

WARREN SELECT BOARD WARNING
PUBLIC HEARING

Revisions to Warren Land Use and Development Regulations

The Warren Select Board will be holding a public hearing on a proposed bylaw amendment to the town's Land Use and Development Regulations on August 24th, 2010, at 7:00: pm at the Warren Municipal Building Conference Room (old library) located at 42 Cemetery Rd, at the municipal complex in Warren Village.

The purpose of this amendment is to revise the provisions of Warren's Land Use and Development Regulations related to the Special Flood Hazard Regulations. The revisions also bring Warren's regulations into compliance with state requirements for National Flood Insurance Program Community Floodplain Management Regulations

These amendments are administrative rather than substantive in nature and the Warren Planning Commission has determined that the proposed amendments are in conformance with the Warren Town Plan (as conformance is defined in 24 V.S.A. §4303) in that:

- They are consistent with the goals and policies of the Warren Town Plan.
- The proposed amendments do not include any new or revised standards for community facilities, and therefore will not affect any specific proposals for community facilities or other proposed actions contained in the Plan.

The proposed amendment affects the entire Town of Warren. Revisions are proposed to Article 2, (Tables 2.14), Article 5§5.3, Article 7§7.1, Article 9 §9.1 and Article 10.2. The full text of the proposed amendments is available for review at the Town Office during normal business hours and is posted on the town website, <http://www.warrenvt.org>. The amendments were approved by the Town of Warren Planning Commission on July 12th, 2010 and received y the Town of Warren, Town Clerk on July 15th, 2010.

Dated this 15th day of July, 2010.

By the Warren Select Board

Andrew Cunningham, Chair
Robert Ackland
Mathew C. Groom
Anson Montgomery
Kirsten Reilly

TOWN OF WARREN
PLANNING COMMISSION
MINUTES OF MEETING
MONDAY JULY 12, 2010

509000

Members Present: Jim Sanford, Don LaHaye, Craig Klofach, Lisa Miserendino, Mike Ketchel and Dan Raddock.

Others Present: Rob Evans (State of Vermont Flood Plain coordinator), Miron Malboeuf and Ruth Robbins.

Agenda: Call meeting to order, 7:30 pm.

WARNED PUBLIC MEETING:

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To accept public comment on the proposed bylaw amendment.

The purpose of this amendment is to revise the provisions of Warren's Land Use and Development Regulations related to the Special Flood Hazard Regulations. The revisions also bring Warren's regulations into compliance with state requirements for National Flood Insurance Program Community Floodplain Management Regulations.

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Public Comment:

Close Public Hearing

Regular Planning Commission Hearing

1. Call the meeting to order: 8:30 pm
2. Town Plan Review Chapter 10, *Land Use*
3. Other business

Mr. Ketchel called the Public hearing to order at 7:37 pm. As there were no townspeople in attendance to offer comment, the Commission used the time to ask questions of Mr. Evans about Flood regulation topics and about the proposed Fluvial Erosion regulations that the PC will be considering later this year. At the end of the discussion Mr. Sanford made a motion to adopt the changes as written and pass them on to the Select Board for review and approval. The motion was seconded by Mr. Raddock and the vote was unanimously in favor. The public hearing on the proposed Flood Hazard changes was adjourned at 8:20 pm. Mr. Ketchel then called to order the regular meeting of the Planning Commission.

TOWN OF WARREN
PLANNING COMMISSION
MINUTES OF MEETING
MONDAY JULY 12, 2010

The first item the members discussed was how to update Objective 3.7 item (e) which speaks to the desire to encourage alternative energy in the Town. A lengthy discussion took place about how we word our Town Plan and whether or not the Public Service Board takes what is stated into account. It was also debated as to what position to state in the Town Plan as members of the PC had differing opinions. The Warren Town Plan has long held the position that alternative energy was something to be encouraged but with the recent installations of solar panels and the possibility of wind towers on ridges, some are looking to find a way to condition where they are located or not. Unfortunately, the State Public Service Board has all the decision-making power over utilities. Mr. LaHaye did point out though that the PSB has respected the town plans with wording to protect the ridge lines.

