



**TOWN OF FAIRFIELD, VERMONT
– LAND USE AND DEVELOPMENT
REGULATIONS**

Land Use and Development Regulations

Adopted by the Voters: March 2, 2004

Amended by the Fairfield Selectboard: June 6, 2006

Adopted by the Fairfield Selectboard: May 14, 2012

Amended by the Fairfield Selectboard: XXXXXXXX

Article 7 – Subdivision Review and Regulations

SECTION 7.1 Applicability and Classification

A. Applicability. This Article shall apply to the subdivision of any tract of land into two (2) or more total lots, boundary line adjustments, and Planned Unit Developments (Section 3.6).

SECTION 7.2 Subdivision Application Requirements

A. Application Submission Requirements. For all subdivisions (including boundary adjustments), the applicants shall submit the following set of application materials:

1. A completed Fairfield Subdivision Application Form,
2. The application fee according to the fee schedule adopted by the Fairfield Select Board, and
3. A set of paper (not Mylar) site plans that include all the information required in Table 7.1 (Copies shall be 11 x 17 reductions). The information required may be prepared on one (1) or more sheets as necessary to make information clear and legible.

B. Requests for Modifications or Waivers of Application Materials. Upon written request at Sketch Plan Review for a subdivision, the Planning Commission may waive or modify the application submission requirements required in Table 7.1 in accordance with the following standards:

1. The waived or modified requirement(s) is deemed not applicable due to the special circumstances of a particular plat or plats and is not needed for the Planning Commission to confirm that the subdivision conforms to the requirements of these Regulations.
2. The waiver or modification shall not nullify the purpose or intent of the Town Plan or these Regulations or interfere with public health, safety and general welfare.

Table 7.1 Subdivision Application Requirements

	<u>Boundary Line Adjustment</u>	<u>Sketch Plan Review</u>	<u>Final Plan/Plat Review</u>
<u>Submission Requirements</u>			
<u>Application Form (7 copies) and Plans</u>	<u>2 full size (paper, surveyed), 7 11x17 copies</u>	<u>1- full size (paper, drawn), 7 11x17 copies</u>	<u>2 full size (paper, surveyed), 7 11x17 copies</u>
<u>Application Fee</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
<u>Waiver Request, in writing [optional]</u>	<u>-</u>	<u>✓</u>	<u>-</u>
<u>Plan/Plat Mapping Requirements</u>			

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A) APPLICABILITY ¶

Deleted: <#>Any land development for residential, commercial, recreational, or industrial purposes that would involve the subdivision of any tract of land into three or more lots for the purpose of development shall be subject to the subdivision regulations herein. ¶

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<#>Except where a deferral of permit has been issued in cases of the creation of a lot where development rights have been extinguished. ¶

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<#>Twenty-five percent (25%) of each subdivision of a parcel into eight (8) or more lots must be set aside for affordable housing, according to Section 3.2(P) herein. ¶

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<p>Title Block, including the following information:</p> <ul style="list-style-type: none"> • <u>Name of project, if any and name of Town</u> • <u>Name, address of applicant [landowner and/or subdivider]</u> • <u>Preparer information, certifications</u> • <u>Date of Preparation/Revision</u> 	✓	✓	✓
Graphic Scale (minimum 1 inch = 100')	✓	✓	✓
North Arrow	✓	✓	✓
Legend	✓	-	✓
Location Map: <u>A map showing relation of proposed subdivision to adjacent property and surrounding area</u>	✓	✓ (Approximate)	✓
Area of Land: <u>In square feet or acres for each tract, lot, structure, and large feature.</u>	✓	✓ (Approximate)	✓
Lot Identification: <u>Boundaries for the entire property, lot lines for each existing and proposed lot, and for any involved land (access roads, easements, rights-of-way, and any open space or mitigation land). Existing and proposed lots should be differentiated. Each lot should be given a number for reference.</u>	✓	✓ (Approximate)	✓
<p>Property Boundary Survey Signed and Stamped by Licensed Land Surveyor: <u>Property boundary surveys are required for all new subdivided lots. Property boundary surveys are required for the entire parent parcel (original parcel from which lots are subdivided) when:</u></p> <ul style="list-style-type: none"> • <u>it is 10 acres or less in size, and/or greater than 50% of the parent parcel will be subdivided into lots.</u> 	✓ Mylar, signature and stamp required for filing after approval	-	✓ Mylar, signature and stamp required for filing after approval
Contour Lines: <u>Five-foot contour lines of existing and proposed grades.</u>	✓	-	✓
Zoning Information: <u>Including zoning district, density analysis (how many lots/units allowed according to zoning standards), setbacks, parking standards, etc.</u>	✓	✓ (Approximate)	✓

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Natural Features: The location of natural features located on the site, including but not limited to watercourses, wetlands, springs, forest boundaries, fields, large trees, and rock outcroppings. The location of natural features or site elements to be preserved.	✓	✓ (Approximate)	✓
Roads, Circulation and Access Features: Location and names of existing and proposed roads, rights of way, trails, sidewalks and parking areas on site and on adjacent properties.	✓	✓ (Approximate)	✓
Structures: The location of existing and proposed structures and land uses located on the site.	✓	✓ (Approximate)	✓
Utilities, Wastewater/Water Supply and Stormwater Management Infrastructure: Existing and proposed utilities, water and wastewater infrastructure, culverts and stormwater management infrastructure, all associated rights-of-way, easements and proposed connections.	✓	✓ (Approximate)	✓
Open Space/Common Land: Proposed open space common land and/or recreation land within the proposed subdivision.	-	✓ (Approximate)	✓
Transportation/Pedestrian Access Specifications: Specifications and details of any required bridges or culverts. Typical cross section of the proposed grading of roadways and sidewalks, street intersection and parking area profile and geometry; and alleys.	✓	✓	✓
Land Restrictions: The type and location of existing and proposed restrictions on land, such as easements and covenants.	-	✓ (Approximate)	✓
Supporting Information/Documentation (As may be required by the PC at final plan/plat review)			
Master Plan: An indication of proposed roads, driveways or streets, the future probable lot lines and building envelopes of the remaining portion of the tract, or adjacent properties, and a description of the probable uses (drawn in sketch plan format). A phasing schedule may be required.			
Proposed Building Envelopes			
Traffic Impact Analysis: Current and proposed traffic volumes, capacities, levels of service and any proposed mitigation			
Grading Plan: A plan showing proposed areas of cut and fill			

Erosion Control Plan: Locations where sediment must be trapped before entering a watercourse and the devices used to impede erosion during construction (i.e. silt fencing, hay-bale or stone dams around catch basins and at intervals in swales and ditches).

Landscaping and/or Screening Plan: A landscaping plan shall illustrate to scale all landscaping and screening proposed for the site, including trees, planting beds, shrubs, bushes, grassed and mulched areas and other screening features including but not limited to fences, walls and berms. Plans shall include specifications for planting and a plan for maintenance care.

Lighting Plan: Locations and illumination of exterior lights and street lights.

Fiscal Impact Analysis: An analysis of fiscal costs and benefits of the subdivision to the town.

