

# **WATERBURY SUBDIVISION REGULATIONS**

## **DRAFT [9 November 2009]**

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1 **ARTICLE [X] SUBDIVISION REGULATIONS**

2  
3  
4 **Section [X]00 Purpose**

5  
6 These subdivision regulations, as adopted under  
7 24 V.S.A. §4418 and Section 103 of this bylaw,  
8 are intended to conform to and implement the  
9 Waterbury Municipal Plan. Subdivision review  
10 and approval by the Planning Commission  
11 [Development Review Board] ensures that lots  
12 created after the effective date of these regulations [date] meet applicable zoning district  
13 requirements and are suited for their intended use, and that the subdivision of land does not result  
14 in undue adverse impacts to neighboring properties and uses, to significant natural, cultural and  
15 scenic resources, or to the capacity of existing and planned public facilities and services.  
16

**Subdivision of Land:** The division of any parcel of land into two or more parcels for the purpose of transfer, sale, conveyance, long-term lease or development. The term also includes the re-subdivision of a previously subdivided parcel, amended subdivisions, and all planned unit developments.

17  
18 **Section [X]01 Applicability**

19  
20 (a) Subdivision review and approval by the Planning Commission [Development Review  
21 Board] under these regulations is required for any subdivision of land prior to:

- 22  
23 (1) The transfer, sale or long-term lease of title to property (as defined under 32 V.S.A. §9601)  
24 of any portion of an existing lot.  
25 (2) Pre-development site preparation work, including site clearing and the construction or  
26 installation of infrastructure or other site improvements that are intended to serve more than  
27 one lot.  
28 (3) Recording a subdivision plat or deed for a new lot in the land records of the town.  
29 (4) Filing an application for a zoning permit to develop a new lot.  
30

31 (b) **Exemptions.** Subdivision review and approval by the Planning Commission [Board] is not  
32 required for the following:

- 33  
34 (1) A lot or portion thereof, to be leased for agriculture or forestry (e.g., timber stands, farm  
35 fields) that does not require the sale or transfer of land, or the establishment of permanent  
36 roads, infrastructure, or structures.  
37  
38 (2) Rights-of-way or easements that do not result in the subdivision of land.  
39  
40 (3) A boundary (lot line) adjustment between two parcels legally in existence as of the effective  
41 date of these regulations that are not part of a subdivision previously approved under this  
42 section, if the boundary adjustment does not result in the creation of a new or nonconforming  
43 lot under these regulations, and the adjustment is surveyed by a licensed surveyor, issued a  
44 zoning permit in accordance with Section 300, and recorded in the town land records.  
45

46 (c) **Classification.** For the purposes of these regulations, subdivisions of land shall be classified  
47 by the Zoning Administrator as “minor” or “major” subdivisions as follows:  
48  
49

1  
2 (1) Minor subdivisions include:

3  
4 (A) The subdivision of land, or the re-subdivision of a previously subdivided parcel, which  
5 results in the creation of a total of four (4) or fewer lots and does not require the  
6 installation or extension of a road or municipal utilities; or  
7

8 (B) An amendment to an approved subdivision, including a boundary (lot line) adjustment  
9 between two parcels, which does not substantially alter the conditions of subdivision  
10 approval, and does not result in the creation of a nonconforming lot or major  
11 subdivision.  
12

13 (2) Major subdivisions include:

14  
15 (A) The subdivision of land, or re-subdivision of a previously subdivided parcel, which  
16 results in the creation of a total of five (5) or more lots, or requires the installation or  
17 extension of a road or municipal utilities;  
18

19 (B) An amendment to a previously approved major subdivision which alters the number of  
20 approved lots, the density of approved development, or the conditions of subdivision  
21 approval; and  
22

23 (C) All phased subdivisions, or planned unit developments under Article VII.

24 (D)

25  
26 (d) **Waivers.** As allowed under state law (24 V.S.A. §4418), the Planning Commission  
27 [Development Review Board] may waive application submission requirements and subdivision  
28 review standards under this article if the Commission [Board] determines that the requirement:  
29

30 (1) is not requisite in the interest of public health, safety and general welfare;

31 (2) is inappropriate due to the inadequacy or lack of connecting facilities adjacent to or in  
32 proximity to the proposed subdivision; and

33 (3) will not have the effect of nullifying the intent and purpose of these regulations, the  
34 municipal plan, and other bylaws and ordinances in effect.  
35

36 Waiver requests shall be submitted in writing with the application for preliminary or final  
37 subdivision approval. It shall be the responsibility of the applicant to provide sufficient  
38 information for the Commission [Board] to justify granting a requested waiver. In granting a  
39 waiver, the Commission [Board] may impose conditions that, in its judgment, are necessary to  
40 meet the objectives of waived requirements.  
41  
42

43 **Section [X]02**                      **Subdivision Review Process**

44  
45 (a) **Coordination of Review.** Subdivision review under this article shall precede the issuance  
46 of a zoning permit, site plan review by the Planning Commission or conditional use review by  
47 the Board of Adjustment [site plan or conditional use review by the Development Review Board]  
48 for the subsequent development of a subdivided lot. Site, plan, conditional use or flood hazard  
49 area review, however, may be conducted concurrently with final subdivision review, at the

1 request of the applicant or at the discretion of the Commission [Board], as long as the  
2 application, notice and procedural requirements for each review are met. Conditions of  
3 subdivision approval shall be incorporated by the Zoning Administrator, Planning Commission  
4 or Board of Adjustment [Development Review Board] in the subsequent review of development  
5 on subdivided lots.

6  
7 (b) **Application Requirements.** Applications for sketch plan, preliminary and final subdivision  
8 review shall be submitted to the Zoning Administrator on forms provided by the municipality, as  
9 specified below for each step of the subdivision review process. In addition:

10  
11 (1) Applications for preliminary and final subdivision review shall also include required fees,  
12 information specified in application checklists provided by the town, and any written  
13 requests to waive application requirements, preliminary hearings or subdivision review  
14 standards.

15  
16 (2) The Zoning Administrator shall refer complete applications to the Planning Commission  
17 [Development Review Board] and, for preliminary or final subdivision applications, also  
18 refer application information and public hearing notices to following for review and  
19 comment:

20  
21 (A) Town officials, including the Town and Village Manager, Community Planner, Public  
22 Works Director and Fire Department.

23 (B) The Waterbury Conservation Commission, for subdivisions located in the Conservation  
24 and RHS Overlay District(s).

25 (C) The clerk of an adjoining municipality for a subdivision located within 500 feet of a  
26 municipal boundary.

27 (D) The Vermont Agency of Transportation for a subdivision located on or accessed from a  
28 state highway, or located within 500 feet of a highway interchange ramp.

29 (E) The State National Flood Insurance Program (NFIP) Coordinator at the Vermont  
30 Agency of Natural Resources, Department of Environmental Conservation, River  
31 Management Program for subdivisions located within the Flood Hazard Area Overlay  
32 District that are greater than 50 lots or five (5) acres, whichever is the lesser.

33  
34 No municipal approval for a subdivision shall be issued until written comments have been  
35 received or thirty days have elapsed from the date of referral, whichever is sooner. The  
36 applicant is also encouraged to meet with the above officials prior to filing an application for  
37 subdivision approval.

38  
39 (3) The Planning Commission [Development Review Board] may also require the submission of  
40 additional information needed to determine project conformance with these regulations, as  
41 specified under Section [X]03(a).

42  
43 (c) **Sketch Plan (Pre-Application) Review.** At the request of an applicant, the Planning  
44 Commission [Development Review Board] will schedule time during one or more regular or  
45 special meetings of the Commission [Board] to review and discuss a conceptual subdivision  
46 design, prior to the submission of a formal application for subdivision review. This is intended  
47 as an informal review to help identify whether the proposed design will generally conform to the  
48 requirements of these regulations before an applicant incurs significant expense.

