide streambank armoring in compliance with the Vermont Stream Alteration Rules;
http://dec.vermont.gov/watershed/rivers/river-management#rules

2218. Development Standards

The criteria below are the minimum standards for development in the RCO District. Where more than one district is involved, the most restrictive standard shall take precedence.

1. Development within designated centers shall be allowed within the river corridor if the applicant can demonstrate that the proposed development will not be any closer to the river than pre-existing adjacent development.

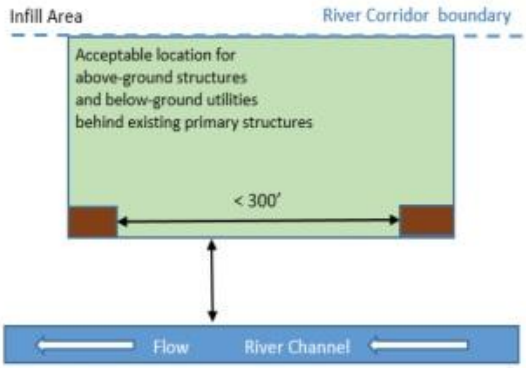


Figure 1: In-fill Development Standard

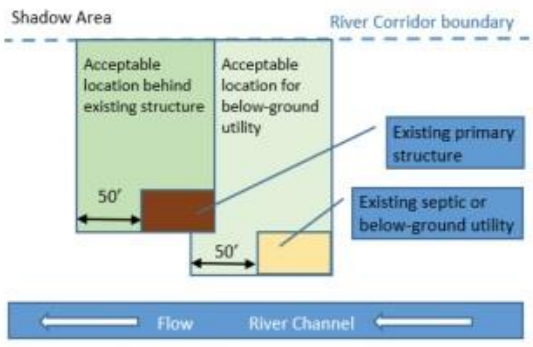


Figure 2: Shadow Area Development Standard

2. Development outside of designated centers shall meet the following criteria:
   a) **In-Fill Between Existing Development**: Development must be located no closer to the channel than the adjacent existing primary structures, within a gap that is no more than 300 feet (see Figure 1), or
   b) **Down River Shadow**: An addition to an existing habitable structure, or an accessory structure that is adjacent to an existing structure, shall be located in the shadow area directly behind and further from the channel than the existing structure, or within 50 feet to the downstream side and no closer to the top of bank. Below-ground utilities may also be placed within the same shadow dimensions of an existing below-ground system (see Figure 2).

3. **River Corridor Performance Standard**
   a. Proposals that do not meet the infill or shadowing criteria in Section 2218 [Development Standards] A or B must demonstrate and the DRB must find that the proposed development will:
      - not be placed on land with a history of fluvial erosion damage or be imminently threatened by fluvial erosion.
      - not cause the river reach to depart from or further depart from the channel width, depth, meander pattern, and slope associated with natural stream processes and equilibrium conditions; and
      - not result in an immediate need or anticipated future need for stream channelization solely as a result of the proposed development, that would increase flood elevations and velocities or alter the sediment regime triggering channel adjustments and erosion in adjacent and downstream locations.

   b. Proposals that meet the infill or shadowing criteria in section 2218.1 or 2218.2 [Development Standards], are presumed to meet the River Corridor Performance Standard. However, The DRB has the option to require an applicant to demonstrate that a proposal meets the River Corridor Performance Standard if there is a concern that the proposed development is at particular risk from fluvial erosion or may increase fluvial erosion, based on location or past flood damage.

   c. The DRB may request or consider additional information to determine if the proposal meets the River Corridor Performance Standard, including:
      - a description of why the shadowing and infill criteria in Section 2213.1 or 2213.2 cannot be met.
      - data and analysis from a consultant qualified in the evaluation of river dynamics and erosion hazards.
      - Comments provided by the DEC Regional Floodplain Manager on whether the proposal meets the River Corridor Performance Standard.

4. Permit Conditions Permits for public water accesses and unimproved paths that provide access to the water for the general public and promote the public trust uses of the water shall include a condition prohibiting the permittee from actively managing the section of river to solely protect the public water access from lateral river channel adjustment.

2219. Inundation: Flood Hazard Area Overlay (FHO) District

2220. Statement of Purpose for Managing Inundation Hazards

1. To allow for the wise use of floodplain lands in a way that minimizes potential damage to existing structures and development located within this hazard zone.
2. Provide an adequate means of protecting the beneficial functions of undeveloped floodplains and development that is already located within floodplains.
3. Avoid encroachments in flood hazard areas that may result in cumulative degradation of natural floodplain function leading to increased flood elevations, velocities, and river instability.
4. To protect infill and redevelopment from inundation hazards.
5. To discourage new encroachments on undeveloped property within the FHO District that provide for floodwater and sediment storage.

2221. Lands to Which this Bylaw Applies

1. Special Flood Hazard Areas

This bylaw shall apply to the Special Flood Hazard Areas (SFHAs, hereafter referred to as "flood hazard areas" or "FHAs") in the Town of Londonderry, Vermont as described below. Flood Hazard Areas are identified in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources (ANR) pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of this bylaw.

2. Establishment of the FHO District

The FHO is an overlay district. All other requirements of the underlying district or another overlay district, such as the River Corridor Overlay District, shall apply in addition to the provisions herein, unless it is otherwise so indicated. If there is a conflict with another such district, the stricter provision shall apply. The flood hazard area, as delineated by FEMA, may contain two parts; the floodway where limited development may be permitted and the remaining part of the flood hazard area (outside of the floodway) called the flood fringe. Within the flood hazard area, the inundation risk and type of damages may differ according to the type of flooding that occurs. Therefore, the identified FHO district is separated into different sub-districts to provide protection based upon flooding type:

- The floodway - The floodway is depicted on the Flood Insurance Rate Maps/Flood Boundary and Floodway Maps for this community.
- The flood fringe - identified as the area of the FEMA Special Flood Hazard Area (labeled as Zone A, AE, A1-30, AH, AO) outside of the floodway on the most current NFIP maps.

Unless one of these sub-districts is specifically named, reference to the FHO District Includes both.

3. **Base Flood Elevations and Floodway Limits**

Where available, base flood elevations and floodway limits provided by the NFIP and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce this bylaw. The floodway, as adopted by this community, shall consist of the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

a) In the FHO District where base flood elevations and/or floodway limits have not been provided by the NFIP in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data, as specified in Sections 2206-2213 [Administration]. Where available, the applicant shall use data provided by FEMA, or state or federal agencies to administer this bylaw.

4. Jurisdictional Determination and Interpretation

a) The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.

b) If uncertainty exists with respect to the boundaries of the FHO District, the location of the boundary shall be determined by the Administrative Officer (AO). The ZA/AO may require additional topographic or base flood elevation information if necessary to make such determination. If available, the ZA/AO shall use a FEMA Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) in making a determination. Once issued, the LOMA or LOMR shall constitute proof of the FHO boundary and whether the proposed development is within the FHO.

c) A FEMA Letter of Map Revision based on Fill (LOMR-F) that has been issued after the effective date of this bylaw shall not be used to remove lands from the jurisdiction of this bylaw.

d) When the ZA/AO deems a property is within the FHO District, an applicant seeking to challenge such determination shall have 15 days from the date of receiving the ZA/AO's determination to notify the ZA/AO of his or her intent to seek proof of the boundary. Upon timely filing of such notification letter by the applicant, the application for the zoning permit shall not be considered complete until the ZA/AO has received a LOMA or LOMR issued by FEMA or any other evidence identified in such notice.

2222. Development Classifications and Permit Requirements in the FHO District

2223. Exempted Activities

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

1. The removal of a building or other improvement in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged. Please be aware

that for damaged structures where FEMA mitigation funds may be used, the damaged structure may be required to remain in place until funds are granted.

2. Routine maintenance of existing buildings in the usual course of business required or undertaken to conserve the original condition, while compensating for normal wear and tear. Routine maintenance includes actions necessary for retaining or restoring a piece of equipment, machine, or system to the specified operable condition to achieve its maximum useful life and does not include expansions or improvements to development.
3. Interior improvements to existing buildings that cost less than 500 dollars.
4. Maintenance of existing sidewalks, roads, parking areas, or stormwater drainage; this does not include expansions.
5. Maintenance of existing bridges, culverts, and channel stabilization activities; this does not include expansions.
6. Streambank armoring and stabilization, retaining walls, and abutment work that do not reduce the cross-sectional flow area of the river or stream channel and have coverage under a Stream Alteration Permit, if required, under 10 V.S.A. Chapter 41 and the rules adopted thereunder.
7. The following activities are exempt from municipal regulation, but may require a permit under the State's "Vermont Flood Hazard Area and River Corridor Rule" (Environmental Protection Rule, Chapter 29):
   a) State-owned and -operated institutions and facilities.
   b) Forestry operations and silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation.
   c) Agricultural activities conducted in accordance with the Vermont Agency of Agriculture Food and Market's Required Agricultural Practices (RAPs). Prior to the construction of farm structures, the farmer shall notify the ZA/AO in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks.
   d) Public utility power generating plants and transmission facilities regulated under 30 V.S.A. § 248.
   e) Telecommunications facilities regulated under 30 V.S.A. § 248a;
8. Planting projects which do not include any construction or grading activities in accordance with 24 V.S.A. § 4424(c).
9. Subdivision of land that does not involve or authorize development.

2224. Permits

1. Except as provided in Section 2223 [Exempted Activities], a permit is required from the ZA/AO for all development that is located within the FHO District. Development that requires conditional use approval or a variance from the Development Review Board (DRB) under this bylaw must have such approvals prior to the issuance of a permit by the ZA/AO. All permits shall require that a permittee has all other necessary permits from state and federal agencies before work may begin.

2. Administrative Review; Permitted Development

The following development activities in the FHO District meeting the Development Standards in Section 2226 require an administrative review from the ZA/AO and may receive a permit from the ZA/AO without review by the DRB:

a) Within the entire FHO District:

- Above grade development located on ground, which has not been elevated by the placement of fill, that is one foot above base flood elevation and documented with field-surveyed topographic information certified by a registered professional engineer or licensed land surveyor.
- Open fencing and signs elevated on poles or posts that create minimal resistance to the movement of floodwater.
- At-grade parking or other at-grade/below grade development that will not create an obstruction to flood flows.
- Municipal transportation infrastructure improvements designed and constructed by the Vermont Agency of Transportation that have written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw.
- River and floodplain restoration projects, including dam removal, that restore natural and beneficial floodplain functions and include written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw.

b) Within the Flood Fringe Sub-district:

- Improvements or repairs from damage to structures that do not expand the existing footprint and do not meet the definition of “substantial improvement” or “substantial damage”.
- Accessory structures not greater than 500 square feet.
- Development related to on-site septic or water supply systems.
- Building utilities.
- Recreational vehicles or travel trailers.
- New fill for existing associated transportation and utility networks or to accommodate a replacement on-site septic system, if it can be demonstrated that no other practicable alternative is available.

2225. Prohibited Development

Except as provided in Section 2223 [Exempted Activity], the following is prohibited:

1. **Within the entire FHO District**:
    a) Fully enclosed areas below grade on all sides, including below grade crawlspaces and basements.
    b) New critical facilities.
2. **Within the Floodway Sub-district**:
    a) New accessory structures.

b) New encroachments, except for minor improvements to existing structures or relating to bridges, culverts, roads, stabilization projects, public utilities, river and/or floodplain restoration projects, or health and safety measures.
c) Changes to existing structures where the footprint of the structure is proposed to expand laterally into the floodway greater than 500 square feet.
d) Storage of materials or junk yards.

3. Conditional Use Review

In accordance with 24 V.S.A. § 4414, conditional use review and approval by the DRB is required prior to the issuance of a permit by the ZA/AO for any activity in the FHO District that is not exempt or eligible for administrative review.

4. **Non-Conforming Structures and Uses**

a) A nonconforming structure in the FHO District/Flood Hazard Area that has been substantially damaged or destroyed may be reconstructed in its original location only if it is rebuilt to comply with all requirements of the National Flood Insurance Program and this bylaw.
b) Nonconforming structures and uses shall be considered abandoned where the structures or uses are discontinued for more than 12 months. An abandoned structure shall not be permitted for re-occupancy unless brought into compliance with this bylaw. An abandoned use shall not be permitted unless brought into compliance with this bylaw.

2226. Development Standards

The criteria below are the minimum standards for development in the FHO District. If the floodway or flood fringe is not specified, the standard applies to the entire FHO District. Where more than one district is involved, the most restrictive standard shall take precedence.

2227. Floodway Sub-district

Within the floodway sub-district, the following standards apply:

1. New encroachments are prohibited within the floodway, except for the following, which also shall comply with Section 2227.2, below:
   a) changes to existing structures where the footprint is proposed to expand horizontally into the floodway less than 500 square feet;
   b) new encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects;
   c) new encroachments relating to health and safety measures, such as replacement of pre-existing on-site septic and water supply systems, if no other practicable alternative is available;

2. For all proposed new encroachments and above-grade development, a hydraulic analysis is required to be provided for review. The analysis should be performed in accordance with

standard engineering practice, by a registered professional engineer, certifying that the proposed development will:

a) Not result in any increase in flood levels during the occurrence of the base flood;
b) Not increase base flood velocities; and
c) Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

3. For development that is either below grade or will not result in any change in grade, the hydrologic & hydraulic analyses may be waived, where the applicant will provide pre- and post-development elevations demonstrating that there will be no change in grade, and that the development will be adequately protected from scour.

4. For any new encroachment that is proposed within the floodway sub-district where a hydraulic analysis is required, the applicant may provide a FEMA Conditional Letter of Map Revision (CLOMR), in lieu of a hydraulic analysis, to demonstrate that the proposed activity will not have an adverse impact.

5. No Adverse Impact (NAI) Standard within the Flood Fringe

Within the flood fringe, the following standards apply:

a) **Compensatory Flood Storage**

New development or redevelopment shall not decrease flood storage capacity. Therefore, except as noted in subsection 2227.5.b [Compensatory Flood Storage Requirement Exceptions] below, development that displaces floodwater storage in the flood fringe shall provide compensatory storage to offset the impacts of the proposal. This is required when the development will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows up to and including the base flood discharge.

- Volumetric analyses and supporting data, demonstrating compensatory storage to offset the impacts of the proposal, shall be provided by the applicant and certified by a registered professional engineer.
- An applicant may submit a hydraulic analysis that demonstrates that a project will not increase flood elevations and velocities on floodwaters in lieu of a NAI volumetric analysis.
- Compensatory flood storage designs shall not materially impact adjacent landowners or structures.
- If the design may create an undue adverse impact to adjacent landowners or structures, a hydraulic analysis shall be required to verify that a proposed development will not increase base flood elevations and velocities.
- Hydraulic analyses and supporting data shall be provided by the applicant and certified by a registered professional engineer.

b) Compensatory Flood Storage Requirement Exceptions

- The NAI compensatory storage requirement may be waived for proposed designs that have no more than a minimal effect on floodwater storage and will not result in diverting floodwaters onto an adjacent property or structure. Examples of designs

that have a minimal effect on floodwater storage include an open foundation design; utility work that is largely or completely located below grade; minor above ground improvements such as fences or poles that minimally displace or divert floodwaters; and development that will not result in any change to the pre-development ground elevations. A determination to waive the NAI compensatory storage requirement shall include written concurrence from the ANR regional floodplain manager, that the project will have only a minimal effect on floodwater storage.

- For remediation of properties with contaminated soils, such as Brownfields sites, the NAI compensatory storage requirement may be waived, if hydraulic analysis demonstrates that the remediation will not increase flood elevations and velocities. Hydraulic analyses and supporting data shall be provided by the applicant and certified by a registered professional engineer.

6. **Waivers;** The NAI compensatory storage requirement may be waived for
   a. a replacement structure if:
      - There is no increase in the structure's footprint, or
      - An open foundation design is used. Examples include using compliant flood vents or openings, or elevating the structure on post, piers, or pilings with no structural foundation walls below the design flood elevation.
   b. Transportation and utility networks These do not include state transportation networks or power generation and transmission utility networks subject to the Public Utility Commission jurisdiction, as those are exempt from municipal regulation and are regulated under the State Flood Hazard Area & River Corridor Rule;
   c. Replacement on-site septic system proposals, if the applicant demonstrates that the placement of fill cannot be mitigated.

2228. The FHO District (Zones A1-30, AE, AH, AO)

Within the FHO District, the following standards apply:

1. *All development*, except development that is exempt under Section 2223 shall be:
   a) Reasonably safe from flooding.
   b) Designed (or modified) and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure.
   c) Constructed with materials resistant to flood damage.
   d) Constructed by methods and practices that minimize flood damage.
   e) Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
   f) Adequately drained to reduce exposure to flood hazards.
   g) Required to elevate or floodproof any fuel storage tanks to at least two feet above the base flood elevation. This can be achieved by:
      - Elevating the fuel storage tank a minimum of two feet above the BFE and securely anchoring the tank to prevent flotation. The tank shall be located on the land-ward or

downstream side of the building and all inlets, fill openings, line connections, and vents shall be elevated to two feet above the BFE. Any structure or platform used to elevate the tank shall be designed to withstand anticipated flood loads and forces;

- In places where elevation of the fuel storage tank is not possible due to the location of existing fuel hookup/fuel lines into an existing building:
  - The tank shall be securely anchored to prevent floatation while protecting it from flood forces and debris. Any structure or platform used to anchor and protect the tank shall be designed to withstand anticipated flood forces and debris. The tank vent pipe/valve shall be located at a minimum two feet above the BFE; or
  - Storage tanks may be placed underground, if securely anchored and certified by a qualified professional and are protected from flood forces such as scour, erosion, velocity flow, and buoyancy (uplift) force.

2. For any new structure, replacement structure, substantially improved structure, or structure that has experienced substantial damage, outdoor utilities (electrical, heating, ventilation, plumbing, and air conditioning equipment) and other service facilities (such as sewer, gas, and water systems), shall be located on the landward or downstream side of the building and/or behind structural elements, and located and constructed to minimize or eliminate flood damage.

a. In Zones AE and A1 – A30 *where floodway limits have not been determined*, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than one foot at any point within the community. The demonstration shall be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer (see Sections 2206-2213 – Administration for more information about application submittal requirements).

b. For new, replacement or substantially improved structures, or for structures that have incurred substantial damage, fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.

c. Recreational vehicles, equipment and boat trailers, portable toilets, construction trailers, and other travel trailers shall:
   - Be currently registered, licensed and ready for highway use; or
   - Be on site for fewer than 180 consecutive days; or
   - Meet the requirements for structures in Sections 2226.1, 2226.3, or 2226.3, as appropriate.

d) Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

e) Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

f) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

g) The flood carrying capacity within any altered or relocated portion of any watercourse shall be maintained, any alteration or relocation shall not result in any decrease of stream stability.

h) Bridges, culverts and channel management activities, which by their nature shall be placed in or over the watercourse, shall have a Stream Alteration permit from the Agency of Natural Resources, if required.

i) Structural Standards

- New structures, existing structures to be substantially improved or replaced, or that have incurred substantial damage shall be located such that the lowest floor is at least two feet above base flood elevation. This shall be documented in the proposed and as-built condition with a FEMA Elevation Certificate.
- New non-residential structures, and non-residential structures to be substantially improved, replaced, or that have incurred substantial damage shall:
  - Meet the standards of Section 2228.2.a, above; or
  - Have the lowest floor, including basement, together with attendant utility and sanitary facilities, designed so that two feet above the base flood elevation the structure is dry floodproofed, meaning watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - A permit for dry floodproofing shall not be issued until a registered professional engineer, or architect has reviewed the structural design, specifications, and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection;
  - Dry floodproofing measures used to meet the above floodproofing standard shall work without the use of human intervention at the time of flooding. Exceptions to this standard are when the facility is adequately staffed at all hours with people trained and able to deploy the facility's floodproofing measures, or if the structure is located in a floodplain that has a National Weather Service flood forecast stream gauge that provides adequate advanced warning of potential flooding for the deployment of the floodproofing system.

j) New structures, or existing structures to be substantially improved or replaced, or that have incurred substantial damage in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least two feet above the depth number specified on the community's FIRM, or at least three feet if no depth number is specified.

k) Critical facilities that are to be replaced, substantially improved, or meet the definition of substantial damage shall be constructed so that the lowest floor, including basement, shall be elevated or dry-floodproofed at least one foot above the elevation of the 0.2% annual flood height (500-year floodplain), or three feet above base flood elevation, whichever is higher. A critical facility shall have at least one access road connected to land outside the 0.2% annual chance floodplain that is capable of accommodating emergency services vehicles. The top of the access road shall be no lower than six inches below the elevation of the 0.2% annual chance flood event.

l) For historic structures that would meet the definition of substantial improvement or substantial damage if not for their historic structure designation, the improved or repaired

building shall meet the following mitigation performance standards for areas below the base flood elevation:

- Any future damage to enclosures below the lowest floor shall not result in damage to the foundation, utility connections, or elevated portions of the building or nearby structures;
- Utility connections (e.g., electricity, water, sewer, natural gas) shall be protected from inundation and scour or be easily repaired;
- The building foundation shall be structurally sound and reinforced to withstand a base flood event;
- The structure's historic designation shall not be precluded;
- The likelihood of flood waters entering the structure during the base flood is reduced; and
- There shall be no expansion of uses below base flood elevation except for parking, storage, building access, or, in the case of non-residential buildings, where the space is dry floodproofed.

m) Fully enclosed areas that are above grade, below the lowest floor, below BFE, and subject to flooding, shall:

- Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and
- Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs shall be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above adjacent grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; and
- Include a signed non-conversion agreement from the owner of the structure with the permit application stating that the enclosed area below the BFE will not be converted to another use not listed above in Section 2228.2.i and that the community would have the ability to inspect the exterior and interior of the enclosed area in compliance with the standards laid out in the non-conversion agreement.

n) A small accessory structure of 500 square feet or less need not be elevated to the base flood elevation, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in Section 2228.2.i above.

2229. Zoning District Summary Tables

Figure 2-05. Dimensional standards

Dimensional Standard	VR	R1	R3	VC	SC	RC	SL
Min. Lot Size	1 Acre	1 Acre	3 Acre	1 Acre	1 Acre	1 Acre	10 Acre
Min. Frontage	75 Ft.	150 Ft.	300 Ft.	75 Ft.	150 Ft.	100 Ft.	200 Ft.
Min. Depth	100 Ft.	150 Ft.	300 Ft.	100 Ft.	150 Ft.	100 Ft.	400 Ft.
Min. Front Setback (from middle of road)	40 Ft.	55 Ft.	65 Ft.	40 Ft.	75 Ft	50 Ft.	75 Ft.
Min. Side Setback	10 Ft.	30 Ft.	50 Ft.	20 Ft.	50 Ft.	20 Ft.	50 Ft.
Min. Rear Setback	20 Ft.	30 Ft.	50 Ft.	30 Ft	50 Ft	30 Ft.	50 Ft.
Max. Height	35 Ft.	35 Ft.	35 Ft.	35 Ft.	35 Ft.	35 Ft.	35 Ft.
Max. Lot Coverage	50%	15%	20%	50%	30%	50%	4%
Shore Setback	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	300 ft

Figure 2-06. Use Tables

Use	VR	R1	R3	VC	SC	RC	SL
Accessory Dwelling	P	P	P	P	P	P	CU/SP
Accessory Structure	P	P	P	P	P	P	CU/SP
Artist Gallery or Workshop	SP	X	X	SP	SP	SP	X
Bulk Storage of Construction & Landscaping Materials	X	X	CU/SP	CU/SP	CU/SP	CU/SP	X
Campground	X	X	CU/SP	X	CU/SP	CU/SP	CU/SP
Care Home/Nursing Home	X	X	X	CU/SP	CU/SP	CU/SP	X
Cemetery	SP	SP	SP	SP	SP	SP	X
Commercial Outdoor Recreation	X	X	CU/SP	CU/SP	CU/SP	CU/SP	X
Commercial Waste Services	X	X	X	X	CU/SP	CU/SP	X
Cultural Facility/Museum/Library/ Theater	CU/SP	CU/SP	CU/SP	CU/SP	CU/SP	CU/SP	X
Day Care Fac.< 6 Children	P	P	P	P	P	P	SP
Day Care Fac.>6 Children	CU/SP	CU/SP	CU/SP	CU/SP	CU/SP	CU/SP	CU/SP
Use	**VR**	**R1**	**R3**	**VC**	**SC**	**RC**	**SL**

Use	VR	R1	R3	VC	SC	RC	SL
Educational Institution	SP	X	SP	SP	SP	SP	X
Emergency Shelter	SP	X	SP	SP	SP	SP	X
Extraction/Quarrying	X	X	CU/SP	X	X	X	X
Farm Stand	Parking*	Parking*	Parking*	X	Parking*	Parking*	X
Farming or Forestry	NP	NP	NP	NP	NP	NP	NP
Food/Beverage Manufacturing/ Catering	X	X	X	SP	SP	SP	X
Food Truck (>3 Days)	X	X	X	SP	SP	SP	X
Fueling station/ Carwash/ Auto Repair	X	X	X	CU/SP	CU/SP	CU/SP	X
Government Facility	SP	X	SP	SP	SP	SP	SP
Group Home< 8 residents	P	P	P	P	P	P	CU/SP
Home Business	CU/SP	CU/SP	CU/SP	CU/SP	CU/SP	CU/SP	CU/SP
Home Occupation	NP	NP	NP	NP	NP	NP	NP
Hospitals	SP	SP	SP	SP	SP	SP	X
Hotel/Motel/ Inn	X	X	X	CU/SP	CU/SP	SP	X
Hotels converted to Emergency Housing or Multi Unit housing	SP	X	SP	SP	SP	SP	X
Indoor Recreation	X	X	X	CU/SP	CU/SP	CU/SP	X
Light Industry Done Principally Indoors	X	X	X	CU/SP	CU/SP	CU/SP	X
Light Industry Done Principally Outdoors	X	X	X	CU/SP	CU/SP	CU/SP	X
Medical Clinic or Outpatient Care Services	X	X	X	SP	SP	SP	X
Mobile Home /Tiny Home Park	X	X	CU/SP	CU/SP	CU/SP	CU/SP	X
Multi-Unit Dwelling (3 or more units)	CU/SP	CU/SP	X	CU/SP	CU/SP	CU/SP	X
Multiple Use/Mixed Use/Shopping Plaza	x	X	X	CU/SP	CU/SP	CU/SP	X
Use	**VR**	**R1**	**R3**	**VC**	**SC**	**RC**	**SL**

Use	VR	R1	R3	VC	SC	RC	SL
On-farm business or Agricultural Enterprise	CU/SP	CU/SP	CU/SP	P	P	P	SP
Owner Occupied Bed and Breakfast	P	P	P	P	P	P	CU/SP
Personal Service	CU/SP	X	X	SP	SP	SP	X
Primitive Camp	X	X	P	X	X	X	CU/SP
Public Outdoor Recreation/ Park/Nature Preserve/Wildlife Sanctuary	CU/SP	CU/SP	CU/SP	CU/SP	CU/SP	CU/SP	CU/SP
Registered Short-Term Rental	R	R	R	R	R	R	R
Religious institution	SP	SP	SP	SP	SP	SP	X
Restaurant/Bar/Indoor Event Facility	X	X	X	SP	SP	SP	X
Retail/Office/Bank/Bottle Redemption/Rental/ Repair Service (non- automotive)	X	X	X	SP	SP	SP	X
Rooming and Boarding House	SP	X	X	SP	SP	SP	X
Single-Unit Dwelling	P	P	P	P	P	P	CU/SP
Sales lot/ Farm and Garden/ Lumber Contractor's yard or unenclosed storage	X	X	X	SP	SP	SP	X
Social Club	CU/SP	X	X	SP	SP	SP	X
Social Work/ Charity	CU/SP	X	X	SP	SP	SP	X
State Certified Waste Management Facilities	X	X	SP	SP	SP	SP	X
Storage and Distribution Services & Wholesale Trades	X	X	X	SP	SP	SP	X
Transportation services	X	X	X	X	SP	SP	SP
Two-Unit Dwelling	P	P	P	P	P	P	P
Veterinary, Pet or Animal Service	X	X	X	CU/SP	CU/SP	CU/SP	X
Use	**VR**	**R1**	**R3**	**VC**	**SC**	**RC**	**SL**

3000. General Zoning Rules

3001. Applicability

The standards of this section apply to all land development unless specifically stated otherwise in these regulations.

3002. Access

1. Applicability. Land proposed for development and lots being created through subdivision must have vehicular access from a maintained public road (state highway or class 1, 2, or 3 town road) or from a private road in accordance with the provisions of this section except:

a) For an existing lot without the minimum frontage on a maintained public or private road required in the applicable zoning district, see Section 1303.
b) For a proposed lot to be served by a shared driveway (a maximum of two houses may share a driveway) see Section 3010.
c) For access by class 4 road see Section 3002.2 below.

2. Access by Class 4 Roads and Other Unimproved Rights-of-Way.

a) Applicants may seek approval from the Selectboard to upgrade a Class 4 town road or other unimproved right-of-way 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.
b) 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, or to upgrade a Class 4 town road or other unimproved right-of-way so that it may serve to provide access.
c) 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).

3. Access Permit. An applicant for development to be served by a new or modified access on a town road or state highway must provide the Administrative Officer with a copy of an access permit or letter of intent from the town or state as applicable before the Administrative Officer may issue a zoning permit. If the proposed development requires site plan review, the applicant must provide a copy of the letter of intent or permit as part of a complete zoning application.

4. Public Works Specifications. If there is a conflict between a provision of this section and any Public Works Specifications duly adopted by the town (or in the case of a state highway, a

VTrans Standard), the provision of the town Public Works Specifications (or VTrans Standard) will take precedence.

5. **Standards.** New and modified access onto a road must conform to the following:

a) Width. The width of the access as measured at the edge of the road right-of-way must not exceed the distance specified below unless otherwise required as a condition of the access permit. If the proposed development requires site plan review and includes modifying or resurfacing the access, the applicant must reduce the width of any existing access that exceeds the distance specified below.

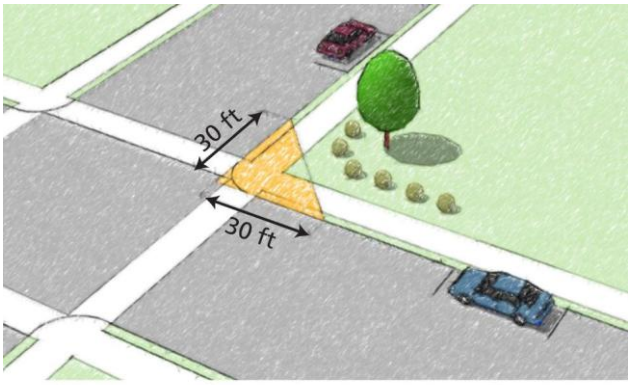
- 12 feet for access serving single- and two-unit dwellings.
- 18 feet for access serving multi-unit dwellings and non-residential uses not served by trailer trucks.
- 24 feet for access serving non-residential uses served by trailer trucks.

b) Spacing. There are no spacing requirements for accesses serving one- and two-unit dwellings. All other new accesses must conform to the standards below unless otherwise required as a condition of the access permit.

- A new access must be aligned with any existing access on the opposite side of the road whenever feasible, and if not feasible, the centerlines must be offset by at least 125 feet.
- A new access must be separated from existing access on the same side of the road or road intersections by at least 125 feet as measured from centerline-to-centerline.

c) Sight Triangle. Trees, shrubs, hedges, fences, walls, signs and similar structures must not obscure vision above a height of 3 feet within the 30-foot sight triangle of an intersection as shown in Figure 3-01. This will not be interpreted to apply to buildings constructed in accordance with zoning district standards. This provision to prevent visual obstructions at intersections is in addition to the sight distance standards for new access onto town or state highways.

Figure 3-01. Sight Triangle



SIGHT TRIANGLE MEASURED 30 FT ALONG THE EDGE OF THE ROAD SURFACE. NO OBSTRUCTIONS TALLER THAN 3 FEET ARE ALLOWED WITHIN THE SIGHT TRIANGLE.

3003. Accessory Structures

1. **Applicability.** This section applies to any subordinate structure that is located on the same lot as the related principal structure or use and that is clearly incidental to the principal structure

or use. An allowed principal structure or use includes accessory structures in accordance with this section.

