

**ARTICLE 1. AUTHORITY AND PURPOSE**

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**SECTION 1.1 ENACTMENT AND AUTHORITY**

(A) In accordance with the Vermont Municipal and Regional Planning and Development Act [24 V.S.A., Chapter 117, §4401 and §4413 through §4421], hereinafter referred to as “the Act,” as most recently amended, there are hereby established subdivision regulations for the Town of Norwich, Vermont. These regulations shall be known and cited as the “Norwich Subdivision Regulations.”

(B) It is the policy of the Town of Norwich to regulate all subdivision of land, and subsequent development of the subdivided plat, in accordance with these regulations, to ensure the orderly planned, efficient and economical development of the Town. No subdivision of land shall be made and no land in any proposed subdivision shall be sold, transferred or leased until a final plat prepared in accordance with these regulations has been approved by the Development Review Board.

**SECTION 1.2 PURPOSE**

These regulations are adopted to further the following objectives:

- 1) To guide future development in accordance with the Norwich Town Plan, Norwich Zoning Regulations, capital budget and program, and all other bylaws and regulations enacted to implement the Plan, in a manner which maintains and strengthens the traditional settlement pattern of compact villages surrounded by an open, rural landscape.
- 2) To encourage development of affordable housing and promote economic diversity in Norwich.
- 3) To ensure that land to be subdivided is of such character that it can be used safely for its intended purposes.
- 4) To establish criteria for determining development capacity of land and to regulate the density and location of development in a manner that reflects traditional settlement patterns.
- 5) To protect and provide for the public health, safety, and general welfare of the Town of Norwich.
- 6) To promote conservation of energy and permit utilization of renewable energy resources.
- 7) To ensure that the rate of growth does not exceed the ability of the Town to provide public services and facilities, and that those public facilities and services are available and will have sufficient capacity to serve any proposed subdivision.
- 8) To preserve natural areas, critical habitat, scenic and historic resources and productive farmland through proper configuration of parcel boundaries and arrangement and location of development on

**Subdivision:** Division of any lot or parcel of land into two or more lots of any size, for the purpose of conveyance, transfer of ownership, improvement, building, development, or sale. The term subdivision includes resubdivision and the division of a lot or parcel held in common ownership and subsequently divided into parts among the owners. Any transfer, conveyance or sale of land held in one ownership, but already divided into lots by an existing public right-of-way, shall not be considered a subdivision for the purposes of these regulations.

parcels.

- 9) To provide the most efficient relationship between land use and circulation of traffic throughout the Town; and to avoid undue traffic congestion and overburdening of roads, highways and intersections.
- 10) To prevent pollution of air, streams and ponds; to ensure the adequacy of drainage facilities; to safeguard ground and surface waters; and to encourage wise use and management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community and value of the land.
- 11) To minimize fragmentation of productive resource lands, including farm and forest land, to ensure its continued use and availability for agriculture, forestry and wildlife habitat.
- 12) To further the purposes contained in the Act, and in particular those purposes set forth in Section 4302.

**SECTION 1.3 ADOPTION & AMENDMENT**

(A) These regulations shall take effect 21 days after being adopted by a majority of the members of the Norwich Selectboard at a meeting which is held after the final public hearing, in accordance with the procedures set forth in the Act [§4404].

(B) Amendments to these regulations shall be enacted in accordance with the provisions of the Act [§§4403, 4404].

**SECTION 1.4 SEVERABILITY**

If any provision of these regulations or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect or invalidate other provisions or applications.

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## Article 2. Subdivision Application Procedures

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### SECTION 2.1 APPLICABILITY

(A) **Subdivision Approval Required.** Whenever any subdivision of land or boundary line adjustment is proposed, the landowner or authorized agent (applicant) shall apply for and secure approval of such proposed subdivision or boundary line adjustment in accordance with the procedures set forth in these regulations prior to:

- commencing any construction, land development or land clearing (excluding forestry or agricultural activities);
- the sale or lease of any subdivided portion of a property, excluding:
  - parcels leased for agricultural purposes, where all resulting parcels are at least 5 acres in size, and no new roads are created for uses other than accepted agricultural practices; and
  - parcels leased for utilities, cell towers, or municipal use, where the lease will end when the use ceases.
- filing a subdivision plat with the Town Clerk.

### (B) Coordination with Other Regulations.

- (1) **Determination of Allowable Density.** The maximum allowable development density shall be determined for all proposed subdivisions of land located in the Rural Residential District in accordance with the standards set forth in the Norwich Zoning Regulations and the standards and procedures set forth in Section 3.2(B) of these regulations.
- (2) **Planned Unit Development Review.** Subdivision applications for Planned Unit Developments (PUDs) shall be reviewed as a subdivision under this Article. PUDs shall meet the standards set forth in the Norwich Zoning Regulations, as well as subdivision standards included in Article 3 of these regulations, unless otherwise waived by the Development Review Board.

(C) **Waiver Authority.** In accordance with the Act [§4413(b)], the Development Review Board may waive, subject to appropriate conditions: either (i) application requirements set out in Table 2.2, preliminary plat review and associated public hearing requirements; or (ii) development review standards set forth in Article III.

In the case of (i), the applicant shall identify the specific requirements for which the waiver is requested and state those that are not applicable and why they are not applicable and the basis for the requested waiver.

In the case of (ii), the applicant shall be required to establish that due to the special circumstances of a particular site, the requirements of the development review standards for which waiver is sought will create an unreasonable hardship or adversely affect valuable natural resources, rural character, or aesthetics and that granting the waiver will be consistent with the purposes of these regulations as set forth in Article 1.

The request for a waiver shall be submitted in writing by the applicant with the subdivision application, and it shall be the responsibility of the applicant to provide sufficient information to justify the waiver and to enable the Development Review Board to make the findings cited below and make a decision. The Board

may grant or deny waivers, in whole or in part. In granting waivers, the Board shall require such conditions as will in its judgment secure substantially the objectives of the provisions that are the subject of the waiver. Before granting a waiver to the development review standards set forth in Article III, the Board shall make the following findings, including the rationale for each finding:

- That the development review standards for which the waiver is sought will create an unreasonable hardship or adversely affect valuable natural resources, rural character, or aesthetics, and
- That granting the waiver will be consistent with the purposes of these regulations, and
- That, in consultation with the fire and police chiefs, granting the waiver will not adversely affect public safety, and
- That granting the waiver will not adversely affect the character of the neighborhood.

**(D) Boundary Line Adjustment Reviews.** (also known as Annexations)

(1) Boundary line adjustments shall be reviewed under the same criteria and process as a subdivision unless, after review of the boundary line adjustment plan, the Development Review Board determines that the proposed boundary line adjustment:

- a. is a minor realignment in that:
  - (1) the area of the land to be transferred is less than half of the area of the original parcel to be reduced in size, or
  - (2) both parcels are already developed.
- b. does not change substantially the nature of any previously approved subdivision;
- c. does not result in the creation of any new lots;
- d. will not impair access to any parcel;
- e. will not impact adversely any valuable natural resource or result in fragmentation of agricultural or conservation lands; and
- f. will not create a nonconforming lot or nonconforming structure, or increase the degree of nonconformity of a preexisting nonconforming lot or structure.

**Boundary Line Adjustment:** Adjustments of boundary lines in which there is a sale, conveyance or exchange of land from adjacent lots which does not increase the number of parcels of land. (Also known as an Annexation)

(2) A public hearing is not required in connection with a review of a proposed boundary line adjustment plan. If the Development Review Board, at a regular meeting, determines that the proposed boundary line adjustment meets the criteria in Section 2.1(D)(1), it shall authorize the Zoning Administrator to approve the filing with the Town of a final plat for recording in substantially the same manner as final plats for approved subdivisions under Section 2.7(E). In those instances where the Development Review Board determines that the proposed boundary line adjustment does not meet the above criteria, it may also issue, if requested by the applicant, the findings supporting the determination.

<b>Table 2.1 Norwich Subdivision Regulations Subdivision Review Process Outline</b>	
<u><b>ACTION</b></u>	<u><b>RESPONSIBLE PARTY; TIMELINE</b></u>
<b><u>Preliminary Plan Review &amp; Density Determination :</u></b>	
(1) Submission of preliminary plan	Applicant; at least 30 days prior to public hearing scheduled before Development Review Board
(2) Development Review Board hearing	Applicant: attendance required
(3) Determination of maximum allowable density pursuant to Section 3.2	Development Review Board; within 45 days of close of preliminary plan review hearing
(4) Review of compliance with criteria in Sections 3.3 to 3.10	Development Review Board; issues a Preliminary Plan Review determination within 45 days of close of preliminary plan review hearing
<b><u>Intermediate Plan Review:</u></b> Optional – May be requested by either Applicant or Board	
(1) Submission of intermediate subdivision plan including: <ul style="list-style-type: none"> <li>• any waiver requests;</li> <li>• compliance with design changes recommended in preliminary plan approval; and</li> <li>• documentation requested preliminary plan approval</li> </ul>	Applicant; within 12 months of the date of preliminary plan determination, at least 30 days prior to scheduled hearing before Development Review Board
(2) Development Review Board public hearing	Development Review Board; issues an Intermediate Plan Review determination within 45 days of close of intermediate plan review hearing
<b><u>Final Plan Review</u></b>	
(1) Submission of final subdivision plan, including: <ul style="list-style-type: none"> <li>• any waiver requests;</li> <li>• compliance with design changes set forth in preliminary or intermediate plan approval; and</li> <li>• proposed final plat and supporting documentation requested in the preliminary or intermediate plan review.</li> </ul>	Applicant; within 12 months of date of preliminary plan approval or intermediate plan review, unless waived, and at least 30 days prior to scheduled hearing before Development Review Board.
(2) Final Plan Review Decision	Development Review Board; issues a Final Plan Review Decision within 45 days of the hearing adjournment date

(3) Final plat recording in the town records	Applicant; within 120 days of date of subdivision approval. Zoning Administrator may extend date for recording by an additional 90 days, if final local or state permits or approvals are still pending.
(4) Certificate of Compliance (if required)	Zoning Administrator; upon completion of improvements.

