

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)

Subdivision Regulations for the Town and Village of Cambridge (2006)
TABLE OF CONTENTS

Section I. General Provisions	1
1.01 Enactment.....	1
1.02 Applicability.....	1
1.03 Effect of Regulations	1
1.04 Intent.....	2
1.05 Effective Date.....	2
1.06 Severability	3
1.07 Computation of Time.....	3
1.08 Subdivision During Adoption or Amendment Process.....	3
Section II. Administration, Appeals, and Enforcement	4
2.01 Administrative Officer	4
2.02 Development Review Board.....	5
2.03 Appeals- Decisions of the Administrative Officer	5
2.04 Appeals of DRB Decisions	8
2.05 Violations and Enforcement	9
2.06 Fees.....	11
2.07 Posting and Recording Requirements.....	11
Section III. Development Review Procedures	14
3.01 Subdivision- Sketch Plan Review.....	14
3.02 Subdivision- Final Plat Review	16
3.03 Waivers	22
Section IV General Regulations and Review Criteria	25
Sub-section IV-A Subdivision Review Criteria	25
4.01 Dimensional Requirements.....	25
4.02 Lot Access	26
4.03 Usable Lot Requirement	27
4.04 Water Systems.....	28
4.05 Wastewater Disposal.....	29
4.06 Utilities	29
4.07 Private Road Design and Layout.....	30
4.08 Curbs, Sidewalks and Pedestrian Access	31
4.09 Gutters and Storm-water Management Facilities	31
4.10 Street and Sidewalk Lighting.....	32
4.11 Recreation Areas	32
4.12 Common Land.....	32
4.13 Protection of Agricultural Soils	33
4.14 Planned Unit Development (PUD).....	34
Sub-section IV-B General Lot/ Subdivision Criteria	36
4.20 Non-conforming Lots/Subdivisions	36
Section V Definitions	37
5.01 Definitions.....	37

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

1 **Section 1. General Provisions**

2
3 **1.01 Enactment**

4
5 (A) These regulations, set forth in this text, are hereby established as authorized in §4402(3)
6 and have been enacted in accordance with the provisions of the Vermont Municipal and
7 Regional Planning and Development Act (Title 24, Chapter 117 of the Vermont Statutes
8 Annotated (V.S.A.)) hereinafter referred to as “the Act.”
9

10 **1.02 Applicability**

11
12 (A) Unless specifically exempted herein, no subdivision of land shall commence within the area
13 affected by these regulations except in conformance with these regulations [§4446].
14

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

- 16
17 1. The division of a parcel into two or more parcels.
18
19 2. Resubdivisions, amendments to subdivisions, amendments to conditions of plat
20 approval, and boundary line adjustments.
21
22 3. Creation of easements or rights of way to allow access to landlocked parcels
23 [§4418(1)(B)].
24
25 4. Creation of common interest ownership communities where lots within the
26 community are subdivided for sale.

27
28 (C) Exemptions. The filing of boundary surveys and/or corrective deeds to repair boundary
29 metes and bounds or to correct technical errors are not considered amendments or boundary
30 line adjustments within the meaning of these regulations provided they are records of
31 existing parcels with known boundaries.
32

33 (D) Area of effect. All subdivision of land within the Town of Cambridge is subject to review
34 under these regulations including land within the Village of Cambridge but excluding land
35 within the Village of Jeffersonville, which is not subject to review under these regulations.
36

37 **1.03. Effect of Regulations.**

38
39 (A) No person, who, being the owner or agent of the owner of any parcel of land, shall lay out,
40 construct, open or dedicate any street, sanitary sewer, storm sewer, water main, or other
41 improvements for public use, travel, or other purposes or for the common use of occupants
42 of buildings abutting thereon, or sell, transfer, or agree or enter into an agreement to sell
43 any land in a subdivision or land development whether by reference to or by other use of a
44 plat of that subdivision or land development or otherwise, or erect any structure on that

1 land, unless a final plat has been approved and recorded as provided in these regulations.
2 [§4451(b)]
3

4 (B) All subdivisions lawfully in effect as of the effective date of these bylaws are allowed to
5 continue indefinitely [§4463(b)]. Any resubdivision or other changes in the subdivision
6 shall be subject to all applicable requirements of these regulations.
7

8 (C) These regulations shall not repeal, abrogate, or impair any other land use controls including
9 but not limited to previous permit conditions, statutes, bylaws, rules, ordinances, permits,
10 easements, deed restrictions, and covenants. However, the provisions of this regulation
11 shall be minimum requirements and shall therefore take precedence over any concurrent
12 and less restrictive controls. [§4413(c)]
13

14 (D) The granting of plat approval under these regulations shall not relieve the applicant from
15 the obligation of obtaining any necessary approvals by local, state, or federal law.
16

17 **1.04 Intent**
18

19 (A) It is the intent of these regulations:
20

21 1. To ensure that any new lots created will have legal access, meet dimension and
22 frontage requirements, have access to required services and utilities, and have a
23 permissible use. In addition, the regulations are intended to ensure any new roads
24 are designed and laid out appropriately and that agricultural land is protected.
25

26 2. To implement the Town and Village of Cambridge Municipal Development Plan so
27 as to achieve orderly community growth, development, and fair property taxation;
28

29 3. To further the purposes of the Act [§4302].
30

31 **1.05 Effective Date**
32

33 (A) These regulations shall be effective September 1, 2006.
34

35 (B) Amendments to these regulations shall be effective twenty-one (21) days after adoption (by
36 majority vote of the Selectboard and Trustees) and shall remain in effect until repealed or
37 amended in accordance with the Act [§4442(c)(1)].
38

39 (C) A vote on these regulations or an amendment thereto shall not take effect if five percent of
40 the voters of the Town of Cambridge or Village of Cambridge petition for a meeting of the
41 municipality to consider the regulation or amendment, and the petition is filed within
42 twenty (20) days of the vote. In this case a meeting of the municipality shall be duly warned
43 for the purpose of acting upon the regulation or amendment by Australian ballot [§4442(d)].
44

1 **1.06 Severability**
2

- 3 (A) The provisions of these regulations are severable. If a court of competent jurisdiction holds
4 any provision or the application thereof to any person or circumstance unconstitutional or
5 invalid, the remainder of these regulations shall not be affected.
6

7 **1.07 Computation of Time**
8

- 9 (A) Where an event is required or permitted to occur by these regulations before, on, or after a
10 specified period of time measured from another event, the first day shall not be counted and
11 the final day shall be counted in calculating the period [§4303(a)].
12

13 **1.08 Subdivision During Adoption or Amendment Process**
14

- 15 (A) Once notice for a public hearing on the adoption or amendment to these regulations is
16 issued by the Selectboard or Trustees, the Development Review Board (hereafter referred to
17 as the “DRB”) shall review any new subdivision plat filed after the date of the notice under
18 the proposed regulations or amendment and the existing subdivision regulations. [§4449(d)]
19
- 20 (B) If the proposed regulations or amendment has not been adopted within 150 days of the
21 notice, or if the proposed regulations or amendment is rejected, then new plats shall be
22 reviewed under the existing regulations. [§4449(d)]
23
- 24 (C) A subdivision plat that has been denied under a proposed regulations or amendment that
25 has not been adopted within the 150-day period shall be reviewed again, at no cost, under
26 the existing subdivision regulations, upon request of the applicant. [§4449(d)]
27

1 **Section 2. Administration, Appeals, and Enforcement**

2
3 **2.01 Administrative Officer**

- 4
5 (A) These regulations shall be administered by the Administrative Officer [§4448(a)].
6
7 (B) The Administrative Officer shall be nominated by the Planning Commission and appointed
8 by the Selectboard for a three year term. The Administrative Officer may be removed from
9 office for just cause by the Selectboard after consultation with the Planning Commission
10 [§4448(A)].
11
12 (C) In the absence or disability of the Administrative Officer, or where the Administrative
13 Officer has a conflict of interest in a matter, an acting Administrative Officer shall be
14 appointed and empowered in the same manner as provided above [§4448(B)].
15
16 (D) The Administrative Officer may hold any other office in town except membership on the
17 Development Review Board (hereinafter referred to as the DRB). Salary for the
18 Administrative Officer shall be paid out of the General Fund in an amount and schedule
19 established by the Selectboard [§4448(a)].
20
21 (E) The Administrative Officer shall administer these regulations literally and shall not have the
22 power to permit any subdivision that is not in conformance with these regulations
23 [§4448(a)].
24
25 (F) The Administrative Officer shall receive and administer subdivision plat applications under
26 section 3.01 of these regulations.
27
28 (G) The Administrative Officer shall investigate complaints and has the power to pursue
29 violations of these regulations through procedures set forth under section 2.05 of these
30 regulations [§4452].
31
32 (H) The Administrative Officer should provide forms required to obtain any municipal permit or
33 other municipal authorization required under this regulation or any other bylaw, regulation,
34 or ordinance that relate to the regulation of land development within the Town of Cambridge
35 [§4448(c)].
36
37 (I) The Administrative Officer should inform any person applying for approval of a subdivision
38 plat that the person should contact the regional permit specialist in order to identify, apply
39 for, and obtain relevant state permits; nevertheless, the applicant retains the obligation to
40 identify, apply for, and obtain relevant state permits [§4448(c)].
41
42 (J) The Administrative Officer shall meet the recording requirements of section 2.07 of these
43 regulations [§4449(b) – (c)].
44