2. No permit is required for an accessory structure that:

a) Is no larger than 200 square feet.
b) Is not more than 12 feet tall.
c) Is not used as a dwelling unit.
d) Meets the front district setback and is located no closer than 10 feet of the side or rear property line.
e) Is not in a wetland or regulated flood zone.

3. Setbacks. All other accessory structures must meet district setbacks unless the Development Review Board grants a waiver under Section 4405 or a variance under Section 4406.

4. Personal Storage. The Administrative Officer may issue a zoning permit for a structure to be used for non-commercial storage of the landowner's personal or household goods as the principal use/structure on a lot in any district in accordance with the dimensional standards of the applicable zoning district and all other applicable provisions of these regulations (see Sections 3019 and 3025 for portable structures and use of vehicles or trailers for storage as applicable).

3004. Accessory Uses

1. Applicability. This section applies to any accessory use that is located on the same lot as the related principal use. If the principal use is discontinued, all related accessory uses must terminate.

2. General Standards. The Administrative Officer may issue a zoning permit for an accessory use upon finding that the applicant has demonstrated that the proposed accessory use will:

a) Support and further the purposes of the related principal use.
b) Be in common ownership and operation with the related principal use.
c) Be subordinate in size and intensity to the related principal use.
d) Meet the performance standards of Section 3106.
e) Meet any other standards of these regulations applicable to the proposed use.

3005. Camping and Camping Units

1. Applicability. Any parcel of land that is occupied by or designed to accommodate more than 3 camping units (tents, yurts, recreational vehicles, cabins, lean-tos, tiny homes etc.) will be considered a campground and subject to all applicable provisions of these regulations applicable to campgrounds (see Section 3204). All other camping uses and storage of camping units outside an approved campground or sales lot, will be subject to the standards of this section.

2. Storage of Camping Units. A zoning permit is not required to store 1-3 camping units inside of required setbacks on a single- or two-unit residential lot. Landowners may not charge a fee for storing a camper or trailer on a lot.

3. Non-Commercial, Short-Term Occupancy of Camping Units. A landowner may have up to two camping units on the property that are occupied by non-paying guests. No zoning permit

will be required if occupancy is limited to not more than 60 days in a calendar year. A landowner may apply for a temporary zoning permit under Section 3025 to allow non-paying guests to occupy a camping unit longer. A landowner must obtain a zoning permit for a campground under Section 3204 to offer camping to paying guests.

4. Camping Unit as a Primitive Camp. A landowner may apply for a zoning permit to occupy a camping unit on a parcel as a primitive camp in accordance with Section 3216.

5. Camping Unit as a Temporary Dwelling. The Administrative Officer may issue a temporary permit in accordance with Section 3025 authorizing a landowner to occupy a camping unit on a lot during the period when a permanent dwelling is under construction or renovation on that lot. Camping units used as a temporary dwelling more than 60 days in a year need to meet state septic rules.

6. Camping Unit as a Permanent Dwelling. The Administrative Officer may issue a permit authorizing a camping unit to be used as a dwelling unit only if it meets all requirements for a lawful dwelling unit in these regulations (see Section 3011).

3006. Construction-Related Structures and Uses

1. Applicability. Temporary construction-related structures and uses are permitted in any district on the site of permitted development, or in an approved staging area in accordance with the provisions of this section. Construction-related structures and uses may include, but are not limited to, temporary dwelling units, temporary access and driveways, construction offices, construction trailers, construction dumpsters, storage buildings, portable toilets, fences and signs.

2. Permitting Process. The permit for the development will include approval of any construction-related structures or uses. Construction-related structures must be removed from the property promptly upon completion of work and before the Administrative Officer may issue a final certificate of zoning compliance in accordance with Section 4207.

3. Staging Areas. The Administrative Officer may issue a zoning permit for the temporary use of a lot in RC, VC or SC as a staging area for an off-site construction project. The Development Review Board may allow the temporary use of a property in any other district as a staging area for an off-site construction project as a conditional use.

3007. Demolition

1. **Applicability.** All demolition not exempted in Section 1101 requires a zoning permit and it must conform to the standards of this section. Any demolition, (including demolition that does not require a zoning permit under Section 1101) not conforming to the standards of this section will be considered a violation of these regulations.

2. **General Standards**. Within 60 days after demolition is complete:
   a) All structural materials and debris must be removed from the site.
   b) The site must be restored to a natural grade.

c) Ground cover must be re-established, or other appropriate measures taken to prevent erosion.

3. The landowner is responsible for following state and federal rules on lead, asbestos, and buried or leaking fuel tanks.

3008. Development in a Public Right-of Way

1. Land development, burying utilities, or the placement of temporary structures within public road rights-of-way are subject to approval from the Londonderry Selectboard or the Vt. Department of Transportation as applicable.
2. The right-of-way on town roads is 25 feet from the middle of the road. The right-of-way on a state road may be greater.

3009. Drive-Through Facilities

Drive-through facilities must not cause congestion or other unsafe conditions within the site or on the adjacent roadway. The Development Review Board may require an applicant to provide engineered plans demonstrating that adequate space exists on the site to accommodate queueing. Curbside delivery using existing parking spaces is allowed without a zoning permit.

3010. Driveways

1. Applicability. New, extended, or modified driveways serving proposed development and lots being created through subdivision must conform to the standards of this section. A driveway must not serve more than 2 lots or principal buildings. A vehicular way proposed to serve more than 2 lots or principal buildings will be considered a road and must conform to the standards of Section 3314.

2. Setback. Driveways must be set back twenty feet from side and rear property boundaries Unless the development Review Board grants a variance for a reduced setback.

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. Permit. The Administrative Officer may issue a zoning permit for the construction of a driveway separate from the permit for any development served by the driveway.

5. Design Standards. Driveways must meet current VTrans B-71 standards and the design standards below. In the case of a conflict between a B-71 standard and these regulations, the town standard will take precedence except within the state highway right-of-way.

6. Angle. Driveways must intersect the road at an angle as close to 90 degrees as feasible given site-specific conditions. Driveways must not intersect the road at an angle of less than 75 degrees if designed for two-way traffic or 60 degrees if designed for one-way traffic.

7. Slope. The slope of a driveway must not exceed an average of 12% as measured from the edge of the road right-of-way to the end of the driveway with no portion exceeding a slope of 15%.

8. Width. Residential driveways must have a drivable width of at least 8 feet and not more than 12 feet, and non-residential driveways must have a drivable width of at least 16 and not more than 24 feet, exclusive of any parking, pull-off or turnaround areas. The Development Review Board may approve a waiver to allow a wider driveway if the applicant can demonstrate that it is necessary to:

a) Accommodate unique physical conditions on the property,
b) Serve trailer trucks,
c) Meet minimum standards for emergency access,
d) Meet the minimum standards of the Americans with Disabilities Act, or
e) Provide improved traffic circulation within the site.

9. Clearance. Driveways must be designed and maintained with a minimum horizontal clearance of 3 feet on each side of the drivable width and a minimum vertical clearance of 13 feet.

10 Drainage. Driveways must:

a) Be designed with swales or ditches that capture and direct run-off to vegetated areas, retention areas, and/or other stormwater practices before it reaches the road right-of-way in accordance with Section 3023.
b) Not discharge run-off or eroded material onto the road.
c) Not block the flow of drainage within public rights-of-way. Where a culvert is necessary to carry drainage under the driveway it must:
    - Be at least 18 inches in diameter and sized to convey anticipated peak stormwater flows.
    - Extend at least 2 feet beyond the edge of the driveway and be adequately constructed to minimize erosion and damage to the pipe at the inlet and outlet.
    - Be aligned with the centerline of the swale.
    - Be installed and maintained by the landowner.

11. Bridges and Culverts Used for Access.

a) Bridges on private land that are used for vehicular access:
    - Require a zoning permit.
    - Do not have to meet boundary setbacks.
    - Must be designed by an architect or engineer to be suitable for use by fire trucks.
    - must be approved by the Applicable Fire Chief (Londonderry or South Londonderry).

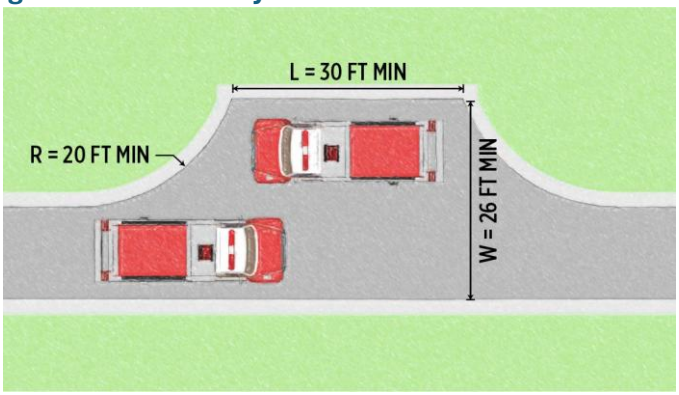
b) The installation of new bridges and culverts which carry running water under driveways and private roads may need to be approved by the local Agency of Natural Resources River Management Engineer. ANR approval is not required of a culvert in a dry roadside ditch.

12. Pull-Offs. A driveway longer than 400 feet with a drivable width of less than 20 feet must be constructed with pull-off areas to accommodate emergency vehicles as specified in Figure 3-02

that are not more than 450 feet apart. The Development Review Board may approve a waiver to reduce or eliminate the requirement for pull-offs if:

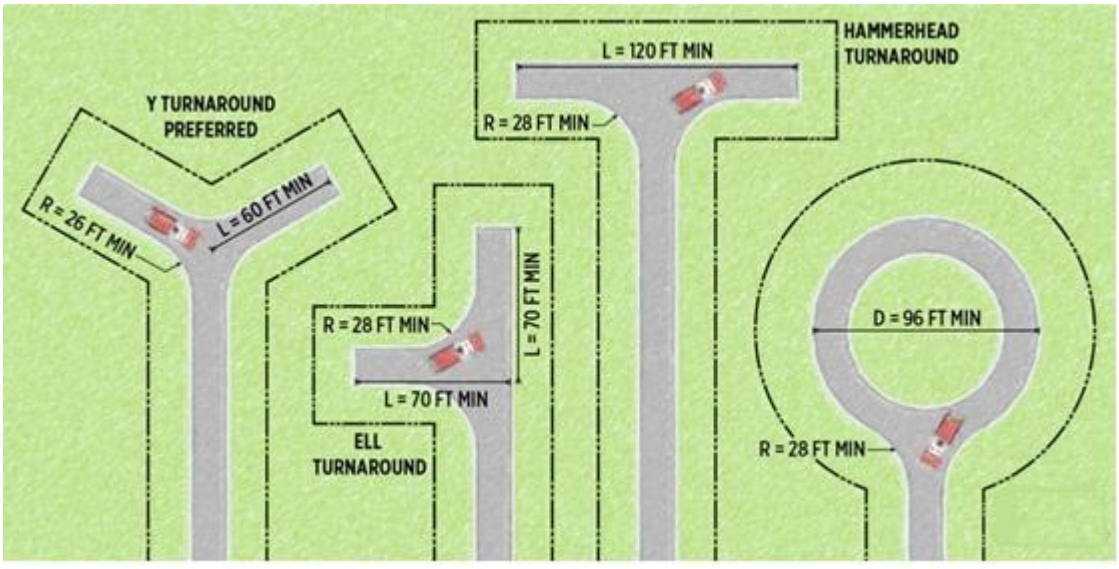
a) The building(s) served by the driveway will have a sprinkler system, or
b) A fire pond will be located within 450 feet of the building(s) served by the driveway.

Figure 3-02. Driveway Pull-Offs



13. Turnarounds. A driveway longer than 800 feet must provide a turnaround area not more than 50 feet from the principal building with a minimum turning radius of 30 feet to accommodate emergency and service vehicles. Potential designs include those shown in Figure 3-05.

Figure 30-03. Turnarounds



14. Snow Storage. A driveway longer than 800 feet must be designed with one or more areas for snow storage. Required pull-offs and turnarounds must not be used for snow storage.

15. Shared Driveways. Before applying for a zoning permit for a new principal structure or use to be served by a shared driveway. applicants should consider entering into a maintenance

agreement with their neighbors. When there is no such agreement, any resident on such a shared driveway 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.

3011. Dwelling Units

1. Applicability. The standards of this section apply to any structure or portion of a structure used or intended to be used as a dwelling unit.

2. Fire and Building Safety. Pursuant Vt. Division of Fire Safety rules, all dwelling units other than owner-occupied single-unit dwelling and accessory dwelling units that conform to state requirements (see Section 3202) must meet Vermont Fire and Building Safety Code. The Administrative Officer may require a landowner to provide a copy of the applicable state permit(s) prior to issuing a Certificate of Zoning Compliance for a dwelling unit subject to Fire and Building Safety Code or as part of an enforcement action under Sections 4600-4605.

3. Cooking and Sanitation Facilities. All dwelling units must have safe, functioning cooking and sanitation facilities in accordance with the following:

a) **Bathroom.** A dwelling unit must contain at least one permanent bathroom facility consisting at a minimum of a toilet, sink, and shower or bathtub.
b) **Kitchen.** A dwelling unit must contain permanent kitchen facilities. A kitchen must be a room or portion of a room in which there is a sink, refrigerator, and one or more appliances for heating food.
c) **Washer and Dryer.** Any dwelling unit within a multi-unit building must have utility connections for a washing machine and clothes dryer in each unit or must provide a common laundry room in the building with washing machines and clothes dryers accessible to residents.

7. Parking. All dwelling units must have parking in accordance with Section 3105.

8. Water Supply and Wastewater Disposal. All dwelling units must have safe, functioning water supply and wastewater disposal systems in accordance with Section 3316.

9. Trash Disposal. All multi-unit dwelling units must have convenient access to trash, recycling and compost storage areas in accordance with Section 3108.

3012. Energy Generation Facilities

1. Applicability. A landowner may obtain a zoning permit for an energy generation facility not exempted in Sections 1100-1105 in any district in accordance with the standards of this section. The provisions of this section do not apply to portable or standby generators used as a backup power source. Portable or standby generators will be considered an accessory structure/use under these regulations.

2. Setbacks. An energy generation apparatus that is not mounted on a building must be set back a distance equal to its height or more from all property lines or the district minimum setback requirement, whichever is greater. Any guy wires must be located outside the minimum setbacks for the applicable district.

3. Height. The height of an energy generation apparatus must conform to the following:

a) The height of ground-mounted solar energy generating apparatus must not exceed 24 feet.
b) The height of a ground-mounted wind energy generating apparatus (inclusive of the rotors) must not exceed the greater of 125 feet, or 40 feet above any obstructions within a 500-foot radius.
c) A ground-mounted wind energy generating apparatus must be installed so there are no dangerous moving parts closer than 30 feet above the ground.
d) An energy generating apparatus mounted on a building roof must not extend more than 12 feet above the roof surface.

4. Removal. A facility that has been out of service for more than 12 months will be considered discontinued and the owner must remove it. It will be the landowner's responsibility to demonstrate that a facility is not out-of-service.

5. Screening Requirements. A solar electric generation facility regulated by the Public Utilities Commission must meet the screening requirements of Section 3106.6 for utilities and service areas.

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 10,000 square feet 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 ½ 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 ½ acre of soil must 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) Tilling 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.

3014. Fences, Walls and Berms

1. Applicability. The provisions of this section apply to all fences and walls not exempted in Sections 1100.

2. Setbacks. Fences and non-retaining walls not more than 6½ feet tall and retaining walls and berms not more than 4 feet tall are not subject to setback requirements. Higher fences, walls

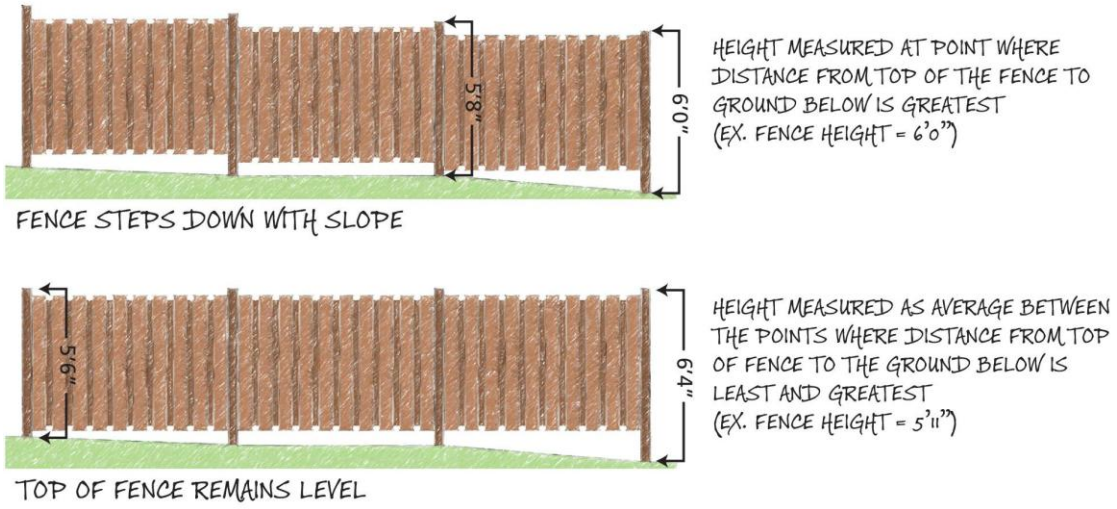
or berms may be located within side or rear setbacks when the adjoining landowners submit a joint application for the boundary fence, wall or berm. In the case of a fence or wall being constructed on top of a berm, the height of the combined fence or wall and berm will be used to determine setback requirements.

3. Fences and Non-Retaining Walls. The maximum height of fences and non-retaining walls will be 8 feet unless otherwise specified by the Development Review Board through site plan review in order to provide adequate screening or security. The height of a fence or non-retaining will be measured as follows and as shown in Figure 3-03:

a) If the fence or wall is designed to follow the grade or otherwise not maintain a level elevation along its top edge, the height will be measured from the highest part of the fence or wall (including any structural or decorative elements) to the finished grade immediately below at the point along the fence or wall where that distance is the greatest.

b) If the fence or wall is designed to maintain a level elevation along its top edge, the height will be the average as measured from the highest part of the fence or wall (including any structural or decorative elements) to the finished grade immediately below the two points along the fence or wall where the finished grade is the lowest and the highest.

Figure 3-04. Fence Height



4. Retaining Walls. Retaining walls must be located and designed as follows:

a) No individual retaining wall may exceed 16 feet in height except that pre-existing retaining walls more than 16 feet in height may be repaired and reconstructed to their pre-existing height.

b) For applications subject to site plan review, the Development Review Board may require that retaining walls more than 4 feet in height be designed by a qualified professional, and that they must be topped by a fence, hedge or similar barrier. For a system of terraced walls, only the uppermost wall will require a barrier provided that the terraced sections below are not readily accessible from other portions of the property.

c) The height of a retaining wall will be measured from the grade at the base of the face of the wall to the grade at the back of the wall immediately above at the location along the wall where those two grades are the furthest apart (see Figure 3-04).

d) Terracing of retaining walls is encouraged. To be considered separate walls, two retaining walls must be separated by a horizontal distance of at least 5 feet.

Figure 3-05. Retaining Wall Height

HEIGHT MEASURED AT POINT WHERE DISTANCE FROM TOP OF THE WALL TO THE GROUND BELOW IS GREATEST (EX. WALL HEIGHT = 5'6")

5. Materials and Design. Unless otherwise established by the Development Review Board through site plan review, a fence or wall:

a) Must be constructed of permanent material such as wood, metal, stone, concrete, brick or other materials of similar durability.
b) Must not be designed to inflict, or constructed of materials capable of inflicting significant physical injury except as required to meet state or federal regulations (e.g., barbed wire, razor wire, glass shards, etc.).

6. Berms. Berms located within setbacks, constructed in conjunction with a fence or wall, or used to meet the landscaping or screening requirements of these regulations must be designed as follows:

a) A berm must have a curvilinear, naturalistic shape with sloped sides and a flat or slightly rounded top.
b) The sides of a berm must not exceed a 2:1 slope (horizontal-to-vertical).
c) The top of a berm must have a minimum width that is at least ½ the height of the berm.
d) A berm must be stabilized with ground cover or other vegetation to prevent erosion and sedimentation.

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 2203-2223 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, munch, 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.

3016. Landing Areas

1. Purpose. The purpose of this section is to ensure that any person engaged in aircraft landings or departures within the Town of Londonderry does so in a manner that:

a) Is consistent with the safety and rights of others in the community.
b) Does not unduly impact Londonderry's rural character.

2. Applicability. Consistent with 5 V.S.A. Chapter 9, a property owner must obtain approval from the Town of Londonderry prior to submitting an application to the Vermont Transportation Board to establish or alter a restricted aircraft landing area, a helicopter landing area or an ultra-light landing area. Conditional use approval under Section 4305 is required for landing areas. This section does not apply to the piloting or autonomous flying of drones or to the creation of landing zones for emergency aircraft.

3. Conformance with Federal Law. This section is intended to conform to federal law, which grants the federal government exclusive sovereignty over the country's airspace. Federal law pre-empts state and municipal authority to regulate airspace use and management, air traffic control,

safety and aircraft noise. Therefore, review and approval/denial of applications for landing areas under this section:

a) Must not consider noise or safety issues or impose any conditions that relate to noise or safety issues.
b) Must be limited to those aspects under local control as specified in this section – location, site improvements and use.

4. Application Requirements. A property owner must submit a copy of a completed Vermont Agency of Transportation Aviation Program Application for Establishment or Alteration of a Restricted Aircraft Landing Area, a Helicopter Landing Area or an Ultra-Light Landing Area along with a narrative and site plan demonstrating compliance with the purpose and the specific standards of this section.

5. Use Limitations. The Town of Londonderry:

a) Limits use of landings areas approved under this section to personal transportation for property occupants and non-paying guests, including landings of aircraft hired or chartered by property occupants and non-paying guests.
b) Prohibits use of landing areas approved under this section for commercial flying activity (transportation of persons or property by aircraft for compensation or hire).
c) Prohibited Areas. Landing areas must not be located:
   - Within wetlands, wetland buffers and riparian buffers.
   - On steep slopes as established in Section 3021.
   - Within the VC, VR or R1 districts.
d) Minimum Lot Size. Landing areas must be located on a lot 25 acres or more in size.
e) Setbacks. Landing areas must be located at least:
   - 400 feet from side and rear property lines (will not apply to boundaries between lots in common ownership).
   - 600 feet from all public and private roads.
   - 1,000 feet from residences and other buildings located on surrounding parcels that are regularly occupied by people, livestock or companion animals.

6. Setbacks. Landing areas must be sited so that all portions of the approach/departure zone within which the FAA regulates the height of structures or vegetation are fully contained on the subject property (see FAA Circular 150).

7. Outdoor Lighting. Landing areas may not be illuminated unless the lighting is mandated by the FAA.

3017. Manufactured Homes and Tiny Houses

1. Individual Lots. A manufactured home, mobile home, or tiny house on a lot which is under the same ownership will be treated the same as any other single unit dwelling under these regulations.

2. Unlanded Manufactured Homes, Mobile Homes or Tiny Homes. The following standards apply to a residential development intended to accommodate unlanded manufactured homes, tiny houses or other structures built on a chassis. Such developments:

a) Will be allowed in all districts where multi-unit dwellings are allowed.
b) Must be designed, reviewed and approved as a planned unit development in accordance with Section 3400.
c) Must be designed so that each dwelling unit will be located on a delineated site as shown on the approved site plan that is not less than 4,000 square feet in area.
d) Must be designed so that each dwelling unit will be located not closer than 30 feet to any other home within the park.
e) Must be served by a single access unless otherwise approved by the Development Review Board through site plan review to provide adequate emergency access or improve traffic safety.
f) The temporary storage of manufactured homes requires a temporary zoning permit.

3018. Ponds

1. Applicability. The provisions of this section apply to any constructed pond not exempted in Sections 1100-1105. A landowner must obtain a zoning permit to construct, expand or modify such a pond in accordance with the provisions of this section.

2. Waterways or Wetlands. Construction of a pond within wetlands and any required buffers to surface waters or wetlands is prohibited unless the applicant demonstrates that he/she has obtained all required state permits.

3. General Standards. Ponds must conform to the following:

a) Ponds are prohibited within zoning district setbacks.
b) Stormwater overflow must not be discharged in a manner that would adversely impact downslope properties, public rights-of-way or surface waters.
c) Landowners must manage and maintain dams so as to not create a nuisance or hazard.
d) Ponds capable of holding more than 500,000 cubic feet of water require a state permit.
e) Ponds may have to meet setbacks from wells and septic systems.
f) There is no building setback from ponds that are not connected to wetlands.

3019. Portable Structures

Landowners must obtain a zoning permit to permanently locate portable storage structures on their property to the same extent as comparable structures on a permanent foundation (see Sections 1100-1105 for a list of structures that do not require a zoning permit and Section 3025 if the structure will be in place less than 12 months). This specifically includes, but is not limited to:

a) Trailers, shipping containers or unregistered vehicles used for storage (see Section 3022).
b) Garages, carports, or similar shelter structures.

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 2203-2223 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.

3021. Steep Slopes

1. Purpose. This section is intended to avoid property damage, personal injury, infrastructure damage, and minimize the potential for erosion, slope failure, sedimentation of surface waters, increased runoff, flooding and contamination of surface waters resulting from development on steep slopes.

2. Applicability. The provisions of this section apply to any development requiring a permit under these regulations that will clear or disturb steep slopes except for de minimis clearing or disturbance associated with recreational trails and paths.

3. Definition and Measurement. The Vermont Center for Geographical Information Interactive Map Viewer Slope Angle Layer will be used to identify areas with a slope angle of 20% or greater. If an applicant is proposing to clear or disturb land in an area with a grade of 20% or more, it will be the applicant's responsibility to meet the standards below.

4. General Standards. A landowner must obtain a conditional use approval for any development that will clear or disturb steep slopes. The Development Review Board may require the applicant to provide a professionally prepared environmental impact assessment, erosion control plan, stormwater management plan, and/or engineered site plan. In addition to all other applicable criteria, the applicant must demonstrate that the proposed land development:

a) Can not reasonably be accommodated on a portion of the lot not characterized by steep slopes (siting in order to capture a view will not be considered a valid reason to develop steep slopes).
b) Has been sited and designed to avoid and minimize impacts to steep slopes to the maximum extent feasible.

c) Has been designed and engineered with appropriate erosion control measures and stormwater management practices so that there will be no off-site water quality or flooding impacts (see Sections 3013 and 3023).
d) Has been designed and engineered to provide safe and adequate vehicular access, including for emergency and service vehicles (see Section 3002, AND Section 3010).

3022. Storage of Unregistered Vehicles or Trailers

The Town of Londonderry prohibits the storage of more than 3 unregistered vehicles or trailers on a parcel for more than 90 days outside an enclosed building and in a location visible from beyond the property lines. A landowner may obtain a zoning permit allowing the unregistered vehicle or trailer to be located on the parcel as an accessory structure (also see Section 3019).

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 Vt. Agency of Natural Resources, Division of Environmental Conservation Stormwater Program.

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.

3024. Swimming Pools

1. Applicability. The standards of this section apply to in-ground swimming pools not exempted in Section 1101.

2. General Standards. A landowner may apply for a zoning permit to install a swimming pool in accordance with the following:

a) Pools are prohibited within district setbacks.
b) Applicants should be aware that there are state-regulated standards for pool fencing, gates and alarms which may apply on properties other than owner-occupied single-unit homes or to single-unit homes used for other purposes such as daycare, lodging or short-term rental.

3025. Temporary Structures and Uses

1. The Administrative Officer may issue a zoning permit for a temporary structure or use not exempted in Sections 1100-1105.
2. The permit for a temporary structure or use will be limited to a maximum of 1 year.
3. Permits for temporary structures may be renewed upon application for an additional period not exceeding one year.
4. Temporary structures associated with construction projects (dumpsters, storage containers, temporary offices or living quarters) may remain in place as long as there is an active zoning permit.
5. Temporary structures are not allowed in the town right of way without the permission of the selectboard or VTrans as appropriate. They will not have to meet other setbacks, but the ZA may condition the permit on providing screening for temporary structures.
6. Temporary dwellings must meet State Septic rules.
7. In response to a declared emergency and as required by such an emergency, the Administrative Officer may waive or modify the standards of these regulations and issue zoning permits for temporary structures or uses.

3026. Utility Facilities

1. **Applicability**. The standards of this section apply to utility facilities not exempted in Sections 1100-1105.

2. **District Standards**. Minimum lot size and frontage requirements will not apply to lots housing utility facilities.

3. **Site Security**. Utility facilities must be designed and maintained to prevent unauthorized access as necessary to protect public safety.

4. **Screening Requirements**. A site housing a utility facility must meet the screening requirements of Section 3103.6 for utilities and service areas including any chemical toilets.

3027. Water Supply and Wastewater Disposal

All proposed development requiring a zoning permit, or development approval under these regulations must conform to applicable state regulations regarding the provision of potable water and disposal of wastewater.

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. 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 3028.5).
   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 3028.5).

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.

3100. Site Design and Performance Standards for Commercial and Multi-Unit Housing Development

3101. Commercial Outdoor Lighting

1. Purpose. The provisions of this section are intended to:

a) Ensure that outdoor lighting is designed to maintain safety and security.
b) Minimize the obtrusive and disruptive aspects of outdoor lighting.
c) Reduce energy use by directing appropriate amounts of light where and when it is needed and encouraging the use of energy-efficient light sources.
d) Prevent light trespass and glare by requiring light fixtures to be shielded and properly aimed.

2. Applicability. All outdoor lighting at developments subject to major site plan or major subdivision approval must be installed in accordance with the provisions of this section except for public streetlights located within public rights-of-way.

3. General Standards. All outdoor lighting must conform to the following:

a) **Lighting Plan**. Applicants for major site plan approval must submit a lighting plan if outdoor lighting will be altered or installed.
b) **Shielding**. All outdoor light fixtures must be shielded as specified below. Shielded fixtures must be installed and maintained in such a manner that the shielding is effective.
- Light fixtures with an initial output greater than 3,000 lumens must be both fully shielded and full cut-off.
- Light fixtures with an initial output of 3,000 lumens or less must be fully shielded but do not have to be full cut-off.

4. Spotlight Aiming. Light fixtures containing spot or flood lamps must be aimed no higher than 45° above straight down. unless aimed at a flag, or an architectural feature such as a church steeple.

5. Uniformity. Outdoor lighting should be designed to provide a uniform distribution of light in areas regularly traversed by pedestrians.

6. Freestanding Lights. Freestanding light fixtures:

a) Must not exceed 30 feet in height in the VC, SC and RC and 24 feet in height in all other districts. Use of fixtures not more than 12 feet in height is encouraged to light walkways and other pedestrian-oriented spaces.
b) May be located within front setbacks but are prohibited within side or rear setbacks unless lighting driveways, parking areas or other facilities shared between adjoining lots.

7. Glare and Light Trespass. Outdoor light fixtures must be located, oriented and shielded as necessary to prevent glare and light trespass on adjacent property or rights-of-way.

8. Internally Illuminated Architecture and Signs. Internally illuminated architecture and signs should be carefully examined by the Development Review Board for potential light trespass.

9. Time Limits. Outdoor lighting must be extinguished by 10 p.m., unless otherwise established by the Development Review Board through site plan review upon finding the lighting necessary to accommodate a use occurring after 10 p.m., to protect public safety, or to secure the property. The Development Review Board may further limit when outdoor lighting may be used, or require use of timers or sensors, as deemed necessary to achieve the purposes of this section and protect the character of the area.

10. Special Use Lighting. There are additional lighting standards for the following uses:

a) Recreation Facilities. Lighting for outdoor recreation facilities must conform to the following:

- Light fixtures must be fully shielded or use internal and/or external louvers or shields to minimize off-site glare and light trespass.
- Light fixtures must be installed and maintained with aiming angles that permit no greater than 5% of the light emitted by each fixture to project above the horizontal.
- All lighting must be extinguished within 30 minutes of the cessation of facility use. The Development Review Board may further limit when outdoor lighting may be used as deemed necessary to achieve the purposes of this section and protect the character of the area.

b) Sales Lots. Lighting for the display area of a sales lot must be fully shielded.

c) Fueling Station Canopies. Lighting for fueling station canopies:

- Must be fully shielded and use flat lenses if mounted on or recessed into the lower surface of the canopy.
- Must not exceed a total light output of 60 lumens per square foot of canopy.

