

ZONING AND FLOOD HAZARD REGULATIONS (AMENDED)

SECTION 430 - Lakes District

The specific purpose of the Lakes District is to preserve and enhance high quality waters, to provide for the beneficial use of public waters by the general public, to protect shore lands of waters that are unsuitable for development, to maintain a low density of development, and to maintain high standards of quality for permitted development.

Description: Zoning Map is official delineation of District.

The Lake District shall include all land within the following boundaries:

A line along State Route 100 North, commencing where the southern boundary of the Buswell Property (Parcel 200201) meets the boundary of State Route 100 North and running southerly to the intersection of State Route 100 North and Town Road 4; thence southeasterly as shown on the Zoning Map to a point 500 feet southeasterly of Town Road 4; thence running northerly 500 feet easterly of Town Road 4 to its intersection with Town Road 5; thence running northerly 500 feet easterly of Town Road 5 to its terminus; thence northwesterly to the northwesterly corner of Parcel 010013; thence westerly, southerly, westerly, as shown on the Zoning Map, to the point of beginning, excepting there from the R-C District portion east of Route 100 North in the Tyson area.

Permitted Uses

- 1) Single-Family Dwelling
- 2) Home Occupation
- 3) Governmental Recreation Area
- 4) Accessory Uses or Building
- 5) Accessory Apartment
- 7) Home Child Care
- 8) ~~Upgrading~~

Rationale: LRA requests this be restored. Restriction of upgrading severely restricts the improvement of very old structures on the same footprint

Conditional Uses

- 1) Two Family Dwelling
- 2) Residence with Professional Office

District Standards

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| Lot Area Minimum | 40,000 Sq. ft./dwelling unit |
| Lot Frontage Minimum | 100 Feet |
| Lot Depth Minimum | 100 Feet |
| Waterfront Setback Minimum | 50 Feet |
| Building Front Yard Setback | 55 Feet |
| Side & Rear Yard Setback | 15 Feet each |
| Minimum (Maximum) Coverage | 20% |
| Rationale: This appears to be an error. | |
| Maximum Building Height | 35 feet or 3 stories, whichever is less |
| Maximum Accessory Building Height Maximum | 15 feet |

Supplemental District Standards

Lake Shoreland Protections are necessary in order to prevent water quality degradation, maintain a healthy habitat and promote flood resilience. The lake shoreland protection requirements apply to all land located within 50 feet of the mean water level of Round Pond, Lake Rescue and Lake Pauline.

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1) **Development Standards:** development within this lake shoreland protection area – including structures, excavation, filling or grading – is subject to the following standards:

- a. No (new) structures, roads or driveways shall be placed, and no land shall be excavated, filled or graded within a distance of 50 feet from the mean water level along the shorelines of Round Pond, Lake Rescue and Lake Pauline, except as provided in subsections 2, 3 and 4 of these supplemental district standards.

Rationale: Inserting the word “new” reinforces the concept of grandfathering of existing structures.

- b. ~~Land within this 50 foot lake shoreland protection area shall be designated as a~~ Within the 50’ lake shoreland protection area, the first 10’ shall be designated and maintained as a natural buffer zone ~~“no mow” zone and will maintain a natural vegetated buffer~~ that functions to filter runoff, control sediment and nutrient movement, control erosion, and provide fish and wildlife habitat. Existing shoreline areas, consisting of sand, duff and/or grass tufts that are being used to pull boats and docks in and out of the water may continue to be used for those purposes and not be considered part of the natural buffer.

Rationale: The LRA Board believes that given the number of nonconforming, small lots, variable lot structures and topography, requiring a 50’ vegetative buffer zone is excessive and not viable in many cases. We recommend a more realistic 10’ buffer. The phrase “no mow” is unclear and not as strong as “natural buffer” which suggests a mixture of natural plantings.

- c. New lawn areas shall not be permitted within this lake shoreland protection area.
- d. Expansions of existing lawn areas within the lake shoreland protection area shall not be permitted.
- e. Except for purposes of erosion control riprap and retaining walls are not permitted. ~~Riprap and retaining walls used for ornamental purposes or for terracing natural slopes that disturb natural vegetation are not permitted within the lake shoreland protection area.~~

Rationale: Removal of the word “ornamental” and rephrasing the sentence as above should reinforce that such construction is only permitted for the function of erosion control and simplify the interpretation of what is or is not allowed.

- f. Any development approved under subsections 3 and 4 below shall minimize, to the greatest extent possible, the areas of disturbance within the lake shoreland protection area, and shall incorporate site-appropriate best management practices in order to mitigate negative impacts. Best management practices are as generally referenced in accordance the *Low Risk Site Handbook for Erosion Prevention and Sediment Control*, *Vermont Low Impact Development Guide for Residential and Small Sites* and Vermont Agency of Natural Resources *Lake Shoreland Best Management Practices*.

