

Application for Zoning Permit for Sub-Division of Land

Under the zoning regulations now in effect, a zoning permit must be obtained before commencing a subdivision of land which will expand or change its present use. Also, the division of land into two or more parcels must obtain a zoning permit, if the land is located within the Flood Hazard Area.

This application form is intended to be used for the subdivision of land. If there is to be any construction, reconstruction, structural alteration, relocation or enlargement of any structure, or a change in use, then a separate application form must be obtained from the Zoning Administrator.

This form constitutes a local permit application only. Contact the State of Vermont District 1 Permit Specialist, or the Assistant Regional Engineer at 802-786-5900 to receive information on State of Vermont subdivision permit requirements.

Location of Property: _____

Tax Map Description: Lot # _____ Deed Reference: Book # _____ Page(s) # _____

Landowner Name: _____ Address: _____ Phone: _____

Applicant Name: _____ Address: _____ Phone: _____

Lot Size Prior to Sub-Division: Lot 1: Area: _____ Width: _____ Depth: _____

Lot Sizes After Sub-Division: Lot 1: Area: _____ Width: _____ Depth: _____

Lot Sizes After Sub-Division: Lot 2: Area: _____ Width: _____ Depth: _____

A general plot plan showing the location of the property, the proposed new property lines, streets or roadways, easements or right-of-ways, lot areas and lot dimensions must be attached to this application.

Signature of Applicant: _____ Date: _____

Signature of Property Owner: _____ Date: _____

Please Note: If any proposed lot does not have frontage on a public road or public water, it must have an access to a public road or public water by a permanent, deeded easement or right-of-way at least twenty feet (20') in width. If a lot is to have access by an easement or right-of-way, please provide a plan of the proposed easement or right-of-way in addition to the other required information listed above. Any such easement or right-of-way must be approved by the Planning Commission prior to the issuance of a zoning permit by the Administrative Officer.

For Office Use Only

Date of Receipt: _____ Fee Paid: _____

Tax Map Number before Sub-Division: _____

Planning Commission: Approval Date: _____ Denial Date: _____

Zoning Administrative Officer: Approval Date: _____ Denial Date: _____

Administrative Officer's Signature: _____ Date: _____

Town of Fair Haven Application for Zoning Permit

Effective Date: If a zoning permit is issued, it shall not take effect until the time for appeal (15 days) to the Zoning Board of Adjustment. In the event a notice of appeal is properly filed, the permit shall not take effect until the final adjudication of the appeal. Zoning permits and associated approvals shall remain in effect for **two years** from the date of issuance. All development authorized by the permit shall be substantially commenced within **nine months** of issuance or re-application and approval shall be required to continue development.

Requirements: It is the responsibility of the applicant to insure that a copy of the **Permit Notice Placard** is prominently displayed within view of the public right-of-way closest to the subject property. The **Permit Notice Placard** shall be displayed for **15 days** following the issuance of the permit.

Failure to comply with this notice requirement may deny interested persons their due process rights and cause the validity of the permit to be subject to legal challenge.

Certificate of Compliance: It is unlawful to use, occupy or permit the use or occupancy of any land or structure or part thereof created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a **Certificate of Compliance** is issued by the Administrative Officer stating that the proposed use of the land or structure conforms to the provisions of the Zoning Ordinance.

For Completion by the Administrative Officer

Date of Receipt: _____

Fees Paid: \$ _____

Type of Use: _____

Tax Map #: _____

Zoning District: _____

Action by Administrative Officer

1. ☐ Referred to the Planning Commission
2. ☐ Referred to the Zoning Board of Adjustment

3. ☐ Denied (Reason): _____

4. ☐ Approved Issued Zoning Permit # _____

This approval shall not become effective until: _____

Date of Administrative Officer's Action: _____

Administrative Officer's Signature: _____

APPENDIX E – SUBDIVISION REGULATIONS**Section I: Statutory Authority, Purpose, Exemptions, and Applicability**