1 **2.02 Development Review Board**
2

3 (A) The Development Review Board shall not consist of less than 5 nor more than 9 members
4 whose members shall be appointed by the Selectboard for specified terms. The Board may
5 consist of the members of the Planning Commission. Vacancies shall also be filled by
6 appointment of the Selectboard for unexpired terms and upon the expiration of terms. The
7 Selectboard upon written charges and after a public hearing may remove any member of the
8 DRB for just cause [§4460(b) - (c)].
9

10 (B) The DRB shall have all powers set forth in the Act to administer the provisions of these
11 regulations, including, but not limited to, the power to:

- 12 1. Consider sketch plans for approval under section 3.01 [§4460(e)(8)] [§4418(2)(B)].
- 13 2. Consider final plat approval under section 3.02 [§4460(e)(8)] [§4418(2)(B)].
- 14 3. Consider applications for Planned Unit Developments under section 3.02
15 [§4460(e)(5)] [§4417].
- 16 4. Consider requests for a waiver under section 3.03 [§4460(e)(6)] §4418(2)(A)].
- 17 5. Consider decisions of the Administrative Officer upon appeal under section 2.03
18 [§4460(e)(10)].
19

20 (C) The DRB shall adopt rules of procedure, rules of ethics with respect to conflict of interest,
21 and perform its functions in conformance with the Act [§4461] and Vermont's Open
22 Meeting Law [1 V.S.A. §§310-314].
23

24 (D) The DRB shall meet all relevant recording requirements of section 2.07 of these regulations.
25

26 **2.03 Appeals- Decisions of the Administrative Officer**
27

28 (A) Applicability: An interested person (as defined in section 5.01(8)) may appeal any decision
29 or act taken by the Administrative Officer by filing a written notice of appeal with the DRB
30 within fifteen (15) days of the act or decision [§4465].
31

32 (B) Notice of Appeal Requirements: A notice of appeal shall be in writing and include [§4466]:
33

- 34 1. The name and address of the appellant.
 - 35 2. A brief description of the property with respect to which the appeal is taken.
 - 36 3. A reference to applicable regulation provisions.
- 37
38
39
40
41
42
43
44

- 1 4. The relief requested by the appellant.
- 2
- 3 5. The alleged grounds why such relief is believed proper under the circumstances.
- 4

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

11

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

14

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

- 18 a. Mailed to the appellant;
- 19 b. Published in a newspaper of general circulation in the Town;
- 20 c. Posted in three or more public places within the municipality
21 including:
 - 22 i. The Town Clerk’s Office; and
 - 23 ii. Within view from the public right of way most nearly
24 adjacent to the property for which the application is
25 made; and
- 26 d. Provided to the applicant and to the owners of all properties adjoining
27 the property subject to development without regard to the public right
28 of way. The notification shall include a description of the proposed
29 project and shall be accompanied by information that clearly informs
30 the recipient where additional information may be obtained, and that
31 participation in the local proceedings is a prerequisite to the right to
32 take any subsequent appeal.

33

- 34 2. The Administrative Officer is responsible for notifying adjoining landowners either
35 by certified mail, return receipt requested, or by written notice hand delivered or
36 mailed to the last known address supported by a sworn certificate of service. The
37 appellant is required to bear the cost of the public warning and a fee (as established
38 by the Selectboard) to cover the administrative costs of the Administrative Officer.
39 [§4464(a)(3)]

40

- 41 3. All hearings of an appeal are open to the public. In any hearing, there shall be an
42 opportunity for each person wishing to establish status as an interested person (as
43 defined in Section 5.01) to demonstrate that the criteria set forth in the definition are
44 met and that the DRB keep a written record of the name address, and participation of

Subdivision Regulations for the Town and Village of Cambridge (2006)
the persons [§4461(b)]. Any interested person may appear and be heard in person or
be represented by agent at the public hearing [§4468].

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:

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 there under 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
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 applicant (both by
certified mail) and mailed to every person or body appearing and having been heard

1 at the hearing [§4464(b)(3)].

2
3 (F) Appeals: Appeals of a decision of the DRB may be made to the Environmental Court, as per
4 section 2.04 [§4471].

5
6 (G) Posting and Recording Requirements: The DRB shall meet the posting and recording
7 requirements of section 2.07.

8
9 **2.04 Appeals of DRB Decisions**

10
11 (A) Applicability: An interested person who has participated in a municipal regulatory
12 proceeding under these regulations may appeal a decision of the DRB to the Environmental
13 Court [§4471]. Participation in a local regulatory proceeding shall consist of offering,
14 through oral or written testimony, evidence or a statement of concern related to the subject of
15 the proceeding. Appeals to Environmental Court must be taken in accordance with the
16 provisions of Vermont Rules of Civil Procedures (V.R.C.P.) 76a and Vermont Rules of
17 Appellate Procedures (V.R.A.P.) 3 and 4.

18
19 (B) Initiation of Appeal. Within thirty (30) days [V.R.A.P. 4] following the date of decision
20 rendered by the DRB, notice of the appeal shall be filed by certified mailing, with fees to the
21 environmental court and by mailing a copy to the municipal clerk or Administrative Officer,
22 if so designated, who shall supply a list of interested persons to the appellant within five (5)
23 working days. Upon receipt of the list of interested persons, the appellant shall, by certified
24 mail, provide a copy of the notice of appeal to every interested person and, if any one or
25 more of those persons are not then parties to the appeal, upon motion they shall be granted
26 leave by the court to intervene. [§§4471(c)]

27
28 (C) Notice of Appeal Requirements: A notice of appeal shall be in writing and include [§4471]:

- 29
30 1. The name of the party appealing.
31
32 2. What board made the decision being appealed.
33
34 3. The nature of the decision under appeal.
35
36 4. A reference to the specific provisions of the bylaw.
37
38 5. The relief requested by the appellant.
39
40 6. The signature of the appellant or attorney.

41
42 (D) Filing Fee: The filing fee is established by V.R.C.P. 76 (e). At the time of the development
43 of these regulations, the fee for filing an appeal with the Environmental Court is \$150.
44

1 **2.05 Violations and Enforcement**
2

3 (A) Applicability: The commencement or continuation of any subdivision of land that is not in
4 conformance with the provisions of these regulations or the approved and recorded plat shall
5 constitute a violation. Violations of these regulations shall be prosecuted in accordance with
6 the Act [§§4451, 4452].
7

8 (B) Identification and Investigation of Violations: The Administrative Officer is required by law
9 to enforce all violations of these regulations [§4448(a)]. Whether through direct observation,
10 written or oral complaint, site visit, or notification of violation from the landowner, the
11 discovery of an alleged violation must be pursued by the Administrative Officer.
12

13 1. Any person may file a written complaint with the Administrative Officer if it is
14 believed that a violation of these regulations has occurred. The complaint shall state
15 fully the causes and basis for the alleged violation. The Administrative Officer shall
16 properly record such a complaint, investigate within a reasonable time, and take
17 action as appropriate in accordance with these regulations.
18

19 2. The Administrative Officer may not enter upon any private property, for purposes of
20 inspection and investigation, except by permission of the landowner or per a search
21 warrant duly issued by a court [13 V.S.A. §4701].
22

23 (C) Formal Notice of Violation: No action may be brought under this section unless the alleged
24 offender has had at least seven (7) working days notice by certified mail that a violation
25 exists and has failed to satisfactorily respond or correct the alleged violation [§4451(a)].
26

27 1. The warning notice shall state:
28 a. That a violation exists;
29 b. That the alleged offender has an opportunity to cure the violation
30 within the seven (7) day period;
31 c. That the alleged offender has the right to appeal the notice of
32 violation to the DRB within fifteen (15) days from the date the notice
33 was sent; and
34 d. That the alleged offender will not be entitled to an additional warning
35 notice for a violation occurring after the seven (7) day period.
36

37 2. Action may be brought without notice and opportunity to cure, if the alleged offender
38 repeats the violation of the regulation after the seven (7) day notice period and within
39 the next succeeding twelve (12) months.
40

41 (D) Informal Resolution of Violations: Where a landowner is cooperating with the
42 Administrative Officer in finding a cure for the violation, the Administrative Officer has the
43 authority to enter written agreements to resolve violations. The Administrative Officer is
44 under no obligation to enter any agreement - informal resolutions are not required under

1 statute and are provided by the Town of Cambridge as an amicable means of resolving
2 violations.

- 3
4 1. At minimum, any agreement must:
- 5 a. Be in writing and be signed by both the violator and administrator.
 - 6 b. Must establish a prompt timeline for curing the violation, not to
7 exceed 60 days, unless an extension is requested and granted by the
8 DRB not to exceed 180 days.
 - 9 c. Give written authorization that will allow the Administrative Officer
10 to inspect the premises to ensure compliance upon completion or by
11 the agreed upon date of completion.
- 12
13 2. The Administrative Officer is prevented from making any agreement allowing a
14 violation to continue in perpetuity, even if the violation is minimal, inadvertent,
15 and/or the violator agrees to pay a fine [§4448(a)].

