Section 4.1 Accessory Dwelling

(A) There shall be only one principal dwelling per single family residential lot, however an accessory dwelling that is located within, attached to, or on the same lot as a single family dwelling (i.e. not a duplex or multi-family dwelling) shall be allowed for use as a guest house, rental apartment or housing for family members or domestic help, subject to the following provisions, in accordance with the Act [§ 4412(1)(E)].

(1) One accessory dwelling to a single family dwelling may be allowed as a permitted use, subject to administrative review for compliance with the following provisions and the issuance of a zoning permit:

(a) The accessory dwelling shall meet all applicable setback, coverage and other dimensional requirements for the district in which it is located; or, for an existing nonconforming structure, the accessory dwelling shall in no way increase the degree of noncompliance under Section 3.8.

(b) It shall be demonstrated to the satisfaction of the Development Review Board that adequate water supply, septic system, and off-street parking capacity exist to accommodate residents of the accessory dwelling.

(2) Conditional use review and approval under Article 5 shall be required prior to the issuance of a zoning permit for any accessory dwelling for which one or more of the following apply:

(a) The accessory dwelling is to be located within a new accessory structure.
(b) The accessory dwelling will result in an increase in the height or floor area of the existing single family dwelling.
(c) The accessory dwelling will result in an increase in parking area dimensions.

(B) The permit for the accessory dwelling shall clearly state that the dwelling is an accessory structure to the single family residence and shall be retained in common ownership. An accessory dwelling may only be subdivided and/or converted for sale or use as a single or duplex dwelling if it meets all current local and state regulations applying to such dwellings, including all density, dimensional and other requirements for the district in which it is located. A separate zoning permit shall be required prior to sale and/or conversion.

Section 4.2 Adaptive Reuse

(A) The purpose of this category of use is to enable the continued viability of certain historic buildings in the Town of Warren which have outlived their original function (e.g., including barns and school houses) whether or not such buildings are noncomplying structures, by permitting additional uses within the current dimensions of such structures, subject to conditional use review under Article 5 and the provisions of this Section.

(B) Structures which shall be considered appropriate for adaptive reuse include any structure, excluding buildings designed and used as single family dwellings, which:

(1) has historical or architectural significance to the town, as determined by listing on the Vermont Historic Sites and Structures Survey, or determined to have become eligible for listing on the

Vermont Historic Sites and Structures Survey since the time of its most recent publication, or determined by listing on the National Register of Historic Places, including designated contributing structures within a historic district listed on the National Register of Historic Places;

(2) is no less than 50 years old; and

(3) has a minimum floor area of 800 square feet.

(C) Structures determined to be appropriate for adaptive reuse may be put to one of the following uses in any zoning district subject to conditional use approval under Article 5:

(1) any use permitted within the district in which the structure is located;

(2) single or multi-family dwelling, if the associated lot area is at least one acre and the total number of units does not exceed one (1) unit per every 20,000 square feet of lot area or the maximum density for the district within which the structure is located, whichever is less;

(3) professional/business office;

(4) enclosed storage facility;

(5) enterprises whose principal use is the processing and/or sale of agricultural or forest products (e.g., farm produce stores, food cooperatives, woodworking and furniture shops);

(6) uses associated with local arts, crafts and culture (e.g., museum, craft shop, gallery, antique shop, cultural center);

(7) other use as determined by the Development Review Board to meet the intent of this Section and conditional use criteria under Article 5.

(D) It also shall be demonstrated to the satisfaction of the Development Review Board that:

(1) adequate water supply, septic system, and off-street parking capacity exist to accommodate proposed use; and

(2) exterior renovations are compatible with the original architectural design of the structure, and they conform to guidelines set forth in the most recent edition of The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings [36 CFR 67].

Section 4.3 Campers & Temporary Shelters

(A) It shall be unlawful for any person to park a camper (travel trailer, recreation vehicle) or other temporary shelter (e.g., tent, tipi, yurt), except in an approved campground, an approved sales lot, or on a residential or undeveloped lot, subject to the following provisions.

(B) One camper or other temporary shelter may be parked on a residential lot (lot in which a dwelling is the principal use) provided that:

(1) it is not located within required setbacks for the district in which it is located; and

(2) it is not occupied for dwelling purposes for more than 30 days within any one year period; and

(3) is not hooked up to a water system, septic system or other utilities, except in accordance with Subsection (D), below.