1. These subdivision regulations are formulated pursuant to 24 V.S.A. Chapter 117.
2. **Applicability.** The landowner or authorized agent (applicant) for a non-exempt proposed subdivision shall apply for and receive a subdivision permit in accordance with this Appendix prior to commencing any construction, development, or land clearing, or prior to the sale, lease, or conveyance of any subdivided portion of a property.
3. **Purpose.** The purpose of these bylaws is to guide settlement patterns in conformance with the Fair Haven Town Plan, ensure the efficient extension of services, utilities, and facilities as land is developed, and protect natural resources, cultural features, and open spaces.
4. **Exemptions.** These regulations apply to any subdivision, except for any of the following:
 - a. A boundary or lot-line adjustment where no new lot is created and under 10 acres of land is transferred from one parcel to the adjoining parcel. 10 acres or over shall be construed as a minor subdivision regulated under this Appendix.
 - b. The combination (or recombination) of portions of previously subdivided lots where the total number of lots is not increased and the resultant lots meet or exceed the standards of these bylaws.
 - c. The public acquisition of strips of land for the widening or opening of streets or utility-related activities.
 - d. Parcels leased for agricultural purposes (as defined by the State of Vermont Agency of Agriculture's Required Agricultural Practices), or for forestry purposes, where no construction, establishment, installation, or extension of any public or private road or utility, or any public improvement will occur.
 - e. A court order that the partition of land is divided among owners.

Section II: Subdivision Types (Major vs. Minor)

1. For the purposes of these regulations, all non-exempt subdivisions of land shall be officially classified by the Zoning Administrator as "Major Subdivision" or "Minor Subdivision".
 - a. **Subdivision.** The division of a lot or parcel of land into two or more lots or other division of land for sale, conveyance, development, or lease.
 - b. **Major Subdivision.** Any subdivision that is not a minor subdivision nor exempt by these bylaws or state law.
 - c. **Minor Subdivision.** A boundary or lot-line adjustment of 10 acres or over, or any subdivision that does all of the following:
 1. Involves, or if subdivided results in four or fewer lots.
 2. Does not involve the construction, establishment, installation, or extension of any public or private road
 3. Does not involve the establishment of a utility serving two or more lots, or any public improvement.
 4. Does not involve the subdivision of a lot subdivided within the last two years.

Section III: Application Requirements

1. All subdivision applicants shall submit to the Zoning Administrator the following (unless granted a waiver by the Planning Commission in accordance with this Appendix):
 - a. Applicant name & address (including all landowners and any consultants involved in the application); project name (if any); written description of proposed development plans, including number and size of lots; the anticipated schedule of development; date of submission, or date of any resubmission of application
 - b. Adjoining property owner names; adjoining properties' tax parcel numbers
 - c. Application fee as determined by the Fair Haven Selectboard
 - d. Waiver request in writing (if any) that identifies the specific requirements or standards for which the waiver is requested, and sufficient information to justify the waiver
 - e. Copies of all existing municipal and state permits issued for the lot
 - f. Written statements on conformance with the Fair Haven Town Plan and compliance with all applicable

requirements and standards in this Appendix.

- g. All the following supporting documents:
 - i. Road profiles; road, intersection and parking area geometry and construction
 - ii. Off-site easements (water, wastewater, access, etc.)
 - iii. Proposed phasing schedule and subsequent development plans, if applicable
 - iv. Proposed covenants, deed restrictions, homeowner/tenant association agreements, private roadway name and maintenance agreement, if applicable
 - v. Subdivision plats or plans of the original parcel over the last five years, if any.
 - vi. Engineering Reports on the ability to connect to public water/wastewater system, if applicable.
 - vii. Site Reclamation Plan if subdivision involves earth resource extraction
 - h. A plat that adheres to all applicable requirements as outlined in Section V.
2. **Major Subdivisions.** All major subdivision applicants shall submit to the Zoning Administrator the information in Section III (1) and the following:
- a. Traffic Impact Analysis (Current/Proposed Traffic Generation Rates/Volumes)
 - b. Fiscal Impact Analysis that analyzes municipal fiscal costs and benefits
 - c. Erosion and Sediment Control Plan to manage erosion for slopes and soils exposed during construction
 - d. Grading Plan showing proposed areas of cut and fill
 - e. Open Space Management Plan
 - f. A Natural Resource Management Plan if 5 acres of the land to be subdivided is mapped by the Vermont Agency of Natural Resources' Vermont Conservation Design Program. The plan shall be prepared by a wildlife biologist or comparable professional who shall identify the function and relative value of impacted habitat and to propose associated management strategies to avoid undue adverse impacts listed in this Appendix.
 - g. A letter from the Supervisory Union District, Police Department, and Fire Department documenting sufficient existing or planned capacity to accommodate increased service demand from new development created by the proposed subdivision.

