

**Final  
Brandon Planning Commission  
February 17, 2014**

**Planning Commission Members Present:** Marty Feldman, Jeff Guevin, Linda Stewart, Anne Bransfield, Tracy Wyman

**Others present:** Charlene Bryant, Tina Wiles

**Call to Order:**

Anne Bransfield called the meeting to order at 7:06PM.

**Approve Meeting Minutes for February 3, 2014:**

A motion was made by Anne Bransfield and seconded by Linda Stewart to approve the minutes of the February 3, 2014 meeting. **The motion passed unanimously.**

**Public Comment Period**

There was no discussion held.

**Action Items:**

***1. Draft Brandon Based Code – initial review***

A copy of the text of the Brandon Based Code was distributed to the members (SEE ADDENDUM #1 – DRAFT BRANDON BASED CODE). Ms. Bransfield will contact Brandi Saxton to request the Building and Open Space Standards and the maps that were produced. A line-by-line review of the document was done, with the following changes noted:

1. General
  - 1.A.01 – change title to read - The Brandon Based Code
    - 1.A.01.A through 1.A.01.C – indent and remove numbering
  - 1.A.02 – change title to read – Authority and Purpose
    - 1.A.02.A.1 through 1.A.02.A.6 – indent under 1.A.02.A
  - 1.A.03 – change title to read – Regulated Development
    - 1.A.03.A.1 through 1.A.03.A.6 – indent under 1.A.03.A
    - 1.A.03.B – Article 8
  - 1.A.04 – change title to read – Permit Process
    - 1.A.04.A – add Section 1003

- 1.A.05 – remove
- 1.A.05.A and 1.A.05.B – move to Purpose and Authority
- 1.A.06 and 1.A.06A – move to the beginning of document
- 1.A.06.B – move to General and add dates
- 1.A.07 and 1.A.07.A – move to Purpose and Authority
- 1.A.08 and 1.A.08.A – under Article 10 – this is a statutory item
- 1.B – change title to read - Exemption Development
  - 1.B.01.A – Section 104B
  - 1.B.01.B – move to Regulated Development
  - 1.B.01.C - this is not exempt development – to be amended
  - 1.B.01.D and 1.B.01.E – combine and note unless regulated by the Land Use Ordinance
  - 1.B.01.E 1 through 1.B.01.E.20 needs to be tweaked – compare to Section 104(a)(6) - Ms. Wiles will provide a comparison from the existing 104 A and B
  - 1.B.01.F through 1.B.01.F.3 – stays under Exempted
  - 1.B.02 through 1.B.02.3 - use ag/silva-culture language
  - 1.B.03 through 1.B.03.A – use current language for Utility and Energy – Section 104(b)
  - 1.B.04 through 1.B.04.E – review 104B of the BLUO to determine what community facilities are exempt
- 1.C – change title to read - Pre-existing Development
  - 1.C.01 – remove
  - 1.C.01A through 1.C.01.B – review existing BLUO language
  - 1.C.02 - remove
  - 1.C.02.A – should be under Review
  - 1.C.03.A - remove
  - 1.C.03.A through 1.C.04.B – check existing non-conforming uses
  - 1.C.04 – remove
  - 1.C.04.C through 1.C.04.E.6 – check the language to 10C3 w/10C4
  - 1.C.05 – remove

1.C.05.A through 1.C.05.C.1 – will be the same as what the current ordinance reads - 104B – and check timeframe noted in 1.C.05.C

1.C.06 – remove

1.C.06.A through 1.C.06.A.2 - review how it compares to the existing ordinance

1.C.07 – remove

1.C.07.A through 1.C.07.C.4 – compare to current language

## 2. Public Standards

This section was tabled for review at the next Planning Commission meeting. Tina Wiles to provide the existing ordinance for comparison.

### *2. Wildlife Corridor - review*

A line-by-line review of the draft Wildlife Corridor Overlay District was done, with the following corrections noted.

