

ARTICLE XVII: LAKESHORE OVERLAY DISTRICT

1700 Purpose. The purpose of this district is to preserve vegetation and natural cover of the shore adjacent to Lake Champlain in order to preserve views both from and of the lake, the preservation of water quality and prevention of pollution, the recognition of the extreme vulnerability of lakeshore properties to erosion and other nuisances, and the avoidance of problems resulting from over intensive exploitation of the lakeshore.

1710 Applicability.

1710.1 District boundaries. The Lakeshore Overlay District shall consist of all lands within five hundred (500) feet inland of the ordinary high water elevation (98.0' (NVGD 29) above sea level) of Lake Champlain (as established by the U.S. Army Corps of Engineers), as shown on the Lakeshore, Floodplain and Watercourse Overlay of the Shelburne Zoning Map, plus the area between the ordinary high water elevation (98' NVGD 29) and mean low water mark (93.0' NVGD 29).

1720 Permitted Uses.

- 1720.1 Those uses which are permitted in the underlying zone.
- 1720.2 Recreation uses including but not limited to picnic grounds, swimming areas (beaches), parks, natural areas, hunting and fishing areas, hiking and non-motorized riding trails.
- 1720.3 Carry-in (seasonal) docks not attached to the shore by means of permanent structure or other fixed apparatus
- 1720.4 Carry-in (seasonal) docks attached to the shore by means of permanent structure or other fixed apparatus, when no other docks are present on the lot.
- 1720.5 Stairs (Outdoor stairs)
- 1720.6 Lakeshore decks

1730 Conditional Uses.

1730.1 Those uses listed as conditional uses in the underlying zone provided that the Development Review Board finds that in addition to all other applicable standards, the proposed use meets the following specific standards.

- A. Marinas.
 - 1. Minimum lakeshore lot frontage - 300 feet.
 - 2. Minimum off-street parking spaces - one (1) per summer boat space (i.e. slips, moorings, or rack storage spaces).
 - 3. Compliance with all applicable State and Federal requirements and standards.
 - 4. The need for the proposed use to be located in the Lakeshore Overlay District.
 - 5. Will not cause unsafe or unhealthy conditions
 - 6. Will not cause undue adverse water pollution.
 - 7. Will not cause undue adverse erosion.

B. Boat launching ramp as accessory uses.

- 1730.2 Permanent docks
- 1730.3 Carry-in (seasonal) docks attached to the shore by means of Permanent structure or other fixed apparatus, when other docks are present on the lot.
- 1730.4 Lakeshore erosion control structures

1740 Dimensional Requirements. In addition to the applicable dimensional requirements of the underlying zone, the following is required of all permitted and conditional uses, except as modified elsewhere in this section.

- 1740.1 Minimum setback for structures from the 102 foot elevation contour: 100 feet



1750 Structures within 100 foot setback from the 102 foot elevation contour.

- 1750.1 Except as provided below, no new structures shall be constructed within the 100 foot setback specified in 1740.1. See Figures A and B.
- 1750.2 Expansion or reconstruction of existing structures: Notwithstanding the provisions addressing nonconformities in Article XIX, nonconforming structures existing on March 6, 2013, may be expanded or reconstructed upon Conditional Use Approval of the Development Review Board. In addition to the conditional use standards set forth in Article XIX, the following must be satisfied:

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- A. Building Footprint. Except where a structure qualifies for review under 1750.1.G. below, the total area of the building footprint of that portion of an existing structure located within 100 feet of the 102 foot elevation contour does not increase as a result of the reconstruction, addition, or expansion.
- B. Distance to 102 Foot Elevation. The addition or expansion or reconstruction does not extend any closer to the 102 foot elevation contour than does the existing structure. See Figure C.
- C. Lakeside Wall. The total length of the Lakeside Wall does not increase as a result of the addition, expansion, or reconstruction. See Figures D and E.
- D. Lateral Relocation. The building footprint area of that portion of an existing structure located within 100 feet of the 102 foot elevation contour may shift laterally on the lot so long as the resulting addition or expansion or reconstruction meets applicable side yard setback requirements. See Figure F. For the purposes of this section, lateral relocation shall also include diagonal relocation, where lateral movement is combined with movement away from the 102 foot elevation contour.
- E. Height. The height of the portion of the addition, or expansion or reconstruction located within 100 feet of the 102 foot elevation contour shall comply with the following, as applicable.
1. For additions or expansions or reconstructions where the roof pitch is less than or equal to 6 over 12: height shall not exceed 26 feet.
 2. For additions or expansions or reconstructions where the roof pitch is greater than 6 over 12: height shall not exceed 32 feet.
 3. For the purposes of this section, height shall be defined as the vertical distance of a structure as measured from the lowest finished grade elevation where it meets any Lakeside Wall to the elevation of the top of the ridge of the addition or expanded structure. See Figure G.
- F. Design. The addition or expansion meets the following design requirements:
1. The addition or expansion shall be compatible in form, massing, roof shape, height and proportion with surrounding architecture. See Figure H.