Section IV: Subdivision Application Procedures

- 1. **Before Submission of Final Application.**
 - a. **Optional Pre-Application Meetings.** Any individual or entity contemplating submitting a subdivision application, or planning on doing so, may meet with the Zoning Administrator as often as needed (and provide appropriate materials) to receive guidance regarding submitting a complete application and adhering to this Appendix. These meetings shall be informal, nonbinding, and preliminary meetings.
 - b. **Preliminary Plan for Major Subdivisions.** A major subdivision applicant shall submit a preliminary plan for the Planning Commission to review prior to submission of a subdivision application. A minor subdivision may submit such a plan if they choose. The preliminary plan should contain a sketched drawn plat and preliminary written description relating to all requirements found in this Appendix. Within 45 days of receipt of the preliminary plan, the Planning Commission, at a properly warned public hearing, to the degree possible given the information presented in the preliminary plan, shall provide interpretation and guidance to the applicant relating to conforming with applicable local regulations.
 - i. The preliminary plan shall not be formally approved or denied by the Planning Commission and is not binding on the applicant or Planning Commission. Any Planning Commission representation made prior to submission of a complete subdivision application shall have no standing relating to the subdivision application. Preliminary plan materials shall not be considered a subdivision application. An incomplete preliminary plan shall not require resubmission of the preliminary plan.
 - ii. All major subdivision applications shall submit a subdivision application within one year of the preliminary plan public hearing, or shall be required to resubmit another preliminary plan for another public hearing.
 - iii. A major subdivision application that does not submit a preliminary plan and/or have a Planning

Commission hearing on the preliminary plan ahead of submission of the major subdivision application shall be deemed an incomplete application.

- c. Abutting Landowners. All applicants for subdivision review shall notify abutting landowners and other potentially interested persons prior to submitting an application to ensure legitimate concerns are addressed early on.
2. Final Application Submission. All non-exempt proposed subdivisions shall submit a subdivision application to the Zoning Administrator containing all applicable requirements (unless seeking a waiver from the Planning Commission).
 - a. Planning Commission Waiver. The Planning Commission shall waive one or more application requirements or standards if the Planning Commission determines that it is not requisite in the interest of public health, safety and general welfare and will not have the effect of nullifying applicable provisions of this Appendix, the Fair Haven Town Plan, or other bylaws and ordinances in effect. A waiver denial shall be interpreted as an incomplete application.
 - b. Administrative Review. The Zoning Administrator shall review all subdivision applications containing all required information. The Zoning Administrator shall document the date of determining if an application is complete (containing all required information) or incomplete within 30 days.
 - i. Incomplete Application. An applicant whose application is deemed incomplete must take appropriate action to be deemed complete. The Zoning Administrator shall notify the applicant of what action is necessary to make an incomplete application deemed complete within 7 days from being deemed incomplete.
 - c. Administrative Approval (Minor Subdivision). Within 75 days of determining a minor subdivision application is a complete application, the Zoning Administrator shall approve, approve with conditions, or disapprove the minor subdivision application based on a determination of whether or not the minor subdivision conforms to applicable standards as set forth in Section VI. Approval or grounds for disapproval, shall be set forth in a written decision.
 - d. Administrative Action (Major Subdivision). Within 7 days of documenting that a major subdivision application is a complete application, the Zoning Administrator shall submit the major subdivision application to the Planning Commission.
 - e. Right to Appeal. The applicant has the right to appeal the action or non-action of the Zoning Administrator in accordance with 24 V.S.A. Chapter 117 and these bylaws.
 - f. Phased Development Applications. An applicant who has divided a subdivision or development project over phases that will be contingently completed over time, may choose to seek a permit for that phase only, however they must provide a master plan for the entire project that demonstrates the sufficiency of infrastructures for the entire project if and when it is completed. Phased development projects may alternatively choose to include all phases at once in the application.
3. Planning Commission Responsibility. The Planning Commission shall be responsible for approval, modification, or disapproval of all major subdivision applications. Within 30 days of receipt of a complete major subdivision application from the Zoning Administrator, the Planning Commission shall schedule a public hearing, warned in accordance with the Act.
 - a. Public Hearing. A major subdivision shall require a noticed Public Hearing in accordance with 24 V.S.A. Chapter 117. In the case of a plat located within 500 feet of a municipal boundary, a copy of the notice shall be sent to the clerk of an adjacent town at least 15 days prior to the public hearing, per 24 V.S.A. § 4463 (a).
 - b. Approval. Within 60 days of the date of adjournment of the public hearing, the Planning Commission shall approve, approve with conditions, or disapprove the subdivision application based on a determination of whether or not the subdivision conforms to applicable standards as set forth in Section VI. Approval, conditions of approval, or grounds for disapproval, shall be set forth in a written decision.
4. Site Visit. The Zoning Administrator or Planning Commission may schedule a site visit prior to approving or disapproving a subdivision application. A site visit does not require a quorum of the Planning Commission in attendance

