

~~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

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Municipal Planning Grant

AWARDED BY THE:
Agency of Commerce and Community Development

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

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

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 24 VSA
6 §4402(3) and have been enacted in accordance with the provisions of the Vermont
7 Municipal and Regional Planning and Development Act (Title 24, Chapter 117 of the
8 Vermont Statutes Annotated (V.S.A.)) hereinafter referred to as “the Act.”
9

10 **1.02 Applicability**

11 (A) Unless specifically exempted herein, no subdivision of land shall commence within the area
12 affected by these regulations except in conformance with these regulations [§4446].
13
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 permanent easements and/or rights-of-way to allow access to
23 landlocked parcels without frontage on a public highway or private road.
24 [§4418(1)(B)].
25
26 4. Creation of common interest ownership communities where lots within the
27 community are subdivided for sale.
28

29 (C) Exemptions. The filing of boundary surveys and/or corrective deeds to repair boundary
30 metes and bounds or to correct technical errors are not considered amendments or boundary
31 line adjustments within the meaning of these regulations provided they are records of
32 existing parcels with known boundaries.
33

34 (D) Area of effect. All subdivision of land within the Town of Cambridge is subject to review
35 under these regulations including land within the Village of Cambridge but excluding land
36 within the Village of Jeffersonville, which is not subject to review under these regulations.
37

38 **1.03. Effect of Regulations.**

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

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

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

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

1.04 Intent

(A) It is the intent of these regulations:

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

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Comment [SJ2]: No impermissible uses without zoning.

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

1.05 Effective Date

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

- 1
2 (C) A vote on these regulations or an amendment thereto shall not take effect if five percent
3 (5%) of the voters of the Town of Cambridge or Village of Cambridge petition for a
4 meeting of the municipality to consider the regulation or amendment; and if the petition is
5 filed within twenty (20) days of the vote. In this case a meeting of the municipality shall be
6 duly warned for the purpose of acting upon the regulation or amendment by Australian
7 ballot [§4442(d)].
8

9 **1.06 Severability**

- 10
11 (A) The provisions of these regulations are severable. If a court of competent jurisdiction holds
12 any provision or the application thereof to any person or circumstance unconstitutional or
13 invalid, the remainder of these regulations shall not be affected.
14

15 **1.07 Computation of Time**

- 16
17 (A) Where an event is required or permitted to occur by these regulations before, on, or after a
18 specified period of time measured from another event, the first day shall not be counted and
19 the final day shall be counted in calculating the period [§4303(a)].
20

21 **1.08 Subdivision During Adoption or Amendment Process**

- 22
23 (A) Once notice for a public hearing on the adoption or amendment to these regulations is
24 issued by the Selectboard or Trustees, the Development Review Board (hereafter referred to
25 as the “DRB”) shall review any new subdivision plat filed after the date of the notice under
26 both the proposed regulations or amendment and the existing subdivision regulations.
27 [§4449(d)]
28
29 (B) If the proposed regulations or amendment has not been adopted within 150 days of the
30 notice, or if the proposed regulations or amendment is rejected, then new plats shall be
31 reviewed under the existing regulations. [§4449(d)]
32
33 (C) A subdivision plat that has been denied under a proposed regulations or amendment that has
34 not been adopted within the 150-day period shall be reviewed again, at no cost, under the
35 existing subdivision regulations, upon request of the applicant. [§4449(d)]
36
37

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 (3) year term. The Administrative Officer may be removed
9 from office for just cause by the Selectboard after consultation with the Planning
10 Commission [§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
33 or other municipal authorization required under this regulation or any other bylaw,
34 regulation, or ordinance that relate to the regulation of land development within the Town
35 of Cambridge [§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 five (5) nor more than nine
4 (9) members ~~whose members—~~who shall be appointed by the Selectboard for specified
5 terms. The Board may consist of the members of the Planning Commission. Vacancies shall
6 also be filled by appointment of the Selectboard for unexpired terms and upon the
7 expiration of terms. The Selectboard, upon written charges and after a public hearing, may
8 remove any member of the 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 and rules of ethics with respect to conflict of
21 interest and shall perform its functions in conformance with the Act [§4461] and Vermont's
22 Open 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
- 27
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- 30

31 **2.03 Appeals- Decisions of the Administrative Officer**

- 32
- 33 (A) Applicability: An interested person (as defined in section 5.01(8)) may appeal any decision
34 or act taken by the Administrative Officer by filing a written notice of appeal with the DRB
35 within fifteen (15) days of the act or decision [§4465].
36
- 37 (B) Notice of Appeal Requirements: A notice of appeal shall be in writing and shall include
38 [§4466]:
- 39 1. The name and address of the appellant.
 - 40 2. A brief description of the property with respect to which the appeal is taken.
 - 41 3. A reference to applicable regulation provisions.
- 42
- 43
- 44

