

Town of Plainfield Subdivision Regulations

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Article I Introduction

Section 100 Enactment and Authority

The Town of Plainfield enacts these Subdivision Regulations under the authority of the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A., Chapter 117 (herein referred to as the Act), the Plainfield Town Plan, and the Plainfield Zoning Regulations. The Plainfield Planning Commission is hereby authorized to regulate the subdivision of land and the subsequent development of land through these Subdivision Regulations in accordance with the Act.

Section 110 Purpose

The general purposes and goals set forth in 24 V.S.A. 4302 (“to encourage appropriate development of all lands in this state” etc.) are hereby adopted by reference. The Town of Plainfield adopts these Subdivision Regulations for the following purposes:

- (1) To provide for orderly growth and coordinated development in the Town of Plainfield.
- (2) To assure the safety, health, and welfare of the town’s landowners and residents.
- (3) To carry out the purposes of the Town Plan.
- (4) To assure conformance with the zoning regulations, any existing capital budget and program, and any other Town ordinances or regulations.
- (5) To make proper provision for drainage, water, sewerage, recreational facilities, open space and the safe and convenient movement of pedestrian and vehicular traffic.
- (6) To prevent development which exceeds the capacity of the land and ensure that the rate of growth does not exceed the ability of the Town to provide public services and facilities.
- (7) To assure a compatible relationship of development to landform, topography and geology, to natural drainage and surface water run-off, and to the groundwater table.
- (8) To preserve and manage the rural character, natural resources, natural beauty and topography of the Town and encourage the prudent use of natural resources.
- (9) To discourage developmental sprawl and minimize the fragmentation of productive farmland or woodlands in order to ensure their continued use and availability for agriculture and forestry.
- (10) To preserve sites that are historically significant.

The intent of these regulations is not to inhibit the ability to subdivide property.

Section 120 Exempt Subdivisions

A landowner may subdivide one lot from a parcel existing on the date of these regulations exempt from subdivision review; however, the parcel must comply with town zoning requirements for the district in which it is located and all applicable state requirements, including the recording of a plat in conformance with 24 V.S.A. §4416 and 27 V.S.A. Chapter 17. Any subsequent subdivision of any of the resulting parcels must follow these subdivision regulations.

Section 130 Application of Subdivision Regulations

(A) **Applicability.** Prior to any subdivision of land; before a final contract for sale of such subdivision or any part thereof is made; before any grading or clearing of building sites, or before any permit for erection of a structure in such proposed subdivision is granted, the subdivider shall apply in writing to the Planning Commission for and secure approval of proposed subdivision in accordance with these Subdivision Regulations.

These Subdivision Regulations apply to all non-exempt subdivisions: no lot shall be subdivided and no subdivision shall be recorded in the town land records until the subdivider has obtained final approval of the subdivision plan from the Planning Commission.

(B) **Waivers.** Pursuant to 24 V.S.A. §4413, if it be determined that strict compliance with the rules and regulations of this ordinance would result in extraordinary hardship to the subdivider due to unforeseen difficulties or conditions beyond the control of the subdivider, then the Planning Commission may modify, waive or vary such compliances under the following stipulations:

- (1) In granting modifications, waivers or variances, the Planning Commission shall require such conditions which, in its judgment, will secure substantially the objectives of the requirements so modified, waived or varied. No such modification, waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of the Town Plan, the Plainfield Zoning Regulations, these Subdivision Regulations, or other Town ordinances or regulations.
- (2) Each and every modification, waiver or variance of these regulations sought by a subdivider shall be specifically applied for in writing by the subdivider at the time of submitting the application and plans. Any condition shown on the preliminary or final plan which would require a modification, waiver or variance shall constitute a ground for disapproval of the plan unless a written request for such a modification, waiver or variance accompanies the plans.
- (3) When a waiver or variance is requested with respect to a subdivision application, the notice of the public hearing on such application shall specify that such has been requested, shall identify the provision(s) of these Subdivision Regulations to which the request for variance or waiver pertains, and shall contain a concise statement of the nature and reasons for the request.
- (4) Any modification, waiver or variance granted shall:
 - (a) pertain only to that particular subdivision for which it is granted.
 - (b) not impair the appropriate use or development of adjacent property, burden municipal services, or be detrimental to public safety or welfare.
 - (c) represent the minimum that will afford relief and will represent the least deviation possible from the subdivision regulations and the Town Plan.
- (5) If a waiver or variance is granted by the Planning Commission, the permit or approval for the subdivision shall identify the provision(s) of the Subdivision Regulation waived or varied and shall identify any conditions imposed by the Planning Commission in connection with the approval of the waiver or variance.

