

ELMORE SUBDIVISION REGULATIONS  
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ADOPTED BY THE ELMORE SELECTBOARD  
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SELECTBOARD:

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## ARTICLE I. AUTHORITY & PURPOSE

### Section 1.1 Enactment & Authority

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

(B) It is the policy of the Town of Elmore to regulate the subdivision of land and subsequent development of the subdivided plat, in accordance with these regulations, to ensure the orderly planned, efficient and economical development of the Town.

(C) The Development Review Board (Board) is authorized and empowered to act under these subdivision regulations in accordance with the Act §§4418, 4463], including but not limited to the approval, modification or disapproval of all subdivision plats prescribed herein.

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

### Section 1.2 Purpose

(A) These regulations are adopted for the following purposes:

- (1) To protect and provide for the public health, safety, and general welfare of the Town of Elmore.
- (2) To guide the future growth and orderly development in accordance with the Elmore Town Plan, zoning bylaw, capital budget and program, and all other bylaws and regulations enacted to implement the Plan, in a manner which maintains and strengthens the traditional settlement pattern of compact villages surrounded by an open, working landscape.
- (3) To ensure that land to be subdivided shall be of such character that it can be used safely for its intended purposes.
- (4) To secure safety from fire, flood and other danger, and to prevent overcrowding of the land and undue congestion of population.
- (5) To guide public policy to ensure the provision of adequate and efficient transportation, water, sewage, school, parks, playgrounds, recreation, and other public requirements and facilities.
- (6) To promote the conservation of energy or to permit the utilization of renewable energy resources.
- (7) To ensure that the rate of growth does not exceed the ability of the Town to provide public services and facilities, and that public facilities and services are available and will have sufficient capacity to serve any proposed subdivision.
- (8) To preserve natural areas, critical habitat, scenic and historic resources and productive farmland through the proper arrangement and location of uses on parcels to be developed.

- (9) To provide the most efficient relationship between land use settlement patterns and the circulation of traffic throughout the Town; and to avoid undue traffic congestion and overburdening of roads, highways and intersections.
- (10) To prevent the pollution of air, streams, ponds and lakes; to ensure the adequacy of drainage facilities; to safeguard groundwater; and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (11) To protect Elmore's rural character and unique sense of place, including its cultural heritage, scenic resources and traditional working landscape of small hamlets and villages surrounded by open countryside.
- (12) To minimize the fragmentation of productive resource lands, including farm and forest land, to ensure its continued use and availability for agriculture and forestry.
- (13) To further the purposes contained in the Act, and in particular those purposes set forth in §4302.

### Section 1.3 Application of Regulations

(A) **Applicability.** Prior to any subdivision of land, construction, or site preparation for development; any contract for the sale of all or any part of the land or structures involved; the issuance of a permit for the erection of any building in a proposed subdivision; and before any subdivision plat may be filed with the Town Clerk, the subdivider or authorized agent shall apply for and secure approval of the proposed subdivision in accordance with the procedures set forth in these regulations.

(B) **Exemption of First Subdivided Lot.** Notwithstanding subsection (A), above, any parcel in existence prior to April 11, 2000, may be subdivided into not more than 2 lots without approval under these regulations. Such subdivision shall, however, apply for and receive a zoning permit from the Zoning Administrator in accordance with the Elmore Zoning Bylaws. The creation of an additional lot (three or greater) from any parcel in existence prior to April 11, 2000 shall be subject to all applicable provisions of these regulations.

(C) **Waivers.** In accordance with the Act [§4418(2)], the Development Review Board may waive, subject to appropriate conditions, either:

- (1) sketch plan application requirements set out in Section 2.1 and/or final subdivision plat requirements under Section 3.1; or
- (2) development review standards set forth in Article IV.

In the case of (1), the applicant shall identify the specific requirements for which waiver is requested and state those that are not applicable or cannot be met and are therefore the basis for the requested waiver. In the case of (2), the applicant must establish that due to the special circumstances of a particular site, the requirements of the development review standards for which waiver is sought will create an unreasonable hardship or adversely affect significant natural resources, rural character, or aesthetics.

The request for a waiver shall be submitted in writing by the applicant with the subdivision application, and it shall be the responsibility of the applicant to provide sufficient information to justify the waiver and to enable the Development Review Board to reach a decision. The Board may grant or deny waivers, in whole or in part. In granting waivers, the Board shall require such conditions as will in its judgement secure substantially the objectives of the provisions that are the subject of the waiver.

(D) **Boundary Line Adjustments.** Adjustment of boundary lines between adjacent lots shall not be deemed a subdivision if the Administrative Officer determines that the proposed adjustment:

- (1) is a minor realignment that does not substantially change the nature of any previous subdivision;
- (2) does not create any new lot as a result of the adjustment;
- (3) will not adversely impact access to any parcel;
- (4) will not adversely impact any significant natural resource or result in fragmentation of agricultural land or identified fragile natural feature;
- (5) will not result in the development on any portion of a parcel that has been designated as open space as the result of a prior municipal permit, or allow for the acreage of any open space parcel to be applied to the maximum density or minimum lot size for another parcel; and
- (6) will not create a nonconforming lot(s).

In determining that a boundary adjustments is not a subdivision under this section, the Administrative Officer shall issue a zoning permit for the adjustment in accordance with Section 6.1 of the Elmore Zoning Bylaw. All boundary adjustments shall be surveyed in accordance with Article III and recorded in accordance with Section 2.3.