- 1 (1) The applicant is requested to submit [X] copies of the sketch plan or design at least ten (10)  
2 days prior to the scheduled meeting.  
3
- 4 (2) The Commission [Board] may identify subdivision standards and procedures that would  
5 apply to the proposed subdivision, potential areas of concern , or subdivision design  
6 modifications needed to conform to these regulations. Any recommendations resulting from  
7 a conceptual review will be provided to the applicant in writing, in a letter or meeting  
8 minutes, but shall not be binding on the town or the applicant.  
9
- 10 (d) **Preliminary Subdivision Review [Major Subdivisions]**. The purpose of preliminary  
11 subdivision review, applying to all major subdivisions, is to review a draft subdivision plat and  
12 supporting documentation for conformance with the municipal plan, the requirements of these  
13 regulations and other municipal ordinances in effect at the time of application, to specify  
14 modifications necessary to achieve conformance, and to identify any additional information  
15 required for submission for final subdivision review and approval.  
16
- 17 (1) The applicant shall submit [X] copies of the application for preliminary subdivision review,  
18 including required fees, a draft subdivision plat and supporting information, as specified in  
19 application checklists provided by the Town.  
20
- 21 (2) Within 30 days of receipt of a preliminary plan application, the Planning Commission  
22 [Development Review Board] shall schedule a public hearing, to be warned and held in  
23 accordance with 24 V.S.A. §4464, to obtain public comment on the proposed subdivision  
24 plan prior to final plan preparation.  
25
- 26 (3) Within 45 days of the date of hearing adjournment, the Planning Commission [Development  
27 Review Board] shall issue written findings and a decision to approve, approve with  
28 conditions, or deny the application for preliminary subdivision approval. The Commission  
29 [Board] may specify as conditions of approval:  
30
- 31 (A) Modifications or changes to the preliminary plat and supporting documentation.  
32
- 33 (B) Subdivision phasing in relation to the available capacity of existing and planned public  
34 facilities and infrastructure, in conformance with the adopted municipal plan and capital  
35 improvement program, and that a final subdivision plan be filed for each phase of the  
36 development.  
37
- 38 (C) Infrastructure improvements and associated easements or other dedications as required  
39 to support the proposed subdivision or to mitigate off-site impacts resulting from the  
40 proposed subdivision, to be paid for by the applicant.  
41
- 42 (D) The submission of additional supporting documentation, such as impact studies, legal  
43 documents, development agreements, bonds or other sureties, or evidence that other  
44 required permits and approvals have been obtained.  
45
- 46 (4) Preliminary plat approval does not constitute approval of a final subdivision plat for  
47 purposes of recording under Subsection [X]02(g). A preliminary approval shall remain in  
48 effect for one (1) year from the date it is issued, unless otherwise waived or extended by the  
49 Planning Commission [Board].

1  
2 (e) **Final Subdivision Review [All Subdivisions]**. Final subdivision review and approval is  
3 required for all minor and major subdivisions prior to recording a subdivision plat in the land  
4 records of the town under Subsection [X]02(g). The purpose of final subdivision review is to  
5 determine conformance with the municipal plan, the requirements of these regulations and other  
6 municipal ordinances in effect at the time of application. For major subdivisions, an application  
7 for final subdivision review shall be submitted within one (1) year of the date of preliminary  
8 approval, unless otherwise waived or extended by the Planning Commission [Development  
9 Review Board].

10  
11 (1) The applicant shall submit [X] copies of the application for final subdivision review,  
12 including required fees, a draft subdivision plat and supporting information, as specified in  
13 application checklists provided by the town.

14  
15 (2) Within 30 days of receipt of a final subdivision plan application, the Planning Commission  
16 [Development Review Board] shall schedule a public hearing, to be warned and held in  
17 accordance with 24 V.S.A. §4464.

18  
19 (3) Within 45 days of the date of hearing adjournment, the Planning Commission  
20 [Development Review Board] shall issue written findings and a decision to approve,  
21 approve with conditions, or deny an application for final subdivision approval. The  
22 Commission [Board] may also specify, as conditions of approval:

23  
24 (A) Subdivision phasing in relation to the available capacity of existing and planned public  
25 facilities and infrastructure, in conformance with the adopted municipal plan and capital  
26 improvement program, and that additional subdivision plans be filed for subsequent  
27 phases of development.

28  
29 (B) Infrastructure improvements and associated easements or other dedications as required  
30 to support the proposed subdivision or to mitigate off-site impacts resulting from the  
31 proposed subdivision, to be paid for by the applicant.

32  
33 (C) A performance bond or other comparable surety acceptable to the Legislative Body that  
34 is sufficient to cover the cost and installation of required facilities and improvements,  
35 and their ongoing maintenance for two (2) years following installation. The term of the  
36 bond may be fixed by the Planning Commission [Development Review Board] for a  
37 maximum of three (3) years or, with consent of the applicant, may be extended for an  
38 additional three-year period, within which all improvements must be completed.

39  
40 (D) The issuance of a Certificate of Compliance by the Zoning Administrator, based on the  
41 submission of as-built plans certifying that all improvements have been installed as  
42 required. The Zoning Administrator or other municipal official(s) may also conduct site  
43 inspections as necessary to determine compliance. If a Certificate of Compliance is  
44 required, no zoning permit shall be issued for the development of a subdivided lot until  
45 the certificate has been issued and recorded in the land records of the town.

46  
47 (4) Final plat approval by the Planning Commission [Development Review Board] shall not be  
48 construed to constitute acceptance by the municipality of any street, easement, utility, park,  
49 recreation or other open space shown on the final plat. A formal resolution of the

1 Legislative Body is required for municipal acceptance of any dedications by the applicant,  
2 in conformance with state law and local ordinances. Roads shown on an approved plat  
3 shall be deemed private roads until they have been formally accepted by the Waterbury  
4 Selectboard, as required under the Town of Waterbury Highway Ordinance.

5  
6 (5) Subdivision approvals shall be recorded in the land and permit records of the town within  
7 30 days of the date of issuance, as required under 24 V.S.A. §4449(c).

8  
9 (f) **Modifications.** No changes, modifications or other revisions that alter an approved  
10 subdivision plat or the conditions of subdivision approval shall be made until an application for a  
11 subdivision amendment is submitted and approved by the Commission [Board] under this section  
12 of the regulations. In the event that revisions are made to an approved subdivision or recorded  
13 plat without Commission [Board] approval, the revisions shall be considered null and void, and  
14 subject to municipal enforcement under Section 309.

15  
16 (1) The Planning Commission [Development Review Board], however, may specify in its  
17 conditions of subdivision approval the types of minor modifications that may be administratively  
18 approved by the Zoning Administrator under Section 300, in consultation with the Community  
19 Planner, without further review by the Commission [Board], to include modifications that do not  
20 alter the approved subdivision plat or conditions of subdivision approval. Administrative  
21 decisions under this section may be appealed to the Board of Adjustment [Development Review  
22 Board] under Section 307.

23  
24 (g) **Plat Recording Requirements.** Within 180 days of the date that subdivision approval is  
25 issued by the Planning Commission [Development Review Board], the applicant shall file a  
26 Mylar subdivision plat, signed by the Chair of the Commission [Development Review Board], in  
27 the land records of the town as required under 24 V.S.A. §4463(b) and related state plat filing  
28 requirements under 27 V.S.A., Chapter 17.

29  
30 (1) The applicant shall also provide[X] paper copies and one (1) digital copy of the recorded  
31 plat, in formats specified by the town.

32  
33 (2) If a plat is not recorded within the 180-day period, subdivision approval shall expire and  
34 reapplication shall be required. The Zoning Administrator may extend the date for filing a  
35 plat an additional 90 days if final local or state approvals are still pending.

36  
37 (3) Once an approved plat is recorded, it shall not expire.

### 38 39 40 **Section [X]03 Subdivision Standards**

41  
42 (a) **Application.** The Planning Commission [Development Review Board] will evaluate all  
43 subdivision applications under the standards of this section as they apply to a particular  
44 subdivision. To assist in its evaluation, the Commission [Board] may require:

45  
46 (1) The applicant to disclose the intended use of the land to be subdivided, and a general  
47 indication of subsequent development plans for any land to be retained by the owner or  
48 applicant.

