

1	3.1.2	Encourage a pattern of development which can reasonably be provided with needed public facilities and services.
	3.1.3	Work towards a low level of tax burden on homeowners by creating a community which is efficient and economical to serve.
	3.1.6	Limit development to areas along or near existing public roads, thus avoiding unnecessary new road mileage and costly servicing. This applies equally to second homes which may, in the future, be occupied by year-round residents. Access roads will remain private with recorded maintenance agreements.
	3.4.7	Retain as much permanent open space as possible through cluster development, preservation of natural resource lands and natural hazard areas, and encouragement of agricultural and forest practices.
	3.4.10	Common land in a subdivision shall remain as permanent open space.
	4.2.2.1.15	Favor compact forms of development, using short lengths of roadway, over more extensive development scattered along long distances of roadway. Encourage infilling of development in existing development clusters along existing roadways.
	7.5.4	Favor compact forms of development which do not require long lengths of roadway. Require that new development roadways be private, and that maintenance agreements be provided to ensure that new private roadways are adequately maintained without burden to the Town.

SUB Section 2.00 Growth Management and Permit Allocation | limits the number of zoning permits for house construction within an approved subdivision to 1-2 per year (5 for conservation subdivisions)

SUB Section 3.03 Cluster Design | encourages applicants to consider cluster development

SUB Section 4.04 Other Road Requirements | requires subdivision roads to remain private and maintenance agreements for those roads

ZONE Section 4.2.4 Dimensional Requirements A&RR District | establishes a density of 1 dwelling per 120,000 square feet of developable lot area except within a PRD the maximum density would be 1 dwelling per 60,000 square feet of developable lot area

ZONE Section 5.3.4 Dimensional Requirements Forest II District | allows for a 25% density bonus for PRDs

ZONE Section 7.2.1 PRDs Where Permitted | allows PRDs in most districts and authorizes the PC to require cluster design to protect natural resources or high value working lands

ZONE Section 7.3.2 PRD Open Space Requirements | requires land not included in building lots and rights-of-way or easements for roads and utilities to be permanently reserved as open space

ZONE Section 7.4.1 PRD Homeowners Association | authorizes PC to require formation of a homeowners association to own and manage open space or other shared facilities within the development

Under Vermont law (24 VSA § 4422), municipalities may only phase or limit development to avoid or mitigate adverse impact on existing or planned community facilities and services and must maintain a current capital budget and program (prepared and adopted in accordance with state statute) to exercise that authority. The phasing or limiting must be tied to the capacity of community facilities and services as documented in the capital budget and program. It is unlikely that Dorset is meeting the minimum statutory requirements, therefore the growth management and permit allocation in Section 2.00 is not legal and should be removed from the subdivision regulations.

Municipalities can limit length of new driveways and private roads. This can be an effective tool for bringing development closer to existing roads.

The requirement and standards for conservation subdivision design, also referred to as cluster development or planned unit development (Vermont statute no longer uses the term planned residential development or PRD) could be strengthened by:

- Making conservation subdivision design required for all rural subdivisions. This could be combined with a provision to allow creation of one additional lot from a rural parcel every X number of years (something in the 5-10 year range would be reasonable) and for allowing subdivision of land subject to conservation easements or similar development restrictions (no buildable lot being created). The newly created lot would have a similar restriction and would not be able to be further re-subdivided for a specified number of years.
- Requiring a minimum percentage of land to be set aside as open space and permanently protected from future development through a conservation easement or equivalent legal mechanism. Typical open space requirements are in the 40-60% range. Some municipalities offer density bonuses for setting aside greater amounts of open space.
- Eliminating the default density bonus provided in the regulations for clustered development.
- Eliminating the dimensional standards for PRDs from the zoning districts. The regulations should give the PC the authority to waive or modify district dimensional standards more broadly. The regulations can require that the conservation subdivision meet all setbacks around the perimeter of the development site.
- Incorporating more clear and specific standards with regards to what land must be set aside as open space and the configuration of that open space (commonly there would be a list of primary resources like wetlands, floodplains, etc. that must be included and then secondary resources like agricultural soils that should be included to the greatest extent feasible).
- Establishing a maximum lot size or building envelope within a conservation subdivision (for example, 3 acres if on-site well and septic system will be included, not more than 2 acres if only one will be on-site, and 1 acre if neither will be on-site).
- Requiring clustering into contiguous groups of 3 to 12 lots or building envelopes.
- Allowing more options for ownership of conserved open space including private ownership, sale to farmer, transfer to land trust or municipality, etc.

<b>2</b>	<b>3.1.4</b>	Recognize the importance of the existing village centers as traditional foci for residential development and community activity, and limited commercial development. Strengthen the importance of the villages by permitting and encouraging controlled growth within the village areas.
	<b>4.2.1</b>	The lands designated Village Residential, Village Commercial, and Commercial-Industrial are intended to accommodate a large proportion of Dorset's growth during the 5 year planning period.
	<b>6.2.3.4</b>	Permit and encourage "infill" housing in village areas, where Town water services are, or can be made available. Infill housing needs to be compatible with existing development, such that residential types will include single family and two family houses, and homes may include an apartment within the primary structure or within an accessory building.

ZONE Section 4.3.1 Village Residential Permitted Uses | includes single- and two-family dwellings, home occupations, PRDs, group homes and family childcare homes

ZONE Section 4.3.2 Village Residential Conditional Uses | includes multi-family dwellings (max 6 units), convalescent home, tourist home, rooming house, daycare, residential care

ZONE Section 4.3.4 Village Residential Dimensional Standards | 1 dwelling unit per 15,000 square feet of developable lot area if connected to a water system or 1 per 40,000 square feet if not (reduced to 1 per 12,000 square feet for PRDs), 35 feet max building height measured from average grade to highest point of the roof

ZONE Section 6.3.4 Village Commercial Permitted Uses | includes single- and two-family dwellings, home occupations, group homes, family childcare homes, tourist home, rooming house, retail sales/rentals, offices, personal services, inns, banks, restaurants, small repair service and contractors

ZONE Section 6.3.5 Village Residential Conditional Uses | includes daycare, residential care, automobile repair and maintenance, recreation facilities, theaters

ZONE Section 6.3.7 Village Commercial Dimensional Standards | min 20,000 sf of developable land per lot, 1 dwelling unit per 15,000 square feet of developable lot area if connected to a water system or 1 per 40,000 square feet if not, 30 feet max building height measured from average grade to highest point of the roof, 2,000 square foot maximum building footprint

The village zoning district boundaries are drawn fairly tightly to match existing settlement patterns and therefore include only a limited amount of land capable of accommodating growth in the form of new development. Where there is suitable undeveloped or minimally developed land in the vicinity of the existing villages, the boundaries should be expanded to provided room for growth.

