

MEMORANDUM

To: Town of Fairfax, Planning Commission Chair; Town of Johnson, Planning Commission Chair;
Town of Waterville, Planning Commission Chair; Town of Fletcher, Planning Commission Chair;
Town of Morristown, Planning Commission Chair; Town of Stowe, Planning Commission Chair;
Town of Underhill, Planning Commission Chair; Town of Westford, Planning Commission Chair;
Village of Jeffersonville, Planning Commission Chair; Lamoille County Planning Commission,
Executive Director; Department of Housing and Community Affairs.

From: Cambridge Planning Commission

Date: October 23, 2014

RE: Amendments to the Subdivision Regulations for the Town and Village Of Cambridge and
Proposed Flood Hazard Area Regulations for the Town and Village Of Cambridge, Vermont

Pursuant to 24 VSA Section 4384, hand delivered or sent by certified mail with return receipt requested;
please find the following documents enclosed:

- Notice of Planning Commission Public Hearing for proposed Amendments to the Subdivision Regulations for the Town and Village Of Cambridge
- Notice of Planning Commission Public Hearing for proposed Flood Hazard Area Regulations for the Town and Village Of Cambridge
- Electronic Version of the Amendments to the Subdivision Regulations for the Town and Village Of Cambridge and Proposed Flood Hazard Area Regulations for the Town and Village Of Cambridge
- Planning Commission Report for proposed Amendments to the Subdivision Regulations for the Town and Village Of Cambridge
- Planning Commission Report for proposed Flood Hazard Area Regulations for the Town and Village Of Cambridge

Please feel free to contact Seth Jensen, Lamoille County Planning Commission Senior Planner, with any questions comments or concerns. He is available by phone (802) 888-4548 or by email at seth@lcpvvt.org.

If hand delivered, please sign and return a copy to:
Town of Cambridge, PO Box 127, Jeffersonville VT 05464

Municipality

Name/Signature

Date

Notice of Public Hearing
PROPOSED AMENDMENTS TO THE SUBDIVISION REGULATIONS FOR THE
TOWN AND VILLAGE OF CAMBRIDGE, VERMONT

The Cambridge Planning Commission hereby provides notice of a public hearing being held pursuant to 24 VSA §4441 (Preparation of Bylaws) and §4444 (Public Hearing Notice) for the purpose of hearing public comments concerning the proposed amendments to the Subdivision Regulations for the Town and Village of Cambridge.

DATE: Monday, November 10, 2014 at 6:30 p.m.

PLACE: Cambridge Elementary School Cafeteria, 186 School Street, Jeffersonville, VT

Statement of Purpose: The public hearing is being held to solicit public comments regarding the proposed amendments to the Subdivision Regulations for the Town and Village of Cambridge Vermont.

Geographic Area Affected: These bylaws shall apply to all areas in the Town of Cambridge, Vermont except those areas within the Village of Jeffersonville.

Table of Contents: (abbreviated)

- Section 1. General Provisions
- Section 2. Administration, Appeals, and Enforcement
- Section 3. Development Review Procedures
- Section 4. General Regulations and Review Criteria
- Section 5. Definitions

Location where full text may be examined:

Copies of the full text of the proposed amendments to the Subdivision Regulations for the Town and Village of Cambridge can be located in the office of the Town Clerk in Jeffersonville, Vermont. A copy is also available for inspection at the offices of the Lamoille County Planning Commission in Morrisville and is available at www.lcpcvt.org.

Notice of Public Hearing
PROPOSED FLOOD HAZARD AREA REGULATIONS FOR THE
TOWN AND VILLAGE OF CAMBRIDGE, VERMONT

The Cambridge Planning Commission hereby provides notice of a public hearing being held pursuant to 24 VSA §4441 (Preparation of Bylaws) and §4444 (Public Hearing Notice) for the purpose of hearing public comments concerning the proposed Flood Hazard Regulations for the Town and Village of Cambridge.

DATE: Monday, November 10, 2014 at 7:30 p.m.

PLACE: Cambridge Elementary School Cafeteria, 186 School Street, Jeffersonville, VT

Statement of Purpose: The public hearing is being held to solicit public comments regarding the proposed Flood Hazard Regulations for the Town and Village of Cambridge. The proposed regulations will meet minimum standards to ensure continued participation in the National Flood Insurance Program (NFIP).

The Planning Commission will also solicit public comments on a range of optional standards related to reducing future flood losses and damages. Based on these public comments, the Planning Commission will determine which of these options to forward to the Selectboard for further consideration.

Geographic Area Affected: These bylaws shall apply to all areas within the Flood Hazard Area in the Town of Cambridge, Vermont except those areas within the Village of Jeffersonville.

Table of Contents: (abbreviated)

- Section 1. Introduction and Purpose General Provisions
- Section 2. Delineation of Flood Hazard Area and Interpretation of Boundaries
- Section 3. Development Standards
- Section 4. Administration and Development Review Procedures
- Section 5. Definitions

Location where full text may be examined:

Copies of the full text of the proposed amendments to the Flood Hazard Regulations for the Town and Village of Cambridge can be located in the office of the Town Clerk in Jeffersonville, Vermont. A copy is also available for inspection at the offices of the Lamoille County Planning Commission in Morrisville and is available at www.lcpcvt.org.

**PROPOSED AMENDMENTS TO THE SUBDIVISION REGULATIONS FOR THE
TOWN AND VILLAGE OF CAMBRIDGE, VERMONT
PLANNING COMMISSION REPORT**

This report is in accordance with 24 V.S.A. §4441(c) which states: "When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments..... The report shall provide(:)

(A) brief explanation of the proposed bylaw, amendment, or repeal andinclude a statement of purpose as required for notice under §4444 of this title,

At the direction of the Selectboard, and in consultation with the DRB, The Planning Commission is proposing technical amendments to the Subdivision Regulations for the Town and Village Of Cambridge.

(A)nd shall include findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:

They proposed amendments are primarily technical in nature. The proposed amendments are unlikely to impact the availability of affordable housing.

2. Is compatible with the proposed future land uses and densities of the municipal plan:

All proposed amendments conform to the municipal plan

3. Carries out, as applicable, any specific proposals for any planned community facilities.

The proposed amendments clarify design standards for driveways, shared driveways, and private roads to ensure adequate base and width and appropriate maximum grade. This aids in the provision of emergency services.

**PROPOSED FLOOD HAZARD AREA REGULATIONS FOR THE
TOWN AND VILLAGE OF CAMBRIDGE, VERMONT
PLANNING COMMISSION REPORT**

This report is in accordance with 24 V.S.A. §4441(c) which states: “When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments..... The report shall provide(:

(A) brief explanation of the proposed bylaw, amendment, or repeal andinclude a statement of purpose as required for notice under §4444 of this title,

The proposed regulations will meet minimum standards to ensure continued participation in the National Flood Insurance Program (NFIP).

The Planning Commission is also soliciting public comments on a range of optional standards related to reducing future flood losses and damages. These options include:

- Requiring compensatory storage (no net fill)
- Requiring free board for new development and substantial improvements in the Flood Hazard Area
- Including State Mapped “River Corridors” in the Flood Hazard Area.
- Require additional elevation of any new critical facility and any associated access road located within the Flood Hazard Area.
- Prohibition on new Structures and fill in the flood hazard area

Based on these public comments, the Planning Commission will determine which (if any) of these options to forward to the Selectboard for further consideration.

(A)nd shall include findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:

The Municipal Plan contains the following policies related to flood hazards:

- The Planning Commission should engage in a community discussion and review of appropriate use and development of flood hazard areas.
- The Flood Hazard area is intended to protect life and property within Federally designated flood hazard areas. Development in this area shall not exacerbate flooding or fluvial erosion upstream or downstream. Any new or substantially improved structure should be elevated or flood proofed at least one foot above the 100-year flood elevation. Use of structural piers and other techniques that allow floodwaters to flow beneath a structure is preferred over use of fill, which displaces floodwaters onto other properties.
- Agriculture, recreation fields, parks, and open space are all appropriate uses of flood hazard areas.

- The Planning Commission should review the flood hazard zoning regulations to ensure they are adequate to meet the goals and objectives of this Plan.
- Flooding has made the Cambridge Regional Health Center inaccessible or forced it to evacuate in the recent past. The Town might consider incorporating this knowledge into its strategic disaster management planning and planning accordingly.

2. Is compatible with the proposed future land uses and densities of the municipal plan:

The Municipal Plan's Future Land Use Map designates areas within the 100-year floodplain as "flood Hazard Areas." The proposed regulations are consistent with this designation.

3. Carries out, as applicable, any specific proposals for any planned community facilities.

The proposed regulations will reduce the potential for flood damage to properties throughout Cambridge, including community facilities. The regulations may include additional protections for critical facilities, which will improve the municipality's ability to react to a flood related disaster



Lamoille County Planning Commission

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(802) 888-4548 • e-mail: lcpc@lcpcvt.org • fax: (802) 888-6938

To: Cambridge Planning Commission
From: Seth Jensen, LCPC Senior Planner
RE: Draft Cambridge Flood Hazard Regulations
Date: October 20, 2014

Enclosed with this memo please find a DRAFT of potential Flood Hazard Bylaws for the Town and Village of Cambridge. These bylaws are designed to meet minimum standards for participation in the National Flood Insurance Program (NFIP), which enables Cambridge property owners to receive reduced cost flood insurance. In addition, the draft contains “above code” standards that exceed NFIP minimums. These standards are intended to (a) provide additional protection against loss to life and property resulting from flooding, (b) reduce flood insurance costs for Cambridge property owners, (c) enable Cambridge Town and Village to receive additional State funds for repairs to infrastructure damaged during a federally declared disaster, and/or (d) better protect the natural functions of river corridors and floodplains.

“Above Code” options are described in greater detail below. These options are color coded in the attached Draft bylaws.

Prohibition on New Structures and Fill: The draft prohibits new structures and fill within the 100-year flood plain. The draft would allow the replacement and expansion of pre-existing structures and the use of fill to elevate such structures above the base flood elevation, as required by the bylaws. NFIP minimums allow new structures as long as they are elevated to the 100-year flood level. By prohibiting new development in the 100-year flood plain, the Municipality becomes eligible to receive additional State funds for repairs to infrastructure damaged during a federally declared disaster (referred to as the VTERAF program). Prohibition of new structures and fill also earns points toward the CRS program (defined below).

NOTE: An alternative to this approach is to allow new structures, but require them to be elevated via structural measures (such as via piers) rather than fill. This allows flood waters to pass beneath the structure rather than being displaced onto adjacent properties. A drawback of this approach is that it still places people and property in a flood hazard area. However, this may be mitigated to some degree by requiring freeboard.

Compensatory Storage: As noted above, the draft allows use of fill solely for the purpose of elevating existing structures located in the floodplain. A potential drawback of use of fill in the floodplain is that it may displace flood levels onto adjacent properties. “Compensatory Storage” requires “no-net fill” within the floodplain. In other words, if 10 yards of fill are needed to elevate a structure, a compensating 10 yards of fill must be lowered elsewhere. Compensatory storage also earns points toward the CRS program.

Freeboard: The draft requires any substantially improved structure to be elevated at two (2) feet above base flood elevation or to the 500-year flood elevation, whichever is greater. This requirement is referred to as “freeboard.” NFIP minimum only requires structures to be elevated to the base flood elevation. The base flood levels defined by FEMA do not account for debris in floodwaters (such as ice jams). Thus structures only elevated to this level may not be protected if ice jamming occurs or when actual flood levels are higher than the 100-year flood (such as during a 500-year flood). In addition, if a community requires “freeboard,” land owners applying for FEMA assistance to elevate existing structures are eligible for funds for the additional elevation. Absent a freeboard requirement, FEMA will only fund elevation to the base flood elevation. Freeboard also earns points toward the CRS program.

River Corridors: The draft regulates areas where rivers are prone to erosion in addition to areas that are prone to inundation flooding. These areas are not regulated under NFIP minimum standards. By regulating river corridors, the Municipality becomes eligible to receive additional State funds for repairs to infrastructure damaged during a federally declared disaster (referred to as the VTERAF program).

Critical Facilities: Critical Facilities refer to facilities that are “vital to public health and safety.” NFIP recommends, but does not require, additional protections for critical facilities. The bylaws contain two options to address critical facilities: (1) prohibit critical facilities from locating in the flood hazard area or (b) require additional elevation of the facility AND any access road. The Planning Commission should discuss which option is a best fit for Cambridge. Prohibiting critical facilities ensures these facilities are protected against flooding. HOWEVER, critical facilities often provide emergency shelter and relief to residents impacted or isolated during a flood. Thus, where existing population centers, such as Cambridge Village, are located in flood prone areas, ensuring that these facilities are accessible and nearby can protect public safety. Note, either approach to critical facilities earns points toward the CRS program.

Important Definitions

Floodway: The channel of a river or stream – and lands adjoining the channel – required to efficiently carry and discharge the flow of water during a flood.

Floodway Fringe: The area bordering a floodway that has been, or could also be, inundated by floodwater at various storm intervals.

Floodplain: Combined, the *floodway* and the *floodway fringe* make up a floodplain. Typically, the floodway is narrow, while the floodway fringe is wider and ultimately where development is more likely to occur.

100-year/500-year floodplain: Floodplains can be measured by different intervals (100 year, 500 year, etc.) based on how much rain falls during a given storm event. A “100 year floodplain” is the flooding which results from a storm that has a 1% chance of occurring in any given year. A “500 year

floodplain” is the flooding which results from a storm that has a 0.2% chance of occurring in any given year. A 500 year flood is larger than a 100 year flood. NFIP-compliant bylaws use the 100 year floodplain as the regulatory standard. Note the 100-year floodplain is referred to as the Special Flood Hazard Area (SFHA).

Base Flood Elevation (BFE): Predicted water levels during the 100-year flood. If the BFE is 400 feet, the surface of water during the 100-year flood will be at least 400 feet above sea level. Note that the methodology that FEMA uses for calculating the BFE does not account for some of the major causes of flooding in Vermont, such as ice and debris jams or blockages caused by undersized bridges and culverts.

Community Rating System (CRS): The Community Rating System is a voluntary program in which property owners in participating communities are eligible for reduced flood insurance premiums. In order to participate in CRS, a community must receive a certain number of points. Communities can receive “points” by including “above code” requirements in local flood hazard bylaws, conducting public outreach related to flood hazards and flood hazard mitigation, tracking development within the floodplain, actively working to conserve land within the floodplain, and similar measures. Also, by participating in CRS, the Municipality becomes eligible to receive additional State funds for repairs to infrastructure damaged during a federally declared disaster (referred to as the VTERAF program).

FEMA has measured base flood elevations (BFEs) for the Special Flood Hazard Area (SFHA) and has delineated both floodways and the floodway fringes in Cambridge.

CAMBRIDGE FLOOD HAZARD BYLAWS

STATUTORY AUTHORIZATION: To effect the purposes of 10 V.S.A. Chapter 32 and in accordance with 24 V.S.A. § 4424, there is hereby established Flood Hazard regulations in the Town and Village of Cambridge, Vermont.

PURPOSE: It is the purpose of these bylaws to minimize and prevent loss of life and property, to reduce hazards to public safety and wellbeing, to minimize and prevent the disruption of commerce, to minimize and prevent the impairment of the tax base, and to minimize the extraordinary public expenditures and demands on public services that result from flood by:

- Restricting or prohibiting uses that are dangerous to health, safety, or property in times of flood or that cause excessive increase in flood heights or velocities;
- Requiring that the design and construction of development in the flood hazard areas is accomplished in a manner that minimizes or eliminates the potential for flood damage;
- Prohibiting filling of the flood hazard area unless compensating for the flood carrying capacity elsewhere; and
- Promoting wise use of the flood hazard areas as agricultural lands and open space.

DELINEATION OF THE DISTRICT: These regulations shall apply to Special Flood Hazard Areas and the River Corridors in the Town and Village of Cambridge. The Flood Hazard Areas shall consist of, and these Flood Hazard Bylaws shall apply to, the following areas:

The Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations.

The River Corridors as published by the Vermont Agency of Natural Resources, including the Statewide River Corridors and refinements to that data based on field-based assessments which are hereby adopted by reference. Where River Corridors are not mapped, the standards contained in these bylaws shall apply to the area measured as fifty (50) feet from the top of the stream bank or slope.

BASE FLOOD ELEVATIONS AND FLOODWAY LIMITS IN SPECIAL FLOOD HAZARD AREAS: Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations. In Special Flood Hazard Areas where base flood elevations and/or floodway limits have not been provided by the National Flood Insurance Program or in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA or by State or Federal agencies.

INTERPRETATION OF HAZARD AREA BOUNDARIES: The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.

1
2 If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the
3 floodway, the location of the boundary shall be determined by the Administrative Officer (AO). If
4 the applicant disagrees with the determination made by the AO, a Letter of Map Amendment
5 from FEMA shall constitute proof.

6
7 If uncertainty exists with respect to the boundaries of the River Corridor, the location of the
8 boundary shall be determined by the AO. If the applicant disagrees with the determination made
9 by the AO, a letter of determination from the Vermont Agency of Natural Resources shall
10 constitute proof.

11
12 SPECIFICALLY PROHIBITED USES WITHIN THE FHA: creation of new principal structures
13 (including the placement of manufactured homes); storage or junk yards; new fill, except as necessary to
14 elevate existing structures above the base flood elevation; any new principal or accessory structures in the
15 floodway; critical facilities; all development not exempted under Section X.X, or permitted or
16 conditional below

17
18 PERMITTED USES AND DEVELOPMENT: The following uses and development activities are
19 permitted upon issuance of a zoning permit, provided they are located outside of the floodway and any
20 River Corridor. All permitted uses shall comply with the General Standards for all development found in
21 Section X.X

22
23 Maintenance, repair, and non-substantial improvements of an existing structure, including
24 building utilities;
25 Reasonable modifications to existing structures in order to afford persons with a disability full
26 enjoyment of the premises, including, as provided by the Fair Housing Act but not limited to,
27 installation of access ramps compliant with the Americans with Disabilities Act.
28 Accessory structures;
29 Development related to onsite septic or water supply systems;
30 At-grade parking

31
32 CONDITIONAL USES: The following uses may be permitted in the Flood Hazard Area as conditional
33 uses by the Appropriate Municipal Panel in accordance with Section X.X of these bylaws:

34
35 Substantial improvement, elevation, relocation, or flood proofing of existing structures;
36 New or replacement storage tanks for existing structures;
37 Improvements to existing structures in the floodway;
38 Grading, excavation; or the creation of a pond;
39 Improvements to existing roads;
40 Bridges, culverts, channel management activities, or public projects which are functionally
41 dependent on stream access or stream crossing;
42 Public utilities;
43 Improvements to existing principal structures in the River Corridors that do not expand the
44 footprint of the existing structure more than five hundred (500) square feet;
45 Accessory structures in the River Corridors, with a foot print of five hundred (500) square feet or
46 less, that represent a minimal investment
47 Building utilities in the River Corridors;
48 Critical facilities; and,
49 At-grade parking located within a River Corridor and serving an existing building

Comment [SJ1]: NFIP Minimum's would also allow new structures subject to conditional use review

Comment [SJ2]: This would give the DRB authority over town and village public works projects. Is this the intent? Confirm minimum NFIP Standards

1 DEVELOPMENT STANDARDS FOR ALL DEVELOPMENT IN THE FLOOD HAZARD AREA:
2 The following standards shall apply to all subdivision and development, whether permitted or conditional,
3 in the Flood Hazard Area. The criteria below are the minimum standards for development in the flood
4 hazard areas. Where more than one zone or area is involved, the most restrictive standard shall take
5 precedence.

