

# Subdivision Regulations

Town of Hinesburg, Vermont

## Rural Design Standards Revisions

- 6.12 – Rural Area Design Standards
- 10.1 – Article 9 – Definitions:
  - interior forest blocks (new) – new secondary resource area
  - wetland - correction to State classification system regarding vernal pools
  - vernal pool (new) – special type of wetland

**Track Changes version showing new language – new language underlined, deleted language under strikeouts**

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**ARTICLE 1: TITLE, POLICY, AND PURPOSE**

**SECTION 1.1 TITLE**

These regulations shall be known as the Hinesburg Subdivision Regulations.

**SECTION 1.2 POLICY**

- 1.2.1 It is hereby declared to be the policy of the Town of Hinesburg to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the Town of Hinesburg pursuant to the Vermont Planning and Development Act (Act) and the Hinesburg Town Plan (Plan) for the orderly, planned, efficient and economical development of the Town.
- 1.2.2 Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace. The design of subdivisions of land shall respect significant natural resources, historic resources or scenic or cultural features that contribute to the Town's rural character. Proper provision must be made for drainage, water, sewage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and other facilities and improvements.
- 1.2.3 These regulations govern "subdivision" as defined in Article 9 of these regulations.

**SECTION 1.3 PURPOSE**

These regulations are adopted for the following purposes:

- 1.3.1 To protect and provide for the public health, safety, and general welfare of the Town of Hinesburg.
- 1.3.2 To guide the future growth and orderly development of the town in accordance with the Hinesburg Town Plan, Zoning Bylaw and all other Bylaws enacted to implement the Plan, and for the purposes set forth in the Vermont Planning and Development Act.

**ARTICLE 2: PROCEDURE FOR CONVEYANCES NOT CONSTITUTING A SUBDIVISION**

Note: Properties that have received previous subdivision or other permits requiring the filing of a survey/plat must amend these permits prior to any transfer of land. See section 7.7 on revisions as well as the definition of “re-subdivision”.

**BOUNDARY ADJUSTMENT**

Changes in boundaries between two adjoining parcels without the creation of any new lots. Includes the elimination of a parcel by merging all of it with an adjoining parcel.

NEEDS:

**Zoning Permit from Zoning Administrator**

**LOTS FOR AGRICULTURE OR FORESTRY OR CONSERVATION**

Transfer of land solely for commercial forestry or agricultural or conservation purposes.

NEEDS:

**Zoning Permit from Zoning Administrator**

**SECTION 2.1 ZONING PERMIT REQUIRED**

2.1.1 With the exception of leases (see section 2.2), any division of a parcel of land which is not a subdivision as defined in Article 9, shall require a Zoning Permit from the Zoning Administrator. The Zoning Administrator shall record the permit in the Hinesburg Land Records, indicating that the conveyance is in compliance with these Subdivision Regulations and the Zoning Bylaw. The Zoning permit shall expire one year after its date of issue if a deed has not been filed with the Town Clerk to record the land conveyance. The transferred land in a boundary adjustment shall merge with the receiving parcel, and shall not constitute a separate lot or be further subdivided except in accordance with these regulations.

2.1.2 Submission Requirements: The interested parties shall submit to the Zoning Administrator an application for a Zoning Permit, providing such information as the Zoning Administrator shall require to determine whether the conveyance is in compliance with these Subdivision Regulations and the Zoning Bylaw. In addition to any other information required by the Zoning Administrator, the application shall include:

- (1) The names, addresses, and signatures of owners of all parcels involved.
- (2) A survey of the land being conveyed. This may be a full survey of all parcels involved, or of a lesser area as long as it includes the area being transferred. The survey shall note the acreage of the original parcels and the resulting parcels. An approximate acreage is acceptable for parcels that are not being fully surveyed.

**SECTION 2.2 REVIEW PROCESS FOR LAND LEASES**

Non-exempt land leases shall be subject to subdivision review. Certain leases are exempt from subdivision review – see “Subdivision” definition in Article 9. Leases of very small land areas, less than 400 square feet, for the purpose of placing utility infrastructure (electrical, telecommunication, TV/cable, internet, etc.) Shall be exempt from subdivision review/approval as long as a survey/plat showing the lease area is recorded in the Town Land Records.

The survey shall be by a licensed land surveyor and shall meet State statutory requirements for survey plats. The survey shall include: identifying title; the name of the town; the name and address of the owner of record; the name, license number and seal of the licensed land surveyor; the boundaries of the lease area and its general location in relation to overall parcel; a location map showing the overall parcel in relation to existing streets or other landmarks; scale, date and true north point.

**ARTICLE 3: SUBDIVISION REVIEW PROCESS**

All subdivisions are subject to either the Major or Minor review processes as defined in Article 9 (Definitions).

**MINOR SUBDIVISION**

Any residential subdivision involving three or less lots

NEEDS:

- 1. Sketch Plan Review**
- 2. Final Plat Review**

**MAJOR SUBDIVISION**

Any residential subdivision containing four or more lots, any nonresidential subdivision, any multi-family housing project, and any subdivision proposing new public roads

NEEDS:

- 1. Sketch Plan Review**
- 2. Preliminary Plat Review**
- 3. Final Plat Review**

**SECTION 3.1 SKETCH PLAN**

The purpose of sketch plan review is to allow the subdivider to meet with the Development Review Board to discuss the proposed subdivision conceptually, before the subdivider invests substantial effort and resources in design and planning for the project. Sketch plan review also gives the Development Review Board an opportunity to classify the project and define the issues to be addressed by the subdivider for subsequent meetings.

3.1.1 Sketch Plan Submission Requirements: Any subdivider of land shall submit a sketch plan of the proposed subdivision, which shall include the following information:

- (1) Name and address of the owner of record and of the applicant, if not the same.
- (2) Name of owners of record of adjoining properties.
- (3) Boundaries and area of all contiguous land belonging to owner of record and the proposed subdivision.
- (4) Existing and proposed layout of property lines; type and location of existing and proposed restrictions on land, such as easements and covenants.
- (5) Type, location, and approximate size of existing and proposed roads, buildings, trails, utilities, and open space.
- (6) Approximate delineation (rough sketch) identifying site features and constraints to development such as woodlands, agricultural lands, steep slopes, ledge outcrops, and any significant natural resources including streams, wetlands, flood plains and springs, and identification of any significant scenic, cultural or historic features.
- (7) Date, true north arrow and scale (numerical and graphic).

(8) Location map, showing relation of proposed subdivision to adjacent property and surrounding area.

3.1.2 Master Plan Submission Requirement (Village Growth Area): Within the Village Growth Area zoning districts (see Zoning Regulations section 3.1), subdivision proposals on parcels over 1 acre (excluding minor amendments to previously approved projects, as determined by the DRB) shall include a conceptual-level master plan for the overall property owned or controlled by the applicant and/or landowner. This master plan shall further the purpose and goals of the Village Growth Area as outlined in the Zoning Regulations and the Town Plan. It shall delineate and address the following significant natural features: streams, mapped wetlands, flood hazard areas, steep slopes 25% or greater. Future or anticipated phases may have less detail and need not delineate individual lots or building sites. The focus of the master plan should be on identification of critical infrastructure and the mix of future uses. Critical infrastructure to be addressed includes: access points, basic road and bike/pedestrian connections, areas reserved for public or community space, major water and sewer infrastructure (i.e., major service lines and pump station locations, not construction details or detailed lot by lot connections), major stormwater treatment areas. See the Town's Official Map for guidance on planned public infrastructure (roads, sidewalks, community facilities, etc.). Future uses shall include specific or broad categories such as residential, mixed use, retail, office, light industry, park, natural areas, agriculture, etc. For guidance on the desired mix of uses, see the overall Village Growth Area purpose statement above as well as the purpose statements for individual zoning districts. See section 5.22 for guidance on overall development design.

To the extent that current undeveloped uses (e.g., agriculture) will be continued, the master plan shall address the compatibility with the proposed development, and ensure that appropriate access is provided. Due to significant wetland constraints, master plans for properties in the Village Northwest, Village Northeast, and Residential 2 districts shall also include a wetland delineation for those portions of the property with development potential (immediate or long term). The DRB shall address the master plan in its decision(s), and subsequent applications shall be consistent with the master plan unless the application proposes a new master plan with suitable refinements and improvements.

3.1.3 Sketch Plan Layout Sketches: Applicants are invited to explore a variety of potential layouts for the proposed subdivision. One or more alternatives may be submitted on tracing paper overlays of the sketch plan. The layouts should also indicate how the proposed subdivision relates to surrounding development, roads and land uses.

3.1.4 Attendance at Sketch Plan Review and Notice: The subdivider, or his duly authorized representative, shall attend the meeting of the Development Review Board on the sketch plan to discuss the requirements of these regulations for streets, improvements, drainage, sewage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.



Public notice shall be provided no later than 15 days prior to DRB review – note, this is a longer notice time than required by section 4464(a)(2) and 4463(a) of the Act.

- 3.1.5 Classification of Subdivision: The Development Review Board shall classify the sketch plan at the meeting as either a minor subdivision or a major subdivision. The Development Review Board may also require, where necessary for the protection of the public health, safety and welfare that a minor subdivision comply with all or some of the requirements specified in these Bylaws for major subdivision.
- 3.1.6 Action on the Sketch Plan: More than one sketch plan may be submitted for review. The Development Review Board shall study each sketch plan to determine whether or not it conforms to, or would be in conflict with the Town Plan, the Zoning Bylaws and any other By-Laws then in effect. The Development Review Board shall within forty-five (45) days after the sketch plan review, approve, modify and approve, or disapprove the sketch plan. Alternatively the Development Review Board may permit the applicant to withdraw the sketch plan application in order to subsequently submit a modified sketch plan. Failure to act within such forty-five days shall be deemed approval. The grounds for any modifications required or the grounds of disapproval shall be set forth in a written notice of decision. A sketch plan is valid for a period of six months.

