

FAIRLEE, VERMONT

ZONING REGULATIONS

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Article I General Provisions

Section 1.1 ENACTMENT

In accordance with the Vermont Planning and Development Act, 24 V.S.A. Section 4.401 (a), there are hereby established Zoning Regulations for the Town of Fairlee, Vermont.

Section 1.2 INTENT

It is the intent of these regulations to provide for the efficient use of land and water resources in the Town of Fairlee such as to promote and protect the public health, safety and welfare of its citizens and to further the purposes established in S4302 of the Act.

Section 1.3 TITLE

This bylaw shall be cited and known as the Fairlee Zoning Regulations.

Section 1.4 SEPARABILITY

The invalidity of any provision of these regulations shall not invalidate any other part.

Article II Zoning Districts

Section 2.1 ESTABLISHMENT OF ZONING DISTRICTS

For the purposes of these regulations the following zoning districts are hereby established within the Town of Fairlee:

- A. Floodplain (FF)
- B. Lake Shore (LS)
- C. Residential (RES) I
- D. Commercial (COM)
- E. Industrial (I)

Section 2.2 ZONING MAP

The location and boundaries of Zoning Districts are established under Section 11 and outlined on the official zoning map for Fairlee. The official zoning map is hereby made a part of these regulations, together with all future amendments. No amendment to this ordinance which involves matter portrayed on the official zoning map shall become effective until after such change and entry has been made on such map, signed by the Selectmen of the Town of Fairlee and attested to by the Town Clerk. No changes of any nature shall be made to the official zoning map except in conformity with §4403 and §4404 of the Act.

Regardless of the existence of copies of the map which may from time to time be made or published, the official zoning map shall be located in the office of the Town Clerk and shall be the final authority as to the current status of land and water areas.

Section 2.3 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

If uncertainty exists with respect to the boundary on the official zoning map, the location of such boundary shall be determined by vote of the members of the Board of Adjustment after public hearing.

In rendering its decision, the Board of Adjustment shall interpret zoning district boundaries in a manner consistent with the intent and purpose of this zoning ordinance. Where boundaries outlined on the official

map are at variance with the provisions of this ordinance the more restrictive interpretation or that imposing the higher standard shall govern.

Section 2.4 APPLICATION OF REGULATIONS

Except for maintenance, repair or replacement of existing uses of land or structures which are permitted and conform to the requirements of their respective zoning districts, no building or structure or part thereof, shall be erected, moved, or extended; and no land, building, structure or part thereof, shall be occupied or used unless in conformity with the regulations herein specified for the district in which it is located.

Article III. Zoning District Regulations

Section 3.1 PURPOSES OF ZONING DISTRICTS

The specific purposes of the zoning districts established in Article II are as follows:

Floodplain — to lessen or avoid the hazards to persons or damage to property resulting from flood waters and to provide for the maintenance and improvement of agriculture and forestry adjacent to the e. Connecticut River.

- Lake Shore — to provide for uses beneficial to the fostering of the summer resort character of Lake Morey and Lake Fairlee.
- Residential — to provide for a range of housing types and to allow compatible commercial and agricultural activities within certain defined areas.
- Commercial — to provide for concentration of commercial activities and to promote an economic resource in a defined part of town.
- Industrial to provide an area for desirable industrial development.

Section 3.2 FLOODPLAIN (FP)

- A. Description — the floodplain district shall include all land subject to periodic flooding (100 year interval) as shown on FIA flood hazard boundary map and related elevation maps. Such maps shall be a part of this regulation and shall be designated as the official floodplain map and related elevation maps in accordance with Section 2.2; but for the purposes of definition and clarification of the boundaries of the FIA flood boundary map;
1. all land adjacent to the Connecticut River running between the Fairlee — Bradford Town line to the Fairlee — Orford Highway Bridge situated below 408 feet in elevation shall be designated as floodplain and,
 2. all land adjacent to the Connecticut River running between the Fairlee — Orford Highway bridge and the Thetford - Fairlee Town line situated below 406 feet in elevation shall be designated as floodplain.

Furthermore for purposes of additional clarification the first upland terrace extending from the Connecticut River located between said river to the toe of the slope leading to the second upland terrace shall be deemed to be part of the floodplain district. In the case of any uncertainty, the Town of Fairlee, in cooperation with the property owner, shall furnish information satisfactory to enable the Board of Adjustment to find and conclude the elevation of the 100 year flood level and the property in question.

B. Permitted Uses —

1. Agriculture and Forestry
2. Wildlife refuge

C. Conditional Uses — upgrading does not require a permit. Such is the privilege of the property owner to improve the utility of his building if it does not change the overall use or size of said building. Examples: enclosing a porch, adding a dormer, relocating doors or windows, roofing a stoop. The following uses may be permitted upon the issuance of a conditional use permit by the Board of Adjustment:

1. Quarrying and mineral extractions
2. Agricultural, recreational and public utility building and structural improvements
3. Agricultural accessory buildings

D. Land And Structural Requirements — No Conditional Use Permit may be issued for uses outlined in Sub-section under these regulations unless:

1. The Board of Adjustment has reviewed permit applications for major repairs and has found that, (a) construction materials and utility equipment are resistant to flood damage, and (b) construction methods and practices will minimize flood damage.
2. The Board of Adjustment has reviewed building permit applications for new construction or substantial improvements and has found that the proposed construction (a) is protected against flood damage, (b) is designed and anchored to prevent floatation, collapse or lateral movement of the structure, (c) uses construction materials and utility equipment that are resistant to flood damage, and (d) uses construction methods and practices that will minimize flood damage.
3. The Board of Adjustment has reviewed proposed new developments and has found that, (a) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage and (c) adequate drainage is provided so as to reduce exposure to flood hazards and
4. The Board of Adjustment has found that new or replacement water supply systems and/or sanitary sewerage systems are designed to minimize or eliminate infiltration of flood waters into systems and discharges from the systems into flood waters and that on-site waste disposal systems are located so as to avoid impairment of them or contamination from them during flooding

E. Existing Construction — Repair and Enlargement Permits may be granted by the Board of Adjustment for the substantial repair, relocation, replacement or enlargement of any existing structure within the flood plain district provided, in addition to the requirements of subsection 3.2 ©, that the following specific standards are met:

1. That such structure is required for the continued economically feasible operation of such enterprise.
2. That such structure will not threaten the health, safety and welfare of the public or other property owners.

Section 3.3 LAKESHORE (LS)

A. Description — The Lakeshore District shall include the following subdistricts:

1. LAKE MOREY AREA — The land between the shore of Lake Morey and the nearest public highway running around said lake and a belt of land 500 feet in depth beyond the center of the traveled portion of that highway.
2. LAKE FAIRLEE AREA — The land in the Town of Fairlee between the shore of Lake Fairlee and Route 244, plus a belt of land 500 feet in depth lying on the northeasterly side of Route 244 and running from the West Fairlee town line to the junction of Route 244 and the Quinibeck Road.