6
7 Special Flood Hazard Area: All development located in the Special Flood Hazard Area but not
8 within the floodway or River Corridor shall comply with the following standards:
9

10 All development shall be:

11
12 Reasonably safe from flooding;

13
14 Designed, operated, maintained, modified, and adequately anchored to prevent
15 flotation, collapse, release, or lateral movement of the structure;

16
17 Constructed with materials resistant to flood damage;

18
19 Constructed by methods and practices which minimize flood damage;

20
21 Constructed with electrical, heating, ventilation, plumbing and air conditioning
22 equipment, and other service facilities that are designed and/or located so as to
23 prevent water from entering or accumulating within the components during
24 conditions of flooding;

25
26 Adequately drained to reduce exposure to flood hazards;

27
28 Located so as to minimize conflict with changes in channel location over time
29 and the need to withstand such changes; and,
30

31 Required to locate any fuel storage tanks (as needed to serve an existing building
32 in the Special Flood Hazard Area) a minimum of two (2) feet above base flood
33 elevation, or to the 500-year flood elevation, whichever is greater, and to
34 securely anchor such fuel storage tanks to prevent flotation, or storage tanks may
35 be placed underground, if securely anchored as certified by a qualified
36 professional.
37

38 In Zones AE, AH, and A1 – A30 where base flood elevations and/or floodway limits
39 have not been determined, development shall not be permitted unless it is demonstrated
40 that the cumulative effect of the proposed development, when combined with all other
41 existing and anticipated encroachment, will not increase the base flood elevation more
42 than one (1.00) foot at any point within the community. The demonstration must be
43 supported by technical data that conforms to standard hydraulic engineering principles
44 and certified by a licensed professional engineer.
45

46 Structures to be substantially improved in Zones A, A1-30, AE, and AH shall be located
47 such that the lowest floor is at least two (2) feet above base flood elevation, or to the 500-
48 year flood elevation, whichever is greater. Such elevation must be documented, in as-
49 built condition, with a FEMA Elevation Certificate;
50

Structures to be substantially improved or meet the definition of substantial damage or repetitive loss in Zones A, A1-30, AE, and AH shall be located such that the lowest floor, including any basement, with attendant utility and sanitary facilities, is at least two (2) feet above base flood elevation, or to the 500-year flood elevation, whichever is greater. Such elevation must be documented, in as-built condition, with a FEMA Elevation Certificate;

Non-residential structures to be substantially improved shall:

Meet the elevation standard above, or

Shall be designed so that the lowest floor, including basement, together with attendant utility and sanitary facilities is at least two (2) feet above the base flood elevation, or to the 500-year flood elevation, whichever is greater; so that the structure is watertight with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for flood proofing shall not be issued until a licensed professional engineer or architect has reviewed the structural design, specifications, and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

Dry flood proofing measures used to meet the above flood proofing standard must be achieved without the use of human intervention at the time of flooding unless the facility is adequately staffed at all hours with people trained and able to deploy the facility's flood proofing measures.

Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.

Fully enclosed areas that are above grade, below the lowest floor, below BFE, and subject to flooding, shall

Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,

Include a signed non-conversion agreement from the owner of the structure with the permit stating that the enclosed area below the BFE will not be converted to another use not listed in Section X.X above and that the community would have the ability to inspect the exterior and interior of the enclosed area in compliance with the standards laid out in the non-conversion agreement; and

Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a licensed professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings on two (2) walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Recreational vehicles must be fully licensed and ready for highway use, and shall either:

be on the site for fewer than one hundred eighty (180) consecutive days or

be permitted in accordance with the elevation and anchoring requirements for “manufactured homes” found below

A small accessory structure of five hundred (500) square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria for fully enclosed areas above grade (above).

Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability;

Bridges and culverts, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources where applicable. Subdivisions and Planned Unit Developments must be accessible by dry land access outside the Special Flood Hazard Area.

Existing buildings, including manufactured homes, which are to be substantially improved or which meet the definition of substantial damage or repetitive loss in Zone AO shall have the lowest floor, including basement and the attendant utility and sanitary facilities, elevated above the highest adjacent grade, at least (2) two feet above the depth number specified on the community’s FIRM, or, if no depth number is specified, at least three (3) feet.

Manufactured homes: Must be elevated and anchored to resist flotation, collapse, or lateral movement. Manufactured homes placed or substantially improved within A1-30, AH, and AE Zones must be elevated such that the lowest floor is at least two (2) feet above the Base Flood Elevation and must be securely anchored provided that the manufactured home is:

- i. Outside a manufactured home park or subdivision; or
- ii. In a new manufactured home park or subdivision; or
- iii. On a new site in an expansion to an existing manufactured home park or subdivision; or
- iv. On a site in an existing park in which a manufactured home has incurred substantial damage as a result of the flood.

1
2 In A1-30, AH, and AE Zones, manufactured homes to be placed or substantially
3 improved on **an existing site, in an existing manufactured home park, that has not**
4 **incurred substantial damage** must be elevated so that the lowest floor is at least two (2)
5 feet above Base Flood Elevation, or the chassis is supported by reinforced piers no less
6 than 48 inches in height above grade and securely anchored.

7
8 **Compensatory Storage:** Where fill is allowed for use to elevate existing structures located
9 in the SFHA, areas that are located below the BFE shall be compensated for and balanced
10 by a hydraulically equivalent volume of excavation taken from below the base flood
11 elevation. All excavations shall:

12
13 **Have the exposed soil stabilized against erosion, preferably through seeding and**
14 **mulching;**

15
16 **Be located above the ground water level to minimize ponding and sedimentation;**
17 **and**

18
19 **Be contiguous with existing flood water storage and conveyance.**

20
21 **Any new Critical facilities and/or any existing Critical Facilities that are to be**
22 **substantially improved or meet the definition of substantial damage or repetitive loss,**
23 **shall be constructed so that the lowest floor, including basement, shall be elevated at least**
24 **one (1) foot above the elevation of the 500-year floodplain. A critical facility shall have**
25 **at least one (1) access road connected to land outside the 500-year floodplain which is**
26 **capable of accommodating emergency services vehicles. The top of the access road must**
27 **be no lower than six (6) inches below the elevation of the 500-year floodplain.**

28 29 Floodway Areas

30
31 Encroachments or development above grade and less than one (1) foot above the base
32 flood elevation are prohibited unless hydrologic and hydraulic analyses are performed in
33 accordance with standard engineering practice by a licensed professional engineer,
34 certifying that the proposed development will:

35
36 Not result in any increase in flood levels (0.00 feet) during the occurrence of the
37 base flood;

38
39 Not increase any risk to surrounding properties, facilities, or structures from
40 erosion or flooding.

41
42 Public utilities may be placed underground, and the analyses may be waived where a
43 licensed professional engineer certifies that there will be no change in grade and the
44 utilities will be adequately protected from scour.

45 46 River Corridors

47
48 **Improvements to existing structures and any associated fill as needed to comply with**
49 **elevation requirements in the Special Flood Hazard Area shall not decrease the distance**
50 **between the existing primary building and the top of bank;**

1 Accessory structures may be located within fifty (50) feet of the existing primary
2 building, provided that the location does not decrease the distance between the existing
3 primary structure and the top of bank.

4
5 Development shall not increase the susceptibility of that property or other properties to
6 fluvial erosion damage.

7
8 Development shall not increase the potential of materials being swept onto other lands or
9 into the stream and causing damage to other properties from fluvial erosion.

10
11 Development shall not cause an undue burden on public services and facilities, including
12 roads, bridges, culverts, and emergency service providers, during and after fluvial erosion
13 events.

14
15 Bridge and culvert projects must have a Stream Alteration Permit, and Channel
16 Management Activities must be authorized by the Agency of Natural Resources.

17
18 Any development exempt from minimal land use regulations (such as agriculture and
19 public utilities) shall comply with all applicable standards established by the State of
20 Vermont.

21
22 ADMINISTRATIVE OFFICER AND APPROPRIATE MUNICIPAL PANEL: To administer these
23 Bylaws, there is hereby established an Administrative Officer (AO) and an Appropriate Municipal Panel
24 to be appointed by the Selectboard as specified under 24 V.S.A. §4448 and §4460.

25
26 The Appropriate Municipal Panel, in the exercise of its functions, shall have the following
27 powers, in addition to those specifically provided for elsewhere in law:

- 28
29 1. appeals from a decision of the Administrative Officer
30
31 2. review of a request for a variance.
32
33 3. review of an application for a conditional use.

34
35 All proposed development shall be reviewed by the Administrative Officer and/or the
36 Appropriate Municipal Panel to assure that all necessary permits have been received from those
37 government agencies from which approval is required by Federal, State, or Municipal law.

38
39 DEVELOPMENT REVIEW PROCEDURES:

40
41 Application Requirements: **All applications for development within the flood hazard area**
42 shall include:

43
44 the name and contact information for the owner of the property, including any agents
45 authorized to act on their behalf;

46
47 a thorough description of the proposed development;

48
49 general location map, including the address of the property, tax parcel ID, relative
50 locations of the existing development and the nearest public road;

1 where applicable, a site plan that depicts the proposed development, all water bodies,
2 Special Flood Hazard Areas, floodways, River Corridors, the shortest horizontal distance
3 from the proposed development to the top-of-bank of any stream, any existing and
4 proposed drainage, any proposed fill and pre and post development grades, and the
5 elevation of the proposed lowest floor, as referenced to the same vertical datum as the
6 elevation on the current Flood Insurance Rate Maps;
7

8 base flood elevation data for subdivision proposals or other developments greater than
9 fifty (50) lots or five (5) acres;
10

11 Vermont Agency of Natural Resources Project Review Sheet for the proposal. The
12 Project Review Sheet shall identify all State and Federal agencies from which permit
13 approval is required for the proposal and shall be filed as a required attachment to the
14 municipal permit application. The identified permits, or letters indicating that such
15 permits are not required, shall be submitted to the Administrative Officer and attached to
16 the permit before work can begin.
17

18 the appropriate fee
19

20 Applications for conditional use approval or a variance shall also include the following additional
21 information:
22

23 a list of abutters' names and mailing addresses;
24

25 a statement of purpose and need for the proposed development;
26

27 a description of the alternatives considered to the proposed development, including
28 alternate locations on site, especially outside of the hazard area;
29

30 elevations of any proposed development;
31

32 such pertinent information as identified in the regulations or deemed necessary by the
33 Appropriate Municipal Panel for determining the suitability of the proposed development
34 for the site;
35

36 copies of the application sufficient for the file, the Appropriate Municipal Panel
37 members, the State National Flood Insurance Program Coordinator, and additional parties
38 such as the VT DEC Stream Alteration Engineer and adjacent communities if affected
39 under Section X.X.; and,
40

41 any additional fees required.
42

43 For subdivisions, the Appropriate Municipal Panel shall:
44

45 Review subdivision proposals and other development, including manufactured home
46 parks or subdivisions, to determine whether such proposal will be reasonably safe from
47 flooding and, if a subdivision or other development proposal is in a flood-prone area, to
48 assure that:

- 49 a. Such proposals minimize flood damage,
- 50 b. Public utilities and facilities are constructed so as to minimize flood damage,
51 and

c. Adequate drainage is provided.

Comment [SJ3]: This may need to be added to the Subdivision Regulations, rather than contained in the Flood Hazard Bylaws

Referrals:

Upon receipt of a complete application for a substantial improvement or new construction, the AO shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of thirty (30) days from the date the application was mailed to the Agency, whichever is sooner.

If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of thirty (30) days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner.

The APPROPRIATE MUNICIPAL PANEL shall consider comments from the NFIP Coordinator at The Agency of Natural Resources. The APPROPRIATE MUNICIPAL PANEL may recess the proceedings on any application pending submission of additional information.

Hearings:

At least fifteen (15) days notice shall be provided before the date of the hearing by all of the following:

Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected; and

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

Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way, as well as to the parties in **Section X.X** above if not done so already. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

The applicant may be required to bear the cost of the public warning and the cost and responsibility of notification of adjoining landowners. The applicant may be required to provide a copy of the warning and demonstrate proof of the posting and of delivery to

1 adjoining landowners either by certified mail, return receipt requested, or by written
2 notice hand delivered or mailed to the last known address supported by a sworn
3 certificate of service.

4
5 The Appropriate Municipal Panel may recess the proceedings on any application pending
6 submission of additional information. The Panel should close the evidence promptly
7 after all parties have submitted the requested information, adjourn the hearing, and may
8 deliberate prior to issuing its decision.
9

10 Decisions:

11
12 Decisions by the Administrative Officer to approve or deny an application shall be issued
13 in writing within thirty (30) days of a complete application.
14

15 Unless action is taken by the Administrative Officer, including referral to the Appropriate
16 Municipal Panel and/or the NFIP Coordinator under **Section X.X** above, the application
17 shall be deemed approved on the 31st day.
18

19 Applications that require conditional use approval shall be referred to the Appropriate
20 Municipal Panel.
21

22 Decisions of the Administrative Officer can be appealed to the Appropriate Municipal
23 Panel.
24

25 Decisions of the Appropriate Municipal Panel for variance or conditional use approval
26 shall be issued in writing within forty-five (45) days after the adjournment of the final
27 hearing. Failure to issue a decision within this period shall be deemed approval and shall
28 be effective on the 46th day.
29

30 Conditional use approvals shall also provide that all necessary permits must be received
31 from those government agencies from which approval is required by Federal, State, or
32 Municipal law prior to the issuance of a permit.
33

34 The Appropriate Municipal Panel shall consider comments from the NFIP Coordinator at
35 the Department of Environmental Conservation.
36

37 Approvals shall include a statement of the factual basis on which the Panel has made its
38 conclusions regarding how the proposed development will meet the development
39 standards and a statement of the conclusions.
40

41 In rendering a decision in favor of the applicant, the Panel may attach additional
42 reasonable conditions and safeguards as it deems necessary to implement the purposes of
43 this bylaw and the Municipal Plan then in effect.
44

45 The Panel may provide for the conditioning of permit issuance on the submission of a
46 bond, escrow account, or other surety in a form acceptable to the legislative body of the
47 municipality to assure one or more of the following: the completion of the project,
48 adequate stabilization, or protection of public facilities that may be affected by a project.
49

50 Any decision shall be sent by certified mail within the forty-five (45) day period to the
51 applicant, and the appellant. Copies of the decision shall also be mailed to every person

1 or body appearing and having been heard at the hearing, and a copy of the decision shall
2 be filed with the Administrative Officer and the Clerk of the municipality as a part of the
3 public records of the municipality.
4

5 Appeals:

6
7 An interested person (see definition) may appeal any decision or act taken by the
8 Administrative Officer by filing a notice of appeal with the secretary of the Appropriate
9 Municipal Panel, or with the Town Clerk if no such secretary has been elected.
10

11 This notice of appeal must be filed within fifteen (15) days of the date of that decision or
12 act, and a copy of the notice of appeal shall also be filed with the Administrative Officer.
13

14 A notice of appeal shall be in writing and shall include the name and address of the
15 appellant, a brief description of the property with respect to which the appeal is taken, a
16 reference to the regulatory provisions applicable to that appeal, the relief requested by the
17 appellant, and the alleged grounds why the requested relief is believed proper under the
18 circumstances.
19

20 The Appropriate Municipal Panel shall set a date and place for a public hearing of an
21 appeal under this chapter that shall be within sixty (60) days of the filing of the notice of
22 appeal.
23

24 The Panel shall give public notice of the hearing as specified in **Section X.X**. Any person
25 or body empowered to take an appeal with respect to the property at issue may appear
26 and be heard in person or be represented by an agent or attorney at the hearing. Any
27 hearing held under this section may be adjourned by the Panel from time to time;
28 provided, however, that the date and place of the adjourned hearing shall be announced at
29 the hearing. All hearings shall be open to the public, and the rules of evidence applicable
30 at these hearings shall be the same as the rules of evidence applicable in contested cases
31 in hearings before administrative agencies as set forth in 3 V.S.A. § 810.
32

33 Permit Validity

34
35 Each permit issued shall contain a statement of the period of time within which an appeal
36 may be taken and shall require posting of a notice of permit on a form prescribed by the
37 municipality within view from the public right-of-way most nearly adjacent to the subject
38 property until the time for appeal in has passed.
39

40 No permit issued pursuant to this section shall take effect until fifteen (15) days after
41 issuance.
42

43 In the event that a notice of appeal of a decision by the Administrative Officer is properly
44 filed, no such permit shall take effect until adjudication of that appeal is complete.
45

46 Each permit shall be valid for a period of two (2) years. The Administrative Officer may
47 extend the permit for an additional ninety (90) days if local or state permits or approvals
48 are pending, provided the request for an extension is made before the expiration of the
49 permit. The Administrative Officer may grant up to four (4) such extensions. Any
50 additional extension may be granted only by the Appropriate Municipal Panel
51

1
2 RECORDS AND RECORDING REQUIREMENTS:

3
4 Within three (3) days following the issuance of a permit, the Administrative Officer shall:

5
6 deliver a copy of the permit and any accompanying conditional approval to the Listers of
7 the municipality; and

8
9 post a copy of the permit in at least one public place in the municipality until the
10 expiration of fifteen (15) days from the date of issuance of the permit.

