

## ARTICLE 5: PLANNING STANDARDS

### SECTION 5.1 APPLICATION OF PLANNING STANDARDS

The Development Review Board shall evaluate any subdivision in accordance with the following standards, based on goals and objectives identified in the Town Plan. The Development Review Board may require the subdivider to submit information addressing impacts related to these standards. In light of findings made on these standards, the Development Review Board may require modification and/or phasing of the proposed subdivision or correction of any adverse impacts.

- 5.1.1 Suitability for Development - Whether the land for the proposed subdivision is suitable for subdivision or development or demonstrates no significant impediments to development due to flooding, improper drainage, steep slopes, rock formations, or other adverse earth formations or topography, utility easements or other features which will be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas.
- 5.1.2 Natural Features Protection - Whether the proposal gives due regard to the preservation and protection of existing natural features including: significant trees, hedgerows and productive forests; agricultural lands; streams, rivers, lakeshores and other surface waters; floodplains and wetlands; groundwater resources; rock outcroppings, steep slopes and ridge lines; earth resources; wildlife habitat; significant natural areas, and other natural resources.
- 5.1.3 Cultural Features Protection - Whether the proposal gives due regard to the preservation of historic structures and areas, and of scenic resources. In the village areas, the proposal shall enhance compact, historic, pedestrian-oriented settlement patterns. Outside the village areas, the proposal shall enhance the rural landscape.
- 5.1.4 Open Space and Recreation - Whether the proposal includes sufficient open space for active and passive recreation
- 5.1.5 Compatibility with Surroundings - Whether the proposed density, building sizes, pattern of development, and configuration of lots is compatible, within the context of the Town Plan goals and the Zoning Bylaw, with the surrounding properties, the natural environment and the built environment.
- 5.1.6 Transportation - Whether the proposal contains adequate provision for transportation including vehicular and pedestrian traffic in terms of safety, convenience, access to points of destination and attractiveness.
  - (1) Whether the proposed development will cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town.
  - (2) Whether the layout and/or extension of any roads provides for appropriate access to the project and possible future projects as determined necessary by

the Development Review Board. The Development Review Board shall consider the long term road network as it relates to existing, proposed, and potential roads and development in the Town, safety, emergency vehicle access, aesthetics, and any other impacts identified in the course of the review of the project.

5.1.7 Soil Erosion and Storm Water Run-off - Whether the proposal includes adequate provision for the control of storm water runoff and erosion during and after construction.

5.1.8 Water Supply - Whether there is sufficient water available for the foreseeable needs of the proposed development without impacting existing water supplies.

5.1.9 Wastewater Disposal - Whether the project has access to municipal wastewater disposal facilities, in conformance with any sewage disposal policies or regulations in effect, or the site has the capacity to safely and effectively treat sewage flows from the proposed development through a sewage disposal system designed by a qualified professional engineer or consultant acting within the authority of his or her certification.

5.1.10 Agriculture/Forestry - Whether the proposed development will preserve agricultural and forestry land and uses by placing development in areas that are marginal for agricultural and forestry uses and where development will be least disruptive to agricultural and forestry operations.

5.1.11 Municipal Services - Whether the proposed development will place an unreasonable burden on the ability of local governmental units to provide municipal or governmental services and facilities.

5.1.12 Energy Conservation - Whether the proposed development promotes energy conservation by encouraging compact patterns of development and through orientation of structures on a site to gain maximum benefit from solar access and wind protection. Projects should be sited and designed to take maximum advantage of solar gain – to ensure passive solar gain and to allow for the use of photovoltaics now or in future. If this cannot be accomplished to the DRB’s satisfaction, the use of renewable energy technology (solar, wind, geothermal, etc.) or green building certification (LEED program for non-residential projects; “Green Home Certification” for residential projects – see definition) shall be employed as a substitute.

5.1.13 Conformance with Town Bylaws and Plan - Whether the proposed development is in compliance with the Hinesburg Town Plan, Zoning Bylaw and other by-laws and regulations or policies then in effect.

