



# WAITSFIELD PLANNING COMMISSION AGENDA

May 5, 2026 at 7:00 p.m.

## Planning Commission

Beth Cook  
Robert Cook  
Emma Hanson  
AnnMarie Harmon, Vice-  
Chair  
Becca Newhall  
Alice Peal  
Jonathan Ursprung, Chair

**THE PLANNING COMMISSION WILL BE HOLDING A HYBRID MEETING. THE PUBLIC MAY ATTEND IN PERSON AT WAITSFIELD TOWN HALL OR REMOTE VIA ZOOM WITH TELEPHONE AND/OR VIDEO ACCESS. THOSE PARTICIPATING MAY SPEAK DURING THE DESIGNATED PERIODS.**

To join the meeting remotely, use this link:

<https://us02web.zoom.us/j/9190265312>

**Meeting ID:** 919 026 5312

**Or call:** 1 929 205 6099

## Planning & Zoning Administrator

J. B. Weir

## Town Administrator

York Haverkamp

## Town Clerk

Jennifer Peterson

## Town Treasurer

Steve Lewis

## Waitsfield Town Office

4144 Main Street  
Waitsfield, VT 05673  
(802) 496-2218  
[www.waitsfieldvt.gov](http://www.waitsfieldvt.gov)

1. **CALL TO ORDER / ROLL CALL**
2. **REVISIONS TO AGENDA, IF ANY (5 +/- min)**
3. **PUBLIC FORUM (10 +/- min)**
4. **APPROVAL OF MINUTES –APRIL 7 (10 +/- min)**
5. **RIVER CORRIDOR BYLAWS (30 +/- min) Lincoln Frasca/Ned Swanberg/Alice Peal**
6. **CHIP (20 +/- min) AnnMarie/JB**
7. **TOWN PLAN UPDATE (15 +/- min) JB**
8. **SHORT-TERM RENTALS (10 +/- min) Emma, Beth & Becca**
9. **WASTEWATER PLANNING PROJECT UPDATE (10 +/- min) JB/Bob**
10. **OTHER BUSINESS (10+/-min)**
  - a. PC Vacancy update
11. **ADJOURNMENT**

**Waitsfield Planning and Zoning Administrators Report  
Planning Commission May 5, 2026 meeting**

**5. River Corridor Bylaws**

Lincoln Frasca of the Central Vermont Planning Commission, Ned Swanberg (Regional Floodplain Manager), and Alice Peal will be presenting on the draft River Corridor Bylaw work being done at the regional and State level.

Currently, the Town has a very strong set of standards pursuant to the Fluvial Erosion Hazard Area Overlay District (FEHO). The purposes of the Fluvial Erosion Hazard Area Overlay District are to: (1) implement adopted municipal and hazard mitigation plans; to (2) protect mapped fluvial erosion hazard areas that are highly sensitive to erosion due to naturally occurring stream channel migration and adjustment; to (3) limit new development within these areas to protect public health, safety welfare, and to minimize property losses and damage and extraordinary public expenditures resulting from fluvial erosion; and to (4) allow rivers and streams to re-establish and maintain their natural equilibrium, and thereby avoid the need for costly and environmentally degrading stream channelization and bank stabilization measures.

In addition to Table 2.11 (FEHO), the bylaws also include FEHO development standards pursuant to conditional use review in Section 5.03 (f). These are included in the packet for reference.

A high-level comparison between fluvial erosion hazard standards versus river corridor regulations can be boiled down to this: Fluvial Erosion Hazard standards are specific, voluntary mapping tools and regulations focused on managing erosion, whereas River Corridor regulations are broader, often mandatory, state-delineated zones protecting the entire, dynamic meander area to manage both erosion and flood energy. FEH identifies high-risk areas, while river corridor standards regulate land use to let rivers naturally adjust, often replacing outdated FEMA maps.

The Food Ready page on the State website has an informative section of FAQs. This can be found [here](#).

The PZA has included an annotated draft of the model River Corridor Bylaws in addition to a slide deck presentation from CVRPC's Brian Voit from May of 2024.

**6. CHIP**

The PZA and Mrs. Harmon attended a VLCT webinar on April 8<sup>th</sup> on the CHIP program. Mrs. Harmon will have an update on what we learned. A link to the recording of that presentation can be watched [here](#).

The PZA, Town administrator, Selectboard Chair Brian Shupe, local developer Aron Shea, and economic expert Mark MacGregor met on April 30<sup>th</sup> to discuss hiring Mark to perform an economic impact analysis for both the entire wastewater project as well as a narrowed focus on the Irasville development plan. Mark will be putting together a proposal for an economic impact analysis to be approved by the Selectboard at its next meeting.

Mark is working with the Town of Newport on CHIP program development. At the meeting, we discussed using several potential housing development sites for the CHIP program and including all of them in the initial interest form and perhaps the application as well. The PZA and Joshua are reaching out to the landowner/developers expressing interest in housing development to get initial draft proposals on their housing developments.

The PZA remains a bit uncertain as to the role of the Planning Commission with regard to the CHIP program. A meeting is being set up between the PZA, Town Administrator, Mrs. Harmon, and Selectboard Chair Brian Shupe for the coming week to discuss what role, if any, the Planning Commission could play.

The alternative could be to set up a simple Irasville Master Plan Implementation Committee. Rather than get into the weeds of the various intricacies of the CHIP program with the Selectboard and developers, this type of committee can focus on the future of Irasville as a whole, effectuating the design goals of the recent [Irasville Master Plan](#).

## **7. Town Plan Update**

The PZA has drafted a new section on *Childcare* for inclusion in the Town Plan. The 2022 Town Plan was approved by CVRPC on the condition that, if the Plan was to remain valid for eight years as opposed to four years, then the childcare section would have to be updated to accord with State Planning Goal 13: “To ensure the availability of safe and affordable child care and to integrate child care issues into the planning process, including child care financing, infrastructure, business assistance for child care providers, and child care work force development.”

The PZA has included in the proposed update various efforts on behalf of the Town in support of childcare programs, including ARPA allocations and zoning fee waivers.

Commissioners should review the draft for discussion at this meeting. Pending any requested changes or suggestions, the PZA will include an adoption checklist and timeline for the 5/19 meeting.

### **8. Short-Term Rentals (STR)**

The Short-Term Rental (STR) subcommittee has completed its first draft of a Waitsfield Short-Term Rental (STR) Ordinance, which is again included in the packet. At last meeting, the PC agreed to have Joshua Schwartz of the MRVPD review the draft and provide feedback to the commission.

Due to the River Corridor presentation at this meeting – as well as Joshua needing more time to review the draft – the STR discussion will be pushed to the May 19<sup>th</sup> meeting.

One sticking point that the PZA believes may be coming upon review of the draft ordinance by the Selectboard is that there is no proposed time period of data collection. Instead, the committee proposes voluntary compliance, led by news publications, Town announcements, word of mouth, and other public notice platforms (i.e., Front Porch Forum). The May 19<sup>th</sup> agenda will include a substantive discussion on the draft ordinance upon Joshua's feedback.

As a reminder, Eric Friedman of the Mad River Valley Chamber of Commerce has launched an STR collaborative. More information can be found here:

<https://madrivervalley.com/chamber/coop-mad-river-valley-short-term-rental-collaborative/>.

### **9. Wastewater Project Update**

The PZA has completed the initial round of site visits to priority parcels, which focused upon assessing plumbing locations and depth, as well as updating landowners on the status of the project and what's ahead.

The PZA and Town Administrator are meeting with the Town attorney next week to begin the drafting of the required easements. These include easements for individual connections, main line private property crossings and pump stations. Robin Morris of the Water Commission is drafting the Wastewater Ordinance, which is about 90% complete.

The system is now at 90% design, submittal to the Clean Water State Revolving Fund imminent. If members would like to view the 90% design plans, please reach out for a link or hard copy. At this time, the project will likely go out to bid in the early part of the summer.

The PZA, Town Administrator and Joshua Schwartz completed application for Congressionally-Directed Spending for Vermont's senators Welch and Sanders, as well as Congresswoman Becca Balint. Both Welch's and Sanders' offices have had follow-up questions on the project – a good sign based upon experience.

The project website has been updated by Planning District staff and can be found [here](#).

## **10. Other Business**

There remains no applicant yet for the PC vacancy.

DRB Update. The PZA will begin providing updates to the commission on pending DRB applications and meetings.

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Upcoming trainings/webinars:

### **Free Workshop on Community Housing Infrastructure Program (CHIP)**

The Central Vermont Economic Development Corporation and Central Vermont Regional Planning Commission invite you to join us for a FREE workshop on the Community and Housing Infrastructure Program ([CHIP](#)). The workshop will provide an overview of CHIP and how it can be utilized to finance infrastructure needed to develop housing in our region.

The workshop will include lunch and you may attend in person or remotely via Teams (in which case, lunch is up to you!).

**Date: Tuesday, June 9, 2026**

**Where: Calvin Coolidge Conference Room, 6th Floor, Deane C. Davis Building, 1 National Life Drive, Montpelier, VT**

Please register by 4:00 PM, Wednesday, June 3, 2026,

here: <https://www.cognitofrms.com/CVEDC1/CHIPAndHousingWorkshopRegistration>

If you select remote attendance via Teams, we will send the Teams Link to you by June 5.

#### **AGENDA:**

11:30-11:45 AM: Lunch and Welcome

11:45 AM-12:15 PM: CHIP in VT: Bonnie Waninger, Vermont League of Cities and Towns

12:15-12:45 PM: Housing in VT: Alex Farrell, Commissioner, Dept. Housing and Community Development  
12:45-1:15 PM: What is CHIP: Jessica Hartleben, Executive Director, Vermont Economic Progress Council  
1:15-1:30 PM: Q&A

### **Mountain Lions in VT?**

Mountain Lions are an amazing cat species that once called this landscape home. Discussions have recently started around the idea of reintroducing this top predator. In this informative session you'll hear directly from Department Biologists about mountain lion biology and natural history as well as the implications for the region's land use and transportation infrastructure, conflict prevention and coexistence considerations, and other critical questions that will need to be answered if the species were to be reintroduced.

Date & Times:

Session 2: Tuesday, May 19th, 2026, 10:00 a.m. - 11:00 a.m. Register [here](#).