16
17 (E) Enforcement Action: Where a property owner fails to remedy a violation within the seven
18 (7) day period or the timetable agreed to under an informal resolution, the Administrative
19 Officer, in the name of the municipality, shall bring appropriate action to enforce the
20 provisions of these bylaws [§4452]. The appropriate action is typically an action in either
21 Environmental or Superior Court although other actions are available. The municipality shall
22 observe any limitations on enforcement proceedings relating to municipal permits and
23 approvals as set forth in the Act [§4454] including the following:

- 24
25 1. An enforcement action relating to any municipal land use permit must be instituted
26 within fifteen (15) years of the date the alleged violation first occurred and not
27 thereafter. The burden of proving the date the alleged violation first occurred shall be
28 on the person against whom the enforcement action is instituted [§4454(a)].
- 29
30 2. No action, injunction, or enforcement proceeding may be instituted to enforce an
31 alleged violation of a municipal land use permit which received final approval from
32 the applicable board, commissioner, or officer of the municipality after July 1, 1998,
33 unless the municipal land use permit or a notice of the permit was recorded in the
34 land use records of the municipality as required by the Act [§4454(b)].
- 35
36 3. Nothing in the section shall prevent any action, injunction, or other enforcement
37 proceeding by a municipality under any other authority it may have, including, but
38 not limited to a municipality's authority under Title 18 relating to the abatement and
39 removal of a public health risk or hazard [§4454(c)].

40
41 (F) Fines: Any person who violates these bylaws shall be fined not more than the amount
42 permitted under the Act [§4451(b)], which at the time of development of these bylaws is
43 \$100. Each day that a violation is continued after the initial seven (7) day notice period shall
44 constitute a separate offense. All fines imposed and collected shall be paid to the Town of

1 Cambridge.

- 2
3 (G) Recording requirements. The Administrative Officer shall meet all recording requirements of
4 section 2.07 regarding notices of violation.

5
6 **2.06 Fees**

- 7
8 (A) The Selectboard may prescribe reasonable fees to be charged with respect to the
9 administration of these regulations and for the administration of development review. These
10 fees may include the cost of posting and publishing notices and holding public hearings and
11 the cost of conducting periodic inspections during the installation of public improvements.
12 These fees may be payable by the applicant upon submission of the application or prior to
13 issuance of plat approval [§4440(b)].
14
15 (B) The legislative body may establish procedures and standards for requiring applicants to pay
16 for reasonable costs of an independent technical review of the application [§4440(d)].
17
18 (C) An applicant may be charged the cost of the recording fees as required by law [§4449(c)(2)].
19
20 (D) In an appeal, the appellant is required to bear the cost of the public warning and a fee (as
21 established by the Selectboard) to cover the administrative costs of the Administrative
22 Officer [§4464(a)(3)]. Where an applicant appeals a decision of an Administrative Officer
23 and the DRB finds in favor of the applicant, the Selectboard may call for a refunding of
24 appeal fees if so provided in the adopted schedule of fees.
25
26 (E) The schedule of fees shall be posted in the offices of the Municipal Clerk and Administrative
27 Officer, and may be altered or amended only by resolution of the Selectboard.

28
29 **2.07 Posting and Recording Requirements**

- 30
31 (A) Posting: Within 3 days following the issuance of a decision by the DRB, the Administrative
32 Officer shall post a copy of the permit or approval in the Town Clerk's Office until the
33 expiration of the appeal period [§4449(b)(2)]. Notice must also be posted within view of the
34 public right of way most nearly adjacent to the subject property until the time for appeals has
35 passed. Each posting shall contain a statement of the period of time within which an appeal
36 may be taken [§4449(b)] and a description as to where a full description of the project and
37 approval can be found.
38
39 (B) Recording with the Listers: Within three (3) days following the issuance of a decision the
40 Administrative Officer shall deliver a copy of the permit to the Town Listers [§4449(b)(1)].
41
42 (C) Recording Plats in the Municipal Land Records: Following the appeal period (30 days) but
43 within 180 days after the approval of a final plat by the DRB or certification by the
44 environmental court of the DRB's failure to act within 45 days, the subdivider shall submit

1 the final plat, including all endorsements, for recording in the Town Clerk's Office
2 [§4463(b)].
3

- 4 1. Such final plat shall:
- 5 a. Be on a mylar sheet(s) of 24 inches by 18 inches.
 - 6 b. Meet all other requirements established in Chapter 17 of Title 27
7 Vermont Statutes Annotated.
 - 8 c. Be signed by an authorized member of the DRB and the
9 Administrative Officer.
 - 10 d. Contain the recording requirements of the Town Clerk's Office
11 below.
- 12
- 13 2. The DRB approval, or certification by the environmental court of the failure of the
14 DRB to act, expires after 180 days [§4463(b)]. Any plat not submitted to the Town
15 Clerk's Office for recording within 180 days shall be null and void.
16

17 (D) Recording Items in the Municipal Land Records: Within thirty (30) days after the issuance of
18 any of the items listed below, the Administrative Officer shall deliver the original, or a
19 legible copy, of the issuance to the Town Clerk for recording in the municipal land records
20 [§4449(c)(1)].
21

- 22 1. The following issuances are covered in this subsection:
- 23 a. Approvals or denials of an application for sketch plan approval;
 - 24 b. Notices of violation; and
 - 25 c. Notices of denial of a final plat. [§4449(c)(1)(A)]
- 26
- 27 2. Any issuance delivered for recording shall list:
- 28 a. As grantor, the owner of record title to the property at the time of
29 issuance;
 - 30 b. As grantee, the municipality issuing the permit, certificate, or notice –
31 i.e. *the Town of Cambridge*;
 - 32 c. The municipal office where the original, or a true, legible copy of the
33 issuance may be examined;
 - 34 d. Whether an appeal of such issuance was taken; and
 - 35 e. The tax map lot number or other description identifying the lot [24
36 V.S.A. §1154(c)].
37

38 (E) Administrative Officer records: The Administrative Officer shall maintain a file of
39 development including:
40

- 41 1. Copies of all permits and approvals or denials filed with the clerk.
- 42
- 43 2. A copy of the subdivision plat recorded in the Town Clerk's Office. [§4449(c)(1)(B)]
44

- 1 3. Copies of all evidence presented, public notices, hearing minutes, findings of fact
2 and other material collected by the Administrative Officer or DRB in the process of
3 reviewing an application.
4

5 (F) Recording DRB Minutes and Findings with the Town Clerk: The DRB shall keep minutes of
6 its proceedings, showing the vote of each member upon each question (or if absent or failing
7 to vote, indicating this) and shall keep records of its examinations and other official actions,
8 all of which shall be filed immediately in the Town Clerk's Office as a public record
9 [§4461(a)].
10

- 11 1. For each case heard and decided, the DRB shall make written findings of fact and
12 conclusions of law that shall be maintained in the Town Clerk's Office together with
13 all minutes and other records of the DRB.
14
15

1 **Section 3. Development Review Procedures**

2
3 **3.01 Subdivision- Sketch Plan Review**

4
5 (A) Applicability: Sketch plan review is suggested for all applications for subdivision.

6
7 (B) Purpose: The purpose of a sketch plan review is to have a preliminary discussion about the
8 proposal with the developer. Sketch plan review is intended to ensure the most complete
9 and efficient review of projects, to save resources for both the applicant and the Town, and
10 to provide public and municipal input at the earliest stages of project development.

11
12 (C) Application requirements: In order to apply for sketch plan review the subdivider must
13 submit to the Administrative Officer a sketch plan of the proposed subdivision (one copy).
14 The sketch plan must be submitted at least twenty-one (21) days prior to a regular or special
15 meeting of the DRB. The complete sketch plan application should be legible and to scale,
16 but does not need to be completed by a surveyor or engineer. The complete application
17 should include the following information:

- 18 1. Name and address of the owner of record and applicant.
- 19 2. Name of owners of record of abutting properties.
- 20 3. Boundaries and area of all abutting land, including land separated by a public right-
21 of-way, belonging to owner of record, and proposed subdivision (a copy of the tax
22 map is sufficient).
- 23 4. Existing and proposed layout of property lines including parcel sizes and frontage;
24 type and location of existing and proposed restrictions on land, such as easements
25 and covenants.
- 26 5. Type of location and approximate size of existing and proposed highway access,
27 streets, sidewalks, street lighting, utilities, and open space.
- 28 6. Preliminary plans for services including water supply and wastewater disposal.
- 29 7. Preliminary plans for maintenance of common lands.
- 30 8. Approximate locations of natural features such as wetlands, shorelines,
31 watercourses, prime and statewide agricultural soils, slopes of greater than 20%,
32 and designated floodplains.
- 33 9. Date, north arrow, and scale.
- 34 10. Location map showing relation of proposed subdivision to adjacent property and
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44

1 surrounding area.

2
3 11. Any requests for waivers of application requirements or review standards. Waiver
4 requests shall be submitted in writing by the applicant with the subdivision
5 application.

6
7 (D) Public hearing: A public hearing shall be held by the DRB at the earliest available regular
8 or special meeting after the time of submission to the Administrative Officer of a complete
9 application for sketch plan approval. [§4464(a)(2)]

10
11 1. Public notice for any hearing shall be given by the Administrative Officer not less
12 than seven (7) days prior to the date of the public hearing and shall include the date,
13 place, and purpose of such hearing. Public notice shall be: [§4464(a)(2)]

14 a. Mailed to the applicant;

15 b. Posted in three or more public places within the municipality
16 including:

17 i. The Town Clerk's Office; and

18 ii. Within view from the public right of way most nearly
19 adjacent to the property for which the application is
20 made.