**ARTICLE 6: REQUIRED IMPROVEMENTS AND DESIGN STANDARDS**

**SECTION 6.1 STREETS AND DRIVEWAYS**

- 6.1.1 General Standards: Convenient and safe access for maintenance and emergency equipment in all weather conditions.
- 6.1.2 Layout Coordination: Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless in the opinion of the Development Review Board such extension is not necessary or desirable for the coordination of the layout of the proposed subdivision with the existing layout or the most advantageous future development of adjacent tracts.
- 6.1.3 Topography: Streets and driveways shall be logically related to the topography so as to produce usable lots, reasonable grades and safe intersections in appropriate relation to the proposed use of the land to be served by such streets and driveways.
- 6.1.4 Reserved Strips: The creation of reserved strips shall not be permitted adjacent to the proposed street in such a manner as to deny access from adjacent property to such street.
- 6.1.5 Dead Ends and Street Networks: No dead end streets shall be permitted without a suitable cul-de-sac at its terminus with a radius of not less than forty (40) feet, and no dead end street shall be more than a reasonable length, or as specified in the Town Road Standards. Non cul-de-sac turn-arounds may be permitted, if permitted by and in accordance with the Town Road Standards.
- 6.1.6 Intersections: Street intersections with centerline offsets of less than two hundred (200) feet shall not be permitted. All street intersections shall be as nearly at right angles as possible. This paragraph shall not apply where superseded by the Town Road Standards.
- 6.1.7 Accessibility: All dwellings must be accessible by emergency and service vehicles.
- 6.1.8 Sight Distances: Sight distances should be consistent with probable traffic speed, terrain, alignments, and climatic extremes, and shall conform to the Town Road Standards.
- 6.1.9 Drainage: Adequate provisions shall be made to control the drainage of each street and driveway by adequate storm water system.
- 6.1.10 Design: All streets shall be constructed in accordance with town road standards, except that surfacing requirements may be varied for private roads.
- 6.1.11 Shared Access: Wherever it is feasible or practical, provisions shall be made for the joint use of existing access points. Where adjoining undeveloped land has less

**SECTION 6.6 EROSION CONTROL AND STORM WATER RUNOFF**

- 6.6.1 Erosion Control:** All areas exposed during construction shall be protected in accordance with the standards contained in the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites published by the Department of Environmental Conservation, Agency of Natural Resources. In locations where erosion is likely to occur during construction, the Development Review Board shall require the applicant to submit an erosion control plan before final plat. Permanent vegetation and erosion control structures shall be established immediately after construction has been completed.
- 6.6.2 Drainage:** An adequate surface storm water drainage system for the entire subdivision area shall be provided. Where it is anticipated that additional runoff incidental to the development of the subdivision will overload an existing downstream drainage facility so that there will be drainage to public or private property or an increase in the expenditure of public funds, the Development Review Board shall not approve the subdivision until provision has been made for the improvement of said condition. Where a subdivision is traversed by a water course or drainage way, there shall be provided a storm water drainage easement of such width as to encompass the twenty-five (25) year flood of such water course, which easement shall be indicated on the Final Plat. The subdivider's engineer shall provide such information as the Development Review Board deems necessary to determine the adequacy of all proposed drainage facilities.

**SECTION 6.7 WATER SUPPLY**

- 6.7.1 Water - Community Systems:** The Development Review Board may require that the proposed development be serviced by a community water system which shall be designed and installed in accordance with all applicable municipal and State regulations and standards. The impact of the community water system on surrounding water supplies shall be assessed when required by the Development Review Board. Community water systems shall be designed in such a way that they may eventually be connected to a municipal water supply system.
- 6.7.2 Individual Water Supplies:** if the proposed subdivision is to be serviced by individual wells, the subdivider shall provide evidence of the location and availability of potable water in adequate quantities.
- 6.7.3 Water Samples:** the Development Review Board may require as a condition of approval, or as a condition of issuing zoning permits, that the subdivider provide the results of water samples tested by the Vermont Health Department.
- 6.7.4 Standards:** The following standards shall be met for subdivisions being serviced by either a community water system or individual wells:
- (1) Due consideration shall be given to the drainage patterns in the area.
  - (2) Building sites and new streets shall be located far enough away from underground water concentrations, or surface areas which take in water, to

- the number permitted.
  - (6) Limiting the location of signs.
  - (7) Requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.
  - (8) Specifying a specific time limit for construction, alteration, or enlargement to begin for a structure to house a conditional use.
- 4.2.4 Conditional use review of commercial or industrial development, as well as multiple-family dwellings, in any district shall incorporate site plan review standards in accordance with section 4.3.
- 4.2.5 All changes in use, including uses existing prior to November 7, 1972, shall conform to all regulations pertaining to conditional uses.
- 4.2.6 The Development Review Board may require that the applicant for a conditional use furnish the municipality with a performance bond or other form of financial surety acceptable to the Town of up to the value of the cost of the improvement to be guaranteed, as set forth in the Planning Act, in order to assure the proper development of the conditional use according to the restrictions and conditions specified by the Development Review Board and as set forth in this Regulation.
- 4.2.7 A conditional use approval shall expire after the period of time set forth in Section 8.5.