(C) **Boundary Line Adjustments.** A boundary line adjustment may be approved by the Zoning Administrator or the Planning Commission depending on the scope of the adjustment. In either case the following conditions apply for any boundary line adjustment:

1. The total number of parcels resulting from the transaction will not be greater than the number of parcels that existed prior to the proposed boundary line adjustment;
2. It will not make complying lots nonconforming, and will not increase the nonconformance of any existing lot.
3. A plat map showing the locations of the new boundaries must be filed in accordance with Vermont statutes.

The Zoning Administrator may approve a boundary line adjustment if all of the following conditions are found to be true:

- (a) The land is not located within a subdivision previously approved by the Planning Commission.
- (b) The land area to be transferred is less than the minimum lot size in the district.
- (c) No more than two lots are involved.

If the above conditions are not met, the boundary line adjustment must be reviewed by the Planning Commission.

(D) **Parcels Not to Merge.** When the owner of a parcel acquires an adjoining parcel the two adjoining parcels shall not automatically merge into a single parcel for purposes of these Subdivision Regulations unless one of the parcels qualifies as a nonconforming lot, in which case it shall merge unless it has been previously developed in compliance with 24 V.S.A. §4406.

Section 140 Interpretation

Where these Subdivision Regulations impose a greater restraint or restriction than is provided under any other statute, bylaw, ordinance, rule or regulation, then these Subdivision Regulations shall govern. However, the adoption of these Subdivision Regulations shall not repeal any permit previously issued.

Section 150 Effective Date

These Subdivision Regulations shall take effect immediately after adoption at a regular or special town meeting, in accordance with 24 V.S.A. §4404. The Subdivision Regulations heretofore in effect shall be deemed repealed upon the effective date of these Subdivision Regulations.

Section 160 Amendments

Any provision of these Subdivision Regulations may be amended as provided in §4403–4404 of the Act.

Section 170 Severability

The invalidity of any provision of these Subdivision Regulations shall not invalidate any other part.

Article II Subdivision Review Procedures

Section 200 Sketch Plans

(A) **Sketch Plan Application.** Any owner of land shall, prior to submitting an application for subdivision of land, submit to the Chair of the Planning Commission at least 15 days prior to a regular meeting of the Planning Commission, two copies of a Sketch plan of the proposed subdivision. The Sketch Plan shall consist of a map of the property showing the following information:

1. Name and address of the owner of record and applicant.
2. Names of owners of record of abutting properties.
3. Boundaries and area of each of the proposed new lots.
4. Date, true north arrow, scale and contour lines at intervals no greater than twenty (20) feet, from a field survey or USGS topographic map.
5. **Existing land features:** Delineation of significant physical features referenced in the Town Plan and/or identified through site investigation, including but not limited to:
 - A. current land uses (sugarbush, woodlot, etc.)
 - B. existing vegetation (meadow, hardwoods, etc.)
 - C. structures, walls and fence lines
 - D. driveways, access roads and utility easements
 - E. historic sites and structures
 - F. critical wildlife habitats (e.g. deeryards)
 - G. floodplains, ponds & streams
 - H. wetlands and geologic outcrops
6. **Proposed:** The location of proposed development including building envelopes, access roads, driveways, utilities, related site improvements, and the location of proposed open space, land to be held in common and/or other features to be preserved.
7. The location of existing zoning boundaries within 500 feet of the proposed subdivision.
8. Type and location of existing and proposed restrictions on land, such as easements and covenants (e.g utility right-of-way)
9. Vicinity map showing general location of the property in relation to surrounding area.

(B) **Meeting Attendance.** The subdivider or his/her authorized representative shall attend the meeting of the Planning Commission to discuss the requirements of these Subdivision Regulations including compliance with planning and design standards under Article IV.

(C) **Classification of Subdivision.** At this meeting the Planning Commission will classify the Sketch Plan as either a major subdivision or a minor subdivision.

(D) **Action on Sketch Plan.** The Planning Commission shall study the Sketch Plan to determine whether or not it conforms to or would be in conflict with the Town Plan, the Zoning Regulations and any other regulations currently in effect. The Planning Commission shall determine whether the Sketch Plan meets the purposes of these Subdivision Regulations. The Planning Commission may make specific recommendations for changes and may request additional information to be submitted with the application including but not limited to surveys, special studies and/or supporting documentation as appropriate. Such recommendations and requests shall be given to the applicant within thirty (30) days of the meeting at which the Sketch Plan is classified.