## **SECTION 3.2 MINOR SUBDIVISION**

- 3.2.1 Application: Within six (6) months following sketch plan approval, the subdivider shall submit an application for Minor Subdivision. The application shall contain those items set forth in Section 3.2.4 of these regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the Development Review Board.
- 3.2.2 Public Hearing: public hearing is required for consideration of a Minor Subdivision. The subdivider shall submit an application to be reviewed and accepted as complete by Development Review Board staff. Public notice shall be provided no later than 15 days prior to DRB review pursuant to section 4464(a)(1) and 4463(a) of the Act.
- 3.2.3 Action: The Development Review Board shall within forty-five (45) days after the close of the public hearing approve, modify and approve, or disapprove such plat. Failure to act within such forty-five days shall be deemed approval. The grounds for any modifications required or the grounds of disapproval shall be set forth in a written notice of decision.
- 3.2.4 Submission Requirements - Minor Subdivision
  - (1) Requirements for minor subdivision applications consist of submitting a Final Subdivision Plat. The final plat for a subdivision shall conform in all respects to the sketch plan as approved by the Development Review Board. Applicants are also encouraged to review the planning and design standards in

Articles 5 & 6 of these regulations. The Final Subdivision Plat shall consist of drawings and submittals which provide the following:

- (a) Identifying title for the proposed subdivision, the name of the municipality, 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 and true north point
  - (b) Street names and lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
  - (c) Sufficient data acceptable to the Development Review Board to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. When practicable these should be tied to reference points previously established by a public authority.
  - (d) Final design for all roadways, including the length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.
  - (e) By proper designation on such Plat, all public open space for which offers of conveyance are made by the subdivider and those spaces title to which is reserved by the subdivider.
  - (f) Lots within the subdivision numbered in numerical order.
  - (g) Monuments which shall be set at all corners and angle points of the boundaries of the subdivision, and monuments required by municipal specifications for new roads, at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the engineer.
  - (h) A proposed utility system design. Only basic elements of this design should be shown on the plat. Any detailed design information should be submitted separately as a supporting document. The plat should include a note that the proposed utility locations may be modified slightly when installed, due to unforeseen site constraints (e.g., ledge).
- (2) The following supporting documents shall be submitted to the Development Review Board with the final plat application:
- (a) The location and design of all of the improvements referred to in Article 6 (Required Improvements and Design Standards) and in addition thereto the location of all utility poles, sewage disposal systems, water supply systems, and rough grading and other devices and methods of draining the area within the subdivision.

- (b) Erosion control measures, if any are proposed, during and after construction.
- (c) Final design of all bridges and culverts that are a part of the subdivision.
- (d) When the project involves access to a Town road, evidence that an access/driveway permit application has been filed with the Highway Department, including feedback from the Highway Foreman. When the project involves access to a State highway, evidence that the VT Agency of Transportation has reviewed the proposed access (e.g., letter of intent).
- (e) Copies of proposed deeds, agreements or other documents showing the manner in which open space, including park and recreational areas and school site areas, are to be dedicated, reserved and maintained and if requested by the Development Review Board, a certificate from the Selectboard or Town attorney that these documents are satisfactory. Such certificate shall not be construed, however, as acceptance by the Town of Hinesburg, of any areas proposed to be dedicated to the Town.
- (f) If requested by the Development Review Board, a certificate from a Town consulting engineer as to the satisfactory completion of all improvements required by the Development Review Board, or, in lieu thereof, a performance bond 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 either with the bonding or surety company, or with security furnished by the subdivider.
- (g) Any other documents required by the Development Review Board.

### **SECTION 3.3 MAJOR SUBDIVISION**

- 3.3.1 Preliminary Plat Application: Within six (6) months following sketch plan approval, the subdivider shall submit an application for approval of a preliminary plat. The application shall contain those items set forth in Section 4.1 of these regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the Development Review Board.
- 3.3.2 Preliminary Plat Public Hearing: Public notice shall be provided no later than 15 days prior to DRB review – note, this is a longer notice time than required by section 4464(a)(2) and 4463(a) of the Act.
- 3.3.3 Action on Preliminary Plat: The Development Review Board shall within forty-five (45) days after the close of the public meeting approve, modify and approve, or disapprove such plat. Failure to act within such forty-five days shall be deemed approval. The grounds for any modifications required or the grounds of disapproval shall be set forth in a written notice of decision. Copies of the notice of decision of the Development Review Board shall be sent to the applicant and any interested parties requesting such notice by certified mail, return receipt requested, within said period.

- 3.3.4 Adequate public facilities & phasing: For projects undergoing site plan, conditional use, subdivision, or planned unit development review, the DRB may limit development or require phasing to assure orderly growth in coordination with the construction or implementation of related public facilities and services as outlined in the Capital Budget & Program. Project build out must take place over a sufficient period of time to allow for the provision of adequate and necessary public facilities as determined by the DRB. Consideration shall be given to public facilities and services including, but not limited to: school capacity, fire and police protection, municipal water and wastewater treatment capacity, parks and recreation, road and intersection capacity, non-vehicular access (e.g., bike/ped).
- 3.3.5 Effect of Preliminary Plat Approval: Approval of a preliminary plat shall not constitute approval of the subdivision plat. Prior to approval of the final subdivision plat, the Development Review Board may require additional changes as a result of further study. The approval of a preliminary plat shall be effective for a period of one (1) year. The preliminary plat shall be null and void if a final plat application is not received prior to the expiration of one (1) year and the subdivider shall be required to resubmit a new plat for preliminary approval subject to all new zoning and subdivision regulations. Should the Development Review Board impose sectionalizing as a condition of preliminary plat approval, it may extend the one-year effective period of preliminary approval.
- 3.3.6 Final Plat Application: Before expiration of the preliminary plat, the subdivider shall submit an application for approval of a final subdivision plat. The application shall contain those items set forth in Section 4.2 of these regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the Development Review Board. If sectionalizing was a requirement of preliminary plat approval, a separate final plat application shall be filed for each section within the time periods imposed in the preliminary plat approval.
- 3.3.7 Final Plat Hearing: The subdivider shall submit an application to be reviewed and accepted as complete by Development Review Board staff. Public notice shall be provided no later than 15 days prior to DRB review pursuant to section 4464(a)(1) and 4463(a).
- 3.3.8 Final Plat Action: The Development Review Board shall within forty-five (45) days after the public hearing approve, modify and approve, or disapprove such plat. Failure to act within such forty-five days shall be deemed approval. The grounds for any modifications required or the grounds of disapproval shall be set forth in a written notice of decision.

**ARTICLE 4: APPLICATION SUBMISSION REQUIREMENTS FOR MAJOR SUBDIVISIONS**

**SECTION 4.1 PRELIMINARY PLAT SUBMISSION**

4.1.1 The Preliminary Subdivision Plat shall consist of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of not more than one hundred (100) feet per inch, showing or accompanied by the information below. Applicants are also encouraged to review the planning and design standards in Articles 5 & 6 of these regulations.

- (1) Identifying title of the proposed subdivision and the name of the town.
- (2) Name and address of owner of record, subdivider and designer of Preliminary Plat.
- (3) Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses and other significant existing physical features including wooded areas, large trees and ledge outcrops.
- (4) The names of owners of record of adjacent acreage.
- (5) All zoning district boundaries running through the tract.
- (6) The location and size of any existing sewer and water mains, culverts and drains on the property to be subdivided.
- (7) Location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces as well as similar facts regarding adjacent property
- (8) Contour lines at intervals of at least five (5) feet of existing grades and of proposed finished grades where change of existing ground elevation will be five (5) feet or more or where required by the Development Review Board.
- (9) Typical cross sections of the proposed grading and roadways and sidewalks. Sections and profiles of the roadways within the subdivision shall be provided when requested by the Development Review Board.
- (10) Date, true north point and scale.
- (11) Complete survey of subdivision tract by a licensed land surveyor.
- (12) Means of providing water supply to the proposed subdivision
- (13) Means of on-site disposal of septic wastes including location and results of tests to ascertain subsurface soil, rock and ground water conditions, depth to ground water unless pits are dry at depth of five (5) feet; location and results

of percolation tests.

- (14) Provisions for collecting and discharging storm drainage, in the form of drainage plan.
- (15) Preliminary designs of any bridges or culverts which may be required.
- (16) The proposed lot lines with approximate dimensions and suggested locations of buildings or building envelopes.
- (17) The location of temporary markers adequate to enable the Development Review Board to locate readily and appraise the basic layout in the field. Unless an existing street intersection is known, the distance along a street from one corner of the property to the nearest existing street intersection shall be shown.
- (18) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- (19) Erosion control measures, if any are proposed, during and after construction.
- (20) The location of natural features or site elements to be preserved, protected, or managed in accordance with the Town Plan.
- (21) List of waivers, if any, the subdivider desires from the requirements of the Subdivision Regulations or those specified under PRD/PUD provisions in the Zoning Bylaw.
- (22) A site plan in conformance with the site plan review provisions of the Zoning Bylaw, where applicable.
- (23) A proposed utility system design. Only basic elements of this design should be shown on the plat. Any detailed design information should be submitted separately as a supporting document. The plat should include a note that the proposed utility locations may be modified slightly when installed, due to unforeseen site constraints (e.g., ledge).
- (24) When the project involves access to a Town road, evidence that an access/driveway permit application has been filed with the Highway Department, including feedback from the Highway Foreman. When the project involves access to a State highway, evidence that the VT Agency of Transportation has reviewed the proposed access (e.g., letter of intent).

4.1.2 Context Map: The preliminary plat shall be accompanied by a context map drawn to scale, showing the relation of the proposed subdivision to the adjacent properties and to the general surrounding area including:

- (1) The entire parcel being subdivided.

- (2) Proposed streets, easements, open space, pedestrian ways, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties.
- (3) An outline of the subdivision together with its street system and an indication of the future probable street system of the remaining portion of the parcel, if the preliminary plat covers only part of the subdivider's entire holding.

