

## **As Adopted, 09/20/04**

### **Interim Open Space Development Regulations for the Town Of Williston's Agriculture/Rural Residential Zoning District**

The Selectboard of the Town of Williston finds that:

- the Town's current zoning regulations permit extensive additional suburban development in the Agriculture/Rural Residential (A/R) Zoning District;
- the permitted development may have adverse impacts on natural resources, including streams, wildlife, scenic views, and productive farmlands; the rural character of the lands included in the A/R; and the Town's ability to maintain roads and other services;
- the extent and pattern of development currently permitted in the A/R is not consistent with the Town's comprehensive plan, as adopted on January 18, 2001;
- the recent passage of Section 93 of H. 175 requires consistency between the Town's comprehensive plan and its zoning and subdivision regulations;
- 24 V.S.A. § 4415 authorizes municipalities that are preparing planning studies or preparing to hold hearings on revisions to their comprehensive plan or bylaws to adopt interim regulations as an emergency measure;
- the Town is beginning to update its comprehensive plan, as required by 24 V.S.A. § 4387, a process which will feature extensive study and discussion of the future of the lands within the A/R, and which is expected to result in changes to the comprehensive plan, and to the zoning and subdivision regulations, as they affect lands within the A/R;
- the Town has warned and conducted the public hearing required by 24 V.S.A. § 4415 on its proposal to adopt interim regulations as an emergency measure; and
- adoption of these interim regulations will implement the existing comprehensive plan by requiring an open space development pattern – one in which a specified area of open space is protected as a condition of approval - for most new development in the A/R, stimulate public discussion, and preserve options for the future planning and regulation of the Town's rural lands while the comprehensive plan is being revised.

Based on these findings, the Selectboard adopts the following interim regulations for the A/R Zoning District as an emergency measure, as authorized by 24 V.S.A. § 4415.

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1. **Purpose.** These interim regulations:
  - 1.1. ensure that development in the Agriculture/Rural Residential Zoning District will be consistent with the adopted comprehensive plan while the Town prepares an update of that plan and the bylaw amendments required for the implementation of that update; and
  - 1.2. serve the purposes authorized by 24 V.S.A. § 4302(a), including specifically, “ ... to protect residential, agricultural and other areas from undue concentrations of population and overcrowding of land and buildings, from traffic congestion, from inadequate parking and the invasion of through traffic, and from the loss of peace, quiet and privacy ... .”
2. **Effective Date.** These interim regulations become effective immediately upon their adoption by the Selectboard.
3. **Duration.** These interim regulations will be in effect for a period of two years from the date of their adoption unless they are extended, as authorized by 24 V.S.A. § 4415, or replaced by amendments to the Town’s zoning and subdivision regulations.
4. **Affect on Other Regulations.** These interim regulations do not repeal or replace any part of the subdivision or zoning regulations, except as specifically stated below.
5. **Affect on Overlay Districts.** Three overlay districts are mapped over parts of the A/R.
  - 5.1. The Conservation/Open Space and Watercourse Protection Overlay District continues to apply, unchanged, wherever it is mapped over the A/R. See Section 3.12 of the zoning regulations.
  - 5.2. The Special Features Overlay District does not apply to open space developments in the A/R. It continues to apply, unchanged, to other developments in the A/R. See Section 3.14 of the zoning regulations.
  - 5.3. The Ridgeline/Wooded Hillside Protection Overlay District continues to apply wherever it is mapped over the A/R. Some of its requirements are changed or modified by these interim regulations, but only as they apply to open space developments. See Section 3.15 of the zoning regulations.
6. **Permit Requirements.** These interim regulations do not change the permit requirements of the subdivision or zoning regulations. Where a permit was required before the adoption of these interim regulations, a permit is still required. Some requirements for obtaining a permit have changed, as explained in 7, below.
7. **Permit Procedures.** These interim regulations change the permit review procedures adopted in the subdivision and zoning regulations as follows.
  - 7.1. A pre-application conference and site visit with the Town’s planning staff are required for all subdivisions in the A/R. You must schedule the pre-application conference and site visit with the planning office before submitting an application to divide or develop land in the A/R. This meeting should be scheduled before you make any significant investment in site planning, including preparation of a concept plan.

