

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

HISTORY OF THE SUBDIVISION REGULATIONS
FOR THE
TOWN OF CAMBRIDGE

Adopted September 1, 2006
Amended March 3, 2015

ADOPTED by Selectboard April 17, 2006 Amendments: January 5, 2015	ADOPTED by Trustees June 20, 2006 January 11, 2015
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AMENDMENTS ADOPTED BY Town Meeting
March 3, 2015

EFFECTIVE
March 24, 2015

PREPARED BY THE:
Town of Cambridge Planning Commission

WITH TECHNICAL ASSISTANCE PROVIDED BY:
Lamoille County Planning Commission

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

AWARDED BY THE:
Agency of Commerce and Community Development

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

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

- 16
17 1. The division of a parcel into two or more parcels.
18
19 2. Resubdivisions, amendments to subdivisions, amendments to conditions of plat
20 approval, and boundary line adjustments.
21
22 3. Creation of permanent easements and/or rights-of-way to allow access to parcels
23 without frontage on a public highway or private road. [§4418(1)(B)].
24
25 4. Creation of common interest ownership communities where lots within the
26 community are subdivided for sale.
27

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

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

37 **1.03. Effect of Regulations.**

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

1 and recorded as provided in these regulations. [§4451(b)]

- 2
- 3 (B) All subdivisions lawfully in effect as of the effective date of these bylaws are allowed to
4 continue indefinitely [§4463(b)]. Any resubdivision or other changes in the subdivision
5 shall be subject to all applicable requirements of these regulations.
6
- 7 (C) These regulations shall not repeal, abrogate, or impair any other land use controls, including
8 but not limited to, previous permit conditions, statutes, bylaws, rules, ordinances, permits,
9 easements, deed restrictions, and covenants. However, the provisions of this regulation shall
10 be minimum requirements and shall, therefore, take precedence over any concurrent and
11 less restrictive controls. [§4413(c)]
12
- 13 (D) The granting of plat approval under these regulations shall not relieve the applicant from the
14 obligation of obtaining any necessary approvals by local, state, or federal law.
15

16 **1.04 Intent**

- 17
- 18 (A) It is the intent of these regulations:
- 19
- 20 1. To ensure that any new lots created will have legal access, meet dimension and
21 frontage requirements, have access to required services and utilities and to ensure
22 that all new lots are suitable for their intended use. .
23
- 24 2. To ensure that any new roads are designed and laid out appropriately, and that
25 existing roads and other public infrastructure is upgraded as necessary to
26 accommodate increased use.
27
- 28 3. To ensure that agricultural land is protected.
- 29
- 30 2. To implement the Town and Village of Cambridge Municipal Development Plan so
31 as to achieve orderly community growth, development, and fair property taxation;
32
- 33 3. To further the purposes of the Act [§4302].
34

35 **1.05 Effective Date**

- 36
- 37 (A) These regulations shall be effective September 1, 2006.
38
- 39 (B) Amendments to these regulations shall be effective twenty-one (21) days after adoption (by
40 majority vote of the Selectboard and Trustees) and shall remain in effect until repealed or
41 amended in accordance with the Act [§4442(c)(1)].
42
- 43 (C) A vote on these regulations or an amendment thereto shall not take effect if five percent
44 (5%) of the voters of the Town of Cambridge or Village of Cambridge petition for a

1 meeting of the municipality to consider the regulation or amendment and if the petition is
2 filed within twenty (20) days of the vote. In this case a meeting of the municipality shall be
3 duly warned for the purpose of acting upon the regulation or amendment by Australian
4 ballot [§4442(d)].
5

6 **1.06 Severability**
7

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

12 **1.07 Computation of Time**
13

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

18 **1.08 Subdivision During Adoption or Amendment Process**
19

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

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)].

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 who shall be appointed by the Selectboard for specified terms. The Board may
5 consist of the members of the Planning Commission. Vacancies shall also be filled by
6 appointment of the Selectboard for unexpired terms and upon the expiration of terms. The
7 Selectboard, upon written charges and after a public hearing, may remove any member of
8 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
13 1. Consider sketch plans for approval under section 3.01 [§4460(e)(8)] [§4418(2)(B)].
14
15 2. Consider final plat approval under section 3.02 [§4460(e)(8)] [§4418(2)(B)].
16
17 3. Consider applications for Planned Unit Developments under section 3.02
18 [§4460(e)(5)] [§4417].
19
20 4. Consider requests for a waiver under section 3.03 [§4460(e)(6)] [§4418(2)(A)].
21
22 5. Consider decisions of the Administrative Officer upon appeal under section 2.03
23 [§4460(e)(10)].
24

25 (C) The DRB shall adopt rules of procedure and rules of ethics with respect to conflict of
26 interest and shall perform its functions in conformance with the Act [§4461] and Vermont's
27 Open Meeting Law [1 V.S.A. §§310-314].
28

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

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

- 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

- 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. The DRB shall keep a written record of the name address, and participation of
5 the persons [§4461(b)]. Any interested person may appear and be heard in person or
6 be represented by an agent at the public hearing [§4468].
7
- 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:
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

1 Act, these regulations, and the municipal plan then in effect. [§4464(b)(2)]

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

6
7 (F) Appeals: Appeals of a decision of the DRB may be made to the Environmental Court, as per
8 section 2.04 [§4471].

9
10 (G) Posting and Recording Requirements: The DRB shall meet the posting and recording
11 requirements of section 2.07.

12
13 **2.04 Appeals of DRB Decisions**

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

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

31
32 (C) Notice of Appeal Requirements: A notice of appeal shall be in writing and shall include
33 [§4471]:

- 34
35 1. The name of the party appealing.
36
37 2. What board made the decision being appealed.
38
39 3. The nature of the decision under appeal.
40
41 4. A reference to the specific provisions of the bylaw.
42
43 5. The relief requested by the appellant.
44

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.

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.

- 1 2. Action may be brought without notice and opportunity to cure, if the alleged
2 offender repeats the violation of the regulation after the seven (7) day notice period
3 and within the next succeeding twelve (12) months.
4

5 (D) Informal Resolution of Violations: Where a landowner is cooperating with the
6 Administrative Officer in finding a cure for the violation, the Administrative Officer has the
7 authority to enter written agreements to resolve violations. The Administrative Officer is
8 under no obligation to enter any agreement - informal resolutions are not required under
9 statute and are provided by the Town of Cambridge as an amicable means of resolving
10 violations.
11

- 12 1. At minimum, any agreement must:
13 a. Be in writing and be signed by both the violator and administrator.
14 b. Must establish a prompt timeline for curing the violation, not to
15 exceed 60 days, unless an extension is requested and granted by the
16 DRB not to exceed 180 days.
17 c. Give written authorization that will allow the Administrative Officer
18 to inspect the premises to ensure compliance upon completion or by
19 the agreed upon date of completion.
20
- 21 2. The Administrative Officer is prevented from making any agreement allowing a
22 violation to continue in perpetuity, even if the violation is minimal, inadvertent,
23 and/or the violator agrees to pay a fine [§4448(a)].
24