11. Pre-Existing Outdoor Lighting. Applicants seeking major site plan approval who are proposing to add additional fixtures must bring all existing outdoor lighting into conformance with the provisions of this section.

3102. Commercial Outdoor Use Areas

1. Applicability. Outdoor service, work, display, storage, eating or gathering areas associated with land uses subject to major site plan approval must conform to the standards of this section. The addition of an outdoor service, work, display, storage, eating or gathering areas to an existing use requires site plan review.

2. General Standards. Outdoor use areas must:

a) Be shown on the site plan and must not be expanded beyond the area depicted unless the site plan is amended in accordance with these regulations.
b) Not be located on or extend into public rights-of-way or property except as approved by the Londonderry Selectboard or VTrans as appropriate.
c) Not be located within required setbacks.
d) May be required by the Development Review Board to be screened if located within 20 feet of a property line with a residential lot.

e) Display and storage areas must not be closer than 40 feet to the edge of the road right-of-way unless otherwise established by the Development Review Board through site plan review.
f) Merchandise must not be displayed or stored within travel ways (driveways, parking aisles, sidewalks, etc.), fire lanes, loading areas, service areas, or required customer/employee parking spaces.
g) Any area used for display or storage will be considered an impervious surface and included in the calculation of lot coverage. The Development Review Board may waive this requirement upon the applicant demonstrating that a display or storage area has been specifically designed and will be maintained to function as a pervious surface in accordance with green stormwater practices (see Section 3023).
h) Any area used for the display or storage of vehicles being offered for sale will not be subject to the provisions of Section 3105 for parking lots.
i) Applicants proposing to increase the total lot area used for display or storage by more than 2,500 square feet (to be calculated cumulatively from the effective date of this rule) must meet the following:
    - The number and width of existing access must be brought into conformance with Section 3002 unless waived or modified by the Development Review Board upon the applicant demonstrating that the redesign would adversely impact traffic circulation on the site.
    - Display or storage areas with no stormwater management (i.e., sheet flow to the road or off-site) or with failed stormwater management (i.e., catch basins no longer at proper grade to function as designed) must be brought into conformance with Section 3023 unless waived or modified by the Development Review Board upon the applicant demonstrating that he/she is proposing the best fix feasible given pre-existing site conditions.

3. Front Yard Standards. Within the Village Commercial, Service Commercial, and Recreation Commercial districts, the Development Review Board may allow use of land between the building frontline and the edge of the right-of-way or sidewalk for outdoor eating and gathering and display areas for small retail goods, which will be exempt from the setback standards of the zoning district and landscaping standards of Section 3103.

7. Conditions of Approval. The Development Review Board may place limits or conditions on activities and uses outside an enclosed structure, including but not limited to, hours of operation, lighting, noise, screening and storage, as necessary to maintain the character of the area and further the purposes of these regulations.

3103. Landscaping

1. Purpose. The provisions of this section are intended to:
a) Enhance the appearance and quality of development in Londonderry.
b) Provide shade, reduce heat and glare.
c) Control soil erosion and stormwater runoff.
d) Visually Screen potentially incompatible land uses and utilitarian site features.
e) Protect the character of the area subject to proposed development.

2. Applicability. Proposed development subject to major site plan review or major subdivision approval, including planned unit developments, may be required to provide landscaping in accordance with the provisions of this section.

3. General Standards:
Landscaping may be required:

a) To mitigate adverse aesthetic impacts between commercial and residential land uses
b) To mitigate adverse aesthetic impacts between commercial uses and streets.
c) To screen loading and service areas.
d) To screen dumpsters and recycling areas.
e) To screen outdoor storage areas.
f) To screen heavy equipment and dump trucks.
g) To lessen the visual impact of large buildings or parking areas.

4. Landscaping Plan. For proposed projects subject to Major Site Plan review or Major Subdivision Review, a plan for all proposed landscaping may be required. Landscape plans should use native species and should not use invasive, nuisance or noxious species as identified by the Vermont Agency of Agricultural and the Vermont Agency of Natural Resources.

5. Preserving Existing Landscape Features. Applications should preserve existing ground cover and trees, especially trees that are mature or determined to be of special horticultural or landscape value where feasible.

6. Screening. Screening is using plant materials or fencing to block or obscure a particular element or use from view. Plantings for screening purposes shall be of sufficient height, density and maturity to achieve the screening standard when installed. Fences used for screening must be opaque between the height of 1 and 5 feet above the ground. The screening requirements of this Section apply year-round during the entire period of existence of a use.

7. Sight Triangle. Trees, shrubs, hedges, fences and walls, must not obscure vision above a height of 3 feet within the 30-foot sight triangle of an intersection

8. Waiver. An applicant may request that the Development Review Board waive or modify screening requirements upon demonstrating that physical characteristics of the subject property (e.g. change in grade between development site and neighboring properties or distance between the development site and neighboring properties) are adequate to achieve the purposes of this section.

9. Landscaping Large Structures. Landscaping may be required to interrupt the facades of buildings, expanses of parking, visually reduce the scale and bulk of large buildings, integrate the site with surrounding landscape and to enhance environmental quality (e.g., wildlife habitat, soil stabilization, storm water retentions, air quality, energy conservation).

10. Green Stormwater BMPs. Londonderry strongly encourages applicants to design landscaping to also function as green stormwater best management practices (BMPs).

11. Landscaping Maintenance. Landscaping must be maintained in an attractive, healthy condition as shown on the approved plans. The Development Review Board may require bonding or surety to ensure installation and maintenance.

3104. Loading and Unloading Areas

All development that generates regular deliveries/shipments by truck, or that serves customers/guests who arrive/depart by bus must provide adequate off-street loading areas.

1. Engineered Site Plan. Applicants for fueling stations, storage and distribution, transportation services, waste services and other uses that involve trucking activity or will be regularly serviced by a trailer truck may be required by the Development Review Board to submit an engineered site plan demonstrating that the proposed site design makes adequate provision for all necessary truck movements. Designs requiring backing trucks in from or out onto a public road is prohibited.

2. In the Villages. The Development Review Board may waive the requirement for on-site loading areas in the village districts upon the applicant demonstrating that delivery vehicles or buses can serve the proposed use by parking safely and legally in the road right-of-way in a location that is not more than 500 feet from the proposed use.

3. Location Standards. Off-street loading areas must be located as follows:

a) Required loading areas must be located on the same lot as the use or structure they serve unless otherwise approved by the Development Review Board.
b) Loading must only occur on those portions of the lot indicated for such use on the approved site plan.

4. Dimensional Standards.

a) Loading areas serving single-unit trucks must have an overhead clearance of at least 10 feet and must be not less than 14 feet wide and 20 feet long, exclusive of access and maneuvering area.
b) Loading Areas serving tractor trailer trucks or buses must have an overhead clearance of at least 14 feet and must be not less than 12 feet wide and 50 feet long, exclusive of access and maneuvering area.
c) Turnarounds. All off-street parking and loading areas must be designed so that vehicles can enter and exit the property without backing out onto a road right-of-way except for parking that serves a single-unit or two-unit dwelling.
d) Design, Construction and Maintenance Standards. Off-street surface parking and loading areas subject to site plan approval must provide a level surface appropriate for the anticipated level of use in all seasons.

5. Erosion and Drainage. Off-street loading areas must be surfaced, graded, drained and maintained to properly dispose of all stormwater runoff and minimize erosion in accordance with the provisions of Sections 3013 and Section 3023. Run-off and/or eroded surface materials must not discharge onto adjacent roads, properties or surface waters.

6. Screening. Off-street truck loading areas may be required to be screened in accordance with Section 3103.

3105. Parking Areas

1. Purpose. The provisions of this section are intended to:

a) Ensure that development provides adequate off-street parking and loading areas to avoid congestion on surrounding roads.
b) Promote greening and quality design of parking and loading areas to improve stormwater performance and contribute to attractive streetscapes and property frontages in Londonderry.

2. Applicability. All development must provide off-street parking in accordance with this section.

3. Minimum Number of Parking Spaces. The minimum number of parking spaces will be as specified below unless the applicant submits a professionally prepared parking study establishing the amount of parking needed:

a) **Residential Uses.** 2 spaces per detached single-unit dwelling, two-unit dwelling or manufactured home, and 1 per accessory dwelling. For all other dwellings, 1 per unit plus 0.2 for each bedroom in excess of one (i.e., 1.2 for a two-bedroom unit, 1.4 for a three-bedroom unit, etc.).
b) **Lodging Uses.** 1.2 spaces per guest room.
c) **Commercial Uses:** 1 space per 500 square feet of gross floor area (does not include outdoor use areas). For uses that entirely or primarily occur outdoors, see (f) below.
d) **Industrial Uses.** 1 space per 1,000 square feet of gross floor area (does not include outdoor use areas). For uses that entirely or primarily occur outdoors, see (f) below.
e) **Arts, Entertainment, Recreation, Civic, and Community Uses.** 1 space per 5 seats or 1 space per 500 square feet of gross floor area if no seats (does not include outdoor use areas). For uses that entirely or primarily occur outdoors or for uses that do not involve public assembly, see (f) below.
f) **All Other Uses.** The Administrative Officer will establish the minimum number of spaces for any use that does not fit into the category above based on consideration of parking demand and requirements for the proposed use or functionally similar use in Londonderry or elsewhere in Vermont.

4. Calculation of the Number of Parking Spaces. The Administrative Officer will determine which ratio applies to a proposed use. When calculating the total number of spaces, any decimal will be rounded up to the nearest whole number. On lots with multiple units or uses, the number of spaces for all units and/or uses may be added together before rounding up any decimal.

5. Dimensional Standards. Off-street parking areas must conform to the following:

a) Parking Spaces. Off-street parking spaces must not be less than 9 feet wide by 18 feet deep. Each space must be accessible from a driveway or access aisle except for spaces serving a single-unit or two-unit home.
b) Access Aisles. The access aisles within a parking lot or structure must be not less than 20 feet wide.

6. Residential Parking. No provisions of these regulations will be interpreted to prohibit parking of registered, operable motor vehicles or trailers on residential property.

7. Modification of the Number of Parking Spaces. The Development Review Board may decrease the amount of off-street parking required if the applicant submits a parking study prepared by a qualified professional demonstrating the amount of parking that will be needed.

8. Screening. Commercial parking areas located within 20 feet of the property line of a residential lot must be screened with a fence or a vegetated buffer in accordance with Section 3103.

9. Landscaping. Off-street parking areas may be required to be landscaped in accordance with Section 3103.

10. Snow Removal. Snow storage areas may be required to be shown on the site plan in accordance with the following:

a) Applicants must demonstrate that an area equivalent to at least 10% of the area from which snow will be removed is available on the site for snow storage.
b) Snow must not be pushed into public right-of-way, adjoining properties or surface waters.

11. Accessible Parking. Development must provide accessible parking spaces and aisles in accordance with applicable state and federal regulations. Accessible spaces will count towards the minimum parking required under this section. The Development Review Board may waive or modify the standards of this section when necessary to comply with state or federal accessible parking requirements.

12. Electric Vehicle Charging. Electric vehicle charging stations may be provided within off-street parking areas as an allowed accessory use in any zoning district. Additional parking will not be required when parking spaces are converted and/or reserved for charging vehicles and such spaces will count towards the minimum parking required under this section. Commercial EV charging stations should be as far from residential uses as possible, and the Development Review Board may require limits on charging vehicles at night on lots that adjoin a residential use.

13. Outdoor Dining. The Administrative Officer may approve site plan amendments allowing property owners to convert off-street parking spaces into outdoor dining or curb side pickup spaces. Additional parking will not be required when parking spaces are converted provided that the approval is conditioned on the applicant fully meeting their parking demand on-site.

14. Maintenance. Parking and loading areas must be maintained in good condition, free of weeds, dust, trash and debris, and appropriately surfaced and graded to prevent erosion, sedimentation and runoff.

15. Stormwater and Erosion Parking areas must be surfaced, graded, drained and maintained to properly dispose of all stormwater runoff and minimize erosion in accordance with the provisions of Sections 3013 and Section 3023. Run-off and/or eroded surface materials must not discharge onto adjacent roads, properties or surface waters.

3106. Performance Standards

1. Purpose. The provisions of this section are intended to protect the character of and quality of life in Londonderry by preventing proposed development from creating or contributing to adverse off-site impacts that interfere with the reasonable use and enjoyment of nearby property.

2. Applicability. The provisions of this section apply to all development subject to site plan approval.

3. Performance Standards

a) **Noise.** Noise emanating off-site must be muffled, must not be distinct from the background sound level beyond the property line, and must not interfere with the reasonable use and enjoyment of nearby property. The Development Review Board may place specific limits on noise levels and hours of operation as deemed necessary to protect the character of the area. Unless otherwise established by the Development Review Board through site plan review, sound levels must not exceed a continuous weighted average of 70 dBA and a maximum of 120 dBA in any one-hour period as measured from a single, stationary location beyond the property line.

b) **Glare and Light Trespass.** Lighting must not be used in such a manner that it produces glare or light trespass on roads or nearby property. Arc welding, acetylene torch cutting or similar processes must be performed so as not be a hazard from any point beyond the property line.

c) **Odors.** Emission of non-agricultural odors that are readily detectable without special instruments at any point beyond the property line and that interfere with the reasonable use and enjoyment of nearby property is prohibited.

d) **Particulate Matter and Airborne Solids.** Generation of dust, dirt, fly ash or other airborne solids that accumulate at any point beyond the property line is prohibited except when related to approved construction or extraction activities. Generation of smoke or particulate matter that interferes with the reasonable use and enjoyment of nearby property is prohibited.

e) **Temperature and Moisture.** Release of heat, cold, moisture, mist, fog, precipitation or condensation that is readily detectable without special instruments at any point beyond the property line and that interferes with the reasonable use and enjoyment of nearby property is prohibited.

f) **Vibration.** Vibration that is easily discernible without special instruments at any point beyond the property line is prohibited. This will not apply to vibration caused by motor vehicles, trains, or aircraft traffic or during construction. The Development Review Board may approve greater vibration levels for a specified period, frequency and purpose as appropriate to the proposed development and location.

g) **Electrical or Radio Interference.** No use or process must create interference with electrical, radio or other communication signals beyond the property line.

h) **Waste and Material Storage.** Storage of waste or materials in a manner that attracts insects, bears or rodents, or otherwise creates a nuisance or health hazard is prohibited. Applicants must show the location of waste or materials storage facilities (including but not limited to dumpsters) on the site plan and must screen such facilities in accordance with Section 3103. For rules on on-site composting see Section 3108.

i) **Storage Tanks.** Storage tanks must be installed, maintained, decommissioned and removed in accordance with state and federal regulations, including reporting of leaks and spills.

Storage tanks (above and below ground) must not be located within district setbacks, riparian buffers, wetlands or wetland buffers. Applicants must show the location of any proposed storage tanks on the site plan and must screen above ground tanks in accordance with Section 3103.

j) **Flammable, Toxic or Hazardous Substances and Wastes.** Flammable, combustible or explosive materials must be stored and handled in conformance with state and federal regulations. Such materials must be securely stored within an enclosed building or tank. Toxic or hazardous substances or wastes must not be released into the environment so as to cause contamination of any potable water supply, sanitary sewer or septic system, watercourse or water body, soil or air except as specifically permitted by the Vermont Agency of Natural Resources. See Section 3221 for specific use standards for tank farms or fuel storage and distribution.

3107. Signs

1. Applicability. A landowner must obtain a zoning permit before any sign is erected, enlarged, or replaced, except as specifically exempted in Section 3107.2.

2. Exempt Signs. The following signs are not subject to these regulations and do not require a zoning permit, provided that they are not designed or installed in a manner that would cause them to be prohibited under Section 3107.3:

a) Public signs or notices erected or required by a government entity.
b) Signs that are exempt from state regulation under 10 V.S.A § 494 (such as welcome signs, official traffic control signs, legal notices, hazard warning signs, and municipal information and guidance signs).
c) Historic markers approved under Vermont's State Historic Site Marker program.
d) Permanent plaques, cornerstones, nameplates and other building identification markings that are integral parts of the structure.
e) Unlit, temporary signs as follows:
   - A temporary sign must not be more than 6 feet in height if free-standing or if mounted to an approved free-standing pole or monument sign.
   - The total area of all temporary signs displayed on the parcel at one time must not exceed 24 square feet of signable area.
   - Temporary signs must not be located within a public right-of-way or mounted on a utility pole. Banners may be hung over a public right of way with permission from the selectboard or VTrans as appropriate.
   - An establishment may display one or more temporary signs for not more than 14 contiguous days and then must not display any temporary signs for at least 90 days. Signs not meeting this limitation on display duration will require a zoning permit as a permanent sign in accordance with the provisions of this section. For sandwich board signs, see Section3107.13.
f) Not more than one unlit sign per lot advertising the sale or lease of real estate by the owner or an agent that is not:
   - Located within a public right-of-way or mounted on a utility pole.
   - More than 6 square feet in area.
   - More than 4 feet in height.

g) Signs incorporated into machinery or equipment by a manufacturer or distributor, which provide instruction or identify only the product or service dispensed by the machine or equipment.
h) Existing signs which may not otherwise meet the requirements of this section may be allowed to remain upon a finding that the sign has distinctive artistic and/or cultural merit which will contribute significantly to the character of the area and the community.

3. Prohibited Signs. The following signs are prohibited:
a) Signs placed on any public property or in any public right-of-way, except for public signs or notices erected or required by a government entity, and signs that are exempt from state regulation under 10 V.S.A. § 494.
b) Off-premises commercial signs.
c) Abandoned commercial signs.
d) Signs illuminated by, composed of, or containing flashing, intermittent, rotating or moving lights, except for electronic message signs in conformance with this section.
e) Signs that are composed of or incorporate laser source lights, searchlights or other high-intensity lights.
f) Signs that limit drivers' sight distance, that could be confused with official highway signs or signals, that unduly distract drivers' attention, or that otherwise impair public safety. This includes signs visible from the road that mimic the appearance of official street name signs.
g) Signs more than 16 feet in height or, if building mounted, above the building's roofline except within the Village Commercial district.
h) Signs on vehicles or trailers that are parked or located for the primary purpose of displaying the sign.

4. General Standards. All signs must be:
a) Structurally sound.
b) Constructed of durable, all-weather materials.
c) Built on and attached to concrete footings or other permanent foundation if designed to be permanent and free-standing.
d) Designed or located in a manner that would not obstruct access to any fire escape, window or door.
e) Designed or located in a manner that would not obstruct pedestrian traffic or visibility.
f) Designed or located in a manner that would not limit drivers' sight distance, be confused with official highway signs or signals, unduly district drivers' attention, or otherwise impair public safety.
g) With the exception of one "open" flag, all flags and banners with a commercial message on them that are displayed permanently will be treated the same as permanent sign in terms of size restrictions, and the number of signs allowed per establishment.
h) The maximum total number of wall, projecting, roof or freestanding signs allowed per business shall be three.

5. Wall Signs. Wall signs shall be:
a) A wall sign must not project more than 8 inches out from the wall and must not extend vertically or horizontally beyond the wall on which it will be mounted.

b) Externally illuminated wall signs are allowed in all zoning districts in conformance with the provisions of Section 3107.15.
c) Internally illuminated and electronic message signs are only allowed in the Village Commercial, Service Commercial and Recreation Commercial districts in conformance with the provisions of Sections 3107.17 and 3107.16.

6. Awning Signs. In the Village Commercial, Service Commercial and Recreation Commercial District, signs may be painted, printed or appliqued on any awning over a window or door as follows:

a) Awning signs must not be illuminated.
b) Not more than 25% of the sloping plane or 75% of the valence of an awning may be used as a signable area.
c) Awning sign content must be limited to the establishment's name, logo and/or contact information (address, phone, email, website, etc.).
d) Awnings must be mounted so that no portion is less than 8 feet above the ground or sidewalk surface below.

7. Window Signs. Signs may be painted, applied, or placed on windows or doors as follows:

a) Window signs are allowed in all zoning districts.
b) Window signs may be luminous tube, internally illuminated or electronic message signs in conformance with the provisions of Sections 3107.16 and 3107.17.
c) Window signs must only be illuminated when the associated business is open.
d) For each business, there shall be a maximum of 12 square feet of window signage.
e) Not more than 20% of the total glass surface combined of all windows, doors or storefronts may be used for or obscured by signage. But any amount of glass may be covered with solid colors or designs not integral to communicating the sign's message.

8. Free-Standing Pole or Monument Signs. Free-standing pole or monument signs are allowed in all zoning districts.

a) Externally illuminated signs are allowed in conformance with the provisions of Section 3107.15.
b) Except as specifically provided for in Sections 3107.16, the Town of Londonderry prohibits ground-mounted or free-standing electronic message signs.
c) Free-standing pole or monument signs must not exceed the following:
    - 20 square feet in signable area for commercial uses in the Village Residential and R1 and R3 districts. and 6 square feet for residential uses including home businesses and farmstands.
    - 24 square feet in signable area in the Village Commercial.
    - 36 square feet in signable area in the Recreation Commercial and Service Commercial Districts.
d) Front setbacks will not apply to free-standing pole or monument signs but they must be outside of the road right of way.

9. Projecting or Hanging Signs. Projecting or hanging signs are allowed in all zoning districts.

a) Externally illuminated signs are allowed in conformance with the provisions of Section 3107.15.

b) Internally illuminated signs are only allowed in the VC, SC and RC districts in conformance with the provisions of Section3107.15 and electronic message signs are prohibited.
c) No projecting or hanging sign may exceed 12 square feet in signable area.
d) Signs must be mounted so that no portion projects more than 4 feet from the building wall to which it is attached.
e) Signs must be mounted so that no portion is less than 8 feet above the ground or sidewalk surface below.

10. Roof Signs. Within the Village Commercial district roof sign is allowed as follows:
a) Roof signs must not be internally illuminated.
b) A roof sign must not exceed a sign area of 20 square feet.
c) A roof sign must not exceed a height of 4 feet and must not be mounted more than 2 feet above the surface of the roof.

11. Permanent Banners Flags, Feather Signs. A maximum of one "open" flag and two permanent banner, pennant or feather signs with lettering which are a maximum of 12 square feet in signable area.

12. Sandwich Board Signs. A maximum of 2 sandwich board signs are allowed per business establishment as follows:
a) Sandwich board signs are allowed only in the Village Commercial, Service Commercial and Recreation Commercial districts.
b) Sandwich board signs must not be illuminated.
c) No sandwich board sign may exceed 8 square feet in signable area or 4 feet in height.
d) Sandwich board signs must not be placed within public rights-of-way (within 25 feet of the middle of the road) and must not interfere with vehicular or pedestrian travel.
e) Sandwich board signs must be weighted or anchored to prevent them from being blown or knocked over, or otherwise becoming a hazard.
f) Sandwich board signs for businesses must be displayed on the same property as the business. Temporary sandwich board signs for non-profit organizations may be displayed off the property.

13. Fuel Pricing Signs. A fueling station may have pricing signs as follows:
a) Each pump may have a pricing sign mounted on it that is not more than 2 square feet in area.
b) Pricing signs mounted on the canopy are prohibited.
c) The station may incorporate pricing signs into a free-standing pole or monument sign or any other type of building-mounted sign.
d) Pricing signs may be single-color changeable-copy electronic message signs in conformance with Section 3107.16 provided that the message is limited solely to the fuel price.
e) Pricing signs must not be illuminated when the establishment is not open for business.
f)

14. Signs for Mixed Uses, in VC, RC and SC. Commercial shopping centers, business parks, manufacturing or industrial parks may have one (1) freestanding sign for the entire development, to

be located near the principal entrance and not to exceed 30 square feet in total area unless otherwise permitted under Site Plan Review;

15. Sign Lighting. External lighting of signs must be designed and located to avoid light trespass and glare, and must conform to the following unless otherwise specified in this section:

a) The total light output of external fixtures illuminating a sign must not exceed 20 lumens per square foot of sign area.
b) Fixtures used to illuminate signs must be located, shielded and aimed so that the light falls entirely on the sign.
c) Sign lighting must be turned off by 10 p.m., or the close of business if later, unless otherwise approved by the Development Review Board at site plan review. The Development Review Board may further limit when signs may be illuminated as deemed necessary to achieve the purposes of this section and protect the character of the area.

16. Electronic Message Signs. Electronic message signs must conform to the following unless otherwise specified in this section:

a) Electronic message signs must not exceed the lesser of 12 square feet in area or the maximum sign area specified for the sign type (free-standing, wall-mounted, hanging, projecting, etc.).
b) Electronic message signs must be turned off when the associated establishment is closed.
c) Electronic message signs must not flash, scroll, fade, brighten, dim, display video or otherwise be animated or create the effect of movement.
d) The Development Review Board may further limit the intensity of the sign's illumination as deemed necessary to achieve the purposes of this section and protect the character of the area.

17. Internally Illuminated Signs. Internally illuminated signs where allowed must conform to the following unless otherwise specified in this section:

a) There must not be more than one internally illuminated sign per establishment.
b) The total light output of fixtures illuminating the sign must not exceed 40 lumens per square foot of sign area.
c) The sign must not be illuminated when the establishment is closed.
d) Internally illuminated signs must not exceed the lesser of 12 square feet in area or the maximum sign area specified for the sign type (free-standing, wall-mounted, hanging, projecting, etc.) in this section.
e) Internally illuminated signs must not flash, brighten, dim, change color or otherwise be designed to appear animated.
f) Not more than 30% of the area of an internally illuminated sign may be used for advertising a product(s) available at the establishment.

18. Sign Area. Sign area will be determined in accordance with the following:

a) Sign area will include all the elements that serve primarily to communicate the sign's message and not the structural elements supporting or serving as a background for the sign.
b) The area of signs that consist of multiple elements may be calculated by drawing a separate rectangle around each element and totaling the area.

c) Sign area will only include one side of a double-sided sign. The Administrative Officer or Development Review Board may waive or modify the sign area requirements for three-dimensional signs.

19. Sign Removal. A commercial sign must be removed within 60 days of its associated use being changed or terminated as follows:

a) For conforming signs, only the message components of the sign associated with the changed or terminated use must be removed or covered, and the support components may remain.
b) For nonconforming signs, both the message and support components of the sign associated with the changed or terminated use must be removed.

20. Nonconforming Signs. Nonconforming signs will be regulated as follows:

a) A nonconforming sign must not be relocated unless the relocation will bring the sign into greater conformance with these regulations.
b) The support components of a nonconforming sign may be repaired or maintained provided that there is no change in materials, dimensions or location except if the alteration will bring the sign into greater conformance with these regulations.
c) The message components of a nonconforming sign may be repaired or maintained by replacing or repainting a sign panel, individual letters or graphics within the same sign area provided that there is no change in the sign's primary content except if:
    - The alteration will bring the sign into greater conformance these regulations, or
    - An establishment with a nonconforming sign undergoes a name change or change in affiliation with no other changes in operation, in which case the sign may be altered, modified or reconstructed to update the establishment name by replacing or repainting a sign panel, individual letters or graphics within the same sign area.
d) A nonconforming sign must be brought into conformance with these regulations when:
    - There is a change in the primary content of the sign, except as authorized in Section 3107.20 (c) above, or
    - An applicant proposes development that requires major site plan approval (see Section 4304).

3108. Trash, Composting and Recycling Storage Areas

1. Applicability. All proposed development subject to major site plan approval must provide trash, composting and recycling storage areas.

2. Exemptions. On site Composting of materials generated on the site is not subject to the provisions of this section, The provisions of this section will apply to compostable materials being stored for transport to an off-site facility.

3. Standards. The Development Review Board may require that Storage areas for trash, compost and recycling be:

a) Shown on the site plan.
b) Located within the principal or an accessory building or inside an enclosure located to the side or rear of the building they service. If not within a building, the Development Review Board may require that trash, compost and recycling storage areas be:

- Visually Screened in accordance with Section 3103.
- Bear and rodent resistant.

c) Located outside required setbacks and parking spaces.
d) Accessible and convenient for building residents/tenants and for collection vehicles.
e) Designed with adequate space for the maintenance and servicing of containers.
f) Located on a hard surface suitable for servicing of the containers if not within a building.

3200. Specific Use Standards

3201. Applicability

1. The standards of this section apply to the specified uses in addition to all other applicable provisions of these regulations.
2. The standards of this section are minimum requirements. The Development Review Board may establish additional requirements as a condition of approval in accordance with the development review procedures of Section 4300-4315 (site plan review, conditional use review, etc.) and as necessary to further the purposes of these regulations and meet the review criteria applicable to the proposed development.

3202. Accessory Dwellings and Duplexes

1.An accessory dwelling unit (ADU) must:

a) Be located on the same lot as a single-unit dwelling.
b) Be clearly subordinate to the primary dwelling.
c) Share a driveway with the primary dwelling.
d) Have provisions for independent living, including sleeping, food preparation and sanitation in accordance with Section 3011.
e) Not exceed 900 square feet or 30% of the habitable floor area of the primary dwelling (prior to the creation of the ADU), whichever is **greater**.
f) Meet the minimum parking requirements for residential uses of Section 3105.
g) Meet the applicable dimensional standards of the zoning district.
h) Meet the water supply and wastewater disposal standards of Section 3027.
i) There must not be more than one ADU for each single unit dwelling on a lot.
j) The landowner must retain the ADU in common ownership with the primary dwelling.

2.An ADU will be considered an accessory use of residential property and will not require site plan approval, but the applicant must certify that the dwelling meets all applicable state health and safety codes.

3.If the proposed ADU will not conform to the standards of this section, the landowner may be able to obtain a permit for a two-unit dwelling. Londonderry allows attached two-unit homes (duplexes) wherever single unit homes are allowed as long as they will meet septic and dimensional requirements.

3203. Accessory On-Farm Business

1. Applicability. Accessory on-farm businesses are permitted with site plan review in all zoning districts on any farm (as defined in Section 5000).

2. An accessory on-farm business must be:

a) A small business that forms as a natural extension of the farm (as defined in these regulations) and the ongoing, active agricultural use of the property, and that engages in:
   - The storage, preparation, processing and sale of qualifying products provided that more the 50% of the total annual sales are from qualifying products (as defined in Section 5000) that are principally produced on the farm at which the business is located, or
   - Educational, recreational, or social activities or events that feature agricultural practices and/or qualifying products including but not limited to farm tours, farm stays, tastings and meals, petting zoos, sleigh rides, classes or exhibits.

b) Subordinate to and integrated with the agricultural operation.

c) Located within or adjacent to the farmstead, except that the Development Review Board may waive this requirement upon the applicant demonstrating that the proposed use needs greater separation from the farmstead.

d) Sited so that associated development (buildings, parking, etc.) will be located off primary agricultural soils to the maximum extent feasible.

e) Sited and designed to maintain a rural and agricultural character, and not a commercial or industrial character.

f) Not located closer than 200 feet to an existing dwelling that is not in common ownership with the business.

g) In conformance with all applicable standards of these regulations, including but not limited to the parking and loading standards of Section 3104 and 3105, the performance standards of Section 3106, the applicable specific use standards providing meals, hosting events (weddings, classes, parties, etc.) or offering lodging.

3. Farm Stands. On properties that do not qualify as farms people may have small roadside stands that sell produce raised on the property if approved by the road foreman or the road commissioner. A farm stand shall be considered a residential accessory use, and it may have one sign which is a maximum of 6 square feet in area.

3204. Campground

1. Applicability. The provisions of this section apply to establishments that offer guest accommodations in tents, RVs, tourist cabins, bunkhouses or similar camping structures/vehicles and access to recreation facilities. The provisions of this section will not apply to:

a) Properties with three or fewer camping units or primitive camps.

b) Non-commercial backcountry camping on land without designated campsites.

