

## Chapter 15

### On-Site Infrastructure

This chapter establishes standards for the provision of on-site infrastructure, including private and public roads, utilities, and associated improvements. These standards are supported by Chapter 7 of this bylaw, which establishes the procedures needed to ensure that the improvements required here are actually built. On-site infrastructure may also be subject to the continuing maintenance standards of Chapters 7 and 16.

#### 15.1 Basic Requirement – Applicability

**15.1.1 What is the basic requirement of this chapter?** The basic requirement of this chapter is that developments will be served by adequate on-site infrastructure installed by the developer.

**15.1.2 What does ‘on-site’ mean?** On-site infrastructure is on the land that is proposed for development or in a public right-of-way immediately adjoining that land. This term may also include necessary extensions of roads or utilities to a development across other lands.

**15.1.3 Do the standards adopted here apply to all development?** These standards apply to all development for which a discretionary permit is required. The plans submitted with applications for discretionary permits must clearly demonstrate compliance with these standards.

**Relationship to Impact Fees.** Williston requires development to contribute to the continuing improvement of its infrastructure in two major ways. The first is through the provision of on-site infrastructure, as required by this bylaw. While on-site infrastructure may incidentally benefit others, it primarily serves the occupants/users of the development where it is installed. The second contribution is through the payment of impact fees. Impact fees are used to help cover the costs of off-site infrastructure, that is to say, of improvements that are, in part, necessitated by a development, but that serve a larger public and may be located miles away.

**15.2 Circulation.** Many developments will be served by existing roads, with access to those roads governed by Chapter 13 of this bylaw. These standards apply where new roads must be built.

**15.2.1 Will all roads built to serve new development be public?** No. Applicants may be required to build public or private roads as explained here.

**15.2.2 Where will public roads be required?** Where a development includes a proposed arterial or collector road, that road will be public, and designed and built to the appropriate standards of the American Association of State Highway and Transportation Officials’ (AASHTO) *Policy on the Geometric Design of Highways and Streets* and Williston’s *Public Works Standards*.

**15.2.3 What about local roads? Are they to be public or private?** That depends. Proposed local roads that serve a single development and/or that will serve 40 or fewer dwellings and/or that provide no connection to other lands shall be dedicated to public use, but privately maintained by the owner or an owner’s association, as provided by WDB 7.2. The town may accept some local roads as provided by WDB 15.2.3.3

15.2.3.1 Very Low-Volume Roads. Where a private road will serve 40 or fewer dwellings or a projected traffic volume of 400 ADT or less it shall be designed and built to comply with

the current edition of the American Association of State Highway and Transportation Official's *Guide for the Geometric Design of Very Low Volume Local Roads* and Williston's *Public Works Standards*. Low-volume private roads that serve residential development with an average density of one dwelling per 10 acres or less may be unpaved.

15.2.3.2 Other Private Roads. Private roads that will serve more than 40 dwellings or carry more than 400 ADT traffic must be designed and built to comply with the current edition of the American Association of State Highway and Transportation Official's *Policy on the Geometric Design of Highways and Streets* and Williston's *Public Works Standards*.

15.2.3.3 Town Acceptance of Local Roads. The town may choose to accept a new local road that provides access to a municipal or other public facility or where the connectivity required by the *Town Plan* and Chapter 13 of this bylaw is not provided by an existing road. Where the town will accept a local road, it must be designed and built to comply with the current edition of the American Association of State Highway and Transportation Official's *Policy on the Geometric Design of Highways and Streets* and Williston's *Public Works Standards*.

**15.2.4 Must sidewalks or recreation paths be provided along roads?** Sidewalks that are designed and built to comply with Williston's *Public Works Standards* must be provided along both sides of all proposed roads except:

15.2.4.1 ... where the *Town Plan* calls for the provision of a recreation path along the proposed road, which must be provided instead; or

15.2.4.2 ... where the DRB finds that the type and/or density of development served by the proposed road does not necessitate a sidewalk or recreation path, or at least a sidewalk or recreation path on both sides of the road. In making this determination, the DRB shall be guided by these principles.