The density and dimensional standards are not consist with community goals for encouraging more development in village areas. Greater flexibility needs to be allowed to facilitate infill development on previously developed lots and allow for new development consistent with traditional village development patterns such as:

- Increasing the density of residential development allowed in village areas to at least 4 dwelling units per acre (this is the minimum density required to qualify for the state's new neighborhood program, which offers permit relief and other incentives for housing in and around village centers). Such density cannot be achieved without off-site water and/or wastewater systems. It is not necessary for zoning to mandate lower densities and larger lot sizes for land served by on-site systems because all development now needs a state water and wastewater permit and those requirements will effectively achieve the same outcome (larger lots when water and/or wastewater are on-site).
- Allowing for multi-family housing in both village residential and commercial districts. Housing can be limited to upper floors or back buildings in the commercial district if there is a concern about loss of commercial space.
- Clarifying that multiple principal buildings are allowed on a lot (adopted zoning is somewhat contradictory on this issue) and revising the provisions of Section 3.4.2 (the standards for multiple buildings on a lot) to provide more flexibility in village areas. This is an effective way to allow for infill housing or small businesses in converted or new buildings located in the rear of village lots (village lots are often narrow and deep, and they may be large enough to accommodate two principal uses but not have enough frontage to be subdivided, which would currently prevent such development under the provisions of Section 3.4.2).
- Increasing the allowed building height, particularly in the village commercial district, and measuring height to the eaves rather than roof peak. This will encourage more creative roof forms. The purpose of the 30-35 foot height limit is related to the limitations of existing fire equipment and maintaining compatibility with the scale of existing buildings. However, the standards should allow construction of a three-story building with a pitched roof which would be consistent with the intent of the current height limit.
- Increasing the maximum building footprint to at least 4,000 square feet. Design standards related to building massing and breaking up wide facades with changes in wall plane and roof form can be used to ensure that new construction is compatible with traditional building pattern.

3	3.1.5	Provide appropriate locations and sufficient acreage for the limited expansion of commercial and industrial activities. Provide strong controls on uses and site design within the areas designated for commercial and industrial uses.
	4.2.1.3	The Commercial-Industrial areas are designated in order to recognize existing commercial-industrial uses and to provide for suitable locations of adequate size to attract new light commercial-industrial development in the Town, and new employment opportunities for local residents. Uses in the Commercial-Industrial areas shall be light manufacturing or assembly of goods, offices, distribution centers, and similar light industries, subject to strict performance standards, as well as agriculture, forestry, and other rural uses. Additional uses, including public uses, recreational uses, home occupations, and residential uses, may be permitted.
	4.2.1.3.2	Encourage new light commercial-industrial uses within these areas, and in accordance with high standards of performance and site design.
	4.2.1.3.3	Permit a mixture of uses within these areas, designed in a way to minimize land use conflicts.
	4.2.1.3.4	Uses to be particularly encouraged are those which provide employment opportunities for the local residents, such as clean, light industry.
	5.5.1.3	Require high performance standards with respect to site design, landscaping, and operations, for new commercial and industrial development.
	5.5.1.4	Review new development regarding outdoor lighting and limit such lighting to that which is necessary for safety and convenience. Prevent excessive lighting of the night sky.
	7.5.8	Review parking standards for various types of uses. In addition, parking lot standards should be adopted to ensure that parking lots are properly laid out to be functional, safe, and landscaped to conform with the requirements of the zoning district in which they are located.
10.3.1.1	Dorset will have a diverse and resilient economy based on agriculture, natural resources, small businesses, recreation, tourism and light industry and which is compatible with the Town's natural environment.	

ZONE Section 3.8.3 Site Development Plan Review | (4)(ii) specifies that parking for commercial or industrial uses is not permitted within minimum setbacks; (4)(iii) requires commercial or industrial uses to provide a landscaped buffer and authorizes the PC to require additional screening; (4)(iv) requires all non-security lighting to be extinguished by close of business or 9 p.m. and includes general standards for avoiding glare and excess lighting.

ZONE Section 6.2.2 Commercial-Industrial 1 Permitted Uses | includes single- and two-family dwellings and related accessory uses, manufacture and accessory retail use, research facilities, offices, contractors, vehicle repair, printing and publishing, wholesale, trans-shipment centers, warehousing for mail order distribution, vocational schools, residential care home, daycare, health club, sports facility, multi-family dwellings, kennel, veterinary office, stable, firewood processing, extraction, restaurants, sawmill

ZONE Section 6.2.3-4 Commercial-Industrial 2 Permitted Uses | includes single- and two-family dwellings and related accessory uses, contractors, vehicle repair, bulk fuel storage, lumberyards, sales/rentals of vehicles, equipment and machinery

ZONE Section 6.2.5 Commercial-Industrial 1 Conditional Uses | includes tourist home, rooming house, mixed use

ZONE Section 6.2.6 Commercial-Industrial 2 Conditional Uses | includes accessory uses

ZONE Section 8 Definitions | customary home occupation allows up to 4 non-residential employees and generally requires no indication of the business activity from off the property

ZONE Section 10.3 Off-Street Parking | establishes the amount of parking required, authorizes shared parking, sets the minimum parking space size (10' x 20'), and requires landscaping within and around parking lots

While there is a substantial amount of land currently zoned for commercial-industrial use, much of it is not suited for development due to natural resource constraints (wetlands, flood hazard / river corridors and steep slopes). The district boundaries should be re-examined to identify unsuitable land to be removed and other more suitable sites to be included.

The commercial-industrial districts currently allow residential uses and the districts include residential properties. To further the town plan goals related to attracting new businesses to Dorset, land should be designated solely for commercial or industrial use and residential development should not be allowed. Many of the types of businesses the districts are intended to accommodate (manufacturing, kennels, firewood processing, bulk fuel storage, etc.) are generally not compatible with residential uses. By increasing the number of homes in the vicinity of existing or future businesses, the possibility of conflicts rises as does the likelihood that proposed expansions or new development would be met with opposition from nearby homeowners. As an alternative to the current approach the following could be considered:

- Redefining the commercial-industrial districts to include those sites already developed for, or suitable to be developed for, light industries (manufacturing, warehousing, etc.), larger-scale offices or research facilities, wholesale trade, and other commercial activities that are not suitable for village areas such as kennels, veterinary offices, vehicle sales, etc.
- Designating areas for tourism-related businesses (lodging, dining, retail, recreation) separate from areas for light industry and similar uses.
- Allowing for more intensive home businesses in rural areas. Current zoning allows for home occupations and is more expansive in what qualifies as a home occupation than the minimum required under state law. Consider establishing two uses - home occupation and home business - home occupation would remain very close to the state requirements (minor portion of dwelling, no non-residential employees, no retail sales, etc.) and home business would be more expansive (non-residential employees, space in accessory buildings, outdoor use or storage areas, etc.).
- Allowing for on-farm businesses and rural enterprises in rural areas (see #4 below).
- Reviewing list of allowed uses to ensure that it is comprehensive (see attached list of defined uses). Adopted zoning appears to have been crafted to match the uses that already exist in an area rather than for the potential uses that the community would want to see in the future.
- Reviewing list of allowed uses to ensure that all uses are defined. Standards should be removed from definitions and list of uses in each zoning district. Instead, those standards should be consolidated into a specific use standards section (see attached outline).

The adopted regulations could be clarified and expanded to more precisely specify the amount of parking required, the location of parking on the lot, stormwater management requirements, and amount/location of landscaping in parking lots. Current parking standards generally do not exceed 1 space per 400 square feet of gross floor area for commercial uses with regular customer traffic (retail, restaurants, etc.) and 1 space per 600 square feet of gross floor area for commercial uses with less traffic (professional offices or services, for example). The recommended standard for minimum parking space size has been reduced from 10' x 20' to 9' x 18' as well.

The regulations should be revised to include a set of outdoor lighting standards that would at a minimum apply to all uses subject to site plan approval (see attached model).