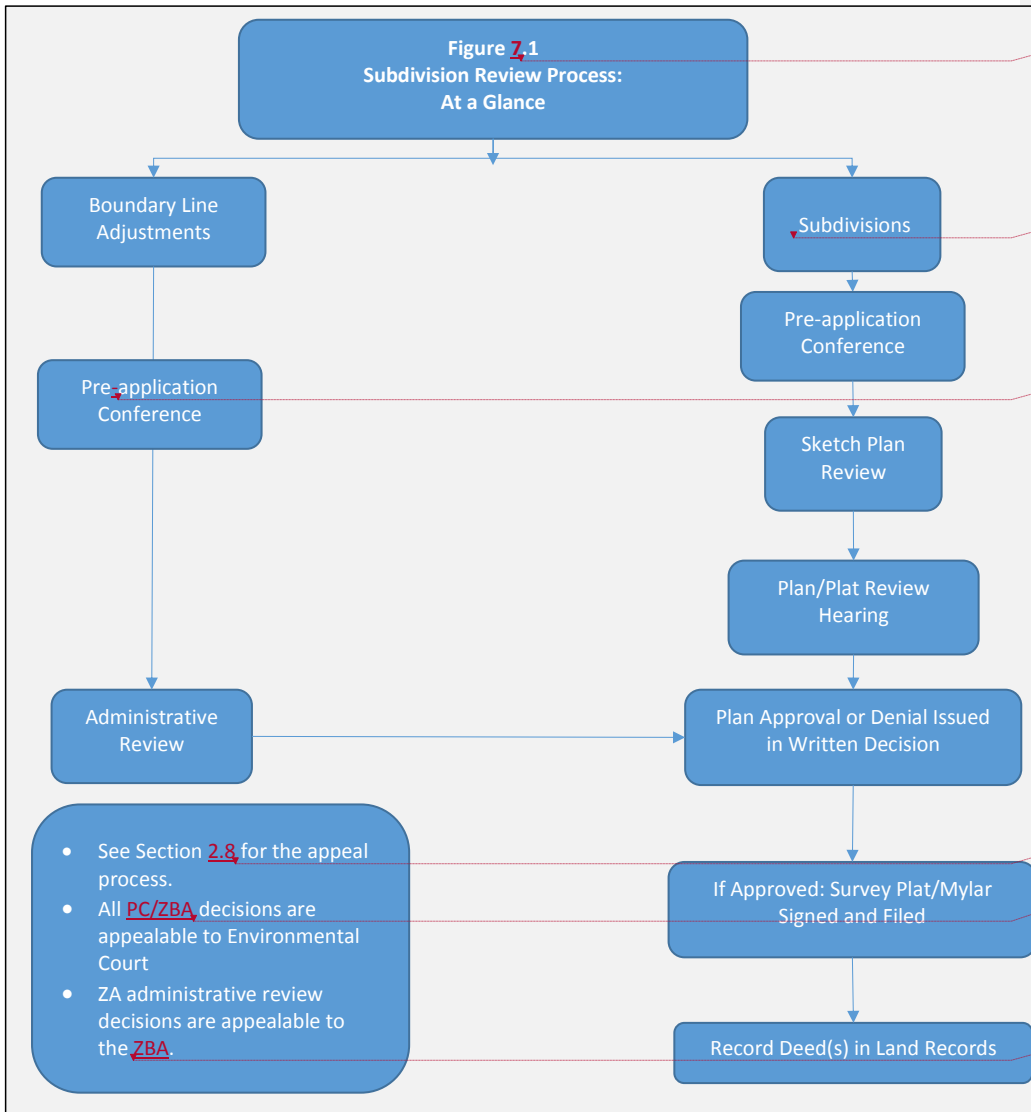
Environmental Impact Assessment: An analysis of potential environmental impacts, proposed mitigation measures.

Bond or Surety: A proposed performance bond or surety associated with any future public infrastructure.

Legal Documents: A draft of all newly created or revised deeds, covenants, homeowner agreements, tenant association agreements, or other legal documents associated with the proposed development.

Other information necessary to determine compliance with the requirements of these regulations.

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SECTION 7.3 Boundary Line Adjustment Review Procedure

A. Pre-Application Conference. Applicants shall schedule a meeting with the Zoning Administrator to review a potential boundary line adjustment and discuss compliance with these regulations.

B. Application Review. Upon submission of a complete application for a boundary line adjustment between two or more properties, proper payment of fees, and submission of all required supporting

documentation, the Zoning Administrator shall conduct an administrative review. The Zoning Administrator shall review the application to determine if the proposal meets all the applicable requirements of these regulations, with specific attention to the dimensional standards in Section 4.4.

C. **Decision and Filing of Plat.** Within 45 days of receiving a complete application, the Zoning Administrator shall issue a written decision for the approval or denial of the boundary adjustment in accordance with Section 2.5. If approved, the applicant shall file the survey plat in accordance with Section 7.5.

SECTION 7.4 Subdivision Review Procedure

A. **Applicability.** All subdivision, besides boundary line adjustments, shall be reviewed using the following procedure:

1. **Preapplication Conference.** Applicants shall schedule a meeting with the Zoning Administrator to review a potential subdivision and discuss compliance with these regulations before submitting an application. This conference shall occur before a sketch plan application.

2. **Sketch Plan Review.** The applicant is required to submit a sketch plan of the proposed subdivision for the purpose of ensuring that the subdivision proposal meets the objectives and requirements of these regulations.

a. **Application Submission.** The subdivider shall submit a complete sketch plan application containing those items set forth in Table 7.1 of these regulations.

b. **Sketch Plan Review and Decision.** The Planning Commission shall hold a public hearing before issuing a sketch plan review decision. Public notice, public hearing, and decision requirements in Sections 2.3, 2.4 and 2.5 apply. In its decision the Planning Commission shall determine whether or not the sketch plan conforms to the Town Plan and these regulations. Specific to the provisions of these regulations and the Town Plan, the Planning Commission may make specific specifications and/or recommendations for changes to be addressed in the subdivision plan/plat application.

c. **Application Waiver and Request for any Supporting Documentation/Information.** At Sketch Plan Review, the Planning Commission will decide on any requests for application waivers/modifications and request any supporting documentation or information as specified in Table 4.1.

3. **Final Subdivision Plan/Plat Review.**

a. **Application Submission.** Within six (6) months of sketch plan approval, the subdivider shall submit a complete final subdivision plan/plat application. The application shall contain those items set forth in Table 7.1 of these regulations and shall conform to the layout shown on the sketch plan, except as amended as a result of specifications or recommendations made by the Planning Commission. If a final subdivision plan/plat application is not submitted to the

Deleted: B) ADMINISTRATION AND ENFORCEMENT¶

Deleted: 1) These subdivision regulations shall be administered by the Planning Commission, as authorized and empowered by the Act.¶

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Planning Commission within six (6) months of sketch plan approval, the sketch plan shall be considered expired and the subdivider shall be required to reapply for a sketch plan approval.

If phasing was a requirement of sketch plan approval, subsequent final plan/plat applications shall be filed for each phase within the time periods imposed.

b. **Final Plan/Plat Review and Decision.** The Planning Commission shall hold a public hearing before issuing a decision on whether the proposed subdivision shall receive approval based on compliance with Section 7.8 Subdivision Development Standards and other applicable provisions of these Regulations. Public notice, public hearing, and decision requirements in Sections 2.3, 2.4 and 2.5 apply. As specified in Section 2.4, the Planning Commission may continue a public hearing to another date and time certain for the purpose of requesting additional evidence needed to determine compliance with these regulations.

c. **Effect of Final Approval.** Final approval of a plan/plat by the Planning Commission shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, utilities, park, recreational area, or open space shown on the final plat. Such acceptance may only be accomplished by formal resolution of the Selectboard.

