



**Northwest
Regional Planning
Commission**

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To: Fairfield Planning Commission
From: Emily Klofft, Regional Planner
Date: May 31, 2024
Subject: Comparison of Fairfield Town Plan and Fairfield Development Regulations

Enclosed is a comparison of the current Fairfield Town Plan and Fairfield Development Regulations specific to development standards in the rural areas. The purpose of the document is to guide a discussion of the effectiveness of the zoning bylaw in implementing the goals and policies of the Town Plan. Based on this discussion, NRPC will take feedback from the Planning Commission to develop an assessment of strengths and weakness of bylaw language in relation to plan policy.

The comparison is divided according to themes previously identified as potential concerns: density & dimensional standards, planned unit development standards, protection of open space/agricultural soils, source water protection, protection of scenic resources, and environmental protection standards.

On the left-hand side of the chart are relevant goals and policies of the Town Plan. On the right-hand side of the chart each zoning standard is referenced with an associated summary. The full text of each referenced zoning standard can be found in the attached appendix. I look forward to reviewing with you on Monday night!

Town Plan & Zoning Language Comparison

Town Plan

Zoning Bylaws

Density and Dimensional Standards in Rural Areas (Outside of PUD)

Agricultural District Purpose Statement: In agriculture lies the economic, social, historic, aesthetic and scenic character of the town and the fundamental strength and stability of the local and regional economy. Agricultural land represents a vulnerable and irreplaceable resource which must not be wasted; once it is developed it will likely be lost forever.

The purpose of the Agricultural District is to provide for and protect agricultural, forestry and compatible residential, commercial, and recreational uses. Lower development densities and clustered development are encouraged so as to preserve the rural character and protect the agricultural resources of these areas.

Though residential development is an appropriate use for these areas, and very likely will take place, measures should be taken to ensure that minimum lot sizes are large enough to accommodate a septic system. (Page 64)

Reference: Section 4.4 Table 4.1 (Page 34)
Summary: The table details dimensional standard (lot sizes, frontage, setback and height) for all development by zoning districts. .25 acre lot size is required in the Village and 1 acre in all other districts. See below for details on planned unit developments, which allow flexibility in dimensional standards.

Remaining a Rural & Agricultural Town Goal 3: Maintain Fairfield’s historical settlement pattern of compact villages surrounded by agricultural countryside. (Page 65)

Fairfield is a Vibrant and Welcoming Community Housing Policy 3: Encourage low densities where low levels of services are to be provided and higher densities only where they can be properly served. (Page 74)

Reference: Section 7.9(C) & Section 7.9(D)- Subdivision Review Standards (Page 71-72)
Summary: Subdivided lots must meet minimum lot size required in Table 4.1 unless approved as a PUD. The maximum number of lots is determined by dividing total land area by minimum lot size. Lot shape should be generally rectangular or radial to curved streets. Lot design should consider natural or manmade features and maintain viable agricultural fields and forest plots.

Reference: Section 8.4(C)(3) Conservation Resources -Steep Slopes over 25% (Page 78)
Summary: No land development or disturbance is allowed on slopes of over 25%, which may have an impact on overall density of a subdivision.

Town Plan

Zoning Bylaws

Planned Unit Development

Agricultural District Purpose Statement: ... While lots for residential development need to be large enough to accommodate water and septic systems, the parcels should be kept as small as necessary so as to minimize the loss of agricultural lands. The town supports the use of Planned Unit Developments (PUDs) and other clustering mechanisms to conserve agricultural lands. (Page 64)

Reference: Section 4.4- Table 4.1: Dimensional Standards and Uses (Page 35)
Summary: Planned Unit Developments (PUDs) are allowed in all districts except the Village District.