<b>4</b>	<b>3.1.9</b>	Encourage agricultural and forest uses of the land which will contribute to a stable local economy, balanced land use, and public benefit.
	<b>3.4.6</b>	Promote the continued use of high value agricultural and forestry lands as identified by LESA and FLESA, both as part of the economic base of the Town, and to preserve the scenic and environmental quality of the Town.
	<b>3.7.1</b>	Encourage the preservation of high quality agricultural lands as identified by LESA for agricultural uses.
	<b>3.7.2</b>	Encourage the maintenance and strengthening of the forest industry and related secondary industries within the Town.
	<b>3.7.3</b>	Provide for evaluation of lands, using LESA and FLESA techniques, in the Town’s development review processes.
	<b>3.7.4</b>	In reviewing development proposals, discourage the creation of land use conflicts with existing agricultural or forest industries.
	<b>4.2.2.1.2</b>	Encourage the conservation of important agricultural soils for current and future use, and existing agricultural uses.
	<b>4.2.2.1.3</b>	Encourage the conservation of the Town’s forestry resources.
	<b>5.1.4</b>	Give particular consideration to high LESA evaluations in the Town’s rural designations. Consider relaxation of agricultural preservation policies in the Town’s commercial districts.
	<b>5.1.5</b>	The Planning Commission may require cluster development where clustering will allow the conservation of land for agricultural uses.
	<b>5.1.10</b>	Where new development is proposed adjacent to existing agricultural operations, the Town shall, when possible, seek to avoid conflicts between the proposed development and the agricultural operation.
	<b>5.2.2</b>	Refer to the FLESA study, and require FLESA evaluations in considering development applications having an impact on forested parcels of 25 acres or more.
	<b>5.2.3</b>	The Planning Commission may require cluster development where clustering will allow the conservation of highly valued forestry lands as defined by FLESA.
	<b>5.2.9</b>	In considering development applications involving forested parcels of 25 acres or more, the Planning Commission may require the preparation and approval of a forest management plan.
<b>5.4.1.6</b>	Forested lands should be protected to assure that precipitation can be absorbed by forest soils and litter and the peak flow attenuated.	

ZONE Chapter 4 Zoning Districts | firewood processing is allowed in the Agricultural and Rural Residential District, Forest II District and the Commercial-Industrial districts; sawmill/ logyard is allowed in the Commercial-Industrial districts

ZONE Section 7.1 Purpose of PRDs | includes “to preserve agricultural lands identified by a LESA rating of 225 or more, or lands for forestry land as identified by a FLESA evaluation of high importance or prime.”

ZONE Section 7.2 PRD Administration | authorizes PC to require cluster design of site contains agricultural lands identified by a LESA rating of 225 or more, or lands for forestry land as identified by a FLESA evaluation of high importance or prime.

ZONE Section 7.3 PRD Standards and Conditions | requires agricultural lands identified by a LESA rating of 225 or more, or lands for forestry land as identified by a FLESA evaluation of high importance or prime to be protected as open space.

SUB Section 3.00 Planning Standards | requires consideration of agricultural lands identified by a LESA rating of 225 or more, or lands for forestry land as identified by a FLESA evaluation of high importance or prime when planning a subdivision and authorizes the PC to require their protection.

A decision will need to be made about whether to continue using the LESA/FLESA tools as an element of the town’s zoning and subdivision regulations. If those tools are going to be used to set allowed densities, select land to be set aside as open space, or trigger cluster development requirements, they need to be reviewed and updated as necessary. It may be possible to convert the LESA/FLESA scores into one or more overlay districts to simplify administration of the regulations and provide greater predictability for applicants. Additionally, the LESA/FLESA tool is best suited for rural land and should not be used in villages and other areas planned for growth or development.

A change to state statute will go into effect on July 1, 2018 requiring municipalities to allow for an accessory on-farm business that either engages in (i) the storage, preparation, processing and sale of agricultural products at least 50% of which are produced on the farm; or (ii) hosting educational, recreational or social events that feature agricultural practices or products, including farm stays. These businesses may be subject to site plan review and may be required to meet the same standards as similar non-farm business in the district. Given the new state requirement, which is structurally similar to that for home occupations, the regulations should establish two new uses – the on-farm business which meets the new state minimum requirements and a rural enterprise that would be more similar to light industry and would allow for the storage, preparation and processing of agricultural or forest products without the limitation on percentage of product produced on the property. Both would be treated as commercial or industrial uses and require site plan approval. The rural enterprise could be conditional. In combination with more robust home business provisions as discussed in #3, this could provide ample opportunity for businesses that support the economic viability of farming and forestry.

As discussed in #1, the use of the open space associated with a conservation subdivision (cluster development) for agriculture or forestry could be encouraged by allowing the sale and transfer of the land to owner not associated with the development or by allowing the creation of a large-acreage “estate lot” as part of the development with an easement that removes any future development potential rather than requiring it to be held in common by all the owners of the development.

As discussed in #1, requiring clustering and limiting length of driveways/private roads would further town goals related to promoting agriculture and forestry. The provisions related to protecting primary agricultural or forestry soils in conservation subdivisions could be strengthened as well.

5	<p><b>3.1.7</b> Provide for review of subdivisions of land to ensure proper design of roads, proper site development, and protection of agricultural and forestry lands, natural resource and natural hazard areas, and water resources.</p> <p><b>4.2.2.1.6</b> Ensure that new residential development can be provided with safe and adequate water supply and sewage disposal facilities.</p> <p><b>4.2.2.1.13</b> Require that new development provide water to fight fires as per specifications provided by the fire districts.</p> <p><b>7.5.5</b> Require that all new lots be provided with adequate access by public or private rights-of-way to the public road system.</p> <p><b>8.5.1.2</b> Ensure that new developments are designed to facilitate emergency access, and adequate water supplies for firefighting.</p>	<p>SUB Section 3.00 Planning Standards   authorizes the PC to consider impacts to municipality facilities and services, traffic and public road capacity, aesthetics and scenic beauty, wildlife habitat, natural and historic areas, springs and recharge areas, wetlands, streams, agricultural land, forestry land, and steep slopes.</p> <p>SUB Section 4.00 Road Standards   establishes minimum standards for subdivision roads (any travel way serving 3 or more lots)</p> <p>SUB Section 5.00 Sewage Disposal and Water Supply Standards   requires applicants to demonstrate that proposed lots will be able to meet state standards for wastewater disposal and potable water</p>	<p>The wastewater and water supply section of the adopted regulations needs to be updated to reflect changes in state regulation. State regulation superseded municipal regulation of wastewater disposal and water supply in 2007 and applies to all lots (large lots are no longer exempt). The municipality can require applicants to submit copies of state permits and can make approval of proposed development conditional on the applicant obtaining and submitting state permits, but can no longer directly regulate the design or installation of wastewater or water supply systems.</p> <p>The subdivision regulations authorize the Planning Commission to require applicants to install firefighting infrastructure. There are no specific standards. To ensure consistent decision-making over time, the basic requirements for fire ponds or equivalent water supplies should be included in the regulations.</p> <p>Many Vermont municipalities have unified their zoning and subdivision bylaws. This results in a more consistent and coordinated set of regulations. There is a considerable amount of duplication between the documents creating opportunities for conflicts to emerge as the two sets of regulations are separately amended over time.</p>
6	<p><b>3.3.2</b> Control development along Route 7/7A, with the aim being to maintain the present alignment, avoiding duplication of this road through the Town by extension of limited access Route 7.</p> <p><b>4.2.1.3.1</b> Maintain a high sufficiency rating of Route 7/7A by requiring controls on the number of and design of commercial-industrial access points to Route 7/7A.</p> <p><b>4.2.1.2.5</b> Encourage conservation of open land between village commercial designations to prevent strip development.</p> <p><b>7.5.1</b> Work to improve the "sufficiency rating" of Routes 7/7A and Route 30 through Dorset by controlling access points and avoiding strip development.</p> <p><b>7.5.2</b> Commercial and industrial developments should provide adequate parking, and include provisions for safe and efficient vehicular ingress and egress. To the extent possible, adjacent commercial or industrial uses should make use of common parking and access drives.</p>	<p>ZONE Section 3.8.3 Site Development Plan Review   (4)(i) calls for minimizing access to Routes 7, 7A and 30 and authorizes the Planning Commission to require shared access.</p>	<p>The regulations have some access management provisions for uses subject to site plan review. These should be strengthened by including specific standards for access and circulation that would apply to all development throughout town. Access standards should be established in a cohesive, comprehensive section that deals with the number of access points, width of access, and sight distance and separation between access points. Other issues that could be addressed more clearly in the regulations include requirements for lots without frontage on a maintained road and requirements for shared access and cross access between adjoining properties. More specific landscaping and lighting standards would also contribute towards improved access management.</p> <p>The regulations should also address the retrofit of previously developed sites that have poor access management. This could include triggers for when the width of existing curb cuts must be narrowed, when lots with multiple curb cuts must reduce the number of access points, when landscaping and screening must be provided, or when front parking must be eliminated or relocated.</p>
7	<p><b>3.4.2</b> Protect aquifers and recharge areas, groundwater and our Class A and B streams, so that the Town may have a continuing supply of pure water for domestic (which includes drinking water) and recreational use.</p> <p><b>5.3.7.7</b> Enact appropriate regulations to protect quality of streams and groundwater which serve as domestic water supply (which includes drinking water) or flow into aquifers which have potential for future water supply.</p> <p><b>8.2.1</b> Public Water Supply Aquifers as identified on the Water Resources Map will be protected from pollution.</p> <p><b>8.2.2</b> Spring Recharge Areas as identified on the Water Resources Map will be protected from pollution, and access to and availability of these important springs will be protected for future water supply use.</p>	<p>ZONE Section 5.1 Purpose Open Lands and Conservation Districts   describes the Public Water (Aquifer) Protection district as identified by the Vermont Agency of Natural Resources and shown on the Town Zoning Map.</p> <p>ZONE Section 5.4 Public Water (Aquifer) Protection Districts   lists the allowed uses as tree farming, woodlots and forestry, and lists the conditional uses as springhouses, reservoirs and trails</p>	<p>Need to update mapping of source protection areas to ensure it is accurate and the description of the district is properly worded to be legally enforceable. Source water protection areas are made up of several zones based on proximity to the wellhead or water source. Most municipalities that have a source water protection overlay district vary the standards and allowed uses by zone (see model language attached).</p>

