
ARTICLE IV. SPECIFIC USE STANDARDS

Section 4.1 Applicability

The following standards apply to specified uses in all districts in which such uses are allowed under Article II. Specified uses also may be subject to site plan review under Section 5.3 or conditional use review under Section 5.4. If there is a conflict between a standard in this section and a standard in another section of these regulations, the more restrictive shall apply.

Section 4.2 Accessory Dwelling

(A) In accordance with the Act [§4412(1)(E)], one (1) accessory dwelling unit which is located within or attached to a single family dwelling, or within an accessory structure to the single family dwelling, may be allowed as a permitted use in any zoning district in which a single family dwelling is allowed, subject to the issuance of a zoning permit by the Zoning Administrator under Section 9.3, and the following requirements:

- (1) The single family dwelling, or the accessory dwelling, must be occupied by the owner of the single family dwelling, or a member of the owner's family.
- (2) The accessory dwelling unit shall have no more than one (1) bedroom.
- (3) The accessory dwelling unit must be clearly subordinate to the primary single family dwelling, and shall not exceed 30% of the existing total habitable floor area of the single family dwelling, excluding unfinished attics and basements.
- (4) The accessory dwelling shall meet all setback, building and lot coverage requirements for the district in which it is located. If an accessory dwelling is to be located within a pre-existing, nonconforming structure, it shall not increase the degree of noncompliance, in accordance with Section 3.8.
- (5) It is demonstrated that sufficient wastewater system capacity exists to serve both the single family dwelling and the accessory dwelling unit.
- (6) One (1) additional on-site parking space shall be provided for residents of the accessory dwelling.
- (7) The accessory dwelling shall share the access (curb cut) and driveway serving the single family dwelling.

(B) The zoning permit issued for an accessory dwelling shall clearly state that the dwelling is permitted only as an accessory to the principal single family residential use of the property and as such shall be retained in common ownership. An accessory dwelling unit may be subdivided and or/converted for conveyance or use as a principal dwelling only if it is found to meet all current municipal regulations applying to a two-family dwelling (for an attached unit), or two single family dwellings (for a unit in an accessory structure), including all lot, density and dimensional requirements for the district in which it is located. All applicable municipal permits and approvals shall be obtained prior to conversion to, or conveyance as, a principal dwelling.

Section 4.3 Adaptive Reuse of Historic Structures

(A) Adaptive reuse is intended to allow for the continued, economically viable use of historic structures, such as historic barns, that have outlived their original purpose but contribute to the historic, architectural and/or cultural fabric of the community. Accordingly, in designated zoning districts an alternative use may be allowed within the current dimensions of a historic structure, subject to conditional use review under Section 5.4, and the requirements of this Section.

- (B) Structures eligible for adaptive reuse are limited to those which:
- (1) are no less than 50 years old and are listed, or eligible for listing, on the *Vermont Historic Sites and Structures Survey* for the Town of Bolton, maintained by the Vermont Division for Historic Preservation; or
 - (2) have historical or architectural significance to the town, as determined by the Development Review Board based on application information and/or evidence presented in hearing;
 - (3) have a minimum habitable floor area of 600 square feet; and
 - (4) can safely house and support the intended use.

(C) The Development Review Board may consult with the Vermont Division for Historic Preservation; and/or require the applicant to submit an independent evaluation prepared by a qualified architectural historian, to be paid for by the applicant, in order to make a determination regarding the structure's historic or architectural significance and structural integrity.

(D) Structures determined to be eligible for adaptive reuse by the Board may be used for one or more of the following uses in any zoning district, subject to conditional use review under Section 5.4:

- (1) Any use allowed within the district the structure is located, subject to any restrictions specified as follows.
- (2) Accessory Dwelling
- (3) Bed & Breakfast
- (4) Cultural Facility (e.g., theater, museum, nature center, performance space)
- (5) Multi-family Dwelling (maximum: 4 units)
- (6) Office or Studio
- (7) Production Facility (limited to specialty food or wood products)
- (8) Restaurant
- (9) Retail Sales (limited to agricultural and wood products, antiques, arts and crafts; e.g., a gallery, farmers market, furniture or antiques store)
- (10) Single Family Dwelling
- (11) Storage Facility (enclosed)
- (12) Two-family Dwelling.

(E) It shall also be demonstrated, to the satisfaction of the Board that:

- (1) adequate water supply capacity, wastewater system capacity, and off-street parking exist to accommodate the proposed use; and
- (2) any proposed exterior renovations will be compatible with the original architectural design of the structure and maintain its historic integrity in accordance with accepted standards for the treatment of historic properties, as set forth in the most recent edition of the U.S. Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.

Section 4.4 Camper (Recreation Vehicle, Temporary Shelter)

(A) A camper (e.g., a recreational vehicle or travel trailer) or other temporary shelters (e.g., a tent, tepee or yurt) may be parked, stored, or located on public or private property only if it meets the following requirements:

- (1) Campers and other temporary shelters may be located in approved campgrounds (see Section 4.5) and sales establishments and for a specified period on construction sites for use as a temporary structure (see Section 4.20).
 - (2) Up to two (2) campers or shelters may be stored on the lot of a single or two family dwelling, or on an undeveloped parcel, provided they are not:
 - (a) located within required setback areas,
 - (b) occupied on the premises for dwelling purposes for more than 120 days in any one-year period,
 - (c) connected to a water or wastewater system on the premises.
- (B) Any camper or temporary shelter that is used for dwelling purposes for more than 120 days in any one-year period, is sited so as not to be readily moveable, or is connected to a water or wastewater system, shall be deemed an accessory or single family dwelling, and shall be subject to all applicable requirements of these regulations pertaining to an accessory or single family dwelling.
- (C) Wastewater generated by a camper shall be disposed of only in accordance with all applicable municipal and state regulations.

Section 4.5 Campground

(A) **General Standards.** A new or expanded campground may be allowed in designated zoning districts subject to conditional use review under Section 5.4, applicable state agency referral requirements, and the following provisions:

- (1) The parcel of land for a campground shall be no less than five (5) acres in area, or the minimum lot size for the district in which it is located, whichever is greater.
- (2) A minimum of 20% of the total area shall be set aside as open space, for outdoor recreation or conservation purposes.
- (3) A campground shall meet minimum setback requirements for the district in which it is located. In addition, buffer areas at least 50 feet wide along property boundaries, and 100 feet wide along public rights-of-way, surface waters and wetlands shall be maintained. No building, campsite, parking or service area shall be located within required buffer areas.
- (4) Landscaping and/or fencing may be required along property boundaries or within designated areas of the campground as necessary to provide security, privacy, and screening from adjoining properties or public rights-of-way.
- (5) Each campsite shall be at least 4,000 square feet in area, with a minimum width of 25 feet. Adequate access and parking shall be provided.
- (6) Campground roads shall be designed in accordance with minimum standards set forth in Table 4.1:

Table 4.1 Campground Road Standards		
	One-Way Roads	Two-Way Roads
Right-of-Way	18 feet	33 feet
Gravel Width	10 feet	20 feet
Gravel Depth	12 inches	12 inches

- (7) Campgrounds shall provide lavatory and shower facilities sufficient to serve all campsites. Water and wastewater disposal systems shall be designed and installed in accordance with applicable state regulations. An enclosed area for the collection, storage and disposal of trash and recyclables shall be provided.
- (8) The campground may include as accessory to the campground, subject to conditional use review, an office, communal dining, laundry, indoor recreation, and/or camp store facility, and outdoor recreation facilities for the use of campers.
- (9) The campground shall operate for a period not to exceed six (6) months during any one (1) year period.