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

6 (C) Rejection of Notice of Appeal: The DRB may reject an appeal or request for reconsideration
7 without hearing and render a decision and findings of fact within ten (10) days of the filing
8 of the notice of appeal, if the DRB considers that the issues raised by the appellant have
9 been decided in an earlier appeal or involve substantially or materially the same facts
10 presented at an earlier appeal by, or on behalf of, that appellant. The decision shall be
11 rendered, on given notice, as in the case of a decision on appeal below [§4470(a)].
12

13 (D) Public Hearing: Within sixty (60) days of receiving a notice of appeal, the DRB shall hold a
14 public hearing. [§4468]
15

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

- 19 a. Mailed to the appellant;
- 20 b. Published in a newspaper of general circulation in the Town;
- 21 c. Posted in three or more public places within the municipality
22 including:
 - 23 i. The Town Clerk's Office; and
 - 24 ii. Within view from the public right of way most nearly
25 adjacent to the property for which the application is
26 made; and

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

30 d. Provided to the applicant and to the owners of all properties
31 adjoining the property subject to development without regard to the
32 public right of way. The notification shall include a description of
33 the proposed project and shall be accompanied by information that
34 clearly informs the recipient where additional information may be
35 obtained; and that participation in the local proceedings is a
36 prerequisite to the right to take any subsequent appeal.
37

38 2. The Administrative Officer is responsible for notifying adjoining landowners either
39 by certified mail, return receipt requested, or by written notice hand delivered or
40 mailed to the last known address supported by a sworn certificate of service. The
41 appellant is required to bear the cost of the public warning and a fee (as established
42 by the Selectboard) to cover the administrative costs of the Administrative Officer.
43 [§4464(a)(3)]
44

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1 3. All hearings of an appeal are open to the public. In any hearing, there shall be an
2 opportunity for each person wishing to establish status as an interested person (as
3 defined in Section 5.01) to demonstrate that the criteria set forth in the definition are
4 met. ~~and that the~~ The DRB shall keep a written record of the name address, and
5 participation of the persons [§4461(b)]. Any interested person may appear and be
6 heard in person or be represented by an agent at the public hearing [§4468].
7

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

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- 11 a. Irrelevant, immaterial, or unduly repetitious evidence shall be
12 excluded. The rules of evidence in civil cases in the Vermont
13 Superior Courts shall be followed. When necessary to ascertain facts
14 not reasonably susceptible of proof under those rules, evidence not
15 admissible thereunder may be admitted if it is of a type commonly
16 relied upon by reasonably prudent persons in the conduct of their
17 affairs. Objections to evidentiary offerings may be made and shall be
18 noted on the record.
- 19 b. Documentary evidence may be received in the form of copies or
20 excerpts, if the original is not readily available. Upon request parties
21 should be given opportunity to compare the copy with the original.
- 22 c. A party may conduct cross examinations required for a full and true
23 disclosure of the facts.
- 24 d. Facts and information understood by members of the Board may be
25 presented as evidence. [3 V.S.A. §810]
26

27 5. In most cases the Administrative Officer is the defendant in the appeal before the
28 DRB. In those cases the Administrative Officer should not act as a staff member
29 during the hearing or deliberations.
30

31 6. The DRB may recess the proceedings of the appeal pending submission of
32 additional information [§4464(b)(1)]. The hearing may be adjourned by the DRB
33 from time to time provided, however, that the date and place of the adjourned
34 hearing shall be announced at the hearing [§4468].
35

36 (E) Decision: The DRB should close the hearing promptly after all parties have submitted
37 requested information. The DRB shall adjourn the hearing and issue a decision within 45
38 days after the adjournment of the hearing, and failure of the DRB to issue a decision within
39 this period the appellant shall be deemed to have prevailed and shall be effective on the 46th
40 day. Decisions shall be issued in writing and shall include a statement of the factual bases
41 on which the DRB has made its conclusions and a statement of conclusions. [§4464(b)(1)]
42

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

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

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

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

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

2.04 Appeals of DRB Decisions

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

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

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

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

1 6. The signature of the appellant or attorney.

2
3 (D) Filing Fee: The filing fee is established by V.R.C.P. 76 (e) and V.S.A. 32 §1431. At the
4 time of the development of these regulations in 2014, the fee for filing an appeal with the
5 Environmental Court is \$250\$150.

6
7 **2.05 Violations and Enforcement**

8
9 (A) Applicability: The commencement or continuation of any subdivision of land that is not in
10 conformance with the provisions of these regulations or the approved and recorded plat
11 shall constitute a violation. Violations of these regulations shall be prosecuted in accordance
12 with the Act [§§4451, 4452].

13
14 (B) Identification and Investigation of Violations: The Administrative Officer is required by law
15 to enforce all violations of these regulations [§4448(a)]. Whether through direct
16 observation, written or oral complaint, site visit, or notification of violation from the
17 landowner, the discovery of an alleged violation must be pursued by the Administrative
18 Officer.