(E) **Coordination of Review.** The Development Review Board may coordinate the concurrent review of subdivision applications for Planned Residential Developments (PRDs) under the Elmore Zoning Bylaw. All procedures, submittal requirements, and standards under both sets of regulations must be complied with in this review.

#### Section 1.4 Effective Date

These regulations shall take effect immediately after adoption at a regular or special town meeting or, if adopted by a majority of the Elmore Selectboard, it shall take effect twenty-one (21) days from the date of adoption, in accordance with the procedures set forth in the Act [§4442].

#### Section 1.5 Amendments

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

#### Section 1.6 Severability

The invalidity of any provision of these regulations shall not invalidate any other part.

## ARTICLE II. SUBDIVISION REVIEW PROCEDURES

### Section 2.1 Sketch Plans

(A) Sketch Plan Application. In accordance with the Act [§4418(2)], any subdivider of land shall submit a sketch plan of the proposed subdivision and/or boundary adjustment to the Zoning Administrator prior to submitting an application for subdivision approval. The sketch plan shall include the following information:

- (1) Name and Address of the owner of record and applicant.
- (2) Name of owners of record of abutting properties; and, proof of notification of all abutting property owners (see Section 5.1(D)).
- (3) Date, true north arrow and scale (numerical and graphic), and date and number of sketch plan revision, if any.
- (4) Boundaries and area of all contiguous land belonging to the owner of record, including land separated by a public right-of-way.
- (5) The location of existing zoning boundaries.
- (6) A general indication of the boundaries of the following features:
  - a) wetlands;
  - b) flood hazard areas;
  - c) slopes in excess of 15%;
  - d) surface waters and associated buffer areas;
  - e) prime and statewide agricultural soils and other open farmland;
  - f) scenic features identified in the Town Plan; and,
  - g) prominent knolls and ridgelines.
- (7) Other significant physical features, including but not limited to current land uses; existing vegetation including forest type; structures; walls and fence lines; driveways, access roads and utility corridors; historic sites and structures; and drainage patterns.
- (8) Existing and proposed layout of property lines; type and location of existing and proposed restrictions on land, such as easements and covenants.
- (9) The location of proposed development, including building envelopes, streets, driveways, utilities, related site improvements, and the location of proposed open space, land to be held in common and/or other features to be preserved.
- (10) Location map, showing relation of proposed subdivision to adjacent property, uses, and surrounding area.

(B) Initial Meeting Upon receipt of the sketch plan from the Zoning Administrator, the Development Review Board shall schedule an initial meeting to review the sketch plan and accompanying information for compliance with these regulations. The subdivider, or his/her duly authorized representative, shall attend the meeting of the Development Review Board on the sketch plan to discuss the requirements of these regulations.

(C) Action on Sketch Plan. The Development Review Board shall review the sketch plan and accompanying information and shall determine whether the plan conforms to, or would be in conflict with, the Planning and Design Standards set forth in Article IV, the Town Plan, Zoning Bylaw, and/or any other regulation currently in effect. The Development Review Board may make specific recommendations for changes in subsequent submissions and may request additional information to be submitted with the application, including special studies and/or supporting documentation as appropriate. The Board also may provide specific recommendations as to the size, location and configuration of the proposed building envelope to ensure compliance with Article IV. Sketch Plan approval does not assure subdivision plat approval in accordance with Section 2.2.

All written recommendations and requests shall be sent to the applicant within 45 days of the expiration of the meeting, or any continuation thereof. For the purposes of this section, official minutes of the Development Review Board meeting may satisfy the requirement for written recommendations and requests.

## Section 2.2 Subdivision Review

(A) Within six (6) months of the Development Review Board completes its review of the sketch plan and provides written recommendations and requests, the subdivider shall submit an application and fee to the Zoning Administrator for final subdivision plat approval. Failure to do so within the six months shall require resubmission of the sketch plan to the Development Review Board. The application and associated subdivision plat shall:

- (1) contain those items set forth in Section 3.1 of these regulations plus any other items that may be required by the Development Review Board;
- (2) include proof of notification of abutting land owners in accordance with Section 5.1(D) (proof of notification of the submission of an application for subdivision review is required in addition to proof of notification of the submission of a sketch plan under Section 2.1);
- (3) conform to the layout shown on the sketch plan except as amended as a result of recommendations made by the Development Review Board; and
- (4) any additional information specifically requested by the Board as a result of sketch plan review.

(B) Public Hearing. A public hearing to consider the proposed subdivision plat, warned in accordance with Section 5.1(D), shall be held by the Development Review Board at their earliest available regularly scheduled meeting after the date of submission. The subdivider or his duly authorized representative shall attend the hearing to discuss the preliminary plat and associated information and materials. During the course of the hearing, the Board shall provide each person wishing to receive party status (i.e., the right to participate and appeal) the opportunity to demonstrate that they meet one of the definitions of "Interested Person." The Board shall also keep a written record of the name, address, and participation of each of these persons.

(C) Development Review Board Decision. The Development Review Board shall, within 45 days of the public hearing or any continuation thereof, approve, modify and approve, or disapprove such plat. Failure to so act within such 45 days shall be deemed approval. Development Review Board findings, conditions of approval, or the justification for any required modification or for disapproval, and provisions for appeal under Section 5.4, shall be set forth in a written notice of decision. Copies of the

### ARTICLE III. SUBDIVISION PLAT REQUIREMENTS

notice of decision shall be sent to the applicant and any interested parties appearing at the public hearing within said 45 day period.