2. Building details and materials to be used in the addition or expansion shall be compatible with surrounding architecture. See Figure I.
 3. To increase the compatibility of the addition or expansion with the architecture of the original structure, the applicant must present the Development Review Board with evidence that incorporation of compatible building forms such as cross gable wings, stepped upper story additions, dormers, and porches has been adequately explored.
- G. Building Footprint Expansion in Limited Circumstances. Where a structure subject to section 1750.2 of these regulations is located entirely within the Lakeshore setback and the lot on which the structure is located also features a conforming building envelope landward of the structure, the total area of the building footprint may increase, with approval of the Development Review Board. Any such increase in building footprint area, which may be authorized only once, if authorized shall adhere to the following criteria:
1. The increase in building footprint area is incorporated in the design in such a way so as to bridge, partially or completely, the area occupied by the default building footprint and any conforming building envelope.
 2. The maximum width of the area occupied by any such bridge, measured parallel to the proposed Lakeside Wall, shall not exceed the length of the Lakeside Wall.
 3. The maximum size of the area occupied by any such bridge shall not exceed 400 square feet, as measured at the exterior of the structure.

1750.3 New structures within the 100 foot setback. Except as provided below, no new structures shall be constructed within the 100 foot setback specified in 1740.1.

- A. Lakeshore Erosion Control Structures. Lakeshore Erosion Control Structures may be built between the 98' elevation contour and the 102' elevation contour subject to the following:
1. Lakeshore erosion control structures, including seawalls, shall not be constructed of concrete, metal or other man-made material, or wood unless faced with or composed of materials that are similar in color to naturally occurring material in the vicinity.

2. Seawalls may be approved only upon receipt of a written statement from a licensed professional engineer stating that unique characteristics of the site make a seawall the best solution to prevent loss of a principal structure or significant erosion.
 3. The design of lakeshore erosion control structures shall be reviewed and approved by a licensed professional engineer.
 4. The appearance of any lakeshore erosion control structure shall be visually compatible with the surrounding natural shoreline and shall be maintained in that condition.
 5. Biotechnical erosion control methods incorporating a combination of inert structures or material and vegetation are preferred, where feasible.
- B. Stairs. One stairway per 400 feet of lakeshore adjoining a property, as measured based on the 102 foot elevation contour, may be permitted to provide access to the water, provided that the stairway is no more than 4 feet in width, that the stairway follows existing grade and does not generally extend more than 1 foot above existing grade, that landings are not wider than the stairway flights, except where stairway flights are offset—in which case the landing may be twice the width of the stairway flight. Lots with less than four hundred feet of lakeshore may be permitted one stairway subject to the requirements of this paragraph.
- C. Lakeside Decks. One standalone lakeside deck per property may be permitted, provided that it does not exceed 200 square feet in area, is no more than 2 feet above existing grade, and is no less than 25 feet from the 98 foot elevation contour.
- D. Marinas, with Conditional Use approval as described in 1730.1(a).
- E. Boat launching ramps as accessory uses: Boat launching ramps may be constructed to provide access to the water, provided that all State and Federal requirements are met.
- F. Docks. Unless otherwise exempt or subject to exclusive regulation by the State of Vermont under Chapter 11 of Title 29 or Chapter 49 of Title 10, VSA, permanent docks and seasonal docks attached to the shore by means of a permanent structure or other fixed apparatus may be allowed in numbers consistent with the following table:

	Lot Frontage			
	1-400'	401-800'	801-1200'	Over 1200'
Number of docks allowed, per lot, as permitted use	1	1	1	1
Number of docks allowed, per lot, as conditional use	2	3	4	5

- G. All applications for docks shall include documentation from reviewing agencies indicating compliance with Federal and State requirements, or exemptions, where applicable. Except where necessary to provide 36" of water depth at end of dock when water is at mean low water mark, docks generally should extend no more than fifty (50) feet from the shoreline unless necessary to provide reasonable access for watercraft.

