

ARTICLE I. AUTHORITY AND PURPOSE

Section 1.1 Enactment and Authority

(A) Subdivision regulations for the Town of Fletcher are hereby established in accordance with the Vermont Municipal and Regional Planning and Development Act [24 V.S.A., Chapter 117, Section 4401(b)(2)], hereinafter referred to as “the Act,” and the Fletcher Town Plan, hereinafter referred to as “the Town Plan.” These regulations shall be known and cited as the “Fletcher Subdivision Regulations.”

(B) No subdivision of land may be undertaken except in conformance with the Fletcher Subdivision and Zoning regulations.

(C) The Development Review Board, (“the DRB”) is hereby authorized and empowered to act under these subdivision regulations in accordance with the Act, including but not limited to the approval, modification or disapproval of all subdivision plats prescribed herein.

Section 1.2 Purpose

(A) These regulations are adopted for the following purposes:

- (1) To protect and provide for the public health, safety, and general welfare of the Town of Fletcher.
- (2) To guide the future growth and orderly development in accordance with the Fletcher Town Plan, zoning bylaw, capital budget and program, and all other bylaws and regulations enacted to implement the Plan.
- (3) To ensure that land to be subdivided shall be of such character that it can be used safely for its intended purposes.
- (4) To secure safety from fire, flood and other danger, and to prevent overcrowding of the land and undue congestion of population.
- (5) To guide public policy to ensure the provision of adequate and efficient transportation, water, sewage, school, parks, playgrounds, recreation, and other public requirements and facilities.
- (6) To promote the conservation of energy or to permit the utilization of renewable energy resources.
- (7) To ensure that the rate of growth does not exceed the ability of the Town to provide public services and facilities, and that public facilities and services are available and will have sufficient capacity to serve any proposed subdivision.
- (8) To preserve rare and irreplaceable natural areas, scenic and historic resources and productive farmland through the proper arrangement and location of uses on parcels to be developed.
- (9) To provide the most efficient relationship between land use settlement patterns and the circulation of traffic throughout the Town; and to avoid undue traffic congestion and overburdening of roads.
- (10) To prevent the pollution of streams and ponds; to ensure the adequacy of drainage facilities; to safeguard ground and surface waters.
- (11) To minimize the fragmentation of productive resource lands, including farm and forestland, to ensure its continued use and availability for agriculture and forestry.

Section 1.3 Application of Regulations

(A) **Applicability.** Subdivision of any tract of land into four (4) or more total lots within any continuous period of four years, shall be subject to the subdivision regulations.

(B) **Waivers.** Pursuant to the Act [Section 4413], the DRB may waive or vary, subject to appropriate conditions, the provisions of any or all improvements and application submission requirements which in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public

*For the purposes of these regulations, a **Subdivision** is any division of land creating three (3) or more lots, including all lots created from a single parcel within the past four (4) years, and any multi-family housing project and/or planned residential development (PRD) or planned unit development (PUD), as defined in the Fletcher Zoning Bylaws.*

health, safety and general welfare; or which, in its judgment, are inappropriate because of an inadequacy or lack of connecting facilities adjacent to or in proximity to the subdivision. In granting waivers or variances, the DRB shall require such conditions as will, in its judgment, substantially meet the objectives of the requirements so waived or varied. No such waiver or variance may be granted if it would have the effect of varying the Zoning Bylaw or other Town ordinances or regulations.

(C) **Boundary Line Adjustments.** Adjustment of boundary lines between adjacent lots shall not be deemed a subdivision. The zoning administrator may review and grant or deny an application for boundary adjustments between two or more properties provided the adjustment does not create any additional lots or create any non-conforming lots. If the adjustment appears to be complicated, the zoning administrator can request a survey. All boundary line adjustments must be recorded in the Fletcher land records.

(D) **Coordination of Review.** The DRB may coordinate the concurrent review of subdivision applications for Planned Residential Developments (PRDs) or Planned Unit Developments (PUDs) under the Town's Zoning Bylaw. All procedures, submittal requirements, and standards under both sets of regulations must be complied with in this review process.

Section 1.4 Effective Date

These regulations shall take effect immediately after adoption at a regular or special town meeting, in accordance with the procedures set forth in the Act [Section 4404].

Section 1.5 Amendments

Amendments to these regulations shall be enacted in accordance with the provisions of the Act [Sections 4403, 4404].

Section 1.6 Severability

In the event that any provision of the bylaw is held unconstitutional or invalid by a court of competent

Jurisdiction, all other unaffected provisions shall remain in force and for this purpose the provisions of this bylaw are severable.

ARTICLE II. SUBDIVISION REVIEW PROCEDURES

Section 2.1 Sketch Plans

(A) **Sketch Plan Application.** For the purpose of preliminary discussion, before any transfer or sale of land in a subdivision or any part thereof is made; or any grading, clearing, construction, or other improvement is undertaken therein; the subdivider, prior to submitting an application for subdivision approval, submit a sketch plan to the zoning administrator, at least five (5) days prior to a scheduled meeting of the DRB. The sketch plan needs to be legible and generally to scale, but does not need to be completed by a surveyor or engineer. The sketch plan shall include the following information:

- (1) Name and Address of the applicant and landowner of record.
- (2) Date of plan and revision if any; location map and north arrow.
- (3) General indication of property boundaries and approximate area of all contiguous lands including land separated by public rights-of-way.
- (4) General indication of existing zoning boundaries according to the current zoning map and current land uses.
- (5) Key features of the site, including water courses, swamp areas, significant topography, open and wooded lands, and unique natural or cultural features and the manner in which such site elements are to be conserved.
- (6) General indication of proposed roads, driveways, property lines, easements and building sites, and location of utilities.

(B) **Initial Meeting.** Upon receipt of the sketch plan, the DRB shall schedule and hold an initial meeting within forty-five (45) days, to review the sketch plan and accompanying information for compliance with these subdivision regulations.

(C) **Attendance at Initial Meeting.** The subdivider, and/or, their duly authorized representative, shall attend the meeting of the DRB on the sketch plan to discuss the requirements of these regulations.