B. Permitted Uses — Upgrading does not require a permit. Such is the privilege of the property owner to improve the utility of his building if it does not change the overall use or size of said building. Examples are enclosing a porch, adding a dormer, relocating doors or windows, roofing a stoop. The following uses may be permitted upon issuance of a Zoning Permit by the Administrative Officer:

1. One family seasonal dwellings
2. Year round one family dwellings (Lake Fairlee area only)
3. Accessory structures and uses
4. Commercial summer camps (Lake Morey area only)
5. Regulation size golf courses, municipal parks excluding amusement parks (Lake Morey area only)
6. Agriculture (Lake Fairlee area only)

C. Conditional Uses — The following uses may be permitted upon issuance of a Conditional Use Permit by the Board of Adjustment (Lake Morey area only):

1. Hotels/motels/resorts
2. Gift shops/Crafts shops
3. Agriculture (buildings)
4. One family year round dwellings

5. Extraction of soil, sand or gravel
6. Home occupations

D. Land, Area and Structural Requirements - Area A - Area A is all lots or uses served by the Municipal Water System.

1. Lot Area Minimum: 20,000 square feet per principal use or dwelling unit
2. Lot Frontage Minimum 100 feet
3. Building Setback Minimum: 65 feet from center of highway right-of-way or 20 feet from closest edge of the highway whichever is greater
4. Side Setback Minimum: 25 feet
5. Rear Setback Minimum: 15 feet
6. Water Setback Minimum: 50 feet

E. Land, area and Structural Requirements - Area B - Area B is all lots or uses not served by the Municipal Water System.

1. Lot Area Minimum: 40,000 square feet per principal use or dwelling unit
2. Lot Frontage Minimum: 150 feet
3. Building Setback Minimum: 65 feet from center of highway right-of-way or 20 feet from closest edge of the highway whichever is greater
4. Side Setback Minimum: 25 feet
5. Rear Setback Minimum: 15 feet
6. Waterfront Setback Minimum: 50 feet

F. Recreational Vehicles - The following restrictions are placed upon recreational vehicles:

1. A resident may park, not occupy, his own recreational vehicle on his property. Vehicle to be screened on all four sides.
2. A resident may allow guests to park a recreational vehicle on his property, and occupy it for a period not to exceed 15 consecutive days, nor 30 calendar days in one year. It is the property owner's responsibility to record the arrival of such recreational vehicles to the Town Clerk

Section 3.4 RESIDENTIAL (RES)

A. Description - The Residential District shall include all land lying within the Town of Fairlee not otherwise described by this zoning ordinance as being a part or whole of another zoning district.

B. Permitted Uses (Areas A and B) - Upgrading does not require a permit. Such is the privilege of the property owner to improve the utility or personal design of his building if it does not change the overall size or use of said building. Examples are enclosing a porch, adding a dormer, relocating doors or windows, roofing a stoop. The following uses shall be permitted upon the issuance of a Zoning Permit by the Administrative Officer:

1. One and two family dwellings
2. Accessory structures and uses
3. Agriculture structures and uses

C. Conditional Uses (Areas A and B) - The following uses may be permitted upon issuance of a Conditional Use Permit by the Board of Adjustment:

1. Multiple family dwellings
2. Gift shops/Crafts shops
3. Home occupations
4. Soil, sand, and gravel excavation
5. Hotels/motels
6. Commercial seasonal campsites/grounds

D. Land, Area and Structural Requirements - Area A Area A is all lots or uses served by the Municipal Water System

1. Lot Area Minimum: 20,000 square feet per principal use or dwelling unit
2. Lot Frontage Minimum: 100 feet
3. Building Setback Minimum: 65 feet from center of highway right-of-way or 20 feet from closest edge of highway, whichever is greater
4. Side Setback Minimum: 25 feet
5. Rear Setback Minimum: 15 feet

6. Waterfront Setback Minimum: 50 feet

E. Land, Area and Structural Requirements - Area B - Area B is all lots or uses not served by the Municipal Water System

1. Lot Area Minimum: 40,000 square feet per principal use or dwelling unit
2. Lot Frontage Minimum: 150 feet
3. Building Setback Minimum: 65 feet from center of highway right-of-way or 20 feet from closest edge of highway, whichever is greater
4. Side Setback Minimum: 25 feet
5. Rear Setback Minimum: 15 feet
6. Waterfront Setback Minimum: 50 feet

Section 3.5 COMMERCIAL (COM)

A. Description - The Commercial District shall include:

1. All land within the Town of Fairlee lying between the right-of-way of the Boston and Maine Railroad and the public highway leading from Ely to Bradford and known as U.S. Route 5, except lands within the Industrial District
2. That strip of land lying between Route 5 and Interstate 91 from Ely Brook to the Fairlee North Cemetery.
3. The area bounded on the south by the Fairlee North Cemetery, on the east by U.S. Route 5, on the north by the Bradford town line and on the west by the line where land reaches 460 feet above sea level.

B. Permitted Uses - Upgrading does not require a permit. Such is the privilege of the property owner to improve the utility of his building if it does not change the overall use or size of said building. Examples are enclosing a porch, adding a dormer, relocating doors or windows, roofing a stoop. The following uses shall be permitted upon issuance of a Zoning Permit by the Administrative Officer:

1. Retail Stores
2. Filling stations/garages
3. Banks and other financial institutions
4. Post Offices
5. Plumbing, electrical, and carpenter shops
6. Restaurants
7. Laundromats
8. Professional Offices
9. All other uses listed as Permitted Uses in the Lakeshore, Residential and Floodplain Districts.

C. Conditional Uses - The following uses may be permitted upon issuance of a Conditional Use Permit by the Board of Adjustment:

1. Extraction of soil, sand or gravel
2. Light Industry
3. Public Utilities
4. Commercial seasonal camp sites/grounds
5. Community service organizations
6. Home occupations

D. Land, Area and Structural Requirements

1. Lot Area Minimum: (Non-residential and residential uses) 20,000 square feet per dwelling unit or principal use in Area A lots or uses served by the Municipal Water System, in Area B lots or uses not served by Municipal Water System, 40,000 square feet per dwelling unit or principal use
2. Lot Frontage Minimum:
 - a. New Lots -150 feet in Area A and Area B
 - b. Existing lots - No minimum requirement
3. Building Setback Minimum: 65 feet from center of highway right-of-way or 20 feet from closest edge of the highway, whichever is greater
4. Side Setback Minimum: 25 feet
5. Rear Setback Minimum: 15 feet

Section 3.6 INDUSTRIAL (I)

A. Description — The Industrial District shall include:

1. The parcel of land situated on the southeasterly side of U.S. Route 5 at the southerly end of Fairlee Village and lying on the northwesterly side of the Boston and Maine Railroad right-of-way which parcel of land is now owned by the Adirondack Bottled Gas Company.
2. The area bordered on the west by Interstate 91, to the south by the Thetford town line, to the east by the Connecticut River and to the north by the Ely Brook and Route 244, except that area currently defined as being within the Floodplain District.