## **SECTION 4.2 FINAL PLAT**

4.2.1 The final plat for a subdivision shall conform in all respects to the preliminary plat as approved by the Development Review Board. Applicants are also encouraged to review the planning and design standards in Articles 5 & 6 of these regulations. The Subdivision Plat shall show:

- (1) Identifying title for the proposed subdivision, the name of the town, 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 and true north point.
- (2) Street names and lines, pedestrian ways, lots, reservations, easements and area to be dedicated to public use.
- (3) Sufficient data acceptable to the Development Review Board to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. When practicable these should be tied to reference points previously established by a public authority.
- (4) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.
- (5) By proper designation on such Plat, all public open space for which offers of conveyance are made by the subdivider and those spaces title to which is reserved by the subdivider.
- (6) Lots within the subdivision numbered in numerical order.
- (7) Permanent reference monuments and lot corner markers.
- (8) Monuments which shall be set at all corners and angle points of the boundaries of the subdivision, and monuments required by town specifications for new roads, at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the engineer.
- (9) A proposed utility system design. Only basic elements of this design should be shown on the plat. Any detailed design information should be submitted separately as a supporting document. The plat should include a note that the

proposed utility locations may be modified slightly when installed, due to unforeseen site constraints (e.g., ledge).

- 4.2.2 There shall be submitted to the Development Review Board with the final plat the following supporting documents:
- (1) The location and design of all of the improvements referred to in Article 6 (Required Improvements and Design Standards) and in addition thereto the location of all utility poles, sewage disposal systems, and rough grading and other devices and methods of draining the area within the subdivision.
  - (2) Copies of proposed deeds, agreements or other documents showing the manner in which streets, open space, including park and recreational areas and school site areas, are to be dedicated, reserved, and maintained and if requested by the Development Review Board, a certificate from the Selectboard or Town attorney that these documents are satisfactory. Such certificate shall not be construed, however, as acceptance by the Town of Hinesburg of any areas proposed to be dedicated to the Town.
  - (3) If requested by the Development Review Board, a certificate from a Town consulting engineer as to the satisfactory completion of all improvements required by the Development Review Board, or, in lieu thereof, a performance bond 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 either with the bonding or surety company, or with security furnished by the subdivider.
  - (4) Any other documents required by the Development Review Board as a result of preliminary plat approval.



## ARTICLE 5: PLANNING STANDARDS

### SECTION 5.1 APPLICATION OF PLANNING STANDARDS

The Development Review Board shall evaluate any subdivision in accordance with the following standards, based on goals and objectives identified in the Town Plan. The Development Review Board may require the subdivider to submit information addressing impacts related to these standards. In light of findings made on these standards, the Development Review Board may require modification and/or phasing of the proposed subdivision or correction of any adverse impacts.

- 5.1.1 Suitability for Development - Whether the land for the proposed subdivision is suitable for subdivision or development or demonstrates no significant impediments to development due to flooding, improper drainage, steep slopes, rock formations, or other adverse earth formations or topography, utility easements or other features which will be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas.
- 5.1.2 Natural Features Protection - Whether the proposal gives due regard to the preservation and protection of existing natural features including: significant trees, hedgerows and productive forests; agricultural lands; streams, rivers, lakeshores and other surface waters; floodplains and wetlands; groundwater resources; rock outcroppings, steep slopes and ridge lines; earth resources; wildlife habitat; significant natural areas, and other natural resources.
- 5.1.3 Cultural Features Protection - Whether the proposal gives due regard to the preservation of historic structures and areas, and of scenic resources. In the village areas, the proposal shall enhance compact, historic, pedestrian-oriented settlement patterns. Outside the village areas, the proposal shall enhance the rural landscape.
- 5.1.4 Open Space and Recreation - Whether the proposal includes sufficient open space for active and passive recreation
- 5.1.5 Compatibility with Surroundings - Whether the proposed density, building sizes, pattern of development, and configuration of lots is compatible, within the context of the Town Plan goals and the Zoning Bylaw, with the surrounding properties, the natural environment and the built environment.
- 5.1.6 Transportation - Whether the proposal contains adequate provision for transportation including vehicular and pedestrian traffic in terms of safety, convenience, access to points of destination and attractiveness.
  - (1) Whether the proposed development will cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town.
  - (2) Whether the layout and/or extension of any roads provides for appropriate access to the project and possible future projects as determined necessary by

the Development Review Board. The Development Review Board shall consider the long term road network as it relates to existing, proposed, and potential roads and development in the Town, safety, emergency vehicle access, aesthetics, and any other impacts identified in the course of the review of the project.

- 5.1.7 Soil Erosion and Storm Water Run-off - Whether the proposal includes adequate provision for the control of storm water runoff and erosion during and after construction.
- 5.1.8 Water Supply - Whether there is sufficient water available for the foreseeable needs of the proposed development without impacting existing water supplies.
- 5.1.9 Wastewater Disposal - Whether the project has access to municipal wastewater disposal facilities, in conformance with any sewage disposal policies or regulations in effect, or the site has the capacity to safely and effectively treat sewage flows from the proposed development through a sewage disposal system designed by a qualified professional engineer or consultant acting within the authority of his or her certification.
- 5.1.10 Agriculture/Forestry - Whether the proposed development will preserve agricultural and forestry land and uses by placing development in areas that are marginal for agricultural and forestry uses and where development will be least disruptive to agricultural and forestry operations.
- 5.1.11 Municipal Services - Whether the proposed development will place an unreasonable burden on the ability of local governmental units to provide municipal or governmental services and facilities.
- 5.1.12 Energy Conservation - Whether the proposed development and building design promotes energy conservation by minimizing energy use and reliance on non-renewable fuels. There are multiple ways to address this, and it is the applicant's responsibility to demonstrate how this will be accomplished. The applicant shall provide clear and verifiable specifications suitable for both the subdivision review and subsequent zoning permit review. Simple compliance with the State of Vermont's base building energy codes does not constitute compliance with this standard - e.g., Residential Building Energy Standards (RBES) and Commercial Building Energy Standards (CBES). Options include, but are not limited to:
  - (1) Locate and orient lots and structures to optimize the benefits of passive and/or active solar gain - particularly orientation of the building, roof, and windows.
  - (2) Build highly energy efficient structures that require extremely low energy inputs - e.g., RBES stretch code, net-zero design, passive home, etc.
  - (3) Leverage on-site or off-site renewable energy to minimize or eliminate the use of non-renewable fuels - e.g., on-site and off-site solar (net metering, community solar, etc.), on-site and off-site wind, geo-thermal heating/cooling, biomass heating, etc.

The Development Review Board must determine that the proposed development

meets the standard; however, it is acknowledged that proposed structures are often designed after the subdivision review process. If structures have not yet been adequately designed to demonstrate compliance, site-specific conditions based on the applicant's proposal shall be included in the subdivision decision, so that the Zoning Administrator can assess conformance with the project's energy conservation plan when issuing zoning permits.

- 5.1.13 Conformance with Town Bylaws and Plan - Whether the proposed development is in compliance with the Hinesburg Town Plan, Zoning Bylaw and other by-laws and regulations or policies then in effect.

**SECTION 5.2 PARK LAND AND SCHOOL SITES**

The Development Review Board may require as a condition to subdivision approval, the dedication of park or school land or the payment of a fee in lieu thereof.

**ARTICLE 6: REQUIRED IMPROVEMENTS AND DESIGN STANDARDS**

**SECTION 6.1 STREETS AND DRIVEWAYS**

- 6.1.1 General Standards: Convenient and safe access for maintenance and emergency equipment in all weather conditions.
- 6.1.2 Layout Coordination: Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless in the opinion of the Development Review Board such extension is not necessary or desirable for the coordination of the layout of the proposed subdivision with the existing layout or the most advantageous future development of adjacent tracts.
- 6.1.3 Topography: Streets and driveways shall be logically related to the topography so as to produce usable lots, reasonable grades and safe intersections in appropriate relation to the proposed use of the land to be served by such streets and driveways.
- 6.1.4 Reserved Strips: The creation of reserved strips shall not be permitted adjacent to the proposed street in such a manner as to deny access from adjacent property to such street.
- 6.1.5 Dead Ends and Street Networks: No dead end streets shall be permitted without a suitable cul-de-sac at its terminus with a radius of not less than forty (40) feet, and no dead end street shall be more than a reasonable length, or as specified in the Town Road Standards. Non cul-de-sac turn-arounds may be permitted, if permitted by and in accordance with the Town Road Standards.
- 6.1.6 Intersections: Street intersections with centerline offsets of less than two hundred (200) feet shall not be permitted. All street intersections shall be as nearly at right angles as possible. This paragraph shall not apply where superseded by the Town Road Standards.
- 6.1.7 Accessibility: All dwellings must be accessible by emergency and service vehicles.
- 6.1.8 Sight Distances: Sight distances should be consistent with probable traffic speed, terrain, alignments, and climatic extremes, and shall conform to the Town Road Standards.
- 6.1.9 Drainage: Adequate provisions shall be made to control the drainage of each street and driveway by adequate storm water system.
- 6.1.10 Design: All streets shall be constructed in accordance with town road standards, except that surfacing requirements may be varied for private roads.
- 6.1.11 Shared Access: Wherever it is feasible or practical, provisions shall be made for the joint use of existing access points. Where adjoining undeveloped land has less

suitable access than the access point(s) on the land being subdivided, easements and other provisions shall be made to allow the most suitable access point(s) to be used by all adjoining properties. Where an adjoining property has more suitable access than the land being subdivided, the Development Review Board may require that the subdivider take reasonable steps to acquire access from the adjoining landowner.

- 6.1.12 Access Plan: A highway access plan for the tract of land to be subdivided shall provide for the minimum size and fewest number of safe points of access to any public highway and shall wherever necessary and feasible include set-back of construction or improvements from the highway to allow for provision of acceleration and deceleration lanes and other areas for off-highway control and management of vehicles. A highway access plan shall also, wherever feasible and practical, provide for elimination of access points or joint use by adjoining properties of existing access by either allowing adjoining lot owners to access through a subdivider's property or by requiring a subdivider to connect through an adjacent property, when such measures are possible and reasonable. All highway access points shall meet the requirements for access provided in the Zoning Bylaw.

## **SECTION 6.2 CURBS, SIDEWALKS AND PEDESTRIAN ACCESSES**

- 6.2.1 Curbs: Curbs may be required in the Village and Commercial Districts or when deemed necessary by the Development Review Board and shall be constructed in compliance with standards outlined in the Americans with Disabilities Act (ADA).
- 6.2.2 Sidewalks: All developments in the Village and Commercial Districts, and in other districts where required by the Development Review Board, shall provide sidewalks at least 5' wide.
- 6.2.3 Pedestrian Accesses: The Development Review Board may require, in order to facilitate pedestrian, bicycle or other non-vehicular access from the roads 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.