2. Campground. A campground must:

a) Operate under state licensing and in conformance with all applicable state health and safety codes.

b) Maintain or establish a naturally vegetated woody buffer at least 100 feet deep along all property boundaries, public rights-of-way, surface waters and wetlands, and 50 feet deep around all recreational use areas within the campground, unless otherwise specified by the Development Review Board through site plan review.

c) Be designed so that no campsite is less than 2,500 square feet in area or 25 feet in width as shown on the site plan.

d) Be designed so that each campsite is accessed via the internal drive(s) and not directly from a public road.
e) Have internal drives that meet the minimum driveway standards of Section 3010.
f) Not have any campsite closer than 100 feet to a side or rear property line.
g) Not have any campsite located within riparian buffers (see Section 3020).
h) Not house any guests for a continuous period of 30 days or more except on a seasonal campsite.
i) Not have more than 25% of the total number of campsites designated and used as seasonal campsites (rented for a continuous period of more than 30 days).
j) Require all camping units designed to be driven or towed to be sited and maintained so that they are readily and legally able to be driven or towed (including vehicle inspection, proof of insurance, registration, and functioning directional lights).
k) Provide lavatory, shower, toilet, trash and recycling facilities in accordance with these regulations and state regulations.
l) Designate at least 25% of the site as common open space that will be improved and maintained with recreation facilities to be available to all campers.

3. Primitive Campsites. The Development Review Board may waive one or more provisions in Section 3204.2 above for designated primitive campsites (tents or lean-tos, no recreational vehicles, no utility connections).

4. Seasonal Campground. A seasonal campground (a campground where more than 25% of the total number of campsites are offered for rent for a continuous period of more than 30 days) must be reviewed and approved as a planned unit development in accordance with Section 3400. Each campsite/camping unit will be considered to be 0.5 dwelling units for the purposes of calculating the maximum density (number of campsites/camping units) allowed within the seasonal campground.

3205. Care Home/Nursing Home

A care home must:

1. Operate under state licensing and in conformance with all applicable state health and safety codes.
2. Be limited to a max number of residents that does not exceed 1 per 500 sq ft of gross floor area in the facility.
3. Not house more than two unrelated residents per room.
4. Provide residents with either kitchen facilities or meal service.
5. Have at least one private bathroom that meets the minimum requirements of Section 3011. for every 6 residents with at least one bathroom on each floor where there are bedrooms.
6. Provide at least 100 square feet of common indoor day use space per resident.
7. Provide a minimum of 250 square feet of common outdoor open space per resident that is designed with seating areas and other passive recreation facilities to be shared by all residents.

3206. Commercial Outdoor Recreation

Commercial outdoor recreation must:

1. Be located on a parcel at least 6 acres in size.

2. Meet the performance standards of Section 3106.
3. Obtain conditional use approval if the recreational activity:
   a) Involves use of motorized vehicles, firearms or a sound amplification system outside an enclosed building, in such case the Development Review Board will require noise-generating activities to be set back not less than 100 feet from all property lines.
   b) Is intended to accommodate more than 20 participants and/or spectators at one time.

3207. Communications Antennas and Towers

1. Purpose. The purpose of this section is to:

a) Minimize the impacts of communication facilities on surrounding areas by establishing standards for location, structural integrity and compatibility.
b) Accommodate the need and demand for communications facilities.
c) Encourage the location and collocation of communications equipment on existing structures in order to minimize visual, aesthetic, public safety and ecological impacts and reduce the need for additional towers.
d) Provide for the replacement and/or removal of nonconforming or discontinued antennas and towers.
e) Respond to the policies of the Telecommunications Act of 1996 by not unreasonably discriminating between providers of functionally equivalent personal wireless service and not effectively prohibiting provision of personal wireless service in the Town of Londonderry.

2. Applicability. Except as specifically exempted in Sections 1100-1105, the standards of this section apply to the installation, construction or modification of the following communications facilities:

a) Existing and proposed antennas and towers.
b) Replacement antennas and towers.
c) Broadcast antennas and towers.
d) Collocated and combined antennas on existing towers.
e) Roof-mounted antennas and supporting structures.
f) Surface-mounted antennas.
g) Antennas mounted on utility poles, including utility poles located within public rights-of-way.
h) Stealth wireless communications facilities.
i) Amateur radio antennas and towers with an overall height greater than 50 feet.

3. De Minimis Impact. The Administrative Officer may approve and issue a zoning permit for an application for a communication facility if it conforms to all applicable provisions of these regulations and imposes no or de minimis impact on any criteria established in these regulations. The Administrative Officer will only consider an application to have a de minimis impact if it meets all the following:

a) The height and width of the facility or tower, excluding equipment, antennas or ancillary improvements, will not increase.
b) The total amount of impervious surface, including access roads, associated with the facility or tower will not increase by more than 300 square feet.

c) Any addition, modification or replacement of an antenna or other equipment will not extend vertically more than 10 feet above and horizontally more than 10 feet out from the facility or tower as currently configured.
d) Any additional or replacement equipment, antennas or ancillary improvements, excluding cabling, will not increase the aggregate surface area of the faces of the equipment, antennas or ancillary improvements on the facility or support structure by more than 75 square feet, and will not exceed the loading capacity of the support structure.

4. Application Requirements. In addition to all other requirements, applicants must submit the following to demonstrate compliance with the provisions of this section:

a) A signed statement from the facility's owner or owner's agent stating that the radio frequency emissions will comply with Federal Communications Commission (FCC) standards.
b) Proof that the proposed facility has been designed to withstand sustained winds of 110 mph and a 15-second wind gust of 130 mph.
c) Proof that any proposed tower will be designed so that, in the event of a structural failure, it will collapse within the boundaries of the lot on which it is located.
d) An FCC license, and construction development approval if applicable, to transmit radio signals in Town of Londonderry.
e) The name, address and telephone contact information for the owner of any proposed or existing tower, and a statement that such information will be updated if there is a change.
f) A stamped structural analysis of the proposed facility prepared by a professional engineer, indicating the proposed and future loading capacity of any tower.
g) Proof of compliance with Federal Aviation Administration regulations of objects affecting navigable airspace.
h) A description of the coverage area planned for the cell to be served by the proposed facility.
i) A description of the search area used to locate the proposed facility.
j) A statement by a qualified professional engineer specifying the design structural failure modes of the proposed facility.
k) Antenna heights and power levels of the proposed facility and all other facilities on the subject property.

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

a) Collocated or combined antennas.
b) Surface-mounted antennas.
c) Roof-mounted antennas.
d) Stealth wireless communications facility.

6. Prohibited Locations. A new tower must not be located:

a) Closer than 1.5 times its height from all other structures (not including structures accessory to the tower), property lines, road rights-of-way, surface waters and aboveground utility line rights-of-way.
b) Within 1,000 feet from any designated historic district, historic structure or scenic road.

7. Antenna Types. to minimize adverse visual impacts Antennas must be one of the types below (listed in order of preference

a) Flush-mounted,
b) Panel,
c) Whip, or
d) Dish.

In order to justify the use of an antenna type lower in the ranked listed above, the applicant must provide a statement of position, qualifications and experience by a licensed radio frequency engineer demonstrating that higher-ranked alternatives cannot be used.

8. Surface-Mounted Antennas. Surface-mounted antennas (includes associated ancillary appurtenances and transmission lines) must:

a) Maintain a color that is the same as the surface to which they are attached unless the Development Review Board finds that another color will be more contextually compatible.
b) Be placed at least 15 feet above the ground.
c) Be placed so that no portion of the antenna is less than 3 feet below the roof line, where proposed to be mounted on a building.

9. Roof-Mounted Antennas. Roof-mounted antennas (includes associated ancillary appurtenances and transmission lines) must:

a) Be placed only on commercial, industrial or non-residential institutional buildings that are at least 30 feet in height.
b) Be placed as near to the center of the roof as possible.
c) Not extend above the roof line of the building to which they are attached by more than 20 feet.
d) Have a monopole-type construction.
e) Maintain a galvanized gray or brown finish unless the Development Review Board finds that another color will be more contextually compatible.
f) Be screened by a parapet or other structure in order to minimize their visual impact as viewed from the road.
g) Not have signs.

10. Stealth Wireless Communications Facilities. A stealth facility must**:**

a) Not have antennas or ancillary equipment that are readily identifiable from a public vantage point as wireless communications equipment.
b) Be designed so that they are reasonably consistent with the scale and character of nearby structures in the built or surrounding vegetation in the natural environment.

11. Towers. New communication towers must:

a) Not be built on speculation as evidenced by a letter of commitment from one or more FCC-licensed communication carriers.
b) Allow for co-location as documented in a letter of intent from the facility owner.
c) Have a monopole-type construction except that broadcast structures taller than 200 feet, amateur radio antennas and AM broadcast antennas may have a lattice-type construction.
d) Maintain a galvanized gray or brown finish or other contextually-compatible color as determined by the Development Review Board (this includes ancillary appurtenances), except if otherwise required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC).
e) Not have lights, signals or other illumination unless the applicant demonstrates that lighting is required by the FAA or FCC.
f) Not have signs except for hazard notification signs as required by state or federal regulations.

12. Security and Screening. The DRB ma require that the facility must be secured by fencing or other appropriate means. All structures to be located at ground level must be screened in accordance with Section 3103.

3208. Contractor's Yard or Unenclosed Storage

Contractor's yard or unenclosed storage subject to major site plan approval must:

1. Be located, landscaped and screened in accordance with Section 3103.
2. May be required by the Development Review Board to be fenced unless otherwise established by the Development Review Board through site plan review.
3. Control erosion and sediment transport from any materials stored outdoors in accordance with Section 3013.
4. Not store hazardous materials, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage or waste oil (such a use will be considered waste storage). This provision will not be interpreted to apply to storage of hazardous materials for on-site use in accordance with state and federal regulations, and storage of wastes generated on-site awaiting transportation off-site for lawful disposal.

3209. Daycare for 6 or Fewer Children (Family Childcare Home)

A Daycare facility for six or fewer children must:

1. Be operated by a resident of the dwelling.
2. Be registered by the state and conform to all applicable state health and safety codes.
3. Not care for more than 6 children on a full-time basis (more than 4 hours per day) and 4 children on a part-time basis (not more than 4 hours per day), not including any children who live in the home. (For establishments that care for more children, see Section 3210).
4. A family childcare home may have not more than 1 sign and must conform to all applicable standards of Section 3107.
5. A family childcare home will be considered an accessory use of residential property and will not require site plan approval.
6. Any change in use, intensity or ownership of a family childcare home that does not conform to the provisions of this section is prohibited unless the landowner obtains a permit to convert the family childcare home to another allowed use (e.g. daycare) in conformance with all applicable provisions of these regulations.

3210. Daycare for 6 or More Children

A daycare facility for more than 6 children must

1. Be registered or licensed by the state.
2. Not have outdoor play areas except as specifically shown on an approved site plan.
3. Enclose all outdoor play areas with fencing of a suitable height and design in accordance with Section 3014 unless otherwise established by the Development Review Board through site plan review.
4. Set all outdoor play areas back at least 50 feet from any adjoining residential lot unless otherwise specified by the Development Review Board through site plan review.

3211. Extraction and Quarrying

Extraction and quarrying facilities must:

1. Maintain or establish a naturally vegetated woody buffer at least 100 feet deep along all property boundaries, public rights-of-way, surface waters and wetlands unless otherwise established by the Development Review Board through site plan review.
2. Submit and implement professionally prepared erosion control and stormwater management plans.
3. Submit a report from a hydrologist demonstrating that the proposed activity will not cause the permanent lowering of the water table on surrounding properties.
4. Limit operational activities (blasting, excavation, processing, hauling, etc.) to between the hours of 8 a.m. and 6 p.m. (or dusk if earlier) unless the Development Review Board specifically sets other hours of operation (more restrictive or expansive).
5. Install warning signs and fencing as necessary to protect public safety.
6. Meet the performance standards of Section 3106.
7. Obtain all necessary town and state permits.
8. Reclaim the site progressively as the extraction or quarrying activity advances on the site as follows:
   a) As much topsoil as possible should be retained for reapplication to disturbed areas during reclamation.
   b) Remove all equipment, stockpiles, debris, signs and other materials or improvements associated with the extraction or quarry use as part of the final reclamation effort.
   c) Ensure that holes created by quarrying will not present a danger to the public.
   d) Maintain or establish a final slope that does not exceed a grade of 2:1 (horizontal to vertical) over a distance of 30 feet on all disturbed areas excluding any areas of exposed ledge.
   e) Evenly spread at least 4 inches of topsoil capable of sustaining vegetation on all disturbed areas excluding any areas of exposed ledge.
   f) Stabilize and seed disturbed areas at the earliest possible time following completion of extraction or quarrying operations in an area.
   g) Replant disturbed areas with groundcover and trees.
   h) Keep erosion control measures in place until permanent vegetation has been established.
9. The provisions of this section will not apply to removal of earth resources associated with approved land development.
10. The provisions of this section will not apply to removal of earth resources undertaken in response to a declared emergency.

11. New extraction and quarrying facilities must apply for a hearing in front of the DRB to review their permit after the first five years of operation.

3212. Fueling Station/ Car Wash/Auto Repair

1. Applicability. The provisions of this section apply to:

a) New fueling stations, car washes and automotive repair shops.
b) Existing fueling stations, car washes and automotive repair shops being modified, resulting in a new building or an addition to an existing building of 500 square feet or more.
c) Existing fueling stations being expanded, resulting in an increase in the number of fuel pumps.

2. Fueling Station/ Car Wash/Auto Repair Shops

a) Must not cause congestion or other unsafe conditions within the site or on the road. The Development Review Board may require an applicant to provide engineered plans demonstrating that adequate space exists on the site to accommodate queueing.
b) Must locate all new or relocated fuel pumps and islands at least 30 feet from side and rear lot lines.
c) Must not locate accessory equipment such as self-service vacuums or air pumps within minimum required setbacks for the applicable zoning district and within 20 feet of the property line with a residential lot.
d) Must screen fueling and service areas that are located within 20 feet of a property line with a residential lot with a fence or a vegetated buffer in accordance with Section 3103.

3. New or replacement fuel station canopies must:

a) Not extend over minimum required setbacks for the applicable zoning district or public rights-of-way.
b) Have illumination only on the underside (illuminated fascia are prohibited) with light fixtures that are recessed into the underside of the canopy.

4. Underground Fuel Tanks. All storage tanks associated with the use must meet the standards of Section 3106.3.i. The Development Review Board may approve a waiver of the setback requirements when an applicant will be replacing an existing non-conforming storage tank upon the applicant demonstrating that relocating the tank to bring it into conformance is not physically feasible given site-specific conditions or will unduly impact business operations.

5. Signs. Fueling stations may have pricing signs in accordance with Section 3107

6. Carwash Wastewater.

A carwash must

a) Carry out all washing and mechanized drying activities within an enclosed building except that self-service bays may be open on two sides.
b) Contain all wastewater on-site and prevent it from running off the property or into municipal storm drains or roadside ditches.
c) Have a properly functioning wastewater capture and recycling system.

7. Electric Car Charging Stations. will not be considered fueling stations subject to the provisions of this section.

3213. Home Business

The Town of Londonderry recognizes the need of some residents to use their place of residence for limited non-residential activities, however, the Town believes that this must be balanced with the need to protect the character of its residential areas and to protect these neighborhoods from potential nuisances. Home-based businesses must not expand to the point that the business is no longer secondary to the residential use.

1. A home business must:

a) Be operated by a resident of the associated dwelling.
b) Not have an adverse effect on the character of the area.
c) Meet the performance standards of Section 3106.
d) Conform to all applicable state health and safety codes.
e) Operate only between the hours of 7 a.m. to 7 p.m. unless otherwise established as a condition of approval.
f) Not occupy more than 40% of the habitable floor area of the dwelling but may occupy any amount of space in one or more accessory buildings.
g) Not employ more than 6 people who work on-site (including those residing in the associated dwelling).
h) Provide parking in accordance with Section 3105.
i) Design and maintain any outdoor storage or use areas in accordance with all applicable provisions of these regulations and any conditions of approval (see Section 3103).

2. Signs A home business may have signage as allowed in Section 3107.

3. Site Plan Review A home business will require site plan approval.

4. Expansion Any change in use, intensity, floor area, configuration, occupancy of the associated dwelling or ownership of a home business that does not conform to the provisions of this section is prohibited unless the landowner obtains a permit to convert the home business to another allowed use in conformance with all applicable provisions of these regulations.

3214. Home Occupation

1. **Home Occupation.** A person who wishes to have a business at their home should submit a zoning permit application and the Administrative Officer will make a determination as to whether the proposed use is a home occupation as defined by these regulations, or a home business which requires the submission of a fee and a site plan review.

2. **A home occupation must**:

a) Be operated by a resident of the associated dwelling.
b) Not generate traffic in substantially greater volumes than would normally be expected from a residential use in the neighborhood.
c) Meet the performance standards of Section 3106.

d) Not generate noise or increased traffic outside of the hours of 7 a.m. to 7 p.m. on Monday through Friday and 9 a.m. to 5 p.m. on Saturday and Sunday.
e) Offer for sale only goods manufactured on the premises, or products directly related to the provision of personal service (e.g. sales of hair care products by a hair stylist). Internet / mail-order businesses that do not generate customer traffic will be allowed.
f) Not provide repair services for motor vehicles, equipment or other large goods or machinery.
g) Not occupy more than 40% of the habitable floor area of the dwelling and/or more than 1,500 square feet in one or more accessory buildings.
h) Not employ more than 2 people who do not live in the associated dwelling and who work on-site.
i) Provide employee and/or customer parking when necessary (in addition to the parking required for the dwelling unit), in accordance with Section 3105 as follows:
   - If there will not be regular customer traffic, 1 parking space for each non-resident employee, or
   - If there will be regular customer traffic, the number of spaces required under Section 3105 based on the floor area devoted to the home occupation.
j) Not have any outdoor storage or use areas, including product display, outside an enclosed structure.
k) A home occupation may have not more than 1 sign and must conform to all applicable standards of Section 3107.
l) A home occupation will be considered an accessory use of residential property and will not require site plan approval.
m) Any change in use, intensity, floor area, configuration, occupancy of the associated dwelling, or ownership of a home occupation that does not conform to the provisions of this section is prohibited unless the landowner obtains a permit to convert the home occupation to another allowed use in conformance with all applicable provisions of these regulations.

3215. Hotel/Motel/Inn

1. A Hotel/Motel/Inn must:
   a) Operate under state licensing and in conformance with all applicable state health and safety codes.
   b) Not house any guests for a continuous period of 30 days or more.

2. A Hotel/Motel/Inn may include accessory uses such as restaurants, event facilities, meeting spaces, retail shops, fitness centers, recreation facilities or spas that serve guests and may also be open to the general public in accordance with Section 3004.

3216. Primitive Camp

A primitive camp:
1. Must not be occupied for more than 60 days in any calendar year and must not be the primary residence of the inhabitants.
2. Must meet the water supply and wastewater disposal standards of Section 3027or qualify for an exemption to state water and wastewater regulations as certified to by the applicant. Primitive camps must meet the standards below to qualify for that exemption:
   a) Must not be occupied more than 3 consecutive weeks in any calendar year and a total of 60 days in any calendar year.

b) Must not have interior plumbing other than one sink with water and a composting or incinerating toilet that does not yield a liquid provided that its contents are disposed of in accordance with state rules.
c) Must not be rented out as a dwelling unit or to guests.

3. Must meet all dimensional standards for principal structures in the applicable zoning district.
4. May be a camping unit (RV, travel trailer, tiny house, etc.)

3217. Restaurant, Bar or Indoor Event Facility

A restaurant, bar or indoor event facility must:

1. Be licensed by the state and/or town as applicable.
2. May have outdoor seating or other outdoor areas for patron use provided it is specifically shown on an approved site plan and conforms to the standards of Section 3102.
3. Not have amplified music playing from outside an enclosed building or from within an open-air structure unless specifically approved with established sound levels and hours of operation by the Development Review Board.
4. Soundproof walls, ceilings and/or floors that separate the establishment from any dwelling units within the same building not occupied by the owner or an employee of the business as necessary to ensure that background noise levels inside the dwelling will not exceed 30 dBA from 10 pm to 6 am and 55 dBA at other hours.
5. Be sited and designed to accommodate service vehicles without adversely impacting access and vehicular circulation within the site or on nearby public roads.

3218. Rooming and Boarding House

1. A structure in which two or more bedrooms are offered for rent for a fixed period of not less than 30 days will be considered a rooming and boarding house under these regulations.
2. A rooming and boarding house must:
   a) Be operated by a resident of the dwelling.
   b) Provide all tenants with a private, secured bedroom for their exclusive use.
   c) Not house more than two unrelated adults per rental room.
   d) Rent rooms for a fixed period of not less than 30 days.
   e) Provide 2 parking spaces for the single-unit dwelling and 1 parking space for each rental bedroom in accordance with Section 3105.

3.A rooming and boarding house may have not more than 1 sign and must conform to all applicable standards of Section 3107.

4.A rooming or boarding house will require site plan approval where the applicant demonstrates that the dwelling meets all applicable state health and safety codes unless the property was previously a hotel, Inn, or motel.

5.A rooming and boarding house will be considered a multi-unit dwelling under these regulations if the rental rooms have provisions for independent living, including sleeping, food preparation and sanitation in accordance with Section 3011.

3219. Short-Term Rental (STR)

1. Requirements Short Term Rentals must:

a) Adhere to the requirements of The Town of Londonderry Short-Term Rental Ordinance passed on December 19, 2023, that may be amended from time to time, regulated by the Selectboard of the Town of Londonderry

b) Conform to all applicable state health and safety codes and meet the standards for a dwelling unit found in Section 3011.

2. Short term rentals do not require a zoning permit, but they must meet the standards for dwelling units

3220. Storage And Distribution Services and Wholesale Trades

1. Storage and distribution services must:

a) Not have outdoor or unenclosed storage unless specifically approved by the Development Review Board in accordance with the standards of Section 3102.
b) Not store hazardous materials, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage or waste oil unless specifically approved by the Development Review Board in accordance with the standards of Section 3106.
c) Not have any stored goods displayed for sale except in accordance with Section 3220.3.
d) Not allow anyone renting storage space to engage in retail sales, vehicle maintenance or repair, use of tools or equipment, or any activity other than storage of property on the premises.
e) May be required to install screening along any property line abutting a residential lot with a fence/berm and landscaping in accordance with Section 3103.

2. Mini-storage buildings must:

- Be located at least 40 feet from the road right-of-way.
- Use dark, muted and/or neutral exterior colors that would help blend the buildings into the surrounding landscape and must not use bright, intense and/or vibrant exterior colors or patterns that would call attention to the buildings.

3. Auctions Temporary sales or auctions of goods stored on the premises will be allowed as an accessory use for not more than 3 contiguous days and a total of 12 days in any calendar year.

3221. Tank Farm or Fuel Storage and Distribution Services

1. Tank farm or fuel storage and distribution services must:
   a) Be registered with the state and in compliance with all applicable state and federal regulations.
   b) Meet the performance standards of Section 3106.
   c) Locate all storage tanks (above or below ground) at least 100 feet from all property lines.
   d) Locate all above-ground tanks on a hard, level surface.
   e) Not have a total storage capacity (above and below ground) in excess of 60,000 gallons.
   f) Provide a containment system for any aboveground tank that is:
      - Capable of holding at least 125% of the volume of the tank, and
      - Designed to appropriately treat and release any rainwater that accumulates within the containment area.
      - Be designed to prevent contact between vehicles and any above-ground tank (i.e., provision of fencing or bollards).
   g) Screen the facility in accordance with Section 3106.
   h) Not display any signs on an aboveground tank except for identification and warning signs required by state or federal regulations.

2. Pre-existing tank farm or fuel storage and distribution services must not be expanded or redeveloped to increase the total amount of storage capacity on the site or locate storage tanks closer to any property line unless all the standards of section will be met.
3. The provisions of this section do not apply to storage of fuels or other materials for on-site use.

3222. Veterinary, Pet or Animal Service

A veterinary, pet or animal service (including but not limited to, kennels, animal boarding facilities, animal shelters, animal daycare facilities, pet shops, pet groomers and pet dealers with outdoor areas for animal use must:

1. Must operate in accordance with town ordinances and policies as well as state animal welfare regulations and must be licensed by the state when applicable.
2. Designate all outdoor areas for animal use on the site plan and must not locate such areas closer than 500 feet to an existing dwelling not in common ownership with the business.
3. Enclose all outdoor areas for animal use with fencing of a suitable height and design to secure the animals.
4. Have adequate provisions for waste disposal to prevent vermin infestation, odors and disease.
5. Not use any structure located closer than 500 feet to an existing dwelling not in common ownership with the business for housing animals unless otherwise specified by the Development Review Board through site plan review.
6. Not have any animals kept outside an enclosed structure between 8 p.m. and 7 a.m. unless otherwise approved as a conditional use by the Development Review Board.

3300 Subdivision Standards

3301. Applicability

All subdivision of land must conform to the standards of this section.

3302. Pre-Development Site Preparation

The applicant must not undertake any site work to prepare the land for development prior to attaining a subdivision approval such as tree removal, grading or other land disturbance except:

1. For minor site work to facilitate surveying, design and engineering as necessary to prepare the subdivision application.
2. Forestry practices exempted under Section 1103. However, if timber is harvested off the site prior to subdivision approval, the Development Review Board may require the applicant to remove forest roads, re-establish vegetation, or take other actions as necessary to restore the land to a suitable condition for development.

3303. Suitability of the Land

1. The applicant must demonstrate that the land to be subdivided into developable lots is suitable for development without:
   a) Endangering public health or safety.
   b) Adversely impacting the environment, adjoining properties or the character of the area.
2. Land subject to periodic flooding, poor drainage, erosion, landslide, slope instability, inadequate capability to support development or other hazardous conditions must not be subdivided into developable lots unless the applicant can demonstrate that appropriate measures will be taken to overcome the physical limitations.
3. Grading, excavating and/or filling of land to create developable lots must meet the standards of Section 3013.

3304. Protection of Natural Resources

1. The applicant must demonstrate that the proposed subdivision will not result in undue adverse impacts on natural resources identified by the Vermont Agency of Natural Resources or in the Londonderry Town Plan including any plans or studies it incorporates by reference.
2. Existing site features that would add value to the subdivision or to the community as a whole such as specimen trees, hedgerows, stone walls, surface waters, wetlands, ridgelines, scenic views, historic resources, and similar irreplaceable assets must be preserved and incorporated into the design of the subdivision.

3305. Capability of Community Facilities and Utilities

An applicant for a major subdivision must demonstrate that the proposed subdivision will not cause a disproportionate or unreasonable burden on the community's ability to provide public facilities, services and infrastructure including, but not limited to:

1. School facilities and educational services.
2. Police, fire protection and ambulance services.
3. Road infrastructure and maintenance.
4. Parks and recreation facilities.
5. Water supply, sewage disposal and stormwater systems and infrastructure.

3306. Provision of Necessary Improvements

1. The applicant must demonstrate that the proposed subdivision will make proper provision for highway access, stormwater drainage, water supply, sewage disposal, fire protection, emergency vehicle access, utilities and any other necessary improvements within the development.
2. The construction of necessary improvements, and all associated expenses, will be the responsibility of the applicant.
3. The applicant must establish an owners' association or similar legally enforceable mechanism to ensure continuing maintenance of private roads, shared infrastructure, or other common land or facilities within the subdivision. The applicant must provide drafts of covenants, articles of incorporation, bylaws, maintenance agreements, easements or other legal documents to the town for review prior to final approval of the subdivision and must record such documents in the Londonderry Land Records along with the final plat. Membership in the association or equivalent must be mandatory for all property owners benefiting from the common improvement(s).

3307. Lot Arrangement The applicant must design the subdivision:

1. To follow and extend the planned settlement pattern (including lot size, lot configuration, road layout and building location) as defined by the purpose and standards of the applicable zoning district to the maximum extent feasible given the site's topography and natural features.
2. To connect to and extend existing roads, to the maximum extent feasible given the site's topography and natural features.
3. To minimize the fragmentation of productive farmland and loss of primary agricultural soils that are suitably sized and located for productive use.
4. To minimize the fragmentation of priority forest blocks as identified in the Londonderry Town Plan or by the Vermont Agency of Natural Resources.
5. To minimize soil disturbance, compaction, and removal of topsoil.
6. So that there will be no foreseeable difficulties in obtaining zoning permits to build on all lots in accordance with the standards of these regulations (this will not apply to lots intended for farming, forestry or conservation purposes).
7. So that there will be no foreseeable difficulties in providing access to each lot from an existing or planned road (this will not apply to lots intended for farming, forestry or conservation purposes).
8. To minimize the number of new driveways along town roads or state highways (subdivision does not convey a right for new lots to have direct access to the public road and provision of internal development roads or shared driveways may be required).
9. So that there will be positive drainage away from building sites and a coordinated stormwater drainage pattern for the subdivision in accordance with Section 3023.
10. To allow further subdivision on any remaining undivided land, lots with further subdivision potential and/or adjoining undeveloped parcels in a manner that would result in a logical and coordinated development pattern.
11. To retain access to land within or adjoining the subdivision intended for agricultural or forestry use.

3308. Lot Dimensions The applicant must design the subdivision:

1. So that all lots front on a road in accordance with the standards of Section 3002 except that the Development Review Board may waive or modify this requirement to:

a) To respond to natural or built features on the site.
b) To allow for shared driveways.
c) On lots intended for farming, forestry or conservation purposes.

2. To minimize the number of lots with frontage on more than one road.
3. So that lot dimensions meet the minimum standards for the zoning district.
4. So that lot lines form simple, regular geometric shapes, except that the Development Review Board may waive or modify this requirement to respond to natural or built features on the site or to allow for shared driveways.
5. So that the lot ratio (width-to-depth or depth-to-width) does not exceed 1:4, except that the Development Review Board may waive or modify this requirement to respond to the site's topography and natural features.

3309. Building Envelopes

If a proposed lot within a subdivision will be more than 3 acres in size, then the applicant must designate at least one and not more than three building envelopes on that lot in accordance with the following:

1. Building envelopes must not include any unbuildable land including, but not limited to setbacks, rights-of-way, easements, wetlands, wetland buffers, surface waters, riparian buffers, flood hazard areas steep slopes, and land above 1,800 feet in elevation.
2. A building envelope intended for single-unit residential development must not be more than ½ acre in area.
3. The Development Review Board may limit the size of a building envelope intended for purposes other than single-unit residential development as appropriate given the character of the land and the proposed use.
4. All principal buildings and non-agricultural accessory structures with a footprint in excess of 200 square feet must be located within a designated building envelope.
5. Driveways, utilities, renewable energy systems, water, wastewater and stormwater infrastructure, fences, agricultural structures and accessory structures with a footprint of 200 square feet or less may be located outside a designated building envelope.
6. The Development Review Board may limit or place conditions on forest clearing on all or a portion of the lot outside the designated building envelope to protect significant wildlife habitat, forest blocks or scenic resources.
7. The Development Review Board may require or place conditions on the maintenance of open fields or meadows on all or a portion of the lot outside the designated building envelope to protect significant wildlife habitat, farmland or scenic resources.

3310. Waiver of Building Envelope Requirement

The Development Review Board may waive the building envelope requirement if the applicant obtains an exemption from the state Wastewater System and Potable Water Supply Rules and notes on the plat that the lot cannot be developed and may only be used for agriculture, forestry or open space purposes without amending the approved subdivision plat to establish a building envelope.

3311. Public Works Specifications and Ordinances

Applicants must construct new or extended roads, utilities and other improvements in accordance with any public works specifications or ordinances duly adopted by the Town of

Londonderry. In the case of a conflict between a provision of these regulations and a provision of the public works specifications or ordinance, the public works specifications or ordinance will take precedence.

3312. Technical Review

The Administrative Officer may forward a subdivision application to the road foreman, the road commissioner, or the fire and rescue departments for review and comment upon receipt of a complete application. The Development Review Board or Administrative Officer may condition or deny any approval or permit based on those comments.

3313. Engineering Requirements

The applicant's or the town's engineer, the road commissioner and the road foreman must certify that all new or extended roads, utilities and other improvements were designed and constructed in accordance with all applicable public works specifications, provisions of these regulations and any conditions of approval prior to the Administrative Officer granting a final certificate of zoning compliance. When required as a condition of approval, the applicant must provide as-built drawings in accordance with Section 4006. In the event the Development Review Board believes they require independent technical review for the diligent, application specific pursuit of their work, they shall so determine by majority vote of the Board. That vote shall occur during the public review or hearing for that application.