however any site visit attended by a quorum of the Planning Commission shall be warned in accordance with 24 V.S.A. Chapter 117. Any site visit for a major subdivision application shall require a public hearing following the site visit.

- a. Temporary Field Markers. The Zoning Administrator or Planning Commission may require temporary field markers to be placed on site for the site visit to depict proposed parcel boundaries, building footprints, or other information in the subdivision application.
5. Subdivision Permit Issued. The Zoning Administrator shall issue a subdivision permit upon Zoning Administrator approval of a minor subdivision. The Zoning Administrator shall issue a subdivision permit upon approval from the Planning Commission for major subdivisions. Issuance of these permits shall adhere to all provisions in Section 1204 of these bylaws.
6. Revisions to An Approved Subdivision & Minor Revisions. No revisions that alter the plat or conditions attached to an approved subdivision shall be made unless the proposed revisions are first resubmitted as a new subdivision application. However, the Zoning Administrator for minor subdivisions, and Planning Commission for major subdivisions, shall have the authority to approve revisions to an approved plat if the revisions:
 - a. Arise from land characteristics unknown at the time that final approval was granted
 - b. Are consistent with the objectives embedded in the final approval
 - c. Will not have any change to an application that will have an undue adverse impact on the Town, or violates one or more of the standards in this Appendix or these bylaws.
7. Inspections During Construction. The Zoning Administrator may make periodic inspections of a development during construction to assert whether the project is in compliance with the approved plan and plat. The Zoning Administrator may require an independent review of the project on the Town's behalf, the cost of which is to be borne by the applicant.
8. Failure to Commence Construction. If an applicant fails to materially commence construction of a project approved through this Appendix within two years of subdivision approval, then the entire subdivision shall be subject to a complete re-review, including fees.
9. Certificate of Subdivision Compliance. For any subdivision with infrastructure improvements, a Certificate of Subdivision Compliance shall be a condition of subdivision approval.
 - a. When to Request A Certificate. An application for a Certificate of Subdivision Compliance must be submitted when all infrastructure improvements have occurred but prior to any zoning permit being issued to construct on a subdivided lot.
 - b. Request for Certificate. An application for a Certificate of Subdivision Compliance shall be submitted by the applicant to the Zoning Administrator together with:
 - i. A certification from the civil engineer of record stating that they have inspected the completed project and that required infrastructure improvements were constructed in compliance with the conditions and requirements of subdivision approval
 - ii. As-built plans drawn to scale indicating any monuments, utilities, structures, roadways, easements, and other improvements as constructed.
 - c. Issuing Certificates. A Certificate of Subdivision Compliance shall not be issued for any subdivision that the Zoning Administrator is unable to certify its compliance with the conditions of subdivision approval. Within 30 days of receipt of the request for a Certificate of Subdivision Compliance that includes all required supporting material, the Zoning Administrator shall either issue the Certificate of Subdivision Compliance or issue a written determination that the request was incomplete and identifying the missing information necessary for a complete application. Upon the Zoning Administrator's receipt of the missing information, the 30-day period shall reset.
 - i. Failure to Respond to Request. If the Zoning Administrator fails to respond to the request for a Certificate of Subdivision Compliance within the 30-day period, the Certificate of Subdivision Compliance shall be deemed issued.
 - ii. Zoning Permits on Subdivided Lots. The Zoning Administrator shall not issue a zoning permit for the development or improvement of a subdivided lot within the subdivision until the issuance of a Certificate of Subdivision Compliance.

iii. The issuance of a Certificate of Subdivision Compliance cannot be appealed.