1751 Structures within the area between the ordinary high water elevation (98') and mean low water mark (93.0').

The provisions of 1750.3.A.1-1750.3.A.5 also shall apply to that portion of the Lakeshore Overlay Zone lying between the ordinary high water elevation (98') and mean low water mark (93.0'). In addition, lakeshore erosion control structures shall not be used to create new land by effecting a deliberate lakeward relocation of the 98' elevation contour existing as of March 17, 2009. A deliberate relocation shall be determined to have occurred when the area between the original and relocated 98' contour, measured planimetrically, exceeds 10,000 square feet.

1760 Restrictions on cutting of vegetation within setback

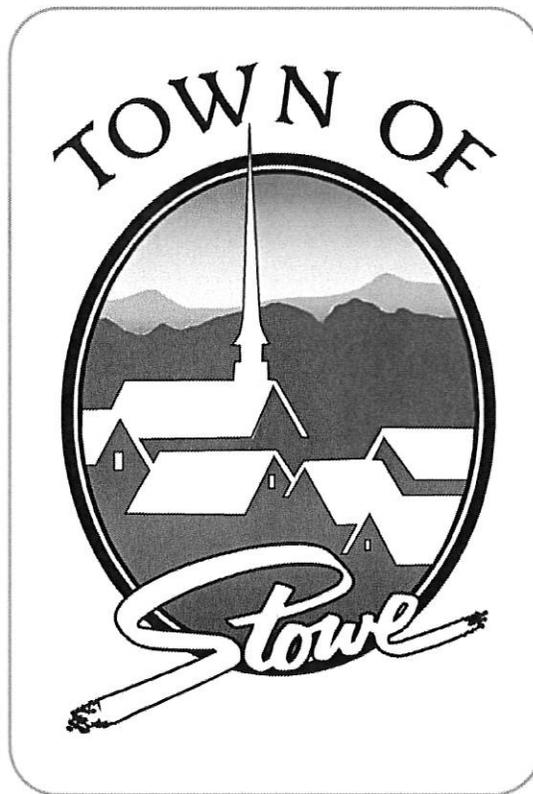
1761 Cutting of vegetation within the 100 foot setback. Selective pruning of vegetation located within the 100 foot setback shall be allowed by permit when based on a Setback Cutting Plan. The Setback Cutting Plan shall be prepared by a qualified individual and include photographic representation of existing conditions and indicating what will be removed and/or replaced.

1762 A vegetation cutting permit shall be issued by the Zoning Administrative Officer when the Setback Cutting Plan clearly indicates the proposal will comply with the following:

- A. The basal area of the trees within the 100 foot setback existing on March 17, 2009, shall not be reduced by more than 33 percent. Removal of dead, diseased, or damaged trees, or invasive trees, shall not be counted toward any reduction in basal area.
- B. Wherever trees, shrubs, and other woody vegetation is proposed to be cleared, the soil shall be planted and maintained in a suitable ground cover to prevent undue erosion and to provide filtering of runoff.
- C. Setback cutting plans shall promote the retention of healthy trees and shrubs, particularly where removal of such trees and shrubs would have an undue, adverse impact on erosion or shoreline aesthetics.

TOWN OF STOWE
ZONING REGULATIONS

Adopted June 25, 2012
Effective July 16, 2012



stabilization and restoration projects. Private driveways and private and public roads within the buffer, with a width of no greater than sixteen (16') feet may also be allowed when reasonably necessary to permit access to a lot.

- (2) The expansion or enlargement of any pre-existing buildings not in compliance with Section 3.10(1), above, is only permitted with the approval of the DRB in accordance with Section 3.9 of these regulations.
- (3) No permit will be issued for construction within twenty (20') feet of any required-watercourse buffer without a construction plan that describes how the buffer will be protected from construction-related activity. *

3.11 Shoreline District

- (1) There shall be no development within two hundred (200') feet of the mean water mark of Lake Mansfield and any form of development within five hundred (500') feet of the mean water mark must be reviewed by the DRB for approval of a conditional use permit in addition to the existing zoning. *
- (2) Existing trees and ground cover along the shoreline shall be preserved, maintained and supplemented by selective cutting, transplanting and the addition of new trees, shrubs and ground cover for the depth of the required setback. The extent of such planting and/or seeding will be sufficient to prevent erosion.
- (3) The expansion or enlargement of any pre-existing buildings not in compliance with Section 3.11(1), above, is only permitted with the approval of the DRB in accordance with Section 3.9 of these regulations.