Presenters:

Brehan Furfey, Furbearer Biologist, VT Fish & Wildlife Department  
Jens Hilke, Conservation Planner, VT Fish & Wildlife Department  
Rosalind Renfrew, Wildlife Diversity Program Manager, VT Fish & Wildlife Department

### **Investing In Municipal Infrastructure as a Tool to Reduce Sprawl**

Maintaining our historic settlement pattern of compact villages surrounded by rural landscapes doesn't happen by accident. In fact, sprawl is a common growth pattern in Vermont associated with our rural brand. To address this challenge, we need to invest in places where we want development so that we can avoid sprawl across our forests and farms. Many village centers haven't invested in town water and wastewater systems making it more difficult to increase density there. Hear from Vermont Natural Resources Council Sustainable Communities Director, Kati Gallagher to learn more about these issues.

Date & Times: Session 2: Mon 5/4/2026 10:00 AM - 11:00 am. Register [here](#).

Presenters: Kati Gallagher, Sustainable Communities Director, Vermont Natural Resources Council

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Respectfully submitted,

J.B. Weir

**TOWN OF WAITSFIELD, VERMONT**  
**Planning Commission Meeting Minutes**  
**Tuesday, April 7, 2026**

Draft

**Members Present:** Bob Cook, Emma Hanson, AnnMarie Harmon, Becca Newhall, Jonathan Ursprung

**Members Absent:** Beth Cook

**Staff Present:** JB Weir, Zoning Administrator

**Others Present:** Madhurii Barefoot, Ryan Diehl, Franni Hoag (MRVPD), Joshua Schwartz (MRVPD)

## **II. Regular Business**

### **1. Call to Order**

The meeting was called to order at 7:03 pm by Emma Hanson. The meeting was held in person at the Town Offices and remotely via Zoom.

### **2. Review agenda for addition, removal, or adjustment of any items**

No changes were made to the agenda.

### **3. Public Forum**

Nobody requested time to address the PC.

### **4. Approval of Minutes**

The Minutes of March 17, 2026 were approved.

### **5. Wilder Farm**

Emma outlined that a discussion a change to the Zoning Bylaws proposed by Ryan and Madhurii would focus on whether this requires an emergency change to the bylaws, reminding the group that any change would impact the entire Ag-Res District. There was some discussion regarding the impacts of a retreat center and determining what would qualify a property as a farmstead, as the proposal includes that determination be made for allowing development of a retreat center.

Emma explained that, while PC members appeared to be comfortable with incorporating a change along the lines proposed, this should be considered as part of the PC's planning work, and not addressed as a reaction to the request, as there is currently no work taking place regarding Bylaw changes. She suggested that submission of a petition, as outlined in Bylaws, would prompt the PC to consider in the near term the options around allowing for a new Conditional Use for retreat centers. Emma noted that the other option would be to include this matter when the PC does again take up review of the Bylaws, although that effort is not currently on the horizon.

It was discussed that the section of the Bylaws that speaks to submission of a petition needs some clarification, but agreed that the PC would honor such a petition if submitted.

### **6. MRVPD 2025 Annual Data Report**

Joshua Schwartz provided some background information about the MRVPD and the current year's work plan, and Franni Hoag presented an overview of the information presented in the Annual Data Report for 2025, noting that this information and more is available on the Community Dashboard

found on the MRVPD's website. The Report covers population, housing, economic, and environmental trends.

Franni then spoke of the biannual Wellbeing Survey, which will be administered and updated this year; this collection provides more qualitative information about residents' satisfaction in various domains.

#### **7. Short Term Rental (STR) Discussion**

Emma reviewed the changes made to the draft ordinance, agreed upon by the subcommittee following review of the model ordinance provided by VLCT. These include using the definition of dwelling unit capacity rather than what had been included previously for bedrooms/sleeping spaces, and incorporation of bedroom definitions based upon State Wastewater Rules. Becca noted that the group had agreed upon setting up a two-year renewal process, to include inspections by the Fire Marshall. It was confirmed that establishment of the ordinance will be used for data collection purposes as well as enforcement. In response to a question from Joshua, Becca explained that it is intended that voluntary compliance and community assistance will help to ensure that all STRs are registered. Joshua indicated that he would review the draft document and provide feedback to the subcommittee for further discussion at an upcoming meeting.

#### **8. Wastewater Planning Project Update**

Joshua's most recent written update was included in the meeting packet; he noted that the project page on the Town website had also recently been updated. JB reported that the tree cutting at the Munn Site was underway, and that he was finishing up site visits to plan for property connections.

#### **9. Other Business**

It was agreed to cancel the second April meeting, and to meet next on May 5.

#### **10. Adjournment**

The meeting adjourned at 9:11 pm.

Respectfully submitted,  
Carol Chamberlin, Recording Secretary

# River Corridor Planning

21 May 2024

Brian Voigt, Central Vermont Regional Planning Commission

# River Corridor Planning

## ◇ What?

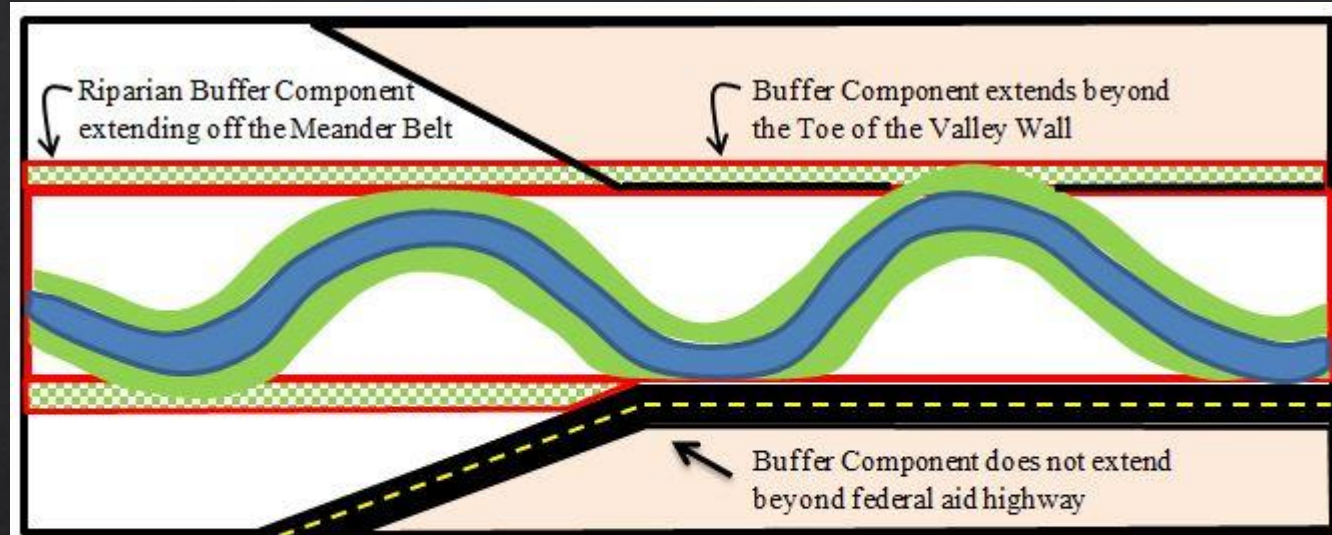
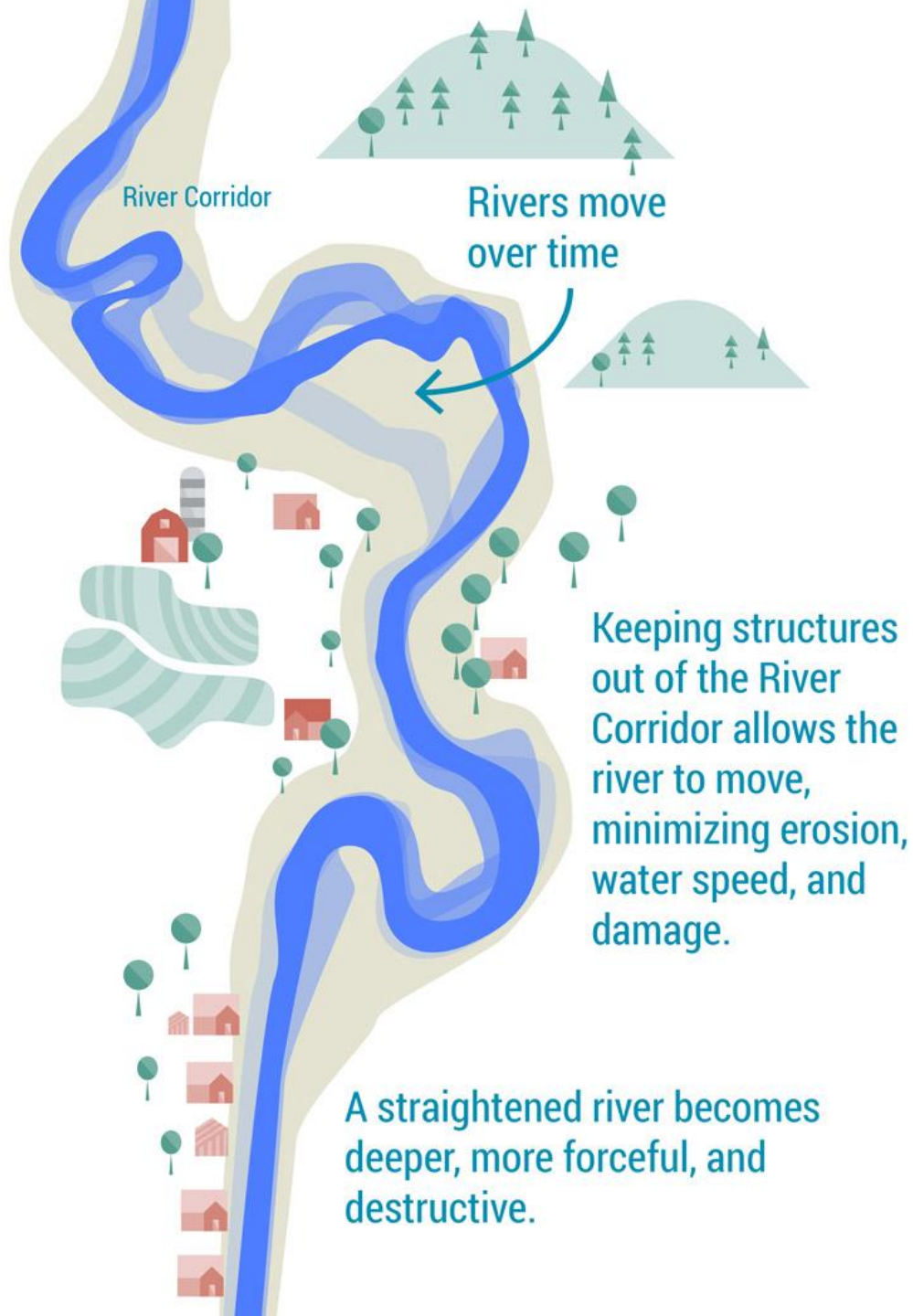
- ◇ Manage rivers towards a state of dynamic equilibrium
- ◇ Area around & adjacent to rivers where fluvial erosion, channel evolution & down-valley meander are most likely to occur
- ◇ River corridors represent the narrowest band of valley bottom / riparian land necessary to accommodate the least erosive channel / floodplain geometry