11
12 Within thirty (30) days after a municipal land use permit has been issued or within thirty (30)
13 days of the issuance of any notice of violation, the Administrative Officer shall:

14
15 deliver the original or a legible copy of the permit, or notice of permit, and any approvals
16 to the Town Clerk for recording in the land records as provided in 24 VSA, § 1154(a);

17
18 file a copy of the permit and any approvals in the Town office in a location where all
19 municipal land use permits shall be kept; and,

20
21 The Administrative Officer shall properly file and maintain a record of:

22
23 All permits issued in areas covered by this bylaw

24
25 Elevation Certificate with the as-built elevation (consistent with the datum of the
26 elevation on the current Flood Insurance Rate Maps for the community) of the lowest
27 floor, including basement, of all new, substantially improved, or flood proofed buildings
28 (not including accessory buildings) in the Special Flood Hazard Area; and

29
30 All flood proofing and other certifications required under this regulation.

31
32 All decisions of the APPROPRIATE MUNICIPAL PANEL (including variances and
33 violations) and all supporting findings of fact, conclusions and conditions.

34
35 The Municipality may charge the applicant for the cost of the recording fees as required by law.

36
37 NON-CONFORMITIES: The following provisions shall apply to all structures, uses of lands, or
38 improvements thereon which lawfully exist on the effective date of these bylaws and which do not
39 conform to the requirements of these bylaws.

40
41 The Appropriate Municipal Panel may permit the expansion of the non-conforming use or
42 structure by up to xxx percent [x%] of the ground area in use at the onset of non-conformity.
43 Any such expansion or substantial improvement of a non-conforming structure or use shall
44 comply with the Development Standards for all development in the Flood Hazard Area found in
45 Section X.X. of these bylaws.

Comment [SJ4]: PC will need to define acceptable percentage increase (usually between 25 and 50%)

46
47 A non-conforming structure that is substantially damaged or destroyed may be reconstructed only
48 in circumstances when the structure cannot be relocated to a less hazardous location on the parcel.
49 The lowest floor of the reconstructed structure must be rebuilt to two (2) feet above base flood
50 elevation, or to the 500-year flood elevation, whichever is greater, and the structure must
51 otherwise comply with all requirements of the National Flood Insurance Program;

1
2 Non-conforming structures or uses shall be considered abandoned where such structures or uses
3 are discontinued for more than twelve (12) months; and
4

5 An individual manufactured home lot in an existing manufactured home park that is vacated shall
6 not be considered a discontinuance or abandonment of non-conformity. Replacement
7 manufactured homes must be placed so as to meet the development standards in this bylaw.
8

9 VARIANCES: Variances to the above standards may be granted in writing by the Appropriate Municipal
10 Panel only in accordance with 24 V.S.A. § 4469 and 44 CFR Section 60.6, and after a hearing noticed in
11 **Section X.X** of these bylaws. In reviewing requests for variances, the Appropriate Municipal Panel may
12 grant a variance and render a decision in favor of the appellant only if all of the following facts are found
13 and the findings are specified in its written decision:
14

15 There are unique physical circumstances or conditions, including irregularity, narrowness, or
16 shallowness of lot size or shape, or exceptional topographical or other physical conditions
17 peculiar to the particular property, and that any unnecessary hardship is due to these conditions
18 and not the circumstances or conditions generally created by the provisions of these bylaws in the
19 neighborhood or district in which the property is located;
20

21 Because of these physical circumstances or conditions, there is no possibility that the property
22 can be developed in strict conformity with the provisions of these bylaws and that the
23 authorization of a variance is necessary to enable the reasonable use of the property;
24

25 The unnecessary hardship has not been created by the appellant;
26

27 The variance, if authorized, will not alter the essential character of the neighborhood or district in
28 which the property is located, will not substantially or permanently impair the appropriate use or
29 development of adjacent property, will not reduce access to renewable energy resources, and will
30 not be detrimental to the public welfare;
31

32 The variance, if authorized, will represent the minimum that will afford relief and will represent
33 the least deviation possible from these bylaws and from the Plan; and .
34

35 Based on a review by VT Agency of Natural Resources, if it is determined that the proposed
36 development will not increase flood levels and/or obstruct the establishment and maintenance of
37 fluvial geomorphic equilibrium for the watercourse.
38

39 In rendering a decision in favor of an applicant for a variance, the APPROPRIATE MUNICIPAL PANEL
40 may attach such conditions to such variances as it may consider necessary and appropriate under the
41 circumstances to implement the Act and/or the Town and Village of Cambridge Comprehensive
42 Development Plan as most recently adopted [the Act §4469(c)]. Such conditions may include those in **Section**
43 **X.X** of these bylaws.
44

45 For any variance issued within the Flood Hazard Area, the permit shall state: "This development is
46 not in conformance with the Flood Hazard Area bylaws established by the Town and Village of
47 Cambridge to protect the health, safety, and welfare of the occupants and/or property. This
48 development will be maintained at the risk of the owner. The issuance of this variance to develop in
49 the flood hazard area will result in increased premium rates for flood insurance up to amounts as high
50 as \$25 for \$100 of insurance coverage and may increase risks to life and property in the event of a
51 flood." Such language shall also be included on the deed recorded in the Cambridge Land Records.

1
2 VIOLATIONS AND ENFORCEMENT: It shall be the duty of the Administrative Officer to enforce the
3 provisions of this bylaw.
4

5 Upon determination that a violation exists, the Administrative Officer shall notify the alleged
6 offender of the violation by certified mail and shall mail a copy of the notice of violation to the
7 State NFIP Coordinator. The notice shall state that:

8
9 a violation exists;

10
11 that the alleged offender has an opportunity to cure the violation within seven (7) days of
12 receipt;

13
14 that failure to cure the violation may result in fines and/or loss of flood insurance;

15
16 that the alleged offender will not be entitled to an additional warning notice for a
17 violation occurring after expiration of the seven (7) day cure period within the next
18 succeeding twelve (12) months; and

19
20 that the notice of violation may be appealed as specified under VIII.G;

21
22 If the violation is not remedied within seven (7) days, or after all appeals have been resolved, the
23 Administrative Officer shall:

24
25 file a copy of the notice of violation in the municipal land use permit files;

26
27 file a copy of the notice of violation with the Town Clerk for filing in the land records;

28
29 if located in an area of special flood hazard, submit a declaration to the Administrator of
30 the National Flood Insurance Program requesting a denial of flood insurance to the
31 violator. The declaration shall consist of (a) the name of the property owner and address
32 or legal description of the property sufficient to confirm its identity or location, (b) a clear
33 and unequivocal declaration that the property is in violation of a cited State or local law,
34 regulation, or ordinance, (c) a clear statement that the Administrative Officer making the
35 declaration has authority to do so and a citation to that authority, (d) evidence that the
36 property owner has been provided notice of the violation and the prospective denial of
37 insurance, and (e) a clear statement that the declaration is being submitted pursuant to
38 Section 1316 of the National Flood Insurance Act of 1968, as amended; and,

39
40 an enforcement action shall be brought under 24 VSA § 4452 or 10 VSA § 1974a to cure
41 the violation.
42

43 Any person who is found to have violated this bylaw shall be fined more than \$100.00 per day
44 for each offense. No action may be brought under this section unless such notice as required has
45 been given as described above in **Section X.X**. In default of payment of the fine, the violator
46 shall pay double the amount of the fine. Each day that a violation is continued shall constitute a
47 separate offense. All fines collected for the violation of this bylaw shall be paid over to the Town
48 of Cambridge.
49

PRECEDENCE OF BYLAW: The provisions of these flood hazard bylaws shall not in any way impair or remove the necessity of compliance with any other local, State, or Federal laws or regulations. Where this flood hazard regulation imposes a greater restriction, the provisions here shall take precedence.

SEVERABILITY SECTION: If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

WARNING OF DISCLAIMER OF LIABILITY: This bylaw does not imply that land outside of the areas covered by this bylaw will be free from flood or erosion damages. This regulation shall not create liability on the part of the Town and Village of Cambridge, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this regulation or any administrative decision lawfully made hereunder.

DEFINITIONS:

Except where specifically defined herein or in 24 V.S.A CH117, or unless otherwise clearly required by the context, all words, phrases, and terms in this bylaw shall have their usual, customary meanings. Definitions contained in 24 V.S.A CH117 shall be applicable throughout these bylaws, unless otherwise specifically defined in this section.

In the interpretation of words and terms used, defined, or further described herein, the following shall apply:

The particular controls the general;

The present tense includes the future tense;

The words "shall" and "must" are mandatory, and the words "should" and "may" are permissive;

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual, unless otherwise specifically defined herein;

The word "structure" includes "building;"

The word "lot" includes "parcel."

"Accessory Structure" means a structure which is: (1) detached from, and clearly incidental and subordinate to, the principal use of a structure on a lot, (2) located on the same lot as the principal structure or use and (3) clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to, garages, garden and tool sheds, and playhouses.

"Area of Special Flood Hazard" is synonymous in meaning with the phrase "special flood hazard area" for the purposes of these regulations.

"Base Flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year (commonly referred to as the "100-year flood").

"Base Flood Elevation" (BFE) is the elevation of the water surface elevation resulting from a flood that has a one percent (1%) chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet; in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet above the ground surface.

"BFE" see Base Flood Elevation

1 **“Buffer”** means an undisturbed area consisting of trees, shrubs, ground cover plants, duff layer, and
2 generally uneven ground surface that extends a specified distance horizontally across the surface of the
3 land from the mean water level of an adjacent lake or from the top of the bank of an adjacent river or
4 stream.

5
6 **“Channel”** means an area that contains continuously or periodic flowing water that is confined by banks
7 and a streambed.

8
9 **“Channel width”** (or bankfull width) is the width of a stream channel when flowing at a bankfull
10 discharge. The bankfull discharge is the flow of water that first overtops the natural banks. This flow
11 occurs, on average, about once every 1 to 2 years.

12
13 **“Common plan of development”** is where a structure will be refurbished over a period of time. Such
14 work might be planned unit by unit.

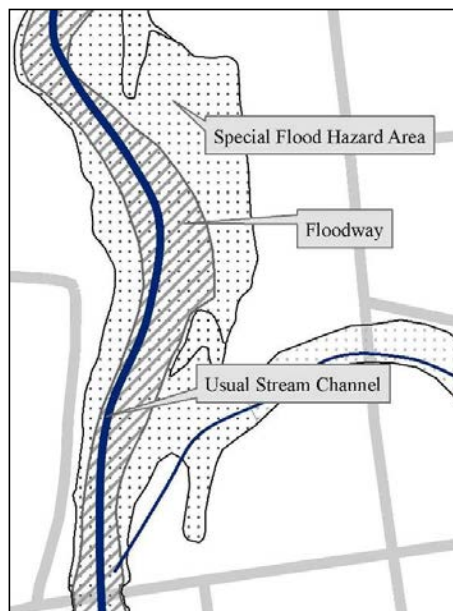
15
16 **“Critical Facilities”** means development vital to public health and safety or facilities regulated under 30
17 V.S.A. § 248. For the purposes of this definition critical facilities include facilities that provide services
18 or functions related to public health and safety during emergency response and recovery and facilities that
19 must be protected to a higher standard to protect public health and safety.

20
21 **“Compensatory Storage”** means a volume not previously used for flood storage and which shall be
22 incrementally equal to the theoretical volume of flood water at each elevation, up to and including the
23 base flood elevation, which would be displaced by the proposed project. Such compensatory volume
24 shall have an unrestricted hydraulic connection to the same waterway or water body. With respect to
25 waterways, such compensatory volume shall be provided within the same reach of the river, stream, or
26 creek.

27
28 **“Development”** means any human-made change to
29 improved or unimproved real estate, including but not
30 limited to, buildings or other structures, mining,
31 dredging, filling, grading, paving, excavation or drilling
32 operations, or storage of equipment or materials.

33
34 **Existing manufactured home park or subdivision**
35 means a manufactured home park or subdivision for
36 which the construction of facilities for servicing the lots
37 on which the manufactured homes are to be affixed
38 (including, at a minimum, the installation of utilities, the
39 construction of streets, and either final site grading or
40 the pouring of concrete pads) is completed before the
41 effective date of the *initial* floodplain management
42 regulations adopted by a community.

43
44 **Expansion to an existing manufactured home park or**
45 **subdivision** means the preparation of additional sites by
46 the construction of facilities for servicing the lots on
47 which the manufacturing homes are to be affixed
48 (including the installation of utilities, the construction of
49 streets, and either final site grading or the pouring of
50 concrete pads).



1
2 **“Fill”** means any placed material that changes the natural grade, increases the elevation, or diminishes the
3 flood storage capacity at the site.

4
5 **“FIRM”** see Flood Insurance Rate Map

6
7 **“Flood”** means:

8 (a) a general and temporary condition of partial or complete inundation of normally dry land
9 areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of
10 surface waters from any source; and mudslides which are proximately caused by flooding and are
11 akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when
12 earth is carried by a current of water and deposited along the path of the current

13
14 (b) the collapse or subsidence of land along the shore of a lake or other body of water as a result
15 of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical
16 levels or suddenly caused by an unusually high water level in a natural body of water
17 accompanied by a severe storm or by an unanticipated force of nature, such as flash flood or
18 abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in
19 flooding.

20
21 **“Flood Insurance Rate Map” (FIRM)** means an official map of a community on which the Federal
22 Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones
23 applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or
24 Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

25
26 **“Flood Insurance Study”** means an examination, evaluation, and determination of flood hazards and, if
27 appropriate, the corresponding water surface elevations or an examination, evaluation, and determination
28 of mudslide (i.e., mudflow) and /or flood related erosion hazards.

29
30 **“Floodplain or flood-prone area”** means any land area susceptible to being inundated by water from any
31 source (see definition of “flood”).

32
33 **“Flood proofing”** means any combination of structural and non-structural additions, changes, or
34 adjustments to structures which reduce or eliminate flood damage to real estate or improved real property,
35 water and sanitary facilities, structures, and their contents.

36
37 **“Floodway”** means the channel of a river or other watercourse and the adjacent land areas that must be
38 reserved in order to discharge the base flood without cumulatively increasing the water surface elevation
39 more than one (1) foot at any point. Please note that Special Flood Hazard Areas and floodways may be
40 shown on separate map panels.

41
42 **“Floodway, Regulatory in “** means the channel of a river or other watercourse and the adjacent land areas
43 that must be reserved in order to discharge the base flood without cumulatively increasing the water
44 surface elevation more than one (1) foot at any point.

45
46 **“Fluvial Erosion”** is erosion caused by streams and rivers. Fluvial erosion can be catastrophic when a
47 flood event causes a rapid adjustment of the stream channel size and/or location.

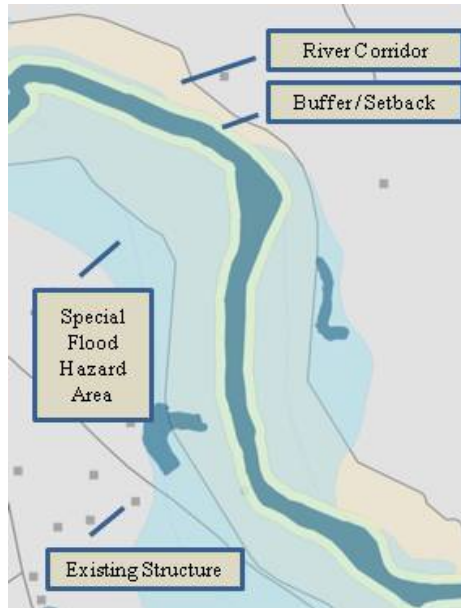
48
49 **“Functionally dependent use”** means a use which cannot perform its intended purpose unless it is
50 located or carried out in close proximity to water.

1 ***“Historic structure”*** means any structure that is (a) listed individually in the National Register of Historic
2 Places (a listing maintained by the Department of the Interior) or preliminarily determined by the
3 Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b)
4 certified or preliminarily determined by the Secretary of the Interior as contributing to the historical
5 significance of a registered historic district or a district preliminarily determined by the Secretary to
6 qualify as a registered historic district; (c) individually listed on a state inventory of historic places in
7 states with historic preservation programs which have been approved by the Secretary of the Interior; or
8 (d) individually listed on a local inventory of historic places in communities with historic preservation
9 programs that have been certified either: (i) by an approved State program as determined by the Secretary
10 of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.
11
12 ***“Letter of Map Amendment (LOMA)”*** is a letter issued by the Federal Emergency Management Agency
13 officially removing a structure or lot from the flood hazard zone based on information provided by a
14 licensed engineer or surveyor. This is used where structures or lots are located above the base flood
15 elevation and have been inadvertently included in the mapped special flood hazard area.
16
17 ***“Lowest floor”*** means the lowest floor of the lowest enclosed area, including basement, except that an
18 unfinished or flood resistant enclosure usable solely for parking of vehicles, building access, or storage in
19 an area other than a basement area is not considered a building’s lowest floor, provided such enclosure is
20 not built so as to render the structure in violation of the applicable non-elevation design requirements of
21 44 CFR 60.3.
22
23 ***“Manufactured home (or Mobile home)”*** means a structure, transportable in one or more sections, which
24 is built on a permanent chassis and is designed for use with or without a permanent foundation when
25 attached to the required utilities. The term “manufactured home” does not include a “recreational
26 vehicle.”
27 ***Manufactured home park or subdivision*** means a parcel (or contiguous parcels) of land divided into two
28 or more manufactured home lots for rent or sale.
29
30 ***“New construction”*** for regulation under this bylaw means structures for which the *start of construction*
31 commenced on or after the effective date of the floodplain management regulation adopted by the
32 community and includes any subsequent improvements to such structures.
33
34 ***New manufactured home park or subdivision*** means a manufactured home park or subdivision for which
35 the construction of facilities for servicing the lots on which the manufactured homes are to be affixed
36 (including at a minimum, the installation of utilities, the construction of streets, and either final site
37 grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain
38 management regulations adopted by a community.
39
40 ***“Non-conforming structure”*** means a structure or part of a structure that does not conform to the present
41 bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the
42 enactment of the present bylaws, including a structure improperly authorized as a result of error by the
43 Administrative Officer. Structures that were in violation of the flood hazard regulations at the time of
44 their creation, and remain so, remain violations and are not non-conforming structures.
45
46 ***“Non-conforming use”*** means use of land that does not conform to the present bylaws but did conform to
47 all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a
48 use improperly authorized as a result of error by the Administrative Officer.
49
50 ***“Nonconformity”*** means a non-conforming use, structure, lot, or parcel.