**SECTION 2.2 PRE-APPLICATION MEETING [AVAILABLE TO ALL POTENTIAL APPLICANTS]**

(A) **Applicability.** Any person contemplating submitting an application for subdivision in accordance with these regulations is required to meet with town planning and zoning staff prior to submitting an application for subdivision approval (preliminary plan, intermediate plan or final plan) to receive guidance regarding the application and review process and the subdivision standards in effect. Any person may also meet with the Development Review Board to discuss conceptual plans, the subdivision review process, and to review the standards set forth in Article 3. The pre-application meeting is intended to be an informal, preliminary discussion. Accordingly, a person seeking a pre-application meeting will be placed on a duly posted agenda of the first available regularly scheduled Board meeting.

(B) **Information.** The applicant may present any information that he or she deems appropriate at the pre-application meeting, including site information and/or conceptual subdivision design.

(C) **Action of the Development Review Board.** The Development Review Board will not take formal action of any kind at the pre-application meeting. Board members may provide guidance as to the application and review process, and/or comment on the intent of specific planning and design standards relative to the potential subdivision of the applicant’s parcel(s). No comments made at the pre-application meeting will be binding upon any future review of a subdivision application.

(D) **Notification of Abutters.** All applicants for subdivision review are encouraged to notify abutting landowners and other potentially interested persons prior to submitting an application to ensure that legitimate concerns of neighbors are addressed early in the subdivision design process. Notification of abutters will be required as part of the formal review process.

**SECTION 2.3 PRELIMINARY PLAN REVIEW [APPLYING TO ALL APPLICATIONS FOR SUBDIVISION]**

(A) **Applicability.** All applicants for subdivision approval or boundary line adjustment review are required to submit a preliminary plan for Development Review Board review, unless total density of the proposed subdivision does not exceed one dwelling unit per every 20 acres. These applicants are encouraged to schedule a pre-application meeting in accordance with Section 2.2, and may submit an application for final plan review in accordance with Section 2.5.

(B) **Application Requirements.** The applicant shall submit to the Zoning Administrator, at least 30 days prior to a regularly scheduled Development Review Board hearing, a subdivision application and associated fee. The application shall include a proposed sketch and associated materials plan that include the information for Preliminary Plan Review and Density Determination specified in Table 2.2.

(C) **Preliminary Plan Review Hearing.** The applicant and/or an authorized representative shall attend a Preliminary Plan Review Hearing with the Development Review Board to review the subdivision

application and proposed preliminary plan. Prior to the Preliminary Plan Review Hearing, Norwich planning and zoning staff shall notify the owners of contiguous properties in accordance with Section 4.3. The Board may request any additional information as needed to act on the preliminary plan and/or density determination.

(D) **Action on Preliminary Plan.** Within 45 days of closing the Preliminary Plan Review Hearing, the Development Review Board, based on the information provided, shall issue in writing:

- 1) a preliminary determination of the maximum allowable density in accordance with the standards and procedures set forth in Section 3.2;
- 2) the granting or denial of requested waiver provisions;
- 3) a preliminary determination of whether or not the proposed subdivision plan generally conforms to applicable subdivision review standards under Article 3, and with other municipal regulations currently in effect;
- 4) recommendations for proposed changes in subsequent submissions, including any requests for additional studies or supporting documentation; and
- 5) conditions proposed to be included in the final decision.

(E) **Effect of Preliminary Plan Review Determinations.** Preliminary Plan Review Determinations shall remain in effect for 12 months from the date of approval, unless otherwise extended by the approval of a waiver request to extend the effective date by not more than an additional 12 months. Waiver requests shall be submitted by the applicant prior to the end of the initial 12-month period. Waivers may be granted at the discretion of the Board where there is evidence of an ongoing effort by the applicant to meet recommendations in the Preliminary Plan Determination or to obtain additional permits from other jurisdictions. Prior to the expiration of the 12 months or extended period, the applicant shall submit a completed application for an Intermediate Plan Review, if required by the Board or requested by the applicant or an application for a Final Plan Review. Otherwise, the Preliminary Plan Review Determination shall expire and a new Preliminary Plan Review application will be required, based on the subdivision and zoning regulations in effect at the time of the new application.

#### **SECTION 2.4 INTERMEDIATE PLAN REVIEW [Optional – May be requested by either Applicant or Board]**

(A) **Application Requirements.**

In accordance with Section 2.3(E), within 12 months of the Preliminary Plan Review Determination by the Development Review Board, the applicant may apply to the Board for Final Plan Review under Section 2.5, unless the applicant either elects, or is required by the Board in the Preliminary Plan Review Determination, to apply for an Intermediate Plan Review under Section 2.4. The information required for intermediate plan review is specified in Table 2.2.

(B) **Public Hearing.** The Development Review Board shall hold a public hearing on the intermediate plan. The hearing shall be warned in accordance with Section 4.3.

(C) **Intermediate Plan Review Determination.** Within 45 days of the date of adjournment of the public hearing, the Development Review Board shall issue an Intermediate Plan Review Determination including:

- 1) A determination of whether or not the proposed subdivision plan generally conforms to applicable subdivision review standards under Article 3, and with other municipal regulations currently in effect based on modifications to the preliminary plan;
- 2) Recommendations for proposed changes in the Final Plan Review submission, including any requests for additional studies or supporting documentation.
- 3) Granting or denial of additional requested waivers; and
- 4) Conditions proposed to be included in the final decision.

(D) **Phasing.** At the time that the Development Review Board issues an Intermediate Plan Review Determination, it may require the plat to be divided into two or more phases to ensure project conformity with the Town Plan and Capital Improvement Program currently in effect. Such conditions as the Board deems necessary to ensure the orderly development of the plat and avoid overburdening town facilities and services may be imposed upon the filing of application for final plat approval for each phase.

(E) **Effect of Intermediate Plan Review Determination** – An Intermediate Plan Review Determination shall remain in effect for 12 months from the date of approval, unless otherwise extended by the approval of a waiver request. A waiver request may be submitted to extend the effective date by not more than an additional 12 months. The waiver request must be submitted by the applicant prior to the end of the initial 12 month period. Waivers may be granted at the discretion of the Board where there is evidence of an ongoing effort by the applicant to meet recommendations in the Preliminary or Intermediate Plan Determinations or to obtain additional permits from other jurisdictions. Prior to the expiration of the 12 months (or extended period provided by waiver), the applicant shall submit a completed application for a Final Plan Review. Otherwise, the Preliminary and Intermediate Plan Review Determinations shall expire and a new Preliminary Plan Review application will be required based on the subdivision and zoning regulations in effect at the time of the new application.

## **SECTION 2.5 FINAL PLAN APPROVAL [Applying to all applications for subdivision]**

(A) **Application Requirements.** Within 12 months of the date of Preliminary Plan Determination or Intermediate Plan Determination, if applicable, the applicant shall submit an application for Final Subdivision Plan approval, including plat approval. If the applicant fails to do so, s/he will be required to resubmit a new preliminary plan for approval subject to zoning and subdivision regulations effective at the time of the new application. The application for final subdivision plan and plat approval shall include associated fees and, unless otherwise specified or waived by the Development Review Board under 2.1(D), plans and documents for final plan and plat review specified under Table 2.2.

(B) **Public Hearing.** The Board shall hold a public hearing on the final plan and associated plat, warned in accordance with Section 4.3.

(C) **Final Plan Approval.** In accordance with the Act [§4464], within 45 days of the date of the close of the public hearing, the Development Review Board shall approve, approve with conditions, or disapprove the final subdivision plan, based on a determination of whether or not the plan and associated plat conform to subdivision review standards under Article 3. Failure to act within such 45-day period may result in deemed approval of the application. Approval, conditions of approval, or grounds for disapproval and provisions for appeal under Section 4.5, shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent to the applicant by certified mail, and any other interested persons by first class mail.