19
20 1. Any person may file a written complaint with the Administrative Officer if it is
21 believed that a violation of these regulations has occurred. The complaint shall state
22 fully the causes and basis for the alleged violation. The Administrative Officer shall
23 properly record such a complaint, investigate within a reasonable time, and take
24 action as appropriate in accordance with these regulations.

25
26 2. The Administrative Officer may not enter upon any private property, for purposes of
27 inspection and investigation, except by permission of the landowner or per a search
28 warrant duly issued by a court [13 V.S.A. §4701].

29
30 (C) Formal Notice of Violation: No action may be brought under this section unless the alleged
31 offender has had at least seven (7) working days notice by certified mail that a violation
32 exists and has failed to satisfactorily respond or correct the alleged violation [§4451(a)].

33
34 1. The warning notice shall state:
35 a. That a violation exists;
36 b. That the alleged offender has an opportunity to cure the violation
37 within the seven (7) day period;
38 c. That the alleged offender has the right to appeal the notice of
39 violation to the DRB within fifteen (15) days from the date the
40 notice was sent; and
41 d. That the alleged offender will not be entitled to an additional
42 warning notice for a violation occurring after the seven (7) day
43 period.
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2. Action may be brought without notice and opportunity to cure, if the alleged offender repeats the violation of the regulation after the seven (7) day notice period and within the next succeeding twelve (12) months.

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

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

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

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

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

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

2.06 Fees

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

2.07 Posting and Recording Requirements

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

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

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

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

1. Such final plat shall:

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

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

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

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

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

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

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

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

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

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

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

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 21 3. Boundaries and area of all abutting land, including land separated by a public right-
22 of-way, land belonging to owner of record, and proposed subdivision (a copy of the
23 tax map is sufficient).
 - 24 25 4. Existing and proposed layout of property lines, including parcel sizes and frontage;
26 type and location of existing and proposed restrictions on land, such as easements
27 and covenants.
 - 28 29 5. Type of location and approximate size of existing and proposed highway access,
30 ~~streets~~roads, sidewalks, street lighting, utilities, and open space, if any.
 - 31 32 6. Preliminary plans for services, including water supply and wastewater disposal.
 - 33 34 7. Preliminary plans for maintenance of common lands and private roads.
 - 35 36 8. Approximate locations of natural features such as wetlands, shorelines,
37 watercourses, prime and statewide agricultural soils, slopes of greater than 20%, and
38 designated floodplains.
 - 39 40 9. Date, north arrow, and scale.
 - 41 42 10. Location map showing relation of proposed subdivision to adjacent property and
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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 or
8 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 known 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. ~~met and that the~~ The DRB shall keep a written
44 record of the name address, and participation of the persons [§4461(b)]. Any

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

- 3
4 4. Any hearing may be recessed by the Board from time to time pending submission of
5 additional information [§4464(b)(1)] provided, however, that the date and place of
6 the recessed hearing is announced at the hearing.
7

8 (E) General Standards: When determining the appropriateness of a subdivision, the DRB may
9 consider any of the standards and conditions contained in these regulations and any other
10 applicable local bylaws.
11

- 12 1. Conformance: The DRB shall study the sketch plan to determine whether or not it
13 conforms to the provisions of these zoning regulations ~~(if adopted)~~, any capital
14 budget and program in effect, the official map, the local sewerage ordinance, and
15 any other municipal by-laws in effect. Where it deems necessary, the DRB will
16 make specific recommendations for changes in subsequent submissions.
17

18 (F) Decisions: The DRB shall approve or disapprove the sketch plan within forty-five (45) days
19 after the completion of the public hearing, or any continuation of the hearing. If the DRB
20 fails to act within forty-five (45) days the sketch plan shall be deemed approved
21 [§4464(b)(1)]. All decisions shall be sent by certified mail within the time period to the
22 applicant. Copies of the decision shall also be mailed to every person appearing and having
23 been heard at the hearing [§4464(b)(3)].
24

25 (G) Effect of Sketch Plan Determination: Approval of a sketch plan shall not constitute approval
26 of a subdivision plat and is merely authorization for the applicant to file a final plat
27 application.
28

- 29 1. DRB determinations and associated recommendations shall remain in effect for ~~one~~
30 one (1) year from the date of issuance, unless otherwise specifically approved or
31 extended by the DRB. Within one (1) year of the decision by the DRB, the applicant
32 may apply to the DRB for final plat approval under section 3.02 of these regulations.
33

34 (H) Appeals. Any interested person may appeal a decision of the DRB to the Environmental
35 Court by filing a notice of appeal under Section 2.04 of these regulations. Sketch plan
36 approval shall not be effective until the time for appeal has passed, or in the event a notice
37 of appeal is filed with the Environmental Court, no such approval shall take effect until
38 adjudication of that appeal. [§4449(a)(3)]
39

40 (I) Posting and Recording Requirements: The Administrative Officer shall meet all recording
41 requirements of section 2.07 of these regulations.
42

43 **3.02 Subdivision- Final Plat Review**

44

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

2
3 (B) Plat - Application requirements: The plat shall consist of one or more maps or drawings
4 which may be printed or reproduced on paper with all dimensions shown in feet or
5 decimals of a foot, drawn to scale, showing or accompanied by the following 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~~ roads; water
12 courses and wetlands; existing foundations; and other existing
13 physical 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. All lot lines within 500 feet of the proposed subdivision
18 shall be depicted.