Section X.00 – (a) Purpose – remove the words “as well” from the end of the first paragraph

Section X.3(b) – remove the word “negative” from the first sentence

Section X05(a) – Conditional Use Approval - highlighted article to be cross referenced to Section 1012

Section numbers need to be made consistent with the rest of the BLUO

Definitions to be added to BLUO definitions section – Pre-existing Tree Cover - add the dates from the Regional Commission

It was suggested the Wildlife Corridor and the Signage Ordinance hearings be warned for separate dates.

### *3. H.693 Discussion - Repeal of Sunset on Municipal Regulation of Telecommunications Facilities (VLCT Action Alert)*

Tina Wiles stated the town currently has 6 telecommunication facilities. The state currently regulates all telecommunication facilities, with the town as an interested party. This action would give the town the chance to take local control over this area. There is a sunset clause, and if the PSB’s authority is not renewed, it would revert back to the town. There is the question of whether the town wants to do the regulation. Ms. Wiles reported there is a Telecommunications section in the BLUO that would need to be updated. It was the consensus of the Committee that the town would support the sunset of the Municipal Regulation of Telecommunications Facilities. It was noted that stricter governance on solar would be desirable and it is thought that telecommunications has a more local impact.

**Motion** by Anne Bransfield and seconded by Linda Stewart to write a letter in support of the sunset clause for the Municipal Regulation of Telecommunications Facilities. **The motion passed unanimously.**

Tina Wiles stated in the town’s Telecommunications section of the BLUO there are height restrictions and permits are required if there is a change or addition in equipment.

#### ***4. Municipal It Planning Grant RFP***

Anne Bransfield reported the Tree Canopy grant is fine the way it is written and ready for submission; once the federal tax # is provided by the Zoning Administrator. It was noted that part of the match is the Planning Commission's in-kind service.

#### **Other Business as Needed:**

##### ***. Waiver Hearing***

Tina Wiles reported the only change to Article X. Administration is under Section 1016. Setback Waivers that reads:

(1) When the resulting setback is no greater than the front or side setbacks for existing structures on adjacent lots on the same street frontage.

This is only a waiver from setback and not density or height restrictions.

There has been a recommendation to increase fees and Ms. Wiles will provide a recommendation to the Committee.

**Motion** by Jeff Guevin and seconded by Anne Bransfield to approve the changes to Section 1016. Setback Waivers. **The motion passed unanimously.**

The Waiver hearing will be scheduled for March 10<sup>th</sup> @ 6:00PM; prior to the Select Board meeting at the Town Hall. The second Waiver hearing and the first hearing of the Sign Ordinance will be set for March 31<sup>st</sup> beginning at 7:00PM at the Town Hall. The second hearing of the Sign Ordinance and the first hearing of the Wildlife Corridor will be scheduled for April 21<sup>st</sup> beginning at 7:00PM. The final hearing for the Wildlife Corridor will be scheduled for May 5<sup>th</sup> at 7:00PM at the Town Hall.

#### **Next Meetings:**

March 10<sup>th</sup> @ 6PM at Town Hall - BLUO Update Hearing  
March 17<sup>th</sup> – Regular Planning Commission Meeting

#### **Adjournment:**

**Motion** by Anne Bransfield and seconded by Jeff Guevin to adjourn the Planning Commission meeting at 9:10PM. **The motion passed unanimously.**

Respectfully Submitted,

Charlene Bryant  
Recording Secretary

## ADDENDUM #1 - DRAFT BRANDON BASED CODE

### 1. GENERAL

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#### 1.A ABOUT THE BRANDON-BASED CODE

##### 1.A.01 What is the Brandon-Based Code?

1.A.01.A This Code is a unified land use ordinance for the Town of Brandon, Vermont.

1.A.01.B This is a form-based code, which is a type of land use regulation that guides the physical form of the built environment in order to promote compact, walkable, and mixed-use development patterns.