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- 7.2. These interim regulations add to what is required for an application for approval of a concept, preliminary, or final plan to be complete. Additional requirements include, but are not limited to: delineation of open space to be protected on the concept plan (see 14, below); runoff and erosion control or restoration plans for disturbed areas (see 14, 15, 18, and 21, below); identifying the method by which open space will be protected and, if necessary, delineating building envelopes (see 16, below); demonstrating the effectiveness of visual screening or absorption (see 20, below); and showing how a homeowners' association will be established, where one is required (see 24, below).
- 7.3. The Conservation Commission will review and provide comments to the DRB on all applications for open space developments.
- 7.4. A conditional use permit is no longer required for individual homes in the Ridgeline/Wooded Hillside Protection Overlay District that are part of an open space development approved under these interim regulations. A conditional use permit is still required for all other homes in that overlay district.
- 7.5. It is no longer necessary to propose a PRD to create an open space development in the A/R. Open space developments and the homes within them are uses-by-right in the A/R, provided that they are found to comply with these interim regulations during subdivision review.
8. **Applicability.** These interim regulations apply to the development of lots or contiguous parcels in the A/R that contained more than 10 acres on the date of their adoption. The development of lots or contiguous parcels that contained 10 or fewer acres on the date these interim regulations were adopted will be regulated by the subdivision and zoning regulations.
9. **Use Requirements.** Uses shall be as permitted by Sections 3.3.2 through 3.3.5 and Section 3.16 of the zoning regulations except that:
  - 9.1. open space developments that comply with these interim regulations are now permitted uses, and
  - 9.2. other subdivisions are now prohibited, except on lots or contiguous parcels that contained 10 or fewer acres on the date these interim regulations were adopted.
10. **Dimensional Requirements.**
  - 10.1. **Minimum Lot Size.** The minimum lot size for the A/R established by Section 3.17 of the zoning regulations is replaced with an average density of one dwelling unit for each 80,000 square feet. This means that a landowner may create one lot for each 80,000 square feet, but that every lot created need not contain 80,000 square feet. A new minimum lot size of 15,000 square feet is established.
  - 10.2. **Width:Depth Ratio.** The requirement of Section 3.17.a of the zoning regulations that the minimum lot width shall be not less than one-half of the lot depth does not apply to open space developments. It remains in effect on lots or contiguous parcels that contained 10 or fewer acres on the date these interim regulations were adopted.
  - 10.3. **Minimum Lot Frontage.** All lots in open space developments shall have a minimum frontage of 40 feet on a public or private road.

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- 10.4. Other Dimensional Requirements. The other dimensional requirements of Sections 3.3.7 and Section 3.17 of the zoning regulations continue to apply unchanged, but additional dimensional requirements have been added: see 18, below.
11. **General Regulations.** The general regulations of Article 4 of the zoning regulations continue to apply unchanged.
12. **Subdivision Regulations.** Some requirements of the subdivision regulations are modified by these interim regulations.
- 12.1. Interconnections. The requirements of 1020.B.3 for connections to adjacent properties is replaced, for open space developments in the A/R only, with the following standards:
- 12.1.1. Where the terrain allows, the DRB shall require public road or trail connections to other properties through protected open space where necessary to provide emergency access, minimize the number of points of access to a public road, or improve neighborhood circulation. All crossings of protected open space must comply with the standards of 14.3, below.
- 12.1.2. Open space developments that include more than one cluster shall minimize the number of points of access to public roads by relying on internal roads that link the clusters. Such roads may cross protected open space, in compliance with 14.3, below. Where the terrain will not allow a road connecting clusters, a connecting trail shall be provided.
- 12.1.3. The concept plan shall show how roads and connecting trails will be provided to any future clusters the property could accommodate.
- 12.2. Street Trees. The requirement of 1020.G for the installation of street trees does not apply to open space developments where protection of existing vegetation is essential and formal planting plans are inappropriate.
- 12.3. Lot Lines and Shapes. The requirements of 1040.F and G for lot lines and shapes may be waived as necessary to permit lots that fit the terrain.
- 12.4. Community Sewerage. 1070.B's requirement that only individual sewage disposal systems be approved is replaced, for open space developments in the A/R only, by the requirements of Section 22, below.
13. **Open Space Development Defined.** An open space development is a residential subdivision in which a specified (see Section 14, below) area of open space is protected as a condition of approval. Open space developments must comply with all of the standards established by these interim regulations, as well as with all applicable requirements of the subdivision and zoning regulations.
14. **Open Space Ratio Established.** Open space developments must protect at least 75% of their total area as open space. The proposed protected open space must be clearly delineated on the concept plan and meet the following requirements, as applicable.
- 14.1. The protected open space must include all lands within the Open Space/Conservation and Watercourse Protection Overlay District. The Open Space/Conservation and Watercourse