B. Permitted Uses — The following uses may be permitted upon the issuance of a Zoning Permit by the Administrative Officer:

1. Light Industry
2. Sawmills and woodworking plants
3. All uses listed as Permitted Uses in the Lakeshore, Residential and Commercial Zones

C. Conditional Uses — The following uses may be permitted upon issuance of a Conditional Use Permit by the Board of Adjustment:

1. Mobile home parks
2. Commercial seasonal camp sites/grounds

D. Land, Area and Structural Requirements

1. Lot Area Minimum: One acre per principal use
2. Lot Frontage Minimum: 150 feet
3. Building Setback Minimum: 65 feet from center of highway right-of-way or 20 feet from closest edge of the highway, whichever is greater
4. Side Setback Minimum: 25 feet
5. Rear Setback Minimum: 15 feet

Article IV. General Regulations

Section 4.1 PRE-EXISTING LOTS AND SUBDIVISION PLOTS

Notwithstanding the other provisions of this Regulation, any owner or subsequent owner of land who has acquired title to a parcel of land or submitted a plan of subdivision recorded and filed with the Fairlee Town Clerk prior to January 1, 1975, may develop such a lot or recorded subdivision for purposes permitted in the district in which it is located even though not conforming to minimum lot size requirement, provided such a lot or resulting lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty (40) feet.

Section 4.2 EXISTING SMALL LOTS

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of these regulations may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty (40) feet.

Section 4.3 LOTS IN TWO ZONING DISTRICTS

Where a zoning district boundary line divides a lot of record, the regulations for the less restricted part of such lot shall extend not more than thirty (30) feet into the more restricted part, provided the lot has frontage on a street in the less restricted district.

Section 4.4 REQUIRED FRONTAGE ON, OR ACCESS TO, PUBLIC ROADS

No land development may be permitted on lots which do not either have frontage on a public road or public waters or with the approval of the Planning Commission, access to such a road or waters by a permanent easement or right-of-way. Any new rights-of-way shall be at least 49.5 feet in width or 3 rods in width.

In a situation where a lot is to be developed that does not have frontage on a public road, the front setbacks shall be measured from the lot line of the adjoining property which falls between the public road to which the right-of-way has access and from the lot where the development is to occur, not from the center-line of the public road. Every application made to the Planning Commission for Access Approval shall be accompanied by the following materials:

- A. A copy of the proposed easement language
- B. A plan or sketch map showing the right-of-way and any outstanding physical features
- C. A written description of the land characteristics, topography, etc. along the right-of-way, sufficient for the Commission to conclude that an access road is reasonably feasible.

All new buildings or additions shall have a setback of at least 65 feet from the centerline of a right-of-way; all new buildings or additions on corner lots shall be setback at least 65 feet from the centerline of each right-of-way.

A special permit for Forest Product Removal is required from the Board of Selectmen whenever land is entered from a town road for the purposes of removal of forest products and either of the following conditions exist: (1) where no existing driveway is present or (2) where entrance by an existing driveway has the potential to damage town property because of weight or size of equipment used

Section 4.5 PROTECTION OF HOME OCCUPATIONS

No regulation herein may infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character thereof. A home occupation shall be determined as follows:

- A. The home occupation shall be carried on by members of the family. Two employees who are not family members are permitted.
- B. The home occupation shall be carried on within the principal or accessory structures.
- C. Exterior displays or signs other than those normally permitted in the district or exterior storage of material shall not be permitted.
- D. Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at boundaries of the business shall not be generated.
- E. No traffic shall be generated in greater volumes than would be expected in the neighborhood.
- F. Parking shall be provided off-street and shall not be located in front yards except for the first two cars.

Section 4.6 REDUCTION IN LOT AREA

No lot shall be so reduced in area that the area, yard, lot width, frontage, coverage or other requirements of these regulations shall be smaller than therein prescribed for each district.

Section 4.7 NON-CONFORMING USES AND STRUCTURES

Any structure and/or use of land existing on the effective date of these Regulations and all uses that in the future do not conform by reason of subsequent amendment to these Regulations, may be continued indefinitely subject to the following limitations:

- A. A non-conforming use of land and/or structures may be altered, enlarged or expanded only if the Change does not increase the degree of non-conformity, and upon approval of the Board of Adjustment.
- B. A non-conforming use of land and/or structures may be changed to another non-conforming use only if such new use is of the same or a more restricted nature, and upon approval of the Board of Adjustment.

- C. A non-conforming use which has been discontinued for a period of one year shall not be thereafter resumed.
- D. A non-conforming structure, one that does not meet all district area and dimension requirements for a given use, may be altered or enlarged only if the change does not increase the degree of non-conformity and upon approval of the Board of Adjustment.
- E. A non-conforming structure which has been badly damaged or destroyed shall not be restored unless restoration takes place within one year or unless restoration results in the discontinuance of the structure's non-conformity. In either case, approval of the Board of Adjustment is necessary.

Section 4.8 DIVISION OF LOTS

- A. No lots shall hereafter be divided into two or more lots unless all lots resulting from each such division conform with all the applicable regulations of the zoning district in which the property is located.
- B. It is permissible for sub-sized lots to be sold, transferred or exchanged, so long as the original building lot or lots meet the minimum district zoning requirements and the resulting sub-sized lot or lots are incorporated into other existing building lots or form a new building lot also meeting district requirements. These sub-sized lots do not carry small lot or variance privileges.

Section 4.9 MINIMUM OFF-STREET PARKING REQUIREMENTS

For every building hereafter erected, extended or substantially changed in use, there shall be provided off-street parking space as provided below. A parking space shall consist of 200 square feet of area per car.

- A. Places of public assembly, including but not limited to community centers, churches and schools shall have one parking space for every three seats or capacity thereof.
- B. Commercial and/or industrial uses shall have one parking space for every business and employee vehicle, plus one parking space for every 200 square feet of floor space.
- C. Required off street parking facilities shall be located on the same lot as the building or other use which they serve, but may be located elsewhere subject to approval by the Board of Adjustment.
- D. Multi-family structures shall have at least one parking space for every unit.

Section 4.10 SUB-SURFACE SEWAGE DISPOSAL

No Zoning Permit under these Regulations shall be issued for land development involving the alteration, expansion or installation of sub-surface sewage disposal systems until the applicant has adequately demonstrated that such proposed system is constructed to meet town and state standards and that such system is not a threat to the health of the community. This may be accomplished where the applicant has obtained a permit under the Fairlee Board of Health Regulations.