1.A.01.C Form-based code is based on the rural-to-urban transect as shown in Figure \*. This Code assigns land to a transect zone based the road segment the property fronts on. The transect zones are described in \*Table 1-A.

##### 1.A.02 What is the purpose of the Brandon-Based Code?

1.A.02.A This Code implements the policies of the Brandon Town Plan and the Vermont Planning and Development Act, 24 VSA Chapter 117. It is intended to:

1.A.02.A.1 Protect public health, safety and welfare;

1.A.02.A.2 Encourage the appropriate development of land and provide landowners with opportunities to develop and use their properties;

1.A.02.A.3 Protect neighbors, the environment and the community-at-large from any undue adverse social, economic, and environmental impacts of proposed development;

1.A.02.A.4 Protect and conserve natural, scenic and historic resources, and rural character, working land and open space;

1.A.02.A.5 Ensure that the rate of growth and development does not exceed Brandon's ability to provide services and does not place an undue burden on taxpayers; and

1.A.02.A.6 Promote approaches to land use and development that are consistent with smart growth principles.

##### 1.A.03 What does the Brandon-Based Code regulate?

1.A.03.A This Code requires a land use permit for all development unless the development is specifically exempted in \*Chapter 1.B, below. Development includes:

1.A.03.A.1 Constructing, installing, reconstructing, converting, structurally altering, enlarging, relocating, replacing or removing any building or structure;

1.A.03.A.2 Mining, excavating, filling or grading land;

1.A.03.A.3 Commencing, changing or extending the use of land or a structure;

1.A.03.A.4 Adjusting or relocating the boundary between two parcels;

1.A.03.A.5 Increasing the number of dwelling units on a parcel; or

1.A.03.A.6 Dividing a parcel into two or more lots.

1.A.03.B See Chapter \*2.J3., if development is occurring on land within a flood or erosion hazard area because

additional activities on or changes to property may need a permit if occurring in a flood or erosion hazard area.

1.A.04 What is the process for getting a permit under this Code?

1.A.04.A \*add here

1.A.05 Under what authority has the town adopted this Code?

1.A.05.A The Vermont Planning and Development Act, 24 VSA Chapter 117, provides towns with the authority to regulate land use and development. This Code must be adopted and amended in accordance with and meet the requirements of state law.

1.A.05.B Any references to state statute in this Code will be to 24 VSA Chapter 117 unless stated otherwise.

1.A.06 When did the Brandon-Based Code take effect?

1.A.06.A The Selectboard voted to adopt this Code on [DATE] and they went into effect 21 days later on [DATE].

1.A.06.B This Code replaced Brandon's prior land use ordinance.

1.A.07 How can the Brandon-Based Code be changed?

1.A.07.A This Code may be amended at any time in accordance with state law. The Planning Commission, Selectboard or any town resident may propose a change to this Code. If the change does not originate from the Planning Commission, the PC will review the proposed change, take public comment and make a recommendation to the Selectboard as to whether or not this Code should be amended as requested.

1.A.08 What happens if a court finds some portion of this Code unlawful?

1.A.08.A If a court finds any part of this Code unlawful, that decision will not affect the remaining portions of this Code.

## 1.B EXEMPTIONS TO THE BRANDON-BASED CODE

1.B.01 What doesn't require a land use permit?

1.B.01.A This Code does not require a land use permit for the uses and development listed in this section. The structure or activity still must meet the same standards (such as setbacks) as development that does require a permit unless otherwise stated below.

1.B.01.B This Code treats portable structures, temporary structures, moveable structures, storage trailers and other similar structures that may not have a foundation the same as permanently located structures with foundations.

1.B.01.C Unless specifically exempted in this chapter or by state law, the town, state, non-profit organizations and public utilities are required to get a land use permit and follow this Code just like a private landowner.

1.B.01.D These exemptions may not apply to development within flood or erosion hazard areas. See \*Chapter 2.K for further guidance.

1.B.01.E A land use permit is not required for:

1.B.01.E.1 Normal maintenance and repair of an existing structure as long as there is no change to its size, height or use.