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- Protection Overlay District may be crossed by roads, underground utility lines, and trails, but only as provided by 14.3, below.
- 14.2. The protected open space must include all greenways identified in the comprehensive plan (see also 23, below). Greenways are not precisely delineated in the same way as an overlay zoning district. The intent of this requirement is to ensure that the protected open space allows for the development of continuous greenways as called for by the comprehensive plan, while giving the owner some flexibility in site planning. Greenways may be crossed by roads, underground utility lines, and trails, but only as provided by 14.3, below.
  - 14.3. Crossings of protected open space are permitted only where:
    - 14.3.1. road, underground utility line, and trail crossings are consolidated wherever practical;
    - 14.3.2. the width and length of the crossing/s are minimized; and
    - 14.3.3. all areas disturbed during construction of the crossing are restored to their natural functions.
    - 14.3.4. A proposed runoff and erosion control or restoration plan must be submitted for approval with the preliminary (or for minor subdivisions, final) plan. Runoff and erosion control plans are required for road and underground utility line crossings. A restoration plan is required for trails.
  - 14.4. The protected open space must include all visually significant, conservation, and prime open lands identified in the comprehensive plan to the extent consistent with the landowner's right to beneficial use of his or her property. This means that if a landowner has only visually significant, conservation, or prime open lands or has no other lands physically suitable for development, the Town will work with that landowner to create an open space development that minimizes consumption of lands that should be protected, while creating the permitted number of lots.
  - 14.5. The protected open space may include lands within the Ridgeline/Wooded Hillside Protection Overlay, although such lands may also be developed, as provided in these interim regulations and Section 3.15 of the zoning regulations.
  - 14.6. Other lands within the development may be included as protected open space in order to provide the minimum 75% open space required by these interim regulations.
15. **Open Space Must Be Contiguous.** The protected open space must be contiguous, except as provided below. It must also be contiguous with any open space on adjoining lots or parcels that is currently protected, or is identified for protection in the comprehensive plan.
- 15.1. The DRB may allow exceptions to this standard where:
    - 15.1.1. a small area that is isolated from the rest of the open space on the site is within the Conservation/Open Space Water Course Protection Overlay District, or
    - 15.1.2. the only home sites that comply with these interim regulations are adjacent to protected open space on an adjoining lot or parcel.