(D) **Action on Sketch Plan.** The DRB shall review the sketch plan and accompanying information and shall:

- (1) Determine whether or not the sketch plan generally conforms to, or would be in conflict with the zoning bylaws, and/or other regulations currently in effect.
- (2) The DRB, within forty-five (45) days of the completion of a sketch plan review, or any continuation thereof, shall inform the subdivider in writing, of any specific recommendation for changes in subsequent submission. The DRB may request additional information to be submitted with the application, including special studies and/or supporting documentation's as appropriate. The DRB may inform the subdivider or authorized representative verbally, in lieu of writing, at the sketch plan meeting of specific recommendations and or subsequent submissions. The minutes of the meeting shall indicate the recommendations of the DRB.
- (3) Any determination the DRB makes at sketch plan review does not constitute approval of the proposed subdivision.

Section 2.2 Preliminary Subdivision Plan

- (A) **Preliminary Subdivision Plan Application.** Within nine (9) months of the sketch plan review, the subdivider shall submit an application and any required fee to the Administrative Officer for preliminary plan approval. Failure to do so within the nine months shall require resubmission of the sketch plan to the DRB. The preliminary plan shall conform to the general layout shown on the sketch plan, except as amended as a result of recommendations made by the DRB.
- (B) **Preliminary Subdivision Plan Design.** Preliminary plans for subdivisions shall be designed to ensure that maximum consideration is given to the identification and protection of Primary and Secondary Conservation Resources, and to ensure the subdivision adhere to all applicable standards included herein.
- (1) **Open Space:** Designation of open space to ensure the preservation of all Primary Conservation Resources and Secondary Resource Conservation Resources (See Section 4.4) to the fullest extent feasible.
 - (2) **Development Areas:** Based on the designation of open space, potential development areas shall be identified. Such areas shall be selected to avoid any adverse impact to Primary Conservation Resources and allow for the minimum impact feasible to Secondary Conservation Resources. Maximum development density shall be established by the minimum lot size for the district within which the subdivision is located. In situations involving the presence of large areas of Primary and/or Secondary Conservation Resources, the DRB may require that an application for subdivision be submitted concurrently with an application for Planned Residential Development to achieve the clustering of development.
 - (3) **Development Improvements:** Identification of proposed lot boundaries, house sites, building envelopes, and layout of highways, driveways and utilities. General information on drainage systems, water supply and sewage disposal.
- (C) **Preliminary Plan Public Hearing.** A public hearing to consider the preliminary plan, warned in accordance with Section 5.3, shall be held by the DRB at the earliest available regularly scheduled DRB meeting after the date of submission, but not to exceed sixty-five (65) days after submission. The subdivider or his duly authorized representative shall attend the hearing to discuss the preliminary plat and associated information and materials.
- (D) **Action on Preliminary Plan.** The DRB, within forty-five (45) days of the completion of the public hearing, or any continuation thereof, shall approve, modify and approve, or disapprove said preliminary plan. Failure to act within such forty-five (45) days shall constitute approval of the preliminary plan. DRB findings, conditions of approval, or the grounds for any modification required or for disapproval, and provisions for appeal under Section 5.6 shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent to the applicant and any interested parties appearing at the public hearing within the forty-five (45) day period.
- (E) **Phasing.** At the time the DRB grants preliminary approval, it may require the plan to be divided into two or more phases to be developed at separate times and may impose such conditions upon the filing of application for final plat approval as it deems necessary to assure the orderly development of the subdivision and coordination with the planned and orderly growth of the Town as set forth in the Town Plan and the effective capital budget program.
- (F) **Effect of Preliminary Plan Approval.** Approval of a preliminary plan shall not constitute approval of the subdivision plat. Prior to approval of the final subdivision plat, the DRB may require additional changes as a

result of further study. The approval of a preliminary plan shall be effective for a period of one (1) year. Any plat not submitted for final approval prior to the expiration of one (1) year shall be null and void, and the subdivider shall be required to resubmit a new application for preliminary plan approval, subject to all new zoning and subdivision regulations. Should the DRB impose phasing as a condition of preliminary plan approval it may extend the one-year effective period of preliminary approval.

Section 2.3 Final Plat Review Procedures

(A) **Final Plat Application.** Within one (1) year of preliminary plat approval, the subdivider shall submit an application and fee to the Administrative Officer for approval of a final subdivision plat. The application shall contain those items set forth in Section 3.2 of these regulations, shall include proof of notification of the application submittal to abutting land owners, and shall conform to the layout shown on the preliminary plat except as amended as a result of recommendations made by the DRB. If phasing was a requirement of preliminary plat approval, a separate final plat application shall be filed for each section within the time periods imposed in the preliminary subdivision approval.

(B) **Final Plat Hearing.** A public hearing on the final plat, warned in accordance with Section 5.3, shall be held by the DRB at the earliest available regularly scheduled DRB meeting, but within sixty-five (65) days, after the date of submission. The subdivider or his duly authorized representative shall attend the hearing to discuss the final plat.

(C) **Final Plat Action.** The DRB shall, within forty-five (45) days of the public hearing or any continuation thereof, approve, modify and approve, or disapprove such plat. Failure to so act within such forty-five (45) days shall be deemed approval. DRB findings, conditions of approval, or the grounds for any modification required or for disapproval, and provisions for appeal under Section 5.6 shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent to the applicant and any interested parties appearing at the public hearing within said forty-five (45) day period.

(D) **Effect of Final Approval.** The approval by the DRB of a final subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, utilities, park, recreational area or open space shown on the final plat. Such acceptance may only be accomplished by formal resolution of the Selectboard in accordance with applicable State laws.

(E) **Revisions to Approved Plats.** No changes, erasures, modifications, or revisions shall be made on any subdivision plat after final approval, including any amendment or revision of a condition of final plat approval, unless said plat as modified is first resubmitted to the DRB and approved in accordance with the procedures set forth in Section 2.2 Preliminary Subdivision Review.

(F) **Contingent Approval:** The approval of any subdivision requiring either a State Subdivision Permit, an Act 250 Permit, a Public Building Permit, or any other state, federal, or local permits noted by the DRB shall be classified as Contingent Approval. Such subdivision shall be considered approval contingent upon no further changes made to accommodate any other permit. All plats granted Contingent Approval shall be submitted for review by the DRB after all other necessary permits have been received. The DRB shall review for acceptance, any changes which have been made by other permitting authorities, or by the subdivider to conform to other permits required. If no changes have been made, or if the DRB deems all changes acceptable, the subdivision shall be given Final Approval.