### **Section 4.3 SITE PLAN APPROVAL**

With the exception of development undergoing conditional use review, no commercial or industrial structure, nor multiple-family dwelling, in any district shall be erected, moved, altered, rebuilt, or enlarged, whether by variance or otherwise, and no commercial or industrial use, nor multiple-family dwelling, shall be established whether by variance or otherwise without first obtaining site plan approval from the Development Review Board. Site plan review is also required for municipal and other public structures.

- 4.3.1 **Site Plan Revisions:** Major revisions to previously approved site plans must be reviewed by the DRB in the same fashion as any new site plan. Minor revisions to previously approved site plans may be reviewed and approved by the Zoning Administrator without DRB review pursuant to the administrative review procedures outlined in section 4.6.
- 4.3.2 In reviewing site plans, the Development Review Board may impose appropriate conditions and safeguards with respect to adequacy of traffic access, circulation, and parking; landscaping; screening; and other appropriate conditions and safeguards.
- 4.3.3 The applicant shall notify the secretary of the Development Review Board at least ten (10) days prior to the next regularly scheduled Development Review Board meeting at which the applicant desires the site plan to be considered. The applicant shall submit a completed application and fee together with two (2) sets of plans as well as one (1) set of 11" X 17" or 8.5" X 11" reductions of the plans, data, and information, which shall include the following:
- (1) Site plan drawn to scale showing existing features, contours, structures, easements; all proposed improvements and land use area; proposed traffic access, circulation, parking and loading spaces, and pedestrian walks; landscaping, site grading, and screening;
  - (2) Landscaping plan (see section 4.3.8) including specifications of the materials and plantings to be used;
  - (3) Period of time in which all site improvements will be completed; and
  - (4) Any other information or data, which the Development Review Board shall reasonably require, not excluding a traffic study.
- 4.3.4 **Site Plan Review Standards:** The Development Review Board shall review the site plan

and supporting data before approval, approval with conditions, or disapproval is given, and shall take into consideration the following standards:

- (1) Safety of vehicular and pedestrian circulation on site and on the adjacent street network;
  - (2) Adequacy of circulation, parking and loading facilities with particular attention to safety. Provisions for refuse storage and disposal, snow removal, and emergency access shall also be addressed where applicable.
  - (3) Adequacy of landscaping, screening, setbacks, hours of operation and exterior building design in regard to achieving maximum compatibility with adjacent property and with the character of the neighborhood.
  - (4) Adequacy of exterior lighting for safe circulation on the site without creating off-site glare and excess illumination.
  - (5) Adequacy of sewer and water.
  - (6) Adequacy of drainage and grading plan, ensuring treatment and control of stormwater runoff, control of soil erosion during and after construction, and proper design solutions for steep slopes and poorly drained areas.
  - (7) Consistency with the Town Plan in regards to the pattern of development, preservation of significant natural and cultural resources, and the location and nature of existing and planned roadways and other public facilities.
  - (8) Proper planning and design in regard to hazardous wastes and avoidance of runoff.
  - (9) Conformance with design standards as stated in Sections 5.22 and 5.6, where they apply.
- 4.3.5 The Development Review Board may limit the number and width of access drives to secure traffic mobility and safety. It may also require the provision of joint facilities for access, parking, and utilities.
- 4.3.6 No commercial or industrial use shall operate outside the hours of 6:00 a.m. to 10:00 p.m. without the conditional use approval of the Development Review Board. Hours of operation may be established by the Development Review Board in instances where site plan approval is required but no conditional use approval is required.
- 4.3.7 Site plan approval shall expire after the period of time set forth in Section 8.5.
- 4.3.8 **Landscaping Plan & Standards:**

**PURPOSE:** The Town of Hinesburg recognizes the importance of trees, landscaping, and well-planned green spaces in promoting the health, safety, and welfare of residents through improved drainage, water supply recharge, flood control, air quality, sun control, shade, and aesthetics. Landscaping shall be required and a landscape plan submitted for all uses subject to site plan review, and, within the village growth area districts, for subdivisions and planned unit developments. In evaluating landscaping, screening, and street tree plan elements, the Development Review Board shall promote the retention of existing, healthy trees while encouraging the use of a variety of plant species that are suited to the site and soil conditions. Native plant species are preferred, and under no circumstances shall non-native invasive species be used. See “Invasive Plants of the Eastern US” website ([www.invasive.org/eastern](http://www.invasive.org/eastern)) for a list of non-native invasive species. Also see the Vermont Invasive Plant Council website ([www.vtinvasiveplants.org](http://www.vtinvasiveplants.org)) for more information on invasive species management and statewide restrictions. Contact the Planning & Zoning Office and/or the Hinesburg Tree Warden for street tree species recommendations.

**Waiver Option:** The DRB may waive specific standards where it determines there is good cause to do so, and only if the waiver does not have the effect of nullifying the overall