25 (E) Enforcement Action: Where a property owner fails to remedy a violation within the seven
26 (7) day period or the timetable agreed to under an informal resolution, the Administrative
27 Officer, in the name of the municipality, shall bring appropriate action to enforce the
28 provisions of these bylaws [§4452]. The appropriate action is typically an action in either
29 Environmental Court or Superior Court although other actions are available. The
30 municipality shall observe any limitations on enforcement proceedings relating to municipal
31 permits and approvals as set forth in the Act [§4454] including the following:
32

- 33 1. An enforcement action relating to any municipal land use permit must be instituted
34 within fifteen (15) years of the date the alleged violation first occurred and not
35 thereafter. The burden of proving the date the alleged violation first occurred shall
36 be on the person against whom the enforcement action is instituted [§4454(a)].
37
- 38 2. No action, injunction, or enforcement proceeding may be instituted to enforce an
39 alleged violation of a municipal land use permit which received final approval from
40 the applicable board, commissioner, or officer of the municipality after July 1, 1998,
41 unless the municipal land use permit or a notice of the permit was recorded in the
42 land use records of the municipality as required by the Act [§4454(b)].
43
- 44 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

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

6
7 (B) Recording with the Listers: Within three (3) days following the issuance of a decision the
8 Administrative Officer shall deliver a copy of the permit to the Town Listers [§4449(b)(1)].
9

10 (C) Recording Plats in the Municipal Land Records: Following the appeal period (30 days) but
11 within 180 days after the approval of a final plat by the DRB or certification by the
12 Environmental Court of the DRB's failure to act within forty-five (45) days, the subdivider
13 shall submit the final plat, including all endorsements, for recording in the Town Clerk's
14 Office [§4463(b)].
15

16 1. Such final plat shall:

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

25 2. The DRB approval, or certification by the Environmental Court of the failure of the
26 DRB to act, expires after 180 days [§4463(b)]. Any plat not submitted to the Town
27 Clerk's Office for recording within 180 days shall be null and void.
28

- 29 a. The Administrative Officer may extend the date for an additional
30 90 days, if local or state permits or approvals are pending, provided
31 the request for an extension is made before the expiration of the
32 DRB approval. The Administrative Officer may grant up to four
33 (4) such extensions. Any additional extension may only be
34 granted by the Development Review Board.
35 b. The Development Review Board may grant an extension of recording of
36 the final approval for reasonable and substantial cause, provided the
37 request for an extension is made before the expiration of the DRB
38 approval.
39 c. The Administrator shall send written notice of any extension to the
40 Cambridge Town Listers.
41

42 (D) Recording Items in the Municipal Land Records: Within thirty (30) days after the issuance
43 of any of the items listed below, the Administrative Officer shall deliver the original, or a
44 legible copy, of the issuance to the Town Clerk for recording in the municipal land records
45 [§4449(c)(1)].

- 1
- 2 1. The following issuances are covered in this subsection:
 - 3 a. Approvals or denials of an application for sketch plan approval;
 - 4 b. Notices of violation;
 - 5 c. Notices of denial of a final plat. [§4449(c)(1)(A)]; and
 - 6 d. Certificates of completion required under section 3.02(J)
 - 7
- 8 2. Any issuance delivered for recording shall list:
 - 9 a. As grantor, the owner of record title to the property at the time of
 - 10 issuance;
 - 11 b. As grantee, the municipality issuing the permit, certificate, or notice
 - 12 – i.e. *the Town of Cambridge*;
 - 13 c. The municipal office where the original, or a true legible copy, of the
 - 14 issuance may be examined;
 - 15 d. Whether an appeal of such issuance was taken; and
 - 16 e. The tax map lot number or other description identifying the lot [24
 - 17 V.S.A. §1154(c)].
 - 18

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

- 21
- 22 1. Copies of all permits and approvals or denials filed with the clerk.
- 23
- 24 2. A copy of the subdivision plat recorded in the Town Clerk's Office.
- 25 [§4449(c)(1)(B)]
- 26
- 27 3. Copies of all evidence presented, public notices, hearing minutes, findings of fact,
- 28 and other material collected by the Administrative Officer or DRB in the process of
- 29 reviewing an application.
- 30
- 31 4. Certificates of completion required under section 3.02(J)
- 32

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

- 38
- 39 1. For each case heard and decided, the DRB shall make written Findings of Fact and
- 40 Conclusions of Law that shall be maintained in the Town Clerk's Office together
- 41 with all minutes and other records of the DRB.
- 42
- 43
- 44

1 **Section 3. Development Review Procedures**

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

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

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

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

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

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. The DRB shall keep a written record of the name
44 address, and participation of the persons [§4461(b)]. Any interested person may

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

- 2
3 4. Any hearing may be recessed by the Board from time to time pending submission of
4 additional information [§4464(b)(1)] provided, however, that the date and place of
5 the recessed hearing is announced at the hearing.
6

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

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

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

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

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

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

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

42 **3.02 Subdivision- Final Plat Review**

43
44 (A) Applicability: Final plat approval is required for all applications for subdivision.

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

- 6 1. A map of the property prepared by a licensed land surveyor, registered civil
7 engineer, or registered architect, showing the existing conditions including:
8 a. The number of acres within the original parcel; location of existing
9 property lines; existing easements, deed restrictions; and existing
10 features including buildings; wooded areas; roads; water courses
11 and wetlands; existing foundations; and other existing physical
12 features, including prime and statewide agricultural soils.
13 b. All parcels immediately adjacent to the proposed subdivision,
14 including those separated by a public or private right-of-way, with
15 the names and addresses of owners of record of such adjacent
16 acreage. All lot lines within 500 feet of the proposed subdivision
17 shall be depicted.
18
19 c. Location and size of any existing sewers and water mains,
20 individual or community sewage disposal systems, wells, culverts,
21 and drains on the property to be subdivided.
22 b. If the parcel to be subdivided will remain at least 50 (fifty) acres in
23 size after the proposed subdivision, only the boundaries of new
24 and/or adjusted lots shall be surveyed, and a survey of the entire
25 parcel will not be required.
26
- 27 2. A subdivision plat prepared by a licensed land surveyor showing:
28 a. The proposed lot lines; building envelopes; access location; the
29 location of proposed water, wastewater, and utilities; roads, curbs,
30 sidewalks, and pedestrian ways including lighting; common land
31 and/or land to be set aside for public use.
32
33 b. A vicinity map drawn at the scale of not over 1,000 feet to the inch
34 showing the relation of the proposed subdivision to the adjacent
35 properties and to the general surrounding area.
36 c. Name and address of the proposed subdivision.
37 d. Name and address of person or firm preparing the map.
38 e. Total acreage of the subdivision and each proposed lot with lots
39 numbered and identified.
40 f. Sufficient data acceptable to the DRB to determine readily the
41 location, bearing, and length of every road line, easement/right-of-
42 way, lot line, building envelope, boundary line and to reproduce
43 these lines on the ground.
44 g. The plat need not be stamped for final review, but shall be stamped

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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.. Copies of any other proposed deeds, agreements, or other documents showing the manner in which 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.
 - e. Any other documents required by the DRB as a result of sketch plan approval.
 5. All proposed subdivisions that are accessed by a state highway or Class 1 road must receive a state access permit prior to final plat approval. All proposed subdivisions accessed by a town highway must receive approval of the Cambridge Road Foreman prior to final plat approval.
- (C) Public Hearing: Within sixty (60) days of receiving a complete application for final plat approval, the DRB shall hold a public hearing.
1. Public notice for any hearing shall be given not less than fifteen (15) days prior to the date of the public hearing and shall include the date, place, and purpose of such hearing. Public notice shall be: [§4464]
 - a. Mailed to the appellant;
 - b. Published in a newspaper of general circulation in the Town;
 - c. Posted in three or more public places within the municipality including:

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Soils, Fire Hydrants, Fire Ponds, & Dry Hydrants, and Planned Unit Developments.

