

TOWN OF BROOKFIELD, VERMONT
SHORELAND ZONING BYLAW

ARTICLE I.

Authority

V.S.A. Title 24, Chap. 117, Section 4411. To effect the purpose of Title 10, Chap. 49, Sections 1423 and 1425.

ARTICLE II.

Purpose

To protect the quality of water in certain ponds or lakes in the Town of Brookfield, to prevent undue erosion of the shorelands of those ponds or lakes, to control, as far as possible, siltation, so that these bodies of water may be safe and healthful for recreation, fish and wildlife, boating and water sports.

ARTICLE III.

The Brookfield ponds or lakes, determined by the Department of Water Resources, Agency of Environmental Conservation, State of Vermont, to cover not less than twenty (20) acres and therefore to be zoned in accordance with Title 10, Chap. 49, and Baker, Lamson, North and Rood Ponds, and Sunset Lake.

ARTICLE IV.

Districts

The zoned district around each of the above named ponds or lakes is that area of land lying 500 feet from the mean water mark of each, Baker, Lamson, North and Rood Ponds being classified as recreational, and Sunset Lake as general development.

ARTICLE V.

Uses

1. Within the shoreland district the following uses are permitted upon the issuance of a permit by the Town's Administrative Officer:

- a. single family dwelling and such usual facilities as lawns, gardens and docks.
- b. accessory structures such as garage, woodshed, tool storage.
- c. agriculture/forestry/wildlife refuge.
- d. seasonal structure
- e. home occupations within the dwelling.

2. The following uses are permitted upon the issuance of a conditional use permit by the Board of Adjustment:

- a. two-family dwelling
- b. publicly and privately owned recreational facilities such as tennis court, boathouse, boat rentals, docks to which the public is admitted
- c. dams
- d. commercial facilities such as restaurants, guest houses, motels, craft and gift shops, general stores, gasoline stations and office spaces judged to be consistent with the existing character of the district.
- e. public utility generating stations and power lines
- f. public and private educational institutions, including seasonal camps operated by groups such as Boy and Girl Scouts, 4-H, Grange, Churches
- g. state or community owned and operated institutions
- h. churches, convents, parish houses
- i. public and private hospitals, nursing homes, sanitarium

3. Prohibited uses

- * a. junkyards; used car or machinery lots; storage of fuels, chemicals, fertilizers except in quantities for use by owners of residences or agricultural facilities

4. Roads: The zoned districts around Baker, Lamson, North Ponds and Sunset Lake contain town, state and/or interstate highways. In the case of Rood Pond the town highway borders the district. Roads other than private roads may be constructed only with the prior approval of the Board of Selectmen. No development will be permitted on lots which do not have frontage on either a public road or public water, or, with the approval of the Planning Commission, access to such a road or water by a permanent easement or right-of-way at least 20 feet in width.

ARTICLE VI.

Setbacks

1. No dwelling, accessory structure, farm building or commercial building (restaurant, etc.) may be erected within 50 feet of the mean water mark, except boathouses and docks.
2. Minimum lot width at shoreline will be 200 feet on the recreational ponds and 100 feet on Sunset Lake (general development).

3. Minimum setback from side lines of lot for any structure shall be 75 feet on recreational ponds and 25 feet on the general development pond.
4. Where the lot touches a public highway, the minimum setback for any structure shall be 65 feet from the center-line of that highway.
5. If the lot does not touch a public highway, the minimum setback from the rear (not shore) line shall be 50 feet.
6. The minimum distance from the mean water mark for any part of a subsurface sewage disposal system shall be 150 feet.
7. A 50 foot strip of permanent vegetation (grass, shrubs, trees or ground cover such as myrtle, ivy, pachysandra) or other means of controlling erosion from the mean water mark or a 25 feet strip from the highest known water level, whichever distance is the greater, shall be maintained to prevent erosion and/or the run-off of any materials containing waste or chemical by-products.
8. No structures may be built on areas where detailed soils mapping shows the soil to be extremely wet unless the condition is corrected by proper drainage, or on slopes over 15%.
9. In accordance with Title 24, Chap. 117, section 4409(c) no zoning permit for development of land in certain locations shall be issued by the Administrative Officer without first submitting a report to the appropriate State Agency.

ARTICLE VII.

Sewage Disposal

All zoning permits for new construction requiring on-site disposal of sewage shall be contingent on the applicant furnishing satisfactory assurances that a suitable subsurface disposal facility for the treatment of domestic wastes can and will be installed. Such installation shall not involve any effluent discharge to the surface of the ground or the waters of the State. The Administrative Officer or his representative will inspect the site prior to construction and specify minimum sewage treatment facilities. He/she or designated agent will inspect the installation. No facilities shall be covered until approved. No building may be occupied until the sewage disposal system has been approved. Sewage disposal leach lines or seepage pits may not be installed on slopes exceeding 15% or on soils with high water tables or shallow to bedrock or that are poorly drained unless adequate provision is made to overcome these limitations.