Any change in use or any alteration or addition to an existing building that may result in additional sewage flows shall require review and approval pursuant to the Town of Fairlee Health Regulations.

Section 4.11 EXTRACTION OF SOIL, SAND AND GRAVEL

The removal of soil, sand, gravel, or mineral for sale shall be permitted only upon approval by the Zoning Board of Adjustment after the receipt of and acceptable plan for the rehabilitation of the site at the conclusion of the operations and a bond or other security to assure the rehabilitation.

Section 4.12 FLOODPLAIN DISTRICT AND SPECIFIC REQUIREMENTS

Upon consideration of an application for a conditional use permit for those uses outlined in 32©, the Board of Adjustment shall attach such conditions to the granting of a permit to assure that:

- A. All new construction or substantial improvement of non-residential structures have the lowest floor, including the basement, elevated or flood-proofed at least one foot above base flood elevation where such information is available.
- B. Any encroachment, including fill, be prohibited that will adversely affect the capacity of the floodway during base flood discharge, except in case where such encroachments are used as a flood control measure.
- C. The elevation, in relation to mean sea level, to which any non-residential structure or substantial improvement has been flood-proofed and confirmation as to whether or not any such structure contains a basement.

In the absence of FIA base flood elevation data, the Board of Adjustment shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source as criteria for new construction and substantial improvements.

The Board of Adjustment shall notify adjacent communities and the Vermont Department of Water Resources prior to approval of any alteration or relocation of a watercourse and submit copies of such notification to the FIA Administrator.

In reviewing each application the Board of Adjustment shall assure that the flood carrying capacity within any portion of an altered or relocated watercourse is maintained.

Prior to the issuance of a conditional use permit, the Board of Adjustment shall require that all other State or Federal permits, if applicable, be obtained.

Section 4.13 ABANDONMENT OF STRUCTURE

Within six months after any building or structure has collapsed, been destroyed, demolished, or abandoned, the planning commission, after a public hearing shall require the owner of the property to remove all structural materials from the site, fill to grade any remaining excavations and screen or landscape the property.

Section 4.14 MOBILE HOME PARK

In the designated Industrial District, a mobile home park may be built if it meets all of the following requirements:

- A. Where applicable, all requirements of the State Mobile Home Park Regulations.
- B. All mobile home lots shall contain an area, exclusive of roads, not less than one-quarter of an acre.
- C. All mobile home parks shall reserve for recreational purposes not less than 4500 square feet of area per mobile home, exclusive of roads.
- D. No mobile home park shall contain less than ten nor more than twenty-five mobile homes under the provisions of this ordinance

Section 4.15 LAKESHORE AND SHORELAND DEVELOPMENT

No permit for land development within 500 feet of the normal mean water mark of Lake Morey, Lake Fairlee or the Connecticut River will be issued involving the installation of an on-site septic system with leaching fields unless such field is located more than 75 feet from the normal mean water mark Residential building over water is prohibited. Ground cover within such areas shall be preserved and maintained for the depth of the required setback to the extent that such conservation measures are sufficient to prevent soil erosion.

Section 4.16 HAZARDOUS WASTE

Nuclear and/or radioactive waste may not be stored or disposed of in the Town of Fairlee. Other hazardous chemicals and/or their wastes may not be stored in the Town of Fairlee, except with the permission of the local Board of Health and the Fairlee Fire Chief.

Section 4.17 PRIVATE SWIMMING POOLS

Private swimming pools which are designed to contain water depth of 36 inches or more, both above the ground and in-ground, are considered structures and shall not be less than 15 feet from the water's edge to the lot lines. The Board of Adjustment may waive this requirement if unnecessary hardship can be shown by the applicant. Any in-ground pool shall be surrounded by a fence at least three feet high capable of limiting accessibility by children, which must be erected before the pool is filled with water.

Section 4.18 WIRELESS COMMUNICATION FACILITIES

- A. Legislative Findings — Technological developments in the telecommunications and broadcast industries have resulted in demands for development of property to accommodate these land uses. Wireless communications facilities have become increasingly important to the security and economic needs of residents and businesses in the Town. This trend will continue, creating new opportunities for commerce and reducing demand for travel by conventional modes. Given the potential impacts these facilities may have on the public good, safety and welfare of Fairlee citizens, it is, therefore, in the Town's interest to plan and regulate the orderly development of such facilities.
- B. Purpose — The purpose of this section shall be to regulate the placement, design, construction and modifications of wireless communication facilities so as to promote the economic viability of the Town and to protect its historic, cultural, natural, and aesthetic resources.
- C. Conditional Use Approval for Wireless Communication Facilities — No permit for the development of a wireless communication facility shall be granted by the Administrative Officer without Conditional Use Approval by the Zoning Board of Adjustment. Prior to granting such approval the Board shall make affirmative findings for each of the following criteria in addition to the other applicable provisions set forth in these Regulations:
1. Yard Requirements — Equipment, buildings and other structures shall conform to the minimum front, side and rear setbacks for the district in which they are located.
 2. Height Limitations — The height limit for towers, antenna, and tower related fixtures in all districts shall not exceed twenty (20) feet above the average height of the tree line measured within one hundred (100) feet of the highest vertical element of the wireless communication facility. Notwithstanding the above, additional height may be approved upon finding by the Board that it is necessary to provide adequate coverage to Fairlee, or to accomplish collocation as outlined in sub-section (7) below and does not have an undue adverse visual impact on scenic or natural beauty as outlined in sub-section (9) below.
 3. Setbacks — All wireless communications facilities shall comply with the setback provisions of the zoning districts in which facilities are located. Notwithstanding, the above, in order to ensure public safety, the minimum distance of any wireless communication facility to any property line, dwelling, or other occupied structure shall be no less than the height of the tower, including antennas or other vertical appurtenances. This setback shall be referred to as a fall zone. In the event that an existing structure such as a barn silo, church steeple, or utility pole is proposed as a mounting for a wireless communication facility, a fall zone setback shall not be required.
 4. Lighting — Towers requiring lighting shall not be permitted unless deemed necessary by the Board as the only viable alternative to meet reasonable facility requirements of a communications service provider. The only tower lighting to be permitted by the Board shall be, required by FAA regulation or by special necessity to ensure aviation safety where FAA standards apply. All tower lighting shall be shielded to minimize glare and impact on neighboring properties.
 5. Bulk, Height and Glare — All wireless communication facilities shall be designed in such a manner as to minimize the visual impact of height, mass, guy wire supports and disruption of existing vegetation. Materials utilized for the exterior of any structure shall be of a type, style, color and location so as to minimize glare and not result in an undue adverse visible impact on any scenic or historic viewshed, public vantage point or abutting properties.
 6. Screening — Screening shall be required at the perimeter of the site unless it can be demonstrated that existing natural foliage is adequate. A planted or natural vegetative screen shall be a minimum of ten (10) feet in depth with a minimum height of six (6) feet and shall have a potential

to grow to a height of at least fifteen (15) feet at maturity. Existing on-site vegetation outside the site for the wireless facility shall be preserved or improved. Disturbance to existing topography shall be minimized, unless the disturbance is demonstrated to result in less visual impact on the wireless facility on surrounding properties and vantage points.