## ◇ Why?

- ◇ Resolve conflicts between humans & river dynamics
- ◇ Remediate instability that results in erosion, increased sediment & nutrient loading, and a reduction in river habitat

## ◇ How?

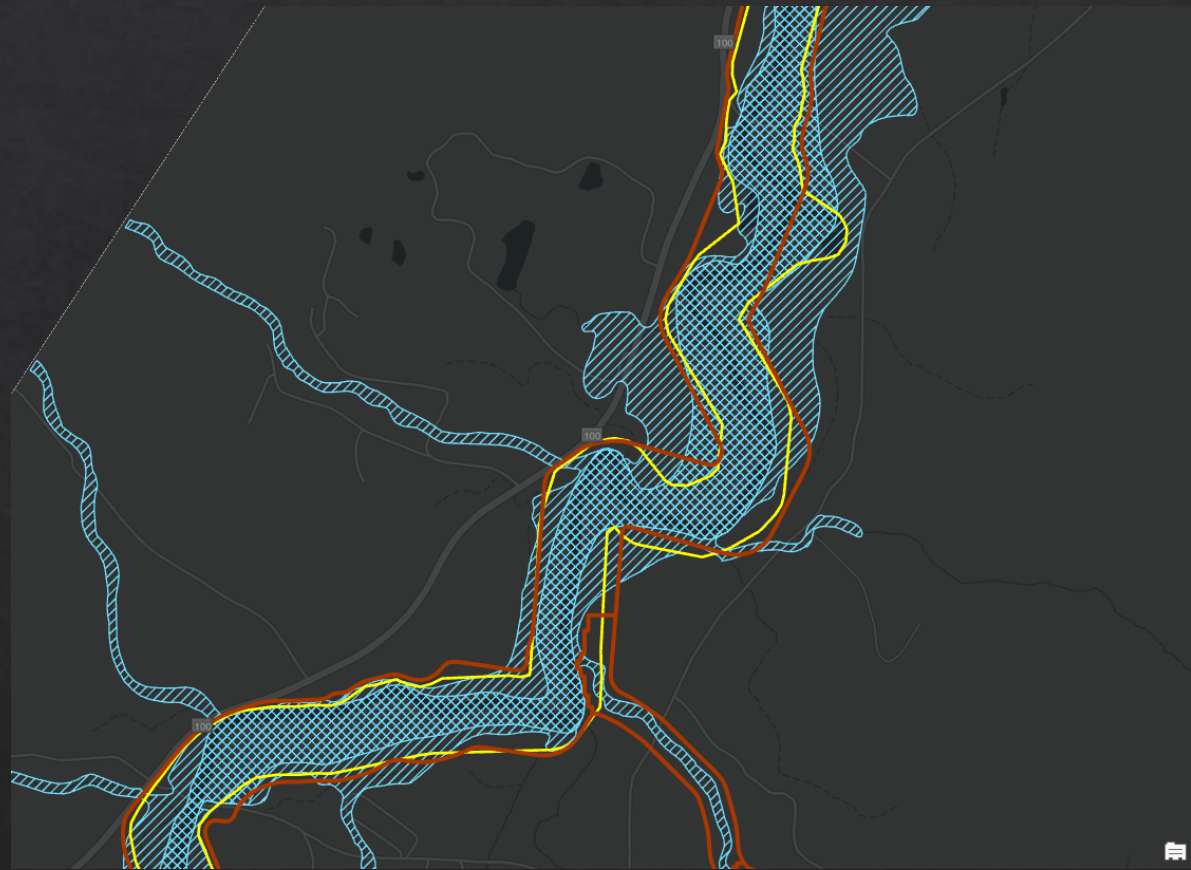
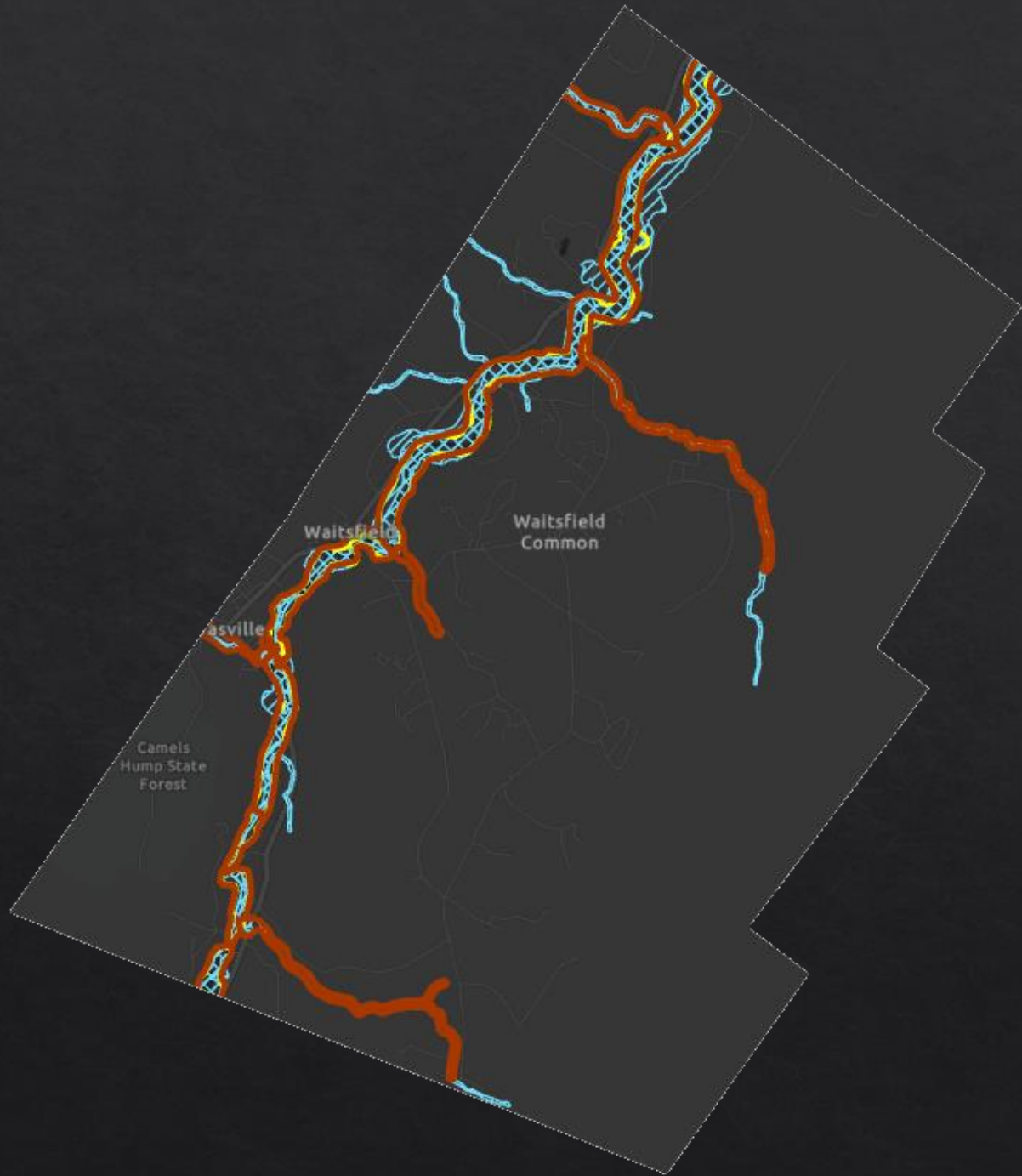
- ◇ Accommodate stream meander & floodplain processes
- ◇ River Corridor Plan(s)
  - ◇ Upper Mad River Corridor Plan
  - ◇ Mad River Fluvial Geomorphology Assessment
- ◇ Flood Hazard & River Corridor Bylaws








*Showing the (green cross-hatched) riparian buffer component of the river corridor, as an extension off the meander belt, to accommodate the actual buffers (green bands) when the stream meanders are at their equilibrium amplitude. Buffer components are drawn beyond natural confining features such as the valley wall but not beyond engineered levees, railroads, or federal aid highways.*

# River Corridor Planning

- ◇ What?
  - ◇ Manage rivers towards a state of dynamic equilibrium
  - ◇ Area around & adjacent to rivers where fluvial erosion, channel evolution & down-valley meander are most likely to occur
  - ◇ River corridors represent the narrowest band of valley bottom / riparian land necessary to accommodate the least erosive channel / floodplain geometry
- ◇ Why?
  - ◇ Resolve conflicts between humans & river dynamics
  - ◇ Remediate instability that results in erosion, increased sediment & nutrient loading, and a reduction in river habitat
- ◇ How?
  - ◇ Accommodate stream meander & floodplain processes
  - ◇ River Corridor Plan(s)
    - ◇ [Upper Mad River Corridor Plan](#)
    - ◇ [Mad River Fluvial Geomorphology Assessment](#)
  - ◇ Flood Hazard & River Corridor Bylaws



- Town Boundary  

- RiverCorridors  

- Fluvial Erosion Hazard Overlay District  

- Floodway  

- Flood Hazard Overlay District  


# River Corridor Protection

1. Adopt a River Corridor overlay for all streams and rivers draining greater than two square miles.
2. Adopt a river corridor setback for small streams as part of their flood hazard/river corridor bylaws. The setback must be a minimum of 50' from top of bank for streams with a watershed area between 0.5 and 2 square miles. The setback shall be regulated as the River Corridor for streams draining between 0.5 and 2 square miles.
3. Adopt a minimum regulatory requirement for River Corridors that are at least as restrictive as those outlined in the ANR Model River Corridor bylaws in effect at the time of adoption.