10. **Performance Bonding.** For any subdivision which requires the construction, establishment, installation, or extension of any public or private road or utility, or any public improvement, the Planning Commission shall require that the applicant post a performance bond or comparable surety to cover the cost of construction and to ensure completion of specified improvements, in accordance with the conditions of approval. Such bond or surety must be approved by the Fair Haven Selectboard prior to final plat approval.
 - a. **Cost Estimate for Bond Amount.** If the Planning Commission has required an applicant to post any bond or surety, the applicant shall submit the proposed cost of site improvements to determine the bond or surety amount.
 - b. **Bond Term.** The term of the bond or surety may be fixed for a maximum of three years, within which time all improvements must be completed. The term of such bond or surety, by mutual consent of the Selectboard, Planning Commission, and applicant, may be extended for an additional period up to three years.
 - c. **Bond Release.** The Selectboard shall release the bond or surety once all specified improvements have been completed in accordance with the project plans, permit conditions and performance bond conditions. In no event will a performance bond be released unless and until any required Certificate of Subdivision Compliance is issued, and any required Maintenance Bonds are in place, or the applicant provides written notice to the Town of Fair Haven that the applicant is not proceeding with the project and that all application actions are being ceased.
 - d. **Maintenance Bond.** The Selectboard may also require a Maintenance Bond for three years after completion of specified improvements.
11. **Limitations of Subdivision Approval.** Subdivision approval or issuance of subdivision permit shall not be construed as acceptance for ownership or maintenance of any street, easement, utility, park, recreation area, or other space shown on the plat. Such acceptance may only be authorized by the Selectboard.
12. **Violations & Enforcement.** Any subdivision not in compliance with this Appendix or the conditions of subdivision approval shall be enforced in accordance with Article XV of these bylaws.

Section V: Procedures & Requirements for Plat Design, Submission, and Processing

1. **Submission of Final Plats.** The applicant shall provide two full-size plats which shall address and include all subdivision and final submission requirements established in this Appendix, prepared by a Vermont licensed professional engineer or surveyor.
 - a. **Copies of Final Plats.** In addition to the two full-size plats, the applicant shall submit five paper copies of the plat resized to 11"x17", and an electronic pdf of the plat.
2. **Subdivision Plat Requirements.** Any subdivision final plat shall be made from mylar material, depict all mapping requirements as surveyed by a certified Vermont Survey, and contain:
 - a. Name of subdivision, name and address of the owner of record, applicant, civil engineer and any other consulting design professionals supporting the application.
 - b. Boundaries and area of the entire parcel (whether or not all land therein is to be subdivided), north point, scale, date (and dates of any revisions).
 - c. Approximate location of buildings (proposed or existing);
 - d. Adjoining property lines; adjoining property owner names; adjoining properties tax parcel numbers; adjoining land uses, roads, drainage infrastructure and pathways.
 - e. Existing and proposed lot lines & dimensions; proposed lot numbers & clearing limits
 - f. Zoning district name and boundaries.
 - g. Existing and proposed roads, infrastructure, easements serving the land to be subdivided, including roads, utilities, and stormwater/drainage infrastructure.
 - h. Existing and proposed utilities: power, water, gas, wastewater, drainage, stormwater systems, and associated rights of way or easements.