(C) One (1) camper or other temporary shelter may be parked on an undeveloped lot provided that:

(1) it is located on a lot not less than 1 acre in area and is not located within required setbacks for the district in which it is located; and

(2) it is not occupied for dwelling purposes for more than 30 days within any one year period; and

(3) is not hooked up to a water system, septic system or other utilities except in accordance with Subsection (D), below; and

(4) the parking and/or occupancy of campers or temporary structures on undeveloped lots is expressly prohibited within the Alpine Village Residential District, as designated in Article 2, unless permitted as a single family dwelling in accordance with district standards.

(D) A camper or temporary structure may be occupied for greater than 30 days on a residential lot if permitted as an accessory dwelling in accordance with Section 4.1; and may be occupied for greater than 30 days on an undeveloped lot if permitted as a single family dwelling in accordance with district standards.

(E) Any sewage generated by a camper or other temporary shelter shall be disposed of in accordance with all applicable local, state and federal regulations.

Section 4.4 Campground

(A) A new or expanded travel trailer, recreational vehicle, or primitive campground may be permitted in designated zoning districts subject to conditional use review under Article 5 and the following additional provisions:

(1) The parcel of land for a campground shall be no less than five (5) acres in area, with at least 20% of the total campground area set aside for conservation, recreation and open space.

(2) All campgrounds shall meet minimum setback requirements for the districts in which they are located. Buffer areas of at least 50 feet in width along property boundaries, and 100 feet in width along public rights-of-way and waters, shall be maintained. Buffer areas shall not be included in the calculation of open space under Subsection (A)(1). No building, camp site, parking or service area shall be located in buffer areas. The Development Review Board may reduce or eliminate buffer requirements if such modification will serve to preserve a scenic view, provided that privacy for adjoining property owners can be maintained.

(3) Landscaping and/or fencing along property boundaries shall be required as appropriate for screening, security, and privacy.

(4) Campgrounds shall provide lavatory, shower, and toilet facilities sufficient to serve all camp sites. Wastewater disposal systems must be designed and installed in accordance with applicable municipal and state regulations.

(5) A campground shall provide sufficient access and parking for each camp site. Each camp site shall be at least 2,000 square feet in area.

(6) Outdoor fires shall comply with the performance standards set forth in Section 3.11.

(7) Adequate provision for the safe, sanitary disposal of trash shall be provided on site.

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

(1) support the proposed level of use, and

(2) avoid any adverse impacts to water quality, natural areas, and adjoining properties and uses.

Section 4.5 Day Care Facility [Home Child Care, Day Care]

(A) Home Child Care. In accordance with the Act [§ 4412(5)], a family child care home or facility, operated by the owner or resident of a single family dwelling who is licensed or registered by the state for child care, that serves no more than10 children on site at the same time shall be considered by right to constitute a permitted single family residential use of the property. Such uses shall require a permit issued by the Administrative Officer in accordance with Section 9.3.

(B) Day Care. Nonresidential day care facilities, and those facilities operated from a dwelling which serve more than ten children on site at the same time, may be permitted in designated zoning districts as a conditional use subject to review under Article 5.

Section 4.6 Extraction of Soil, Sand & Gravel

(A) The extraction or removal of topsoil, sand, or gravel or other similar material for commercial purposes, except where incidental to any development lawfully undertaken in accordance with these regulations, may be permitted in designated districts subject to conditional use review under Article 5, and findings that the proposed operation shall not:

(1) cause any hazard to public health and safety, or
(2) adversely affect neighboring properties, property values or public facilities and services, surface water and groundwater supplies, or natural, cultural, historic or scenic features.

(B) In granting approval, the Development Review Board may consider and impose conditions with regard to the following factors as it deems relevant:

(1) depth of excavation or quarrying;
(2) slopes created by removal;
(3) effects on surface drainage on and off-site;
(4) storage of equipment and stockpiling of materials on-site;

(5) hours of operation for blasting, trucking, and processing operations;
(6) effects on adjacent properties due to noise, dust, or vibration;
(7) effects on traffic and road conditions, including potential physical damage to public highways;
(8) creation of nuisances or safety hazards;
(9) temporary and permanent erosion control;
(10) effect on ground and surface water quality, and drinking water supplies;
(11) effect on natural, cultural, historic, or scenic resources on-site or in the vicinity of the project;
(12) effect on agricultural land; and
(13) public safety and general welfare.