1.B.01.E.2 Minor grading, filling or excavating associated with normal maintenance of roads, driveways, parking

areas, yards, and personal or community gardens.

- 1.B.01.E.3 Alterations to the interior of a structure.
- 1.B.01.E.4 Emergency repairs needed to protect public health and safety.
- 1.B.01.E.5 Demolition of a structure or part of a structure.
- 1.B.01.E.6 Construction or maintenance of roads, sidewalks, bridges, culverts, or related infrastructure within public rights-of-way.
- 1.B.01.E.7 One shed, pole barn or similar storage structure per lot that is not more than 200 square feet in area and 15 feet tall. A land use permit will be required for any additional storage structures.
- 1.B.01.E.8 Dog houses, play houses, tree houses, chicken coops, mailboxes or similar structures that are not used for storage and that are not larger than 100 square feet in area and 8 feet tall. If such a structure is not installed at ground level, its height will be measured from the floor to the highest point.
- 1.B.01.E.9 Fences or walls that are less than 4½ feet tall. Fences and walls less than 4½ feet tall do not need to meet setbacks, but must not be placed within public rights-of-way. If a fence will be located at an intersection, see \*Section 3.B.08.F for further guidance.
- 1.B.01.E.10 Patios, terraces, decks and similar structures built at grade and without a roof that are not larger than 100 square feet in area.
- 1.B.01.E.11 Uncovered entry stairs, handicap ramps and walkways. These do not need to meet road setbacks, but must not obstruct public rights-of-way. Entry stairs with landings or steps larger than 25 square feet will be considered a deck and will not be exempt from setback requirements.
- 1.B.01.E.12 Chimneys that do not extend higher than 10 feet above the roofline of the building they are attached to.
- 1.B.01.E.13 Roof-mounted solar collectors that do not extend more than 10 feet above the height of the roof they are attached to.
- 1.B.01.E.14 Signs listed in \*Section 3.B.07.
- 1.B.01.E.15 Garage sales, yard sales, auctions or similar special events lasting not more than 4 consecutive days and not occurring more than 12 days in any calendar year.
- 1.B.01.E.16 A seasonal roadside stand for selling fresh produce, cut flowers, Christmas trees, maple syrup, honey or similar agricultural products grown or produced by the property owner. A seasonal roadside stand does not need to meet the road setback, but it must not be located within the public right-of-way. A seasonal roadside stand may be located in a permanent structure that remains in place year-round.
- 1.B.01.E.17 Gardens and garden structures such as arbors, trellises, pergolas, raised beds and similar structures without a roof and not taller than 10 feet.
- 1.B.01.E.18 Recreation and open space uses that do not require structures.
- 1.B.01.E.19 A camper trailer, tent or similar temporary dwelling not located within a lawful campground that is occupied less than 21 days in any calendar year.
- 1.B.01.E.20 Outdoor lights on a single- or two-family residential property that are aimed downward, are cut-off or shielded, or are low-intensity and that do not cast light beyond the limits of the property.
- 1.B.01.F A land use permit is not required for television antennas, radio antennas, satellite dishes or similar devices used to provide on-site communication service, if they meet the standards below. These devices may exceed district height requirements. These devices should be installed on the least visible location

on the building or property where they can reasonably function.