- i. Existing site conditions including watercourses, wetlands and associated buffers; rock outcroppings; flood hazard areas; critical wildlife habitat; areas of steep slopes, forest type, vegetative cover, and all blocks of land identified by the Vermont Agency of Natural Resources Vermont Conservation Design Program.
 - j. Deed description and boundary survey of tract boundary made and certified by a State of Vermont licensed land surveyor tied into established reference points, and any existing deed restrictions.
 - k. Certification block and associated plat recording requirements.
 - l. License number/seal of the Vermont licensed surveyor or licensed Vermont engineer.
3. **Minor Subdivision Plat Requirements.** A minor subdivision plat shall contain all the information in Section V (2) and have contours and a vicinity map in sufficient detail to evaluate the proposed subdivision. The Zoning Administrator may require a vicinity map or plat contours to be a specific scale to sufficiently evaluate the proposed subdivision, but not to an extent exceeding what's required for major subdivisions.
4. **Major Subdivision Plat Requirements.** A major subdivision plat shall contain all the information in Section V (2), and contain the following:
- a. Local names and present widths of existing and proposed streets, intersections, easements, buildings, walkways, and public open spaces.
 - b. Information, including street names, widths, and highway intersections, regarding access to adjacent property.
 - c. Width, location, grades and street profiles of all streets or other public way proposed.
 - d. Existing and proposed contours at intervals of five (5) feet.
 - e. Connections with existing sanitary sewer systems or proposed alternative means of septic treatment and disposal.
 - f. Connections with existing water supplies or proposed alternative means of providing water to the subdivision.
 - g. Preliminary design of any bridges/culverts and other drainage structures or facilities.
 - h. A vicinity map drawn to a scale of not over four hundred (400) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The vicinity map shall show all the area within two thousand (2,000) feet of any property line of the proposed subdivision.
5. **Plat Recording.** The approval of the Zoning Administrator or Planning Commission shall expire 180 days from subdivision approval unless, within that 180-day period, the plat has been filed or recorded in the office of the Town Clerk. After an approved plat or certification by the clerk is filed, no expiration of that approval or certification shall be applicable. The Zoning Administrator may extend the date for filing the plat by an additional 90 days if final local or state permits or approvals are still pending. The final plat shall be filed after approval by the Zoning Administrator or Planning Commission.
- a. The final plat shall meet all recording requirements for subdivision approvals as specified under 24 V.S.A. §4463.
 - b. A digital copy of any recorded survey or plat shall be filed with the Vermont Center for Geographic Information – Vermont Land Survey Library at landsurvey.vermont.gov.
 - c. **New Street or Highway Recording.** Prior to recording a plat that shows a new street or highway, the plat must be signed and dated by the Planning Commission Chair. All final plats must include a notation to include the following statement: *The subdivision depicted on this plat was duly approved by the Fair Haven Planning Commission in accordance with the 'Town of Fair Haven Zoning Regulations' and all other applicable laws and regulations.*

Section VI: Subdivision Application Standards and Design Requirements

1. **Standard Evaluation.** The Zoning Administrator and Planning Commission shall evaluate any application for subdivision approval against the standards set forth in this section (unless granted a waiver by the Planning Commission in accordance with this Appendix).
- a. **Materials Submission.** The Zoning Administrator or Planning Commission may require the applicant to submit additional materials, data, or information to evaluate the standards. If the Zoning Administrator or Planning Commission requires such materials, data, or information, municipal officials shall notify the applicant in writing what is needed, and until those materials, data, or information is provided, the application cannot proceed.