## **SECTION 6.3 OUTDOOR LIGHTING:**

Outdoor lighting may be required where deemed necessary by the Development Review Board to illuminate areas such as streets, sidewalks, and parking areas. All outdoor lighting shall have a concealed light source and as otherwise required by the Development Review Board to reduce glare and night sky illumination.

## **SECTION 6.4 SHADE TREES:**

The Development Review Board shall require that suitable hardwood shade trees (such as Sugar Maple, Little-leaf Linden, Red Maple, Ash or Oak) be planted along streets in the Village, Commercial or Industrial Districts, and may require such plantings in other districts. Street trees shall be planted no more than forty (40) feet apart, except in locations where such street trees exist. All trees shall measure at least two (2) inches in

diameter measured at a point six (6) inches above finished grade level. The Development Review Board shall give due consideration to utility lines and traffic safety (e.g., sight distances), and may grant limited waivers of this section in consideration of these or other site constraints. The Development Review Board may also require, as a condition of approval, that trees be trimmed to account for the aforementioned issues. See section 6.5 for additional landscaping requirements and standards.

**SECTION 6.5 LANDSCAPING:**

The Development Review Board shall require preservation of existing trees, forests, and hedgerows, or other vegetation where they contribute to the rural character of the site, provide screening or buffers for adjacent uses and/or have value as wildlife habitat. The Development Review Board may require other landscaping appropriate to the site. See below for detailed landscaping plan and standards for subdivisions and planned unit developments in the village growth area zoning districts.

Purpose: The Town of Hinesburg recognizes the importance of trees, landscaping, and well-planned green spaces in promoting the health, safety, and welfare of residents through improved drainage, water supply recharge, flood control, air quality, sun control, shade, and aesthetics. Landscaping shall be required and a landscape plan submitted for all uses subject to site plan review, and, within the village growth area districts, for subdivisions and planned unit developments. In evaluating landscaping, screening, and street tree plan elements, the Development Review Board shall promote the retention of existing, healthy trees while encouraging the use of a variety of plant species that are suited to the site and soil conditions. Native plant species are preferred, and under no circumstances shall non-native invasive species be used. See “Invasive Plants of the Eastern US” website ([www.invasive.org/eastern](http://www.invasive.org/eastern)) for a list of non-native invasive species. Also see the Vermont Invasive Plant Council website ([www.vtinvasiveplants.org](http://www.vtinvasiveplants.org)) for more information on invasive species management and statewide restrictions. Contact the Planning & Zoning Office and/or the Hinesburg Tree Warden for street tree species recommendations.

Waiver Option: The DRB may waive specific standards where it determines there is good cause to do so, and only if the waiver does not have the effect of nullifying the overall purpose and intent of these standards. When deciding whether to grant a waiver, the DRB shall take into consideration the nature and degree of the exception requested, and the extent to which suitable/necessary mitigation is proposed.

Landscape Plan: Applicants are encouraged, but not required, to have the plan crafted by a landscape architect, professional landscape designer, or other landscape professional. For subdivisions and planned unit developments in the village growth area, such plans shall be submitted with the preliminary and final plat applications. The plan shall include:

1. All proposed physical improvements, such as buildings, parking areas, sidewalks, etc.
2. The location of existing natural features, such as significant trees, streams, wetlands, and rock outcroppings.
3. Proposed landscaping location and materials, including existing vegetation to remain, types of new plant materials, identified by common name and botanical name, sizes of all new plant materials by height and/or diameter at time of

- planting and at maturity, quantities of each of the planting materials, tree planting specifications, and treatment of the ground surface (paving, seeding, mulch, etc.).
4. Methods for controlling erosion and protecting landscaped areas.
  5. An explanation of when the landscaping will be installed relative to construction activities and phasing.

Landscaping Standards: Landscaping can be seen as “green infrastructure” both for individual projects and for the Town as a whole. As such, a well-designed landscape plan is just as important as a properly-engineered road, sewer system, or stormwater control system.

1. The Development Review Board shall require compliance with any Tree Ordinance or Landscaping Design Standards enacted by the Town, subsequent to the effective date of these regulations.
2. Special attention shall be paid to site preparation and the soils in the planting area to ensure the health and vigorous growth of plantings (especially trees) over the long term. Adequate soil volume, composition, and treatment shall be required.
3. There shall be a mix of large canopy tree species within each landscaping plan. To the extent practicable, these trees shall not be limited solely to street trees, and shall be included throughout the project area (e.g., front, side, rear yards).
4. Landscaping of Parking Areas. Except for parking spaces accessory to a single-family or two-family dwelling, all off-street parking areas subject to review by the Development Review Board, shall be landscaped with appropriate trees, shrubs, and other plants including ground covers, as approved by the Development Review Board. Deciduous shade trees shall be utilized to provide shade and reduce glare, and large expanses of parking shall include landscaped islands. The Development Review Board shall consider the adequacy of the proposed landscaping to assure the establishment of a safe, convenient, and attractive parking area.
5. Landscaping Budget Requirements. The Development Review Board shall require the following minimum planting costs for all landscape plans. Landscaping standards must be addressed, regardless of the minimum planting cost calculation – i.e., spending above the minimum may be necessary. Total landscaping improvement cost (not including cost to develop the plan) shall be no less than 3% of the first \$250,000 in construction and site improvement cost, plus an additional 2% of the next \$250,000 in construction and site improvement cost, plus an additional 1% of the remaining construction and site improvement cost over \$500,000. For example, a project with a construction and site improvement cost of \$150,000 would require \$4,500 in landscaping improvements; whereas, a \$2,500,000 project would require landscaping of at least \$32,500 (\$7,500+\$5,000+\$20,000). In evaluating landscaping requirements, the DRB may grant some credit for existing trees or for site improvements other than plantings (e.g., berms, stone walls, public art installations, etc.) as long as the objectives of this section are not reduced.
6. Maintenance & Responsibility. Plantings shown on an approved landscaping plan shall be maintained by the property owner in a vigorous growing condition throughout the duration of the use. In particular, trees shall be maintained such that height at maturity, as documented in the landscaping plan, can be achieved – i.e., no stunted, malformed, diseased, or distressed trees. Plants not so maintained shall be replaced with new plants at the beginning of the next immediately



following growing season, along with improvements to the growing medium to help ensure better growth/health.

## **SECTION 6.6 STORMWATER & EROSION CONTROL**

### **PURPOSE:**

- To promote effective stormwater management practices that focus on the immediate source of generated stormwater. The intent is to maintain pre-development hydrology through site design, site development, building design and landscape design techniques that infiltrate, filter, store, and evaporate stormwater;
- To protect natural resources on the development site from degradation that could be caused by construction activities and post-construction conditions with specific attention to streams, lakes, wetlands, floodplains and other natural aquatic systems;
- To protect other nearby properties from damage that could be caused by stormwater and sediment during construction activities and post-construction conditions on the development site;
- To reduce the impacts from impervious surfaces such as streets, parking lots, rooftops and other paved surfaces; and
- To protect the safety of the public and animal life from flooding and stream bank erosion, reduce public expenditures in removing sediment from stormwater drainage systems and natural resource areas, and to prevent damage to municipal infrastructure (e.g., roads, culverts, etc.) caused by inadequate stormwater controls.

### **6.6.1 Erosion Control**

- (1) Erosion control requirements shall apply to land development that requires a zoning permit or DRB approval, within the disturbance guidelines listed below. For such projects all areas exposed during construction shall be protected from erosion in accordance with the Low Risk Site Handbook for Erosion Prevention and Sediment Control published by the Vermont Department of Environmental Conservation (most current version, original edition is circa 2006), as qualified below.
  - (a) If the total disturbance area is 3,000-10,000 square feet – follow requirements 1,2,4,6,8-12. Requirement #8 requires stabilization of disturbed areas within 7, 14, or 21 days of initial disturbance, followed by stabilization at the end of each work day with certain exceptions. For the purposes of these regulations, the initial time period shall be 14 days.
  - (b) If the total disturbance area is greater than 10,000 square feet – follow all twelve requirements (see below for information on requirement #7 – i.e., permanent stormwater controls). Requirement #8 requires stabilization of disturbed areas within 7, 14, or 21 days of initial disturbance, followed by stabilization at the end of each work day with certain exceptions. For the purposes of these regulations, the initial time period shall be 14 days.
- (2) Proper erosion control measures shall also be applied to off-site locations that receive soil or fill from the project in question.

- (3) An erosion control plan (diagram and supporting narrative) shall be submitted with the zoning permit application or DRB application if any of the following apply.
  - (a) If there is to be any disturbance with slopes of 15% or steeper.
  - (b) If there is to be any disturbance within Town designated stream setback and/or buffer areas.
  - (c) If there is to be any disturbance to a channel, ditch or other concentrated stormwater conveyance.
  - (d) If the total area of disturbance is 10,000 square feet or greater.
- (4) It is the applicant's responsibility to demonstrate that the plan will adequately control erosion, and has, at a minimum, been prepared in accordance with the Low Risk Site Handbook for Erosion Prevention and Sediment Control. Additional measures from the Vermont Standards & Specifications for Erosion Prevention and Sediment Control (most current version, current edition is circa 2006) may be necessary for sites that are not low risk per the categories outlined in the State of Vermont's construction general permit.

