



REGULATORY

Examples of Development Review Standards

Below you’ll find examples of regulatory standards used by communities in Vermont. While these are intended as a guide for your community, *please note that they should not be cut and pasted into other regulations.* It is essential that, when developing standards for your community, you consider local circumstances, local goals, and the structure of your regulations before adopting this language.

In addition, it is highly advisable that you work with your town planner, regional planning commission, and/or town attorney before adapting and including any of these standards.

After you decide what language to include in your regulations, double check to ensure that any specific terms are defined in the “Definitions” section.

Examples of Purpose Statements: Zoning Districts

Sample Forest District Purpose Statements

Bennington, VT:

Forest District: “The purpose of the Forest District is to provide for commercial forestry uses and the protection of timber and wildlife resources in the Town’s major forested areas. The land is generally characterized by steep grades, the absence of permanent structures for year-round or sustained use and the absence of improved roads.”¹

Waitsfield, VT:

Forest Reserve District: “Purpose. The Forest Reserve District is to protect significant forest resources and water supply watersheds at higher elevations and to limit development in areas with steep slopes, shallow soils, unique or fragile resources, headwater streams, wildlife habitat, and poor access to Town roads and community facilities and services.”²

Sample Conservation District Purpose Statements

Bolton, VT:

Conservation District: “The purpose of the Conservation District is to protect Bolton’s generally remote and inaccessible mountainous areas—which include significant headwaters and aquifer recharge areas, unique and fragile

natural areas, critical wildlife habitat, and mountainsides and ridges characterized by shallow soils and steep slopes – from fragmentation, development, and undue environmental disturbance, while allowing for the continuation of traditional uses such as forestry and outdoor recreation.”³

Enosburgh, VT:

Conservation District: “Protect pristine and sensitive areas that are primarily used for forestry and outdoor recreation from the adverse effects of development and growth. Allow other uses with conditions, including camps and other compatible recreation uses at a density these areas can support in accordance with the Town Plan. Maintain large tracts of forest, protect significant wildlife habitat, and ensure connectivity between habitats.”⁴

Sample Wildlife and Natural Resources Overlay District Purpose Statements

Hartford, VT:

Wildlife Connector Overlay District: “To provide sufficient area for animals to move freely between conserved lands, undeveloped private lands, contiguous forest habitat, and other important habitat, land features, and natural communities within and beyond the boundaries of the Town in order to meet their necessary survival requirements.”⁵

Enosburgh, VT:

Natural Resources Overlay District: “Protect the scenic and natural resource values of lands which are important for wildlife and wildlife habitat, and which are poorly suited for development because of their environmental constraints. Maintain large tracts of forest, protect significant wildlife habitat, and ensure connectivity between habitats. Land uses and development in this district will be planned and designed to be compatible with the surrounding characteristics of the landscape, to be harmonious with wildlife habitat and the species that depend on this habitat and recognize and protect the full range of vegetative and animal habitats and species in the Town. The district includes areas which have significant geologic features, unusual or important plant and animal qualities of scientific, ecological or educational interest, steep slopes, waterways and significant wildlife habitat.”⁶

REGULATORY

Examples of Purpose Statements: Subdivision Regulations

Montpelier, VT: Montpelier has a unified bylaw, which includes both zoning and subdivision regulations. Its purpose statement for subdivision regulations is written as a single paragraph at the beginning of Article 4:

401.A. Purpose.

“The purpose of this article is to protect and provide for the public health, safety, and general welfare of the City of Montpelier by guiding future growth and orderly development through the control of land subdivision and development, the development or improvement of infrastructure to support it, the protection of natural and cultural resources, and the provision of public and private amenities in accordance with the Montpelier Municipal Plan and the Capital Budget and Program.”⁷

Windsor, VT: In many subdivision regulations, the purpose “statement” is a list of multiple purposes that the subdivision seeks to achieve. For example, the town of Windsor’s purpose statement contains the following list:

“SECTION 1.2 PURPOSE

(A) These regulations are adopted to further the following objectives:

- (1) to guide future development in conformance
- (2) with the *Windsor Town Plan*, the *Windsor Zoning Regulations* and all other municipal bylaws and regulations enacted to implement the plan;
- (3) to further the purposes contained in the Act as set forth in §4302.
- (4) to guide development in a manner that maintains the traditional settlement pattern of compact villages surrounded by an open, rural landscape;
- (5) to ensure that land to be subdivided is of such character that it can be used safely for its intended purposes;
- (6) 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;
- (7) to protect and provide for the public health, safety, and general welfare of the Town of Windsor;
- (8) to promote the conservation of energy or to permit the utilization of renewable energy resources;
- (9) to ensure that the rate of growth does not exceed the ability of the Town to provide public services and facilities, and that public facilities and services

are available and will have sufficient capacity to serve any proposed subdivision;

