

ARTICLE 1. AUTHORITY & PURPOSE

Section 1.1 Enactment and Authority

(A) In accordance with the Vermont Municipal and Regional Planning and Development Act [24 V.S.A., Chapter 117, §§4402, 4418 and 4463], hereinafter referred to as “the Act,” as most recently amended, there are hereby established subdivision regulations for the Town of Waitsfield, Vermont. These regulations shall be known and cited as the “Waitsfield Subdivision Regulations.”

(B) It is the policy of the Town of Waitsfield to regulate all subdivision of land, and subsequent development of subdivided parcels, in accordance with these regulations to ensure the orderly planned, efficient and economical development of the Town. No subdivision of land shall be made until a final plat prepared in accordance with these regulations has been approved by the Development Review Board and filed in the Waitsfield land records.

Subdivision: The division of a lot, tract or parcel of land into two or more lots, tracts, sites, or other divisions of land for the purpose, whether immediate or future, of sale or land development. It includes resubdivision and the division of a lot or parcel held in common ownership and subsequently divided into parts among the owners.

Section 1.2 Purpose

(A) These regulations are adopted to further the following objectives:

- (1) to guide future development in accordance with the Waitsfield Town Plan, zoning regulations, capital budget and program, and all other municipal bylaws and regulations enacted to implement the plan;
- (2) to maintain and strengthen the traditional settlement pattern of compact villages surrounded by an open, rural landscape;
- (3) to ensure that land to be subdivided is of such character that it can be used safely for its intended purposes;
- (4) to establish criteria for determining development capacity of land and to regulate the density and location of development in a manner that reflects historic settlement patterns;
- (5) to protect and provide for the public health, safety, and general welfare of the Town of Waitsfield;
- (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 natural areas, significant wildlife habitat, scenic and historic resources, and productive farm and forest land through the proper configuration of parcel boundaries and arrangement and location of development on parcels;
- (9) to provide the most efficient relationship between land use and the circulation of pedestrian and vehicular traffic throughout the town; ensure the logical and coordinated extension of roads and utilities; and avoid undue traffic congestion and overburdening of roads, highways and intersections;
- (10) to prevent air and water pollution and encourage the careful stewardship of natural resources throughout the town in order to preserve the integrity, stability, and beauty of the community and the value of the land;
- (11) to minimize the fragmentation of productive resource lands, including farm and forest land, and to ensure their continued use and availability for agriculture, forestry and wildlife habitat;
- (12) to further the purposes contained in the Act [§4302].

Section 1.3 Adoption & Amendment

(A) In accordance with the Act [§4442], this bylaw shall take effect on the date of its adoption by the legal voters of the Town of Waitsfield at a duly warned special or regular meeting of the town or, in the event an amendment is adopted by a majority of the Waitsfield Selectboard, it shall take effect twenty-one (21) days from the date of adoption.

(B) Amendments to these regulations shall be enacted in accordance with the provisions of the Act [§§4441, 4442].

(C) As provided in the Act [§4449(d)], after a public hearing of the Selectboard has been warned to consider adoption of these regulations in accordance with this Section, or an amendment to these regulations subsequent to their adoption, applications for subdivision approval shall be reviewed in accordance with the procedures and standards set forth in both the proposed regulations or amendment and the subdivision regulations then in effect. In the event of a conflict between the proposed regulations or amendment and the regulations then in effect, the most restrictive provision shall apply. Review under both current and proposed regulations shall occur for a period of 150 days from the date of the first warning or until the proposed regulations or amendment are adopted or rejected by the voters, whichever occurs first.

Section 1.4 Severability

If any provision of these regulations or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect or invalidate other provisions or applications.