3314.Roads

Applicants must design and construct all new or extended roads within a subdivision in accordance with this section. Or any current standard adopted by the Town of Londonderry if stricter.

1. **Applicability**. Any vehicular way that will be used to provide access to more than 2 lots or principal buildings will be considered a road and must conform to the standards of this section irrespective of whether the road will be public or private. (A vehicular way that provides access to not more than 2 lots or principal buildings is a driveway and must conform to the standards of Section 3010)

2. **General Standards**. Applicants must design and construct all new or extended roads within a subdivision to:
   a) Safely accommodate all users (including vehicular, bicycle and pedestrian traffic).
   b) Calm traffic and discourage travel speeds in excess of the posted speed limit.
   c) Avoid congestion on existing roads.
   d) Provide adequate access and suitable turnarounds, when applicable, for emergency and service vehicles; as specified in Figure 3-05.
   e) Logically extend and improve the connectivity of the town's existing road network.
   f) Provide efficient access to property.
   g) Have the minimum amount of impervious surface necessary to provide convenient and safe access to property.
   h) Be graded and laid out to conform as closely as possible to the pre-existing topography.
   i) Provide adequate drainage in accordance with Section 3314.12 below.
   j) Be located the maximum distance feasible from surface waters (at least 150 feet is preferred, and additional stormwater management practices may be required if that

separation distance cannot be achieved) and meet the riparian buffer standards of Section 3020 as applicable.

k) Minimize the number of stream crossings.

3. **Right-of-Way Width**. A road must:
   a) Have a right-of-way at least 50 feet in width.
   b) Be located in the center of the right-of-way.

4. **Clear Zone**. A clear zone must be maintained at least 10 feet from the edge of the road surface. The Development Review Board may waive or reduce this requirement to minimize impacts on scenic character or natural resources.

5. **Design Speed**. Applicants must design new or extended roads for a speed of 25 miles per hour unless otherwise specified by the Development Review Board through subdivision/PUD review. If a higher design speed is allowed, the Development Review Board may modify other road design and construction standards accordingly as specified in the Vermont State Design Standards as most recently amended for the allowed design speed.

6. **Road Surface Width**. Total road width must not exceed 20 feet unless specifically approved by the Development Review Board to accommodate on-street parking, pedestrians or bicyclists, heavy trucks or a design volume in excess of 100 trips per day.

7. **Grade.** New or extended roads must generally conform to the topography and must not exceed a maximum grade of 12% as measured over any 100-foot section. The Development Review Board may allow segments to exceed the maximum grade to respond to the site's topography and natural features if approved by the Road Foreman and Fire Chief.

8. **Cross-Slope**. All new or extended roads must have a cross-slope of at least 1% and not more than 3%.

9. **Intersections**. Applicants must design new or extended roads in accordance with the following unless otherwise established by the Development Review Board through subdivision/PUD review to respond to site-specific physical conditions or anticipated traffic flows:
   a) To intersect as close to 90 degrees as physically possible and not at less than 75 degrees or more than 105 degrees.
   b) With directly opposed intersections whenever feasible (if not directly opposed, the centerline offset of the intersections must be at least 125 feet).
   c) With a sight distance of at least 275 feet.
   d) With an intersection approach that does not exceed a 3% average grade for a distance of 20 feet as measured from the edge of the right-of-way of the intersecting road.
   e) With a curb radius at the intersection that does not exceed 20 feet as measured from the edge of the traveled way, except that the Development Review Board upon the recommendation of the Road Commissioner and Road Foreman or VTrans District Permit Coordinator may approve a curb radius of up to 40 feet for roads designed to accommodate significant truck traffic.

10. **Construction Standards**. Applicants must construct new or extended roads in accordance with the following standards:
    a) **Materials and Construction Practices**. Road materials and construction practices must conform with Vermont Standard Specifications for Construction as most recently amended. The applicant's engineer must provide the town with copies of the specifications to demonstrate compliance.
    b) **Subsurface**. Subbase, sand cushion and subgrade must be constructed in conformance with the VTrans Standard A-76 for Development Roads as most recently amended.
    c) **Surface**. The DRB may require that roads with a design volume in excess of 400 trips per day or road segments that will be:
        - In excess of 10% grade,
        - Located within 150 feet of surface waters, or
        - Regularly serving heavy vehicles.

    be surfaced with asphalt.

12. **Drainage.** Applicants must design new or extended roads with drainage infrastructure and practices that:
    a) Are in conformance with the VTrans Standard A-76 for Development Roads as most recently amended.
    b) Capture and direct run-off to vegetated areas, retention areas, and/or other stormwater practices in accordance with Section 3023 and the *Vermont Stormwater Manual*.
    c) Do not contribute to an accumulation of stormwater that would exceed the capacity of downstream facilities or infrastructure as demonstrated by stormwater calculations provided by the applicant's engineer.
    d) Have culverts and underdrains sized to convey anticipated peak stormwater flows and minimize erosion damage as demonstrated by stormwater calculations provided by the applicant's engineer.

13. **Pedestrian and Bicycle Facilities.** The Development Review Board may require the applicant to integrate pedestrian and bicycle access into the design of any subdivision in the Village Commercial or Village Residential District

14. **Road Names and Signs**. The applicant must name new or extended roads and install road signs in accordance with state and town requirements.

3315. Fire Protection and Emergency Services

Where there is not an existing, adequate source of water for fire protection, the applicant must provide water through means such as fire hydrants, dry hydrants, ponds, tanks and/or building sprinklers. The applicant must submit a letter from the applicable Fire Department (Phoenix or Champion) and Londonderry Volunteer Rescue Squad as to the adequacy of fire protection facilities and emergency access to each lot (this will not be interpreted to include lots with no development rights intended for agriculture, forestry or open space use).

3316. Water and Wastewater

The applicant must design the subdivision to provide water and wastewater service to each lot (this will not be interpreted to include lots with no development rights intended for agriculture, forestry or open space use) in accordance with the following:

1. All lots created within public water and/or wastewater system service areas must be connected to the public service and the applicant must install connections to the property line of each lot. This provision will be waived if the public system does not have adequate capacity or is otherwise unable to allow new hook-ups.
2. For lots served by public infrastructure, the applicant must demonstrate that the proposed subdivision conforms to applicable ordinances and standards for the public system.
3. For lots not served by public infrastructure, the applicant must demonstrate that the proposed subdivision conforms to the Vermont Wastewater System and Potable Water Supply Rules (see Section 3316).

3317. Public and Private Utilities

1. Utilities must be located within road rights-of-way to the maximum extent feasible,
2. The applicant must provide the town with a maintenance and access easement for any utilities not located within a public right-of-way.

3318. Erosion Control

The applicant must design and undertake construction within the subdivision in accordance with the standards of Section 3013.

3319. Soil Preservation.

The applicant must:

1. Stockpile any topsoil removed during the course of construction on-site.
2. Redistribute stockpiled topsoil to provide even cover on all disturbed areas to be seeded or planted.
3. Make reasonable efforts to repair any soil compaction prior to seeding or planting such as tilling, subsoiling, plug aeration and/or organic amendments in accordance with Section 3023.
4. Not remove any topsoil, sand, gravel, rock or other earth resources from the site for any purpose other than the minimum necessary and authorized to meet the construction needs of the subdivision.

3320. Debris Removal

The applicant must remove any debris generated during the course of construction from the site in accordance with state regulations. Burying debris on-site or using it as fill is prohibited. 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.

3321. Stormwater Management

The applicant must design the subdivision or development with adequate drainage and stormwater infrastructure. In accordance with Section 3023.

3321. Monuments and Lot Corner Markers.

The applicant must:

1. Show the locations of all right-of-way monuments and lot corner markers on the final subdivision plat.
2. Install permanent right-of-way monuments at all road intersections and other critical points in street lines in accordance with state statutes and rules.
3. Install lot corner markers at corners and angle points of all lots in accordance with state statutes and rules.

3322. Construction and Maintenance of Necessary Improvements

The applicant must:

1. Fully construct the necessary improvements in accordance with all conditions of approval under these regulations and the town's public works specifications before the Administrative Officer may issue any zoning permits for further development within the subdivision.
2. Maintain necessary improvements while lots or units within the subdivision are being sold and/or developed in accordance with all conditions of approval.
3. Demonstrate how the necessary improvements required under this section will be maintained once lots or units have been sold and/or developed.

3323. Acceptance of Roads or Other Necessary Improvements

No provision of these regulations will be interpreted to require the Town of Londonderry to accept new or extended roads or other necessary improvements serving a subdivision. Acceptance is subject to the approval of the Londonderry Selectboard. The developer must guarantee any improvements to be turned over to the Town of Londonderry against defects in workmanship and materials for a period of 5 years from the date of acceptance of the improvements. The maintenance guarantee must be secured with a surety equal to 25% of the cost of the improvements in accordance with Section 4104.

3324. Subdivision Improvement Agreements

The Development Review Board may waive the requirement for full completion of necessary improvements prior to further development commencing within the subdivision if the applicant enters into a subdivision improvement agreement with the Town of Londonderry Selectboard in accordance with the following:

1. The cost of preparing the subdivision improvement agreement, including legal review in accordance with Section 4103, will be borne by the applicant.
2. The subdivision improvement agreement will specify the period of time within which the applicant agrees to fully complete all necessary improvements.
3. The applicant will provide a surety in accordance with Section 4104 for an amount sufficient to cover 125% of the cost of the approved construction and any other conditions contained in the subdivision improvement agreement. When 50% of the required improvements are complete, the developer may substitute a new guarantee equal to 125% of the cost of the remaining improvements for the original guarantee. The new guarantee need not be in the same form as the original guarantee, but it must not in any way change or modify the terms and conditions of the agreement.
4. The subdivision improvement agreement will run with the land and must be recorded in the Town of Londonderry Land Records.

5. If improvements are not installed pursuant to the terms of the agreement, the Town of Londonderry may:
   a) Declare the agreement to be in default and require the developer to fully complete all necessary improvements regardless of the extent of completion of the development.
   b) Obtain funds pursuant to the surety and complete the necessary improvements itself or by contract through a third party.
   c) Assign its right to receive funds pursuant to the surety in whole or part to any third party in exchange for that party's agreement to:
      - complete the required improvements, and/or
      - Exercise any other rights available under the law.

3400. Planned Unit Development (PUD) Standards

Planned Unit Developments shall be reviewed in the same manner as subdivisions (see Sections 3300-3324)

3401. Conservation PUD

3402. Purpose

The purpose of this section is to provide flexibility in site design for rural residential developments in order to protect natural resources and conserve open space. The number of residences/structures in a Conservation PUD is governed by the density permitted by the zoning rules for the district (e.g., 10 residences on a 10-acre tract in a 1-acre zone), But in a Conservation PUD the structures can be placed close together to permit the conservation of open space on the remaining portion of the parcel.

3403. Modification of District Standards

Zoning district standards may be modified within a conservation PUD as follows:

1. The development must meet all setback requirements of the zoning district around the perimeter of the development site.
2. The dimensional standards for lots, setbacks and buildings in the zoning district will not apply internally within the development site.
3. The lot coverage for the development as a whole must not exceed the maximum allowed in the zoning district.
4. All single-unit, two-unit and multi-unit dwellings, and related accessory uses, will be permitted uses within a conservation subdivision.

3404. Multiple Parcels

A conservation PUD may include multiple parcels. The parcels must be under common ownership, but do not have to be contiguous or within the same zoning district.

3405. Density Transfer

Within a conservation PUD, density may be transferred within and/or between parcels provided that building rights are not transferred from a higher-density zoning district to a lower-density zoning district.

3406. Conservation Set Aside.

A minimum of 60% of the parcel(s) within a conservation PUD must be set aside as protected space in accordance with the following:

1. The following will be considered primary conservation resources and must be included in the protected open space:
    a) Wetlands,
    b) Mapped flood hazard areas,
    c) Steep slopes (20% or greater),
    d) Riparian buffers (see Section 3020).
2. The following will be considered secondary conservation resources and must be included in the protected open space to the maximum extent feasible:

a) Open fields,
b) Priority forest blocks.

3. Lands subject to pre-existing easements or rights-of-way that restrict development may be incorporated into the set aside area but will not count towards meeting the 60% requirement.

4. Protected space should abut existing public or conserved lands, parks, open space or farmland on adjacent parcels to the maximum extent feasible.

5. Protected space must be permanently protected through a conservation easement that:
a) Will be held by the town, state and/or a land trust or conservancy.
b) Prohibits further subdivision or development in the conservation areas.
c) May establish other standards to safeguard or maintain the conservation resources.

6. Protected space must not be cleared, graded, filled or subject to construction except as follows and in accordance with the terms of the easement:
a) Roads and above ground utilities serving the development may cross conservation areas provided that the Development Review Board finds that reasonable access cannot otherwise be provided to the portions of the site to be developed and that disturbance within the conservation area will be the minimum necessary to provide adequate access.
b) Underground utilities serving the development may be located within conservation areas provided that the Development Review Board finds that such development will not adversely impact the conservation resources intended to be protected by inclusion in a conservation area.
c) Community gardens, trails and passive recreation amenities serving the development will be allowed within conservation areas.
d) Green stormwater and renewable energy infrastructure serving the development will be allowed within conservation areas.
e) Farming and forestry, including construction of farm structures, will be allowed within conservation areas.

3407. Development Areas

A maximum of 40% of the parcel(s) within a conservation PUD may be developed for residential and community use in accordance with the following:

1. The development must be designed as one or more clusters composed of 3 to 18 lots or buildings separated by open space.
2. Access to the conservation PUD must be from a single driveway or road, unless otherwise approved by the Development Review Board in order to provide adequate emergency access or to minimize disturbance of conservation resources.
3. All reasonable measures must be taken to minimize the amount of impervious surface associated with vehicular access and parking (such as shared driveways, narrow lanes, and locating development near existing roads).
4. A conservation PUD may include one or more community buildings or other facilities that would serve residents by providing amenities such as multi-purpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters or storage. PUD residents must commonly own any community buildings or facilities.

3408. Neighborhood PUD

3409. Purpose

The purpose of this section is to provide flexibility in site design for compact residential development.

3410. Applicability

Neighborhood PUDs are allowed in the R1, R3, VR, VC, SC, and RC Districts.

3411. Residential Density

The number of residences/structures in a Neighborhood PUD is governed by the density permitted by the zoning rules for the district (e.g. 5 residences on a 10-acre tract in a two-acre zone), but the structures can be placed close together to create walkable neighborhoods and to save on the cost of infrastructure.

In contrast to typical tract subdivisions, PUDs encourage flexibility of design and development that promotes the most appropriate use of land, facilitates the economical provision of streets and utilities, and preserves the natural and scenic qualities of the open lands and forests of the town.

3412. Modification of District Standards

Zoning district standards may be modified within a neighborhood PUD as follows:

1. The development must meet all setback requirements of the zoning district around the perimeter of the development site.
2. The dimensional standards for lots, setbacks and buildings in the zoning district will not apply internally within the development site.
3. The lot coverage for the development as a whole must not exceed the maximum allowed in the zoning district.
4. All single-unit, two-unit and multi-unit dwellings, and related accessory uses, will be permitted uses within a neighborhood PUD.
5. The applicable standards of Section 3000, cannot be waived or modified within a neighborhood PUD except as specifically authorized in this section.

3413. Density Transfer

Within a neighborhood PUD, density may be transferred within and/or between parcels provided that building rights are not transferred from a higher-density zoning district to a lower-density zoning district.

3414. Density Bonuses

1. The Development Review Board may approve a PUD with up to 50% more principal dwelling units than could have been developed under the district's base density. (accessory dwellings will not count towards the total principal dwelling units allowed).

2. **To qualify for a density bonus**

a) the Development Review Board must determine that the additional lots or dwellings can be developed in a manner that will be consistent with all applicable provisions of these regulations before approving a density bonus.

b) Each of dwelling units must meet at least 2 of the following criteria:

- The dwelling units will be affordable in perpetuity and will be managed by a public or non-profit housing entity.
- Occupancy of the dwelling units will be limited to people age 55 or older, or people with disabilities, kept in perpetuity through appropriate measures and restrictions.
- The dwelling units will be limited to a maximum of 1,200 square feet of living area (excludes garages, porches and other unheated spaces).
- The dwelling units will be built in compliance with the specifications in the ADA Standards for Accessible Design
- The dwelling units will be Efficiency Vermont Certified or Energy Star Labeled and conformance must be 3rd party verified.

3415. Multiple Parcels

A neighborhood PUD may include multiple parcels. The parcels must be contiguous and under common ownership, but do not have to be within the same zoning district.

3416. Design Standards

A neighborhood PUD must be designed in accordance with the following:

1. A neighborhood PUD must be designed around a centrally located, landscaped greenspace with passive recreation improvements such as a gazebo, walking paths, benches, tables or play structures that is at least ¼ acre or 5% of total area of the PUD in size, whichever is greater. All lots or buildings must have direct pedestrian access to the common greenspace from a continuous system of sidewalks, paths or trails.
2. Buildings within a neighborhood PUD must be oriented to and have a primary entrance facing the street or common greenspace. The primary entrances to buildings must have direct pedestrian access from a continuous system of sidewalks, paths or trails.
3. Buildings with a footprint in excess of 3,000 square feet within a neighborhood PUD must be designed to break up their scale and mass through variations in roof line, building height, cladding or color, and/or horizontal plane of the façade.
4. Access to the neighborhood PUD must be from not more than two driveways or private roads unless otherwise approved by the Development Review Board to provide adequate emergency access or to minimize environmental impacts.
5. All reasonable measures must be taken to minimize the amount of impervious surface associated with vehicular access and parking (such as alleys, narrow lanes, and locating development near existing roads). Vehicular access and on-site parking will not be required for each principal building or on each lot if the PUD provides on-street parking or common off-street parking areas/structures with pedestrian walkways connecting the parking and the buildings served. Vehicular access and parking must meet all applicable site design, engineering, buffering and landscaping requirements of these regulations.
6. A neighborhood PUD may include one or more community buildings or other facilities that would serve residents by providing amenities such as multi-purpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters or storage. PUD residents must commonly own any community buildings or facilities.

3417. Multi Building, Multi Use PUD

3418. Purpose

The purpose of this section is to provide flexibility in site design for multi-building, multi-use developments like resorts, campuses and business parks.

3419. Applicability

Multi-building, multi-use PUDs are allowed in the. Village Commercial, Service Commercial and Recreation Commercial districts

3420. Modification of District Standards

Zoning district standards may be modified within a multi-building, multi-use PUD as follows:

1. The development must meet all setback requirements of the zoning district (see Section 2214) around the perimeter of the development site.
2. The dimensional standards for lots, setbacks and buildings in the zoning district (see Section 2214) will not apply internally within the development site.
3. The lot coverage for the development as a whole must not exceed the maximum allowed in the zoning district.
4.

3421. Multiple Parcels

A multi-use, multi-building PUD may include multiple parcels. The parcels must be contiguous and under common ownership, but do not have to be within the same zoning district.

3422. Density Transfer

Within a multi-use, multi-building PUD, density may be transferred within and/or between parcels.

3423. Density Bonuses

1. The Development Review Board may approve a PUD with up to 50% more principal dwelling units than could have been developed under the district's base density. (accessory dwellings will not count towards the total principal dwelling units allowed).

2. **To qualify for a density bonus**

a) the Development Review Board must determine that the additional lots or dwellings can be developed in a manner that will be consistent with all applicable provisions of these regulations before approving a density bonus.

b) Each of dwelling units must meet at least 2 of the following criteria:

- The dwelling units will be affordable in perpetuity and will be managed by a public or non-profit housing entity.
- Occupancy of the dwelling units will be limited to people age 55 or older, or people with disabilities, kept in perpetuity through appropriate measures and restrictions.
- The dwelling units will be limited to a maximum of 1,200 square feet of living area (excludes garages, porches and other unheated spaces).

- The dwelling units will built in compliance with the specifications in the ADA Standards for Accessible Design
- The dwelling units will be Efficiency Vermont Certified or Energy Star Labeled and conformance must be 3rd party verified.

3424. Design Standards

A multi-use, multi-building PUD must be designed in accordance with the following:

1. The PUD may include residential uses and/or buildings, but non-residential uses must occupy at least 30% of the total floor area within the development.
2. Buildings within the PUD must:
   a) Be commonly owned and/or managed,
   b) Be located in proximity and related to one another,
   c) Be oriented with facades and primary entrances that face the street or common greenspace,
   d) Share common parking, facilities, amenities and/or infrastructure, and
   e) Be connected with pedestrian walkways.

3. A mixed-use, multi-building PUD must include a landscaped greenspace that is at least ¼ acre or 5% of total area of the PUD in size, whichever is greater. If the PUD will include residential uses, the greenspace must have passive recreation improvements such as a gazebo, walking paths, benches, tables or play structures. All lots or buildings must have direct pedestrian access to the common greenspace from a continuous system of sidewalks, paths or trails.
4. Buildings open within a mixed-use, multi-building PUD must be oriented to and have a primary entrance facing the street or green space. The primary entrances to buildings must have direct pedestrian access from a continuous system of sidewalks, paths or trails. The Development Review Board may waive or modify these requirements for non-residential buildings not open to the public (such as light industry facilities or warehouses).
5. Buildings with a footprint in excess of 3,000 square feet must be designed to break up their scale and mass through variations in roof line, building height, cladding or color, and/or horizontal plane of the facade. The Development Review Board may waive or modify these requirements for non-residential buildings not open to the public (such as light industrial facilities or warehouses).
6. Vehicular access and on-site parking will not be required to each principal building or on each lot if the PUD provides common off-street parking areas or structures with pedestrian walkways connecting the parking and the buildings served. Vehicular access and surface parking must be located around the perimeter of the development and to the rear or side of buildings to the maximum extent feasible. Vehicular access and parking must meet all applicable site design, engineering, buffering and landscaping requirements of these regulations.
7. Existing parking lots within the PUD may be redeveloped with buildings or parking structures regardless of conformance with the lot coverage standards for the zoning district provided that there is no net increase in lot coverage.
8. Access to the PUD must be from not more than two driveways or private roads unless otherwise approved by the Development Review Board to provide adequate emergency access, to maintain existing circulation patterns or to minimize environmental impacts.

3425. PUD Signs

The PUD may have an entrance sign not more than 4 square feet in area and 18 feet in height at the principal road entrance.

4000. Administration and Enforcement

4001. Roles and Responsibilities

4002. Administrative Officer

1. **Appointment** The Planning Commission will nominate, and the Selectboard will appoint an Administrative Officer (also known as a Zoning Administrator) in accordance with state statute. The Selectboard may appoint an Acting or Assistant Administrative Officer to act under the supervision of the Administrative Officer, in the Administrative Officer's absence, and/or if the Administrative Officer has a conflict of interest.

2. **The Administrative Officer**.

a) The administrative Officer will:

- Assist applicants in determining whether and which town permits and/or approvals will be needed for a project.
- Provide applicants with application forms.
- Inspect projects during construction when required as a condition of approval or to ensure compliance with these regulations.
- Maintain public records.
- Respond to complaints and violations.
- Perform all other tasks necessary to administer these regulations.
- Inform any person applying for municipal permits that they should contact the Agency of Natural Resources Community Assistance Specialist to assure timely action on any related state permits.
- Coordinate the town's development review program.

b) The Administrative Officer must enforce the provisions of these regulations literally and may only issue zoning permits or other approvals for development that conforms to these regulations.

c) The Administrative Officer will refer applications to the Development Review Board as required under these regulations.

4003. Planning Commission

1. The Selectboard appoints members to the Planning Commission in accordance with state statute.
2. The Planning Commission may prepare amendments to these regulations and make recommendations to the Selectboard on the amendment of these regulations.
3. The Planning Commission has no development review authority under these regulations but may make recommendations on planning and development issues in Londonderry generally.

4004. Development Review Board

1. The Selectboard appoints members to the Development Review Board in accordance with state statute.
2. The Development Review Board performs development review functions as specified in these regulations, state statute and its adopted rules of procedure, such as approving subdivisions, site plans, conditional uses and appeals of zoning administrator decisions.

4100. Fees and Filing Requirements

4101. Permit Fees

1. The Selectboard will establish reasonable fees for the Administrative Officer or other town employees to charge for administering these regulations. These fees may include, but are not limited to, the cost of posting and publishing notices, holding public hearings, recording documents, and conducting periodic inspections during construction.
2. An applicant must pay the applicable permit fees when submitting an application. The Administrative Officer will not deem an application complete until all applicable permit fees are paid in full.

4102. Impact Fees

1. The Town of Londonderry may require applicants to pay impact fees in accordance with any duly adopted impact fee ordinance and state statute.
2. An applicant must pay the applicable impact fees in full prior to obtaining a zoning permit or filing a subdivision plat.

4103. Technical or Legal Review Costs

1. The Administrative Officer or Development Review Board may hire qualified professionals to provide an independent technical and/or legal review of an application when deemed necessary to ensure compliance with these regulations.
2. The Administrative Officer or Development Review Board must notify the applicant prior to hiring a consultant to conduct a technical or legal review.
3. The applicant must pay the reasonable cost of any required technical or legal review prior to obtaining a zoning permit or filing a subdivision plat.

4104. Performance Bonds or Sureties

1. The Administrative Officer or Development Review Board may require an applicant to provide a performance bond or similar surety in a form acceptable to the Selectboard as a condition of approval to ensure the completion of proposed development in accordance with approved plans and the protection of any public facilities that may be affected by proposed development in accordance with applicable town or state specifications.
2. The Administrative Officer or Development Review Board may require an applicant to provide a quote prepared by a qualified professional for the full project cost and then may base the amount of any bond or surety on that quote.
3. The Town of Londonderry will only release a required bond or surety after certification by the applicant and determination by the Administrative Officer and/or the town engineer that the proposed development has been satisfactorily completed.

4105. Monitoring or Inspection Costs

The Administrative Officer or Development Review Board may condition approval upon monitoring and inspection during construction, or once the use has commenced, when deemed necessary to ensure compliance with these regulations. The applicant must pay the reasonable cost of any required monitoring or inspection.

4106. As-Built Drawings

1. The Administrative Officer or Development Review Board may require an applicant to file as-built drawings as a condition of approval.
2. The Town of Londonderry will require as-built drawings for any infrastructure to be built within town rights-of-way or to be turned over to the town.
3. The Administrative Officer may require an applicant to file as-built drawings when approved plans are amended or when minor adjustments to approved plans are necessary to respond to unforeseen conditions that arise during construction.

4107. Other Permits, Approvals and Certifications

The Administrative Officer or Development Review Board may condition approval upon the applicant filing other permits, approvals or certifications required by the Town of Londonderry, the State of Vermont or other regulatory entities prior to the issuance of a zoning permit, the start of construction, and/or the issuance of a certificate of zoning compliance.

4200.Zoning Permits

4201. Submitting a Zoning Permit Application

1.Administrative Officer. The Administrative Officer will assist prospective applicants by:

a) Determining whether a project will require a zoning permit, and any associated development approvals, under these regulations and keeping written documentation of any such determinations as part of his/her office records.
b) Providing applicants with the necessary form(s) to apply for the applicable permit(s) and approval(s).
c) Notifying applicants of the fees or other charges that the town may charge in relation to the application or proposed development.
d) Informing applicants that state permits may be required for the proposed development and recommending that they can contact the State Permit Specialist at the Rutland Regional Office of the Vermont Department of Environmental Conservation with any questions about state permits.
e) Providing applicants with copies of the state energy standards for residential or commercial buildings as applicable.
f) Refer applications to the DRB where applicable.

2.Applicant. The applicant must:

a) Submit all required forms, supporting materials and fees, and any associated development approval, under these regulations to the Administrative Officer.
b) Provide all the information necessary to demonstrate compliance with these regulations.
c) Certify, by signing the application form, that all the information provided is complete and accurate to the best of his/her knowledge.
d) Submit authorization from the landowner or a representative of the entity that owns the land in the form of a signature on the application, or a letter authorizing the applicant to make the application on their behalf.

3.The Administrative Officer or Development Review Board may:

a) Reject an application that misrepresents any material fact.
b) Require the payment of reasonable attorney's fees and costs to anyone who has incurred attorney's fees and costs in connection with an application that misrepresents any material fact.

4.Application Requirements: The Administrative Officer:

a) May waive an application requirement upon finding the information is not necessary to determine compliance with these regulations.
b) May require an applicant to provide additional information as necessary to demonstrate compliance with these regulations.
c) Must keep written documentation of any application requirement waived or additional information requested as part of his/her office records.
d) Determination of Completeness. The Administrative Officer must:
    - Determine whether an application is complete promptly and in no case more than 15 business days after the applicant submits it unless the applicant agrees to a longer period.

- Inform the applicant of his/her determination. If the application is incomplete, the Administrative Officer must inform the applicant in writing of what additional information is required.

4202. Acting on a Complete Zoning Permit Application

1. Time to Act. Once the Administrative Officer determines that an application for a zoning permit is complete, he/she must act within 30 business days to approve, deny or refer it to the Development Review Board, except that the time period within which the Administrative Officer must act will not commence for a zoning permit application that requires:

a) One or more development approvals under these regulations until the applicant has obtained all those necessary approvals for the proposed development, or
b) Notification of a state agency until the agency comments or the comment period elapses, whichever occurs first.

2. Deemed Approval. If the Administrative Officer does not act on a complete application within 30 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the Administrative Officer's failure to act within the 30-day period resulted in a "deemed approval" of the application.

3. Review Criteria. The Administrative Officer must administer these regulations literally and must not approve an application for a zoning permit unless it conforms to all applicable provisions of these regulations.

4. Amended Regulations under Consideration. The Administrative Officer must act on any application submitted while Selectboard is considering amendments to these regulations in accordance with state statute [24 V.S.A. § 4449(d)].

5. Decisions. The Administrative Officer must approve or deny applications in writing and specifically provide the following information:

a) **When approving an application**, the Administrative Officer must inform the applicant that he/she must:
   - Post a permit notice poster (to be provided by the Administrative Officer) within view from the public right-of-way on the subject property or if no visible location is available on the subject property the permit notice shall be posted within the public right-of-way most nearly adjacent to the subject property throughout the 15- or 30-day appeal period.
   - Not commence the development authorized by the permit until the 15-or 30-day appeal period (as specified on the permit) has ended and he/she has provided the Administrative Officer with copies of any state permits or approvals.

b) **When denying an application**, the Administrative Officer must:
   - Inform the applicant that he/she may appeal the denial to the Development Review Board within 15 days of the date of the decision.
   - Include a copy of Section 4400, which explains the appeal process.

4203. Permit Issuance The Administrative Officer:

1) May issue a zoning permit with conditions as necessary to ensure compliance with these regulations.
2) May issue a zoning permit to allow a temporary use or structure for a specified period not to exceed 2 years with conditions requiring the use to terminate or the structure to be removed, or that applicant obtain a zoning permit for a permanent use or structure, prior to the expiration of the permit.
3) Must condition any zoning permit on the applicant notifying the Administrative Officer when construction is completed and/or the use will be commencing (some proposed development will require a Certificate of Zoning Compliance in accordance with Section 4207).
4) Must advise the applicant that the development may be subject to the state's residential or commercial building energy standards (RBES or CBES).
5) Must condition any zoning permit for proposed development that requires the construction, modification or replacement of a potable water supply or wastewater system, or that increases the design flow, or modifies the operational requirements of a potable water supply or wastewater system, on the applicant obtaining and providing the Administrative Officer with a state Wastewater System and Potable Water Supply Permit number prior to the start of construction.
6) Must condition any zoning permit for proposed development that requires a state stormwater permit on the applicant obtaining and providing the Administrative Officer with a copy of that permit prior to the start of construction.
7) Must condition any zoning permit for proposed development that requires a new or modified highway access on the applicant obtaining and providing the Administrative Officer with a copy of the state or town highway/road access permit, as applicable, prior to the start of construction.
8) The Administrative Officer must post a copy of the zoning permit in at least one public place within 3 business days after issuing it. The copy must remain posted throughout the 15 or 30-day appeal period.
9) The Administrative Officer must:
   - Provide a copy of the permit to the Listers within 3 business days after issuing it.
   - Deliver an original, signed copy of the zoning permit to the Town Clerk for recording within 30 business days after issuing it.
   - File a copy of the permit as part of his/her office records within 30 days after issuing it.