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- 15.2. Protected open space may be used for agriculture, forestry, community gardens, and other plantings. No hedge, planting, or fence shall block greenways or connecting trails. Fences are permitted for agricultural purposes, but where a fence crosses a greenway or a connecting trail, a gate or stile shall be provided. No hedge or planting shall block greenways or connecting trails.
- 15.3. Access drives, roads, underground utility lines, or trails may cross protected open space. Crossings shall comply with 14.3, above.
- 15.4. Trails may run through protected open space. All areas disturbed during trail construction shall be restored to their natural function. A proposed restoration plan for the areas disturbed by trail construction must be submitted for approval with the preliminary (or for minor subdivisions, final) plan.
- 15.5. Any component of an individual or community sewerage system that is entirely underground may be placed in protected open space that is not dedicated to the Town or another agency, as allowed by 16.1, below.
  - 15.5.1. All areas disturbed during the construction of such a system shall be restored to meadow or pasture. A proposed erosion and runoff control or plan for the area disturbed by construction must be submitted for approval with the preliminary (or for minor subdivisions, final) plan.
  - 15.5.2. Where the protected open space used for the underground components of an individual sewerage system is owned by a homeowner's association, the application for a permit for construction of that system must be accompanied by an easement from that homeowner's association.
16. **Open Space Protection Methods.** Open space may be protected using any of the three methods listed here. The method/s to be used must be clearly established at the time a concept plan is filed for review. Landowners should be aware that there may be potential state and federal tax benefits for the protection of open space through dedication or the grant of a conservation easement.
  - 16.1. **Dedication for Public Use.** The open space created by an open space development may be dedicated to the Town, or to another public agency designated by the Town, but only where it would constitute a part of a greenway, country park, or conservation lands identified in the comprehensive plan.
  - 16.2. **Private Land Conservation.** The open space created by an open space development may be retained in a block placed under a conservation easement to which the Town, or another public agency designated by the Town, is a party. This block of open space may be retained by the developer for agricultural or other purposes or deeded to a homeowner's association. Where protected open space is deeded to a homeowner's association, the homeowners shall be responsible for the maintenance of that open space, as required by 24, below.
  - 16.3. **Building Envelopes.** The open space created by an open space development may be protected by the establishment of building envelopes that are clearly shown on each lot on the preliminary and final subdivision plans and, after approval, are marked on each lot by permanent survey monuments.
17. **Cluster Size.** No cluster shall include more than seven lots.

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18. **Cluster Spacing.** The concept plan shall show how clusters of lots are effectively separated from neighboring properties, public ways, and each other by open space. The following criteria will be used in determining compliance with this standard.
- 18.1. Terrain features, including existing woods, fields that remain in agricultural use, ridgelines, steep slopes, streams, wetlands, and the stream and wetland buffers required by the Conservation/Open Space and Watercourse Protection Overlay District should be used to separate clusters, and to buffer home sites from adjoining properties and public ways.
  - 18.2. The width of the buffers between clusters shall vary with the terrain and the presence of screening vegetation. The DRB may require that the minimum buffer be anywhere from 100 to 500 feet. In making its determination of the minimum required buffer between clusters, the DRB shall consider the following factors:
    - 18.2.1. the presence of vegetation and its effectiveness in providing visual screening between clusters, and between clusters and public ways;
    - 18.2.2. the presence of terrain features, including slopes, ridges, and valleys, and their effectiveness in visually separating clusters and separating clusters and public ways; and
    - 18.2.3. the orientation of the proposed cluster to public ways.
    - 18.2.4. The developer may propose, and the DRB may approve, the use of earthen berms and plantings to increase the effectiveness of buffers between clusters, and between clusters and public ways. No berm or planting shall block greenways or connecting trails.
  - 18.3. The applicant may propose, and the DRB may find, that a narrower buffer is adequate along a property boundary where there is protected open space or terrain that is unsuitable for building on the adjoining property.
  - 18.4. Terrain features or buffers separating clusters may be crossed by roads, underground utility lines, and trails. Crossings must meet the standards of 14.3, above.
  - 18.5. Buffers between clusters shall be part of the open space protected, and the installation of trails or the underground components of community sewerage systems shall be subject to the requirements of 15.3 and 15.4, above.
19. **Lots.**
- 19.1. Each lot shall contain a home site that meets the criteria of 20, below.
  - 19.2. Lot sizes shall vary with the terrain. Uniform lot sizing that contributes to a suburban character may not be approved.
20. **Home Sites.** The concept plan shall show how home sites are individually placed so as to best maintain environmental quality, accessibility, compatibility with neighboring uses, and the rural character the A/R was created to protect. The following criteria will be used in determining compliance with this standard.