(G) **Final Plat Recording.** The final plat shall be recorded in accordance with the provisions of Section 5.4.

ARTICLE III. APPLICATION SUBMISSION REQUIREMENTS

Section 3.1 Preliminary Subdivisions Application

(A) **Preliminary Application.** The preliminary subdivision application shall consist of three (3) copies of one or more maps or drawings with all dimensions shown in feet or decimals of a foot, at a scale of not more than one hundred (100) feet to the inch, showing or accompanied by the following information, unless otherwise specified or waived by the DRB:

- (1) General information regarding the subject property and its location, including the following:
 - a. Proposed subdivision name or identifying title and the name of the town.
 - b. Name and address of record owner, subdivider and designer of plan.
 - c. Number of acres within the proposed subdivision, location of property lines and existing easements.
 - d. Identification and location of adjoining landowners to the proposed subdivision, including those separated by a highway.
 - e. Zoning district and any zoning district boundaries affecting the tract.

- (2) The location of the following natural features or site elements.
 - a. The boundaries of all Primary Conservation Resources. For the purpose of these regulations, Primary Conservation Resources shall include wetlands, flood hazard area, steep slopes and surface waters and associated buffer areas.
 - b. The boundaries Secondary Conservation Resources. For the purpose of these regulations, Secondary Conservation Resources shall include prime and statewide agricultural soils and other open farm fields: critical wildlife habitat; steep slopes, scenic features identified in the Town Plan; and prominent knolls and ridgelines.
 - c. Other key features of the site, including but not limited to current land uses including structures, walls, ; driveways, access roads, utility corridors; historic sites and structures, wooded areas and drainage patterns.

- (3) The proposed subdivision plan and all associated site improvements, utilities, open space, and proposed site development, including the following:
 - a. Location and size of any existing sewers systems, water systems, water sources, culverts and drainage systems on the property to be subdivided.
 - b. Location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces as well as similar facts regarding adjacent property.
 - c. Contour lines at intervals of two (2) feet, or otherwise specified by the DRB, of existing *and* proposed grades.
 - d. Typical cross-sections of the site or portion of the site if required by the DRB.
 - e. Perimeter boundary survey of the subdivision tract and an accurate indication of proposed internal lot boundaries, prepared by a licensed land surveyor.
 - f. Means of providing water supply to the proposed subdivision.
 - g. Means of on-site disposal or off-site disposal of septic wastes including location and results of tests to ascertain subsurface soil, rock and groundwater conditions, depth to groundwater unless pits are dry at depth of seven (7) feet; location and results of percolation tests.
 - h. Provisions for collecting and discharging storm drainage, in the form of a drainage plan.
 - i. Preliminary designs of any bridges or culverts which may be required.
 - j. The location of temporary markers adequate to enable the DRB to locate readily and appraise the basic layout in the field. Unless an existing highway intersection is shown, the distance

from one corner of the property to the nearest existing highway intersection shall be shown in miles and tenths of miles.

- k. Delineation of proposed open space, if any, and the location of natural features or site elements to be preserved and the method for protecting those features or elements.
- l. All parcels of land proposed to be dedicated to common public use and/or common ownership and the conditions of such dedication.

(B) **Vicinity Map.** The preliminary application shall include a vicinity map drawn at the scale of not over four hundred (400) feet to the inch to show the location of the proposed subdivision relative to adjacent properties, roads in the vicinity, and to the general area within two thousand (2000) feet of any property line of the proposed subdivision. Within such area the vicinity map shall show:

- (1) All existing parcels together with the names of the owners of record of all parcels which directly abut or are located directly across any street adjoining the proposed subdivision.
- (2) Locations, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties as designated in Paragraph (1), above.
- (3) An outline of the platted area together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plat submitted covers only part of the subdivider's entire holding.

(C) **Supporting Documents.** The preliminary application shall include the following materials:

- (1) A brief written narrative describing the proposed subdivision and its conformance with these regulations and the goals and policies of the Fletcher Town Plan
- (2) List of waivers, if any, the subdivider desires from the requirements of these regulations and the zoning bylaw.
- (3) A description of any proposed covenants and/or deed restrictions which are intended to cover all or a portion of the subdivision.
- (4) A description of any proposed homeowners association or other form of management agreement for lands, facilities or services to be held and maintained in common ownership.
- (5) An indication of the construction sequence and time schedule for the completion of each phase of the subdivision.
- (6) Other information, studies or reports required by the DRB under Article II of these regulations.

Section 3.2 Final Plat Subdivisions Applications

(A) **Final Subdivision Plat.** The final plat application shall consist of three (3) copies of a complete survey of the subdivision tract, on one or more sheets 18 inches by 24 inches or a multiple thereof, prepared by a licensed land surveyor. Additional plans showing proposed lot improvements may be required and submitted for approval. Space shall be reserved thereon for endorsements by all appropriate agencies. The final plat for

subdivision shall conform in all aspects to the preliminary plat as approved by the DRB. The Final Subdivision Plat shall show:

- (1) A notation stating: “This plat is subject to the terms and conditions of approval by the Fletcher DRB in accordance with the Fletcher Subdivision Regulations, granted (date of final approval),” and shall contain signature line for endorsement by the DRB Chair.
- (2) Proposed subdivision name or identifying title, the name of the Town, the name and address of the owner of record, the name, license number and seal, and signature of the licensed land surveyor, the boundaries of the subdivision, location map, scale, date and north reference meridian.
- (3) Highway names and lines, trails, lots, reservations, easements and areas to be dedicated to public use.
- (4) Sufficient data to determine the boundary location by bearing, length and/or radial data of every highway line, lot line, boundary line, building envelope if any, and to reproduce such lines upon the ground. In instances involving the creation of one or more development lots from a large tract of land, in which one or more of the newly created lots will be of large acreage to be retained or transferred by the subdivider, the DRB may waive the requirement that the large tract be surveyed in accordance with section provided all new proposed boundaries are surveyed.
- (5) Lots within the subdivision numbered in numerical order.
- (6) The boundaries of all areas to be restricted from development, held in common or reserved as open space or conservation land, if any, pursuant to the requirements of Article IV, with appropriate notation.
- (7) By proper designation on such plat, all public open space for which offers of cession are made by the subdivider and those spaces to be reserved by the owner.
- (8) The proposed location of all utility poles and/or underground utility lines and proposed right-of-way limits.
- (9) The location of all the proposed improvements referred to in Article IV as well as potable water supplies or system, sewage disposal systems, and grading plan and other devices and methods of draining the area within the subdivision. Additional engineering drawings may be submitted to depict said sewage, grading, drainage, and potable water supply.
- (10) The location of monuments which shall be set at all corners and angle points of the boundaries of the subdivision and at all road intersections and points of tangency.
- (11) Any additional notations required by the DRB which reference specific conditions of subdivision approval to be included on the final plat.