21 c. Written notification of such notice to the applicant and to the owners
22 of all properties adjoining the property subject to development,
23 without regard to the public right of way. The notification shall
24 include a description of the proposed project and shall be
25 accompanied by information that clearly informs the recipient where
26 additional information may be obtained, and that participation in the
27 local proceedings is a prerequisite to the right to take any subsequent
28 appeal.

29 d. If any portion of the parcel lies within 500 feet of a municipal
30 boundary, a copy shall be sent to the clerk of the adjacent
31 municipality. [§4463(a)]

32
33 2. The Administrative Officer is responsible for notifying adjoining landowners either
34 by certified mail, return receipt requested, or by written notice hand delivered or
35 mailed to the last know address supported by a sworn certificate of service. The
36 appellant is required to bear the cost of the public warning and a fee (as established
37 by the Selectboard) to cover the administrative costs of the Administrative Officer.
38 [§4464(a)(3)]

39
40 3. All hearings of a review for sketch plan approval are open to the public. In any
41 hearing, there shall be an opportunity for each person wishing to establish status as
42 an interested person (as defined in Section 5.01) to demonstrate that the criteria set
43 forth in the definition are met and that the DRB keep a written record of the name
44 address, and participation of the persons [§4461(b)]. Any interested person may

1 appear and be heard in person or be represented by agent at the public hearing.
2

- 3 4. Any hearing may be recessed by the board from time to time pending submission of
4 additional information [§4464(b)(1)] provided, however, that the date and place of
5 the recessed hearing is announced at the hearing.
6

7 (E) General Standards: When determining the appropriateness of a subdivision, the DRB may
8 consider any of the standards and conditions contained in these regulations and any other
9 applicable local bylaws.
10

- 11 1. Conformance: The DRB shall study the sketch plan to determine whether or not it
12 conforms to the zoning regulations (if adopted), any capital budget and program in
13 effect, the official map, the local sewerage ordinance, and any other municipal by-
14 laws in effect. Where it deems necessary, the DRB will make specific
15 recommendations for changes in subsequent submissions.
16

17 (F) Decisions: The DRB shall approve or disapprove the sketch plan within 45 days after the
18 completion of the public hearing, or any continuation of the hearing. If the DRB fails to act
19 within 45 days the sketch plan shall be deemed approved [§4464(b)(1)]. All decisions shall
20 be sent by certified mail within the time period to the applicant. Copies of the decision shall
21 also be mailed to every person appearing and having been heard at the hearing
22 [§4464(b)(3)].
23

24 (G) Effect of Sketch Plan Determination: Approval of a sketch plan shall not constitute
25 approval of a subdivision plat and is merely authorization for the applicant to file a final
26 plat application.
27

- 28 1. DRB determinations and associated recommendations shall remain in effect for one
29 year from the date of issuance, unless otherwise specifically approved or extended
30 by the DRB. Within one year of the decision by the DRB, the applicant may apply
31 to the DRB for final plat approval under section 3.02 of these regulations.
32

33 (H) Appeals. Any interested person may appeal a decision of the DRB to the environmental
34 court by filing a notice of appeal under Section 2.04 of these regulations. Sketch plan
35 approval shall not be effective until the time for appeal has passed, or in the event a notice
36 of appeal is filed with the environmental court, no such approval shall take effect until
37 adjudication of that appeal. [§4449(a)(3)]
38

39 (I) Posting and Recording Requirements: The Administrative Officer shall meet all recording
40 requirements of section 2.07 of these regulations.
41

42 **3.02 Subdivision- Final Plat Review**

43

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

1
2 (B) Plat - Application requirements: The plat shall consist of one or more maps or drawings
3 which may be printed or reproduced on paper with all dimensions shown in feet or
4 decimals of a foot, drawn to scale, showing or accompanied by the following
5 information:
6

- 7 1. A map of the property prepared by a licensed land surveyor, registered civil
8 engineer, or registered architect, showing the existing conditions including:
 - 9 a. The number of acres within the original parcel; location of existing
10 property lines; existing easements, deed restrictions, and existing
11 features; including buildings; wooded areas; streets; water courses
12 and wetlands; existing foundations; and other existing physical
13 features, including prime and statewide agricultural soils.
 - 14 b. All parcels immediately adjacent to the proposed subdivision,
15 including those separated by a public or private right-of-way, with
16 the names and addresses of owners of record of such adjacent
17 acreage.
 - 18 c. Any zoning district boundaries applicable to the proposed
19 subdivision.
 - 20 d. Location and size of any existing sewers and water mains,
21 individual or community sewage disposal systems, wells, culverts,
22 and drains on the property to be subdivided.
23
- 24 2. A subdivision plat prepared by a licensed land surveyor showing:
 - 25 a. The proposed lot lines; access location, the location of proposed
26 water, wastewater and utilities; streets, curbs sidewalks and
27 pedestrian ways including lighting; and land to be set aside for
28 public use.
 - 29 b. At the discretion of the subdivider, building envelopes may be
30 included.
 - 31 c. A vicinity map drawn at the scale of not over 1,000 feet to the inch
32 showing the relation of the proposed subdivision to the adjacent
33 properties and to the general surrounding area.
 - 34 d. Name and address of the proposed subdivision.
 - 35 e. Name and address of person or firm preparing the map.
 - 36 f. Total acreage of the subdivision and each proposed lot with lots
37 numbered and identified.
 - 38 h. Sufficient data acceptable to the DRB to determine readily the
39 location, bearing, and length of every street line, lot line, building
40 envelope, boundary line, and to reproduce these lines on the ground.
41
- 42 3. Location of temporary markers adequate to enable the DRB to locate readily and
43 appraise the basic layout in the field.
44

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
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.
 - c. Copies of proposed deeds, agreements, or other documents showing the manner in which streets 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.
 - d. Any other documents required by the DRB as a result of sketch plan approval.
5. All proposed subdivisions that abut a state highway or Class 1 road must receive a state access permit 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)]

- 1 2. The Administrative Officer is responsible for notifying adjoining landowners either
2 by certified mail, return receipt requested, or by written notice hand delivered or
3 mailed to the last know address supported by a sworn certificate of service. The
4 appellant is required to bear the cost of the public warning and a fee (as established
5 by the Selectboard) to cover the administrative costs of the Administrative Officer.
6 [§4464(a)(3)]
7
- 8 3. All hearings of a review for plat approval are open to the public. In any hearing, there
9 shall be an opportunity for each person wishing to establish status as an interested
10 person (as defined in Section 5) to demonstrate that the criteria set forth in the
11 definition are met and that the DRB keep a written record of the name address, and
12 participation of the persons [§4461(b)]. Any interested person may appear and be
13 heard in person or be represented by agent at the public hearing.
14
- 15 4. Any hearing may be recessed by the board from time to time pending submission of
16 additional information [§4464(b)(1)] provided, however, that the date and place of
17 the recessed hearing is announced at the hearing.
18

19 (D) General Standards: In reviewing a subdivision plat, the DRB shall consider all of the
20 subdivision standards required under these regulations and any additional regulations
21 deemed relevant including other applicable local bylaws.
22

- 23 1. Subdivision standards found in Subsection 4A of these regulations including
24 Dimensional Requirements, Access to Lots, Useable Lot Requirement, Water
25 Supply, Wastewater Disposal, Utilities, Private Road Design and Layout, Common
26 Lands, Protection of Agricultural Soils, and Planned Unit Developments.
27
- 28 2. The proposed subdivision conforms to the zoning bylaws, any capital budget and
29 program in effect, any official map in effect, the sewerage ordinance, and any other
30 municipal bylaw in effect.
31
- 32 3. Any proposed waiver has been properly decided under section 3.03 of these
33 regulations.
34
- 35 4. Where an existing subdivision or lot is non-conforming, that the subdivision meets
36 the standards established in Subsection 4B of these regulations.
37

38 (E) Conditions of Approval:
39

- 40 1. Master Plan Review: As part of the final plat review, the DRB may require a
41 description of the potential build-out of the entire parcel and adjacent parcels even if
42 the application only includes a portion of the parcel(s).
43 a. When required, the Master Plan build-out shall include an indication
44 of proposed roads, driveways or streets, the future probable lot lines

Subdivision Regulations for the Town and Village of Cambridge (2006) 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 zoning permit, except for any permit that may be required for infrastructure construction, may be issued for an approved development unless the streets and other public infrastructure are 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 streets and required improvements on or in those streets or highways and their maintenance for a period of two 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 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 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 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

1 impose specific conditions for the filing of an application for zoning permits to
2 ensure the orderly development of the plat and coordination with the planned and
3 orderly growth of the town as reflected in the town plan and any capital budget and
4 program in effect. [§4422]
5

- 6 3. The DRB may impose other conditions of approval as necessary to protect the
7 public safety and welfare and to ensure compliance with the Town Plan, these
8 regulations, and other bylaws and ordinances in effect [§4464(b)(2)].
9

10 (F) Decision: The DRB shall approve or disapprove such plat within 45 days after the
11 completion of the public hearing, or any continuation of the hearing. If the DRB fails to act
12 within 45 days the subdivision plat shall be deemed approved [§4464(b)(1)]. All decisions
13 shall be sent by certified mail within the time period to the applicant. Copies of the decision
14 shall also be mailed to every person appearing and having been heard at the hearing
15 [§4464(b)(3)].
16

- 17 1. Contingent approval: The approval of any subdivision requiring a State Subdivision
18 Permit, an Act 250 Permit, a Public Building Permit, or any other state, federal, or
19 local permits noted by the DRB shall be classified as Contingent Approval. Such
20 subdivision shall be considered approved contingent upon no further changes made
21 to accommodate any other permit.