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

(E) Conditions of Approval:

1. Master Plan Review: As part of the final plat review, the DRB may require a description of the potential build-out of the entire parcel and adjacent parcels even if the application only includes a portion of the parcel(s).
 - a. When required, the Master Plan build-out shall include an indication of proposed roads, driveways or roads, the future probable lot lines and building envelopes of the remaining portion of the tract, and a description of the probable uses. The build-out may be drawn in a sketch plan format. The DRB may require that the build-out be submitted as part of an extended sketch plan review, or as a part of the final plat approval.
 - b. Requirements for Master Plan review are intended to ensure the orderly development of the Town and will be required when the DRB determines that the development currently under review may have an impact on the future developability of the remaining parcel or adjacent parcels. It may also be required when the DRB determines that the future build-out of the applicant's holdings, combined with the current proposal, may have a significant impact on the Town of Cambridge.
 - c. Approval of an applicant's current application does not constitute approval of the Master Plan build-out.
2. Completion requirement or Performance bonding: All improvements, including private roads and other infrastructure, shall be installed in accordance with the approved plans and the standards of these regulations. Failure to install any improvement in accordance with the approved plans and the standards of these regulations shall be considered a violation enforceable under these regulations. The applicant shall allow inspection of improvements by the Administrative Officer, Cambridge Highway Forman, and other agents of the Town or Village of Cambridge as necessary to ensure compliance with this requirement.

1 For any subdivision which requires the construction of private roads or other public
2 improvements by the applicant, the DRB may require that no lot be transferred or
3 sold unless the roads and other public infrastructure are satisfactorily installed in
4 accordance with the approved decision and pertinent bylaws. [§4464(b)(4)]
5

6 In lieu of completion of the required public improvements, the DRB may require
7 from the subdivider for the benefit of the municipality a performance bond issued
8 either by a bonding or surety company approved by the Selectboard or by the owner
9 with security acceptable to the Selectboard in an amount sufficient to cover the full
10 cost of those new roads and required improvements on or in those roads and their
11 maintenance for a period of two (2) years after the completion as is estimated by the
12 DRB or such municipal department or officials as the DRB designates. This bond or
13 other security shall provide for, and secure to the public, the completion of any
14 improvements that may be required within the period fixed for that completion and
15 for the maintenance of those improvements for a period of two (2) years after
16 completion. [§4464(b)(4)]
17

18 The form, content, amount, and manner of execution of such bond or surety shall be
19 to the satisfaction of the Selectboard. The term of such bond or surety may be fixed
20 for a maximum of three (3) years, within which time period said improvements
21 must be completed. The term of such bond or surety may, with mutual consent of
22 the DRB and applicant, be extended for an additional period not to exceed three (3)
23 years. [§4464(b)(2), §§4464(b)(4 - 6)]
24

25 2. Phasing: At the time the DRB grants plat approval, it may require the plat to be
26 divided into two or more phases to be developed at separate times. The DRB may
27 impose specific conditions for the sale or transfer of lots to ensure the orderly
28 development of the plat and coordination with the planned and orderly growth of the
29 Town as reflected in the Town Plan and any capital budget and program in effect.
30 [§4422]
31

32 3. The DRB may impose other conditions of approval as necessary to protect the
33 public safety and welfare and to ensure compliance with the Town Plan, these
34 regulations, and other bylaws and ordinances in effect [§4464(b)(2)].
35

36 (F) Decision: The DRB shall approve or disapprove such plat within forty-five (45) days after
37 the completion of the public hearing, or any continuation of the hearing. If the DRB fails to
38 act within forty-five (45) days the subdivision plat shall be deemed approved [§4464(b)(1)].
39 All decisions shall be sent by certified mail within the time period to the applicant. Copies
40 of the decision shall also be mailed to every person appearing and having been heard at the
41 hearing [§4464(b)(3)].
42

43 1. Contingent approval: The approval of any subdivision requiring a State Subdivision
44 Permit, an Act 250 Permit, a Public Building Permit, or any other state, federal, or

1 local permits noted by the DRB shall be classified as Contingent Approval. Such
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 after all other necessary permits have
6 been received. The Administrative Officer shall review for
7 acceptance any changes that have been made by other permitting
8 authorities and/or by the subdivider to conform to other permit
9 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 2.07(C) 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 3.07(C), to
16 review the proposed changes. If the DRB deems all changes to be in
17 conformance with these bylaws, the subdivision shall be given Final
18 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.

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

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

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applicant to apply for an amendment to the subdivision approval for
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 road, easement, utility,
park, recreation area, or other open space shown on the final plat. Such acceptance may be
accomplished only by a formal resolution of the Selectboard in accordance with state
statutes. Each approval shall contain a time limit within which all improvements shall be
completed, not to exceed three (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.**

(J) Inspection of Improvements: Prior to the sale of any lot, all shared driveways, private roads
and other infrastructure shall be inspected by the Administrative Office and Cambridge
Town Highway Forman to ensure they are installed in accordance with the approved plans,
unless improvements are deferred under Section 4.03(E). The subdivider's engineer shall
be present for the inspection. Final inspection shall be conducted no more than one year
following completion of the project construction. Upon completion of a successful
inspection, the Administrative Officer shall record and file a certificate of completion in
accordance with Section 2.07(D). This provision shall not apply to wastewater, water, and
stormwater systems under the jurisdiction of the State of Vermont.