(B) **Supporting Documents.** The following supporting documents shall be submitted to the DRB with the final plat:

- (1) A certificate of title showing the ownership of all property and easements to be dedicated to the Town and proposed deeds conveying property or easements to the Town.

- (2) A draft of all restrictions, if any, which will run with the land and become covenants, including proposed deed restrictions, agreements or other documents showing the manner in which streets, open space and/or other commonly held lands or facilities are to be dedicated, reserved and maintained.
 - (3) A certificate from a consulting engineer, approved by the Selectboard, as to the satisfactory completion of all improvements required by the DRB, or in lieu thereof, a performance bond or equivalent surety to secure completion of such improvements and their maintenance for a period of two years, with a certificate from the Selectboard that it is satisfied with either the bonding or surety company, or with security furnished by the subdivider.
 - (4) A copy of association covenants and/or bylaws if a property or homeowners' association is being proposed.
 - (5) Any other legal data necessary for the administration and enforcement of these regulations.
 - (6) Any other documents required by the DRB as a result of preliminary plat approval.
 - (7) Proof of notification to abutting landowners.
- (A) **Waiver for Large Parcels.** Subdivisions involving especially large parcels, such as the subdivision of a single ten acre lot from an existing 200 acre parcel, may, at the discretion of the DRB, be exempted from one or more of the above requirements, such as the requirement that the boundaries of the large parcel to be retained by the landowner be surveyed. In granting such an exemption, the DRB may require that a portion of the subdivision (e.g. the ten acre lot in the preceding example) comply with these requirements, and that a surveyed plat for that portion of the larger subdivision be recorded in the land records.

ARTICLE IV. PLANNING AND DESIGN STANDARDS OF SUBDIVISIONS

Section 4.1 Evaluation and Application of Standards

The DRB shall evaluate any applicable subdivision of land as defined in Section 1.3 in accordance with the standards set forth below. The DRB may require the subdivider to submit data addressing impacts related to the following standards. In light of findings made on these standards, the DRB may require modification and phasing of the proposed subdivision or measures to avoid or mitigate any adverse impacts.

Section 4.2 General Standards

(A) Site Suitability. Prior to the approval of a subdivision plat, the subdivider has the responsibility to satisfy the DRB that the land to be developed shall be physically suitable for the purpose, with particular regard to the adequacy for on-site sewage disposal. Additional factors of the site to be considered include flood hazard, drainage, slopes, soils, and other natural conditions affecting its safe and healthful use. The development design shall be compatible with adjacent uses, and shall provide sufficient open space for the recreation, visual and aural privacy and other domestic needs of the area inhabitants.

(B) Conformance with Other Regulations. Subdivision plats shall conform to the Zoning Bylaws, Capital Budget and Program, and all other bylaws, ordinances and regulations of the Town of Fletcher currently in effect.

(C) Lot Layout. The layout of lots shall be in conformance with the Town's Zoning Bylaws and where ever feasible:

- (1) to access onto side streets and minimize access to Town Highways;
- (2) to utilize common driveways for adjacent lots;
- (3) to produce the safest, most healthful and attractive building sites for the property;
- (4) to make optimum use of solar orientation and vegetation control for building energy conservation;
- (5) corner lots shall have sufficient width to permit a front yard setback on each street.
- (6) lot sizes and densities in the Zoning Bylaw are a minimum standard; lower densities and/or larger lot sizes may be required by the DRB based on prevailing site conditions and the potential impact on Primary and Secondary Conservation Resources. Densities may be increased by the DRB only for Planned Residential and Planned Unit Developments under Article 5 of the Fletcher Zoning Bylaw.

(D) Lot Corner Markers. Permanent corner markers shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors, Part 5, Standards for the Practice of Land Surveying.

(E) Landscaping and Screening. The preservation, planting and maintenance of trees, ground cover or other vegetation, of a size and type deemed appropriate by the DRB, may be required in the following instances:

- (1) to provide an undisturbed vegetated buffer between developed and undeveloped portions of the site to protect water quality and/or other natural features. At a minimum, a fifty (50) feet buffer shall be established from the mean water level of any stream or lake and/or the delineated boundary of an identified wetland.
- (2) to provide screening of development to increase privacy, reduce noise and glare, or to otherwise soften and/or lessen the visual impacts of development;
- (3) to establish street trees along public or private roads to establish a canopy effect and/or maintain a pedestrian scale where the DRB deems it appropriate;

- (4) to preserve existing specimen trees, tree lines, wooded areas of particular natural or aesthetic value to the site, or critical wildlife habitat;
- (5) to establish a barrier between incompatible land uses;

(F) **Energy Conservation.** The proposed development shall demonstrate due regard for energy conservation in design, and for the protection of existing trees, scenic points, brooks and water bodies, and other unique, natural and cultural features of the area. To conserve energy, all subdivisions shall use the least amount of area for roadways and the least length of sewer, water and utility lines within environmentally and economically sound limits. Clustered development (e.g., planned residential and planned unit development) should be considered wherever feasible, desirable and allowed. The siting of buildings should maximize solar access where feasible, and landscaping should be effectively used to provide wind barriers and reduce heat loss or gain.

(G) **Disclosure of Subsequent Development Plans.** Whenever a subdivider submits a proposal for development on a minor portion of a parcel the DRB may require a general indication of the intended uses of the remaining portion of land. Such an indication should include access, type of use, intensity of use, and phasing.