1
2 **“Non-residential”** includes, but is not limited to, small business concerns, churches, schools, nursing
3 homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings,
4 government buildings, mercantile structures, agricultural and industrial structures, and warehouses.
5

6 **“Recreational vehicle”** means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less
7 when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently
8 towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a
9 temporary living quarters for recreational, camping, travel, or seasonal use.
10

11 **“River Corridor”** means the land area adjacent to a
12 river that is required to accommodate the dimensions,
13 slope, planform, and buffer of the naturally stable
14 channel and that is necessary for the natural
15 maintenance or natural restoration of a dynamic
16 equilibrium condition, as that term is defined in 10
17 V.S.A. §1422, and for minimization of fluvial erosion
18 hazards, as delineated by the Agency in accordance
19 with the ANR River Corridor Protection Guide.
20



21 **“Repetitive Loss Structure”** is a building covered by
22 flood insurance that has incurred flood-related damages
23 on two (2) occasions during a ten (10) year period
24 ending on the date of the event for which a second
25 claim is made in which the cost of repairing the flood
26 damage, on the average, equaled or exceeded twenty-
27 five percent (25%) of the market value of the building
28 at the time of each such flood event.
29

30 **“Special Flood Hazard Area”** is the floodplain within
31 a community subject to a one percent (1%) or greater
32 chance of flooding in any given year. For purposes of
33 these regulations, the term “area of special flood
34 hazard” is synonymous in meaning with the phrase “special flood hazard area”. This area is usually
35 labeled Zone A, AE, AO, AH, or A1-30 in the most current flood insurance studies and on the maps
36 published by the Federal Emergency Management Agency. Maps of this area are available for viewing in
37 the municipal office or online from the FEMA Map Service Center (www.msc.fema.gov) Base flood
38 elevations have not been determined in Zone A where the flood risk has been mapped by approximate
39 methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas
40 that are determined by detailed methods. Please note, where floodways have been determined they may
41 be shown on separate map panels from the Flood Insurance Rate Maps.
42

43 **“Start of construction”** for purposes of floodplain management determines the effective map or bylaw
44 that regulates development in the Special Flood Hazard Area. The “start of construction” includes
45 substantial improvement and means the date the building permit was issued, provided the actual start of
46 construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within
47 one hundred eighty (180) days of the permit date. The actual start means either the first placement of
48 permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of
49 piles, the construction of columns, any work beyond the stage of excavation, or the placement of a
50 manufactured home on a foundation. Permanent construction does not include land preparation, such as
51 clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it

1 include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor
2 does it include the installation on the property of accessory buildings, such as garages or sheds not
3 occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual
4 start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a
5 building, regardless of whether that alteration affects the external dimensions of the building.
6
7 **“Structure”** means, for regulatory purposes under this bylaw, a walled and roofed building, as well as a
8 manufactured home, and any related built systems, including gas or liquid storage tanks.
9
10 **“Substantial damage”** means damage of any origin sustained by a structure whereby the cost of restoring
11 the structure to its before-damaged conditions would equal or exceed fifty percent (50%) of the market
12 value of the structure before the damage occurred.
13
14 **“Substantial improvement”** means any reconstruction, rehabilitation, addition, or other improvement of a
15 structure after the date of adoption of this bylaw, the cost of which, over three (3) years or over the period
16 of a common plan of development, cumulatively equals or exceeds fifty percent (50%) of the market
17 value of the structure before the “start of construction” of the improvement. This term includes structures
18 which have incurred “substantial damage,” regardless of the actual repair work performed. The term does
19 not, however, include either (a) any project for improvement of a structure to correct existing violations of
20 state or local health, sanitary, or safety code specifications which have been identified by the local code
21 enforcement official and which are the minimum necessary to assure safe living conditions or (b) any
22 alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued
23 designation as a “historic structure.”
24
25 **“Top of Bank”** means that vertical point along a stream bank where an abrupt change in slope is evident.
26 For streams in wider valleys it is the point where the stream is generally able to overflow the banks and
27 enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope.
28
29 **“Violation”** means the failure of a structure or other development to be fully compliant with this bylaw.
30 A structure or other development without the elevation certificate, other certifications, or other evidence
31 of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that
32 documentation is provided.
33

~~New printing with technical correction: November 29, 2006~~

**SUBDIVISION REGULATIONS
FOR THE
TOWN AND VILLAGE OF CAMBRIDGE,
LAMOILLE COUNTY, VERMONT**

**HISTORY OF THE SUBDIVISION REGULATIONS
FOR THE
TOWN OF CAMBRIDGE**

ADOPTED by Selectboard
April 17, 2006

ADOPTED by Trustees
June 20, 2006

EFFECTIVE
September 1, 2006

PREPARED BY THE:
Town of Cambridge Planning Commission

WITH TECHNICAL ASSISTANCE PROVIDED BY:
Lamoille County Planning Commission

DEVELOPMENT OF THESE REGULATIONS WAS FUNDED IN PART BY A
Municipal Planning Grant

AWARDED BY THE:
Agency of Commerce and Community Development

Subdivision Regulations for the Town and Village of Cambridge (~~2006~~2015)

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Subdivision Regulations for the Town and Village of Cambridge (~~2006~~2015)

Section 1. General Provisions

1.01 Enactment

- (A) These regulations, set forth in this text, are hereby established as authorized in 24 VSA §4402(3) and have been enacted in accordance with the provisions of the Vermont Municipal and Regional Planning and Development Act (Title 24, Chapter 117 of the Vermont Statutes Annotated (V.S.A.)) hereinafter referred to as “the Act.”

1.02 Applicability

- (A) Unless specifically exempted herein, no subdivision of land shall commence within the area affected by these regulations except in conformance with these regulations [§4446].

- (B) Subdivision defined. Subdivision includes, but is not limited to:

1. The division of a parcel into two or more parcels.
2. Resubdivisions, amendments to subdivisions, amendments to conditions of plat approval, and boundary line adjustments.
3. Creation of permanent easements and/or rights—of—way to allow access to ~~landlocked~~ parcels without frontage on a public highway or private road. [§4418(1)(B)].
4. Creation of common interest ownership communities where lots within the community are subdivided for sale.

- (C) Exemptions. The filing of boundary surveys and/or corrective deeds to repair boundary metes and bounds or to correct technical errors are not considered amendments or boundary line adjustments within the meaning of these regulations provided they are records of existing parcels with known boundaries.

- (D) Area of effect. All subdivision of land within the Town of Cambridge is subject to review under these regulations including land within the Village of Cambridge but excluding land within the Village of Jeffersonville, which is not subject to review under these regulations.

1.03. Effect of Regulations.

- (A) No person, who, being the owner or the agent of the owner of any parcel of land, shall lay out, construct, open, or dedicate any ~~street~~road, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings abutting thereon, or sell, transfer, or agree or enter into an agreement to sell any land in a subdivision or land development whether by reference to or by other use

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of a plat of that subdivision or land development or otherwise, ~~or erect any structure on that land, unless~~ a final plat has been approved and recorded as provided in these regulations. [§4451(b)]

Comment [SJ1]: Removed. Zoning regulates construction of structures.

- (B) All subdivisions lawfully in effect as of the effective date of these bylaws are allowed to continue indefinitely [§4463(b)]. Any resubdivision or other changes in the subdivision shall be subject to all applicable requirements of these regulations.
- (C) These regulations shall not repeal, abrogate, or impair any other land use controls, including but not limited to, previous permit conditions, statutes, bylaws, rules, ordinances, permits, easements, deed restrictions, and covenants. However, the provisions of this regulation shall be minimum requirements and shall, therefore, take precedence over any concurrent and less restrictive controls. [§4413(c)]
- (D) The granting of plat approval under these regulations shall not relieve the applicant from the obligation of obtaining any necessary approvals by local, state, or federal law.

1.04 Intent

- (A) It is the intent of these regulations:

1. To ensure that any new lots created will have legal access, meet dimension and frontage requirements, have access to required services and utilities, ~~and to ensure that all new lots are suitable for their intended use. have a permissible use. In addition, the regulations are intended~~
2. ~~To ensure that~~ any new roads are designed and laid out appropriately, ~~and that existing roads and other public infrastructure is upgraded as necessary to accommodate increased use.~~
3. ~~To ensure and~~ that agricultural land is protected.
2. To implement the Town and Village of Cambridge Municipal Development Plan so as to achieve orderly community growth, development, and fair property taxation;
3. To further the purposes of the Act [§4302].

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Comment [SJ2]: No impermissible uses without zoning.

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Comment [SJ3]: Current language combined several goals into a single statement.

1.05 Effective Date

- (A) These regulations shall be effective September 1, 2006.
- (B) Amendments to these regulations shall be effective twenty-one (21) days after adoption (by majority vote of the Selectboard and Trustees) and shall remain in effect until repealed or amended in accordance with the Act [§4442(c)(1)].

- (C) A vote on these regulations or an amendment thereto shall not take effect if five percent (5%) of the voters of the Town of Cambridge or Village of Cambridge petition for a meeting of the municipality to consider the regulation or amendment, and if the petition is filed within twenty (20) days of the vote. In this case a meeting of the municipality shall be duly warned for the purpose of acting upon the regulation or amendment by Australian ballot [§4442(d)].

1.06 Severability

- (A) The provisions of these regulations are severable. If a court of competent jurisdiction holds any provision or the application thereof to any person or circumstance unconstitutional or invalid, the remainder of these regulations shall not be affected.

1.07 Computation of Time

- (A) Where an event is required or permitted to occur by these regulations before, on, or after a specified period of time measured from another event, the first day shall not be counted and the final day shall be counted in calculating the period [§4303(a)].

1.08 Subdivision During Adoption or Amendment Process

- (A) Once notice for a public hearing on the adoption or amendment to these regulations is issued by the Selectboard or Trustees, the Development Review Board (hereafter referred to as the “DRB”) shall review any new subdivision plat filed after the date of the notice under both the proposed regulations or amendment and the existing subdivision regulations. [§4449(d)]
- (B) If the proposed regulations or amendment has not been adopted within 150 days of the notice, or if the proposed regulations or amendment is rejected, then new plats shall be reviewed under the existing regulations. [§4449(d)]
- (C) A subdivision plat that has been denied under a proposed regulations or amendment that has not been adopted within the 150-day period shall be reviewed again, at no cost, under the existing subdivision regulations, upon request of the applicant. [§4449(d)]

Section 2. Administration, Appeals, and Enforcement

2.01 Administrative Officer

- (A) These regulations shall be administered by the Administrative Officer [§4448(a)].
- (B) The Administrative Officer shall be nominated by the Planning Commission and appointed by the Selectboard for a three (3) year term. The Administrative Officer may be removed from office for just cause by the Selectboard after consultation with the Planning Commission [§4448(A)].
- (C) In the absence or disability of the Administrative Officer, or where the Administrative Officer has a conflict of interest in a matter, an acting Administrative Officer shall be appointed and empowered in the same manner as provided above [§4448(B)].
- (D) The Administrative Officer may hold any other office in town except membership on the Development Review Board (hereinafter referred to as the DRB). Salary for the Administrative Officer shall be paid out of the General Fund in an amount and schedule established by the Selectboard [§4448(a)].
- (E) The Administrative Officer shall administer these regulations literally and shall not have the power to permit any subdivision that is not in conformance with these regulations [§4448(a)].
- (F) The Administrative Officer shall receive and administer subdivision plat applications under section 3.01 of these regulations.
- (G) The Administrative Officer shall investigate complaints and has the power to pursue violations of these regulations through procedures set forth under section 2.05 of these regulations [§4452].
- (H) The Administrative Officer should provide forms required to obtain any municipal permit or other municipal authorization required under this regulation or any other bylaw, regulation, or ordinance that relate to the regulation of land development within the Town of Cambridge [§4448(c)].
- (I) The Administrative Officer should inform any person applying for approval of a subdivision plat that the person should contact the regional permit specialist in order to identify, apply for, and obtain relevant state permits; nevertheless, the applicant retains the obligation to identify, apply for, and obtain relevant state permits [§4448(c)].
- (J) The Administrative Officer shall meet the recording requirements of section 2.07 of these regulations [§4449(b) – (c)].

2.02 Development Review Board

- (A) The Development Review Board shall not consist of less than five (5) nor more than nine (9) members ~~whose members~~ who shall be appointed by the Selectboard for specified terms. The Board may consist of the members of the Planning Commission. Vacancies shall also be filled by appointment of the Selectboard for unexpired terms and upon the expiration of terms. The Selectboard, upon written charges and after a public hearing, may remove any member of the DRB for just cause [§4460(b) - (c)].
- (B) The DRB shall have all powers set forth in the Act to administer the provisions of these regulations, including, but not limited to, the power to:
1. Consider sketch plans for approval under section 3.01 [§4460(e)(8)] [§4418(2)(B)].
 2. Consider final plat approval under section 3.02 [§4460(e)(8)] [§4418(2)(B)].
 3. Consider applications for Planned Unit Developments under section 3.02 [§4460(e)(5)] [§4417].
 4. Consider requests for a waiver under section 3.03 [§4460(e)(6)] [§4418(2)(A)].
 5. Consider decisions of the Administrative Officer upon appeal under section 2.03 [§4460(e)(10)].
- (C) The DRB shall adopt rules of procedure and rules of ethics with respect to conflict of interest and shall perform its functions in conformance with the Act [§4461] and Vermont's Open Meeting Law [1 V.S.A. §§310-314].
- (D) The DRB shall meet all relevant recording requirements of section 2.07 of these regulations.

2.03 Appeals- Decisions of the Administrative Officer

- (A) Applicability: An interested person (as defined in section 5.01(8)) may appeal any decision or act taken by the Administrative Officer by filing a written notice of appeal with the DRB within fifteen (15) days of the act or decision [§4465].
- (B) Notice of Appeal Requirements: A notice of appeal shall be in writing and shall include [§4466]:
1. The name and address of the appellant.
 2. A brief description of the property with respect to which the appeal is taken.
 3. A reference to applicable regulation provisions.

4. The relief requested by the appellant.

5. The alleged grounds why such relief is believed proper under the circumstances.

(C) Rejection of Notice of Appeal: The DRB may reject an appeal or request for reconsideration without hearing and render a decision and findings of fact within ten (10) days of the filing of the notice of appeal, if the DRB considers that the issues raised by the appellant have been decided in an earlier appeal or involve substantially or materially the same facts presented at an earlier appeal by, or on behalf of, that appellant. The decision shall be rendered, on given notice, as in the case of a decision on appeal below [§4470(a)].

(D) Public Hearing: Within sixty (60) days of receiving a notice of appeal, the DRB shall hold a public hearing. [§4468]

1. Public notice for any hearing shall be given by the Administrative Officer not less than fifteen (15) days prior to the date of the public hearing and shall include the date, place, and purpose of such hearing. Public notice shall be: [§§4464, 4468]

- a. Mailed to the appellant;
- b. Published in a newspaper of general circulation in the Town;
- c. Posted in three or more public places within the municipality including:

- i. The Town Clerk's Office; and
- ii. Within view from the public right of way most nearly adjacent to the property for which the application is made; and

iii. If the subdivision will be accessed from a different public right of way, notice shall also be posted within view of that right of way; and

- d. Provided to the applicant and to the owners of all properties adjoining the property subject to development without regard to the public right of way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained; and that participation in the local proceedings is a prerequisite to the right to take any subsequent appeal.

2. The Administrative Officer is responsible for notifying adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service. The appellant is required to bear the cost of the public warning and a fee (as established by the Selectboard) to cover the administrative costs of the Administrative Officer. [§4464(a)(3)]

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3. All hearings of an appeal are open to the public. In any hearing, there shall be an opportunity for each person wishing to establish status as an interested person (as defined in Section 5.01) to demonstrate that the criteria set forth in the definition are met. ~~and that the~~ The DRB shall keep a written record of the name address, and participation of the persons [§4461(b)]. Any interested person may appear and be heard in person or be represented by an agent at the public hearing [§4468].

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4. All hearings of an appeal shall be open to the public, and the rules of evidence applicable at such hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies [§4468]. These include:

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- a. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence in civil cases in the Vermont Superior Courts shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Objections to evidentiary offerings may be made and shall be noted on the record.
- b. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request parties should be given opportunity to compare the copy with the original.
- c. A party may conduct cross examinations required for a full and true disclosure of the facts.
- d. Facts and information understood by members of the Board may be presented as evidence. [3 V.S.A. §810]

5. In most cases the Administrative Officer is the defendant in the appeal before the DRB. In those cases the Administrative Officer should not act as a staff member during the hearing or deliberations.

6. The DRB may recess the proceedings of the appeal pending submission of additional information [§4464(b)(1)]. The hearing may be adjourned by the DRB from time to time provided, however, that the date and place of the adjourned hearing shall be announced at the hearing [§4468].

(E) Decision: The DRB should close the hearing promptly after all parties have submitted requested information. The DRB shall adjourn the hearing and issue a decision within 45 days after the adjournment of the hearing, and failure of the DRB to issue a decision within this period the appellant shall be deemed to have prevailed and shall be effective on the 46th day. Decisions shall be issued in writing and shall include a statement of the factual bases on which the DRB has made its conclusions and a statement of conclusions. [§4464(b)(1)]

1. In rendering a decision in favor of the applicant, the DRB may attach reasonable conditions and safeguards, as it deems necessary to implement the purposes of the

Subdivision Regulations for the Town and Village of Cambridge (~~2006~~2015)
Act, these regulations, and the municipal plan then in effect. [§4464(b)(2)]

2. Copies of the DRB decision shall be sent to the appellant and the applicant (both by certified mail) and mailed to every person or body appearing and having been heard at the hearing [§4464(b)(3)].

(F) Appeals: Appeals of a decision of the DRB may be made to the Environmental Court, as per section 2.04 [§4471].

(G) Posting and Recording Requirements: The DRB shall meet the posting and recording requirements of section 2.07.

2.04 Appeals of DRB Decisions

(A) Applicability: An interested person who has participated in a municipal regulatory proceeding under these regulations may appeal a decision of the DRB to the Environmental Court [§4471]. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. Appeals to Environmental Court must be taken in accordance with the provisions of Vermont Rules of Civil Procedures (V.R.C.P.) 76a and Vermont Rules of Appellate Procedures (V.R.A.P.) 3 and 4.