8	<p><b>3.4.3</b> Protect wildlife habitats and corridors.</p> <p><b>3.4.8</b> Protect areas of special educational and scientific value, and conserve sites and structures of historic and architectural significance.</p> <p><b>3.8.3</b> Protect natural resources including agricultural and forest lands, wetlands, water resources, wildlife habitats, fragile areas, and rare plant habitats.</p> <p><b>5.3.7.2</b> Development proposals will be reviewed with the intent of protecting the natural resources identified.</p> <p><b>5.3.7.3</b> Where residential development is permitted, a cluster form of development may be required by the Planning Commission in order to preserve and protect the natural resources identified.</p> <p><b>5.3.7.19</b> It is the policy of the Town to protect all Natural/Fragile Areas, Rare Plant/Animal Habitats, and Rare/Endangered Species as referenced in Section 5.3.6 above.</p> <p><b>3.4.9</b> Count as developable land, whether for cluster or traditional subdivision, only the net developable area after removing wetlands, flood hazard areas, steep slopes 20% or greater, public water aquifers, spring recharge areas, and other similar resource lands.</p> <p><b>4.2.2.1.5</b> Count as developable land, whether for a cluster or a traditional subdivision, only the net developable area after removing wetlands, floodplains, steep slopes of 20% or greater, public water aquifers, important spring recharge areas, and other similar resource lands. Land not included in building lots in a residential subdivision should remain permanent open space.</p> <p><b>5.4.3.3</b> Natural Hazard Lands are to be excluded from total acreage when net developable acreage is being calculated.</p>	<p>ZONE Section 3.6.1 Density Calculations/Buildable Land   specifies that the following land will not be included in calculating the amount of development: floodplains, wetlands, steep slopes (20% or more), and source water protection areas.</p> <p>ZONE Section 7.1 Purpose of PRDs   includes “to protect natural resource and hazard lands.”</p> <p>ZONE Section 7.2 PRD Administration   authorizes PC to require cluster design of site contains natural resource and hazard lands.</p> <p>ZONE Section 7.3 PRD Standards and Conditions   requires natural resource and hazard lands to be protected as open space.</p> <p>ZONE Section 10.2 Protection of Wetlands, Waterbodies, Streams and Drainageways   requires naturally vegetated buffers from wetlands and surface waters that generally match state standards.</p> <p>SUB Section 3.00 Planning Standards   requires consideration of natural resource and hazard lands, and protection of wildlife habitats and corridors, natural areas, springs and recharge areas, surface waters and wetlands.</p>	<p>As discussed in #1, requiring clustering and limiting length of driveways/private roads would further town goals related to protection of natural resources. The provisions related to protecting mapped wildlife habitat, rare, threatened or endangered species, or natural communities in conservation subdivisions could be strengthened and made more specific as well. Maintaining or re-establishing naturally vegetated woody buffers along wetlands and streams is another effective tool for protecting habitat.</p> <p>Regulations that are based on accurate, current mapping of natural resources are more legally defensible and effective. To the extent that there has been any natural resource inventory work undertaken in Dorset, that information can be incorporated into regulatory maps specifying land to be protected due to its natural resource values.</p>
9	<p><b>3.4.4</b> Keep the rugged and poorly accessible mountain and forest areas free from development, reserved for forestry and other uses appropriate to their character.</p> <p><b>3.4.5</b> Maintain profiles and ridge lines of mountains and hills in their natural state to preserve their scenic beauty.</p> <p><b>5.5.1.1</b> Protect views of the Town’s ridge lines and hilltops from the public roads and major settlement areas by a) denying approval of new lots for development which would damage the integrity of those views, and by b) controlling the siting of structures and the location of areas where clearing is allowed in new subdivisions so that aesthetic impacts will be minimized.</p>	<p>ZONE Section 5.1 Purpose Open Lands and Conservation Districts   describes the Forest I district (lands 2,000 ft in elevation or higher) as not suitable for development due to topography, soil conditions and inaccessibility.</p> <p>ZONE Section 5.2 Forest I District   permitted uses limited to forestry and public recreation, and conditional uses limited to primitive camps and extractive industries.</p> <p>ZONE Section 5.3 Forest II District   permitted uses include agriculture, forestry, primitive camps and single-family dwellings, and conditional uses include youth or adult camps, primitive camps, extractive industries, springhouses and reservoirs, wood processing operation, firewood processing operation.</p> <p>ZONE Section 10.8 Ridgeline and Mountainside Overlay Zone   includes all land at or above 1,100 feet west of Route 7 and all land at or above 900 feet east of Route 7, and requires subdivisions in those areas to conform to Section 3.05 of subdivision regulations..</p> <p>SUB Section 3.05   includes additional standards for subdivision review related to visual impact, building placement and clearing of vegetation</p>	<p>There are some inconsistencies in the allowed uses in the Forest districts that need to be resolved (primitive camp is both a permitted and conditional use in the Forest II district, for example and uses accessory to single-family homes like home occupations are listed as conditional rather than permitted). The density of residential development that may be possible in the Forest II district is not consistent with town plan goals, but the exact density allowed is difficult to assess as it is based on buildable land and a lack of clarity with regard to interpreting the dimensional standards, particularly within planned residential developments.</p> <p>The language of Section 3.05 in the subdivision regulations would need to be strengthened to be legally enforceable as it uses “should” rather than the mandatory “shall” or “must.”</p>

<b>10</b>	<b>3.5.1</b>	Promote energy conservation, and the use of renewable and/or alternative energy resources.
	<b>3.9.4</b>	Encourage housing density to reduce energy use for transportation and to preserve open land.
	<b>3.9.5</b>	Encourage efficiency and conservation of energy in housing new and old.
	<b>6.2.3.6</b>	Ensure that all construction, new & renovation, complies with the Vermont Residential Building Energy Standards (VTRBES) & Commercial Building Energy Standards (VTCBES).
	<b>7.5.18</b>	Encourage and support installation of plug-in stations for electric vehicles and interpret zoning bylaws accordingly.
	<b>9.1.3</b>	Solar siting of homes and passive solar design will be encouraged.