1 (A) **Master Plan.** For major subdivisions that include phased or planned unit development,  
2 or for the subdivision of a property into a proposed final build-out of ten or more lots,  
3 the Planning Commission [Development Review Board] may require the submission of  
4 a master plan which, for the remainder of the parcel, identifies a general indication of  
5 the locations of resources to be protected under Subsection (c); a general indication of  
6 the locations of future land subdivision and development, and road, path, and utility  
7 corridors; and an estimate of the type, density, and timing of future development,  
8 including projected total vehicle trip generation rates at build-out.  
9

10 (2) The submission under Section [X]02(b) of additional information or studies under one or  
11 more subdivision standards, which may include an independent technical review of the  
12 proposed subdivision, prepared by a qualified professional approved by the Commission  
13 [Board], to be paid for by the applicant.  
14

15 (3) The modification of subdivision layout and design, the phasing of development, or other  
16 measures considered necessary by the Commission [Board] to avoid or mitigate undue  
17 adverse impacts resulting from the proposed subdivision or from the subsequent  
18 development of subdivided lots.  
19

20  
21 (b) **General Standards.** All subdivisions shall meet the following general standards:  
22

23 (1) **Waterbury Municipal Plan & Regulations.** The subdivision shall conform to specific  
24 goals, policies and objectives the Waterbury Municipal Plan (unless the Commission [Board]  
25 finds that there is good cause otherwise), other provisions of these regulations, the municipal  
26 capital budget and program, and other applicable municipal bylaws, ordinances and  
27 regulations in effect at the time of application.  
28

29 (2) **Development Suitability.** All land to be subdivided shall be suitable for the intended use  
30 and proposed density of development without creating an undue adverse impact on the  
31 public health and safety or the environment. Subdivisions shall set aside as designated open  
32 land, and exclude from subsequent development, land that is characterized by periodic  
33 flooding, poor drainage, and steep slopes (of 25% or more, the development of which is  
34 likely to cause erosion).  
35

36 (3) **Development Density.** The allowed density of development shall be calculated by dividing  
37 the total land area to be subdivided by the minimum lot size and maximum building densities  
38 specified for the zoning district(s) in which the subdivision is located (see Tables 5.2 and  
39 5.3), except as modified for a planned unit development (see Article VII). The Planning  
40 Commission [Development Review Board] may also require lower densities of development  
41 based on physical site constraints or infrastructure capacity limitations.  
42

43 (4) **Existing Site Features.** Existing site features and amenities, including natural contours and  
44 drainage patterns, natural cover (such as timber stands, shade trees, and riparian buffers),  
45 unique geological features (such as ridgelines, ledges and outcrops), floodplains, naturally  
46 occurring surface waters and wetlands, scenic views, and historic sites and structures shall be  
47 incorporated in subdivision layout and design and preserved to the extent feasible or  
48 appropriate (see Subsection [X]03(c)).  
49

- 1 (5) **Development Patterns.** Subdivisions shall be designed and laid out to conform to the  
2 planned development pattern for the zoning district(s) in which they are located, as defined  
3 by these bylaws. Accordingly a subdivision, to the extent feasible and consistent with other  
4 requirements of these regulations, shall:  
5
- 6 (A) Maintain and extend existing or planned lot sizes and configurations, road layouts, and  
7 building locations and orientations, as defined for the district(s) in which it is located.
  - 8 (B) Conform to zoning, site plan, and conditional use standards that apply to the subsequent  
9 development of subdivided lots,
  - 10 (C) Maintain contiguous tracts of open space, including protected resource and hazard areas  
11 identified under Subsection [X]03(c) and,
  - 12 (D) Connect to and extend existing road, recreation path, sidewalk, and utility corridors.
- 13
- 14 (6) **Lot Layout.** Lots shall be laid out and configured to:  
15
- 16 (A) Conform to site topography, the suitability of land for development under Subsection  
17 [X]03(b)(2) and their intended use,
  - 18 (B) Conform to planned district development patterns, as required under Subsection  
19 [X]03(b)(5),
  - 20 (C) Conform to dimensional requirements under Table 5.2 and Section 401, except as  
21 modified for Planned Unit Developments (PUDs) under Article VII,
  - 22 (D) Avoid excessively narrow or irregularly shaped lots (e.g., with curves, jogs, dog-legs,  
23 etc.), unless warranted due to topographic constraints, or to limit the fragmentation of  
24 natural, scenic or cultural features under Subsection [X]03(c). Accordingly subdivided  
25 lots, to the extent feasible and consistent with other requirements of these regulations,  
26 shall meet the following standards:  
27
- 28 (i) The ratio of a lot's depth to its width (frontage) shall not exceed five to one (5:1)  
29 unless the Commission [Board] finds there is good cause otherwise.
  - 30 (ii) Side lot lines shall be at right angles to straight streets and radial to curved streets,  
31 as appropriate.
  - 32 (iii) Corner lots shall meet frontage and front yard setback requirements along each  
33 street as required under Section 401.
- 34
- 35 (7) **Building Zones.** The designation of building zones that limit the location of structures,  
36 parking areas, and associated site improvements (excluding driveways, road and utility  
37 corridors) to one or more portions of a lot is required for all subdivided lots in all districts  
38 as necessary to protect and minimize the impact on resource or hazard areas identified  
39 under Subsection [X]03(c). The size and shape of each building zone shall be established  
40 in accordance with these regulations including, but not limited to, district setback and  
41 density requirements.  
42
- 43 (8) **Landscaping & Screening.** In addition to other applicable landscaping and screening  
44 requirements under this bylaw, the Planning Commission [Development Review Board]  
45 may limit the clearing of existing vegetation outside of designated building zones and road  
46 and utility corridors, or require the planting of additional trees, shrubs, and ground cover as  
47 necessary to:  
48

- 1 (A) Protect existing critical wildlife habitat, riparian buffers, wildlife travel corridors,  
2 hedgerows, and shade trees of particular ecological or aesthetic value,
- 3 (B) Maintain a physical buffer between lots to be developed and resource or hazard areas  
4 identified for protection under subsection [X]03(c) below,
- 5 (C) Establish a visual or physical buffer between incompatible land uses within or adjacent  
6 to the subdivision,
- 7 (D) Reduce the visual or physical impacts of development within the subdivision on  
8 adjacent properties and uses, or
- 9 (E) Maintain or establish a tree canopy along road rights-of-way, especially where road  
10 construction, installation of utilities, and site improvements are expected to result in  
11 the loss of existing trees and cover.

12  
13 (9) **Energy Conservation.** Subdivisions shall be designed to conserve energy by:

- 14 (A) Siting and orienting building lots and building envelopes to take advantage of southern  
15 exposures where available,
- 16 (B) Making use of existing topography and vegetation and adding landscaping as needed  
17 to provide wind barriers and shading to reduce heat loss and gain, and
- 18 (C) Clustering development, including supporting infrastructure and utilities, particularly  
19 within planned unit developments.

20  
21  
22 (10) **Survey Monuments.** The locations of all existing and proposed surveying monuments,  
23 corner and building zone markers shall be identified on the subdivision plat.

24  
25 (c) **Resource Protection.** All subdivision applications shall identify natural, cultural, and  
26 scenic resources and natural hazard areas on the subdivision plat or supporting site plans, as  
27 identified from the municipal plan and available maps, studies, and information on file at the  
28 municipal office, or as identified and confirmed through site investigation. These include, but  
29 may not be limited to:

- 30
- 31
  - 32 ■ steep slopes (of 25% or more),
  - 33 ■ surface waters, Class I and II wetlands and Class III wetlands within fifty (50)  
34 feet of all areas of disturbance, and associated setback and buffer areas,
  - 35 ■ floodplain and fluvial erosion hazard areas, as identified by appropriate state or  
36 federal authorities,
  - 37 ■ water supply Source Protection Areas (SPAs), as identified by appropriate state or  
38 federal authorities,
  - 39 ■ primary agricultural soils, as defined by the state,
  - 40 ■ critical wildlife habitat, wildlife travel corridors and locations of rare, threatened,  
41 and endangered species,
  - 42 ■ areas in agriculture or productive woodland use that are of a size that retains their  
43 eligibility for state tax abatement programs and enables effective agriculture or  
44 forest management,
  - 45 ■ open fields of greater than ten (10) acres in existence at the time of subdivision,
  - 46 ■ ridgelines and hilltops within the RHS Overlay District that are visible from  
47 public vantage points,
  - 48 ■ historic sites as listed in the state and national register of historic places, and  
49 ■ historic landscape features, such as stone walls, fence lines, and cellar holes.