- 1.B.01.F.1 A roof-, wall-, or ground-mounted dish antenna with a face(s) not larger than 15 square feet in area.
- 1.B.01.F.2 A roof- or wall-mounted antenna that does not extend higher than 12 feet above the roofline of the building it is attached to.
- 1.B.01.F.3 A freestanding amateur radio antenna and its supporting structure that does not extend higher than 50 feet above the ground.
- 1.B.02 Does the Code require a permit for farming or forestry?
- 1.B.02.A A land use permit is not required to farm or harvest timber if the activity conforms to the state's accepted or best management practices.
- 1.B.02.B A land use permit is not required to build a farm structure but:
  - 1.B.02.B.1 The landowner must complete a permit application so the AO can confirm that the project is exempt. The AO will not charge an application fee and will not issue a zoning permit for an exempt farm structure.
  - 1.B.02.B.2 Exempt farm structures must meet setback requirements unless the landowner provides the AO with a written waiver from the Vermont Secretary of Agriculture.
  - 1.B.02.B.3 Exempt farm structures may exceed building height or footprint requirements.
- 1.B.03 Does the Code require a permit for a utility or energy project?
- 1.B.03.A A land use permit is not required if the project requires a Certificate of Public Good from the Public Service Board. This includes a small renewable energy system that is connected to the grid (net-metering).
- 1.B.04 Does the Code require a permit for a community facility or an essential service?
- 1.B.04.A A land use permit and site plan review is required for a project involving a community facility or essential service, unless the work will be occurring entirely within the right-of-way of a public road.
- 1.B.04.B Community facilities and essential services must meet the same standards as comparable types non-residential development unless doing so will interfere with the intended function or use of the facility or infrastructure.
- 1.B.04.C Community facilities and essential services are allowed townwide.
- 1.B.04.D Community facilities include:
  - 1.B.04.D.1 Institutions and facilities owned and operated by the town or state;
  - 1.B.04.D.2 Schools and other educational facilities certified by the state;
  - 1.B.04.D.3 Places of worship and other religious facilities;
  - 1.B.04.D.4 Hospitals and healthcare clinics certified by the state; and
  - 1.B.04.D.5 Waste management facilities certified by the state.
- 1.B.04.E Essential services include any sites, structures, facilities or infrastructure owned and operated by the town, state, other unit of government, or a public utility.



## 1.C RIGHTS RETAINED UNDER THESE REGULATIONS

1.C.01 How are prior permits or approvals affected by the adoption or amendment of this Code?

1.C.01.A If the AO lawfully issued a land use permit before this Code was adopted or amended, the landowner will not need a new or amended permit for the project except:

1.C.01.A.1 If the project is not substantially completed before the land use permit expires, the landowner will need to apply for a new land use permit under the current Code.

1.C.01.B If a landowner lawfully filed a subdivision plan in the town land records before this Code was adopted or amended, the plan will remain valid and will not expire.

1.C.02 How are applications affected by the adoption or amendment of this Code?

1.C.02.A A properly completed application will be reviewed based on the regulations in effect when it was submitted. (See \*Chapter 4.B.)

1.C.03 How are existing lots affected by the adoption or amendments of this Code?

1.C.03.A The landowner can use or develop any lot that lawfully existed before this Code was adopted or amended based on the standards for the zone(s) in which the property is located.

1.C.03.B If the lot is smaller than the minimum lot size for the zone(s) in which it is located, the landowner can still use and develop it as long as the lot is at least  $\frac{1}{8}$  of an acre in area and is at least 40 feet wide and deep.

1.C.04 What if an existing lot, structure or use doesn't meet a requirement of this Code?

1.C.04.A If the lot, structure or use lawfully existed prior to the adoption or amendment of this Code and it no longer meets one or more requirements of this Code, it is nonconforming. A nonconforming lot, structure or use can continue in its current form indefinitely, but if the landowner wants to make changes the provisions of this section would apply.

1.C.04.B If a nonconforming lot, structure or use is located within a flood or erosion hazard area, see \*Section 2.J of this Code for further guidance.

1.C.04.C A landowner will be able to develop and use a nonconforming lot as described in \*Section 1.C.03 above. The landowner might be able to alter its size or boundaries (see \*Section 4.B.10), but the landowner will not be able to subdivide it further.

1.C.04.D The owner of a nonconforming structure:

1.C.04.D.1 Will be able to repair and maintain the structure as long as the owner is not expanding the structure.

1.C.04.D.2 Will be able to restore or rebuild the structure if it was damaged back to how it existed prior to the damage (see \*Section 1.C.05 below).