7. Collocation – The principle of collocation shall be employed, where feasible, to minimize the number of towers necessary to provide competition by FCC licensed providers. This shall impose burden upon applicant to demonstrate that there are no existing sites within a twenty (20) mile radius of the proposed site which are suitable to the applicants needs despite a due diligence search, and that if such facilities do exist that they are either technically inadequate or that the owner, after a process of good faith negotiation, will not allow collocation. The duration and terms of the offer shall be disclosed to the Board. It shall be the burden of the applicant to perform an analysis of technical feasibility. The applicant shall be required by permit condition to allow other wireless service providers to collocate on any new or existing tower subject to reasonable terms and conditions. Notwithstanding, there shall be no affirmative obligation on the applicant to increase the height or width of a tower in order to accommodate the equipment or facilities of another user nor shall the applicant be required to engineer the tower to accommodate another potential user. The applicant shall provide evidence in writing on how it intends to comply with this requirement and to provide copies of any such proposed agreements for proposed collocation or new tower construction.
8. Access Roads and Above Ground Utilities — Where new and wireless communication facilities require construction of or improvement to access roads, to the extent practicable, roads shall follow contour of the land. Access roads, when consistent with the purposes of this section and economically feasible, shall be constructed or improved within existing forest or forest fringe areas and not in open fields. Utility or service lines shall be designed and located so as to minimize or prevent disruption to the scenic character or beauty of the area; and
9. Protection of Scenic Ridges and Hillsides — Where, the Board, after consultation with the Zoning Administrator and the applicant determines that a proposed wireless communication facility will likely be visible against the skyline from at least one vantage point on a State highway or Class or II highway, or at least two vantage points on a Class 1H town highway no less than 1,000 feet apart, or Lake Morey or Lake Fairlee, the applicant shall prepare a report identifying the duration and frequency for which the tower would be visible to a passing motorist or a hiker in feet and the distance to the proposed facility from the vantage points. The Board may require the report to include the elevation of the ground level of the facility site, the average elevation of vegetation within 100 feet of the facility within the affected viewshed, the slope of the facility site, the vertical height of the facility, appropriate design measures and recommendations to minimize impact on scenic quality.

To assist the Board in its review of a likely visual impact of proposed facility under this subsection, the Board may require the applicant to fly or raise a three foot diameter balloon at the maximum height of the proposed facility at a location within fifty (50) horizontal feet of the center of the proposed facility. The applicants shall provide to the Board photographs of the balloon test taken from at least four vantage points previously designated by the Board.

Upon review of the applicant's report, supporting materials, testimony from the parties, and inspections from the designated vantage points, the Board shall find that the proposed wireless communications facility shall not have an undue adverse visual impact on the scenic or natural beauty of the land proposed to be developed as viewed from public highway or water body within the Town.

Where a tower would break or cross the skyline when viewed from the identified vantage points, the Board may designate an alternative location for the tower to be evaluated by applicant. In consideration of this, the applicant may revise its application to include such a site, assuming it is available to the applicant and reasonably technically feasible to meet the applicant's broadcast objectives.

For the purpose of this sub-section, a wireless communication facility shall be presumed likely to be visible against the skyline when the facility is more than eight (8) inches wide or in diameter at the point where it intersects the tree line or forest canopy.

In determining whether or not a tower would have an undue adverse visual impact on the scenic or natural beauty of a ridge or hillside, the Board shall consider:

- a. the period of time during which the proposed tower would be viewed by the traveling public on a public highway;
- b. the frequency of the view of the proposed tower as experienced by the traveling public;
- c. the degree to which the view of the tower is screened by existing vegetation, the topography of the land, and existing structures;
- d. background features in the line of sight to the proposed tower that obscure the facility or make it more conspicuous;
- e. the distance of the proposed tower from the viewing vantage point and the proportion of the facility that is visible above the skyline;
- f. the number of vehicles traveling on a public highway or water at or near the critical vantage point;
- g. the sensitivity or unique value of the particular view affected by the proposed tower;
- h. significant disruption of a viewshed that provides context to a historic or scenic resource.

The Board shall have the authority to impose conditions consistent with the purpose of this Section in approving a proposed plan for the development of a wireless communication facility. A notice of decision with conditions shall be promptly recorded or filed with the Town by the Board of Adjustment or Administrative Officer. It shall be the obligation of the permittees and subsequent assigns to remain in compliance with all conditions.

D. Application Requirements — As required under this Section, an application shall include at least the following information:

1. Name and address of the record landowners and any duly appointed agents of the parties.
2. Names and addresses of the record owners of all abutting property.
3. A map or sketch on mylar of the property proposed to be developed, professionally drawn to scale and with the area to be developed clearly indicated.
4. A description of the proposed development
5. The location of the proposed structure on a USGS Topographic Map or Survey with 20' elevations or a GIS generated map compatible with VCGI standards.
6. A utility and access road plan located on a USGS Topographic Map.
7. Where the wireless communication facility is located on a parcel that is forested, the approximate average-height of the existing vegetation within 100 feet of the tower base.
8. A design or plan for all structures, buildings, or facilities proposed for the site.
9. The proposed locations of all existing and proposed wireless service facilities in Fairlee and within 20 miles of the proposed site for all licensed carriers seeking approval under this application.
10. To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, an Environmental Assessment (EA) draft or final report outlining the probable impacts of the proposed facility on wildlife habitats, endangered species, historic and archeological resources, wetlands, and other resources.
11. A cumulative radio frequency radiation study demonstrating compliance with FCC standards at the site
12. Existing wireless communication facility for any competitor providing functionally equivalent service to Fairlee and the estimated coverage area; and
13. Construction sequence and time schedule for completion of each phase of the entire project shall be provided by the applicant to the Board.

E. Provision for Independent Consultants — To assist the Board in its review of applications for Conditional Use Approval under this section, the Board may employ or contract with consultants

whose services shall be paid for by the Town. Any or all final reports or documents prepared by the consultant shall be made available to the applicant and other parties proceeding.