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

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

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

28
29 2. A subdivision plat prepared by a licensed land surveyor showing:

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

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

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

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

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

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

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

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

Subdivision Regulations for the Town and Village of Cambridge (~~2006~~2015)
of-way, lot line, building envelope, boundary line, and to reproduce
these lines on the ground.

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

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

4. The following supporting documentation:

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

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

c. Final design of all proposed roads, including the length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each road, cross sections of roads, and road profiles.

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

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

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

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

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

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

a. Mailed to the appellant;

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

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

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

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

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

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

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

1 Subdivision Regulations for the Town and Village of Cambridge (~~2006~~2015)
2 Water ~~Supply~~Systems, Wastewater Disposal, Utilities, Driveway and Private Road
3 Design and Layout, Curbs, Sidewalks & Pedestrian Access, Stormwater
4 Management Facilities, Street & Sidewalk Lighting, Recreation Areas, Common
5 Lands, Protection of Agricultural Soils, Fire Hydrants, Fire Ponds, & Dry Hydrants,
6 and Planned Unit Developments.

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

14
15
16
17 (E) Conditions of Approval:

- 18
19 1. Master Plan Review: As part of the final plat review, the DRB may require a
20 description of the potential build-out of the entire parcel and adjacent parcels even if
21 the application only includes a portion of the parcel(s).
- 22 a. When required, the Master Plan build-out shall include an indication
23 of proposed roads, driveways or ~~streetroads~~, the future probable lot
24 lines and building envelopes of the remaining portion of the tract,
25 and a description of the probable uses. The build-out may be drawn
26 in a sketch plan format. The DRB may require that the build-out be
27 submitted as part of an extended sketch plan review, or as a part of
28 the final plat approval.
- 29 b. Requirements for Master Plan review are intended to ensure the
30 orderly development of the Town, and will be required when the
31 DRB determines that the development currently under review may
32 have an impact on the future developability of the remaining parcel
33 or adjacent parcels. It may also be required when the DRB
34 determines that the future build-out of the applicant's holdings,
35 combined with the current proposal, ~~may~~ have a significant impact
36 on the Town of Cambridge.
- 37 c. Approval of an applicant's current application does not constitute
38 approval of the Master Plan build-out.
- 39
40 2. Completion requirement or Performance bonding: For any subdivision which
41 requires the construction of roads or other public improvements by the applicant, the
42 DRB may require that no ~~lot be transferred or sold zoning permit, except for any~~
43 ~~permit that may be required for infrastructure construction, may be issued for an~~
44 ~~approved development~~ unless the ~~streetroads~~ and other public infrastructure are

Subdivision Regulations for the Town and Village of Cambridge (~~2006~~2015)
satisfactorily installed in accordance with the approved decision and pertinent
bylaws. [§4464(b)(4)]

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

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

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

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

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

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

1 Subdivision Regulations for the Town and Village of Cambridge (20062015)
2 subdivision shall be considered approved contingent upon no further changes made
3 to accommodate any other permit.

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

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

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

- 33
- 34 a. The decision shall include a finding of fact regarding the total traffic
35 generated from the intended use of each lot. For purposes of this
36 determination, each single family dwelling unit will be assumed to
37 generate 10 average trips per day. Each multi-family dwelling will
38 be assumed to generate 7 average trips per unit per day. - Each
39 senior housing dwelling will be assumed to generate 4 average trips
40 per unit per day. Trip generation for all other uses shall be based on
41 the most recent Edition of the Institute of Transportation Engineers
42 Trip Generation Manual, or other similar reliable source.
- 43 b. The decision shall include a condition stating that requiring the
44 applicant to apply for an amendment to the subdivision approval for

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Subdivision Regulations for the Town and Village of Cambridge (~~2006~~2015)
any change of use that may increase average daily traffic above that initially proposed. If such a change of use occurs, the applicant shall be required to upgrade the driveway and/or private road serving the lot in question to meet the standards outlined in Section 4.07.

