



Town of Waitsfield *Vermont*

Subdivision Regulations

**DRAFT FOR SELECTBOARD PUBLIC
HEARING OCTOBER 21, 2019**

Adopted by the Waitsfield Selectboard on January 21, 2008;
brought by petition to a Town vote on March 4, 2008,
and approved by a majority of the voters.

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Waitsfield Subdivision Regulations
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ARTICLE 1. AUTHORITY & PURPOSE

Section 1.1 Enactment and Authority

(A) In accordance with the Vermont Municipal and Regional Planning and Development Act [24 V.S.A., Chapter 117, §§4402, 4418 and 4463], hereinafter referred to as “the Act,” as most recently amended, there are hereby established subdivision regulations for the Town of Waitsfield, Vermont. These regulations shall be known and cited as the “Waitsfield Subdivision Regulations.”

(B) It is the policy of the Town of Waitsfield to regulate all subdivision of land, and subsequent development of subdivided parcels, in accordance with these regulations to ensure the orderly planned, efficient and economical development of the Town. No subdivision of land shall be made until a final plat prepared in accordance with these regulations has been approved by the Development Review Board and filed in the Waitsfield land records.

Subdivision: The division of a lot, tract or parcel of land into two or more lots, tracts, sites, or other divisions of land for the purpose, whether immediate or future, of sale or land development. It includes resubdivision and the division of a lot or parcel held in common ownership and subsequently divided into parts among the owners.

Section 1.2 Purpose

(A) These regulations are adopted to further the following objectives:

- (1) to guide future development in accordance with the Waitsfield Town Plan, zoning regulations, capital budget and program, and all other municipal bylaws and regulations enacted to implement the plan;
- (2) to maintain and strengthen the traditional settlement pattern of compact villages surrounded by an open, rural landscape;
- (3) to ensure that land to be subdivided is of such character that it can be used safely for its intended purposes;
- (4) to establish criteria for determining development capacity of land and to regulate the density and location of development in a manner that reflects historic settlement patterns;
- (5) to protect and provide for the public health, safety, and general welfare of the Town of Waitsfield;
- (6) to promote the conservation of energy or to permit the utilization of renewable energy resources;
- (7) to ensure that the rate of growth does not exceed the ability of the Town to provide public services and facilities, and that public facilities and services are available and will have sufficient capacity to serve any proposed subdivision;
- (8) to preserve natural areas, significant wildlife habitat, scenic and historic resources, and productive farm and forest land through the proper configuration of parcel boundaries and arrangement and location of development on parcels;
- (9) to provide the most efficient relationship between land use and the circulation of pedestrian and vehicular traffic throughout the town; ensure the logical and coordinated extension of roads and utilities; and avoid undue traffic congestion and overburdening of roads, highways and intersections;
- (10) to prevent air and water pollution and encourage the careful stewardship of natural resources throughout the town in order to preserve the integrity, stability, and beauty of the community and the value of the land;
- (11) to minimize the fragmentation of productive resource lands, including farm and forest land, and to ensure their continued use and availability for agriculture, forestry and wildlife habitat;
- (12) to further the purposes contained in the Act [§4302].

Section 1.3 Adoption & Amendment

(A) In accordance with the Act [§4442], this bylaw shall take effect on the date of its adoption by the legal voters of the Town of Waitsfield at a duly warned special or regular meeting of the town or, in the event an amendment is adopted by a majority of the Waitsfield Selectboard, it shall take effect twenty-one (21) days from the date of adoption.

(B) Amendments to these regulations shall be enacted in accordance with the provisions of the Act [§§4441, 4442].

(C) As provided in the Act [§4449(d)], after a public hearing of the Selectboard has been warned to consider adoption of these regulations in accordance with this Section, or an amendment to these regulations subsequent to their adoption, applications for subdivision approval shall be reviewed in accordance with the procedures and standards set forth in both the proposed regulations or amendment and the subdivision regulations then in effect. In the event of a conflict between the proposed regulations or amendment and the regulations then in effect, the most restrictive provision shall apply. Review under both current and proposed regulations shall occur for a period of 150 days from the date of the first warning or until the proposed regulations or amendment are adopted or rejected by the voters, whichever occurs first.

Section 1.4 Severability

If any provision of these regulations or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect or invalidate other provisions or applications.

ARTICLE 2. SUBDIVISION APPLICATION PROCEDURES

Section 2.1 Applicability

(A) Subdivision Approval Required. Subdivision approval is required for any proposed subdivision of land as defined in these Regulations.

(B) Boundary (lot-line) Adjustments. A boundary adjustment between parcels in existence as of the effective date of these regulations, as evidenced by recorded deeds, maps, or permits, is exempt from review under these regulations provided:

- (1) the adjustment would not invalidate or result in noncompliance of any conditions of a prior subdivision approval under Waitsfield Subdivision Regulations, and
- (2) the adjustment does not result in the creation of a new or nonconforming lot or structure under the Town of Waitsfield Zoning Bylaws.

Minor subdivision shall include amendments to an approved subdivision plan that will not substantially change the nature of any previous subdivision or conditions of approval; or the division of any parcel into not more than 4 lots; or, as determined by the Development Review Board in accordance with Section 2.2.

Major subdivisions shall include the division of any parcel into 5 or more lots; any subdivision requiring any new public or private road or driveway greater than 800 feet in length, or any combination of public and private roads and private driveways with a cumulative length greater than 2,000 feet; any subdivision in which access will be provided by a Class 4 Road.

While such a boundary adjustment shall not require review or plat approval by the Development Review Board under these Regulations, an application for a zoning permit shall be submitted to the Zoning Administrator in accordance with the provisions of Section 6.01(B) of the Waitsfield Zoning Bylaws and a permit issued in accordance with the provisions of Section 6.01(C) of those Bylaws if the aforementioned conditions are met. Any such permit application shall require that the owners of the two lots affected by the adjustment submit a diagram which reflects the existing and proposed lot boundaries, the location of water supplies and wastewater disposal systems and all structures located on the lots affected by the adjustment and the distances from those structures to the existing and proposed boundary line (the line to be adjusted). Any permit issued by the Zoning Administrator shall be subject to recording of a plat, approved by the Zoning Administrator, and recorded pursuant to Section 2.6 of these Regulations, which depicts the adjusted boundary line as plotted by a surveyor. Permits shall be filed and a notice thereof recorded pursuant to Section 6.07(E) of the Waitsfield Zoning Bylaws.

(C) Minor and Major Subdivisions. For the purposes of these regulations, subdivisions shall be classified by the Development Review Board as minor subdivisions or major subdivisions, as defined herein, following the Development Review Board's approval of a Sketch Plan Review submitted in accordance with Section 2.2.

(D) Coordination with Planned Unit ~~or~~ Planned Residential Development Review, or Planned Hamlet Development Review. Subdivision applications for Planned Unit ~~or~~ Planned Residential Developments, or Planned Hamlet Development (PUDs/~~and~~ PRDs/PHDs) shall be reviewed as major subdivisions under this Article. PUDs/~~and~~ PRDs/PHDs shall meet the standards set forth in Section 5.4 of the Waitsfield Zoning Bylaw, as well as subdivision standards included in Article 3, unless otherwise waived by the Development Review Board.

(E) Waiver Authority. Pursuant to the Act [§4418], the Planning the Development Review Board may waive application requirements as specified in Table 2.2, or subdivision standards under Article 3, which in its judgment:

Table 2.1 Waitsfield Subdivision Regulations Subdivision Review Process Outline	
Discussion Phase [all subdivisions]:	
(1) Submission of sketch plan and any request for waiver	Applicant; at least 15 days prior to a regularly scheduled Development Review Board meeting
(2) Development Review Board meeting	Applicant (or authorized representative) attendance required
(3) Classification of subdivision as minor or major; written determination & recommended design changes	Development Review Board; within 45 days of completion of the discussion phase
Minor Subdivision [4 or fewer lots, or as determined by Development Review Board]:	
(a) Submission of final subdivision plan, including any waiver requests; documentation of design changes and/or strategies to address Board issues raised during Discussion Phase (sketch plan review); proposed plat and supporting documentation	Applicant; within 180 days of the date of sketch plan approval
(b) Development Review Board public hearing	Development Review Board; to be scheduled for next available meeting upon receipt of the final subdivision plan
(c) Subdivision/plat approval	Development Review Board; within 45 days of the hearing adjournment date
(d) Final plat recording in the town records	Applicant; within 180 days of the date of subdivision approval
(e) Certificate of Compliance (if required)	Zoning Administrator; upon completion
Major Subdivision [other than minor]:	
(1) Submission of preliminary subdivision plan including any waiver requests, documentation of design changes and/or strategies to address Board issues raised during Discussion Phase (sketch plan review); proposed subdivision plan and supporting documentation	Applicant; within 6 months of the date of sketch plan approval
(2) Development Review Board public hearing	Development Review Board; to be scheduled for next available meeting upon receipt of the preliminary subdivision plan
(3) Preliminary subdivision/plat approval	Development Review Board; within 45 days of the adjournment of the hearing
(4) Submission of final subdivision plan, including supporting documentation	Applicant; within 6 months of the date of preliminary plan approval
(5) Final Development Review Board public hearing	Development Review Board; to be scheduled for next available meeting upon receipt of the final subdivision plan

(6) Final subdivision/plat approval	Development Review Board; within 45 days of the hearing adjournment date
(7) Final plat recording	Applicant; within 180 days of the date of final subdivision and plat approval
(8) Certificate of Compliance (if required)	Zoning Administrator; upon completion

- (1) are not requisite in the interest of public health, safety, and general welfare; and
- (2) are inappropriate due to the inadequacy or lack of connecting facilities (e.g., existing or planned utilities, roads, sidewalks, dedicated open space, etc.) adjacent to or in proximity to the subdivision; and
- (3) will not have the effect of nullifying the intent and purpose of applicable provisions of these regulations.