Section 210 -- Minor Subdivisions

(A) Within six months of classification by the Planning Commission of the Sketch Plan as a minor subdivision, the subdivider shall submit to the Zoning Administrator an application and fee for Final Plat approval according to the procedures and requirements of Section 230.

(B) The Planning Commission may require where necessary for the protection of public health, safety and welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions.

(C) The proposed final subdivision plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Commission. The application also shall contain those items set forth in Section 310 of these Subdivision Regulations.

(D) The Planning Commission shall within forty-five (45) days after completion of the public hearing, approve, modify and approve or disapprove such application. Failure to act within such forty-five (45) days shall constitute approval of the application.

Section 220 -- Major Subdivision

(A) **Preliminary Plat Application.** Within six (6) months after classification by the Planning Commission of the Sketch Plan as a major subdivision, the subdivider shall submit to the Zoning Administrator an application and fee for approval of a Preliminary plat. The application shall contain those items set forth in Section 300 of these Subdivision Regulations plus any other items for a major subdivision that may be required by the Planning Commission. It shall include evidence of notification of application submittal to abutting landowners, and shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Commission.

(B) **Preliminary Plat Public Hearing.** The Commission shall hold a public hearing, warned in accord with Section 510, on the Preliminary Plat at the earliest possible regularly scheduled meeting after the date of submission. The subdivider or his/her authorized representative shall attend the hearing to discuss the Preliminary Plat.

(C) **Action on Preliminary Plat.** The Planning Commission shall study the Preliminary Plat with particular attention given to compliance with the planning and design standards under Article IV. Within forty-five (45) days of the completion of the public hearing, or any continuation thereof, the Planning Commission shall approve, modify and approve, or disapprove said Preliminary Plat. Failure to act within such forty-five days shall constitute approval of the Preliminary Plat. Planning Commission findings, conditions of approval, or the grounds for any modification required, or for disapproval, and provisions for appeal under Section 550 shall be set forth in a written notice of decision

(D) **Effect of Preliminary Plat Approval.** Approval of a Preliminary Plat shall not constitute approval of the subdivision plat. Prior to approval of the Final Subdivision Plat, the Commission may require additional changes as a result of further study. The approval of a Preliminary Plat shall be effect for a period of one (1) year, after which it shall be null and void and the subdivider shall be required to resubmit a new plat for preliminary approval, subject to all new zoning and Subdivision Regulations in effect at the time of the new Sketch Plan. A new subdivision application shall be submitted accompanied by full application fees. Should the Commission require phased development as a condition of Preliminary Plat approval, it may extend the one-year effective period of preliminary approval.

Section 230 Final Plats

(A) **Final Plat Application.** Within six (6) months of classification as a minor subdivision under Section 200(C) or of Preliminary Plat approval under Section 220 (C), the subdivider shall submit an application and fee to the Zoning Administrator for approval of a Final Subdivision Plat. The application shall contain those items set forth in Section 310 of these Subdivision Regulations, and shall include evidence of notification of the application submittal to abutting landowners. It shall conform to the layout shown on the Sketch Plan or Preliminary Plat except as amended as a result of recommendations made by the Planning Commission. If phased development 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 Plat approval.

(B) **Final Plat Hearing.** The Commission shall hold a public hearing, warned in accord with Section 520, on the Final Plat at the earliest possible regularly scheduled meeting after the date of submission.. The subdivider or his authorized representative shall attend the hearing to discuss the Final Plat.

(C) **Action on Final Plat.** Within forty-five (45) days of the public hearing or any continuation thereof, the Commission shall approve, modify and approve, or disapprove the subdivision plat. Failure to so act within such forty-five (45) days shall be deemed approval. Planning Commission findings, conditions of approval, or the grounds for any modification required or for disapproval, and provisions for appeal under Section 550 shall be set forth in a written notice of decision.

(D) **Effect of Final Approval.** The approval by the Planning Commission of a Final Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any road, 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.

(E) **Revisions to Approved Plats.** No changes, erasures, modifications, or revisions shall be made on any Final 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 Planning Commission and approved in accordance with the procedures set forth above.

(F) **Final Plat Recording.** The Final Plat shall be recorded in the Town land records in accordance with the provisions of Section 520.

Section 240 --Coordination with Zoning Review of PRDs or PUDs

In reviewing a subdivision application involving a PRD or a PUD, the Planning Commission may combine its subdivision review with any review required in the Zoning Regulations for PRDs and PUDs. The applicant shall comply with all procedures, submittal requirements, and standards for both sets of regulations in this review process.