- (10) to preserve natural areas, critical habitat, scenic and historic resources and productive farm and forest land through the proper configuration of parcel boundaries and arrangement and location of development on parcels;
- (11) to provide the most efficient relationship between land use and the circulation of pedestrian and vehicular traffic; and to avoid undue traffic congestion and overburdening of roads and highways;”⁸

Examples of Standards for Avoiding Fragmentation of Forest Resources and Productive Forestland

- “Lot lines, infrastructure, and road, driveway, and utility corridors shall be located to avoid the parcelization, fragmentation, isolation, or destruction of productive forest land” (be sure to define “productive forest land”) (from a draft Vermont zoning bylaw)
- “The subdivision of forest land shall, to the extent practical, be configured to allow for ongoing forest management of the parcel after subdivision. Lot lines, building envelopes, access driveways or roads, and utility corridors shall be laid out to avoid unnecessary fragmentation of distinct timber stands, and to allow access for long-term forest management.”⁹ (Bolton)
- “Establishment of Development Envelopes. All lots shall have a designated development envelope, unless waived by the Commission in the case of small lots which would result in the dedication of significant tracts of open space. 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 size and shape of the development envelope shall at minimum be determined by district setback requirements unless otherwise specified in these regulations. The Planning Commission may require the identification of specific building footprints if, in their judgment, such information is required to meet the standards set forth in these regulations. Where the Planning Commission deems it appropriate to do so for the purposes of this Section 3.3, the Planning Commission may consider features of immediately adjacent properties that are relevant to the Planning Commission’s evaluation of the proposed development envelope.”¹⁰ (Norwich)
- “Protection of Forest Resources. Subdivision boundaries, lot layout and development envelopes shall

REGULATORY

be located and configured to avoid adverse impacts to productive forest land, including large (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 unique or fragile features, including natural areas, critical wildlife habitat, wildlife travel corridors, and/or exceptional recreational resources. Methods for avoiding 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) The Planning Commission may require setbacks and buffers from adjacent forest land greater than the setbacks and buffers set forth in the Norwich Zoning Regulations 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.”¹¹ (Norwich)
- “New driveways over 800 feet are prohibited in the [Conservation District.]”¹² (Enosburgh)
 - “SECTION – 8.16 FOREST FRAGMENTATION.
Lot boundaries and development envelopes shall be located and configured to avoid the fragmentation of forestland in parcels greater than 50 acres. Methods for avoiding fragmentation include but may not be limited to the following:
 - A) Buildings and associated building envelopes shall be located in a fashion that reduces penetration into large forest blocks and building lots should be clustered to avoid the fragmentation of forestland parcels greater than 50 acres.
 - B) Roads, driveways and utility corridors shall be shared to the extent feasible and designed to avoid or limit forest fragmentation; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these to minimize the fragmentation of forestland parcels.
 - C) The subdivision of forestland shall, to the extent feasible, be configured to allow for ongoing forest management of the parcel after subdivision. Lot boundaries and development envelopes should be laid out to avoid the unnecessary fragmentation of productive timber stands, and provision for forest management access should be a consideration of the final plan if active management is taking place.”¹³ (Enosburgh)
 - “Lots specifically intended for long-term forest management should be of sufficient size to qualify for enrollment in state and/or municipal tax stabilization programs, and may be included as designated open space in accordance with section 7.4 [Open Space and Common Land].”¹⁴ (Bolton)
 - “Forestry activities shall meet all applicable state regulations, and shall, as a minimum standard, comply with Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, published by the Vermont Department of Forests, Parks & Recreation.”¹⁵ (Waitsfield)
 - “Disclosure of Subsequent Development Plans. Whenever a subdivider submits a proposal for development on a minor portion of a parcel, the applicant shall provide a general indication of the intended use of the remaining portion of the land in accordance with the following requirements:
 - (1) Such indication shall include at minimum a written description of the proposed type and intensity of use, access, and schedule for the development of the remainder of the parcel.
 - (2) For major subdivisions, including but not limited to phased and/or planned unit developments, a master plan for the entire parcel may be required in accordance with Section (8.4 – Open Space and Common Land Standards for PUDs), which identifies designated primary and secondary conservation areas and other common land and open space; proposed development areas; the general location of proposed infrastructure, including road, utility and green space corridors; and an estimate of the type, density, and timing of future development.
 - (3) Within the Forest Reserve District (table 2.1), the submission of a subdivision plan shall be required for forest management activities which include pre-development site preparation work for more than one building site, as defined under Table 2.1(E)(1). In accordance with district requirements, when a landowner fails to submit a pre-development plan, the Board may limit development to the