SECTION 7.5 Filing of Final Survey Plat

A. **Survey Plat Specifications.** Upon approval of the plan/plat review by the Planning Commission, the subdivider shall prepare a survey plat for recording in conformance with the requirements of 27 V.S.A. Chapter 17. A survey plat is a map drawn to scale on Mylar by a licensed land surveyor of one or more parcels, tracts or subdivisions of land, showing, but not limited to, boundaries, corners, markers, monuments, easements and other rights. A signed certification is required from the licensed land surveyor who prepared the survey plat, indicating that all the permanent lot markers (pins) have been set. Survey plats shall be prepared according to the specifications listed below and are not required to include all the information required on the plan/plat approved by the Planning Commission.

1. **Survey plat Specifications:**

- a. Mylar
- b. Clear and legible data and information
- c. 18.0 inches by 24.0 inches in size
- d. Stamp and signature of licensed Land Surveyor
- e. Margin of 2.0 inches outside of the borderlines on the left side for binding and a 1.0-inch margin outside the border along the remaining sides
- f. Inset location map clearly indicating the location of the land depicted and a legend of symbols used
- g. Plat scale ratios sufficient to allow all pertinent survey data to be shown, and graphic scale graduated in units of measure used in the body of the plat

B. **Endorsement and Filing.** The Chairperson (or acting Chairperson) of the Planning Commission shall endorse the survey plat with the date of the final plan/plat approval. Following endorsement by the chairperson of the Planning Commission and within 180 days of the Planning Commission's final approval, the subdivider shall submit the survey plat to the Town Clerk for filing. The Town Clerk

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shall endorse the survey plat before filing. The Planning Commission’s written decision, which includes all permit conditions set by the Planning Commission, shall be filed in the land records of the Town and their location must be clearly referenced on the survey plat.

SECTION 7.6 Legal Requirements

- A. Documentation and assurance shall be provided that all required road or other infrastructure improvements, associated rights-of-way and easements, and proposed roads and rights-of-way will be adequately maintained either by the applicant, a homeowners’ association, or through other legal mechanisms. Such documentation shall be in a form approved by the Planning Commission and filed in the Fairfield Land Records.
- B. All required road or other infrastructure improvements shall be constructed to approved specifications in accordance with a construction schedule approved by the Planning Commission. A performance bond or comparable surety may be required to ensure that all improvements are complete to specification. Such bond shall be posted in accordance with Section 3.2(A)(4) of these regulations.

SECTION 7.7 Expiration

- A. Final plan/plat approval shall expire if the subdivider does not receive endorsement and file the survey plat and related documents within the 180-day period. The Zoning Administrator, upon written request prior to the expiration date, shall extend the date for filing the survey plat by an additional 90 days if final local or state permits or approvals are still pending.

SECTION 7.8 Subdivision Amendments

- A. No changes, erasures, modifications, or revisions shall be made on any subdivision plan/plat after final approval, unless said plan/plat is first resubmitted to the Planning Commission for final plan/plat review under Section 7.4(A)(3) above and the Planning Commission grants approval to the proposed modifications. In the event that such changes are recorded without complying with this requirement, the revisions shall be considered in violation of the subdivision approval.

SECTION 7.9 Subdivision Review Standards

- A. **Application of Standard.** The Planning Commission shall evaluate all subdivisions in accordance with the following standards, the applicable Planning and Design Standards in Article 8, and any other applicable standards in these regulations. The Planning Commission may require the subdivider to submit data addressing impacts related to these standards. In light of findings made on these standards, the Planning Commission may require modification and phasing of the proposed subdivision or correction of any adverse impacts.
- B. **General Standard of Review.** The Planning Commission shall determine that any land proposed for subdivision is designed and laid out to achieve the desired settlement pattern and purpose of the district in which it is located as defined in Section 4.3. All subdivisions shall:

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2) The Planning Commission may waive or vary the provision of any improvements or application submission requirements as in its judgment of the nature of the land or the project would be inappropriate and not requisite in the interest of the public health, safety and general welfare. In granting waivers or variances, the Planning Commission may impose such appropriate and reasonable conditions as will, in its judgment, secure substantially the objectives of the requirements so waived or varied. No such waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of these By-laws, the Fairfield Town Plan or the Act.¶

¶

3) Any decision of the Planning Commission may be appealed to Environmental Court as provided in Sections 4471 and 4472 of the Act.¶

¶

4) Violations of these subdivision regulations shall be subject to the penalties, remedies and enforcement procedures provided in Sections 4451 and 4452 of the Act.¶

¶

C) FEES AND BONDS¶

A fee and a performance bond, the amount of which shall be determined from a schedule established by the Board of Selectmen, shall accompany the application for final plat approval. (24 V.S.A. 4464) 24 V.S.A. 4418 et seq. Apply.¶

¶

¶

SECTION 2.2 Review Procedure¶

¶

A) SKETCH PLAN REVIEW¶

1) Notice Procedures. All development review applications before an appropriate municipal panel under procedures set forth in this chapter shall require notice as follows:¶

a) A warned public hearing shall be required for conditional use review, variances, administrative officer appeals and final plat review for subdivisions. 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 the following:¶

i) Publication of the date, place and purpose of the hearing in a newspaper of general circulation in the municipality affected.¶

ii) Posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. 312(c)(2) including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made.¶

iii) Written notification to the applicant and to owners of all properties adjoining the property subject to development without regard to any public right-of-way. The notification shall include a description of the proposed project and shall be accompanied by information that

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1. Maintain and extend settlement patterns in conformance with the zoning district purpose statement, including dimensional standards (Section 4.4) and road layout (Section 8.3).
2. Provide for the preservation and protection of existing features as identified in the Fairfield Town Plan, including scenic views, streams, rock outcroppings, water bodies, other natural and historical resources.
3. Connect to and extend, where appropriate, existing road, path, utility and open space and forest corridors/areas.

C. Lot Size and Density.

1. **Minimum Dimensional Standards.** No lot shall be created that does not meet the minimum dimensional standards of the district in which it is located, unless approved as a PUD (See Section 4.4).
2. **Calculating the Maximum Number of Lots Allowed.** The maximum allowed number of lots for a particular subdivision is calculated by dividing the total land area by the minimum lot size for the district (See Section 4.4).

Commented [TN44]: A. Access to New Lots. All new land development and/or new structures permitted shall be built with strict regard to the safe and efficient flow of traffic in the area, and provide adequate access for emergency vehicles.
a) Frontage on a maintained public road (Class III or better), or

D. Lot Shape.

1. Lots shall be designed with consideration of natural and manmade features such as tree lines, stonewalls, ridgelines, roads, shorelines or other features recognizable on the land, in addition to maintaining viable agricultural fields and forest plots.
2. Side lot lines shall generally be at right angles to straight streets, or radial to curved street lines.
3. Lots with irregular shapes (e.g. curves, jogs, dog-legs, spaghetti lots, flag lots, etc.) shall not be approved unless warranted by conditions as noted in subsection (1) above.

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E. Lot Corner Markers. Permanent corner markers shall be placed on all subdivided lots in conformance with the Rules of the Board of Land Surveyors, Part 5, Standards for the Practice of Land Surveying.

F. Energy Conservation. The proposed subdivision shall demonstrate due regard for energy conservation in design:

1. To conserve energy, all subdivisions shall use minimize the amount of area for roadways and utilities.
2. Clustered development (e.g., planned unit development) should be considered wherever feasible, desirable and allowed.

G. Community Services.

1. **Traffic.** The proposed subdivision shall not cause unreasonable congestion or unsafe conditions on the affected public or private roads. The proposed subdivision shall provide adequate

provision for pedestrian traffic in terms of safety, convenience, access to points of destination and attractiveness.

2. **Municipal Facilities and Services.** The proposed subdivision shall not create an undue burden on municipal facilities or create an unreasonable demand for public services. Considerations shall include the capacity of facilities and services directly affected, and the public cost of improvements relative to the anticipated tax return from the proposed development.