1.C.04.D.3 Will be able to get a land use permit to expand or move the structure, if the modification would not make the structure even more nonconforming.

1.C.04.D.4 Will not be able to get a land use permit to expand or move the structure, if the modification would make the structure more nonconforming except as specifically allowed in this section.

1.C.04.D.5 Will be able to get a land use permit to expand the structure, even if that would make the structure more non-conforming, if the modification is necessary to meet state or federal regulations and allow continued use of the structure.

- 1.C.04.D.6 May be able to get a variance or a waiver from the DRB to allow other modifications to the structure (see \*Chapter 4.C).
- 1.C.04.E Someone operating a non-conforming use:
  - 1.C.04.E.1 Will be able to continue operating the use as it was operated during the 12 months prior to it becoming nonconforming.
  - 1.C.04.E.2 Will be able to sell or transfer the use to a new owner who may continue operating the use as it was operated during the 12 months prior to it becoming nonconforming.
  - 1.C.04.E.3 Will not be able to expand the use beyond the space it occupied in the building or on the lot during the 12 months prior to it becoming nonconforming, except that the DRB may waive or modify this requirement to allow a nonconforming use currently housed in part of a building to fully occupy the building.
  - 1.C.04.E.4 Will not be able to intensify the use beyond how it was operated during the 12 months prior to it becoming nonconforming (by extending hours of operation, generating additional traffic, or increasing noise levels, for example).
  - 1.C.04.E.5 Will not be able to move the use from one location to another if it will still be non-conforming in the new location (whether on the same lot or a different lot).
  - 1.C.04.E.6 Will not be able to resume the use if it is not operated for more than 12 consecutive months. See \*Section 1.C.07 below for guidance on how to determine whether a use has been discontinued.
- 1.C.05 What if a lot or structure was damaged or destroyed by fire, flood or other disaster?
  - 1.C.05.A If a lot or structure was damaged or destroyed by a fire, flood or other disaster, the landowner must take whatever immediate actions are needed to stabilize or demolish it in order to protect public health and safety and may do so without getting a land use permit.
  - 1.C.05.B The landowner will need a land use permit to rebuild or restore a damaged structure or lot.
  - 1.C.05.C Within 18 months after the damage occurs, the landowner must begin work to rebuild or restore a damaged lot or structure, or must remove all the damaged structural elements and debris from the site and restore a natural grade and groundcover so that the land is safe and suitable for future use.
    - 1.C.05.C.1 The AO may grant an extension if factors beyond the landowner's control have prevented the landowner from beginning to rebuild or clean up the site within 18 months after the damage occurred.
- 1.C.06 What if a lawful project was started but was not finished?
  - 1.C.06.A A land use permit is valid for 2 years. A landowner who starts work during that time but does not substantially complete the development or commence the use has two options:
    - 1.C.06.A.1 Request a permit extension from the AO (see \*Section 4.B.07), which may extend the permit up to one additional year; or
    - 1.C.06.A.2 Clean up the site so that it is safe and suitable for future use, which must at least include removing any debris from the site and restoring a natural grade and groundcover.
- 1.C.07 Can an owner resume a non-residential use after it has been discontinued?
  - 1.C.07.A If there previously was a non-residential use on the property, but that use has been discontinued or not actively carried out during the previous 12 months, the landowner will need a new land use permit before reopening or restarting the use. Depending on the type of use and the location, the landowner may

also need a site plan approval or conditional use approval from the DRB.