22 a. All plats granted Contingent Approval shall be submitted for review
23 by the DRB after all other necessary permits have been received.
24 The DRB shall review for acceptance, any changes which have been
25 made by other permitting authorities or by the subdivider to conform
26 to other permit requirements. If no changes have been made, or if the
27 DRB deems all changes acceptable, the subdivision shall be given
28 Final Approval.
29

- 30 2. Final Approval: The approval of any subdivision that does not require other permits
31 shall be classified as Final Approval. The final plat requires two endorsements prior
32 to being filed with the Town Clerk. First, the final approved plat shall be endorsed
33 by the Chair of the DRB or other duly authorized board member. The second
34 endorsement is the Administrative Officer who shall not endorse the plat until after
35 the appeal period has passed and all appeals have been adjudicated.
36

- 37 3. Disapproval: The disapproval of a subdivision plat shall state, in writing, the
38 reasons for such denial and be sent along with, or as a part of, the notice of decision.
39

40 (G) Effect of Final Plat Approval: The approval by the DRB of a final subdivision plat shall not
41 be construed to constitute acceptance by the municipality of any street, easement, utility,
42 park, recreation area, or other open space shown on the final plat. Such acceptance may be
43 accomplished only by a formal resolution of the Selectboard in accordance with state
44 statutes. Each approval shall contain a time limit within which all improvements shall be

1 completed, not to exceed three years unless otherwise required or extended by the DRB.
2 [§4463(c)]
3

4 (H) Appeals. Any interested person may appeal a decision of the DRB to the environmental
5 court by filing a notice of appeal under Section 2.04 of these regulations. Final plat
6 approval shall not be effective until the time for appeal has passed, or in the event a notice
7 of appeal is filed with the environmental court, no such approval shall take effect until
8 adjudication of that appeal. [§4449(a)(3)]
9

10 (I) Posting and Recording Requirements: The Administrative Officer shall meet the posting
11 and recording requirements of section 2.07.
12

13 **The applicant has the responsibility to file the final approved plat with the Town**
14 **Clerk in accordance with recoding requirements of section 2.07 of these bylaws.**
15

16 **3.03 Waivers**

17

18 (A) Applicability: An applicant may receive relief from a provision of these subdivision
19 regulations through the granting of a waiver by the DRB. [§§4418(2)(A)]
20

21 (B) Purpose: The purpose of a waiver is to address special circumstances of a particular parcel or
22 to address plat requirements which are not requisite in the interest of the public health,
23 safety, and general welfare or because of inadequacy or lack of connecting facilities adjacent
24 or in proximity to the subdivision.
25

26 (C) Application: The Town of Cambridge treats waivers as appeals, therefore a notice of appeal
27 for a waiver shall be filed with the clerk of the DRB prior to or concurrent with the
28 submission of the respective subdivision plat, in writing and include:
29

- 30 1. The name and address of the appellant.
- 31
- 32 2. A brief description of the property with respect to which the waiver is requested.
- 33
- 34 3. A reference to applicable regulation provisions for which relief is requested.
- 35
- 36 4. The nature of the relief requested by the appellant.
- 37
- 38 5. The alleged grounds why such relief is believed proper under the circumstances (i.e.
39 how the proposal meets all requirements of this section).
40

41 (D) Public hearing: A public hearing shall be held by the DRB at the earliest available hearing
42 of the DRB. A hearing for an appeal for a waiver can be held concurrently with plat
43 approval provided the waiver appears in the purpose of the hearing as warned.
44 [§4464(a)(2)]

- 1
2 1. Public notice for any hearing shall be given not less than seven (7) days prior to the
3 date of the public hearing and shall include the date, place, and purpose of such
4 hearing. Public notice shall be: [§4464(a)(2)]
 - 5 a. Mailed to the appellant;
 - 6 b. Posted in three or more public places within the municipality
7 including:
 - 8 i. The Town Clerk's Office; and
 - 9 ii. Within view from the public right of way most nearly
10 adjacent to the property for which the application is
11 made.
 - 12 c. Written notification of such notice to the applicant and to the owners
13 of all properties adjoining the property subject to development,
14 without regard to the public right of way. The notification shall
15 include a description of the proposed project and shall be
16 accompanied by information that clearly informs the recipient where
17 additional information may be obtained, and that participation in the
18 local proceedings is a prerequisite to the right to take any subsequent
19 appeal.
 - 20 d. If any portion of the parcel lies within 500 feet of a municipal
21 boundary, a copy shall be sent to the clerk of the adjacent
22 municipality. [§4463(a)]
- 23
24 2. The Administrative Officer is responsible for notifying adjoining landowners either
25 by certified mail, return receipt requested, or by written notice hand delivered or
26 mailed to the last know address supported by a sworn certificate of service. The
27 appellant is required to bear the cost of the public warning and a fee (as established
28 by the Selectboard) to cover the administrative costs of the Administrative Officer.
29 [§4464(a)(3)]
30
- 31 3. All hearings of a review for waivers are open to the public. In any hearing, there shall
32 be an opportunity for each person wishing to establish status as an interested person
33 (as defined in Section 5.01) to demonstrate that the criteria set forth in the definition
34 are met and that the DRB keep a written record of the name address, and
35 participation of the persons [§4461(b)]. Any interested person may appear and be
36 heard in person or be represented by agent at the public hearing.
37
- 38 4. Any hearing may be recessed by the board from time to time pending submission of
39 additional information [§4464(b)(1)] provided, however, that the date and place of
40 the recessed hearing is announced at the hearing.
41
- 42 (E) General Standards: The DRB may waive, subject to appropriate conditions, subdivision
43 application requirements and subdivision standards under these regulations.
44

- 1 1. The DRB may grant a waiver provided application requirement or subdivision
2 standard are:
3 a. Not be requisite in the interest of the public health, safety, and
4 general welfare; **or**
5 b. Are inappropriate due to extraordinary and unnecessary hardship that
6 would result from the strict compliance of these regulations; **or**
7 c. Are inappropriate because of inadequate or lack of connecting
8 facilities adjacent to or within proximity of the subdivision.
9 [§4418(2)(A)]

10
11 (F) Conditions of Approval: In rendering a decision in favor of an applicant for a waiver, the
12 DRB may attach such conditions to such waiver as it may consider necessary and
13 appropriate under the circumstances to implement the Act and/or the Town of Cambridge
14 Municipal Development Plan as most recently adopted or these regulations or other
15 municipal ordinances or regulations.
16

17 (G) Decision: The DRB shall approve or disapprove the waiver within 45 days after the
18 completion of the public hearing, or any continuation of the hearing. If the DRB fails to act
19 within 45 days the waiver shall be deemed approved [§4464(b)(1)]. All decisions shall be
20 sent by certified mail within the time period to the applicant. Copies of the decision shall
21 also be mailed to every person appearing and having been heard at the hearing
22 [§4464(b)(3)].
23

24 (H) Appeals. Any interested person may appeal a decision of the DRB to the environmental
25 court by filing a notice of appeal under Section 2.04 of these regulations. Waiver approval
26 shall not be effective until the time for appeal has passed, or in the event a notice of appeal
27 is filed with the environmental court, no such approval shall take effect until adjudication of
28 that appeal. [§4449(a)(3)]
29

30 (I) Posting and Recording requirements: The DRB shall meet the posting and recording
31 requirements of section 2.07.
32
33

1 **Section 4. General Regulations and Review Criteria**
2
3

4 **SUBSECTION 4-A. SUBDIVISION PLAT REVIEW CRITERIA**
5

6 **4.01 Dimensional Requirements**
7

8 (A) No lot shall be created that does not meet the minimum area, dimensional, and frontage
9 requirements of the district in which it is located unless approved as a part of a Planned Unit
10 Development (PUD).
11

12 1. Area. No new lot created shall have an area less than the minimum area as required
13 of the district in which it is located. Zoning rules and provisions are used to calculate
14 areas. [If zoning has been adopted. If zoning has not been adopted, minimum lot size
15 shall be one acre.]
16

17 2. Dimensions. No new lot shall have a minimum width or depth dimension less than
18 75 feet.
19

20 3. Frontage. All new lots created shall have a frontage on a public or private road. An
21 easement or permanent right of way is not a substitute for frontage. Existing
22 landlocked parcels, therefore, cannot be subdivided without approval and
23 construction of a private street (an approved easement is insufficient to permit
24 subdivision). The minimum frontage required is established by the district in which it
25 is located. Zoning rules and provisions are used to measure frontage. [If zoning has
26 been adopted. If zoning has not been adopted, minimum frontage shall be 100 feet.]

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

31 i. The right of way is at least 50 feet in wide;

32 ii. Is suitable to be developed as a driveway;

33 iii. Meets access location requirements;

34 b. Where an easement is intended to provide access to more than one
35 lot, including situations where subdivision of a landlocked parcel is
36 proposed, a private road may be approved by the DRB provided:

37 i. The right of way is at least 50 feet wide;

38 ii. Meets all standards for access (section 4.02) and does
39 not have any characteristics which would prevent the
40 construction of a private road (section 4.07) or a
41 driveway (as established in zoning bylaws, if
42 applicable);

43 iii. Each new lot meets the frontage requirement on the
44 private road.