The adopted regulations are essentially silent on energy conservation and renewable energy.

The regulations should include the state-mandated language related to providing information about the state energy standards and the filing of energy certificates before a certificate of occupancy is issued, although the town has to comply with this state statute irrespective of whether it is in the local regulations. The regulations could include a standard that development (all or of a certain type or scale) exceed the state minimum energy standards (i.e., meet the stretch code). This is already a requirement for certain development subject to Act 250.

Energy-efficient construction standards can be incorporated into zoning regulations only to a limited degree. Zoning typically does not address interior building space and systems – that is regulated through building code, which most Vermont municipalities do not have. It is possible to offer bonuses and incentives for construction that conforms to some existing energy-efficiency rating system (such as Efficiency Vermont’s High Performance Home Program), but there are potential challenges if the promised efficiency levels are not initially achieved or maintained over time. More effective options available through zoning include:

- Offering incentives for small homes (<2,000 sf of gross floor area) either through a density bonus or by basing density on square footage of residential space rather than number of units (2,000 sf of residential space per acre rather than 1 dwelling unit per acre, for example).
- Requiring solar on flat roofed buildings over a certain size (Act 250 requires them for commercial buildings with a of more than footprint of 20,000 sf).
- Requiring building envelopes for newly subdivided lots to be oriented for passive solar (oriented so that a house can readily be sited with its longest dimension within 15 degrees of due north-south) unless the applicant can demonstrate that the site is not suitable for passive solar due to physical factors such as terrain or forest cover or to match the traditional settlement pattern in historic village areas.

Zoning can also address demand for non-renewable energy to a limited extent by encouraging compact development patterns in and near villages, which reduces the distance people need to travel for work and services, and which make alternative transportation modes such as walking, biking and transit more feasible.

The adopted regulations do not address electric vehicle charging stations. They should be revised to clarify that parking spaces dedicated for electric vehicle charging will count towards meeting minimum parking requirements. The regulations could require a minimum number of electric vehicle charging stations for larger parking lots as a percentage of total number of parking spaces required (one out of every 20-30 parking spaces is typical), but this is a provision that would likely not be frequently triggered due to the scale of development in Dorset.

11	<p><b>3.8.1</b> Allow reasonable and responsible use of the Town’s underground extractive resources, in a manner which minimizes negative impacts on the surrounding area.</p> <p><b>3.8.2</b> Require rehabilitation and redevelopment of extractive sites as they are completed.</p> <p><b>5.7.1.1</b> Permit rock, sand, and gravel resource extraction uses incidental to commercial-industrial uses, and permit mineral, gas, and oil extraction uses, all subject to rigorous review and performance standards.</p> <p><b>5.7.1.2</b> Consider new or expanded resource extractive uses in the rural areas, as conditional uses, also subject to rigorous review and performance standards.</p> <p><b>5.7.1.3</b> In the review of proposals for resource extractive uses, require suitable plans for drainage, protection of natural resources, protection of nearby water supplies, and site rehabilitation. Consider the aesthetic impact of any such proposals, and require designs which minimize negative aesthetic impacts.</p> <p><b>5.7.1.4</b> Encourage redevelopment where appropriate of resource extractive sites for alternate uses, when resource extraction is completed.</p> <p><b>5.7.1.5</b> Require rehabilitation and reclamation of resource extractive sites at completion of appropriate phases of operation.</p>	<p>ZONE Chapter 4 Zoning Districts   extraction is allowed in the Agricultural and Rural Residential District, a permitted use in the Commercial-Industrial 1 district, and a conditional use in Forest districts.</p> <p>ZONE Section 10.7 Removal of Top-Soil, Rock, Sand, Gravel   specifies that extraction is a conditional use, generally requires reclamation and stormwater management/erosion control, sets a 20-foot setback, also indicates districts where extraction is prohibited</p>	<p>Adopted regulations are internally inconsistent with regard to where extraction is allowed and whether it is a permitted or conditional use. The standards should be strengthened to protect water quality, public infrastructure and character of the area (see attached model language). Extraction should be a conditional use so character of the area and capacity of public roads can be considered.</p>
12	<p><b>3.9.1</b> Provide good sites for residences of the diverse types and prices needed to house the projected population within the 5 year planning period.</p> <p><b>3.9.2</b> Encourage the development of housing that will be safe, sanitary, and conveniently located, and will not impact negatively on neighboring development in terms of health and safety.</p> <p><b>3.9.3</b> Seek practical solutions to the gap between house prices and housing affordability.</p> <p><b>4.2.1.1.4</b> Encourage a mix of housing types and affordability levels within the village residential areas. To be compatible with existing development, residential types will include single family and two family houses, and homes may include an apartment within the primary structure, or within an accessory building. In an effort to address the problem of lack of affordable housing, review the Zoning Bylaw to consider an amendment to permit more than two units in a structure.</p> <p><b>4.2.2.1.14</b> Encourage a mix of housing types and affordability in the rural housing supply.</p> <p><b>6.2.3.2</b> Investigate allowing a density bonus of up to 25%, where such bonus will be used to provide a cost break, thus allowing moderate cost lots and housing.</p> <p><b>6.2.3.3</b> Encourage the provision of additional rental housing by permitting, where appropriate, new dwelling units within existing homes or accessory buildings. Provision for such units must be subject to requirements for proper sewage disposal and adequate water supply.</p>	<p>ZONE Section 4.3.1 Village Residential Permitted Uses   includes single- and two-family dwellings</p> <p>ZONE Section 4.3.2 Village Residential Conditional Uses   includes multi-family dwellings (max 6 units)</p> <p>ZONE Section 4.3.4 Village Residential Dimensional Standards   1 dwelling unit per 15,000 square feet of developable lot area if connected to a water system or 1 per 40,000 square feet if not (reduced to 1 per 12,000 square feet for PRDs)</p> <p>ZONE Section 6.3.4 Village Commercial Permitted Uses   includes single- and two-family dwellings</p> <p>ZONE Section 6.3.7 Village Commercial Dimensional Standards   min 20,000 sf of developable land per lot, 1 dwelling unit per 15,000 square feet of developable lot area if connected to a water system or 1 per 40,000 square feet if not, 2,000 square foot maximum building footprint</p> <p>ZONE A. Definitions   defines an accessory dwelling as an efficiency or one-bedroom dwelling not to exceed greater of 400 sf or 30% of primary dwelling</p>	<p>Zoning does not affect the affordability of housing as significantly as other factors such as land costs and availability/lack of water and sewer infrastructure, but Dorset’s regulations could do more to facilitate greater diversity of housing including:</p> <ul style="list-style-type: none"> <li>• Revise accessory dwelling standards to allow larger units, up to two-bedroom units, and/or the homeowner to live in the apartment and rent the main house.</li> <li>• Allow multi-family housing as a permitted use in all village districts.</li> <li>• Eliminate limitation of number of dwelling units in a building (other mechanisms are in place to control scale and compatibility of multi-family dwellings).</li> <li>• Eliminate conversion from one type of residential to another as a use.</li> <li>• Offer incentives for small homes (1,600 sf of gross floor area or less) either through a density bonus or by basing density on square footage of residential space rather than number of units (1,600 sf of residential space per acre rather than 1 dwelling unit per acre, for example).</li> <li>• Allow for a cottage cluster development (small footprint homes on small lots organized around common open space) at higher densities than traditional homes.</li> <li>• Set a maximum lot and/or unit size in areas planned for higher density housing.</li> <li>• Require an accessory dwelling unit be constructed in conjunction with any large home (5,000 sf or more).</li> <li>• Require that a dwelling unit be retained on the property when there is a conversion of a residential property to a non-residential use.</li> <li>• Offer incentives for affordable or workforce housing (significant density bonuses as needed to achieve a density of at least 4 dwellings to an acre) .</li> <li>• Adjust the permit fee structure using a sliding scale so the per square foot fee is higher for large homes than it is for small homes.</li> </ul>