(B) Undeveloped “Primitive” Campgrounds. For substantially undeveloped, primitive camping areas, consisting of designated tenting areas, tent and yurt platforms and/or lean-tos, the Development Review Board may waive or modify any or all of the requirements of Subsection (A) above if it is demonstrated to the Board’s satisfaction that access, total lot area, campsite area, setback distances and buffers are adequate to:

- (1) support the intended level of use; and
- (2) avoid any adverse impacts to water quality, critical wildlife habitat areas, or adjoining properties and uses.

Section 4.6 Commercial Lodging [Bed & Breakfast, Inn, Hotel]

(A) Three categories of commercial lodging, as defined in Section 10.2, may be allowed in designated zoning districts, subject to site plan review under Section 5.3, conditional use review under Section 5.4, or as allowed only within a planned unit development, as specified for a particular zoning district under Article II. Additional standards for Bed & Breakfasts, Inns and Hotels are summarized in Table 4.2.

	Bed & Breakfasts	Inns	Hotels
Number of guest rooms	Maximum: 4	Maximum: 24	More than 24
Owner/operator must reside on the premises	Yes	No	No
Off-street parking required	Yes (Section 3.11)	Yes (Section 3.11)	Yes (Section 3.11)
On-site dining for guests	Breakfast only	Yes	Yes
On-site dining for non-guests (public)	No	As a “Mixed Use” only if a restaurant is allowed in the applicable district.	Yes
Exterior appearance must maintain residential character	Yes	Yes	No

Section 4.7 Contractor’s Yard

(A) A contractor’s yard may be allowed as a type of home industry subject to review and associated standards under Section 4.13; or as a principal use in designated zoning districts subject to conditional use review by the Development Review Board under Section 5.4 and the following requirements:

- (1) The outdoor storage of vehicles, heavy equipment, and materials, including building and construction materials, shall be confined to a designated yard area approved by the Board. Activities associated with the operation of the yard, including the maintenance and repair of vehicles and equipment, shall be allowed only within the designated yard area.

- (2) The designated yard area shall be set back a minimum of 50 feet from all road rights-of-way and adjoining properties, and 100 feet from surface waters and wetlands.
- (3) The Board may require landscaping and/or fencing around one or more yard area boundaries as necessary for public safety, or to screen the yard area year-round from the view of neighboring properties and public rights-of-way.
- (4) Yard operation shall meet all performance standards under Section 3.12. The Board may, as a condition of approval, place conditions on the hours of operation to minimize nuisances to neighboring properties and uses.
- (5) A contractor's yard may include as accessory to the yard, subject to conditional use review, an office, or equipment storage and maintenance facility.
- (6) On-site storage of hazardous materials shall be allowed only in accordance with applicable state and federal regulations. Fuel storage shall be limited to that needed for heating and the operation of equipment and vehicles, in accordance with Section 3.10.

Section 4.8 Day Care Facility [Home Child Care, Day Care Facility]

(A) In accordance with the Act [§4412(5)] a home child care business, the owner of which is licensed or registered by the state, which serves six (6) or fewer children shall be considered to constitute a permitted single family residential use of property. A zoning permit shall be required under Section 9.3 only for purposes of documenting and recording the use in the land records of the town. A home child care business that serves more than six (6) children shall be subject to site plan review under Section 5.3, prior to the issuance of a zoning permit.

(B) A nonresidential child care or adult day care facility may be allowed in designated zoning districts subject to site plan or under Section 5.3 or conditional use review under Section 5.4, depending upon which zoning district the facility is located.

Section 4.9 Extraction & Quarrying

(A) The extraction or removal of topsoil, sand, gravel, rock, minerals or other similar earth resource, unless specifically exempted from regulation under Subsection (E), may be allowed in designated zoning districts subject to conditional use review under Section 5.4 and the following requirements.

(B) In addition to application information required in Section 5.2, the applicant shall submit operation, stormwater management and erosion control, and site reclamation plans describing and depicting the following:

- (1) existing grades, drainage patterns and depths to bedrock and seasonal high water tables;
- (2) the extent and magnitude of the proposed operation, to include a description of the type, amounts and locations of materials to be extracted or quarried, the areas to be allocated for on-site storage and processing, the types of processing equipment, and the proposed phasing and timing of development;
- (3) stormwater management and erosion control practices to used and installed on and off-site, for all phases of the operation;
- (4) finished grades at the conclusion of the operation; and
- (5) a detailed plan for the restoration of the site, including final grading and revegetation.

(C) No extraction, excavation, dredging or filling activities shall occur within required riparian and wetland buffer areas, in accordance with the requirements of Section 3.17.

(D) In granting approval, the Development Review Board shall find that the proposed extraction will not cause any hazard to public health and safety, or adversely affect neighboring properties, property values or public facilities and services, surface water and groundwater supplies, critical wildlife habitat, or other natural, cultural, and historic features. To ensure compliance with this section, the Board may impose conditions or limits with regard to any of the following factors:

- (1) depth of excavation or quarrying;
- (2) slopes created by the removal of materials;
- (3) effects on surface drainage on and off-site;
- (4) storage of equipment and stockpiling of materials on-site;
- (5) hours of operation for blasting, trucking, and processing operations;
- (6) effects on adjacent properties due to noise, dust, or vibration;
- (7) effects on traffic and road conditions, including potential physical damage to public highways;
- (8) creation of nuisances or safety hazards;
- (9) temporary and permanent erosion control, including project phasing to limit exposed area;
- (10) effect on ground and surface water quality, and drinking water supplies;
- (11) effect on designated natural, cultural, and historic resources, including critical wildlife habitat, on-site or in the vicinity of the project;
- (12) effect on agricultural land in production, and primary agricultural soils; and
- (13) public health, safety and general welfare.

(E) In accordance with the Act [§4464(2)], a performance bond, escrow account, or other surety acceptable to the Bolton Selectboard shall be required to ensure reclamation of the land upon completion of the excavation, to include any re-grading, reseedling, reforestation or other reclamation activities that may be required.

