

Subdivision Regulations - Town of Waitsfield

Article I. Authority and Purpose

Section 1: Title

1.0 These Regulations shall be known as the Town of Waitsfield Subdivision Regulations.

Section 2: Enactment and Authority

2.0 It is hereby declared to be the policy of the Town of Waitsfield to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the Subdivision Regulations of the Town of Waitsfield, Vermont, as expressed herein, pursuant to the Vermont Planning and Development Act, 24 VSA, Chapter 117.

Section 3: Purpose

3.0 These Regulations are hereby adopted for the following purposes:

1. To insure that development conforms to the policies set forth in the Waitsfield Town Plan. The Commission shall refer to the goals, objectives, and policies, and capacities of public services as established by the Town Plan in making discretionary decisions.
2. To insure that all development is compatible with the ecology, topography, geology, natural drainage, surface water runoff, groundwater resources, agricultural resources, historical resources, and present and potential uses of land as identified in the maps and text of the Town Plan.
3. To insure conformity and compatibility of development with other applicable laws, as presently enacted or as from time to time hereinafter enacted, including but not limited to: Zoning Ordinance, Health Ordinance, Official Map and Capital Program.
4. To protect and provide for the health, safety, and general welfare of the Town of Waitsfield, its property owners and its inhabitants.
5. To guide the future growth and orderly development of the Town.
6. To provide the most beneficial relationship between uses of land and buildings and the safe and convenient movement of pedestrian and vehicular traffic.

7. To provide for the conservation and protection of the natural, visual, and historical assets of the Town; the preservation of the existing rural character of the Town through the proper arrangement of uses on development parcels; the preservation of adequate open space between developments; and the preservation of land values and an adequate tax base.

8. To insure that development encourages efficient and economic uses of energy that are consistent with current technology.

9. To insure that adequate public facilities and services such as parks and open spaces, recreation areas, schools, police and fire protection, offstreet parking and water supply and sewage disposal are provided.

10. To control the rate of growth in Waitsfield in order to insure that existing public services and facilities are available and will have a sufficient capacity to serve any proposed subdivision.

Section 4: Waiver Authority (INCLUDING LOT LINE ADJUSTMENTS)

4.0 The Planning Commission may waive or vary, subject to the appropriate conditions, the provisions of any or all application or review procedures, submittal and development requirements as in its judgment of the special circumstances of a particular plat are not requisite in the interest of the public health, safety and general welfare, nor required by the Act. A waiver shall generally be granted for lot line adjustments involving the subdivision of land into two lots or sites only for the purpose of conveying one such lot or site directly to an abutting landowner.

The request for a waiver shall be made by the applicant, and it shall be the responsibility of the applicant to provide sufficient information to justify the waiver and to enable the Commission to reach a decision. The applicant shall notify all adjoining property owners of his request for a waiver. In such a case, the Planning Commission may, following the Discussion Meeting referenced in Section 2 of Article II, move to waive the hearing requirements and approve the project with appropriate conditions. Notice of the Commission's intent to waive such hearing requirements and issue the subdivision permit must be given in a newspaper of general circulation in the Town. Upon the receipt of a written request from any person as defined in 24 VSA §4464 within 15 days of the publication of the notice, the hearing requirements will be followed.

4.1 In granting waivers, the Commission shall require such conditions as will in its judgment secure substantially the objectives of the requirements waived or varied.

WAIVER *

INTERESTED PARTY →

Subdivision Application Procedures at a Glance

Minor Subdivision Application Procedures

- ✓ Discussion Phase: Initial meeting and classification of project.
- ✓ Within 6 months: Final plan submittal.
- ✓ Within 30 days: Public hearing (including written evidence of approval by all governmental agencies having jurisdiction over the project).
- ✓ Within 45 days: Approval for construction.
- ✓ Within 90 days: Plat recording.
- ✓ On Completion: Submission of as-built drawings.