(H) **District Settlement Patterns.** Subdivisions shall be designed to achieve the purpose and desired settlement pattern of the zoning district within which they are located, as defined in Article II of the Fletcher Zoning Bylaws.

Section 4.3 Protection of Primary and Secondary Conservation Resources

(A) **Primary Conservation Resources.** Subdivision boundaries, lot layouts and building sites shall be located and configured to avoid any adverse impact to Primary Conservation Resources. For the purposes of these regulations, Primary Conservation Resources shall include wetlands, flood hazard area, steep slopes in excess of twenty-five percent (25%); and surface waters and associated buffer areas.

(B) **Secondary Conservation Resources.** Subdivision boundaries, lot layout and building envelopes shall be located and configured to avoid adverse impacts to and/or the fragmentation of Secondary Conservation Resources. For the purposes of these regulations, Secondary Conservation Resources shall include prime and statewide agricultural soils and other open farm fields; critical wildlife habitat; steep slopes between fifteen percent (15%) and twenty-five percent (25%); scenic features identified in the Fletcher Town Plan; and prominent knolls and ridgelines. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Farmland and Agricultural Soils:
 - (a) Building sites shall be located at field and orchard edges or, in the event that no other land is practical for development, on the least fertile soils in order to minimize the use of productive agricultural land, impacts on existing farm operations, and disruption to the scenic qualities of the site.
 - (b) Vegetated buffer areas may be required between agricultural and other uses to minimize land use conflicts.
 - (c) Access roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these to minimize the fragmentation of productive agricultural land and minimize visual impacts.

- (d) Intact parcels of productive farmland shall be designated as open space; conservation easements, limitations on further subdivision, or comparable site protection mechanisms may be required.
- (2) Steep Slopes, Critical Habitat Areas, Scenic Features and Prominent Knolls and Ridgelines:
- (a) Building sites shall be located to avoid and/or exclude these features. In the event that no other land is practical for development, the building envelopes and subsequent development shall be designed to encroach upon the identified feature to the minimum extent feasible.
 - (b) Subdividers may be required to develop and maintain management plans and/or establish appropriate buffers to protect critical habitat areas.
 - (c) Roads, driveways and utilities shall be designed to avoid and/or prevent the fragmentation of identified features and minimize adverse visual impacts to the extent feasible.
 - (d) Identified features should be designated as open space.

(C) Subdivision in Village Districts. Notwithstanding subsection (B) above, subdivisions in the Village Zoning District shall be designed and configured in accordance with the standards set forth in Section 2.4.1 of the Fletcher Zoning Bylaws.

Section 4.4 Open Space and Common Land

Subdivisions shall be designed to preserve open space areas for recreation, lakeshore protection and the preservation of Primary and Secondary Conservation Resources. Common land shall be designed to achieve these objectives and to facilitate the maintenance of community facilities.

(A) Preservation of Open Space. Provision shall be made for the preservation of open space. The location, size and shape of lands set aside to be preserved for open space shall be approved by the DRB, in accordance with the following:

- (1) Open space land shall include and provide for the protection of identified Primary and Secondary Conservation Resources, recreation areas and facilities, including trails, and historic resources.
- (2) The location, shape, size and character of the open space shall be suitable for its intended use. Open space should be in proportion to the size and scope of the project, and its intended use.
- (3) Open space land should, where feasible, be located so as to conform with and extend existing and potential open space lands on adjacent parcels.

(B) Creation of Common Land. The applicant shall propose appropriate ownership arrangements and/or covenants to title for the purpose of the preservation and maintenance of any designated Primary and Secondary Conservation Resources, open space, and shared facilities, such as community wastewater systems, community water supplies, recreation or community facilities, or recreation, including lake access and shoreline and road and trails rights-of-way.

Section 4.5 Storm Water Management and Erosion Control

(A) **Drainage Facilities.** Drainage Facilities shall be provided sufficient to accommodate the twenty-five (25) Year return period storm runoff from all streets, lots and upstream drainage areas, whether inside or outside the development. The DRB shall not approve a drainage system, which would overload downstream drainage facilities or cause flooding on other lands or result in increased public expenditure, until proper provision has been made for the improvement of such conditions. Adequate provision shall be made to minimize erosion during and after construction. All drainage system easements shall be shown on the plat.

(B) **Erosion Control.** All areas exposed during construction shall be protected in accordance with standards of the Natural Resource Conservation Service, the Agency of Natural Resources, or other appropriate regulatory body.

Section 4.6 Community Services and Facilities

(A) **Traffic.** The proposed development shall not cause unreasonable congestion or unsafe conditions on the affected public or private roads, nor shall it place an unreasonable burden on the ability of the Town to provide educational, fire and/or other public facilities and services. Considerations shall include the capacity of facilities and services directly affected, and the public cost of improvements relative to the anticipated tax return from the proposed development.

(B) **Public Uses and Facilities.** Includes the erection, construction and alteration in facilities or nature of use (by any municipal, state or federal government, public utility or other quasi-public institutions) of public buildings, electric transmission lines, recreation facilities, water supply and sewage treatment facilities, and including public and private schools or other educational institutions certified by the Vt. Dept. of Education.

Section 4.7 Roads and Pedestrian Access

(A) **Applicability of Road Standards.** The standards contained herein shall apply to all proposed public roads and to private roads serving more than four lots. In addition, these standards may be applied to private roads serving subdivisions when the DRB determines such standards are necessary to provide suitable access to, or accommodate anticipated future subdivision. Acceptance of private roads by the Town is subject to the approval of the Selectboard pursuant to state law for the laying out of public rights-of-way. Construction of a road(s) to these standards in no way ensures such acceptance.