(D) Phasing. As a condition of approval, the Development Review Board may require subsequent development of the subdivided lots to be divided into two or more phases to be developed at separate times to assure the orderly development of the subdivision and coordination with the planned and orderly growth of the Town as set forth in the Town Plan and any capital budget and program currently in effect.

(E) Effect of Final Approval. The approval by the Development Review Board of a final subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, utilities, park, recreational area or open space shown on the final plat. Such acceptance may only be accomplished by formal resolution of the Selectboard in accordance with applicable State laws.

(F) Revisions to Approved Plats. No changes, erasures, modifications, or revisions shall be made on any subdivision plat after final approval, including any amendment or revision of a condition of final plat approval, unless said plat as modified is first resubmitted to the Development Review Board and approved in accordance with the procedures set forth herein.

#### Section 2.3 Filing of Approved Subdivision Plat

(A) In accordance with the Act [§4463(b)], within 180 days of the date of receipt of subdivision approval under Section 2.2, the applicant shall file one (1) Mylar original of the final plat, two (2) paper copies, and one (1) copy in a digital format compatible with the Vermont Geographic Information System, for recording with the municipality in conformance with the requirements of 27 V.S.A., Chapter 17. Approved plats not filed and recorded within this 180 day period shall expire, unless the Zoning Administrator issues an extension for an additional 90 days in the event that final local or state permits or approvals are still pending.

(B) Prior to plat recording, the plat must be signed by the Chair or other authorized member of the Development Review Board.

(C) After an approved plat or certification by the Town Clerk is filed, no expiration of that approval or certification shall be applicable.

(D) The municipality shall also meet all recording requirements for final subdivision plan and plat approval as specified for municipal land use permits under Section 5.5

(E) Fees for the recording of the final plat and related documents shall be paid by the subdivider.

### Section 3.1 Final Subdivision Plat

(A) Final Subdivision Plat. The final plat shall consist of one (1) Mylar original and two (2) copies of a complete survey of the subdivision tract, on one or more sheets, prepared by a licensed land surveyor. The size and materials of the final plat shall meet all applicable requirements of the Elmore Town Clerk. Space shall be reserved thereon for endorsement by all appropriate agencies. The final plat for a major subdivision shall conform to the sketch plan as approved by the Development Review Board, unless modified to address specific recommendations or requests of the Board resulting from sketch plan review. The Final Subdivision Plat shall show:

- (1) A notation stating: "This plat is subject to the terms and conditions of approval by the Elmore Development Review Board in accordance with the Elmore Subdivision Regulations, granted (date of final approval)," and shall contain signature line for endorsement by the Development Review Board Chair.
- (2) Proposed subdivision name or identifying title, the name and address of the owner of record and subdivider, the name, license number and seal of the licensed land surveyor, the boundaries of the subdivision and its general location in relation to existing streets or other landmarks, and scale, date, true north and grid north.
- (3) Street names and lines, trails, lots, reservations, easements and areas to be dedicated to public use.
- (4) Sufficient data acceptable to the Development Review Board to determine the location, bearing and length of every street line, lot line, boundary line, building envelopes and to reproduce such lines upon the ground. When practicable these should be tied to reference points previously established by a public authority. In instances involving the creation of one or more development lots from a large tract of land, in which one or more of the newly created lots will be of large acreage (e.g. 100+ acres) to be retained or transferred by the subdivider, the Development Review Board may waive the requirement that the large tract be surveyed in accordance with subsection (C).
- (5) Lots within the subdivision numbered in numerical order within blocks, and blocks lettered in alphabetical order.
- (6) The location and boundaries of designated building envelopes.
- (7) The boundaries of all areas to be restricted from development, held in common or reserved as open space or conservation land, pursuant to the requirements of Article IV, with appropriate notation.
- (8) By proper designation on such plat, all public open space for which offers of cession are made by the subdivider and those spaces to be reserved by the owner.
- (9) The location of all the improvements referred to in Article IV as well as the location of all utility poles, underground lines, sewage disposal systems, and rough grading and other devices and methods of draining the area within the subdivision.
- (10) The location of monuments which shall be set at all corners and angle points of the boundaries of the subdivision and at all road intersections and points of tangency and such intermediate points as shall be required by the engineer.
- (11) Any additional notations required by the Development Review Board which reference specific

## ARTICLE IV. PLANNING & DESIGN STANDARDS

conditions of subdivision approval to be included on the final plat.

(B) Supporting Documents. The following supporting documents shall be submitted to the Development Review Board with the final plat, if applicable.

- (1) A certificate of title showing the ownership of all property and easements to be dedicated to the Town and proposed deeds conveying property or easements to the Town.
- (2) A draft of all restrictions which will run with the land and become covenants, including copies of proposed deed restrictions, agreements or other documents showing the manner in which streets, open space and/or other commonly held lands or facilities are to be dedicated, reserved and maintained.
- (3) A certificate from a consulting engineer as to the satisfactory completion of all public improvements proposed by the applicant and/or required by the Development Review Board, or in lieu thereof, a performance bond or equivalent surety to secure completion of such improvements and their maintenance for a period of two years, with a certificate from the Selectboard that it is satisfied with either the bonding or surety company, or with security furnished by the subdivider.
- (4) A copy of association covenants and/or bylaws if a property or homeowners' association is being proposed.
- (5) Any other legal data necessary for the administration and enforcement of these regulations.
- (6) Any other documents required by the Development Review Board pursuant to sketch plan review.