13	4.2.1.1	Encourage new village residential development of a scale and type appropriate to the village environment. Uses in the Village Residential areas shall be housing with additional uses compatible with residential uses.
	4.2.1.1.1	Maintain the attractive residential environment of the village areas, by requiring new development to be compatible with appropriate existing development as defined in this Plan, and by safeguarding the villages as attractive and desirable places to live.
	4.2.1.1.5	Ensure safe and adequate water supply and sewage disposal systems for both existing and new housing in the villages.
	4.2.1.1.8	Encourage pedestrian access and orientation.
	5.6.1.6	Encourage developers to incorporate historic structures into their project planning.
	7.5.10	Encourage the development and maintenance of safe pedestrian routes within villages and other areas of concentrated residential development.
	7.5.17	To increase use of bicycles in the downtowns by encouraging the installation of bicycle racks outside commercial establishments.

ZONE Section 3.11 Demolition | this allows the Zoning Administrator to issue a zoning permit for demolition

ZONE Chapter 9 Design Areas | this section establishes design standards, guidelines and a review process intended to preserve historic character

Dorset has a robust design review process. However, the design regulations in Chapter 9 should be updated for greater clarity and to ensure they are legally enforceable. The chapter is a mix of mandatory and recommended provisions that should be revised and re-organized so that any of the recommended guidelines (which are not legally enforceable when expressed as shoulds) relate back to a mandatory standard and are included in order to provide guidance on how to meet the mandatory standard. Inclusion of illustrations showing appropriate and inappropriate treatments would be helpful. The chapter should also reference the recently published [Secretary of the Interior's Standards for the Treatment of Historic Properties](#).

The adopted regulations do not contain specific site design standards for pedestrian and bicycle facilities. To implement the goals and policies of the town plan, the regulations will need to include provisions such as:

- Requiring installation of public sidewalks along in village areas as part of any major development (particularly commercial and mixed use projects) and from the street to building entrances for commercial and mixed use buildings.
- Requiring bicycle racks for commercial and mixed use buildings (as a proportion of vehicle parking spaces).
- Establishing minimum construction standards for sidewalks.
- Requiring applicants to maintain or re-establish sidewalks across curb cuts.

The adopted regulations do not adequately protect historic structures from demolition. It is not clear whether demolition of a historic structure within a design review overlay district would require additional review and approval. There are no criteria or standards to determine whether a proposed demolition would conform to the regulations.

14	4.2.1.2	Village Commercial areas provide space for suitable business and service establishments to provide employment opportunities for local residents, and to provide such commercial and service facilities needed by residents. Maintaining commercial activities in these areas should be consistent with the character of the historic settlement pattern. Uses in the Village Commercial areas shall be small scale retail and service commercial uses compatible with the village surroundings, that is, the historic settlement pattern and village scale defined earlier. In addition, residential uses, small scale offices, tourist accommodation facilities, restaurants, and home occupations shall be permitted and encouraged.
	4.2.1.2.2	Support uses, building types and styles, and scale of development compatible with village scale.
	4.2.1.2.3	Follow the defined limits of the Village Commercial areas, and adhere to detailed performance standards.
	4.2.1.2.4	Permit and encourage the combination of commercial and residential uses in the Village Commercial areas. Permit commercial business and professional uses of a service nature compatible with residential use.
	4.2.1.2.6	At recent public hearings the Planning Commission and public discussed the distinct differences between the four (4) Village Commercial zones in Dorset. The Town should develop and implement a strategy that allows each of these unique areas to reach its potential.

ZONE Section 3.8.3 Site Development Plan Review | establishes review criteria and standards for uses subject to site plan or conditional use approval related to traffic access and safety, parking and circulation, landscaping and screening, lighting, storm drainage and erosion control, noise, fire and safety hazards, sewage and solid waste disposal, water, vibration and electromagnetic disturbance, and smoke, dust, odor, noxious gases or other forms of air pollution.

ZONE Section 6.3.4 Village Commercial Permitted Uses | includes single- and two-family dwellings, home occupations, group homes, family childcare homes, tourist home, rooming house, retail sales/rentals, offices, personal services, inns, banks, restaurants, small repair service and contractors

ZONE Section 6.3.5 Village Commercial Conditional Uses | includes daycare, residential care home, vehicle repair (limited to two repair bays), recreational facilities, theaters, mixed use

ZONE Section 6.3.7 Village Commercial Dimensional Standards | min 20,000 sf of developable land per lot, 1 dwelling unit per 15,000 square feet of developable lot area if connected to a water system or 1 per 40,000 square feet if not, 30 feet max building height measured from average grade to highest point of the roof, 2,000 square foot maximum building footprint

The dimensional requirements of the adopted zoning could be revised to ensure that new buildings will be compatible in scale and character, maintain the historic fabric and have a close and positive relationship to the street. Establishing both a minimum and maximum front setback provides more control over building placement and specifying that no off-street parking can be allowed between the building and the street further ensures the desired development pattern. To maintain an appropriate village scale, there does need to be a maximum building footprint standard, but 2,000 square feet is too small. Most historic Vermont village buildings have a footprint of 4,000 square feet or less, landmark civic buildings may be somewhat larger. Revising the maximum building footprint to 4,000 square feet would allow more opportunity for village commercial development while preventing out-of-scale buildings. Most historic village buildings are also multi-story. Establishing a 2-story minimum height requirement will prevent development of low, flat-roofed, boxy buildings and encourage roof lines with more architectural interest.

Consider placing a limit on the size of permitted uses (ex. services, offices, retail) of 2,000 to 3,000 square feet to encourage small businesses to locate in village commercial areas. If the use would occupy more space, then conditional use approval could be required.

Rather than listing mixed use as a conditional use, allow multiple principal uses on a parcel in village commercial areas. This streamlines the permitting process. A minimum lot area can be required per principal use.

Base density on total acreage in village areas rather than buildable acreage. This could help spur development in village areas over rural areas where density would be more restrictive.