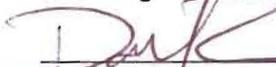
The PC then went over the missing items list that Mr. Klofach had prepared as well as the photos he had taken for possible substitution in the Town Plan. Due to the lateness of the hour, the Commission deferred their discussion of Chapter 10 until the next meeting. In other business Mr. Sanford said he would not be available to go to the August 19th Steering Committee meeting and suggested someone from the PC go in his place. Mr. LaHaye told the members about Chris Walsh retiring from the CVRPC and Clare LaRock taking his place.

Mr. Ketchel adjourned the meeting at 9:23 pm. The next scheduled meeting of the PC is for Monday July 26, 2010 at 7:30 pm.

Respectfully Submitted,

Ruth V. Robbins
DRB/PC Assistant

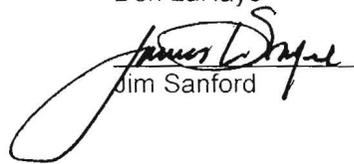
Planning Commission

 7/26/10
Dan Raddock date
 7/26/10
Craig Klofach date

Lisa Miserendino date

 7/26/10
Mike Ketchel date

 7/26/10
Don LaHaye date

 7.26.10
Jim Sanford date

TOWN OF WARREN, VT

Received for Record 7/27 2010
at 12:24 o'clock P M and Received in

Vol 206 Page 605-606

TOWN CLERK

Warren Planning Commission Report

Proposed Bylaw Amendments

The Warren Planning Commission has prepared the attached proposed amendments to the current Town of Warren Land Use and Development Regulations, amended and adopted on January 31, 2006. In accordance with state law (24 V.S.A. §4441) the Planning Commission is required to prepare a written report documenting whether the proposed amendments conform to the Warren Town Plan currently in effect.

Explanation of Amendment: The primary focus of the amendments is the requirement to modify these bylaws to meet the National Flood Insurance Program requirements. NFIP has released the final revision of the flood hazard maps of which there were no changes for the Town of Warren. Though there were no changes for Warren, the Town's flood hazard bylaws must meet the NFIP requirements in order for the Town to remain in the flood insurance program, which is critical.

Purpose: The purpose of these proposed amendments is to conform the bylaws to the National Flood Insurance Program requirements.

These amendments are administrative rather than substantive in nature and the Warren Planning Commission has determined that the proposed amendments are in conformance with the Warren Town Plan (as conformance is defined in 24 V.S.A. §4303) in that:

- They are consistent with the goals and policies of the Warren Town Plan.
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We therefore approve the proposed amendments to the Town of Warren Land Use Regulations to be warned for Planning Commission public hearing on Monday July 12, 2010 at 7:30 pm in the Municipal Building and for subsequent transmittal to the Warren Select Board.

Dated this 14th day of June 2010.

By the Warren Planning Commission:

Mike Ketchel, Chair

Jim Sanford, Vice Chair

John Goss

Don LaHaye

Craig Klofach

Lisa Miserendino

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Article 2, Section 2.4
Table 2.14 Flood Hazard Overlay District (FHO)

A. Statutory Authority & Purpose: In accordance with 10 V.S.A. Chapter 32, and V.S.A. Chapter 117 §4424, §4411 and §4414, there is hereby established a bylaw for areas at risk of flood damage in the Town of Warren, Vermont. The purpose of the Flood Hazard Overlay District is to promote public health, safety and welfare by preventing or minimizing hazards to life or property due to flooding. It is also the intent to the Town of Warren to regulate development within identified areas of special flood hazard in accordance with state and federal law in order to ensure that the town and private property owners are eligible for federal flood insurance through the National Flood Insurance Program (NFIP) and other available federal disaster recovery and hazard mitigation funds (**see also Article 5**).