- 1 (1) Subdivisions shall be designed to incorporate and protect known resource and hazard areas.  
2 Accordingly, to the extent feasible:  
3
- 4 (A) Subdivision boundaries, lot lines, road and utility corridors, and driveways shall be  
5 laid out and configured to avoid the fragmentation of resource and hazard areas  
6 located on or contiguous to the parcel to be subdivided.  
7
- 8 (B) Building zones shall be located and configured to exclude identified resource and  
9 hazard areas.  
10
- 11 (C) Existing access to resource areas, such as farming and logging roads, shall be  
12 maintained and incorporated in subdivision design, to the extent feasible.  
13
- 14 (D) Driveways, road and utility corridors shall be shared and sited to follow features such  
15 as existing roads, tree lines, stone walls and fence lines, to avoid or minimize  
16 encroachments within or the fragmentation of identified resource and hazard areas, to  
17 minimize the number of stream and wetland crossings, and to lessen the visual  
18 impacts of infrastructure development.  
19
- 20 (E) Where a subdivision abuts existing public or community open space, the Commission  
21 [Board] may require that the subdivision's new open space, if any, be configured so  
22 as to be contiguous with the abutting open space and thereby form with it a larger  
23 unified area.  
24
- 25 (2) The Commission [Board] may consult with state officials or other qualified professionals to  
26 identify and consider means by which to avoid or mitigate the adverse impacts of  
27 development on identified resources.  
28
- 29 (3) In addition, as necessary to ensure sustainable long-term resource protection and  
30 management, the Planning Commission [Development Review Board] may require that  
31 designated open land be:  
32
- 33 (A) Identified on the subdivision plat as "protected open land" with a notation on the plat  
34 that it cannot be further subdivided and shall remain undeveloped.
- 35 (B) Managed and maintained by (i) an association of homeowners or tenants, under  
36 adopted covenants or deed restrictions; (ii) conveyed to the municipality, if agreed to  
37 by the Legislative Body, or (iii) conveyed to a qualified individual or conservation  
38 organization, subject to deed restrictions or conservation easements that ensure that the  
39 land is used for its intended purpose.
- 40 (C) Managed and maintained in accordance with an approved resource management plan.  
41
- 42 (d) **Stormwater Management, Erosion & Sediment Control.** Subdivision plans must  
43 incorporate accepted temporary or permanent stormwater management and erosion control  
44 measures as necessary to control stormwater runoff, soil erosion, sedimentation, and water  
45 pollution on-site and downstream from the proposed subdivision. Accordingly:  
46
- 47 (1) To the extent feasible subdivisions, including roads and other supporting infrastructure,  
48 shall conform to the natural contours of the land to minimize the amount of grading,

1 excavation, cut and fill required, and to incorporate natural drainage patterns in subdivision  
2 design.

- 3
- 4 (2) Natural vegetative cover shall be retained as necessary to minimize stormwater runoff,  
5 erosion, and sedimentation, particularly on slopes of 15% or more and within 50 feet of all  
6 surface waters and wetlands.
- 7
- 8 (3) Site clearing and disturbance shall be limited to those areas approved for development as  
9 shown on the subdivision plat (e.g., building zones, driveways, road and utility corridors) or  
10 supporting plans appended to the plat, and as marked on the site prior to construction.
- 11
- 12 (4) Slopes and soils exposed during construction shall be managed to prevent erosion by using  
13 accepted erosion control measures, by phasing construction where appropriate to minimize  
14 the area exposed during each phase of development, and by immediately reseeding and  
15 mulching disturbed areas at the completion of each phase, and at the end of construction.
- 16
- 17 (5) If a subdivision will alter the amount, type, or direction of stormwater discharge or flooding  
18 on adjacent lands not owned or controlled by the applicant, the applicant must secure  
19 drainage easements on affected properties. Approval from the Municipal Manager (or  
20 designee) is required for stormwater discharge within town highway rights-of-way or  
21 municipal stormwater management facilities, in accordance with town standards.
- 22
- 23 (6) Stormwater runoff from the subdivision shall not exceed the capacity of local drainage and  
24 downstream facilities (e.g., floodplains, floodways, culverts, drainage ditches).
- 25
- 26 (7) The Planning Commission [Development Review Board] may require the submission of  
27 any stormwater management and erosion control plans required by the state.
- 28
- 29 (8) The following permits or approvals shall demonstrate compliance with this section and with other  
30 sections pertaining to the same subject matter.
- 31
- 32 1. An individual construction discharge permit or an approval for coverage under a general  
33 permit for stormwater runoff from construction sites, issued by the Agency of Natural  
34 Resources, under 10 V.S.A. Chapter 47, rules adopted thereunder; and
- 35
- 36 2. An individual discharge permit or an approval for coverage under a general discharge permit,  
37 issued by the Agency of Natural Resources, under 10 V.S.A. Chapter 47 and rules adopted  
38 thereunder.
- 39
- 40 (e) **Access & Driveways:** Access to the subdivision and to individual lots within the subdivision  
41 shall at minimum meet the requirements of Section 413 (Driveways and Curb Cuts) and the  
42 following:
- 43
- 44 (1) Access to individual lots legally in existence as of the effective date of these regulations  
45 that do not have frontage on a public road, or to lots in districts without frontage  
46 requirements, may be approved by the Planning Commission [Development Review Board]  
47 in accordance with Section 413 concurrently with subdivision approval.
- 48
- 49 (A) All lots created after the effective date of these regulations that are intended for  
50 development must meet minimum applicable frontage requirements along public and

1 private road rights-of-way for the district(s) in which they are located, unless modified  
2 or waived by the Commission [Board].  
3

4 (B) The Planning Commission [Development Review Board] may also reduce or waive  
5 district lot frontage requirements for (i) minor subdivisions accessed by a shared  
6 driveway, for (ii) lots that will be maintained in perpetuity as undeveloped open land  
7 to be used only for passive outdoor recreation or resource conservation, or (iii) to  
8 allow for back lot (flag lot) infill development within village zoning districts.  
9

- 10 (2) A highway access (curb cut) permit from the Municipal Manager (or designee) is required  
11 for subdivision access (curb cuts) onto town highways, and from the Vermont Agency of  
12 Transportation for subdivision access onto state highways, as required under Section 413.  
13 Municipal or state access requirements in effect at the time of application shall be  
14 incorporated in subdivision layout and design. These include, but may not be limited to:  
15 (A) Town of Waterbury Highway Ordinance (Driveway, Curb Cut Standards), or  
16 (B) Vermont Access Management Program Guidelines.  
17

18 Applicants are encouraged to meet with local and state highway officials prior to submitting  
19 an application for final subdivision review. Access permits are required prior to the  
20 recording of a subdivision plat.  
21

- 22 (3) Access to a subdivision shall conform to adopted state or municipal access management  
23 plans and capital or transportation improvement plans. Planned highway and access  
24 improvements, including proposed rights-of-way, shall be incorporated in subdivision  
25 design. Right-of-way reservations may be required as necessary to accommodate planned  
26 improvements.  
27

- 28 (4) A subdivision shall be served by no more than one direct access onto a public highway,  
29 unless additional access is deemed appropriate by the Planning Commission [Development  
30 Review Board] to improve traffic circulation, reduce congestion, or to facilitate emergency  
31 vehicle access. Access to newly created parcels and to existing contiguous parcels under  
32 the same ownership or control, shall be provided internally from a shared driveway or  
33 subdivision road that intersects the public highway. Additional indirect access via an  
34 adjacent parcel to serve part or all of the subdivision is allowable.  
35

36 (A) No additional access rights shall accrue upon the re-subdivision of parcels previously  
37 subdivided after the effective date of this bylaw, or for contiguous parcels under the  
38 same ownership or control.  
39

- 40 (5) Access to a subdivision from a Class 4 town highway must meet requirements for the  
41 upgrade and use of Class 4 roads under the Waterbury Highway Ordinance. The applicant  
42 is responsible for the cost of road upgrades.  
43

- 44 (6) To improve traffic flow and safety, to avoid congestion, and to preserve the capacity of  
45 public highways, the Planning Commission [Development Review Board], in consultation  
46 with local or state highway officials, may also:  
47

48 (A) further limit access onto public highways by requiring the elimination or relocation of  
49 existing accesses;

- 1 (B) require shared accesses, driveways, or roads to serve multiple lots within a
- 2 subdivision;
- 3 (C) require access from secondary (less traveled) roads, if a proposed subdivision has
- 4 frontage on both primary (arterial or collector) and secondary (local) roads;
- 5 (D) encourage applicants and adjacent land-owners to establish rights-of-way for future
- 6 road extensions to connect to adjoining parcels; or
- 7 (E) prohibit the creation of reserved strips adjacent to a proposed road which would deny
- 8 access to adjacent properties.
- 9

10 (7) **Driveways.** Driveways serving four (4) or fewer lots shall meet the requirements of  
11 Section 413 and the Waterbury Highway Ordinance in effect at the time of application. For  
12 the purposes of these regulations, driveways serving five (5) or more lots shall be  
13 considered development roads subject to the requirements of Subsection [X]03(f).