3.12 Stormwater Management (Erosion Prevention and Sediment Control)

- (1) All stormwater management activities required by the Town shall adhere to current State of Vermont erosion prevention and sediment control standards.
- (2) Construction-related activities associated with any new construction including one and two family dwellings shall adhere to the following:
 - A. Site construction will be conducted in a manner that keeps the amount of soil exposed at any one time to a minimum.
 - B. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, will be stabilized.
 - C. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.

TOWN OF WOLCOTT
LAMOILLE COUNTY, VERMONT

ZONING REGULATIONS
ADOPTED: JULY 1, 1975
MOST RECENTLY AMENDED: March 7, 2006

SUBDIVISION REGULATIONS
ADOPTED: SEPTEMBER 9, 1988
MOST RECENTLY AMENDED: March 7, 2006

Prepared by: Wolcott Planning Commission

With assistance by: Lamoille County Planning Commission

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6.02 Shorelands

Description: The Shorelands District shall consist of all lands within 500 feet of the normal mean watermark around all lakes, ponds or impoundments exceeding 20 acres. The bodies of water meeting this standard in the Town of Wolcott and their normal mean water marks are as follows:

- a. Wolcott Pond - elevation 1,196 feet;
- b. Wapanaki Lake - elevation 1,270 feet;
- c. Zack Woods Pond - elevation 1,179 feet.

Objective: These regulations of the shorelands in the Town of Wolcott are to prevent and control water pollution, preserve and protect wetlands and other terrestrial and aquatic wildlife habitats, conserve the scenic beauty of shorelands, minimize shoreland erosion, reserve public access to public waters, and achieve other municipal, regional or state shoreland conservation and development objectives.

Permitted Uses: 1) None	Conditional Uses: 1) All other land uses including PUDs.
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Area and Dimensional Requirements:

Minimum lot size	Maximum density	Min. frontage	Minimum setback		
			Road	Lake/Pond	Other prop. lines
2 Acres	1 du / 2 acres	100 ft- road 100 ft- lake	25 feet	150 feet*	25 feet

Conditional Use Standards: Applicants shall provide written documentation showing how their proposal avoids or mitigates any potential risks to surface and ground water. Applicants shall demonstrate that they have designed and sited their project to minimize impacts upon wetlands, riparian habitats, steep slopes, and other important features known to impact water quality. Applicants must address stormwater runoff from impervious surfaces and disposal of solid waste. In determining the appropriateness of the use or structure, the DRB shall consider the scale and design of the proposal in relation to the scale and design of existing uses and structures and the effect of the proposal on the continued enjoyment of existing and approved uses in the district. For new structures, building location within the lot may be required to be compatible with the location of existing and approved uses in the neighborhood. The DRB may require larger setbacks depending on the nature of the operation.

1. Additional setback requirements-
 - a. Subsurface sewage facilities will be set back the following minimum distance from the normal mean water mark:
 - (1) 200 feet in soils 3, 9, 11, 13, 20, 22, 47, 59, 59*, and 61.
 - (2) 100 feet in soils 27, 38, and 38 where slopes do not exceed 15% in the vicinity of the leach field, otherwise 200 feet.
 - (3) 100 feet in soils 12 and 14 where the conditions below are met, otherwise 200 feet.

- i. Slopes do not exceed 15% in the vicinity of the leach field; and
- ii. There is a minimum soil depth of 7 feet to bedrock and 6 feet to signs of seasonal high water table; if a raised system is proposed, there must be a minimum of 5 feet to bedrock and 4 feet to signs of seasonal high water table below the proposed leach lines.

Test holes to demonstrate soil depth are the responsibility of the applicant.

2. In order to prevent soil erosion, and to support other stated shoreland protection purposes, existing stands of trees and ground cover along the shoreline shall be maintained or supplemented, for 100 feet from the normal mean water mark.
3. On occasion, the soil at the proposed site will differ from the soil type shown on the town soil map, so that the location of the subsurface sewage facilities can be reconsidered. In that event, the applicant may apply for a public hearing to be held by the DRB for such reconsideration.



12.1.4 What is a “division?” A ‘division’ occurs whenever any part of a parcel that does not qualify for one of the exceptions established by WDB 12.1.3, is sold or otherwise conveyed (for example, by gift or court order), leased, or developed.

12.2 Permit Requirements. As provided by WDB 4.3.4.1, a discretionary permit is required for most subdivisions. The only exception to this requirement is for boundary adjustments. See Chapter 6 of this bylaw for the discretionary permit procedure. See Chapter 10 for the boundary adjustment procedure.