- 1
2 4. Shape. Dogleg lots, bowling alley lots, and lots otherwise contorted in order to get
3 around these bylaws are not permitted. Lot lines may be designed to follow existing
4 land characteristics such as land contours, fence lines, roads, and paths, as well as to
5 protect significant natural resources or to avoid excessively steep slopes, water
6 courses, or wetlands, and where no other form of subdivision or PUD is possible.
7
- 8 5. New or adjusted lot lines cannot cause an existing structure to become a non-
9 complying structure. If the structure was already non-complying then the new or
10 adjusted lot line cannot increase the degree of non-compliance as defined in the
11 Town of Cambridge Zoning Bylaws. [If zoning has been adopted.]
12
- 13 6. Monuments & Lot Corner Markers. Permanent monuments and corner markers
14 shall be placed on all subdivided parcels in conformance with the Rules of the
15 Board of Land Surveyors, Part 5, Standards for the Practice of Land Surveying.
16 Temporary markers may be placed during periods of construction provided final
17 monuments are placed by the surveyor at the conclusion of the construction. All
18 easements and rights of way described on the plat shall be monumented unless
19 waived by the DRB.
20

21 **4.02 Access to lots- Location**

- 22
- 23 (A) Purpose. The purpose of the access requirements is for the Town to ensure safe and efficient
24 entrance and exit from public roadways, to reduce damage from flooding events, to mitigate
25 erosion and stormwater runoff impacts, and to ensure quality construction of driveway
26 accesses. All proposed subdivision plats must provide locations for access. No lot shall be
27 created which does not have legal access onto a public or private highway.
28
- 29 (B) Coordination with other local and state permits. The DRB, Selectboard, and VTrans have
30 separate authorities in approving accesses.
31
- 32 1. Through these subdivision regulations, the DRB has all authority over accesses onto
33 private roads.
34
- 35 2. The Selectboard has all authority over accesses onto local highways.
36
- 37 3. VTrans requires a state highway access permit prior to any subdivision of land
38 abutting a state highway. VTrans has full authority over these accesses although the
39 DRB will provide comment and recommendations to VTrans.
40
- 41 (C) Layout and design standards. No lot shall be created which does not have legal access onto a
42 public or private highway.
43
- 44 1. Any proposed parcel on a private road must have an access location and design that

1 meets the access requirements contained within the *Town of Cambridge Highway*
2 *Standards Ordinance*.

- 3
- 4 2. Any proposed parcel on a local highway must receive an access permit from the
5 Road Foreman prior to approval of the subdivision.
6
- 7 3. Any proposed parcel on a state highway must receive a state highway access permit
8 from VTrans prior to approval of the subdivision.
9

10 **4.03 Usable lot requirement**

- 11
- 12 (A) Purpose: The purpose of this provision is to ensure that lots that are created are usable. The
13 review and approval in this provision is no guarantee of zoning approval. The property
14 owner gains no vested right to develop the lot based on the subdivision approval. Permission
15 to develop and use a lot is only granted through the issuance of a zoning permit. Therefore, it
16 is recommended that a zoning permit is pursued at the same time as subdivision plat
17 approval - but it is not required. [If zoning has been adopted.]
18
- 19 (B) New lots must have some potential permissible use. The DRB will not allow the creation of
20 an unusable lot. No lot shall be approved until it is determined that the lot can meet the
21 requirements of the Town of Cambridge Zoning Bylaws for that use. The property owner
22 does not need to obtain the zoning permit to receive plat approval but may apply for both
23 plat approval and zoning permit approval simultaneously. [If zoning has been adopted.]
24
- 25 (C) In order for the DRB to approve a residential lot, for instance, the applicant must prove a
26 location for wastewater disposal (sewer hookup or on-site), water supply, other utilities, a
27 building envelope where a structure could be located that meets all slope, setback and buffer
28 requirements, and any zoning or other ordinance requirement which the DRB determines to
29 be appropriate.
30
- 31 1. Building envelope lines are non-binding and are intended to demonstrate the
32 usability of the lot. An amended subdivision plat is not necessary for future
33 development outside of the building envelope. Also, the building envelope does not
34 vest any rights to construct within that area.
35
- 36 (E) The DRB may require an applicant to obtain a permit before approving a subdivision if, in
37 the opinion of the DRB, the approval of such permit is in doubt or question.
38
- 39 (F) Where a parcel in a subdivision is not intended for future development (e.g. sale to a land
40 trust for conservation purposes) the subdivision may be permitted provided the plat clearly
41 reflects the lot is for conservation purposes only. The DRB may require the sale of
42 development rights to a conservation organization for such a lot as a condition of approval.
43

1 **4.04 Water systems**
2

3 (A) Municipal Systems. For subdivisions utilizing any public water supply system, the
4 subdivider shall provide evidence that the existing system will adequately meet the needed
5 demand, or if the system will not meet the demand, the subdivider will provide a plan for
6 upgrading the system to meet the expected demand and provide a bond or security (to the
7 satisfaction of the Selectboard or Trustees) to cover all or part of the costs of the necessary
8 improvements. The applicant must also be able to demonstrate the ability to obtain all
9 permits necessary to extend utilities, if necessary.
10

11 (B) Community Systems. Community water systems shall be designed and installed in
12 accordance with all applicable municipal and state regulations and standards. Community
13 systems may be required to be designed in such a way that they may eventually be connected
14 to a municipal water supply system. Articles of association or similar arrangements are
15 required to address long-term care and maintenance of these systems by the users.
16

17 (C) Individual Water Supplies. If the proposed development is to be serviced by individual
18 wells, the applicant shall provide evidence of the location of all proposed wells and evidence
19 that these locations will meet Town of Cambridge Zoning Bylaws for water supply. [If
20 zoning has been adopted.]
21

22 (D) Standards. The following standards shall be met for developments being serviced by either a
23 community water system or individual wells:
24

- 25 1. Proposed well site(s) must be identified on plat including any associated well shield.
26 All well(s) must meet *water supply-well shields and isolation distances* provisions as
27 described herein. Isolation distances for water supply systems are the required
28 minimum separation distances as established by the Vermont Water Supply Rules
29 Chapter 21. These include but are not limited to:
 - 30 a. Buildings: 10 feet
 - 31 b. Edge of driveway serving less than 3 residences: 15 feet
 - 32 c. Property line: 10 feet unless bordering agricultural crop land in which the
33 isolation distance increases to 50 feet.
 - 34 d. Roadway shoulder or parking lot edge: 25 feet
 - 35 e. Surface water: 25 feet
 - 36 f. Subsurface wastewater piping (sewer) and related tanks (septic): 25 feet
 - 37 g. Limits of herbicide application (utility line ROW): 100 feet where
38 herbicides have been applied in the past 12 months and may be applied in
39 the future but may be increased to 200 feet depending on the active
40 ingredient in the herbicide.
 - 41 h. Concentrated livestock holding areas or manure storage: 200 feet
 - 42 i. Down slope sewage system disposal facilities: 100 feet
 - 43 j. Up slope sewage system disposal facilities: 100 feet
 - 44 k. Hazardous or solid waste disposal sites: 200 feet

- 1
2 (E) Fire Hydrants, Fire Ponds & Dry Hydrants. Where required by the DRB fire hydrants shall
3 be installed by the subdivider. All hydrants must be installed to the specifications of the
4 Cambridge Fire Department. Fire ponds and/or dry hydrants may be required for
5 subdivisions where water sources are inadequate for fire fighting. Fire ponds and dry
6 hydrants shall be accessible for use in emergencies on other nearby properties. No fire ponds
7 may be developed on lands designated as a wetland by the state or National Wetland
8 Inventory.
9

10 **4.05 Wastewater Disposal**

- 11
12 (A) Municipal Systems. For subdivisions that will connect to a municipal sewage disposal
13 system, applications for extensions and hookups shall be approved by the officers and agents
14 of the Selectboard entrusted with the care and superintendence of the municipal sewage
15 disposal system. Applicant must also be able to demonstrate the ability to obtain all permits
16 necessary to extend utilities, if necessary.
17
18 (B) Community Systems. Community wastewater disposal systems shall be designed and
19 installed in accordance with all applicable municipal and state regulations and standards.
20 Community wastewater disposal systems may be required to be designed in such a way that
21 they may eventually be connected to a municipal wastewater disposal system. Articles of
22 association or similar arrangements are required to address long-term care and maintenance
23 of these systems by the users.
24
25 (C) Individual Septic Systems. Individual septic systems shall meet the requirements of the
26 town's applicable subsurface disposal ordinance and all other applicable municipal and state
27 regulations and standards.
28
29 (D) Standards. Identification of sites for wastewater treatment and any backup sites shall be
30 shown on the plat. Where a new parcel is proposed for a use not requiring a wastewater
31 permit, the plat shall clearly identify the parcel as not having an approved wastewater site.
32 Should the commission determine that the proposed individual septic systems are not subject
33 to any applicable municipal or state regulations, it may require the subdivider to make
34 percolation tests and test holes as directed by the Vermont Department of Environmental
35 Conservation, or determined by a qualified engineer or site technician, with the results
36 thereof being submitted to the commission. The proposed individual disposal system,
37 including the size of septic tanks and leach fields or other secondary treatment device shall
38 be approved by the Vermont Department of Environmental Conservation, or by a qualified
39 engineer or site technician, at the commission's discretion.
40

41 **4.06 Utilities**

- 42
43 (A) Locations: All proposed utilities, including but not limited to electric, telephone, and cable
44 television, and associated rights of way shall be shown on the final plat and be located as

1 follows:

- 2
- 3 1. The subdivider shall coordinate subdivision design with utility companies to insure
 - 4 adequate and suitable areas for under and above ground installation, both for the
 - 5 proposed subdivision, and areas adjacent to the subdivision.
 - 6
 - 7 2. Utility corridors shall be shared with other utility and or transportation corridors
 - 8 where feasible, and located to minimize site disturbance, the fragmentation of
 - 9 agricultural, forest and conservation lands, and any adverse impacts to natural,
 - 10 cultural or scenic resources, and to public health.
 - 11

12 (B) Utility easements: Utility easements of sufficient width shall be provided so as to serve both

13 the proposed subdivision and existing and anticipated development outside the subdivision.