B. It is the purpose of this bylaw to:

- A. Implement the goals, policies, and recommendations in the current municipal plan;
- B. Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding related inundation and erosion;
- C. Ensure that the selection, design, creation, and use of development in hazard areas is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair stream equilibrium, flood plain services, or the stream corridor,
- D. Manage all flood hazard areas designated pursuant to 10 V.S.A. Chapter 32 § 753, the municipal hazard mitigation plan; and make the Town of Warren, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

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 damages. This regulation shall not create liability on the part of the Town of Warren, or any municipal official or employee thereof, for any flood damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

D. Lands to Which these Regulations Apply

(1) Regulated Flood Hazard Areas

These regulations shall apply to the Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations. The location of the boundary shall be determined by the Zoning Administrator (ZA). If the applicant disagrees with the determination made by the ZA, a Letter of Map Amendment from FEMA shall constitute proof.

(2) Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas

Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations. In Special Flood Hazard Areas where base flood elevations and/or floodway limits *have not* been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's Responsibility to develop the necessary data.

Table 2.14 Flood Hazard Overlay District (FHO)

#	Activity	Hazard Zone	
	P Permitted C Conditional Use Review X Prohibited A Exempted	Special Flood Hazard Area	Floodway
1	New Structures	X	X
2	Storage	X	X
3	Improvements to Existing Structures	P, C	C
4	Small Accessory Structures	P	X
5	At Grade Parking	P	C
6	Replacement water supply or septic systems	C	C
8	Fill as needed to elevate existing structures	C	C
9	Fill	X	X
12	Grading	C	C
13	Road maintenance	A	A
14	Road improvements	C	C
15	Bridges and culverts	C	C
16	Channel management	C	C
17	Recreational vehicles	P	P
18	Open space, recreation	A	A
19	Forestry	A	A
20	Agriculture	A	A

ARTICLE 5. DEVELOPMENT REVIEW
As Amended & Adopted by the Warren Select Board March 25, 2008

Section 5.1 Applicability

(A) Any use or structure requiring conditional use approval shall not be issued a zoning permit by the Administrative Officer until the Development Review Board grants such approval in accordance with the Act [§§4414(3),4460], and the following standards and procedures.

(B) The Administrative Officer may issue an administrative amendment for development that has received conditional use approval by the Development Review Board only in accordance with the Act [§4464(c)] and Section 9.8(F) of these regulations.

Section 5.2 Conditional Use Review Process

(A) **Sequence of Review.** Subdivision review and approval, where required, generally shall precede conditional use review however, in accordance with the Act [§4462], conditional use review may occur concurrently with final subdivision review under Article 6 if all application and procedural requirements pertaining to each respective review process are met. For the development of a parcel that has received prior subdivision approval, the Development Review Board shall incorporate all conditions of subdivision approval applicable to that lot under conditional use review. In the event that a condition of conditional use approval is inconsistent with a condition of subdivision approval, the more restrictive condition shall apply. An amendment to an approved subdivision shall be required by the Board only as necessary to ensure consistency.

(B) **Application.** An applicant for conditional use approval shall submit one (1) original and five (5) complete copies of a site development plan (site plan map copies may be 8.5" x 11" or 11" x 17" reductions, providing they are to scale), to include the information described in Table 5.1, and any applicable fees, to the Administrative Officer for consideration at the next available regularly scheduled meeting of the Development Review Board. A potential applicant may request an informal meeting before the Development Review Board.