Remaining a Rural & Agricultural Town Goal 1: Protect prime agricultural lands and support the continuation of agriculture. (Page 65)

Remaining a Rural & Agricultural Town Goal 3: Maintain Fairfield’s historical settlement pattern of compact villages surrounded by agricultural countryside. (Page 65)

Remaining a Rural & Agricultural Town Goal 6: Protect the scenic and important natural resource value of open meadowland, lands for forestry, ground and surface water recharge, wildlife habitat, and outdoor recreation. (Page 65)

Remaining a Rural & Agricultural Town Policy 5: Promote the clustering of related and compatible commercial

Reference: Section 3.5 Planned Unit Development (Pages 28-30)
Summary: The purpose of the planned unit development is to enable clustering of lots to use land efficiently and preserve natural & scenic qualities in Fairfield. PUDs must be in conformance with the town plan. PUDs must be sited on a parent parcel of at least 5 acres and the density cannot exceed the maximum allowed density of the district (currently 1 unit/acre). PUD must meet all the planning and design standards in Article 8. A PUD must have a conserved lot of at least 60% of the parent parcel. Conserved land may be used for recreation, agriculture or forestry and should be adjacent to any other conserved lots.

<p>uses and to discourage strip commercial development along highways. (Page 66)</p> <p><i>Remaining a Rural & Agricultural Town Policy 8:</i> Control the siting of non-agricultural development and structures to limit impacts on important resources and loss of agricultural lands. (Page 66)</p> <p><i>Remaining a Rural & Agricultural Town Policy 9:</i> Encourage innovative densities, clustering of houses, protection of development rights, purchase of development rights, tax incentives and other means to keep prime agricultural lands in productive use. (Page 66)</p> <p><i>Supporting the Future of Agriculture in Fairfield Goal 1:</i> Continue efforts to preserve productive farmland & forest resources in the Town of Fairfield. (Page 67)</p> <p><i>Supporting the Future of Agriculture in Fairfield Policy 4:</i> Discourage development within agricultural areas on the prime or very good agricultural soils where alternative locations exist. (Page 67)</p> <p><i>Supporting the Future of Agriculture in Fairfield Policy 5:</i> Encourage siting buildings outside of meadows wherever possible.(Page 67)</p>	
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Protection of Open Space/Agricultural Soils	
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<p><i>Remaining a Rural & Agricultural Town Goal 1:</i> Protect prime agricultural lands and support the continuation of agriculture. (Page 65)</p> <p><i>Remaining a Rural & Agricultural Town Goal 3:</i> Maintain Fairfield’s historical settlement pattern of compact villages surrounded by agricultural countryside. (Page 65)</p> <p><i>Remaining a Rural & Agricultural Town Goal 6:</i> Protect the scenic and important natural resource value of open meadowland, lands for forestry, ground and surface water recharge, wildlife habitat, and outdoor recreation. (Page 65)</p> <p><i>Remaining a Rural & Agricultural Town Policy 8:</i> Control the siting of non-agricultural development and structures to limit impacts on important resources and loss of agricultural lands. (Page 66)</p> <p><i>Remaining a Rural & Agricultural Town Policy 9:</i> Encourage innovative densities, clustering of houses, protection of development rights, purchase of development rights, tax incentives and other means to keep prime agricultural lands in productive use. (Page 66)</p> <p><i>Supporting the Future of Agriculture in Fairfield Goal 1:</i> Continue efforts to preserve productive farmland & forest resources in the Town of Fairfield. (Page 67)</p> <p><i>Supporting the Future of Agriculture in Fairfield Policy 4:</i> Discourage development within agricultural areas on the prime or very good agricultural soils where alternative locations exist. (Page 67)</p> <p><i>Supporting the Future of Agriculture in Fairfield Policy 5:</i> Encourage siting buildings outside of meadows wherever possible.</p>	<p>Reference: Section 8.4(C) Conservation Resources- Review Standards (Page 78)</p> <p>Summary: The standard applies to all development reviewed by the Planning Commission. The provision applies to farmland and land with prime and statewide agricultural soils. The standards require linear features (e.g. fences, driveways) minimize fragmentation, structures must be located on field/pasture edge if feasible or if not on the least fertile soils on the lot. All or part of the farmland/prime and statewide agricultural soil shall be required to be in the conservation lot.</p>
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Source Water Protection	