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- 20.1. Except where a community sewerage system is proposed, as permitted by 22, below, each lot shall include a site suitable for an individual sewage disposal system.
- 20.2. The developer shall demonstrate that each home can reasonably expect to obtain an adequate domestic water supply, either through connection to an approved community or public water system, or from a well. Where use of a well is proposed, the developer shall demonstrate the presence of an adequate ground water supply by submitting a report prepared by a professional hydrogeologist or by submitting well logs and pumping data from nearby wells that are drawing from the same geologic formation as the proposed well. Approval may be conditioned on an on-site well yield test.
- 20.3. Each home site shall have safe access to a public road. "Safe" access shall be defined as access via access drives and roads that meet Town standards, or that are maintained by the Town.
- 20.4. Home sites and the access drives and roads serving them shall be placed along the contours of the land in a way that minimizes grading and the visual impact of the development.
- 20.5. Home sites should, where possible, be connected to the Town's trail system via the adjoining open space.
- 20.6. Where possible, homes and accessory buildings should be effectively screened from view from public ways by existing vegetation or the terrain.. This does not mean that the development has to be completely invisible: brief views of a part of a structure through the branches of screening vegetation or a break in screening terrain are acceptable.
- 20.7. Where homes and accessory buildings cannot be effectively screened by existing vegetation or the terrain, they should be sited where they will be visually absorbed by a slope and or woods. This means that the structure, or structures, are sited and designed so that they blend into the background created by a slope or a stand of trees. No part of a structure that is "absorbed" is ever outlined against the sky, as seen from any public way. Further, there is low contrast, as measured by color and reflectivity, between the structure and the background provided by the vegetation and terrain.
- 20.8. To augment visual screening or absorption, the developer may also propose, and the DRB may approve:
  - 20.8.1. imposition of a height limit of less than 36 feet;
  - 20.8.2. the installation and maintenance of screening vegetation and berms;
  - 20.8.3. limiting the area of reflective surfaces and specifying exterior colors that do not contrast with the landscape;
  - 20.8.4. limiting building bulk or arranging building mass to reduce the visual impact of a home or accessory structures.
- 20.9. Applicants may be required to place brightly-colored balloons, erect story poles, or provide three-dimensional visual simulations to demonstrate that a typical home and outbuildings would be absorbed by the vegetation or terrain, or that the installation of berms and plantings, and architectural techniques would result in visual absorption of the home.

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21. **Clearing and Grading.** Only the minimum clearing and grading required for development shall be permitted. Areas disturbed by construction shall be promptly re-vegetated or otherwise stabilized.
  - 21.1. A professionally-prepared runoff and erosion control plan for the roads and, where one is approved, community sewerage system shall be submitted with the preliminary (or for minor subdivisions, final) plan for the proposed subdivision.
  - 21.2. For the purposes of these interim regulations, 'minimum clearing and grading' means that clear cutting and mass grading of lots, building envelopes, or home sites is prohibited; that disturbance limits must be established, marked on the site, and inspected by the Town before clearing or grading begins; that the disturbance limits must be respected during construction; and that trees that are to remain must be protected during construction.
  - 21.3. Development of homes or accessory buildings within the proposed subdivision shall be conditioned upon the submission of an application for a zoning/building permit that shows site disturbance limits, shows how those limits will be marked during construction, shows how runoff and erosion will be controlled during construction, and shows how the site will be re-vegetated or otherwise stabilized after construction.
22. **Community Sewerage Systems.** Community sewerage systems serving a single cluster of lots may be used to help protect open space where the use of individual on-site systems is limited by terrain conditions.
  - 22.1. Community sewerage systems may not be used where the soils at the proposed site are unsuitable or only marginally suitable for the use of such systems
  - 22.2. Where a community sewerage system is proposed, the developer shall:
    - 22.2.1. provide a warranty of the community sewerage system for two years from the date of its inspection and acceptance, and
    - 22.2.2. create either a homeowners' association or a special assessment district that is responsible for the maintenance of that system in perpetuity. Whether a homeowners' association or a special assessment district is to be created shall be determined by the Town, at its sole discretion.
    - 22.2.3. Where a homeowners' association is created, the articles of incorporation and covenants shall require it to provide an annual report on the maintenance of the system to the Town; and
    - 22.2.4. allow the Town to compel the association to maintain the community sewerage system. Those documents shall give the Town the power to undertake maintenance of the community sewerage system where necessary to remedy a threat to public health and to cover its expenses for so doing by placing a lien on all lots served by the community sewerage system.
    - 22.2.5. Where a special assessment district is required, the developer shall pay all costs incurred by the Town in the formation of that district, as provided by 24 V.S.A. § 3251, et seq. All costs incurred in the administration of a special assessment district shall be covered by the assessments charged.