# Emergency Relief & Assistance Fund

## ERAF Summary Report

5/21/2024  
4:44:53 PM

Summary of Flood Hazard Mitigation Actions for:

County= Washington

Region =

Community = Waitsfield

Show All = N

Community	ERAF Rate	(1) NFIP	(2) Rd Stds	(3) LEMP	(4) LHMP	(5) RC	RC Interim	NFIP Enrolled	Road Stds	LEMP (Current)	LHMP (Approved)	RC Bylaw
Waitsfield	7.5%	Yes	Yes	No	No	Yes	Interim	06/01/1978	07/22/2019	06/05/2023	<u>Expired</u>	

### ERAF Criteria for State Post-Disaster Funding

12.5% Mitigation Actions 1 through 4;

17.5% Mitigation Actions 1 through 5;

For More Information on ERAF Criteria

<a href="#">Emergency Relief And Assistance Fund (ERAF)</a>	<a href="#">Local Emergency Management Plan (LEMP)</a>
<a href="#">National Flood Insurance Program (NFIP)</a>	<a href="#">Local Hazard Mitigation Plan (LHMP)</a>
<a href="#">Road And Bridge Standards</a>	<a href="#">River Corridor Protection</a>

# Resources

- ◇ [VT Agency of Natural Resources River Corridor Planning Guide](#)
- ◇ [Natural Resources Atlas](#)
- ◇ [Flood training](#) (for administrators of flood & river corridor bylaws + municipal officials)
- ◇ [River Corridor FAQ](#)
- ◇ Model Language
  - ◇ [Flood Hazard & River Corridor Bylaw](#) (standalone)
  - ◇ [No Adverse Impact River Corridor Development Standards](#)

# Staff Contact

- ◇ Brian Voigt
  - ◇ Senior Planner / Program Manager
  - ◇ phone: 802.262.1029
  - ◇ e-mail: [voigt@cvregion.com](mailto:voigt@cvregion.com)

Town of \_\_\_\_\_

## Flood Hazard and River Corridor Bylaw

### I. Statutory Authorization and Effect

In accordance with 24 V.S.A. Chapter 117, §§ 4424 and 4414, this is a bylaw for areas at high risk of flood damage in the Town of \_\_\_\_\_, Vermont. Except as additionally described below, all administrative procedures follow municipal procedures under 24 V.S.A. Chapter 117 and 44 CFR § 60.3(d).

### II. Purpose

- A. To implement the goals, policies, and recommendations in the municipal plan;
- B. To protect health, safety and welfare of the public, minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding-related inundation and erosion hazards;
- C. Support equitable wellbeing for the entire community;
- D. Ensure that development in our community protects floodplain and river corridor functions, and avoids and reduces damage from flooding and erosion;
- E. Manage all flood hazard areas pursuant to 24 VSA §4382 and 10 VSA §§751, 753; and
- F. Make the Town of \_\_\_\_\_, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available.

### III. Summary Table: Development Review in Hazard Areas

- P – Permitted (Administrative Permit)
- C – Conditional Use Review and Permit
- X – Prohibited
- A – Exempted
- S – State Permit Required

#	Activity	River Corridor	Flood Hazard Areas	Floodway
1	New Structures	C	C	X
2	Storage	C	C	X
3	Improvements to Existing Structures	P, C	P, C	C

		River Corridor	Flood Hazard Areas	Floodway
4	Small Accessory Structures	P, C	P	X
5	At Grade Parking	P	P	C
6	Replacement water supply or septic systems	P, C	P	P, C
7	Fill or grading resulting in no net loss of flood storage	P, C	C	C
8	Fill or grading resulting in a loss of flood storage	P, C	X	X
9	Road maintenance	A	A	A
10	Road improvements	C	C	C
11	Bridges and culverts	S, A	S, A	S, C
12	Channel management	S, A	S, A	S, C
13	Recreational vehicles	P	P	P
14	Open space, recreation	A	A	A
15	Forestry and Agriculture	S, A	S, A	S, A

#### **IV. River Corridor Protection**

##### **A. Purpose**

River corridors provide rivers and stream channels with the space necessary to maintain or reestablish floodplain access and to reduce erosion hazards through natural physical processes. It is the intent of this bylaw to protect public health and safety by avoiding new encroachments into river corridors and minimizing erosion-related damage to existing structures.

A permit is required from the AO for all development that is located within the River Corridor except as provided in Section IV C.1. Where River Corridors and Flood Hazard Areas overlap, the Flood Hazard Area provisions shall also apply.

##### **B. River Corridor Boundaries**

1. This article applies to the River Corridors in the Town of \_\_\_\_\_ Vermont, as published by the Agency of Natural Resources (ANR) including refinements to that data which are hereby adopted by reference.

2. On streams with a watershed size greater than half a square mile for which River Corridors are not mapped, the standards shall apply to the area measured as 50 feet from the top of the stream bank or slope.

3. The information presented on any maps, or contained in any studies adopted by reference, is presumed accurate. If uncertainty exists with respect to the boundaries of the River Corridor, the location of the boundary on the property shall be determined by the Administrative Officer (AO).

4. If the applicant disagrees with the determination made by the AO or with the river corridor as mapped, the applicant has the option to either:

a. Hire a licensed land surveyor or registered professional engineer to stake out the River Corridor boundary as mapped on the property; or,

b. Provide data as needed for ANR to update the river corridor map following the Flood Hazard Area and River Corridor Protection Procedure (“Procedure”); or

c. Request a letter of determination from ANR that the proposed development meets the Performance standard in the Procedure.

### **C. Development Review in River Corridors**

#### **1. Exempted Activities**

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

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

b. Any changes to a structure that will not change the footprint of the structure;

c. Maintenance of existing sidewalks, roads, parking areas, stormwater drainage, bridges, culverts, and channel stabilization;

d. Functionally dependent uses that must be placed in or cross over rivers and streams, that are not located in a flood hazard area, and that have coverage under a Stream Alteration Permit, if required, under 10 V.S.A. Chapter 41 and the rules adopted thereunder including the construction, removal, or repair of bridges and culverts, associated transportation and utility networks, dams, and dry hydrants;

e. Planting projects which do not include any construction or grading;

f. Subdivision of land that does not involve or authorize development;

g. Activities exempt from municipal regulation and requiring a permit from ANR under the Vermont Flood Hazard Area and River Corridor Rule (CVR 12-030-024) including:

i. State-owned and operated institutions and facilities;

ii. Forestry operations or silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation;

iii. Agricultural activities conducted in accordance with the Vermont Agency of Agriculture, Food and Market’s Required Agricultural Practices (RAPs). Prior to the

## 11.2022 Model Stand-Alone Bylaw/ Appendix

construction of farm structures, the farmer shall notify the AO in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks;

iv. Public utilities regulated under 30 V.S.A. § 248;

v. Telecommunications facilities regulated under 30 V.S.A. § 248a;

### 2. Prohibited Development in the River Corridor

a. New structures, fill, and development that do not meet the standards in Section IV.D Development Standards;

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

### 3. Permitted by Administrative Review

The following development activities meeting the Development Standards in the River Corridor in Section IV. D1 or 2, may be permitted directly by the AO:

a. Small accessory structures not larger than 500 square feet;

b. Improvements to utilities along an existing right of way and serving a building;

c. Replacement on-site septic systems;

d. Access and parking;

e. An attached deck or patio to an existing structure that is 200 square feet or less and is located no less than 100 feet from the top of bank;

f. Unimproved trails on native grades and soils that will be relocated as needed to accommodate channel adjustments and avoid degradation to bank stability and riparian habitat;

g. River or floodplain restoration projects that do not involve fill, structures, utilities, or other improvements, and which have written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw;

### 4. Conditional Use Review

Conditional use review and approval by the DRB in accordance with 24 V.S.A. § 4461 is required prior to the issuance of a permit by the AO for any activity in the River Corridor that is not exempt, prohibited, or eligible for administrative review.

### D. Development Standards within the River Corridor

These are the minimum standards for development in the River Corridor. Where more than one district is involved, the most restrictive standard shall take precedence.

**1. In-Fill:** Development must be located no closer to the top of bank than the existing primary structures, within a gap that is no more than 300 feet (see Figure 1), or

**2. Down River Shadow:** An addition to an existing habitable structure, or an accessory structure that is adjacent to an existing structure, shall be located in the shadow area directly behind and further from the channel than the existing structure, or within 50 feet to the downstream side and no closer to the top of bank. Below-ground utilities may also be placed within the same shadow dimensions of an existing below-ground system (see Figure 2). Only primary structures existing before this bylaw may be considered for shadowing other development.

#### 3. River Corridor Performance Standard

Proposals that do not meet the infill or shadowing criteria in section D. 1 or 2 must demonstrate, and the DRB must find, that the proposed development will:

- a. not be placed on land with a history of fluvial erosion damage or threatened by fluvial erosion; and,
- b. not cause the river reach to depart from or further depart from the channel width, depth, meander pattern, and slope associated with natural stream processes and equilibrium conditions; and,
- c. not result in a need for bank armoring or stream channelization as a result of the proposed development, that would increase flood elevations and velocities, or alter the sediment regime triggering channel adjustments and erosion in adjacent and downstream locations.

4. The DRB may request or consider additional information to determine if the proposal meets the River Corridor Performance Standard, including data and analysis from a consultant qualified in the evaluation of river dynamics and erosion hazards; and comments provided by the DEC Regional Floodplain Manager on whether the proposal meets the River Corridor Performance Standard.

5. New paths or alterations to paths that provide access to the water for the public, and promote the public trust uses of the water, shall not necessitate bank armoring, and must be relocated when the

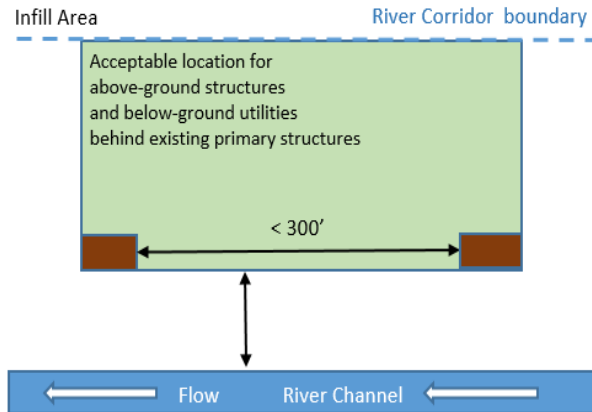


Figure 1: In-fill Development Standard

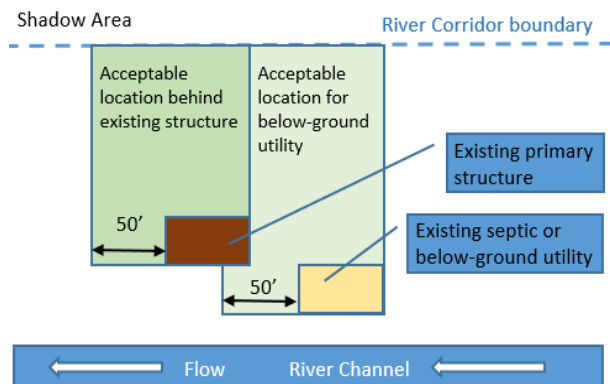


Figure 2: Shadow Area Development Standard

channel adjusts toward the path.