Major Subdivision Application Procedures

- ✓ Discussion Phase: Initial meeting and classification of project.
- ✓ Within 6 months: Preliminary Plan Application.
- ✓ Within 45 days: Public hearing.
- ✓ Within 45 days: Preliminary Plan Approval.
- ✓ Within 6 months: Final Plan Application.
- ✓ Within 30 days: Final public hearing (including written evidence of approval by all governmental agencies having jurisdiction over the project).
- ✓ Within 45 days: Approval for construction.
- ✓ Within 90 days: Plat recording.
- ✓ On completion: Submission of as-built drawings.

Article II. Subdivision Application Procedure

Section 1. General Conditions

1.0 Whenever any subdivision of land is proposed, before any construction, land clearing or building development is begun, before any contract of sale or all or any part of the land or structures involved, before any permit for the erection of any building in such proposed subdivision shall be granted, and before any subdivision plat may be filed with the Town Clerk, the subdivider or his/her authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the procedure outlined below.

Section 2. Discussion Phase ✓

2.0 Initial Meeting ✓

The applicant shall request a meeting with the Planning Commission to discuss the proposed subdivision. At least 15 days prior to the meeting, the applicant shall submit two copies of the following information:

a. Name and address of the landowner and/or applicant, names of all adjacent property owners, and name of the project.

b. Evidence of written notification to all adjacent property owners of the application for subdivision permit.

c. A sketch plan, preferably color coded, showing the proposed layout of streets, lots and other features, the project boundaries, adjacent land uses, and a map showing the general location of the property in relationship to the surrounding area.

d. A written description of the proposed development plans, including the number and size of the lots, and general timing of construction.

2.1 ✓ The Planning Commission may require additional information before recommending that the applicant proceed with the application.

2.2 ✓ Classification of the Project

At this meeting, the Planning Commission will classify the project into one of two categories as defined in Article VII of these Regulations: major subdivision or minor subdivision.

The Commission shall review the sketch plan to determine whether or not it conforms to, or would be in conflict with, the Town Plan, the Zoning Regulations, and the Capital Budget and Program.

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The Commission shall determine whether the project meets the purposes of these Regulations and may make specific written recommendations for changes.

Where the applicant submits a proposal for a ~~planned unit development or planned residential development~~, the Commission shall simultaneously review the application under the criteria ~~established in~~ both these Regulations and the Town of Waitsfield Zoning Ordinance.

Section 3. Minor Subdivision Application and Procedure

3.0 Final Plan Submittal

Within 6 months of the classification by the Commission of the project as a Minor Subdivision, the subdivider shall submit an application for approval of a subdivision plan according to the requirements set forth in Article III, Section 1 of these Regulations. The plan shall conform to the layout presented to the Commission at the Discussion Phase, plus any recommendations made by the Commission.

3.1 Final Plan Hearing

A public hearing shall be held by the Commission after receipt of the final subdivision application; said hearing to be publicly warned at least 15 days in advance of the hearing date.

3.2 Final Plan Approval

The Commission shall, within 45 days from the adjournment of the Final Plan Hearing, approve, modify, or disapprove the Final Plan. Failure to act within such 45 day period shall be deemed approval.

3.3 Phasing

At the time the Commission grants final plan approval, it may require the plat to be divided into two or more phases to insure conformity with the Town Plan and Capital Program, if one is in effect, and may impose such conditions upon the filing of application for final plat approval for each phase as it deems necessary to assure the orderly development of the plat and to avoid overburdening Town facilities and services.

3.4 Plat Recording

All subdivisions must be recorded in the office of the Town Clerk within 90 days of the date of final plan approval or the approval expires. Prior to recording, the plat must be signed by two authorized members of the Commission. For any subdivision which requires the construction of roads or other public

Signatures

improvements by the applicant, the authorized members of the Commission may not sign the approved plat until the subdivider has

a. met the requirements of Article V, Section 7, Performance Bond Requirements, of these Regulations; or

b. constructed all public improvements to the satisfaction of the Commission.