(D) **Effect of Final Plan Approval.** Approval by the Development Review Board of a final subdivision plan and associated plat shall not be construed to constitute acceptance by the town of any street, 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 statute. The Development Review Board may impose a time limit for the start and completion of site improvements, such as roads, erosion control measures, and bridges that are an integral part of the subdivision approval.

**SECTION 2.6 PERFORMANCE AND MAINTENANCE BONDS**

(A) The Development Review Board may, as a condition of subdivision approval, require from the applicant a performance bond or comparable security in a form approved by the Norwich Selectboard in an amount sufficient to cover the full costs of new streets and/or other required improvements and their maintenance for a period of not more than 3 years from the date of completion. With the mutual written consent of the Development Review Board and applicant, such bond or security may be extended. If any required improvements have not been installed or maintained as provided within the term of the performance bond or other security, such bond or other security shall be forfeited to the Town. The Town shall, if necessary, install or maintain such improvements to the extent of the proceeds from such bond or other security.

**SECTION 2.7 PLAT RECORDING REQUIREMENTS [applying to all approved subdivisions]**

(A) In accordance with the Act [§4463], within 180 days of the date of receipt of final plan approval under Section 2.5(C), the applicant shall file two copies of the final subdivision plat for recording with the Town in conformance with the requirements of 27 V.S.A., Chapter 17. Approved plats not filed and recorded within this 180-day period shall expire. The Zoning Administrator may extend the date for recording by an additional 90 days, if final local or state permits or approvals are still pending.

(B) Prior to plat recording, the plat must be signed by the Development Review Board Chair or Vice-Chair. All final plats must include a notation to include the following statement:

*“The subdivision depicted on this plat was duly approved, as conditioned, by the Norwich Development Review Board in accordance with the Norwich Subdivision Regulations and all other applicable laws and regulations on the \_\_\_ day of \_\_\_\_\_ 20\_\_\_. [Subdivision Permit#\_\_\_\_\_].  
Signed: \_\_\_\_\_ [Development Review Board Chair or Vice-Chair]”*

The Board may, as a condition of final plat approval, require that other notations pertaining to conditions of subdivision approval also be included on the final plat.

(C) For any subdivision which requires the construction of roads or other public improvements by the applicant, the Board may require the applicant to post a performance bond or comparable security in accordance with Section 2.6.

(D) The municipality shall meet all recording requirements for final subdivision plan approval as specified for municipal land use permits under Section 4.6.

(E) A final plat for a Boundary Line Adjustment shall be filed for recording with the Town in conformance with the requirements of 27 V.S.A., Chapter 17. Approved plats not filed and recorded within this 180-day period shall expire. The Zoning Administrator may extend the date for recording by an additional 90 days,

if final local or state permits or approvals are still pending.

(1) Prior to plat recording for a Boundary Line Adjustment, the plat must be signed by the Development Review Board Chair or Vice-Chair. All final plats must include a notation to include the following statement:

*“The boundary line adjustment depicted on this plat was duly approved by the Norwich Development Review Board in accordance with the Norwich Subdivision Regulations and all other applicable laws and regulations on the \_\_\_ day of \_\_\_\_\_ 2\_\_\_\_. [Boundary Line Adjustment Permit#\_\_\_\_\_].  
Signed: \_\_\_\_\_ [Development Review Board Chair or Vice-Chair]”*

**SECTION 2.8 COMPLIANCE WITH SUBDIVISION APPROVAL**

(A) Prior to any development of an approved subdivision that requires issuance of a zoning permit; the applicant shall demonstrate that public and private improvements have been installed in accordance with the conditions of subdivision approval, and that all other applicable conditions have been met. In establishing conditions of subdivision approval, the Development Review Board may provide for a phased schedule of completion of improvements. The Zoning Administrator may rely on any information contained in the zoning permit application regarding the location of parcel boundaries. In the event that there is a discrepancy between the information provided by the applicant and the true facts, issuance of a zoning permit does not constitute a waiver by the Town of future enforcement authority.

(B) To assist the Zoning Administrator in determining whether public or private improvements have been met, the Development Review Board may, as a condition of subdivision approval, require the submission of “as-built drawings,” which shall indicate by dimensions, angles and distances the location of all utilities, structures, roadways, easements, landscaping and other improvements as installed. The Zoning Administrator may rely upon any information submitted as part of the applicant’s application for subdivision approval to determine whether the as-built drawings conform to the approved plat and all associated conditions. In the event of any discrepancies between the approved subdivision and the as-built drawings, the Zoning Administrator shall be entitled to initiate enforcement action pursuant to Section 4.4. The applicant may either bring the improvements into conformance or apply for an amendment to the approved plan under Section 2.9 to bring the project into conformance with the approved plan.

(C) The Development Review Board may also require, as a condition of final subdivision plan approval, that the applicant apply for a certificate of compliance to ensure that specified public or private improvements have been accomplished in accordance with the conditions of subdivision approval. When so conditioned, the issuance of a certificate of compliance is required before the applicant will be issued zoning permits for the future development so specified in the approved subdivision. For example, a certificate of compliance as to completion of a particular road or certain utilities in one section of the subdivision might be required prior to granting permits for the construction of residences in that section of the subdivision.

When a certificate of compliance is required, the applicant shall submit an application containing the information specified in (B) above and any additional information that the Zoning Administrator may reasonably require. Within 30 days of receipt of a complete application, the Zoning Administrator will inspect the subdivision to ensure that all required work has been completed in accordance with the appropriate condition(s) of subdivision approval, and act to grant or deny the certificate of compliance. If the certificate of compliance is denied by the Zoning Administrator, no zoning permits may be issued for

the future development specified. If the Zoning Administrator fails either to grant or deny the certificate of compliance within 30 days of submission of a completed application, the certificate of compliance shall be deemed issued on the 31<sup>st</sup> day.

(D) The Board may, as a condition of subdivision approval, require the applicant to fund the cost of any review or inspections performed by an appropriate professional (e.g., civil engineer) retained by the Town to determine whether improvements were installed in accordance with the subdivision approval.

**SECTION 2.9 REVISIONS TO AN APPROVED PLAT**

No changes, modifications, or other revisions that alter the plat or conditions attached to an approved subdivision plan shall be made unless the proposed revisions are first resubmitted to the Development Review Board for an amendment to the previously approved plan and the Board approves such revisions after a public hearing warned in accordance with Section 4.3. In the event that such subdivision plan revisions are recorded without complying with this requirement, the revisions shall be considered null and void.

Exceptions may be made for minor changes to a Final Plat that has previously been approved after determining that the revisions have no bearing on the basis of the decision and are of a corrective nature. If the Development Review Board approves the change, a memo or a copy of the meeting minutes shall be attached to the Notice of Decision and the Chair shall be authorized to sign the revised Final Plat.

**Table 2.2  
Subdivision Application Requirements**

	<b>Preliminary Plan</b>	<b>Intermediate Plan</b>	<b>Final Plan</b>
<b>(A) Application Information</b>	(if required)	(if required)	
Application Form [number of copies]	1	1	1
Application Fee	✓	✓	✓
Name of project, if any	✓	✓	✓
Name and address of applicant and landowner	✓	✓	✓
Written description of proposed development plans, including number and size of lots; general timing of development	✓	✓	✓
Additional completed forms requested	✓		
Waiver requests, in writing	✓	✓	Y
Written request for modification of dimensional requirements or other standards contained in the zoning bylaws in instances involving applications for a Planned Unit Development (PUD).	✓	✓	✓
<b>(B) Plan/Plat Mapping Requirements</b>	<b>Preliminary</b>	<b>Intermediate</b>	<b>Final Plat</b>
Materials	Paper	Paper	Mylar
Date, North Arrow, Legend	✓	✓	✓
Preparer Information, Certifications	✓	✓	✓
Scale (not less than 1 inch = 200')	✓	✓	✓
Project boundaries and property lines	Drawn	Drawn	Surveyed <sup>1</sup>
Existing and proposed lot lines, dimensions	Drawn	Drawn	Surveyed <sup>1</sup>
Adjoining land uses, roads and drainage	✓	✓	✓
Zoning district designations and boundaries	✓	✓	✓
Location of Natural and Cultural Resources, as identified in Section 3.3 (including wetlands, floodplains and surface waters; steep slopes, prominent knolls and ridgelines; wildlife habitat and natural areas; historic resources; farm land and forest resources) in area to be developed.	✓ Based on Norwich GIS and site visit observations	✓ Delineated in area to be developed	✓ Delineated in area to be developed
Existing and proposed contour lines in area to be developed, if required by DRB.		2' interval	2' interval
Existing and proposed roads, paths, parking areas, associated rights-of-way or easements	Drawn	Drawn	Surveyed
Utility rights-of-way or easements		✓	✓
Digital data as specified by the Planning Office			✓