## V. Flood Hazard Area Protection

**A. Purpose** - To protect public health and safety by avoiding cumulative increases in flood elevations, velocities, and river instability; the cumulative loss of beneficial floodplain functions; and to minimize flood damage to development and services already located within this hazard zone.

### B. Lands to Which this Bylaw Applies

#### 1. Flood Hazard Areas

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

#### 2. Base Flood Elevations and Floodway Limits

a. Where available, base flood elevations (BFE) and floodway limits provided by the NFIP and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce this bylaw.

b. The floodway, as adopted by this community, shall consist of the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

c. In the SFHA where base flood elevations and/or floodway limits have not been provided by the NFIP in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or state or federal agencies to administer this bylaw.

d. If the Town acquires data that indicates a change in published base flood elevations, the Town will, within 6 months, submit the technical or scientific data to Vermont ANR and the NFIP Map Specialist.

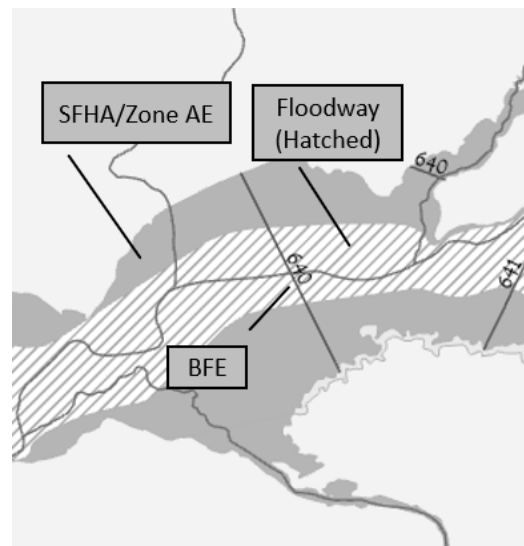


Figure 3 Diagram of Special Flood Hazard Area (SFHA) containing the Floodway (shown in hatched pattern). Also, cross-sections marked with the Base Flood Elevation (BFE) at that location.

**C. Jurisdictional Determination**

1. The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.
2. If uncertainty exists with respect to the boundaries of the Flood Hazard Area, the location of the boundary shall be determined by the Administrative Officer (AO).

**D. Development Requirements in the Flood Hazard Areas**

1. Permits

Except as provided in Section V D.2 Exempted Activities, a permit is required from the AO for all development that is located within the Special Flood Hazard Area. Development that requires conditional use approval or a variance from the Development Review Board (DRB) under this bylaw must have such approvals prior to the issuance of a permit by the AO. All permits shall require that a permittee have all other necessary permits from state and federal agencies before work may begin.

2. Exempted Activities

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

- a. The removal of a building in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged;
- b. Routine maintenance of existing buildings;
- c. Interior improvements or repairs to existing buildings that cost less than 500 dollars;
- d. Maintenance of roads, bridges, or stormwater drainage;
- e. Streambank stabilization, and abutment work that do not reduce the cross-sectional flow area of the river or stream channel and have coverage under a Stream Alteration Permit, if required;
- f. Planting projects which do not include any construction or grading activities in accordance with 24 V.S.A. § 4424(c);
- g. Subdivision of land that does not involve or authorize development;
- h. The following activities are exempt from municipal regulation, but may require a permit under the State’s “Vermont Flood Hazard Area and River Corridor Rule” (Environmental Protection Rule, Chapter 29):
  - i. State-owned and operated institutions and facilities;
  - ii. Forestry operations and silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation;
  - iii. Agricultural activities conducted in accordance with the Vermont Agency of Agriculture Food and Market’s Required Agricultural Practices (RAPs). Prior to the

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construction of farm structures, the farmer shall notify the AO in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks meeting community requirements;

iv. Public utilities regulated under 30 V.S.A. § 248;

v. Telecommunications facilities regulated under 30 V.S.A. § 248a;

### 3. Administrative Review; Permitted Development

The following development activities in the Special Flood Hazard Area and meeting the Development Standards in Section V E, may receive a permit from the AO without review by the DRB:

#### a. Outside of the Floodway:

i. Accessory structures not greater than 500 square feet;

ii. New fill for existing associated transportation and utility networks or to accommodate a replacement on-site septic system, if it can be demonstrated that no other practicable alternative is available;

iii. Recreational vehicles or travel trailers;

iv. River and floodplain restoration projects, including dam removal, that restore natural and beneficial floodplain functions and include written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw;

#### b. Within the entire Special Flood Hazard Area:

i. Improvements or repairs from damage to structures that do not expand the existing footprint and do not meet the definition of “substantial improvement” or “substantial damage”;

ii. Building utilities;

iii. At or below grade development (e.g. parking areas);

iv. Open fencing or posts;

v. Municipal transportation infrastructure improvements designed by the Vermont Agency of Transportation that have written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw;

### 4. Prohibited Development:

a. New critical facilities;

b. New residential or non-residential structures in the Floodway;

c. Storage of materials or junk yards;

5. Conditional Use Review

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

**E. Development Standards within the Flood Hazard Area**

1. **No** net loss of flood storage capacity,
  - a. Except as needed to fill an existing basement or mitigate an existing structure;
2. All development below the DFE, except development that is exempt under Section V D2, shall be:
  - a. Reasonably safe from flooding;
  - b. Designed (or modified) and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
  - c. Constructed with materials resistant to flood damage;
  - d. Constructed by methods and practices that minimize flood damage;
  - e. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  - f. Adequately drained to reduce exposure to flood hazards;
3. Fuel storage tanks and vents must be elevated above the DFE and securely anchored;

Storage tanks may be placed underground if a qualified professional certifies the installation will be anchored and protected from flood forces.

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

5. Recreational vehicles, equipment, boat trailers, portable toilets, construction trailers, and other travel trailers shall:

- a. Be currently registered, licensed, and ready for highway use; or
- b. Be on site for fewer than 180 consecutive days; or
- c. Meet the requirements for structures in Section V E 11;

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

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

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

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

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

11. Subdivisions and Planned Unit Developments shall be accessible by dry land access;

### 12. Structural Standards

a. New or Substantially Improved structures shall have the lowest floor, including basement, elevated to or above the Design Flood Elevation (two feet above base flood elevation). This shall be documented in the proposed and as-built condition with a FEMA Elevation Certificate.

b. New non-residential structures, and non-residential structures to be substantially improved, replaced, or that have incurred substantial damage shall:

i. Meet the standards of Section V E 11a, above; or,

ii. Have the lowest floor, including basement, together with attendant utility and sanitary facilities, designed so that to at least two feet above the base flood elevation the structure is dry floodproofed, meaning watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

A permit for dry floodproofing shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications, and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection;

c. New or Substantially Improved structures in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least two feet above the depth number specified on the community's FIRM, or at least three feet if no depth number is specified;

d. Critical facilities to be substantially improved shall have the lowest floor, including basement, elevated or dry-floodproofed at least one foot above the elevation of the 0.2% annual flood height (500-year floodplain), or three feet above base flood elevation, whichever is higher;

e. Historic structures being substantially improved shall meet the requirements in this bylaw other than the Lowest Floor Elevation (Section V E.11);

- f. Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited;
- g. Fully enclosed areas below the lowest floor, that are above grade, below the DFE, and subject to flooding, shall:
  - i. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs shall be certified by a registered professional engineer or architect; or,
  - ii. meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above adjacent grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; and
  - iii. A small accessory structure of 500 square feet or less need not be elevated to the base flood elevation if adequate flood openings are provided, the structure is placed on the site so as to offer the minimum resistance to the flow of floodwaters, and the construction meets the criteria in Section V E2 above.

**F. Development Standards within the Floodway**

- 1. Within the Floodway new encroachments are prohibited except for the following, which also shall comply with Section V F.2, below:
  - a. changes to existing structures where the footprint is proposed to expand horizontally into the floodway less than 500 square feet;
  - b. new encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects;
  - c. new encroachments relating to health and safety measures, such as replacement of pre-existing on-site septic and water supply systems, if no other practicable alternative is available.
- 2. Within the Floodway all proposed new encroachments are required to provide a hydraulic analysis, performed by a registered professional engineer, in accordance with standard engineering practice, certifying that the proposed development will:
  - a. Not result in any increase in flood levels during the occurrence of the base flood;
  - b. Not increase base flood velocities; and,
  - c. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

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

## **VI. Other Provisions**

### **A. Precedence of Bylaw**

The provisions of this bylaw shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this bylaw imposes a greater restriction the provisions here shall take precedence.

### **B. Validity and Severability**

If any portion of this bylaw is held unconstitutional or invalid by a competent court, the remainder of this bylaw shall not be affected.

### **C. Warning of Disclaimer of Liability**

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

## **VII. Administration**

### **A. Administrative Officer (AO)**

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

### **B. Development Review Board (DRB)**

A Development Review Board (DRB) shall be appointed by the Selectboard in accordance with 24 V.S.A. § 4460. The DRB shall have the duties and responsibilities as described in 24 V.S.A. Chapter 117 and as otherwise required by the municipal bylaws.

**C. Applications** All applications for development shall include:

1. A site plan that depicts the proposed development including water, Flood Hazard Areas, and River Corridor boundaries; the shortest horizontal distance from the proposed development to the top of bank of any stream, any existing and proposed drainage, any proposed fill, pre- and post-development grades, and the elevation of the proposed lowest floor as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps.
2. A copy of the ANR Permit Navigator Results Summary.

**D. Action and Referrals**

1. Within 30 days of receipt of a complete application the AO shall issue or deny a permit in writing or refer it to the DRB.
2. Any application for a proposed conditional use, variance, or appeal shall be referred by the AO to the DRB in accordance with 24 V.S.A. §§ 4448 and 4469.
3. Any application regarding New Construction, Substantial Improvement, development in a Floodway, development in a River Corridor, or a Variance shall be submitted by the AO to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources in accordance with 24 V.S.A. § 4424. A permit may be issued following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.
4. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall be submitted by the AO to the adjacent communities, the River Management Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers.