The request for a waiver shall be submitted in writing by the applicant with the application for sketch plan review under section 2.2. It shall be the responsibility of the applicant to provide sufficient information to justify the waiver and enable the Development Review Board to reach a decision. In granting waivers, the Development Review Board may require such conditions that will, in its judgment, substantially meet the objectives of the requirements waived. No such waiver may be granted if it would have the effect of nullifying the intent and purpose of these regulations or other municipal ordinances or regulations currently in effect.

(F) Waiver for Large Parcels. Pursuant to the Act [§4418], subdivisions involving especially large parcels, such as the subdivision of a single one-acre lot from an existing 50 acre parcel, may, at the discretion of the Development Review Board, be exempted from one or more of the application requirements listed in Table 2.2, such as the requirement that the boundaries of the large parcel to be retained by the landowner be surveyed or that one or more natural resources be identified on non-impacted portion of the parcel located far from identified development envelopes. In granting such an exemption, the Development Review Board may require that the portion of the subdivision involving newly created boundary lines (e.g. the one-acre lot in the preceding example) comply with these requirements, and that a surveyed plat for that portion of the larger subdivision be recorded in the land records.

Section 2.2 Sketch Plan Review [applying to all applications for subdivision]

(A) Submission of Sketch Phase. The applicant shall submit to the Zoning Administrator, at least 15 days prior to a regularly scheduled Development Review Board meeting, a sketch plan that includes the information for the discussion phase specified in Table 2.2.

(B) Initial Meeting. The applicant and/or an authorized representative shall attend an initial meeting with the Development Review Board, to be held at a regularly scheduled meeting of the Development Review Board, to discuss the subdivision application and proposed sketch plan. At this meeting the Development Review Board may request any additional information as needed to act on the sketch plan, and may schedule a site visit to the parcel.

(C) Action on Sketch Plan. The Development Review Board shall, by motion at an open meeting, determine the following:

- (1) Whether the subdivision is a minor subdivision to be reviewed under Section 2.4, or major subdivision to be reviewed under Sections 2.3 and 2.4. In making such a determination, the Development Review Board may classify a subdivision as a major subdivision, regardless of the number of lots proposed, in the event that the proposed subdivision poses a significant threat of an

undue adverse impact to natural or cultural resources identified in the Waitsfield Town Plan or through site investigation.

- (2) Whether requested waiver provisions will be granted or denied.
- (3) Whether to include recommendations for proposed changes in subsequent submissions, including any requests for additional studies or supporting documentation, which, in the Development Review Board's judgment, would be necessary for the proposed subdivision to comply with applicable subdivision review standards under Article 3, the goals, objectives and policies of the Waitsfield Town Plan, and with other municipal regulations currently in effect.
- (4) Meeting minutes, approved by the Development Review Board and delivered to the applicant, may satisfy the requirements for a written response under this section.

(D) Effect of Sketch Plan Determinations. A sketch plan determination is a nonbinding determination of subdivision conformance with these regulations. It simply authorizes the subdivider to proceed with an application for subdivision approval, and does not in any way imply formal approval of the subdivision by the Development Review Board. Sketch Plan determinations and associated recommendations shall be valid for 6 months from the date of issuance. Within 6 months of the determination by the Development Review Board, the applicant may apply to the Development Review Board for preliminary plan approval under Section 2.3 for major subdivisions and final plan and plat approval under Section 2.4 for minor subdivisions. As an alternative, an applicant may submit a revised sketch plan for review of the Development Review Board under this section prior to submitting an application for preliminary plan approval or final plat approval.

Section 2.3 Preliminary Plan Review [applying only to major subdivisions]

(A) Application Requirements. Within 6 months of the date of action on a sketch plan, and determination that the subdivision is a major subdivision by the Development Review Board, the applicant shall submit an application and associated fees for preliminary plan approval which includes, unless otherwise specified or waived by the Development Review Board under Section 2.1(D), the information required for preliminary plan review as specified in Table 2.2.

(B) Public Hearing. Upon determination by the Zoning Administrator that the application is complete, a public hearing shall be warned for the next available regularly scheduled meeting of the Development Review Board in accordance with Section 4.3. Failure of the Zoning Administrator to determine whether the application is complete within 30 days of receipt shall not result in the application being deemed approved.

(C) Preliminary Plan Approval. Within 45 days of the date of adjournment of the public hearing, the Development Review Board shall issue a written decision either approving, approving with modifications, or disapproving the preliminary plan based on a determination of whether or not the preliminary plan conforms to applicable subdivision review standards under Article 3, or would be in conflict with specific policies of the town plan and other municipal regulations in effect. The Development Review Board may also require, as a condition of approval, the submission of proposed changes or modifications resulting from further study. The approval of a preliminary plan shall be effective for a period of 6 months from the date of written notice of approval, unless otherwise approved or extended by the Development Review Board in the written notice of decision.

(D) Written Decision. The written decision noted in subsection (C) shall include a statement of the factual bases on which the Development Review Board made its conclusions, a statement of those

conclusions, any conditions and/or required modifications, and shall specify the period of time within the decision may be appealed to the Vermont Environmental Court. Failure to issue a decision within the 45 day period shall be deemed approval. The decision shall be mailed, via certified mail, to the applicant within the 45 day period. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing, and a copy of the decision shall be recorded in accordance with subsection 4.6.

(E) Phasing. At the time that the Development Review Board grants preliminary plan approval it may require the plat to be divided into two or more phases to ensure project conformity with the town plan and capital budget and program currently in effect. Conditions may be imposed upon the filing of application for final plat approval for each phase as the Development Review Board deems necessary to ensure the orderly development of the project and to avoid overburdening town facilities and services.

(F) Effect of Preliminary Plan Approval. Approval of the preliminary plan shall not constitute approval of the final subdivision plan and plat. Subsequent to the approval of the preliminary plan, the Development Review Board may require the submission of all applicable approvals of local agencies having jurisdiction over the project (e.g., Selectboard, Health Officer), and such state and federal agencies as may be required by law. Upon receipt of evidence of approval of the preliminary plan by said agencies, if required, and the expiration of all relevant appeal periods, the applicant may apply to the Development Review Board for final plan and plat approval under Section 2.4.

Section 2.4 Final Plan Approval [applying to all applications for subdivision]

(A) Application Requirements. Within 6 months of the date of sketch plan review and the issuance of written recommendations, if any, for minor a subdivision, or preliminary plan approval for a major subdivision, unless otherwise waived by the Development Review Board, the subdivider shall submit an application for final subdivision plan approval, including plat approval. If the subdivider fails to do so, the subdivider shall be required to resubmit for minor subdivisions a new sketch plan, or for major subdivisions a new preliminary plan, for approval, subject to any new zoning and subdivision regulations. The application for final subdivision plan and plat approval shall include associated fees and, unless otherwise specified or waived by the Development Review Board under 2.2(C), four copies of the information for final plan and plat review specified under Table 2.2.

(B) Public Hearing. In accordance with the Act [§4414], upon receipt of a complete application for final subdivision approval by the Zoning Administrator, the Development Review Board shall schedule a public hearing on the final plan and associated plat, warned in accordance with Section 4.3.

(C) Final Plan Approval. Within 45 days of the date of adjournment of the public hearing, the Development Review Board shall issue a written decision either approving, approving with modifications, or disapproving the final plan based on a determination of whether or not the plan conforms to applicable subdivision review standards under Article 3, or would be in conflict with specific policies of the town plan and other municipal regulations in effect. The Development Review Board may also require, as a condition of approval, conditions and/or modifications to subdivision design and future development plans of subdivided parcels. Each approval for a final plan shall contain a time limit within which all improvements shall be completed.

(D) Written Decision. The written decision noted in subsection (C) shall include a statement of the factual bases on which the Development Review Board made its conclusions, a statement of those conclusions, any conditions and/or required modifications, and shall specify the period of time within the decision may be appealed to the Environmental Court. The decision shall be mailed, via certified mail, to the applicant within the 45 day period. Failure to issue a decision within the 45 day period shall be deemed approval. Copies of the decision shall also be mailed to every person or body appearing and

having been heard at the hearing, and a copy of the decision shall be recorded in accordance with subsection 4.6.

(E) Effect of Final Plan Approval. The approval by the Development Review Board of a final subdivision plan and associated plat shall not be construed to constitute acceptance by the Town of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Selectboard, in accordance with state statute. Each approval for a final plan shall contain a time limit within which all improvements shall be completed.

Table 2.2 Subdivision Application Requirements			
	Sketch Plan	Preliminary Plan	Final Plan
(A) Application Information			
Application Form [a single form may used throughout the process]	√	√	√
Application Fee	√	√	√
Name of project, if any	√	√	√
Name, address of applicant (landowner and subdivider, if different)	√	√	√
Written description of proposed development plans, including number and size of lots; general timing of development	√	√	√
Waiver request, in writing [optional]	√	√	
Evidence of written notification to owners of all properties adjoining the parcel of intent to subdivide; to include copies of any waiver request if any)	√	√	√
(B) Plan/Plat Mapping Requirements			
	Sketch	Prelim. Plan	Final Plat
Materials	Paper	Paper	Mylar
Date, North Arrow, Legend	√	√	√
Preparer Information, Certifications	√	√	√
Scale (not less than 1 inch = 200')	√	√	√
Project boundaries and property lines	Drawn	Drawn	Surveyed
Existing and proposed lot lines, dimensions	Drawn	Drawn	Surveyed
Adjoining land uses, roads and drainage	√	√	√
Zoning district designations and boundaries	√	√	√

Location of all significant natural features, including but not limited to: - wetlands; - flood hazard areas, including base flood elevations; - slopes with a gradient of 15% or greater, and 25% or greater; - significant wildlife habitat; - historic sites and features, including stone walls; - scenic features identified in the Town Plan; - existing trail corridors, - surface waters and associated buffer areas; and - other significant geologic features and landforms, including prominent knolls and ridgelines.	General location based on available maps & data	Specific boundaries, unless waived by PC because of limited potential impact	Specific boundaries, unless waived by PC because of limited potential impact
Existing and proposed elevations, contour lines*		5' interval	5' interval
Existing and proposed roads, paths, parking areas, associated rights-of-way or easements	Drawn	Drawn	Surveyed
Proposed utilities, water and wastewater systems and associated rights-of-way or easements*	General location based on available maps & data	√	√

Table 2.2 Subdivision Application Requirements (cont.)