15	4.2.2.1	<p>The Agricultural and Rural Residential areas are designated to recognize and permit a range of rural and residential uses, while protecting resources of open space, views, agricultural and forest lands, natural areas, and wildlife habitats. Uses in the Agricultural and Rural Residential areas shall be agriculture, forestry and related uses, low density residential uses, and other rural or open space uses. Additional compatible uses such as recreational uses, "bed and breakfasts," and home occupations, may be permitted.</p>	<p>ZONE Section 3.6.1 Density Calculations/Buildable Land   specifies that the following land will not be included in calculating the amount of development: floodplains, wetlands, steep slopes (20% or more), and source water protection areas.</p>	<p>Given that density is based on developable land rather than total acreage it is difficult to assess the actual residential density possible in the district. However, it is likely to be higher than an overall density of 1 home per 10 acres, which is commonly considered the maximum density that should be allowed in districts intended to be primarily rural in character with a significant amount of working farm and forest land.</p>
	4.2.2.1.1	<p>Allow a limited amount of rural residential development in a fashion which will protect the Town's natural and scenic resources.</p>	<p>ZONE Section 4.2.1 Permitted Uses in A&amp;RR District   includes single- and two-family dwellings, agriculture and forestry</p>	<p>Requiring cluster development with adequate standards to ensure building sites are located along the edges of fields or meadows in open areas, and relatively close to existing roads in wooded areas is one of the most effective strategies for preserving rural character.</p>
			<p>ZONE Section 4.2.2 Conditional Uses in A&amp;RR District   includes multi-family dwellings, rooming houses, daycare, clubs, residential care home, convalescent home, youth or adult camp, golf course, primitive camp, kennel, veterinary clinic, stable, extraction, firewood processing, mobile home park, campground, mixed use</p>	<p>Also see responses to #1, 4 and 8.</p>
			<p>ZONE Section 4.2.4 Dimensional Requirements A&amp;RR District   establishes a density of 1 dwelling per 120,000 square feet of developable lot area except within a PRD the maximum density would be 1 dwelling per 60,000 square feet of developable lot area</p>	
			<p>ZONE Section 10.8 Ridgeline and Mountainside Overlay Zone   includes all land at or above 1,100 feet west of Route 7 and all land at or above 900 feet east of Route 7, and requires subdivisions in those areas to conform to Section 3.05 of subdivision regulations.</p>	
			<p>SUB Section 3.00 Planning Standards   requires consideration of natural resource and hazard lands, and protection of wildlife habitats and corridors, natural areas, springs and recharge areas, surface waters and wetlands.</p>	
			<p>SUB Section 3.03 Cluster Design   encourages applicants to consider cluster development</p>	
			<p>SUB Section 3.05   includes additional standards for subdivision review related to visual impact, building placement and clearing of vegetation</p>	
16	4.2.2.1.8	<p>Require that new development be served either by existing public or private roads, or by new private roads. Require that all new roads be constructed to proper standards to allow easy access by emergency and other service vehicles.</p>	<p>ZONE Section 3.2.1   establishes requirement that lots front on a public road or have access to a public road through a permanent easement or right-of-way, and that the access be at least 20 feet wide and capable of being traveled by a standard passenger car</p>	<p>Adopted zoning and subdivision are essentially implementing these goals. The language could be written more clearly. Including a section in the zoning specifically on access is recommended, as well as setting forth the town's policy with regard to development of land accessed from unmaintained town roads or trails. This is an area where unifying the zoning and subdivision bylaw would be helpful to ensure consistency and avoid the need for duplication of standards.</p>
	4.2.2.1.9	<p>Require that access roads will remain private, with recorded maintenance agreements. Encourage development of recorded road maintenance agreements when new development is proposed along existing access roads.</p>	<p>SUB Section 4.00 Road Standards   establishes minimum standards for subdivision roads (any travel way serving 3 or more lots)</p>	
	4.2.2.1.10	<p>Avoid creation of land-locked parcels.</p>	<p>SUB Section 4.04 Other Road Requirements   requires subdivision roads to remain private and maintenance agreements for those roads</p>	
	4.2.2.1.12	<p>When new development is proposed on existing substandard private roads, require where possible, upgrading of such existing substandard roads.</p>		
	7.5.6	<p>Require that new public or private roads be carefully located with respect to topography, reasonable grades, and safe intersections, be designed to Town standards, and be accessible to emergency vehicles in all weather.</p>		
	7.5.7	<p>Where new development is proposed on an existing private road, or on a Class 4 Public Highway or Town Trail, the Planning Commission may require that the existing private road or Class 4 Highway or Town Trail, be brought up to Town standards.</p>		

**17** 4.2.2.1.11 Avoid driveways or roads crossing steep slopes.  
 5.4.3.6 Lands with slopes of 20% grade and greater are not considered developable except if allowed through variance procedures.

ZONE Section 3.6 Site Limitations | specifies that no part of any building, parking area, road or driveway may be located on land where the slope is 20% or greater, and authorizes a variance procedure for this standard.  
 ZONE Section 12.9 Appeals - Variances | statutorily mandated variance procedures  
 SUB Section 3.202 Relationship to Physical Features | states that lots must be designed so no development, driveways or roads will be located on slopes of 20% or greater.

The intent of these provisions is to protect steep slopes, hillsides and ridgelines from development and the resulting environmental and visual impacts. However, as drafted it poses unintended challenges and hardships for development. Instead, the regulations should be revised to qualify the prohibition on development on slopes of 20% or greater through one or more of the following approaches:

- Specifying that slope of roads or driveways will be measured along the centerline over a certain distance (100 feet or longer would be typical).
- Not including small areas of slopes of 20% or more (if the steep is less than 1,000-3,000 square feet, for example).
- Allowing development on slopes between 20% and 30% as a conditional use when necessary to facilitate development occurring primarily on slopes less than 20%.

The granting of variances to provide the necessary flexibility and allow minimal development on slopes of 20% or greater is not consistent with strict interpretation of the state statute authorizing variances. Additionally, state statute now authorizes municipalities to grant waivers to dimensional standards. The criteria for granting a waiver is not specified in statute as it is for a variance and so the criteria can be more flexible and crafted to meet local needs.

**18** 4.2.2.2 Forest I lands are designated to recognize the importance of the Town's forest resources and forest industry, and to preserve the rugged forest areas and high mountainous lands for continued forestry uses and open spaces, and associated public benefits. Uses in the Forest I lands shall be forestry and related uses, and public recreational uses. Other uses which may be permitted include temporary hunting or fishing camps, public uses, and extractive industries.  
 4.2.2.3 Forest II lands are designated to recognize the importance of the Town's forest resources and forest industry, and to preserve the rugged forest areas and high mountain lands for continued forestry uses and open spaces and associated public benefits. Uses in the Forest II lands shall be forestry and related uses, and public recreational uses, and other uses permitted in the Forest I lands. In addition, some very low density residential development, or low density cluster subdivision, may be permitted subject to detailed regulations. Also, customary home occupations, certain wood processing operations such as logging and firewood and similar uses may be permitted.  
 4.2.2.3.2 Permitted residential development in the Forest II areas will be strictly reviewed and controlled with respect to water and sanitary sewage disposal systems, erosion concerns, avoidance of steep slopes, maintenance of natural drainageways, maintenance of forest resources, and maintenance of views from the Town's roadways and settlement areas.  
 4.2.2.3.3 Permitted residential development shall be designed to minimize conflict with the functioning of forestry operations.  
 4.2.2.3.4 Permitted residential development shall either be of a very low density (minimum lot size of 10 acres) or shall be clustered with a density not to exceed 1 unit per 10 acres of net developable land.  
 4.2.2.3.5 The Planning Commission may require that subdivisions in the Forest II areas are in a cluster form.