#### 6.6.2 Stormwater Control

A stormwater control plan (diagram and supporting narrative) shall be submitted for any land development that requires a zoning permit or DRB approval, and which creates new impervious surface area of 10,000 square feet or more. The calculation of new impervious surface area may be offset through the removal of existing impervious surface in other areas of the site. Such an offset shall be calculated on a 1:1 area basis – new impervious vs. existing impervious removed. Such an offset shall be contingent on substantially better stormwater infiltration for the area where existing impervious surfaces were removed. This may require the replacement of sub-base material in addition to surface materials. The stormwater control plan shall be prepared by a qualified, licensed engineer, and shall include a certification by the engineer that the plan conforms to the following five provisions:

- (1) The latest version of the Vermont Stormwater Management Manual:
  - Water Quality Treatment Standard
  - Channel Protection Treatment Standard
  - Groundwater Recharge Treatment Standard
  - Overbank Flood Protection Treatment Standard
  - Extreme Flood Protection Treatment Standard

Credits and waivers indicated in the Vermont Stormwater Management Manual may be used to partly or wholly meet these standards. Evidence of an approved State stormwater permit using the standards contained in the latest version of the manual will constitute compliance with the VT Stormwater Management standards listed above (e.g., water quality, channel protection, groundwater recharge, overbank flood protection, extreme flood protection). A State stormwater permit approved under an earlier version of the manual shall not constitute compliance with the five

standards listed above - i.e., compliance with the latest version of the Vermont Stormwater Management Manual must be demonstrated.

- (2) The plan shall locate soils well suited for infiltration, and address the extent to which such soils will be utilized to infiltrate stormwater.
- (3) Post-development drainage patterns shall mimic (except as noted below) pre-development drainage patterns to the greatest extent possible, especially with regard to where stormwater leaves the site. The post-development drainage pattern shall improve upon (rather than mimic) the pre-development drainage conditions if those conditions already contribute to deleterious stormwater runoff impacts. The stormwater plan shall be designed so that off-site drainage areas will not be overwhelmed during larger storm events (i.e., up to and including a 100-year storm) to a greater extent than in pre-development conditions. The evaluation shall demonstrate that off-site areas will not be subject to increased erosion during a 10-year storm event, and will not otherwise be adversely impacted during a 10-year and a 100-year storm event. The off-site areas to be evaluated shall include:
  - (a) The area between identifiable stormwater discharge points from the site and the receiving water body (e.g., stream, river, lake) at a point along the water body where the site's drainage area constitutes less than 10% of the water body's drainage area at that location.
  - (b) Should the receiving water body be distant from the site discharge points, the evaluation shall extend as far off site as necessary to reach a point where the site's drainage area constitutes less than 10% of the surrounding drainage area.

Figure 1 - Receiving water body proximate

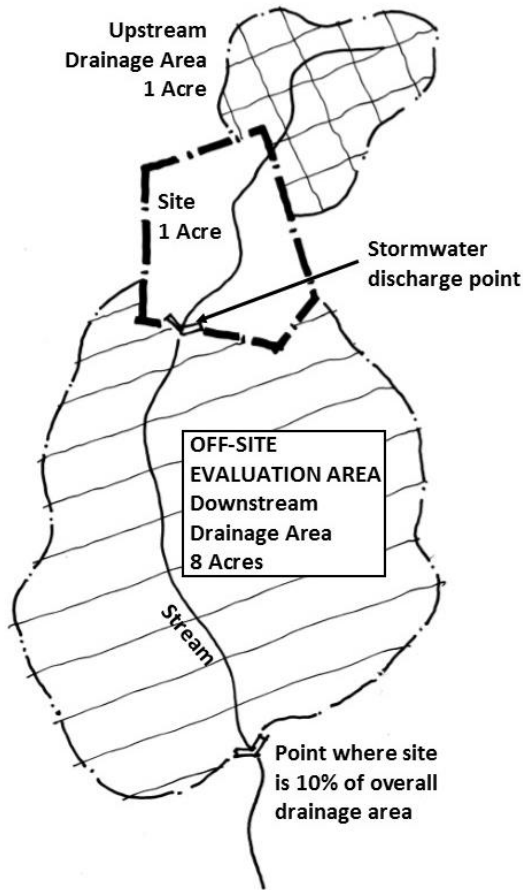
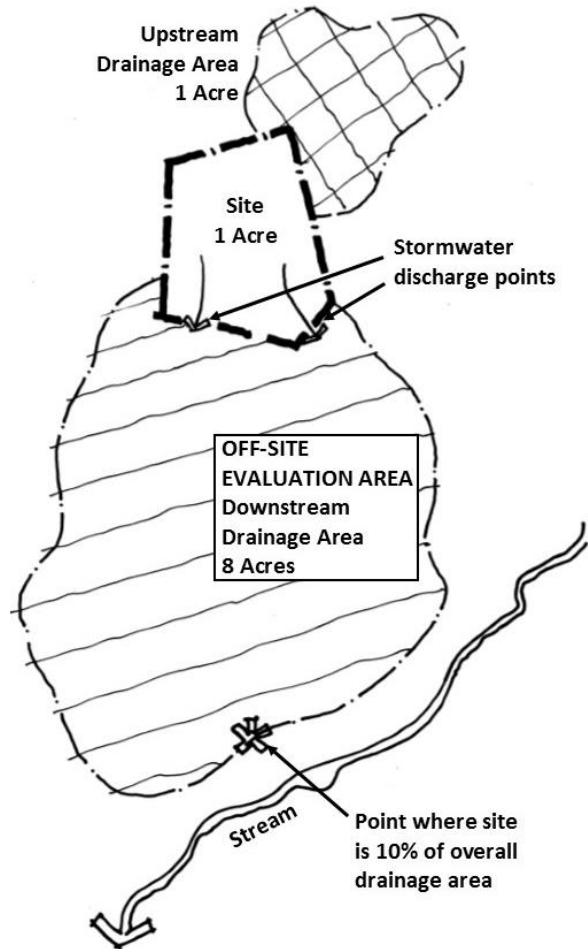


Figure 2 - Receiving water body distant



- (4) Once completed, all such stormwater systems shall be certified as installed per the plan by a qualified, licensed engineer. The plan shall include clear provisions for inspection and long term maintenance by a qualified professional.
- (5) Low Impact Development (LID). The use of LID design approaches shall be implemented, taking into consideration the site’s soil characteristics, slope, and other relevant factors. To the extent that LID design approaches are not proposed in the stormwater management plan, the applicant shall provide a full justification and demonstrate why the use of LID approaches is not possible. See the Definitions section for an explanation of Low Impact Development.

6.6.3 Small Projects & Redevelopment:

- (1) Development that requires site plan, subdivision, or PUD review, and that creates less than 10,000 square feet of impervious surface shall address stormwater control and treatment. A stormwater control plan (diagram and supporting narrative) shall be submitted. This plan shall provide details for development in or impacts to areas sensitive to erosion and/or stormwater

runoff – e.g., steep slopes (15% or greater), areas with concentrated flow (e.g., drainage swales, ditches, etc.), poorly drained areas, and deficient existing infrastructure (e.g., undersized culverts). Such development is encouraged but not required to follow the latest State standards and the special standards described in section 6.6.2. This includes projects that modify or reconfigure stormwater runoff patterns, even if no new impervious surface is created. Low Impact Development practices are strongly encouraged for such projects. Evidence of a State stormwater permit approved using the standards contained in the latest version of the State stormwater manual will constitute compliance with this Small Projects & Redevelopment section.

(2) Village Growth Area Special Standards. For village growth area development that requires site plan, subdivision, or PUD review, projects with older State stormwater permits (i.e., approved under an earlier version of the State stormwater manual) or no State stormwater permit, incremental development or redevelopment shall include at least proportional improvements in stormwater control and treatment. Although Low Impact Design practices are strongly encouraged, specific control/treatment practices are not prescribed. Improvements shall be site specific, opportunity-based, and designed to address one or more of the five State stormwater manual standards listed above in the following qualitative increments:

<u>Area Impacted (sq. feet)</u>	<u>Degree of Improvement Required</u>
0-1,000	Minor - e.g., gutters w/ rain barrels, small rain gardens, re-vegetation of drainage areas, etc.
1,001-5,000	Moderate – e.g., larger rain gardens, woody vegetation plantings around drainage areas and/or in stream buffer areas, minor grading or site manipulation to remedy direct discharge to streams and other water bodies, installing pervious driveway, parking, pathways, etc.
5,001-10,000	Substantial – e.g., measures described above but implemented in combination and/or more extensively, infiltration areas (dry wells for roof gutter discharge, infiltration swales), detention ponds, underground stormwater storage systems.

**SECTION 6.7 WATER SUPPLY**

6.7.1 Water - Community Systems: The Development Review Board may require that the proposed development be serviced by a community water system which shall be designed and installed in accordance with all applicable municipal and State regulations and standards. The impact of the community water system on surrounding water supplies shall be assessed when required by the Development Review Board. Community water systems shall be designed in such a way that they may eventually be connected to a municipal water supply system.

6.7.2 Individual Water Supplies: if the proposed subdivision is to be serviced by individual wells, the subdivider shall provide evidence of the location and

availability of potable water in adequate quantities.

6.7.3 Water Samples: the Development Review 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.

6.7.4 Standards: The following standards shall be met for subdivisions being serviced by either a community water system or individual wells:

(1) Due consideration shall be given to the drainage patterns in the area.

(2) Building sites and new streets shall be located far enough away from underground water concentrations, or surface areas which take in water, to prevent run-off from roads or leachate from septic systems from contaminating water supplies.

(3) Buildings and septic systems shall be located sufficiently above flood water levels and high ground water areas to prevent the pollution of surface water.

## **SECTION 6.8 SEWAGE DISPOSAL**

6.8.1 Municipal Sewage Disposal: Subdivisions hooking onto the municipal sewage disposal system shall conform with the Town Sewage Ordinance in effect.

6.8.2 Community System: Community Systems must be proposed where the advantages of a shared system outweigh those of individual systems. Methods for the sharing and maintenance of the shared facilities shall be specified by the applicant. Community sewage disposal systems may be required to be designed in such a way that they may eventually be connected to a municipal sewage disposal system.

6.8.3 Individual Systems: Individual septic systems shall be properly designed, and meet the requirements of all other applicable municipal and State regulations and standards.

6.8.4 Standards: All on-site sewage disposal systems shall meet the standards specified in State regulations.

## **SECTION 6.9 UTILITIES**

6.9.1 Underground Location: All utility systems, including but not limited to electric, gas, telephone and cable TV, shall be located underground throughout the subdivision, unless deemed unreasonable and prohibitively expensive by the Development Review Board.