(B) **Road Design.** All roads serving proposed subdivisions shall be designed in accordance with the Fletcher Road Ordinance adopted and administered by the Select Board, and shall generally conform to the dimensional and geometric design standards for local roads and streets contained within the *Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets*, dated October, 1997, or as subsequently amended. Minimum design standards include the following:

- (1) Rights-of-way for all roads shall be a minimum of fifty (50) feet in width.
- (2) To ensure adequate safety and service, the width of travel lanes and shoulders shall be based on average daily traffic (ADT) and design (anticipated posted) speeds:

Table 4.1 Minimum Lane and Shoulder Widths for Rural Roads							
Design Volume (ADT)	0-25	25-50	50-100	100-400	400-1500	1500-2000	2000+
Design Speed (mph)	Width of Lane/Shoulder (ft)						
25	7/0	8/0	9/0	9/2	9/2	10/3	11/3
30	7/0	8/0	9/0	9/2	9/2	10/3	11/3
35	7/0	8/0	9/0	9/2	9/2	10/3	11/3
40	7/0	8/0	9/2	9/2	9/2	10/3	11/3
45	---	---	9/2	9/2	9/2	10/3	11/3
50	---	---	9/2	9/2	10/2	10/3	11/3

Source: *Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets*, October 1997.

- (a) Lower design and posted speeds, and narrower lanes and shoulders may be considered to avoid and/or minimize impacts to historic, architectural, scenic, natural or other resources; to avoid excess costs of construction; or to better comply with the town plan.
 - (b) Wider travel lanes and/or shoulders may be required as appropriate to road function (i.e., for collector and arterial roads), or to safely accommodate shared use by bicycles.
- (3) Dead end roads are specifically discouraged. No dead end road shall be permitted without a suitable turn around at its terminus. This may consist of a cul-de-sac with a radius of not less than thirty-five (35) feet, or a "T" or other configuration suitable to topography and adequate for emergency vehicles to turn around efficiently. Dead end roads in excess of eighteen hundred (1800) feet in length should be avoided wherever practical.
 - (4) Roads shall logically relate to topography to minimize site disturbance, including the amount of cut and fill required, and to produce usable lots, reasonable grades and safe intersections in relation to the proposed use of the land to be served by such roads. Road grades should be consistent with local terrain. Maximum road grade shall not, in any fifty feet (50) section, exceed an average grade of fifteen percent (15%).
 - (5) Roads shall be designed and laid out to avoid adverse impacts to natural, historic, cultural and scenic resources, and to enhance the vitality of village areas. Roads should follow existing linear features, such as utility corridors, tree lines, hedgerows and fence lines, and should avoid fragmentation of agricultural land and open fields. Techniques for the preservation of scenic views and cultural features should be employed for the construction and maintenance of roads within scenic or village areas, including but not limited to the selection of visually compatible materials, the preservation of existing features, and the management of vegetation within the road corridor.

(C) Road Construction Standards. Road construction, including specifications relating to the crown, grade, sub-base and surfacing, shall conform to the Vermont Agency of Transportation's *Standard A-76*, as amended.

(D) **Intersections.** A new or relocated road or driveway shall be located so that:

- (1) a safe sight stopping distance is provided, as determined by probable traffic speed, terrain, alignments and climatic extremes. Generally, sight distance should be eleven (11) times the speed limit (e.g., a curb cut on a road with 40 mph speed limit would require a minimum sight distance of 440 feet which provides a gap of 7.5 seconds of travel time);
- (2) it is directly opposite an existing road or driveway to form a four-way intersection wherever feasible. Intersections creating centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted;
- (3) it intersects the existing road at an angle of between seventy (70) and ninety (90) degrees;
- (4) the intersection grade does not exceed plus or minus two (2) percent, and;
- (5) no structure or planting is situated to impair corner visibility.

(E) **Drainage and Storm Water.** A storm water system shall be provided which is designed to control and accommodate storm water collected on all proposed roads and/or parking areas in accordance with Section 4.6 of these regulations. Generally, roadbeds, shoulders, ditches and culverts shall be designed and maintained in conformance with the *Vermont Better Backroads Manual*, as most recently amended.

(F) **Coordination with Adjoining Properties.** The arrangement of roads in the subdivision shall provide for the continuation of roads of adjoining subdivisions and for proper projection of roads through adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension, presently or when later required of needed utilities and public services. Where, in the opinion of the DRB, topographic or other conditions make such continuance undesirable or impracticable; the above conditions may be modified.

(G) **Access Permits.** All road access shall be subject to the approval of the Vermont Agency of Transportation in the case of state highways and the Selectboard in the case of Town roads. Access to all lots created by subdivision of any such parcel and to all buildings or other land development located thereon shall be only from such permitted access road or driveway.

(H) **Access Management.** To better manage traffic flow and safety, avoid congestion and frequent turning movements, preserve the carrying capacity of important travel corridors, and to avoid strip development, the following access management standards shall apply:

- (1) Subdivision lots shall be served by shared driveways and/or internal development roads providing access to multiple lots. The number of access points onto public roads from existing parcels shall be limited to no more than two (2) access roads or driveway for the first one thousand (1000) feet, or fraction thereof, of frontage on such road, and one (1) additional access road or driveway for each additional six hundred (600) feet or fraction thereof of such frontage.
- (2) If a subdivision has frontage on class 2 and class 3 roads, access shall be from the secondary road unless the DRB determines that topographic or traffic safety conditions make such an access unpracticable.

(I) **Upgrades to Existing Roads.** Where an existing access road is inadequate or unsafe, the DRB may require the subdivider to upgrade the access road to the extent necessary to serve additional traffic resulting from the subdivision and to conform to these standards. In situations where a development may require realignment, widening or otherwise increasing the capacity of an existing road, or where the Town Plan or Capital Program indicates that such improvements may be required in the future, the subdivider may be required to reserve land for such improvements. In the case of subdivisions requiring construction of new roads, any

existing road that provides either frontage to new lots or access to new roads shall meet these standards. If improvements to existing town roads are required, the DRB may impose a condition in consultation with the Selectboard requiring the subdivider to contribute all or a portion of the expense.

(J) Road Names and Signs. Roads shall be named in accordance with the Fletcher Road Naming Ordinance, and shall have specific historic, cultural or geographical relevance. Said names shall be identified on signs designed and located in accordance with the Town policy, and shall be clearly depicted on the final plat.