ARTICLE VIII.

Existing Small Lots, Non-Conforming Uses, Home Occupations

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

2. Non-conforming uses: The following provisions shall apply to all buildings and uses existing on the effective date of this bylaw which do not conform to the requirements set forth herein and to all buildings and uses that in the future do not conform by reason of subsequent amendment to the bylaw.

Any non-conforming use of buildings or land, except those specified below, may be continued indefinitely, but:

1. shall not be moved, enlarged, altered, extended, reconstructed, or restored (except as provided below);
2. shall not be changed to another non-conforming use without approval by the Board of Adjustment;
3. shall not be re-established if such use has been discontinued for a period of one year, or has been changed to, or replaced by, a conforming use;
4. shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within two years of such damage; if the restoration of such building is not completed within two years, the non-conforming use of such building shall be deemed to have been discontinued, unless such non-conforming use has been carried on without interruption in the undamaged part of the building. However, the Board of Adjustment may extend the period.

3. Home occupations: No regulation herein is intended to infringe upon the right of a resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character thereof. (Examples: beauty parlor, antique or craft shop, weaving, dress-making, etc.)

ARTICLE IX

Administration

1. Application of regulations - The application of these regulations is subject to the provisions of Title 24, Chap. 117, Sections 4405 and 4409.

Except as provided herein, no building or structure may be erected, moved, altered, enlarged, and no land, building or structure or part thereof may be occupied or used unless in conformity with these regulations.

Any use not specifically provided for in Article V. shall be deemed prohibited.

2. The Administrative Officer is hereby appointed to administer these regulations as provided for in Title 24, Chap. 117, Section 4442. Said officer shall literally enforce the provisions of these regulations and in so doing shall inspect developments, maintain records and perform all tasks necessary to carry out the provisions of the bylaw.

3. Shoreland Zoning Permit - No land or building development may commence, nor shall any land or structure be used until a permit has been issued by the Administrative Officer as provided in Title 24, Chap. 117, Section 4443. The fee, if any, for such permit shall be established by the Board of Selectmen.

The Administrative Officer shall not issue a permit unless an application on the approved form (SL-1), fee (if any), plot plan and other data required have been submitted. The Administrative Officer shall within 30 days of submission of application and other data, either issue or deny a permit. If denied, the Administrative Officer shall so notify the applicant in writing, stating the reasons therefor. If the permit is issued, all authorized activities shall be completed within two years of the date of issuance, or the permit shall become null and void and reapplication to complete any activities shall be required.

No permit shall be issued by the Administrative Officer for any use or structure which requires conditional use approval until the Board of Adjustment grants such approval.

4. Board of Adjustment - A Board of Adjustment, which may be the Town Planning Commission or other board of not less than three nor more than nine members appointed by the Board of Selectmen is hereby established. Rules of procedure, nature of appeals, public notice, conditions for variance relief, public hearings and other matters shall be established by the Board as provided in Title 24, Chap. 117, sub-chap. 8.

In considering its action on conditional uses or in variance relief the Board of Adjustment shall make findings on general and specific standards, hold hearings and attach conditions if any as provided in Title 24, Chap. 117, Section 4407(2). General standards to be considered are as follows: The proposed conditional use or variance shall not adversely affect:

- a. the character of existing or planned community facilities,
- b. the character of the area affected,
- c. traffic on roads or highways in vicinity,
- d. other bylaws in effect.

ARTICLE X

Amendments, Change In State Statutes, Separability, Validity, Effective Date

1. This bylaw may be amended as provided in Title 24, Chap. 117, Section 4404.
2. Any subsequent amendment to the enabling statute under which this bylaw is adopted, which affects a change in it, shall have the effect of changing the provisions included.
3. The invalidity of any section or sub-section of this bylaw shall not invalidate any other section or sub-section.
4. If any portion of this bylaw is judged to be invalid when applied to a particular situation, that same portion shall not be held to be invalid when applied to any other situation.
5. This bylaw shall take effect in accordance with the voting and other procedures contained in Title 24, Chap 117, Sections 4403 and 4404.

ARTICLE XI.

Definitions

1. Land Development - means the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.
2. Normal Mean Water Mark - the average water level, as determined by the Water Resources Board under 10 VSA Section 905.
3. Structure - an assembly of materials for occupancy or use including, but not limited to, a building, mobile home or trailer, billboard, sign, wall or fence on an operating farm.