- F. Amendments — An amendment to a prior approved wireless communications facility may be considered by the Board and shall require Conditional Use Approval from the Board when any of the following is proposed:
1. change in the number of facilities on the site;
 2. changes in technology used for the facility; or
 3. addition of any equipment or additional height not specified in the original application.
- G. Fees — A schedule of fees for wireless communications facilities to cover project review, permitting, and monitoring costs shall be established by the Fairlee Selectboard and may from time to time be amended.
- H. Removal of Abandoned Antennas and Towers — Any wireless communications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned and hazardous to the public health and safety, unless the owner of said tower provides proof to the contrary through quarterly inspections. The owner shall remove the abandoned structure within 90 days of receipt of a declaration of abandonment from the Board notifying owner of such abandonment. A declaration of abandonment shall only be issued following a noticed public hearing conducted by the Board with notice to the last known owner/operator and occupants of the tower. If the abandoned tower is not removed within 90 days, the Town may bring action to have the tower removed. The Board as a condition of removal, may require the applicant to provide a performance bond, or similar form of surety payable to the Town at an amount sufficient to cover the full costs of removal of a tower antenna in the event that the facility is declared abandoned.
- I. Consistency with Federal Law — These regulations are intended to be consistent with Section 704 of the 1996 Telecommunications Act. Accordingly, they shall not prohibit or have the effect of prohibiting the provision of personal wireless communications services; shall not unreasonably discriminate among providers of functionally equivalent services; and shall not regulate personal wireless services based on the environmental effects of radio frequency emissions to the extent that these facilities comply with the Federal Communications Commission Regulations concerning such emissions.
- J. Separability — If any part or provision of this section or the application of this section is adjudged invalid by a court of competent jurisdiction, the judgement shall be confined in its operation to this section, or application directly involved in the controversy in which the judgement has been rendered. Accordingly, it shall not affect or impair the validity of the remainder of this section or the application thereof to other service providers or circumstances.

Article V. Administration and Enforcement

Section 5.1 ADMINISTRATIVE OFFICER

Art Administrative Officer shall be appointed by the Planning Commission, with approval of the Selectmen, for a term of three years, to administer the zoning regulations as provided for in Section 4442 of the Act. The Administrative Officer shall administer the zoning regulations literally and shall not have the power to permit any land development which is not in conformance with these Regulations. The Administrative Officer may be removed for cause at any time by the Planning Commission.

Section 5.2 RELATED PERMIT PROGRAMS

No zoning permit application will be accepted by the Administrative Officer until such time as the applicant has secured, where required, a permit from the Town of Fairlee Board of Health for construction of or alteration to a subsurface sewage disposal system and/or permit from the Board of Selectmen/District Highway Engineer for planned access from a Town/State highway.

Section 5.3 ZONING PERMIT

No land development may commence unless a zoning permit shall have been duly issued by the Administrative Officer, as provided for in Section 4443 of the Act. The fee for such zoning permit shall be established by the Town Selectmen.

Section 5.4 ISSUANCE OF PERMIT

The Administrative Officer shall not issue a permit unless an application, fee, site plan and any other approvals required by these regulations have been properly submitted. The Administrative Officer shall within 30 days of submission of application, data and approvals, either issue or deny a zoning permit. If denied, the Administrative Officer shall so notify the applicant in writing stating his reasons therefor. If the zoning permit is approved, all activities authorized by its issuance shall be completed within two years of its date of issue, or the zoning permit shall become null and void and reapplication to complete any activities shall be required. Each zoning permit issued under this section shall contain a statement of the period of time within which an appeal may be taken. Within three (3) days following the issuance of a Zoning Permit, the Administrative Officer shall:

- A. Deliver a copy of the permit to the Listers of the municipality; and
- B. Post a copy of the permit in at least one public place in the municipality until the expiration of fifteen (15) days from the date of issuance of the permit.

Section 5.5 BOARD OF ADJUSTMENT

There is hereby established a Board of Adjustment appointed as provided by law, having the powers and duties set forth in 24 VSA Chapter 117, as amended. The Board of Adjustment shall have the following powers and duties:

- A. To hear and decide appeals including, without limitation, where it is alleged that an error has been committed in any order, requirements, decision, or determination made by an Administrative Officer.
- B. To hear and grant or deny a request for variance.
- C. To hear and grant or deny a request for a zoning permit for a conditional use.

Rules of procedure, nature of appeals, public notice, conditions for variance relief, and all other matters shall be established as provided in Sub-Chapter 8 of the Act.

Section 5.6 CONDITIONAL USES

- A. Any use or structure which requires a Conditional Use Permit shall not be granted a zoning permit by the Administrative Officer unless the Board of Adjustment determines that the proposed use shall conform to the specific standards prescribed in these Regulations and shall not adversely affect:
 - 1. The capacity of existing or planned community facilities
 - 2. The character of the area affected
 - 3. Traffic on roads and highways in the vicinity
 - 4. Bylaws then in effect
 - 5. Utilization of renewable energy resources
- B. In granting or denying a Conditional Use Permit, the procedures followed by the Board of Adjustment shall be in accordance with Section 4407 (2) of the Act.
- C. Every application for a Conditional Use Permit for any use shall include the submission of the following plans and supporting information:
 - 1. A map showing the location of the site within the community including existing roads and highways, adjacent land uses, and a statement including the names and addresses of the owners of the land immediately adjacent to and across the road from the property at issue.
- D. The effective date of a zoning permit issued as a conditional use shall be thirty (30) days from the date of issuance, during which time appeals from the decision may be filed, in which case the result of the appeal shall determine outcome.

Section 5.7 VARIANCES

The Board of Adjustment may grant a variance from the provision of these Regulations if all of the facts outlined in 24 VSA Section 4468 are found by the Board and such findings are specified in its decision.

Section 5.8 PLANNING COMMISSION APPROVAL OF SITE PLANS

In accordance with Section 4407 (5) of the Act, no zoning permit shall be issued by the Administrative Officer for any multi-family dwellings, commercial or industrial uses, or for public and quasi-public uses, or parking and recreation facilities made available to the public, until the Planning Commission grants Site Plan approval. In instances where conditional use approval for, the Board of Adjustment is also necessary, Site Plan approval must be obtained first.

Section 5.9 SITE PLAN INFORMATION

Every application for a site plan approval shall include submission of the following plans and supporting information:

- A. Name and address of the owner of record and also adjoining lands. The name and address of person preparing the map, the scale of the map, northpoint, and the date.
- B. Perimeter lines of the property showing existing features, including contours, structures, large trees,, streets, utility easements, rights-of-way, lakes, rivers, streams, land use and deed restrictions.
- C. Plan showing proposed structures, locations, and land use areas; streets, driveways, traffic circulation, parking and loading spaces, and pedestrian walks; landscaping plans, including site grading, landscaping design and screening, septic systems and water systems used
- D. Construction sequence and time schedule for completion of each phase of the entire development.
- E. Where the Planning Commission finds that extraordinary and unnecessary hardships may result from strict compliance to the above procedures, the Planning Commission may waive or vary such, where it is found that substantial justice may be done and the public interest secured.