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

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

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

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

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

3.03 Waivers

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

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

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

1. The name and address of the appellant.

- 1 2. A brief description of the property with respect to which the waiver is requested.
- 2
- 3 3. A reference to applicable regulation provisions for which relief is requested.
- 4
- 5 4. The nature of the relief requested by the appellant.
- 6
- 7 5. The alleged grounds why such relief is believed proper under the circumstances (i.e.
- 8 how the proposal meets all requirements of this section).
- 9

10 (D) Public hearing: A public hearing shall be held by the DRB at the earliest available hearing
11 of the DRB. A hearing for an appeal for a waiver ~~can~~ shall be held concurrently with plat
12 approval, provided the waiver appears in the purpose of the hearing as warned.
13 [§4464(a)(2)]

- 14
- 15 1. Public notice for any hearing shall be given not less than seven (7) days prior to the
16 date of the public hearing and shall include the date, place, and purpose of such
17 hearing. Public notice shall be: [§4464(a)(2)]
 - 18 a. Mailed to the appellant;
 - 19 b. Posted in three or more public places within the municipality
20 including:
 - 21 i. The Town Clerk's Office; and
 - 22 ii. Within view from the public right of way most nearly
23 adjacent to the property for which the application is
24 made.
 - 25 c. Written notification of such notice to the applicant and to the owners
26 of all properties adjoining the property subject to development,
27 without regard to the public right of way. The notification shall
28 include a description of the proposed project and shall be
29 accompanied by information that clearly informs the recipient where
30 additional information may be obtained, and that participation in the
31 local proceedings is a prerequisite to the right to take any subsequent
32 appeal.
 - 33 d. If any portion of the parcel lies within 500 feet of a municipal
34 boundary, a copy shall be sent to the clerk of the adjacent
35 municipality. [§4463(a)]
- 36
- 37 2. The Administrative Officer is responsible for notifying adjoining landowners either
38 by certified mail, return receipt requested, or by written notice hand delivered or
39 mailed to the last known address supported by a sworn certificate of service. The
40 appellant is required to bear the cost of the public warning and a fee (as established
41 by the Selectboard) to cover the administrative costs of the Administrative Officer.
42 [§4464(a)(3)]
- 43
- 44 3. All hearings of a review for waivers are open to the public. In any hearing, there

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

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

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

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

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

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

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

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

Section 4. General Regulations and Review Criteria

SUBSECTION 4-A. SUBDIVISION PLAT REVIEW CRITERIA

4.01 Dimensional Requirements

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

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

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

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

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

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

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

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

Comment [SJ6]: Moved below

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

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

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

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

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

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

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

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

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

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

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

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

Subdivision Regulations for the Town and Village of Cambridge (20062015)
adjusted lots shall require monumentation.

4.02 Access to lots- Location

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

4.03 Usable lot requirement

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

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

~~zoning has been adopted.]~~

(B) New lots must have some potential ~~permissible~~ use. The DRB will not allow the creation of an unusable lot. ~~No lot shall be approved until it is determined that the lot can meet the requirements of the Town of Cambridge Zoning Bylaws for that use. The property owner does not need to obtain the zoning permit to receive plat approval but may apply for both plat approval and zoning permit approval simultaneously. [If zoning has been adopted.]~~

~~(C) In order for the DRB to approve a residential lot~~ New lots proposed for any purpose other than agriculture, forestry, recreation, or conservation, for instance, the applicant must prove shall demonstrate a location for wastewater disposal (sewer hookup or on-site), water supply, other utilities, and a building envelope where any structure could be located that meets all slope, setback, and buffer requirements, ~~and any zoning or other ordinance requirement which the DRB determines to be appropriate.~~ The location of any well or onsite wastewater system, including all requisite isolation distances, shall be depicted on the final plat.

~~(C) Building envelope lines are non-binding and are intended to demonstrate the usability of the lot. An amended subdivision plat is not necessary for future development outside of the building envelope. All lots shall have designated building envelopes that shall not include areas within any applicable setbacks, Class I or II wetlands, or any other area that may not be developed in accordance with these bylaws. Also, the location and configuration of a building envelope may also be modified in order to meet the requirements for protection of agricultural land found in Section 4.13~~ The building envelope does not vest any rights to construct within that area.

(D) The DRB may require an applicant to obtain applicable State permits before approving a subdivision and/or condition recording of the final mylar on obtaining such permits. ~~if, in the opinion of the DRB, the approval of such permit is in doubt or question.~~

(E) If a new lot is intended for agricultural, forestry, or conservation purposes, or is greater than ten (10) acres in size and will not be developed at the time of subdivision approval, the DRB may defer requirements of these regulations. Language indicating the deferral status for any such lot shall appear on the final plat and in any transfer deed. This language shall also contain a statement indicated that by accepting a deferral, the applicant understands that the lot may not be able to meet all standards required for development. An amendment to the Subdivision approval shall be required before any development or other use of the property may occur.

(F) Where a parcel in a subdivision is not intended for future development (e.g. sale to a land trust for conservation purposes) the subdivision may be permitted provided the plat clearly reflects the lot is for conservation purposes only. The DRB may require the sale of development rights to a conservation organization for such a lot as a condition of approval.