<p><i>Remaining a Rural & Agricultural Town Goal 6:</i> Protect the scenic and important natural resource value of open meadowland, lands for forestry, ground and surface water recharge, wildlife habitat, and outdoor recreation. (Page 65)</p> <p><i>Remaining a Rural & Agricultural Town Policy 16:</i> In accordance with state policy, discourage development that will risk contamination of an existing or potential source of public water supply. (Page 66)</p> <p><i>Preserving Fairfield’s Natural Landscape and Historic Features Policy 1:</i> Regulate densities and uses within Source Water Protection Areas in order to prevent the potential contamination of public water supplies. (Page 73)</p>	<p><i>Bylaws do not currently have a source water protection area. Below are other provisions the Planning Commission may be able to apply to protect source water protection areas.</i></p> <p>Reference: Section 5.9 Performance Standards Summary: All development must meet the performance standards which include that no land development shall cause harmful waste to be discharged into the watercourse.</p> <p>Reference: Section 7.9(B) Subdivision Review Standards Summary: For all subdivisions (including PUDs), land development must provide for preservation and protection of existing natural features identified in the town plan.</p>
Protection of Scenic Resources	
<p><i>Remaining a Rural & Agricultural Town Goal 6:</i> Protect the scenic and important natural resource value of open meadowland, lands for forestry, ground and surface water recharge, wildlife habitat, and outdoor recreation. (Page 65)</p> <p><i>Remaining a Rural & Agricultural Town Goal 7:</i> Preserve Fairfield’s heritage, scenic vistas and scenic landscapes within the Chester A. Arthur Historic and Scenic Corridor and other recognized scenic areas. (Page 65)</p> <p><i>Remaining a Rural & Agricultural Town Policy 10:</i> Require tree/shrub planting and location of berms or equivalentents to preserve scenic roads and vistas. (Page 66)</p> <p><i>Preserving Fairfield’s Natural Landscape and Historic Features Goal 2</i> Development in proximity to natural areas should take place in such a way as to preserve their value for education, science, research, aesthetics, and recreation (Page 73)</p>	<p>Reference: Section 4.3 Zoning District Purpose- Chester A. Arthur Historical Overlay District (Page 32) Summary: The district is a 1000 foot buffer area where landscaping and screening is required to preserve appearance of this route.</p> <p>Reference: Section 4.8- Overlay District Standards- Chester A. Arthur Overlay District (Page 41) Summary: A setback of 70’ is required in the district, and all structures must be screened so they are not visible from the Chester A. Arthur Road.</p>
<p><i>Preserving Fairfield’s Natural Landscape and Historic Features Policy 2:</i> Ensure that development within the shoreline areas of lakes, streams and rivers is compatible with the natural beauty of the area, protects existing vegetation, is set back sufficiently to prevent erosion along stream banks or pollution from subsurface sewage disposal systems, and where possible retains visual and physical access to the water bodies. (Page 73)</p>	<p>Reference: Section 8.2 Landscaping and Screening (Page 74) Summary: The landscaping & screening standards apply to all development reviewed by the Planning Commission. The Planning Commission may require screening to reduce visibility of unsightly or incompatible areas. Street streets may also be required along streets.</p>
Other Environmental Protection Standards (Excluding flood specific regulations)	
<p><i>Remaining a Rural & Agricultural Town Goal 6:</i> Protect the scenic and important natural resource value of open meadowland, lands for forestry, ground and surface water recharge, wildlife habitat, and outdoor recreation. (Page 65)</p> <p><i>Remaining a Rural & Agricultural Town Goal 9:</i> Ensure that all development within the town is pursued with strict regard to the capability of the land to support it and to limit development in areas which are hazardous or otherwise unsuited for this purpose.</p>	<p>Reference: Section 4.3 Zoning District Purpose- Fairfield Swamp District, Pond District, and Uplands District (Page 32) Summary: The bylaws include three districts focused on conservation, the Fairfield Swamp District, the Pond District and the Uplands district. The Fairfield Swamp District allows only limited low density land development. The Pond District allows only limited commercial development, and no development which degrades the pond’s quality is allowed. The Uplands District only allows for limited low density residential and outdoor recreational uses.</p>

(Page 65)

Remaining a Rural & Agricultural Town Policy 15 Limit land development on steep slopes and where there are shallow soils. (Page 66)