- The DRB may limit the requirement for a sidewalk to only one side of a proposed road in areas of low intensity commercial or industrial development. Where it does so, it may require the provision of signed and/or striped crosswalks to properties on the side of the road that has no sidewalk.
- The DRB may modify or eliminate the requirement for a sidewalk where safe adequate bicycle and pedestrian circulation is provided by an off-street system of paths.
- Sidewalks will not ordinarily be required in the ARZD due to the low density of development permitted in that zoning district. Recreation paths and primitive trails will be required as shown in the *Town Plan* and may also be required to create or enhance connectivity in open space developments, as provided by WDB 31.7.5.

<p><b>Where can I find the map of proposed trails in the <i>Town Plan</i>?</b> Existing and proposed trails are shown on Map 11 and Map 17 of the <i>Town Plan</i>.</p>
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15.2.4.3 Crosswalks. Signed and/or striped crosswalks must be provided at all intersections. The DRB may also require mid-block crossings to serve specific destinations and additional measures to ensure the safety of cyclists and pedestrians, including textured crosswalks and other streetscape design features, signs, and traffic calming. The DRB may permit an

exception to this standard where an applicant would otherwise be required to install a crosswalk that does not connect to a pedestrian way on the other side a street.

**15.2.5 Are there standards for the drainage of roads?** All roads shall be properly drained, as required by the *Public Works Standards* and in compliance with Chapter 29 of this bylaw, which regulates runoff from roads and other impervious surfaces.

**15.2.6 Are there standards for signs, street lights, etc?** Improvements associated with roads, including signs required by the *Uniform Manual of Traffic Control Devices*, street lights, and similar facilities shall be provided as required by the *Public Works Standards*.

**15.2.7 Are street trees required?** Street trees must be planted as required by Chapter 26.

**15.2.8 What about bus stops?** Applicants whose projects will benefit from transit service may be required to provide or contribute to the provision of bus stop pull-outs, shelters, and signage.

**15.3 Neighborhood Parks.** Like the other on-site infrastructure required by this chapter, neighborhood parks are ‘required improvements’ subject to all applicable requirements of Chapter 7 and the maintenance requirements of Chapter 16.

**15.3.1 Are developers required to provide neighborhood parks?** Section 2 of the *Open Space Plan* provides detailed guidance for the provision of neighborhood parks in residential developments. The DRB must find that all proposed residential developments comply with that guidance. Note also that the growth management review standards adopted in Chapter 11 of this bylaw encourage the provision of neighborhood recreational space.

**15.3.2 Are neighborhood parks open space?** Neighborhood parks come in different forms, depending on the character of the neighborhood they serve. Some may be quite urban, including lots of hard surfaces. They are not automatically included in “open space” where it is required by this bylaw, but may be included where the DRB finds that they serve open space functions.

**15.3.3 When does access to an existing park fulfill the Open Space Plan’s guidance for neighborhood parks?** Section 2 of the *Open Space Plan* provides that proposed residential developments may be served by an existing community park rather than providing a new neighborhood park. This will be permitted where the existing park is within 1,320 feet walking distance of the majority of dwellings in the proposed residential development, where the walk to the existing park does not involve crossing an arterial road, and where the proposed development makes a cash contribution to the continuing development of community parks via an increased impact fee.

**15.3.4 When is a proposed residential development too small to provide a neighborhood park?** The applicant may propose to provide a neighborhood park in a residential development of any size. Consistent with Section 2 of the *Open Space Plan*, however, a neighborhood park will not be required in any proposed residential development that has fewer than 15 dwellings.

<p><b>Increased Impact Fee.</b> The upcoming revision of the parks and recreation impact fee will require a higher fee from dwellings in developments that rely on existing parks rather than providing a neighborhood park.</p>
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**15.3.5 Must neighborhood park space be developed?** Consistent with Section 2 of the *Open Space Plan* only basic development of neighborhood parks, consisting of grading, the installation of turf

and other ground covers, and the planting of trees is required. Further development and maintenance of the park will be the responsibility of the owners' association. Note, however, that in order to receive a point award on the growth management review standards of Chapter 11 of this bylaw, the applicant must provide additional facilities or a park development fund that may be used by the owners' association.