<b>Table 2.2 Subdivision Application Requirements (cont.)</b>			
<b>(B) Plan/Plat Mapping Requirements (continued)</b>	<b>Preliminary</b>	<b>Draft Plat</b>	<b>Final Plat</b>
Proposed development envelopes	✓	✓	✓
Survey Monument locations			✓
Road profiles; road, intersection and parking area geometry and construction schematics within area to be developed		✓	✓
Proposed landscaping and screening		✓	✓
Proposed conservation buffer and/or easement areas		✓	✓
Notation prepared in accordance with Section 2.7			✓
Copies of full size plans	4	4	4
Reduced (11' x 17') copies of proposed plan [number of copies]	12	12	12
<b>(C) Supporting Information &amp; Documentation</b>	<b>Preliminary Plan</b>	<b>Intermediate Plan</b>	<b>Final Plan</b>
Site location map showing proposed subdivision in relation to major roads, drainage ways, and adjoining properties	✓	✓	✓
Completed density determination checklist and associated documentation (provided by the Town or, at the discretion of the applicant, supporting documentation may be prepared by a licensed engineer or surveyor – see Section 3.2)	✓	✓	✓
Engineering reports (water and wastewater systems)		✓	✓
Off-site easements (e.g., for water, wastewater, access)	Description	Draft	Final
Proposed phasing schedule	Description	Draft	Final
Proposed road maintenance agreements, covenants and/or deed restrictions	Description	Draft	Final
Proposed homeowner or tenant association or agreements	Description	Draft	Final
Proposed performance bond or surety		Description	Final
<b>(D) As may be required by the Development Review Board</b>			
Stormwater and erosion control plan		As required under preliminary plan approval	As required under preliminary/intermediate approval
Grading plan (showing proposed areas of cut and fill)			
Open space management plan			
Site reclamation plan (for subdivisions involving extraction)			
Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)			
Fiscal impact analysis (analysis of fiscal costs and benefits to the town)			
<b>(1) Upon written request specific requirements may be waived by the Development Review Board per Section 2.1(D)</b>			

2. If a lot over 50 acres is to be subdivided and new lot(s) will be created containing a total of less than 20% of the original lot, the Board may waive the requirement of a full survey of the remaining large parcel and require that the only portions of the remaining large lot required to be surveyed be the common boundaries with the smaller lot(s) and any additional boundaries or points required to determine the accurate location of the boundaries of the smaller lot(s). A complete survey of the smaller lots is required to be recorded in compliance with Section 2.7.

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## Article 3. Planning and Design Standards

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### SECTION 3.1 PLANNING AND DESIGN PROCESS

(A) All subdivisions shall be designed to ensure that the resulting pattern and density of development are appropriate for the site's location, character, and physical capacity. Subdivisions shall not result in development which places an undue burden on the Town of Norwich and/or neighboring landowners, or results in the loss or degradation of the Town's natural, scenic or cultural resources. To this end, applicants shall design subdivisions in accordance with the following five steps:

- Step (1) The applicant shall meet with the town planning and zoning staff in order to become familiar with the review process, required application materials, and subdivision planning and design process. Applicants may also request a pre-application meeting with the Development Review Board.
- Step (2) The applicant shall seek a determination of the pre-subdivision site's allowable density from the Norwich Planning Office, in accordance with the standards and procedures set forth in Section 3.2 and Section 2.3 of these regulations. Such determination shall be considered a preliminary indication of the maximum development potential, as expressed in total density for the existing (pre-subdivision) parcel, and shall serve as the basis of subdivision design in accordance with the following steps. The preliminary density will be confirmed by the Development Review Board at the Preliminary Hearing as a result of site analysis performed in accordance with step (3), or as a result of the proposed subdivision's impact on municipal services, or the applicant's ability to provide adequate infrastructure, as described in step (4).
- Step (3) The applicant shall conduct a detailed analysis of site conditions, including an assessment of the natural resources and physical features found on the site. Based upon this analysis, the applicant shall identify, in order of sequence, (a) building site locations; (b) preliminary utility and facility locations; and (c) proposed boundary configurations. The site analysis and subdivision design process shall, at a minimum, meet the requirements of Sections 3.3 and 3.4.
- Step (4) The applicant shall develop a final subdivision plan, including final design of proposed utilities and facilities, including those standards set forth in Sections 3.4 - 3.9. In addition, the applicant shall identify appropriate mitigation to address any off-site impact of the development on municipal facilities and services. The final density shall be based upon the ability of the applicant to provide appropriate facilities and services in accordance with these regulations and to avoid or mitigate impacts on the community or surrounding area.
- Step (5) With the approval of the final plan, the applicant shall then meet all legal requirements set forth in Section 2.7, and shall comply with all conditions included in the Final Plan Review Notice of Decision approved by the Development Review Board.

(B) The Development Review Board may waive or modify one or more of the standards in Article 3 if (a) the subdivision will not result in the creation of more than 2 lots and (b) the Board determines, based upon its review under Sections 3.2 and 3.3, that the subdivision clearly meets the intent of these regulations.

**SECTION 3.2 DETERMINATION OF ALLOWABLE DENSITY**

(A) **Village & Commercial Districts.** Within the Village Residential, Business and Commercial/Industrial Districts, the maximum density shall be as defined in the Norwich Zoning Regulations.

(B) **Rural District.** In accordance with Section 6.4 of the Norwich Zoning Regulations, the maximum number of lots created within the Rural Residential District after the effective date of these regulations shall be determined as set forth below.

- (1) Minimum Lot Size. The minimum lot size within the Rural Residential District shall be not less than 20,000 square feet, unless the lot is part of a Planned Unit Development approved by the Development Review Board in accordance with the Norwich Zoning Regulations, in which case the minimum lot size shall be as determined by the Board.
- (2) Maximum Density. Except as provided in subsection (D) of this section below, the maximum density (total number of lots allowed on any pre-existing parcel) shall be as determined by the Development Review Board in accordance with this section of the regulations. The total maximum density shall range from a maximum density of one lot per every 2 acres of developable area to one lot per every 20 acres of developable area, based upon the formulas set forth in Tables 3.1 and 3.2.
- (3) Determination of Developable Area. It is the intent of these regulations to limit development density on parcels on which steeper slopes wetlands, surface waters and wetland/surface water buffers are located. To achieve this intent, development density shall be calculated based upon the total amount of developable area found on the pre-subdivision parcel. The developable area shall be determined by excluding all of the area of certain non-developable features from the density calculations, and by excluding half the area of other important features. The total developable area shall be based upon the formula described in Table 3.2.
- (4) In determining the amount of developable area located on a parcel during preliminary plan review, the Norwich Planning and Zoning Office shall provide the location and total area (in acres) of each of the features identified in Table 3.2 based upon the designated data in the Town's Geographical Information System (GIS) program. The applicant may choose to provide data, prepared by a licensed engineer or surveyor, providing a more accurate indication of the features indicated in Table 3.2, and use such data as the basis of the determination of developable area.
- (5) Subdivision of previously subdivided lots. Lots created under any subdivision permitted after September 1, 2002, shall be subject to the determination of development density of the original Notice of Decision. The total number of lots within the boundaries of the original parcel shall not exceed the maximum number of lots permitted under the original density determination. Allocation of potential future lots to specific parcels shall be specified in the Notice of Decision and in the notes on the final recorded plat.
- (6) Determination of Development Density. In accordance with the Norwich Town Plan, it is the intent of these regulations to maintain low development densities in areas of Town with limited and/or poor access to Town facilities and services, to maintain low development

densities contiguous to large blocks of conserved public lands, and to encourage moderate to high densities in areas of Town with good access to Town facilities and services and close proximity to the village center.

Rather than designating multiple zoning districts within the designated Rural Residential District, maximum density shall be based upon the unique characteristics of the parcel relative to highway access, distance to the town center, and proximity to protected open space. The total development density of a site shall be presumed to be one lot per every 2 acres of developable area, although the density shall be adjusted in accordance with the formulas set forth in Table 3.1. In no instance shall the total development density be less than one lot per every 20 acres of developable area.

**(C) Waiver for Non-Development Lots.** In situations involving the subdivision of land for non-development purposes, including the transfer of parcel ownership for forestry, agriculture, recreation and/or open space purposes, the Development Review Board shall waive the requirements of Section 3.2 provided that all parcels to be created are larger than 20 acres in area or such parcels are reserved by deed as open space or common land.

**(D) Exception for Planned Unit Developments.** The maximum allowable density for subdivisions that meet the requirements for Planned Residential Developments (PRDs) and Planned Unit Developments (PUDs) shall be determined in accordance with Table 3.2 only. See Section 5.06(D)(4) of the Norwich Zoning Regulations for density bonuses for open space and affordable housing. The maximum number of dwelling units in a PUD is based on two units per lot.

