

A SUMMARY OF CLARENDON'S PERMIT PROCESS (REVISED 6/2017)

INTRODUCTION:

Generally, a Town Zoning Permit is required whenever real property is used for commercial purposes, to construct a new structure (including signs, sheds, decks, cell towers, etc), alter or expand the size or use of an existing structure, subdivide, or excavate earthen materials.

Other local permits may be necessary, that are not addressed through the Zoning Officer. Some common examples would include a drive way access permit (Highway Foreman & Select Board), moving a mobile home (Clerk & Listers), or a public event (Select Board).

PLEASE CHECK WITH THE TOWN BEFORE YOU START A PROJECT, to determine what local permits may be involved. A Town Permit does not release you from obtaining any other municipal, state or federal approvals that may be needed. For additional information, contact Rick Oberkirch, Vermont's Permit Assistance Specialist; (802) 282-6488, Rick.Oberkirch@vermont.gov.

REVIEW OF AN APPLICATION:

The ZONING ADMINISTRATOR (ZA) is the first person to contact. The ZA provides advice on the rules, assists with the application forms and plot plans, and outlines the process. The ZA authority is generally limited to residential or accessory structure projects, non-commercial subdivisions and agricultural construction notices. Other types of construction or use would be reviewed by the ZA, who then may have to refer the application to the Appropriate Municipal Panel (AMP) or department official.

The PLANNING COMMISSION (PC) addresses all required (mostly commercial) Site Plan Reviews, Right-of-Way access, Planned Unit Developments, and amendments to the zoning rules.

The BOARD of ZONING ADJUSTMENT (BZA) hears appeals of a Zoning Administrator decision; Conditional Use & Variance issues; applications that involve flood plains, non-conforming structures or uses; and Planned Unit Developments.

There also may be State or Federal reviews required. Typical examples include:

- a) When a project is within a FEMA mapped flood plain (Special Flood Hazard Area); and a River Management Specialist from the Agency of Natural Resources is consulted.
- b) Demolition of a structure requires a VT Department of Health Certificate, to document if the structure is clean of asbestos or other hazardous materials.
- c) VT Waste Water & Potable Water permit for new wells or septic systems, and for some subdivisions.
- d) New driveway (road cuts) on to VT state highways are regulated by VTRANS. Local building permits may not be issued for new construction until a VTRANS #1111 permit is approved, & these may take time.

APPROXIMATE TIME TO PROCESS AN APPLICATION; PLEASE SCHEDULE YOUR PROJECT ACCORDINGLY!

Many factors will impact the time required to obtain a permit:

- a. Lack of necessary or accurate information on the application.
- b. Statutory warning &/or appeal periods
- c. Third party reviews (VT waste water & Subdivision, flood plain, storm water, wetlands, etc.)

You should anticipate the following time periods:

- a. Zoning Administrator Permits are usually issued, denied, or referred to an AMP within 14 days of a COMPLETE application. If approved, VT statute requires a 15 DAY APPEAL PERIOD, to allow an Interested Party to contest the permit. **The permit is not effective until 15 days have lapsed without appeal; after which the project may start. Starting**

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without an Effective Permit will (at the least) DOUBLE the Permit Fees, and may result in a Notice of Violation, with possible fines of \$200 per day of Violation and legal costs.

- b. Planning Commission (PC) and Board of Zoning Adjustment (BZA) reviews require a warning period and public notices. Applications that will involve these AMPs should be delivered to the ZA at least 21 DAYS PRIOR TO A PROPOSED HEARING DATE.
- c. The PC meets on the first (1st) and third (3rd) Monday of each month; providing it has business to address. The ZBA usually schedules meetings or Public Hearings only when there is an application to consider. Either AMP may extend the Hearings to additional meetings, as necessary to collect information, testimony, or outside reviews.
- d. Both AMPs have up to 45 days in which to render a decision. A decision by an AMP may be further appealed by an interested party, within 30 days of issue, but only in VT's Environmental Court.

OTHER PERMITS or APPROVALS THAT MAY BE REQUIRED for YOUR PROJECT:

Town Permit Approvals do not release the Property Owner from obtaining all other VT and/or federal permits that may be required for your Project. Further, Town Permits may not be issued, or may be revoked, for failure to comply with these requirements. For additional information on these regulations, please contact the Vermont Permit Assistance Specialist at Rick.Oberkirch@vermont.gov or (802) 282-6488.