4.04 Water systems

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

Subdivision Regulations for the Town and Village of Cambridge (20062015)

- 1
- 2 (A) Municipal Systems. For subdivisions utilizing any public water supply system, the
- 3 subdivider shall provide evidence that the existing system will adequately meet the needed
- 4 demand, or if the system will not meet the demand, the subdivider will provide a plan for
- 5 upgrading the system to meet the expected demand and provide a bond or security (to the
- 6 satisfaction of the Selectboard or Trustees) to cover all or part of the costs of the necessary
- 7 improvements. The applicant must also be able to demonstrate the ability to obtain all
- 8 permits necessary to extend utilities, if necessary.
- 9
- 10 (B) Community Systems. Community water systems shall be designed and installed in
- 11 accordance with all applicable municipal and state regulations and standards. Community
- 12 systems may be required to be designed in such a way that they may eventually be
- 13 connected to a municipal water supply system. Articles of aAssociation or similar
- 14 arrangements are required to address long-term care and maintenance of these systems by
- 15 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
- 19 evidence that these locations will meet applicable State regulations. Town of Cambridge
- 20 Zoning Bylaws for water supply. [If 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:~~ Proposed well site(s) must be identified on
- 24 plat, including any associated well shield. All well(s) must meet *water supply-well shields*
- 25 *and isolation distances provisions as described herein. Isolation distances for water supply*
- 26 *systems are the required minimum separation distances* as established by the Vermont
- 27 Water Supply Rules, as most recently amended. The issuance of a wastewater and potable
- 28 water supply permit by the Vermont Department of Environmental Conservation assumes
- 29 conformance with these rules. 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 isolation
- 33 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 herbicides have
- 38 been applied in the past 12 months and may be applied in the future but may be
- 39 increased to 200 feet depending on the active ingredient in the herbicide.
- 40 h. Concentrated livestock holding areas or manure storage: 200 feet
- 41 i. Down slope sewage system disposal facilities: 100 feet
- 42 j. Up slope sewage system disposal facilities: 100 feet
- 43 k. Hazardous or solid waste disposal sites: 200 feet
- 44

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

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

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

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

4.05 Wastewater Disposal

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

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

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

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

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

rules.

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

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4.06 Utilities

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

1. The subdivider shall coordinate subdivision design with utility companies to insure adequate and suitable areas for under and above ground installation, ~~both~~ for both the proposed subdivision, and areas adjacent to the subdivision.

2. Utility corridors shall be shared with other utility and or transportation corridors where feasible, and ~~located~~ shall be located to minimize site disturbance, the fragmentation of agricultural, forest, and conservation lands, and any adverse impacts to natural, ~~cultural-cultural~~, or scenic resources, and to public health.

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

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

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

4.07 Driveway & Private Road Design and Layout

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

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

Cambridge to accept the private road as a Town Highway.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subdivision Regulations for the Town and Village of Cambridge (20062015)

Cambridge Highway Standards Ordinance.

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

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

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

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

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

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

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

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

Subdivision Regulations for the Town and Village of Cambridge (20062015) expenditure by the municipality to improve existing roads to conform to these standards, the DRB may disapprove such subdivision until the Selectboard certifies that funds for the improvements have been ensured; or the subdivider may be required to contribute to any or all of the expenses involved with road improvements necessitated by the project.

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

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

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

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4.08 Curbs, Sidewalks, & Pedestrian Access

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

4.09 Gutters & Storm-water Management Facilities

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

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

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

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

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

4.10 Street & Sidewalk Lighting

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

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

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

4.11 Recreation areas

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

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

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

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

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

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2 **4.12 Common Land**
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4 (A) Applicability. Common land is any area within a subdivision owned in common among the
5 members of the subdivision. Common land may be set aside for the placement and
6 maintenance of community facilities including, but not limited to, recreation areas,
7 wastewater treatment sites, pedestrian walkways, parking lots, and private roads.
8

9 (B) Common land requirements. All common land shall meet the following requirements:
10

- 11 1. The location, shape, and character of the common land shall be suitable for its
12 intended use.
- 13 2. Land held in common shall be subject to appropriate deed restrictions, stipulating
14 the permitted and restricted use of such lot and establishing the person or entity
15 responsible for maintenance and long-term stewardship.
- 16 3. Common land is generally managed and maintained through Articles of
17 Association, or similar arrangements, among the members of the subdivision. For
18 those not within an Association, such provisions shall be made for the regulation
19 and management of any common land. The use and further subdivision of land are
20 regulated by, but not limited to, these bylaws, the associated subdivision plat, and
21 any restrictions placed upon the title of the land.
 - 22 a. All costs associated with administering and maintaining common land shall
23 be the responsibility of applicant and/or subsequent landowners.
24
25
26