3. **Fire Protection Facilities and Emergency Access.** Subdivisions shall provide adequate water storage or distribution facilities for fire protection to the satisfaction of the Planning Commission. The applicant shall submit documentation from the Fairfield Fire Department as to the adequacy of emergency access and fire protection facilities. Where recommended by the Fairfield Fire Department, the Planning Commission shall require the applicant to install fire hydrants, dry hydrants, or ponds.

H. **Utilities.** All utility systems, existing and proposed, throughout the subdivision shall be shown on the final plan and be located as follows:

1. All utility systems, including but not limited to electric, gas, telephone, and cable television, shall be located underground throughout the subdivision, unless a significant topographic hardship is present making underground installation unusually difficult.

Commented [TN46]: Should this be required? Should this be only required in the village?

2. The applicant shall coordinate subdivision design with the utility companies to ensure adequate and suitable areas for installation, both for the proposed subdivision, and areas adjacent to the subdivision.

3. Utility corridors and easements shall be shared with other utility and/or transportation corridors, and located to minimize site disturbance, the fragmentation of agricultural, conservation and shore lands.

4. Utility corridors and easements shall be of sufficient width to serve both the proposed subdivision and existing and anticipated development outside the subdivision.

I. **Master Plan Review and Phasing.** The Planning Commission may require a sketch and description of the potential layout of the entire parcel and adjacent parcels (Master Plan) during Sketch Plan Review for the purpose of promoting orderly development of the Town. It may require the subdivision to be divided into two or more phases to be developed at separate times and may impose such conditions as necessary to assure orderly development in compliance with these Regulations.

1. Any required Master Plan shall include an indication of proposed roads, driveways or streets, the future probable lot lines and building envelopes of the remaining portion of the parcel, and a description of the probable uses. The master plan may be drawn in a sketch plan format. The Planning Commission may require that the master plan and any phasing schedule be submitted as part of an extended sketch plan review, or as a part of the final plan/plat review.

2. Review and consideration of a Master Plan as part of any subdivision review does not constitute final approval of all phases of the full Master Plan.

J. Conformance with Other Regulations. Subdivision plats shall conform to all applicable provisions of these regulations, any Capital Budget and Program in effect, and all other bylaws, ordinances and regulations of the Town of Fairfield currently in effect.

Deleted: C) CONDITIONS OF FINAL PLAT APPROVAL¶

Deleted: 1) Final plat approval shall be effective for a period of 180 days from the date of the decision, as provided in Section 4463 of the Act. No plan may be filed or recorded in the Town Clerk's Office except as prepared in accordance with the requirements under 27 V.S.A. Chapter 17, Section 1403, and as approved by endorsement of the Planning Commission thereon, in accordance with its decision and within such 180 day period.¶

¶
2) Final approval by the Planning Commission shall not be deemed evidence of any acceptance by the Town of any proposed street, easement, utilities, open space or other required public improvements shown on the final plat. Such acceptance may only be accomplished by formal resolution of the Board of Selectmen.¶

¶
3) All streets, drainage, water, sewer and other required improvements shall be provided and installed at the sole expense of the sub-divider as a condition of plat approval. The Planning Commission may require a performance bond to secure completion of such improvements and their maintenance for a period of two years, with a certificate from the Board of Selectmen that it is satisfied either with the bonding or surety company, or with the security furnished by the sub-divider. The Planning Commission shall determine the amount and terms of the bond, but in no case shall the terms run longer than three years. The bond shall be released only when the conditions have been satisfied in the judgment of the Planning Commission. In the event any required improvements have not been installed or maintained in accordance with the terms of the bond, such bond shall be forfeited to the Town and the proceeds thereof used by the Town to install and maintain such improvements as are covered by the conditions of the bond. The Planning Commission may consider off-site mitigation and sale of development rights in evaluating a plat plan.¶

¶
4) All conditions and terms of lots created for the purpose of providing affordable housing, as defined under Article 4 must be outlined and recorded with the final plat.¶

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D) MISCELLANEOUS PROCEDURAL PROVISIONS¶

1) If the Planning Commission fails to act on a submitted sketch plan or final plat application, or fails to render its final decision, within the prescribed time limits, such failure shall be deemed approval.¶

¶

2) The sub-divider shall be required to reopen his application at the sketch plan level:¶

a) If the sketch plan or final plat has been rejected by the Planning Commission; or¶

b) If the sub-divider fails to submit the final plat application within six months of the sketch plan approval; or¶

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Article 8 – Planning and Design Regulations

SECTION 8.1 Applicability

- A. Any application for land development subject to review by the Planning Commission or Board of Adjustment (conditional use, site plan, subdivision, waiver, variance, etc.) shall be approved only in accordance with the standards in this article.

SECTION 8.2 Landscaping and Screening

- A. Site Preservation. Existing vegetation such as trees and shrubs shall be retained or may be reasonably required by the Planning Commission or Board of Adjustment for screening and aesthetic purposes.

- B. Landscaping. The Planning Commission or Board of Adjustment may require landscape improvements for the purpose of reducing the visibility of unsightly or incompatible areas from the road and adjoining properties, which must meet seasonal conditions, soil conditions, and light conditions on the site, in accordance with the following standards:

1. Landscaping shall take the form of native shade trees, deciduous shrubs, evergreens, well kept grasses, ground cover and site modifications such as berms.
2. In determining the amount and type of plantings to be required, the Planning Commission shall take into account the following:
 - a. Existing trees, shrubs, evergreens and other vegetation to be preserved on the site to the greatest extent possible;
 - b. The visibility of incompatible or unsightly areas from public roads and/or adjacent properties;
 - c. The landform and overall landscaping plan for the development; and
 - d. Other factors which affect the safety and appearance of the development.
3. Off-street parking areas for uses other than single and two-family dwellings shall be required to be landscaped or screened from adjacent uses.
4. Landscaping shall be installed in a time frame established by the Planning Commission or Board of Adjustment.

- C. Street Trees. The Planning Commission and/or Board of Adjustment may require that suitable hardwood shade trees be planted along the streets where trees do not exist at intervals of forty feet. All such required trees shall measure at least ten feet in height and two inches in diameter measured six inches above finished grade, and shall be planted within five feet of the edge of the street right-of-way. For assistance in selecting street trees, please consult the Vermont Tree Selection Guide from the Vermont Urban & Community Forestry Program (https://vtcommunityforestry.org/sites/default/files/pictures/vttree_guide.pdf).

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D. **Village District.** Land development in the Village District shall meet the landscaping and screening standards in Section 4.4.

SECTION 8.3 Roads and Pedestrian Access

A. **Applicability of Road Standards.** These standards shall apply to all proposed public and private roads. Roads are defined in Article 10. Acceptance of private roads by the municipality is subject to the approval of the Selectboard. Construction of roads to these standards in no way ensures acceptance of the road by the municipality.

B. **Road Design and Construction Standards.** Public and private roads shall be constructed to meet the following standards:

- Road Width.** Public and private road shall be constructed to meet the following width requirements:

Type of Road	Traveled Way Width	Shoulder
Non-curbed road	24 feet (12 feet each lane)	3 feet (for each lane)
Curbed road	24 feet (12 feet each lane)	None

- Grade.** Road grades shall not exceed 10 percent. Continuous steep grades (500' or more) shall be avoided. Road alignment should allow easy access and traffic flow for emergency and other vehicles.
- Terminus.** Dead end roads shall be specifically discouraged. All dead end roads shall be constructed with a suitable turn around at the end; "T", "Y", and cul-de-sac configurations suitable to topography and adequate for emergency vehicles to turn around efficiently are permitted.
- Other Construction Details.** Design of streets shall conform to VTrans A-76 Standard including all standards regarding road subbase, intersection design, ditching, drainage, erosion control, side slopes, and paving. Where the standards in these regulations are stricter than the A-76 Standards the stricter standards shall apply.
- Village District.** All roads constructed in the Village District shall meet the requirements in Section 4.5(F). Where there is a conflict between the standards in this section and the Village District standards the Village District standards shall apply.