4204. Obtaining a Zoning Permit

1. Permit Takes Effect. A zoning permit takes effect on the 16th day after the Administrative Officer issues an administrative permit, or the 31st day after a permit issued after a Development Review Board approval provided that no appeal is filed during-the appropriate appeal period. If an interested person files an appeal during the appeal period, the zoning permit will not take effect until the appeal is decided.

2. Delay in Effect. The applicant may request that a zoning permit and any associated development approvals not take effect until he/she has obtained all permits and approvals necessary to commence the development in accordance with the following:

a) The Administrative Officer may delay the effective date of a permit and any associated development approvals for no more than 12 months unless the Development Review Board

approves a longer delay due to factors beyond the applicant's control (e.g., extended or contested Act 250 proceedings or litigation).

b) It will be the applicant's responsibility to notify the Administrative Officer when he/she is ready to commence the development and request that the zoning permit and any associated development approvals take effect.

3. Permit Timeframe and Extension. Zoning permits and any associated development approvals expire 2 years from the date the permit takes effect unless:

a) The Development Review Board specifies otherwise as a condition of approval,

b) The applicant commences any use and/or substantially completes any construction authorized by the permit prior to its expiration, or

c) Prior to the zoning permit's expiration, the applicant applies for, pays the required fee and receives from the Administrative Officer an extension of not more than 24 months. The Administrative Officer may only grant one such extension upon the applicant demonstrating that:

- Any improvements completed to date conform to the conditions of the permit and any associated development approvals.
- There have been no amendments to these regulations or changes in external circumstances that would have caused a material change in the decision(s) on the original application(s).

4. Phased Projects. If the Development Review Board approves a project to be developed in phases, the Administrative Officer will issue zoning permits for that project in accordance with the approved phasing plan and schedule. Each zoning permit will be separately issued and administered in accordance with the provisions of these regulations.

5. Projects with Multiple Units or Structures. The Administrative Officer may issue a zoning permit for each unit or structure within a project with multiple units or structures. If so, each zoning permit will be separately administered in accordance with the provisions of these regulations.

6. Transfer of Permit. Zoning permits and any associated development approval remain in effect as specified in these regulations irrespective of any change in ownership or tenancy of the subject property. All subsequent landowners or tenants are subject to the requirements and conditions of any zoning permit and associated development approvals.

7. Expired Permits. If a zoning permit expires before the applicant substantially completes the construction or commences the use authorized by the permit, the applicant must apply for a new zoning permit and any other associated development approvals under these regulations.

4205. Amending Permits or Approvals Prior to Project Completion

1. An applicant may submit a written request for the Administrative Officer to amend a zoning permit, and any associated development approval, prior to project completion. To obtain an amendment, the applicant must demonstrate that the proposed changes to the development:

a) Are in conformance with the dimensional standards for the zoning district and all other applicable provisions of these regulations.

b) Do not have the effect of materially or substantively altering any of the findings of fact of the permit and any associated development approvals.
c) Do not change the scale, location, type, character or intensity of the approved development or use to a greater extent than specified below:
- Any proposed increase in structure height must not exceed 8 feet.
- Any proposed decrease in setback resulting from a change in the structure's footprint or location must not exceed the lesser of 10 feet or 50%.
- Any proposed increase in building footprint must not exceed the lesser of 500 square feet or 50%.
- Any proposed increase in the total amount of impervious surface on the lot must not exceed 2,500 square feet.
- Any proposed modification must not result in an increased requirement for parking or loading spaces.
- Any proposed substitution of exterior materials or fixtures must be in-kind with what was originally approved (if exterior materials or fixtures were specified in the original application or approval).

e) The scope of the review will be limited to those aspects of the development affected by the proposed changes.

2. The Administrative Officer may either:
a) Approve the request to amend a permit, and any associated development approval, in writing and may condition any approval on the applicant submitting as-built plans when construction is complete.
b) Decline to amend the permit, and any associated development approval, and refer the request to the Development Review Board for review under Section 4204.

3. The approval of an amendment will not affect the expiration date of the original permit and any associated development approvals.

4206. Inspecting Development During Construction

The Administrative Officer may do a zoning compliance inspection of any development during construction as necessary to ensure compliance with these regulations and any permit or approval conditions.

4207. Obtaining a Certificate of Zoning Compliance

1. When Required. An applicant must request a certificate of zoning compliance from the Administrative Officer before he/she occupies or commences the use of any development subject to major site plan or conditional use approval.

2. Application. The Administrative Officer will provide applicants with the necessary form to apply for a certificate of zoning compliance. The applicant must submit the completed form prior to the expiration of the associated zoning permit.

3. Time to Act. The Administrative Officer must act on a complete application for a certificate of zoning compliance promptly and in all cases within 30 days. The Administrative Officer may:
a) Require the applicant to submit documentation from a qualified professional certifying that the development as constructed conforms to the approved plans, and/or

b) Inspect the subject property and consult with other town or state personnel as necessary to determine compliance.

4. Deemed Approval. If the Administrative Officer does not act on a complete application for a certificate of zoning compliance within 30 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the Administrative Officer's failure to act within the 30-day period resulted in a "deemed approval" of the application.

5. Criteria. Before receiving a final certificate of zoning compliance, the applicant must certify and demonstrate to the Administrative Officer that:

a) The development is substantially complete and conforms to the requirements of the zoning permit and any associated development approvals, the filed plans, and the applicable provisions of these regulations.
b) All commonly owned or shared improvements and infrastructure connections are complete and conform to any applicable town or state specifications, the requirements of the zoning permit and any associated development approvals, the filed plans, and the applicable provisions of these regulations.
c) The applicant has recorded all required documents with the town including, but not limited to, as-built drawings, energy certificate, wastewater and potable water supply permit, access permit, and stormwater permit.
d) The applicant has paid all required fees.

7. Temporary Certificate. The Administrative Officer may issue a temporary certificate of zoning compliance that conditions use or occupancy on full completion of all required improvements within not more than 180 days as follows:

a) The Administrative Officer may require the applicant to submit a performance bond in accordance with Section 4104 to ensure full completion of the outstanding work.
b) The Administrative Officer will require the applicant to submit a performance bond in accordance with Section 4104 if any commonly owned or shared improvements or infrastructure connections remain incomplete.
c) The applicant must apply for a final certificate of zoning compliance prior to the expiration of the temporary certificate.

11. Phased Development. If the development will be phased, the Administrative Officer may issue certificates of compliance for individual phases as they are completed in accordance with the permit and associated conditions of approval.

12. Decisions. The Administrative Officer must approve or deny applications for a certificate of zoning compliance in writing as follows:

a) When approving an application, the Administrative Officer must inform the applicant that the issuance of a certificate of zoning compliance will not preclude the Town of Londonderry taking enforcement action in accordance with Sections 4600-4605 for any violation of the zoning permit or associated development approvals.
b) When denying an application, the Administrative Officer must:
    - State the reasons for the denial.
    - Inform the applicant that he/she may appeal the denial to the Development Review Board within 15 business days of the date of the decision.

- Include a copy of Section 4402, which explains the appeal process.

13. Denials. If the Administrative Officer denies an application for a certificate of zoning compliance:

a) The Administrative Officer must commence appropriate enforcement action under Sections 4600-4605 if he/she finds a violation of these regulations.
b) The applicant may submit another application for a certificate of zoning compliance, including all applicable fees, after remedying any conditions identified as the reason for the denial.

14. Posting Requirements. The Administrative Officer must post a copy of the certificate of zoning compliance in at least one public place within 3 business days after issuing it. The copy must remain posted throughout the 15-day appeal period.

15. Filing Requirements. The Administrative Officer must:

a) Provide a copy of the certificate of zoning compliance to the Listers within 3 business days after issuing it.
b) File a copy of the certificate of zoning compliance as part of his/her office records within 30 days after issuing it.

4208. Revoking Permits or Approvals

The Administrative Officer may petition the Environmental Division of Superior Court to revoke a zoning permit and any associated development approvals if an applicant:

a) Omitted or misrepresented a material fact on an application or at a hearing, or
b) Violates the terms of the permit and any associated development approvals.

4209. Appealing Administrative Actions or Decisions

The applicant or other interested person may appeal any of the Administrative Officer's actions or decisions under these regulations to the Development Review Board as specified in Section 4440.

4300. Approvals For Commercial Development and Multi-Unit Homes

4301. Application Process

1. **Pre-Application Conference**. A prospective applicant may request a pre-application conference with the Administrative Officer prior to submitting a complete application. A pre-application conference is an informal meeting that provides the prospective applicant with an opportunity to consult with and receive advice in order to save time and expense in the preparation of the application. Any comments or recommendations made are intended to provide general direction to the prospective applicant but will not be deemed binding in the preparation or review of any subsequent application for development approval.

2. **Administrative Officer.** The Administrative Officer will assist prospective applicants by:
   a) Determining whether a project will require one or more development approvals under these regulations.
   b) Providing applicants with the necessary form(s) to apply for the required approval(s).
   c) Notifying applicants of the fees or other charges that the town may charge in relation to the application or proposed development.
   d) Informing applicants that state permits may be required for the proposed development and recommending that applicants contact the state permit specialist at the Rutland Regional Office of the Vermont Department of Environmental Conservation.

2. **Applicant.** The applicant must:
   a) Submit all required forms, supporting materials and fees to the Administrative Officer to apply for a development approval under these regulations.
   b) Provide all the information necessary to demonstrate compliance with these regulations.
   c) Certify, by signing the application form, that all the information provided is complete and accurate to the best of his/her knowledge.
   d) Submit authorization from the landowner or a representative of the entity that owns the land in the form of a signature on the application, or a letter authorizing the applicant to make the application on their behalf.

3. **Determination of Completeness.** The Administrative Officer must:
   a) Determine whether an application is complete promptly and in no case more than 15 business days after the applicant submits it.
   b) Inform the applicant of his/her determination of completeness. If the application is incomplete, the Administrative Officer must inform the applicant in writing of what additional information is required.

4. **Waiver of Application Requirements**. The Administrative Officer:
   a) May waive requirements for professionally prepared site plan drawings (Section 4302) for site plan applications that do not involve major physical changes to the exterior of a structure or to the site.

b) May waive any other application requirement upon written request by the applicant and upon the applicant demonstrating that the information is not necessary to determine compliance with these regulations.
c) May require an applicant to provide additional information as necessary to determine compliance with these regulations.
d) Must keep written documentation of any application requirement waived or additional material requested as part of his/her office records and submit that information to the Development Review Board with the application. The Development Review Board may require an applicant to provide additional information, including an application requirement waived by the Administrative Officer, if necessary to determine compliance with these regulations.

5. Referral to Development Review Board. Once the Administrative Officer determines that an application is complete, he/she must warn a public hearing on the application by the Development Review Board at their next available regularly scheduled meeting following the warning period required under Section 4501.

6. Appeal of Administrative Actions. The applicant or other interested person may appeal any of the Administrative Officer's actions or decisions under this section to the Development Review Board as specified in Section 4400-4404.

4302. Application Requirements

Site Plan or Subdivision Plan. Applicants must submit a site or subdivision plan with any application for development approval that at a minimum conforms to the specifications below and any application checklists provided by the Administrative Officer unless a specific requirement is waived in accordance with Section 4301.4. It is the applicant's responsibility to provide the information necessary to demonstrate compliance with these regulations. As per Section 4301 and Section 4503, the Administrative Officer or Development Review Board may require an applicant to provide additional materials.

1. **Scale.** All plan drawings must be to scale. Site plan drawings should be at a scale of 1 inch = 30 feet or less whenever possible.
2. **Project Narrative.** The applicant must submit a written statement demonstrating that the proposed development conforms to the applicable standards of these regulations by listing the facts and reasons why the application meets each of the applicable criteria.
3. **Site or Subdivision Plan Drawing(s).** The applicant must submit a site or subdivision plan drawing(s) that includes the following information:
   a) The location of all existing and proposed lot lines, building envelopes, setbacks, easements or rights-of-way, boundary monuments or survey pins.
   b) The location of significant natural, historic or archeological resources including but not limited to: forest blocks, watercourses, wetlands, flood hazard areas, fluvial erosion hazard areas, steep slopes, critical wildlife habitat and rare, threatened or endangered species (applicants may rely on the information available from the Vermont Natural Resource Atlas or may provide field assessments and delineations prepared by a qualified professional).
   c) Existing and proposed contours (applicants may rely on lidar generated contours available from the Vermont Center for Geographic Information or may provide a topographic survey prepared by a qualified professional).

d) The location, height, footprint and use of all structures and impervious surfaces.
e) The location and use of all green space, open space and green stormwater infrastructure.
f) The location and use of all existing and proposed utilities and associated easements.
g) The location and dimensions of all existing and proposed roads, sidewalks and walkways, bikeways and paths, driveways, parking facilities, loading spaces, mechanicals and utilities (on-site generators, substations, utility cabinets, utility poles, etc.) dumpster or waste storage locations, snow storage locations, points of access to surrounding roads, points of access to surrounding bike and sidewalk network, and associated easements.

4. Lighting Plan Drawing(s). When outdoor lighting, internally illuminated architecture, or permanent outdoor decorative lighting will be installed or modified, applicants must provide the following information:

a) Location, height and initial output (measured in lumens) of all proposed outdoor light fixtures to be installed and existing outdoor light fixtures to be retained; and
b) Specifications of all proposed light fixtures including any shields, pole types and heights, demonstrating compliance with the requirements of Section 3101.

5. Landscape Plan Drawing(s). When landscaping will be installed or modified, applicants must submit a landscape drawing(s) that includes the following information:

a) Location of all plant materials that will be used to meet landscaping or screening requirements under these regulations.
b) Existing and proposed amenities associated with the landscape plan (hardscapes, fencing, walls, recreation facilities, benches, trash receptacles, bike racks, other site furniture, public art, etc.).

6. Architectural Drawing(s). When the project involves construction of a new principal building or major exterior modifications to an existing principal building, applicants must submit building elevations and other architectural drawings as necessary to demonstrate compliance with the applicable standards of these regulations.

7. Erosion Control and Stormwater Management Plan Drawing(s). Applicants must submit erosion control and/or stormwater management plan drawing(s) if required under Section 3013 and/or Section 3023.

8. Signage Plan. Applicants must submit a signage plan with any application for a zoning permit or development approval that involves the installation or modification of a sign that includes type, location, height and area, and lighting of all existing and proposed signs.

9. Highway/Road Access: Applicants must submit a letter of intent or an access permit from the Vermont Agency of Transportation or the Londonderry Road Commissioner as appropriate.

4303. Sign Review

1. Applicability. The provisions of this section will apply to any application for a new or modified sign associated with an existing use or with a use not subject to site plan review. All other signs will be reviewed as part of the site plan review for the proposed development (see Section 4304).

2. Review Process. The Administrative Officer:

a) May approve, deny or refer sign applications to the Development Review Board.
b) Must act on a complete sign application following the same process established for zoning permit applications in Section 4200.
c) Must find that the proposed sign conforms to the standards of Section 3107 before approving a sign application.
d) May approve a sign application with conditions as necessary to ensure compliance with these regulations.

4304. Site Plan Review

1. Applicability. All proposed development other than:

a) a single-unit or two-unit dwelling,
b) accessory uses or structures to a single-unit or two-unit dwelling,
c) signs,
d) temporary structures,

requires site plan approval before the Administrative Officer may issue a zoning permit.

2. Purpose. The purpose of site plan review is to ensure that:

a) The physical aspects of proposed development comply with all applicable provisions of these regulations.
b) Proposed development is of high quality and designed with landscaping, screening, outdoor lighting, signage, and architectural details that will be compatible with and enhance its setting.
c) Proposed development is appropriately sited and is complimentary to and functionally integrated with surrounding development to the greatest extent feasible.
d) Access, driveways, parking facilities, emergency access, utilities and other infrastructure are adequate and available to support the proposed development.
e) Proposed development is designed and constructed to conserve energy and be energy efficient.
f) Proposed development is designed and constructed to avoid, mitigate and/or minimize (listed in order of preference) adverse environmental effects to the greatest extent feasible.

3. Classification. The Administrative Officer will classify a site plan application for proposed development as follows:

a) **Minor Site Plan.** The Administrative Officer reviews minor site plans in accordance with Section 4304.3. Proposed development that does not meet the definition of a major site plan in Section 4303.4 below will be a minor site plan.
b) **Major Site Plan.** The Development Review Board reviews major site plans in accordance with Section 4304.4. Proposed development that includes any of the following will be a major site plan:

- Commencement of a new conditional use (this will not be interpreted to include expansions of an existing conditional use or the commencement of a new accessory use to an existing conditional use).
- Construction or major renovation of a principal building (as defined in Section 5000) or of an accessory building with a footprint greater than 500 square feet.
- Any increase in the number of dwelling units within a building resulting in the total number of dwelling units in the building being 5 or more.
- Any increase of ½ acre or more in impervious surface on a lot (this will not be interpreted to include resurfacing of existing impervious surfaces).

4. Minor Site Plans. The Administrative Officer:

a) Must act on a complete minor site plan application following the same process established for zoning permit applications in Section 4200.
b) May approve, deny or refer minor site plan applications to the Development Review Board.
c) Must find that the proposed development meets all of the applicable criteria before approving a site plan application.
d) May approve a minor site plan application with conditions as necessary to ensure compliance with these regulations.

5. Major Site Plans. The Development Review Board:

a) Must hold a public hearing and issue a decision on a site plan application in accordance with Section 4500.
b) Must find that the proposed development meets all of the applicable criteria before approving a site plan application.
c) May approve a site plan application with conditions as necessary to ensure compliance with these regulations.

4305. Conditional Use Review

1. Applicability. The commencement of a new conditional use or an expansion, intensification or other major change in the operation of an existing conditional use requires approval from the Development Review Board before the Administrative Officer may issue a zoning permit. Proposed development that includes any of the following will be considered a major change to a conditional use:

a) Modification of any conditions of approval,
b) Expansion of the area occupied by the conditional use by more than 500 square feet,
c) Increase in the number of dwelling units (this will not be interpreted to include accessory dwellings in accordance with Section 3202),
d) More than 25% increase in daily truck trips or in peak hour traffic, or
e) Construction of 20 additional parking spaces or of an additional loading area (this will not be interpreted to include construction of previously approved reserve parking or loading spaces).

2. Purpose. The purpose of conditional use review is to ensure that a proposed use will not have undue adverse effects on the character of the area, the environment, natural resources, public roads, infrastructure, facilities or services.

3. Acting on a Conditional Use Application. The Development Review Board must hold a public hearing and issue a decision on a conditional use application in accordance with Section 4500.

4. Review Criteria. To approve a conditional use application, the Development Review Board must find that the applicant has demonstrated that the proposed development meets all of the following criteria:

a) **The capacity of existing or planned community facilities or services**. The Board shall consider the demand for community services and facilities which will result from the proposed development and determine whether that demand will exceed the capacity of existing facilities or services. In making such a determination, the Board will consider any municipal capital program or budget in effect at the time of application. Conditions may be imposed regarding the timing and phasing of development to minimize the impact on schools and other community facilities and services.

b) **The character of the neighborhood, area, or district affected**. The Board shall consider the location, scale and intensity of the proposed development relative to the use and character of adjoining properties and other properties likely to be affected by the proposed use; and shall consider the proposed development's compatibility with the purpose and character of the affected district as defined by this Zoning Bylaw, the Town Plan, and the testimony of affected property owners other interested persons and Town residents.

c) **Traffic on roads and highways in the vicinity**. The Board shall consider the projected impact of traffic resulting from the proposed development on the capacity, safety, efficiency and use of affected public roads, bridges, and intersections. Generally, the Board will depend on accepted transportation standards in evaluating traffic impacts.

d) **Bylaws now in effect**. A conditional use must comply with all bylaws and regulations in effect at the time of submission of the application.

e) **The utilization of renewable energy resources**. The Development Review Board will consider whether the proposed development will not interfere with the sustainable use of renewable energy resources either through use of those resources or on the proposed project's impact on the future availability of such resources.

f) **The proposed development conforms to applicable district standards**, The proposed development conforms to all Specific Standards set forth in Sections 2,000 and 3,000.

g) **The storage or display of outside materials, goods, supplies, vehicles, machinery or other materials shall be prohibited unless specifically approved by the Board**. In approving such outdoor display or storage, the Board may place conditions on the area and location of such storage or display and plat may require appropriate screening.

h) **Scenic areas, Historic Resources or Natural Resources** The development shall not result in any undue adverse impact to any scenic area, historic resources or natural resources identified in the Town Plan or through site investigation. The Board may limit the location, scale, layout and design of the proposed development to ensure the protection of scenic areas, historic resources and/or natural resources. agricultural soils, priority forest blocks, or habitat connectors,

i) **Conditions of Approval.** The Development Review Board may approve a conditional use application with conditions as necessary to ensure compliance with these regulations.

4306. Review of Lot Line Adjustments and Lot Mergers

1. Administrative Review. The Administrative Officer may approve the realignment, relocation or elimination of a boundary line between adjoining lots following the same process established for zoning permit applications in Section 4200 provided that the proposed change:

a) Will not result in an increase in the number of lots.
b) Will not create a new nonconforming lot or structure (it may involve a pre-existing nonconformity).
c) Will not increase the degree of nonconformity of a pre-existing nonconforming lot or structure by more than 25%.
d) Will not violate any conditions of a prior permit or approval.
e) Will not move a boundary over a well or septic system.

2. Referral for Subdivision Review. The Administrative Officer may refer applications to the Development Review Board for review as a subdivision. The Development Review Board may approve lot line adjustments that will increase the degree of nonconformity of a pre-existing nonconforming lot or structure upon the applicant demonstrating that the proposed modification meets the criteria for a waiver.

3. Filing Requirements. Within 180 days after the Administrative Officer approves an application, the applicant must file an 18"x24" final mylar plat for recording in the town's land records in accordance with Section 4313.

4307. Review of Building Envelopes

1. Administrative Review. The Administrative Officer may approve modifications or relocations of a previously approved building envelope and may approve the designation of a building envelope on a pre-existing lot when one is required under these regulations or on a lot created through subdivision when the designation of the building envelope has been deferred under Section 3309 following the same process established for zoning permit applications in Section 4200 and in accordance with the standards of Section 3309.

2. Referral to the Development Review Board. The Administrative Officer may refer applications to the Development Review Board for review as an amendment to an approved plan under 4312.

4308. Subdivision Review: General

1. Applicability

Before receiving subdivision approval from the Development Review Board and recording an approved subdivision plat in the town's land records in full conformance with these regulations, a landowner must not:

a) Commence any clearing, site preparation, construction or land development on land to be subdivided for purposes other than farming or forestry in accordance with Section 1103, or
b) Subdivide, sell, transfer or lease land, except that he/she may:
   - Lease land for farming or forestry purposes in accordance with Section 1103,
   - Sell or grant rights-of-way or easements that do not result in the subdivision of land, or

- File boundary surveys and/or corrective deeds in the town's land records to repair boundary metes and bounds or to correct technical errors with previously recorded surveys or deeds for existing parcels with known boundaries.

2. Filing a Plat. The Administrative Officer must not issue any permits for land development on a lot created by subdivision until the landowner has legally recorded a 18"x24" subdivision plat in the town's land records in conformance with these regulations.

3. Purpose. The purpose of subdivision review is to ensure that:

a) Subdivided lots are suitable for development without endangering public health, safety or welfare.
b) Appropriate provisions are made for necessary improvements including, but not limited to, water supply. sewage disposal, stormwater management, fire and emergency protection and access, and utilities.
c) Proposed subdivisions are complimentary to and functionally integrated with surrounding development and the town's road network to the greatest extent feasible.
d) Proposed subdivisions are energy efficient and avoid, mitigate and/or minimize (listed in order of preference) adverse environmental effects to the greatest extent feasible.

4309. Sketch Plan Review and Classification (Step 1)

1. Application. The applicant must file a complete application and sketch plan for review by the Administrative Officer.

2. Conservation Commission Consultation. If the land to be subdivided is in the R3, Shoreland or the Conservation Overlay District:

a) The Administrative Officer may notify the Londonderry Conservation Commission of the proposed subdivision upon receipt of a complete application.
b) The Conservation Commission will have 20 days to request a pre-application advisory meeting with the applicant to discuss any important natural resources on the property and approaches to developing the property that would avoid, minimize or mitigate impacts to those resources.
c) If the Conservation Commission does not request a pre-application meeting or does not respond to the notification within 20 days, the Administrative Officer will proceed to classify the proposed subdivision and prepare a written response to the sketch plan in accordance with this section.
d) If the Conservation Commission requests a pre-application meeting, the Administrative Officer will refer the sketch plan application to the Conservation Commission. The pre-application meeting may include a site visit by the Conservation Commission in accordance with Section 4502.
e) The Conservation Commission must provide any recommendations to be incorporated into the Administrative Officer's written response to the sketch plan within 45 days of the referral. The recommendations may include a requirement that the subdivision application materials include a natural resource inventory prepared by a qualified professional.
f) The Conservation Commission may submit evidence or testimony to the Development Review Board during any subsequent hearings on the subdivision application.
g) Upon receiving recommendations from the Conservation Commission or the 31st day following referral of the application to the Conservation Commission, the Administrative

Officer will proceed to classify the proposed subdivision and prepare a written response to the sketch plan in accordance with this section.

3. Notification. The Administrative Officer must notify the owners of all properties adjoining the subject property (including those across the road) in writing of the applicant's intent to subdivide the subject property. The notification must include a description of the proposed subdivision and must clearly explain to the recipient where to obtain additional information.

4. Classification. The Administrative Officer will classify an application for a proposed subdivision or PUD as follows:

a) **Major Subdivision With New, Upgraded or Extended Roads.** An applicant for a major subdivision with a new, extended, or upgraded road must submit a preliminary and final plan for review and approval by the Development Review Board.
b) **Major Subdivision without New Upgraded or Extended Roads.** An applicant for a Major Subdivision Without New Roads only needs to file an application for final plat approval.
c) **Minor Subdivisions**. Site Plan Review for subdivisions to create two lots from one may be done by administrative permit without a hearing or conservation commission review. A proposal to re-subdivide a lot within a 10-year period will not meet this exemption.

5. Written Response. The Administrative Officer must send the applicant a written response to a complete sketch plan application within 30 days of its filing that:

a) Indicates whether the subdivision as proposed generally conforms to the standards of these regulations.
b) Makes recommendations to guide the applicant in preparation of more detailed plans.
c) Requests any additional application materials deemed necessary to determine compliance with these regulations.
d) Classifies the proposed subdivision as either a major or minor subdivision in accordance with Section 4309.4 above.

6. Deadline to Act. After the Administrative Officer issues the written response, the applicant will have 6 months to file the materials required for the next step of the subdivision review process.

7. Appeals. The applicant or other interested person may appeal any of the Administrative Officer's actions or decisions under this section to the Development Review Board as specified in Section 4402. However, the Administrative Officer's actions under this section will not constitute a formal decision on the subdivision plan for the purposes of any appeal to the Environmental Division of the Vermont Superior Court.

4310. Preliminary Plan Review (Step 2 for major subdivisions or PUDs with new, upgraded, or extended roads)

1. **Application.** An applicant for approval of a major subdivision with new, upgraded, or extended roads must file a complete application and preliminary subdivision plan for consideration by the Development Review Board.

2. **Hearing and Notice.** The Development Review Board must hold a public hearing and act on a preliminary subdivision plan in accordance with Section 4500.

3. **Written Response.** The Development Review Board must issue a written response to the preliminary plan that includes:
   a) Findings of fact that address each of the applicable criteria.
   b) Any proposed conditions of approval to be placed on the final plan.
   c) Any specific changes requested in the final subdivision plan.
   d) The issues to be analyzed and addressed in the final subdivision plan review.
   e) Any modification or waiver of application requirements for final plan review. The Development Review Board may:
      - Request any additional application materials deemed necessary to determine compliance with these regulations.
      - Modify or waive application requirements deemed unnecessary to determine compliance with these regulations.

4. **Deadline to Act.** Following the Development Review Board issuing a written response, the applicant will have 6 months to file the final subdivision plan.

5. **Appeals.** The written response to a preliminary subdivision plan is intended to provide direction to the applicant in preparing the final subdivision plan. It is not a binding decision on the subdivision application that can be appealed under Section 4403.

4311. Final Plan Review

Step 2 for major subdivisions involving no new, upgraded or extended roads and Step 3 for major subdivisions involving new, upgraded or extended roads.

1. **Application.** The applicant must file a complete application and final subdivision plan for consideration by the Development Review Board.
2. **Purpose.** The purpose of final review is to evaluate the plan's conformance with the purposes and specific standards of these regulations and to assure that the applicant has addressed the issues raised in the preliminary plan review.
3. **Hearing and Notice.** The Development Review Board must hold a public hearing and act on a final subdivision plan in accordance with Section 4500. If a proposed subdivision will be located within 500 feet of the town line, a copy of the hearing notice must be sent to the clerk of the adjoining municipality.

4312. Acceptance of Improvements

The Development Review Board's approval of a final plan will not constitute the town's acceptance of any road, easement, or other feature shown on the plan. Action by the Selectboard is required to accept any road, easement, or other feature.

4313. Filing Requirements

Step 3 for minor subdivisions and Step 4 for major subdivisions.

1. If the Development Review Board approves the final plan, the applicant will have 180 days to submit a 18"x24" final subdivision plat for recording in the town's land records. If the subdivision will be phased, the applicant must file a plat for the first phase within 180 days

and for subsequent phases in accordance with any schedule or time period established in the conditions of approval.
2. The Administrative Officer may grant a 90-day extension to the filing deadline upon written request by the applicant if other local or state permits are still pending.
3. The final subdivision plat must meet all state requirements (see 27 V.S.A. § 1403).
4. The Administrative Officer or the Chair of the Development Review Board must sign the final subdivision plat before it is recorded in the town land records.
5. No one must make any changes, erasures, modifications or revisions to a final plat after it has been signed.
6. Once lawfully filed, a final subdivision plat will not expire.
7. Applicants are advised to file new or revised deeds in accordance with state law for all lots created by or subject to a subdivision approval when filing a plat to ensure the affected properties have marketable titles.

4314. Modification of Approved Subdivisions

1. Except for lot line adjustments or lot mergers approved under Section 4306, the Development Review Board must review any request to amend an approved subdivision plat.
2. The process for applying for an amendment will be the same as for the original approval.
3. The process for reviewing and issuing a decision on an amendment will be the same as for the original approval except that the scope of the review will be limited to those aspects of the plat affected by the proposed amendment.
4. The applicant must file an approved, amended plat in accordance with the provisions of Section 4311.

4315. Combined Review

1. When proposed development requires more than one approval, the Development Review Board must warn and hold a single hearing for the purpose of reviewing and acting on the application unless the applicant requests separate hearings for each approval.
2. The Administrative Officer will identify applications appropriate for combined review and assist applicants in preparing and submitting coordinated applications to facilitate combined review.
3. The Development Review Board must hold a public hearing and act on an application for combined review in accordance with Section 4500. In addition, the hearing notice must:
    a) Include a statement that the hearing will be a combined review of the proposed development; and
    b) List each type of review the Development Review Board will conduct.
4. All hearing and decision requirements and deadlines applicable to each review process will apply.
5. The Development Review Board may issue separate written decisions for each review conducted as part of the combined hearing, but decisions should be coordinated where appropriate.

4316. Amending Approved Plans

The Development Review Board must review any request to amend an approved plan that the Administrative Officer cannot approve under Section 4205. For amendment of subdivision plats, see Section 4314.

1. The process for applying for an amendment will be the same as for the original approval.
2. The process for reviewing and issuing a decision on an amendment will be the same as for the original approval except that the scope of the review will be limited to those aspects of the approved development affected by the proposed amendment.
3. The applicant must demonstrate that the proposed amendment is justified due to changes:
   a) In factual or regulatory circumstances that were beyond the applicant's control, or
   b) In the construction or operation of the proposed development that were not reasonably foreseeable at the time of the original application.
4. The Development Review Board may determine that the proposed amendment would change the approved development to such an extent that it needs to be reviewed as a new application and may deny the amendment request and require the applicant to apply for a new zoning permit and any associated development approvals.
5. The approval of an amendment will not affect the expiration date of the original permit and any associated development approvals.

