



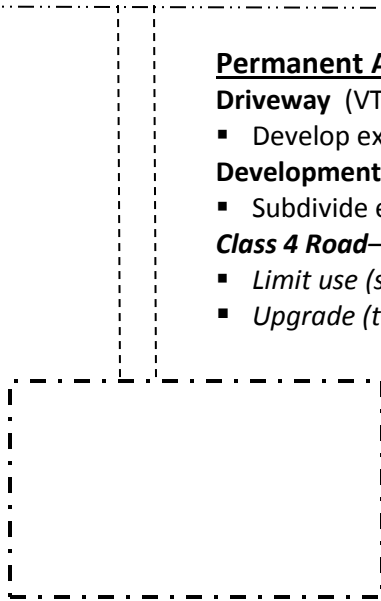
Re: § 4412(3) Required Frontage on, or access to, public roads, class 4 town highways, or public waters.

Request: Land development may be permitted on lots that do not have frontage on a public road, class 4 town highway, or public waters, provided that access through a permanent easement or right-of-way [e.g., Class 4 road, Driveway, Development Road] has been approved in accordance with standards specified in the bylaws.

Frontage

No Frontage

Public Road (State, Town Class 1,2,3 – providing year-round access)



Permanent Access Options:

- Driveway (VTrans B-71/Local Standards)
- Develop existing lot-20'+ right-of-way
Development Road (VTrans A-76/Local Standards)
- Subdivide existing lot -50'+ right-of-way
Class 4 Road-Seasonal (Local Standards)
- Limit use (seasonal) and/or
- Upgrade (to driveway, development road)

This provision in statute was established generally as a "grandfathering" clause to allow for the development of existing lots, created prior to zoning, even though they lack frontage on a public highway. Such lots may be subdivided or developed (for any use allowed within a zoning district) if a suitable permanent access can be provided for motor vehicles, emergency vehicles, etc. - e.g., via a driveway or private development road that meets recommended state (A-76, B-71) or local standards.

Class 4 roads are public highways that are also used to access adjoining land but, because they are only maintained for limited seasonal access, do not typically allow for year-round travel and use, and are not eligible for state aid, Class 4 roads also are commonly reviewed under local regulations as necessary to support the proposed subdivision or development of an "interior" lot. Such regulations typically:

- limit use and development of the parcel to that requiring only seasonal access -e.g., farming, forestry, outdoor recreation, summer camp, or
require the property owner(s) to upgrade the Class 4 road to meet town driveway or road standards, and
require the property owners(s) to maintain the road as necessary to allow for year-round use.

The intent of the requested change is to simply and clearly enable current practices regarding the review of Class 4 roads- under both local zoning regulations and town highway ordinances- consistent with state highway statutes and recommended state standards for driveways and development roads.