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

1 or to address plat requirements which are not requisite in the interest of the public health,
2 safety, and general welfare or because of inadequacy or lack of connecting facilities
3 adjacent or in proximity to the subdivision.
4

5 (C) Application: The Town of Cambridge treats waivers as appeals; therefore, a notice of appeal
6 for a waiver shall be filed with the clerk of the DRB prior to, or concurrent with the
7 submission of the respective subdivision plat, in writing and shall include:
8

- 9 1. The name and address of the appellant.
- 10 2. A brief description of the property with respect to which the waiver is requested.
- 11 3. A reference to applicable regulation provisions for which relief is requested.
- 12 4. The nature of the relief requested by the appellant.
- 13 5. The alleged grounds why such relief is believed proper under the circumstances (i.e.
14 how the proposal meets all requirements of this section).
15
16
17
18
19

20 (D) Public hearing: A public hearing shall be held by the DRB at the earliest available hearing
21 of the DRB. A hearing for an appeal for a waiver shall be held concurrently with plat
22 approval, provided the waiver appears in the purpose of the hearing as warned.
23 [§4464(a)(2)]
24

- 25 1. Public notice for any hearing shall be given not less than seven (7) days prior to the
26 date of the public hearing and shall include the date, place, and purpose of such
27 hearing. Public notice shall be: [§4464(a)(2)]
 - 28 a. Mailed to the appellant;
 - 29 b. Posted in three or more public places within the municipality
30 including:
 - 31 i. The Town Clerk's Office; and
 - 32 ii. Within view from the public right of way most nearly
33 adjacent to the property for which the application is
34 made.
 - 35 c. Written notification of such notice to the applicant and to the owners
36 of all properties adjoining the property subject to development,
37 without regard to the public right of way. The notification shall
38 include a description of the proposed project and shall be
39 accompanied by information that clearly informs the recipient where
40 additional information may be obtained and that participation in the
41 local proceedings is a prerequisite to the right to take any subsequent
42 appeal.
 - 43 d. If any portion of the parcel lies within 500 feet of a municipal
44 boundary, a copy shall be sent to the clerk of the adjacent

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municipality. [§4463(a)]

2. The Administrative Officer is responsible for notifying adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service. The appellant is required to bear the cost of the public warning and a fee (as established by the Selectboard) to cover the administrative costs of the Administrative Officer. [§4464(a)(3)]
3. All hearings of a review for waivers are open to the public. In any hearing, there 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. 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 :
 - a. not requisite in the interest of the public health, safety, and general welfare; **or**
 - b. inappropriate due to extraordinary and unnecessary hardship that would result from the strict compliance of these regulations; **or**
 - c. 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)].

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- (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. 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 Environmental Court, no such approval shall take effect until adjudication of that appeal. [§4449(a)(3)]

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

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

2
3
4 **SUBSECTION 4-A. SUBDIVISION PLAT REVIEW CRITERIA**

5
6 **4.01 Dimensional Requirements**

7
8 (A) No lot shall be created that does not meet the minimum area, dimensional, and frontage
9 requirements of the district in which it is located unless approved as a part of a Planned Unit
10 Development (PUD).

11
12 1. Area. No new lot created shall have an area less than one (1) acre.

13
14 2. Frontage. All new lots created shall have a frontage on a public or private road.
15 Minimum frontage shall be 100 feet, except within Cambridge Village. Within
16 Cambridge Village, minimum frontage shall be 75 feet. An easement or permanent
17 right of way is not a substitute for frontage. Existing landlocked parcels, therefore,
18 cannot be subdivided without approval and construction of a private road (an
19 approved easement is insufficient to permit subdivision). Access to existing shall
20 be governed in accordance with the following:

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

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

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

- 32 i. The right of way is at least fifty (50) feet wide;
- 33 ii. Meets all standards for access (section 4.02) and does
34 not have any characteristics which would prevent the
35 construction of a private road (section 4.07) or a
36 driveway;
- 37 iii. Each new lot meets the frontage requirement on the
38 private road.

39
40 3. Shape. Regular shape lots are required under these regulations. Regular shape lots
41 are defined as follows:

42 a. Side lot lines perpendicular (90%) to front lot lines for the depth of
43 the lot with variations from perpendicular lot lines of up to 20%; and
44

- 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. 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, or 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.

4. New or adjusted lot lines cannot cause an existing lot to become a non-complying lot. If the lot was already non-complying, then the new or adjusted lot line cannot increase the degree of non-compliance. . 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.
5. 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 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 road.
- (B) Coordination with other local and state permits. The DRB, Selectboard, and VTrans have separate authorities in approving accesses.

- 1
- 2 1. Through these subdivision regulations, the DRB has all authority over accesses onto
- 3 private roads.
- 4
- 5 2. The Selectboard has all authority over accesses onto local highways. In some
- 6 instances, this authority may be delegated to the Road Foreman.
- 7
- 8 3. VTrans requires a state highway access permit prior to any subdivision of land
- 9 abutting a state highway. VTrans has full authority over these accesses, although the
- 10 DRB will provide comment and recommendations to VTrans.
- 11

12 (C) Layout and design standards. No lot shall be created which does not have legal access onto

- 13 a public highway or private road.
- 14
- 15 1. Any proposed parcel on a private road must have an access location and design that
- 16 meets the access requirements contained within the *Town of Cambridge Highway*
- 17 *Standards Ordinance*.
- 18
- 19 2. Any proposed parcel on a local highway must receive an access permit from the
- 20 Road Foreman prior to approval of the subdivision.
- 21
- 22 3. Any proposed parcel on a state highway must receive a state highway access permit
- 23 from VTrans prior to approval of the subdivision.
- 24

25 **4.03 Usable lot requirement**

- 26
- 27 (A) Purpose: The purpose of this provision is to ensure that lots that are created are usable. The
- 28 review and approval in this provision is no guarantee of approval of any other applicable
- 29 State or local permit. The property owner gains no vested right to develop the lot based on
- 30 the subdivision approval.
- 31
- 32 (B) New lots must have some potential use. The DRB will not allow the creation of an unusable
- 33 lot. New lots proposed for any purpose other than agriculture, forestry, recreation, or
- 34 conservation, shall demonstrate a location for wastewater disposal (sewer hookup or on-
- 35 site), water supply, other utilities, and a building envelope where any structure could be
- 36 located that meets all slope, setback, and buffer requirements.. The location of any well or
- 37 onsite wastewater system, including all requisite isolation distances, shall be depicted on the
- 38 final plat.
- 39
- 40 (C) All lots shall have designated building envelopes that shall not include areas within any
- 41 applicable setbacks, Class I or II wetlands, or any other area that may not be developed in
- 42 accordance with these bylaws. The location and configuration of a building envelope may
- 43 also be modified in order to meet the requirements for protection of agricultural land found
- 44 in Section 4.13 The building envelope does not vest any rights to construct within that area.

- 1
2 (D) The DRB may require an applicant to obtain applicable State permits before approving a
3 subdivision and/or condition recording of the final mylar on obtaining such permits.
4
5 (E) If a new lot is intended for agricultural, forestry, or conservation purposes, or is greater than
6 ten (10) acres in size and will not be developed at the time of subdivision approval, the
7 DRB may defer requirements of these regulations. Language indicating the deferral status
8 for any such lot shall appear on the final plat and in any transfer deed. This language shall
9 also contain a statement indicated that by accepting a deferral, the applicant understands that
10 the lot may not be able to meet all standards required for development. An amendment to
11 the Subdivision approval shall be required before any development or other use of the
12 property may occur.
13
14 (F) Where a parcel in a subdivision is not intended for future development (e.g. sale to a land
15 trust for conservation purposes) the subdivision may be permitted provided the plat clearly
16 reflects the lot is for conservation purposes only. The DRB may require the sale of
17 development rights to a conservation organization for such a lot as a condition of approval.
18