(C) Waiver for Large Parcels. Subdivisions involving especially large parcels, such as the subdivision of a single ten acre lot from an existing 200 acre parcel, may, at the discretion of the Development Review Board, be exempted from one or more of the above requirements, such as the requirement that the boundaries of the large parcel to be retained by the landowner be surveyed. In granting such an exemption, the Development Review Board shall require that the portion of the subdivision involving newly created boundary lines (e.g. the ten acre lot in the preceding example) comply with these requirements, and that a surveyed plat for that portion of the larger subdivision be recorded in the land records.

## Section 4.1 Evaluation & Application of Standards

The Development Review Board shall evaluate any application for subdivision approval in accordance with the standards set forth below. The Board may require the subdivider to submit data addressing impacts related to the following standards. In light of findings made on these standards, the Board may require modification and phasing of the proposed subdivision or measures to avoid or mitigate any adverse impacts.

## Section 4.2 General Standards

(A) **Character of the Land.** Prior to the approval of a subdivision plat, the subdivider has the responsibility to satisfy the Development Review Board that the land to be subdivided is of such a character that it can be used for the intended purpose and density of use without undue adverse impact on public health and safety, the environment, neighboring properties, or the rural character and natural beauty of the community.

(B) **Conformance with the Town Plan and Other Regulations.** Subdivision plats shall conform to the Town Plan and Zoning Bylaw, capital budget and program, and all other bylaws, ordinances and regulations of the Town of Elmore currently in effect.

(C) **Lot Layout.** The layout of lots shall conform to the Town's 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 Lots.** 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 or existing road conditions.
- (4) **Lot Size and Density.** Lot sizes and densities in the 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 and the potential impact on fragile natural resources, including floodplain, wetlands, areas of steep slope, significant wildlife habitat and primary agricultural soils. Densities may be increased by the Board only for Planned Residential Developments under the Zoning Bylaw.

(D) **Monuments and 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.

(E) **Establishment of Building Envelopes.** The Development Review Board shall require the designation of building envelopes to limit the location of structures and associated site development to one or more portions of a lot. The size and shape of each building envelope shall be established in accordance with the standards set forth in these regulations. The Development Review Board may require the identification of specific building footprints if, in their judgement, such information is required to meet the standards set forth in these regulations.

(F) **Landscaping and 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 preserve existing specimen trees, tree lines, wooded areas of particular natural or aesthetic value to the site, or critical wildlife habitat, and to maximize the preservation and establishment of indigenous plant species;
- (2) to provide an undisturbed vegetated buffer between developed and undeveloped portions of the site to protect water quality and/or other natural features. At a minimum, a 50 feet deep buffer shall be established from the mean water level of any stream or lake and/or the delineated boundary of an identified wetland.
- (3) to provide screening of development to increase privacy, reduce noise and glare, or to otherwise soften and/or lessen the visual impacts of development;
- (4) to establish street trees along public or private roads to establish a canopy effect and/or maintain a pedestrian scale where the Board deems it appropriate, including within the Village District;
- (5) to establish a naturalized, vegetative barrier between incompatible land uses;

(G) Energy Conservation. To conserve energy, all subdivisions shall use the least amount of area for road-ways and the least length of sewer, water and utility lines within environmentally and economically sound limits. Clustered development (e.g., planned residential development) should be considered wherever feasible, desirable and allowed. 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.

(H) Disclosure of Subsequent Development Plans. Whenever a subdivider submits a proposal for development on a minor portion of a parcel the 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.

(I) District Settlement Patterns Subdivisions shall be designed to achieve the purpose and desired settlement pattern of the zoning district within which they are located, as defined in Article II. Table 2.1 - Table 2.6, of the Elmore Zoning Bylaw.

### Section 4.3 Protection of Natural Resources

(A) Fragile Features. Subdivision boundaries, lot layouts and building envelopes shall be located and configured to avoid any adverse impact to fragile features. For the purposes of these regulations, fragile features shall include wetlands, flood hazard area, slopes in excess of 25%; and surface waters and associated buffer areas. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Building envelopes shall be located and sized to exclude these features.
- (2) Undisturbed buffer areas sufficient in width to protect the identified feature(s) shall be designated.
- (3) Identified features and adjacent buffer lands should be designated as open space.

(B) Farm Land. Subdivision boundaries, lot layout and building envelopes shall be located and

configured to avoid 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) Building envelopes shall be located at field and orchard edges or, in the event that no other land is practical for development, on the least fertile soils in order to minimize the use of productive agricultural land, impacts on existing farm operations, and disruption to the scenic qualities of the site.
- (2) Vegetated buffer areas may be required between agricultural and other uses to minimize land use conflicts.
- (3) 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 productive agricultural land and minimize visual impacts.

Figure A

Building envelopes should be sized and located to exclude all fragile features, and to exclude farmland to the greatest extent practical. In the example below, the building envelope is less than one acre and avoids the productive farm field, which is maintained as open space.