**E. Public Notice**

Prior to the issuance of a permit, proposals needing conditional use review, or consideration for a variance or appeal, must have a warned public hearing. Public notice of the hearing shall be provided by the AO at least 15 days before the date of the hearing by all the following:

1. Publication of the date, place, and purpose of the hearing in the newspaper of general circulation;
2. Posting of the same information in three or more public places within the municipality, including posting of notice by the applicant within view from the public right of way nearest to the property for which an application is made; and,
3. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. In any situation in which a variance is sought regarding setbacks from a state highway, written notification shall be sent to the Secretary of Transportation. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.
4. The applicant shall bear the cost of the public warning and notification of adjoining landowners.

**F. Decisions**

1. Decisions on applications that go to the DRB for review shall be made in accordance with 24 V.S.A. § 4464 including all findings of fact, conclusions, and conditions.
2. The DRB shall consider comments from the ANR.
3. No permit shall be issued by the AO for any use or structure which requires the approval of the DRB until such approval has been obtained.

### **G. Permits**

1. Where eligible, a permit shall be issued by the AO only in accordance with 24 V.S.A. Chapter 117;
2. Permits must state that all other necessary permits from state and federal agencies must be obtained before work may begin. A notice of permit, on a form prescribed by the municipality within view from the public right-of-way most nearly adjacent to the subject property must be posted until the appeals period has passed. Any Appeals shall be made within 15 days of permit issuance.
3. The AO, within three days of the date of issuance of a permit, shall deliver a copy of the permit to the listers of the municipality, and shall post a copy of the permit in the Town Offices for a period of 15 days from the date of issuance.
4. No permit shall take effect until the time for appeal (15 days) has passed, or in the event that a notice appeal is properly filed, no such permit shall take effect until adjudication of that appeal by the DRB is complete and the time for taking an appeal to the Environmental Division of the Superior Court has passed without an appeal being taken. If an appeal is taken to the Environmental Division, the permit shall not take effect until the Environmental Division rules in accordance with 10 V.S.A. § 8504.
5. Within 30 days after a permit has been issued, or within 30 days of the issuance of any notice of violation, the appropriate municipal official shall:
  - a. deliver the original or a legible copy of the permit or notice of violation or a notice of permit generally in the form set forth in 24 V.S.A. § 1154(c) to the town clerk for recording as provided in 24 V.S.A. § 1154(a); and,
  - b. file a copy of that permit in the offices of the municipality in a location where all municipal land use permits shall be kept.
6. Expiration
  - a. A permit shall remain valid for two (2) years from the date it is issued as long as substantial land development has been made;
  - b. Permits shall run with the land regardless of owner;
  - c. Structures shall be considered abandoned where the structures are no longer being maintained as a habitable structure for a period of at least five years, regardless of evidence of intent to re-establish such use. A habitable structure is structurally sound, weathertight, with functional drinking water, wastewater, and heating systems.

### **H. Variances**

Variances may be granted in writing by the DRB only in accordance with all the criteria in 24 V.S.A. § 4469 after a public hearing noticed in accordance with 24 V.S.A. § 4464. If the proposed development is located within any Flood Hazard Area, the proposal shall comply with 44 C.F.R. § 60.6. Any variance issued in the Flood Hazard Area shall not increase flood heights and shall inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the BFE increases risk to life and property and will result in increased flood insurance premiums up to

amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

### **I. Appeals of a Permit Decision**

Appeals from any decision or act of the AO in connection with this bylaw, shall be made to the DRB as provided for in 24 V.S.A. § 4465. Appeals from any decision of the DRB in connection shall be made to the Vermont Superior Court, as provided for in 24 V.S.A. § 4471.

### **J. Administrative Responsibilities**

1. The AO shall properly file and maintain a record of:

- a. All permits and supporting documents;
- b. A FEMA Elevation Certificate for any new, replacement or substantially improved buildings (not including accessory buildings) in the Flood Hazard Area;
- c. All floodproofing and other certifications required under this regulation; and,
- d. All decisions of the AO and DRB (including those for Substantial Improvement, Substantial Damage, appeals, variances, and violations) and all supporting findings of fact, conclusions, and conditions.
- e. All Certificates of Occupancy, and receipts as required for the determination of Substantial Improvement.

2. Substantial Improvement and Substantial Damage Determinations

- a. In the event of damage of any kind to a structure located within any Flood Hazard Area, the AO shall determine if Substantial Damage occurred regardless of any intended repair at that time.
- b. In the review of any proposal for the repair or improvement of a structure located within any Flood Hazard Area District, the AO shall determine if the proposal indicates Substantial Improvement.
- c. Substantial Improvement or Substantial Damage determinations shall be made in accordance with current FEMA and ANR guidance, or by a procedure meeting FEMA standards and established by the Town in accordance with 24 V.S.A. § 1972.

3. Certificate of Occupancy

- a. A Certificate of Occupancy (CO) is required for any new or Substantially Improved primary structure permitted under this bylaw. It shall be unlawful to use or occupy any structure within the areas affected by this bylaw, until a CO is issued by the AO in accordance with 24 V.S.A. § 4449 stating that the structure conforms to the requirements of this bylaw.
- b. A certificate of occupancy is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw.

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

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

d. If a certificate of occupancy cannot be issued, notice will be sent to the owner and copied to the lender.

### 4. Enforcement

a. This bylaw shall be enforced in accordance with 24 V.S.A. §§ 1974a, 4451, and 4452. All notices of violation shall be provided to the State NFIP Coordinator.

b. No new flood insurance shall be provided for any property which the Federal Insurance Administrator finds has been declared to be in violation of local flood hazard area regulations. If any appeals have been resolved, but the violation remains, the AO shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended. New and renewal flood insurance shall be denied to a structure upon a finding by the Federal Insurance Administrator of a valid declaration of a violation.

## VIII. Definitions

“Accessory dwelling” means an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. Accessory dwellings are residential structures.

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

“Area of special flood hazard” is synonymous in meaning with the term “special flood hazard area” for the purposes of this bylaw.

“Associated transportation and utility networks” means those transportation and utility networks connected to a bridge, culvert, or utility for the purpose of crossing a river or stream and do not include transportation or utility networks within the river corridor that merely run parallel to a river or stream .

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

“Base Flood Elevation” (BFE) is the elevation of the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

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

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

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

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

“Construction trailer” means a vehicle which is: (1) built on a single chassis; (2) 500 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable; and (4) designed for use as a temporary office facility used to support management of a construction project, and not as a permanent structure.

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

“Design Flood Elevation” (DFE) in the Town of \_\_\_\_\_ means the Base Flood Elevation plus two feet.

“Designated center” means a downtown, village center, new town center, growth center, or neighborhood development area designated pursuant to 24 V.S.A. chapter 76A.

“Development” means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials .

“Encroachment” means fill or development that reduces the functional river corridor (impairs the equilibrium condition) or increases flood levels.

“Equilibrium condition” means the width, depth, meander pattern, and longitudinal slope of a stream channel that occurs when water flow, sediment, and woody debris are transported by the stream in

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such a manner that it generally maintains dimensions, pattern, and slope without unnaturally aggrading or degrading the channel bed elevation.

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

“Flood hazard” means those hazards related to damage from flood-related inundation or erosion.

“Flood Insurance Rate Map” (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

“Flood Insurance Study” (FIS) means an examination, evaluation, and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation, and determination of mudslide (i.e., mudflow) and /or flood-related erosion hazards.

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

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

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

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

“Historic structure” means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area

other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 C.F.R. § 60.3.

"Maintenance" means periodic actions required to keep up a condition and that do not significantly change the materials or extent of an existing condition in the hazard area.

"Manufactured home (or Mobile home)" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"New construction" means structures for which the start of construction commenced on or after the effective date of floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

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

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

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

"Recreational vehicle" means a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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

“Special flood hazard area” (SFHA) is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. For purposes of this bylaw, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area.” This area is usually labeled Zone A, AE, AO, AH, or A1-30 in the most current flood insurance studies and on the maps published by FEMA. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: [msc.fema.gov](http://msc.fema.gov). Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of special flood hazard areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

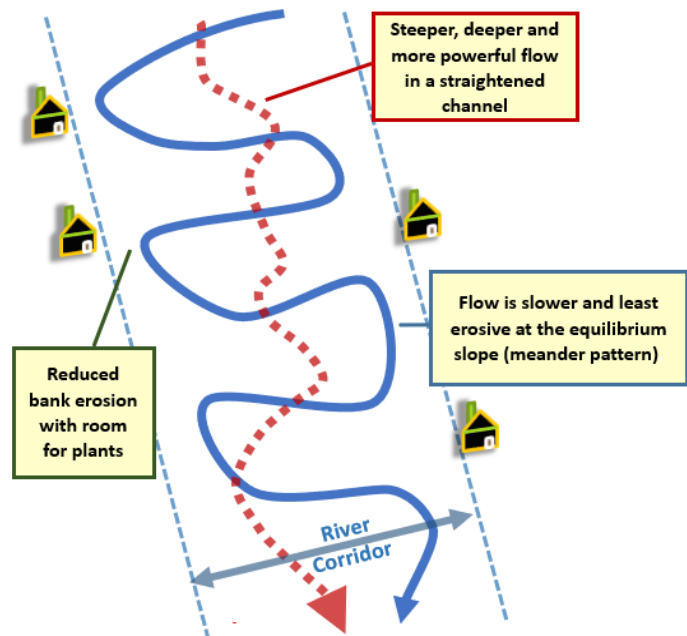


Figure 4 River Corridor Diagram showing room for river channel adjustments to minimize slope and erosive power.

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

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

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

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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

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

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

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

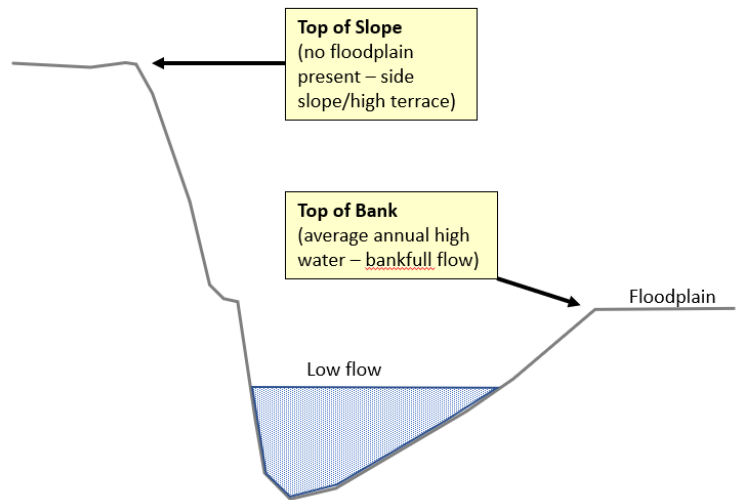


Figure 5 Diagram showing the Top of Bank where stream flows onto a floodplain and Top of Slope where floodplain access is not present.