Table 5.1 Conditional Use Application Requirements	
Required Application Information:	
(1)	Name and address of owner(s) of record of the property; name, address and interest of the applicant, if different than the owner(s) of record; name and address of the person or firm preparing the application and related plans; date of the application and related plans; proof of notification of all owners of adjoining lands in accordance with Section 9.8.
(2)	A plan drawn to scale prepared by a licensed engineer, surveyor, land planner, or as otherwise approved by the Development Review Board showing the following: <ul style="list-style-type: none"> (a) north arrow and scale; (b) legal property boundaries for the property; (c) existing and proposed features, to include topography (5-foot contours), land use, existing vegetation, natural and critical habitat areas, floodplains and wetlands; designated Meadowland and other zoning district boundaries; structures (building footprints), signs, walls and fences; historic sites; roads, driveways, easements and rights-of-way, and utilities; (d) traffic and pedestrian circulation within the site; location and dimension of parking, loading and snow retention areas; access to neighboring properties and public roads; and, sidewalks, pathways and trails in the vicinity.

(3) Site location map showing the location of the project in relation to nearby town highways, adjoining parcels and uses and zoning district boundaries.
(4) Proposed landscaping and screening plan, to include planting details (size, location and species).
(5) Grading and drainage plan (showing areas of cut and fill and proposed drainage patterns).
(6)
Description of proposed water supply and wastewater disposal, and the location of existing water supplies located on the site which serves other parcels.
(7) Preliminary building elevations for new or altered structures, including an indication of the exterior facade design, window treatment and roof and siding materials.
(8) Proposed lighting plan, including the design and location of all exterior lighting.
(9) Phasing schedule for completion of all proposed development and site improvements.
(10) Estimate of traffic to be generated by the project and the impact of such traffic on area roads.
The Development Review Board may require additional information depending upon the scope and location of the proposed conditional use, including but not limited to the following:
(11) Photographs of the site
(12) Forest management, tree removal and vegetation management plans
(13) Erosion prevention and sediment control and stormwater management plans as required under Sections 3.4 and 7.5
(14) Base Flood elevations and floodway limits for development within the Flood Hazard Overlay District
(15) Visual impact analysis
(16) Community service impact assessments (analysis of fiscal costs and benefits to the town)
(17) Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)
(18) Open space management plan
(19) Site reclamation plan (for proposed projects involving extraction)
(20) Habitat impact assessment (identification of critical wildlife habitat, including wildlife travel corridors, analysis of potential impact and proposed mitigation measures)
(21) Other information or studies necessary for the Board to conduct a comprehensive review

(C) **Waivers.** The application shall not be considered complete until all of the application materials listed on Table 5.1 have been submitted. The Development Review Board may waive one or more of the listed items in the event they determine the item(s) to be unnecessary for the comprehensive review of the

application. Such waiver shall be issued, in writing, at the time that the application is accepted and deemed complete by the Board. All development in the Flood Hazard Overlay District requires a permit.

(D) **Referral & Notification Requirements.** In addition to public hearing notice requirements for conditional use review, in accordance with the Act [§4424], the following shall also apply for development applications within the Flood Hazard Overlay District:

- (1) Prior to the issuance of conditional use approval or a zoning permit, a copy of the application and supporting information shall be forwarded by the Administrative Officer to the State National Flood Plain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section. An approval or permit may be issued only following the receipt of comments from the state, or the expiration of 30 days from the date the application was mailed to the state, whichever is sooner.
- (2) Adjacent municipalities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation and River Management Section shall be notified at least 30 days prior to the issuance of any approval or permit for the alteration or relocation of a watercourse. Copies of the notification shall also be sent to the Administrator of the Federal Insurance Administration.

(C) **Review Procedure.** In accordance with the Act [§4464], upon receipt of a complete application the Development Review Board shall schedule a public hearing, to be warned and held in accordance with Section 9.8, at the next available scheduled meeting. The Board may recess the convened hearing to require the submission of additional information from the applicant, or to allow for the submission of information from other parties. The Board shall act to approve, approve with conditions, or disapprove an application for conditional use review, within 45 days of the date of hearing adjournment; and shall issue a written decision in accordance with Section 9.8(E), to include findings, any conditions deemed necessary to ensure compliance with the standards set forth below, and provisions for appeal. Failure to act within the 45-day period shall be deemed approval, effective the 46th day.