14 .  
15 (f) **Roads.** The following road standards shall apply to all rights-of-way serving five (5) or more  
16 lots. Roads intended for acceptance by the Town of Waterbury must also meet standards for  
17 proposed public highways under the Town of Waterbury Highway Ordinance in effect at the  
18 time of application. In the event that there is a conflict between the requirements of these  
19 regulations and the highway ordinance, the more restrictive shall apply.

20  
21 (1) **System Capacity.** The volume and type of traffic to be generated by the proposed  
22 subdivision at build out shall not result in undue traffic congestion or delay on public  
23 highways, or exceed the functional or structural capacity of travel lanes, intersections,  
24 bridges, culverts and other highway infrastructure in the vicinity of the proposed  
25 subdivision. The Planning Commission [Development Review Board] may require a traffic  
26 impact analysis prepared by a qualified transportation engineer or planner for any  
27 subdivision that generates 75 or more peak hour trips, or as otherwise deemed necessary by  
28 the Commission [Board] to determine whether infrastructure improvements are needed to  
29 mitigate traffic impacts from a proposed subdivision. Traffic studies should reference the  
30 *Institute of Transportation Engineers' Trip Generation Manual* (current edition), or trip  
31 generation rates derived from local transportation studies.

32  
33 (2) **Layout.** To promote safety, to facilitate traffic flow and emergency vehicle access, and to  
34 protect significant resources, roads may to the extent feasible be laid out to:

- 35
- 36 (A) Follow existing linear features where feasible (e.g., farm and logging roads, field
- 37 edges, utility corridors, tree and fence lines, stone walls), and meet other requirements
- 38 for the protection of identified resource and hazard areas under Subsection [X]03(c);
- 39 (B) Logically relate to topography to minimize the amount of cut and fill required and to
- 40 maintain reasonable finished grades and safe intersections;
- 41 (C) With the written agreement of the abutting landowners, extend or connect to roads
- 42 adjoining the subdivision, and to provide for future road extensions, as shown on the
- 43 subdivision plat, to adjoining land that has not yet been subdivided; and to
- 44 (D) Provide access to lots within the subdivision that are intended for subsequent
- 45 development.
- 46

47 (3) **Design & Construction.** All roads serving the proposed subdivision shall be designed to  
48 meet dimensional and geometric design standards contained in the *Vermont State Standards*  
49 *for the Design of Transportation Construction, Reconstruction and Rehabilitation on*

1 *Freeways, Roads, and Streets (Vermont State Standards)* as most recently amended; and  
 2 constructed in accordance with current state “Standards for Town and Development Roads”  
 3 (Standard Drawing A-76) and the Waterbury Highway Ordinance as it applies to new or  
 4 upgraded roads. Minimum design standards include, but may not be limited to the  
 5 following:  
 6

7 (A) **Rights-of-way.** Road rights-of-way serving four or more lots shall be at least 50 feet  
 8 wide. Road rights-of-way to be considered for dedication to the municipality shall be  
 9 at least 60 feet wide, unless otherwise approved by the Waterbury Selectboard.

10  
 11 (B) **Grades.** The finished grade of a road shall not exceed the limits set out in Table X.1:  
 12  
 13

Table [X.1] Maximum Grades for Rural Local Roads						
Type of Terrain	Design Speed (mph)					
	25	30	35	40	45	50
Maximum Grade (%)						
Level	7	7	7	7	7	7
Rolling	11	10	10	9	8	8
Mountainous	15	14	13	12	11	10

14  
 15 (C) **Drainage.** Drainage from new roads shall not adversely affect public highway  
 16 infrastructure or neighboring properties. Accordingly:  
 17

- 18 (i) Seeding and mulching are required for roadside slopes and drainage ditches with  
 19 slopes less than 2.5%.
- 20 (ii) Biodegradable matting and seeding are required on slopes between 2.5% and 5%.
- 21 (iii) Ditches lined with angular stone are required on slopes greater than 5%.
- 22 (iv) The Planning Commission [Development Review Board] may also require a  
 23 drainage plan prepared by a professional engineer that incorporates accepted  
 24 stormwater management practices to control runoff and erosion from roads with  
 25 grades greater than 5%, and drainage system improvements or drainage easements  
 26 on adjoining properties in accordance with Subsection [X]03(d).  
 27

28 (D) **Travel Lanes.** The width of travel lanes and shoulders shall be based on average daily  
 29 traffic (ADT) and design (existing or planned posted) speeds.  
 30

- 31 (i) Design standards for roads outside village districts are included in Table [X.2].  
 32  
 33

Table [X.2] Travel 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

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

- 1 (ii) Within districts that have a minimum lot size of one acre or less, lane widths for  
2 local streets may vary from seven (7) to 11 feet, with offsets to the curb. Seven  
3 and eight foot lane widths are appropriate in residential areas that have no on-  
4 street parking, very low volume traffic and little or no truck traffic. At minimum  
5 a two-foot offset to a vertical curb, or a one-foot offset to a sloped curb is  
6 required. Lane and shoulder widths within the Downtown Design Review  
7 Overlay District shall be compatible with the character of the district. All  
8 drainage grates and drop inlets should be designed so that they do not project into  
9 a travel lane, and should be bicycle-safe in design.
- 10
- 11 (iii) Roads intended for shared use by bicycles or for on-street parking shall  
12 incorporate paved shoulder areas that meet minimum recommended width and  
13 design standards under the *Vermont State Design Standards*.
- 14
- 15 (E) **Surfacing.** Gravel roads at minimum must have a 15-inch thick processed gravel sub-  
16 base, with the top three inches being crushed gravel. Roads with grades exceeding 7%,  
17 carrying more than 250 vehicles per day, or carrying heavy trucks must be paved, unless  
18 waived by the Planning Commission [Development Review Board], in consultation with  
19 the Municipal Public Works Director or Highway Foreman.
- 20
- 21 (F) **Dead Ends.** Dead end roads in excess of 500 feet shall be constructed with a suitable  
22 turnaround at the terminus for emergency vehicles. This may consist of a cul-de-sac that  
23 meets town highway standards or a “T”, “Y” or other configuration that allows  
24 emergency vehicles to turn around safely and efficiently. Roads in excess of 800 feet in  
25 length shall also have a vehicle turnout at least 12 feet wide and 35 feet in length near  
26 the half-way point of every 800-foot section, with a suitable turn-around at the terminus.
- 27
- 28 (G) **Improvements.** The proposed subdivision shall not unduly burden town or state  
29 highways, including roads and intersections in the vicinity of the project. Any highway  
30 access, drainage, lane, or other infrastructure or traffic control improvements  
31 necessitated by the proposed subdivision shall be paid for and installed by the applicant,  
32 unless otherwise approved by the Planning Commission [Development Review Board]  
33 in consultation with the Selectboard or state highway officials. The Planning  
34 Commission [Development Review Board] also may require as conditions of approval:
- 35
- 36 (i) Performance bonding or other form of surety acceptable to the Selectboard to  
37 ensure that necessary improvements are installed as approved by the Commission  
38 [Board].
- 39
- 40 (ii) The phasing of development in relation to planned state or municipal  
41 transportation infrastructure improvements included in adopted capital or  
42 transportation improvement programs.
- 43
- 44 (iii) A development agreement approved by the Selectboard governing the timing,  
45 installation and any agreed upon cost-sharing arrangements between the  
46 subdivider and the town or other affected property owners.
- 47

1 (H) **Acceptance.** A road shall be considered a private road unless it is formally dedicated to  
2 the town and accepted by the Waterbury Selectboard as a public highway in accordance  
3 with the standards and procedures for road acceptance under the Waterbury Highway  
4 Ordinance.

5  
6 (I) **Maintenance.** Roads not accepted by the municipality shall be maintained by the  
7 subdivider and subsequent property owners in adequate condition for safe year-round use  
8 and access by emergency vehicles. For major subdivisions the Planning Commission  
9 [Development Review Board] may require documentation of maintenance requirements  
10 in the form of association agreements, covenants, or deed restrictions.

11  
12 (J) **Signs.** Road names must be approved by the Waterbury Selectboard in accordance with  
13 Waterbury Street Naming and Street Addressing Ordinance. Road signs must also  
14 conform to sign regulations under Article VIII (Signs) and state requirements for signs on  
15 state highways. Approved road names shall be clearly depicted on the final plat, and  
16 identified on signs approved by the Selectboard or state.