(F) This section shall not apply to on-site excavations which are associated with normal maintenance, landscaping and gardening activities, agricultural and/or forestry operations, municipal and state road construction (excluding extraction of sand or gravel for off-site use), the operation of a cemetery, or that is incidental to permitted construction or maintenance activity.

Section 4.10 Gas Station

(A) A gasoline station may be allowed in designated zoning districts subject to conditional use review under Section 5.4, and the following requirements:

- (1) All buildings, service, parking and storage areas shall meet all setback requirements, including setback and buffering requirements for streams and wetlands under Section 3.17. No vehicles may be parked or serviced within front, side or rear setback areas. The Development Review Board may require increased setbacks and/or buffers as needed to protect water quality, based on local site and drainage conditions, or to protect adjoining properties and uses.
- (2) All pumps and other service equipment shall be located at least 30 feet from front, side and rear lot lines.
- (3) Notwithstanding the requirements of Section 3.2, there shall be no more than two (2) accesses (curb cuts) providing ingress and egress to adjoining roads. On corner lots, one or both accesses may be limited to the secondary road. The width of each curb cut shall not exceed 40 feet.
- (4) A vegetated, landscaped area at least 15 feet in depth shall be maintained along all road frontage, excluding designated access (curb cut) areas.

- (5) Additional curbing, landscaping and screening, and pedestrian walkways may be required by the Board as needed to safely manage vehicle and pedestrian circulation on- and off-site, and to minimize adverse impacts to adjoining properties.
- (6) In addition to signs allowed under Section 3.14, a gasoline station may have one freestanding (1) pricing sign which does not exceed 12 square feet in area, and/or pump-top pricing signs, each not to exceed two (2) square feet in area.
- (7) Site layout and building design shall be compatible with the character of the neighborhood in which the gasoline station will be located. Building facades shall not be used for advertising purposes, except as allowed for the placement of wall signs or graphics in accordance with Section 3.14.
- (8) Station canopies, if determined by the Board to be necessary and appropriate to their context, shall be limited to the minimum area required for adequate pump and apron coverage, and the minimum ceiling height necessary to meet applicable state and federal safety requirements. Canopy scale and design shall be compatible with station design and with surrounding buildings. Corporate logos are specifically prohibited on station canopies. Canopy fascias shall not be illuminated or used for advertising.
- (9) The Development Review Board may require the submission of an outdoor lighting plan for review and approval in accordance with Section 3.9. In addition:
 - (a) light fixtures mounted on station canopies shall either be recessed so that the lens cover is flush with the bottom surface (ceiling) of the canopy; or for indirect lighting, mounted and shielded or skirted so that direct illumination is focused exclusively on the underside of the canopy;
 - (b) lights shall not be mounted on the top or sides (fascias) of canopies, nor shall canopies be internally illuminated; and
 - (c) interior station lighting shall not be used to contribute to or increase outdoor lighting levels, nor for advertising purposes.
- (10) All underground storage tanks shall meet state applicable state requirements for design and installation. Monitoring may be required by the Development Review Board as needed to ensure that ground water quality and wells in the vicinity are protected from contamination in the event of a leak.
 - (B) The use of a gasoline station is limited to the retail sale of gasoline, diesel fuel and other automotive fluids and products. The sale of other types of retail items (e.g., food or convenience items), or the provision of other services (e.g., motor vehicle repair, sales or rentals, car washes, towing services or restaurant seating) may be allowed only as a "Mixed Use" (see Section 4.14), and as such shall be required to meet applicable standards of these regulations pertaining to each use.

Section 4.11 Golf Course

(A) **Applicability.** New golf courses and driving ranges, or the expansion of existing golf courses and ranges, may be allowed in designated zoning districts subject to conditional use review by the Development Review Board under Section 5.4, and the following standards. Miniature golf courses and "chip and putts" (included under the definition of "outdoor recreation") are specifically exempted from the requirements of this section.

(B) **Application Requirements.** In addition to the application information required under Section 5.2; applicants for a golf course or driving range shall also submit the following:

- (1) a site development plan showing:
 - (a) existing elevation contours, and areas of steep (15-25%) and very steep (more than 25%) slope;
 - (b) field located site features, including existing land cover; surface waters, wetlands, and delineated setbacks and buffer areas as required under Section 3.17; and designated floodplains and water supply source protection areas; and critical wildlife habitat areas;
 - (c) golf course or range layout including the location of existing and proposed tees, greens, fairways, traps, putting greens, practice ranges, structures, roads, driveways, cart and walking paths and parking areas;
 - (d) proposed site modifications including clear cutting, grading and filling; and
 - (e) the location of existing and proposed wells and water quality monitoring stations.
- (2) information regarding anticipated ball trajectories (directions, distances) in relation to adjoining properties and public rights-of-way, and associated landscaping, screening and/or other protective barriers;
- (3) a course management plan, including operation and monitoring protocols.

(C) **Minimum dimensional requirements:**

	Golf Course	Driving Range
Minimum Lot Area (or portion thereof for use)	20 acres	10 acres
Minimum Setback from Rights-of Way, Property Lines	100 feet	100 feet

(D) **General Design Standards.** Golf courses shall be designed to:

- (1) preserve and enhance the ecological function of existing natural features, including but not limited to surface waters, wetlands, and critical wildlife habitats and corridors within and adjacent to the site;
- (2) incorporate natural terrain to the extent feasible, to minimize the amount of site modification (clear cutting, grading and filling) required and to avoid areas of steep slope;
- (3) minimize the number and length of stream crossings;
- (4) preserve and/or re-establish riparian habitat within required buffer areas; and
- (5) minimize the use of fertilizers and pesticides and associated impacts to water quality through the selection of disease resistant turf grass, integrated pest management, resource efficient irrigation and drainage systems, biofilters, and other similar best management practices.

(E) **Groundwater Separation.** Greens and tees shall be located in areas where the depth to bedrock or maximum high water table is greater than four (4) feet below the surface, as determined by field tests. Under drain systems for greens and tees must also maintain four (4) feet of soil separation between subsurface leaching systems and bedrock and/or high water tables.

(F) **Pesticides.** Golf courses and driving ranges must meet all applicable state and federal regulations for the storage, application and disposal of pesticides, including pesticide application on golf courses as

regulated by the Vermont Department of Agriculture, Food and Markets. Pesticides and other hazardous materials shall be stored in an enclosed, secured building.

(G) **Monitoring.** The Board may require the establishment of preconstruction (baseline) surface and ground water quality conditions, and the subsequent monitoring of surface and ground waters to determine the effects of golf course development and operation on water quality.

