



To: Fairfield Planning Commission
From: Emily Klofft, Regional Planner
Date: October 21, 2024
Subject: Discussion of Subdivision Regulations- Density Standards

Based on the discussion of the July 15th Planning Commission meeting, NRPC has identified five preliminary areas of discussion surrounding the town's subdivision regulations. These areas are subject to change as determined by the Planning Commission.

1. Determining Base Density of Subdivisions
2. Adding Additional Zoning Districts
3. Resource Protection Standards
4. Site Layout & Road Standards
5. Planned Unit Developments

This month, NRPC will provide information on and examples of zoning districts and resource protection standards.

Zoning Districts

There are three common types of divisions towns make in their rural zoning districts. Some combination of these methods can also be used to develop zoning districts.

Higher Density District Adjacent to Village District

Another common division of zoning districts is to have one or more districts intended for higher density rural or neighborhood scale development located adjacent to existing developed areas such as a village district, while density is lower in areas further from the village and/or with more resource constraints. This division of zoning districts can support the expansion of compact neighborhoods near existing villages. Because these districts are located around the existing development, it decreases the likelihood of linear sprawl. One potential challenge with this approach may be a lack of suitable developable land near existing village areas.

Additionally, if the district is too large, it can contribute to a pattern of sprawl. There are many examples of these types of districts, including those below.

Examples

- **Bakersfield, VT** has a High-Density Residential District surrounding its Village Center. The High-Density Residential District has a minimum lot size of 1 acre, as compared to 10 acres in the rural district.

- **Orwell, VT** has a Medium-Density Residential District which surrounds a portion of the village district. The district has a minimum lot size of ½ acre and a maximum density of 1 unit per 2 acres, compared to a minimum

Resource-Based Zoning Districts

Another type of division of districts is to separate rural residential districts from agricultural districts based on mapping of resource areas, such as prime agricultural soils. This can direct development away from areas the community has identified such as important working lands in need of protection. Resource protection districts can have specific standards to protect the resource(s) in question, including density, lot size and special subdivision standards.

However, mapped resource areas may not always reflect actual conditions on the ground. For instance, mapped prime agricultural soils may not reflect actual locations of productive farms. Additionally, these resources may not line up well with parcel lines. These districts can be base zoning districts or as an overlay district. Overlay districts can be preferable for resources that do not follow parcel lines ([VNRC, “Community Strategies for Vermont’s Forests and Wildlife A Guide for Local Action”](#)).

Examples

- **Poultney, VT** has four rural agricultural districts based on resource constraints.
 - Agricultural Rural Residential 1 acre - Areas with minimal or no resource constraints.
 - Agricultural Rural Residential 2 acre - Areas with the presence of one or more development constraints such as high water table, limitation of sewage disposal and shallow soils.
 - Agricultural Rural Residential 5 acre: Areas with slopes over 15% or roads without traffic capacity.
 - Agricultural Rural Residential 10 acre: Areas with severe restrictions on development such as steep slopes, shallow/wet soils, lack of roads and forested lands
- **Enosburgh, VT** has a Rural Residential Zone and an Agricultural Zone, where the Agricultural Zone is based on the presence of agricultural soils. The Agricultural Zone has additional development standards, including that 50% of land in agricultural production may be developed.
- **Berkshire, VT** has a Wellhead Protection District to protect the source water protection area for the village of Enosburg Falls, all residential development is a conditional use.
- **Fairfax, VT** has a Source Water Protection Overlay District with specific use and performance standards.

- Many communities, including Fairfield, also use these types of districts to protect forest resources. One example is **Highgate, VT** which has a Forest Reserve to protect undeveloped land far from existing roads.

Districts Based on Roadway Types

A common way towns divide rural district is by having one district that runs along some or all of the roads in town, and an additional district that consists of areas not along roadways or along minor/Class 4 roadways. Generally, the district along the roadways allows for smaller lot size/additional density, while larger lots are required further from roads. There may also be differences in allowed commercial or residential uses, with less uses allowed further away from the roadways. Compared to a single rural zoning district, this division in districts may reduce the fragmentation of large lots and prevent development further from existing development. However, this division of districts can also lead to an inefficient rural linear sprawl pattern of development along roadways and a reduction in open space.

Examples

- **New Haven, VT** has 3 rural agricultural districts, RA-2 with 2 acres/dwelling unit along most Class 3 roads, RA-5 with 5 acres/dwelling unit along major roads and RA-10 with 10 acres/dwelling unit for areas not along a roadway. The Town is now considering updating these standards as a result of sprawl concerns.
- **Sheldon, VT** has a Rural Lands 1 District for land within 800 ft of Class 1-III roads and a Rural Lands 2 District for all other rural land. The Rural Lands 1 District has a minimum lot size of 1 acre and the Rural Lands 2 District has a minimum lot size of 10 acres. Single family dwellings are a conditional use in the Rural Lands 2 District.

Resource Protection Standards

Municipalities can protect specific conservation resources in several ways. This section focuses on resource protection general and/or planning and design standards. District-based standards are discussed above. Site layout and road standards will be discussed in a future memo.

All resource protection standards must be clear, both in what resources are to be protected and in what restrictions there are on development. Regulations that are too vague or rely on excessive discretion of the Planning Commission may be legally unenforceable. Referencing state definitions and maps can ensure that areas are clearly defined and as accurate as possible ([VNRC, "Community Strategies for Vermont's Forests and Wildlife A Guide for Local Action"](#)). For each resource, identify whether the map is the final authority or if site verification is required. Fairfield's existing resource protection regulations are located in the Planning and Design Standards and apply to all development that requires Planning Commission review. These standards apply to steep slopes and agricultural lands.

General Regulations

General regulations apply to all development, including permitted uses. General regulations can be administered by the Zoning Administrator or Planning Commission, and therefore must be entirely non-discretionary.

Examples

- **Georgia, VT** has protections for wetlands and vernal ponds that prohibit development in wetlands and vernal ponds unless specific conditions are met. The Vermont State Wetlands Inventory is used as the basis for determination, with a provision that the Town may require wetlands delineation if uncertainty exists. These standards are separate and distinct from a state Wetlands permit.
- **Enosburgh, VT** has standards that require a vegetative buffer along streams, rivers and ponds with specific mitigation standards that exceed the minimum river corridor standards.

Required Planning Commission Review

Another option for conservation standards is to require Planning Commission review for all projects located within conservation resources, regardless of if the underlying use is permitted or not.

Examples

- **South Burlington** has a separate article for environmental resources which outlines three categories of resources (hazards, level 1 and level 2) and notes how to identify the resource and if site confirmation is required. Each resource has specific associated standards and all applications that impact the resources require DRB review, with some provision for administrative site plan review

Planning & Design Standards

Planning & design standards apply to all development reviewed by the Planning Commission such as site plan review and conditional uses. Planning and design standards should have clear standards but may allow for some flexibility. Fairfield's existing conservation standards are within this section. Planning & design standards will be covered at the next meeting during the discussion of site layout standards.