“Environmentally Sensitive Rural Development,” as defined in the Vermont Stormwater Management Manual, shall be considered to have met the requirements of Sections 2-3 above. These criteria include:

- (a) The overall density is a maximum of 1 unit per 2 acres as an average over the total subdivision;
- (b) The total impervious cover of the subdivision is less than eight percent (8 %);
- (c) A minimum of twenty-five percent (25%) of the project is protected in natural conservation areas.
- (d) Rooftop runoff is disconnected from impervious surfaces such as driveways in accordance with the criteria outlined in the Vermont Stormwater Management Manual
- (e) Grass channels designed in accordance with the Vermont Stormwater Management Manual are used to convey runoff, versus curb and gutter for roads and/or driveways.
- (f) Vegetated stream buffers are incorporated into the site design on both perennial and intermittent streams. Such stream buffers shall conform to Section 3.12 of the Elmore Zoning Regulations, as well as the standards of the Vermont Stormwater Management Manual.

The Development Review Board may require a letter from a licensed engineer certifying that the criteria for an “Environmentally Sensitive Rural Development” outlined above have been met.

- (5) Projects that require a State stormwater discharge permit are exempted from the provisions of Sections 2-3. above. Applicants are encouraged to incorporate Low Impact Development techniques and practices into the stormwater management system and/or to utilize the Voluntary Stormwater Management Credits provided for in the most recent version of the Vermont Stormwater Management Manual. The DRB approval shall be conditional upon the applicant submitting a copy of the State permit to the Administrative Officer prior to the start of construction.

(E) Subdivision in Village Districts. Notwithstanding subsection (B) above, subdivisions in the Village Zoning District shall be designed and configured in accordance with the standards set forth in Article II, Table 2.1 of the Elmore Zoning Bylaws.

#### Section 4.4 Open Space & Common Land

(A) Purpose. Subdivisions shall be designed to preserve open space areas for recreation, lakeshore protection and the preservation of fragile features and farmland. Common land shall be designed to achieve these objectives and to facilitate the maintenance of community facilities.

(B) Preservation of Open Space. Provision shall be made for the preservation of open space. 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) Open space land shall include and provide for the protection of identified fragile features, productive farmland (to the extent practical), recreation areas and facilities, including trails, and historic resources.
- (2) Designated open space may include the portion of a single lot outside of the building envelope which is characterized by one or more of the above referenced features and/or may encompass the contiguous boundaries of the above referenced feature located on multiple lots.

- (3) The location, shape, size and character of the open space shall be suitable for its intended use.
- (4) Provisions should be made to enable open space designated for agriculture and forestry to be used for these purposes. Management plans for forests, wildlife habitat, and shorelands may be required by the Board as appropriate. Areas preserved for agricultural or forestry use should be of a size that retains their eligibility for state and town tax abatement programs.
- (5) Open space shall be located so as to conform with and extend existing and potential open space lands on adjacent parcels.
- (6) 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 Board, that they will in no way disrupt or detract from the values for which the open space is to be protected.

(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, or recreation, including lake access and shoreline and 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.** To ensure that open space and common land is maintained for its intended purposes, the Development Review Board shall determine that appropriate legal mechanisms are in place. To this end, open space may be dedicated, either in fee or through a conservation easement approved by the Board, to the Town, a community association comprising all of the present and future owners of lots in the subdivision, 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 appropriate 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.

#### Section 4.5 Community Services & Facilities

(A) **Public Facilities and Services.** The proposed subdivision will not create an undue burden on public facilities or create an unreasonable demand for public services. The Development Review Board will consider whether the anticipated tax return from the proposed development is equal to or exceeds the cost of anticipated municipal services and facilities directly attributable to the proposed development, and whether the proposed development will place an unreasonable burden on the ability of local governmental units to provide municipal, governmental, or educational services and facilities. A fiscal impact analysis and/or the phasing of development in accordance with a duly adopted capital budget and program may be required as appropriate, the cost of which to be borne by the applicant.

(B) **Fire Protection 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 Board, fire hydrants or ponds shall be installed by the subdivider. To assist the Development Review Board in determining the adequacy of fire protection facilities the applicant shall consult with the fire chief from the fire department responsible for providing coverage for the subject property.

#### Section 4.6 Roads & Pedestrian Access

(A) **Applicability of Road Standards.** The standards contained herein shall apply to all proposed public roads and to private roads serving more than three 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 Selectboard pursuant to state law for the laying out of public rights-of-way. Construction of a road(s) to these standards in no way ensures such acceptance.

(B) Traffic on Affected Roads. Traffic to be generated by the proposed subdivision will not create unreasonable traffic congestion or cause unsafe conditions on public roads 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 to be borne by the applicant. The implementation of mitigation, including road improvements, necessitated by the subdivision shall be the responsibility of the applicant.

(C) Upgrades to Existing Roads. Where an existing public or private road is inadequate or unsafe, the Development Review Board may require the subdivider to upgrade the access road to the extent necessary to serve additional traffic resulting from the subdivision and to conform to these standards. In situations where a development may require realignment, widening or otherwise increasing the capacity of an existing road, or where the Town Plan or duly adopted capital budget and program indicates that such improvements may be required in the future, the subdivider may be required to reserve land for such improvements. 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. Where a

subdivision requires expenditures by the Town to improve existing road(s) to conform to these standards, the Development Review Board may disapprove such subdivision until the Selectboard shall certify that funds for the improvements have been ensured. The subdivider may be required to contribute to any or all of the expenses involved with road improvements necessitated by the project.

(D) Design Standards for New & Improved Roads. All roads serving proposed subdivisions shall be designed in accordance with the Elmore road policy or 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 subsequently amended. Minimum design standards include the following:

- (1) Rights-of-way for all roads shall be a minimum of fifty (50) feet in width.
- (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 shown in Table 4.1, and the following:
  - a) Lower design and posted 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.
  - b) Wider travel lanes and/or shoulders may be required as appropriate to road function (i.e., for collector and arterial roads), or to safely accommodate shared use by bicycles.