(B) Initiation of Appeal. Within thirty (30) days [V.R.A.P. 4] following the date of decision rendered by the DRB, notice of the appeal shall be filed by certified mailing, with fees to the Environmental Court and by mailing a copy to the municipal clerk or Administrative Officer, if so designated, who shall supply a list of interested persons to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene. [§§4471(c)]

(C) Notice of Appeal Requirements: A notice of appeal shall be in writing and shall include [§4471]:

1. The name of the party appealing.
2. What board made the decision being appealed.
3. The nature of the decision under appeal.
4. A reference to the specific provisions of the bylaw.
5. The relief requested by the appellant.

6. The signature of the appellant or attorney.

- (D) Filing Fee: The filing fee is established by V.R.C.P. 76 (e) and V.S.A. 32 §1431. At the time of the development of these regulations in 2014, the fee for filing an appeal with the Environmental Court is \$250\$450.

2.05 Violations and Enforcement

- (A) Applicability: The commencement or continuation of any subdivision of land that is not in conformance with the provisions of these regulations or the approved and recorded plat shall constitute a violation. Violations of these regulations shall be prosecuted in accordance with the Act [§§4451, 4452].

- (B) Identification and Investigation of Violations: The Administrative Officer is required by law to enforce all violations of these regulations [§4448(a)]. Whether through direct observation, written or oral complaint, site visit, or notification of violation from the landowner, the discovery of an alleged violation must be pursued by the Administrative Officer.

1. Any person may file a written complaint with the Administrative Officer if it is believed that a violation of these regulations has occurred. The complaint shall state fully the causes and basis for the alleged violation. The Administrative Officer shall properly record such a complaint, investigate within a reasonable time, and take action as appropriate in accordance with these regulations.
2. The Administrative Officer may not enter upon any private property, for purposes of inspection and investigation, except by permission of the landowner or per a search warrant duly issued by a court [13 V.S.A. §4701].

- (C) Formal Notice of Violation: No action may be brought under this section unless the alleged offender has had at least seven (7) working days notice by certified mail that a violation exists and has failed to satisfactorily respond or correct the alleged violation [§4451(a)].

1. The warning notice shall state:
 - a. That a violation exists;
 - b. That the alleged offender has an opportunity to cure the violation within the seven (7) day period;
 - c. That the alleged offender has the right to appeal the notice of violation to the DRB within fifteen (15) days from the date the notice was sent; and
 - d. That the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven (7) day period.

2. Action may be brought without notice and opportunity to cure, if the alleged offender repeats the violation of the regulation after the seven (7) day notice period and within the next succeeding twelve (12) months.

(D) Informal Resolution of Violations: Where a landowner is cooperating with the Administrative Officer in finding a cure for the violation, the Administrative Officer has the authority to enter written agreements to resolve violations. The Administrative Officer is under no obligation to enter any agreement - informal resolutions are not required under statute and are provided by the Town of Cambridge as an amicable means of resolving violations.

1. At minimum, any agreement must:
 - a. Be in writing and be signed by both the violator and administrator.
 - b. Must establish a prompt timeline for curing the violation, not to exceed 60 days, unless an extension is requested and granted by the DRB not to exceed 180 days.
 - c. Give written authorization that will allow the Administrative Officer to inspect the premises to ensure compliance upon completion or by the agreed upon date of completion.
2. The Administrative Officer is prevented from making any agreement allowing a violation to continue in perpetuity, even if the violation is minimal, inadvertent, and/or the violator agrees to pay a fine [§4448(a)].

(E) Enforcement Action: Where a property owner fails to remedy a violation within the seven (7) day period or the timetable agreed to under an informal resolution, the Administrative Officer, in the name of the municipality, shall bring appropriate action to enforce the provisions of these bylaws [§4452]. The appropriate action is typically an action in either Environmental Court or Superior Court although other actions are available. The municipality shall observe any limitations on enforcement proceedings relating to municipal permits and approvals as set forth in the Act [§4454] including the following:

1. An enforcement action relating to any municipal land use permit must be instituted within fifteen (15) years of the date the alleged violation first occurred and not thereafter. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted [§4454(a)].
2. No action, injunction, or enforcement proceeding may be instituted to enforce an alleged violation of a municipal land use permit which received final approval from the applicable board, commissioner, or officer of the municipality after July 1, 1998, unless the municipal land use permit or a notice of the permit was recorded in the land use records of the municipality as required by the Act [§4454(b)].
3. Nothing in the section shall prevent any action, injunction, or other enforcement

Subdivision Regulations for the Town and Village of Cambridge (~~2006~~2015)
proceeding by a municipality under any other authority it may have, including, but
not limited to, a municipality's authority under Title 18 relating to the abatement
and removal of a public health risk or hazard [§4454(c)].

- (F) Fines: Any person who violates these bylaws shall be fined not more than the amount permitted under the Act [§4451(b)], which at the time of development of these bylaws ~~in 2014~~ is \$100. Each day that a violation is continued after the initial seven (7) day notice period shall constitute a separate offense. All fines imposed and collected shall be paid to the Town of Cambridge.
- (G) Recording requirements. The Administrative Officer shall meet all recording requirements of section 2.07 regarding notices of violation.

2.06 Fees

- (A) The Selectboard may prescribe reasonable fees to be charged with respect to the administration of these regulations and for the administration of development review. These fees may include the cost of posting and publishing notices and holding public hearings and the cost of conducting periodic inspections during the installation of public improvements. These fees may be payable by the applicant upon submission of the application or prior to issuance of plat approval [§4440(b)].
- (B) The legislative body may establish procedures and standards for requiring applicants to pay for reasonable costs of an independent technical review of the application [§4440(d)].
- (C) An applicant may be charged the cost of the recording fees as required by law [§4449(c)(2)].
- (D) In an appeal, the appellant is required to bear the cost of the public warning and a fee (as established by the Selectboard) to cover the administrative costs of the Administrative Officer [§4464(a)(3)]. Where an applicant appeals a decision of an Administrative Officer and the DRB finds in favor of the applicant, the Selectboard may call for a refunding of appeal fees if so provided in the adopted schedule of fees.
- (E) The schedule of fees shall be posted in the offices of the Municipal Clerk and Administrative Officer, and may be altered or amended only by resolution of the Selectboard.

2.07 Posting and Recording Requirements

- (A) Posting: Within ~~three~~ (3) days following the issuance of a decision by the DRB, the Administrative Officer shall post a copy of the permit or approval in the Town Clerk's Office until the expiration of the appeal period [§4449(b)(2)]. Notice must also be posted within view of the public right of way most nearly adjacent to the subject property until the

Subdivision Regulations for the Town and Village of Cambridge (20062015)
time for appeals has passed. If the subdivision will be accessed from a different right of way, notice shall also be posted within view of that right of way until the time for appeals has passed. Each posting shall contain a statement of the period of time within which an appeal may be taken [§4449(b)] and a description as to where a full description of the project and approval can be found.

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(B) Recording with the Listers: Within three (3) days following the issuance of a decision the Administrative Officer shall deliver a copy of the permit to the Town Listers [§4449(b)(1)].

(C) Recording Plats in the Municipal Land Records: Following the appeal period (30 days) but within 180 days after the approval of a final plat by the DRB or certification by the Environmental Court of the DRB's failure to act within forty-five (45) days, the subdivider shall submit the final plat, including all endorsements, for recording in the Town Clerk's Office [§4463(b)].

1. Such final plat shall:

- a. Be on a mylar sheet(s) of 24 inches by 18 inches.
- b. Meet all other requirements established in Chapter 17 of Title 27 Vermont Statutes Annotated.
- c. Be signed by an authorized member of the DRB and the Administrative Officer.
- d. Contain the recording requirements of the Town Clerk's Office below.

2. The DRB approval, or certification by the Environmental Court of the failure of the DRB to act, expires after 180 days [§4463(b)]. Any plat not submitted to the Town Clerk's Office for recording within 180 days shall be null and void.

a. The Administrative Officer may extend the date for an additional 90 days, if local or state permits or approvals are pending, provided the request for an extension is made before the expiration of the DRB approval. The Administrative Officer may grant up to four (4) such extensions. Any additional extension may only be granted by the Development Review Board.

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b. The Development Review Board may grant an extension of recording of the final approval for reasonable and substantial cause, provided the request for an extension is made before the expiration of the DRB approval.

c. The Administrator shall send written notice of any extension to the Cambridge Town Listers.

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(D) Recording Items in the Municipal Land Records: Within thirty (30) days after the issuance of any of the items listed below, the Administrative Officer shall deliver the original, or a legible copy, of the issuance to the Town Clerk for recording in the municipal land records [§4449(c)(1)].

1. The following issuances are covered in this subsection:
 - a. Approvals or denials of an application for sketch plan approval;
 - b. Notices of violation; and
 - c. Notices of denial of a final plat. [§4449(c)(1)(A)]
2. Any issuance delivered for recording shall list:
 - a. As grantor, the owner of record title to the property at the time of issuance;
 - b. As grantee, the municipality issuing the permit, certificate, or notice – i.e. *the Town of Cambridge*;
 - c. The municipal office where the original, or a true, legible copy, of the issuance may be examined;
 - d. Whether an appeal of such issuance was taken; and
 - e. The tax map lot number or other description identifying the lot [24 V.S.A. §1154(c)].

(E) Administrative Officer records: The Administrative Officer shall maintain a file of development including:

1. Copies of all permits and approvals or denials filed with the clerk.
2. A copy of the subdivision plat recorded in the Town Clerk's Office. [§4449(c)(1)(B)]
3. Copies of all evidence presented, public notices, hearing minutes, findings of fact, and other material collected by the Administrative Officer or DRB in the process of reviewing an application.

(F) Recording DRB Minutes and Findings with the Town Clerk: The DRB shall keep minutes of its proceedings, showing the vote of each member upon each question and those absent or failing to vote upon each question, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the Town Clerk's Office as a public record [§4461(a)].

1. For each case heard and decided, the DRB shall make written Findings of Fact and Conclusions of Law that shall be maintained in the Town Clerk's Office together with all minutes and other records of the DRB.

Section 3. Development Review Procedures

3.01 Subdivision- Sketch Plan Review

- (A) Applicability: Sketch plan review is suggested for all applications for subdivision.
- (B) Purpose: The purpose of a sketch plan review is to have a preliminary discussion about the proposal with the developer. Sketch plan review is intended to ensure the most complete and efficient review of projects, to save resources for both the applicant and the Town, and to provide public and municipal input at the earliest stages of project development.
- (C) Application requirements: In order to apply for sketch plan review the subdivider must submit to the Administrative Officer a sketch plan of the proposed subdivision (one copy). The sketch plan must be submitted at least twenty-one (21) days prior to a regular or special meeting of the DRB. The complete sketch plan application should be legible and to scale, but does not need to be completed by a surveyor or engineer. The complete application should include the following information:
1. Name and address of the owner of record and applicant.
 2. Name of owners of record of abutting properties.
 3. Boundaries and area of all abutting land, including land separated by a public right-of-way, land belonging to owner of record, and proposed subdivision (a copy of the tax map is sufficient).
 4. Existing and proposed layout of property lines, including parcel sizes and frontage; type and location of existing and proposed restrictions on land, such as easements and covenants.
 5. Type of location and approximate size of existing and proposed highway access, ~~streets~~roads, sidewalks, street lighting, utilities, and open space, if any.
 6. Preliminary plans for services, including water supply and wastewater disposal.
 7. Preliminary plans for maintenance of common lands and private roads.
 8. Approximate locations of natural features such as wetlands, shorelines, watercourses, prime and statewide agricultural soils, slopes of greater than 20%, and designated floodplains.
 9. Date, north arrow, and scale.
 10. Location map showing relation of proposed subdivision to adjacent property and

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surrounding area.

11. Any requests for waivers of application requirements or review standards. Waiver requests shall be submitted in writing by the applicant with the subdivision application.

(D) **Public hearing:** A public hearing shall be held by the DRB at the earliest available regular or special meeting after the time of submission to the Administrative Officer of a complete application for sketch plan approval. [§4464(a)(2)]

1. Public notice for any hearing shall be given by the Administrative Officer not less than seven (7) days prior to the date of the public hearing and shall include the date, place, and purpose of such hearing. Public notice shall be: [§4464(a)(2)]
 - a. Mailed to the applicant;
 - b. Posted in three or more public places within the municipality including:
 - i. The Town Clerk's Office; and
 - ii. Within view from the public right of way most nearly adjacent to the property for which the application is made.
 - c. Written notification of such notice to the applicant and to the owners of all properties adjoining the property subject to development, without regard to the public right of way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceedings is a prerequisite to the right to take any subsequent appeal.
 - d. If any portion of the parcel lies within 500 feet of a municipal boundary, a copy shall be sent to the clerk of the adjacent municipality. [§4463(a)]
2. The Administrative Officer is responsible for notifying adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service. The appellant is required to bear the cost of the public warning and a fee (as established by the Selectboard) to cover the administrative costs of the Administrative Officer. [§4464(a)(3)]
3. All hearings of a review for sketch plan approval are open to the public. In any hearing, there shall be an opportunity for each person wishing to establish status as an interested person (as defined in Section 5.01) to demonstrate that the criteria set forth in the definition are met. ~~met and that the~~ The DRB shall keep a written record of the name address, and participation of the persons [§4461(b)]. Any

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interested person may appear and be heard in person or be represented by an agent at the public hearing.

4. Any hearing may be recessed by the Board from time to time pending submission of additional information [§4464(b)(1)] provided, however, that the date and place of the recessed hearing is announced at the hearing.

(E) General Standards: When determining the appropriateness of a subdivision, the DRB may consider any of the standards and conditions contained in these regulations and any other applicable local bylaws.

1. Conformance: The DRB shall study the sketch plan to determine whether or not it conforms to the provisions of these zoning regulations ~~(if adopted)~~, any capital budget and program in effect, the official map, the local sewerage ordinance, and any other municipal by-laws in effect. Where it deems necessary, the DRB will make specific recommendations for changes in subsequent submissions.

(F) Decisions: The DRB shall approve or disapprove the sketch plan within forty-five (45) days after the completion of the public hearing, or any continuation of the hearing. If the DRB fails to act within forty-five (45) days the sketch plan shall be deemed approved [§4464(b)(1)]. All decisions shall be sent by certified mail within the time period to the applicant. Copies of the decision shall also be mailed to every person appearing and having been heard at the hearing [§4464(b)(3)].

(G) Effect of Sketch Plan Determination: Approval of a sketch plan shall not constitute approval of a subdivision plat and is merely authorization for the applicant to file a final plat application.

1. DRB determinations and associated recommendations shall remain in effect for ~~one~~ one (1) year from the date of issuance, unless otherwise specifically approved or extended by the DRB. Within one (1) year of the decision by the DRB, the applicant may apply to the DRB for final plat approval under section 3.02 of these regulations.

(H) Appeals. Any interested person may appeal a decision of the DRB to the Environmental Court by filing a notice of appeal under Section 2.04 of these regulations. Sketch plan approval shall not be effective until the time for appeal has passed, or in the event a notice of appeal is filed with the Environmental Court, no such approval shall take effect until adjudication of that appeal. [§4449(a)(3)]

(I) Posting and Recording Requirements: The Administrative Officer shall meet all recording requirements of section 2.07 of these regulations.

3.02 Subdivision- Final Plat Review

(A) Applicability: Final plat approval is required for all applications for subdivision.

(B) Plat - Application requirements: The 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 scale, showing or accompanied by the following information:

1. A map of the property prepared by a licensed land surveyor, registered civil engineer, or registered architect, showing the existing conditions including:

a. The number of acres within the original parcel; location of existing property lines; existing easements, deed restrictions, and existing features; including buildings; wooded areas; ~~streets~~roads; water courses and wetlands; existing foundations; and other existing physical features, including prime and statewide agricultural soils.

b. All parcels immediately adjacent to the proposed subdivision, including those separated by a public or private right-of-way, with the names and addresses of owners of record of such adjacent acreage. All lot lines within 500 feet of the proposed subdivision shall be depicted.

~~e. Any zoning district boundaries applicable to the proposed subdivision.~~

~~ec.~~ Location and size of any existing sewers and water mains, individual or community sewage disposal systems, wells, culverts, and drains on the property to be subdivided.

~~b. If the parcel to be subdivided will remain at least 50 (fifty) acres in size after the proposed subdivision, only the boundaries of new and/or adjusted lots shall be surveyed, and a survey of the entire parcel will not be required.~~

2. A subdivision plat prepared by a licensed land surveyor showing:

a. The proposed lot lines; building envelopes; access location; the location of proposed water, wastewater, and utilities; ~~street~~roads, curbs, sidewalks, and pedestrian ways including lighting; common land and/or land to be set aside for public use.

~~b. At the discretion of the subdivider, building envelopes may be included.~~

~~be.~~ A vicinity map drawn at the scale of not over 1,000 feet to the inch showing the relation of the proposed subdivision to the adjacent properties and to the general surrounding area.

~~ec.~~ Name and address of the proposed subdivision.

~~ed.~~ Name and address of person or firm preparing the map.

~~fe.~~ Total acreage of the subdivision and each proposed lot with lots numbered and identified.

~~gf.~~ Sufficient data acceptable to the DRB to determine readily the location, bearing, and length of every ~~streetroad~~ line, easement/right-

Comment [SJ4]: New language defines how much of the adjacent parcels need to be shown on the plat.

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of-way, lot line, building envelope, boundary line, and to reproduce
these lines on the ground.

hg. They plat need not be stamped for final review, but shall be stamped
by a licensed surveyor prior to recording under Section 2.07 of these
regulations.

3. Location of temporary markers adequate to enable the DRB to locate readily and appraise the basic layout in the field.

4. The following supporting documentation:

a. Written description including construction sequence and time schedule for completion of each phase of the subdivision.

b. Written description of the proposed uses of each lot and/or
estimated traffic generated by each lot. This information will be
used to ensure that appropriate lot access and roadway width is
provided in accordance with Section 4.07.

c. Final design of all proposed roads, 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 road, cross sections of roads, and road profiles.

d. Management agreements for all private roads and other private
infrastructure.

ee. Copies of proposed deeds, agreements, or other documents showing the manner in which ~~street~~roads and open space, including park and recreation areas, are to be dedicated, reserved, and maintained, and in which significant natural resources are to be protected and maintained, as applicable. The Town of Cambridge assumes no responsibility or obligation to accept any areas, roads, or other properties proposed to be dedicated to the Town.

df. Any other documents required by the DRB as a result of sketch plan approval.