19 **4.04 Water systems**
20

- 21 (A) Municipal Systems. For subdivisions utilizing any public water supply system, the
22 subdivider shall provide evidence that the existing system will adequately meet the needed
23 demand, or if the system will not meet the demand, the subdivider will provide a plan for
24 upgrading the system to meet the expected demand and provide a bond or security (to the
25 satisfaction of the Selectboard or Trustees) to cover all or part of the costs of the necessary
26 improvements. The applicant must also be able to demonstrate the ability to obtain all
27 permits necessary to extend utilities, if necessary.
28
29 (B) Community Systems. Community water systems shall be designed and installed in
30 accordance with all applicable municipal and state regulations and standards. Community
31 systems may be required to be designed in such a way that they may eventually be
32 connected to a municipal water supply system. Articles of Association or similar
33 arrangements are required to address long-term care and maintenance of these systems by
34 the users.
35
36 (C) Individual Water Supplies. If the proposed development is to be serviced by individual
37 wells, the applicant shall provide evidence of the location of all proposed wells and
38 evidence that these locations will meet applicable State regulations.
39
40 (D) Standards. Proposed well site(s) must be identified on plat, including any associated well
41 shield. All well(s) must meet *water supply-well shields and isolation distances* as
42 established by the Vermont Water Supply Rules, as most recently amended. The issuance
43 of a wastewater and potable water supply permit by the Vermont Department of
44 Environmental Conservation assumes conformance with these rules.

1
2 1. To the greatest extent feasible, water supply well shields serving new lots within a
3 subdivision shall be located entirely on property belonging to the applicant, or where a
4 portion of the well shield crosses onto a neighboring property, within an easement granted
5 to the applicant for this purpose.
6

7 2. Where it is not feasible to locate the entire water supply well shield on property
8 belonging to the applicant or within an easement granted to the applicant, minor portions of
9 the well shield may cross neighboring property lines. Prior to allowing portions of the well
10 shield to cross neighboring property lines without an easement, the DRB shall require the
11 applicant to redesign the subdivision to minimize the impact of the well shield on
12 neighboring properties. Inconvenience, increased costs, and/or loss of the applicant's future
13 development potential are not acceptable reasons to locate a well shield on neighboring
14 property.
15

16 (E) State permits. State water supply permits shall be obtained prior to recording the approved
17 final plat in the Land Records, unless deferred in accordance with Section 4.03(E) above.
18
19

20 **4.05 Wastewater Disposal**

21

22 (A) Municipal Systems. For subdivisions that will connect to a municipal sewage disposal
23 system, applications for extensions and hookups shall be approved by the officers and
24 agents of the Selectboard entrusted with the care and superintendence of the municipal
25 sewage disposal system. Applicant must also be able to demonstrate the ability to obtain all
26 permits necessary to extend utilities, if necessary.
27

28 (B) Community Systems. Community wastewater disposal systems shall be designed and
29 installed in accordance with all applicable municipal and state regulations and standards.
30 Community wastewater disposal systems may be required to be designed in such a way that
31 they may eventually be connected to a municipal wastewater disposal system. Articles of
32 Association or similar arrangements are required to address long-term care and maintenance
33 of these systems by the users.
34

35 (C) Individual Septic Systems. Individual septic systems shall meet the requirements of all
36 applicable state regulations and standards.
37

38 (D) Standards. Identification of sites for wastewater treatment and any backup sites shall be
39 shown on the plat. Where a new parcel is proposed for a use not requiring a wastewater
40 permit, the plat shall clearly identify the parcel as not having an approved wastewater site.
41 The proposed individual disposal system, including the size of septic tanks and leach fields
42 or other secondary treatment device, shall conform with the Vermont Environmental
43 Protection Rules, meet all applicable isolation distances, and be approved by the Vermont
44 Department of Environmental Conservation. The issuance of a wastewater and potable

1 water supply permit by the Vermont Department of Environmental Conservation assumes
2 conformance with these rules.

- 3
4 (E) State Permits. State wastewater permits shall be obtained prior to recording the approved
5 final plat in the Land Records, unless deferred in accordance with Section 4.03(E) above
6

7 **4.06 Utilities**

- 8
9 (A) Locations: All proposed utilities, including but not limited to electric, telephone, and cable
10 television, and associated rights of way shall be shown on the final plat and shall be located
11 as follows:

- 12
13 1. The subdivider shall coordinate subdivision design with utility companies to insure
14 adequate and suitable areas for under and above ground installation for both the
15 proposed subdivision and areas adjacent to the subdivision.
16
17 2. Utility corridors shall be shared with other utility and or transportation corridors
18 where feasible and shall be located to minimize site disturbance, the fragmentation
19 of agricultural, forest, and conservation lands, and any adverse impacts to natural,
20 cultural, or scenic resources, and to public health.
21

- 22 (B) Utility easements: Utility easements of sufficient width shall be provided so as to serve both
23 the proposed subdivision and existing and anticipated development outside the subdivision.
24 Such easements shall be shown on the final plat.
25

- 26 (C) Burying utilities. All utilities within a subdivision shall be located underground, unless the
27 DRB determines that burial would result in an undue adverse impact on natural resources
28 (for example, require disruption of a wetland or stream bed) or would be prohibitively
29 expensive (increase the cost of installation by thirty percent [30%] or more.)
30

- 31 (D) Coordination with Selectboard. In accordance with 19 V.S.A. § 1111, where a subdivision
32 will require the construction of utilities within the right of way of a public highway,
33 approval of the Selectboard is required prior to final plat approval.
34

35 **4.07 Driveway & Private Road Design and Layout**

- 36
37 (A) Applicability of road location and design. The standards enforced herein shall apply to all
38 proposed roads driveways. All new roads are considered private for purposes of subdivision
39 regulations. Acceptance of private roads by the municipality is subject to the approval of the
40 Selectboard, and applications can only be made following the completion of construction.
41 Location and design of roads to these standards in no way ensures acceptance by the
42 Selectboard. In some cases, the standards outlined below are less stringent than the
43 standards found in the *Town of Cambridge Highway Standards Ordinance*. By utilizing
44 these less stringent standards, the applicant waives any future right to petition the Town of

1 Cambridge to accept the private road as a Town Highway.

2
3 (B) Driveway and Road Design. All driveways and roads proposed and constructed under these
4 regulations shall be designed in accordance with the *Town of Cambridge Highway*
5 *Standards Ordinance*, unless otherwise specified below.

6
7 1. Driveways serving a single residential parcel, or a non-residential parcel generating
8 no more than ten (10) average trips per day, shall be designed and constructed in
9 accordance with the following standards:

- 10 (a) Right-of-Way. The minimum right-of-way for a driveway shall be thirty
11 (30) feet.
- 12 (b) Width. Driveway widths shall be between twenty-five (25) and thirty-five
13 (35) feet measured at the intersection with edge of the travel portion of the
14 town highway or private road. The travel portion of the driveway may
15 narrow to twelve (12) feet at the edge of the town highway or private road
16 right-of-way.
- 17 (c) Base. All driveways shall be constructed on a subbase capable of supporting
18 a 40,000 lbs, two axle vehicle.
- 19 (d) Grade. The maximum grade of a driveway shall not exceed ten (10) percent
20 at any point, and the average grade of a driveway shall not exceed eight (8)
21 percent. Any contiguous length of a driveway with grade in excess of eight
22 (8) percent shall not exceed one hundred (100) feet. Driveway entrances
23 shall be constructed with no more than three (3) percent grade away from the
24 public highway for a distance of at least twenty (20) feet.