Section 4.12 Group Home

(A) In accordance with the Act [§4412(1)(G)], a state licensed or registered residential care home or group home, serving not more than eight (8) persons who are developmentally disabled or physically handicapped, shall be considered by right to constitute a single family residential use of property, except that no home shall be so considered if it locates within 1,000 feet of another such home. A zoning permit under Section 9.3 shall be required only for purposes of documenting and recording the use in the land records of the town.

(B) Other types of residential care facilities may be allowed in designated zoning districts as conditional uses subject to conditional use review under Section 5.4.

Section 4.13 Home Business [Home Occupation, Home Industry]

(A) **Home Occupation.** In accordance with the Act [§4412(4)], no provision of these regulations may infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in a residential area and which does not have an undue adverse impact on the character of the residential area in which the dwelling is located. No zoning permit shall be required for a home office within a principal dwelling or attached garage which is carried on by a resident of that dwelling, and which involves no signs, public access or outdoor storage or displays. For other home occupations that meet the following requirements, a zoning permit issued under Section 9.3 shall be required to document and record the use in the land records of the town:

- (1) The home occupation shall be conducted by residents of the dwelling and up to a maximum of two (2) nonresident employees on-site at any time.
- (2) The home occupation shall be conducted within the principal dwelling, an attached garage, or an accessory structure on the same lot, and shall not occupy a gross floor area greater than 1,000 square feet.
- (3) Outdoor storage, displays or equipment associated with a home occupation, other than those that are customarily associated with a residential use, are prohibited.
- (4) The home occupation shall meet all performance standards set forth in Section 3.12.
- (5) No traffic shall be generated in substantially greater volumes than would normally be expected from a residential use (a maximum of 10 vehicle trips per day).
- (6) Off-street parking for residents of the dwelling, employees and customers shall be provided in accordance with Section 3.11. No commercial vehicles other than passenger vehicles (e.g., cars, vans, pick-up trucks) associated with the business shall be parked on the premises.
- (7) Adequate provisions shall be made for water, wastewater and the disposal of solid waste, in accordance with applicable municipal and state regulations.

- (8) One (1) sign shall be allowed in accordance with Section 3.14.
- (9) Retail sales or services on-site are limited to the sale of goods or services produced on the premises, and related products, by appointment only.

Table 4.3 Summary of Home Occupation & Home Industry Standards		
	Home Occupation	Home Industry
Secondary/subordinate to residential use	Yes	Yes
Within principal dwelling	Yes	Yes
Within accessory structures	Yes	Yes
Maximum square footage	1,000 sq. ft.	Not specified
Outdoor storage of materials	No	With approval
Nonresident Employees	Max: 2	Max: 5
Parking Spaces	See Section 3.11	See Section 3.11
Traffic	Residential (10 trips per day)	Characteristic of other uses allowed in district
Landscaping/Screening	No	May be required
Signs	See Section 3.14	See Section 3.14
Retail Sales	Limited to products, services produced on-premises and related products; by appointment only	Limited to products, services produced on premises, and related products
Zoning Permit	Yes	Yes
Conditional Use Review	No	Yes

(B) **Home Industry.** Home industry, as distinguished from “home occupation” under Subsection (A), may be allowed as an accessory to a single family dwelling in designated zoning districts subject to conditional use review under Section 5.4, and the following provisions:

- (1) The home industry shall be conducted on-site by residents of the dwelling, and up to five (5) full-time nonresident employees at any given time.
- (2) Exterior storage of materials and equipment associated with a home industry shall be limited to a clearly designated yard or storage area approved by the Development Review Board, which meets all applicable setbacks for the district in which the property is located. The Board may require greater setbacks as deemed necessary to avoid adverse impacts to neighboring properties or public rights-of-way. The Board also may require that such areas be adequately screened year-round from public view and neighboring properties, and secured to protect public safety.
- (3) Exterior yard or storage areas shall also meet surface water and wetland setbacks and buffers as required under Section 3.17.
- (4) The storage of hazardous materials anywhere on the premises shall be limited to those materials necessary for the operation of the home industry and shall be stored in accordance with all applicable state and federal regulations.

- (5) The home industry shall not change the character of the neighborhood, nor result in a change in the outward appearance of the dwelling or the accessory structure.
- (6) The home industry shall not generate traffic, including delivery traffic, in excess of volumes characteristic of other uses allowed in the district in which the home industry is located.
- (7) Off-street parking shall be provided for residents, employees, delivery vehicles and customers in accordance with Section 3.11. Commercial vehicles or equipment associated with the home industry shall be parked within designated yard or parking areas, approved by the Board. The Board may also require that parking areas are adequately screened year-round from public view and adjoining properties.
- (8) Adequate provisions shall be made for water, wastewater and the disposal of solid waste, in accordance with applicable municipal and state regulations.
- (9) A home industry shall meet all applicable performance standards under Section 3.12. In addition to other conditions, the Board may limit the hours of operation as deemed necessary to minimize adverse impacts to neighboring properties and protect the character of the area.
- (10) One (1) sign may be allowed in accordance with Section 3.14.
- (11) On-site retail sales or services are limited to the sale of goods or services produced on the premises, and related products.

Section 4.14 Mixed Use

(A) In designated zoning districts, more than one principal use may be allowed within a single building, or on a single lot, subject to conditional use review by the Development Review Board under Section 5.4 and the following requirements:

- (1) Each of the proposed uses is allowed as a permitted or conditional use within the zoning district in which the mixed use is located.
- (2) The uses in combination meet all applicable standards for the district in which the mixed use is proposed, including but not limited to minimum lot, frontage and setback, and maximum lot coverage and height requirements; or the mixed use is part of a planned unit development (PUD) which has been approved in accordance with Article VIII.
- (3) The mixed use meets all applicable general regulations under Article III, including but not limited to access, sign and parking requirements. Shared access and parking to serve all uses shall be required unless it is determined by the Board that a safety hazard may result due to site, traffic or road conditions.

Section 4.15 Mobile Home Park

(A) In accordance with the Act [§4412((B))], no municipal zoning regulation shall have the effect of excluding mobile home parks from the town. New and expanded mobile home parks may be allowed in designated districts subject to conditional use review in accordance with Section 5.4 and the following provisions:

- (1) The parcel of land for a new mobile home park shall have a minimum area of no less than three (3) acres, or the minimum lot area for the district in which it is located, whichever is greater.