17  
18 (K) **Modifications.** The Planning Commission [Development Review Board], in consultation  
19 with state and local highway officials, may waive or modify these standards as necessary  
20 to ensure pedestrian and vehicular safety, or where the strict application of the standards  
21 would adversely impact significant natural, cultural, or scenic resources identified under  
22 Subsection (c), on-site or in the vicinity of the subdivision.

23  
24  
25 (g) **Pedestrian, Parking, and Transit Facilities.** Pedestrian, shared parking and transit facilities  
26 shall be shown on the subdivision plan and shall meet the following requirements:

27  
28 (1) **Pedestrian Facilities.** Subdivisions shall incorporate pedestrian facilities to serve the  
29 residents or customers of the subdivision in accordance with the following requirements:

30  
31 (A) Sidewalks shall be provided along internal subdivision roads, to extend or connect to  
32 existing sidewalks, or to conform to any adopted municipal sidewalk plans for all  
33 residential and commercial subdivisions within districts that have minimum lots sizes  
34 of one acre or less. Sidewalks shall be at least five feet wide and be located on both  
35 sides of a street unless modified or waived by the Planning Commission [Development  
36 Review Board]. The Commission [Board] may also require the installation of  
37 pedestrian crosswalks at designated intersections, including subdivision road  
38 intersections with public highways.

39  
40 (B) In all other districts, major subdivisions of 20 or more dwelling units shall incorporate  
41 pedestrian and/or planned recreation paths for the use of landowners within the  
42 subdivision. that connect adjoining properties or provide pedestrian or bicycle access  
43 to community parks, facilities, common areas, or open space. Path easements shall be  
44 at least 10 feet wide and be shown on the subdivision plat.

45  
46  
47 (C) Sidewalks, pedestrian paths, and recreation paths shall meet applicable municipal  
48 standards and applicable Americans with Disability Act Design Guidelines in effect at  
49 the time of application.

1  
2 (D) The Planning Commission [Development Review Board] in consultation with the  
3 Public Works Director, may modify or waive sidewalk and path requirements under  
4 this subsection in accordance with Section [X]02(d) (Waivers):

- 5  
6 (i) in the absence of connecting facilities,  
7 (ii) if it determines that such facilities are unnecessary to ensure safe pedestrian  
8 access to, from and within the subdivision, or  
9 (iii) to facilitate the development of affordable housing.

10  
11 (2) **Parking Facilities.** Common or shared parking areas shall be identified on the subdivision  
12 plat, and designed in accordance with Section 414 (Parking Regulations) and Section 301  
13 (Site Plan Approval). Parking areas for individual lots shall be included within building  
14 zones designated under Section [X]03(b) (Building Zones).

15  
16 (3) **Transit Facilities.** Major subdivisions located on existing or proposed public transit routes  
17 that feasibly could be served by public transit shall incorporate transit facilities, such as a  
18 sheltered transit stop, in subdivision design.

19  
20 (h) **Community Facilities & Services.** The proposed subdivision shall not create an undue  
21 burden on existing and planned community facilities, utilities, and services. The Planning  
22 Commission [Development Review Board] may consult with municipal officials and emergency  
23 service providers to determine whether adequate capacity exists to serve the subdivision. The  
24 Commission [Board] also may require the applicant to document that sufficient infrastructure  
25 capacity exists by providing letters from local officials, or an analysis of available capacity  
26 needed to serve the subdivision, to be prepared by a qualified professional and paid for by the  
27 applicant. The Planning Commission [Development Review Board] may require the phasing of  
28 development in relation to planned capacity improvements, in accordance with a duly adopted  
29 capital budget and program.

30  
31 (1) **Schools.** The proposed subdivision shall not unduly burden the school system. The  
32 applicant may be required to obtain a letter from the Superintendent of Schools  
33 documenting that the school has sufficient existing or planned capacity to accommodate  
34 new students resulting from the proposed subdivision. Project phasing may be required as  
35 necessary to address existing capacity limitations.

36  
37 (2) **Parks & Playgrounds.** Major residential subdivisions of 20 or more dwelling units shall  
38 dedicate at least 10% of the total land area for parks, playgrounds, community gardens,  
39 courtyards, or plazas for use by residents to be incorporated in subdivision design and  
40 shown on the final subdivision plat. These areas may include designated open land under  
41 Subsection [X]03(c) as long as it is demonstrated that they can be used for community  
42 activities without adversely affecting protected resources.

43  
44 (3) **Fire Protection.** The Planning Commission [Development Review Board], in consultation  
45 with the Waterbury Fire Department, may require that the applicant provide recommended  
46 water storage and distribution facilities for fire protection in accordance with department  
47 specifications. The applicant shall install fire hydrants, dry hydrants, or fire ponds as  
48 required by the Commission [Board], and shall ensure adequate access to developed lots for

1 emergency response vehicles. Fire ponds must be designed by a licensed professional  
2 engineer or other qualified design professional.  
3

4 (i) **Utilities.** Subdivisions intended for development shall incorporate utilities and services  
5 necessary to serve proposed development in subdivision design, as shown on the subdivision plat  
6 and described in supporting documentation.  
7

8 (1) **Water Supply & Wastewater Systems.** The applicant shall demonstrate that adequate  
9 potable water supply and wastewater disposal systems exist on- or off-site to serve the  
10 subdivision. Water supply and wastewater systems, including the location of water sources,  
11 water lines, sewer lines, and any connections to municipal systems shall be shown on the  
12 subdivision plat or on supporting site plans appended to the plat. In addition:  
13

14 (A) Individual or community water supply systems shall be designed and installed in  
15 accordance with applicable state regulations. The Planning Commission  
16 [Development Review Board] may require that all water sources, and required  
17 isolation distances, be identified on the final subdivision plat.  
18

19 (B) Where applicable, designated source protection areas (SPAs) for municipal and  
20 community water supplies also shall be identified on the final subdivision plat or site  
21 plans appended to the plat and shall be managed in accordance with a state-approved  
22 source protection plan.  
23

24 (C) Individual or community (clustered) wastewater disposal systems shall be designed in  
25 accordance with applicable state regulations. In addition, the Planning Commission  
26 [Development Review Board] may require that:  
27

28 (i) A proposed subdivision with adequate on-site capacity for clustered systems be  
29 served by a community wastewater system to allow for increased densities of  
30 development or reduced lot sizes, or to protect potable water supply sources.

31 (ii) The location of individual on-site septic systems be shown on the subdivision  
32 plat or site plans appended to the plat.  
33

34 (D) Subdivisions that will connect to municipal water and/or wastewater systems must  
35 meet applicable municipal and state regulations in effect at the time of application.  
36 The applicant shall provide documentation from the municipality, in the form of a  
37 letter from the appropriate department, certifying that adequate reserve capacity exists  
38 to serve the subdivision. Municipal allocations shall be obtained prior to final  
39 subdivision approval. Approval by all state authorities also shall be required prior to  
40 recording a subdivision plat.  
41

42 (E) Water supply and wastewater systems located within designated flood hazard areas  
43 (the Flood Hazard Overlay District) shall be sited and designed to minimize or  
44 eliminate the infiltration of floodwaters into these systems, and discharges from these  
45 systems into flood waters. In addition:  
46

47 (i) Wastewater disposal systems shall not be located in a floodway area,

- 1 (ii) To the extent feasible, new and replacement sanitary sewage systems and on-site  
2 waste disposal systems shall be located outside of designated flood hazard areas,  
3 and  
4 (iii) The lowest elevation of the wastewater distribution field located within a  
5 designated flood hazard area shall be located at least one (1) foot above the base  
6 flood elevation.  
7

8 **(2) Stormwater Management Systems.** The applicant shall demonstrate that adequate  
9 stormwater collection and treatment systems exist on - and off-site to serve the proposed  
10 subdivision. Stormwater management facilities shall be shown on the subdivision plat or on  
11 supporting site plans appended to the plat. In addition:  
12

13 (A) Stormwater management facilities for major subdivisions shall meet the requirements  
14 of Subsection [X]03(d), and be designed and installed in accordance with applicable  
15 state stormwater management and erosion control regulations.  
16

17 (B) Subdivisions that will connect to municipal stormwater drainage systems shall obtain  
18 approval from the Municipal Manager (designee).  
19

20 **(3) Other Utilities.** The location of all existing and proposed utility corridors for electric  
21 transmission and distribution lines, and telephone, gas, and cable lines shall be shown on the  
22 final plat. In addition:  
23