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

- 29 (a) Right-of-Way. The minimum right-of-way for a shared driveway shall be
30 thirty (30) feet.
- 31 (b) Width. Shared driveway widths shall be between twenty-five (25) and thirty
32 five (35) feet measured at the intersection with edge of the travel portion of
33 the town highway or private road. The travel portion of the shared
34 driveway may narrow to fourteen (14) feet at the edge of the town highway
35 or private road right-of-way.
- 36 (c) Base. All shared driveways shall be constructed on a subbase capable of
37 supporting a 40,000 lbs two axle vehicle
- 38 (d) Grade. The maximum grade of a shared driveway shall not exceed ten (10)
39 percent at any point, and the average grade of a shared driveway shall not
40 exceed eight (8) percent. Any contiguous length of a shared driveway with
41 grade in excess of eight (8) percent shall not exceed one hundred (100) feet.
42 Shared driveway entrances shall be constructed with no more than three (3)
43 percent grade away from the public highway for a distance of at least twenty
44 (20) feet.

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:

- (a) Right-of-Way. The minimum right of way for a private road shall be fifty (50) feet. Wider rights-of-way may be required as prescribed by the *Town of Cambridge Highway Standards Ordinance*.
- (b) Travel Lane Width. The minimum travel lane width on a private road shall be determined according to the table below. Note wider widths may be required on private roads expected to experience heavy truck traffic.

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

- (c) Shoulder Width. Shoulders shall be a minimum of two feet in width on a side and shall be a minimum of four feet at guardrail and curb sites. Shoulders may be wider to accommodate either bicycle use or on-street parking, as prescribed by the *Town of Cambridge Highway Standards Ordinance*.
- (d) Base. The subgrade and base of all private roads, including required shoulders, shall be constructed in accordance with the *Town of Cambridge Highway Standards Ordinance*.
- (d) Grade. The maximum grade of a private road shall not exceed ten (10) percent at any point, and the average grade of a private road shall not exceed eight (8) percent. Any contiguous length of a private road with grade in excess of eight (8) percent shall not exceed one hundred (100) feet. Private road entrances shall be constructed with no more than three (3) percent grade away from the public highway for a distance of at least twenty (20) feet.

4. Modification of maximum grade. The DRB may allow limited stretches of grade in excess of the ten (10) percent maximum outlined above where there is no practical alternative, and/or alternatives would result in an undue adverse impact on natural resources (for example, require excessive clearing or cut-and-fill) In allowing a grade that exceeds ten (10) percent grade, the DRB shall require the following:

- (a) Measures to ensure access for emergency vehicles. Such measures shall be developed in consultation with the Cambridge Fire Department, Cambridge Rescue Squad, and other emergency response entities. Such measures may include, but are not limited to, construction of turnouts and pull-off areas, installation of fire ponds and dry hydrants in accordance with Section 4.14,

1 and/or similar measures.

2
3 (b) Measures to reduce erosion. Such measures shall be designed by a licensed
4 professional engineer. Measures to reduce erosion may include, but are not
5 limited to, use of stone lined ditches and check dams, gabion walls or timber
6 cribs at areas perpendicular to the slope, paving of the travel surface,
7 vegetative buffers along surface water bodies within one-hundred (100) feet
8 of the proposed steep grade, and/or similar measures.
9

10 (C) Coordination with adjoining properties. The arrangement of roads in the subdivision shall
11 provide for the coordination of roads of adjoining subdivisions and for proper projection of
12 roads through adjoining properties which are not yet subdivided, in order to make possible
13 necessary fire protection, movement of traffic, and construction or extension of needed
14 utilities and public services, presently or when later required. -. The DRB may require the
15 set aside of rights-of-way for future development on the lot or adjoining properties. Where,
16 in the opinion of the DRB, topographic or other conditions make such continuance
17 undesirable, or impracticable, the above conditions may be modified. The DRB may also
18 require improvements to existing private roads serving the proposed subdivision in order to
19 meet the Standards outlined in Section 4.07(B) above.
20

21 (D) Upgrade to Existing Roads. Where an existing road is inadequate or unsafe, the DRB, in
22 consultation with the Selectboard, may require the subdivider to upgrade the road to the
23 extent necessary to serve emergency vehicles and additional traffic resulting from the
24 subdivision and to conform to the Town's highway standards. In situations where a
25 development may require realignment, widening, or otherwise increasing the capacity of an
26 existing road or where the municipal plan or capital program indicates that such
27 improvements may be required in the future, the subdivider may be required to reserve land
28 for such improvements. Any existing road that provides either frontage to new lots or access
29 to new roads shall also meet these requirements. Where a subdivision requires expenditure
30 by the municipality to improve existing roads to conform to these standards, the DRB may
31 disapprove such subdivision until the Selectboard certifies that funds for the improvements
32 have been ensured; or the subdivider may be required to contribute to any or all of the
33 expenses involved with road improvements necessitated by the project.
34

35 (E) Coordination with E911: The Cambridge Town Listers, or other body designated as the
36 Town E911 Coordinator, shall receive notification any new driveway, shared driveway or
37 private Road in order to assign an E911 Address.
38

39 (F) Road Names & Signs. Roads and shared driveways shall be named in accordance with any
40 municipal road-naming ordinance or policy currently in effect. Said names shall be
41 identified on signs designed and located in accordance with municipal policy and shall be
42 clearly depicted on the final plat.
43

44 (F) Maintenance. All costs associated with administering and maintaining shared driveways

Subdivision Regulations for the Town and Village of Cambridge (2015)
1 and private roads shall be the responsibility of applicant and/or subsequent landowners.
2 Management agreements for all shared driveways and private roads shall be submitted to
3 the DRB for review as part of the application for final plat approval. Management
4 agreements shall comply with all applicable State and Federal law.
5

6 **4.08 Curbs, Sidewalks, & Pedestrian Access**

- 7
8 (A) Curbs, sidewalks, and pedestrian access are not required in any subdivision. Where these
9 amenities are proposed, the amenity must meet Town standards, if applicable, as established
10 by the Selectboard.
11

12 **4.09 Storm-water Management Facilities**

- 13
14 (A) Municipal Systems. For subdivisions utilizing any public storm-water management facility,
15 the subdivider shall provide evidence that the existing system will adequately meet the
16 needed demand, or if the system will not meet the demand, the subdivider will provide a
17 plan for upgrading the system to meet the expected demand and provide a bond or security
18 (to the satisfaction of the Selectboard or Trustees) to cover all or part of the costs of the
19 necessary improvements. Applicant must also be able to demonstrate the ability to obtain all
20 permits necessary to extend utilities, if necessary.
21

- 22 (B) Community Systems. Storm-water management facilities shall be designed and installed in
23 accordance with all applicable state regulations and standards. Community storm-water
24 systems may be required to be designed in such a way that they may eventually be
25 connected to a municipal storm-water system. Articles of Association or similar
26 arrangements are required to address long-term care and maintenance of these systems by
27 the users.
28