6.9.2 A plat submitted for final approval shall include proposed utility system design. Only basic elements of this design should be shown on the plat. Any detailed design information should be submitted separately as a supporting document. The plat should include a note that the proposed utility locations may be modified

slightly when installed, due to unforeseen site constraints (e.g., ledge).

- 6.9.3 Easements: Easements of sufficient width shall be provided so as to serve both the proposed subdivision and existing and anticipated development outside the subdivision.

## **SECTION 6.10 LOT LAYOUT**

- 6.10.1 Zoning Regulations: The layout of lots shall conform to the requirements of the Town's Zoning Bylaw.
- 6.10.2 Corner Lots: Corner lots shall have extra width to permit a front yard setback on each street.
- 6.10.3 Side Lot Lines: Unless lot lines are designed to follow natural features, side lot lines shall generally be at right angles to straight streets or radial to curved street lines.
- 6.10.4 Topography: Consideration in lot layout shall be given to topography, drainage and soil conditions. The Subdivision shall be planned to retain, as much as possible, the natural contours and to conserve the natural cover and soil. No topsoil, sand or gravel shall be removed from the subdivision for any other purpose than to meet construction needs of that particular subdivision unless all requirements for excavation in the Zoning Bylaw are met.
- 6.10.5 Access: Lots shall be laid out in conformance with the highway access plans as required in Section 6.1.12. In particular, lots shall be laid out so as to avoid direct access to heavily traveled streets or highways.
- 6.10.6 Preservation of Natural and Significant Features: Outstanding natural features of the site including groves of trees, water courses and falls, historic sites, exceptional views, ridge lines, agricultural fields and similar irreplaceable assets shall be preserved.
- 6.10.7 Building Envelopes: The Development Review Board may require building envelopes to be specified for some or all buildings when necessary to protect natural features or ensure compliance with planning and design standards (i.e., Subdivision Regulations, Zoning Regulations, Official Map). The DRB shall determine the appropriate size of the building envelope(s). Building envelopes should be sized to help minimize the area of disturbance, while still allowing for flexibility in the siting of the principal structure and accessory structures. The subdivider, at his/her discretion, may reduce the building envelope beyond what the DRB requires. In such cases, the subdivider shall indicate the objective of the reduced building envelope so that it can be noted in the subdivision decision along with the other regulatory factors. Multiple building envelopes on a single lot are permissible at the discretion of the DRB with due consideration to access limitations. Building envelopes shall be easily located – e.g., tie lines from survey monuments, in relation to clear and enduring property features, demarcated with separate monumentation, etc. Building envelopes shall be

depicted on the survey plat.

6.10.8 Site Features: Consideration in lot layout shall be given to following the lines of existing site features such as tree-lines, hedgerows, stone walls, etc.

## **SECTION 6.11 DESIGN STANDARDS FOR VILLAGE AND COMMERCIAL AREAS**

6.11.1 The subdivision shall promote and contribute to an appropriate street and pedestrian network, sensitive to the historic patterns for the village area, which provides for connections between parcels and between residential and commercial areas. Lot Layout shall reinforce the existing village pattern of buildings lining public streets and other public spaces.

## **SECTION 6.12 DESIGN STANDARDS FOR RURAL AREAS**

6.12.1 **Conservation Subdivision Design:** The Conservation Subdivision design process outlined below shall be followed for rural area subdivision and PUD proposals in the Agricultural, ~~Rural 1, Rural 2, and Residential 4 and Rural Residential 2~~ zoning districts. This process is designed so that important resource areas are identified and considered first. To the best of their ability, the Town Planning and Zoning office will utilize public Geographic Information System (GIS) data or other available field-based data to assist in determining the location and extent of the resource areas mentioned below. If additional site-specific information is deemed necessary for the review process, the Development Review Board may request that it be provided at the applicant's expense. A developer or other interested party to a development project may provide alternative resource delineation data (at their own expense) if compiled by a qualified professional – e.g., wetlands delineation expert, wildlife biologist or scientist, hydrological expert, licensed engineer, etc. Potential development areas are located second so as to protect important resources while taking advantage of natural landscape features, green spaces, and views to create well planned and desirable building sites. Both the Applicant and the DRB shall follow these four steps (in order) when designing and evaluating projects:

- (1) **Identify primary and secondary resource areas.** Primary resource areas are extremely sensitive or generally unbuildable areas, including: wetlands and associated buffers pursuant to State of Vermont wetland rules/regulations (see wetland definition); flood hazard areas (FEMA special flood hazard area and fluvial erosion hazard area); steep slopes of 25% or greater; surface waters and setback area; rare, threatened & endangered species locations and significant natural communities identified by VT Department of Fish and Wildlife. Secondary resource areas include: moderately steep slopes between 15-25%, prime and statewide agricultural soils (including conditional classes), priority and high priority interior forest blocks (as mapped by the VT Fish and Wildlife Department), core wildlife habitat (a subset of priority interior forest blocks), wildlife corridors, deer wintering areas, important cultural features (e.g., historic structures, stone walls). Vernal pool buffer areas shall be protected/managed pursuant to the specific standards in section 6.12.4(6).
- (2) **Locate potential building sites.** Building sites and related development areas (e.g., roads, driveway, lawn, etc.) shall avoid primary resource areas and minimize impact on secondary resource areas. Limited impacts to primary



resource areas for access (e.g., road or driveway) may be allowed, at the discretion of the Development Review Board, if there are no alternate development plans and no other means of access. In such cases, the access shall be designed to impact as little of the primary resource area as possible. Building sites should be located to enjoy views of, and where appropriate direct access to, resource areas and protected green/open spaces. Siting buildings (especially homes) this way will respect the natural elements unique to each parcel and help retain the green infrastructure characteristic of rural Hinesburg.

- (3) **Locate necessary vehicular and pedestrian access to the building sites and nearby neighborhoods** – e.g., roads, driveways, paths, trails.
- (4) **Draw appropriate lot lines, and if necessary building envelopes, around each building site.** Lot sizes will vary based on the type of development as well as the nature and proposed use of the resource areas.

#### 6.12.2 Agricultural Area Standards:

- (1) Residential uses and wells shall be sited so as to minimize conflicts with adjoining agricultural operations. Buffer zones a minimum of 200 feet from residences and residential wells to the lot lines of agricultural operations shall be required unless a smaller setback can be demonstrated to have no adverse impact.
- (2) Subdivision survey plats and deed language for new lots shall include suitable “Right to Farm” language to warn future owners about nearby (present or future) agricultural operations.
- (3) Access shall be preserved to agricultural lands to help facilitate future farming.

#### 6.12.3 Forest Area Standards:

- (1) Access shall be preserved to facilitate future forest management including timber harvesting equipment (skidders, log trucks, etc.) and suitable area for landing and processing logs.
- (2) Subdivision survey plats and deed language for new lots shall include suitable “Right to Forest Management” language to warn future owners about nearby (present or future) forest management operations.
- (3) Priority and high priority interior forest blocks shall be kept intact wherever possible to retain ecosystem functions and services, as well as to facilitate management for forest products. Forest areas suitable for future forest management shall be kept largely intact. Retention of large tracts of forest (25 acres or more) in single ownerships is encouraged in order to make future management decisions less complicated, and to keep land eligible for tax abatement programs (e.g., Vermont Current Use program). When the subdivision of productive forest areas priority and high priority interior forest blocks is unavoidable, development areas shall be located so as to retain adjacent, functional tracts of that productive forest to help keep the resource more intact, to retain biodiversity, and to better enable joint management by different landowners.
- ~~(3)~~(4) Applicants are advised to avoid clearing forest areas for future development before receiving subdivision approval. Anticipating where development areas will be approved is risky, and may result in unnecessary

forest conversion and additional landscaping costs/requirements to revegetate certain cleared areas. This advisory statement is not meant to limit or constrain forest management activities, but simply to avoid commencing the clearing phase of construction prior to receiving subdivision approval.

#### 6.12.4 General Standards:

- (1) Areas in agricultural and ~~productive~~-woodland use should be of a size that retains their eligibility for State and Town tax abatement programs (e.g., Vermont Current Use program) or otherwise enable effective agricultural production or forest management. The Vermont Current Use program provides property tax relief to help landowners retain lands in agricultural and ~~productive~~-woodland use. Currently, this State program requires a minimum enrollment of 25 acres of undeveloped agricultural land or productive woodland, with 2 acres removed for any house site (i.e., 27-acre minimum for eligible land that includes a house site).
- (2) Development areas (lots, building areas, yard space, etc.) shall be placed on the least fertile soils for agricultural uses, and in a manner which maximizes the usable area remaining for such agricultural and forestry uses, and the ecosystem services provided by intact forest areas, along with suitable access to these areas.
- (3) New structures shall be placed to enable new construction to be visually absorbed by natural landscape features, and to not protrude above ridgelines. The intention is to guide the placement of structures, and not their appearance (e.g., exterior color, window glazing, etc.).
- (4) Impacts on the recreational use of public roads (especially gravel roads) shall be minimized.
- (5) It is a goal to enhance non-motorized transportation within Hinesburg as depicted on Town Plan Map 13: “Trail Network Vision: Existing Routes and Gaps”. Accordingly, developers are encouraged to locate new construction and related site improvements so as not to preclude trail or sidewalk connectivity along the identified “gaps,” or between existing public trails and dedicated trail easements. Developers are also encouraged to design projects that facilitate pedestrian access to the extent practical via trail and/or sidewalk connections between neighborhoods and as shown on the Trail Network Vision map.
- ~~(5)~~(6) As noted in section 6.12.1(1), State-regulated vernal pool wetlands and their 50-foot buffer constitute a primary resource to be avoided. Additionally, development and forest clearing shall impact no more than 25% of a larger buffer area extending 250 feet from the vernal pool wetland edge. This larger buffer area provides overwintering and foraging habitat forest habitat for amphibian species that breed in the vernal pool. Retaining overwintering and foraging habitat forest habitat around vernal pools compliments the forest integrity standards in section 6.12.3(3) to help ensure connectivity between forested wildlife habitat.

**ARTICLE 7: GENERAL APPLICATION REQUIREMENTS**

**SECTION 7.1 NUMBER OF COPIES**

All required submissions under these regulations shall be submitted digitally (Adobe PDF) and in duplicate hard copy for full-size plans.