14 Such easements shall be shown on the final plat.

15

16 (C) Burying utilities. All utilities within a subdivision shall be located underground, unless the

17 DRB determines that burial is not necessary because it will be prohibitively expensive.

18

19 (D) Coordination with Selectboard. Where a subdivision will require the construction of utilities

20 within the right of way of public highway, approval of the Selectboard is required prior to

21 final plat approval.

22

23 **4.07 Private Road Design and Layout**

24

25 (A) Applicability of road location and design. The standards enforced herein shall apply to all

26 proposed roads. All new roads are considered private for purposes of subdivision

27 regulations. Acceptance of private roads by the municipality is subject to the approval of

28 the Selectboard and applications can only be made following the completion of

29 construction. Location and design of roads to these standards in no way ensures acceptance

30 by the Selectboard.

31

32 (B) Road Design. All roads proposed and constructed under these regulations shall be designed

33 in accordance with the Town of Cambridge Highway Standards Ordinance.

34

35 (C) Coordination with adjoining properties. The arrangement of roads in the subdivision shall

36 provide for the coordination of roads of adjoining subdivisions and for proper projection of

37 roads through adjoining properties which are not yet subdivided, in order to make possible

38 necessary fire protection, movement of traffic and construction or extension, presently or

39 when later required of needed utilities and public services. The DRB may require the set

40 aside of rights-of-way for future development on the lot or adjacent properties. Where, in

41 the opinion of the DRB, topographic or other conditions make such continuance

42 undesirable, or impracticable, the above conditions may be modified.

43

44 (D) Upgrade to Existing Roads. Where an existing road is inadequate or unsafe, the DRB, in

1 consultation with the Selectboard, may require the subdivider to upgrade the road to the
2 extent necessary to serve emergency vehicles and additional traffic resulting from the
3 subdivision, and to conform to the Town’s highway standards. In situations where a
4 development may require realignment, widening or otherwise increasing the capacity of an
5 existing road, or where municipal plan or capital program indicates that such improvements
6 may be required in the future, the subdivider may be required to reserve land for such
7 improvements. Any existing road that provides either frontage to new lots or access to new
8 roads also shall meet these requirements. Where a subdivision requires expenditure by the
9 municipality to improve existing roads to conform to these standards, the DRB may
10 disapprove such subdivision until the Selectboard certifies that funds for the improvements
11 have been ensured; or the subdivider may be required to contribute to any or all of the
12 expenses involved with road improvements necessitated by the project.
13

- 14 (E) Road Names & Signs. Roads shall be named in accordance with any municipal road-
15 naming ordinance or policy currently in effect. Said named shall be identified on signs
16 designed and located in accordance with municipal policy and shall be clearly depicted on
17 the final plat.
18

19 **4.08 Curbs, Sidewalks, & Pedestrian Access**
20

- 21 (A) Curbs, sidewalks, and pedestrian access are not required in any subdivision. Where these
22 amenities are proposed, the amenity must meet town standards, if applicable, as established
23 by the Selectboard.
24

25 **4.09 Gutters & Storm-water Management Facilities**
26

- 27 (A) Municipal Systems. For subdivisions utilizing any public storm-water management facility,
28 the subdivider shall provide evidence that the existing system will adequately meet the
29 needed demand, or if the system will not meet the demand, the subdivider will provide a plan
30 for upgrading the system to meet the expected demand and provide a bond or security (to the
31 satisfaction of the Selectboard or Trustees) to cover all or part of the costs of the necessary
32 improvements. Applicant must also be able to demonstrate the ability to obtain all permits
33 necessary to extend utilities, if necessary.
34

- 35 (B) Community Systems. Storm-water management facilities shall be designed and installed in
36 accordance with all applicable state regulations and standards. Community storm-water
37 systems may be required to be designed in such a way that they may eventually be connected
38 to a municipal storm-water system. Articles of association or similar arrangements are
39 required to address long-term care and maintenance of these systems by the users.
40

41
42
43 **4.10 Street & Sidewalk Lighting**
44

- 1 (A) Street and sidewalk lighting are not required in any subdivision. Where these amenities are
2 proposed to appear in the public right of way, the amenity must meet town standards as
3 established by the Selectboard including the requirement that they be cutoff fixtures.
4
- 5 (B) Any outdoor lighting must also meet exterior lighting requirements in the Town of
6 Cambridge Zoning Bylaws. [If zoning has been adopted.]
7

8 **4.11 Recreation areas**

9

- 10 (A) Applicability. Subdivisions of greater than 10 lots shall be required to provide some
11 recreational areas for use by residents of the subdivision. The nature of the recreational areas
12 (e.g. playground, ball field, trails, swimming pool, tennis courts) shall be at the discretion of
13 the developer with input from the DRB.
14
- 15 (B) Recreation area requirements. All recreation areas shall meet the following requirements:
16
- 17 1. The DRB may require the dedication of up to 15% of the total land area of the
18 proposed subdivision for recreation purposes. Such area, to be set aside as common
19 land unless otherwise approved by the commission, shall be of suitable character to
20 serve as parkland, a playground or recreation trail network. [§4417]
21
 - 22 2. The location, shape, and character of the recreation land shall be suitable for its
23 intended use.
24

25 **4.12 Common Land**

26

- 27 (A) Applicability. Common land is any area within a subdivision owned in common among the
28 members of the subdivision. Common land may be set aside for the placement and
29 maintenance of community facilities including, but not limited to, recreation areas,
30 wastewater treatment sites, pedestrian walkways, parking lots, and private roads.
31
- 32 (B) Common land requirements. All common land shall meet the following requirements:
33
- 34 1. The location, shape, and character of the common land shall be suitable for its
35 intended use.
36
 - 37 2. Land held in common shall be subject to appropriate deed restrictions, stipulating the
38 permitted and restricted use of such lot, and establishing the person or entity
39 responsible for maintenance and long term stewardship.
40
 - 41 3. Common land is generally managed and maintained through articles of association,
42 or similar arrangements, among the members of the subdivision. For those not within
43 an association, such provisions shall be made for the regulation and management of
44 any common land. The use and further subdivision of land are regulated by, but not

1 limited to, these bylaws, the associated subdivision plat and any restrictions placed
2 upon the title of the land.

3 a. All costs associated with administering and maintaining common land shall
4 be the responsibility of applicant and/or subsequent landowners.
5

6 (C) Articles of association. Articles of association and related arrangements are contracts within
7 the members of the association, they are not a substitute nor do they supercede these
8 subdivision regulations. Where changes are sought to any common land or condition, the
9 proposal must receive association approval and DRB approval for such change. Where
10 appropriate, these associations must abide by the conditions established in the permit
11 although neither the Town of Cambridge nor the Administrative Officer is responsible for
12 mediating disputes within the association.
13

14 (D) Legal review. The DRB reserves the right to have any articles of association or similar
15 arrangement reviewed by an attorney to ensure basic standards are met:
16

- 17 1. Proper establishment of association;
- 18
- 19 2. Long-term care and maintenance of common land including costs are addressed;
- 20
- 21 3. Protection of the municipality in the event of legal challenges.
22

23 **4.13 Protection of Agricultural Soils**

24

25 (A) Where a subdivision includes 25 acres or more of prime or statewide agricultural soils the
26 applicant must create subdivision boundaries configured to avoid adverse impacts on prime
27 and statewide agricultural soils. Methods for avoiding such adverse impacts include but may
28 not be limited to the following:
29

- 30 1. Where marginal soils also exist on the site, the creation of a PUD may be required
31 with the developable lots clustered away from the agricultural soils. Lot lines shall be
32 located at field and orchard edges or, in the event that no other land is practical for
33 development, on the least fertile soil in order to minimize the loss of productive
34 agricultural soils and impacts of existing farm operations.
35
- 36 2. Lots may be clustered on agricultural soils if those areas, by their nature, are not
37 reasonably viable for farming. Such features could include agricultural soils that are
38 distributed in a long narrow band. Other areas in the subdivision are still required to
39 protect areas with agricultural soils or potential for agricultural use.
40
- 41 3. Contiguous patches of agricultural resources identified above should not be
42 fragmented. The parcel with the contiguous patch should, wherever possible, remain
43 in a parcel of not less than 25 acres.
44

1 4. Vegetated buffer areas may be required between agricultural and other uses to
2 minimize land use conflicts.