(C) The application for a conditional use permit under Section 5.2 also shall include erosion control and site reclamation plans showing:

(1) existing grades, drainage and depth to water table;
(2) the extent and magnitude of the proposed operation including proposed phasing; and
(3) finished grades at the conclusion of the operation.

(D) In accordance with the Act [§4464] a performance bond, escrow account, or other surety acceptable to the Select Board shall be required to ensure reclamation of the land upon completion of the excavation, to include any regrading, reseeding, reforestation or other reclamation activities that may be required.

(E) The processing of earth materials (e.g. gravel, sand, topsoil) extracted off-site, including crushing, storage and distribution, is only permitted within designated zoning districts as a defined use or as an accessory to another defined use (e.g. town highway facility), and is subject to Development Review Board approval as a conditional use in accordance with this Section and Article 5.

Section 4.7 Group Home

(A) In accordance with the Act [§4412(1)(G)], a state licensed or registered residential care home or group home, serving not more than eight (8) persons who are developmentally disabled or physically handicapped, shall be considered by right to constitute a single family residential use of property, except that no home shall be so considered if it locates within 1,000 feet of another such home.

(B) Other residential care facilities, including group homes serving more than eight (8) persons or community care facilities, may be allowed in designated districts subject to conditional use review under Article 5 and related standards.

Section 4.8 Home Based Businesses [Home Occupation, Cottage Industry]

(A) **Home Occupations.** In accordance with the Act [§ 4412(4)] no provision of these regulations shall prevent a person from using a minor portion of a dwelling for the conduct of an occupation which is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located. A permit application shall be submitted to the Administrative Officer for a determination as to whether the proposed use is a home occupation as defined by these regulations. Home occupations, as distinguished from cottage industries under Subsection (B), are permitted as an accessory use in all districts where residential uses are permitted in accordance with the following provisions:

(1) The home occupation shall be conducted by residents of the dwelling.

(2) The home occupation shall be carried on within a minor portion of the dwelling or a minor portion of accessory building such as a garage or barn. In no case shall the home occupation occupy greater than an area equal to 40% of the floor area of the primary dwelling.

(3) Exterior displays of goods and wares; or the exterior storage of materials not customarily associated with a residential use, or other exterior indications of the home occupation, including alterations to the residential character of the principal or accessory structures shall not be permitted. One unlit exterior sign is permitted in accordance with Section 3.12.

(4) No traffic shall be generated in substantially greater volumes than would normally be expected from a residential use in the neighborhood. Parking shall be provided on-site in accordance with Section 3.10.

(5) Home occupations shall conform to all performance standards under Section 3.11.

(6) Retail sales are not permitted as part of a home occupation, with the exception of the sale of goods and/or crafts created on the premises in which retail sales are incidental to the home occupation.

(7) The zoning permit shall clearly state that the use is limited to a home occupation, approved in accordance with the above provisions, which is accessory to the principal residential use and shall be retained in common ownership and management. Any proposed expansion of the home occupation beyond that permitted will require a separate zoning permit for a cottage industry under this section, or other use as appropriate.

(B) **Cottage Industry.** Cottage industries (as distinguished from Home Occupations) may be permitted in designated zoning districts subject to conditional use review in accordance with Article 5 and the following provisions:

(1) The owner and operator of the cottage industry shall reside on the lot.

(2) The cottage industry shall be carried on within the principal dwelling and/or accessory structure(s) providing the use of such space does not change the character of the property or neighborhood.

(3) The business shall not necessitate any change in the outward appearance of the dwelling unit or accessory structures on the lot.

(4) The residents of the dwelling unit, and no more than six (6) nonresident employees may be employed on-site at any one time.

(5) The business shall not generate traffic, including but not limited to delivery truck traffic, in excess of volumes that are characteristic of the neighborhood.

(6) Adequate off-street parking shall be provided for all residents, employees and customers in accordance with Section 3.10.