Section 5.10 SITE PLAN REVIEW

Upon receipt of the Site Plan, the Planning Commission shall review the plans and supporting information. In rendering its approval, the Planning Commission may impose appropriate conditions and safeguards with respect to only the adequacy of traffic areas, circulation and parking, and landscaping and screening. In rendering its decision, the Planning Commission shall give specific consideration to the following objectives:

- A. Harmonious relationship between proposed uses and existing adjacent uses.
- B. Maximum safety of vehicular circulation between site and the street network.
- C. Adequacy of circulation, parking and loading facilities with particular attention to safety.
- D. Adequacy of landscaping, screening and setbacks in regard to achieving maximum compatibility and protection to adjacent property.

The Planning Commission shall act on any Site Plan within 60 days after the date upon which it receives the proposed plan, and failure to do so shall be deemed approval.

Section 5.11 APPEALS FROM DECISIONS OF THE ADMINISTRATIVE OFFICER

An interested person may appeal any decision or act taken by the Administrative Officer by filing notice of appeal with the Secretary of the Board of Adjustment. If the appeal is taken with respect to a decision or act of an Administrative Officer, such notice of appeal must be filed within fifteen (15) days of date of such decision or act, and a copy of the notice of appeal shall be filed with such officer. If the Administrative Officer fails to act with regard to an application for a permit within thirty (30) days, a permit shall be deemed issued on the 31st day.

Section 5.12 APPEALS FROM DECISIONS OF TILE BOARD AND/OR COMMISSION

An interested person may appeal a decision of the Board of Adjustment and/or Planning Commission to the court of the county in which is located the property at issue in accordance with Sections 4471 and 4475, Title 24 VSA. Such appeal shall be taken within thirty (30) days of the date of issuance of a decision.

Section 5.13 PENALTIES

Violations of these Regulations shall be regulated as outlined in 24 VSA Sections 4444 and 4445.

Section 5.14 PUBLIC NOTICE

Any public notice required for public hearing under these Zoning Regulations shall be given by the publication of the date, place and purpose of such hearing in a newspaper of general circulation in the municipality, and the posting of a notice in one or more public places within the municipality not less than fifteen (15) days prior to the date of the public hearing.

Article VI. Definitions

For the purpose of these Regulations, meanings of the following words and terms shall be interpreted as defined below and all other words shall be presumed to have their normal meaning, unless such meaning runs counter to the purposes and objectives of these Regulations. The definition of terms defined in Section 4303 of the Act is hereby incorporated and made part thereof.

Area A - All lots or uses served by the municipal water system.

Area B — All lots or uses not served by the municipal water system.

Accessory Use or Building — A use or building customarily incidental and subordinate to the principal use or building and located on the same lot. When applied to agriculture, this shall be deemed to include the sale of products raised on the property.

Agricultural Purpose — Agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, silviculture, and animal and poultry husbandry. The terms shall not include the slaughtering of animals or poultry for commercial purposes.

Agricultural Use — The use of land containing at least two acres that is used for agricultural purpose.

Antenna — A device attached to a tower or other structure for transmitting or receiving electromagnetic waves.

Building — A structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals or chattel.

Building Accessory — A building customarily incidental and subordinate to the principal building and located on the same lot.

Building Setback — The distance measured from the centerline of a permanent right-of-way or public road to the front portion of a building closest to said centerline. Such a distance shall include porches, whether enclosed or unenclosed but does not include steps.

Commercial — Use of a building or land for the purchase, sale, or exchange of goods and commodities, services, and amenities.

Dwelling Unit — One room or rooms connected together, constituting a separate housekeeping unit with independent cooking, sanitary and sleeping facilities, and physically separated from any other rooms or dwelling units which may be in the same structure. Not included are motels, hotels, tourist homes, lodges, clubs, hospitals, or similar structures.

Dwelling, One Family — A detached residential building including mobile and manufactured homes, designed for and occupied by one family only.

Dwelling, Two Family — A residential building designed for or occupied by two (2) families living independently of each other in individual attached dwelling units.

Dwelling, Multi-family — A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Seasonal — A residential building used for casual and intermittent occupancy, such as, but not limited to, a second home, vacation home, summer cottage, cabin, or similar dwelling. A seasonal dwelling shall not be the principal place of residence of the occupant.

Dwelling, Year-Round — Building used as living quarters for a family designed and used for year-round residence, containing properly functioning sewer and water systems for the proposed or existing intensity of use.

FAA — Federal Aviation Administration

FCC — Federal Communications Commission

Floodplain — Land adjoining rivers and streams identified by the Army Corps of Engineers and F.I.A. Flood Hazard Boundary Map as being subject to occasional flooding.

Frontage — That portion of a lot which is adjacent and parallel to a street, road or right-of-way.

Home Occupation — Any occupation customarily carried on by a resident occupying a minor portion of a dwelling or accessory structure which is clearly secondary to the principal use and does not materially change the character thereof, including but not limited to the operation of a beauty parlor, insurance office or professional office.

Hotel — A house providing lodging and usually meals and alcoholic beverages for the public, especially transients.

Land Development — The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or structure, or any mining, excavation, or landfill, and any change in the use of any building or structure, or land or extension of use of land, excepting agricultural forestry, outdoor recreation, and wildlife refuge uses within the floodplain district.

Light Industry — The assembly, manufacture, processing, packaging or other industrial operations conducted in such a manner that all resulting cinders, dust, electrical interference, fumes, gas, odors, smoke and vapor are effectively confined to the premises or disposed of so as to avoid any air pollution and conducted in such a manner that the noise level at the property line will not exceed 80 decibels and objectionable flashing lights and vibrations will not occur.

Lot — Land occupied or to be occupied by a building and its accessory buildings, together with the required open spaces, having not less than the minimum area, width and depth required for a lot in the district in which such land is situated and having frontage on a street, or other means of access as may be determined by the Planning Commission to be adequate as a condition of the issuance of a zoning permit.

Lot Area — The total area within the property lines of the lot, excluding public streets, roads, and rights-of-way, and meeting the district requirements of these Regulations.

Lot Frontage Minimum— That portion of a lot that is adjacent and parallel to a public road or street.

Mobile Home Park — Any parcel of land under single or common ownership or control which contains at least 10, nor more than 25 mobile home units, or is designed, laid out, or adapted to accommodate homes. Nothing herein shall be construed to apply to premises used solely for display or storage of mobile homes.

Motel — Building containing rooms which are rented as a series of sleeping units for automobile transients, each sleeping unit consisting of at least a bedroom and a bathroom.

Non-conforming Use — A use of land, building, or premises which is not a use permitted by the provisions of this ordinance for the district in which such land, building or premises are situated but which was legally existing at the effective date hereof.

Non-conforming Structure — A structure not complying with the zoning regulations for the district in which it is located, where such structure complied with all applicable laws, ordinances and regulations prior to the enactment of this ordinance.