- i. A major subdivision application where additional materials, data, or information is requested during or after a public hearing on the application must have another public hearing after the requested materials, data, or information has been provided.
 - b. Modifications. The Zoning Administrator or Planning Commission may require modification to the proposed subdivision as a condition of subdivision approval.
 - c. Consultant. Should the Planning Commission or Zoning Administrator deem it necessary, the Planning Commission or Zoning Administrator may employ an engineer, attorney, or other consultant to review any application materials. The cost of review shall be paid by the applicant. The Zoning Administrator or Planning Commission may consult relevant local officials with knowledge and expertise to review any relevant application materials or interpretation of standards.
2. Standards and Design Requirements (All Subdivisions). All subdivisions shall be evaluated against the following standards:
 - a. Conformance with Town Plan and Other Regulations. All proposed subdivisions shall be in conformance with the Fair Haven Town Plan, these bylaws, and any applicable capital budget, program, official map, or municipal ordinance. Conformance includes adhering to density, lot size, layout, frontage, and setback requirements for specific zoning districts as outlined in these bylaws.
 - b. Natural, Cultural, and Historic Resources. All subdivision applications shall not have undue adverse impacts on any natural, cultural, or historic resource in the Fair Haven Town Plan or identified by the State of Vermont, or federally.
 - i. Significant Natural Areas. Subdivision boundaries, lot lines and layout, and building sites shall be located and configured to avoid the fragmentation, or undue adverse impacts to blocks of land identified by the Vermont Agency of Natural Resources Vermont Conservation Design Program.
 - ii. Wetlands, Flood Hazard Areas. All proposed subdivision boundaries, lot lines and layout, and building sites shall be located and configured to avoid undue adverse impact to surface waters, wetlands, flood hazard areas, and designated water supply source protection areas.
 - iii. Rock Outcrops, Steep Slopes, Hillside and Ridgelines. All proposed subdivision boundaries, lot lines and layout, and building sites shall be located and configured to minimize the construction of roads or driveways with slopes greater than 15% at any point and to avoid rock outcrops. No subdivision shall construct a road or driveway with slopes in excess of 20% at any point.
 - c. Water Supply and Wastewater Systems.
 - i. A proposed subdivision in an area served by existing municipal water or sewer system shall connect to such system(s). Any necessary upgrades to connect to the system shall be borne by the applicant.
 - ii. State Permits. Unless a subdivision is exempt from the requirement to obtain a State of Vermont Potable Water and Wastewater Disposal Permit, for all proposed subdivisions, the applicant shall provide a copy of such a permit issued for the project, or if one has been applied for and not yet issued, a condition of any subdivision approval shall be receipt of the State of Vermont Potable Water and Wastewater Disposal permit, if one is required by state law.
 - d. Stormwater Management / Drainage. Subdivision boundaries, lot lines and layout, and building sites shall be located and configured to not have undue impacts on surface waters or neighboring properties. Temporary and permanent stormwater management and erosion control measures shall be incorporated into subdivision design and layout to control surface runoff, sedimentation and water pollution on-site and downstream from the proposed subdivision.
 - i. Where a State of Vermont Stormwater Permit is required, the Zoning Administrator or Planning Commission shall condition final subdivision approval (or the issuance of any zoning permits to construct improvements on subdivided lots) on the issuance of a State of Vermont Stormwater Permit.
 - ii. The Zoning Administrator or Planning Commission may require a Stormwater Management and/or Erosion and Sediment Control Plans and associated analyses to ensure that site improvements, including excavation, road and driveway construction, and site clearing and grading shall not unduly impact surface

waters or neighboring properties. Such plans, if required, shall be prepared by a licensed Vermont engineer, in accordance with the most recently amended versions of the Vermont Stormwater Management Manual and the Vermont Handbook for Erosion Prevention and Sedimentation Control. The plan must include provisions for the inspection and long-term maintenance of stormwater management and erosion control facilities, and provide information deemed necessary by the Zoning Administrator or Planning Commission to make the determination of the adequacy of the facility.