C. **Connectivity and Coordination.**

- Intersections.** A new or relocated road shall be designed to be directly opposite an existing road or driveway to form a four-way intersection, if possible. The Planning Commission and/or Zoning

Figure 8.1 – Roads and Driveways

Road: A vehicular way which affords the principal means of access to abutting properties, and which serves four (4) or more non-agricultural parcels, which is constructed within the boundaries of an officially deeded or dedicated private right-of-way or easement, or an officially deeded or dedicated and accepted public right-of-way.

Driveway: An access serving three (3) or fewer parcels.

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Driveway – 3 or less
Road – 4 or more

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Deleted: or such other standard as set forth in the road policy and shall be constructed logically in relation to the topography so as to produce safe intersections, grades and alignments and adequate drainage.

Deleted: 3) Design of streets shall conform to State A-76 standards or such other standard as set forth in the road policy and shall be constructed logically in relation to the topography so as to produce safe intersections, grades and alignments and adequate drainage. ¶

¶
¶
f) Roads will be constructed according to anticipated traffic use. The following shall be considered a guide to road construction:¶

¶
Anticipated Average Daily Traffic . Width With Shoulders Sub-Base Depth¶
0–25 . 3 feet, 14 feet, 3 feet 12inches¶
26–50 . 3 feet, 20 feet, 3 feet 12 inches¶
51–100 . 3 feet, 24 feet, 3 feet 12 inches¶

- 18 inches of road base may be required if appropriate for volume of traffic. A topcoat of gravel will be required to a thickness of six to eight inches.¶
- All newly constructed roads within the Fairfield Village District shall be constructed as outlined above and shall have a paved surface. Sidewalks shall be required on all newly constructed roads within the Fairfield Village District.¶
- Road grades should not exceed 10 percent. Continuous steep grades (500' or more) should be avoided. Road

Moved up [4]: n) Where a property is divided by a road or right-of-way, it shall be considered contiguous land for the purposes of zoning and subdivision.¶

Deleted: ¶
In Village District, all roads shall be designed to meet the standards in Section 4.4.

Town of Fairfield, Vermont – Land Use and Development Regulations

Board of Adjustment shall not permit intersections that create centerline offsets of less than 125 feet.

2. Streets shall be laid out to coordinate existing and future development of adjacent tracts. Where extensions of new roads could provide future access to adjoining parcels, a right-of-way shall be provided.

3. Private roads should be designed to minimize road cuts onto Town Highways, allow free flow of traffic through the development (avoid dead ends and cul-de-sacs), and to be able to coordinate with future potential development roads on adjacent properties (use of easements if necessary).

D. Access Permits. In accordance with statute and Section 5.5, all road access shall be subject to the approval of the Vermont Agency of Transportation in the case of state highways and the Fairfield Selectboard in case of Town roads.

E. Access Management. In addition to access requirements under Section 5.5, 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:

1. Private 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 5.5.

2. If land development on a lot has frontage on primary and secondary roads, access shall be from the road with the least amount of traffic unless the Planning Commission and/or Board of Adjustment determines that topographical or traffic safety conditions make such an access impracticable.

3. The creation of reserved strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.

F. Upgrade to Existing Roads. When new development is accessed from an existing road, applicants may be required to make improvements to the existing road according to the following standards:

1. Existing Driveways and Private Roads.

a. Land development that proposes to add a fourth (4th) parcel, dwelling unit, or use to an existing driveway shall be required to upgrade the driveway to a private road that meets the road construction and design standards in this Section.

b. Land development proposing to add an access from any parcel, dwelling unit, or use to an existing non-complying private road or driveway shall be required to upgrade the road or driveway to comply with the road construction and design standards in this Section.

2. Existing Public Roads. A development proposing to add access to any parcel, dwelling unit, or use from a non-conforming public road shall not be responsible for road improvements unless required by the Planning Commission and/or Board of Adjustment based on a traffic impact study according to (3) below. For Class 4 roads, the Planning Commission and/or Board of Adjustment may require a memorandum of understanding between the applicant and the Town regarding year-round maintenance of the road.

Deleted: Whenever feasible, s

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Deleted: <#> to make driving through the development possible (ie: avoid long dead-end streets), but discouraging to through traffic in that portion of the Town.¶

Deleted: Development

3. Traffic Impact Study. The Planning Commission and/or Board of Adjustment may require the provision of a traffic impact study to analyze the impact of the proposed development on street capacity and safety. A formal traffic impact study shall be required when the project involves twenty-five (25) parking spaces, the creation of twenty (20) dwelling units, or at the discretion of the Planning Commission and/or Board of Adjustment poses a substantial impact on the capacity and safety of local roads. The formal study shall include details of existing and proposed ingress and egress, traffic volumes, turning movements, levels of service, traffic control, and pedestrian access and safety. To maintain adequate road capacity and safety, the Planning Commission and/or Board of Adjustment, in consultation with the Selectboard, may require improvements to roads in the vicinity of the development based on the results of the traffic impact study.

G. Modifications of Road Standards. In the case of unusual topographical conditions or other circumstances which would make the strict adherence to these standards create an undue adverse effect upon the applicant, the Planning Commission and/or Board of Adjustment 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 or these regulations.

H. Sidewalks and Pedestrian Access.

1. Village District. Sidewalks and pedestrian access shall be required by the Planning Commission and/or Zoning Board of Adjustment along all public and private roads within the Village Zoning District in accordance with the requirements in Section 4.4.

2. Other Areas. Sidewalks or multi-use pathway may also be required within planned unit developments or subdivisions when deemed necessary by the Planning Commission and/or Board of Adjustment due the density of development or in order to facilitate pedestrian access from public and private roads to schools, parks, playgrounds, or other community resources. Alternatively, the Planning Commission and/or Board of Adjustment may require perpetual unobstructed easements at least twenty (20) feet in width for the purpose of pedestrian accessibility via a future trail, multi-use pathway, or sidewalk. When required, sidewalks and other pedestrian infrastructure shall be constructed to standards established by the Vermont Pedestrian and Bicycle Facility Planning and Design Manual.

SECTION 8.4 Conservation Resources

A. Applicability. This section shall apply to land development subject to Planning Commission and/or Zoning Board of Adjustment review and involving Conservation Resources. For the purpose of these regulations, Conservation Resources shall include prime and statewide agricultural soils and other farmland, habitat blocks greater than 6000 acres (as identified by the Vermont Agency of Natural Resources), and steep slopes greater than fifteen percent (15%) grade.

Commented [TN50]: Removed Habitat Blocks regs and made a new Upland District standards.

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Town of Fairfield, Vermont – Land Use and Development Regulations

B. Exemptions. Land development subject to Planning Commission and/or Zoning Board of Adjustment review and located in the Village District shall be exempt from the standards in subsection (C).

C. Review Standards. Land development subject to this section shall not have an undue adverse effect upon Conservation Resources. As such, the Planning Commission and/or Zoning Board of Adjustment shall ensure compliance with the following standards.