Section 5.3 Conditional Use Review Standards

(A) **General Standards.** Pursuant to the Act [§ 4414(3)], conditional use approval shall be granted by the Development Review Board only upon finding that the proposed development shall not result in an undue adverse effect on any of the following:

- (1) **The capacity of existing or planned community facilities or services.** The Board shall consider the demand for community services and facilities that will result from the proposed development and determine whether that demand will exceed the capacity of existing facilities or services (e.g., school capacity, emergency services, recreation facilities). In making such a determination, the Board will consider any 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 community facilities and services; or the applicant may be required to contribute funds, facilities and or physical improvements toward the provision of new or expanded facilities to mitigate the impacts of the proposed development.
- (2) **Character of the neighborhood or area affected,** as defined by the purpose or purposes of the zoning district in which the project is located, and specifically stated policies and standards in the Warren Town Plan. The Board shall consider the design, location, scale and intensity of the proposed development and/or use, 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

ARTICLE 5. DEVELOPMENT REVIEW

compatibility with the purpose and character of the affected zoning district as defined in Article 2 of these regulations, the Warren Town Plan, and the testimony of affected property owners and other “interested persons” as defined herein. Proposed activities that would adversely affect the character of the neighborhood, area or district shall not be approved unless the adverse impacts can be avoided or mitigated through changes to the location, design, scale, operation, composition and/or intensity of the proposed development or use.

- (3) **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. The Board will rely on accepted transportation standards in evaluating traffic impacts, and shall not approve a project that would result in the creation of unsafe conditions for pedestrians or motorists or unacceptable levels of service for local roads, highways and intersections (e.g., a reduction in existing level of service below “C” for the design hour), unless such conditions or levels of service can be mitigated by the applicant through physical improvements to the road network and/or traffic management strategies.
- (4) **Bylaws and ordinances then in effect.** Proposed conditional uses must conform to all municipal bylaws and regulations in effect at the time of submission of the application, including conformance with the policies of the Warren Town Plan and compliance with conditions of prior permits or approvals, including subdivision approval.
- (5) **The utilization of renewable energy resources.** The Board will consider whether the proposed development will interfere with the sustainable use of renewable energy resources by diminishing the future availability of such resources or by eliminating nearby property owners’ access to such resources.

(B) **Specific Standards.** In addition to the general standards set forth above, the Development Review Board may impose specific conditions or require project modifications to ensure the following:

- (1) **Building Design.** The design and location of structures will be compatible with their proposed setting and context, as determined in relation to zoning district objectives and requirements, existing site conditions and features, and adjoining structures and uses. Conditions may be imposed with regard to siting, density, setbacks, height, massing, materials and/or orientation, to ensure compatibility.
- (2) **Traffic Circulation & Access.** The number and size of curb cuts shall meet the standards set forth in Section 3.1. In appropriate instances, including the presence of compatible adjacent uses, areas characterized by congestion and frequent and/or unsafe turning movements, or parcels having direct access to more than one public road, the Board may require provision for shared access between adjoining properties or may limit access to the property to a side street or secondary road. Requirements for shared access shall be made either at the time of conditional use approval if similar provision has been made on contiguous parcels, or contingent upon future development of neighboring properties.
- (3) **Bicycle & Pedestrian Access.** Pedestrian circulation within the site, and access through the site to adjacent properties and along public roads, may be required. Such access may take the form of sidewalks, walking and/or bicycle paths, or other facilities depending upon the property’s location, site conditions and proximity to other facilities. Bicycle racks shall be required for commercial and public uses intended for general public access. In addition, adequate access from the parking area and sidewalks to the building(s) that are open to the general public shall be provided for people with disabilities.