24 (A) To the extent feasible all utilities within the subdivision shall be buried underground  
25 unless the Planning Commission [Development Review Board] determines that, due to  
26 site conditions, burial is not necessary to preserve the scenic character of the area or is  
27 prohibitively expensive.  
28

29 (B) The applicant shall coordinate subdivision design with utility companies to ensure that  
30 suitable areas are available for above or below ground installation within and adjacent  
31 to the proposed subdivision. Utility easements shall be identified on the final plat.  
32

33 (C) Utility corridors shall be shared with other utility and/or highway corridors where  
34 feasible, and be located to minimize site disturbance, adverse impacts to significant  
35 natural, cultural, and scenic features and to protect public health.  
36

37 (D) Utilities located within town rights-of-way are also subject to review by the Public  
38 Works Director. A highway excavation permit may be required.  
39

40 **(j) Legal Requirements.**  
41

42 (1) Land reserved for the protection of significant natural, cultural, or scenic features or other  
43 open land under Section [X]03(c) shall be classified as designated "open land" and may  
44 be held in common ownership, or in separate individual ownership from contiguous  
45 parcels. At minimum, land designated as protected open space shall be indicated with  
46 appropriate notation on the final subdivision plat. Open land may also be dedicated,  
47 either in fee or through a conservation easement approved by the Planning Commission  
48 [Development Review Board] to the municipality, an owners association comprised of all

1 present or future owners of subdivided lots, and/or a nonprofit conservation organization  
2 with the capacity and qualifications to manage conservation easements.  
3

4 (2) The applicant shall provide documentation and assurances, in the form of performance  
5 bonds, deed restrictions, easements, covenants, association agreements, development  
6 agreements or other assurances acceptable to the Planning Commission [Development  
7 Review Board] and Waterbury Selectboard that all required improvements, associated  
8 rights-of-way and easements, and other common lands or facilities will be installed as  
9 required and will be adequately maintained by the applicant and subsequent property  
10 owners.  
11

12 (3) The Planning Commission [Development Review Board] may forward submitted  
13 documentation for review by the town attorney, to be paid for by the applicant. All legal  
14 documents shall be filed in the land records of the town in association with recording the  
15 final plat.  
16

17 (k) **Waiver.** Any subdivision standard under this section may be modified or waived by the  
18 Commission [Board] as specified under Section [X]01(d).  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

35 **Subdivision Definitions [Existing, Proposed]:**  
36

37 ACCESS: A way or means of approach to provide vehicular or pedestrian physical entrance to a  
38 property. See also CURB CUT, DRIVEWAY, ROAD.  
39

40 ACCESS ROAD: Private development road serving a subdivision. See also DRIVEWAY,  
41 ROAD.  
42

43 **ADJACENT:** A land parcel, area, or district that shares a boundary with, or that is directly across  
44 a public road or right-of-way from, another parcel, area, or district.  
45

46 **APPLICANT:** An individual, corporation, or firm, or representative thereof, seeking approval for  
47 a subdivision or development proposal. The applicant and land owner need not be the same.  
48

1 **APPROPRIATE MUNICIPAL PANEL:** The [Development Review Board] Planning  
2 Commission, for subdivision, planned unit development and site plan review, or the Board of  
3 Adjustment for conditional use review, variances and appeals..  
4

5 **BOUNDARY (LOT LINE) ADJUSTMENT:** A division of land for the purpose of adjusting  
6 boundaries between adjacent lots or parcels where no new lot is created. A boundary adjustment  
7 shall not create a nonconforming lot or use. See also SUBDIVISION.  
8

9 **BUFFER:** An area of land designated for the purpose of physically and/or visibly separating one  
10 activity or use from another, or from a natural feature, or to shield or block noise, lights, or other  
11 intrusions.  
12

13 **BUILDING ZONE:** A specific area of a lot, delineated on a subdivision plat, within which  
14 structures, parking and loading areas, shall be located, and outside of which no structures,  
15 parking or loading areas shall be located. A building envelope shall be defined by required  
16 minimum setback and height distances, unless otherwise specified in these regulations. This also  
17 may be referred to as the “buildable area” of a lot.  
18

19 **CLEARING:** The removal of existing vegetation, e.g., as part of site preparation for the  
20 installation of driveways, septic systems, building sites and construction or yard areas. See also  
21 PRE-DEVELOPMENT SITE PREPARATION.  
22

23 **COMMUNITY SYSTEM (Water, Wastewater):** Any water or wastewater disposal system other  
24 than a municipally-owned system which provides potable water to or disposes of wastewater  
25 from two or more domestic, commercial, industrial, or institutional uses. Such systems shall  
26 include associated collection, distribution and treatment facilities. See also PUBLIC WATER,  
27 PUBLIC SEWER.  
28

29 **CONDOMINIUM:** A building in which an individual has the entire undivided ownership of  
30 dwelling unit(s) as opposed to ownership of the land upon which the dwelling sits, and is a  
31 multiple-family dwelling.  
32

33 **CONFORMANCE WITH THE MUNICIPAL PLAN:** Development that, in accordance with  
34 24 VSA §4303 (1) makes progress in attaining, or at least does not interfere with applicable goals  
35 and policies in the municipal plan, that (2) provides for future land uses, densities and intensities  
36 of development contained in the municipal plan, and that (3) carries out, as applicable, any  
37 specific proposals for community facilities or other proposed actions contained in the municipal  
38 plan.  
39

40 **CONTOURS:** Grade elevations that are the same contained along a single line.  
41

42 **COVERAGE (or LOT COVERAGE):** That percentage of the lot area covered by the footprints  
43 of all existing and proposed roofed structures, including principal and accessory buildings and  
44 structures open at the sides, such as porches or carports.  
45

46 **CRITICAL WILDLIFE HABITAT:** Identifiable wildlife habitat that is essential to a life stage of a  
47 wildlife species.  
48

1 **CURB CUT:** The access or opening along the curb line of a traveled way at which point vehicles  
2 may enter or leave the traveled way.

3  
4 **DEVELOPMENT (or LAND DEVELOPMENT):** The division of a parcel into two or more  
5 parcels; the construction, reconstruction, conversion, structural alteration, relocation, or  
6 enlargement of any building or other structure, or of any mining, excavation or landfill; and any  
7 change in the use of any building or other structure, or land or extension of use of land. See also  
8 SUBDIVISION.

9  
10 For the purposes of Article VI, the Flood Hazard Area Regulations, "development" refers to any  
11 man-made change to improved or unimproved real estate, including but not limited to buildings  
12 or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or  
13 storage of equipment or materials.

14  
15 **DRIVEWAY:** Any private right-of-way or easement that provides vehicular access to up to three  
16 parcels. See also STREET.

17  
18 **FRONTAGE:** See Lot Frontage.

19  
20 **GRADE, EXISTING:** Surface elevation prior to any development or pre-development site  
21 preparation.

22  
23 **GRADE, FINISHED:** Surface elevations of grounds, lawns, walks, paved areas, and roads  
24 brought to elevation as shown on plans relating thereto.

25  
26 **HAZARD or HAZARD AREA:** Land characterized by one or more of the following: (1) slopes  
27 in excess of 25%, the development of which is likely to cause undue erosion; (2) wetlands  
28 identified on the National Wetlands Inventory Map; and (3) flood-hazard areas as identified by  
29 appropriate state or federal authorities.

30  
31 **LEGISLATIVE BODY:** The legislative body of the Village of Waterbury is the Village Board of  
32 Trustees. The legislative body of the Town of Waterbury is the Town Select Board.

33  
34 **LOT:** Land occupied, or is to be occupied, by a building and its accessory buildings, having not  
35 less than the minimum area, width and depth required in the district in which such land is situated,  
36 and having frontage on a street or other means of access.. A "lot of record" includes a lot  
37 identified on a subdivision plat or deed recorded in the land records of the Town.

38  
39 **LOT AREA:** Total contiguous area within the property lines of a lot, excluding any part thereof  
40 lying within the boundaries of an existing or proposed street . Separate land parcels connected  
41 only by a road right-of-way or easement shall not be considered contiguous, nor shall  
42 convolutedly shaped lots that violate the intent of the contiguous requirement.

43  
44 **LOT, CORNER:** A lot that has an interior angle of less than 135 degrees at the intersection of  
45 two streets. A lot adjacent to a curved street shall be considered a corner lot if the tangents to the  
46 curve at the points of intersection to the side lot lines intersect at an interior angle less than 135  
47 degrees.