Table 4.1 Minimum 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.

- (4) Dead end roads are specifically discouraged. No dead end road shall be permitted without a suitable turn around at its terminus. This may consist of a cul-de-sac with a radius of not less than thirty-five (35) feet, or a "T" or other configuration suitable to topography and adequate for emergency vehicles to turn around efficiently. Dead end roads in excess of eighteen hundred (1800) feet in length are prohibited

- (5) 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, in any fifty feet (50') section, exceed an average grade of 12%.
- (6) Roads shall be designed and laid out to avoid adverse impacts to natural, historic, cultural and scenic resources, and to enhance the vitality of village areas. Roads should follow existing linear features, such as utility corridors, tree lines, hedgerows and fence lines, and should avoid fragmentation of agricultural land and open fields. Techniques for the preservation of scenic views and cultural features should be employed for the construction and maintenance of roads within 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.

(E) 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 amended.

(F) Drainage and Storm Water. A storm water system shall be provided which is designed to control and accommodate storm water collected on all proposed roads and/or parking areas in accordance with Subsection 4.3(D) of these regulations. Generally, roadbeds, shoulders, ditches and culverts shall be designed and maintained in conformance with the Vermont Better Backroads Manual, as most recently amended.

(G) Coordination with Adjoining Properties. The arrangement of roads in the subdivision shall provide for the continuation of roads of adjoining subdivisions and for proper projection of roads through adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension, presently or when later required of needed utilities and public services. Where, in the opinion of the Development Review Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

(H) Accesses & Intersections. All road access shall be subject to the approval of the Vermont Agency of Transportation in the case of state highways and the 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. A new or relocated road or driveway shall be located so that:

- (1) a safe sight stopping distance is provided, as determined by probable traffic speed, terrain, alignments and climatic extremes. Generally, sight distance should be eleven (11) times the speed limit (e.g., a curb cut on a road with 40 mph speed limit would require a minimum sight distance of 440 feet which provides a gap of 7.5 seconds of travel time);
- (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 one hundred twenty-five (125) feet shall not be permitted;
- (3) it intersects the existing road at an angle of between seventy (70) and ninety (90) degrees;
- (4) the intersection grade does not exceed plus or minus three-percent (3%)and;

(5) no structure or planting is situated to impair corner visibility.

(I) 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:

- (1) Subdivision lots shall be served by shared driveways and/or internal development roads providing access to multiple lots. With the exception of accesses (curb-cuts) used solely for agricultural or forestry purposes, no lot in existence as of the effective date of these regulations may be served by more than one access. The Board may approve additional accesses in the event that:
  - a) the additional access is necessary to ensure vehicular and pedestrian safety; or
  - b) the strict compliance with this standard would, due to the presence of one or more physical features (e.g., rivers and streams, steep slopes, wetlands), result in a less desirable site layout and design than would be possible with the allowance of an additional access; or
  - c) a traffic management plan is developed and implemented which will improve vehicular and pedestrian safety and result in a traffic circulation and parking arrangement within the site that better achieves the standards set forth under Section 5.3 than would be possible with a single access.
- (2) If a subdivision has frontage on primary and secondary roads, access shall be from the secondary road unless the Board determines that topographic or traffic safety conditions make such an access unpractical.
- (3) Where extensions of new roads could provide future access to adjoining parcels, a right-of-way shall be provided. The creation of reserved strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.

(J) Road Names and Signs. Roads shall be named in accordance with the Elmore Road Naming Ordinance/Policy, [confirm name] 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.

(K) Driveways. Driveways serving individual lots generally shall comply with the Vermont Agency of Transportation's Standard B-71 for residential and commercial driveways, as most recently amended. In addition:

- (1) Driveways shall be accessible by emergency service vehicles, and shall logically relate to topography so as to ensure reasonable grades and safe intersections with public or private roads. Maximum grade should not exceed 12% average grade within any 50 feet segment. For driveways in excess of five hundred (500) feet in length, a 10' x 30' turnout may be required.
- (2) 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 agricultural land and open space; and to avoid adverse impacts to natural, cultural and scenic features .
- (3) The use of common or shared driveways is encouraged and may be required to in order to minimize the number of access points in accordance with Subsection (G).

(L) **Pedestrian Access.** The Development Review Board may require pedestrian rights-of-way to facilitate pedestrian circulation within the subdivision and to ensure access to adjoining properties or uses or public facilities. The Board may require, in order to facilitate pedestrian access from a subdivision to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

(M) **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.

(N) **Legal Requirements.**

- (1) Every subdivision plat shall show all proposed road and pedestrian rights-of-way, as required under this bylaw, 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 mechanism. Such documentation shall be in a form approved by the Development Review Board and filed in the Elmore Land Records.

#### Section 4.7 Water Supply and Wastewater Disposal

(A) **Water Supply.** Water supply systems shall be designed and built to meet all applicable state and local requirements. The Development Review Board may require evidence that adequate water supply is available through an existing or proposed system prior to granting final approval. The Board may require as a condition of approval, or as a condition of issuing zoning permits, that the subdivider provide the results of water samples tested by the Vermont Health Department. The following standards shall be met for subdivision being serviced by a public or private water system, or individual wells:

- (1) Due consideration shall be given to drainage patterns in the area.
- (2) Building sites and new roads shall be located to avoid groundwater or surface water contamination as a result of leachate run-off.
- (3) Buildings and septic systems shall be located sufficiently above flood water levels and high groundwater areas to prevent chronic dampness in basements and the pollution of surface water.
- (4) There shall be no adverse impact on existing water supplies from the proposed water supply for the subdivision.