REGULATORY

non-impacted portion of the parcel, and direct the manner in which the site shall be restored or revegetated prior to development.”¹⁶ (Warren)

- “The designation of building envelopes to limit the location of structures, parking areas, and associated site improvements to one or more portions of a lot shall be required for all subdivided lots intended for subsequent development in the Forest and Conservation Districts, and may be required by the Development Review Board for such lots in other zoning districts, as deemed necessary to protect significant natural or cultural resources under Section 7.3. The size and shape of each building envelope shall be established in accordance with these regulations. The Board also may require the identification of specific building footprints if, in its judgment, such information is needed to determine conformance with these regulations.”¹⁷ (Bolton)
- *Note: This approach can also be used to limit impacts in areas important for forest management and/or wildlife habitat.*

Sample Standards: Specific Conditional Use Standard

“Specific Conditional Use Standards for the Conservation and Natural Resources Overlay Districts. A biological impact assessment or report may be required as part of the application for Conditional Use.

- 1) For the Conservation and Natural Resources Overlay Districts, a biological impact report is required. Upon request of the applicant, the DRB may waive this requirement for projects it deems are designed in ways that have little or no adverse impact on Significant Wildlife Habitat and to minimize or avoid Fragmentation (See Section 8.16).
- 2) The study shall be prepared by a consultant or other party, qualified to assess the impact of development on biologic area. The applicant shall pay for the cost of the study. The study shall address the following:
 - a) Total acres in the project area;
 - b) Total acres of each habitat type in the project area;
 - c) Location and total acreage of open space areas in the project area;
 - d) Wildlife species known to be present or occurring on the site;
 - e) Use patterns of wildlife habitat within the project area (movement corridors, feeding areas, etc);
 - f) Critical connections or relationships with adjoining habitats outside the project area;

- g) Potential impacts of the proposed project on wildlife habitat and species;
- h) List of proposed mitigation methods for each wildlife habitat and species; and
- i) Any other information deemed necessary by the DRB to adequately assess the impact of the proposal on biological areas within or adjacent to the project site.”¹⁸ (Enosburgh)

Sample Standards: Promoting Wildlife Connectivity, Wildlife Habitat, and Wildlife Crossing Areas

Except where noted, the following standards are samples drafted by VNRC, and do not currently appear in a local bylaw. They represent the types of samples that can be included to address wildlife habitat and wildlife connectivity.

The following standards could be used as general standards, district standards, conditional use standards, or subdivision standards.

- ***Minimizing the impact of infrastructure:*** Development must be designed so that the extension of roads, driveways, and other infrastructure is minimized, with a preference for shared roads, driveways, and other infrastructure.
- ***Buffering specific resources:*** In the event that a distinct habitat supporting one or more specific species is located on the site (e.g., deer wintering area, mast stands, vernal pool), a buffer that is adequate to protect that habitat from the impacts of development and associated activities may be required as a condition of approval.
- ***Land management in areas important for wildlife:*** The portions of parcels located outside of development envelopes shall be managed to maintain forest cover and facilitate wildlife travel.
- ***Rare, threatened, and endangered species:*** Development shall avoid any adverse impacts to any rare, threatened or endangered plant or animal habitat or natural communities identified by the Vermont Department of Fish and Wildlife, or through site investigation.

REGULATORY

The following example is another way to write a standard that captures many of the ideas above. The way it is written presents a large idea (minimizing disruption and fragmentation of the wildlife crossing) and then lists the standards that development must meet to accomplish this. As written, it would be most suitable as a development standard in a wildlife or natural resources overlay district.

- Development shall be designed to minimize the disruption and fragmentation of the identified crossing to ensure that the development will not prevent the continued or potential future use by wildlife species identified as being dependent on the crossing to travel between areas of core habitat. To this end, development must:
 - be designed to minimize fragmentation through careful placement of individual structures and clustering of multiple structures as close to other development sites and disturbed areas as is practical given the development suitability of the site
 - be located within defined development envelopes to ensure that clearing, accessory structures and other site development is limited to a defined area;
 - be designed so that the extension of roads, driveways and infrastructure is minimized and, where practical, shared by multiple uses;
 - avoid any placement of fences, walls or substantial changes in grade that would disrupt the movement of wildlife within the crossing. Where fences are necessary, they should be no higher than 4.5 feet and should have at least 16 inches of clearance between the lowest horizontal part of the fence and the ground.

This standard, from the town of Norwich, is similar to the standard above but designed for use in **subdivision regulations**.