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- 22.3. Approval of the final plan of a subdivision served by a community sewerage system shall be conditioned upon:
- 22.3.1. the recording of all instruments necessary to create a homeowners' association or special assessment district, as provided by 22.2, above;
  - 22.3.2. final inspection and acceptance of the community sewerage system by the Wastewater Management Division of the Vermont Department of Environmental Conservation; and
  - 22.3.3. where a homeowners' association is responsible for the system, submission of a signed maintenance contract for the community sewerage system for at least two years beginning from the date of the first connection.
23. **Trails.** Where a portion of the Town's planned trail system (a greenway, as established in the plan) is included in a proposed open space development, a trail easement shall be provided to the Town and the trail shall be built to Town standards, at the developer's expense.
24. **Homeowners' Associations.** Every preliminary (or for minor subdivisions, final) plan for an open space development that includes open space or improvements that will be owned and must be maintained by the lot owners shall be accompanied by proposed articles of incorporation and covenants for a homeowners' association in which all lot owners shall be members, and which is responsible for the maintenance of open space and improvements required by these interim regulations. These documents shall be recorded with the final plan, upon their approval. This requirement does not apply to subdivisions in which there is no open space or improvements that will be owned and must be maintained by the lot owners.
25. **Open Space Maintenance.** Protected open space shall be kept free of litter and noxious weeds, as listed by the Vermont Department of Agriculture, shall be controlled according to a weed management plan. The responsibility for the maintenance of protected open space also includes wildfire prevention and suppression.
26. **Conditional Use Permits.** 24 V.S.A. § 4415(d) provides that "Under interim bylaws, the legislative body, may, upon application, authorize the issuance of permits for any type of land development as a conditional use not otherwise permitted by the bylaw ...". As this statute is permissive, the Town makes no provision for conditional use permits under 24 V.S.A. § 4415(d) in these interim regulations.
27. **Definitions.**
- 27.1. Absorption. These regulations sometimes require visual "absorption." This means that a structure, or structures, are sited and designed so that they blend into the background created by a slope or a stand of trees. No part of a structure that is "absorbed" is ever outlined against the sky, as seen from any public way. Further, there is low contrast, as measured by color and reflectivity, between the structure and the background provided by the vegetation and terrain.
  - 27.2. A/R. Acronym for the Agriculture/Rural Residential Zoning District.
  - 27.3. Average Density. For the purposes of these interim regulations, the average density is applied to the entire contiguous lot or parcel, but home sites may occupy no more than 25% of that lot or parcel. For example, a parcel of 20 acre contains 871,200 square feet. Divided by 80,000,

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this yields 10.89. The owner would be permitted to create 10 lots. If the open space is protected by dedication or a conservation easement, as permitted by 16.1 or 16.2, this means that the 10 lots can be created on a maximum of five acres, with the smallest lot being 15,000 square feet in size. If the open space is protected using building envelopes, as permitted by 16.3, the entire lot or parcel can be divided into lots larger than 15,000 square feet, but the building envelopes on those lots may occupy no more than 5 acres, total.