Some Local, State, & Federal regulations that *may* include some of these required Permits:

New Drive way access to public Highways; both Town & VT rules may apply
Demolition or Renovation of older Structures; Lead & Asbestos inspection & removal
Wastewater Disposal & Potable Water Supply Regulations
Development or disturbance to Wetlands
Fill, Excavation or any Development in a FEMA Flood Plain
Safe, efficient, and preservation of navigable airspace (FFA Rule14CFR77.13)
Compliance with VT Energy Building Energy Standards
VT Land Use Regulations (Act 250)

THE TOWN APPLICATION:

This is a general purpose Form. If a question area of the Form does not seem to apply to your project, or you do not have the information, simply leave it blank. PLEASE add a cover letter to describe your proposed project in additional detail if you wish. The initial Application is essentially two sections; **Contact Information** and a **Site Plan**. ***Both sections are required, as well as the application Fee for an application to be considered complete; and INCOMPLETE applications will delay your approval.*** By statute, the ZA has up to 30 days review time from his receipt of a COMPLETE application; although this is usually a much shorter process.

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APPLICATION FEES: FEE SCHEDULE (revised, July 1, 2019)

The Town Select Board sets the schedule of Fees; which must be paid in full with the submission of the Application. The ZA will review the application on a preliminary basis, BEFORE the Town Clerk deposits any Fees. **Checks, made to the Town of Clarendon,** are preferred over Cash fee payments. If the Application is clearly not complete or conforming to the Town Regulations, or the Fee Payment is incorrect, the Application Payment will usually be held until the ZA has had an opportunity to communicate with the Applicant. Once the ZA deems an Application complete, and the Application is processed, it may not be withdrawn without forfeiture of the Fee. Any future Applications will require a new Fee. As of 7/1/2019, the VT legislature required all Subdivisions (& Boundary Line Adjustments) to have a (VT licensed Surveyor signed) mylar (plastic film) recorded in Town Records.

REQUIRED RECORDING FEES: Memorandum of Municipal Actions, VT WW permits, etc. **\$15.00 per page**
Survey Mylars **\$25.00 per sheet**

RESIDENTIAL (no commercial consideration) Applications:

Residential Structures: (i.e. Structures are defined in Zoning regulations as "an assembly of (non-earthern) materials **for occupancy or use;** including but not limited to a Building (including Mobile Homes; box-type trailers or vehicles lacking valid DMV registration and inspection certificates; shipping-type Containers; Signs;

This includes Accessory Dwellings, Use, or Structures as Defined in Article X, including but not limited to attached & detached Structures such as Garages, Sheds, Decks, Porches (i.e. Roofed Decks), swim Pools. Fences or walls that do not obstruct rights of way or traffic visibility are exempt from a permit requirement

The Base Fee is \$50.00 AND 2 cents per square foot of new construction area; to be determined/ project _____

COMMERCIAL: *For Home Occupation permit, including one sign* **\$50.00**
Other new Commercial Applications, including oOne new SIGNS per Business **\$150.00**
Other Commercial Signs (to replace or update existing Signs only; refer to Section 821) **\$ 10.00**

CHANGE of USE: A Change of Use is to be defined as "a Change of Structure or Use; as identified in Article III of the Zoning Regulations; especially but not limited to, a proposed Use that is different than the existing Use, as identified in Section 305 (Table of Uses)". Unless a clear Permitted Use per Section 305, a Change of Use may need review by the Planning Commission or Board of Zoning Adjustment, upon referral by the ZA.

\$50.00

APPEAL to an APPROPRIATE MUNICIPAL PANEL (includes Appeals of ZA decisions, Conditional Use reviews of an Application, Commercial Applications, Site Reviews, Flood Hazard or Variance issues, etc. to the Planning Commission or Board of Zoning Adjustment (a Public Hearing process is required)
These Fees are in addition to any other application & recording fees

For Initial Hearing **\$150.00**
For Notice & each Continued Hearings, if required **\$ 50.00**

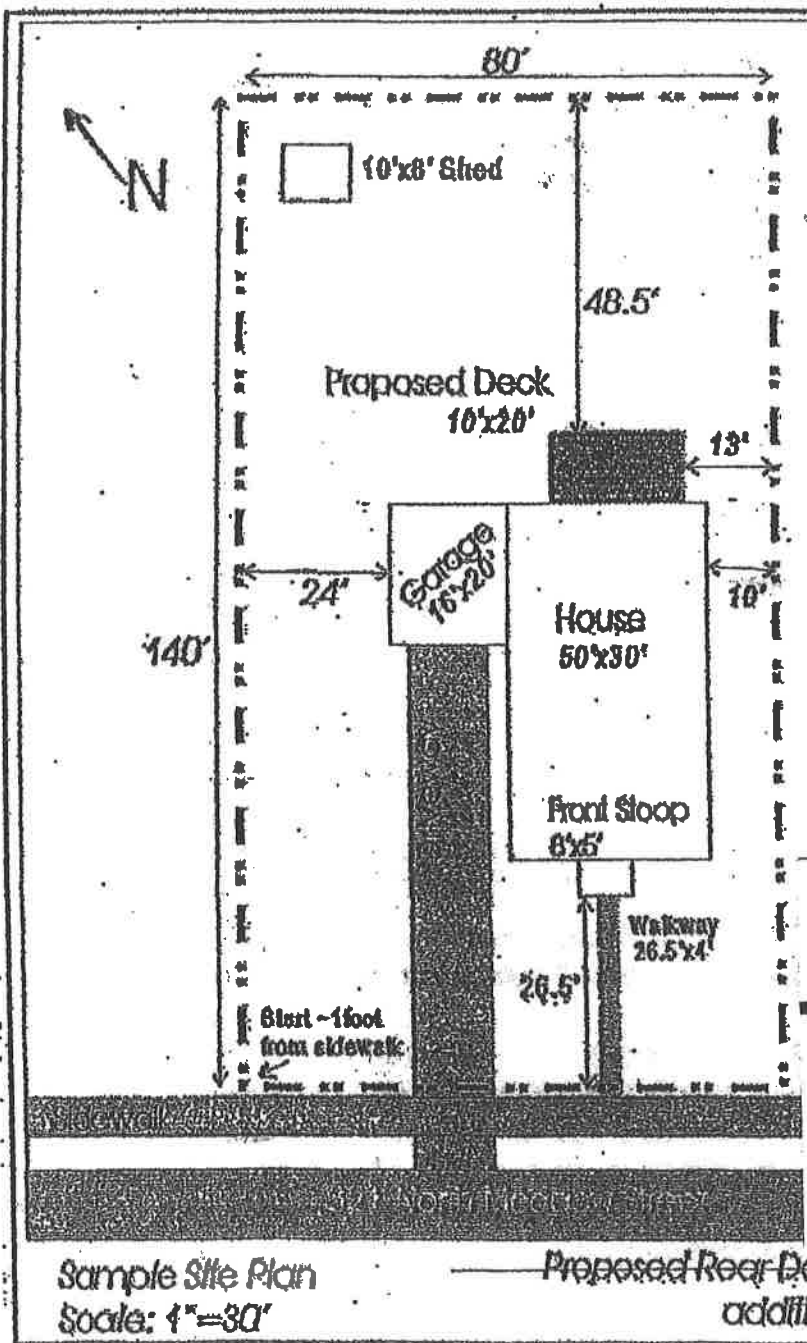
LETTER of OPINION of ZONING COMPLIANCE from the ZONING ADMINISTRATOR:

Option 1: An emailed request to the ZA to research any known Notice of Violations for a specific Residential property will be addressed (usually within two weeks) by researching any records readily available within the Town Office records, and a reply emailed. This minimal research is not to be considered a formal ZA Opinion. There is no fee.

Option 2: A request for a **formal Letter of Opinion by the ZA** needs to be requested in writing, detail any specific issues of concern, & include a payment of **\$ 50.00 for Residential Property , and \$100.00 for Commercial property.** This level of ZA (max. 2 hours) research will include an exterior Site Inspection. The Letter of Request should include granting the ZA permission to enter exterior of subject property. Additional review time required or requested shall be invoiced at \$25.00/ ZA hour, along with other legal or processing expenses that may be incurred by the Town. This review Opinion will not include any VT or Federal permit issues that may apply to subject property.

Setback

A "setback" (front, side and rear) is the distance from the property line to any structure or site improvement. If you don't know exactly where your front property line lies, you can check with the Town to see what the Town's road right of way is in your location and measure from there. In Pittsford, the Town right of way for most Town roads is 50 feet. Therefore, most front property lines lie approximately 25 feet from the center line of the road. If the front setback in your zoning district is 40 feet, any structure or site improvement could not take place closer than 65 feet from the center line of the road (25 feet + 40 feet = 65 feet). There are certain areas where the road right of way is greater than 50 feet (many parts of Route 7 for example) so if you are unsure please contact the Zoning Administrator for more information.



NOTE: A SITE PLAN IS A REQUIRED PART OF EVERY APPLICATION; UNLESS THERE IS NOT GOING TO BE ANY NEW EXPANSION TO THE "FOOT-PRINT" OF AN EXISTING STRUCTURE.

An Application will be considered Incomplete if it does not include a required site plan that documents the distances of the new structure to its (N, S, E, & W) property Boundaries.

TOWN OF CLARENDON, VT

Jeff Biasuzzi
Zoning Administrator

P.O. Box 30 279 Middle Road
Clarendon, VT 05759

802-770-0380 tel. (802) 775-4274
clarendon.zoning@comcast.net

Sample Site Plan
Scale: 1"=30'

Proposed Rear Deck addition.

TOWN OF CLARENDON
279 Middle Road, Vermont 05759

The Application is ONLY a (first page) of CONTACT INFORMATION; A SITE PLAN that shows the ZA & Lists how your project fits on your Property, and the APPLICATION FEE. WITHOUT ALL these elements, however, your APPLICATION WILL BE INCOMPLETE, and this will delay processing and a decision. (8/1/19)

Date received by ZA _____ Application Number: _____ (Assigned by Zoning Administrator)

Applicant or Agent for Property Owner. Please type or print all information required below.

Name of Applicant(s) _____

Mailing Address _____

City/Town _____ State _____ Zip _____

Telephone # _____ Email _____

(If applicant is other than Property Owner include a Letter of authorization from the Owner.)

Name of Property Owner (if different than Applicant) _____

Mailing Address _____

City/Town _____ State _____ Zip _____

Telephone # _____ Email _____

Physical Property Location: _____

Property Description

Deed Reference: Book _____ Page _____ Date _____

Parcel # GL# _____ Zoning District _____ Acreage _____

Existing Use _____

Existing Structures **\$ IMPROVEMENTS:** _____

Water Supply: _____ Municipal _____ Private Water Supply & Type _____

Sewage Disposal: _____ Municipal _____ On Site Septic

Number of Subdivisions of Parcel in last ten year period _____

Proposed Development

Proposed Use _____

Proposed Construction or Project (detailed description, use additional paper if necessary)

If application is for new construction: When describing setbacks, assume you are on the street, looking at project.

Building /Addition Size: Width _____ Depth _____ Height (from finished grade) _____

Set Backs: Front _____ Rear _____ Left Side _____ Right Side _____

New Water Supply Required: _____ On Site Well _____ Municipal*

New Sewage Disposal: _____ On Site Septic _____ Municipal*

VT Waste Water and/or subdivision permit # _____

Note: Applicants who propose to construct a structure or alteration thereof, which uses or increases water and/or wastewater flows requires acquisition of a State of Vermont Wastewater System and Potable Water Supply Permit. Reference to this WW Permit is to be noted.

Applicant/Owner _____ APPLICATION # _____

Estimated Cost of Construction: \$ _____

Driveway Permit Required: (IF NEW) _____

Flood Hazard Area _____ Wetlands _____ Public Building _____ Does the construction project disturb more than one acre of land? _____

The undersigned applicant hereby certifies that the above information is true, accurate, and complete, and acknowledges that the proposed development, if approved, must be completed in substantial compliance with this application.

Signature of Applicant: _____ Date: _____

Signature of Owner: (IF NOT SAME) _____ Date: _____

Note: Town approvals do not automatically qualify you for a required State Permit or certification. Contact the Vermont Permit Assistance Specialist at 802-282-6488 or Rick.Oberkirch@vermont.gov for additional information. Compliance to VT regulations may include (but is not limited to) an Asbestos & Lead Paint review before any renovation or demolition work, Dig Safe, VT Building Energy Standards; Department of Public Safety for rental or public buildings, VTRANS access approval for VT highways.

FOR MUNICIPAL USE

Application #: _____ Date Received: _____ Fee Paid: _____

Application Submittal Complete: ___Yes___No Date of Complete application _____

ZA Action:

- o Approved, date: _____
- o Denied, date: _____ Appeal to AMP date: _____
- o Returned to Applicant for correction or to complete, date _____
- o Referred to AMP ___Zoning Board or___ Planning Commission on _____; Applicable rules or reason for referral _____

Signature of Zoning Administrator _____ Date _____

Scheduled Date of Hearing: _____

Warned in Public Newspaper (publication & date) _____

Abutters Notified Date: _____

Decision of the Appropriate Municipal Panel (AMP) _____

Appeal to VT Environmental Court _____

Final Status of Application _____