2) **Exemptions:** the following types of development are exempt from these standards and do not require a permit:

- a. Removal of unsafe trees or limbs that threaten personal safety or structures. Such removal shall be conducted so as to prevent damage to surrounding healthy trees and shrubs, minimize damage to natural ground cover, prevent soil erosion and

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sedimentation to the lake, and leave all stumps intact.

- ~~b. Pruning the lower third of the branches of a tree provided that the survival of the tree is not endangered.~~

Rationale: Pruning of trees to enable a lake view depends on the specific lot topography, many of which are on steep slopes. The LRA Board believes section 3a sufficiently addresses this issue and that this item can be removed.

- e. Any structure or use of land legally in existence as of the effective date of these regulations that does not meet the requirements of these regulations shall be considered nonconforming. Nonconformities – including existing structures, lawns and other uses – may undergo ~~normal~~ maintenance, repair, and reconstruction provided that such action does not increase the degree of nonconformity. ~~Normal repair does not include reconstruction or expansion.~~

Rationale: Reconstruction as long as it does not increase non-conformity should be permitted/grandfathered as it has always been in the past. Many structures on the lakes are very old cabins in need of replacement rather than repair.

- 3) **Administrative Review:** the following types of development are subject to Administrative Review under Sections 210-221 and shall meet the following provisions:

- ~~a. Cutting of shrubs or groundcover smaller than 4 inches in diameter for an access footpath not to exceed a cleared width of 6 feet, with no imported fill, and constructed so as to prevent erosion, avoid soil disturbance and disperse runoff into vegetated areas using zigzag or switchback construction. The construction shall not involve earth moving equipment and stumps and roots must remain intact.~~ **Removal of a minimum amount of trees and vegetation is permitted consistent with development of the structure; safety; access to and use of the water and views of the lake.**

Rationale: This paragraph is largely covered in 1f. The LRA Board believes that water quality can be protected and yet still allow homeowners' access, use and views of the lake. For example, selective topping of trees done carefully can provide views and still maintain the viability of the tree so that it continues to provide bank stabilization.

- b. ~~Removal of the minimum amount of vegetation necessary in order to accommodate~~ Actions associated with the placement of a stairway and associated landing, or lift for Americans With Disabilities Act (ADA) accessibility and access path.

Rationale: Requirements for paths and lifts contain a number of requirements regarding width, grade, surfaces, etc.

- c. Construction of Normal Water Facilities (see Definitions) shall be subject to the following additional provisions:

- i. Waterfront lots may have ~~one a one-story boathouse and/or dock for the sole purpose of boat storage and/or normal water facility;~~ one end may extend into the water ten (10) feet beyond the high water mark. Width of the boathouse is not to exceed twelve (12) feet; height not to exceed ten (10) feet above the high water mark.
- ii. ~~Waterfront lots may also have one boat dock that shall not extend more than fifteen (15) feet into the water beyond the high water mark and shall not exceed 200 square feet.~~

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Rationale: It is the LRA Boards' understanding that the State has jurisdiction in this area and allows dock areas to be up to 500 sq. ft. and 50' into the water. Also, 15' is insufficient for some properties that have shallow lake entrances.

- iii. Waterfront lots may also have one set of stairs that connect the house or lawn area to the waterfront, boat dock and/or boat house. Such stairs must minimize the area of disturbance within the 50 foot setback area, and be constructed as infiltration steps (where possible as dictated grade and terrain) as specified in Appendix _.

Rationale: A number of lake properties have very steep slopes to the lake that would not be suitable for permeable stone treads. Wooden stairs (with wood treads) that allow water to flow through the back and middle of tread should be allowed.

- 4) **Conditional Use Review:** the following types of development are subject to review by the Development Review Board as a Conditional Use in accordance with Section 260 and shall meet the following provisions:

- a. Shoreland bank stabilization projects where the DRB finds that the purposes of this section will be protected through erosion controls, supplemental planting, protection of existing vegetation, and/or other measures.
- b. Enlargement, extension, expansion, ~~modification~~ or relocation of non-conformities – including existing structures, lawns and other uses – are subject to the requirements of Sections 261-263, shall not increase the degree of nonconformity, and shall meet all other applicable requirements of these regulations. ~~In approving such projects, the DRB is authorized to require the applicant, as a mitigation measure, to return any mowed or cleared areas to a naturally vegetated state with supplemental planting of appropriate native vegetation.~~

Rationale: Modifications (e.g., new windows, changing a doorway, etc.) of non-conforming structures so long as they do not increase non-conformity should not require review by DRB. Such modifications are permitted, or “grandfathered” under existing regulations. The LRA Board believes that existing non-conforming lawns or uses should be permitted and not under DRB review.