Preserving Fairfield's Natural Landscape and Historic Features Goal 1 Protect the water quality of streams, Fairfield Pond, wetland areas and groundwater. (Page 73)

Preserving Fairfield's Natural Landscape and Historic Features Goal 2 Development in proximity to natural areas should take place in such a way as to preserve their value for education, science, research, aesthetics, and recreation (Page 73)

Preserving Fairfield's Natural Landscape and Historic Features Policy 2: Ensure that development within the shoreline areas of lakes, streams and rivers is compatible with the natural beauty of the area, protects existing vegetation, is set back sufficiently to prevent erosion along stream banks or pollution from subsurface sewage disposal systems, and where possible retains visual and physical access to the water bodies.(Page 73)

Preserving Fairfield's Natural Landscape and Historic Features Policy 3: Prohibit land development resulting in the loss of wetland storage capacity or additions to the marsh areas of any substances which are likely to increase the concentration of materials beyond the assimilative capacities. (Page 73)

Reference: Section 7.2 Subdivision Application Requirements- Table 7.1 Subdivision Application Requirements (Sections related to environmental protection) (Pages 66-67)

Summary: All applications for subdivision (including PUDs) must provide locations of natural features, and proposed open space and existing land easements. The Planning Commission may require an environmental impact assessment.

Reference: Section 8.4(C) Conservation Resources- Steep Slopes (Pages 78-79)

Summary: No driveways or building envelopes are allowed on sites from 15-25%. On slopes greater than 25% no site disturbance or land development shall be allowed.

Reference: Section 8.5 Stormwater Management and Erosion Control (Page 79)

Summary: This section applies to all development reviewed by the Planning Commission. The Planning Commission can require stormwater and erosion control measures meeting state best management practices (BMPs).

Referenced Excerpts from the Fairfield Land Use & Development Regulations

Density and Dimensional Standards in Rural Areas (Outside of PUD)

Section 4.4- Table 4.1: Dimensional Standards and Uses (Page 34)

	<i>Village District</i>	<i>Agriculture District</i>	<i>Fairfield Pond & Swamp District</i>	<i>Uplands District</i>
<i>Min. Lot Size</i>	1/4 acre	1 acre	1 acres	1 acre
<i>Max. Lot Size</i>	2 1/2 acres ³	N/A	N/A	N/A
<i>Min. Frontage</i>	60 feet	200 feet	200 feet	200 feet
<i>Min, Front Setback</i>	45 feet on VT Route 36, North Road, and South road. 35 feet all other roads.	50 feet	35 feet	50 feet
<i>Min. Side/Rear Setback</i>	5 feet	20 feet	20 feet	None
<i>Max. Structure Height</i>	35 feet	35 feet	35 feet	35 feet

Section 7.9(C) & Section 7.9(D)- Subdivision Review Standards (Page 71-72)

C. Lot Size and Density.

1. **Minimum Dimensional Standards.** No lot shall be created that does not meet the minimum dimensional standards of the district in which it is located, unless approved as a PUD (See Section 3.5).
2. **Calculating the Maximum Number of Lots Allowed.** The maximum allowed number of lots for a particular subdivision is calculated by dividing the total land area by the minimum lot size for the district (See Section 4.4).

D. Lot Shape.

1. Lots shall be designed with consideration of natural and manmade features such as tree lines, stonewalls, ridgelines, roads, shorelines or other features recognizable on the land, in addition to maintaining viable agricultural fields and forest plots.

2. Side lot lines shall generally be at right angles to straight streets or radial to curved street lines.
3. Lots with irregular shapes (e.g. curves, jogs, dog-legs, spaghetti lots, flag lots, etc.) shall not be approved unless warranted by conditions as noted in subsection (D)(1) above.

Section 8.4(C)(3) Conservation Resources -Steep Slopes over 25% (Page 78)

3. **Steep Slopes over 25 Percent Grade.** Steeply sloping lands (over 25 percent grade) are prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds and public roads, are detrimental to water quality and aquatic life, and a potential hazard to public safety.