1. Building Envelopes. All subdivision applications that include land with any Conservation Resources shall provide building envelopes on each lot. All building envelopes shall be delineated so that land development will limit any undue adverse effects on conservation resource areas. All structures on a lot shall be constructed within the building envelope.

2. Farmland and Agricultural Soils. Farmland and land area with prime and statewide agricultural soils shall be subject to the following provisions:

- a. The Planning Commission and/or Zoning Board of Adjustment may require a vegetated buffer area between existing agricultural uses and other uses to minimize land use conflicts.
- b. The fragmentation of farmland and land area with prime and statewide agricultural soils shall be minimized.

i. Where sites include linear features such as tree lines, stone walls, and/or fence lines, all access roads, driveways and utility corridors shall follow such features to minimize the fragmentation of farmland and/or prime or statewide agricultural soils, unless the Planning Commission and/or Zoning Board of Adjustment determines that doing so will cause such fragmentation. The Planning Commission and/or Zoning Board of Adjustment may require that access roads, driveways and utility corridors share the same right-of-way.

ii. All structures shall be located at field or pasture edges, or if not feasible due to topographical or environmental constraints, on the least fertile soils on the lot (based on the latest NRCS soil Survey).

iii. For subdivision applications only, all building envelopes shall be located at field or pasture edges, or if not feasible due to topographical or environmental constraints, on the least fertile soils on the lot (based on the latest NRCS soil Survey).

c. Where farmland and/or prime or statewide agricultural soils are present within a subdivision, all or part of this land shall be included in any required open space.

3. Steep Slopes over 25 Percent Grade. Steeply sloping lands (over 25 percent grade) are prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds and public roads, are detrimental to water quality and aquatic life, and a potential hazard to public safety.

a. No site disturbance or land development shall be allowed on slopes exceeding 25 percent.

b. Slopes exceeding 25 percent that are created by an extraction or quarrying use approved per Section 6.6 shall be exempt from this section.

4. Steep Slopes (15%-25%). Steep slopes between 15% and 25% grade are prone to erosion. Land development in areas with steep slopes between 15% and 25% grade shall be subject to the following provisions:

Commented [TN51]: Does Fairfield have the ability to track these (especially if they are required on plats)?

- a. No roads or driveways shall be located on areas identified as steep slopes between 15% and 25% grade.
- b. If land containing steep slopes between 15% and 25% grade is to be subdivided, such areas shall be excluded from building envelopes, unless the applicant provides the Planning Commission and/or Zoning Board of Adjustment with an erosion control plan and the Planning Commission and/or Zoning Board of Adjustment finds that the plan will adequately prevent erosion.

SECTION 8.5 Stormwater Management and Erosion Control

A. Stormwater Management.

- 1. Stormwater Management Plan. The preparation and implementation of a stormwater management plan, prepared by a professional engineer licensed by the State of Vermont, shall be required.
- 2. Standards. Stormwater drainage, infiltration, retention and treatment facilities, including culverts and ditches, shall be designed to accommodate potential stormwater runoff from the subject property. The Planning Commission and/or Board of Adjustment shall require the applicant to maintain post-development peak storm flows at predevelopment levels. Land shall be developed and subdivided so as to retain the land's natural contours and to conserve the natural cover and soil. Permanent vegetation and erosion control measures shall be established according to a schedule as required by the Planning Commission and/or Board of Adjustment. All stormwater management facilities shall be designed in accordance with the best management practices (BMPs) for stormwater management in the Vermont Stormwater Management Manual Rule and Design Guidance as most recently amended.

B. Erosion Control.

- 1. Sedimentation and Erosion Control Plan. The Planning Commission and/or Board of Adjustment shall require the preparation and implementation of a sedimentation and erosion control plan to ensure site improvements, including excavation, road and driveway construction, and site clearing and grading does not unduly impact neighboring properties or surface waters during project construction. This plan shall be prepared by a professional engineer licensed by the State of Vermont.
- 2. Standards. All erosion control measures shall be designed in accordance with the best management practices (BMPs) for erosion control in the Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control as most recently amended.

SECTION 8.6 Utilities

A. Location. All utility systems shall be located as follows:

Deleted: A. Specific conditional use standards for meadowland shall be applied where conversion of meadowland or cropland will occur. A permit may be granted only if the Board is able to make the following findings:¶

- 1. The lot for which development is proposed contains no land practically suitable for development other than meadow or cropland.¶
- 2. The development is situated so as to minimize the loss of meadow/cropland. The Board may require that the developer cluster the houses and/or submit for P.R.D. or P.U.D.¶
- 3. The maximum amount of meadow/cropland is retained for continued agriculture use.¶
- 4. Scenic qualities of the area are maintained or enhanced. (This may involve sale or transfer of development rights, P.R.D.'s or clustering)¶
- 5. The proposed development will not interfere with the continuance of nearby agricultural uses. (Note: residential and agricultural usage may be in conflict. In Fairfield agricultural use takes priority and residential users should be aware of this.)¶

Deleted: entire upstream drainage areas, based on conditions of total potential development

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Deleted: as most recently defined by the Vermont Agency of Natural Resources...

Deleted: The preparation and implementation of a stormwater management plan, prepared by a professional engineer licensed by the state, may be required by the DRB. Off-site easements and/or management facilities may also be required by the Board as needed to accommodate stormwater runoff on adjoining properties or downstream from the proposed development.¶

Deleted: shall

Deleted: Such a plan, if required,

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Deleted: Land shall be subdivided and improved so as to retain, insofar as possible, the natural contours and to conserve the natural cover and soil. All areas exposed ...

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Deleted: existing and proposed, throughout the subdivision shall be shown on the final plat, and

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Town of Fairfield, Vermont – Land Use and Development Regulations

1) The applicant shall coordinate design with utility companies to ensure adequate and suitable areas for under or above ground installation, both for the proposed land development, and areas adjacent to the land development.

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Deleted: where feasible

2) Utility corridors shall be shared with other utility and/or transportation corridors to the greatest extent possible, and be located to minimize site disturbance, the fragmentation of agricultural land and open space, any undue adverse impacts to natural, cultural or scenic resources, and to public health.

B. Utility Easements. Utility easements of sufficient width shall be provided so as to serve both the proposed land development and existing and anticipated development adjacent to the proposed land development.

Deleted: subdivision

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Deleted: Intent and Applicability – This article will contain regulations that apply to all applications that go before the PC or ZBA (site plan, conditional use, subdivision, waiver, variance, appeal). The regulations in this section DO NOT apply to “land development” that only requires a zoning permit. ¶
Existing Fairfield Regulations to be located here:¶
Section 1.8 Additional Data & Independent Review¶
Section 2.3 Development Standards (in part)¶
Section 3.4 Miscellaneous Specific Provisions (in part)¶

DRAFT

C. Public Notice and Issuance Requirements.

D. Review Standards.

No structure shall exceed 35 feet in height above the average ground level unless approved by the Board of Adjustment. The Board may permit structures in excess of 35 feet provided the structure does not constitute a hazard and provided that the portion above 35 feet shall remain unoccupied except for a normal maintenance.

Commented [TN13]: Add for driveway location in Village (less than 50 ft. from intersection).

SECTION 3.6 Planned Unit Developments (PUD)

A. Intent and Purpose. The purpose of Planned Unit Development is:

1. To encourage compact, pedestrian-oriented development, and to promote mixed residential use or nonresidential uses, or both;
2. To implement the policies of the Fairfield Town Plan;
3. To encourage any development in the countryside to be compatible with the use and character of surrounding rural lands;
4. To provide flexibility in site and lot layout, placement and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking, and related site and design considerations that will best achieve the goals of the area as articulated in the municipal plan and regulations within the particular character of the site and its surroundings;
5. To provide for conservation of open space features recognized as worthy of conservation and in the municipal plan and these regulations;
6. To provide for efficient use of public facilities and infrastructure; and
7. To encourage and preserve opportunities for energy efficient development.