Table 3.1 Determination of Development Density		
Parcel Location	Density Adjustment	Development Density (2 acre maximum density x density adjustment)
A. Type of public road from which the development will be accessed. (Reclassification of town roads may change the development potential of land accessed from them)		
State Highway or Paved Class 2 Road	x 1	2 x 1 = 2 acres
Paved Class 3 Road	x 1	2 x 1 = 2 acres
Gravel Class 3 Road	x 2	2 x 2 = 4 acres
Substandard Class 3 Road (as identified in Appendix A)	x 4	2 x 4 = 8 acres
Class 4 Road	x 6	2 x 6 = 12 acres
B. After adjusting for access, adjustments shall be made for travel distance from the Norwich Town Office, measured to the nearest part of the parcel having a deeded right-of-way or 50 feet of frontage along a town or state highway by the most direct route using town or state highways.		
Less than 1.5 miles	x 1	2 x 1 = 2 acres
1.5 to 3 miles	x 1.5	2 x 1.5 = 3 acres
3 to 4.5 miles	x 2	2 x 2 = 4 acres
4.5 to 5.5 miles	x 2.5	2 x 2.5 = 5 acres

5.5+ miles	x 3	2 x 3 = 6 acres
C. After adjusting for access and travel distance, adjustments to the maximum density shall be made for proximity to conserved large blocks of public lands		
Not contiguous to (does not share boundary with) Norwich Fire District Agreement Lands or Appalachian Trail Corridor	x 1	2 x 1 = 2 acres
Parcel has a shared boundary with Appalachian Trail Corridor or the Norwich Fire District Agreement Lands	x 2	2 x 2 = 4 acres
<p><b>Finally, the maximum allowable density shall be as adjusted or 1 lot for every 20 acres of developable area, whichever achieves the highest density.</b></p> <p><i>Notes:</i>                  (1) Table 3.1 is applicable to all applications for Planned Unit Developments (PUDs)                  (2) A Legal Trail, although a Town right-of-way, may not be used for vehicle access to a newly created parcel. See Norwich Trails Ordinance.</p>		

Table 3.2 Determination of Developable Area		Sample 100 acre parcel	
Physical Features Found on Parcel	Developable Area Adjustment	Acreage Covered by Physical Features	Developable Area
Slopes in excess of 25%	no credit	10 acres	10 x 0 = 0 acres Developable Land
100 year floodplains	no credit	10 acres	10 x 0 = 0 acres Developable Land
Wetlands and surface waters	no credit	20 acres	20 x 0 = 0 acres Developable Land
Setback areas from wetlands and surface waters	50% credit	10 acres	10 x 0.5 = 5 acres Developable Land
Slopes between 15% and 25%	50% credit	10 acres	10 x 0.5 = 5 acres Developable Land
All Other Land	100% credit	40 acres	40 x 1.0 = 40 acres Developable Land
<b>Total 100-acre parcel</b>	–	--	<b>100 acres = 50 acres Developable Area</b>

**Notes:**

- (1) *The determination of developable area only applies to the proposed creation of new lots under these regulations, and does not apply to the use of pre-existing parcels in accordance with the Norwich Zoning Regulations.*
- (2) *In instances where two or more features overlap, development credit will only be applied once for the lowest credit available, depending upon the feature (e.g., land in both 100 year floodplain and setback from wetlands receives no credit).*
- (3) *Table not applicable to applications for Planned Unit Developments (PUDs), i.e., developable area is deemed to be actual size of parcel.*
- (4) *Wetlands shall include Vermont Class 1 & 2 mapped wetlands.*
- (5) *Setback areas (buffers) from wetlands shall be 50 feet and from surface waters 25 feet on either side.*
- (6) *Surface waters are those shown on the designated Norwich GIS surface water coverage.*

**SECTION 3.3 PROTECTION OF FRAGILE FEATURES AND NATURAL AND CULTURAL RESOURCES**

(A) **Suitability of Land for Subdivision.** All land to be subdivided must be, in the judgment of the Development Review Board, of such a character that it can be used for intended purpose(s), as stated in the application, without danger to public health or safety, the environment, neighboring properties, or the character of the area or district in which it is located. To this end, each application for subdivision shall provide a detailed site analysis which identifies all fragile features and natural and cultural resources described below, identifies the impact of the proposed subdivision on those resources, and sets forth the protection measures proposed to avoid or mitigate those impacts.

(B) **Establishment of Development Envelopes.** All lots shall have one or more designated development envelopes, unless waived by the Board in the case of small lots. Development envelopes shall be designated to identify and limit the location of principal and accessory structures, parking areas, and associated site development (excluding road and utility rights-of-way or easements) on one or more portions of a lot. The maximum size and shape of the development envelope shall be determined by district setback requirements unless otherwise specified in these regulations. The Board may require the identification of specific building footprints if, in its judgment, such information is required to meet the standards set forth in these regulations. Where the Board deems it appropriate to do so for the purposes of this Section 3.3, the Board may consider features of immediately adjacent properties that are relevant to the Board's evaluation of the proposed development envelope.

(C) **Protection of Wetlands, Floodplains and Surface Waters.** Subdivision boundaries, lot layout and development envelopes shall be located and configured to avoid undue adverse impact to wetlands, floodplains and surface waters, including streams, rivers and all shoreline as defined in the Norwich Zoning Regulations. Methods for avoiding such impacts include, but may not be limited to, the following:

- (1) Lot boundaries shall be configured to prevent the fragmentation of these features unless appropriate legal mechanisms are put in place to ensure permanent protection.
- (2) Development envelopes and the layout of roads, driveways and utilities shall be located and sized to exclude these features, except as provided under subsection (3) below.
- (3) Buffer areas sufficient in width to protect the identified feature(s) shall be designated; disturbance within buffer areas shall be limited to the minimum clearing and excavation necessary to create and maintain:

- a. road, driveway and utility crossings;
- b. streambank stabilization and restoration projects, in accordance with all applicable state and federal regulations;
- c. unpaved bicycle and pedestrian paths and trails; and
- d. public recreation facilities and improved river/lake accesses (e.g., beaches, boat launches, fishing accesses).

(D) **Protection of Steep Slopes, Prominent Knolls and Ridgelines.** Development envelopes shall be located and configured to minimize adverse impacts to slopes greater than 15%, to avoid disturbance to slopes in excess of 25%, and to avoid the placement of structures on prominent knolls and ridgelines. Methods for avoiding such adverse impacts include, but may not be limited to, the following:

- (1) Development envelopes shall be located to exclude these features. In the event that development of an area with slopes greater than 15% is necessary to achieve the most desirable subdivision design for a site, the Board shall limit clearing, excavation and filling on such lands to the greatest extent practical, and may require the preparation and implementation of an erosion and sedimentation control plan for the property, in accordance with Section 3.5, as a condition of approval.
- (2) Excavation, filling and development of an area with slopes in excess of 25% shall be avoided except for the installation of underground utilities. Waivers for development on slopes greater than 25% may be granted by the Board under the following conditions: **[criteria being developed]**.
- (3) Development envelopes shall be located and configured so that the height of any structure placed on the site after subdivision will not visually exceed the height of the adjacent tree canopy serving as the visual backdrop to the structure, and shall be located down-slope of ridgelines and prominent knolls.
- (4) On wooded sites, forest cover shall be maintained or established adjacent to proposed structures to interrupt the facade of buildings, provide a forested backdrop to structures, and/or soften the visual impact of new development as viewed from public roads and properties. The Board shall consider the location of proposed structures relative to existing vegetation, and may require additional planting and/or limit the amount of clearing adjacent to proposed development to provide screening and maintain a forested backdrop. A tree cutting, landscaping and/or forest management plan may be required to ensure that ridges and hill tops remain wooded, and to ensure that trees remain standing immediately adjacent to buildings to visually interrupt facades and reduce reflective glare, as viewed from off site. Such a plan shall address specific measures to be taken to ensure the survival and, if necessary, replacement of designated trees during or after site development and the installation of all site improvements.
- (5) On ridgelines and prominent knolls that have been cleared prior to subdivision, the Board shall consider the location of Development Envelopes and associated development relative to the location of buildings on surrounding properties. The location of Development Envelopes, and associated development, may be restricted to minimize visibility as viewed from Town roads. Permits for development in the Ridgeline Protection Overlay District will be subject to additional review under Table 2.9 NZR.
- (6) Access roads, including the conversion of logging roads to private roads or driveways, and utility corridors, shall use or share existing accesses and rights-of-way where feasible; follow existing contours to achieve angled ascents, and avoid areas of steep slope.

(E) **Protection of Wildlife Habitat and Natural Areas.** Development envelopes shall be located and configured to minimize adverse impacts on valuable wildlife habitat, including travel corridors and crossings, and natural areas identified in Norwich Conservation Commission inventories, by Vermont Department of Fish & Wildlife inventories, or through site investigation. Methods for minimizing such adverse impacts include, but may not be limited to, the following:

- (1) Development envelopes shall be located to minimize impact on identified valuable natural areas [DEFINE] and wildlife habitat. A buffer area of adequate size shall be established to ensure the protection of these habitats.
- (2) To avoid the fragmentation of natural areas and wildlife habitat, including large tracts of forest land and undeveloped corridors serving as wildlife travel corridors between larger tracts of core habitat, the Board may require the submission of a wildlife habitat assessment, prepared by a wildlife biologist or comparable professional, to identify the function and relative value of impacted habitat and provide recommended management strategies to maintain or enhance those values and function. The Board may also consult with Vermont Fish and Wildlife Department staff prior to issuing a decision.
- (3) Roads, driveways and utilities shall be designed to minimize the fragmentation of identified natural areas and wildlife habitat.
- (4) Identified natural areas and wildlife habitat should be excluded from development envelopes.