- 1.C.07.A.1 If the former use is no longer allowed under this Code, the landowner will not be able to reopen or restart it after it has been shut down for more than 12 months unless the DRB grants a waiver to this requirement as described below.
- 1.C.07.B The landowner can request a waiver from the DRB to extend the period of time that a non-residential use can be discontinued and then resume without requiring a new permit up to a maximum of 4 years. The DRB may grant a waiver if there are special circumstances that prevent the use from being carried out such as the landowner is trying to sell the property, the property is being transferred to a new owner, the structure has been damaged and repairs are still ongoing, or similar reasons beyond the landowner's control. The landowner will need to request a waiver before the use has been discontinued for 12 months or longer.
- 1.C.07.C The DRB will determine whether the non-residential use has remained active or has been discontinued. The DRB may ask the landowner to provide evidence that the following have been maintained as applicable to the particular use:
  - 1.C.07.C.1 Regular hours;
  - 1.C.07.C.2 Necessary equipment, supplies or stock in trade;
  - 1.C.07.C.3 Necessary utility services; or
  - 1.C.07.C.4 A license, certificate, registration or similar type of state or municipal recognition, if required for the type of use.

## 2. PUBLIC STANDARDS

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### 2.A GENERAL

2.A.01 What are the frontage and access requirements for lots?

2.A.01.A Each lot created after \*[EFFECTIVE DATE] must front on a thoroughfare or civic space.

2.A.01.B A landowner may develop an existing lot without road frontage if:

2.A.01.B.1 The lot has access to a maintained public or private road over a deeded right-of-way created prior to \*[EFFECTIVE DATE] that is at least 20 feet wide or a deeded right-of-way created on or after \*[EFFECTIVE DATE] that is at least 50 feet wide; or

2.A.01.B.2 The DRB grants a waiver and reduces the minimum width of a new right-of-way to not less than 30 feet. The DRB must determine that the reduced right-of-way can provide adequate access to the lot. The DRB must also require that the land not be further subdivided without fully complying with the access requirements of this Code as a condition of approval.

2.A.01.C To create or develop a lot that will be accessed from a Class 4 town road or legal trail that the town does not maintain for vehicular travel year-round, the landowner will need approval from the Selectboard. The Selectboard may require the landowner(s) to upgrade the road and to be responsible for maintenance.

2.A.01.D A lot created after \*[EFFECTIVE DATE] must not have more than one road access except:

2.A.01.D.1 An access created by two separated one-way lanes will be considered one road access.

2.A.01.D.2 The AO may issue a permit for a loop driveway with two curb cuts serving a single-family or two-family home.

2.A.01.D.3 The DRB may approve or require more than one access to serve a single property when it finds that additional access is needed for safety reasons or is necessitated by site-specific physical conditions.

2.A.01.E Development that will create one or more thoroughfares to serve more than 16 residences or 8 businesses must be designed with at least two points of access for emergency vehicles.

### 2.B THOROUGHFARES

2.B.01 What is a thoroughfare?

2.B.01.A A thoroughfare is intended to be used by motorists, bicyclists and pedestrians to access land or buildings.

2.B.01.B A thoroughfare consists of vehicular lanes and public frontage.

2.B.02 What are the general requirements for thoroughfares?

2.B.02.A Thoroughfares must be designed in context with the physical form and character of their transect zone.

2.B.02.B Thoroughfares must be designed for the quantity, type and speed of traffic desired within their transect zone.

2.B.02.C The public frontage of a thoroughfare that passes from one transect zone to another must be adjusted accordingly.

2.B.02.D Within the T3, T4 and T5 zones, pedestrian safety and comfort must be primary considerations when designing a thoroughfare.

- 2.B.02.E All thoroughfares must terminate at other thoroughfares, forming a network unless a dead-end thoroughfare is specifically approved by the DRB to accommodate site-specific conditions.
- 2.B.02.F Thoroughfares may include vehicular lanes in a variety of widths for parked and moving vehicles (including bicycles) as specified in \*Table 2-C.
- 2.B.02.G A bicycle and pedestrian network consisting of trails, paths, sidewalks, paved shoulders and bike lanes should be provided throughout the town. The network should be connected to existing or proposed regional networks wherever possible. Existing thoroughfares should be retrofit to accommodate bicyclists and pedestrians.
- 2.B.03 What are the requirements for driveways?
- 2.B.03.A A driveway may provide access for up to 3 homes or 2 businesses.
- 2.B.03.B A driveway that is longer than 500 feet must terminate in an area where an emergency vehicle can turn around and also must have at least one pull-off area every 500 feet where an emergency vehicle can park and be passed by another emergency vehicle.
- 2.B.03.C A cleared corridor must be maintained along a driveway that is at least 16 feet wide and 14 feet high to accommodate emergency vehicles.
- 2.B.03.D The average grade of a driveway must not exceed 10%. Within 30 feet of the road, the average grade of a driveway must not exceed 3%.