- (E) “Protection of Wildlife Habitat and Natural Areas. Subdivision boundaries, lot layout and Development Envelopes shall be located and configured to minimize adverse impacts on critical wildlife habitat, including travel corridors, and natural areas identified in the Norwich Town Plan, by the Vermont Department of Fish & Wildlife, or through site investigation. Methods for avoiding such adverse impacts include but may not be limited to the following:
 - (1) Development envelopes shall be located to exclude identified natural areas and wildlife habitat, including deer wintering areas and other critical habitats. A buffer area of adequate size shall be established to ensure the protection of critical habitat.

- (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 Commission 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 the those values and function. The Commission may also consult with Vermont Fish and Wildlife Department staff prior to issuing a decision.
- (3) Roads, driveways and utilities shall be designed to avoid the fragmentation of identified natural areas and wildlife habitat.
- (4) Identified natural areas and critical wildlife habitat should be designated as open space.”¹⁹ (Norwich)

The following standards are ways to **specify the location of development within a wildlife overlay district or wildlife corridor**:

- Development shall be located as far away from the center of the wildlife corridor as possible when a practical development site is available (e.g., when there is an option for development to be located towards the middle of the corridor, vs. at the edge, development must be placed toward the edge) unless the less disruptive option involves locating development in close proximity to other existing development in the corridor. Similarly, development shall be located to leave the greatest contiguous land area within the district as undisturbed forest to facilitate wildlife travel through the area.
- In the event that there is no land that is practical for development outside of a wildlife corridor, the development’s design must minimize impacts on the continued viability and use of the corridor.

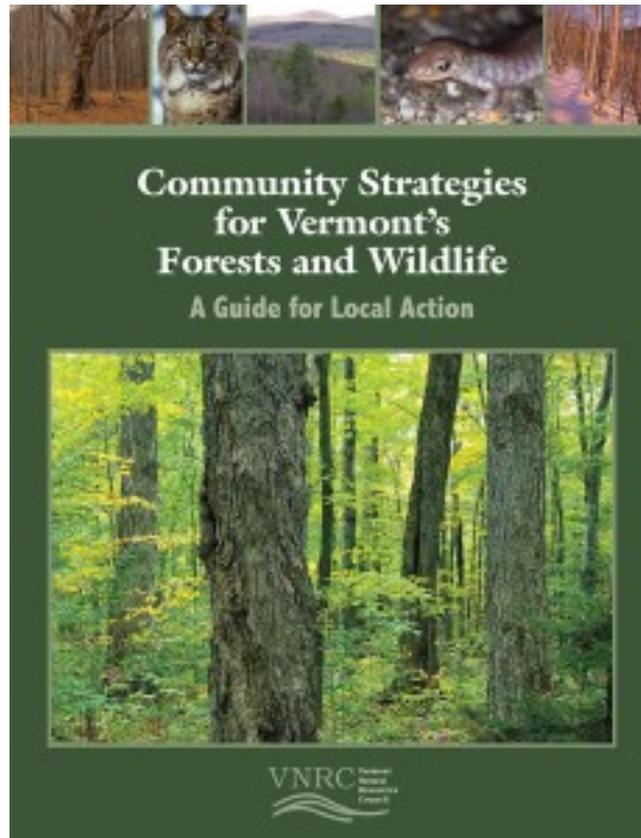
The following standard may be used to get additional information about the natural resources present on a particular parcel:

- The Development Review Board may require the applicant to obtain written review from the Vermont Department of Fish and Wildlife regarding the impact of the proposed development on the wildlife corridor and significant wildlife habitats.



This chapter is part of a larger publication called ***Community Strategies for Vermont's Forests and Wildlife: A Guide for Local Action***. You can download the entire publication or individual chapters (including the endnotes, resources, and credits page) for FREE at:

www.vnrc.org/programs/forests-wildlife/guide/



This guide was written primarily by: Jamey Fidel and Kate McCarthy of the Vermont Natural Resources Council (VNRC) and Sharon Murray of Front Porch Community Planning and Design, with assistance from Elizabeth McDonald, Véronique Meyer, Brian Shupe, and Emma Zavez. Technical illustrations by Jeannie Sargent.

Funding or general support for this publication was provided by: Jessie B. Cox Charitable Trust; Northeastern States Research Cooperative (NSRC), a partnership of Northern Forest states (New Hampshire, Vermont, Maine, and New York), in coordination with the USDA Forest Service; The Nature Conservancy – Vermont Chapter; U.S. Forest Service, Northeastern Area State and Private Forestry; U.S. Forest Service, Green Mountain National Forest; Vermont Agency of Natural Resources.

Design: Tim Newcomb, Newcomb Studios Printing; Stillwater Graphics, Williamstown, VT

Prepared by the Vermont Natural Resources Council

September 2013 © Vermont Natural Resources Council | This institution is an equal opportunity employer