48

1 **LOT DEPTH:** The distance measured from the front lot line to the rear lot line. For irregularly  
2 shaped lots, the average lot depth should be measured by drawing lines every ten feet from the  
3 front to rear lot lines at right angles to the front lot line and averaging their length.  
4

5 **LOT FRONTAGE:** Distance measured across the width of the lot between side lot lines, along a  
6 road right-of-way. For purposes of these regulations, required minimum lot frontage shall equal  
7 or exceed the required minimum lot width for the district in which the lot is located. See also  
8 **LOT WIDTH.**  
9

10 **LOT LINE:** Property lines bounding a lot.  
11

12 **LOT WIDTH:** Width measured at right angles to its lot depth, at the required building front line.  
13

14 **MASTER PLAN:** A long-term plan for the phased development of a planned unit development  
15 or other major subdivision of land.  
16

17 **MINIMALLY VISIBLE:** The character of a view of a development site where the building(s)  
18 is/are not or will not be prominent as seen during the daytime and where summer vegetation will  
19 screen a minimum of approximately 50 percent of the building façade(s) and related structures  
20 on the site, as seen from any vantage point as defined herein.  
21

22 **PARKING AREA:** Any public or private land area designed and used for storing motor vehicles,  
23 including parking lots, garages, private driveways, and legally designated areas of public streets.  
24

25 **PARKING SPACE:** An area that is clearly designated for the temporary location of one licensed  
26 motor vehicle, not including access driveway, within a public or private parking area.  
27

28 **PERENNIAL STREAM:** A stream that has flowing water year-round during a typical year.  
29

30 **PERFORMANCE BOND OR GUARANTEE:** A security, such as a performance bond or letter  
31 of credit, acceptable to the Town, that assures that required improvements will be satisfactorily  
32 completed.  
33

34 **PHASED DEVELOPMENT:** Development undertaken in a logical time and geographic  
35 sequence, e.g., in relation to available infrastructure capacity or existing and planned facilities.  
36

37 **PLANNED UNIT DEVELOPMENT:** A project that provides a more flexible arrangement of  
38 residential and nonresidential structures and uses as outlined in Article VII of this bylaw.  
39

40 **PLAT:** A subdivision map showing the location of subdivision and individual lot boundaries,  
41 building envelopes, rights-of-way, designated open land, markers, and other features as required  
42 under these regulations, for recording in the land records of the town.  
43

44 **PRE-DEVELOPMENT SITE PREPARATION:** Activities including, but not limited to, road  
45 and driveway construction, clearing and/or grading for house sites and septic systems, and  
46 related work.  
47

1 **PUBLIC PARK OR RECREATION AREA:** Includes any publicly owned and operated  
2 playground, playfield, park, garden, picnic area, boating facility, or swimming facility, and may  
3 also include campgrounds and other related facilities as accessory uses.

4  
5 **PUBLIC VEHICULAR WAY:** That portion of a highway (road) right-of-way which is traveled  
6 by vehicles, which may include one or more travel lanes.

7  
8 **PUBLIC WATER, PUBLIC SEWER:** Water supply and sewage disposal systems approved by  
9 the Village Trustees for municipal operation.

10  
11 **RENEWABLE ENERGY RESOURCE:** Energy available for collection or conversion from  
12 direct sunlight, wind, running water, organically derived fuels including wood, agricultural  
13 sources, waste materials, waste heat, and geothermal sources.

14  
15 **RESERVED STRIP:** Privately owned land that controls access to any part of a subdivision or any other  
16 parcel of land from any road or from any land dedicated to public use.

17  
18 **RESUBDIVISION:** A modification or change in a recorded subdivision plat, including but not  
19 limited to changes that affect any lot lines, street or road layouts, areas reserved for public use, or  
20 associated map or plan that has been legally recorded.

21  
22 **RIGHT-OF-WAY:** (1) The right of one to pass over the property of another, (2) a dedicated,  
23 recorded strip of land intended to be occupied by a road, crosswalk, railroad, electric transmission  
24 line, oil or gas pipeline, water or sewer line, or similar use. See also ROAD, STREET.

25  
26 **ROAD:** A dedicated, recorded right-of-way for vehicular traffic that affords the principal means  
27 of access to four or more adjacent properties, and meets the requirements of these regulations.  
28 For purposes of these regulations a road may include a private development road or a public  
29 (town or state) highway. See also DRIVEWAY, STREET, STREET LINE.

30  
31 **RIDGELINE:** The uppermost point, section, or crest of a ridge, mountain, hill, or cliff. The  
32 ridgeline does not include intermediate terraces and steps along the face of the slope.

33  
34 **SCENIC VIEW:** A scenic view is a wide angle or panoramic field of sight and may include  
35 natural and/or man-made structures and activities. A scenic view may be from a stationary  
36 viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a  
37 faraway object, such as a mountain, or a nearby object.

38  
39 **SETBACK:** The distance between the nearest portion of a building on a lot and a street line (road  
40 right of way), a property line or other delineated boundary (e.g., stream bank, wetland boundary)  
41 referenced in these regulations.

42  
43 **SKYLINE:** An outline of a hill or mountain range against the background of the sky as viewed  
44 from a vantage point as defined herein.

45  
46 **STEEP SLOPES:** Slopes having a grade equal to or greater than 25 percent.

47  
48 **STREET:** A dedicated, recorded right-of-way for vehicular traffic that affords the principal  
49 means of access to adjacent properties. See also DRIVEWAY, ROAD.

1  
2 **STREET LINE:** Right-of-way line of a street or road as dedicated by a deed or record. Where the  
3 width of the street is not established, the street line shall be considered to be 25 feet from the  
4 center line of the street pavement.

5  
6 **SUBDIVISION:** A form of land development under these regulations that includes the division of  
7 any parcel of land (lot) into two or more parcels (lots) for the purpose of transfer, sale,  
8 conveyance, long-term lease or development. The term also includes the re-subdivision of a  
9 previously subdivided parcel, amended subdivisions, and all planned unit developments. See also  
10 LAND DEVELOPMENT, LOT.

11  
12 **UNDUE ADVERSE IMPACT:** An adverse impact is undue if the applicant has failed to take  
13 generally available, reasonable mitigating steps to improve the harmony of the proposed project  
14 with its surroundings or if the adverse impact imposes, aggravates, or leads to (a) a serious  
15 negative impact on natural resources, public health, or public safety or (b) a significant  
16 degradation of a site proposed for development, of scenic resources, or of an adjacent property.

17  
18 **UNIQUE OR FRAGILE RESOURCES:** Areas that include irreplaceable, threatened, or  
19 endangered species or communities.

20  
21 **USE:** The specific purpose(s) for which land or structure is, or may be, designed, arranged,  
22 intended or occupied.

23  
24 **VANTAGE POINT:** The location of a view of the proposed building site from a maintained  
25 Class 1, 2, or 3 Town road, state or interstate highway, in the Town or Village of Waterbury, that  
26 extends for at least 200 continuous feet along that road or highway, and is at least 1,000 feet  
27 from the proposed building site.

28  
29 **VIEW CORRIDOR:** A clearing of vegetation for scenic views, designed so as to maximize the  
30 views from the site while rendering the structure(s) on the site minimally visible, as defined  
31 herein.

32  
33 **WILDLIFE TRAVEL CORRIDOR:** A route that permits the direct travel or spread of animals  
34 or plants from one area or region to another, either by the gradual spread of a species' population  
35 along the route or by the movement of individual members of the species.

36  
37 **WORKING FARM:** [To be defined]

38  
39 **YARD:** Space on a lot not occupied with a building or structure. Porches, whether enclosed or  
40 unenclosed, shall be considered as part of the main building and shall not project into a required  
41 yard.

42  
43 **YARD, FRONT:** Yard between the front lot line and the building front line extended to the side  
44 lot lines of the lot. The depth of the front yard shall be measured from the street line to the front  
45 line of the building. If a lot abuts a public street right-of-way, then that side of the lot shall be  
46 considered the front, even if the access to the lot is through a private driveway from another  
47 direction.

- 1 **YARD, REAR:** Yard between the rear lot line and the building rear line extended to the side lot
- 2 lines of the lot. The depth of the rear yard shall be measured from the rear lot line to the rear line
- 3 of the building.
- 4
- 5 **YARD, SIDE:** Yard between the principal building or accessory building and a side lot line, and
- 6 extending from the front yard to the rear yard.