Planned Unit Development (PUD)

Section 4.4- Table 4.1: Dimensional Standards and Uses (Page 35)

	<i>Village District</i>	<i>Agriculture District</i>	<i>Fairfield Pond & Swamp District</i>	<i>Uplands District</i>
<i>Planned Unit Development</i>	Not Allowed	Allowed	Allowed	Allowed

Section 3.5 Planned Unit Development (Pages 28-30)

A. **Intent, Purpose and Applicability.** The purpose of a Planned Unit Development (PUD) is to enable clustering of lots and development, to efficiently use land, to facilitate the adequate and economic provision of streets and utilities, and to preserve the natural and scenic qualities of Fairfield. The regulations in this section shall apply to all PUDs.

B. **Review Standards.** All PUDs shall meet the following standards:

1. **Town Plan.** PUDs shall be in conformance with the Town Plan, and the predominant uses of the site shall not differ substantially from the uses allowed in the district in which the project is located.
2. **“Parent” Parcel Lot Size.** All PUDs shall be sited on a “parent” parcel at least five contiguous acres in size. Development lots may be located on any portion of the “parent” parcel regardless of zoning district in accordance with the standards set forth in these regulations. PUDs are not allowed in the Village District.

3. **Density.** Density may vary within the PUD. However, the overall density of the principal uses and dwelling units shall not exceed the prescribed district density (see Section 4.4).
4. **Setbacks.** The minimum setback requirements for the district in which the project is located shall apply to the periphery of the development unless modified by the Planning Commission.
5. **Lot Layout.**
 - a. Proposed public and/or private roads shall be kept to a minimum in length. Lots shall be easily accessed from proposed public and/or private roads to decrease the length of future driveways. The Planning Commission may require that adjacent lots within the PUD be accessed by a shared driveway as a condition of approval.
 - b. The standards in Section 7.8(E) through Section 7.8(H) shall apply to PUDs.
 - c. PUDs shall be designed to minimize the length sewer lines, water lines, and utility lines.
6. **Planning and Design Standards.** PUDs shall be subject to the review standards under Article 8 of these regulations.
7. **Uses.** Land uses within a PUD shall be the same as those land uses that are permitted, conditional, or prohibited by district as shown in Table 4.1.
8. **Conserved Lot.** All PUDs shall contain a “conserved lot” which shall include at least 60% of the “parent” parcel. Road right-of-way (public or private) shall not count toward the conserved lot acreage.
 - a. **Legal Requirements for the Conserved Lot.** A conserved lot shall only be used for agricultural, forestry, and/or recreational uses. The future use of the conserved lot shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. A note shall also be added to the subdivision plat indicating the existence of the deed restriction (if applicable). The conserved lot may be owned and managed through the following means:

- i. Held in single fee-simple ownership by a private individual, a land trust or similar conservation-oriented non-profit organization, or a governmental entity, such as the Town of Fairfield (if authorized by the Selectboard).
 - ii. Held in common ownership by a homeowners' association provided the conserved lot is subject to a covenant or deed restriction addressing use and maintenance of the conserved lot.
 - iii. In addition to the outlined types of ownership, the applicant may propose that the conserved lot be protected by a permanent conservation easement held by a land trust or similar conservation-oriented non-profit organization (with legal authority to accept such easements), or a permanent conservation easement provided to a governmental entity (such as the Town of Fairfield). If the easement is provided to a land trust or similar organization, the applicant shall provide documentation that the organization is organized to be in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions.
- b. There shall only be one conserved lot per PUD.
- c. A conserved lot shall be located next to other conserved lots on adjacent lands, if they exist, to provide a contiguous connection between conserved lots created through a separate PUD or any other means.
- d. Structures to be built on a conserved lot shall only be used to support agricultural, forestry, and/or recreational uses on the lot. The total size of all structures on a conserved lot shall not exceed 1000 square feet.
- e. Water and wastewater infrastructure (wells, septic, leach field, etc.) serving the lots within the PUD may be located on the conserved lot provided that the infrastructure does not occupy more than 20% of the land on the conserved lot and provided that the applicant can demonstrate, to the satisfaction of the Planning Commission, that the infrastructure will not disrupt or detract from the intended use of the conserved lot.