12.3 Final Plans and Plats

12.3.1 Are there standards for the accuracy and contents of subdivision plans? Yes. Final plans and plats must include everything on the *Final Plan Checklist* established by WDB 6.9.2. They must also comply with the requirements of state law, specifically including 26 V.S.A. § 2602 and 27 V.S.A. §§ 1401-1406.

12.3.2 Are there examples of the certificates and signature blocks that must appear on the final plans? Yes.

12.3.1 Certificate of Dedication. All final plans and plats showing any improvements that will become public must include a Certificate of Dedication, as required by WDB 15.13.

12.3.2 Approval Signature Block. All final plans and plats must include an approval signature block.

SAMPLE APPROVAL SIGNATURE BLOCK

Upon finding that the final plans complied with all requirements of the *Williston Development Bylaw* and all conditions imposed on the approval of Discretionary Permit ___ - ___, the Williston Development Review Board/Administrator approved the final plans for the (name Subdivision) on the ___ day of (month), 20__ .

(presiding member or Administrator’s signature)

NOTE: This signature block should be prepared for the signature of Administrator on boundary adjustments and where the DRB has delegated final approval of a minor subdivision or final plans to the Administrator. Otherwise, it should be prepared for the signature of the presiding member of the DRB.

12.4 Survey Monuments

12.4.1 Where must survey monuments be placed? Survey monuments shall be set at the following locations:

12.4.1.1 ... at each corner and angle point of all lots, blocks and parcels of land shown on the final plans.

12.4.1.2 ... at every point where the outer boundary of a subdivision intersects with an existing or approved road right-of-way; and

12.4.1.3 ... at every point of curve, point of tangency, point of reversed curve, point of compounded curve, and point of intersection on each existing road or trail right-of-way that is not already a line created by the development.

12.4.1.4 A monument must also be set wherever a meander line used to delineate watershed protection buffers or other irregular features shown on the approved final plans intersects any of the lot, block, parcel, or right-of-way boundaries established by the survey. X

12.4.1.5 Open space areas required by WDB 31.7 and/or any other area required to be permanently delineated by this bylaw or conditions of approval imposed by the DRB must also be monumented but may be allowed to be monumented on a more limited basis as determined by the DRB, depending on physical features of the site and the nature of the area being delineated. Vermont state grid coordinates depicted on the final plans may also be required at critical points along the perimeter of important areas.

12.4.2 What if it is not possible to set one of the required survey monuments? A properly-documented reference monument may be set instead. Where the need for a reference monument was not anticipated in the approved final plans, the surveyor who sets the reference monument shall record a Certificate of Survey showing the correction to the approved final plans. A copy of that Certificate of Survey must also be filed with the Administrator. Simply documenting a reference monument does not necessitate an amendment to the final plans.

12.4.3 When must survey monuments be in place? As many of the required monuments as possible shall be set before the final plans are recorded. The Administrator may, however, permit monuments that could be destroyed or inadvertently moved during construction to be set after the work is complete, but before a certificate of compliance is issued.

- Residential subdivisions in the ARZD are generally (there is an exception for parcels under 10.5 acres) required to provide substantial open space, not all of which will necessarily fall into one of the other categories listed here. This required open space is generally to be left in the existing vegetation, but certain exceptions may be required or permitted by Chapter 31, which may also require the enhancement of existing vegetation.
- Residential subdivisions in the RZD and VZD may be required to provide substantial open space, not all of which will necessarily fall into one of the other categories listed here. This required open space is generally to be left in the existing vegetation, but certain exceptions may be permitted by the DRB.

23.1.2.3 Watershed Protection. Existing riparian and wetlands vegetation is to be retained within the watershed protection buffers required by Chapter 29 of this bylaw.

23.1.2.4 Wildlife Habitat. Existing vegetation is to be retained in habitat conservation areas that are protected from development.

23.1.2.5 Woodland and Forest. Existing woodland and forest vegetation must be retained outside any clearing limits imposed by the DRB.

23.1.2.6 Forest Management. None of the above preclude pruning, thinning, or the selective harvest of trees in accordance with a forest management plan.

23.1.3 *Must I submit a landscaping plan?* Yes. All applications for a discretionary permit must be accompanied by a landscaping plan, the required contents of which are listed in the *Landscaping Plan Checklist*. This requirement does not apply to proposed developments in which no new landscaping is required by this or other chapters of this bylaw.