(K) Driveways. Driveways serving individual lots generally shall comply with the Vermont Agency of Transportation's *Standard B-71* for residential and commercial driveways, as most recently amended. In addition:

- (1) Driveways shall be accessible by emergency service vehicles, and shall logically relate to topography so as to ensure reasonable grades and safe intersections with public or private roads. Maximum grade should not exceed fifteen (15) percent. For driveways in excess of five hundred (500) feet in length, a 10' x 30' turnout may be required.
- (2) Driveways should be laid out to follow existing linear features, such as utility corridors, tree lines, hedgerows and fence lines; to avoid the fragmentation of agricultural land and open space; and to avoid adverse impacts to natural, cultural and scenic features.
- (3) The use of common or shared driveways is encouraged and may be required to in order to minimize the number of access points in accordance with Subsection (G).

(L) Pedestrian Access. The DRB may require pedestrian rights-of-way to facilitate pedestrian circulation within the subdivision and to ensure access to adjoining properties or uses or public facilities. The DRB may require, in order to facilitate pedestrian access from a subdivision to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

(M) Modification of Road Standards. In the case of unusual topographic conditions or other circumstances which would make the strict adherence to these standards a substantial hardship, the DRB may modify the strict application of one or more of these standards providing the applicant can demonstrate that the proposed road is accessible by emergency response vehicles, does not pose any threat to the safety of motorists or pedestrians, will not result in unreasonable maintenance requirements for landowners, and is designed in a manner that is consistent with other applicable standards of these regulations.

(N) Legal Requirements.

- (1) Every subdivision plat shall show all proposed road and pedestrian rights-of-way, as required under this bylaw, regardless of whether the proposed right-of way is intended to be accepted by the Town. In the event that the right-of-way is not intended for acceptance by the Town, the mechanism by which the right-of-way is to be maintained, owned and/or conveyed shall be clearly documented.
- (2) Documentation and assurance shall be provided that all proposed roads and rights-of-way will be adequately maintained either by the subdivider, a homeowners' association or through other legal mechanism. Such documentation shall be in a form approved by the DRB and filed in the Fletcher Land Records.

Section 4.8 Water Supply and Wastewater Disposal

(A) **Water Supply.** Water supply and sewage disposal systems shall comply with all Town and State Regulations. The DRB may require that the proposed development be serviced by common or public water supply and sewage disposal systems, or that such systems be designed so that they may eventually be connected to municipal facilities. There shall be no adverse impact on existing water supplies from the proposed water supply for the subdivision.

(B) **Wastewater Disposal Capacity.** The applicant shall demonstrate that soil conditions on-site are

adequate to accommodate the installation of a wastewater disposal system designed in accordance with state and municipal requirements, of sufficient capacity for the intended density and types of use; or that an alternative, off-site disposal location, secured through an easement or other form of legal conveyance, is similarly suitable and available.

(C) **Individual Systems.** Individual water and wastewater systems shall meet all local and state regulations for design, installation and maintenance.

(D) **Connection to Existing System.** Where connection to an existing water system is proposed, the subdivider shall provide evidence as to the adequacy of the system to meet the needs of the proposed development. The subdivider will be required to provide such pumping and other facilities as may be necessary. The DRB also may require that the subdivider provide, or to have installed, at his expense, larger lines, pumping, storage and other facilities outside of the subdivision, if required specifically to meet the requirements of the proposed development.

(E) **Community Systems.** The DRB may require that the proposed development be serviced by private, community water and/or wastewater systems, which shall be designed and installed in accordance with all applicable municipal and state regulations and standards. Community systems shall be designed in such a way that they may eventually be connected to a public system.

Section 4.9 Utilities

(A) **Location.** All utilities systems, existing and proposed, throughout the subdivision shall be shown on the final plat, and be located as follows:

- (1) All utility systems, including but not limited to electric, gas, telephone, and cable television, shall be located underground throughout the subdivision, unless deemed unreasonable and prohibitively expensive by the DRB.
- (2) The subdivider shall coordinate subdivision design with the utility companies to insure adequate and suitable areas for under or above ground installation, both for the proposed subdivision, and areas adjacent to the subdivision.
- (3) Utility corridors shall be shared with other utility and/or transportation corridors where feasible, and located to minimize site disturbance, the fragmentation of agricultural, conservation and shore lands, any adverse impacts to natural, cultural or scenic resources, and to public health.

(B) **Easements.** Easements of sufficient width shall be provided so as to serve both the proposed subdivision and existing and anticipate development outside the subdivision. Such easements shall be shown on the final plat.

ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Section 5.1 Administration

The Fletcher DRB shall administer these regulations as authorized by the Act [Section 4401]

Section 5.2 Fees

(A) **Application Fees.** Upon submission of an application for subdivision approval, the subdivider shall pay the application fee as established by the Select Board. Such fee shall include the costs of publication, public hearings, administrative review and for periodic inspections by Town retained consultants during the installation of public improvements.

(B) **Additional Fees.** Should the DRB deem it necessary to employ an engineer, attorney or other consultant to review any subdivision plans or portion thereof, and/or any associated legal documentation, all reasonable costs of such review shall be paid by the subdivider.

Section 5.3 Hearing Notice Requirements.

(A) All public hearings required under these regulations shall be warned in accordance with the Act [Sections 4414 and 4447].

(B) Notice shall be given not less than fifteen (15) days prior to the date of the public hearing by the publication of the date, place and purpose of the hearing in a newspaper of general publication; and by the posting of the same information in one or more public places within the municipality. Such notices shall include a general description of the proposed subdivision, including the number of new lots to be created.

(C) A copy of such notice shall be sent at least fifteen days prior to the public hearing to all adjoining property owners of record as identified in the application, the regional planning DRB, and to the Clerk of an adjacent municipality in the case of a plat located within five hundred (500) feet of a municipal boundary.

Section 5.4 Filing of Final Plats

(A) Upon approval of a final plat by the DRB, or written certification by the Town Clerk of the DRBs failure to act within forty-five days, the subdivider shall prepare a copy of the plat for recording in conformance with the requirements of 27 V.S.A. Chapter 17.

(B) No plat may be recorded or filed until it has been approved by the DRB and such approval and the date thereof is endorsed in writing on said plat by the Chair of the DRB; or the certificate of the Town Clerk showing the failure of the DRB to take action within the forty-five (45) day period is attached thereto and filed or recorded with said plat

(C) The final plat shall be filed by the subdivider with the Town Clerk within ninety (90) days of final approval or certification. Final approval or certification shall expire if the final plat is not filed by the subdivider within said ninety day period.