C. **Modifications and Waivers.** In accordance with 24 V.S.A. §4414(8), the Planning Commission is permitted to modify these regulations upon submittal of a written request accompanying a Planned Unit Development (PUD) application . The purpose of this provision is to enable clustering and other innovations, in design and more efficient uses of land, to facilitate the adequate and economic provision of streets and utilities, and to preserve the natural and scenic qualities of the town. The Planning Commission shall keep a record of all modifications of this bylaw granted and each modification shall be directly included in the final PUD decision. All other provisions of these regulations not specifically modified shall remain in force and be applicable to the project. Dimensional requirements for a conserved lot within a PUD cannot be modified or waived. All modification requests within a PUD shall be made in accordance with the following standards:

1. **Lot Size.** The Planning Commission may modify the minimum lot size requirement to allow for lots not less than ¼ acre in size.
2. **Setbacks.** The Planning Commission may modify the minimum front, side, and rear setback requirements for structures to not less than 5 feet. The Planning Commission shall not modify the minimum setback requirement for rivers and streams.
3. **Height.** The Planning Commission may only modify the maximum height requirement in conformance with Section 5.3(D).

Protection of Open Space/Agricultural Soils

Section 8.4(C) Conservation Resources- Review Standards (Page 78)

C. **Review Standards.** Land development subject to this section shall not have an undue adverse effect upon Conservation Resources. As such, the Planning Commission and/or Board of Adjustment shall ensure compliance with the following standards.

1. **Building Envelopes.** All subdivision and PUD applications that include land with any Conservation Resources shall provide building envelopes on each lot. All building envelopes shall be delineated so that land development will limit any undue adverse effects on areas with Conservation Resource Areas. All structures on a lot shall be constructed within the building envelope.

2. **Farmland and Agricultural Soils.** Farmland and land area with prime and statewide agricultural soils shall be subject to the following provisions:
 - a. The Planning Commission and/or Zoning Board of Adjustment may require a vegetated buffer area between existing agricultural uses and other uses to minimize land use conflicts.
 - b. The fragmentation of farmland and land area with prime and statewide agricultural soils shall be minimized.
 - i. Where sites include linear features such as tree lines, stone walls, and/or fence lines, all access roads, driveways and utility corridors shall follow such features to minimize the fragmentation of farmland and/or prime or statewide agricultural soils, unless the Planning Commission and/or Board of Adjustment determines that doing so will cause such fragmentation. The Planning Commission and/or Board of Adjustment may require that access roads, driveways and utility corridors share the same right-of-way.
 - ii. All structures shall be located at field or pasture edges, or if not feasible due to topographical or environmental constraints, on the least fertile soils on the lot (based on the latest NRCS soil survey).
 - iii. For subdivision and PUD applications only, all building envelopes shall be located at field or pasture edges, or if not feasible due to topographical or environmental constraints, on the least fertile soils on the lot (based on the latest NRCS soil survey).
 - c. Where farmland and/or prime or statewide agricultural soils are present within a subdivision or PUD, all or part of this land shall be included in any required open space or conservation lot.

Source Water Protection

Section 5.9 Performance Standards

- A. All land development in the Town of Fairfield shall meet the following performance standards. No land development shall:
 1. Emit odors, noise, dust, dirt, noxious smoke or gases or other disturbances which are offensive and uncharacteristic of the area or which cause damage to any home business, vegetation or other property, or which endangers the health, safety or welfare of the neighborhood. Normal agricultural odors and noises shall not be deemed uncharacteristic in Fairfield.
 2. Present an unreasonable risk as to fire, explosion, or threat to safety that endangers the public or results in an increased burden upon municipal facilities.

3. Cause sewage or other harmful wastes to be discharged into any watercourse or into any disposal facility beyond its proper capacity.

4.