4400.Appeals

4401. Who May Appeal

1. An applicant or other interested person may appeal an action taken or decision made under these regulations as specified in this Section.
2. For the purposes of these regulations, an interested person is:
   a) An applicant who alleges that these regulations impose unreasonable or inappropriate restrictions on the existing or future use of his/her property.
   b) The Town of Londonderry or any adjoining municipality.
   c) A person owning or occupying property in the immediate area of proposed development who can demonstrate:
      - A physical or environmental impact on his/her interests.
      - That the action taken or decision made under these regulations is not in accord with the policies, purposes, or terms of these regulations or the *Londonderry Town Plan*, as most recently adopted.
   d) Any combination of at least 10 voters or landowners in Londonderry who by signed petition allege that the relief an applicant is requesting under this Section is not in accord with the policies, purposes, or terms of these regulations or the *Londonderry Town Plan*, as most recently adopted.
   e) Any department or administrative division of the state that owns property or interest in property in Londonderry, and the Vermont Agency of Commerce and Community Development.

4402. Appeals of Administrative Officer Decisions

1. An interested person may appeal any action or decision of the Administrative Officer to the Development Review Board by filing a notice of appeal and any applicable fees with the Londonderry Town Clerk within 15 business days of the date of the Administrative Officer's action or decision.
2. The Town Clerk will forward one copy of the notice of appeal to the Development Review Board and the other to the Administrative Officer.
3. A notice of appeal must be in writing and must include all of the following information:

a) The name and address of the appellant (the person filing the appeal).
b) A statement that indicates how the appellant meets the definition of an interested party as established in Section 4401.
c) A copy of the Administrative Officer's decision or description of the action (if appealing a zoning permit, also include a copy of the permit application).
d) A brief description of the subject property.
e) A reference to the section(s) of these regulations that the appellant alleges the Administrative Officer has not properly followed or applied.
f) A statement of the relief the appellant is requesting and why the appellant believes the requested relief to be appropriate under the circumstances.
   - If an appeal is filed by a group of interested persons, then the notice of appeal must designate one person to serve as a representative of the group regarding all matters related to the appeal.
   - The appellant may request a stay of enforcement as part of the notice of appeal by including a sworn statement that irremediable damage will directly result if the Development Review Board does not grant the stay.

4. Upon receipt of a notice of appeal, the Development Review Board must either:
   a) Hold a public hearing and act on the appeal in accordance with Section 4500, or
   b) Reject the appeal without a hearing and render a decision within 10 business days of the appellant filing the notice, if the Development Review Board determines that:
      - It decided the issues in an earlier appeal,
      - The appellant failed to establish interested person status in accordance with Section 4401, or
      - The notice of appeal does not meet the requirements of Section 4402.

5. An appeal to the Development Review Board is the exclusive remedy for an interested person with respect to an action or decision of the Administrative Officer.

6. If no interested person appeals the Administrative Officer's action or decision to the Development Review Board within 15 business days, the action or decision is final and cannot be contested at a later time.

4403. Motions to Reconsider

An appellant who wishes to have the Development Review Board to reconsider a decision they have rendered shall:

1. Submit a letter to the Administrative Officer asking for a Motion to Reconsider which either:
   a. Clearly establishes a manifest error of law or fact in the decision, or
   b. presents previously unavailable evidence.
2. The Motion must be filed within 30 days of the Development Review Board's decision.
3. The filing of a Motion stays the appeal period until a decision is made to deny the Motion or until a new decision is issued following a reopening and closing of the hearings.
4. A new appeal period starts upon the date of the denial of the motion or issuance of a decision.
5. The motion shall be put on the agenda of an open meeting of the Development Review Board. A majority of the Board must vote to grant the Motion and re-open the evidence.
6. If the Motion is granted, then a new hearing will be warned to hear evidence in regard to the matters raised and any other evidence offered in regard to the application and a decision will be issued in the normal course (which decision could be as previously issued without change or with revisions).

7. A party is entitled to only one Motion to Reconsider per Development Review Board decision, after which they may appeal to the District Court.

4404. Appeals of Development Review Board Decisions

1. Any interested person who participated in a hearing on a matter before the Development Review Board may appeal the board's action or decision to the Environmental Division of the Vermont Superior Court within 30 days of the date of the board's action or decision.
2. All final hearings for site plan, conditional use and subdivision applications, and for appeals (including variances and waivers) before the Development Review Board will be subject to on the record appeal in accordance with the Vermont Rules of Civil Procedure.
3. The appellant must send a notice of appeal to every interested person who participated in the hearing by certified mail. The Administrative Officer must provide a prospective appellant with the interested person list upon request.
4. If the Administrative Officer has issued a zoning permit based on a Development Review Board approval, the appeal of that approval will be considered an appeal of the zoning permit as well and the applicant must not commence any use or development authorized by the zoning permit until the appeal is resolved. An interested person cannot use the procedures of Section 4402 to appeal the Administrative Officer's issuance of a zoning permit implementing a Development Review Board approval.
5. An appeal to the Environmental Division of the Vermont Superior Court is the exclusive remedy for an interested person with respect to an action or decision of the Development Review Board except as otherwise provided by state statute.
6. If no interested person appeals a Development Review Board action or decision to the Environmental Division of the Vermont Superior Court within 30 days, that action or decision will be final and cannot be contested at a later time.

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:

a) The proposal is for an addition to an existing principal structure that does not:
- increase the footprint of the structure by more than 200 square feet, or
- increase the building's degree of nonconformity.

b) 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 square feet.
- increase the property's degree of nonconformity.

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

But only if:
- No setback (front, side, or rear) shall be reduced to less than 25 feet in R3, SC, or less than 10 feet in RC, R1, VR or VC
- The addition is the minimum size that is necessary for it to serve its intended function.

2. The Development Review Board must not:

a) Approve waivers within the Flood Hazard Overlay District.

b) Approve waivers to reduce any riparian or wetland setback or buffer required under these regulations.
c) Approve a waiver to allow a prohibited use, an increase in residential density, or the subdivision of a lot that does not conform to the applicable provisions of these regulations.

3. The Applicant Must file a complete zoning permit application and a written request for a waiver with the Administrative Officer that includes all the following:
a) A brief description of the subject property and proposed development.
b) A reference to the dimensional standard(s) of these regulations that the applicant is requesting a waiver from.
c) The specific modification(s) that the applicant is requesting.
d) A response to each of the criteria that the Development Review Board will use to decide whether to approve the waiver in section 4405.5 below.

4. Public Hearing. The Development Review Board must hold a public hearing and act on the waiver request in accordance with Section 4500. If the applicant is requesting a waiver from the required setback from a state highway, notice of the hearing must also be sent to the Vermont Secretary of Transportation.

5. To approve a waiver. the Development Review Board must find that
a) The proposed development will not alter the essential character of the area in which the property is located.
b) The proposed development will not substantially or permanently impair the lawful use or development of adjacent property.
c) The proposed development will not be detrimental to public health, safety or welfare.
d) The proposed development is beneficial or necessary for the continued reasonable use of the property.
e) The applicant is proposing adequate mitigation of any dimensional encroachment through design, screening or other remedy.

6. Mitigation. The Development Review Board may require mitigation through visual screening or other remedies.

4406. Variances

1. The Development Review Board:
a) May approve variances that authorize adjustments to the dimensional standards of these regulations under the specific circumstances described in this section.
b) Must not approve a variance to allow a prohibited use, an increase in residential density, or the subdivision of a lot that does not conform to the applicable provisions of these regulations.
2. The applicant must file a complete zoning permit application and a written request for a variance with the Administrative Officer that includes all the following:
a) A brief description of the subject property and proposed development.
b) A reference to specific provision(s) of these regulations that the applicant is requesting a variance from.
c) The specific modification(s) that the applicant is requesting.

d) A response to each of the criteria that the Development Review Board will use to decide whether to approve the variance below.

3. Hearing. The Development Review Board must hold a public hearing and act on the variance request in accordance with Section 4500. If the applicant is requesting a variance from the required setback from a state highway, notice of the hearing must also be sent to the Vermont Secretary of Transportation.

4.To Approve a Variance. the Development Review Board must find that all the applicable criteria specified below have been met:

a) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located.
b) Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
c) The unnecessary hardship has not been created by the appellant.
d) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
e) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

5.Exceptions.

a) If the variance is for a renewable energy structure, only the criteria specific to a renewable energy variance apply.
b) If the variance is for development within the Flood Hazard Overlay District, only the criteria specific to a flood hazard variance apply.

For all other variances, the general variance criteria apply.

4500. Notice, Hearings and Decisions

4501. Notice of Hearing

1. The Administrative Officer must notify the public at least 15 days before a hearing for all conditional use, variance, appeal, and final subdivision or planned unit development applications by all the following:

a) Publishing the date, place and purpose of the hearing in a newspaper of general circulation in Londonderry.
b) Posting the date, place and purpose of the hearing at the Town Office and at least one other public place within Londonderry.
c) Providing the applicant with a hearing notice poster with the date, place and purpose of the hearing to be posted on the subject property within view of a public way. It will be the

applicant's responsibility to ensure that the notice remains posted for the entire warning period and to remove the sign within 2 days of the close of public hearing.

d) Notifying the owners of all properties adjoining the subject property (including those across the road) in writing.

2. The notification must include a description of the proposed project and must clearly explain to the recipient where to obtain additional information and that he/she must participate in the hearing in order to have the right to any subsequent appeal.

3. The Administrative Officer must notify the public at least 7 days before a hearing for all other Development Review Board actions by all of the following:

a) Posting the date, place and purpose of the hearing at the Town Office and at least two other public places within Londonderry.
b) Providing the applicant with a permit notice poster with the date, place and purpose of the hearing to be posted on the subject property within view of a public way.
c) It will be the applicant's responsibility to ensure that the notice remains posted for the entire warning period and to remove the sign within 2 days of the close of public hearing.
d) Notifying the owners of all properties adjoining the subject property subject (including those across the road) in writing. The notification must:
    - Include a description of the proposed project.
    - Identify where the recipient can obtain additional information.
    - Explain that the recipient must participate in the hearing in order to have the right to any subsequent appeal.
    - The notification must include a description of the proposed project and must clearly explain to the recipient where to obtain additional information and that he/she must participate in the hearing in order to have the right to any subsequent appeal.

4. A defect in the form or substance of the public notice requirements will not invalidate any action or decision under these regulations when a reasonable effort has been made to provide adequate posting and notice.

4502. Site Visits

1. The Administrative Officer or Development Review Board may require an applicant to grant them access to a site in order to better understand the proposed development and its potential impacts prior to making a decision on an application.
2. Development Review Board members may visit a site individually or as a group. A site visit must be warned in accordance with Section 4500 and open to the public if a quorum of Development Review Board members will be present.
3. Observations made and information obtained during the site visit will not be part of the evidentiary record of a Development Review Board hearing unless the Development Review Board or an interested person requests to have the observations or information entered into the record during the hearing on the application.

4503. Conducting a Hearing and Taking Evidence

1. The Development Review Board must conduct public hearings, hear testimony and take evidence according to the Municipal Administrative Procedures Act (24 V.S.A. Chapter 36), the provisions of this section and its adopted rules of procedures.
2. The Development Review Board must hold a public hearing within 60 days of the Administrative Officer determining that an application is complete unless otherwise specified in these regulations or the applicant agrees to a later hearing date.
3. All hearings must be open to the public as follows:
   a) Any individual or group may appear and participate in a public hearing in person or by authorized representative or counsel or may submit written testimony in advance of the hearing.
   b) The Development Review Board must give all those wishing to participate an opportunity to be heard as is relevant to the proceeding.
4. The Development Review Board must give all those wishing to establish interested person status the opportunity to do so and must record the name, address and participation of each of those people. Only an interested person (as defined in Section 4401) who has participated in a hearing by presenting oral or written testimony will have a right to appeal the resulting Development Review Board decision under Section 4404.
5. In taking evidence during a hearing, the Development Review Board may:
   a) Exclude irrelevant, immaterial, or unduly repetitious evidence.
   b) Receive evidence in written form, including copies and excerpts.
   c) Allow parties to conduct cross-examinations and compare copies of written evidence with the original.
   d) Take notice of generally recognized facts.
6. The applicant or an authorized representative must attend any public hearing on his/her application in person or online if allowed by 1 V.S.A. § 312.5.
7. The Development Review Board may recess or continue its consideration of an application to its next regularly scheduled meeting if the applicant or an authorized representative is not present.
8. In the case of such a recess or continuation, the intervening days will not be counted as part of any time period within which the Development Review Board is required to act.
10. Development Review Board members must not communicate directly or indirectly with any applicant, interested person or their representative regarding a matter that is under consideration except during a properly noticed site visit or hearing.

11. It is the applicant's responsibility to demonstrate compliance with the applicable standards and review criteria of these regulations.

4504. Recessing or Continuing a Hearing

1. The Development Review Board may recess or continue a hearing on any application pending submission of additional information necessary to determine compliance with these regulations or upon the applicant's request.
2. If the Development Review Board recesses or continues a hearing to a specific date and time, the hearing will not have to be warned again when resumed.

4505. Decisions

1. **Deliberations.** The Development Review Board must deliberate and make a decision on an application in a closed deliberative session.

2. **Time to Act.** Within 45 days of closing a hearing, the Development Review Board must issue a written decision to approve, approve with conditions or deny the application.

3. **Deemed Approval.** If the Development Review Board does not issue a decision within 45 days of closing a hearing, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the board's failure to act resulted in a "deemed approval" of the application.

4. **Findings.** The written decision must include a statement of the facts upon which the Development Review Board is basing its decisions and a statement of conclusions relating to the applicable review criteria and standards of these regulations.

5. **Conditions of Approval.** The Development Review Board:
   a) May attach any conditions it deems necessary to an approval to achieve the purposes of these regulations including, but not limited to:
      - Specific performance standards such as limitations on hours of operation, noise, light or other off-site impacts.
      - Required improvements to public facilities or infrastructure to serve the proposed development.
      - Scheduling or phasing of development.
      - Inspection or monitoring; and/or Performance bonds.
   b) Must specifically describe any conditions or limitations in the written decision. Any conditions attached to the Development Review Board's approval will be considered part of any subsequent zoning permit issued by the Administrative Officer for the approved development.

6. **Submittal of Revised Plans**. If the Development Review Board attaches conditions on an approval that require amendments to a plan, the applicant must submit an amended plan that satisfies those conditions prior to Administrative Officer issuing a zoning permit for the proposed development.

7. **Notification and Filing.** The Development Review Board or the administrative officer must:

a) Send a copy of the decision to the applicant by certified mail.
b) Send a copy of the decision to all others who participated in the hearing by mail or email.
c) File a copy of the decision in the town's land records.

8. Effect and Expiration. If the approved development is:

a) Not substantially completed or commenced before the zoning permit expires, the development approval will expire with the zoning permit, except that approved subdivision plats lawfully filed in accordance with Section 4308.2 will not expire.
b) Substantially completed or commenced before the zoning permit expires, the development approval will remain in effect unless the use is discontinued as established in Section 1205. Development Review Board approvals and any related conditions run with the land and remain in effect irrespective of whether the property changes ownership.

4600. Violations and Penalties

4601. Applicability

1. Enforcement Required. The Administrative Officer must act to enforce these regulations in accordance with state law and the provisions of this section. Violations of these regulations include, but are not limited to:

a) Commencing land development for which zoning permit or development approval is required without first obtaining such an approval or permit.
b) Failing to comply with all requirements, representations and conditions of any approved plan or permit.
c) Commencing or continuing land development if the permit or approval authorizing the work has expired.
d) Commencing clearing, site preparation or other land development prior to subdivision approval.
e) Selling, transferring or offering to sell or transfer land unless a subdivision plat has been approved and filed in full compliance with these regulations.

2. Civil Ordinance. A violation of these regulations will constitute a civil offense enforced in accordance with the provisions of 24 V.S.A. §1974(a) or 24 V.S.A. §4451.

3. Public Health, Safety and Welfare. Nothing in this Section will prevent the Town of Londonderry from exercising its authority to abate or remove risks or hazards to public health, safety and welfare, or to respond to emergencies or disasters.

4602. Investigation and Action by the Administrative Officer

1. Investigation. The Administrative Officer must investigate alleged violations of these regulations observed by or reported to him/her.

2. Inspection. The Administrative Officer may ask the landowner for permission to inspect the property. If the landowner refuses to grant permission to inspect the property, the Administrative Officer:

a) May enter the public portions of any property in town (i.e., drive up driveway, walk to the door, etc.) and may use any observations made as evidence.
b) May enter private portions of the property if invited by anyone who is lawfully on the premises (i.e., occupant, tenant, etc.) and may use any observations made as evidence.
c) May obtain a search warrant to inspect the property and gather evidence in accordance with 13 V.S.A. §4701.

3. Action. Upon determining that a violation exists, the Administrative Officer must take appropriate action in an effort to enforce these regulations including, but not limited to any combination of the following:

a) Issuing a municipal civil complaint ticket (see Section 4604) or a notice of violation (see Section 4605).
b) Issuing a stop-work order.
c) Requiring the landowner to apply for a curative zoning permit.
d) Requiring the immediate removal of a violating structure or cessation of a violating use.
e) Denying a certificate of zoning compliance, and/or
f) Imposing fines and penalties to the maximum extent allowed under state law until the landowner remedies the violation.

4. Limitations on Enforcement. The Administrative Officer must not enforce any violation:

a) That has existed for more than 15 years, or
b) Of a zoning permit issued after July 1, 1998 that was not filed in the town's land records.

4603. Liabilities and Penalties

1. The landowner will be held responsible for any violation and be subject to any penalties imposed under these regulations.
2. Each day that a violation exists constitutes a separate offense under Section 4604 and Section 4605. Separate tickets may be issued and fines imposed for each day that a violation exists.
3. If any enforcement action results in the need for a new or amended zoning permit or development approval, Londonderry may impose penalties in addition to the standard permit fees.

4604. Municipal Civil Complaint Ticket

1. As authorized under 24 V.S.A. § 1974a, the Administrative Officer or other authorized town staff may issue a municipal complaint ticket for any violation of these regulations as a violation of a civil ordinance in accordance with the Judicial Bureau's procedure for municipal complaint tickets.

2. A violation ticketed under this section may be punishable by a fine of:

a) $200 for a first offense, with a waiver fee of $100.
b) $400 for a second offense ticketed for the same violation within one year, with a waiver fee of $200.
c) $800 for a third and any subsequent offense ticketed for the same violation within one year, with a waiver fee of $400.

3. Upon the fourth offense, the Town of Londonderry may request that the case be transferred from the Judicial Bureau to the Environmental Division of Superior Court or another court of competent jurisdiction.

4605. Notice of Violation

1. As authorized under 24 V.S.A. § 4451, the Administrative Officer may issue a notice of violation for any violation of these regulations. Prior to issuing a notice of violation in accordance with Section 4605, the Administrative Officer may seek to resolve a violation informally.

2. The Administrative Officer must:
   a) Send a notice of violation to the landowner by certified mail that:
   - Describes the violation.
   - Identifies the specific provision(s) of these regulations being violated.
   - State the specific action required to cure the violation (see Section 4602).
   - State that if the landowner has 7 days to cure the violation, after which time the town may institute court proceedings to obtain a court order directing compliance with these regulations and awarding fines up to the maximum amount allowed under state statute for each day that the violation continues from the date of the notice.
   - State that further enforcement may occur without notice and an opportunity to cure if the violation occurs again within the next 12 months.
   - State that the notice of violation may be appealed as per Section 4402.
   - Deliver a copy of a notice of violation to the Town Clerk for recording in the town's land records.
3. Upon failure of the landowner to cure a violation of these regulations, the Town of Londonderry may institute appropriate court action.
4. A notice of violation issued under this section will be punishable by a fine of up to $200 for each offense (each day a violation continues to exist beyond the 7-day notice period counts as a separate offense).

5000.Definitions

5001. Interpretation

1. The words used in these regulations have their normal dictionary meaning unless they are specifically defined in these regulations. The Administrative Officer or Development Review Board, as applicable, will interpret the meaning of any term used in these regulations. That interpretation may be appealed in accordance with the provisions in Section 4402 or Section 4404.
2. The words defined in these regulations have the specified meaning stated unless the context clearly indicates that they have another meaning.
3. The definitions identified as being from state statute are intended to be consistent with that statute.
4. These regulations use:
   a) "Must" and "will" to express that something is required.
   b) "Must not" and "will not" to express that something is prohibited.
   c) "May" and "may not" for discretionary actions.
   d) "Should" and "should not" when something is encouraged or discouraged.
5. These regulations use:
   a) "Parcel" and "lot" interchangeably to refer to areas of land delineated in a recorded subdivision plat or, if no recorded plat, in a deed.
   b) "Site" or "property" to refer to an area of land subject to a development project, regardless of whether it is an entire parcel, a portion of a parcel, or multiple parcels.
   c) "Property owner", "landowner", "applicant", "subdivider" or "developer" to refer to the party responsible or authorized to act under these regulations and those terms may include any individual designated to act on behalf of the responsible party.
   d) "Business" to refer generally to any use other than a one- or two-unit home, regardless of whether it is a for-profit or non-profit enterprise.
   e) "Home", "residence" or "dwelling" to refer to a dwelling unit that is intended for occupancy by a single household regardless of structure type or tenure (owned or rented).
6. There are illustrations provided throughout these regulations that are intended to provide guidance to readers. In the case of a conflict between an illustration (including any associated descriptive text) and a written provision of these regulations, the written provision will take precedence.
7. Unless specifically stated otherwise, the calculation of time periods defined these regulations:
   a) As a specific number of days will be based on calendar days.
   b) As a specific number of months will be based on calendar months (ex. January 1 to July 1 is 6 months).
   c) As a specific number of years will be based on calendar years (ex. January 1 to January 1 is one year).
   d) Will not include the first day (i.e., the day an application was submitted or a permit issued) but will count the final day (i.e., the day a hearing was held or a permit took effect).

5002. Defined Terms

ABANDONED DEVELOPMENT Any improvement to land, construction, demolition or alteration of a structure that is not substantially completed prior to the expiration of the zoning permit authorizing the improvement. See Section 1206.

ABANDONED SIGN See definition of SIGN, ABANDONED.

ACCESSORY DWELLING UNIT A smaller, independent residential unit located on the same property as a single unit dwelling with complete independent living facilities including permanent provisions for sleeping, eating, cooking and sanitation.

ACCESSORY STRUCTURE. See definition of STRUCTURE, ACCESSORY.

ACCESSORY USE, COMMERCIAL A secondary use at a commercial property (any property other than a vacant property or a one or two-unit dwelling) that is subordinate to the primary commercial use like a garage, shed, or a restaurant at a hotel.

ACCESSORY USE, RESIDENTIAL A secondary use at a one or two-unit residence that is subordinate to the primary residential use like a garage, shed, or pool.

ADVERSE EFFECT OR IMPACT Means that proposed development will result in a substantial and material negative effect or impact that will prevent or diminish the reasonable use of property in the area, cause environmental damage or pollution, not conform to the performance standards of Section 3106, or damage or exceed the capacity of public infrastructure, services or facilities.

AGRICULTURAL FENCE See definition of FENCE, AGRICULTURAL.

AIRCRAFT A contrivance used or designed for navigation of or flight in the air. It specifically includes ultra-light aircraft and excludes drones.

ALTERATION Any addition or structural change to, or relocation of, a structure including, but not limited to, the addition of a dormer, any change in the structure's footprint, floor area, or the number of units (residential or non-residential), or an increase in number of bedrooms in a dwelling unit. This definition specifically excludes normal repair and maintenance.

APPLICANT The owner of land to be developed under these regulations or a representative who has been duly authorized in writing by the owner to act as an authorized agent on the owner's behalf. Any other party with an interest in the proposed development may only apply for a permit or approval jointly with the property owner or authorized agent.

ARTIST GALLERY OR WORKSHOP An establishment used to produce, display and/or sell works of art. May include up to three employees.

ATTACHED BUILDING See definition of BUILDING, ATTACHED.

AUTOMOBILE SERVICE / AUTOMOBILE REPAIR see FUELING STATION/ CARWASH/ AUTO REPAIR.

BEDROOM For zoning purposes bedroom means a room located within a dwelling that the residents use primarily as private sleeping quarters or that was designed for such use, and has at least one egress window, one interior door that allows the room to be closed off from the remainder of the dwelling. For determining septic capacity, a one-bedroom house is a house with a septic system which is designed to accommodate two residents, or a grandfathered septic system that is assumed based on a history of full-time occupancy to have adequate septic capacity for two residents.

BERM A constructed mound of earth in excess of 2 feet in height used for decorative, screening, buffering or similar purposes (see Section 3014).

BUILDING A structure with a roof that is supported by walls or columns, which is intended for the shelter, housing or enclosure of people, animals, vehicles, equipment, processes, goods or materials of any kind.

BUILDING, ATTACHED A building that has at least part of a wall in common with another building or that is connected to another building by a roof.

BUILDING, DETACHED A building that is freestanding and structurally separated from other buildings.

BUILDING, ENCLOSED A building or a portion of a building that is roofed and has no open sides. It excludes open-air building elements like porches, stoops or a covered walkway.

BUILDING, PRINCIPAL See definition of STRUCTURE, PRINCIPAL.

BUILDING ENVELOPE means a specific area of a lot that is delineated on a subdivision plat and in accordance with the standards of Section 3309.

BUILDING SITE See definition of SITE, BUILDING.

BULK STORAGE OF CONSTRUCTION & LANDSCAPING MATERIALS A site where large amounts of stone, sand, gravel, bark mulch, topsoil etc. are stored for distribution. It may include on-site processing such as crushing, grinding, washing or screening.

CAMPGROUND An establishment that is:

1. designed to accommodate campers and their equipment including tents, tent trailers, and recreational vehicles,
2. that provides overnight recreation camping or outdoor adventure retreats; or short-term guest accommodations, and facilities and services such as camping units, cabins, sanitary facilities, food services, recreational facilities, and organized recreational or educational activities.

CAMPING UNIT A camping unit is a portable, temporary shelter or vehicle designed for human occupancy during recreation or travel, typically used for sleeping in a campground. Common examples include tents, RVs, travel trailers, pop-up campers, truck campers, vans.

CARE HOME/NURSING HOME Use of one or more structures to provide housing, board and care to residents who need assistance with daily activities such as dressing, grooming, bathing, etc. or 24-hour skilled nursing, or similar treatment or care, and that operates under state license. Includes residential care, nursing or convalescent homes, hospice or respite care facilities, and residential treatment facilities.

CEMETERY A site designed to inter or otherwise store the remains of deceased people.

CHARACTER OF THE AREA means an area's distinctive "personality" or sense of place, which is created through a combination of existing and/or planned elements including, but not limited to:

1. The pattern, type, scale and intensity of land use.
2. Traffic conditions, street design, streetscaping and walkability.
3. The bulk, form, size, scale, placement and arrangement of buildings.
4. Historic resources, landmarks, views and scenic resources.
5. The type, size, arrangement, use and accessibility of open space.
6. Noise, light, odors, vibration and other impacts perceptible off-site.

CLEARING The removal of existing woody vegetation from land for purposes other than farming or forestry in accordance with state regulations.

COMMERCIAL SIGN See definition of SIGN, COMMERCIAL.

COMMERCIAL OUTDOOR RECREATION A commercial establishment that offers physical fitness, sports, games and other leisure-time activities primarily outside an enclosed building. May include occasional outdoor concerts.

COMMERCIAL WASTE SERVICES An establishment that: 1. collects or hauls non-hazardous solid waste or recyclable materials generated within a local area; 2. pumps septic tanks and cesspools; rents or services portable toilets; 3. transforms organic waste into a stable, soil-like product.

CONTRACTORS YARD see SALES LOT/CONTRACTOR STORAGE/GARDEN CENTER/LUMBER YARD.

CONVERSION A change of use (see Section 1203).

CULTURAL FACILITY/MUSEUM/LIBRARY/THEATER An establishment that presents live entertainment by actors, singers, dancers, musicians or other performing artists, or that shows movies or other recorded entertainment to an audience, primarily indoors or a building or room containing collections of books, periodicals, and online resources for people to read, borrow, or refer to or an establishment that preserves and exhibits objects, sites and natural wonders of historical, cultural or educational value.

DAMAGED STRUCTURE A structure or portion of a structure that has suffered a fire, flood or similar natural disaster or unintended accident provided that the cost of repairing the damage is less than 50 percent of the market value of the structure prior to the damage occurring. This definition specifically excludes deterioration of a structure due to neglect or abandonment.

DAY CARE FACILITY< 7 CHILDREN An establishment that cares for 6 or fewer infants and preschool-age children on a part time basis.

DAY CARE FACILITY> 6 CHILDREN An establishment that cares for 7 or more infants and preschool-age children on a pert time basis.

DECK An unroofed platform, either freestanding or attached to a building, that is raised above ground level and supported by pillars or posts.

DEGREE OF NONCONFORMITY The extent to which a structure or portion of a structure encroaches over a minimum setback, above a maximum height, exceeds a maximum footprint, or otherwise does not conform to a dimensional requirement of these regulations.

DE MINIMIS A legal term meaning too small to be meaningful or taken into consideration.

DEMOLITION The destruction and physical removal of a structure or portion of a structure from a lot.

DESTROYED STRUCTURE A structure or portion of a structure that has suffered a fire, flood or similar natural disaster or unintended accident when the cost of repairing the damage equals or exceeds 50 percent of the market value of the structure prior to the damage occurring. This definition specifically excludes deterioration of a structure due to neglect or abandonment.

DETACHED BUILDING See definition of BUILDING, DETACHED.

DEVELOPMENT See definition of LAND DEVELOPMENT.

DEVELOPMENT APPROVAL An approval granted for a site plan, conditional use, subdivision or other application under Section 4300-4315 of these regulations.

DISABILITY As defined in state statute, disability means a physical or mental impairment that limits one or more major life activities. This definition specifically excludes any person with a substance abuse disorder who constitutes a direct threat to property or the safety of others due to current alcohol or drug use.

DISTRIBUTION FACILITY See STORAGE AND DISTRIBUTION SERVICES & WHOLESALE TRADES.

DORMER A roofed structure, often containing a window, that projects vertically beyond the plane of a pitched roof.

DRIVE-THROUGH FACILITY A commercial, service, or retail location designed to allow customers to receive goods or services while remaining in their vehicles.

DRIVEWAY A vehicular travel way that provides access to not more than 2 lots or principal uses.

DRONE A powered aerial vehicle that does not carry a human operator and is able to fly autonomously or to be piloted remotely in accordance with 20 V.S.A. Chapter 205. These devices are also referred to as Unmanned Aircraft Systems (UAS) by the FAA.

DWELLING UNIT A structure or part of a structure intended for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation and meets the minimum requirements of Section 3011.

EDUCATIONAL INSTITUTION A state-certified public or private establishment that provides educational services.

ELECTRONIC MESSAGE SIGN. See definition of SIGN, ELECTRONIC MESSAGE.

EMERGENCY SHELTER Short-term accommodation and basic support services for individuals and families who are experiencing homelessness or are in crisis.

ENCLOSED BUILDING See definition of BUILDING, ENCLOSED.

ENLARGEMENT Any increase in the footprint or height of a structure.

ESSENTIAL SERVICES The infrastructure used to provide a single lot or customer with a utility service such as electricity, gas, telephone, cable, water or sewer. This definition specifically excludes facilities or infrastructure subject to a Certificate of Public Good (see Section 1102).

EVENT FACILITY see RESTAURANT, BAR, INDOOR EVENT FACILITY.

EXTRACTION/ QUARRYING An establishment that, quarries or mines for crushed and broken stones, limestone, sand, gravel, clay, top-soil, or other stones and nonmetallic minerals. It may include on-site processing such as crushing, grinding, washing or screening. See Section 3211.

FACADE The front of a building or any of its sides facing a road or other public space.

FAMILY Any number of individuals living and cooking together as a single housekeeping unit, whether related to each other legally or not, not to include paying guests.

FAMILY CHILDCARE HOME Accessory use of single-unit residential property for a small daycare business that operates under state license or registration**.**

FARM One or more parcels of land that meets the definitions and minimum thresholds established in the Vermont Agency of Agriculture's Required Agricultural Practices Rule (see Section 1103).