3
4 5. Access roads, driveways, and utility corridors should be shared to the extent feasible;
5 and where sites include linear features such as existing roads, tree lines stonewalls,
6 and/or fence lines, should follow these to minimize the fragmentation of agricultural
7 soils.
8

9 (B) Where a project is required to meet the provisions established under subsection (A) above
10 but the project is subject to review under Act 250, the project shall be presumed to meet this
11 section.
12

13 1. Any project meeting the situation described in subsection (B) above should receive
14 conditional approval pending the outcome of the Act 250 permit application. The
15 condition of the approval should state that the application is approved provided the
16 Environmental Commission mitigates for the loss of agricultural soils. If the
17 Environmental Commission does not require the mitigation for the loss of soils, the
18 DRB shall open a new hearing on the application to review the provision above in
19 subsection (A).
20

21 (C) It is not the intent of these provisions to reduce the overall level of development but to
22 require clustering (through the use of PUDs) or other design tools to limit or reduce the
23 impact of the development on the soil resources. As a result, some projects may be built on
24 agricultural soils where other soils are not available or reasonably located for clustering.
25

26 **4.14 Planned Unit Developments (PUD)**

27

28 (A) Applicability: No subdivision plat shall be approved for a PUD without meeting the
29 provisions of this section and all other applicable requirements within the zoning bylaws (if
30 adopted). The DRB shall regulate the use of individual lots through the zoning process. It is
31 recommended but not required that an application for plat approval be conducted
32 simultaneous to any approvals for the use of said lots. [If zoning has been adopted.]
33

34 1. Cambridge recognizes that PUDs may be created through a variety of means. In
35 order to encourage the use of the PUDs, the Town has established flexible rules to
36 guide the process. These rules recognize two general types of PUDs- clustered lot
37 and condominium style (common interest ownership) PUDs. Where the rules differ
38 between these two types of PUD's specific guidance will be provided.
39

40 (B) Purpose: Planned Unit Developments (PUDs) are permitted in order to provide for flexibility
41 in site and lot layout, building design, placement and clustering of buildings, and use of open
42 areas; to promote efficient use of land; to facilitate the efficient and economical provision of
43 streets and utilities; and to conserve the natural resources and scenic qualities of the Town.
44 Accordingly, the DRB may modify the area and dimensional requirements of these

1 regulations simultaneously with conditional use approval and site plan approval. Such
2 modifications shall be subject to the general and specific conditions and standards in this
3 section and in the district regulations, where applicable. [§4417]
4

5 (C) Application Procedure: In addition to material presented for subdivision plat approval, if
6 appropriate, and any zoning permits, conditional use reviews, and site plan reviews being
7 pursued in connection with the PUD, the applicant shall submit 2 copies of the following
8 information to the DRB:
9

- 10 1. A statement setting forth the nature of all proposed modifications of this bylaw and
11 the proposed standards and criteria which the applicant proposes for the
12 development, including standards for the design, bulk, and spacing of buildings and
13 sizes of lots and open space.
14
- 15 2. Limits of use, if any.
16
- 17 3. Plans for the permanent maintenance and/or management of open space areas
18 included within the development. (See section 4.12)
19

20 (D) Regulation of lots within PUD: Condominium style PUDs (common interest ownership)
21 must have an association that meets the standards established in Title 27A of the Vermont
22 Statutes. Clustered lot type PUDs may be part of an association or lots may be sold as
23 individual lots absent of an association. All common lands shall meet the requirements of
24 Section 4.12.
25

26 (E) Review Standards – Plat Review: The following shall be met in order for the DRB to
27 approve the application:
28

- 29 1. The area of any pond, lake, stream, wetland or floodway shall not be included as any
30 part of the area required for a PUD or as part of the base for any density
31 determination. No lot in a clustered lot type PUD shall be created which is not at
32 least ½ acre in size and having a minimum frontage of 100 feet. No lot in a
33 condominium style PUD shall be created which is not at least 1/8 acre (frontage is
34 not required for individual lots in a condominium style PUD).
35
- 36 2. A percentage of the land should be set aside for open space. The amount and location
37 of the land so designated shall be determined on the merits, purposes, and conditions
38 of the individual proposal. Further, the DRB may establish conditions on the
39 ownership, use, and maintenance of said lands for their intended purposes.
 - 40 a. The open space shall first protect agricultural soil resources where
41 more than 10 acres of contiguous agricultural soils are present.
42 Recreational, environmental, and other common lands for community
43 facilities shall be secondary where agricultural soil is present.
44

- 1 3. The DRB may grant a density increase of up to 25% of the allowable number of units
2 in instances where the site conditions will allow.
- 3
- 4 4. The development shall be an effective and unified treatment of the project site, and
5 should provide for preservation of streams, stream banks, visual and physical access
6 to the Lamoille River, slopes greater than 25%, wetlands, agricultural soils, historic
7 sites, natural areas, wildlife habitat, floodplain, and views.
- 8
- 9 5. The minimum project size for any PUD shall be 5 acres.
- 10
- 11 6. The minimum setback and yard requirements for the district in which the project is
12 located shall apply to the periphery of the development.
- 13
- 14 7. The PUD shall meet all other requirements of these regulations unless otherwise
15 exempted or varied within these provisions.
- 16
- 17 8. The development shall be proposed over a reasonable period of time in order that
18 adequate municipal facilities and services may be provided.
- 19
- 20

21 **SUBSECTION IV-B. GENERAL LOTS/SUBDIVISION CRITERIA**

22

23 **4.20 Non-Conforming Lots/Subdivisions**

- 24
- 25 (A) Nonconforming lots or subdivisions means lots or subdivisions that do not conform to the
26 present bylaws but was in conformance with all applicable laws, ordinances, and regulations
27 prior to the enactment of the present bylaws, including a lot or parcel improperly authorized
28 as a result of error by the Administrative Officer. [§4303(13)]
- 29
- 30 (B) Any non-complying lots or subdivisions may be allowed to exist indefinitely provided:
- 31
- 32 1. A non-complying lot is not deemed merged through provisions of the zoning bylaws.
33 [If zoning has been adopted.]
 - 34
 - 35 2. A non-complying lot or subdivision shall not be resubdivided or be amended in a
36 manner that will increase the existing degree of non-compliance.
 - 37
 - 38 3. The phrase ‘shall not increase the degree of non-compliance’ shall be interpreted to
39 mean that the portion of the lot or subdivision that is non-complying shall not
40 increase in size (or decrease in the event of failing to meet minimum standards such
41 as road standards or frontage). Therefore, a boundary line may be adjusted provided
42 the resulting parcel is equal or more compliant than the parcel prior to amendment.
 - 43
 - 44 4. Changes to a non-complying lot or subdivision for the sole purpose of compliance

Subdivision Regulations for the Town and Village of Cambridge (2006)
with mandated environmental, safety, health, or energy codes are permissible with
approval by the DRB.

1
2
3
4

1 **Section V. Definitions**

2
3 **5.01 Definitions**

4
5 (A) For the purpose of these bylaws, the terms below shall have the following meanings unless
6 a different meaning clearly appears from the context:

- 7
8 1. Acre means a parcel of land with an area, measured on a horizontal plane, of 43,560
9 square feet.
- 10
11 2. Act means the Vermont Planning and Development Act 24 V.S.A., Chapter 117.
- 12
13 3. Adjoining Landowner means any person owning land contiguous to the proposed
14 land development including land separated by a road or road right of way.
- 15
16 4. Administrative Officer shall mean the administrative officer, or the assistant
17 administrative officer appointed in accordance with the provisions of Section II(A)
18 of these bylaws.
- 19
20 5. DRB is abbreviation for the Town of Cambridge Development Review Board.
- 21
22 6. Driveways are a minor travel way which provides vehicular access from an
23 adjoining road or street to a parking space, garage, or other structure.
- 24
25 7. Frontage is the length of the front lot line for a single parcel of land as measured
26 along the public right-of-way or private road that it borders.
- 27
28 8. Interested Person means anyone meeting the definition of the term as set forth in the
29 Act [§4465(b)]. The definition includes the following:
- 30 a. A person owning title or property, or a municipality or solid waste
31 management district empowered to condemn it or an interest in it,
32 affected by a bylaw who alleges that the bylaw imposes on such
33 property unreasonable or inappropriate restrictions of present or
34 potential use under the particular circumstances of the case.
- 35 b. The Town of Cambridge or any municipality that adjoins it.
- 36 c. A person owning or occupying property in the immediate
37 neighborhood of a property that is the subject of any decision or act
38 taken under this chapter, who can demonstrate a physical or
39 environmental impact on the person's interest under the criteria
40 reviewed, and who alleges that the decision or act, if confirmed, will
41 not be in accord with the policies, purposes, or terms of the plan or
42 bylaws of the Town of Cambridge.
- 43 d. Any ten persons who may be in any combination of voters or real
44 property owners within a municipality listed in subdivision (b) of

Subdivision Regulations for the Town and Village of Cambridge (2006)
this subsection who, by signed petition to the DRB, the 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 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 state owning
property or any interest therein within a municipality listed in
subdivision (b) of this subsection, and the agency of commerce and
community development.

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
which:
 - (A) has at least 15 service connections; or
 - (B) serves an average of at least 25 individuals for at least 60 days a year.
13. Planned Unit Development means on 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 drawn to scale of one or more parcels of land,

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