5. All proposed subdivisions that are accessed by ~~abut~~ a state highway or Class 1 road must receive a state access permit prior to final plat approval. All proposed subdivisions accessed by a town highway must receive approval of the Cambridge Road Foreman prior to final plat approval.

(C) Public Hearing: Within sixty (60) days of receiving a complete application for final plat approval, the DRB shall hold a public hearing.

1. Public notice for any hearing shall be given not less than fifteen (15) days prior to the date of the public hearing and shall include the date, place, and purpose of such hearing. Public notice shall be: [§4464]

a. Mailed to the appellant;

- b. Published in a newspaper of general circulation in the Town;
- c. Posted in three or more public places within the municipality including:
 - i. The Town Clerk's Office; and
 - ii. Within view from the public right of way most nearly adjacent to the property for which the application is made.
- d. Written notification of such notice to the applicant and to the owners of all properties adjoining the property subject to development, without regard to the public right of way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained; and that participation in the local proceedings is a prerequisite to the right to take any subsequent appeal.
- e. If any portion of the parcel lies within 500 feet of a municipal boundary, a copy shall be sent to the clerk of the adjacent municipality. [§4463(a)]

2. The Administrative Officer is responsible for notifying adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service. The appellant is required to bear the cost of the public warning and a fee (as established by the Selectboard) to cover the administrative costs of the Administrative Officer. [§4464(a)(3)]

3. All hearings of a review for plat approval are open to the public. In any hearing, there shall be an opportunity for each person wishing to establish status as an interested person (as defined in Section 5) to demonstrate that the criteria set forth in the definition are met. ~~and that the DRB. The Administrative Officer shall keep~~ keep a written record of the name, address, and participation of the persons [§4461(b)]. Any interested person may appear and be heard in person or be represented by agent at the public hearing.

4. Any hearing may be recessed by the Board from time to time pending submission of additional information [§4464(b)(1)] provided, however, that the date and place of the recessed hearing is announced at the hearing.

(D) General Standards: In reviewing a subdivision plat, the DRB shall consider all of the subdivision standards required under these regulations and any additional regulations deemed relevant including other applicable local bylaws.

1. Subdivision standards found in Subsection 4A of these regulations including Dimensional Requirements, ~~Access to Lots~~ Lot Access, Useable Lot Requirement,

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Water ~~Supply~~Systems, Wastewater Disposal, Utilities, Driveway and Private Road
Design and Layout, Curbs, Sidewalks & Pedestrian Access, Stormwater
Management Facilities, Street & Sidewalk Lighting, Recreation Areas, Common
Lands, Protection of Agricultural Soils, Fire Hydrants, Fire Ponds, & Dry Hydrants,
and Planned Unit Developments.

2. The proposed subdivision conforms to ~~the zoning bylaws~~, any capital budget and program in effect, any official map in effect, the sewerage ordinance, and any other municipal bylaw in effect.
3. Any proposed waiver has been properly decided under section 3.03 of these regulations.
4. Where an existing subdivision or lot is non-conforming, that the subdivision meets the standards established in Subsection 4B of these regulations.

(E) Conditions of Approval:

1. Master Plan Review: As part of the final plat review, the DRB may require a description of the potential build-out of the entire parcel and adjacent parcels even if the application only includes a portion of the parcel(s).
 - a. When required, the Master Plan build-out shall include an indication of proposed roads, driveways or ~~streetroads~~, the future probable lot lines and building envelopes of the remaining portion of the tract, and a description of the probable uses. The build-out may be drawn in a sketch plan format. The DRB may require that the build-out be submitted as part of an extended sketch plan review, or as a part of the final plat approval.
 - b. Requirements for Master Plan review are intended to ensure the orderly development of the Town, and will be required when the DRB determines that the development currently under review may have an impact on the future developability of the remaining parcel or adjacent parcels. It may also be required when the DRB determines that the future build-out of the applicant's holdings, combined with the current proposal, ~~may have a significant impact on the Town of Cambridge.~~
 - c. Approval of an applicant's current application does not constitute approval of the Master Plan build-out.
2. Completion requirement or Performance bonding: For any subdivision which requires the construction of roads or other public improvements by the applicant, the DRB may require that no ~~lot be transferred or sold zoning permit, except for any permit that may be required for infrastructure construction, may be issued for an approved development~~ unless the ~~streetroads~~ and other public infrastructure are

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satisfactorily installed in accordance with the approved decision and pertinent
bylaws. [§4464(b)(4)]

In lieu of completion of the required public improvements, the DRB may require
from the subdivider for the benefit of the municipality a performance bond issued
either by a bonding or surety company approved by the Selectboard or by the owner
with security acceptable to the Selectboard in an amount sufficient to cover the full
cost of those new ~~streetroads~~ and required improvements on or in those ~~streetroads~~
~~or highways~~ and their maintenance for a period of two (2) years after the completion
as is estimated by the DRB or such municipal department or officials as the DRB
designates. This bond or other security shall provide for, and secure to the public,
the completion of any improvements that may be required within the period fixed
for that completion and for the maintenance of those improvements for a period of
two (2) years after completion. [§4464(b)(4)]

The form, content, amount, and manner of execution of such bond or surety shall be
to the satisfaction of the Selectboard. The term of such bond or surety may be fixed
for a maximum of three (3) years, within which time period said improvements
must be completed. ~~The term three years, within which time period said~~
~~improvements must be completed. The term~~ of such bond or surety, may with
mutual consent of the DRB and applicant, be extended for an additional period not
to exceed three (3) years. [§4464(b)(2), §4464(b)(4 - 6)]

2. Phasing: At the time the DRB grants plat approval, it may require the plat to be
divided into two or more phases to be developed at separate times. The DRB may
impose specific conditions for the ~~filing of an application for zoning permit~~ sale or
transfer of lots to ensure the orderly development of the plat and coordination with
the planned and orderly growth of the Town as reflected in the Town Plan and any
capital budget and program in effect. [§4422]

3. The DRB may impose other conditions of approval as necessary to protect the
public safety and welfare and to ensure compliance with the Town Plan, these
regulations, and other bylaws and ordinances in effect [§4464(b)(2)].

(F) Decision: The DRB shall approve or disapprove such plat within forty-five (45) days after
the completion of the public hearing, or any continuation of the hearing. If the DRB fails to
act within forty-five (45) days the subdivision plat shall be deemed approved [§4464(b)(1)].
All decisions shall be sent by certified mail within the time period to the applicant. Copies
of the decision shall also be mailed to every person appearing and having been heard at the
hearing [§4464(b)(3)].

1. Contingent approval: The approval of any subdivision requiring a State Subdivision
Permit, an Act 250 Permit, a Public Building Permit, or any other state, federal, or
local permits noted by the DRB shall be classified as Contingent Approval. Such

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subdivision shall be considered approved contingent upon no further changes made to accommodate any other permit.

- a. All plats granted Contingent Approval shall be submitted for review by the Administrative Officer DRB after all other necessary permits have been received. The DRB-Administrative Officer shall review for acceptance, any changes ~~which that~~ have been made by other permitting authorities and/or by the subdivider to conform to other permit requirements.
- b. If no changes have been made, or if the changes are not substantial in nature, the final plat and mylar shall be recorded in accordance with Section X.X above.
- c. If any substantial changes have been made, the Administrative Officer shall refer the application to the DRB. The DRB will hold an additional hearing, warned in accordance with Section X.X, to review the proposed changes. If the DRB deems all changes to be in conformance with these bylaws acceptable, the subdivision shall be given Final Approval.
- d. For the purpose of this Section, a "substantial change" shall be any change that modifies the size or location of any lot or building envelope by more than 0.1 acres, modifies the design or location of any private road, modifies the design or location of any access onto a public highway, or otherwise modifies or invalidates any condition of approval. If there is any ambiguity regarding whether a change is substantial in nature, the Administrative Officer shall refer the plat to the DRB.

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Comment [SJ5]: Revised to clarify when the AO can approve a revised plan, and when it needs to be reviewed by the DRB.

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2. Final Approval: The approval of any subdivision that does not require other permits shall be classified as Final Approval. The final plat requires two endorsements prior to being filed with the Town Clerk. First, the final approved plat shall be endorsed by the Chair of the DRB or other duly authorized Board member. The second endorsement is the Administrative Officer who shall not endorse the plat until after the appeal period has passed and all appeals have been adjudicated.

- a. The decision shall include a finding of fact regarding the total traffic generated from the intended use of each lot. For purposes of this determination, each single family dwelling unit will be assumed to generate 10 average trips per day. Each multi-family dwelling will be assumed to generate 7 average trips per unit per day. – Each senior housing dwelling will be assumed to generate 4 average trips per unit per day. Trip generation for all other uses shall be based on the most recent Edition of the Institute of Transportation Engineers Trip Generation Manual, or other similar reliable source.
- b. The decision shall include a condition stating that requiring the applicant to apply for an amendment to the subdivision approval for

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any change of use that may increase average daily traffic above that initially proposed. If such a change of use occurs, the applicant shall be required to upgrade the driveway and/or private road serving the lot in question to meet the standards outlined in Section 4.07.

3. Disapproval: The disapproval of a subdivision plat shall state, in writing, the reasons for such denial and be sent along with, or as a part of, the notice of decision.

(G) Effect of Final Plat Approval: The approval by the DRB of a final subdivision plat shall not be construed to constitute acceptance by the municipality of any ~~street~~road, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Selectboard in accordance with state statutes. Each approval shall contain a time limit within which all improvements shall be completed, not to exceed ~~three~~-three (3) years unless otherwise required or extended by the DRB. [§4463(c)]

(H) Appeals. Any interested person may appeal a decision of the DRB to the Environmental Court by filing a notice of appeal under Section 2.04 of these regulations. Final plat approval shall not be effective until the time for appeal has passed, or in the event a notice of appeal is filed with the environmental court, no such approval shall take effect until adjudication of that appeal. [§4449(a)(3)]

(I) Posting and Recording Requirements: The Administrative Officer shall meet the posting and recording requirements of section 2.07.

The applicant has the responsibility to file the final approved plat with the Town Clerk in accordance with recoding requirements of section 2.07 of these bylaws.

3.03 Waivers

(A) Applicability: An applicant may receive relief from a provision of these subdivision regulations through the granting of a waiver by the DRB. [§§4418(2)(A)]

(B) Purpose: The purpose of a waiver is to address special circumstances of a particular parcel or to address plat requirements which are not requisite in the interest of the public health, safety, and general welfare or because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

(C) Application: The Town of Cambridge treats waivers as appeals; therefore, a notice of appeal for a waiver shall be filed with the clerk of the DRB prior to, or concurrent with the submission of the respective subdivision plat, in writing and shall include:

1. The name and address of the appellant.

2. A brief description of the property with respect to which the waiver is requested.
3. A reference to applicable regulation provisions for which relief is requested.
4. The nature of the relief requested by the appellant.
5. The alleged grounds why such relief is believed proper under the circumstances (i.e. how the proposal meets all requirements of this section).

(D) Public hearing: A public hearing shall be held by the DRB at the earliest available hearing of the DRB. A hearing for an appeal for a waiver ~~can~~ shall be held concurrently with plat approval, provided the waiver appears in the purpose of the hearing as warned. [§4464(a)(2)]

1. Public notice for any hearing shall be given not less than seven (7) days prior to the date of the public hearing and shall include the date, place, and purpose of such hearing. Public notice shall be: [§4464(a)(2)]
 - a. Mailed to the appellant;
 - b. Posted in three or more public places within the municipality including:
 - i. The Town Clerk's Office; and
 - ii. Within view from the public right of way most nearly adjacent to the property for which the application is made.
 - c. Written notification of such notice to the applicant and to the owners of all properties adjoining the property subject to development, without regard to the public right of way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceedings is a prerequisite to the right to take any subsequent appeal.
 - d. If any portion of the parcel lies within 500 feet of a municipal boundary, a copy shall be sent to the clerk of the adjacent municipality. [§4463(a)]
2. The Administrative Officer is responsible for notifying adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service. The appellant is required to bear the cost of the public warning and a fee (as established by the Selectboard) to cover the administrative costs of the Administrative Officer. [§4464(a)(3)]
3. All hearings of a review for waivers are open to the public. In any hearing, there

Subdivision Regulations for the Town and Village of Cambridge (~~2006~~2015)
shall be an opportunity for each person wishing to establish status as an interested person (as defined in Section 5.01) to demonstrate that the criteria set forth in the definition are met, ~~and that the~~ The DRB shall keep a written record of the name address, and participation of the persons [§4461(b)]. Any interested person may appear and be heard in person or be represented by agent at the public hearing.

4. Any hearing may be recessed by the Board from time to time pending submission of additional information [§4464(b)(1)] provided, however, that the date and place of the recessed hearing is announced at the hearing.

(E) General Standards: The DRB may waive, subject to appropriate conditions, subdivision application requirements and subdivision standards under these regulations.

1. The DRB may grant a waiver provided application requirements or subdivision standards ~~are~~ ~~are~~:
- a. ~~Not be~~ not requisite in the interest of the public health, safety, and general welfare; **or**
 - b. ~~Are~~ inappropriate due to extraordinary and unnecessary hardship that would result from the strict compliance of these regulations; **or**
 - c. ~~Are~~ inappropriate because of inadequate or lack of connecting facilities adjacent to or within proximity of the subdivision. [§4418(2)(A)]

(F) Conditions of Approval: In rendering a decision in favor of an applicant for a waiver, the DRB may attach such conditions to such waiver as it may consider necessary and appropriate under the circumstances to implement the Act, and/or the Town of Cambridge Municipal Development Plan as most recently adopted, or these regulations or other municipal ordinances or regulations.

(G) Decision: The DRB shall approve or disapprove the waiver within forty-five (45) days after the completion of the public hearing, or any continuation of the hearing. If the DRB fails to act within forty-five (45) days the waiver shall be deemed approved [§4464(b)(1)]. All decisions shall be sent by certified mail within the time period to the applicant. Copies of the decision shall also be mailed to every person appearing and having been heard at the hearing [§4464(b)(3)].

(H) Appeals. Any interested person may appeal a decision of the DRB to the ~~e~~Environmental ~~C~~Court by filing a notice of appeal under Section 2.04 of these regulations. Waiver approval shall not be effective until the time for appeal has passed, or in the event a notice of appeal is filed with the ~~e~~Environmental ~~C~~Court, no such approval shall take effect until adjudication of that appeal. [§4449(a)(3)]

(I) Posting and Recording requirements: The DRB shall meet the posting and recording requirements of section 2.07.

Section 4. General Regulations and Review Criteria

SUBSECTION 4-A. SUBDIVISION PLAT REVIEW CRITERIA

4.01 Dimensional Requirements

(A) No lot shall be created that does not meet the minimum area, dimensional, and frontage requirements of the district in which it is located unless approved as a part of a Planned Unit Development (PUD).

1. Area. No new lot created shall have an area less than one (1) acre. ~~than the minimum area as required of the district in which it is located. Zoning rules and provisions are used to calculate areas. [If zoning has been adopted. If zoning has not been adopted, minimum lot size shall be one acre.]~~

2. Dimensions. No new lot shall have a minimum width or depth dimension less than seventy-five (75) feet.

3. Frontage. All new lots created shall have a frontage on a public or private road. Minimum frontage shall be 100 feet, except within Cambridge Village. Within Cambridge Village, minimum frontage shall be 75 feet. ~~An easement or permanent right of way is not a substitute for frontage. Existing landlocked parcels, therefore, cannot be subdivided without approval and construction of a private road/street (an approved easement is insufficient to permit subdivision). The minimum frontage required is established by the district in which it is located. Zoning rules and provisions are used to measure frontage. [If zoning has been adopted. If zoning has not been adopted.] Access to existing shall be governed in accordance with the following:~~

a. Existing lots without frontage ~~cannot shall not~~ be developed ~~under zoning~~ without an approved permanent easement or right of way. Existing lots without frontage may be granted a permanent easement or right of way by the DRB provided [§4418(1)(B)]:

- i. The right of way is at least fifty (50) feet ~~in~~ wide;
- ii. Is suitable to be developed as a driveway;
- iii. Meets access location requirements;

b. Where ~~a~~ a new or existing easement is intended to provide access to more than one lot or access to an adjoining lot without frontage, including situations where subdivision of a landlocked parcel is proposed, a private road may be approved by the DRB provided:

- i. The right of way is at least fifty (50) feet wide;
- ii. Meets all standards for access (section 4.02) and does not have any characteristics which would prevent the construction of a private road (section 4.07) or a

Comment [SJ6]: Moved below

Comment [SJ7]: Allow smaller minimum frontage in Cambridge Village for several reasons:
(1) About 2/3s of lots along North and South Main Street have less than 100 feet of frontage)
(2) Allow existing lots to be considered "conforming" – eases the process for boundary line adjustments.
Replicate existing settlement pattern of narrower, deeper lots fronting public rights of way in new subdivisions.

Subdivision Regulations for the Town and Village of Cambridge (20062015)
driveway ~~(as established in zoning bylaws, if applicable);~~
iii. Each new lot meets the frontage requirement on the private road.

43. Shape. Regular shape lots are required under these regulations. Regular shape lots are defined as follows:

- a. Side lot lines perpendicular (90%) to front lot lines for the depth of the lot with variations from perpendicular lot lines of up to 20%. ~~accepted; and~~
- b. Rear lot lines parallel to front lot lines with variations from parallel lot lines of up to 20%; and
- c. Each lot shall have a minimum depth and width of at least seventy five (75) feet for at least 75% of the total lot area.
- d. All lots in Cambridge Village shall have a minimum width to depth ratio of one to five (1:5). All other lots shall have a minimum width to depth ratio of one to four (1:4).
- e. Reserve strips or strips of land less than thirty (30) feet in width which follow the right-of-way of a private road or public highway for more than twenty (20) feet shall be prohibited.

Dogleg lots, bowling alley lots, and lots otherwise contorted in order to get around these bylaws are not permitted. ~~Lot lines may be designed~~ The above lot shape requirements may be modified in order to allow lot lines to follow existing land characteristics such as land contours, pre-existing fence lines, roads, and paths, ~~as or well as~~ to protect significant natural resources, or to avoid excessively steep slopes, water courses, or wetlands, and where no other form of subdivision or PUD is possible.

54. New or adjusted lot lines cannot cause an existing ~~structure lot~~ to become a non-complying ~~structure lot~~. If the ~~structure lot~~ was already non-complying, then the new or adjusted lot line cannot increase the degree of non-compliance. ~~as defined in the Town of Cambridge Zoning Bylaws. [If zoning has been adopted].~~ For example, the lot lines of a pre-existing, non-complying lot with an area of 0.5 acres may be adjusted to increase the size of the lot, but it may not be adjusted to reduce the size of the lot.

