
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) 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 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.