**SECTION 7.2 APPLICATION FEES**

Upon submission of an application for preliminary or final plat approval, the subdivider shall pay the application fee as established by the Selectboard. Such fee shall include the costs of publication, public hearing and for periodic inspection by Town retained consultants during the installation of public improvements. The DRB may retain independent consultants to facilitate the review of applications. These services shall be paid for by the applicant. The consultant(s) shall work at the DRB's direction and shall provide the DRB such reports and assistance, as the DRB deems necessary to determine compliance with this bylaw. The scope of the independent review shall be as narrow as possible, and the cost shall be minimized to the extent practical. The applicant shall be notified as to the choice of the consultant(s) and the estimated cost prior to the independent consultant(s) starting work.

**SECTION 7.3 LEGAL DATA**

The final plat application for subdivision shall be accompanied by a certificate of title showing the ownership of all property and easements to be dedicated to the Town. All proposed deeds conveying property or easements to the town shall also accompany the final application. In addition, a draft of restrictions which will run with the land and become covenants shall be filed with the final application. The Development Review Board may require the filing of such other legal data as it deems necessary in the enforcement of these regulations.

**SECTION 7.4 WAIVERS**

The Development Review Board may waive or vary, subject to appropriate conditions, the provision of any or all improvements and application submission requirements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety and general welfare, or which in its judgement are inappropriate because of an inadequacy or lack of connecting facilities adjacent to or in proximity to the subdivision.

In granting waivers or variances, the Development Review Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived or varied. No such waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of the Town's Plan or varying the Zoning Bylaws or other Town By-Law.

**SECTION 7.5 FILING OF FINAL PLAT**

Upon approval of a final plat by the Development Review Board, the chairman or clerk of the Development Review Board shall endorse in writing on said plat such approval and the date thereof. The final plat with endorsement shall be filed by the subdivider with the Town clerk within 180 days of the Development Review Board's final decision. The Zoning Administrator may extend the date for filing the plat by an additional 90 days, if final local or state permits or approvals are still pending. Final approval shall expire if

the final plat is not filed by the subdivider within the period outlined above.

**SECTION 7.6 FINAL PLAT SPECIFICATIONS**

The Final Subdivision Plat shall consist of one or more sheets of drawings which conform to the following requirements: It shall be on mylar clearly and legibly drawn, and the size of the sheets shall be either 18 inches x 24 inches or a multiple thereof. Such sheets shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by all appropriate agencies.

**SECTION 7.7 REVISIONS**

7.7.1 Re-subdivision: Changes which meet the definition of a re-subdivision shall be resubmitted to the DRB for review and approval. Public notice shall be provided no later than 15 days prior to DRB review pursuant to section 4464(a)(1) and 4463(a). The creation of new lots from a parcel that is part of a previously approved subdivision shall follow the review process for new subdivisions (e.g., begin at sketch plan review), and shall include consideration of the revisions to the previous subdivision plat and approval.

Other Plat Revisions: Minor changes to approved plats that do not meet the definition of re-subdivision shall be submitted the DRB for review and approval. Public notice shall be provided no later than seven days prior to DRB review pursuant to section 4464(a)(2) and 4463(a).

7.7.2 Revisions to Supporting Plans or Decision Language: Minor deviations may be made from the approved supporting plans (non-plat revisions) if they are:

- Approved by the designer, or equivalent, and
- In conformance with the intent of the DRB decision, and
- Determined by the Zoning Administrator that they are not significant enough to require a formal revision to the DRB decision.

Other types of changes to supporting plans or DRB decisions shall be submitted to the DRB for review and approval. Public notice shall be provided no later than seven days prior to DRB review pursuant to section 4464(a)(2) and 4463(a).

7.7.3 Revisions After Approval and Before Recording of Plat: Corrections and clarifications to a final subdivision which do not meet the definition of re-subdivision may be submitted to the Development Review Board after the final approval and prior to the plat’s final filing. These revisions must be recommended by the Zoning Administrator, and the Development Review Board may approve the changes without re-submission or the re-warning of a hearing. However, notice shall be sent to interested parties who were present at the final plat hearing(s), prior to Development Review Board approval.

**SECTION 7.8 EFFECT OF FINAL APPROVAL**

Final approval by the Development Review Board 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.

**ARTICLE 8: ADMINISTRATION AND ENFORCEMENT**

**SECTION 8.1 SEVERABILITY**

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

**SECTION 8.2 AMENDMENTS**

Amendments to these regulations shall be enacted in accordance with the provisions of the Vermont Planning And Development Act as presently enacted or as from time to time hereinafter amended.

**SECTION 8.3 ENFORCEMENT AND PENALTIES**

The violation of any provision of this regulation shall be punished as provided in the Vermont Planning and Development Act (e.g., Title 24, Chapter 117, Section 4451).

## ARTICLE 9: DEFINITIONS

Unless otherwise defined herein, definitions of words used in the Act and definitions used in the Hinesburg Zoning Bylaw shall apply; all other words shall carry their customary meanings. For the purposes of these regulations, the following words shall be defined as follows:

Act - The Vermont Planning and Development Act, Title 24, Chapter 117, Vermont Statutes Annotated.

Agricultural Soils: Soil types delineated and identified by the US Department of Agriculture’s Natural Resource Conservation Service (NRCS) as being the most suitable for crop production pursuant to a June 2006 report titled “Farmland Classification Systems for Vermont Soils”. Prime agricultural soils constitute the best of the best for crop production. Statewide agricultural soils are also very well suited for crop production; however, some statewide soils have a conditional classification based on the ability to address certain constraints. Possible constraints include: steep slopes, severe wetness limitations, bedrock outcrops. If these conditions exist, the area in question does not qualify as a soil of statewide importance.

Boundary Adjustment: See definition under “Subdivision – Not Subdivision”

Building Envelope - A specific area on a lot within which structures requiring a zoning permit shall be located, or as otherwise specified by the Development Review Board.

Commission - The Planning Commission of the Town of Hinesburg.

Community Sewage Disposal System - Any sewage disposal system, other than a municipal sewage disposal system, that disposes of sewage for domestic, commercial, industrial or institutional uses for two or more users.

Community Water System - Any water system that supplies water for domestic, commercial, industrial or institutional uses to two or more users.

Core Wildlife Habitat: Significant forest and wetland areas that are removed from roads, house sites, and other similarly developed areas as shown on map 14 of the Town Plan. Specifically, a subset of the overall habitat blocks delineated by the VT Fish and Wildlife Department in their 2011 “Habitat Block and Connectivity Analysis” dataset:

1. Habitat blocks of 700 acres or more – these blocks comprise the largest and most contiguous habitat areas.
2. Interior portions of smaller habitat blocks that are at least 100 meters from the edge of the habitat block (typically the edge of human disturbance).

Note – The extent of this core wildlife habitat shall be as described above and as conditions on the ground existed as of 9/9/2013 (date of Town Plan adoption with Map 14), such that incremental reductions in habitat blocks do not result in currently mapped habitat blocks losing the core designation - e.g., a large block becoming less than 700 acres, or the reduction interior area of a smaller block due to edge encroachment.

Deer Wintering Area: White-tailed deer in Vermont live near the northern limit of their range in eastern North America. To cope with Vermont's severe climatic conditions, deer have developed a survival mechanism that relies upon the use, access, and availability of winter habitat. These

habitat areas are known as deer wintering areas, deer winter habitat or, more commonly, 'deer yards.' Deer winter habitat is mapped by the VT Fish and Wildlife Department and defined as areas of mature or maturing softwood cover, with aspects tending towards the south, southeast, southwest, or even westerly and easterly facing slopes. It is shown on Map 9 of the Town Plan.

Development Review Board – The Development Review Board of the Town of Hinesburg.

Final Subdivision 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 – Areas that are covered by buildings, structures and other man-made improvements, including parking and loading areas, access roads and drives (paved or gravel), sidewalks, patios, and other impermeable surfaces that prevent the infiltration of stormwater into the ground. Decks that allow water through the structure into pervious ground below shall not constitute impervious surface. Engineered or manufactured surfaces that do not consist of soil shall be considered impervious (even if they allow some infiltration) unless otherwise approved by the Development Review Board or Zoning Administrator.

Interior Forest Blocks – A subset of the forest blocks mapped by the Vermont Fish and Wildlife Department. Interior Forest Blocks are a selection of habitat blocks that best provide interior forest conditions in each biophysical region of Vermont. They are primarily forests, but also include wetlands, rivers/streams, lakes/ponds, cliffs, and rock outcrops. The defining factor is that there is little or no permanent habitat fragmentation from roads, agricultural lands, and other forms of development within the block. The various types of habitat blocks are more thoroughly discussed and mapped on the Vermont Agency of Natural Resources Biofinder website - <https://anr.vermont.gov/maps-and-mapping/biofinder>.

- Highest Priority Interior Forest Blocks are the largest and/or highest ranked forest blocks from all the biophysical regions that provide the foundation for interior forest habitat and associated ecological functions.
- Priority Interior Forest Blocks are highly ranked forest blocks from all biophysical regions that provide important interior forest habitat and provide ecological support to the highest priority forest interior blocks.

Lot – Lot means a parcel of land under single ownership, and not divided by a State or Town road, with defined boundaries created by the act of subdivision or as described below. A deed may describe one or more lots. Multiple lots described in a single deed remain separate lots provided that they are described as having separate and distinct boundaries and that any subsequent deed or survey describing the lots does not eliminate the separate and distinct boundaries. Lots are:

1. Described as a single parcel of land in a deed recorded in the Town of Hinesburg land records prior to September 4, 1979. If such a deed describes two or more parcels of land, each described parcel shall constitute a lot; or
2. Described as a single parcel of land in a deed recorded in the Town of Hinesburg land records after September 4, 1979, provided the conveyance creating such parcel did not violate any Town of Hinesburg regulations or ordinances in effect at the time of conveyance. This includes deed descriptions of the first 3 lots created through October 6, 1997 from any parcel existing on September 4, 1979. If such a deed describes two or

- more parcels of land, each described parcel shall constitute a lot; or
3. Described as a lot in a zoning permit issued after September 4, 1979 by the Town of Hinesburg for the division of land not constituting a subdivision pursuant to the Subdivision Regulations in effect when the permit was issued, provided the development activity authorized by the permit was completed in conformance with the permit and prior to the expiration of the permit. Examples of such land divisions include simple parceling (option eliminated on October 20, 2003) and lots for agriculture, forestry, or conservation; or
  4. Depicted as a separate lot on a subdivision plat approved by the Town of Hinesburg pursuant to regulations in effect, and provided the plat was signed and filed in accordance with the requirements of State statute and applicable Hinesburg regulations.