23.2 Existing Vegetation

23.2.1 *Can I clear an entire site of existing vegetation?* The clearing of an entire site of more than one-half (1/2) acre at one time is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6. Vegetation must be removed from larger sites in phases. This may eventually lead to removal of vegetation from an entire site, but note that WDB 23.2.2 requires functional existing vegetation to be retained wherever possible.

23.2.2 *Can I replace all existing vegetation?* Existing vegetation that can effectively serve the landscaping functions listed in the introduction to this chapter shall be retained to the extent possible, while accommodating the permitted level of development. An application for a permit may be rejected solely on the grounds that it fails to retain existing vegetation where that vegetation can fulfill the functions listed in the introduction to this chapter.

23.2.3 *Must I protect existing vegetation during construction?* Yes. Existing vegetation that is to be retained must be protected from damage during construction, as required by the *Public Works Standards*. The landscaping plan must include a schedule showing that all measures required to protect existing vegetation will be put in place before other construction activities begin. This schedule may apply to the entire site or to sequential phases of construction.

23.3 Landscaped Buffers

23.3.1 *Must a development provide landscaped buffers for adjoining uses?* Table 23.A shows where landscaped buffers are required. It also summarizes the principal standards for the design of those buffers, which are set forth in detail below.

23.3.2 *How wide must the required landscaped buffers be?* Table 23.A establishes a minimum width for landscaped buffers of different types in different situations. This minimum width may, in some cases, be reduced by the inclusion of an earthen berm or screening fence, as provided by WDB 23.3.3. The types of landscaped buffers are described below. The landscaping plan must show the dimensions of the proposed buffer/s, including all crossings and inclusions; a planting design and schedule appropriate for the proposed buffer type; and one or more typical cross-sections. Plant selection is subject to the requirements of WDB 23.7.

23.3.2.1 Watershed Protection Buffers. A watershed protection buffer required by Chapter 29 may be used as a landscaped buffer required by Table 23.A. Where the watershed protection buffer consists primarily of marsh or open water, it shall be supplemented by a Type III or IV landscaped buffer, whichever is most appropriate to the context, of at least eight (8) feet in width.

DRB Discretion. ‘Context’ simply means the surroundings. Determining what type of landscaped buffer will be appropriate in a particular context is an important exercise of discretion for the DRB, with the advice of the advisory boards. The DRB and the advisory boards also have the discretion to determine whether or not a berm and/or a screening fence are needed in a landscaped buffer, and to review the design of berms and fences.

23.3.2.2 Type I - Existing Vegetation. A landscaped buffer composed primarily of existing woodland or forest that must be of sufficient height and density to provide an effective visual buffer. Where this type of buffer is proposed, the landscaping plan shall include photographic documentation of the buffer’s effectiveness. The landscaping plan shall also propose supplemental new plantings where the existing vegetation is too thin to be an effective visual buffer. This type of buffer must be relatively wide to sustain its habitat value and to function as a woodland or forest that needs only minimal maintenance. Other types of buffers may be narrower, but are assumed to require regular maintenance.

23.3.2.3 Type II - Dense Plantings. A Type II landscaped buffer must be composed primarily of continuous dense screening vegetation that will grow to at least six (6) feet in height. The screening vegetation or hedge must be supplemented, on the exterior side, by a Type III or IV landscaped buffer, whichever is most appropriate to the context, of at least (8) feet in width. This type of buffer is most appropriate in re-development projects where space is limited. The buffer width reduction provided for in WDB 23.3.3 shall be given where the DRB requires a berm or fence.

23.3.2.4 Type III – Informal Plantings. A Type III landscaped buffer must be composed of a planted area that includes a ground cover, a partial understory of shrubs and small trees, and major trees. The minimum density of planting per 100 feet of buffer shall be a full ground cover, two major trees, three ornamental or understory trees, and any combination of shrubbery or flower beds that occupies at least 50% of the area at the time of planting. This type of buffer can be used in many circumstances. The DRB may require an earthen berm, a screening fence or wall, and/or additional plant materials where the uses being separated are

29.7 Discharge of Non-Stormwater Waste. Discharging non-stormwater wastes into any stormwater or street drainage system, public or private is a violation of this bylaw, subject to enforcement, as provided by WDB 7.4-7.6.

29.7.1 May I connect footing, foundation, or roof drains, or sump pumps to stormwater systems? Footing, foundation, and roof drains, and sump pumps should ordinarily be daylighted or infiltrated. They may be connected directly to a stormwater system only with the written permission of the DPW.