- 27.4. Building Bulk. Building bulk is the scale of a building, or a group of buildings, as measured by floor area ratio.
- 27.5. Building Envelope. A building envelope is the space on a lot within which development may occur. The only exceptions are driveways and underground utility lines that serve development within the building envelope. Building envelopes are shown on the subdivision plat and marked on the lot by permanent survey monuments.
- 27.6. Building Height. The vertical distance measured from the average elevation of the finished grade to the highest point of the roof for flat and mansard roofs, and to the average height between eave and ridge for other types of roofs.
- 27.7. Building Mass. Building mass is the perceived scale of a building or group of buildings, as viewed from a given perspective. It cannot be readily quantified, but has an important visual impact that can be mitigated, where necessary, using measures like those listed in 20.7.
- 27.8. Cluster. A cluster is a group of up to seven lots in an open space development. Given sufficient acreage and compliance with these interim regulations, an open space development may include more than one cluster.
- 27.9. Community Sewerage. A community sewerage system is installed by the developer and, after the required warranty period, is owned and operated by a homeowners' association. Community sewerage systems must be sited, designed, constructed, and maintained in compliance with a permit issued by the Vermont Department of Environmental Conservation, as well as in compliance with these interim regulations.
- 27.10. Comprehensive Plan. Refers to the *2000 Williston Comprehensive Plan*, as adopted on January 18, 2001.
- 27.11. Concept Plan. See IV of the subdivision regulations.
- 27.12. Developer. The applicant for a permit. The developer and the owner need not be the same person or entity, but where the developer is not the owner, the developer must show written permission to represent the owner of Williston .
- 27.13. DRB. Acronym for the Town of Williston's Development Review Board.
- 27.14. Floor Area Ratio. The ratio of the total floor area, on all levels, and including all spaces, of a building or buildings to the total area of the lot. For example, a 2,000 square foot building on a 20,000 square foot lot has a floor area ratio of 0.1.
- 27.15. Greenway. A greenway is any one of the trail corridors identified in the plan.

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- 27.16. Homeowners' Association. A homeowners' association is a nonprofit organization established by a developer to fulfill certain functions that are specified in its articles of incorporation and a set of covenants, including functions required of such associations by the Town. Where one is required, continuing membership in the homeowners' association is mandatory upon purchase of a lot in the subdivision.
- 27.17. Lot Frontage. The portion of a lot that is contiguous to a public or private road.
- 27.18. Marginally Suitable. Refers to soils that have been designated as marginally suitable for on-site wastewater disposal by the Natural Resources Conservation Service in the *2003 Ancillary Ratings for Residential On-Site Waste Disposal in Vermont*.
- 27.19. Natural Function. These interim regulations use this term to indicate the state to which a disturbed area must be restored or reclaimed. The 'natural function' of a disturbed area is not its pre-existing condition, which may be difficult or even undesirable (if noxious weeds are present, for example) to restore. Requiring the site to be restored to its 'natural function,' requires that a wetland be restored as a functional wetland, that a woodland be restored as a functional woodland, a field or meadow be restored as a field or meadow, etc.
- 27.20. PRD. Acronym for a Planned Residential Development, as provided for by Section 4.6 of the Williston Zoning Ordinance.
- 27.21. Preliminary Plan. See Article VII of the subdivision regulations.
- 27.22. Public Way. Any public road or trail..
- 27.23. Restoration Plan. These interim regulations require restoration plans where roads, underground utility lines, and trails cross protected open space. The restoration plan should be part of the runoff and erosion control plan, where one is required. Where only a restoration plan is required, it should show the extent of the proposed land disturbance, how disturbance limits will be marked and observed during construction, how disturbed areas will be stabilized during construction, and how disturbed areas will be re-vegetated or otherwise stabilized when construction is complete.
- 27.24. Runoff and Erosion Control Plan. A runoff and erosion control plan consists of one or more overlays drawn over a grading plan, and the accompanying calculations and notes, showing how runoff and erosion will be managed during and after construction.
- 27.25. Screening. These interim regulations sometimes require that development be effectively screened from view from public ways. This does not mean that the development has to be completely invisible: brief views of a part of a structure through the branches of screening vegetation or a break in screening terrain are acceptable.
- 27.26. Soils. Shall be as mapped in the *Soil Survey of Chittenden County, Vermont* published by the United States Department of Agriculture, Soil Conservation Service in cooperation with the Vermont Agricultural Experiment Station and the Vermont Department of Forests and Parks in January 1974.
- 27.27. Subdivision Regulations. Refers to the most current version of the *Town of Williston, Vermont Subdivision Regulations*.

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27.28. Town. Refers to the Town of Williston, Vermont.

27.29. Unsuitable. Refers to soils that have been designated as unsuitable for on-site wastewater disposal by the Natural Resources Conservation Service in the *2003 Ancillary Ratings for Residential On-Site Waste Disposal in Vermont*.

27.30. Zoning Regulations. Refers to the most current version of the *Williston Zoning Ordinance*.