- 29 (C) Standards. All stormwater management facilities shall be designed and constructed in
30 accordance with the most recent standards for such facilities adopted by the State of
31 Vermont. Applicants are encouraged to incorporate Low Impact Development techniques
32 and practices into the stormwater management system and/or to utilize the Voluntary
33 Stormwater Management Credits provided for in the most recent version of the Vermont
34 Stormwater Management Manual
35

- 36 (D) State Permits. If the subdivision will create more than 1.0 acres of new impervious
37 surfaces, or otherwise require a state stormwater permit, the applicant shall obtain this
38 permit prior to recording the approved final plat in the Land Records.
39

40 **4.10 Street & Sidewalk Lighting**

- 41
42 (A) Street and sidewalk lighting are not required in any subdivision. Where these amenities are
43 proposed, the amenity must meet the standards of this Section and any exterior other
44 lighting standards established by the Town of Cambridge Lighting within Cambridge

Village must also meet any lighting standards established by the Village of Cambridge. .

- (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 LED fixtures, is strongly encouraged.

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, 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.

4.12 Common Land

- (A) Applicability. Common land is any area within a subdivision owned in common among the members of the subdivision. Common land may be set aside for the placement and maintenance of community facilities including, but not limited to, recreation areas, wastewater treatment sites, pedestrian walkways, parking lots, and private roads.
- (B) Common land requirements. All common land shall meet the following requirements:
 - 1. The location, shape, and character of the common land shall be suitable for its intended use.
 - 2. Land held in common shall be subject to appropriate deed restrictions, stipulating the permitted and restricted use of such lot and establishing the person or entity responsible for maintenance and long-term stewardship.
 - 3. Common land is generally managed and maintained through Articles of Association, or similar arrangements, among the members of the subdivision. For those not within an Association, such provisions shall be made for the regulation

1 and management of any common land. The use and further subdivision of land are
2 regulated by, but not limited to, these bylaws, the associated subdivision plat, and
3 any restrictions placed upon the title of the land.

4 a. All costs associated with administering and maintaining common land shall
5 be the responsibility of applicant and/or subsequent landowners.
6

7 (C) Articles of Association. Articles of Association and related arrangements are contracts
8 within the members of the Association; They are not a substitute for, nor do they supercede,
9 these subdivision regulations. Where changes are sought to any common land or condition,
10 the proposal must receive Association approval and DRB approval for such change. Where
11 appropriate, these Associations must abide by the conditions established in the permit
12 although neither the Town of Cambridge nor the Administrative Officer is responsible for
13 mediating disputes within the Association.
14

15 (D) Legal review. The DRB reserves the right to have any Articles of Association or similar
16 arrangement reviewed by an attorney to ensure basic standards are met:
17

- 18 1. Proper establishment of association;
- 19
- 20 2. Long-term care and maintenance of common land, including costs, are addressed;
- 21
- 22 3. Protection of the municipality in the event of legal challenges.
23

24 **4.13 Protection of Agricultural Soils**

25

26 (A) Where a subdivision includes twenty-five (25) acres or more of prime or statewide
27 agricultural soils, the applicant must create subdivision boundaries and/or building
28 envelopes configured to avoid adverse impacts on prime and statewide agricultural soils.
29 Methods for avoiding such adverse impacts include, but may not be limited to, the
30 following:
31

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

- 1
2 4. Contiguous patches of agricultural resources identified above should not be
3 fragmented. The parcel with the contiguous patch should, wherever possible, remain
4 in a parcel of not less than twenty-five (25) acres.
5
6 5. Vegetated buffer areas may be required between agricultural and other uses to
7 minimize land use conflicts.
8
9 6. Access roads, driveways, and utility corridors should be shared to the extent feasible
10 and, where sites include linear features such as existing roads, tree lines, stonewalls,
11 and/or fence lines, should follow such features to minimize the fragmentation of
12 agricultural soils.
13
14 (B) Where a project is required to meet the provisions established under subsection (A) above
15 but the project is subject to review under Act 250, the project shall be presumed to meet this
16 section.
17
18 (C) It is not the intent of these provisions to reduce the overall level of development but to
19 require clustering (through the use of PUDs) or other design tools to limit or reduce the
20 impact of the development on the soil resources. As a result, some projects may be built on
21 agricultural soils where other soils are not available or reasonably located for clustering.
22

23 **4.14 Fire Hydrants, Fire Ponds & Hydrants**

- 24
25 (A) Purpose: The purpose of this provision is to ensure that new subdivisions have an adequate
26 supply of water for fire protection.
27
28 (B) Applicability: Where a subdivision is greater than one (1) mile from an existing dry
29 hydrant or other water source or results in the creation of ten (10) or more new lots or
30 dwelling units, or where the DRB otherwise determines that water sources are inadequate
31 for firefighting, the Development Review Board may require the developer to install or fund
32 the installation of a dry hydrant and/or fire pond.
33
34 (C) Standards: Dry hydrants and/or fire ponds required under this section shall be installed by
35 the subdivider. All dry hydrants and fire ponds must be installed to the specifications of the
36 Cambridge Fire Department. Fire ponds and dry hydrants shall be accessible for use in
37 emergencies on other nearby properties. No fire ponds may be developed on lands
38 designated as a wetland by the State or National Wetland Inventory, unless approved by the
39 Army Corps of Engineers and the Vermont Agency of Natural Resources.
40
41 (D) Maintenance. All costs associated with administering and maintaining the dry hydrant and
42 or fire pond shall be the sole responsibility of applicant and/or subsequent landowners.
43

44 **4.15 Planned Unit Developments (PUD)**

1
2 (A) Applicability: No subdivision plat shall be approved for a PUD without meeting the
3 provisions of this section and all other applicable requirements within these bylaws
4

- 5 1. Cambridge recognizes that PUDs may be created through a variety of means. In
6 order to encourage the use of the PUDs, the Town has established flexible rules to
7 guide the process. These rules recognize two general types of PUDs- clustered lot
8 and condominium style (common interest ownership) PUDs. Where the rules differ
9 between these two types of PUD's specific guidance will be provided.
10

11 (B) Purpose: Planned Unit Developments (PUDs) are permitted in order to provide for
12 flexibility in site and lot layout, building design, placement and clustering of buildings, and
13 use of open areas; to promote efficient use of land; to facilitate the efficient and economical
14 provision of roads and utilities; and to conserve the natural resources and scenic qualities of
15 the Town. Accordingly, the DRB may modify the area and dimensional requirements of
16 these regulations simultaneously with conditional use approval and site plan approval. Such
17 modifications shall be subject to the general and specific conditions and standards in this
18 section and in the district regulations, where applicable. [§4417]
19

20 (C) Application Procedure: In addition to material presented for subdivision plat approval, if
21 appropriate, the applicant shall submit two (2) copies of the following information to the
22 DRB:
23