- iii. The Zoning Administrator or Planning Commission may require culverts or other drainage facilities large enough to accommodate potential runoff from the entire upstream drainage area.
- iv. The Zoning Administrator or Planning Commission may require modifications to a proposed subdivision that the Zoning Administrator or Planning Commission anticipates will increase runoff incident to the development and overload the capacity downstream.
- e. Erosion/Slopes During Construction. Slopes and soils exposed during construction for all subdivisions shall be managed to prevent erosion by using accepted erosion control measures, including by adhering to the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites. Construction from October 15 to May 15 shall adhere to Vermont Agency of Natural Resources winter construction standards.
- f. Landscaping and Screening. All proposed subdivisions shall provide an undisturbed vegetated buffer between developed and undeveloped portions of the site to protect natural features and provide screening of development to increase privacy, reduce noise and glare, and establish a visual or physical buffer. The Zoning Administrator or Planning Commission may require plantings at specific locations to provide adequate screening.
- g. Preservation of Existing Features. All proposed subdivisions shall preserve existing site features, trees, rock walls, scenic points, brooks, streams, rock outcroppings, water bodies, other natural and historic resources, where reasonable.
- h. Outdoor Lighting. Any outdoor lighting shall have downcast, cutoff types of fixtures.
- i. Multi-modal access. Proposed subdivisions shall be designed to facilitate pedestrian and bicycle access from the subdivision to adjoining parcels and roads, or to nearby public schools, playgrounds, or public lands, where appropriate.
 - i. Sidewalks. A proposed subdivision where a proposed residential lot is within a ½ mile radius of a State of Vermont Designated Downtown or a ¼ mile radius from any existing sidewalk or Designated Village Center shall have a sidewalk on at least one side of the street connecting to the existing sidewalk network or designated area. The cost of the sidewalks shall be borne by the developer.
 - ii. Pedestrian Easements. A permanent pedestrian easement of 10 feet within the proposed subdivision may be required to facilitate pedestrian circulation within the subdivision or access to adjoining neighborhood, public property, or community focal points such as a school. Any pedestrian easement shall be in conjunction with utility easements, where appropriate.
- j. Phased Developments. Any proposed subdivision application for only one phase of a proposed subdivision to be divided into multiple phases must provide a master plan for the entire project that sufficiently meets all infrastructure-related standards in this Appendix for the entire project if and when it is completed. Any approval will apply only to the specific phase for which the master plan was presented and thus an application for a future phase will be required to resubmit the master plan reflecting any updated information since the last phase.
- k. Capacity of Roads. All subdivisions shall not result in the existing road network be unable to accommodate the resulting traffic from the subdivision.
 - i. Increasing Road Capacity. In situations where a development may increase the capacity of an existing road, or where the Town Plan or Capital Program indicated that such improvements may be required in the future, the applicant may be required by the Zoning Administrator or Planning Commission to reserve land for such improvements and/or contribute to any or all of the expenses involved with road improvements necessitated by the subdivision.
 - ii. Undue Town Expenditures. Where a subdivision requires undue expenditures by the Town to improve existing town roads, sidewalks, or to upgrade stormwater management facilities, the Zoning

Administrator or Planning Commission may disapprove such subdivision unless the Selectboard certifies that funds for the improvement are available for such purposes.

- l. Access. The Zoning Administrator or Planning Commission may limit the number of access points onto public highways and require shared access, driveways, and/or roads to serve multiple lots in order to better manage traffic flow and safety, avoid congestion and frequent turning movements, and avoid strip development.
 - m. Utilities and Utility Corridors. The Final Plat shall include all proposed utilities. The Planning Commission may require that utility systems, including but not limited to electric, gas, cable television and telecommunications utilities, be located underground or shared with transportation or other utility corridors. Where inclusion of utilities in the street right-of-way is impractical, unobstructed easements shall be provided with satisfactory access to the street and shown on the Final Plat.
 - n. Emergency Access. The proposed subdivision shall not unduly burden emergency responder capacity such as police, ambulance, and fire.
3. Major Subdivision. All major subdivisions shall be evaluated against the standards in Section VI (2) and the following standards:
- a. Conditional Use. Any major subdivision shall be subject to conditional use review in accordance with Section 403. In interpreting this section, substitute the word "subdivision" where the word "use" appears.
 - b. Community Services and Facilities. The proposed subdivision shall not create an undue burden on existing and planned municipal facilities or create an unreasonable demand for public services.
 - i. Schools. The proposed subdivision shall not unduly burden the school system.
 - c. Proposed Roads.
 - i. Road Layout. All proposed roads shall be designed to fit the topography so as to produce useable lots, minimize the amount of cut and fill required, produce reasonable grades and produce safe intersections in appropriate relation to the proposed use of the land to be served by such roads.
 - ii. Road Names. All roads shall be identified by name on the plat. In no case shall a proposed road name have a duplicate existing name, irrespective of the suffix. A proposed road or road extension in alignment with existing or proposed roads shall bear the name of that road.
 - iii. Additional Road Requirements. The Planning Commission may impose additional road design standards to ensure slopes, curbs, gutters, sidewalks, embankments, site distances, aesthetics, stormwater management, and soil erosion precautions are adequate to meet the needs of the subdivision and of the Town.