(7) Adequate provision for water supply and wastewater disposal shall be provided.

(8) Cottage industries shall conform to all performance standards under Section 3.11. There shall be no storage of hazardous waste or materials; fuel storage shall be limited to that needed for heating.

(9) The business shall be visually compatible with neighboring lots and uses; landscaping and screening may be required as appropriate. In addition, any outdoor storage of materials, including building or construction materials, unregistered vehicles or heavy equipment, firewood or lumber, must be completely screened year-round from the road and from neighboring properties.

(10) On-site wholesale and/or retail sales shall be limited to products produced on the premises.

(11) No cottage industry shall operate at a scale or density that would diminish the residential character of the neighborhood.

(12) The permit for a cottage industry shall clearly state that the industry is a home-based business which is accessory to the principal residential use, and shall be retained in common ownership and management. A cottage industry may be subdivided and/or converted for sale or use apart from the residential use only if it meets all current municipal and state regulations pertaining to such use, including density, dimensional, and other requirements for the district in which it is located. Separate permits shall be required as appropriate prior to subdivision, sale and/or conversion.

TABLE 4.1 COMPARISON OF STANDARDS FOR HOME OCCUPATIONS AND COTTAGE INDUSTRIES

	HOME OCCUPATION	COTTAGE INDUSTRY
Secondary to residential use	Yes	Yes
Within principal dwelling	Yes	Yes
Within accessory structures	Yes	Yes
Maximum Square Footage	Up to 40% of Dwelling	No Limit
Outdoor storage of materials	No	Yes
Employees (FTEs)	Residents Only	6 Additional
Parking Spaces	2/Dwelling	2/Dwelling, 1/Employee, 1/Customer
Lighting, Performance Standards	Yes	Yes (w/ screening)
Landscaping/Screening	No	May be Required
Signs	One, 4 sq.ft.	One, 4 sq.ft.
Conditional Use Review	No	Yes

Section 4.9 Industry

(A) Industry (as distinguished from cottage industries under Section 4.8) may be permitted in designated zoning districts subject to conditional use review in accordance with Article 5, and the following provisions:

(1) Total floor area shall be as defined in district standards under Article 2.

(2) Overall building height shall not exceed 35 feet; however the height of individual attached structures may exceed 35 feet, subject to review under Section 3.6.

(3) Specific attention to landscaping and fencing may be required along property boundaries as appropriate for screening, safety and security.

(4) Industrial uses shall comply with all performance standards under Section 3.11; additional conditions may be imposed as appropriate to protect public health, safety, and welfare, municipal facilities and services, and other public investments.

Section 4.10 Lodging Facilities [Bed & Breakfast, Inn, Hotel]

(A) Three categories of lodging facilities, as defined in Article 10, may be permitted in designated zoning districts, and may be subject to conditional use review in accordance with Article 5. The standards for Bed & Breakfasts, Inns and Hotels are summarized in Table 4.2.

TABLE 4.2 LODGING FACILITIES COMPARISON

	Bed & Breakfasts	Inns	Hotels
Number of guest rooms	up to 5	up to 15	Greater than15
Owner/operator must reside on premise	Yes	No	No
Off-street parking required	Yes (Section 3.12)	Yes (Section 3.12)	Yes (Section 3.12)
On site dining for guests	Breakfast only	Yes	Yes
On site dining for non-guests	No	Only if restaurant is allowed in the applicable district.	Yes
Exterior appearance must maintain residential character	Yes	Yes	No

Section 4.11 Mixed Uses

(A) In designated districts, more than one use may be permitted within a single building or on a single lot subject to conditional use review in accordance with Article 5 and the following provisions:

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

(2) The combined uses meet all applicable standards for the district in which the mixed use is proposed, including minimum setbacks and frontage, maximum lot coverage and minimum lot size.

(3) The mixed use meets all applicable general provisions contained in Article 3, including parking requirements under Section 3.10 based on the cumulative parking demand for the various proposed uses.

Section 4.12 Mobile Home Park

(A) Mobile home parks may be permitted in designated districts subject to conditional use review in accordance with Article 5 and the following provisions:

(1) Proposed parks shall comply with all applicable state and local laws, ordinances and regulations relating to water supply and waste disposal, including the requirements of 10 V.S.A. Chapter 153.