Section 7.9(B) Subdivision Review Standards

B. **General Standard of Review.** The Planning Commission shall determine if any land proposed for subdivision is designed and laid out to achieve the desired settlement pattern and purpose of the district in which it is located as defined in Section 4.3. All subdivisions shall:

1. Maintain and extend settlement patterns in conformance with the zoning district purpose statement, including dimensional standards (Section 4.4) and road layout (Section 8.3).
2. Provide for the preservation and protection of existing features as identified in the Fairfield Town Plan, including scenic views, streams, rock outcroppings, water bodies, other natural and historical resources.
3. Connect to and extend, where appropriate, existing roads, utility easements, open space, and forest blocks.

Protection of Scenic Resources

Section 4.3 Zoning District Purpose- Chester A. Arthur Historical Overlay District (Page 32)

F. **Chester A. Arthur Historical Overlay District.** The Chester A. Arthur Historic Overlay District is an important part of the legacy of Fairfield. The Overlay District includes the entire length of Chester A. Arthur Road and a 1000 foot area on either side of the road. This district contains several historic structures. Efforts should be made to encourage appropriate building styles within the Overlay District. Landscaping and screening of future land development with trees and shrubs shall be required to maintain the pleasant appearance of this route which is traveled by many tourist visitors to our town.

Section 4.8- Overlay District Standards- Chester A. Arthur Overlay District (Page 41)

A. **Chester A. Arthur Overlay District.** The following standards shall apply to all land development in the Chester A. Arthur Overlay District.

1. **Front Setback.** A front setback of 70 feet shall apply to all structures in this district.

2. **Landscaping.** All structures shall be screened to ensure they are not visible from Chester A. Arthur Road and shall meet the requirements of Section 8.2 regardless of land use.

Section 8.2 Landscaping and Screening (Page 74)

- A. **Site Preservation.** Existing vegetation such as trees and shrubs may be required to be retained by the Planning Commission or Board of Adjustment for screening and aesthetic purposes.
- B. **Landscaping.** The Planning Commission or Board of Adjustment may require landscape improvements for the purpose of reducing the visibility of unsightly or incompatible areas from the road and adjoining properties. Landscaping must meet seasonal conditions, soil conditions, and light conditions on the site and be installed in accordance with the following standards:
 1. Landscaping shall take the form of native shade trees, deciduous shrubs, evergreens, well-kept grasses, ground cover and site modifications such as berms.
 2. In determining the amount and type of plantings to be required, the Planning Commission shall take into account the following:
 - a. Existing trees, shrubs, evergreens and other vegetation to be preserved on the site to the greatest extent possible;
 - b. The visibility of incompatible or unsightly areas from public roads and/or adjacent properties;
 - c. The landform and overall landscaping plan for the development; and
 - d. Other factors which affect the safety and appearance of the development.
 3. Off-street parking areas for uses other than single and two-family dwellings shall be required to be landscaped or screened from adjacent uses.
 4. Landscaping shall be installed in a time frame established by the Planning Commission or Board of Adjustment in the written decision.
- C. **Street Trees.** The Planning Commission and/or Board of Adjustment may require that suitable hardwood shade trees be planted along the streets where trees do not exist at intervals of forty feet. All such required trees shall measure at least ten feet in height and two inches in diameter measured six inches above finished grade, and shall be planted within five feet of the edge of the street right-of-way. For assistance in selecting street trees, please consult the Vermont Tree Selection Guide from the Vermont Urban &

Community Forestry Program

(https://vtcommunityforestry.org/sites/default/files/pictures/vttree_guide.pdf).

- D. **Village District.** Land development in the Village District shall meet the landscaping and screening standards in Section 4.5.

Other Environmental Protection Standards (Excluding flood specific regulations)

Section 4.3 Zoning District Purpose- Fairfield Swamp District, Pond District, and Uplands District (Page 32)

- C. **Fairfield Swamp District.** The purpose of this district is to protect Fairfield Swamp. Development in this district must be carefully controlled to protect water quality, scenic beauty, and related natural resources. Due to the presence of natural resources and the cost of providing public services to this district, only limited, low-density land development will be permitted.
- D. **Pond District.** The purpose of this district is to carefully control land development in proximity to Fairfield Pond to protect water quality and scenic beauty. Fairfield Pond is a resource used by people for fishing, swimming, and boating. Land adjacent to Fairfield Pond are used for agricultural and low-density residential land uses. No land development shall be allowed in this district which degrades the pond's quality. Only limited commercial development shall be permitted in order to protect the natural environment.
- E. **Uplands District.** The southeast corner of Fairfield is characterized by a series of upland ridges and is presently the least settled part of town. The soils in this district tend to be most severely restrictive for all types of land development. The purpose of this district is to provide for the conservation of existing wildlife habitat and scenic resources while allowing for limited, low density residential and outdoor recreational uses.