Table 2.11  
Fluvial Erosion Hazard Area Overlay District (FEHO)

A. **Purpose.** The purposes of the Fluvial Erosion Hazard Area Overlay District (FEHO) are to: (1) implement adopted municipal and hazard mitigation plans; to (2) protect mapped fluvial erosion hazard areas that are highly sensitive to erosion due to naturally occurring stream channel migration and adjustment; to (3) limit new development within these areas to protect public health, safety welfare, and to minimize property losses and damage and extraordinary public expenditures resulting from fluvial erosion; and to (4) allow rivers and streams to re-establish and maintain their natural equilibrium, and thereby avoid the need for costly and environmentally degrading stream channelization and bank stabilization measures.

B. **Permitted Uses** – requiring only administrative review:

1. Agriculture (see Section 6.02)
2. Forestry (see Section 6.02)
3. Home Child Care\*
4. Home Occupation\*

*\* Only in association with an existing single family dwelling*

**Permitted Uses** – subject to state review and administrative approval; must meet applicable requirements of this district and Section 5.03 F prior to the issuance of a zoning permit; documentation of state permits required:

5. Accessory Use (to a permitted use)
6. Accessory Structure (max: 500 sq. ft.)
7. Addition to an existing structure (max: 500 sq. ft.)
8. Channel management activities
9. Flood and stormwater management activities
10. Public Utility/Facility (regulated by the state)
11. Recreational vehicle storage (see Section 5.03 F.10)
12. Water supply and wastewater systems
13. Minor grading outside the NFIP floodway (max: 1000 sq ft.; no fill, berming, or increase in elevation)
14. Trail

D. **Dimensional Standards:**

1. As required for the underlying zoning district; however:

C. **Conditional Uses** – The following development is allowed in association with uses listed in Subsections B and C of underlying zoning district tables, subject to state and conditional use review under Section 5.03 F as well as other applicable conditional use standards:

1. Accessory Structure (>500 sq. ft.)
2. Accessory Use (to a conditional use)
3. Addition to an existing structure (>500 sq. ft.)
4. Driveways (new, improved or relocated)
5. Fill (only as necessary to elevate structures)
6. Grading and excavation (incidental to allowed uses, activities)
7. Infrastructure improvements (incidental to allowed uses, activities)
8. Parking (at grade only, to serve allowed uses)
9. Public Facility (limited to facilities that are functionally dependent on river access)
10. Road improvements, relocations (existing roads only)
11. Stream Crossings (bridges, culverts)

- a. No new accessory structure or addition to an existing principal structure in this district shall further reduce the minimum setback distance from the stream established by

**Table 2.11 (continued)**  
**Fluvial Erosion Hazard Area Overlay District**

existing structures on the lot, as measured horizontally from the top of the stream bank (or slope) to the point of the structure nearest to the stream;

- b. An accessory structure in the FEHO shall be located no more than 50 feet from the principal structure, unless it can be located farther away from the stream than the principal structure as measured horizontally from the top of the stream bank (or slope) to the point of the structure nearest to the stream;
- c. The total combined, cumulative footprint of all accessory structures within the FEHO constructed on a property after May 18, 2010 shall not exceed 500 square feet or 50% of the existing footprint of the principal structure, whichever is greater.
- d. The total combined, cumulative footprint of all structural additions or improvements within the FEHO constructed on a property after May 18, 2010 shall not exceed 500 square feet or 50% of the existing footprint of principal structure, whichever is greater.

**E. Additional District Standards – see also Section 5.03 (F)**

1. **Applicability.** District standards shall apply to all mapped Fluvial Erosion Hazard Areas in the Town of Waitsfield, as depicted on the most current Fluvial Erosion Hazard (FEH) maps accepted by the Vermont Agency of Natural Resources River Management Program and on file at the town office.
  - a. Development within the Fluvial Erosion Hazard Area Overlay District shall be subject to the provisions of Section 5.03 F, as well as any applicable requirements of the underlying zoning district. Where the standards of this overlay district differ from those of the underlying district, or from other applicable sections of these regulations – including flood hazard area regulations under Section 5.03 and stream setback and buffer requirements under Section 3.12 – the more restrictive shall apply.
2. **Allowed Uses & Activities.** Uses and activities allowed within the Fluvial Erosion Hazard Area Overlay District which are not subject to review under district standards include agricultural and forestry activities conducted in accordance with the requirements of Section 6.02, unimproved open space, the regular maintenance of existing roads, driveways, utilities, stormwater systems and other infrastructure, and those uses allowed by statute within existing single-family dwellings (e.g., home child care, group homes and home occupations). Other “permitted” uses listed under Subsection B must meet applicable provisions of Section 5.03 F, either through documentation that required state permits have been obtained, or through administrative review prior to the issuance of a zoning permit. All other uses, structures and activities, including but not limited to expanded single-family dwellings, shall be subject to conditional use review under the provisions of Section 5.03 F, as well as other applicable municipal and state regulations.
3. **Prohibited Uses & Activities.** The following development is specifically prohibited within this district: all new development, including new structures, buildings, dwellings, septic systems, roads, utilities and other infrastructure, except as allowed under Subsections B and

C above; junk or salvage yards; the storage of chemicals, fertilizers, pesticides, explosives, and flammable, toxic, hazardous and floatable materials; and fill, except as specified under C to elevate existing structures also within the Flood Hazard Overlay District above the base flood elevation.

(From) **Section 5.03 (F):**

**Fluvial Erosion Hazard Overlay (FEHO) Development Standards.** For development within the Fluvial Erosion Hazard Area Overlay District which is identified as a permitted use in the underlying district in which it is located, only the following standards shall apply under conditional use review. For conditional uses in the underlying district, in addition to applicable general and specific standards in 5.03(C) and (D), the following standards also shall apply:

1. No development shall be allowed within required surface water and wetland setback and buffer areas under Section 3.12, except as specified under that section.
2. No increase in existing structural encroachments shall be allowed within this district, in accordance with Table 2.11(D)(1).
3. The total combined, cumulative footprint of all structural additions or improvements within the FEHO constructed on a property after May 17, 2010 shall not exceed 500 square feet or 50% of the existing footprint of the principal structure, whichever is greater.
4. The total combined, cumulative footprint of all accessory structures to existing structures within the FEHO constructed on a property after May 17, 2010 shall not exceed 500 square feet or 50% of the existing footprint of the principal structure, whichever is greater.
5. An accessory structure in this overlay district shall be located no more than 50 feet from the principal structure, unless it can be located farther away from the stream than the principal structure, as measured horizontally from the top of the stream bank (or slope) to the point of the structure nearest the stream.
6. Fill is allowed within this district only as provided under Table 2.11(C) to elevate existing structures within the Flood Hazard Overlay District above the base flood elevation, or as incidental to other allowed uses and activities under Table 2.11(C).
7. New stream crossings by driveways, transportation or utility corridors shall be allowed only if it is determined by the Development Review Board that there are no other viable routes, access points or crossing locations outside of the FEHO, and the crossing is necessary for routing, public or emergency vehicle access. Stream crossings shall be designed by a professional engineer, in accordance with state guidelines, to minimize flood and fluvial erosion hazards both up- and downstream from the proposed crossing area.
8. Bridges and culverts in this district shall be sited, sized and designed in accordance with state capacity guidelines to minimize fluvial erosion hazards, and shall be regularly inspected and maintained. Regular monitoring reports to the town may be required as a condition of approval.

9. All utility lines in this district shall be buried.
10. Recreational vehicles may be stored in this district only if they are fully licensed and ready for highway use.
11. The Development Review Board, in consultation with the River Management Program, must also find that conditional uses within this district shall not:
  - a. Have an undue adverse effect on community services and facilities, including roads, bridges, culverts and emergency services, during and after fluvial erosion events.
  - b. Increase the susceptibility of property or other properties to fluvial erosion damage.
  - c. Increase the potential for materials to be swept into the stream channel or onto other land and cause damage.



December 13, 2023

Christine Sullivan, Chair of the Waitsfield Selectboard  
4144 Main Street  
Waitsfield, Vermont 05673

VIA EMAIL

Dear Christine Sullivan,

The Central Vermont Regional Planning Commission's (CVRPC) Municipal Plan Review Committee held a public hearing on Monday, November 9, 2023 at 4:00 p.m. to consider approval of the *Waitsfield Town Plan* and to confirm of Waitsfield's planning process. The CVRPC reviewed the plan in accordance with the requirements of 24 VSA 117 to ensure that:

- All required elements under 24 VSA 117 §4382 have been included in the plan;
- The statewide planning goals identified in 24 VSA 117 Section §4302 have been met; and
- The Town is engaged in a process to implement the plan.
- The Energy Chapter meets criteria for a determination of energy compliance under 24 VSA. § 4352

Based on this review, the CVRPC has concluded that the *Waitsfield Town Plan* meets all the statutory requirements as noted above and Waitsfield is actively working to implement the plan. As such, a resolution indicating regional approval of the plan and confirmation of the municipal planning process was approved by the Commission. Copies of the resolutions are included with this correspondence.

The Board of Commissioners also found that while the Town provided compelling evidence that it had made progress towards all of the state planning goals, it had not documented its progress to attaining State Planning 13, relating to childcare, in the Plan. Therefore, the Board of Commissioners indicated that for the Town to retain confirmation of its planning process, progress toward meeting State planning Goal 13 will need to be documented in the Town Plan before CVRPC completes its next consultation in 2027. State Planning Goal 13 is as follows:

*To ensure the availability of safe and affordable child care and to integrate child care issues into the planning process, including child care financing, infrastructure, business assistance for child care providers, and child care work force development.*

Confirmation of your planning process means that the Waitsfield is eligible for future municipal planning grant funding and other statewide programs.

Congratulations for all the hard work your municipality has put into this process and for supporting the future planning of the Waitsfield. Please don't hesitate to contact the CVRPC if you have any questions or need further assistance.

Regards,

A handwritten signature in blue ink that reads "Christian Meyer". The signature is written in a cursive, flowing style.