29.7.2 Must existing connections to stormwater systems be disconnected from stormwater systems? Whenever possible. Approval of any permit may be conditioned on the disconnection of existing footing, foundation, and/or roof drains or sump pumps.

29.8 Wetlands Protection

29.8.1 How will I know if I have wetlands on the site of my proposed development? A wetlands delineation prepared by a professional wetlands scientist in accord with the current guidelines of the Army Corps of Engineers must accompany all applications for discretionary permits for development on sites where wetlands are known or suspected to exist. The need for a wetlands delineation will be determined during pre-application review.

What is a wetland? Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of the year."

29.8.2 Are Class II wetlands protected in Williston? Class II wetlands are protected by state law and this bylaw. They must generally remain in their natural vegetation, but may be crossed by roads, trail, or utility lines where there is no feasible alternative to such a crossing and where all work is conducted in compliance with an approved runoff and erosion control plan and a Conditional Use Permit approved by the Agency of Natural Resources.

29.8.3 Are Class III wetlands protected in Williston? Class III wetlands generally are not protected by state law, but may be protected by this bylaw and are definitely regulated by the Army Corps of Engineers. The DRB may, upon the recommendation of the Conservation Commission, require that Class III wetlands with significant functional values remain in their natural vegetation. The Conservation Commission may also recommend, and the DRB require, that a functional assessment of the Class III wetlands on the proposed development site be provided along with the delineation.

Wetlands Classes? State and Federal Wetland Regulations. There are no Class I wetlands in Williston. Class II wetlands appear on, or are contiguous to wetlands that appear on, the *Vermont Significant Wetlands Inventory Maps* prepared by the Agency of Natural Resources. Class III includes all other wetlands. Information on Vermont's state wetlands regulations may be found on-line at: <http://www.anr.state.vt.us/dec/waterq/wetlands.htm>. Information on the Army Corps of Engineers regulation of wetlands may be found at <http://www.usace.army.mil/cw/cecwo/reg/>

29.9 Watershed Protection Buffers. This section establishes watershed protection buffers for all streams, ponds, and lakes, and for certain wetlands.

29.9.1 Are buffers required around lakes and ponds? Yes. There shall be a buffer of at least 150 feet above the ordinary high water mark of all ponds or lakes that have more than a half-acre (21,780

SF) of water surface, except for properties in the Lake Iroquois Shoreland Protection Area defined in WDB 29.9.2;

29.9.2 Lake Iroquois Shoreland Protection Area. The Lake Iroquois Shoreland Protection Area (LISPA) means all land located within 250 of the mean water level of Lake Iroquois. All development within this area must comply with the Vermont Lake Shoreland Protection Standards as provided by 10 V.S.A. § 1441-1454. All applications for an administrative permit will be required to provide documentation that the proposed development will be in conformance with these standards.

29.9.2.1 New structures. New structures in the LISPA must be set back a minimum of 100 feet from the mean water level of Lake Iroquois.

29.9.2.2 Existing structures. Existing, non-conforming structures within the LISPA may be expanded under limited circumstances as provided by WDB 31.3.4.

29.9.3 Are buffers required along streams? Yes.

29.9.3.1 Named Streams. There shall be a buffer of at least 150 feet above the ordinary high water mark of the Allen Brook, the Muddy Brook, the Sucker Brook, and the Winooski River.

29.9.3.2 Other Streams. There shall be a buffer of at least 50 feet above the ordinary high water mark of all unnamed streams – perennial or intermittent - identified on the 7.5' U.S. Geological Survey quadrangles covering the town, or on the Williston Field Stream Survey maps of the Allen and Muddy Brook watersheds prepared by the Vermont Department of Environmental Conservation.

29.9.4 Are buffers required around wetlands? Yes.

29.9.4.1 Class II Wetlands. There shall be a buffer of at least 50 feet above the delineated boundary of any Class II wetland.

29.9.4.2 Class III Wetlands. The DRB may, upon the recommendation of the Conservation Commission, require a buffer above Class III wetlands that have important functional values.

29.9.5 What is the relationship of watershed protection buffers and special flood hazard areas? The watershed protection buffers required by WDB 28.6.1 through 28.6.3 shall be expanded, where necessary, to include special flood hazard areas.

Special Flood Hazard Areas. These areas are mapped for the National Flood Insurance Program and may sometimes include more area than the watershed protection buffers required by WDB 29.8. The official maps are on file with Williston Planning. See Chapter 28 of this bylaw for additional regulations applicable to Special Flood Hazard Areas.