B. Applicability and Eligibility.

1. A PUD project shall contain at least three contiguous acres.
2. A PUD shall not be located in the Village Zoning District.

Deleted: The purpose of this provision is to enable clustering and other innovations, in design and more efficient uses of land, to facilitate the adequate and economic provision of streets and utilities, and to preserve the natural and scenic qualities of the town.

C. Application Requirements.

1. Applications shall meet the requirements of subdivisions in Table 7.1.
2. **Modifications and Waivers.** In accordance with Section 4404 (3) and (12) of the Act, the Planning Commission is permitted to modify these regulations a planned unit development (PUD) simultaneously with the final approval of a subdivision plot. The purpose of this provision is to enable clustering and other innovations, in design and more efficient uses of land, to

Deleted: Proposals shall be submitted to the Planning Commission and shall include a site plan showing the location and general designs of all structures, open spaces, landscaping, driveways, streets, parking areas, easements and all other physical features, together with a statement setting forth the nature of all proposed modifications of these regulations.

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facilitate the adequate and economic provision of streets and utilities, and to preserve the natural and scenic qualities of the town. The Planning Commission shall keep a record of all modifications of these regulations granted and each modification shall be directly included in the final PUD decision.. All other provisions of these regulations not specifically modified shall remain in force and be applicable to the project.

D. Review Procedure. PUDs shall be reviewed according to the same standards as subdivisions as outlined in Section 7.4.

E. Review Standards. Planned unit developments shall be subject to the following provisions:

1. **Subdivision Standards.** PUD shall conform to the subdivision standards in Article 7.
2. **Planning and Design Standards.** The project shall be subject to the review considerations and standards under Article 8 of these by-laws.
3. **Open Space.** Where the clustering of uses in a project will result in open or undeveloped space on the tract, the Planning Commission shall condition approval of the project upon the establishment of an open space easement, conservation restriction, or similar instrument for such portion of the tract to ensure conformance with subsection (c) above. Such instrument shall be legally enforceable by the Town and shall run with the land at least until a future amendment of the zoning district density may provide for additional development of the tract. Further, the Planning Commission may impose conditions as to the ownership, uses and maintenance of such open space as it deems appropriate for the nature of the project and the land to meet the purposes of these by-laws, the Town Plan and the Act.

Deleted: <#>Upon application of the planned unit development, the application may request modifications from the dimensional standards required by these regulations¶

Deleted: Public Notice and Issuance Requirements

Deleted: The Planning Commission shall hold a public hearing before issuing a decision on whether the proposed land development shall receive site plan approval. Public notice, public hearing, and decision requirements in Sections 2.3, 2.4, and 2.5 apply.

Commented [TN14]: All new standards. Didn't mean to accept changes.

Deleted: ¶
Town Plan. The project shall be consistent with the Town Plan, and the predominant uses of the site shall not differ substantially from the uses allowed in the district in which the project is located.¶

Density. Density may vary within the development. In any PUD, overall density of the principal uses and dwelling units shall not exceed 20% more than the prescribed district density. The minimum setback requirements for the district in which the project is located shall apply to the periphery of the development. ¶

Commented [TN15]: Should Fairfield instead require a certain percentage of land be subdivided?

Deleted: <#>In accordance with Section 4404 (3) and (12) of the Act, the Planning Commission is permitted to modify this bylaw for either a planned unit development (P.U.D.) or a planned residential development (P.R.D.) simultaneously with the final approval of a subdivision plot. The purpose of this provision is to enable clustering and other innovations, in design and more efficient uses of land, to facilitate the adequate and economic provision of streets and utilities, and to preserve the natural and scenic qualities of the town.¶

<#>To qualify, a P.U.D. or P.R.D. project shall: a) Contain at least three contiguous acres; b) Conform to the definitions herein and to the requirements of Section 4404 of the Act. ¶

<#>¶

<#>Planned unit developments and planned residential developments are subject to the following provisions: ¶

<#>¶

<#>Proposals shall be submitted to the Planning Commission and shall include a site plan showing the location and general designs of all structures, open spaces, landscaping, driveways, streets, parking areas, easements and all other physical features, together with a statement setting forth the nature of all proposed modifications of this bylaw. ¶

<#>The project shall be consistent with the Town Plan, and the predominant uses of the site shall not differ substantially from the uses allowed in the district in which the project is located. ¶

SECTION 7.X Conservation Subdivision

A) **Applicability and Purpose.** In the Rural Lands District an applicant that is proposing to subdivide a lot that is 20 acres or greater in size shall have the option to apply for a conservation subdivision instead of a conventional subdivision. The purpose of a conservation subdivision is to further the goals of the Rural Lands District by allowing the subdivision of smaller lots for future development and by allowing the subdivision of larger lots to be conserved in perpetuity for agricultural, forestry, or recreational uses.

B) **Review Process.** Conservation subdivisions shall be reviewed using the same process as outline in Section 7.4.

C) **Conservation Subdivision Standards.**

1) **Dimensional Requirements.** A conservation subdivision shall consist of lots with development potential and the conserved lot. All lots to be subdivided shall meet the applicable standards in Table 7.2. These standards shall take precedence over the applicable dimensional standards in Article 4.

Table 7.2 – Conservation Subdivision Dimensional Standards	
Lots with Development Potential	
<u>Minimum Lot Size</u>	<u>¼ acre</u>
<u>Maximum Lot Size</u>	<u>2 acres</u>
<u>Minimum Frontage</u>	<u>60 feet</u>
<u>Minimum Setback/Road (measured from center line of road or ROW)</u>	<u>35 feet</u>
<u>Minimum Setback/Yard</u>	<u>5 feet</u>
<u>Minimum Setback from rivers and streams</u>	<u>See Article 9</u>
<u>Maximum Height of Structures</u>	<u>35 feet</u>
Conserved Lot	
<u>Minimum Lot Size</u>	<u>60% of original (“parent”) parcel</u>
<u>Minimum Frontage</u>	<u>200 feet</u>
<u>Minimum Setback/Road (measured from center line of road or ROW)</u>	<u>45 feet</u>
<u>Minimum Setback/Yard</u>	<u>15 feet</u>
<u>Minimum Setback from rivers and streams</u>	<u>See Section 9.3(A)(1)</u>
<u>Min Setback from ponds</u>	<u>100 feet</u>
<u>Maximum Height of Structures</u>	<u>35 feet</u>

2) **Density.** Lot density for conservation subdivisions shall be calculated in the following way:

a) **Conserved Lot:** “Parent” Lot Size * .60 = Minimum Conserved Lot Size. Road ROW shall not count toward the conserved lot acreage.

b) **Development Lots:** “Parent” Lot Size / 1 (Minimum Lot Size for the Rural District) = Maximum Allowed Development Lots at least 2 acres in size.

c) **Any fractional numbers resulting from the density calculation shall be rounded to the nearest whole number.**

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- d) Development may be located on any portion of the “parent” parcel regardless of Zoning District in accordance with the standards set forth in these regulations.