Low Impact Development (LID) – Low Impact Development practices are a set of site development techniques designed to reduce the amount of stormwater runoff and associated pollutants leaving a site. LID practices reduce impacts by mimicking existing drainage patterns and retaining stormwater runoff onsite, commonly allowing for infiltration of precipitation into the underlying soil media. Successful implementation of LID strategies will reduce the total volume and peak flow rates of stormwater runoff generated at a site. It can also reduce the need for traditional stormwater treatment facilities (e.g. detention ponds). LID practices are typically small in scale and dispersed throughout a development site to provide treatment near the area of runoff generation.

Rather than relying on traditional stormwater management practices that are costly to construct and often consume valuable land, LID practices reduce the total amount of stormwater generated, thereby promoting hydrologic characteristics similar to pre-development conditions. Terms such as green infrastructure, conservation design, and sustainable stormwater management are often used synonymously with LID practices. All of these concepts support the use of small-scale, localized facilities that often incorporate the use of vegetation, open space and other natural processes to provide for natural infiltration and the reduction of subsequent stormwater volume, flow rate and pollutants. For more information and LID design guidance:

- City of South Burlington “Low Impact Development Guidance Manual” (originally published May 2009) - <http://www.sburlstormwater.com/download-material>
- US Environmental Protection Agency LID website - <http://water.epa.gov/polwaste/green>
- VT Department of Environmental Conservation, Watershed Management Division’s Green Infrastructure website - [http://www.vtwaterquality.org/stormwater/htm/sw\\_green\\_infrastructure.htm](http://www.vtwaterquality.org/stormwater/htm/sw_green_infrastructure.htm)

Master Plan - A document that describes, in narrative and with maps, an overall and long-term land use concept for a property or collection of properties, including natural resource areas, present property uses, and future land development plans.

Parcel of Land - Any contiguous piece of land in single ownership at the time of subdivision, not divided by any public road (also see “lot” definition).

Person - an individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

Plan - The municipal development plan of the Town of Hinesburg (Town Plan) adopted pursuant to the Vermont Planning and Development Act.



Planned Unit Development (PUD) - An allowed method of land development defined in the Hinesburg Zoning Bylaw in which an area of land is planned for a number of mixed uses including residential, commercial and industrial uses. In a PUD, the standards set forth in the Zoning Bylaw including lot size, density, lot coverage and yard sizes, are given greater flexibility in order to promote patterns of development appropriate to the particular qualities of the land being developed.

Preliminary Plat - The preliminary drawings for subdivision indicating the proposed layout of the subdivision, to be submitted to the Development Review Board for its consideration.

Rare, Threatened, or Endangered Species Habitat & Significant Natural Communities: Known locations for these habitats are documented via the Heritage Database that is maintained by the VT Fish and Wildlife Department. This database does not represent a complete town-wide inventory, so other undocumented occurrences are possible and should be considered if properly identified. These data are made available to municipalities for planning purposes, and are one of the many Geographic Information System (GIS) datasets utilized in Hinesburg's development review process.

Re-subdivision - Any change in a recorded subdivision plat approved by the Town of Hinesburg, if such change affects any street layout on such plat, or area reserved thereon for public use, or any lot line.

Sectionalizing - the dividing of a plat into two or more sections to be developed at separate times.

Sketch Plan - An informal sketch of the proposed subdivision, the purpose of which is to enable the subdivider to save time and expense in reaching general agreement with the Development Review Board as to the form of the subdivision and objectives and requirements of these regulations.

Stream: Streams are water courses with a visible stream bed of exposed rock, gravel or other sediment, even if water is not present in the stream bed during seasonal dry periods. For regulatory purposes, streams shall be identified as those shown as stream lines in the Vermont Hydrography Dataset (VHD) as published by the Vermont Center for Geographic Information (VCGI) in 2008, with occasional updates. If questions arise about inaccuracies or omissions in this dataset, the Zoning Administrator shall make the determination (appealable to the Development Review Board).

Street - Any road, highway, avenue, street, lane or other way between right-of-way lines, commonly used by the public for vehicular traffic.

Subdivider - Any person who shall lay out for the purpose of sale, development or other purpose, any subdivision or part thereof as defined in these regulation, either for him/herself or others. The term shall include an applicant for subdivision approval.

Subdivision

- (1) Any land, vacant or improved, which is divided or proposed to be divided into lots, parcels, sites, plots, units, or interests for the purpose of sale, lease or development

including amended subdivision and re-subdivisions. Subdivisions are further divided into either Minor or Major Subdivision as defined in this Article.

- (2) Subdivision - shall also include the development of a parcel of land as a new multiple family housing project or elderly housing project involving more than six (6) dwelling units, planned residential development, planned unit development or industrial park development.
- (3) Not Subdivision - the following shall not be considered to constitute "subdivision", nor shall any such conveyance be considered in determining whether the subdivision is a major subdivision or a minor subdivision:
  - (a) boundary adjustments - land conveyed to be incorporated into an adjoining parcel of land without the creation of any new lots. Includes the elimination of a parcel by merging all of it with an adjoining parcel.
  - (b) lots for agriculture, forestry or conservation - transfer of land solely for commercial forestry or agricultural purposes or land conservation, provided appropriate restrictions are inserted into the deed for agricultural, forestry or conservation purposes which waive development rights until and unless subdivision review occurs.
  - (c) exempt leases – Leases of portions of structures only (i.e., no land). Leases of land or structures solely for agricultural, commercial forestry, or land conservation purposes, provided that no development occurs on the leased land. Leases of very small land areas, less than 400 square feet, for the purpose of placing utility infrastructure (electrical, telecommunication, TV/cable, internet, etc.) shall be exempt from subdivision review/approval as long as a survey/plat showing the lease area is recorded in the Town Land Records pursuant to section 2.2.

Subdivision, Major - Any residential subdivision containing four or more lots, including all lots created from a single parcel within a period of ten years; any subdivision requiring installation of new public streets; any non-residential subdivision; and any multi-family housing project. Applications for major subdivisions normally require sketch plan approval and at least two plat submissions and two hearings (preliminary and final).

Subdivision, Minor - Any residential subdivision involving three or fewer lots, and otherwise not qualifying as a Major Subdivision. Application for a minor subdivision may be approved after sketch plan approval and one plat submission and one public hearing.

Subdivision Revision - Various sorts of revisions to an approved subdivision (decision and/or plat). See Section 7.7.

Vernal Pool: As defined in the most recently adopted version of the Vermont Wetland Rules – available online <https://dec.vermont.gov/watershed/wetlands/jurisdictional/rules>. The February 10, 2023 version definition reads as follows (Section 2), “Vernal Pool means a small wetland in a shallow natural depression that typically fills with water during the spring and/or fall and may dry during the summer. Vernal pools have no permanent inlet stream and no viable populations

of fish. Vernal pools are typically sparsely vegetated with herbaceous plants and are shaded by trees from the surrounding upland forest. Many vernal pools provide critical breeding habitat for amphibians.” Section 4.6 of the rules indicates that a vernal pool that provides amphibian breeding habitat are categorical Class II wetlands, unless determined otherwise by the Agency of Natural Resources Secretary on a case-by-case basis. For additional guidance on vernal pools and amphibian surveys, contact the Wetlands Program in the VT Department of Environmental Conservation

~~A small wetland in a shallow natural depression that typically fills with water during the spring and/or fall, and may dry out during the summer. Vernal pools have no permanent inlet stream and no viable populations of fish. They are typically sparsely vegetated with herbaceous plants and shaded by trees from the surrounding upland forest. Vernal pools that provide amphibian breeding habitat are considered Class 2 wetlands under the State of Vermont wetland rules. If an area has vernal pool characteristics (e.g., sufficient water depth and duration, forest/tree cover), it is presumed to be a Class 2 wetland until otherwise determined through an appropriately timed survey for breeding amphibians.~~

Wetland: For the purpose of these regulations, the definition of a wetland, as well as the types of wetlands actually regulated, shall be the same as the State of Vermont wetland rules and regulations. A wetland is an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands are delineated pursuant to protocols established by the Federal and State government, which focus on soil type, hydrology, and vegetation. State of Vermont wetland rules define three classes of wetlands. Class 1 and 2 wetlands tend to be larger, ~~more and/or more~~ significant, with regulations covering both the wetland and a surrounding buffer area. ~~wetlands and are regulated by the State.~~ Class 2 wetlands include vernal pools, which are small wetlands that provide important breeding habitat for amphibians. See “Vernal Pool” definition for details. Class 3 wetlands are smaller wetlands that may or may not be regulated by the State depending on their significance and proximity to other wetlands. Regulated class 3 wetlands are functionally intact enough to provide for wildlife habitat, water quality, or flood prevention. ~~Vernal pools fall into this category.~~ Unregulated class 3 wetlands do not serve these functions in a meaningful way, typically due to: small size, isolation from other wetlands and hydrological features, or past land use practices that have altered the hydrology of the area (e.g., agricultural drainage ditches, tiles, etc.).

Wildlife Corridor: Stream/riparian, wetland, or forested areas that provide connections between patches of significant wildlife habitat types listed in sections 4.7 and 4.8 of the Town Plan – see map 14 from the Town Plan. Stream/riparian and wetland wildlife corridors are easily identified while upland forest corridors can range from highly constrained to more diffuse. The width and effectiveness of wildlife corridors vary widely, both being highly dependent on the wildlife species and habitat type in question. Smaller, unmapped wildlife corridors (particularly smaller stream/riparian corridors) should also be considered if their importance is substantiated by scientific study or field assessment by a qualified expert (e.g., VT Fish and Wildlife assessment, university research, etc.).