Section 5.5 Enforcement and Penalties

(A) The enforcement of these regulations shall be the responsibility of the Administrative Officer in accordance with the Act [Sections 4442, 4445, 4444, 4447(c)].

(B) Any person who violates any of the provisions of these regulations shall be fined pursuant to the Act [Section 4444] for each offense; and each day that a violation continues shall constitute a separate offense.

(C) Any person who sells, transfers, or agrees to sell or transfer any land in a subdivision or land development or erects any structure thereon without first having recorded a duly approved final plat under these regulations shall be fined pursuant to the Act [Section 4444]; and each lot, parcel, or unit so sold, transferred, or agreed to be sold or transferred shall be deemed a separate violations.

(D) Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Act [Section 4445] as presently enacted and as hereinafter amended, or otherwise to restrain, correct or prevent any violations of these regulations or prosecute violators thereof except as provided below.

Section 5.7 Appeals

(A) Any decision of the Planning DRB may be appealed to by an interested person to the Vermont Environmental Court in accordance with the Act [Sections 4475, 4471].

(B) “Interested person” for the purposes of appeal shall be defined pursuant to the Act [Section 4464], and defined in Article VI of the Fletcher Zoning Regulations.

(C) The notice of appeal shall be sent by mail to every interested person appearing and having been heard at the hearing before the DRB.

Section 5.8 Recording Requirements

Pursuant to the Act [Section 4443(c)], within thirty (30) days after a municipal permit relating to land, structures, and other improvements to land, including but not limited to zoning permits and associated conditional use, variance, or site plan approvals, or certificates of occupancy, has become final, or within thirty (30) days of the issuance of any notice of violation, the Administrative Officer or other appropriate municipal official shall deliver a notice of violation or memorandum or notice of recording to the Town Clerk for recording as provided in 24 V.S.A. subsections 1154(a) or (b). The applicant may be charged for the cost of recording fees.

ARTICLE VI: DEFINITIONS

Section 6.1 Interpretation

(A) Unless otherwise defined herein, the definitions contained in the Act and the Fletcher Zoning Bylaw shall apply to these regulations.

(B) Words, phrases and terms neither defined herein nor elsewhere in these regulations shall have their usual and customary meanings except where the context clearly indicates a different meaning.

(C) Any interpretation or clarification of words, phrases or terms contained herein by the DRB or other jurisdiction shall be based on the following definitions, state statute, and the need for reasonable and effective implementation of these regulations.

Section 6.2 Definitions

For the purposes of these regulations, the following words shall be defined as follows:

The Act: The Vermont Municipal and Regional Planning and Development Act, Title 24, Chapter 117, Vermont Statutes Annotated.

Building Envelope: A specific area delineated on a lot within which all structures are to be located..

Buffer: A designated strip or area of land intended to visibly and/or functionally separate one use from another; to shield or block noise, lights or other nuisance from neighboring properties; and/or to lessen the visual or physical impact of development on surface waters, wetlands and other natural and scenic areas.

Community Sewage Disposal System: Any wastewater disposal system other than a municipal sewage disposal system, owned by the same person or persons, that disposes of sewage for domestic, commercial, industrial or institutional uses to two or more users or customers.

Community Water System: Any water system owned by the same person or persons that supplies water for domestic, commercial, industrial, or institutional uses to two or more users or customers.

DRB: The Development Review Board of the Town of Fletcher.

Final Plat: The final drawings on which the subdivision is presented to the DRB for approval and which, if approved, shall be filed for record with the Town Clerk.

Lot: A parcel of land occupied or intended to be occupied by only one principal use, and accessory structures or uses customarily incidental to the principal use (unless otherwise approved as part of mixed use or Planned Unit Development) A lot shall have sufficient size to meet the zoning requirements for use, area, setbacks, density, and coverage, and to provide such yards, and other open areas as herein required. Such lot shall have frontage on a maintained public road or other legal access as approved by the DRB. For the purposes of these regulations, Town Road rights-of-way shall not be considered lot boundaries unless approved as such by the DRB.

Open Space: The undeveloped portion of any development parcel(s) which is not occupied by buildings, streets, rights-of-way, driveways, parking spaces, commercial recreation facilities, or yard (setback) areas, and which is set aside, dedicated, or designated for the use and enjoyment of owners and occupants of land adjoining

or neighboring such open space, or for the preservation and continued use of agricultural land, or for the protection of natural areas.

Preliminary Plan: The preliminary drawings for a major subdivision indicating the proposed layout of the subdivision to be submitted to the DRB for its consideration.

Resubdivision: Any change in a recorded subdivision plat, if such change affects any street layout on such plat, or area reserved thereon for public use, or any lot line; or if the change affects any map, plan or conditions recorded in association with the subdivision plat.

Sketch Plan: An informal sketch of the proposed subdivision, the purpose of which is to enable the sub-divider to reach general agreement with the DRB as the form of the subdivision and objective and requirements of these regulations.

Street: Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used for vehicular traffic and serving three or more lots.

Subdivider: Any person, firm, corporation, partnership, or association, or any of these entities working in cooperation, who shall lay out for the purpose of sale or development or otherwise any subdivision or part thereof as defined in these regulations, either for himself or others. The term shall include an applicant for subdivision approval.

Subdivision: Division of any lot or parcel of land, after the effective date of these regulations, for the purpose of conveyance, transfer of ownership, improvement, building, development, or sale. The term subdivision includes re-subdivision. Any residential subdivision containing four (4) or more lots, including all lots created from a single parcel within the past four (4) years; and any multi-family housing project, and/or planned residential Development (PRD) or planned unit development (PUD), as defined in the Fletcher Zoning Bylaws.

Town Plan: The Fletcher Town Plan as most recently adopted.

Tract of Land: A defined area of land.

Wetlands: To include all wetlands identified on National Wetland Inventory (NWI) maps, wetland areas identified as “Ecologically Significant Wetlands” by the Vermont Nongame and Natural Heritage Program, and/or wetland areas identified through site analysis to be inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction pursuant to the Vermont Wetland Rules.