(B) Plan/Plat Mapping Requirements (continued)	Sketch	Draft Plat	Final Plat
Proposed development envelopes	General location based on available maps & data	√	√
Monument locations			√
Road profiles; road, intersection and parking area geometry and construction schematics*	General location based on available maps & data	√	√
Proposed landscaping and screening*	General location based on available maps & data	√	√
Proposed conservation buffer and/or easement areas*	General location based on available maps & data	√	√
Notation prepared in accordance with Section 2.6 (Plat recording)			√
Reduced (11' x 17') copies of proposed plan [number of copies]	10	10	10
(C) Supporting Information & Documentation	Sketch Plan	Preliminary Plan	Final Plan
Site location map showing proposed subdivision in relation to major roads, drainage ways, and adjoining properties	√	√	√
Statement of compliance with the town plan and applicable local regulations	√	√	√
Engineering reports (water and wastewater systems)		√	√

Existing and proposed traffic generation rates, volumes*		Estimated	Documented
Off-site easements (e.g., for water, wastewater, access)*	Description	Draft	Final
Proposed phasing schedule*	Description	Draft	Final
Proposed covenants and/or deed restrictions*	Description	Draft	Final
Proposed homeowner or tenant association or agreements*	Description	Draft	Final
Proposed performance bond or surety*		Description	Final
(D) As may be required by the Development Review Board			
Stormwater and erosion control plan			
Grading plan (showing proposed areas of cut and fill)			
Open space management plan			
Site reclamation plan (for subdivisions involving extraction)			
Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)			
Visual impact analysis and mitigation plan			
Table 2.2 Subdivision Application Requirements (cont.)			
(D) As may be required by the Development Review Board (continued)			
Wildlife habitat impact assessment and mitigation plan			
Fiscal impact analysis (analysis of fiscal costs and benefits to the town)			
Evidence of applicable municipal, state and federal permits and approvals.			
Other			
* Upon written request may be waived by the Development Review Board.			

Section 2.5. Special Procedures for Subdivisions involving land located in the Flood Hazard Areas

(A) Prior to the issuance of final subdivision approval involving land located in the Flood Hazard Overlay District, a copy of the application and supporting information shall be submitted by the Zoning Administrator to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 V.S.A. § 4424. An approval may be issued only following receipt of comments from the Agency or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

(B) Adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section shall be notified at least 30 days prior to issuing any approval that involves the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the National Flood Insurance Program. Any approval issued shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(C) Proposed development shall be reviewed by the Development Review Board to assure that all necessary permits have been received from those government agencies from which approval is required by Federal, State or Municipal law.

Section 2.6 Plat Recording Requirements [applying to all approved subdivisions]

(A) In accordance with the Act [§4463], within 180 days of final plan approval under Section 2.4(C), the applicant shall file two copies of the final subdivision plat, for recording with the Town in conformance with the requirements of 27 V.S.A., Chapter 17. Approval of subdivision plats not filed within 180 days shall expire, unless the subdivider requests and receives a 90 day extension from the Zoning Administrator based upon a determination by the Zoning Administrator that necessary final municipal, state or federal permits are pending but have not been issued.

(B) Prior to plat recording, the plat must be signed by two members of the Development Review Board who participated in issuing the applicable decision of approval or, in the case of boundary adjustments approved under Subsection 2.1(B), signed by the Zoning Administrator. All final plats must include a notation to include the following statement:

“The subdivision depicted on this plat was duly approved, as conditioned, by the Waitsfield Development Review Board in accordance with the Waitsfield Subdivision Regulations and all other applicable laws and regulations on the ___ day of _____ 2 _____. Subdivision Permit# _____.

Signed: _____ [for Development Review Board].”

The Development Review Board may, as a condition of final plat approval, require that other notations pertaining to conditions of subdivision approval also be included on the final plat.

(C) For any subdivision which requires the construction of roads or other public improvements by the applicant, the Development Review Board may require the subdivider to post a performance bond or comparable surety in accordance with the Act [§4464(b)(4)].

(D) The municipality shall meet all recording requirements for final subdivision plan approval as specified for municipal land use permits under Section 4.6.

Section 2.7 Certificate of Compliance

(A) In accordance with the Act [§§4449, 4464], the Development Review Board may require, as a condition of subdivision approval, that a Certificate of Compliance be obtained to ensure that any required improvements deemed essential prior to the development of approved lots have been installed in accordance with the conditions of subdivision approval prior to the issuance of a zoning permit under the Waitsfield Zoning Bylaw for the development of the affected lot(s).

(1) The application for a Certificate of Compliance shall be submitted to the Zoning Administrator and shall include plans drawn to scale which show the location of all monuments, utilities, structures, roadways, easements, and other improvements as constructed. The Zoning Administrator shall rely on any information submitted as part of the subdivider’s application for subdivision approval to determine whether the as-built drawings conform to the approved plat and associated conditions.

- (2) A Certificate of Compliance shall not be issued until a subdivision plat has been recorded in accordance with Section 2.6, and the Zoning Administrator determines that the work required by the Development Review Board for the requested development has been completed.
 - (3) Within 14 days of receipt of the application for a Certificate of Compliance, the Zoning Administrator may inspect the subdivision to ensure that all work has been completed in conformance with the conditions of subdivision approval. If the Zoning Administrator fails to either grant or deny the Certificate of Compliance within 14 days of the submission of an application, the certificate shall be deemed issued on the 15th day.
 - (4) When requiring a Certificate of Compliance, the Development Review Board may authorize that a Certificate of Compliance be issued for individual lots within a subdivision in the event that required improvements are not deemed essential prior to the development of all approved lots, or to allow for the phased installation of improvements and associated land development in accordance with Subsection 2.3(E).
- (B) In the event that there are discrepancies between the approved subdivision and as-built drawings or completed work, the Zoning Administrator shall deny the Certificate of Compliance. The Zoning Administrator, in consultation with the Development Review Board, may require the subdivider to submit an application for an amendment to the subdivision approval, or initiate enforcement action pursuant to Section 4.4.

Section 2.8 Revisions to an Approved Plat

No changes, modifications, or other revisions that alter the plat or conditions attached to an approved subdivision plan shall be made unless the proposed revisions are first resubmitted to the Development Review Board as a minor subdivision and the Development Review Board approves such revisions after public hearing. In the event that such subdivision plan revisions are recorded without complying with this requirement, the revisions shall be considered null and void.

ARTICLE 3. PLANNING AND DESIGN STANDARDS

Section 3.1 General Standards

(A) **Lot Layout.** The layout of lots shall conform to the Waitsfield Zoning Bylaw. The following standards shall apply to all subdivisions:

- (1) Corner Lots. Corner lots shall have sufficient width to permit a front yard setback on each street.
- (2) Side Lot Boundaries. Side lot lines shall generally be at right angles to straight streets, or radial to curved street lines.
- (3) Lot Shape. Lots with irregular shapes (curves, jogs, dog-legs, etc.) should not be created unless warranted by conditions of topography, the location of natural features, existing road conditions or existing parcel boundaries.

(B) **Monuments & Lot Corner Markers.** Permanent monuments and corner markers shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors, Part 5, Standards for the Practice of Land Surveying.

(C) **Energy Conservation.** To conserve energy, all subdivisions should use the least amount of area for roadways and the least length of sewer, water and utility lines within environmentally and economically sound limits. Clustered development (e.g., planned residential, ~~and~~ planned unit development, [planned hamlet development](#)) should be considered wherever feasible, desirable and allowed, and may be required by the Development Review Board. The siting of buildings should maximize solar access where feasible, and landscaping should be effectively used to provide wind barriers and reduce heat loss or gain.

(D) **Disclosure of Subsequent Development Plans.** Whenever a subdivider submits a proposal for development on a minor portion of a parcel, the Development Review Board may require a general indication of the intended uses of the remaining portion of land. Such an indication should include access, type of use, intensity of use, and phasing.

Section 3.2 Density & District Settlement Patterns

(A) **Lot Size and Density.** Lot sizes and development density shall be as prescribed in the Waitsfield Zoning Bylaw for the district within which the subdivision is located, and in accordance with the following standards.

- (1) Lot sizes and densities set forth in the Waitsfield Zoning Bylaw are a minimum standard. Lower densities and/or larger lot sizes may be required by the Development Review Board based on prevailing site conditions, development suitability and the potential impact on natural and cultural resources. Densities may be increased by the Development Review Board only for planned residential ~~and~~ planned unit developments, [planned hamlet developments](#) under Section 5.4 of the zoning bylaw.
- (2) Within the Agricultural-Residential and Commercial Lodging Districts, the total allowable density shall be based upon the total “developable area” of the pre-subdivision parcel. Developable area shall be based on the parcel’s total acreage, excluding land characterized as:
 - (a) wetland,
 - (b) flood hazard area, and
 - (c) slopes in excess of 25%

The total area characterized by such features shall not be included in the calculation of developable area except as provided in subsection (3), below. A determination of developable area shall be made by the Town using Geographic Information System (GIS) data or, at the discretion of the applicant, based upon a developable area assessment prepared, at the applicant's expense, by a Vermont licensed engineer or surveyor in the case of steep slopes and flood hazard area and/or a qualified wetlands biologist in the case of wetlands.