3.5 Two copies of the approved Final Plan shall be filed with the Town Clerk. The Plan to be recorded shall be of a size determined by the Commission.

Section 4. Major Subdivision Application and Procedure

4.0 Preliminary Plan Application

Within 6 months after classification of the project as a Major Subdivision by the Commission, the subdivider shall submit an application for approval of a preliminary plan to the Planning Commission. The application shall conform to the requirements set forth in Article III, Section 3 of these Regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the Commission. Failure to do so will require resubmission to the Commission for Discussion Phase review.

4.1 Approval of Preliminary Plan

Within 45 days after formal submission of all preliminary plan information required by the Commission, the Commission shall conduct a preliminary public hearing; said hearing to be publicly warned at least 15 days in advance of the hearing date. Within 45 days of the date of adjournment of the hearing, the Commission shall approve, with or without modifications, or disapprove of said preliminary plan and the conditions of the approval or grounds for disapproval shall be set forth in a written notice of decision.

4.2 Phasing

At the time the Commission grants Preliminary Plan approval, it may require the plat to be divided into two or more phases to insure conformity with the Town Plan and Capital Program, if one is in effect, and may impose such conditions upon the filing of application for final plat approval for each phase as it deems necessary to assure the orderly development of the plat and to avoid overburdening Town facilities and services.

4.3 Validity of Preliminary Plan Approval

Approval of the Preliminary Plan shall not constitute approval of the subdivision plan. Prior to approval of the final subdivision plan, the Commission may require additional changes as a result of further study.

4.4 Subsequent to the approval of the Preliminary Plan, the applicant shall submit the approved plan to all local agencies having jurisdiction over the project (Selectmen, Board of Adjustment, and Health Officer) and such regional, State, and Federal agencies as may be required by law. Upon receipt of evidence of approval of the Preliminary Plan by said agencies and the expiration of all relevant appeal periods, the applicant may apply to the Planning Commission for Final Plan approval.

4.5 The approval of a Preliminary Plan shall be effective for a period of 6 months from the date of the written notice of approval.

4.6 Final Plan Application

Within 6 months of Preliminary Plan approval, the subdivider shall submit an application for approval of a Final Subdivision Plat. If the subdivider fails to do so, he shall be required to resubmit a new plat for Preliminary Plan approval subject to any new zoning and subdivision regulations.

4.7 The final application must conform to the requirements set forth in Article III, Section 3 of these Regulations, and shall conform to the layout shown on the Preliminary Plan plus any recommendations made by the Commission.

4.8 Final Plan Hearing

A public hearing shall be held by the Commission after receipt of the final subdivision application; said hearing to be publicly warned at least 15 days in advance of the hearing date.

4.9 Final Plan Approval

The Commission shall, within 45 days from the adjournment of the Final Plan Hearing, approve, modify, or disapprove the Final Plan. Failure to act within such 45 day period shall be deemed approval.

4.10 Plat Recording

All subdivisions must be recorded in the office of the Town Clerk within 90 days of the date of final plan approval or the approval expires. Prior to recording, the plat must be signed by two authorized members of the Commission. For any subdivision which requires the construction of roads or other public improvements by the applicant, the authorized members of the Commission may not sign the approved plat until the subdivider has:

- a. met the requirements of Article V, Section 7, Performance Bond Requirements, of these Regulations; or
- b. constructed all public improvements to the satisfaction of the Commission.

4.11 Two copies of the approved Final Plan shall be filed with the Town Clerk. The Plan to be recorded shall be of a size determined by the Commission.

Article III. Submission Requirements

Section 1. Minor Subdivision - Preliminary Layout

1.0 ✓ The Preliminary Plan shall consist of the following maps and information. The submittal shall be made in three copies. Information may be preliminary. Maps shall be at a scale no greater than 100 feet per inch.