(2) The parcel of land for a mobile home park shall be no less than five (5) acres in area.

(3) All mobile home parks shall have individual lots sites for units, adequate driveways, and sufficient parking and open or recreational space.

(4) Each mobile home lot shall be at least 12,000 square feet in area, and shall have an average width of at least 60 feet and an average depth of at least 120 feet and shall have planted thereon at least four (4) trees of native species of at least one (1) inch diameter at chest height.

(5) All roads within a mobile home park shall comply with town road standards, and adequate walkways shall be provided.

(6) Parking shall be provided in accordance with Section 3.10.

(7) A minimum of 20% of the total land area in any mobile home park shall be set aside for common recreational use.

(8) All mobile home parks shall meet minimum setback requirements for the districts in which they are located. Buffer areas of at least 50 feet in width along property boundaries, and 100 feet in width along public rights-of-way and waters, shall be maintained. Buffer areas shall not be included in the calculation of recreation land under Subsection (A)(8). No building, mobile home, parking or service area shall be located in buffer areas. The Development Review Board may reduce or eliminate buffer requirements if such modification will serve to preserve a scenic view, provided that privacy for adjoining property owners can be maintained.

(9) The Development Review Board may authorize the reduction in the minimum lot size for each mobile home by 5% for each of the following amenities, for a total reduction of up to 30%:

(a) central recreation building of sufficient size to accommodate an adequate number of the occupants of the park simultaneously;
(b) recreation facilities of sufficient size to accommodate an adequate number of the occupants of the park simultaneously;
(c) central laundry and drying facilities;
(d) underground utilities, including fuel storage;
(e) exceptional landscape design; and
(f) common open space preservation beyond the minimum requirements of Subsection (8) above.

(B) **Nonconforming Parks.** In accordance with the Act [§4412(1),(7)], if an existing mobile home park is determined to be a nonconformity under these regulations, the determination shall apply to the mobile home park in its entirety (the entire parcel), and not to individual mobile home lots or sites within the mobile home park. An individual mobile home lot that is vacated shall not be considered a

discontinuance or abandonment of a nonconformity. These regulations shall not have the effect of prohibiting the replacement of mobile homes on existing lots.

Section 4.13 Ponds

(A) The creation of ponds and other impoundments may be permitted as an accessory use upon application and receipt of a zoning permit in accordance with Section 9.3. In issuing a zoning permit, the Administrative Officer shall find that:

(1) Any pond that will impound, or be capable of impounding, in excess of 500,000 cubic feet of water has received a permit from the Vermont Department of Environmental Conservation in accordance with 10 VSA Chapter 43.

(2) Any pond involving the alteration of a stream has received a stream alteration permit from the Vermont Department of Environmental Conservation in accordance with 10 VSA Chapter 41.

(3) In addition to the application materials set forth in Section 9.3, an applicant for any pond involving the impoundment of water through the creation of an embankment, berm or other structure that exceeds the natural grade of the site, and with a surface area of greater than 10,000 square feet of area or greater shall submit certification that the pond was designed by a qualified professional.

Section 4.14 Public Facilities

(A) In accordance with the Act [§ 4413(a)], any of the following uses that are subject to conditional use review pursuant to Article 5, may be regulated through conditions of approval 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:

(1) State or community owned and operated institutions and facilities (see "Public Facilities – open and closed" in Article 10).

(2) Public and private schools and other educational institutions certified by the Vermont Department of Education (see "Educational Facility" in Article 10).

(3) Churches and other places of worship, convents and parish houses (see "Place of Worship" in Article 10).

(4) Public and private hospitals (may be located within one mile of Route 100 only).

(5) Regional solid waste management facilities certified by the State [10 V.S.A., Chapter 159] (may be located within one mile of Route 100 only).

(6) Hazardous waste management facilities for which a notice of intent to construct has been received under state law [10 V.S.A., §6606a] (may be located within one mile of Route 100 only).

(B) In accordance with the Act [§4413(b)], public utility power generation plants and transmission facilities regulated by the Vermont Public Service Board under 30 V.S.A. §248 are exempt from review under these regulations. This includes wind generators and solar collectors that are "net metered" or connected to the power grid.