- (3) The total allowable density for any parcel located in the Agricultural-Residential and Commercial Lodging Districts and approved as a Planned Residential Development in accordance with Section 5.4 of the Waitsfield Zoning Bylaw shall be calculated based upon the total acreage of the pre-existing parcel, regardless of the presence of features identified in subsection (2).

(B) Settlement Patterns. All subdivisions shall be designed and configured to reflect the desired settlement pattern for the district in which the subdivision is located, as defined by the Waitsfield Zoning Bylaw and the Waitsfield Town Plan. To this end, the following standards shall apply to subdivisions within the specified districts.

- (1) Subdivisions within the Village Residential District and/or Village Business District shall be designed to reflect the historic character of the surrounding area. Lot sizes shall be consistent with traditional densities within the Village, and development envelopes located to maintain a consistent building line and streetscape along roads, except in the case of in-fill development located in side and rear yards. Sidewalks and other pedestrian facilities may be required where connection to an existing or planned facility in close proximity to the subdivision is possible, and new roads shall be designed to maximize pedestrian safety and circulation and promote the development of an interconnected street network.
- (2) Subdivision within the Irasville Village District shall be designed to reflect the district's purpose of supporting a compact, pedestrian-scale, mixed-use village center. Lot sizes shall promote compact development at relatively high densities, and development envelopes should be located to maintain a consistent building line and streetscape along roads or other organizing feature (e.g., village green, recreational greenway), except in the case of in-fill development located in side and rear yards. Sidewalks and other pedestrian facilities may be required where connection to an existing or planned facility in close proximity to the subdivision is possible. The Development Review Board and applicants shall consider the goals and objectives of the Waitsfield Town Plan and the results of associated master planning efforts for Irasville.
- (3) Subdivisions within the Agricultural-Residential District and/or Commercial Lodging District shall be designed to reinforce the district's rural character and historic working landscape, characterized by wooded hillsides and hilltops, open fields, and a visual and functional relationship of structures to the surrounding landscape (e.g., cluster of residential and agricultural buildings set close to the road, adjacent to farm and forest land).
- (4) Subdivisions within the Forest Reserve District shall be designed to preserve existing forest resources and fragile features and to maintain traditional land uses including wildlife habitat, forest management, and limited agriculture, small seasonal camps not served by public utilities, watershed protection and dispersed recreation. The fragmentation of productive forest lands (e.g., lands characterized by forest access and logging roads, productive forest soils as identified by the U.S. Natural Resource Conservation Service, a history of productivity, and a total acreage suited for long

term forest management (i.e. 25 acres or more)) shall be avoided. Lots created in the Forest Reserve District shall not result in the development of natural or cultural resources identified in the Waitsfield Town Plan, or through site investigation, including –significant wildlife habitat, wetlands, and severe and extreme slopes.

Section 3.3 Protection of Natural & Cultural Resources

(A) **Applicability.** All land to be subdivided shall be of such a character that it can be used for intended purpose(s), as stated in the application, without danger to public health or safety, the environment, neighboring properties, or the character of the area or district in which it is located. To this end, all applications for subdivision shall provide a detailed site analysis which identifies all natural and cultural resources described in this Section, identifies the impact of the proposed subdivision on those resources, and sets forth the protection measures proposed to avoid or mitigate those impacts.

(B) **Establishment of Development Envelopes.** All lots shall have a designated development envelope, unless waived by the Development Review Board in the case of small lots which result in the dedication of significant tracts of open space. Development envelopes shall be designated to identify and limit the location of principal and accessory structures, parking areas, and associated site development (excluding road and utility rights-of-way or easements) on one or more portions of a lot. The size and shape of the development envelope shall at minimum be determined by district setback requirements unless otherwise specified in these regulations. The Development Review Board may require the identification of specific building footprints if, in their judgment, such information is required to meet the standards set forth in these regulations.

(C) **Protection of Wetlands, Floodplains and Surface Waters.** Lot boundaries and development envelopes shall be located and configured to avoid any undue adverse impact to wetlands, floodplains, streams and rivers and designated water supply Source Protection Areas (SPAs). Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Lot boundaries shall be configured to prevent the fragmentation of these features unless appropriate legal mechanisms are put in place to ensure permanent protection.
- (2) Development envelopes and the layout of roads, driveways and utilities shall be located and sized to exclude these features, except as provided under subsection (3), below; at a minimum, development envelopes and associated site improvements shall be setback the minimum distance from streams as required under Section 3.12 of the Waitsfield Zoning Bylaw.
- (3) Buffers sufficient in width to protect the identified feature(s) shall be designated; disturbance within buffers shall be limited to the minimum clearing and excavation necessary to create and maintain:
 - (a) road, driveway and utility crossings;
 - (b) streambank stabilization and restoration projects, in accordance with all applicable state and federal regulations;
 - (c) unpaved bicycle and pedestrian paths and trails; and/or
 - (d) public recreation facilities and improved river/lake accesses (e.g., swim-holes, boat launches, fishing accesses).
- (4) Subdivisions (including manufactured home parks) involving land within the flood hazard area shall be designed to assure:
 - (a) such proposals minimize flood damage within the flood-prone area,
 - (b) public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - (c) adequate drainage is provided to reduce exposure to flood hazards.

- (5) Notwithstanding any other provision in these regulations to the contrary, the issuance of a State of Vermont or Federal permit relating to the protection of wetlands may be deemed to satisfy the requirements of this Subsection as they relate to wetlands. Where the proposed development or any portion thereof is required by State and/or Federal law to receive such a permit, any subdivision approval granted under these Regulations may be required to include the following condition:

“The State and/or Federal Permit relating to wetlands protection required to be obtained for this Subdivision shall be recorded in the Waitsfield Land Records prior to the construction of improvements on any lot in this Subdivision, and the terms and conditions thereof are incorporated herein by reference.”

(D) Protection of Steep Slopes & Ridgelines. Lot boundaries and development envelopes shall be located and configured to minimize undue adverse impacts to slopes greater than 15%, to avoid disturbance to slopes in excess of 25%, and to avoid the placement of structures on ridgelines. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Development envelopes shall be located to exclude these features. In the event that development on slopes greater than 15% is necessary to achieve the most desirable subdivision design for a site, the Development Review Board may limit clearing, excavation and filling on such lands to the greatest extent practical, and may require the preparation and implementation of an erosion control plan for the property, in accordance with Section 3.5, as a condition of approval.
- (2) Excavation, filling and development on slopes in excess of 25% shall be avoided.
- (3) In instances involving hilltops and ridgelines that are highly visible from scenic roads identified in the Waitsfield Town Plan, development envelopes shall be located and configured to ensure minimal visibility from those roads.
- (4) Within the Forest Reserve District, subdivisions shall be configured in conformance with Article 2 of the Waitsfield Zoning Bylaw. Forest cover shall be maintained or established adjacent to proposed structures to interrupt the facade of buildings, provide a forested backdrop to structures, and/or soften the visual impact of new development as viewed from public roads and properties. The Development Review Board shall consider the location of proposed structures relative to existing vegetation, and may require additional planting and/or limit the amount of clearing adjacent to proposed development to provide screening and maintain a forested backdrop. A tree cutting, landscaping and/or forest management plan may be required to ensure that ridges and hill tops remain wooded, and to ensure that trees remain standing immediately adjacent to buildings to visually interrupt facades and reduce reflective glare, as viewed from off site. Such a plan shall address specific measures to be taken to ensure the survival and, if necessary, replacement of designated trees during or after site development and the installation of all site improvements.
- (5) Access roads, including the conversion of logging roads to private roads or driveways, and utility corridors, shall use or share existing accesses and rights-of-way where feasible; follow existing contours to the extent practical to achieve angled ascents, and avoid areas of steep slope.

(E) Protection of Wildlife Habitat. Lot boundaries and development envelopes shall be located and configured to minimize undue adverse impacts on wildlife habitat, including travel corridors, identified in the Waitsfield Town Plan, by the Vermont Department of Fish & Wildlife, through site investigation, or as identified in habitat inventories conducted by qualified wildlife experts. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Development envelopes shall be located to exclude identified wildlife habitat, including deer wintering areas and other significant wildlife habitats. A buffer of adequate size and depth shall be established to ensure the protection of significant habitat.
- (2) To avoid the fragmentation of significant wildlife habitat, including large tracts of forest land and undeveloped corridors serving as wildlife travel corridors between larger tracts of identified habitat, the Development Review Board may require the submission of a wildlife habitat assessment, prepared by Vermont Fish and Wildlife Department staff or a professional wildlife biologist or other qualified professional, to identify the function and relative value of impacted habitat and provide recommended management strategies to maintain or enhance those values and function. In connection with the hearing on an application, the Development Review Board may also consult with Vermont Fish and Wildlife Department staff.
- (3) Roads, driveways and utilities shall be designed to avoid the fragmentation of significant wildlife habitat.
- (4) Buildings and associated building envelopes should be clustered to avoid the fragmentation of significant wildlife habitat.

(F) Protection of Historic & Cultural Resources. Lot boundaries and development envelopes shall be located and configured to minimize undue adverse impacts to historic and archaeological sites and resources identified in the Waitsfield Town Plan, by the Vermont Division for Historic Preservation, or through site investigation. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Historic features, including stone walls, should be preserved and integrated into the subdivision design (e.g., driveways may follow stone walls) to the extent practical.
- (2) Prior to development on sites that have been identified as being archaeologically sensitive in the town plan or through site investigation, the Development Review Board may require a site assessment to identify the presence and relative value of archaeological resources on the site, and to document the archaeological resource and/or recommend strategies for its protection.
- (3) The subdivision of land shall be designed to maintain the historic context of the site, as defined by historic structures located on the property and in the immediate vicinity of the site, and to minimize the impact of new development on the historic and architectural integrity of historic resources.