- (2) A minimum of 20% of the total land area in any new mobile home park shall be set aside for common recreational use or open space.
 - (3) Mobile home parks shall meet minimum setback requirements along their perimeter for the district in which they are located. Setback areas shall not be included in the calculation of recreation land or open space required under Subsection (A)(2). Landscaping along the perimeter of the park is recommended, and may be required by the Board as it deems necessary to screen to the park year-round from adjoining residential properties.
 - (4) A mobile home park shall meet all applicable requirements of these regulations, including all applicable general requirements under Article III.
 - (5) Proposed parks shall comply with all applicable state regulations, including regulations pertaining relating to potable water supply and wastewater disposal systems.
 - (6) Each mobile home shall be located on a dedicated site of not less than 10,000 square feet in area as depicted on the site development plan required under Section 5.2. Each site shall include adequate vehicle and pedestrian access, and shall be landscaped with one (1) or more trees of a native species.
 - (7) Each mobile home, and associated accessory structures, shall be setback a minimum of 20 feet from adjoining mobile home sites.
 - (8) All roads within a mobile home park shall comply with Section 7.6. Pedestrian paths connecting mobile home sites to common facilities and areas, or to public rights-of-way or pedestrian paths are recommended, and also may also be required by the Board as deemed necessary to provide safe, interconnected pedestrian circulation.
 - (9) Parking shall be provided in accordance with Section 3.11 and may include a combination of individual and shared parking areas.
 - (10) A mobile home park may include as accessory to the park, subject to conditional use review, an office and common laundry, storage, parking and recreation facilities for use by park residents and their invited guests.
- (B) The mobile home park owner, or designated operator, as a condition of Board approval, shall:
- (1) maintain all park buildings, roads, parking areas, paths, utilities, infrastructure, landscaping, open space and common areas in good condition, and shall provide for the regular collection and removal of recyclables, waste and garbage; and
 - (2) remove snow from all park roads, parking and service areas.
- Failure to meet these operation and maintenance requirements shall constitute a violation of permit conditions and these regulations, subject to enforcement action under Section 9.7.
- (C) Changes or alterations to park area, design, layout or common facilities are subject to conditional use review in accordance with the above provisions. The owner of a mobile home within an approved mobile home park, however, may apply for a zoning permit under Section 9.3 for a replacement home, deck, accessory structure or addition which meets site setback requirements under Subsection (A), without additional approval by the Development Review Board.
- (D) In accordance with the Act [§4412(7)(B)], if a mobile home park legally in existence as of the effective date of these regulations is determined to be nonconforming under these regulations, its

nonconforming status shall apply only to the park as a whole, and not to individual mobile home sites within the park. Accordingly, the requirements of Section 3.8 shall not apply to an individual mobile home site for the purpose of replacing an existing mobile home on the site with a mobile home of the same or larger footprint, as long as a distance of at least 10 feet is maintained from adjoining mobile home sites. Sites within an existing park that are vacated shall not be considered discontinued or abandoned.

(E) A mobile home park shall be considered the principal use of a parcel which shall be retained in common ownership and management. Individual mobile home sites may be subdivided from the rest of the park for sale only in accordance with all applicable requirements of these regulations pertaining to subdivisions and single family dwellings.

(F) Mobile home park sales may be allowed in association with an established or proposed mobile home park only as a "mixed use" subject to conditional use review under Section 4.14.

Section 4.16 Motor Vehicle Service & Sales

(A) The temporary display for sale of up to two (2) motor vehicles on a residential lot which are owned by the resident are exempted from these regulations. The display or sale of three (3) or more vehicles for sale at any time, or more than three (3) sales transactions in any one year period, shall be considered a commercial motor vehicle sales establishment subject to all applicable requirements of these regulations.

(B) A motor vehicle service facility may be allowed as a type of home industry subject to review and associated standards under Section 4.13; or as a principal use in designated zoning districts subject to conditional use review by the Development Review Board under Section 5.4 and the following requirements:

- (1) Vehicles scheduled for repair shall be parked within an enclosed structure or within a designated yard or parking area approved by the Development Review Board, which meets all setback requirements for the district in which it is located. To the extent feasible, such yard or parking areas shall be located to the side or the rear of the garage or maintenance building. The Board may require landscaping and/or fencing as it deems appropriate for public safety, and to screen the yard or parking area year-round from adjoining properties and public rights-of-way.
- (2) Parking and yard areas shall also meet surface water and wetland setback and buffer requirements, as specified under Section 3.17.
- (3) No more than three (3) unregistered vehicles shall be stored on-site unless the property also has been approved by the Development Review Board as "mixed use," to also include a salvage yard (see Section 4.14), in districts in which all such uses are allowed.
- (4) All maintenance and repair work shall be conducted within an enclosed structure which meets all applicable municipal and state regulations for water supply, wastewater and waste disposal.
- (5) Fuel and hazardous materials stored and used on the premises shall be limited to those materials necessary for the operation of the business, and shall be stored in an enclosed and secure structure in accordance with all applicable state and federal regulations.
- (6) The motor vehicle service facility and associated yard and display areas shall comply with applicable requirements of these regulations, including but not necessarily limited to outdoor lighting standards under Section 3.9, parking requirements under Section 3.11, performance standards under Section 3.12, and sign requirements under Section 3.14.

(C) The sale or lease of new or used vehicles may be allowed in association with a motor vehicle service facility provided that vehicles intended for sale or lease are displayed in an enclosed building, or within a designated exterior display area approved by the Development Review Board. No more than 10 vehicles for sale or lease may be parked in outdoor display areas at any time. The Board may allow such display areas within the front setback area; however no vehicle shall be parked within a public right-of-way.

Section 4.17 Public Facility or Utility

(A) In accordance with the Act [§4413(a)], the following may be public facilities or uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping and screening requirements, and only to the extent that such regulations do not have the effect of excluding, or interfering with the intended use or function:

- (1) state or community owned and operated institutions and facilities;
- (2) public and private schools and other educational institutions certified by the Vermont Department of Education;
- (3) churches and other places of worship, convents, monasteries, and parish houses;
- (4) public and private hospitals;
- (5) regional solid waste management facilities certified by the state (under 10 V.S.A. Chapter 159); and
- (6) hazardous waste management facilities for which a notice of intent to construct has been received by the state (under 10 V.S.A. §6606a).

(B) Reasonable provision has been made for siting of the above public facilities and uses within specified zoning districts, as summarized in Table 4.4. Such facilities or uses must meet applicable district requirements, and may be subject to site plan review under Section 5.3 or conditional use review under Section 5.4; however associated conditions of approval shall not exceed allowed regulation, as specified in the Act and Subsection (A).

(C) In accordance with the Act [§4413(b)], public utility power generating plants and transmission facilities regulated by the Vermont Public Service Board (under 30 V.S.A. §248) are specifically exempted from municipal land use regulations. This includes wind generation facilities that are “net metered” and connected to the electric grid.