29.9.6 Can any use be made of the land in watershed protection buffers? Watershed protection buffers shall remain undeveloped, except as provided here.

29.9.6.1 Vegetation. Watershed protection buffers shall remain in native or cultivated vegetation that serves as an effective filter for surface runoff. Where effective filtering vegetation is not present, the buffer shall be restored to a combination of wetland, riparian, forest, and/or meadow vegetation appropriate to the site. Removal or cutting of live or dead

vegetation from a watershed protection buffer is prohibited except where the buffer is used for accepted agricultural or forestry practices, where a hazardous tree is present, or where it is necessary to control invasive species. All native vegetation cut within the buffer should be left in place whenever possible.

29.9.6.2 Lawns. Conventional turf grass lawns do not provide an effective filter for surface runoff and may not be included in the watershed protection buffers required by this section.

29.9.6.3 Impervious Surfaces. Development within watershed protection buffers shall be limited to utility and road crossings; trails and trail crossings, with minor related facilities like signs and benches; and runoff and erosion control measures.

- All work within a watershed protection buffer shall proceed in accordance with the runoff and erosion control standards of this chapter.
- Utility and road crossings of watershed protection buffers shall be consolidated wherever possible, and both the width and length of such crossings minimized. Minimum disturbance trenching may be required for utility lines.
- The runoff and erosion control measures permitted in watershed protection buffers shall be limited to outfall structures or other measures whose function requires such a location. Permanent stormwater works, including above or below ground detention and treatment, shall be permitted only where no alternative, upland location is feasible.

29.9.6.4 Outdoor Storage. Outdoor storage is not permitted in watershed protection buffers.

29.9.6.5 Lawn Chemicals. No lawn chemicals, including fertilizers, herbicides, and pesticides may be used in watershed protection buffers. The Administrator may permit an exception to this standard for the control of invasive plants by, or under the direction, of a public agency. This prohibition does not apply to accepted farm and forest practices, which are exempt, nor does it prohibit the use of compost or another organic fertilizer in conservation plantings.

29.9.6.6 Owners' Responsibilities. The covenants for developments that include watershed protection buffers shall include a reference to the standards adopted here (WDB 29.9.5) and in WDB 29.9.6. In developments where an owner's association is required, that association is responsible for the protection of the watershed protection buffers.

29.9.7 *How will people know where watershed protection buffers are?* Watershed protection buffers must be marked on the ground as well as on the final plans. This may be accomplished using plantings, fences, or other landscape features, like a line of boulders. The DRB may permit an exception to this standard where a watershed protection buffer is marked by a definite change in the terrain.

29.9.8 *Is it possible to obtain a variance to permit more development within a watershed protection buffer?* Additional development within watershed protection buffers may be made possible by variance, as provided by Chapter 8 of this bylaw. To approve such a variance, the DRB must make all of the findings required by WDB 29.9.7.1 and 29.9.7.2 as well as all findings required by WDB 8.1.

29.9.8.1 Impervious Cover. The development permitted by variance will result in a total impervious cover of no more than 10 percent within the buffer.

29.9.8.2 Buffer Width. The development permitted by variance will leave the largest buffer possible consistent with the need to allow a permitted use. In no case shall a 150-foot buffer be reduced below 75 feet or a 50-foot buffer be reduced below 25 feet.

29.9.8.3 Special Flood Hazard Areas. There are additional limitations on variances in special flood hazard areas. See WDB 28.7.1.

29.9.9 *What about nonconforming uses and structures in watershed protection buffers?* Nonconforming uses and structures located within watershed protection buffers may be changed, maintained, repaired, enlarged, and replaced as provided by Chapter 2 of this bylaw, but only if all work complies with the standards established in this chapter. EXCEPTION: No change in use that permits the processing, manufacture, storage, or handling of regulated hazardous materials, other potential pollutants, or materials that could be dispersed downstream during a flood will be permitted.



29.10 Source Water Protection Areas

29.10.1 *What is a source water protection area?* Source water protection areas contribute, or at least potentially contribute, ground or surface water to drinking water supplies.

Source Water Protection? Williston currently includes two source water protection areas. One surrounds the well that serves the Porterwood development on Old Creamery Road. The other is the watershed of Lake Iroquois, which is part of the larger watershed of Shelburne Bay. Shelburne Bay is the source for the Champlain Water District, which supplies water to Williston and other communities.

29.10.2 *What additional standards apply to development in source water areas?* No specific standards apply, but the administrator may refer any proposed development in a source water protection area to the water provider for comment.