## 15.5 Private Utilities

**15.5.1 Must the plans I submit show utilities that are not provided by the town?** Yes. Cable television, electric power, and natural gas may be provided as available and in accord with the requirements of each service provider. The plans submitted with the application for a discretionary permit must show where and how these utilities will be installed and clearly demonstrate that they will not conflict or interfere with the construction and maintenance of roads or the installation and maintenance of municipal utilities.

**15.5.2 Must private utilities be placed underground?** Yes. The DRB may permit an exception to this standard where placing utilities underground is physically infeasible.

## 15.6 Sewage Disposal: Municipal

**15.6.1 Is access to Williston's municipal sewerage system limited?** Yes. All proposed development must have or obtain an allocation of sewage treatment plant capacity as provided by Williston's *Sewer Allocation Ordinance* and, for residential developments, the growth management review system established by Chapter 11 of this bylaw. An allocation certificate signed by the DPW must accompany all applications for permits for development that requires sewage treatment plant capacity.

**15.6.2 Which developments must connect to the town's sewerage system?** Development within the sewer service area established in the *Town Plan* and the *Sewer Allocation Ordinance* must be connected to the municipal sewerage system via a collection system that includes all necessary pump stations or pump station improvements and that meets the design and construction standards established by Williston's *Public Works Standards* and state law. The DPW may permit an exception to this standard where physical barriers, including property ownership or the terrain, make connection to the municipal sewerage system infeasible and where an on-site wastewater disposal system that complies with WDB 15.6 exists or can be installed.

<p><b>What are the boundaries of the Sewer Service Area?</b> See Map 8 of the <i>Town Plan</i>.</p>
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**15.6.3 Does this mean that existing development may have to connect?** Yes. The requirement of WDB 15.5.2 applies not only to new lots and structures, but also to existing structures that are within 150 feet of a sewer main that has adequate capacity. Existing structures must connect in order to obtain an administrative permit to proceed with a change of use or an addition of more than 600 square feet. The DPW may permit an exception to this standard where physical barriers, including property ownership or the terrain, make connection to the municipal sewerage system infeasible and where an on-site wastewater disposal system that complies with WDB 15.8 exists or can be installed.

**15.6.4 Are there any other limitations on municipal sewerage service?** Pretreatment of certain kinds of waste may be required by Williston's *Sewer Use Ordinance*. Contact the DPW for more on this.

## 15.7 Sewage Disposal: On-Site

**15.7.1 What are the standards for the installation of on-site sewage disposal systems?** Where a proposed development will not be served by the town's sewerage system, plans for an on-site wastewater disposal system that meets all standards established by the Vermont Department of Environmental Conservation shall accompany the application for a discretionary or administrative permit, whichever is required. These plans must be prepared and certified by a licensed designer.

**What is a licensed designer?** See <http://www.anr.state.vt.us/dec/ww/sitetech.htm> for an explanation of this state program.

**15.7.2 How does the town know that an on-site sewage disposal system has been installed as designed?** No certificate of compliance shall be issued and no development occupied until as-built plans for the on-site sewage disposal system have been filed with the Administrator.

**15.7.3 Are community wastewater disposal systems permitted?** Yes, but only in specific situations, in the ARZD. See WDB 31.10.

**15.8 Solid Waste.** Solid waste collection in Williston is provided by the private sector. This bylaw does include standards intended to ensure that all developments have adequate facilities for the handling and storage of solid waste before it leaves the site. See Chapter 16.

**15.9 Stormwater.** Stormwater collection and treatment must be provided in compliance with Chapter 29 of this bylaw.

## 15.10 Water: Municipal

**15.10.1 Are there standards for water systems that will be installed by developers?** Yes. Where municipal water service is available, the applicant shall install a water system that meets the standards of Williston's *Public Works Standards* and state law.

**15.10.2 Are there limitations on the extension of municipal water service?** Yes. Water service may be not be extended into the ARZD and may be extended in other zoning districts only where adequate water pressure can be provided by gravity flow from existing town reservoirs.