Table 4.5 Public Facilities

Facility	Zoning District	Supplemental Standards
State or community owned and operated institutions and facilities (See Public Facility).	V, RV, RR, RI, RII	Specified by facility type, district.
Public and private schools and other educational institutions certified by the Vermont Department of Education (see School).	V, RI	RI only with frontage on Route 2
Churches, convents and parish houses (see Place of Worship)	V, RV, RR, RI	None
Public and private hospitals (see Public Facility).	RI, RII	None; note that health clinics are also allowed in VI and VII
Regional solid waste management facilities certified by the State [10 V.S.A., Chapter 159] (see Waste Management Facility)	RI, RII	Minimum Lot Size Transfer Station, Recycling Center: 3 acres or district minimum, whichever is greater Minimum Lot Size Landfill: 50 acres
Hazardous waste management facilities for which a notice of intent to construct has been received under state law [10 V.S.A., §6606a] (see Waste Management Facility).	RI, RII	Minimum Lot Size: 10 acres or district minimum, whichever is greater

Section 4.18 Salvage Yard

(A) New or expanded salvage yards, to include facilities for the storage of four (4) or more unregistered vehicles, may be permitted within designated zoning districts subject to conditional use review under Section 5.4 and the following requirements:

- (1) The parcel of land for a salvage yard shall be no less than two (2) acres in area or the minimum lot size for the district in which it is located, whichever is greater. No salvage yard shall exceed five (5) acres in total area or extent.
- (2) All materials and equipment shall be stored one or more designated yard areas, approved by the Development Review Board, which shall be set back at least 50 feet from all road rights-of-way and property lines, and 150 feet from all surface waters and wetlands. Required setbacks may be increased as deemed necessary by the Board, based on specific site conditions, to protect water quality and adjoining properties. All activities associated with the operation of the yard, including the storage of equipment and scrap materials, shall be limited to the designated yard area.
- (3) Designated yard areas are specifically prohibited within surface water and wetland setback and buffer areas, as required under Section 3.17, and within designated flood hazard and water supply source protection areas (see Sections 3.15 and 5.5).
- (4) Yard areas shall be screened year-round from view of public rights-of-way, and from adjoining residential properties. Landscaping and/or fencing may be required by the Board as deemed necessary to provide adequate screening. No waste, scrap, parts or materials shall be stacked, piled or stored higher than the fence or screen. The Board may require landscaping along fenced areas that border public rights-of-way or adjoining properties in order to minimize adverse visual impacts.
- (5) The yard area shall be generally inaccessible to the general public and secured as necessary to protect public health, safety, and welfare.
- (6) The on-site storage of materials shall not adversely affect surface, ground or drinking water supplies, or other identified natural or cultural features on-site, or in the vicinity of the yard.
- (7) A salvage yard shall meet all applicable requirements of these regulations, including but not necessarily limited to outdoor lighting standards under Section 3.9, parking requirements under Section 3.11, performance standards under Section 3.12, and sign requirements under Section 3.14.
- (8) All salvage yards shall be licensed in accordance with State of Vermont regulations pertaining to junk yards, and shall be responsible for all upkeep and maintenance of fences, screening, and other required site improvements, and the proper storage and disposal of salvaged and hazardous materials, as required under municipal and state regulations, and associated conditions of approval.

(B) In addition to application requirements under Section 5.2, the applicant for a new or expanded salvage yard shall submit a description of existing and proposed operations, including all equipment to be used on-site, and a site development plan that includes the following information:

- (1) the extent in area of existing and/or proposed salvage yard areas, including all storage and processing areas, and distances from property boundaries, public streets, wetlands, surface waters and public and private wells on-site and in the vicinity;
- (2) site contours that show existing and proposed grades and drainage patterns,

- (3) test boring results indicating soil types, and depths to bedrock and seasonal high water tables within the proposed area of operation; and
 - (4) existing and/or proposed ground water monitoring well locations, if any.
- (C) A salvage yard may also include as accessory to the yard, subject to conditional use review, an office or equipment storage and maintenance facility.
- (D) All materials shall be removed from the site within 12 months of the cessation or abandonment of operations; and the site shall be restored to a safe, usable condition. Site restoration, including the clean-up and disposal of hazardous materials, shall be subject to all applicable state and federal regulations. A site restoration plan may be required as a condition of approval.

Section 4.19 Telecommunications Facility

- (A) **Purpose.** The purpose of these proposed regulations shall be to regulate the placement, design, construction, removal, and modifications of wireless communications facilities in order to preserve the character and the appearance of the Town of Bolton and protect the scenic, historic, cultural, and natural resources of Bolton while accommodating the telecommunications needs of residents and businesses. The Town’s goal is to minimize the number of towers in town while still allowing for adequate coverage. New facilities will be encouraged to co-locate with existing facilities whenever possible.
- (B) **Consistency with Federal Law.** These regulations are intended to be consistent with Section 704 of the Federal 1996 Telecommunications Act. Accordingly, they shall not prohibit or have the effect of prohibiting the provision of personal wireless communication services; shall not unreasonably discriminate among the providers of functionally equivalent services; and shall not regulate personal wireless services based on the environmental effects of radio frequency emissions to the extent that these facilities comply with the Federal Communications Commission Regulations concerning such emissions.
- (C) **Applicability.** Wireless telecommunications facilities shall include all facilities subject to licensing or regulation by the FCC, including towers, associated accessory structures, buildings and/or equipment, except as specifically exempted under Subsection (D).
- (1) New, modified or expanded wireless telecommunication facilities, except as specified for small scale and temporary facilities under Subsection (H), may be allowed only in designated zoning districts (Resort Village, Resort Residential, Forest and Conservation Districts) as conditional uses subject to review by the Development Review Board under Section 5.4 and the requirements of this section.
 - (2) A new telecommunications tower shall not be permitted unless it is found by the Board that the equipment planned for the proposed tower cannot be accommodated on an existing or approved tower, or other structure or building.
 - (3) New telecommunications towers shall not be permitted for speculative purposes only.
- (C) **Permit Requirements.** No construction, alteration, modification or installation of a wireless telecommunications facility shall commence without first obtaining all applicable permits and approvals as required under municipal, state and federal regulations. Any alteration or addition to a previously approved telecommunications facility shall require a permit amendment when any of the following are proposed:
- (1) a change in the number of buildings or facilities permitted on the site;
 - (2) a change in telecommunications technology used on the site; or
 - (3) the addition or change of any equipment resulting in greater visibility or structural wind loading, or

additional tower height, to include the profile of additional antennas not specified in the original application.

(D) **Exemptions.** The following are specifically exempted from the provisions of this section:

- (1) Ground or building mounted radio or television antenna, or satellite dishes not exceeding 36 inches in diameter, which are intended solely for residential use, and which do not, as mounted, exceed 40 feet in height above the lowest grade at ground level.
- (2) Single use local business radio dispatch equipment.
- (3) Citizens band radio antennas operated by federally licensed amateur (ham) radio operators which do not exceed a height of 50 feet above the grade level, whether free standing or mounted, and which meet all setback requirements for the district in which they are located.
- (4) Police, fire, ambulance, and other emergency dispatch telecommunications facilities.