Christian Meyer  
Executive Director

Cc: Alice Peal, Chair of the Waitsfield Planning Commission  
JB Weir, Planning & Zoning Administrator

### Current Town Plan language

**Day Care.** Presently, only two home childcare operators are registered in the Town—a reduction from past years, when as many as five home childcare services were registered in Waitsfield. Currently, six licensed facilities operate in Waitsfield, including the after-school program which uses the elementary school. It is not known how adequately child care needs are now being served.

### Proposed Town Plan Update

**Childcare.** Ensuring accessible, affordable, quality childcare is important to sound economic development. Recognizing the reality that most families lead lives that require full or at least part-time childcare outside of their homes, childcare is seen as a critical community need. Accessible, affordable and quality childcare in the area affects parents' ability to enter the workforce, be productive while at work, and remain employed. In addition, the childcare industry itself contributes to the local economy through the jobs it sustains, the revenues childcare workers take in, and the taxes they pay.

Waitsfield currently has only two registered childcare facilities: Neck of the Woods (NOW) and the Spring Hill School.

Spring Hill School – founded in 1985 - is a licensed nonprofit school, which offers a morning preschool program and afternoon program of early care and education. In 2024, the Town allocated \$4,500 of ARPA funds to the school to rehab the school's outdoor learning space and aging equipment.

Neck of the Woods was established in 2020 at the outset of the pandemic. NOW currently runs full-time early childhood programs for infants through preschool at the main campus in Waitsfield. NOW also runs the after-school enrichment program at the Moretown Elementary School and summer camps for pre-school through 12 year-old children. In NOW's main building, current enrollment consists of 70 children and will continue to expand as renovations are completed to the second floor of the building. Upon completion of the renovations in the fall of 2026, the building will have capacity for up to 100 children. In 2024, the Town allocated \$25,000 of ARPA funds to NOW to build a commercial kitchen and cafeteria to become a Head Start Program. This program offers free childcare to low-income families that meet eligibility requirements and allows eligible families to choose from a wide array of child development and family support services at no cost.

The Town's commitment to childcare was also demonstrated through an additional 2024 ARPA allocation of \$25,000 to the now defunct Waitsfield Children's Center (WCC). The money was allocated for the design of an updated water system to accommodate more children. The WCC program had operated for nearly 50 years until fiscal realities led to its closure in July of 2024. However, Neck of the Woods was able to accommodate all of the staff and families who'd been at the Waitsfield Children's Center. The Town then shifted the remaining funds from WCC to Neck of the Woods.

The Town of Waitsfield has also historically waived zoning fees for all childcare centers.

### 7.J Goals

Continue to support existing childcare facilities to ensure all families have access to high-quality childcare by:

- Exploring allocating local option taxes or using municipal funds for childcare capacity grants or direct operational support to keep tuition affordable.
- Partner on housing initiatives for childcare providers who often struggle to find affordable housing near work.
- Partner with organizations to connect families with available local services.
- Streamline permitting for home-based childcare and designate areas for commercial childcare centers in town plans.

# TOWN OF WAITSFIELD SHORT-TERM RENTAL (STR) ORDINANCE

April 1, 2026

§ 1. Authority

§ 2. Purpose

§ 3. Definitions

§ 4 Permit application requirements

§ 5. General Requirements

§ 6. License Processing

§ 7. Violations

§ 8. Enforcement and Fines

§ 9. Expiration

§ 10. Suspension or Revocation of License

§ 11. Other Laws

§ 12. Severability

§ 13. Effective Date

## **§ 1. Authority:**

This Ordinance is adopted by the Selectboard of the Town of Waitsfield (“Selectboard”) under authority of 24 V.S.A. § 2291(15) and (29), and 24 V.S.A. Chapter 59.

## **§ 2. Purpose:**

The Town of Waitsfield (“Town”) values a sense of community that is derived from being a good neighbor, respecting the surrounding environment and demonstrating regard for health and safety. The purpose of this Ordinance is to promote the public health, safety, and welfare of the Town and to provide the Town with tools to effectively mitigate secondary impacts that may arise from Short Term Rental (“STR”) operations including, but not limited to, adverse impacts to the availability of long-term housing, neighborhood cohesion, and visitor safety. This Ordinance regulates STRs in furtherance of these purposes by:

1. Requiring disclosure and licensing of STRs to support the responsible operation of STRs and to provide data on their activity in the Town of Waitsfield; and
2. Carrying out the objectives of the Town Plan in a manner that balances both the shared and individual rights of Town property owners, residents, and transient visitors.

## **§ 3 Definitions:**

For purposes of this Ordinance, the following words and phrases will apply:

1. "Short-Term Rental (STR)" means a furnished house, condominium, or other dwelling room or self-contained dwelling unit rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days.
2. "Property Owner" means the individual(s) or entity/entities that hold legal title to a building, structure, or land or a part thereof where the STR is located.
3. "STR Administrator" means the zoning administrator (administrative officer) or other person or persons designated by the Selectboard to administer and enforce compliance with this Ordinance and to represent the Town in any associated proceedings, legal or otherwise.
4. "Dwelling Unit Capacity" or "DUC" means the total occupancy limit for a short-term rental as determined by the maximum capacity of one of the following:
  - a. the property's wastewater disposal system based upon a State of Vermont Wastewater and Potable Water Supply Permit for the property for dwelling units or wastewater and potable water supply systems constructed, modified, or occupied after June 30, 2007;
  - b. the local zoning or septic permit for dwelling units constructed before July 1, 2007; or
  - c. the number of bedrooms indicated in the listers' property database if a local zoning or septic permit does not exist for dwelling units constructed before July 1, 2007.

**§ 4. Permit application requirements:**

An application for a STR License must include the following to be deemed complete and processed:

1. A certificate demonstrating that the property has passed a Department of Public Safety fire safety inspection conducted by a state-certified inspector and at time of renewal.
2. The address of the STR, the STR owner name(s), address(es) telephone number(s) and email address(es). If the Owner is a corporation, LLC, partnership, trust, association, or company, the name of the majority or controlling member or member/agent authorized to act on behalf of the entity is required on all applications. Where applicable, the owner's agent or property manager contact information will be required.
3. The maximum occupancy of the STR and the number of off-street parking spots available.
4. The owner of a STR must post within the unit a telephone number for the person responsible for the unit and the contact information for the Department of Health and the Department of Public Safety's Division of Fire Safety.
5. Payment of all applicable STR fees as established by the Town Selectboard.

**§ 5. General Requirements:**

1. Licensing & Approvals
  - a. A STR license must be renewed bi-annually by the 31st of October.
  - b. A STR license is NOT transferable.
  - c. No STR license will be approved unless the applicant has submitted all required documents to the STR Administrator.
2. Standards
 

All STRs must meet the following standards:

- a. The property must have a green and white high-visibility house number visible from the street or road that it abuts.
- b. Trash shall be stored in a secure place from animals.
- c. A Knox-Box (i.e., for emergency keys) is required for all short-term rental properties in which an alarm system is active., The Knox-Box must be registered with the Waitsfield Fire Department. [To order the Knox-Box, see this form: <https://www.knoxbox.com/Products> (click buy in upper right hand corner, location VT Dept is Waitsfield Fire)]

**§ 6. License Processing:**

- 1. The STR Administrator must either approve or deny a complete license application within 30 days. Any denial will be in writing and provide the reasoning and cite any applicable section of the Ordinance as the basis of the denial.
- 2. Short-term rental permits issued pursuant to this section must include the following:
  - a. The name and telephone number for the person responsible for the unit;
  - b. The maximum occupancy and parking limitations for the short-term rental unit;
  - c. A statement that no outdoor fires are allowed, except as permitted by local and state law;
  - d. A statement that the short-term rental permit may be revoked for violations.

**§ 7. Violations:**

- 1. A violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Washington County Superior Court, at the election of the STR Administrator.
- 2. Violations enforced in the Judicial Bureau will be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, an STR Administrator will have authority to issue tickets and represent the Town at any hearing.
- 3. Violations enforced in the Superior Court will be in accordance with the Vermont Rules of Civil Procedure. The Town may pursue all appropriate injunctive relief.

**§ 8 Enforcement & Fines:**

- 1. Enforcement
  - a. Inspection: May be carried out for accuracy of bedroom counts, ensuring posting requirements are met, and investigating complaints.
  - b. Notice: If the STR Administrator determines there is a violation of this Ordinance, the STR Administrator must first issue a 14-day Notice to Remedy.
- 2. Fines:
  - a. If the violation has not been substantially cured within 14 days a fine shall be applied. Each day a violation exists after the date set for remedy shall be subject to a separate fine until the violation is cured.
  - b. Repeated violations of the same provision(s) of this Ordinance shall not be given time to remedy the violation before additional fines accrue.
  - c. A subsequent violation that is identical to, and that occurs within six months of a previous violation shall be considered a higher offense (i.e., second, or third offense).

Any subsequent identical violation that occurs after twelve months of a previous identical violation shall be considered a new first offense.

- d. The STR Administrator is authorized to recover a waiver fee in lieu of a civil penalty, for any person who declines to contest a municipal complaint and pays the waiver fee in the following amounts for each violation:

First violation \$200

Second violation \$400

Third violation \$600

Fourth and Subsequent Violations \$1000

- e. An Enforcement Officer is authorized to recover civil penalties for violations of this Ordinance in the following amounts for each violation:

First violation \$500

Second violation \$1000

Third violation \$1500

Fourth and Subsequent Violations \$2000

**§ 9. Expiration:**

- 1. This ordinance will expire in two years after its initial adoption to allow for a period of data gathering and analysis. Upon expiration of this ordinance, the Selectboard will revisit the issue of STRs and may adopt a new ordinance to replace this one.

**§ 10. Suspension or Revocation of License:**

- 1. In addition to the penalties available for enforcement of a violation(s), the license may also be subject to suspension, revocation, or non-renewal per the terms of this ordinance. Determination of these additional penalties will be made, in writing to the licensee, by the STR Administrator.
- 2. If a licensee commits three (3) violations within 12 months, their license will be revoked.
- 3. A Licensee who has had their License revoked may not re-apply for a period of one (1) year from the time their revoked License was due to expire.

**§ 11. Other Laws:**

- 1. This Ordinance is in addition to all other ordinances of the Town of Waitsfield and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**§ 12. Severability:**

- 1. If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding will not invalidate any other part of this Ordinance.

**§ 13. Effective Date:**

1. This Ordinance will become effective 60 days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute will govern the taking effect of this Ordinance.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2026