(G) Protection of Farmland. Lot boundaries and development envelopes shall be located and configured to avoid undue adverse impacts to primary agricultural soils and other open farm fields. Methods for avoiding such adverse impacts include, but may not be limited to, the following:

- (1) Development envelopes shall be located and configured to minimize the development of primary agricultural soils, and subdivision boundaries shall not fragment land characterized by primary agricultural soils unless the parcel, due to site conditions or prior disturbance, is not viable for future agricultural management, or unless the portion of the subdivided parcels characterized by the primary agricultural soils will remain available for future agricultural production.
- (2) Buildings and associated building lots should be clustered to avoid the fragmentation of land characterized by primary agricultural soils. Where there is no practical alternative to the development of primary agricultural soils, development should be limited to the least productive portion of the lot and on the edge of fields. Subdividers may apply as a Planned Unit Development

under Section 5.4 of the Waitsfield Zoning Bylaws in order to reduce minimum building setbacks or modify other dimensional standards as a means of avoiding impacts to farm land.

- (3) Vegetated buffers may be required between agricultural operations and other uses to minimize land use conflicts.
- (4) Access roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these to minimize the fragmentation of agricultural land and visual impacts.
- (5) Subdividers of large, intact parcels of productive farmland (i.e., land characterized by primary agricultural soils, a history of agricultural production, and the lack of barriers to future agricultural activity, such as past development of the parcel) shall include provision the protection of open space in accordance with Section 3.9.

(H) Protection of Forest Resources. Lot boundaries and development envelopes shall be located and configured to avoid undue adverse impacts to productive forest land, including large (50+ acres) tracts of forest, forest land within the Forest Reserve District as defined by the Waitsfield Zoning Bylaw, and forest land that possesses unique or fragile features, including significant wildlife habitat, wildlife travel corridors, headwater streams, aquifer recharge areas. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) The subdivision of forest land shall, to the extent practical, be configured to allow for ongoing forest management of the parcel after subdivision. Lot boundaries and development envelopes should be laid out to avoid unnecessary fragmentation of productive timber stands, and provision for forest management access should be a consideration of the final plan.
- (2) The Development Review Board may require setbacks and buffers from adjacent forest land greater than the setbacks and buffers set forth in the Waitsfield Zoning Bylaw to protect conserved open space, and significant wildlife habitat, and to avoid conflict between new residential development and existing or potential forestry activities on productive forest land (including land enrolled in the current use program within the previous 5 years).

(I) Protection of Scenic Resources Lot boundaries and development envelopes shall be located and configured to avoid undue adverse impacts to scenic resources identified in the Waitsfield Town Plan or the 1988 Mad River Valley Rural Resource Protection Plan, prepared by the Mad River Valley Rural Resource Development Review Board. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Subdivisions within view of scenic roads, as identified in the Town Plan, shall be designed to avoid adverse impacts to identified scenic resources.
- (2) Development envelopes located within view of identified scenic roads or within identified scenic viewsheds should be located to avoid prominent placement within the foreground or background of the viewshed; rather, development should be placed within the middleground of the view to the extent practical.
- (3) Subdivisions should be configured to reinforce gateways to Waitsfield Village and Irasville; to this end, development envelopes and lots should be designed to maintain the contrast between compact village centers and surrounding countryside, especially as viewed from Route 100 and other public roads.

- (4) When evaluating the impact of proposed subdivisions on scenic resources, the Development Review Board may consider, in addition to the town plan and Mad River Valley Rural Resource Protection Plan, the Vermont Agency of Natural Resources publication Vermont's Scenic Landscapes: A Guide for Growth and Protection (1991).

(J) Landscaping & Screening. The preservation, planting and maintenance of trees, ground cover or other vegetation, of a size and type deemed appropriate by the Development Review Board, may be required in the following instances:

- (1) to provide screening of development to increase privacy, reduce glare, or to otherwise soften and/or lessen the undue adverse visual impacts of development;
- (2) to establish street trees along public or private roads to establish a canopy effect and/or maintain a pedestrian scale where the Development Review Board deems it appropriate;
- (3) to preserve existing specimen trees, tree lines, wooded areas of particular natural or aesthetic value to the site, or significant wildlife habitat; and/or
- (4) to establish a barrier between incompatible land uses.
- (5) notwithstanding (1)-(4), above, where a subdivided parcel abuts a designated scenic road, conditions may be placed on the property to maintain open views and avoid the placement of trees or other screening materials in a manner that would obstruct views.

(K) Modifications for Villages and Planned Residential Developments. Notwithstanding this section, the Development Review Board may waive or modify one or more of the criteria under subsections (A)-(J), above, in specific locations listed below upon determination by the Development Review Board that the benefits of modification would result in a more desirable settlement pattern, would result in the creation of affordable housing, and/or the impacts on identified resources can be mitigated either on or off site:

- (1) Within the Village Residential District, Village Business District, and Irasville Village District.
- (2) Within the Industrial District.
- (3) Within the Agricultural-Residential District and/or Commercial Lodging District, provided such subdivision is approved as a Planned Residential Development in accordance with Section 5.4 of the Waitsfield Zoning Bylaw.

Section 3.4 Storm Water Management & Erosion Control

(A) All subdivisions shall be designed to integrate development into existing topography and drainage patterns. Accordingly:

- (1) Stormwater management systems shall be designed by a Vermont licensed engineer in accordance with accepted stormwater treatment practices (STPs), as defined by the Vermont Agency of Natural Resources' VT Stormwater Management Manual. In addition the following shall apply:
 - (a) Open stormwater systems shall be visually attractive (e.g., through contouring and landscaping) and incorporated as an amenity in site design and landscaping.
 - (b) To the extent feasible, stormwater systems shall be designed to incorporate and/or appear as naturally occurring features that complement existing landforms and open space areas, rather than as rigid, engineered facilities.
 - (c) Drainage swales and ponds should be planted with shrubs or grasses which are tolerant of standing water or wet conditions.

- (2) Subdivision plans that involve the excavation, filling or grading of land having a slope of 15% or greater shall submit an erosion and sedimentation control plan, prepared by a Vermont licensed engineer, for review and approval by the Board. The plan shall at minimum:
- (a) cover all phases of development, including site preparation, construction, and post-construction;
 - (b) limit site clearing, cut and fill to the minimum area necessary; and
 - (c) incorporate accepted practices for erosion control as defined by the Vermont Department of Environmental Conservation.

All stormwater management and erosion control plans shall identify related long-term management requirements and the entities that are responsible for fulfilling those requirements.

- (4) Notwithstanding any other provision in these Regulations to the contrary, the issuance of a permit by the Vermont Agency of Natural Resources pursuant to the Vermont Stormwater Management Rules may be deemed to satisfy the conditions of this Section. Where the proposed development or any portion thereof is required by the Agency to receive such a permit, any subdivision approval issued under these Regulations may be required to include the following condition:

“The State permit relating to Stormwater required to be obtained for this Subdivision shall be recorded in the Waitsfield Land Records prior to the construction of improvements on any lot in this Subdivision, and the terms and conditions thereof are incorporated herein by reference thereto.”

Section 3.5 Community Services & Facilities

(A) Municipal Facilities & Services. The proposed subdivision will not create an undue burden on municipal facilities or create an unreasonable demand for public services. The Development Review Board may require the phasing of development to coordinate the anticipated demand for municipal facilities and services with the planned provision of those facilities and services, in accordance with a duly adopted capital budget and program.

(B) Emergency Service Facilities. Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided to the satisfaction of the Development Review Board. Where practicable, or where required by the Development Review Board, fire hydrants, dry hydrants, or ponds shall be installed by the subdivider. The Development Review Board may require documentation from the Waitsfield-Fayston Volunteer Fire Department and/or other emergency service providers as to the adequacy of emergency access and fire protection facilities.

Section 3.6 Roads, Driveways & Pedestrian Access

(A) Applicability of Road Standards. The standards contained herein shall apply to all proposed public roads and to private roads serving four or more lots. In addition, these standards may be applied to private roads serving three or fewer lots when the Development Review Board determines such standards are necessary to provide suitable access to, or accommodate, anticipated future subdivision. Acceptance of private roads by the town is subject to the approval of the Waitsfield Selectboard pursuant to state law for the laying out of public rights-of-way. Construction of roads to these standards in no way ensures such acceptance.

(B) Road Design. All roads serving proposed subdivisions shall be designed in accordance with the Waitsfield Road Ordinance adopted and administered by the Selectboard, and shall generally conform to the dimensional and geometric design standards for local roads and streets contained within the Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on

Freeways, Roads and Streets, dated October, 1997, or as most recently amended. Minimum design standards include the following:

- (1) Rights-of-way for all roads shall be a minimum of 50 feet in width. The Development Review Board has the discretion to waive this requirement if appropriate.
- (2) To ensure adequate safety and service, the width of travel lanes and shoulders shall be based on average daily traffic (ADT) and design (anticipated posted) speeds. The design standards for rural roads are included in Table 3.1. The standards set forth in Table 3.1 shall be considered the maximum standards, although the Development Review Board may modify such standards in situations in which such modification is warranted to ensure pedestrian and vehicular safety, or when the strict application of the standards would adversely impact the scenic character and/or natural resources or features located on the site. Developments located within the Irasville Village, Village Business and Village Residential Districts should comply with the state’s standards for urban and village roads.
- (3) Lower design speeds may be considered to avoid and/or minimize impacts to historic, architectural, scenic, natural or other resources; to avoid excess costs of construction; or to better comply with the town plan.
- (4) Wider travel lanes and/or shoulders may be required as appropriate to road function (i.e. for on-street parking, collector, and arterial roads), or to safely accommodate shared use by bicycles. Permanent dead end roads and cul-de-sacs shall be discouraged unless deemed necessary by the Development Review Board due to physical site limitations or safety considerations. No dead end road shall be permitted without a suitable turn around at its terminus. “T” or “Y” configurations suitable to topography are preferred, but a cul-de-sac with a radius of not less than 30 feet may also be considered as appropriate.