(F) **Protection of Historic & Cultural Resources.** Development envelopes shall be located and configured to minimize adverse impacts to historic and archaeological sites and resources identified in Norwich historical and archeological resource inventories, by the Vermont Division for Historic Preservation, or through site investigation. Methods to minimize adverse impacts include, but may not be limited to, the following:

- (1) Historic features, including stone wall and cellar holes, should be preserved and integrated into the subdivision design (e.g., driveways may follow stone walls) to the extent practical.
- (2) Prior to development on sites that have been identified as being archaeologically sensitive in town or state inventories, or through site investigation, the Board may require a site assessment to identify the presence and relative value of archaeological resources on the site, and to document the archaeological resource and/or recommend strategies for its protection.
- (3) The subdivision of land shall be designed to maintain the historic context of the site, as defined by historic structures located on the property and in the immediate vicinity of the site, and to minimize the impact of new development on the historic and architectural integrity of historic resources.

(G) **Protection of Farm Land.** Development envelopes shall be located and configured to minimize adverse impacts to farm land and areas with “prime” and “statewide” agricultural soils suitable for farming. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Development envelopes shall be located at field and orchard edges or, in the event that no other land is practical for development in such a way as to minimize the impact on productive agricultural land, impacts on existing farm operations, and disruption to the scenic qualities of the site.
- (2) Buildings and associated building lots should be clustered to avoid fragmentation of productive farm

land.

- (3) Vegetated buffer areas may be required to buffer agricultural operations from other uses to minimize land use conflicts.
- (4) Access roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these to minimize fragmentation of agricultural land and visual impacts.
- (5) Intact parcels of productive farmland shall be designated as open space; conservation easements, limitations on further subdivision, or comparable site protection mechanisms may be required.

**(H) Protection of Forest Resources.** Development envelopes shall be located and configured to minimize adverse impacts to productive forest land, including large (e.g., 50+ acres) tracts of forest, forest land contiguous to other large, undeveloped tracts that have either been protected through public or private land conservation initiatives or are subject to use value appraisal contracts, and forest land that possesses natural areas, valuable wildlife habitat, wildlife travel corridors, and/or exceptional recreational resources. Methods for minimizing such adverse impacts include, but may not be limited to, the following:

- (1) The subdivision of forest land shall, to the extent practical, be configured to allow for ongoing forest management of the parcel after subdivision. Lot boundaries and development envelopes should be laid out to avoid unnecessary fragmentation of distinct timber stands, and provision for forest management access should be a consideration of the final plan.
- (2) In order to protect recreation areas, conserved open space, and critical wildlife habitat, and to avoid conflict between new residential development and existing forest management activities on land enrolled in the current use program, The Board may require setbacks and buffers from adjacent forest land greater than the setbacks and buffers set forth in the Norwich Zoning Regulations.

**(I) Protection of Scenic Resources.** Development envelopes shall be located and configured to avoid undue adverse impacts to scenic resources identified in the scenic resource mapped area created in conjunction with the *Inventory of Scenic Resources* prepared by the Scenic Resources Committee of the Norwich Conservation Commission and dated January 2000. Methods for avoiding such undue adverse impacts include, but may not be limited to, the following:

- (1) Subdivisions within view of scenic roads, as identified in the aforementioned planning documents, shall be designed to avoid undue adverse impact to the identified scenic resources.
- (2) Development envelopes located within view of identified scenic roads or within identified scenic viewsheds shall be located to avoid prominent placement within the viewshed.
- (3) Subdivisions, development envelopes and lots should be designed to maintain the contrast between compact village centers and surrounding countryside.

**(J) Modifications for Norwich Village and Cluster Development.** The Board may waive or modify one or more of the Section 3.3 standards within the Village Residential or Business District, or within a Planned Unit Development, in the event the Board determines that the benefits of modification would result in a more desirable settlement pattern, and the impacts on identified resources can be mitigated either on or off site.

### **SECTION 3.4 DISTRICT SETTLEMENT PATTERNS**

- (A) All subdivisions shall be designed and configured to reflect the desired settlement pattern for the respective district in which the subdivision is located, as defined by the Norwich Zoning Regulations and the Norwich Town Plan.
- (1) Subdivisions within the Village Residential District I shall be designed to reflect the historic character of the surrounding area. Lot sizes should be consistent with traditional densities within the Village, and development envelopes should be located to maintain a consistent building line and streetscape along public roads. Sidewalks and other pedestrian and bicycle facilities may be required where appropriate.
  - (2) Subdivisions within the Commercial/Industrial District shall be configured to minimize driveway and road accesses onto public roads, including Route 5; to allow for innovative site design that allows for parking and related infrastructure to be located in rear yards; and to avoid commercial strip development along Route 5.
  - (3) Subdivisions within the Rural District and Village Residential District II shall be designed and configured to reinforce the district's rural character and historic working landscape, characterized by wooded hillsides and knolls, open fields, and a visual and functional relationship of structures to the surrounding landscape.

### **SECTION 3.5 STORM WATER MANAGEMENT AND EROSION CONTROL**

- (A) Temporary and permanent stormwater management and erosion control measures shall be incorporated into subdivision design and layout to control surface runoff, sedimentation and water pollution on-site and downstream from the proposed subdivision. Factors to be considered in determining the types of controls necessary shall include size and terrain of watershed draining onto the development envelope, pre-development site and runoff conditions, vegetation and ground cover, slope and drainage patterns, soil types (i.e., hydric soils), the percentage of land covered in impermeable surfaces, types of pollutants generated, distances to streams and other surface waters, and impact on adjoining properties.
- (B) The Board may require the preparation and implementation of stormwater management and/or sedimentation and erosion control plans and associated analyses to ensure that site improvements, including excavation, road and driveway construction and site clearing and grading, will not unduly impact neighboring properties or surface waters. Such plans, if required, shall be prepared by a licensed Vermont engineer, be based upon Best Management Practices (BMPs) for managing stormwater and controlling erosion, as defined by the Vermont Agency of Natural Resources, the U.S. Department of Agriculture Natural Resource Conservation Service, and include provisions for the inspection and long-term maintenance of stormwater management and erosion control facilities.
- (C) Control of stormwater runoff flows for downstream flood control from all impervious surfaces shall be accomplished by limiting the post-development peak discharge rate from the subdivision so that it does not exceed the pre-development peak discharge rate from the site for the 10% and 1% probability 24-hour storm.
- (D) Control of stormwater runoff to protect downstream channels shall be accomplished by providing 12 to

24 hours of extended detention storage for the one-year storm event.

(E) If a subdivision will result in changes in stage frequency, discharge frequency or flooding in areas not owned or controlled by the applicant, the applicant must secure appropriately sized easements for all areas of flow or flooding on affected properties. Suitable land use restrictions must be included in easements to prevent any activity that may affect drainage across the area.

(F) Areas exposed during construction shall be protected in accordance with standards of the Vermont Department of Environmental Conservation or other appropriate standards approved by the Board. Permanent vegetation and erosion control measures shall be established according to a schedule as required by the Board. The Board also may require the phasing of construction to reduce the amount of land disturbed at any one time, and may stipulate deadlines for the installation of temporary and permanent erosion control or stabilization measures.

(G) Compliance with the Vermont Stormwater Regulations, as evidenced by an approved state stormwater permit, will indicate compliance with this section.

**SECTION 3.6 COMMUNITY SERVICES AND FACILITIES**

(A) **Municipal Facilities and Services.** The proposed subdivision shall not create an undue burden on municipal facilities and schools, or create an unreasonable demand for public services. The Development Review Board may require the phasing of development to coordinate the anticipated demand for municipal facilities and services with the planned provision of those facilities and services, in accordance with a duly adopted capital budget and program.

(B) **Fire Protection Facilities and Emergency Access.** Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided to the satisfaction of the Board, based on the following requirements:

Lots in Subdivision	Maximum Distance to Hydrant (Feet)	Fire Flow (gpm)
Two or fewer new single family residential structures or development envelopes separated by 50 ft. or more	5,000	500
Three to five new single family residential structures or development envelopes separated by 50 ft. or more	3,000	500
Six to ten new single family residential structures or development envelopes separated by 50 ft. or more	2,000	500
All other subdivisions	1,000	Based on the Needed Fire Flow Requirements of the Fire Suppression Rating Schedule of the Insurance Services Office

The Board may waive the above requirements if, as a condition of subdivision approval, the Board adds the requirement that prior to the issuance of a zoning permit for any lot in the subdivision, any new residential

structure will be protected by an automatic fire sprinkler system that meets the requirements of the applicable National Fire Protection Association (NFPA) Standard; NFPA 13: *Installation of Sprinkler Systems*, NFPA 13R: *Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height* or NFPA 13D: *Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes*.

Fire hydrants serviced by the municipal water system or dry hydrants installed into a pond or stream shall be installed by the applicant to meet the requirements of Section 3.6(B). When dry hydrants are used to satisfy these requirements they shall have sufficient volume or flow to meet the requirements in a 2% drought condition for a minimum of 2 hours. Dry hydrants shall be designed to be accessible and to operate at all times of the year.