27 (C) Articles of Association. Articles of Association and related arrangements are contracts
28 within the members of the Association; They are not a substitute for, nor do they supercede,
29 these subdivision regulations. Where changes are sought to any common land or condition,
30 the proposal must receive Association approval and DRB approval for such change. Where
31 appropriate, these Associations must abide by the conditions established in the permit
32 although neither the Town of Cambridge nor the Administrative Officer is responsible for
33 mediating disputes within the Association.
34

35 (D) Legal review. The DRB reserves the right to have any Articles of Association or similar
36 arrangement reviewed by an attorney to ensure basic standards are met:
37

- 38 1. Proper establishment of association;
- 39 2. Long-term care and maintenance of common land, including costs, are addressed;
- 40 3. Protection of the municipality in the event of legal challenges.
41
42

43 **4.13 Protection of Agricultural Soils**
44

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

1
2 (A) Where a subdivision includes twenty-five (25) acres or more of prime or statewide
3 agricultural soils, the applicant must create subdivision boundaries and/or building
4 envelopes configured to avoid adverse impacts on prime and statewide agricultural soils.
5 Methods for avoiding such adverse impacts include, but may not be limited to, the
6 following:

7
8 1. Where marginal soils also exist on the site, the creation of a PUD may be required
9 with the developable lots clustered away from the agricultural soils.

10
11 ~~2.~~ Lot lines and/or building envelopes shall be located at field and orchard edges or,
12 in the event that no other land is practical for development, on the least fertile soil in
13 order to minimize the loss of productive agricultural soils and impacts of existing
14 farm operations.

15
16 ~~3.~~ Lots and/or building envelopes may be clustered on agricultural soils if those areas,
17 by their nature, are not reasonably viable for farming. Such features could include
18 agricultural soils that are distributed in a long narrow band. Other areas in the
19 subdivision are still required to protect areas with agricultural soils or potential for
20 agricultural use.

21
22 ~~34.~~ Contiguous patches of agricultural resources identified above should not be
23 fragmented. The parcel with the contiguous patch should, wherever possible, remain
24 in a parcel of not less than twenty-five (25) acres.

25
26 ~~45.~~ Vegetated buffer areas may be required between agricultural and other uses to
27 minimize land use conflicts.

28
29 ~~56.~~ Access roads, driveways, and utility corridors should be shared to the extent
30 feasible; and, where sites include linear features such as existing roads, tree lines,
31 stonewalls, and/or fence lines, should follow such features ~~these~~ to minimize the
32 fragmentation of agricultural soils.

33
34 (B) Where a project is required to meet the provisions established under subsection (A) above
35 but the project is subject to review under Act 250, the project shall be presumed to meet this
36 section.

37
38 1. Any project meeting the situation described in subsection (B) above should receive
39 conditional approval pending the outcome of the Act 250 permit application. The
40 condition of the approval should state that the application is approved provided the
41 Environmental Commission mitigates for the loss of agricultural soils. If the
42 Environmental Commission does not require the mitigation for the loss of soils, the
43 DRB shall open a new hearing on the application to review the provision above in
44 subsection (A).

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

4.14 Fire Hydrants, Fire Ponds & Hydrants

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

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

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

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

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

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4.15 Planned Unit Developments (PUD)

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

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

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

Subdivision Regulations for the Town and Village of Cambridge (20062015)
1 use of open areas; to promote efficient use of land; to facilitate the efficient and economical
2 provision of ~~streetroads~~ and utilities; and to conserve the natural resources and scenic
3 qualities of the Town. Accordingly, the DRB may modify the area and dimensional
4 requirements of these regulations simultaneously with conditional use approval and site
5 plan approval. Such modifications shall be subject to the general and specific conditions
6 and standards in this section and in the district regulations, where applicable. [§4417]
7

8 (C) Application Procedure: In addition to material presented for subdivision plat approval, if
9 appropriate, ~~and any zoning permits, conditional use reviews, and site plan reviews being~~
10 ~~pursued in connection with the PUD~~, the applicant shall submit two (2) copies of the
11 following information to the DRB:
12

- 13 1. A statement setting forth the nature of all proposed modifications of this bylaw and
14 the proposed standards and criteria which the applicant proposes for the
15 development, including standards for the design, bulk, and spacing of buildings and
16 sizes of lots and open space.
17
- 18 2. Limits of use, if any.
19
- 20 3. Plans for the permanent maintenance and/or management of open space areas
21 included within the development. (See section 4.12)
22

23 (D) Regulation of lots within PUD: Condominium style PUDs (common interest ownership)
24 must have an Association that meets the standards established in Title 27A of the Vermont
25 Statutes. Clustered lot type PUDs may be part of an Association, or lots may be sold as
26 individual lots absent of an Association. All common lands shall meet the requirements of
27 Section 4.12.
28

29 (E) Review Standards – Plat Review: The following shall be met in order for the DRB to
30 approve the application:
31

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

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

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Subdivision Regulations for the Town and Village of Cambridge (20062015) more than ten (10) acres of contiguous agricultural soils are present. Recreational, environmental, and other common lands for community facilities shall be secondary where agricultural soil is present.