## 2.C CIVIC SPACES

- 2.C.01 What is a civic space?
- 2.C.01.A A civic space is an outdoor space dedicated for public use.
- 2.C.01.B Civic spaces are intended to be used primarily by pedestrians and bicyclists.
- 2.C.02 What are the general requirements for civic spaces?
- 2.C.02.A Civic spaces must be designed in context with the physical form and character of their transect zone.
- 2.C.02.B Civic spaces must be designed as generally described in \*Table 2-E.
- 2.C.02.C Within a proposed development, any areas included in the T1 zone that can safely accommodate public use or access must be designated as civic space.
- 2.C.03 What are the requirements for civic spaces in the T3, T4 and T5 zones?
- 2.C.03.A Within a proposed subdivision or planned development, at least 5% of the developed area must be designated as civic space.
- 2.C.03.B Except for playgrounds, at least 50% of the perimeter of a civic space must front on a thoroughfare unless waived or modified by the DRB to accommodate site-specific conditions.
- 2.C.03.C A new civic space smaller than one acre must not be proportioned narrower than 1:4.

## 2.D PUBLIC FRONTAGES

- 2.D.01 What is a public frontage?
- 2.D.01.A The public frontage is the area between the outer edge of the vehicular lanes and the frontage line of adjoining lots.

- 2.D.01.B The public frontage contributes to the character of the transect zone, and may include walkways, bikeways, lighting, curbs, drainage, utilities, planters, street trees, landscaping or natural vegetation.
- 2.D.02 What are the general requirements for public frontages?
- 2.D.02.A Public frontages must be designed as specified in \*Table 2-C and Table 2-D and allocated within transect zones as specified in \*Table 5-A.
- 2.D.02.B Public planting must be provided within the public frontage as shown in \*Table 2-C and \*Table 2-D unless waived or modified by the DRB to accommodate site-specific conditions.
- 2.D.02.C The public frontages of existing thoroughfares must be retrofit to meet the requirements of this Code unless waived or modified by the DRB to accommodate site-specific conditions.
- 2.D.03 What are the requirements for public frontages in the T1, T2 and T3 zones?
- 2.D.03.A The public frontage must include shade trees, understory trees, and shrubs of various species naturalistically clustered.
- 2.D.03.B Plant materials must consist primarily of native species requiring minimal irrigation, fertilization and maintenance.
- 2.D.03.C The public frontage must include depressed planting areas that can provide stormwater infiltration unless waived or modified by the DRB to accommodate site-specific conditions.
- 2.D.04 What are the requirements for public frontages in the T4 zone?
- 2.D.04.A The public frontage must include trees planted in a regularly spaced, linear pattern of single or alternated species with shade canopies with a height at maturity that clears at least one story.
- 2.D.04.B Plant materials must consist primarily of hardy species tolerant of salt and soil compaction.
- 2.D.04.C Planting strips or medians, where provided, must be depressed to facilitate stormwater infiltration unless waived or modified by the DRB to accommodate site-specific conditions.
- 2.D.05 What are the requirements for public frontages in the T5 zone?
- 2.D.05.A The public frontage must include trees planted in a regularly spaced, linear pattern of single or alternated species with shade canopies with a height at maturity that clears at least one story. Along retail frontages, the spacing of the trees may be irregular to avoid visually obscuring the shopfronts.
- 2.D.05.B Plant materials must consist primarily of hardy species tolerant of salt and soil compaction.
- 2.D.05.C The DRB may waive or modify the requirements of this section to accommodate site-specific conditions.