Table 3.1 Lane and Shoulder Widths for Rural Roads							
Design Volume (ADT)	0-25	25-50	50-100	100-400	400-1500	1500-2000	2000+
Design Speed (mph)	Width of Lane/Shoulder (ft)						
25	7/0	8/0	9/0	9/2	9/2	10/3	11/3
30	7/0	8/0	9/0	9/2	9/2	10/3	11/3
35	7/0	8/0	9/0	9/2	9/2	10/3	11/3
40	7/0	8/0	9/2	9/2	9/2	10/3	11/3
45			9/2	9/2	9/2	10/3	11/3
50			9/2	9/2	10/2	10/3	11/3

Source: Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets, October 1997.

- (6) Roads shall logically relate to topography to minimize site disturbance, including the amount of cut and fill required, and to produce usable lots, reasonable grades and safe intersections in relation to the proposed use of the land to be served by such roads. Road grades should be consistent with local terrain. Maximum road grade shall not, for any 50 feet section, exceed an average grade of

12%.

- (7) Roads shall, to the extent feasible, be designed and laid out to:
 - (a) avoid adverse impacts to natural, historic, cultural and scenic resources;
 - (b) be consistent with existing road patterns in village and other settlement areas;
 - (c) follow existing linear features, such as utility corridors, tree lines, hedgerows and fence lines,
 - (d) avoid fragmentation of farmland and other natural and cultural features identified in Section 3.3.

- (8) Techniques for the preservation of scenic road corridors and streetscapes should be employed for the construction and maintenance of roads within designated scenic or village areas, including but not limited to the selection of visually compatible materials, the preservation of existing features, and the management of vegetation within the road corridor.

(C) Road Construction Standards. Road construction, including specifications relating to the crown, grade, sub-base and surfacing, shall conform to the Vermont Agency of Transportation's Standard A-76, as most recently amended.

(D) Coordination with Adjoining Properties. Roads and pedestrian paths should be coordinated with neighboring properties to the extent feasible to ensure access to emergency vehicles, mitigate traffic impacts likely to result from a proposed subdivision, conserve energy and support pedestrian circulation. To this end, proposed subdivisions shall meet the following standards:

- (1) Within the Irasville Village, Village Business and Village Residential Districts, subdivisions shall provide for the continuation of existing roads and sidewalks, and for the extension of roads, sidewalks and pedestrian paths to connect with adjoining properties, in order to create an interconnected network of village streets and pedestrian facilities, reduce traffic congestion, and promote pedestrian circulation and safety, unless the Board determines that such extension is undesirable or impractical due to topographic conditions, natural resource constraints or other site conditions.

- (2) Within the Agricultural-Residential and Commercial Lodging Districts, where road connections have been identified as a policy of the Town Plan, or where a road connection has been identified as necessary to ensure traffic safety on town roads, lot boundaries and development envelopes should be configured so as to not prevent the future alignment of a road right-of-way in the most practical location for such a road. Proposed subdivisions may be required to identify a future right-of-way capable of accommodating a road connection. Such right-of-way will remain free of permanent structures, but will remain in private ownership until such time as the Town chooses to lay out a road in accordance with applicable state statute.

- (3) Within the Agricultural-Residential, Commercial Lodging and Forest Reserve Districts, subdivisions shall be designed to facilitate pedestrian circulation within the subdivision, and where appropriate to ensure access to adjoining properties and established trail and path networks.

- (4) In the event the Town has adopted an Official Map, the subdivision shall be reviewed in accordance with 24 V.S.A. Chapter 117 §4421.

(E) Intersections. In addition to access requirements under subsection 3.6 (G), a new or relocated road, and any driveway, shall be located so that:

- (1) Minimum corner and sight stopping distances are provided in relation to design speed and road type, in accordance with the standards set forth in the Vermont Agency of Transportation's Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets, dated October 1997, or as most recently amended. Minimum stopping and corner sight distances of rural local roads are provided in Table 3.2.
- (2) It is directly opposite an existing road or driveway to form a four-way intersection wherever feasible. Intersections creating centerline offsets of less than 125 feet shall not be permitted, except for driveways serving single and two-family dwellings, which shall have a centerline offset of at least 75 feet.

Table 3.2 Minimum Stopping & Corner Site Distances for Rural Roads		
Design Speed (mph)	Stopping Sight Distance (ft) ^a	Corner Site Distance (ft) ^b
25	150	275
30	200	330
35	225	385
40	275	440
45	325	495
50	400	605

^a Wet pavement; ^b Corner site distance is measured from a point on the intersecting road or driveway, at least 15 feet from the edge of the traveled way on the main road. Source: Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets, October 1997.

- (3) It intersects the existing road at an angle that is as close to 90 degrees as practical.
- (4) The intersection grade does not exceed 3% for a distance of 35 feet from the edge of the travel lane.
- (5) No structure or planting is situated to impair corner visibility.

(F) **Drainage & Stormwater.** A stormwater drainage system designed to control and accommodate stormwater collected on all proposed roads, driveways and/or parking areas may be required. Such a plan shall be prepared in accordance with Section 3.4. Generally, roadbeds, shoulders, ditches and culverts shall be designed and maintained in conformance with the Vermont Better Backroads Manual, as most recently amended.

(G) **Access Management.** To better manage traffic flow and safety, avoid congestion and frequent turning movements, preserve the carrying capacity of important travel corridors, and to avoid strip development, the following access management standards shall apply to all subdivisions:

- (1) All road access shall be subject to the approval of the Vermont Agency of Transportation in the case of state highways and the Waitsfield Selectboard in the case of town roads. Access to all lots created by subdivision of any such parcel and to all buildings or other land development located thereon shall be only from such permitted access road or driveway.
- (2) Shared driveways and/or internal development roads providing access to multiple lots are encouraged and may be required to limit the number of access points onto public highways, in accordance with Section 3.2 of the Waitsfield Zoning Bylaw.

- (3) If a subdivision has frontage on primary and secondary roads, access shall be from the secondary road unless the Development Review Board determines that topographic or traffic safety conditions make such an access impracticable.
- (4) Where extensions of new roads could provide future access to adjoining parcels, a right-of-way may be required to facilitate the logical extension of roads and the creation of an inter-connected street network.

(H) **Traffic & Road Capacity.** Traffic to be generated by the proposed subdivision shall not result in unreasonable traffic congestion or exceed the capacity of roads and intersections in the vicinity of the subdivision. The Development Review Board may request the preparation of a traffic impact study to identify impacts and mitigation measures necessary to ensure road safety and efficiency, the cost of which is to be borne by the applicant. The implementation of mitigation measures, including required road improvements necessitated by the subdivision, shall be the responsibility of the applicant as follows:

- (1) Where an existing access road is inadequate or unsafe, the Development Review Board may require the subdivider to secure approval to upgrade the access road to the extent necessary to serve additional traffic resulting from the subdivision and to conform to these standards.
- (2) In situations where a development may require the realignment, widening or an increase in the capacity of an existing road, or where the town plan or capital program indicates that such improvements may be required in the future, the subdivider may be required to reserve land for such improvements.
- (3) In the case of subdivisions requiring construction of new roads, any existing road that provides either frontage to new lots or access to new roads shall meet these standards.
- (4) Where a subdivision requires improvements to existing Town road(s) to conform to these standards, the Development Review Board may disapprove such subdivision until the Selectboard approves the necessary road improvements and certifies that funds for the improvements have been ensured. The subdivider may be required to contribute part or all of the expenses involved with road improvements necessitated by the project.

(I) **Road Names & Signs.** Roads shall be named in accordance with the Waitsfield Road Naming Ordinance, and shall have specific historic, cultural or geographical relevance. Said names shall be identified on signs designed and located in accordance with the town policy, and shall be clearly depicted on the final plat. Road name signs shall be installed by the applicant.

(J) **Driveways.** Driveways serving three or fewer lots shall meet the standards set forth in subsections 3.6 (E), (F) and (G). In addition, driveways should be laid out to follow existing linear features, such as utility corridors, tree lines, hedgerows and fence lines; to avoid the fragmentation of natural and cultural resources described in Section 3.3.

(K) **Modification of Road Standards.** In the case of unusual topographic conditions or other circumstances which would make the strict adherence to these standards a substantial hardship, the Development Review Board may modify the strict application of one or more of these standards providing the applicant can demonstrate that the proposed road is accessible by emergency response vehicles, does not pose any threat to the safety of motorists or pedestrians, will not result in unreasonable maintenance requirements for landowners, and is designed in a manner that is consistent with other applicable standards of these regulations.

(L) **Parking & Transit Stops.** Parking areas shall be included within the designated development envelope, in accordance with the requirements of Section 3.3. For major subdivisions located on existing or proposed public transit routes, sheltered transit stops, which may include centrally located park and ride areas and bike racks to serve the development, will be incorporated in subdivision design. Major residential subdivisions shall also incorporate one or more sheltered school bus stops as appropriate.

(M) **Legal Requirements.**

- (1) Every subdivision plat shall show all proposed road and pedestrian rights-of-way, as required under these regulations, regardless of whether the proposed right-of-way is intended to be accepted by the town. In the event that the right-of-way is not intended for acceptance by the town, the mechanism by which the right-of-way is to be maintained, owned and/or conveyed shall be clearly documented.
- (2) Documentation and assurance shall be provided that all proposed roads and rights-of-way will be adequately maintained either by the subdivider, a homeowners' association or through other legal mechanisms. Such documentation shall be in a form approved by the Development Review Board and filed in the Waitsfield Land Records.

Section 3.7 Water Supply & Wastewater Disposal

(A) **Water Supply.** Water supply systems shall be designed and built to meet all applicable state requirements. There shall be no adverse impact on existing water supplies from the proposed water supply for the subdivision. The Development Review Board may require evidence that adequate water supply is available through an existing or proposed system prior to granting final approval in the event that evidence is submitted that a proposed subdivision poses a threat to the quality or quantity of existing water supplies in the vicinity. The Development Review Board may stipulate that a water supply permit (or equivalent permit) issued by the State of Vermont prior to development of the subdivided parcel(s) is deemed documentation of compliance with this standard.