(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 state and municipal requirements, of sufficient capacity for the intended density and types of use; or that

an alternative, off-site disposal location, secured through an easement or other form of legal conveyance, is similarly suitable and available.

(C) Individual Systems. Individual water and wastewater systems shall meet all local and state regulations for design, installation and maintenance. The Board may require copies of all applicable municipal or state on-site wastewater disposal permit.

(D) Connection to Existing System. Where connection to an existing water 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. The Development Review Board also may require that the subdivider provide, or to have installed, at his expense, larger lines, pumping, storage and other facilities outside of the subdivision, if required specifically to meet the requirements of the proposed development.

#### Section 4.8 Utilities

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

- (1) All utility systems, including but not limited to electric, gas, telephone, and cable television, shall be located underground throughout the subdivision, unless deemed unreasonable and prohibitively expensive by the Development Review Board.
- (2) The subdivider shall coordinate subdivision design with the utility companies to insure adequate and suitable areas for under or above ground installation, both for the proposed subdivision, and areas adjacent to the subdivision.
- (3) Utility corridors shall be shared with other utility and/or transportation corridors where feasible, and located to minimize site disturbance, the fragmentation of agricultural, conservation and shore lands, any adverse impacts to natural, cultural or scenic resources, and to public health.

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

## ARTICLE V. ADMINISTRATION & ENFORCEMENT

### Section 5.1 Administration & Fees

(A) Administration. These regulations shall be administered by the Elmore Development Review Board as authorized by the Act [§§4418, 4463, 4464]

(B) Application Fees. Upon submission of an application for minor subdivision approval, major subdivision preliminary approval, or major subdivision final approval, the subdivider shall pay the application fee as established by the Select Board. Such fee shall include the costs of publication, public hearings, administrative review and for periodic inspections by Town retained consultants during the installation of public improvements.

(C) Independent Technical Review. Should the Development Review Board deem it necessary to employ an engineer, attorney or other consultant to review any subdivision plans or portion thereof, and/or any associated legal documentation, all costs of such review shall be paid by the subdivider.

(D) Hearing Notice Requirements. All public hearings required under these regulations shall be warned in accordance with the Act [§4464] and the following:

- (1) Notice shall be given not less than fifteen (15) days prior to the date of the public hearing in a newspaper of general circulation in the town, the same information shall be posted in three (3) or more public places within the municipality, including the posting of a notice within view from the public right-of-way nearest to the property for which the application is being made.
- (2) For hearings on subdivision plats located within 500 feet of a municipal boundary, a copy of such notice shall be sent at least fifteen (15) days prior to the public hearing to the Clerk of the adjacent municipality.
- (3) Abutting landowners shall be notified, via the U.S. Mail, by the applicant at least fifteen (15) days prior to the public hearing, and at least seven (7) days prior to the first meeting of the Development Review Board to consider a proposed sketch plan under Section 2.1. Such notice shall include a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and notification that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal. Proof of notification may include a certificate of mailing or a copy of the letter, list of abutters and a signed affidavit attesting to the mailing.

### Section 5.2 Enforcement & Penalties

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

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

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

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

### Section 5.3 Limitations on Enforcement

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

(B) Nothing in this section shall prevent any action, injunction or other enforcement proceeding against the person who first created the violation, whether or not the person is the current owner or occupant. As used in this Section, “person” shall be defined in accordance with the statutory definition under the Act [Section 4454(d)].

### Section 5.4 Appeals

(A) Pursuant to the Act [§4471], an interested person who has participated in a Development Review Board Hearing to consider an application for subdivision review held in accordance with Section 2.2 may appeal a decision rendered by the Board to the Vermont Environmental Court. “Participation” in a hearing of the Board shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.

(B) A notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Town Clerk, or the Zoning Administrator if so designated, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

### Section 5.6 Recording Requirements

In accordance with the Act [§4449(C)], within 30 days after the issuance of a municipal land use permit, including subdivision approval, or notice of violation, the Zoning Administrator shall deliver either the original, a legible copy, or a notice of the permit or violation to the Town Clerk for recording in the land records of the town as provided in 24 V.S.A. §1154, and file a copy in the offices in a location where all municipal land use permits shall be kept. The applicant may be charged recording fees as allowed by law.

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**ARTICLE VI. DEFINITIONS****Section 6.1 Interpretation**

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

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

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

**Section 6.2 Definitions**

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

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

**Building Envelope:** A specific area delineated on a lot within which all structures are to be located, and outside of which no structures are to be located.

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

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

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

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

**Impervious Surface:** Manmade surfaces, including paved and unpaved roads, paved and unpaved areas, roofs, decks, driveways, and walkways or footpaths, from which precipitation runs off rather than infiltrates.

**Interested Person:** An interested person, defined in §4465 as having the right to appeal a decision of the Development review Board to the Vermont Environmental Court, includes the following:

- a) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.

- b) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.
- c) A person owning or occupying property in the immediate neighborhood of a property that is the



subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.

- d) Any ten persons who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal. And
- e) Any department and administrative subdivision of this state owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the agency of commerce and community development of this state.

Also see "Person."