(E) **Application Requirements.** In addition to application requirements for conditional use review under Section 5.2, an application for a new telecommunications facility shall also include the following as applicable:

- (1) the name and address of the applicant, landowners of record and authorized agents, and contact information for the person(s) authorized to operate, maintain and ensure the safety of the facility;
- (2) the name and addresses of all adjoining property owners of record;
- (3) for a facility to be installed on an existing structure, a copy of the applicant's executed contract with the owner of the existing structure;
- (4) a coverage map (USGS Quadrangle) that shows existing topography, the extent of existing and proposed coverage(s), and the location of other towers, suitable buildings or structures located within at least a five (5) mile radius of the proposed site,
- (5) information regarding the feasibility of using antennas, repeaters or microcells on existing structures to achieve desired coverage, including written documentation from other telecommunications facility owners that no other suitable sites are available;
- (6) a vicinity map showing the entire vicinity within 2,500 feet of the facility site, including topography and steep slopes (equal to or greater than 15%), existing vegetation, surface waters, wetlands, critical habitat areas, structures, roads, driveways, utility corridors, property lines, rights-of-way and easements;
- (7) a site plan, drawn to a scale of 1 inch = 40 feet, showing the footprint of all existing and proposed facilities, including towers, supporting and accessory structures; access roads and utility corridors, and landscaping, fencing and screening, in relation to existing site features and adjoining properties;
- (8) a report from a qualified professional engineer, licensed by the state, which documents:
 - (a) facility height, design, construction and structural capacity, including materials, cross-sections, elevations, antennae and equipment mounting locations, and fall zones;
 - (b) proposed modifications, if any, to existing facilities, sites or structures to achieve desired coverage;
 - (c) the number and type of antennas or other equipment to be accommodated;

- (d) the output frequency, number of channels and power output per channel for each antenna;
 - (e) the steps that will be taken to avoid interference with any established public safety telecommunications system, to include an intermodulation study that indicates no likely interference problems, and written notification to that effect to appropriate public safety agencies;
 - (f) that the facility and equipment will operate in compliance with all FCC regulations, standards and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR) at the proposed site, and will agree to unannounced, independent evaluations of compliance with FCC regulations as may be required by the Board as a condition of approval;
- (9) a written five-year plan for use of the proposed telecommunications facility, including reasons for seeking capacity in excess of immediate need if applicable, as well as plans for additional development and coverage;
- (10) an indication of the timing and construction sequence for each phase of the entire project;
- (11) copies of any state-required Act 250 permit application and/or federally-required draft environmental assessment or impact statement (EA or EIS) which describe the probable impacts of the proposed facility;
- (12) a letter of intent committing the facility owner and his/her successors to allow shared use of the facility if an additional user agrees in writing to meet reasonable terms and conditions for shared use, including compliance with all applicable federal, state, and municipal regulations and associated permits and approvals;
- (13) any additional information as needed to determine compliance with the provisions of these regulations, including but not limited to visual impact assessments or independent evaluations of the proposed facility, to be paid for by the applicant, as specified under Subsection (F).
- (F) Independent Review.** In accordance with the Act [§4440(d)], the Board may hire a qualified expert to conduct an independent technical review of the application under specified review criteria, the reasonable costs of which shall be paid by the applicant.
- (G) Specific Standards.** In addition to meeting conditional use standards under Section 5.4, the Board, in granting conditional use approval, shall also find that the proposed telecommunications facility complies with the following standards:
- (1) Proposed telecommunications equipment cannot be accommodated on an existing or approved tower or other structure due to one or more of the following reasons, as documented by a licensed professional engineer:
 - (a) There is no existing or approved tower or other suitable structure in the area in which coverage is sought.
 - (b) Proposed telecommunications equipment exceeds the structural or spatial capacity of an existing tower or structure; and the existing tower or structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.
 - (c) Proposed telecommunications equipment will cause interference which materially impacts the usefulness of other existing or permitted equipment at the site, and such interference cannot be prevented at a reasonable cost.

- (d) Proposed telecommunications equipment, either alone or together with other existing equipment, would create RFI or RFR in violation of federal standards or requirements.
 - (e) Existing or approved towers and structures cannot accommodate the planned equipment at the height needed, or are too far from the area of needed coverage to function reasonably.
 - (f) Aesthetic or other specific considerations under these regulations make it unreasonable to locate the planned telecommunications equipment on an existing or approved tower or building.
- (2) New towers shall be designed to accommodate the collocation of both the applicant's antennas and comparable antennas for one or more additional users, depending on tower height. Towers must be designed to allow future rearrangement of antennas, and to accept antennas mounted at varying heights.
- (3) Telecommunications facilities, including tower construction and wiring, shall meet all state and federal requirements, including but not limited to FCC requirements for transmissions, emissions and interference. No telecommunication facility shall be located or operated in such a manner that it poses a potential threat to public health or safety, nor interferes with public safety telecommunications. Prior to the siting of new antennas at existing sites, written certification of FCC compliance shall be provided based on the results of a cumulative RFR emissions study performed by the applicant. The Board may also require, as a condition of approval, monitoring and the submission of annual reports by an independent, qualified engineer to document ongoing compliance with FCC regulations.
- (4) All telecommunications facilities, including associated support and accessory structures, shall meet the minimum setback requirements for the district in which they are located. In addition, telecommunications towers shall be set back a minimum of:
- (a) 150 feet from the Winooski River, and 100 feet from all other surface waters and designated wetlands;
 - (b) 500 feet from the habitat of any state listed rare, threatened or endangered species;
 - (c) 500 feet from any property listed on the state register of historic sites and structures survey for the Town of Bolton, and 100 feet from known archaeological sites;
 - (d) 500 feet from a designated scenic road or highway; and
 - (e) the fall zone distance from all property lines, at minimum to be calculated as the total vertical height of the tower, including all attached equipment.
- (5) Towers are exempted from district height requirements; however towers shall not extend vertically more than 20 feet above the average height of the adjoining tree canopy, as measured within 200 feet of the highest vertical element of the proposed facility, unless the Board finds that the additional height is necessary to provide adequate coverage to the town or to allow for collocation. The Board may require the submission of a management plan to maintain average tree height and screening provided by the tree canopy.
- (6) New telecommunications facilities, including towers, supporting and accessory structures, shall be sited and designed to minimize their visibility. Accordingly:
- (a) Towers shall not be sited in the middle of open fields or on exposed ridgelines or hilltops in view of public rights-of-way, unless the Board determines the specific location is necessary to provide adequate coverage to the town or to allow for collocation.
 - (b) New or modified towers and antennas shall be designed to blend into the surrounding environment to the greatest extent feasible, though the use of natural topography, existing