- 24 1. A statement setting forth the nature of all proposed modifications of this bylaw and
25 the proposed standards and criteria which the applicant proposes for the
26 development, including standards for the design, bulk, and spacing of buildings and
27 sizes of lots and open space.
28
29 2. Limits of use, if any.
30
31 3. Plans for the permanent maintenance and/or management of open space areas
32 included within the development. (See section 4.12)
33

34 (D) Regulation of lots within PUD: Condominium style PUDs (common interest ownership)
35 must have an Association that meets the standards established in Title 27A of the Vermont
36 Statutes. Clustered lot type PUDs may be part of an Association, or lots may be sold as
37 individual lots absent of an Association. All common lands shall meet the requirements of
38 Section 4.12.
39

40 (E) Review Standards – Plat Review: The following shall be met in order for the DRB to
41 approve the application:
42

- 43 1. The area of any pond, lake, stream, wetland, or floodway shall not be included as
44 any part of the area required for a PUD or as part of the base for any density

1 determination. No lot in a clustered lot type PUD shall be created which is not at
2 least one-half acre (½ acre) in size. No lot in a condominium style PUD shall be
3 created which is not at least one-eighth acre (1/8) acre (minimum frontage is not
4 required for individual lots in a PUD).
5

- 6 2. A percentage of the land should be set aside for open space. The amount and
7 location of the land so designated shall be determined on the merits, purposes, and
8 conditions of the individual proposal. Further, the DRB may establish conditions on
9 the ownership, use, and maintenance of said lands for their intended purposes.
10 a. The open space shall first protect agricultural soil resources where
11 more than ten (10) acres of contiguous agricultural soils are present.
12 Recreational, environmental, and other common lands for
13 community facilities shall be secondary where agricultural soil is
14 present.
15
- 16 3. The development shall be an effective and unified treatment of the project site, and
17 it should provide for preservation of streams, stream banks, visual and physical
18 access to the Lamoille River, slopes greater than twenty-five (25%), wetlands,
19 agricultural soils, historic sites, natural areas, wildlife habitat, floodplain, and views.
20
- 21 4. The minimum project size for any PUD shall be five (5) acres.
22
- 23 5. The PUD shall meet all other requirements of these regulations unless otherwise
24 exempted or varied within these provisions.
25
- 26 6. The development shall be proposed over a reasonable period of time in order that
27 adequate municipal facilities and services may be provided.
28
29

30 **SUBSECTION IV-B. GENERAL LOTS/SUBDIVISION CRITERIA**
31

32 **4.20 Non-Conforming Lots/Subdivisions**
33

- 34 (A) Nonconforming lots or subdivisions means lots or subdivisions that do not conform to the
35 present bylaws but were in conformance with all applicable laws, ordinances, and
36 regulations prior to the enactment of the present bylaws, including a lot or parcel improperly
37 authorized as a result of error by the Administrative Officer. [§4303(13)]
38
- 39 (B) Any non-complying lots or subdivisions may be allowed to exist indefinitely provided:
40
- 41 1. A non-complying lot is not required to be merged by these regulations.
42
- 43 2. A non-complying lot or subdivision shall not be resubdivided or amended in a
44 manner that will increase the existing degree of non-compliance.

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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 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.

1 **Section V. Definitions**

2
3 **5.01 Definitions**

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

- 7
8 1. Acre means a parcel of land with an area, measured on a horizontal plane, of 43,560
9 square feet.
- 10
11 2. Act means the Vermont Planning and Development Act 24 V.S.A., Chapter 117.
- 12
13 3. Adjoining Landowner means any person owning land contiguous to the proposed
14 land development, including land separated by a road or road right of way.
- 15
16 4. Administrative Officer shall mean the administrative officer or the assistant
17 administrative officer appointed in accordance with the provisions of Section II(A)
18 of these bylaws.
- 19
20 5. Cut-off Angle (of a lighting fixture): The angle, measured up from the nadir (i.e.
21 straight down), between the vertical axis and the first line of sight at which the bare
22 source (the bulb or lamp) is not visible.
- 23
24 6. DRB is the abbreviation for the Town of Cambridge Development Review Board.
- 25
26 7. Driveway is a minor travel way serving no more than one (1) parcel which provides
27 vehicular access from an adjoining road to a parking space, garage, or other
28 structure.
- 29
30 8. Frontage is the length of the front lot line for a single parcel of land as measured
31 along the public right-of-way or private road that it borders.
- 32
33 9. Interested Person means anyone meeting the definition of the term as set forth in the
34 Act [§4465(b)]. The definition includes the following:
- 35 a. A person owning title to property, or a municipality or solid waste
36 management district empowered to condemn it or an interest in it,
37 affected by a bylaw, who alleges that the bylaw imposes on the
38 property unreasonable or inappropriate restrictions of present or
39 potential use under the particular circumstances of the case.
- 40 b. The Town of Cambridge or any municipality that adjoins it.
- 41 c. A person owning or occupying property in the immediate
42 neighborhood of a property that is the subject of any decision or act
43 taken under 24 VSA 4465 who can demonstrate a physical or
44 environmental impact on the person's interest under the criteria

Subdivision Regulations for the Town and Village of Cambridge (2015) 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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4 d. Any ten persons who may be any combination of voters or real
5 property owners within the Town of Cambridge who, by signed
6 petition to the DRB, the plan or a byla of which is at issue in any
7 appeal brought under this title, allege that the relief requested by a
8 person under this title, if granted, will not be in accord with the
9 policies, purposes, or terms of the plan or bylaw of the Town of
10 Cambridge. This petition to the DRB must designate one person to
11 serve as the representative of the petitioners regarding all matters
12 relating to the appeal.
- 13 e. Any department and administrative subdivision of the State owning
14 property or any interest therein within the Town of Cambridge and
15 the Agency of Commerce and Community Development.
- 16
- 17 10. Lot: A definable parcel of land in common ownership, not separated by a public
18 highway, occupied or capable of being occupied by one or more structures or uses.
19 Lot boundaries are (a) established by deed or deeds recorded in the Cambridge Land
20 Records and the records of any public highway right-of-way; or (b) shown on a plat
21 approved by the Development Review Board pursuant to these bylaws. Any parcel
22 divided by a Class I, II, or III road is considered automatically subdivided.
- 23
- 24 11. Lot, Dogleg: A lot for which access is provided by a narrow projection of the lot
25 less than feet in width, connecting said lot to a public highway.
- 26
- 27 12. Lot, Bowling Alley: A long, narrow lot, with a width to depth ratio greater than one
28 to ten (1:10).
- 29
- 30 13. Master Plan is a sketch plan describing the proposed future development of the
31 entire extent of the property owner's or developer's contiguous holdings. It is
32 generally required in situations where only a portion of a property is proposed for
33 development at any one time.
- 34
- 35 14. Private road means a travel way under private ownership serving more than three
36 adjoining parcels which provides vehicular access from an adjoining road to a
37 parcel.
- 38
- 39 15. Public Highways means any state or town highway.
- 40
- 41 16. Public water systems means any system, or combination of systems, owned or
42 controlled by a person, which provides piped drinking water to the public and
43 which:
- 44 (A) has at least fifteen (15) service connections; or

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

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