



To: Fairfield Planning Commission
From: Emily Klofft, Regional Planner
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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 site layout, road standards and planned unit developments. For those looking for a deeper dive, the following resources were referenced in the creation of this document

1. [VNRC, Community Strategies for Vermont's Forests and Wildlife A Guide for Local Action](#)
2. [Vermont Farm to Plate: Sustaining Agriculture Local Regulatory Context](#)

Site Layout & Road Standards

Planning & Design/Subdivision Standards for Resource Protection

Planning & design standards apply to all development reviewed by the Planning Commission such as site plan review and conditional uses, while subdivision standards apply only to subdivisions. Both types of standards should be clear but may allow for some flexibility as they are applied on to development reviewed by the DRB.

Standards can be designed to directly protect specific natural resources, such as excluding them from building envelopes or requiring mitigation of potential impacts. Additionally, these standards can dictate lot layouts that reduce fragmentation of forest and farmlands.

Fairfield's bylaws currently have planning & design standards that identify the following as conservation resources: prime and statewide agricultural soils and other farmland, and steep slopes greater than fifteen percent (15%) grade. The standards for farmland and agricultural soils require the minimization of fragmentation of farmland and areas with prime and statewide

agricultural soils, generally meaning locating development on the field edge or least fertile soils (see Section 8.4). For steep slopes, land development is prohibited on slopes over 25% and restricted from the building envelope from slopes between 15-25%.

The following examples focus primarily on agricultural resource impacts, but similar standards exist for other natural resources.

- In **Warren, VT** all major subdivisions, as well as minor subdivisions as requested by the DRB, must identify primary and secondary conservation resources. No building envelope may include primary conservation resources, the areas containing these resources should be designated open space, and lot lines, infrastructure and road and utility corridors must be located to avoid parcelization and destruction of these resources. For secondary conservation areas, lots and building envelopes must be configured to avoid impacts “to the extent feasible”. Meadowlands are mapped as an overlay district and considered a primary conservation resource.
- **Hinesburg, VT** requires all subdivisions in their agricultural areas to have development envelopes end at least 200’ from the lot line adjacent to agricultural uses to prevent use conflicts. Additionally, it is required that any actively farmed parcel maintains enough land to support efficient agricultural use (generally 25 acres). The bylaw requires development areas to be on the least fertile soils and requires structures to aesthetically blend with the natural landscape.
- **Westford, VT’s** Rural-5 District’s Planning & Design standards consist of a scoring system, where a development must score at least 27 of 40 points to be considered in conformance. Among the scoring criteria are standards related to minimization of fragmentation of productive agricultural land. The bylaws award a maximum of 5 points if the project is not located on prime or productive agricultural lands, 2 points for 60% preserved, and 1 point for at least 25 acres or 30% of actively farmed land preserved. Other standards address issues such as access, frontage and aesthetics.
- **Underhill, VT’s** subdivision regulations set lot layout standards similar to Fairfield’s bylaws to preserve prime and statewide agricultural soils, open fields, orchards and maple sugar stands. One difference is that Underhill’s regulations state that to the extent physically feasible, the subdivision must allow for the continued management of farmland for agricultural use.

Road Standards

The creation of long or inefficiently laid out development roads/driveways can contribute to fragmentation of agricultural and forestry land. Standards can regulate the overall length of roads, the efficient layout of the roads/driveways and the locations of roads.

- **Enosburgh, VT** regulates requires conditional use approval for all new roadways over 800 feet in the Rural Residential District, with the DRB able to limit the length or scale, require relocation or limit scale to protect natural resources, productive forestry and agricultural lands. Shared access may be required.
- **Fairfax, VT** limits new dead-end roads to not more than 600 feet in length with not more than 6 principal buildings, with ROW maintained for future development unless restrictions such as wetlands prevent this.

Planned Unit Development/Conservation Subdivision Standards

Conservation Subdivisions

Conservation subdivisions are subdivision standards that require or incentivize a certain percentage of the lot to be conserved. Conservation subdivisions may also refer to resource-based subdivision standards, those standards are covered in the resource-based subdivision standards section.

Many of the benefits of conservation subdivisions can also be achieved with density-based zoning. One advantage of density-based zoning over conservation subdivisions is that density-based zoning can better address the situation of lots being carved off one-by-one over time.

- **Berkshire, VT** has an optional conservation subdivision standard which reduces the lot size from 5 acres to 2 acres in exchange for 60% of the lot being conserved for lots 20 acres or greater. Conservation subdivisions must meet the resource protections standards required for all subdivisions in Berkshire.

Planned Unit Developments

Planned unit development standards are a planning tool that allows for increased flexibility of development in terms of uses and lot sizes and standards. In the rural context, planned unit developments are often similar to conservation subdivision standards, with the overall goal of clustering development and preserving open space by providing for more flexible lot size and setback standards. Another frequent use of planned unit development is to incentivize certain types of development such as affordable or senior housing. Planned unit development standards can also include incentivizing the physical form of development preferred by the community.

Fairfield currently has an optional planned unit development standard that allows for flexibility in lot size and setbacks on parcels of 5 acres or more with a conserved lot of at least 60% of the parcel and a density of not more than 1 unit/acre. The planned unit development must meet the resource protection standards required for all subdivisions in Fairfield and open space must be contiguous to preserved open space on existing lots.

While planned unit development can support open space preservation, there is a risk of “cluster sprawl”, with islands of unconnected streets in a rural landscape. Additionally, without resource-specific standards, the remaining open space may not be usable for agriculture or for conservation of natural resources.

- **Westford, VT** is one example of the common use of planned unit development standards to increase density of development in exchange for conservation of land, for projects that provide public benefit, or for projects that provide housing that meet two of the following criteria: affordable housing, senior housing, accessible housing, LEED certified, small homes under 1200 sq ft).
- **Charlotte, VT** has an optional Hamlet Planned Residential Development (PRD) in their Rural District for lots of 40 acres or more which require that the development take up no more 15% of the total acreage, and that building envelopes and open space must be configured to create the appearance of a traditional hamlet.

Transfer of Development Rights

Transfer of development rights is a voluntary tool that allows developers to build more densely in areas targeted for growth (“receiving areas” by purchasing the development rights from “sending areas” targeted for protection. The developer must purchase development rights from a landowner in the receiving area, but they do not purchase the land itself. Transfer of development rights is a tool that requires significant municipal capacity to manage. Additionally, the tool requires that there are sufficient landowners in the “sending area” who are interested in selling their development rights.

- **Charlotte, VT** allows for non-contiguous PUDs where density can be aggregated from one parcel in the Rural or Shoreland District to another parcel in the same district. This could be considered a “non-contiguous” PUD as compared to a traditional transfer of development rights tool.
- **Westford, VT** has a transfer of development rights which allows for the transfer of development rights from any district with lower density to a district with higher density, or within a district.