(B) **Wastewater Disposal Capacity.** The applicant shall demonstrate that soil conditions on-site are adequate to accommodate the installation of a wastewater disposal system designed in accordance with the Vermont Department of Environmental Conservation's Wastewater System and Potable Water Supply Rules, as most recently amended., or that an alternative, off-site disposal location, secured through an easement or other form of legal conveyance, is similarly suitable and available.

(C) **Connection to Existing System.** Where connection to an existing water or wastewater system is proposed, the subdivider shall provide evidence as to the adequacy of the system to meet the needs of the proposed development. The subdivider will be required to provide such pumping and other facilities as may be necessary to serve the proposed development. The Development Review Board also may require that the subdivider provide, or to have installed, larger lines, pumping, storage and other facilities outside of the subdivision, if required specifically to meet the requirements of the proposed development.

(D) **Waivers.** In the event that the subdivider is proposing the creation of a lot(s) not requiring water or wastewater systems, the Development Review Board may waive the provisions of these regulations pertaining to water and wastewater disposal, providing that the plan recorded with the Town Clerk clearly indicates that the intended use of the lot(s) will not require water or wastewater disposal systems, and the subdivider submits an affidavit to the Development Review Board stating his/her intent which will be incorporated as a condition of subdivision approval.

(E) **State Wastewater Permits.** Notwithstanding any other provision in these Regulations to the contrary, the issuance of a State of Vermont Wastewater Disposal System Permit (or equivalent permit) shall be

deemed to satisfy the requirements of subsection (B)-(C) of this Section. Where the proposed development or any portion thereof is required by State law to receive such a permit, any subdivision approval issued under these Regulations shall include the following condition:

“The State Permit relating to Wastewater Disposal System(s) required to be obtained for this Subdivision shall be recorded in the Waitsfield Land Records prior to the construction of improvements on any lot in this Subdivision, and the terms and conditions thereof are incorporated herein by reference.”

Section 3.8 Utilities

(A) **Location.** All utilities, existing and proposed, throughout the subdivision shall be shown on the final plat, and be located as follows:

- (1) All utility systems, which may include but not be limited to electric, gas, telephone, fiber optics and television cable, shall be located underground throughout the subdivision, unless deemed unreasonable or prohibitively expensive by the Development Review Board due to site conditions.
- (2) The subdivider shall coordinate subdivision design with the utility companies to insure adequate and suitable areas for installation, both for the proposed subdivision and anticipated development on lands adjacent to the subdivision.
- (3) Utility corridors shall be shared with other utility and/or transportation corridors, and be located to minimize site disturbance, the fragmentation of farmland and other designated open space, and any adverse impacts to natural, cultural or scenic resources and public health.

(B) **Easements.** Utility easements of sufficient width shall be provided to serve both the proposed subdivision and existing and anticipated development outside the subdivision. Such easements shall be shown on the final plat.

Section 3.9 Dedication of Open Space & Common Land

(A) **Intent.** Subdivisions shall be designed to preserve open space areas and common land for parks, recreation and transportation paths, significant wildlife habitat protection, viewshed and historic site protection and/or to preserve farm and forest land and fragile features as defined under Section 3.3.

(B) **Preservation of Open Space.** Provision shall be made for the preservation of open space, unless the Development Review Board determines that the subdivided parcel does not contain features described in Section 3.3 which merit protection as open space, or the Development Review Board determines that the applicant has made other provision for the protection of such features through alternative mitigation measures (e.g., appropriate deed restrictions). The location, size and shape of lands set aside to be preserved for open space shall be approved by the Development Review Board, in accordance with the following:

- (1) Designated open space may include the portion of a single lot outside of the development envelope which is characterized by one or more of the above referenced features and/or, where necessary, may encompass the contiguous boundaries of the above referenced feature located on multiple lots.
- (2) The location, shape, size and character of the open space shall be suitable for its context and intended use. In designating open space and/or common land, applicants and the Development

Review Board shall consider the recommended protection strategies for various natural and cultural features identified in Section 3.3 in determining the appropriate features to designate as either open space or common land for the relevant zoning district(s).

- (3) Provision shall be made to enable open space designated for agriculture and forestry to be used for these purposes. Management plans for farmland, forest, wildlife habitat, wetlands, streambanks and associated buffers may be required by the Development Review Board as appropriate to ensure their long-term protection and management.
- (4) Areas preserved for agricultural and forestry use should be of a size that allows for continued productive use of the land and retains their eligibility for available tax abatement programs.
- (5) Open space land shall be located so as to conform with and extend existing areas sharing similar characteristics or natural features and resources on adjacent parcels.
- (6) Reasonable provision should be made for the continued use of identified trail corridors as parkland or as open space.
- (7) Sewage disposal areas and utility and road rights-of-way or easements, access and parking areas shall not be counted as open space areas, except where the applicant can prove to the satisfaction of the Development Review Board that they will in no way disrupt or detract from the values for which the open space is to be protected. Stormwater management practices or facilities that require, incorporate, or establish open space areas may be counted as open space.

(C) Creation of Common Land. Land held in common for the preservation and maintenance of open space; the maintenance and protection of shared facilities, such as community wastewater systems, community water supplies, recreation or community facilities, significant wildlife habitat protection, or recreation, including road and trails rights-of-way, may be held under separate ownership from contiguous parcels and shall be subject to the legal requirements set forth below.

(D) Legal Requirements. The Development Review Board may require that protected open space be dedicated, either in fee or through a conservation easement approved by the Development Review Board, to the Town of Waitsfield, a community association comprising all of the present and future owners of lots in the subdivision, and/or a non-profit land conservation organization. At a minimum, designated open space shall be indicated with appropriate notation on the final plat. Land held in common shall be subject to deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long term stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of applicant and subsequent land owners.

(E) Mitigation of Resources. In the event that the Development Review Board determines that the off-site mitigation of one or more natural or cultural resources referenced in Section 3.3 would result in an improved development project, such as increasing the availability of affordable housing, and would lead to an increased level of protection of those resources referenced in Section 3.3 on a Town-wide or regional basis, the Board and Subdivider may enter into a mutually agreed upon mitigation plan. In the event the Town has adopted an official mitigation policy, the subdivision shall be reviewed in accordance with such a policy.

ARTICLE 4. ADMINISTRATION & ENFORCEMENT

Section 4.1 Administration

These regulations shall be administered by the Waitsfield Development Review Board, as authorized by the Act [§4460].

Section 4.2 Fees

(A) Application fees for minor subdivision approval, major subdivision preliminary approval, or major subdivision final approval shall be established by the Selectboard. Such fee(s) shall include the costs for publishing hearing notices and conducting public hearings, administrative review and for periodic inspections by town retained consultants during the installation of public improvements.

(B) Should the Development Review Board deem it necessary to employ an engineer, attorney, design professional or other consultant to review any subdivision plans, applications, supporting reports or studies, or portion thereof, and/or any associated legal documentation, all costs of such review shall be paid by the subdivider after notification by the Development Review Board.

Section 4.3 Hearing Notice Requirements

(A) In accordance with the Act [§4464], a warned public hearing shall be required for preliminary and/or final subdivision review (Section 2.3 and Section 2.4). Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all of the following:

- (1) publication, by the Town, of the date, place and purpose of the hearing in a newspaper of general circulation in the town,
- (2) posting, by the Town, of the same information in three (3) or more public places within the municipality, including the posting of a notice within view from the public right-of-way nearest to the property for which the application is being made;
- (3) written notification to the applicant and to owners of all properties adjoining the property subject to subdivision, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal; and
- (4) for hearings on subdivision plats located within 500 feet of a municipal boundary, written notification to the clerk of the adjoining municipality [§4463(a)].

(B) The applicant shall be required to bear the cost of public warning and the cost and responsibility of notifying owners of adjoining properties as required under subsection (A), as determined from the current municipal grand list and associated parcel maps. The applicant may be required to demonstrate proof of delivery to owners of adjoining properties either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.

(C) No defect in the form or substance of any required public notice under this section shall invalidate the action of the Development Review Board where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Development Review Board or the Environmental Court, the action shall be remanded to the Development Review Board to

provide new posting and notice, hold a new hearing, and take a new action.

Section 4.4 Enforcement & Penalties

(A) The enforcement of these regulations shall be the responsibility of the Zoning Administrator in accordance with the Act [§§4448, 4451, 4452].

(B) Any person who violates any of the provisions of these regulations may be fined pursuant to the Act [§4451] for each offense; and each day that a violation continues shall constitute a separate offense.

(C) Any person who sells or transfers any land in a subdivision or land development or erects any structure thereon without first having recorded a duly approved final plat under these regulations may be fined pursuant to the Act [§4451]; and each lot, parcel, or unit so sold or transferred shall be deemed a separate violation.

(D) Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Act [§4452], or otherwise to restrain, correct or prevent any violations of these regulations or prosecute violators thereof except as provided below.

(E) The Town shall observe any limitations on enforcement proceedings relating to municipal permits and approvals as set forth in the Act [§4454].

Section 4.5 Appeals

(A) In accordance with the Act [§4471], an interested person who has participated in a regulatory proceeding of the Development Review Board may appeal a decision rendered by the Development Review Board under Sections 2.3 or 2.4, within 30 days of such decision, to the Vermont Environmental Court.

- (1) "Participation" in a Development Review Board proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.
- (2) The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Waitsfield Town Clerk, or the Zoning Administrator if so designated, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

(B) **Notice of Appeal.** A notice of appeal filed under this section shall be in writing and include the following information, in accordance with the Act [§4466]:

- (1) the name and address of the appellant;
- (2) a brief description of the property with respect to which the appeal is taken;
- (3) a reference to applicable provisions of these regulations;
- (4) the relief requested by the appellant, including any request for a variance from one or more provisions of these regulations; and
- (5) the alleged grounds why such relief is believed proper under the circumstances.