**15.11 Water: On-Site.** This standard is adopted to protect the town and its utility rate payers from the necessity of extending municipal water service over long distances to serve areas where the groundwater supply is limited.

**15.11.1 Will development that is not served by the municipal water system be permitted?** Yes, but where the use of an on-site water supply is proposed, the applicant must demonstrate that groundwater sufficient to support the development is available. This must be done by conducting on-site well tests under the supervision of a registered engineer or a groundwater hydrologist.

**15.11.2 How should well tests be conducted? And is this requirement ever waived?** Well tests shall be conducted in accord with the current requirements of the Vermont Water Supply Rule for long-term yield testing. The DRB may waive the requirement of WDB 15.11.1 for an on-site well

test where the average density of the proposed development is one dwelling per 10 acres or less and the geologic mapping available to the town suggests that the groundwater supply will be sufficient for very low density residential development.

**15.11.3 *Must wells be tested for water quality?*** Whenever a well test is required by WDB 15.11.1, the water yielded shall also be tested for basic drinking water quality parameters and radon.

## **15.12 Extensions of Service**

**15.12.1 *Are there geographic limits on the extension of town infrastructure?*** Yes. See WDB 15.6 and WDB 15.10.2. Sewerage may not be extended outside the sewer service area established in the *Town Plan* except in response to a public health emergency. Additional water service may not be extended into the ARZD except again, where necessary to address a public health emergency. Nor may water service be extended into areas that cannot be served by gravity flow.

**15.12.2 *Will the town ever participate in extensions of service needed to support development?*** The DPW may, with the approval of the Selectboard, choose to provide partial funding for the extension of town roads or utilities to a development where doing so will help correct a deficiency in the existing circulation or utilities systems or where the proposed extension will provide capacity for the anticipated development of other lands.

**15.12.3 *Can the town recoup the costs it incurs in extending service?*** Yes, at least in part. Where the town funds an extension of service that benefits undeveloped properties, it shall collect a proportional share of the costs it incurred before a permit for the development of those properties is approved.

**15.13 Certificate of Dedication.** Infrastructure that will be owned by the Town of Williston shall be dedicated to the town via a certificate on the cover sheet of the recorded final plans. This certificate shall be signed and dated in the presence of a notary public by all owners or by a guardian or trustee who is entitled to sign for the owner/s and shall be acknowledged as the only instrument of conveyance needed to transfer ownership of the listed facilities to the town.

**15.14 Acceptance of Roads.** Roads that will be dedicated to and maintained by the town will be accepted by the Selectboard, but only after the inspections and warranty period required by Chapter 7 of this bylaw are complete.

**SAMPLE CERTIFICATE OF DEDICATION**

We, the undersigned, certify that we are the legal owners of the property described by the recorded plans on which this certificate appears, and that we hereby dedicate the public roads and pedestrian ways, including all associated improvements, rights-of-way, and easements; the public utilities, including all associated improvements and right-of-way; and all other public improvements [these should be specifically listed] shown on these plans for the (name of development), as it was approved by the Williston Development Review Board on (date) to the Town of Williston. We understand that our signatures below result in the transfer of ownership of the lands and facilities described here unconditionally and forever to the town. We also understand that, while ownership shifts to the town upon the recording of these plans, we may be responsible for the continuing maintenance of some or all of these lands and facilities until a warranty period expires.

\_\_\_\_\_, \_\_\_\_\_  
(date)

\_\_\_\_\_, \_\_\_\_\_  
(date)

At Williston, Vermont this \_\_\_\_\_ th day of \_\_\_\_\_, A.D. \_\_\_\_\_, \_\_\_\_\_  
(date) (month) (year) (name/s)

personally appeared and acknowledged the dedication made by the above certificate as his/her/their free and deed.

Before Me: \_\_\_\_\_  
(notary public)

Insert this additional language where needed:

We further dedicate the private roads shown on these plans to public use. It is understood that these roads will be privately maintained by ourselves or our successors in ownership, but that guaranteed public access is necessary to provide for emergency services.