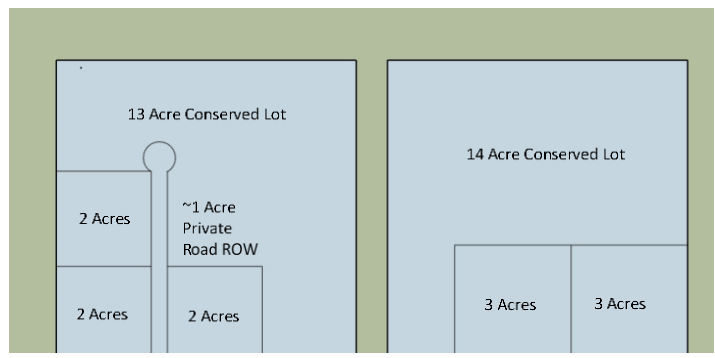
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Figure 7.2 Conservation Subdivision Lot Density Calculation

There is flexibility in lot density and layout for conservation subdivisions. This figure provides two possible layouts for a 20-acre parent parcel that could potentially be approved under these standards.

Example: 20 Acre Parent Lot in the Rural Lands District

- a) $20 * .60 = 12$ Acres Minimum Lot Size for Conserved Lot
b) $20 / 5 =$ Maximum of 4 Development Lots No Larger than 2 acres in Size



3) Lot Layout and Access.

- a) All lots shall be subdivided within a conservation subdivision to meet the standards for protecting natural resources identified in Article 5, Article 8, and Article 9.
- b) Proposed public and/or private roads shall be kept to a minimum in length. Lots shall be easily accessed from proposed public and/or private roads to decrease the length of future driveways. The Planning Commission may require that adjacent lots within the conservation subdivision be accessed by a shared driveway as a condition of approval.
- c) Corner lots shall have sufficient width to permit a front yard setback from each road.
- d) Side lot lines shall generally be at right angles to straight roads, or radial to curved roads.
- e) Lots with irregular shapes (e.g curves, jogs, dog-legs, spaghetti lots, flag lots, etc.) shall not be created unless warranted by conditions of topography, the location of natural features, existing roads or new roads.
- f) Conservation subdivisions shall be designed to minimize the length sewer lines, water lines, and utility lines.

- 4) **Lot Phasing.** An applicant may decide to complete a conservation subdivision in separate phases. If this is proposed by an applicant, the following standards shall apply:
- a) The applicant shall submit a phasing plan with the subdivision application that will display the different phases within the proposed conservation subdivision. This phasing plan will show which lots will be subdivided within the current application (Phase 1) and which lots may be subdivided in the future (Phase 2, etc.). The applicant shall provide the Planning Commission with a phasing schedule for when the additional lots may be subdivided in the future. This phasing schedule shall be non-binding.
 - b) Phase 1 shall be reviewed as a subdivision. All subsequent phases shall be reviewed as a subdivision amendment.
 - c) The conserved lot within a conservation subdivision shall be conserved during Phase 1. The applicant may propose to change the layout of the conserved lot in subsequent phases of the conservation subdivision provided all requirements for the conserved lot are still met.
- 5) **Legal Requirements for the Conserved Lot.**
- a) A conserved lot shall only be used in perpetuity for agricultural, forestry, and/or recreational uses. The future use of the conserved lot shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. A note shall also be added to the subdivision plat indicating the existence of the deed restriction. The conserved lot may be owned and managed through the following means:
 - i. Held in single fee-simple ownership by a private individual, a land trust or similar conservation-oriented non-profit organization, or a governmental entity, such as the Town of Fairfield (if authorized by the Selectboard).
 - ii. A homeowners' association may hold the land in common provided there is a homeowners' association covenant addressing use and maintenance of the land as a condition of the Planning Commission approval.
 - iii. In addition to the outlined types of ownership, the applicant may propose that the conserved lot be protected by a permanent conservation easement provided to a land trust or similar conservation-oriented non-profit organization (with legal authority to accept such easements), or a permanent conservation easement provided to a governmental entity (such as the Town of Fairfield). If the easement is provided to a land trust or similar organization, the applicant shall provide documentation that the organization is organized to be in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions.
 - b) There shall only be one conserved lot per conservation subdivision.
 - c) A conserved lot shall be located next to other conserved lots on adjacent lands, if they exist, to provide a contiguous connection between conserved lots created through a separate conservation subdivision or any other means.

d) Structures to be built on a conserved lot shall only be used to support agricultural, forestry, and/or recreational uses on the lot. The total size of all structures on a conserved lot shall not exceed 1000 square feet.

e) Water and wastewater infrastructure (wells, septic, leach field, etc.) serving the lots within the conservation subdivision may be located on the conserved lot provided that the infrastructure does not occupy more than 20% of the land on the conserved lot and provided that the applicant can demonstrate, to the satisfaction of the Planning Commission, that the infrastructure will not disrupt or detract from the intended use of the open space.

6) **Uses.** Land uses on lots with development potential located within a conservation subdivision shall be the same as those land uses that are permitted, conditional, or prohibited by district as shown in Table 4.1.

D) Additional Standards.

1) Conservation subdivisions shall be in conformance with the Fairfield Town Plan currently in effect and all other municipal bylaws, regulations and ordinances currently in effect.

2) All standards in Article 5 – General Requirements and Article 8 – Development Review Standards shall apply to conservation subdivisions.

3) The standards in Section 7.8(E) through Section 7.8(H) shall apply to conservation subdivisions.

SECTION 7.X Natural Subdivision

A. Where a property is divided by a road or right-of-way, it shall be considered contiguous land for the purposes of zoning and subdivision.

Moved (insertion) [4]

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Deleted: Intent and Applicability – This article will include language specific to the subdivision process. It will also contain regulations that apply only to subdivisions. ¶
Existing Fairfield Regulations to be located here: ¶
Section 1.7 Boundary Line Adjustments¶
Section 2.1 General Provisions¶
Section 2.2 Review Procedures¶
Section 2.3 Development Standards (in part)¶

SECTION 4.6 Pond and Swamp District Standards

- A. **Applicability.** The followed standards shall apply to all land development in the Pond and Swamp District.
- B. **Pond Setback.** All structures in the Pond and Swamp District shall be setback 150 feet from the mean water level of Fairfield Pond. Mean water level shall be the elevation of the low point in the natural control section plus the mean depth of flowage over it as measured during the period June 1 to September 15 per the definition established by the Vermont Natural Resources Board Water Resources Panel.

SECTION 4.7 Upland District Standards

- A. **Applicability.** The followed standards shall apply to all land development in the Uplands District.
- B. **Road and Driveway Length.** Development proposals that include new roads and driveways of greater than 800 feet require conditional use review under Section 3.3. The DRB may impose conditions to ensure there is no undue adverse impact on surface waters, wetlands, significant wildlife habitat, wildlife travel, corridors and productive forestry and agricultural lands. Conditions may include limiting the length of the road or driveway, requiring relocation to other areas of the parcel or limiting the scale of the road or driveway.

SECTION 4.8 Overlay District Standards

- A. **Chester A. Arthur Overlay District.** The followed standards shall apply to all land development in the Chester A. Arthur Overlay District.
1. **Front Setback.** A front setback of 70 feet shall apply to all structures in this district.
 2. **Landscaping.** All structures shall be screened to ensure they are not visible from Chester A. Arthur Road and shall meet the requirements of Section X.X regardless of land use.
- B. **Flood Hazard Area Overlay District.** See Article 9 for standards specific to land development in the Flood Hazard Area Overlay District.

Commented [TN27]: Reference

Deleted: Intent and Applicability – This article will explain the intent of each zoning district. It will further explain which land uses and which structures are permitted, conditional, prohibited, or exempt in each zoning district. This article may also include any regulations that may be specific to a particular zoning district. ¶
Existing Fairfield Regulations to be located here: ¶
Section 3.2 Establishment of Zoning Districts & Official Zoning Map ¶