Section 4.15 Salvage Yard

(A) Salvage yards may be permitted within designated zoning districts subject to conditional use review pursuant to Article 5 and in accordance with the following provisions:

(1) A minimum of three (3) contiguous acres shall be required for new salvage yards. No salvage yard shall exceed five (5) acres in total area or extent.

(2) Salvage yards shall be set back at least 100 feet from all property lines, road rights-of-way, surface waters, and wetlands. Required setbacks may be increased as appropriate based on specific site conditions, and to protect water quality and neighboring properties.

(3) Salvage yards shall be screened year-round from public view and from adjoining residential properties. Additional landscaping, fencing or other forms of screening may be required as appropriate.

(4) Salvage yards shall be secured as necessary to protect public health, safety, and welfare, and neighboring properties.

(5) Exterior lighting shall be the minimum required for security and safe operation.

(6) The on-site storage of materials shall not adversely affect surface, ground or drinking water supplies, or other identified natural, cultural, or scenic features on-site, or in the vicinity of the yard.

(7) Conditions and limitations may be imposed with regard to traffic generated, hours of operation, and the on-site storage of hazardous materials in order to protect neighboring properties, public infrastructure including roads, and the character of the area in which the yard is located.

(8) All materials shall be removed from the site within 12 months of the cessation or abandonment of operations; and the site shall be restored to a safe, usable condition. Site restoration, including the clean-up and disposal of hazardous materials, shall be subject to all applicable state and federal regulations. A site restoration plan may be required as a condition of approval.

Section 4.16 Special Events

(A) Special events (e.g, weddings and receptions; concerts, festivals, fairs and other cultural events; conferences, trade and antique shows) are permitted as a principal or accessory use of any parcel providing that such use occurs for no more than five (5) days within any calender year. Churches and other religious institutions, funeral homes, schools, and municipal properties are specifically exempted from this definition. Any single event involving greater than 250 participants shall be approved by the Board of Selectmen in accordance with the Warren Special Events Ordinance.

(B) The use of any parcel for hosting special events for more than five (5) days within any calender year may be permitted as an accessory use to another principal use with the approval of the Development Review Board in accordance with Article 5. In granting approval, the Development Review Board shall determine that adequate provision has been made for temporary wastewater disposal, solid waste disposal, and noise, traffic and crowd control as appropriate. The Board may

impose conditions regarding the number of participants, hours of operation, and other limitations related to scale and intensity as deemed appropriate.

Section 4.17 Telecommunications Facilities

(A) New or expanded telecommunication facilities, including but not limited to towers and accessory structures, may be permitted in designated zoning districts subject to conditional use review under Article 5 and the following provisions:

(1) A proposal for a new tower shall not be permitted unless it is determined by the Development Review Board that the equipment planned for the proposed tower cannot be accommodated on an existing approved tower, building or structure.

(2) New towers shall be designed to accommodate the co-location of both the applicant's antennas and comparable antennas for one or more additional users, depending on tower height. Towers must be designed to allow future rearrangement of antennas, and to accept antennas mounted at varying heights.

(3) All towers, including antennae, shall be less than 200 feet in height as measured from the lowest grade at ground level to the top of the highest structure or component.

(4) No wireless telecommunication site shall be located within 500 feet of an existing residence.

(5) Towers shall be set back from all property lines and public rights-of-way for a distance equaling their total height, including attached antennas, unless otherwise permitted by the Development Review Board:

   (a) if tower design and construction guarantees that it will collapse inwardly upon itself, and that no liability or risk to adjoining private or public property shall be assumed by the municipality; or
   (b) to allow for the integration of a tower into an existing or proposed structure such as a church steeple, light standard, utility pole, or similar structure, to the extent that no hazard to public health, safety or welfare results.

(6) Tower construction and wiring shall meet all state and federal requirements, including but not limited to Federal Communication Commission requirements for transmissions, emissions and interference. No telecommunication facility shall be located in such a manner that it poses a potential threat to public health or safety.

(7) Towers shall be enclosed by security fencing at least 6 feet in height, and shall be equipped with appropriate anti-climbing devices.