- (4) **Parking & Service Areas.** Parking and service areas will be provided in accordance with the requirements of Section 3.10. Nonresidential parking and service areas shall be located to the side or rear of buildings, unless otherwise approved by the Board due to existing site limitations. Driveway connections to parking areas on adjacent properties, or provision for future connection to adjacent properties, shall be required where feasible. In the event that such connections allow for shared parking between properties, the overall parking requirements may be reduced pursuant to Section 3.10. Requirements for shared parking shall be made either at the time of conditional use approval if similar provision has been made on contiguous parcels, or contingent upon future development of neighboring properties.
- (5) **Outdoor Storage & Display.** The Development Review Board may limit or prohibit outdoor storage or display of goods, supplies, vehicles, equipment, machinery or other materials. Secured, covered areas shall be provided for the collection and on-site storage of trash and recyclables generated by the proposed development. In approving outdoor display or storage, the Board may place conditions on the area and location of such storage or display, and may require appropriate screening.
- (6) **Landscaping & Screening.** Proposed landscaping and screening (which should include a mix of shade and street trees, shrubs, planting beds and ground covers) shall be designed to:
- (a) preserve and incorporate existing vegetation and enhance unique landscape features;
 - (b) be suited to existing site conditions and be integrated with adjacent properties;
 - (c) screen parking areas from view;
 - (d) establish a consistent streetscape and the planting of street trees, especially in village centers and along Route 100, the Sugarbush Access Road and German Flats Road, and,
 - (e) not obstruct scenic views or road visibility.

A three-year landscaping maintenance plan and/or a bond or other surety to ensure installation and maintenance may be required as appropriate and incorporated as a condition to approval.

- (7) **Protection of Natural Resources.** Proposed development shall not have an undue adverse effect or impact on important natural resources or fragile features located on the parcel, including wetlands, steep slopes, rivers and streams, critical wildlife habitat and habitat diversity, groundwater source protection areas, and/or flood plains identified in the Warren Town Plan or through field investigation. The Board may require the following protection measures to ensure the protection of natural resources and fragile features:
- (a) the establishment of buffer areas;
 - (b) permanent protection through conservation easements or other deed restrictions in accordance with Section 7.4;
 - (c) the designation of building envelopes to ensure that activities incidental to the operation of the conditional use, including clearing and yard area, do not adversely impact identified resources; and/or
 - (d) the preparation and implementation of management plans for protected resources and associated buffer areas.
- (8) **Erosion Control.** Erosion, sedimentation and stormwater will be managed as applicable, in accordance with Sections 3.4 and 7.5.
- (9) **Surface Water Protection.** Streams, rivers, ponds and wetlands shall be protected in accordance with Section 3.13.

ARTICLE 5. DEVELOPMENT REVIEW

(10) **Lighting.** Lighting shall meet the standards set forth in Section 3.9.

(11) **Performance Standards.** All conditional uses shall meet the standards set forth in Section 3.11.

(C) **District Standards.** In addition to the standards set forth above, the following standards shall apply to all applications for conditional use review within the appropriate district.

(1) **Lincoln Peak Growth Center.** Conditional uses within the Sugarbush Village Commercial (SVC), Sugarbush Village Residential (SVR) and German Flats Commercial (GFC) Districts shall only be approved within an approved Planned Unit Development in accordance with the standards set forth in Section 8.4. The Board may waive this requirement in instances involving:

- (a) the construction of temporary small structures (less than 1,500 square feet) which are not placed on a permanent foundation; or
- (b) alterations to existing buildings and facilities that would not impact the overall settlement pattern or character of the district, or would increase the floor space of an existing building by 1,500 square feet or greater; or
- (c) construction or alteration of on-mountain ski facilities, including lifts, snowmaking equipment and maintenance facilities associated with the operation of an alpine ski resort.

A determination to waive the standards set forth in Section 8.4 shall not exempt a proposed project from compliance with the standards set forth in Subsection (A) and (B), above. Other conditional uses located within an approved PUD shall be reviewed in accordance with the standards set forth in Subsections (A) and (B), above, and in accordance with a phasing schedule and other conditions of the prior PUD approval.