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

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

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

SUBSECTION IV-B. GENERAL LOTS/SUBDIVISION CRITERIA

4.20 Non-Conforming Lots/Subdivisions

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

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Subdivision Regulations for the Town and Village of Cambridge (~~2006~~2015)
increase in size (or decrease in the event of failing to meet minimum standards such
as road standards or frontage). Therefore, a boundary line may be adjusted provided
the resulting parcel is equal to, or more compliant than, the parcel prior to
amendment.

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

Section V. Definitions

5.01 Definitions

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

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

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

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- 5. DRB is the abbreviation for the Town of Cambridge Development Review Board.
- 6. Driveway is a minor travel way ~~servicing no more than one (1) parcel~~ which provides vehicular access from an adjoining road ~~or street~~ to a parking space, garage, or other structure.
- 7. Frontage is the length of the front lot line for a single parcel of land as measured along the public right-of-way or private road that it borders.

8. Interested Person means anyone meeting the definition of the term as set forth in the Act [§4465(b)]. The definition includes the following:

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

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Subdivision Regulations for the Town and Village of Cambridge (20062015) criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaws of the Town of Cambridge.

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2
3
4 d. Any ten persons who may be ~~in~~ any combination of voters or real
5 property owners within ~~the Town of Cambridge a municipality listed~~
6 ~~in subdivision (b) of this subsection~~ who, by signed petition to the
7 DRB, the ~~plan or a~~ bylaws of which is at issue in any appeal brought
8 under this title, allege that the relief requested by a person under this
9 title, if ~~granted~~ granted, will not be in accordance with the policies,
10 purposes, or terms of the plan or bylaw of the Town of Cambridge.
11 This petition to the DRB must designate one person to serve as the
12 representative of the petitioners regarding all matters relating to the
13 appeal.
- 14 e. Any department and administrative subdivision of the ~~s~~State owning
15 property or any interest therein within ~~the Town of Cambridge a~~
16 ~~municipality listed in subdivision (b) of this subsection~~, and the
17 ~~a~~Agency of ~~e~~Commerce and ~~e~~Community ~~d~~Development.

18
19 Lot: A definable parcel of land in common ownership, not separated by a public
20 highway, occupied or capable of being occupied by one or more structures or uses.
21 Lot boundaries are (a) established by deed or deeds recorded in the Cambridge Land
22 Records and the records of any public highway right-of-way; or (b) shown on a plat
23 approved by the Development Review Board pursuant to these bylaws. Any parcel
24 divided by a Class I, II, or III road is considered automatically subdivided.

25
26 Lot, Dogleg: A lot for which access is provided by a narrow projection of the lot
27 less than feet in width, connecting said lot to a public highway.

28
29 Lot, Bowling Alley: A long, narrow lot, with a width to depth ratio greater than one
30 to ten (1:10).

- 31
32 9. Master Plan is a sketch plan describing the proposed future development of the
33 entire extent of the property owner's or developer's contiguous holdings. It is
34 generally required in situations where only a portion of a property is proposed for
35 development at any one time.
- 36
37 10. Private road ~~or street~~ means a ~~minor~~ travel way under private ownership serving
38 more than three adjoining parcels which provides vehicular access from an
39 adjoining road ~~or street~~ to a parcel.
- 40
41 11. Public Highways means any state or town highway.
- 42
43 12. Public water systems means any system, or combination of systems, owned or
44 controlled by a person, which provides piped drinking water to the public and

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1 which:

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

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

- 5
- 6 13. Planned Unit Development means one or more lots, tracts, or parcels of land to be
7 developed as a single entity, the plan for which may propose any authorized
8 combination of density or intensity transfers or increases, as well as the mixing of
9 land uses. This plan, as authorized may deviate from bylaw requirements that are
10 otherwise applicable to the area in which it is located with respect to lot size, bulk,
11 or type of dwelling or building, use, density, intensity, lot coverage, parking,
12 required common open space, or other standards.
- 13
- 14 14. PUD is abbreviation for Planned Unit Development.
- 15
- 16 15. Shared driveways are a minor travel way serving up to three adjoining parcels which
17 provides vehicular access from an adjoining road or street to a parking space,
18 garage, or other structure.
- 19
- 20 16. Survey plat shall mean a map or plan, prepared by a surveyor, drawn to scale of one
21 or more parcels of land, showing, but not limited to, boundaries, corners, markers,
22 monuments, easements and other rights (27 V.S.A. §1401).
- 23
- 24 17. Structure means an assembly of materials for occupancy or use, including but not
25 limited to, a building, mobile home or trailer, billboard, sign, wall, or fence.
- 26
- 27 18. Town means the Town of Cambridge.
- 28
- 29 19. V.S.A. is abbreviation for Vermont Statutes Annotated.
- 30
- 31