(8) New towers shall be sited and designed to minimize their visibility. No tower shall be located on an exposed ridge line or hill top. New or modified towers and antennae shall be designed to blend into the surrounding environment to the greatest extent feasible, through the use of existing vegetation, landscaping and screening, the use of compatible materials and colors, or other camouflaging techniques.

(9) Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required for a particular tower by the Federal Aviation Administration or other federal or state authority.

(10) The use of any portion of a tower for signs other than warning or equipment information signs is strictly prohibited.

(11) Access roads, and all accessory utility buildings and structures shall be designed to aesthetically blend in with the surrounding environment and meet all other minimum requirements for the district in which they are located. Ground-mounted equipment shall be screened from view. Setback, landscaping and screening requirements may be increased as appropriate based on site conditions, and to protect neighboring properties and uses. All utilities proposed to serve a telecommunications site shall be installed underground.

(12) All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site, and the site shall be restored to its original appearance. A copy of the relevant portions of any signed lease which requires the applicant to remove the tower and associated facilities shall be submitted at the time of application. A bond or other form of surety acceptable to the Select Board may be required to ensure tower removal and site reclamation.

(13) No tower may be located in the Forest Reserve District east of Route 100.

(B) In addition to the application requirements set forth in Section 5.2, applications for new towers shall also include the following:

(1) A report from a qualified and licensed professional engineer which describes tower height, construction design and capacity, including cross-sections, elevations, potential mounting locations, and fall zones;

(2) Information regarding the availability of existing towers and buildings located within the site search ring for the proposed site, including written documentation from other tower owners within the search ring that no suitable sites are available.

(3) A letter of intent committing the tower owner and his/her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

(4) Written documentation that the proposed tower shall comply with all requirements of the Federal Communications Commission, and the Federal Aviation Administration;

(5) Any additional information needed to determine compliance with the provisions of these regulations.

(C) Notwithstanding the requirements of Subsection (A), wireless telecommunications equipment to be mounted on existing towers, utility poles, ski lifts, or other structures may be permitted by the Administrative Officer without conditional use or site plan review provided that:

(1) no changes are made to the height or appearance of such structure except as required for mounting;

(2) the height of the antenna as mounted does not exceed maximum height requirements under Section 3.6;

(3) no panel antenna shall exceed 72 inches in height or 24 inches in width;

(4) no dish antenna shall exceed 3 feet in diameter; and

(5) any accompanying equipment shall be screened from view.

(D) The following are specifically exempted from the provisions of this Section:

(1) A single ground or building mounted radio or television antenna or satellite dish not exceeding 36 inches in diameter which is intended solely for residential use, and does not, as mounted, exceed 35 feet in height above the lowest grade at ground level.

(2) All citizens band radio antennae or antennae operated by a federally licensed amateur radio operator which do not exceed a height of 50 feet above the grade level, whether free standing or mounted, and which meet all setback requirements for the district in which they are located.

Section 4.18 Telecommunications Facilities

(A) New or expanded telecommunication facilities, including but not limited to towers, antennas, equipment and accessory structures, may be permitted in designated zoning districts subject to conditional use review under Article 5 and the following provisions:

(1) A proposal for a new tower shall not be permitted unless it is determined by the Development Review Board that the equipment planned for the proposed tower cannot be accommodated on an existing approved tower, building, or structure.

(2) New towers shall be designed to accommodate the co-location of both the applicant's antennas and comparable antennas for one or more additional users, depending on tower height. Towers shall be designed to allow future rearrangement of antennas, and to accept antennas mounted at varying heights.

(3) All towers, including antennae, shall be less than 200 feet in height as measured from the lowest grade at ground level to the top of the highest structure or component.

(4) No wireless telecommunication site shall be located within 500 feet of an existing residence.

(5) Towers shall be set back from all property lines and public rights-of-way for a distance equaling their total height, including attached antennas, unless otherwise permitted by the Development Review Board:

i) if tower design and construction guarantees that it will collapse inwardly upon itself, and that no liability or risk to adjoining private or public property shall be assumed by the municipality; or
ii) to allow for the integration of a tower into an existing or proposed structure such as a church steeple, light standard, utility pole, or similar structure, to the extent that no hazard to public health, safety or welfare results.