65. Monuments & Lot Corner Markers. Permanent monuments and corner markers shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors, Part 5, Standards for the Practice of Land Surveying. Temporary markers may be placed during periods of construction provided final monuments are placed by the surveyor at the conclusion of the construction. All easements and rights of way described on the plat shall be monumented unless waived by the DRB. If the parcel to be subdivided will remain at least 50 (fifty) acres in size after the proposed subdivision, only the boundaries of new and/or

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Comment [SJ8]: Revised to better define regular shaped lots.

Comment [SJ9]: Moved from above, and revised to add res triangular shaped lots.

Comment [SJ10]: Minimum width to depth ratio added to prevent bowling alley and other irregular shaped lots. Different ratio allowed in Cambridge Village to recognize traditional village pattern of slightly narrower, deeper lots.

Comment [SJ11]: These are now defined in the Definitions

Comment [SJ12]: Similar exemption for 50 acre plus.

adjusted lots shall require monumentation.

4.02 Access to lots- Location

- (A) Purpose. The purpose of the access requirements is for the Town to ensure safe and efficient entrance and exit from public roadways, to reduce damage from flooding events, to mitigate erosion and storm water runoff impacts, and to ensure quality construction of driveway accesses. All proposed subdivision plats must provide locations for access. No lot shall be created which does not have legal access onto a public highway or private highwayroad.
- (B) Coordination with other local and state permits. The DRB, Selectboard, and VTrans have separate authorities in approving accesses.
1. Through these subdivision regulations, the DRB has all authority over accesses onto private roads.
 2. The Selectboard has all authority over accesses onto local highways. In some instances, this authority may be delegated to the Road Foreman.
 3. VTrans requires a state highway access permit prior to any subdivision of land abutting a state highway. VTrans has full authority over these accesses, although the DRB will provide comment and recommendations to VTrans.
- (C) Layout and design standards. No lot shall be created which does not have legal access onto a public highway or private highwayroad.
1. Any proposed parcel on a private road must have an access location and design that meets the access requirements contained within the *Town of Cambridge Highway Standards Ordinance*.
 2. Any proposed parcel on a local highway must receive an access permit from the Road Foreman prior to approval of the subdivision.
 3. Any proposed parcel on a state highway must receive a state highway access permit from VTrans prior to approval of the subdivision.

4.03 Usable lot requirement

- (A) Purpose: The purpose of this provision is to ensure that lots that are created are usable. The review and approval in this provision is no guarantee of ~~zoning approval~~ approval of any other applicable State or local permit. The property owner gains no vested right to develop the lot based on the subdivision approval. ~~Permission to develop and use a lot is only granted through the issuance of a zoning permit. Therefore, it is recommended that a zoning permit is pursued at the same time as subdivision plat approval — but it is not required. [If~~

Comment [SJ13]: Revised to address "usable lot" requirements in the context of no zoning.

~~zoning has been adopted.]~~

- (B) New lots must have some potential ~~permissible~~ use. The DRB will not allow the creation of an unusable lot. ~~No lot shall be approved until it is determined that the lot can meet the requirements of the Town of Cambridge Zoning Bylaws for that use. The property owner does not need to obtain the zoning permit to receive plat approval but may apply for both plat approval and zoning permit approval simultaneously. [If zoning has been adopted.]~~
- ~~(C)~~ In order for the DRB to approve a residential lot New lots proposed for any purpose other than agriculture, forestry, recreation, or conservation, for instance, the applicant must prove shall demonstrate a location for wastewater disposal (sewer hookup or on-site), water supply, other utilities, and a building envelope where any structure could be located that meets all slope, setback, and buffer requirements, ~~and any zoning or other ordinance requirement which the DRB determines to be appropriate.~~ The location of any well or onsite wastewater system, including all requisite isolation distances, shall be depicted on the final plat.
- (C) ~~Building envelope lines are non-binding and are intended to demonstrate the usability of the lot. An amended subdivision plat is not necessary for future development outside of the building envelope. All lots shall have designated building envelopes that shall not include areas within any applicable setbacks, Class I or II wetlands, or any other area that may not be developed in accordance with these bylaws. Also, the location and configuration of a building envelope may also be modified in order to meet the requirements for protection of agricultural land found in Section 4.13~~ The building envelope does not vest any rights to construct within that area.
- (D) The DRB may require an applicant to obtain applicable State permits before approving a subdivision and/or condition recording of the final mylar on obtaining such permits. if, in the opinion of the DRB, the approval of such permit is in doubt or question.
- (E) If a new lot is intended for agricultural, forestry, or conservation purposes, or is greater than ten (10) acres in size and will not be developed at the time of subdivision approval, the DRB may defer requirements of these regulations. Language indicating the deferral status for any such lot shall appear on the final plat and in any transfer deed. This language shall also contain a statement indicated that by accepting a deferral, the applicant understands that the lot may not be able to meet all standards required for development. An amendment to the Subdivision approval shall be required before any development or other use of the property may occur.
- (F) Where a parcel in a subdivision is not intended for future development (e.g. sale to a land trust for conservation purposes) the subdivision may be permitted provided the plat clearly reflects the lot is for conservation purposes only. The DRB may require the sale of development rights to a conservation organization for such a lot as a condition of approval.

Comment [SJ14]: Added to allow deferral of wastewater and other requirements when a large parcel is created, but not intended for development (for example, if a property owner owning twenty-five acres wishes to create five new one acre building lots and retain the remaining 20 acres)

4.04 Water systems

- (A) Municipal Systems. For subdivisions utilizing any public water supply system, the subdivider shall provide evidence that the existing system will adequately meet the needed demand, or if the system will not meet the demand, the subdivider will provide a plan for upgrading the system to meet the expected demand and provide a bond or security (to the satisfaction of the Selectboard or Trustees) to cover all or part of the costs of the necessary improvements. The applicant must also be able to demonstrate the ability to obtain all permits necessary to extend utilities, if necessary.
- (B) Community Systems. Community water systems shall be designed and installed in accordance with all applicable municipal and state regulations and standards. Community systems may be required to be designed in such a way that they may eventually be connected to a municipal water supply system. Articles of ~~a~~Association or similar arrangements are required to address long-term care and maintenance of these systems by the users.
- (C) Individual Water Supplies. If the proposed development is to be serviced by individual wells, the applicant shall provide evidence of the location of all proposed wells and evidence that these locations will meet applicable State regulations. Town of Cambridge Zoning Bylaws for water supply. [If zoning has been adopted.]
- (D) Standards. ~~The following standards shall be met for developments being serviced by either a community water system or individual wells:~~ Proposed well site(s) must be identified on plat, including any associated well shield. All well(s) must meet ~~water supply-well shields and isolation distances provisions as described herein. Isolation distances for water supply systems are the required minimum separation distances~~ as established by the Vermont Water Supply Rules, as most recently amended. The issuance of a wastewater and potable water supply permit by the Vermont Department of Environmental Conservation assumes conformance with these rules. Chapter 21. These include but are not limited to:
- ~~a. Buildings: 10 feet~~
 - ~~b. Edge of driveway serving less than 3 residences: 15 feet~~
 - ~~c. Property line: 10 feet unless bordering agricultural crop land in which the isolation distance increases to 50 feet.~~
 - ~~d. Roadway shoulder or parking lot edge: 25 feet~~
 - ~~e. Surface water: 25 feet~~
 - ~~f. Subsurface wastewater piping (sewer) and related tanks (septic): 25 feet~~
 - ~~g. Limits of herbicide application (utility line ROW): 100 feet where herbicides have been applied in the past 12 months and may be applied in the future but may be increased to 200 feet depending on the active ingredient in the herbicide.~~
 - ~~h. Concentrated livestock holding areas or manure storage: 200 feet~~
 - ~~i. Down slope sewage system disposal facilities: 100 feet~~
 - ~~j. Up slope sewage system disposal facilities: 100 feet~~
 - ~~k. Hazardous or solid waste disposal sites: 200 feet~~

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Comment [SJ15]: Isolation distances are now set by State of Vermont. Remove to prevent conflicts if isolation distances are revised by the State

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(E) State permits. State water supply permits shall be obtained prior to recording the approved final plat in the Land Records, unless deferred in accordance with Section 4.03(E) above.

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~~(E) Fire Hydrants, Fire Ponds & Dry Hydrants. Where required by the DRB fire hydrants shall be installed by the subdivider. All hydrants must be installed to the specifications of the Cambridge Fire Department. Fire ponds and/or dry hydrants may be required for subdivisions where water sources are inadequate for fire fighting. Fire ponds and dry hydrants shall be accessible for use in emergencies on other nearby properties. No fire ponds may be developed on lands designated as a wetland by the state or National Wetland Inventory.~~

Comment [SJ16]: Moved to a new Section 2.13 below.

4.05 Wastewater Disposal

(A) Municipal Systems. For subdivisions that will connect to a municipal sewage disposal system, applications for extensions and hookups shall be approved by the officers and agents of the Selectboard entrusted with the care and superintendence of the municipal sewage disposal system. Applicant must also be able to demonstrate the ability to obtain all permits necessary to extend utilities, if necessary.

(B) Community Systems. Community wastewater disposal systems shall be designed and installed in accordance with all applicable municipal and state regulations and standards. Community wastewater disposal systems may be required to be designed in such a way that they may eventually be connected to a municipal wastewater disposal system. Articles of Association or similar arrangements are required to address long-term care and maintenance of these systems by the users.

(C) Individual Septic Systems. Individual septic systems shall meet the requirements of the Town's applicable subsurface disposal ordinance and all other applicable municipal and state regulations and standards.

(D) Standards. Identification of sites for wastewater treatment and any backup sites shall be shown on the plat. Where a new parcel is proposed for a use not requiring a wastewater permit, the plat shall clearly identify the parcel as not having an approved wastewater site. ~~Should the commission determine that the proposed individual septic systems are not subject to any applicable municipal or state regulations, it may require the subdivider to make percolation tests and test holes as directed by the Vermont Department of Environmental Conservation, or determined by a qualified engineer or site technician, with the results thereof being submitted to the commission.~~ The proposed individual disposal system, including the size of septic tanks and leach fields or other secondary treatment device, shall conform with the Vermont Environmental Protection Rules, meet all applicable isolation distances, and be approved by the Vermont Department of Environmental Conservation, ~~or by a qualified engineer or site technician, at the commission's discretion.~~ The issuance of a wastewater and potable water supply permit by the Vermont Department of Environmental Conservation assumes conformance with these

Comment [SJ17]: Towns no longer have direct authority over wastewater. Revised to reference state EPR

rules.

(E) State Permits. State wastewater permits shall be obtained prior to recording the approved final plat in the Land Records, unless deferred in accordance with Section 4.03(E) above

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4.06 Utilities

(A) Locations: All proposed utilities, including but not limited to electric, telephone, and cable television, and associated rights of way shall be shown on the final plat and shall be located as follows:

1. The subdivider shall coordinate subdivision design with utility companies to insure adequate and suitable areas for under and above ground installation, ~~both~~ for both the proposed subdivision, and areas adjacent to the subdivision.
2. Utility corridors shall be shared with other utility and or transportation corridors where feasible, and ~~located~~ shall be located to minimize site disturbance, the fragmentation of agricultural, forest, and conservation lands, and any adverse impacts to natural, ~~cultural-cultural~~, or scenic resources, and to public health.

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

(C) Burying utilities. All utilities within a subdivision shall be located underground, unless the DRB determines that burial ~~is not necessary because it will be prohibitively expensive.~~ would result in an undue adverse impact on natural resources (for example, require disruption of a wetland or stream bed) or would be prohibitively expensive (increase the cost of installation by thirty percent [30%] or more.)

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(D) Coordination with Selectboard. Where a subdivision will require the construction of utilities within the right of way of a public highway, approval of the Selectboard is required prior to final plat approval.

4.07 Driveway & Private Road Design and Layout

(A) Applicability of road location and design. The standards enforced herein shall apply to all proposed roads driveways. All new roads are considered private for purposes of subdivision regulations. Acceptance of private roads by the municipality is subject to the approval of the Selectboard, and applications can only be made following the completion of construction. Location and design of roads to these standards in no way ensures acceptance by the Selectboard. In some cases, the standards outlined below are less stringent than the standards found in the Town of Cambridge Highway Standards Ordinance. By utilizing these less stringent standards, the applicant waives any future right to petition the Town of

Comment [SJ18]: Road use /maintenance agreement added to application requirements for final plat review.

Cambridge to accept the private road as a Town Highway.

- (B) Driveway and Road Design. All driveways and roads proposed and constructed under these regulations shall be designed in accordance with the *Town of Cambridge Highway Standards Ordinance*, unless otherwise specified below.

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1. Driveways serving a single residential parcel, or a non-residential parcel generating no more than ten (10) average trips per day, shall be designed and constructed in accordance with the following standards:

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- (a) Right-of-Way. The minimum right-of-way for a driveway shall be thirty (30) feet.

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Comment [SJ19]: ROW requirement for driveways not defined in Highway Standards

- (b) Width. Driveway widths shall be between twenty-five (25) and thirty-five (35) feet measured at the intersection with edge of the travel portion of the town highway or private road. The travel portion of the driveway may narrow to twelve (12) feet at the edge of the town highway or private road right-of-way.

- (c) Base. All driveways shall be constructed on a subbase capable of supporting a 40,000 lbs, two axle vehicle.

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- (d) Grade. The maximum grade of a driveway shall not exceed ten (10) percent at any point, and the average grade of a driveway shall not exceed eight (8) percent.

Comment [SJ20]: Town Plan states that roads and driveways shall not have a grade greater than 8%. Allows slightly steeper grades for some portion of way, provided grade does not exceed 10%

2. Shared driveways serving two or three residential parcels, or non-residential parcels generating no more than twenty-five (25) average trips per day, shall be designed and constructed in accordance with the following standards:

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Comment [SJ21]: Needs to be named (E911)

- (a) Right-of-Way. The minimum right-of-way for a shared driveway shall be thirty (30) feet.

- (b) Width. Shared driveway widths shall be between twenty-five (25) and thirty five (35) feet measured at the intersection with edge of the travel portion of the town highway or private road. The travel portion of the shared driveway may narrow to fourteen (14) feet at the edge of the town highway or private road right-of-way.

- (c) Base. All shared driveways shall be constructed on a subbase capable of supporting a 40,000 lbs two axle vehicle

- (d) Grade. The maximum grade of a shared driveway shall not exceed ten (10) percent at any point, and the average grade of a shared driveway shall not exceed eight (8) percent.

Comment [SJ22]: Town Plan states that roads and driveways shall not have a grade greater than 8%. Allows slightly steeper grades for some portion of way, provided grade does not exceed 10%

3. Private Roads serving four or more residential parcels, or non-residential parcels generating more than twenty-five (25) average trips per day, shall be designed and constructed in accordance with the following standards:

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- (a) Right-of-Way. The minimum right of way for a private road shall be fifty (50) feet. Wider rights-of-way may be required as prescribed by the *Town of*

Cambridge Highway Standards Ordinance.

- (b) Travel Lane Width. The minimum travel lane width on a private road shall be determined according to the table below. Note wider widths may be required on private roads expected to experience heavy truck traffic.

<u>Average Daily Traffic</u>	<u>Lane Width</u>
<u>25-50</u>	<u>8 feet</u>
<u>51-1500</u>	<u>9 feet</u>
<u>1501-2000</u>	<u>10 feet</u>
<u>2001+</u>	<u>11 feet</u>

- (c) Shoulder Width. Shoulders shall be a minimum of two feet in width on a side and shall be a minimum of four feet at guardrail and curb sites. Shoulders may be wider to accommodate either bicycle use or on-street parking, as prescribed by the Town of Cambridge Highway Standards Ordinance.

- (d) Base. The subgrade and base of all private roads, including required shoulders, shall be constructed in accordance with the Town of Cambridge Highway Standards Ordinance.

- (d) Grade. The maximum grade of a private road shall not exceed ten (10) percent at any point, and the average grade of a private road shall not exceed eight (8) percent.

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Comment [SJ23]: Town Plan states that roads and driveways shall not have a grade greater than 8%. Allows slightly steeper grades for some portion of way, provided grade does not exceed 10%

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- (C) Coordination with adjoining properties. The arrangement of roads in the subdivision shall provide for the coordination of roads of adjoining subdivisions and for proper projection of roads through adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic, and construction or extension of needed utilities and public services, presently or when later required. ~~The DRB may require the set aside of rights-of-way for future development on the lot or adjacent adjoining properties. Where, in the opinion of the DRB, topographic or other conditions make such continuance undesirable, or impracticable, the above conditions may be modified. The DRB may also require improvements to existing private roads serving the proposed subdivision.~~

- (D) Upgrade to Existing Roads. Where an existing road is inadequate or unsafe, the DRB, in consultation with the Selectboard, may require the subdivider to upgrade the road to the extent necessary to serve emergency vehicles and additional traffic resulting from the subdivision; and to conform to the Town's highway standards. In situations where a development may require realignment, widening, or otherwise increasing the capacity of an existing road; or where the municipal plan or capital program indicates that such improvements may be required in the future, the subdivider may be required to reserve land for such improvements. Any existing road that provides either frontage to new lots or access to new roads ~~also~~ shall also meet these requirements. Where a subdivision requires

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expenditure by the municipality to improve existing roads to conform to these standards, the
DRB may disapprove such subdivision until the Selectboard certifies that funds for the
improvements have been ensured; or the subdivider may be required to contribute to any or
all of the expenses involved with road improvements necessitated by the project.

(E) Coordination with E911: The Cambridge Town Listers, or other body designated as the
Town E911 Coordinator, shall receive notification any new driveway, shared driveway or
private Road in order to assign an E911 Address.

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(F) Road Names & Signs. Roads and shared driveways shall be named in accordance with any
municipal road-naming ordinance or policy currently in effect. Said names shall be
identified on signs designed and located in accordance with municipal policy and shall be
clearly depicted on the final plat.

(F) Maintenance. All costs associated with administering and maintaining shared driveways
and private roads shall be the responsibility of applicant and/or subsequent landowners.
Management agreements for all shared driveways and private roads shall be submitted to
the DRB for review as part of the application for final plat approval. Management
agreements shall comply with all applicable State and Federal law.