Section 7.2 Subdivision Application Requirements- Table 7.1 Subdivision Application Requirements (Sections related to environmental protection) (Pages 66-67)

Table 7.1 Subdivision Application Requirements		
	<i>Sketch Plan Review</i>	<i>Final Plan/Plat Review</i>
Natural Features: The location of natural features located on the site, including but not limited to watercourses, wetlands, springs, forest boundaries, fields, large trees, and rock outcroppings. The location of natural features or site elements to be preserved.	✓ (Approximate)	✓
Open Space/Common Land: Proposed open space common land and/or recreation land within the proposed subdivision.	✓ (Approximate)	✓
Land Restrictions: The type and location of existing and proposed restrictions on land, such as easements and covenants.	✓ (Approximate)	✓
Supporting Information/Documentation		
(As may be required by the Planning Commission. Supporting information may be required as a condition of a sketch plan decision or during the final plan/plat review of an application)		
Environmental Impact Assessment: An analysis of potential environmental impacts, proposed mitigation measures.		

Section 8.4(C) Conservation Resources- Steep Slopes (Pages 78-79)

3. **Steep Slopes over 25 Percent Grade.** Steeply sloping lands (over 25 percent grade) are prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds and public roads, are detrimental to water quality and aquatic life, and a potential hazard to public safety.
 - a. No site disturbance or land development shall be allowed on slopes exceeding 25 percent.
 - b. Slopes exceeding 25 percent that are created by an extraction or quarrying use approved per Section 6.6 shall be exempt from this section.

4. **Steep Slopes (15%-25%).** Steep slopes between 15% and 25% grade are prone to erosion. Land development in areas with steep slopes between 15% and 25% grade shall be subject to the following provisions:
 - a. No roads or driveways shall be located on areas identified as steep slopes between 15% and 25% grade.
 - b. If land containing steep slopes between 15% and 25% grade is to be subdivided, such areas shall be excluded from building envelopes, unless the applicant provides the Planning Commission and/or Zoning Board of Adjustment with an erosion control plan and the Planning Commission and/or Zoning Board of Adjustment finds that the plan will adequately prevent erosion.

Section 8.5 Stormwater Management and Erosion Control (Page 79)

A. Stormwater Management.

1. **Stormwater Management Plan.** The preparation and implementation of a stormwater management plan, prepared by a professional engineer licensed by the State of Vermont, shall be required.
2. **Standards.** Stormwater drainage, infiltration, retention and treatment facilities, including culverts and ditches, shall be designed to accommodate potential stormwater runoff from the subject property. The Planning Commission and/or Board of Adjustment shall require the applicant to maintain post-development peak storm flows at predevelopment levels. Land shall be developed and subdivided so as to retain the land's natural contours and to conserve the natural cover and soil. Permanent vegetation and erosion control measures shall be established according to a schedule as required by the Planning Commission and/or Board of Adjustment. All stormwater management facilities shall be designed in accordance with the best management practices (BMPs) for stormwater management in the Vermont Stormwater Management Manual Rule and Design Guidance as most recently amended.

B. Erosion Control.

1. **Sedimentation and Erosion Control Plan.** The Planning Commission and/or Board of Adjustment shall require the preparation and implementation of a sedimentation and

erosion control plan to ensure site improvements, including excavation, road and driveway construction, and site clearing and grading does not unduly impact neighboring properties or surface waters during project construction. This plan shall be prepared by a professional engineer licensed by the State of Vermont.

2. **Standards.** All erosion control measures shall be designed in accordance with the best management practices (BMPs) for erosion control in the Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control as most recently amended.