FARMING OR FORESTRY A property where crops are grown, farm animals are raised, or timber is harvested.

FARM STAND A retail outlet, often a small shed or an outdoor table, where produce and other farm-related goods, like eggs or maple syrup, are sold directly to consumers from the property where they are grown or produced.

FARM STRUCTURE A structure on a farm that is used for farming that meets the definitions and minimum thresholds established in the Vermont Agency of Agriculture's Required Agricultural Practices Rule (see Section 1103).

FENCE A constructed barrier erected to enclose, screen or separate areas of land. This definition specifically excludes berms and barriers created entirely by vegetation.

FENCE, AGRICULTURAL means a fence located on a farm that is used to enclose livestock or crops for purposes of confinement or protection (see Section 1103).

FINISHED GRADE See definition of GRADE, FINISHED.

FLOOR AREA The sum total horizontal area of all enclosed floors of a building. For rooms with sloped ceilings, the floor area of the room shall only include those areas that have a ceiling height of more than 5 feet.

FOOD OR BEVERAGE MANUFACTURING, CATERING A state-licensed establishment that produces food or beverage products that are typically sold to wholesalers or retailers or to be served at off-premise events. It may include a retail shop, restaurant or bar as an accessory use that primarily sells products produced on the premises.

FOOD TRUCK (+3 DAYS) A mobile food vendor which is located at the same location for more than 3 days, typically in a converted van or trailer that is used to prepare and sell food, and is subject to specific regulations regarding location, operation, and permits.

FOOTPRINT means the area encompassed by a building's exterior walls at ground level.

FOREST FRAGMENTATION means the division or conversion of a forest block by land development other than by a recreational trail or use exempt from regulation under section 4413(d) of this title.

FRONT YARD See definition of YARD, FRONT.

FRONTLINE A line extending parallel from the exterior front wall of a building.

FUELING STATION/ CARWASH/ AUTO REPAIR An establishment for:

1. selling gasoline or other vehicle fuels.
2. the washing, or repair of vehicles.

This use does not include charging stations for electric vehicles.

FULLY SHIELDED LIGHT FIXTURE See definition of LIGHT FIXTURE, FULLY SHIELDED.

FUNCTIONAL HEADROOM The clear vertical space between a floor and the ceiling necessary for safe and comfortable passage or occupancy. Generally, areas with a ceiling height less than five feet do not have functional headroom.

GLARE Light entering the eye directly from a light source or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

GOVERNMENT FACILITY A state- or town-owned or operated establishment that serves a public function and provides governmental services.

GRADE, AVERAGE is the average of the finished ground level surrounding a building's exterior walls, used to determine building height.

GRADE, FINISHED **T**he completed, post-construction surface elevation of land disturbed by development.

GRADE, NATURAL The original, pre-construction surface elevation of land prior to its being disturbed by development.

GRADING ensuring a level base, or one with a specified slope for construction work such as building a foundation, road, or parking area or for landscape and garden improvements, or surface drainage.

GREEN STORMWATER INFRASTRUCTURE Areas for managing stormwater runoff consisting of plants, soil, and stone. See Section 3023.

GROUP HOME< 8 RESIDENTS Use of a single-unit residential property to provide housing to 8 or fewer people with a handicap or disability that operates under state license or registration.

HABITAT CONNECTOR means land or water, or both, that links patches of wildlife habitat within a landscape, allowing the movement, migration, and dispersal of animals and plants and the functioning of ecological processes. A habitat connector may include recreational trails and uses exempt from regulation under 24 V.S.A. § 4413**.**

HAZARDOUS MATERIAL Any substance or material that by reason of its form, quantity, toxic, caustic, corrosive, abrasive or otherwise injurious properties may pose a risk to health, safety or property including, but not limited to, explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, compressed gasses, or any substance defined by the state or federal government as a hazardous material.

HAZARDOUS WASTE As defined in state statute means any waste or combination of wastes of a solid, liquid, contained gaseous or semi-solid form, including, but not limited to, those which are toxic, corrosive, ignitable, reactive, strong sensitizers or which generate pressure through decomposition, heat or other means, which in the judgment of the Secretary of the Vermont Agency of Natural Resources may cause or contribute to an increase in mortality or an increase in serous irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the state.

HEAVY VEHICLE OR EQUIPMENT An on-highway vehicle with a gross vehicle weight rating of 10,000 pounds or more, or machinery such as excavators, loaders, bulldozers, backhoes, cranes or forklifts.

HIGHWAY ACCESS/ROAD ACCESS A defined area designed to allow vehicles to enter/exit property from/to a road. Also referred to as a curb cut. See Section 3002.

HISTORIC STRUCTURE A structure listed, either individually or as a contributing structure within a historic district, in the National Register of Historic Places or the Vermont Register of Historic Places, or a structure that the State Historic Preservation Officer or the Vermont Advisory Council on Historic Preservation determines to be historically significant and eligible for such listing.

HOME BUSINESS Accessory use of single-unit residential property for a small business that may alter the residential character of the property.

HOME OCCUPATION Accessory use of single-unit residential property for a small business that does not alter the residential character of the property.

HOSPITALS A healthcare institution providing patient treatment with specialized health science and auxiliary healthcare staff and medical equipment.

HOTEL/MOTEL/INN Use of one or more structures to provide short-term guest accommodations. It may also include accessory uses such as food services, recreational services, event hosting, or laundry services.

HOTELS CONVERTED INTO AFFORDABLE HOUSING OR MULTI UNIT HOUSING Hotel and motel properties which have been converted into long-term housing units, often with funding from the Vermont Housing and Conservation Board.

HOUSEHOLD One or more people who live together as a single housekeeping unit and share meals, expenses and common use of the property. The residents of a group home that meets the requirements of Section 1105 will be considered a household for the purposes of these regulations.

IMPERVIOUS SURFACE A surface composed of a material that impedes or prevents the natural infiltration of water into the soil including, but not limited to, exposed ledge, constructed ponds and pools, buildings and other structures, parking lots, streets, driveways, sidewalks, walkways, patios and similar hard-surfaced areas whether constructed of concrete, asphalt, stone, brick, gravel, compacted earth or similar materials. This definition excludes hard surfaces and materials used as a green stormwater infrastructure practice that are specifically designed, constructed and maintained to be pervious (see Section 3023).

INDOOR RECREATION An establishment that offers physical fitness, sports, games and other leisure-time activities primarily from within an enclosed structure.

INTERESTED PERSON As defined in state statute means:

1. The applicant (this includes an agent authorized to act on behalf of the applicant),
2. The Town of Londonderry or any adjoining municipality,
3. A person owning or occupying property in the immediate neighborhood who can demonstrate a physical or environmental impact on his or her property, and who alleges that a decision made under this ordinance is not or will not be in accord with the Londonderry Town Plan or these regulations,
4. Any 10 people, who may be any combination of Londonderry voters or landowners, who allege that a decision or act made under this ordinance is not or will not be in accord with the Londonderry Town Plan or these regulations by a signed petition. The petition must designate one person to serve as the group's representative,
5. Any department and administrative subdivision of the state which owns property or any interest in property in Londonderry, or
6. The Vermont Agency of Commerce and Community Development.

INTERNALLY ILLUMINATED SIGN/ ARCHITECTURE A sign or other architectural element with an interior light source that shines through a transparent or translucent surface material.

JUNK As defined in state statute means old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material, including rope, rags, batteries, glass, rubber debris, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles, or motor vehicle parts.

JUNK MOTOR VEHICLE As defined in state statute means a discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or motor vehicle parts, or a motor vehicle, other than an on-premises utility vehicle, which is allowed to remain unregistered or uninspected for a period of 90 days.

LAND DEVELOPMENT As defined in state statute land development means:

1. The division of a parcel into two or more parcels,
2. The construction, reconstruction, demolition, structural alteration, conversion, relocation, addition of a dormer or enlargement of any structure,
3. Mining, excavating or filling land, or
4. Any change in, or extension of, the use of land or a structure, including the addition of any bedrooms.

LANDING AREA An area of land designed and maintained for the landing and take-off of aircraft that the State of Vermont regulates as a designated restricted landing area under 5 V.S.A. Chapter 9.

LIDAR A technology used to create high-resolution models of ground elevation.

LIGHT FIXTURE A complete lighting assembly, including one or more lamps (bulbs), housing, reflectors, lenses and/or shields, that functions as a single unit and is connected to a single support assembly (ex. pole, standard or mounting bracket) used for illumination, decoration, security and/or advertising.

LIGHT FIXTURE, FULLY SHIELDED A light fixture constructed, installed and used in such a manner that all light the fixture emits (either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture) is projected below the horizontal (downward). Spot or flood lamps are fully shielded if they are aimed straight down.

LIGHT FIXTURE, PARTIALLY SHIELDED A light fixture constructed, installed and used in such a manner that most of the light the fixture emits (either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture) is projected below the horizontal (downwards). Light is emitted at or above the horizontal direction (outwards or upwards) only from decorative elements or through strongly colored or diffusing materials. Spot or flood lamps are partially shielded if they are aimed no higher than 45° above straight down.

LOADING AREA A designated off-street space designed for commercial vehicles to load/unload goods, materials, or passengers without obstructing traffic.

LOT An area of land with identifiable boundaries and dimensions that is formally described and recorded in the town land records and that can be lawfully owned and conveyed separately from any other land. Land divided by town or state roads or road rights-of-way, the West River, Utley Brook, Flood Brook, Winhall River or other surface waters with a drainage area of greater than 10 square miles will be considered separate lots for the purposes of these regulations.

LOT DEPTH Lot depth is the horizontal distance between a lot's front and rear property lines measured along a line that extends from the midpoint of the front lot line to the midpoint of the rear lot line.

MAINTAINED ROAD See definition of ROAD, MAINTAINED.

MAJOR RENOVATION The structural alteration to the foundation, roof, floor, exterior walls, or internal load-bearing walls of a building.

MAJOR SUBDIVISION The Division of any parcel of land into more than two lots, tracts, or parcels for the purpose of conveyance, transfer of ownership, improvement, building development or sale within a period of ten years.

MANUFACTURED HOME (aka Mobile Home) A building that is transportable in one or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation when attached to the required utilities and conforms to the National Manufactured Home Construction and Safety Standards. This definition specifically excludes recreational vehicles.

MANUFACTURED-HOME/ TINY HOME PARK A parcel of land used for long term location of unlanded tiny homes or mobile homes. See Section 3017.2.

LIGHT INDUSTRY DONE PRINCIPALLY INDOORS An establishment that produces new products, materials or parts in a facility that generally does not rely on specialized power, water or waste disposal systems for operation. All manufacturing operations must occur within an enclosed building, which is typically similar to an office building in terms of size, appearance and impacts. It may include a retail shop as an accessory use that primarily sells products produced on the premises.

LIGHT INDUSTRY DONE PRINCIPALLY OUTDOORS (FIREWOOD, SAWMILL ETC.) An establishment that produces new products, outside of an enclosed building, such as a large firewood processing operation or a sawmill.

MATERIAL CHANGE A change in the planned use or development of land or a structure that may have changed the decision made or any conditions placed on the permit if it had been included in the plans as approved.

MEDICAL CLINIC OR OUTPATIENT CARE SERVICES An establishment from which one or more licensed practitioners provide healthcare services to people primarily as outpatients.

MINI-STORAGE BUILDING A single-story building divided into individual, self-contained units, each of which is accessed solely from outside the building, and which are intended to be leased to individuals, organizations or businesses for the self-storage of personal property.

MINOR SUBDIVISION The division of any parcel of land into two lots, tracts, or parcels for the purpose of conveyance, transfer of ownership, improvement, building development or sale within a period of ten years.

MOTOR VEHICLE Any self-propelled conveyance used to transport people, animals, goods or materials.

MULTI-UNIT DWELLING (3 OR MORE UNITS) Use of a structure or part of a structure for habitation by three or more households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation,

MULTIPLE USE/MIXED USE/SHOPPING PLAZA A property in a commercial district where more than one enterprise, or a mix of commercial and residential properties is located.

MULTI-USE PUD A property in a commercial district with more than one enterprise housed in two or more structures.

MUSEUM See section 3106 CULTURAL FACILITY/MUSEUM/LIBRARY/THEATER.

MYLAR Is a brand name for a durable, polyester film. The term mylar is also used to describe survey plats printed on mylar.

NATURAL GRADE See definition of GRADE, NATURAL.

NOISE Means an unwanted sound that may disturb or annoy the average person. See section 3106.

NONCONFORMITY A lot, structure or use that lawfully existed prior to the adoption or revision of these regulations, which does not now conform to one or more standards of these regulations (see Section 1300).

NORMAL MAINTENANCE AND REPAIR The regular upkeep of property to avoid deterioration, fix damage caused by normal wear and tear, and/or replace worn out components in kind, which does not result in a change in the use or dimension of any structure, or in a structural alteration.

OFFICE SEE RETAIL, OFFICE, BANK, BOTTLE REDEMPTION, RENTAL/ REPAIR SERVICE (NON-AUTOMOTIVE).

ON-FARM BUSINESS OR AGRICULTURAL ENTERPRISE An establishment that engages in agricultural tourism, agricultural education, direct marketing of locally produced farm or forest products, or that adds value to locally produced farm or forest products.

OPEN SPACE Land not occupied by structures, including but not limited to buildings, roads, driveways and parking areas, and not actively managed for farming or forestry.

OUTDOOR DISPLAY The placement of merchandise, goods, materials, vehicles, or equipment for sale, rental, lease or advertising in an unenclosed area.

OUTDOOR RECREATION, ACTIVE A recreational activity that:

1. Requires specialized facilities, fields, courts, ranges and/or related structures, or
2. Involves use of motorized vehicles or firearms.

OUTDOOR RECREATION, PASSIVE A recreational activity that:

1. Can be conducted in a minimally developed open space.
2. Does not have undue adverse environmental or off-site impacts.

OUTDOOR STORAGE The keeping of any merchandise, goods, materials, vehicles, equipment, junk or waste in an unenclosed area and in the same place for more than 24 hours.

PARCEL See definition of LOT.

PARKING LOT An open, off-street paved or improved area designated for the temporary storage of motor vehicles, serving residents, customers, or employees.

PARTIALLY SHIELDED LIGHT FIXTURE See definition of LIGHT FIXTURE, PARTIALLY SHIELDED.

PASSIVE OUTDOOR RECREATION See definition of OUTDOOR RECREATION, PASSIVE.

PATIO A level, hard-surfaced area not covered by a permanent roof and not more than 6 inches above or below grade intended to be used as an outdoor living or dining area or public gathering space.

PAVE To cover the ground with asphalt, concrete, stones, gravel, stone dust, brick, tile, wood, or other impervious materials used to cover the ground in order to make a firm, level surface suitable for vehicular or pedestrian use.

PERMANENT FOUNDATION A slab, walls and/or footings constructed of concrete, masonry or similar durable, load-bearing materials that extend below the frost line and that form a secure, stable base to which a structure may be attached.

PERSONAL SERVICE Businesses that aren't primarily retail in nature such as tax preparation or hair styling. Some products directly related to the provision of personal service can be sold (e.g. sales of hair care products by a hair stylist. This definition specifically excludes services provided by licensed medical or veterinary practitioners.

PLAT A plat is a detailed, scaled map created by a surveyor that shows the legal boundaries, divisions, lots, and streets of a specific tract of land.

POLLUTION the presence in or introduction into the environment of a substance or thing that has harmful or poisonous effects**.**

PREFABRICATED HOME A dwelling constructed off-site, in a factory, using a standardized process before being transported to the building site for final assembly on a permanent foundation.

PRIMITIVE CAMP Use of a structure that does not meet the minimum requirements of a dwelling unit in Section 3011 for habitation by people who are vacationing or recreating and who have a principal residence elsewhere. See Section 3216

PRINCIPAL BUILDING See definition of STRUCTURE, PRINCIPAL.

PRINCIPAL STRUCTURE See definition of STRUCTURE, PRINCIPAL.

PRINCIPAL USE See definition of USE, PRINCIPAL.

PRIORITY FOREST BLOCKS Forest blocks are areas of contiguous forest and other natural communities and habitats, such as wetlands, ponds, and cliffs, that are unfragmented by roads, development, or agriculture.

PRIVATE ROAD See definition of ROAD, PRIVATE.

PRIVATE ROAD ACCESS A defined area designed to allow vehicles to enter/exit property from/to a private road. Applicants should consult with adjoining landowners to see if there is a road

maintenance agreement before building an access on a private road, and they should consider entering into a private road maintenance agreement with their neighbors if there is no such agreement.

PUBLIC OUTDOOR RECREATION, PARK OR NATURE PRESERVE A non-profit establishment that offers sports, games and other leisure-time activities to the general public primarily outside an enclosed structure, or land that is maintained in a primarily unimproved natural state for passive recreation and/or conservation purposes**.**

PUBLIC ROAD See definition of ROAD, PUBLIC.

QUALIFYING PRODUCT

a) A farm product such as cheese, honey, maple syrup maple, meat,
b) A commodity otherwise grown or raised on a farm,
c) Petting zoos, sleigh rides, or
d) A product manufactured on one or more farms from commodities wholly grown or raised on one or more farms.

REASONABLE USE A use that is allowed within the zoning district, provides a benefit to the owner, does not prevent or interfere with the reasonable use of other properties in the area, and does not result in adverse environmental or off-site impacts. Reasonable use does not mean the highest, best or most profitable use.

REAR YARD See definition of YARD, REAR.

RECONSTRUCT To rebuild a structure that was damaged, destroyed or demolished in accordance with these regulations.

RECREATIONAL VEHICLE A registered motor vehicle or trailer designed and used for recreational travel and camping that can be legally driven or towed without a commercial driver's license or a special permit for an oversize or overweight vehicle, and that is maintained in a condition that allows it to be legally and readily driven or towed off the site. This definition includes but is not limited to motor homes, converted buses, camper vans, truck campers, fifth wheels, pop-up campers and travel trailers.

REGISTERED SHORT-TERM RENTAL A Short-Term Rental is defined by Vermont Statute under Act 10 of 2018 (Spec. Sess.), Sec. 232 V.S.A. § 9282(a). as a furnished house, condominium, or other dwelling room or self-contained dwelling unit rented to the transient, traveling, or vacationing public for periods of fewer than 30 consecutive days and for more than 14 days per calendar year total.

RELIGIOUS INSTITUTION An establishment that serves as a place of worship or congregation for a religious purpose. It may offer educational services, charitable services or other uses associated with religious exercise as an accessory use.

REDEVELOPMENT New development, including but not limited to new construction and additions to, or reconstruction of, existing structures, on a previously developed lot.

RESTAURANT, BAR, INDOOR EVENT FACILITY An establishment that prepares and serves meals, snacks and beverages primarily for immediate consumption which may have facilities for hosting special events like weddings, conferences, and parties. This definition includes a retail bakery that sells at least 50% of its products on the premises, and mobile food service from motorized vehicles or non-motorized carts that are parked or located outside the road right-of-way.

RETAIL, OFFICE, BANK, BOTTLE REDEMPTION, RENTAL/ REPAIR SERVICE (NON- AUTOMOTIVE) A single establishment that sells, rents, repairs goods or provides services to the general public for personal or household consumption, other than automotive fuels or repairs, where goods and equipment are stored principally indoors.

RETAINING WALL A wall used to make a grade change by retaining at least 2 feet of soil and preventing the soil from slumping, sliding or falling. This definition does not include any wall used to support or provide a foundation for a building or other structure (see Section 3014).

RIDGELINE areas where land at high elevations intersects with the sky when viewed from public vantage points.

RIPARIAN BUFFER A protected area adjacent to rivers or streams.

ROAD A vehicular travel way that provides the principal means of access to more than two lots or principal buildings.

ROAD, MAINTAINED A road that is kept open and maintained so as to be safe and suitable for use by a passenger vehicle on a year-round basis.

ROAD, PRIVATE A road that is not owned by the state or town.

ROAD, PUBLIC A road that is owned by the state or town.

ROOMING AND BOARDING HOUSE Use of a structure or part of a structure to provide accommodations that will serve as the boarder's principal residence for a period of not less than 31 days, and that may include meals, housekeeping and/or laundry services.

SALES LOT/CONTRACTOR STORAGE/GARDEN CENTER/LUMBER YARD An establishment that:

1. Sells goods such as lumber, nursery and garden products and stores most of its stock outdoors or under open-air structures, or
2. Provides storage for vehicles, machinery, equipment and materials used by a contractor in the construction-related trades, which may include a shop for maintaining or repairing the contractor's vehicles, machinery or equipment or the contractor's business office, or
3. Leases outdoor storage space for vehicles, boats or similar large goods to commercial customers most of its stock outdoors or under open-air structures.

SIDE YARD See definition of YARD, SIDE.

SIGN Any device (including but not limited to letters, words, numerals, figures, emblems, symbols, pictures, flags, streamers, balloons, lights, or any part or combination) used for visual communication intended to attract the attention of the public and visible from off the premises. This definition specifically excludes merchandise normally displayed in a storefront window, merchandise displayed or stored outside as approved under these regulations, and public art.

SIGN, ABANDONED

1. A commercial sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for at least 90 days,
2. A non-commercial sign whose message pertains to a time, event or purpose that has elapsed or expired in the preceding 30 days, or
3. A sign that has not been maintained in accordance with these regulations.

SIGN, COMMERCIAL A sign that functions as commercial speech in that it:

1. Is meant to be an advertisement visible from public vantage points.
2. References a particular product, service, company or business location.
3. Is displayed with an economic motivation.

SIGN, ELECTRONIC MESSAGE A sign with a fixed or changing message or image shown on an electronic display or video screen and whose message may be changed by electronic means.
SIGN, INTERNALLY ILLUMINATED A sign with an interior light source that shines through a transparent or translucent surface material.
SIGNIFICANT WILDLIFE HABITAT Deer wintering areas, wetlands, habitat for rare or endangered species, and black bear habitat as mapped by the Vermont Agency of Natural Resources.
SINGLE-UNIT DWELLING Use of a structure for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.
SINGLE-UNIT TRUCK See definition of TRUCK, SINGLE-UNIT.
SITE, BUILDING A lot or a portion of a lot that is, or is proposed to be, developed with one or more structures or uses.
SOCIAL CLUB A private establishment that is the premises of a nonprofit organization that meets periodically to promote some social, service, educational, athletic or recreational objectives and that caters primarily to members and their guests.
SOCIAL WORK/CHARITY A non-governmental (private) legal entity organized and operated for a collective, public or social benefit, as opposed to an entity that operates as a business aiming to generate a profit for its owners.
STATE CERTIFIED WASTE MANAGEMENT FACILITIES A state certified a facility designed to treat and manage waste materials to reduce harm to the environment and human health.
STORAGE AND DISTRIBUTION SERVICES & WHOLESALE TRADES An establishment that:

1. stores and distributes of goods; or
2. provides individual storage spaces for the storage of business goods, or to the general public for storage of household goods (see Section 3220).

STREAM See definition of SURFACE WATER.
STREET See definition of ROAD.
STRUCTURE As defined in state statute structure means an assembly of materials for occupancy or use, including but not limited to, a building, sign, wall.
STRUCTURE, ACCESSORY A structure that is clearly incidental and subordinate to the principal structure on the lot.
STRUCTURE, PRINCIPAL The main or predominate structure associated with the principal use on the lot.
STRUCTURE, TEMPORARY A structure that will only be in place for one year, or a structure that will be at a construction site only until the construction is substantially complete.
SUBSTANTIALLY COMPLETE Means that construction activities have been completed in accordance with the approved plans to a point where the development may be fully and freely used for its intended purpose.
SURFACE WATER A river, stream (whether perennial or intermittent), lake or pond mapped by the Vermont Agency of Natural Resources.
SURVEY A map prepared and certified by a Vermont licensed land surveyor that locates or establishes property lines or boundaries, or that demarcates other legal rights or interests in any tract of land, road, right-of-way or easement.
TALL NON-RESIDENTIAL STRUCTURES are structures taller than the maximum height of a building allowed in Londonderry. For rules on height exemptions for communication towers see

Section 3207, renewable energy projects see Section 3012. For any other tall structures see section 2011.

TANK FARM OR FUEL STORAGE AND DISTRIBUTION SERVICES An establishment with one or more tanks that typically store fuels, oils and similar liquid products for sale or distribution. This definition specifically excludes retail sale and refilling of propane tanks that are not more than 50 pounds in size when carried out as an accessory use.

TEMPORARY A use or structure that will be occurring or located on a lot for a limited and fixed period of time after which there will be no evidence remaining of the use or structure.

TEMPORARY STRUCTURE See definition of STRUCTURE, TEMPORARY.

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

TRAILER A conveyance used to transport people, animals, goods or materials that is not self-propelled and that is designed to be pulled or moved by a motor vehicle.

TRANSPORTATION SERVICES An establishment that provides:

1. transportation of people,
2. transportation of cargo using trucks, tractor trailers or rail; or
3. services, maintenance, repair or fuel primarily for heavy vehicles, including buses. This definition specifically excludes air transportation.

TRUCK, SINGLE-UNIT A commercial motor vehicle on a single frame.

TRUCK, TRAILER A commercial vehicle consisting of two or more units, one of which is the motor vehicle and the remainder of which are trailers.

TWO-UNIT DWELLING Use of a structure for habitation by two households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking, and sanitation, and with each unit having a separate entrance from the outside or through a common vestibule.

UNLANDED MOBILE HOME An unlanded mobile home is a mobile or manufactured home in which the owner of the home does not also own the land on which it is located**.**

USE The purpose or activity that a lot or structure (or a portion of a lot or structure) is intended, designed or arranged to house, accommodate, support or facilitate.

USE, ACCESSORY A use of a lot or structure (or a portion of a lot or structure) that is clearly incidental and subordinate to the principal use.

USE, PRINCIPAL The main or predominate use of a lot or structure (or a portion of a lot or structure). The principal use of a lot with a single- or two-unit dwelling will be considered residential.

UTILITY FACILITY Sites, structures and infrastructure used to produce, transmit or distribute a utility service such as electricity, gas, telephone, cable, water or sewer, which directly or indirectly serves the public. This definition specifically excludes essential services.

VETERINARY, PET, OR ANIMAL SERVICE An establishment:

1. where licensed practitioners of veterinary medicine, dentistry or surgery treat animals,
2. that provides animal and pet care services such as boarding, grooming, sitting and training, or
3. that breeds, sells or manages adoption of pets. It may include grooming, boarding or other pet services as an accessory use. It may include sales of pet food, medicines or supplies as an accessory use.

WAREHOUSE see storage and distribution services & wholesale trades.

WASTE SERVICES An establishment that:

1. collects or hauls nonhazardous solid waste or recyclable materials generated within a local area,
2. operates as a nonhazardous solid waste transfer station,
3. identifies, sorts, treats, packages, or labels wastes for the purposes of transport,
4. pumps septic tanks and cesspools,
5. rents or services portable toilets,
6. provides other septic waste management services,
7. collects, separates and/or recovers recyclable materials,
8. prepares materials for efficient shipment by means such as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning, or
9. transforms organic waste into a stable, soil-like product in a controlled environment under aerobic conditions. It may include retail sales of recovered materials as an accessory use. This definition specifically excludes landfills, municipal wastewater treatment facilities and related essential services, and composting activities that are limited to organic waste produced on the premises.

WETLAND As defined in state statute means an area that is inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depends on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include, but are not limited to, marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds.

WETLAND SETBACK A protected area next to a wetland.

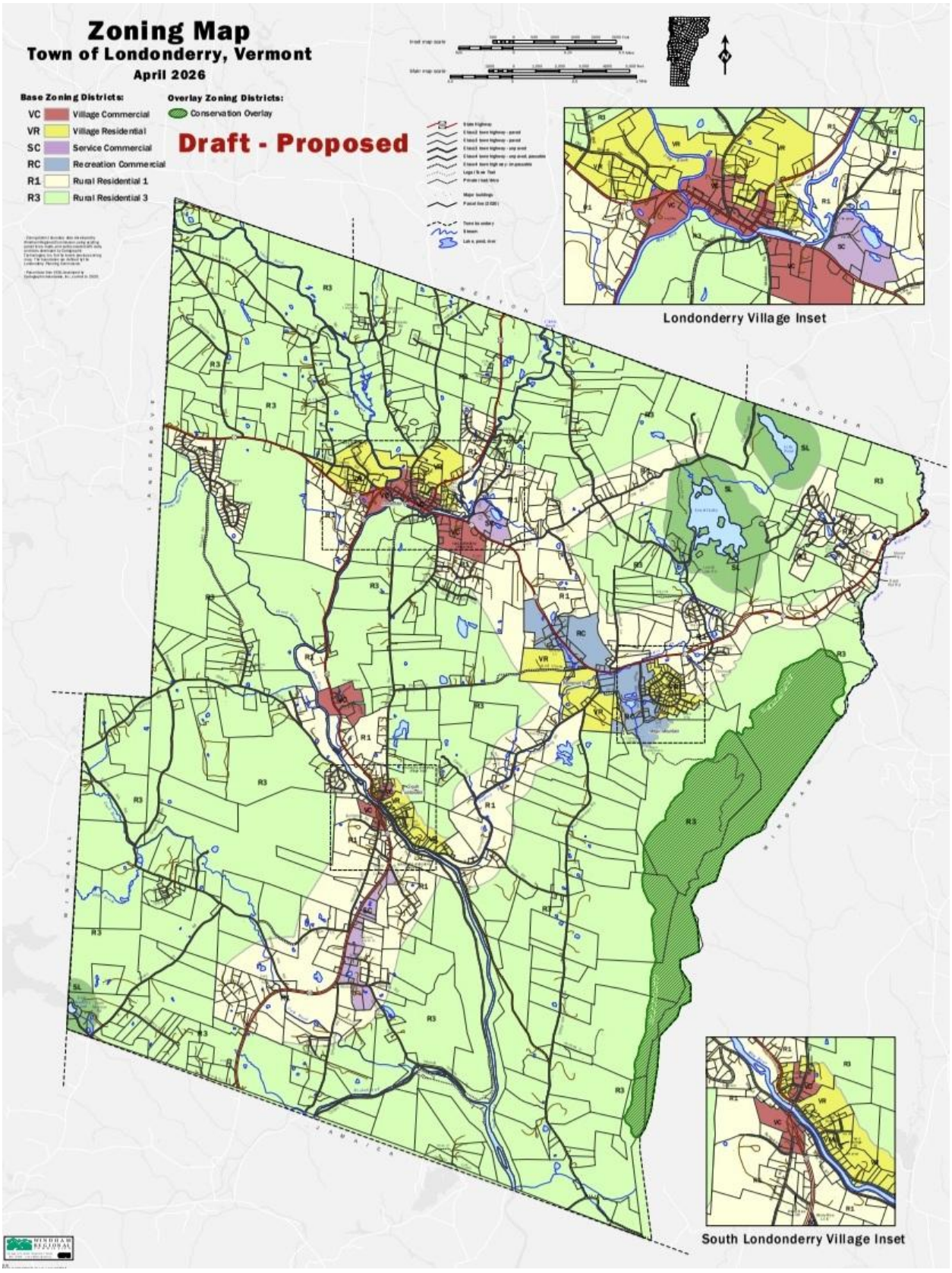
WHOLESALE TRADE-see storage and distribution services & wholesale trades.

YARD An at-grade, pervious open space on a developed lot that is unoccupied by any structure except for encroachments specifically authorized under these regulations.

YARD, FRONT The yard that is located between the street and the frontline of the principal building on the lot and extends across the full width of the lot. A corner lot will be considered to have two front yards.

YARD, REAR The yard that is located between the rear lot line and the nearest line of the principal building on the lot and extends across the full width of the lot. A corner lot will be considered to have no rear yard.

YARD, SIDE A yard that is located between the side lot line and the nearest line of the principal building on the lot and extends between the front and rear yards. A corner lot will be considered to have two side yards.


Zoning Map
Town of Londonderry, Vermont
April 2026
Base Zoning Districts:
VC Village Commercial
VR Village Residential
SC Service Commercial
RC Recreation Commercial
R1 Rural Residential 1
R3 Rural Residential 3
Overlay Zoning Districts:
Conservation Overlay
Draft - Proposed
Londonderry Village Inset
South Londonderry Village Inset