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4.08 Curbs, Sidewalks, & Pedestrian Access

(A) Curbs, sidewalks, and pedestrian access are not required in any subdivision. Where these
amenities are proposed, the amenity must meet Town standards, if applicable, as
established by the Selectboard.

4.09 ~~Gutters &~~ Storm-water Management Facilities

(A) Municipal Systems. For subdivisions utilizing any public storm-water management facility,
the subdivider shall provide evidence that the existing system will adequately meet the
needed demand, or if the system will not meet the demand, the subdivider will provide a
plan for upgrading the system to meet the expected demand and provide a bond or security
(to the satisfaction of the Selectboard or Trustees) to cover all or part of the costs of the
necessary improvements. Applicant must also be able to demonstrate the ability to obtain all
permits necessary to extend utilities, if necessary.

(B) Community Systems. Storm-water management facilities shall be designed and installed in
accordance with all applicable state regulations and standards. Community storm-water
systems may be required to be designed in such a way that they may eventually be
connected to a municipal storm-water system. Articles of Association or similar
arrangements are required to address long-term care and maintenance of these systems by
the users.

(C) Standards. All stormwater management facilities shall be designed and constructed in

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Subdivision Regulations for the Town and Village of Cambridge (20062015)
accordance with the most recent standards for such facilities adopted by the State of
Vermont. Applicants are encouraged to incorporate Low Impact Development techniques
and practices into the stormwater management system and/or to utilize the Voluntary
Stormwater Management Credits provided for in the most recent version of the Vermont
Stormwater Management Manual

(D) State Permits. If the subdivision will create more than 1.0 acres of new impervious
surfaces, or otherwise require a state stormwater permit, the applicant shall obtain this
permit prior to recording the approved final plat in the Land Records.

4.10 Street & Sidewalk Lighting

(A) Street and sidewalk lighting are not required in any subdivision. Where these amenities are
proposed to appear in the public right of way, the amenity must meet the standards of this
Section and any exterior other lighting standards established by the Town of Cambridge.
Lighting within Cambridge Village must also meet any lighting standards established by the
Village of Cambridge. Town standards as established by the Selectboard including the
requirement that they be cutoff fixtures.

(B) Lighting fixtures shall be designed to direct light downward and shall have a cut off angle of
90 degrees or less. Fixtures with a cut off angle of 60 degrees or less are encouraged to
prevent skyglow.

(C) The use of energy efficient lighting, such as LID fixtures, is strongly encouraged.
Any outdoor lighting must also meet exterior lighting requirements in the Town of
Cambridge Zoning Bylaws. [If zoning has been adopted.]

4.11 Recreation areas

(A) Applicability. Subdivisions of greater than ten (10) lots shall be required to provide some
recreational areas for use by residents of the subdivision. The nature of the recreational
areas (e.g. playground, ball field, trails, swimming pool, tennis courts) shall be at the
discretion of the developer with input from the DRB.

(B) Recreation area requirements. All recreation areas shall meet the following requirements:

1. The DRB may require the dedication of up to fifteen percent (15%) of the total land
area of the proposed subdivision for recreation purposes. Such area, to be set aside
as common land unless otherwise approved by the DRB commission, shall be of
suitable character to serve as parkland, a playground, or recreation trail network.
[§4417]
2. The location, shape, and character of the recreation land shall be suitable for its
intended use.

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Comment [SJ24]: Note lighting standards and
ordinances may be adopted absent of Zoning

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Comment [SJ25]: Revised to define "cut off
fixture"
90 degrees is considered "cut-off" which keeps most
light from reaching the night sky.
45 degrees is considered a "dark sky fixture." Dark
sky fixtures prevent skyglow, but may require more
fixtures to illuminate and area.

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4.12 Common Land

- (A) Applicability. Common land is any area within a subdivision owned in common among the members of the subdivision. Common land may be set aside for the placement and maintenance of community facilities including, but not limited to, recreation areas, wastewater treatment sites, pedestrian walkways, parking lots, and private roads.
- (B) Common land requirements. All common land shall meet the following requirements:
1. The location, shape, and character of the common land shall be suitable for its intended use.
 2. Land held in common shall be subject to appropriate deed restrictions, stipulating the permitted and restricted use of such lot and establishing the person or entity responsible for maintenance and long-term stewardship.
 3. Common land is generally managed and maintained through Articles of Association, or similar arrangements, among the members of the subdivision. For those not within an Association, such provisions shall be made for the regulation and management of any common land. The use and further subdivision of land are regulated by, but not limited to, these bylaws, the associated subdivision plat, and any restrictions placed upon the title of the land.
 - a. All costs associated with administering and maintaining common land shall be the responsibility of applicant and/or subsequent landowners.
- (C) Articles of Association. Articles of Association and related arrangements are contracts within the members of the Association; They are not a substitute for, nor do they supercede, these subdivision regulations. Where changes are sought to any common land or condition, the proposal must receive Association approval and DRB approval for such change. Where appropriate, these Associations must abide by the conditions established in the permit although neither the Town of Cambridge nor the Administrative Officer is responsible for mediating disputes within the Association.
- (D) Legal review. The DRB reserves the right to have any Articles of Association or similar arrangement reviewed by an attorney to ensure basic standards are met:
1. Proper establishment of association;
 2. Long-term care and maintenance of common land, including costs, are addressed;
 3. Protection of the municipality in the event of legal challenges.

4.13 Protection of Agricultural Soils

Comment [SJ26]: The objectives outlined in this section can also be met through use of defined building envelopes. Reference to building envelopes have been added throughout the section.

(A) Where a subdivision includes twenty-five (25) acres or more of prime or statewide agricultural soils, the applicant must create subdivision boundaries and/or building envelopes configured to avoid adverse impacts on prime and statewide agricultural soils. Methods for avoiding such adverse impacts include, but may not be limited to, the following:

1. Where marginal soils also exist on the site, the creation of a PUD may be required with the developable lots clustered away from the agricultural soils.

~~2.~~ Lot lines and/or building envelopes shall be located at field and orchard edges or, in the event that no other land is practical for development, on the least fertile soil in order to minimize the loss of productive agricultural soils and impacts of existing farm operations.

~~23.~~ Lots and/or building envelopes may be clustered on agricultural soils if those areas, by their nature, are not reasonably viable for farming. Such features could include agricultural soils that are distributed in a long narrow band. Other areas in the subdivision are still required to protect areas with agricultural soils or potential for agricultural use.

~~34.~~ Contiguous patches of agricultural resources identified above should not be fragmented. The parcel with the contiguous patch should, wherever possible, remain in a parcel of not less than twenty-five (25) acres.

~~45.~~ Vegetated buffer areas may be required between agricultural and other uses to minimize land use conflicts.

~~56.~~ Access roads, driveways, and utility corridors should be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stonewalls, and/or fence lines, should follow such features ~~these~~ to minimize the fragmentation of agricultural soils.

(B) Where a project is required to meet the provisions established under subsection (A) above but the project is subject to review under Act 250, the project shall be presumed to meet this section.

1. Any project meeting the situation described in subsection (B) above should receive conditional approval pending the outcome of the Act 250 permit application. The condition of the approval should state that the application is approved provided the Environmental Commission mitigates for the loss of agricultural soils. If the Environmental Commission does not require the mitigation for the loss of soils, the DRB shall open a new hearing on the application to review the provision above in subsection (A).

- (C) It is not the intent of these provisions to reduce the overall level of development but to require clustering (through the use of PUDs) or other design tools to limit or reduce the impact of the development on the soil resources. As a result, some projects may be built on agricultural soils where other soils are not available or reasonably located for clustering.

4.14 Fire Hydrants, Fire Ponds & Hydrants

- (A) Purpose: The purpose of this provision is to ensure that new subdivisions have an adequate supply of water for fire protection.

- (B) Applicability: Where a subdivision is greater than one (1) mile from an existing dry hydrant or other water source, or results in the creation of ten (10) or more new lots or dwelling units, or where the DRB otherwise determines that water sources are inadequate for firefighting, the Development Review Board may require the developer to install or fund the installation of a dry hydrant and/or fire pond.

- (C) Standards: Dry hydrants and/or fire ponds required under this section shall be installed by the subdivider. All dry hydrants and fire ponds must be installed to the specifications of the Cambridge Fire Department. Fire ponds and dry hydrants shall be accessible for use in emergencies on other nearby properties. No fire ponds may be developed on lands designated as a wetland by the State or National Wetland Inventory, unless approved by the Army Corps of Engineers and the Vermont Agency of Natural Resources.

- (D) Maintenance. All costs associated with administering and maintaining the dry hydrant and or fire pond shall be the sole responsibility of applicant and/or subsequent landowners.

Comment [SJ27]: Moved from above.
Additional specificity regarding when hydrants may be required has also been added

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4.15 Planned Unit Developments (PUD)

- (A) Applicability: No subdivision plat shall be approved for a PUD without meeting the provisions of this section and all other applicable requirements within ~~these bylaws~~ the zoning bylaws (if adopted). The DRB shall regulate the use of individual lots through the zoning process. It is recommended but not required that an application for plat approval be conducted simultaneous to any approvals for the use of said lots. [If zoning has been adopted.]

1. Cambridge recognizes that PUDs may be created through a variety of means. In order to encourage the use of the PUDs, the Town has established flexible rules to guide the process. These rules recognize two general types of PUDs- clustered lot and condominium style (common interest ownership) PUDs. Where the rules differ between these two types of PUD's specific guidance will be provided.

- (B) Purpose: Planned Unit Developments (PUDs) are permitted in order to provide for flexibility in site and lot layout, building design, placement and clustering of buildings, and

use of open areas; to promote efficient use of land; to facilitate the efficient and economical provision of ~~street~~roads and utilities; and to conserve the natural resources and scenic qualities of the Town. Accordingly, the DRB may modify the area and dimensional requirements of these regulations simultaneously with conditional use approval and site plan approval. Such modifications shall be subject to the general and specific conditions and standards in this section and in the district regulations, where applicable. [§4417]

(C) Application Procedure: In addition to material presented for subdivision plat approval, if appropriate, ~~and any zoning permits, conditional use reviews, and site plan reviews being pursued in connection with the PUD~~, the applicant shall submit two (2) copies of the following information to the DRB:

1. A statement setting forth the nature of all proposed modifications of this bylaw and the proposed standards and criteria which the applicant proposes for the development, including standards for the design, bulk, and spacing of buildings and sizes of lots and open space.
2. Limits of use, if any.
3. Plans for the permanent maintenance and/or management of open space areas included within the development. (See section 4.12)

(D) Regulation of lots within PUD: Condominium style PUDs (common interest ownership) must have an Association that meets the standards established in Title 27A of the Vermont Statutes. Clustered lot type PUDs may be part of an Association, or lots may be sold as individual lots absent of an Association. All common lands shall meet the requirements of Section 4.12.

(E) Review Standards – Plat Review: The following shall be met in order for the DRB to approve the application:

1. The area of any pond, lake, stream, wetland, or floodway shall not be included as any part of the area required for a PUD or as part of the base for any density determination. No lot in a clustered lot type PUD shall be created which is not at least one-half acre (1/2 acre) in size, ~~and having a minimum frontage of one hundred (100) feet~~. No lot in a condominium style PUD shall be created which is not at least one-eighth acre (1/8) acre (~~minimum~~) frontage is not required for individual lots in a ~~condominium style~~ PUD).
2. A percentage of the land should be set aside for open space. The amount and location of the land so designated shall be determined on the merits, purposes, and conditions of the individual proposal. Further, the DRB may establish conditions on the ownership, use, and maintenance of said lands for their intended purposes.
 - a. The open space shall first protect agricultural soil resources where

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Comment [SJ28]: Frontage standards removed. Purpose of PUD is to allow clustering of development. Requiring the same minimum frontage as a conventional subdivision prevents this from being accomplished.

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more than ten (10) acres of contiguous agricultural soils are present.
Recreational, environmental, and other common lands for
community facilities shall be secondary where agricultural soil is
present.

3. ~~The DRB may grant a density increase of up to twenty five percent (25%) of the allowable number of units in instances where the site conditions will allow.~~
4. The development shall be an effective and unified treatment of the project site, and it should provide for preservation of streams, stream banks, visual and physical access to the Lamoille River, slopes greater than twenty-five (25%), wetlands, agricultural soils, historic sites, natural areas, wildlife habitat, floodplain, and views.
5. The minimum project size for any PUD shall be five (5) acres.
6. ~~The minimum setback and yard requirements for the district in which the project is located shall apply to the periphery of the development.~~
7. The PUD shall meet all other requirements of these regulations unless otherwise exempted or varied within these provisions.
8. The development shall be proposed over a reasonable period of time in order that adequate municipal facilities and services may be provided.

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Comment [SJ29]: In order to have bonus, the regulations need to better define WHEN a density bonus may be allowed (for example, 50% or more of parcel is kept permanently undeveloped) type of housing, recreation area. This should be explored as a future project.

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Comment [SJ30]: Cambridge has not adopted Zoning Regulations, therefore, there are no defined setback and yard requirements.

SUBSECTION IV-B. GENERAL LOTS/SUBDIVISION CRITERIA

4.20 Non-Conforming Lots/Subdivisions

- (A) Nonconforming lots or subdivisions means lots or subdivisions that do not conform to the present bylaws but ~~was~~were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the Administrative Officer. [§4303(13)]
- (B) Any non-complying lots or subdivisions may be allowed to exist indefinitely provided:
 1. A non-complying lot is not ~~required to be merged by these regulations. deemed merged through provisions of the zoning bylaws. [If zoning has been adopted.]~~
 2. A non-complying lot or subdivision shall not be resubdivided or ~~be~~ amended in a manner that will increase the existing degree of non-compliance.
 3. The phrase 'shall not increase the degree of non-compliance' shall be interpreted to mean that the portion of the lot or subdivision that is non-complying shall not

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increase in size (or decrease in the event of failing to meet minimum standards such
as road standards or frontage). Therefore, a boundary line may be adjusted provided
the resulting parcel is equal to, or more compliant than, the parcel prior to
amendment.

4. Changes to a non-complying lot or subdivision for the sole purpose of compliance
with mandated environmental, safety, health, or energy codes are permissible with
approval by the DRB.

Section V. Definitions

5.01 Definitions

(A) For the purpose of these bylaws, the terms below shall have the following meanings unless a different meaning clearly appears from the context:

1. Acre means a parcel of land with an area, measured on a horizontal plane, of 43,560 square feet.
2. Act means the Vermont Planning and Development Act 24 V.S.A., Chapter 117.
3. Adjoining Landowner means any person owning land contiguous to the proposed land development, including land separated by a road or road right of way.
4. Administrative Officer shall mean the administrative officer, or the assistant administrative officer appointed in accordance with the provisions of Section II(A) of these bylaws.

Cut-off Angle (of a lighting fixture): The angle, measured up from the nadir (i.e. straight down), between the vertical axis and the first line of sight at which the bare source (the bulb or lamp) is not visible.

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5. DRB is the abbreviation for the Town of Cambridge Development Review Board.
6. Driveway is a minor travel way ~~serving no more than one (1) parcel~~ which provides vehicular access from an adjoining road ~~or street~~ to a parking space, garage, or other structure.
7. Frontage is the length of the front lot line for a single parcel of land as measured along the public right-of-way or private road that it borders.
8. Interested Person means anyone meeting the definition of the term as set forth in the Act [§4465(b)]. The definition includes the following:

- a. A person owning title ~~to or~~ property, or a municipality or solid waste management district empowered to condemn it or ~~an~~ interest in it, affected by a bylaw, who alleges that the bylaw imposes ~~on such on~~ the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
- b. The Town of Cambridge or any municipality that adjoins it.
- c. A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under ~~this chapter, 24 VSA 4465~~ who can demonstrate a physical or environmental impact on the person's interest under the

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criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaws of the Town of Cambridge.

d. Any ten persons who may be ~~in~~ any combination of voters or real property owners within the Town of Cambridge a municipality listed in subdivision (b) of this subsection who, by signed petition to the DRB, the plan or a bylaws of which is at issue in any appeal brought under this title, allege that the relief requested by a person under this title, if ~~granted~~ granted, will not be in accordance with the policies, purposes, or terms of the plan or bylaw of the Town of Cambridge. This petition to the DRB must designate one person to serve as the representative of the petitioners regarding all matters relating to the appeal.

e. Any department and administrative subdivision of the ~~s~~State owning property or any interest therein within the Town of Cambridge a municipality listed in subdivision (b) of this subsection, and the ~~a~~Agency of ~~e~~Commerce and ~~e~~Community ~~d~~Development.

Lot: A definable parcel of land in common ownership, not separated by a public highway, occupied or capable of being occupied by one or more structures or uses. Lot boundaries are (a) established by deed or deeds recorded in the Cambridge Land Records and the records of any public highway right-of-way; or (b) shown on a plat approved by the Development Review Board pursuant to these bylaws. Any parcel divided by a Class I, II, or III road is considered automatically subdivided.

Lot, Dogleg: A lot for which access is provided by a narrow projection of the lot less than feet in width, connecting said lot to a public highway.

Lot, Bowling Alley: A long, narrow lot, with a width to depth ratio greater than one to ten (1:10).

9. Master Plan is a sketch plan describing the proposed future development of the entire extent of the property owner's or developer's contiguous holdings. It is generally required in situations where only a portion of a property is proposed for development at any one time.

10. Private road ~~or street~~ means a ~~minor~~ travel way under private ownership serving more than three adjoining parcels which provides vehicular access from an adjoining road ~~or street~~ to a parcel.

11. Public Highways means any state or town highway.

12. Public water systems means any system, or combination of systems, owned or controlled by a person, which provides piped drinking water to the public and

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which:

(A) has at least fifteen (15) service connections; or

(B) serves an average of at least twenty-five (25) individuals for at least sixty (60) days a year.

13. Planned Unit Development means one or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards.
14. PUD is abbreviation for Planned Unit Development.
15. Shared driveways are a minor travel way serving up to three adjoining parcels which provides vehicular access from an adjoining road or street to a parking space, garage, or other structure.
16. Survey plat shall mean a map or plan, prepared by a surveyor, drawn to scale of one or more parcels of land, showing, but not limited to, boundaries, corners, markers, monuments, easements and other rights (27 V.S.A. §1401).
17. Structure means an assembly of materials for occupancy or use, including but not limited to, a building, mobile home or trailer, billboard, sign, wall, or fence.
18. Town means the Town of Cambridge.
19. V.S.A. is abbreviation for Vermont Statutes Annotated.