Section 4.6 Town Recording Requirements

Pursuant to the Act [§4449], within 30 days after the issuance of a municipal land use permit has been issued, including but not limited to approvals for land subdivision in accordance with these regulations, or within 30 days of the issuance of any notice of violation, the Zoning Administrator or other appropriate municipal official shall deliver a notice of violation or memorandum or notice of municipal land use permit to the Town Clerk for recording as provided in 24 V.S.A. subsections 1154(a) or (b). The applicant may be charged for the cost of recording fees.

Interested Person: the definition of an interested person under the Act [§4465(b)] includes the following:

- the Town of Waitsfield or an adjoining municipality;
- a person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or regulations of the town;
- any ten (10) voters or property owners within the town who, by signed petition to the Development Review Board, allege that any relief requested by a person under this section, if granted, will not be in compliance with the policies, purposes or terms of the plan or regulations of the town; and
- any department or administrative subdivision of the state owning property or any interest therein within the town or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

ARTICLE V. DEFINITIONS

Section 5.1 Interpretation

(A) Unless otherwise defined herein, the definitions contained in the Act and the Waitsfield Zoning Bylaw shall apply to these regulations.

(B) Words, phrases and terms neither defined herein nor elsewhere in these regulations shall have their usual and customary meanings except where the context clearly indicates a different meaning.

(C) Any interpretation or clarification of words, phrases or terms contained herein by the Waitsfield Development Review Board or other jurisdiction shall be based on the following definitions, state statute, and the need for reasonable and effective implementation of these regulations.

Section 5.2 Definitions

For the purposes of these regulations, the following words shall be defined as follows:

Act: The Vermont Municipal and Regional Planning and Development Act, Title 24, Chapter 117, Vermont Statutes Annotated.

Adjoining Land Owner: The owner of record of a parcel of land which adjoins the property subject to subdivision, without regard to public rights-of-way.

Authorized Agent: A person or group of persons who have been duly authorized in writing filed with the Development Review Board by the owner of record to act on his or her behalf.

Buffer: A designated strip or area of land intended to visibly and/or functionally separate one use from another; to shield or block noise, lights or other nuisance from neighboring properties; and/or to lessen visual or physical impacts of development on surface waters, wetlands and other natural and scenic areas.

Community Wastewater System: Any wastewater disposal system other than a municipal sewage disposal system, owned by the same person or persons that disposes of sewage for domestic commercial, industrial or institutional uses to two or more users or customers.

Community Water System: Any water system owned by the same person or persons that supplies water for domestic, commercial, industrial, or institutional uses to two or more users or customers.

Development Envelope: A specific area delineated on a lot within which all or specified structures are to be located, and outside of which no structures, or only specified structures, are to be located. The Development Review Board may, as a condition(s) of plat approval, limit other site development activities, such as cutting, outside of the building envelope.

Driveway: A minor, private travel way serving up to three adjoining parcels, which provides access for vehicles to a parking space, garage, dwelling or other structure.

Final Plat: The final drawings on which the subdivision is presented to the Development Review Board for approval and which, if approved, shall be filed for record with the Town Clerk.

Floodplain (Flood Hazard Area). Land subject to flood hazard area review under the Waitsfield Zoning

Bylaws.

Forest Fragmentation. The division or conversion of large areas of contiguous forest or formerly contiguous forest into smaller pieces leaving remnant patches of forest that vary in size and isolation separated by non-forested lands or other vegetation and land-use types. The reduction in size of forest patches as a result of forest fragmentation can disrupt wildlife corridors and render the forest and other habitats unsuitable for certain species of plants and animals.

Lot: A plot, piece, parcel of land or assemblage of recorded contiguous parcels of land, the latter all in common ownership and designated as a single parcel, established and recorded by plat, subdivision, or otherwise permitted by law to be used or intended to be used by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by these Regulations. Lot boundaries are (A) established by deed or deeds recorded in the land records of the Town of Waitsfield, and the records of any public road right-of-way; or (B) shown on a plat approved by the Town of Waitsfield Development Review Board pursuant to subdivision regulations, provided such approval has not expired.

Lot, non-standard: When a lot owner owns a lot which fails to meet minimum lot size requirements and such lot is contiguous to another lot owned by the same lot owner, such contiguous lots shall constitute a single lot, except that: (A) contiguous lots which as of March 2, 1971, were devoted to separate and independent uses shall constitute separate lots so long as such lots continue to be devoted to separate and independent uses; or (B) contiguous lots which are devoted to uses approved as separate uses under the Town of Waitsfield Zoning Bylaws shall constitute separate lots provided such uses are conducted in compliance with the terms and conditions of the approvals granted; or (C) contiguous lots which are shown on a plat approved by the Town of Waitsfield Development Review Board pursuant to Town regulations shall constitute separate lots provided such approval has not expired.

Major Subdivision: Any residential subdivision resulting in the creation of five (5) or more lots; any subdivision requiring any new public or private road or driveway greater than 800 feet in length or any combination of public and private roads and private driveways with a cumulative length greater than 2,000 feet; any subdivision in which access will be provided by a Class 4 Road.

Minor Subdivision: Any residential subdivision resulting in the creation of fewer than five (5) lots, including all lots created from a single parcel within the past five (5) years, and which does not require installation of new public roads. Minor subdivisions also include lot line or boundary adjustments; amendments to an approved subdivision plan that will not substantially change the nature of any previous subdivision or conditions of approval.

Municipal Land Use Permit. A zoning, subdivision, site plan or building permit or approval, any of which relate to land development as defined in statute, including final subdivision approval, which has received final approval from the applicable board, commission, or officer of the municipality [24 VSA § 4303(11)].

Open Space: The undeveloped portion of any parcel(s) which is not occupied by buildings, streets, rights-of-way, driveways, parking spaces, commercial recreation facilities, or yard (setback) areas, and which is set aside, dedicated, or designated for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, or for the preservation and continued use of agricultural land, or for the protection of natural areas.

Pedestrian Scale: Development designed to accommodate pedestrian use and comfort, resulting in environments that are scaled to the human form, with closely-spaced buildings and visual details perceived at a walking pace.

Preliminary Plan: The preliminary drawings for a major subdivision indicating the proposed layout of the subdivision to be submitted to the Development Review Board for its consideration.

Primary Agricultural Soils: Soil types designated as “prime” or “statewide” by the United States Natural Resource Conservation Service.

Resubdivision: Any change in a recorded subdivision plat, if such change affects any street layout on such plat, or area reserved thereon for public use, or any lot line; or if the change affects any map, plan or conditions recorded in association with the subdivision plat.

Ridgeline: The uppermost point of a ridge, hill, cliff, slope or face. It may coincide with the top (highest elevation) of a rock cliff or, where the bedrock is not exposed, the most obvious break in slope associated with the underlying bedrock. The term does not include intermediate terraces, steps, or elevations along the face of a slope. A “prominent” ridgeline is a ridgeline characterized by an elevation, slope, orientation, and/or relationship to nearby property so as to be highly visible from distant vantage points.

Riparian Area: An area of streamside vegetation including the stream bank and adjoining floodplain, which is distinguishable from upland areas in terms of vegetation, soils, and topography.

Road: Any highway, avenue, street, land or other way between right-of-way lines, commonly used for vehicular traffic and serving four or more lots.

Significant Wildlife Habitat: Significant wildlife habitats are those natural features that are essential for the survival and/or reproduction of the native wildlife of Waitsfield. This shall include, but is not limited to, (1) deer winter habitat (i.e. deeryards); (2) habitat for rare, threatened and endangered species (state or federally listed); (3) concentrated black bear feeding habitat (bear-scarred beech and oak stands); (4) wetlands that provide critical functions for sensitive or unusual wetland-dependent wildlife such as breeding/nesting habitat for wading birds (e.g. bitterns, herons), waterfowl (e.g. ducks, geese) and otter and vernal pools; (4) wildlife travel corridors, characterized by undeveloped forested corridors, including forest cover reaching to road rights-of-way, which serve to link large tracks of unfragmented forest habitat; (5) large areas (e.g., 500+ acres) of contiguous, unfragmented forest; and (6) habitat identified by the Vermont Department of Fish and Wildlife as either significant wildlife habitat or necessary wildlife habitat in accordance with 10 V.S.A. Sec. 6086(a)(8)(A).

Sketch Plan: An informal sketch of the proposed subdivision, the purpose of which is to enable the sub-divider to reach general agreement with the Development Review Board as the form of the subdivision and objective and requirements of these regulations.

Steep Slope: Slopes defined as “severe” and “extreme” in the Waitsfield Town Plan, having a gradient of between 15% and 25% and a gradient in excess of 25%, respectively.

Subdivider: Any person, firm, corporation, partnership, or association, or any of these entities working in cooperation, who shall lay out for the purpose of sale or development or otherwise any subdivision or part thereof as defined in these regulations, either for himself or others. The term shall include an applicant for subdivision approval.

Subdivision: The division of a lot, tract or parcel of land into two or more lots, tracts, sites, or other

divisions of land for the purpose, whether immediate or future, of sale or land development. It includes resubdivision and the division of a lot or parcel held in common ownership and subsequently divided into parts among the owners.

Subdivision Approval: A decision by the Development Review Board, certified by written endorsement on the Plat, that the final plan meets the requirements of these regulations. Such approval may include conditions to be met by the applicant, which shall run with the land and be applicable to future owners, and which shall be forwarded to the applicant in writing.

Town Plan: The Waitsfield Town Plan as most recently adopted.

Wetland: Those areas of the State which are inundated by surface or ground water with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction.” Such areas include, but are not limited to marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs, ponds seeps and vernal pools, but exclude such areas where food and crops are grown in connection with farming activities. The location of wetlands on a particular parcel, as may be indicated on State Wetland Inventory Maps, shall be confirmed through site investigation.