(6) Tower construction and wiring shall meet all state and federal requirements, including but not limited to Federal Communication Commission requirements for transmissions, emissions and interference. No telecommunication facility shall be located in such a manner that it poses a potential threat to public health or safety.

(7) Towers shall be enclosed by security fencing at least 6 feet in height, and shall be equipped with appropriate anti-climbing devices.

(8) New towers shall be sited and designed to minimize their visibility. No tower shall be located on an exposed ridge line or hill top. New or modified towers and antennae shall be designed to blend into the surrounding environment to the greatest extent feasible, through the

use of existing vegetation, landscaping and screening, the use of compatible materials and colors, or other camouflaging techniques.

(9) Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required for a particular tower by the Federal Aviation Administration or other federal or state authority.

(10) The use of any portion of a tower for signs other than warning or equipment information signs is strictly prohibited.

(11) Access roads, and all accessory utility buildings and structures shall be designed to aesthetically blend in with the surrounding environment and meet all other minimum requirements for the district in which they are located. Ground-mounted equipment shall be screened from view. Setback, landscaping and screening requirements may be increased as appropriate based on site conditions, and to protect neighboring properties and uses. All utilities proposed to serve a telecommunications site shall be installed underground.

(12) All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site, and the site shall be restored to its original appearance. A copy of the relevant portions of any signed lease which requires the applicant to remove the tower and associated facilities shall be submitted at the time of application. A bond or other form of surety acceptable to the Select Board may be required to ensure tower removal and site reclamation.

(13) No tower may be located in the Forest Reserve District east of Route 100.

(B) In addition to the application requirements set forth in Section 5.2, applications for new towers shall also include the following:

(1) A report from a qualified and licensed professional engineer which describes tower height, construction design and capacity, including cross-sections, elevations, potential mounting locations, and fall zones.

(2) Information regarding the availability of existing towers and buildings located within the site search ring for the proposed site, including written documentation from other tower owners within the search ring that no suitable sites are available.

(3) A letter of intent committing the tower owner and his/her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

(4) Written documentation that the proposed tower shall comply with all requirements of the Federal Communications Commission, and the Federal Aviation Administration.

(5) Any additional information needed to determine compliance with the provisions of these regulations.

(C) **Co-Located and Temporary Facilities**: Notwithstanding the requirements of Subsection (A), wireless telecommunications antennas to be mounted on existing towers, utility poles, ski lifts, or other structures, or temporary wireless facilities may be permitted by the Zoning Administrator without conditional use or site plan review in accordance with the following:

(1) For antennas to be mounted on an existing structure:

i) No changes shall be made to the appearance of such structure except as required for mounting;

ii) The height of the antenna as mounted shall not extend the total height of the structure by more than 10 feet (except as allowed under conditions of approval for existing towers);

iii) No panel antenna shall exceed 72 inches in height or 24 inches in width;

iv) No dish antenna shall exceed 3 feet in diameter; and

v) Any accompanying equipment shall be screened from view.

(2) For temporary wireless telecommunications facilities:

i) The temporary facility shall only be permitted for the duration of the intended use or event, and shall not be permitted for a period in excess of 1 year, as specified in the zoning permit.

ii) The temporary facility shall be removed immediately upon the expiration of the permit.

iii) The height of the facility shall not exceed 50 feet from grade (temporary facilities greater than 50 feet in height shall require approval as a conditional use).

iv) The facility complies with all other applicable provisions of these regulations.

(D) **de Minimis Review.** Upon request of the applicant, the Zoning Administrator may review an application for a telecommunications facility and upon determining that the application will impose no or de minimis impact upon any criteria established in these regulations shall approve the application. An application that includes any of the following shall not be determined to have a de minimis impact:

(1) New road or tower construction;
(2) Increase in the height of a structure; or

(3) Increase in the visibility of telecommunications facilities as viewed from public vantage points.

(E) The following are specifically exempted from the provisions of this Section:

(1) A single ground or building mounted radio or television antenna or satellite dish not exceeding 36 inches in diameter which is intended solely for residential use, and does not, as mounted, exceed 35 feet in height above the lowest grade at ground level.

(2) All citizens band radio antennae or antennae operated by a federally licensed amateur radio operator which do not exceed a height of 50 feet above the grade level, whether free standing or mounted, and which meet all setback requirements for the district in which they are located.