- a. A completed subdivision permit application form obtainable from the Town Clerk.
- b. All information submitted from the discussion phase.
- c. The provisions of the Zoning Regulations applicable to the area to be subdivided and any zoning district boundaries affecting the tract.
- d. A sketch plan of the boundaries of the subdivision parcel(s).
- e. Date, true north point, and scale.
- f. Description of the proposed water supply. If source is a community water supply system, evidence of the right to use such system and the adequacy of such a system to meet water supply requirements shall be shown. All design criteria shall be in accordance with applicable State and local health regulations.

g. Description of the proposed sewage disposal system. If onsite sewage disposal is proposed, then a registered professional engineer's report prepared in conformance with State and local health regulations shall be submitted. If a community sewage disposal system is to be used, evidence of the right to use such system and an engineer's statement of the adequacy of the system to handle the additional sewage shall be submitted.

h. All existing and proposed right of way lines, widths of roads, typical road profiles, dimensions of all lot lines and size of all lots, locations of all buildings, walkways, amenities, utilities, and other manmade improvements.

i. A description of any proposed covenants, and/or deed restrictions which are intended to cover all or part of the subdivision.

j. A description of the homeowners association or other forms of management organization, if one is proposed.

k. Existing site conditions, including contours at 5 foot intervals, water courses and ponds, floodplains, rock ledges, forest type and other significant natural features.

Section 2. Minor Subdivision - Final Plan Submittal

2.0 The Final Plan Submittal shall consist of four copies of the plot plan and project description and shall include the following information:

a. All information required for the Preliminary Submittal shall be required in final form including any revision or additional detail requested by the Planning Commission.

b. In the event of granting of easements to the Town of Waitsfield, a written acknowledgement of the subdivider's responsibility for maintenance of easement areas until such land has been legally accepted by the Town.

c. Written evidence of approval by local, regional, State, and Federal agencies having jurisdiction over the project, and written evidence of the expiration of all appeal periods.

Section 3. Major Subdivision - Preliminary Layout

3.0 The Preliminary Plan shall consist of the following maps and information. The submittal shall be made in 3 copies. Information may be preliminary. Maps shall be at a scale no greater than 100 feet per inch.

a. A completed subdivision permit application form obtainable the Town Clerk.

b. All information submitted from the Discussion Phase.

c. A statement of the compliance of the proposed subdivision with the Town Plan, the Zoning Ordinance, including reference to any zoning variances, and other bylaws in effect.

d. A complete survey of the boundaries of the subdivision parcel by a licensed surveyor.

e. Description of proposed water supply. If source is a community water supply system, evidence of the right to use such system and the adequacy of such a system to meet water supply requirements shall be shown. All design criteria shall be in accordance with applicable State and local health regulations.

f. A description of proposed sewage disposal system. If onsite sewage disposal is proposed, then a registered professional engineer's report prepared in conformance with State and local health regulations shall be submitted. If a community sewage disposal system is to be used, evidence of the right to use such system and an engineer's statement of the adequacy of the system to handle the additional sewage shall be submitted.

g. Preliminary grading plans showing areas of cut and fill and revised contours at a contour interval not greater than 5 feet.

h. A storm water drainage plan, drawn at a contour interval not greater than 5 feet, shall indicate the methods of collecting and discharging of drainage, as well as methods for temporary and permanent erosion control.

i. All existing and proposed right of way lines, widths of roads, typical road profiles, dimensions of all lot lines and size of all lots, locations of all buildings, walkways, amenities, utilities and other manmade improvements.

j. Evidence that the traffic generated by the project will not cause the capacity of roadways and intersections in the area to be exceeded. Information to be provided shall include but not be limited to current traffic volumes, current excess capacities or deficiencies, trip generation estimates and their impact on capacities, and sight stopping distances for new road intersections with Town highways.

k. Typical landscaping plans showing plant types, ground cover, lighting and signage.

l. All land proposed to be dedicated to open or public uses or to be reserved for screening and buffer purposes, and the methods for assuring and maintaining such dedication or reservation.