Plans for sprinkler systems and dry hydrants shall be approved by the Norwich Fire Department prior to installation and inspected and approved after installation. Certification of these approvals shall be sent to the zoning administrator and filed with the zoning permits for the project.

(C) **Emergency Access.** The Board may require documentation from the Norwich Fire Department or other appropriate municipal officials as to the adequacy of emergency access for fire, police, ambulance, or other services and fire protection facilities. Compliance with the Driveway Specification (3.14 NZR) or Private Highway Specifications will, in most cases, be considered as providing adequate access for municipal and emergency vehicles.

### SECTION 3.7 ROADS, DRIVEWAYS AND PEDESTRIAN ACCESS

(A) **Road Standards.** The following standards shall apply to all proposed public roads and to private roads serving two or more lots. Acceptance of private roads by the Town is subject to approval of the Norwich Selectboard, pursuant to state law for the laying out of public rights-of-way. Construction of roads to these standards does not ensure such acceptance.

(B) **Road Design: Private Development Roads.** All private development roads serving two or more lots shall be designed in accordance with the Town of Norwich *Private Highway Specifications* as most recently amended by the Norwich Selectboard. Driveways serving a single lot shall comply with the driveway standards in the Norwich Zoning Regulations (3.14 NZR) applicable at the time of the subdivision application.

(C) **Road Design: Town and State Roads.** All public roads serving proposed subdivisions shall be designed in accordance with the Town of Norwich *Specifications for Town Highways*, adopted and administered by the Norwich Selectboard.

(D) **Coordination with Adjoining Properties.** The arrangement of roads in the subdivision shall provide for the continuation of roads of adjoining subdivisions and for proper projection of roads through adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension, currently or when later required, of needed utilities and public services. The above conditions may be modified where, in the opinion of the Development Review Board, topographic or other conditions make such continuance undesirable or impracticable.

(E) **Access Management.** All private road and driveway access to public roads shall be subject to the approval of the Vermont Agency of Transportation, in the case of state highways, and the Norwich Town Manager, in the case of town roads. Access to all lots created by subdivision and to all buildings or other

land development located thereon shall be only from such permitted access road or driveway. To better manage traffic flow and safety, avoid congestion and frequent turning movements, preserve the carrying capacity of important travel corridors, and avoid strip development, the following access management standards shall apply to all subdivisions:

- (1) Shared driveways and/or internal development roads providing access to multiple lots may be required to limit the number of access points onto public highways.
- (2) If a subdivision has frontage on two or more roads, access shall be from the road determined by the Development Review Board to be more suitable based on topographic or traffic safety conditions.
- (3) The creation of reserved strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.

(F) **Traffic & Road Capacity.** Traffic to be generated by the proposed subdivision shall not result in unreasonable traffic congestion or exceed the capacity of roads and intersections in the vicinity of the subdivision. The Board may request the preparation of a traffic impact study, the cost of which is to be borne by the applicant, to identify impacts and mitigation measures necessary to ensure road safety and efficiency. The implementation of mitigation measures, including required road improvements necessitated by the subdivision, shall be the responsibility of the applicant as follows:

- (1) Where an existing access road is inadequate or unsafe, the Board may require the applicant to upgrade the access road to the extent necessary to serve additional traffic resulting from the subdivision and to conform to these standards. Upgrades to Town highways will require the approval of the Town Manager.
- (2) In situations where a development may require the realignment, widening or increase in the capacity of an existing road, or where the town plan or capital program indicates that such improvements may be required in the future, the applicant may be required to reserve land for such improvements.
- (3) When a proposed subdivision necessitates an upgrade in the capacity of a public road to accommodate traffic generated by that subdivision, the Board may withhold approval for such subdivision until such upgrade has been completed. The applicant may be required to contribute to any or all of the expenses involved with road improvements necessitated by the project.

(G) **Road Names & Signs.** Roads shall be named in accordance with the Norwich Road Naming Ordinance. Said names shall be identified on signs designed and located in accordance with the town policy, and shall be clearly depicted on the final plat. Internal road name signs shall be installed by the applicant. Road name signs at intersections with public roads shall be installed by the town.

(H) **Pedestrian Access.** The Development Review Board may require pedestrian rights-of-way to facilitate pedestrian circulation within the subdivision and to ensure access to adjoining properties or uses or public facilities. Such rights-of-way, which may be required to facilitate pedestrian access from a subdivision to schools, parks, playgrounds, or to extend recreational greenways and trail networks identified in the town trail planning documents, shall include perpetual unobstructed easements at least 10 feet in width which shall be indicated on the plat.

(I) **Legal Requirements.**

- (1) Every subdivision plat shall show all proposed road and pedestrian rights-of-way, as required under these regulations, regardless of whether the proposed right-of way is intended to be accepted by the Town. In the event that the right-of-way is not intended for acceptance by the Town, the mechanism by which the right-of-way is to be maintained, owned and/or conveyed shall be clearly documented.
- (2) Documentation and assurance shall be provided that all proposed roads and rights-of-way will be adequately maintained either by the applicant, a homeowners' association or through other legal mechanism. Such documentation shall be in a form approved by the Board and filed in the Norwich Land Records.

### **SECTION 3.8 WATER SUPPLY AND WASTEWATER DISPOSAL**

- (A) **Water Supply.** Water supply systems shall be designed, installed, and maintained to meet all applicable state requirements.
- (B) **Wastewater Disposal Capacity.** The applicant may be required to demonstrate that soil conditions on-site are adequate to accommodate the installation of a wastewater disposal system designed in accordance with state requirements.

### **SECTION 3.9 UTILITIES**

- (A) **Location.** All utilities, existing and proposed, throughout the subdivision shall be shown on the final plat, and be located as follows:
- (1) All utility systems, which may include but not be limited to electric, gas, telephone, fiber optics and television cable, shall be located underground throughout the subdivision, unless deemed unreasonable and prohibitively expensive by the Board due to site conditions.
  - (2) The applicant shall coordinate subdivision design with the utility companies to ensure adequate and suitable areas for installation, both for the proposed subdivision and anticipated development on lands adjacent to the subdivision.
  - (3) Utility corridors shall be shared with other utility and/or transportation corridors, and be located to minimize site disturbance, the fragmentation of farmland, and any adverse impacts to natural, cultural or scenic resources and public health.
- (B) **Easements.** Utility easements of sufficient width shall be provided to serve both the proposed subdivision and existing and anticipated development outside the subdivision. Such easements shall be shown on the final plat.

### **SECTION 3.10 DEDICATION OF OPEN SPACE AND COMMON LAND**

- (A) **Creation of Common Land.** Land held in common for the preservation and maintenance of open space or the maintenance and protection of shared facilities, such as community wastewater systems, community water supplies, recreation or community facilities, or recreation, including road and trails rights-of-way, may be held under separate ownership from contiguous parcels and shall be subject to the legal requirements set forth below.
- (B) **Legal Requirements.** The Board may require that land offered by an applicant as protected open

space be dedicated, either in fee or through a conservation easement approved by the Board. The prospective grantees to whom the applicant may grant such land may include a community association comprising all of the present and future owners of lots in the subdivision, a non-profit land conservation organization, or the Town of Norwich. At a minimum, designated open space shall be indicated with appropriate notation on the final plat. Land held in common shall be subject to deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long term stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of applicant and subsequent land owners.

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## Article 4. Administration and Enforcement

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### SECTION 4.1 ADMINISTRATION

These regulations shall be administered by the Norwich Development Review Board (“Board”), as authorized by the Act [§4401].

### SECTION 4.2 FEES

(A) Application fees for each phase of subdivision approval shall be established by the Norwich Selectboard. Such fee(s) shall include the costs for publishing hearing notices, notifying abutting landowners and conducting public hearings, administrative review, creating town GIS maps, and, if needed, for periodic inspections by Town-retained consultants during the installation of public improvements.

(B) Should the Board deem it necessary to employ an engineer, attorney, design professional or other consultant to review any subdivision plans or portion thereof, and/or any associated legal documentation, all costs of such review shall be paid by the applicant.

### SECTION 4.3 HEARING NOTICE REQUIREMENTS

(A) All public hearings required under these regulations shall be warned in accordance with the Act [§§4464].

(B) Notice shall be given not less than 15 days prior to the date of the public hearing by the publication of the date, place and purpose of the hearing in a newspaper of general publication; and by the posting of the same information in three or more public places within the municipality including posting within view from the public right-of-way most nearly adjacent to the property for which the application is made.

(C) In the case of a plat located within 500 feet of a municipal boundary, a copy of such notice shall be sent to the Clerk of the adjacent municipality at least 15 days prior to the public hearing.

(D) Abutters and owners of property within 250 feet of the parcel to be subdivided shall be notified, via U.S. Mail, by Norwich planning and zoning staff at least 15 days prior to any public hearing scheduled in accordance with Sections 2.3, 2.4 and/or 2.5. Such notice may include a general description of the proposed subdivision, including the number of new lots to be created, and any other information required by statute or deemed relevant by the Board and/or Town staff.