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

- (c) The Board, to assist in its review, may require that the applicant provide a visual impact assessment of the proposed facility from specified vantage points, to include visual representations (e.g., photographic simulations) and/or field tests (e.g., balloon tests). Such impact assessments shall take into consideration the following:
- (i) the scenic sensitivity of particular views;
 - (ii) the frequency and length of time the facility would be viewed by the traveling public from a public highway, trail or public body of water;
 - (iii) the degree to which the facility would be screened by existing topography, vegetation and structures;
 - (iv) background features that may emphasize or obscure the facility;
 - (v) the distance of the proposed facility from public vantage points and the degree to which it is visible above the skyline; and
 - (vi) the sensitivity or unique value of a particular view affected by the proposed tower...
- (7) Towers shall be enclosed by security fencing at least six (6) feet in height and gated, and shall be equipped with anti-climbing devices and warning signs. The use of razor wire is prohibited. The Board may require landscaping or screening adjacent to the security fence to minimize visual impacts as viewed from neighboring properties or public vantage points.
- (8) No commercial signs, lettering, logos or other advertising shall be placed on telecommunications towers or associated support and accessory structures. Signs shall be limited to those required under state and federal regulations, and for safety purposes.
- (9) Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration (FAA) or other federal or state authority for a particular tower because of its height. The Board may require tower relocation, or a reduction in tower height to eliminate the need for lighting.
- (10) Access roads or driveways and utility corridors, to the extent feasible, shall be shared, and designed to minimize site disturbance, to follow natural contours and linear features (e.g., tree lines, field edges), and to aesthetically blend in with the surrounding environment. The Board may require closure of access roads to vehicles following facility construction where it is warranted by site conditions and where maintenance personnel can reasonably access the facility site on foot or by air transport.
- (11) All utilities proposed to serve a telecommunications site, to the extent feasible, shall be installed under ground. If burial is not feasible, utilities shall be installed at ground level.
- (12) No new telecommunications facility shall be placed or constructed in such a way as to interfere with public safety communications. The applicant shall certify that all intermodulation studies accompanying the application have been provided to appropriate public safety officials. Providers also shall notify the municipal and public safety officials at least 10 calendar days in advance of testing a new service, or changes to an existing service, to allow monitoring for potential interference.
- (13) Landscaping shall be provided in a manner that preserves and incorporates existing vegetation on-site and in the immediate vicinity of the facility, and fully screens ground mounted equipment from the view of neighboring properties and public vantage points. The Board may require increased setbacks, landscaping and screening as appropriate to minimize adverse impacts to adjoining

properties, and/or the submission of a landscaping plan, to include provisions for long-term maintenance.

(H) **Small Scale & Temporary Facilities:** Notwithstanding the requirements of Subsection (G), the following facilities may be issued a zoning permit in any zoning district by the Zoning Administrator without conditional use approval:

- (1) small scale wireless telecommunications equipment, including antennas, microcells or repeaters, which are to be installed on or within approved towers, utility poles, or other structures; or the installation of ground facilities less than 20 feet in height, provided that:
 - (a) no such device is located within 50 feet of an existing residence;
 - (b) no changes are made to the height or appearance of such structure except as required for mounting;
 - (c) the height of the facility as mounted does not extend the total height of the structure by more than 10 feet (except as allowed under conditions of approval for existing towers); and
 - (d) any accompanying equipment shall be screened from view.
- (2) wireless communications facilities designed for temporary use, provided that:
 - (a) the temporary facility is permitted for the duration of the intended use or event, not to exceed five (5) days, as specified in the zoning permit, and is removed immediately upon the expiration of the permit,
 - (b) the height of the facility does not exceed 50 feet from grade, and
 - (c) the facility complies with all other applicable provisions of these regulations.

(I) **Continuation Obligations.** By January 15th of each year, the owner of a telecommunications facility shall:

- (1) Certify in writing that the facility is in compliance with FCC standards, and provide the Zoning Administrator with a list of the most recent RFR readings at the site, their distances from the tower or transmitter, dates of the readings, and the name of the person or company who took the readings.
- (2) Certify in writing that the facility continues to be operated in accordance with all other applicable federal, state and municipal requirements.
- (3) Provide documentation that adequate insurance coverage is being maintained on all telecommunications facilities.

Failure to file required certifications and documentation by January 15th may result in the issuance of a notice of violation by the Zoning Administrator under Section 9.7. If certification of continued operation is not filed within period of time specified in the notice, or by February 15th, whichever is sooner, the telecommunications facility shall be considered abandoned for the purposes of these regulations.

(J) **Removal.** All abandoned, unused, obsolete or noncompliant wireless telecommunications facilities, including towers, accessory structures and/or equipment, shall be removed within 180 days of the cessation of operations, and the site shall be restored to its original condition. In the event that facilities are not removed within the 180 period, the municipality may, following notification of the owner, remove the facilities and assess the cost of removal against the property or tower owner. A copy of the relevant portions of any signed lease which requires the applicant to remove the tower and associated facilities shall be submitted at the time of application. A bond or other form of surety acceptable to the

Selectboard, in an amount sufficient to cover the costs of tower removal and site reclamation, also may be required as a condition of approval.

Section 4.20 Temporary Structure or Use

(A) **Temporary Structure.** Structures used for temporary office or storage space, including trailers and mobile homes, or for special events requiring a permit under Subsection (B), may be allowed as a temporary accessory structure to an existing or permitted use in any zoning district, in accordance with the following:

- (1) Such structures shall not be used for dwelling purposes, except for campers, tents or yurts permitted to house participants at special events.
- (2) A temporary structure may be issued a zoning permit by the Zoning Administrator, for a specified period of time not to exceed one (1) year from the date of issuance, with the provision that the structure will be dismantled and/or removed upon expiration of the permit. The Zoning Administrator may renew a permit for a temporary structure for a period not to exceed one (1) additional year.

(B) **Temporary Uses (Special Events).** Special events (e.g., weddings, receptions, concerts, festivals, fairs and other cultural events, trade and antique shows), may be allowed as a temporary accessory use to an existing use within any zoning district, provided that such use occurs for no more than seven (7) days within any 12 month period, and adequate off-street parking and circulation, sanitary and trash collection facilities are provided. Temporary uses may be issued a zoning permit by the Zoning Administrator, for a specified period of time not to exceed one (1) year from the date of issuance, with the provision that the use will be discontinued upon the expiration of the permit. In addition:

- (1) The following uses or activities are specifically exempted from the requirements of this section, and shall not require the issuance of a zoning permit:
 - (a) Family or household events associated with a residential use (e.g., weddings, reunions). Such events may also include temporary shelters on-site, such as campers or tents, to house guests.
 - (b) Auctions, yard and garage and sales, in accordance with Section 9.2.
 - (c) Special events that are held in an approved events or convention facility.
- (2) No zoning permit shall be issued for any event or use which also requires the approval of the Bolton Selectboard under the Town of Bolton Special Events Ordinance until such approval is issued.