**Lot:** A parcel of land occupied or intended to be occupied by only one principal use, and accessory structures or uses customarily incidental to the principal use (unless otherwise approved as part of mixed use or Planned Unit Development) A lot shall have sufficient size to meet the zoning requirements for use, area, setbacks, density, and coverage, and to provide such yards, and other open areas as herein required. Such lot shall have frontage on a maintained public road or other legal access as approved by the Development Review Board. For the purposes of these regulations, Town Road right-of-ways shall not be considered lot boundaries unless approved as such by the Development Review Board.

**Low Impact Development (LID):** A set of techniques and practices for stormwater management designed to mimic natural hydrologic function by reducing stormwater runoff and increasing groundwater recharge and pollution treatment. LID practices are usually small in scale and diffuse across a project site; they are generally surface vegetative systems that are integrated with the site development infrastructure. Examples of Low Impact Development practices include:

**Bioretention System.** Bioretention or bioinfiltration systems retain runoff and pass it through a filter bed comprised of specific soil media. They resemble landscaped depressions and can contain grasses, wildflowers, shrubs, or trees depending on the size of the area. Stormwater runoff is delivered by channels, filter strips, curb cuts, or piping to these depressions where it temporarily ponds on the surface before seeping through an organic underground filter system and discharging to an underdrain network or infiltrating into the underlying soils. Treatment of stormwater includes attenuation of sediment, metals, bacteria, and nutrients.

**Rain Garden.** Rain gardens are smaller-scale bioretention systems, well-suited for residential lots. They retain runoff and pass it through a filter bed comprised of specific soil media. They are a landscaped depression used to mitigate rooftop runoff or located at a low point on the lot to treat all stormwater on-site. Rain gardens are designed to be aesthetically pleasing and low maintenance with plant materials that can withstand periodic inundation. Rain gardens are usually sized to accommodate runoff from typical small storms, and during less frequent large storms they will overflow.

**Swale.** Swales are open, grassed channels that are designed to treat, attenuate, and convey stormwater runoff. They are similar to conventional drainage ditches except that they are designed with a wider and shallower profile and flatter slope for a slower water velocity. There are many types of swales, and the specific design features and treatment methods vary among them. Some swales are designed with a fabricated soil bed and underdrains similar to a bioretention system.

Generally swales are used as pretreatment to other practices, although depending on the design they may also provide some pollutant removal or infiltration.

**Vegetated Buffer.** Vegetated buffers may be engineered stormwater treatment areas or undisturbed natural areas where vegetation is used to treat and control stormwater. Buffers can be used to disperse and infiltrate stormwater runoff immediately adjacent to rivers, streams, ponds, and wetlands. They are an effective means of minimizing the amount of pollutants entering water bodies. They can also be used to treat stormwater along property boundaries or downslope of disturbed areas. They reduce runoff velocity, serve to protect soil from erosion and filter pollutants. Buffers comprised of natural woody vegetation are preferred. When natural vegetation cannot be preserved, new buffers can be designed as shallow pitched vegetated areas with herbaceous plants, low-lying groundcovers, shrubs, and trees. Stormwater flowing into buffer areas should be sheet flow and may require the use of a level spreader.

**Dry Well.** A dry well is an underground chamber or large vertical pipe filled and/or surrounded with stone, typically used to collect and infiltrate roof runoff. Water from sources other than a roof will likely need preliminary treatment to filter out any solids that could clog the dry well. An overflow outlet is frequently needed for runoff from large storms that cannot be fully infiltrated. Dry wells are best suited where soils have high infiltration rates and there is adequate depth to groundwater and bedrock.

**Infiltration Trench.** An infiltration trench is similar to a dry well except that it is a horizontal rock-filled trench with no outlet. Stormwater is usually pretreated before entering the trench where it is stored in the void space between the stones and infiltrates through the bottom and into the soil. An overflow outlet is frequently needed for runoff from large storms that cannot be fully infiltrated. Infiltration trenches are best suited where soils have high infiltration rates and there is adequate depth to groundwater and bedrock.

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

**Person:** Any individual, partnership, corporation, association, unincorporated organization, trust, or any other legal or commercial entity, including a joint venture or affiliated ownership which owns or controls land or other property to be subdivided and/or developed under the provisions of these regulations. The word "person" shall also include any municipality or other government agency.

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

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

**Significant Wildlife Habitat.** Significant wildlife habitats are those natural features that are essential for the survival and/or reproduction of the native wildlife of Elmore. This shall include, but is not limited to, (1) deer winter habitat; (2) habitat for rare, threatened and endangered; (3) concentrated black bear feeding habitat (bear-scarred beech and oak stands); and (4) wetlands that provide critical functions for sensitive or unusual wetland-dependent wildlife such as breeding/nesting habitat for wading birds (bitterns, herons), waterfowl (ducks, geese) and otter and vernal pools.

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

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

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

**Subdivision:** Division of any lot or parcel of land, after the effective date of these regulations, into two or more lots of any size, for the purpose of conveyance, transfer of ownership, improvement, building, development, or sale. The term subdivision includes re-subdivision.

**Town Plan:** The Elmore Town Plan as most recently adopted.

**Wetlands:** To include all wetlands identified on Vermont Wetland Inventory (VWI) maps, wetland areas identified as “Ecologically Significant Wetlands” by the Vermont Nongame and Natural Heritage Program, and/ or wetland areas identified through site analysis to be inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction pursuant to the Vermont Wetland Rules.