(2) **Warren Village.** Within the Warren Village Commercial (WVC) and Warren Village Historic Residential (WVR) Districts, development shall reinforce a traditional, compact village development pattern characterized by pedestrian scale and orientation, traditional densities and setbacks, a mix of uses, well defined streetscapes, sidewalks to facilitate pedestrian circulation, and a well-defined edge to the built environment. While building design is not required to reflect any one architectural style or era, the following standards apply to new and expanded structures:

- (a) Buildings should front toward and relate to streets, both functionally and visually, and not be oriented toward parking lots. The front facade should include a main entry-way, pedestrian access and appropriate front yard landscaping. The Board may impose a maximum setback to achieve a consistent streetscape; drive-through lanes and drive-up windows are specifically prohibited.
- (b) Building design should be compatible with historic buildings identified as “contributing structures” on the Warren Village Historic District nomination to the National Register of Historic Places. Buildings are not required to reflect a specific architectural style or era, although building design shall reflect the following:
 - (i) the exterior design of buildings, including the arrangement, orientation, texture and materials, shall be compatible and harmonious with surrounding contributing structures; and,
 - (ii) the scale and massing of buildings, including height, width, street frontage, roof type and facade openings, shall be compatible and harmonious with surrounding contributing structures. Buildings serving special civic, social or cultural functions, including places of

worship, may be designed to serve as prominent focal points within the Village.

- (3) **Meadowland Overlay District** Within the Meadowland Overlay (MO) District, development shall conform to the standards set forth in Article 2, Table 2.13.
- (4) **Forest Reserve District** Within the Forest Reserve (FR) District, development shall conform to the standards set forth in Article 2, Table 2.1.

Development Review in Hazard Areas

A. Permit

A permit is required from the Administrative Officer for all development in all areas defined in Section IV. Development that requires conditional use approval, non-conforming use approval, or a variance from the Development Review Board (DRB) under these flood hazard regulations, must have such approvals prior to the issuance of a permit by the ZA. Any development subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in Section VI and VII. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

B. Permitted Development

For the purposes of review under these regulations, the following development activities in The Special Flood Hazard Area where outside of the Floodway, and meeting the Development Standards in Section VII, require only an administrative permit from the ZA:

- (1) Non-substantial improvements;
- (2) Accessory structures;
- (3) Development related to on-site septic or water supply systems;
- (4) Building utilities;
- (5) At-grade parking for existing buildings; and,
- (6) Recreational vehicles.

C. Prohibited Development in Special Flood Hazard Area

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

D. Conditional Use Review

Conditional use review and approval by the DRB, is required prior to the issuance of a permit by the ZA for proposed development within the following:

- (1) Substantial improvement, elevation, relocation, or flood proofing of existing structures;
- (2) New or replacement storage tanks for existing structures;
- (3) Improvements to existing structures in the floodway;
- (4) Grading, excavation; or the creation of a pond;
- (5) Improvements to existing roads;

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- (6) Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing;
- (7) Public utilities;

E. Exempted Activities

The following are exempt from regulation under this bylaw:

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

F. Variances

Variances may be granted in writing by the DRB only in accordance with all the criteria in 24 V.S.A. § 4469, § 4424 (E), and 44 CFR Section 60.6 4, after a public hearing noticed as described in Section VIII. Because variances granted within SFHAs can create an increased risk to life and property, variances from flood elevation or other requirements in the flood ordinance should be rare. Variances shall not be issued within SFHAs if any increase in flood levels during the base flood discharge would result. Any such variances should be based only on a structure-by-structure review, and must be made with reference to and be consistent with the guidelines set out in 44 CFR 60.6(a).