(E) A completed Preliminary Hearing may be recessed and continued to a specific time, date and place within 90 days for an Intermediate or Final Hearing if requested by the applicant and approved by the Board. For purposes of public notice, the continuation of the public hearing shall not be required to be rewarned in accordance with 4.3 (A), (B), (C), (D) if the time, date and place of that later session is announced prior to the end of the Preliminary Hearing and the Preliminary Hearing is continued to the Intermediate or Final Hearing. If for any reason the hearing is not continued at the announced time, date and place, including a lack of quorum or further continuation without substantial addition, the subsequent hearing or continuation shall be warned in accordance with 4.3 (A), (B), (C), (D).

**SECTION 4.4 ENFORCEMENT AND PENALTIES**

(A) The enforcement of these regulations shall be the responsibility of the Zoning Administrator in accordance with the Act [§§4451, 4452, 4454].

(B) Any person who violates any of the provisions of these regulations shall be fined pursuant to the Act [§4451] for each offense; and each day that a violation continues shall constitute a separate offense.

(C) Any person who sells or transfers any land in a subdivision or land development or erects any structure thereon without first having recorded a duly approved final plat under these regulations shall be fined pursuant to the Act [§4451]; and each lot, parcel, or unit so sold or transferred shall be deemed a separate violation.

(D) Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Act [§4454] as currently enacted and as hereinafter amended, or otherwise to restrain, correct or prevent any violations of these regulations or prosecute violators thereof except as provided below.

**SECTION 4.5 APPEALS**

(A) Any decision of the Board may be appealed to the Vermont Environmental Court by an interested person who has participated in the municipal public hearing in accordance with the Act [§4471]. Participation shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.

(B) “Interested person” for the purposes of appeal shall be defined pursuant to the Act [§4465].

(C) The requirements for filing a notice of appeal shall be included in all Notices of Decision issued by the Board.

**SECTION 4.6 TOWN RECORDING REQUIREMENTS**

The Zoning Administrator shall deliver copies or memorandums of permits and Notices of Violation to the Town Clerk for recording within 30 days of being issued pursuant to the Act [§4449(b)].

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## Article 5. Definitions

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### Section 5.1 Interpretation

(A) Unless otherwise defined herein, the definitions contained in the Act and the Norwich Zoning Regulations shall apply to these regulations.

(B) Words, phrases and terms neither defined herein nor elsewhere in these regulations shall have their usual and customary meanings except where the context clearly indicates a different meaning.

(C) Any interpretation or clarification of words, phrases or terms contained herein by the Norwich Development Review Board or other jurisdiction shall be based on the following definitions, state statute, and the need for reasonable and effective implementation of these regulations.

### Section 5.2 Definitions

For the purposes of these regulations, the following words shall be defined as follows:

**Abutter:** The owner of record of a parcel of land which is contiguous at any point with the parcel being subdivided.

**Access Road:** Public or private road providing access to two or more lots.

**Act:** The Vermont Municipal and Regional Planning and Development Act, Title 24, Chapter 117, Vermont Statutes Annotated.

**Affordable Housing:** Affordable housing units include owner-occupied or rental dwelling units which are constructed and made subject to sufficient restrictions so that they will remain affordable on a long-term basis. Eligible households shall have incomes that are up to 120% of the median Windsor County household income, as last reported by the Vermont Department of Housing and Community Affairs.

**Applicant:** Any person, firm, corporation, partnership, or association, or any of these entities working in cooperation, who shall lay out for the purpose of sale or development or otherwise any subdivision or part thereof as defined in these regulations, either for himself or others.

**Approval:** A decision by the Development Review Board, certified by written endorsement on the Plat, that the final plan meets the requirements of these regulations. Such approval may include conditions to be met by the applicant, which shall run with the land and be applicable to future owners, and which shall be forwarded to the applicant in writing.

**As-built plans:** Plans or drawings reflecting the actual public or private improvements, showing actual field dimensions, locations, and other relevant information, made or installed in connection with an approved subdivision, filed with the Zoning Administrator to establish compliance with relevant conditions of the subdivision approval.

**Authorized Agent:** A person or group of persons who have been duly authorized in writing filed with the

Board by the owner of record to act on his or her behalf.

**Boundary Line Adjustment:** A change in the boundary line between adjacent lots in which there is a sale, conveyance or exchange of land that does not increase the number of parcels of land. (Also known as an Annexation.)

**Buffer:** A designated strip or area of land intended to visibly and/or functionally separate one use from another; to shield or block noise, lights or other nuisance from neighboring properties; and/or to lessen visual or physical impacts of development on surface waters, wetlands and other natural and scenic areas.

**Certificate of Compliance:** See Section 2.8(C).

**Community Wastewater System:** Any wastewater disposal system other than a municipal sewage disposal system, owned by the same person or persons that disposes of sewage for domestic, commercial, industrial or institutional uses for two or more users or customers.

**Community Water System:** Any water system owned by the same person or persons that supplies water for domestic, commercial, industrial, or institutional uses to two or more users or customers.

**Density:** Ratio of dwellings to land area.

**Development Envelope:** A specific area delineated on a lot within which all structures are to be located.

**Developable Area:** Area used for density calculation. See Table 3.1.

**Development Area:** Area that may be impacted by development activity. See Table 2.2.

**Driveway:** A privately owned access road serving one lot or dwelling structure.

**Dwelling Structure:** A structure containing one or more dwelling units

**Dwelling Unit:** One room or rooms connected together, constituting a separate housekeeping establishment containing independent cooking and sleeping facilities and bath facilities. A dwelling unit does not include boarding houses, bed and breakfast establishments, hotels, motels or clubs.

**Two-Unit Dwelling Structure** means two separate dwelling units covered by a common roof system.

**Multi-Unit Dwelling Structure** means three or more separate dwelling units covered by a common roof system.

**Farm Land:** Land currently supporting crops, orchards, or grazing; or open land with significant potential to support crops based on the presence of prime or statewide agricultural soils, accessibility, adequate size and shape, and compatibility with adjacent uses.

**Final Plat:** The final drawings on which the subdivision is presented to the Development Review Board for approval and which, if approved, are filed for record with the Town Clerk. See Section 2.5.

**GIS:** Geographic Information System. A computer system capable of assembling, storing, manipulating, and displaying geographically referenced information, i.e., data identified according to their locations. The Norwich GIS consists of data layers maintained by the Norwich Planning Office.

**Intermediate Plan:** The preliminary drawings for a subdivision indicating the proposed layout of the subdivision to be submitted to the Development Review Board for its consideration. See Section 2.4.

**Lot:** Any parcel of land the boundaries of which are separately described in a recorded deed or filed plat. A town or state highway right-of-way constitutes a lot boundary.

**Open Space:** The undeveloped portion of any development parcel(s) which is not occupied by buildings, streets, rights-of-way, driveways, parking spaces, commercial recreation facilities, or yard (setback) areas, and which is set aside, dedicated, or designated for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, or for the preservation and continued use of agricultural land, or protection of natural areas.

**Planned Unit Development (PUD):** An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units and commercial and/or industrial uses, if any, in which the design and development promotes the most appropriate use of the land, to facilitate the adequate and economic provision of streets, utilities, buildings, open spaces and other site features and improvements; the plans for which do not correspond in lot size, dimensional requirements, or type of use or density under the Zoning Regulations except as a planned unit development.

**Plat:** A plan or a map of a piece of land with actual or proposed features (as lots).

**Preliminary Plan:** An informal sketch of the proposed subdivision, the purpose of which is to enable the subdivider to reach general agreement with the Development Review Board as to the form of the subdivision and objective and requirements of these regulations. See Section 2.3.

**Private Highway:** A privately owned access road serving two or more lots or dwelling structures.

**Resubdivision:** Any change in a recorded subdivision plat, if such change affects any street layout on such plat, or area reserved thereon for public use, or any lot line; or if the change affects any map, plan or conditions recorded in association with the subdivision plat.

**Ridgeline:** A ridge top line of intersection between the opposite slopes on a range of hills or mountains.

**Slope:** The inclination of a surface. The gradient of a slope is defined as the ratio of the “rise” divided by the “run” between two points on a line expressed as a percentage.

**Street:** Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used for vehicular traffic and serving three or more lots.

**Subdivision:** Division of any lot or parcel of land, after the effective date of these regulations, into two or more lots of any size, for the purpose of conveyance, transfer of ownership, improvement, building, development, or sale. The term subdivision includes resubdivision. Any transfer, conveyance or sale of land held in one ownership, but already divided into lots by an existing public right-of-way shall not be considered a subdivision for the purposes of these regulations.

**Town Plan:** The Norwich Town Plan as most recently adopted.

**Wetlands:** All wetlands identified on National Wetland Inventory (NWI) maps, wetland areas identified as “Ecologically Significant Wetlands” by the Vermont Nongame and Natural Heritage Program, and/or areas identified through site analysis, pursuant to the Vermont Wetland Rules, to be inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction.