



**APPLICATION FOR CONDITIONAL USE PERMIT/VARIANCE**  
**Town of Proctor**  
**45 Main Street, Proctor, VT 05765**  
**802-459-3333**

FOR TOWN USE ONLY	
Tax Map Number _____	Zoning District _____
Date Application Received ___/___/___	Fee Paid \$ _____
Date Paid ___/___/___	

*Please provide all of the information requested in this application. Failure to provide all required information will delay the processing of this application. Submit the completed application and a check payable to the Town of Proctor according to the attached fee schedule.*

**Applicant(s):**

Name(s): \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Telephone(s) Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

**Landowner(s) (if different from applicant(s)):**

Name(s): \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Telephone(s) Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

**Physical Location of Property (911 address):**

\_\_\_\_\_

**Type of Permit:**

- Conditional Use  Variance Proposed Use/Development (please check all that apply):
- New Construction
- Commercial
- Accessory Use
- Renovation/Remodeling
- Change of Use (please describe): \_\_\_\_\_
- Sign or Other (please describe): \_\_\_\_\_

**Estimated Value of Project:** \$ \_\_\_\_\_

**Other Permits Which May Be Necessary:**

- State Potable Water and Wastewater Permits - \_\_\_\_\_
- Town of Proctor Water and/or Sewer Connection Verification - \_\_\_\_\_
- Site visit approval **Schedule site visit when completed application is submitted.**  *Visit Waived* \_\_\_\_\_
- Curb Cut - requires a separate application - necessary if a new driveway must be installed.  
 Applied (date) \_\_\_\_\_  Not required Description:

**Property Description:**

Acreage in lot \_\_\_\_\_

Feet of Road Frontage \_\_\_\_\_

Setbacks:	Front _____ (to center of road)	Left Side _____
	Right side _____	Rear _____
	Stream _____	Other _____

**Dimensions of Proposed and Existing Buildings:**

Existing:		Proposed:	
Length _____	No. of Stories _____	Length _____	No. of Stories _____
Width _____		Width _____	
Height _____		Height _____	

Existing use and occupancy. (If there are no buildings currently on the property, please write "bare land.") \_\_\_\_\_

Proposed use and occupancy. \_\_\_\_\_

**General Location Map and Site Plan:**

In order for a Conditional Use application to be reviewed by the Zoning Board of Adjustment, a general location map and a completed site plan must be provided.

- A general location map (on a USGS topographic map or Vermont orthophoto base) showing the location of the proposed development in relation to zoning districts, public highways, drainage and surface waters, and adjoining properties and uses.
- A completed site plan includes, but is not limited to:
  1. North Arrow, scale, project name, date and name and address of the person or firm preparing the map;
  2. The dimensions of the lot, property lines and setback distances from boundaries;
  3. The location and names of roads and streets abutting the property;
  4. Existing site features, including ridgelines, hill tops and areas of steep slope (greater than 25%); drainage, surface waters, wetlands, and associated setback areas; vegetation and tree lines; historic features (ie. Stone walls), and designated critical habitat, flood hazard and source protection areas;
  5. The location (footprints) of existing and proposed structures, including all buildings, other structures, signs, and/or walls;
  6. Existing and proposed rights-of-way and easements;
  7. Existing and proposed roads, driveways, parking and loading areas (traffic circulation), and pedestrian paths;
  8. Existing and proposed utility lines, water supply and wastewater disposal areas;
  9. Proposed site grading (cut and fill), stormwater management, and erosion control measures; and
  10. Proposed outdoor lighting, landscape design and screening.

**Sketch a floor plan or diagram showing the dimensions of the proposed building, addition or alteration.** (This should show the rooms in the inside of the building, including both upstairs and downstairs if there is more than one floor.)

**NOTE FOR CONDITIONAL USE PERMITS:** Additional information may be required by the Zoning Board of Adjustment to determine conformance with the Town of Proctor Zoning Bylaws. The application will not be considered complete by the ZBA until all required materials have been submitted. One or more application requirements may be waived by the **DRB**, at the request of the applicant, should the ZBA determine that the information is unnecessary for a comprehensive review of the application. Waivers shall be issued by the Board in writing at the time the application is accepted and deemed complete.

Applicant requests a waiver from application requirements. Reason(s) for waiver include(s) the following:

## **Section 401 – Siting of Conditional Uses**

**A. Landscaping –General.** The proposed development shall be landscaped or screened to ensure compatibility with adjoining areas. In particular, the ZBA may require structures, parking and loading areas, or accesses to be screened or landscaped according to the following criteria: Visibility of areas from roads and/or adjoining properties. The need to screen parking areas from roads and adjacent properties. Proximity of lots used for residential purposes. All landscaping and screening shall be completed and maintained in accordance with the conditional use permit as approved by the ZBA. In determining the amount of planting to be required, the ZBA should take into account: Existing trees, shrubs, evergreens and other vegetation to be preserved on the site. Visibility of areas from roads and/or adjoining properties. The need to effectively screen all parking areas from roads and adjacent properties. Proximity of lots used for residential purposes.

**B. Specific Landscaping Requirements.** All new parking lots may be required to be screened by a strip not less than 15 feet in width with suitable plantings, screening or landform. All plantings, when initially installed, are to be of a size and shape approved by the ZBA. If the ZBA determined that the landscaping plan is appropriate in size, scope, etc., but that it will take several years for the plantings to accomplish the screening or buffering goals, the ZBA may require that fencing be installed during the interim. If the ZBA determines that plantings are not appropriate, it may approve a suitable fence. The remainder of the yard space shall be landscaped and maintained in good appearance. Where non-residential uses are located adjacent to residential uses, there shall, to the extent practicable, be plantings or attractive solid fencing to screen out noise and all outdoor lighting from the view of the adjacent residential uses. All landscaping shall be completed and maintained in accordance with the site plan as approved by the ZBA. Any dead or diseased planting shall be replaced as soon as seasonally possible. The applicant may be required to provide a suitable performance bond or other form of security to guarantee the performance and completion of all planting required.

**C. Pedestrian Circulation.** The ZBA may require pedestrian walkways to facilitate pedestrian movements. In all districts, the ZBA may require provision for pedestrian trails and walkways along waterways or other natural features to connect with similar present or anticipated trails on adjacent properties. The ZBA shall consider maximum safety of pedestrian and vehicular circulation between the site and the street network including location, number and width of access points, curve radii at access points, acceleration or deceleration lanes on adjacent public streets, sight distance improvements, shared access with adjoining properties, and location of sidewalks and/or other walkways. Particular consideration shall be given to visibility at intersections, to traffic flow and control, to pedestrian safety and convenience, and to access in case of an emergency.

**D. Access.** The ZBA may require service roads connecting to public roads, with provision for connection to similar service roads on adjacent property where it feels that limiting the number of intersections to the public road is in the interest of the health and safety of the community.

Adequacy of parking and loading facilities. Adequacy of on-site circulation, parking, and loading facilities, with particular attention to safety including aisle widths to accommodate emergency vehicles, traffic movement patterns and location of parking areas to prevent conflicts with entering and exiting traffic onto a public street, location of loading docks and number and size of parking spaces. Particular consideration shall be given to the effect of noise, glare, or odors on adjoining properties. Refuse and service areas shall be included. Provisions for snow removal shall also be made.

**Protection of Renewable Energy Resources.** Particular consideration shall be given to the appropriate siting of buildings in order to maximize access for solar gain to the property and adjacent properties.

**Bond.** The applicant may be required to provide a suitable performance bond or other form of security to guarantee the performance and completion of all planting required.

**Variance Criteria:**

**The Zoning Board of Adjustment shall hear and decide requests for variances as required by 24 VSA §4469(a) and appeal procedures under Article XI. In granting a variance, the Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. The Board may grant a variance and render a decision in favor of the appellant only if all of the following facts are found, and the findings are specified in its written decision:**

1. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located;
2. Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;
3. The unnecessary hardship has not been created by the appellant;
4. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare; and
5. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

**Note: Failure to develop your property in accordance with your application and any conditions of this permit may result in an enforcement action and may affect your ability to sell or transfer clear title to your property.**

In accordance with 24 VSA §4471, an interested person who has participated in a regulatory proceeding of the Planning Commission or Board of Adjustment may appeal a decision rendered under Article XI, within 30 days of such decision, to the Vermont Environmental Court.

**Please note that this is only a local permit and state permits may be needed for your project. Please contact the Permit Specialist at the VT Agency of Natural Resources at (802)-505-5367.**

<b>FOR ADMINISTRATIVE USE ONLY</b>	
Date of Approval or Denial by the Board of Adjustment: _____	
_____	_____
_____	_____
_____	_____