G. Nonconforming Structures and Uses

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

- (1) The proposed development is in compliance with all the Development Standards in Section VII of this bylaw;
- (2) A nonconforming structure that is substantially damaged or destroyed may be reconstructed only in circumstances when the structure cannot be relocated to a less hazardous location on the parcel. The lowest floor of the reconstructed structure must be rebuilt to one foot or more above the base flood elevation, and the structure must otherwise comply with all requirements of the National Flood Insurance Program;
- (3) Nonconforming structures or uses shall be considered abandoned where such structures or uses are discontinued for more than 12 months; and
- (4) An individual manufactured home lot in an existing manufactured home park that is vacated shall not be considered a discontinuance or abandonment of nonconformity. Replacement manufactured homes must be placed so as to meet the development standards in this bylaw.

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

A. Special Flood Hazard Area

- (1) *All development* shall be:
 - a. Reasonably safe from flooding;
 - b. Designed, operated, maintained, modified, and adequately anchored to prevent

- flotation, collapse, release, or lateral movement of the structure;
- c. Constructed with materials resistant to flood damage;
- d. Constructed by methods and practices that minimizes flood damage;
- e. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- f. Adequately drained to reduce exposure to flood hazards;
- g. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
- h. Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.

(2) In Zones AE, AH, and A1 – A30 where base flood elevations and/or 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 1.00 foot 6 at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

(3) Structures to be substantially improved in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least one foot 7 above base flood elevation, this must be documented, in as-built condition, with a FEMA Elevation Certificate;

(4) Non-residential structures to be substantially improved shall:

- a. Meet the standards in VII A 3; or,
- b. Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; A permit for flood proofing shall not be issued until a 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.

(5) Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.

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

- a. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
- b. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a 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

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provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(7) *Recreational vehicles* must be fully licensed and ready for highway use;

(8) A *small accessory* structure of 500 square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in VII A 6 (above).

(9) *Water supply systems* shall be designed to minimize or eliminate infiltration of flood waters into the systems.

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

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

(12) *The flood carrying and sediment transport capacity* within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability;

(13) *Bridges and culverts*, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources where applicable.

(14) *Subdivisions and Planned Unit Developments* must be accessible by dry land access outside the special flood hazard area.

(15) *Existing buildings, including manufactured homes, to be substantially improved in Zone AO* shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least as high as the depth number specified on the community's FIRM, or at least two feet if no depth number is specified.

B. Floodway Areas

(1) Encroachments or development above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a registered professional engineer, certifying that the proposed development will:

- a) Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;
- b) Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

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

Administration

A. Application Submission Requirements

(1) Applications for development shall include:

- a. Where applicable, a site plan that depicts the proposed development, all water bodies, Special Flood Hazard Areas, floodways, any existing and proposed drainage, any proposed fill, and 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;
- b. A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the ZA and attached to the permit before work can begin;

B. Referrals

(1) Upon receipt of a complete application for a substantial improvement or new construction the ZA 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 15. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

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

C. Records

The Administrative Officer shall properly file and maintain a record of:

- (1) All permits issued in areas covered by this bylaw;
- (2) Elevation Certificates 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 or substantially improved buildings (not including accessory buildings) in the Special Flood Hazard Area
- (3) All flood proofing and other certifications required under this regulation; and,
- (4) All decisions of the Board (including variances and violations) and all supporting findings of fact, conclusions and conditions.

D. Certificate of Occupancy

In accordance with Chapter 117 §4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure within Special Flood Hazard Area until a certificate of occupancy is issued therefore by the Administrative Officer, stating that

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the proposed use of the structure or land conforms to the requirements of these bylaws. A certificate of occupancy is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw. Within 14 days of the receipt of the application for a certificate of occupancy, the ZA shall inspect the premises to ensure that all permits identified on the Project Review Sheet have been acquired and all that all work has been completed in conformance with the zoning permit and associated approvals. If the ZA fails to grant or deny the certificate of occupancy within 14 days of the submission of the application, the certificate shall be deemed issued on the 15th day. If a Certificate of Occupancy can not be issued, notice will be sent to the owner and copied to the lender.