Normal Waterfront Facilities — Any docks, wharves, floats, and boat houses without toilet facilities.

Outdoor Recreation — Uses including public or privately owned golf courses, parks, tennis courts, playfields, and similar places for outdoor recreation.

Premises — A lot as defined in this section, including any buildings thereon.

Professional Offices — Offices of an architect, accountant, dentist, doctor of medicine, land surveyor, lawyer, real estate or insurance agent and other similar type uses.

Rear Setback — Setback between the principal building or accessory use building and a rear lot line, and extending through from the front yard to the rear yard.

Recreational Vehicle — Is a vehicle used for camping or temporary living quarters. It does not include snow machines, travel bikes or boats.

Resort — A multi-faceted recreational facility to which persons go for relaxation, customarily offering lodging and food

Setback — Space on a lot not occupied with a building. Porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into the required setback

Side Setback — Setback between the principal building or accessory use building and a side lot line, and extending through from the front yard to rear yard.

Street — Any street, avenue, boulevard, road, alley, and other right-of-way excluding private driveways.

Structure — An assembly of materials for occupancy or use, including but not limited to, a building, mobile home, vehicles used as structures, swimming pools, signs of more than 20 square feet, dish antennas and free standing renewable energy devices. For the purpose of these regulations, the term does not include driveways, fences, stonewalls, mailboxes, flagpoles, doghouses, tents, and other minor structures and installations.

Subdivision — The division of a parcel of land into two or more lots, plots, or parcels.

Substantial Improvements — Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the value assessed by the Board of Listers.

Tower — A structure more than 20 feet in height above the ground elevation, built for the purpose of supporting, elevating, or placement of antennas for broadcast services or wireless services.

Waterfront Setback — The distance measured from the mean water level to the nearest building, excluding normal waterfront facilities.

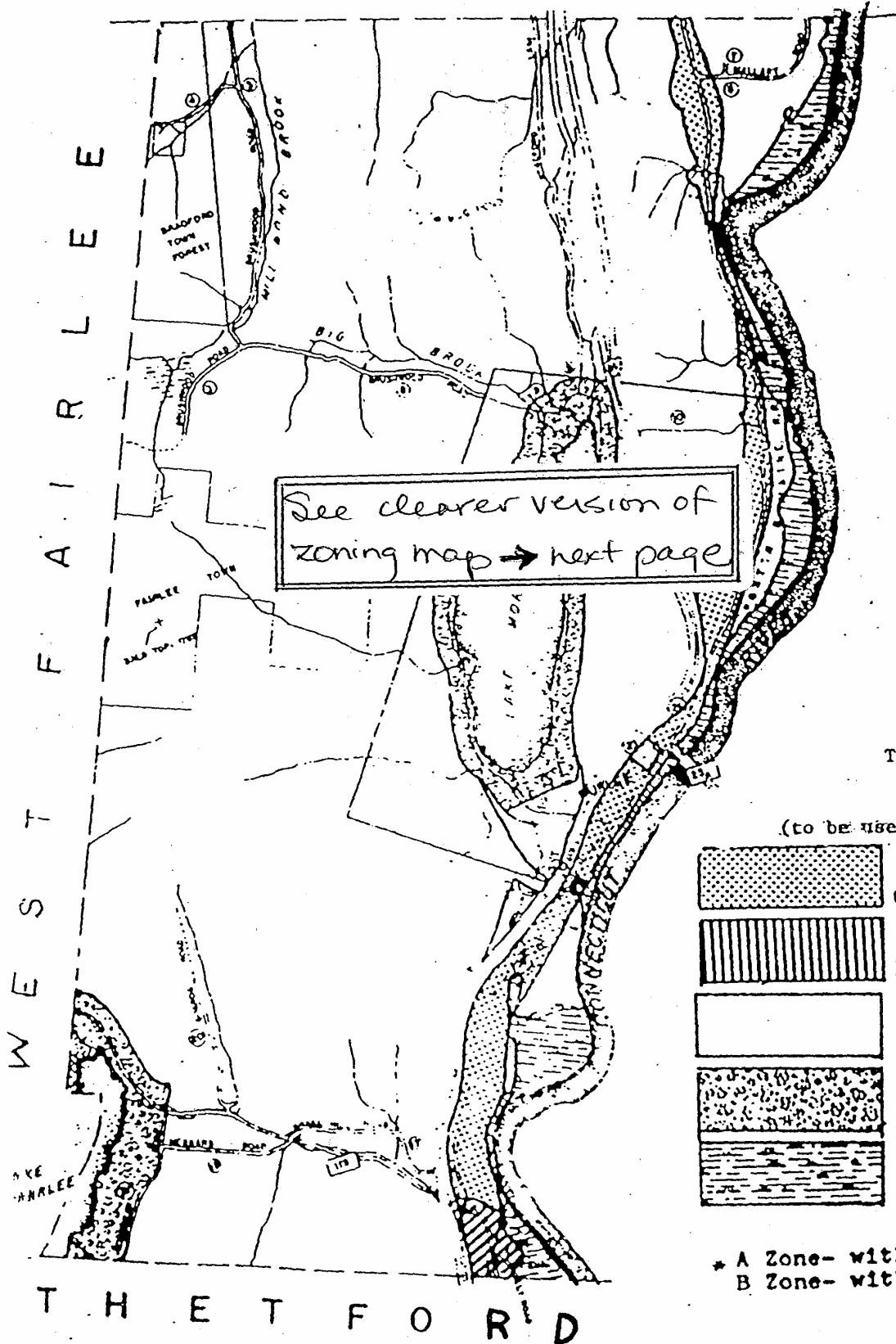
Wireless Communication Facility — A tower, pole, antenna, guy wire, or related fixtures or equipment intended for use in connection with transmission or receipt of radio or television signals or any other electromagnetic spectrum-based transmissions/reception and for which a license is sought or has been granted by the FCC; the construction or improvement of a road, trail, building, or structure incidental to a communications facility.

Vantage Point- A point located on a public highway or public water body in Fairlee from which a proposed wireless communication facility will be visible.

FAIRLEE ZONING MAP 1978

(Note: This map must be used with written description in Zoning Regulations)

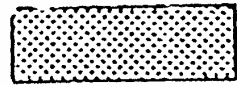
B R A D F O R D



See clearer version of zoning map -> next page

TOWN OF FAIRLEE
ZONING MAP

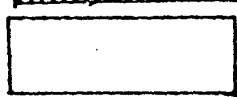
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Commercial Zone



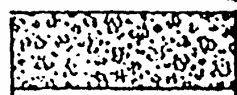
Industrial Zone



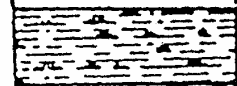
Residential { A Zone
B Zone



Lakeshore Zone



Floodplain Zone



* A Zone- with town water
B Zone- without town water