ZONE Section 3.6.1 Density Calculations/Buildable Land | specifies that the following land will not be included in calculating the amount of development: floodplains, wetlands, steep slopes (20% or more), and source water protection areas.  
 ZONE Section 5.1 Purpose Open Lands and Conservation Districts | describes the Forest I district (lands 2,000 ft in elevation or higher) as not suitable for development due to topography, soil conditions and inaccessibility.  
 ZONE Section 5.2 Forest I District | permitted uses limited to forestry and public recreation, and conditional uses limited to primitive camps and extractive industries.  
 ZONE Section 5.3 Forest II District | permitted uses include agriculture, forestry, primitive camps and single-family dwellings, and conditional uses include youth or adult camps, primitive camps, extractive industries, springhouses and reservoirs, wood processing operation, firewood processing operation.  
 ZONE Section 7.2.1 PRDs Where Permitted | allows PRDs in most districts and authorizes the PC to require cluster design to protect natural resources or high value working lands  
 ZONE Section 10.8 Ridgeline and Mountainside Overlay Zone | includes all land at or above 1,100 feet west of Route 7 and all land at or above 900 feet east of Route 7, and requires subdivisions in those areas to conform to Section 3.05 of subdivision regulations..  
 SUB Section 3.05 | includes additional standards for subdivision review related to visual impact, building placement and clearing of vegetation

See responses to #1, 4, 8, 9 and 15.

19	5.3.7.11	Require adherence to the State and federal wetlands regulations.	<p>ZONE Section 3.6.1 Density Calculations/Buildable Land   specifies that the following land will not be included in calculating the amount of development: floodplains, wetlands, steep slopes (20% or more), and source water protection areas.</p> <p>ZONE Section 7.1 Purpose of PRDs   includes “to protect natural resource and hazard lands.”</p> <p>ZONE Section 7.2 PRD Administration   authorizes PC to require cluster design of site contains natural resource and hazard lands.</p> <p>ZONE Section 7.3 PRD Standards and Conditions   requires natural resource and hazard lands to be protected as open space.</p> <p>ZONE Section 10.2 Protection of Wetlands, Waterbodies, Streams and Drainageways   requires naturally vegetated buffers from wetlands and surface waters that generally match state standards.</p> <p>SUB Section 3.00 Planning Standards   requires consideration of natural resource and hazard lands, and protection of wildlife habitats and corridors, natural areas, springs and recharge areas, surface waters and wetlands.</p>	<p>The adopted zoning is generally implementing these goals. This is another area where authorizing a waiver to the strict dimensional standards could be beneficial where proposed development occurring outside wetland or buffer areas would require minimal encroachment with little to no impact on natural resource functions or values. It may also be beneficial to clarify that passive recreational uses (such as walking trails) would be allowed within these areas.</p> <p>Also see response to #8.</p>
	5.3.7.12	Require adherence to the State and federal wetlands determinations and permits. In case of conflicts with Dorset Town policies and regulations, such policies and regulations supersede where more restrictive than State and federal decisions.		
	5.3.7.13	Require a 50’ minimum buffer area adjacent to wetlands and water resources, or such greater buffer as may be required by Town, State, or federal regulations, or as a result of evidence introduced during the review process of a development proposal. In case of conflicts among Town, State, and federal polices and regulations, Dorset Town policies and regulations supersede where more restrictive than State and federal decisions.		
	5.3.7.15	Require buffer zones along streams to provide cover for wildlife, maintain ambient temperatures for fish, and protect water quality.		
	5.3.7.16	Wetlands and their buffer zones are to be excluded from total acreage when net developable acreage is being calculated		
	5.4.1.2	An undisturbed buffer of natural vegetation should be established between rivers, streams and other water bodies to reduce nutrient input and attenuate overland flow. This buffer should be at least 50 feet for streams such as Gilbert Brook with minimal potential for lateral or vertical adjustment or 100 feet for streams such as The Mettawee with significant potential for such adjustment.		
	5.4.1.3	Developments or activities that would adversely affect the quality of the Town’s surface waters shall be prohibited.		
20	5.3.7.14	Erosion control measures will be required in any new development which has a potential of impacting Natural Resources.	<p>ZONE Section 3.8.3 Site Development Plan Review   (4)(v) authorizes PC to require applicants to implement erosion control measures in accordance with state handbook (would apply to uses subject to site plan approval)</p> <p>ZONE Section 5.3.1 Forest II District permitted uses   (9)(c) requires an erosion control plan for construction of some single-family dwellings on a lot not part of an approved subdivision</p> <p>SUB Section 4.03 Construction Standards   (4) authorizes PC to require developers to meet state standards related to erosion control</p> <p>SUB Section 7.02 Contents of Preliminary Plat   (18) requires an erosion control plan</p>	<p>The adopted regulations do not include any specific standards for erosion control. Given that state permitting only applies to large development sites (1-acre disturbed), the town should have standards for smaller projects in order to protect water quality and public infrastructure (see attached model). Generally, municipalities start requiring applicants to implement erosion control practices when disturbing 2,500 to 5,000 square feet or more of soil, and require an erosion control plan when 10,000 to 20,000 square feet of soil will be disturbed.</p>
	5.4.3.5	Erosion control measures will be required in any new development which has a potential of impacting Natural Hazard Lands or Natural Resource Areas.		

21	5.4.1.1	The Town should maintain current flood hazard regulations to control and limit development in flood hazard areas.	ZONE Section 8 Flood Hazard Areas	There have been changes to the state’s recommended flood hazard language. The fluvial erosion hazard areas have been replaced by river corridors. These sections and mapping will need to be brought up-to-date with state standards if the regulations are being updated.
	5.4.1.2	New development in Special Flood Hazard Areas and the Fluvial Erosion Hazard Zones should be avoided where possible. Any new development that does occur should be designed and sited so as to avoid any increase in flooding or erosion.		
	5.4.3.2	Where residential development is permitted, the Planning Commission may require the use of a cluster form of development for lands containing or affecting Natural Hazard Lands.		
	5.4.3.4	New development, including the construction of new buildings, public or private roads, or driveways, may not be permitted in Natural Hazard Areas, except where allowed through variances procedures.		
22	8.8.1.9	Maintain wherever possible, public access to the recreational resources of the Town. Provision for public access may be required for projects involving significant natural areas, paths, trails, or hunting grounds commonly used by area residents.		<p>Regulatory requirements for public access to property being developed need to be carefully crafted so that they cannot be challenged as a ‘taking’ by the developer. Consequently, relatively few municipalities in Vermont have such provisions. Options that are available include:</p> <ul style="list-style-type: none"> <li>• Adopting an Official Map showing planned paths and parks. The Official Map gives the municipality the authority to buy the land or a right-of-way for the planned path or park when development is proposed where the path or park would be located irrespective of whether the property owner is a willing partner. This does not assure construction but allows the municipality to reserve the rights-of-way or land for a future public purpose.</li> <li>• Requiring developers to continue allowing access to existing paths/trails on properties when they are developed. Such provisions could be challenged as a taking, but are considered more defensible than requiring a path or park where one currently does not exist.</li> <li>• Requiring public open space / amenities more broadly through the subdivision or site plan standards. Because the type of amenity is not being specifically mandated, the municipality is less at risk of a legal challenge.</li> <li>• Offering incentives for providing public access (more density, larger building, reduced setbacks, reduced fees, etc.). This avoids any potential legal challenge but does not guarantee access because the developer could choose to not take advantage of the available incentive.</li> </ul>