Article III Application Submission Requirements

Section 300 Preliminary Application (for Major Subdivisions only)

(A) **Preliminary Application.** The Preliminary Subdivision Application shall consist of one or more maps or drawings, which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot. It shall be drawn to a scale of not more than one hundred (100) feet to the inch, showing or accompanied by the following information, unless specifically waived by the Planning Commission:

All the information required for a sketch plan application, plus:

1. Proposed subdivision name or identifying title.
2. Name and address of designer of Preliminary Plat.
3. The width, location, and grades of all driveways or private access roads proposed by the subdivider. If applicable, the width and location of any public highways, trails or places shown in the Plainfield Town Plan within the area to be subdivided
4. Contour lines at intervals of five (5) or less feet of existing grades and of proposed finished grades where change of existing ground elevation will be five (5) feet or more.
5. Typical cross sections of the proposed grading of driveways.
6. Deed description, survey of tract in accordance with VT statutes and an accurate indication of proposed internal boundaries prepared and certified by a licensed land surveyor tied into established reference points.
7. Connection with existing water supply or alternative means of providing water supply to the proposed subdivision.
8. Connection with existing sanitary sewage system or proposed alternative means of sewage treatment and disposal.
9. If private sewage disposal system is proposed, permit approval from state wastewater division.
10. Provisions for collecting and discharging stormwater in the form of drainage plan.
11. Preliminary designs of any bridges or culverts which may be required.
12. The location of temporary markers adequate to enable the Commission to locate readily and appraise the basic layout on the site.

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

1. A legal description of any proposed covenants and/or deed restrictions which are intended to cover all or a portion of the subdivision.
2. A description of any proposed homeowners association or other form of management organization/agreement for lands, facilities or services.
3. Erosion and sediment control plan and a stormwater management plan.
4. Other information, studies or reports required by the Commission under Article II of these Subdivision Regulations.
5. Construction sequence and projected time schedule for completion of all proposed development and site improvements, if deemed applicable by the Planning Commission.

Section 310—Final Plat for Major and Minor Subdivisions

(A) **Final Subdivision Plat.** The final subdivision plat shall consist of one or more sheets of drawings that conform to the following requirements: It shall be on mylar clearly and legibly drawn, and the size of the sheets shall be either 18 inches by 24 inches or a multiple thereof. Such sheets shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by all appropriate agencies. The Final Subdivision Plat shall show:

1. Proposed subdivision name or identifying title; the name of the Town; the name and address of the record owner and subdivider and all abutting landowners; the name, license number and seal and signature of the licensed land surveyor; the boundaries of the subdivision and its general location in relation to existing highways or other landmarks; and scale, date and true north point.
2. Lots within the subdivision numbered in numerical order.
3. The location of all of the improvements referred to in Article IV including building envelopes, driveways, utility poles, underground lines, sewage and stormwater disposal systems.
4. Monuments which shall be set at all corners and angle points of the boundaries of the subdivision; at all new access roads and their intersections with town highways; angle points in access roads, points of curve and such intermediate points as shall be required by the engineer; and lot corner markers.
5. The boundaries of all areas to be held in common or reserved as undeveloped or conservation land pursuant to the requirements of Article IV.
6. A notation stating: "Approval of this plat is subject to the terms and conditions imposed by the Plainfield Planning Commission in accordance with the Plainfield Subdivision Regulations, granted (date of Final Plat approval)," and containing two signature lines for endorsement by two planning commissioners.
7. Any additional notations required by the Planning Commission which reference specific conditions of subdivision approval to be included on the final plat.

(B) **Supporting Documents.** There shall be submitted to the Planning Commission with the final plat the following supporting documents:

1. Written evidence of application to approval by all local, regional, state and federal agencies having jurisdiction over the project and written evidence of the expiration of all appeal periods.
2. A certificate from a consulting engineer approved by the Selectboard as to the satisfactory completion of any improvements required by the Planning Commission or, in lieu thereof, an adequate performance bond or equivalent surety to secure completion of all improvements required by the Planning Commission and their maintenance for two (2) years, with written evidence from the Selectboard that it is satisfied with either the bonding or surety company, or with security provided by the subdivider
3. A legal description of any proposed covenants, easements and/or deed restrictions which are intended to cover all or a portion of the subdivision.
4. Any other legal documentation the Planning Commission deems necessary for the administration and enforcement of these Subdivision Regulations.

Article IV Planning and Design Standards

Section 400 Evaluation and Application of Standards

The Planning Commission shall evaluate any minor or major subdivision of land in accordance with the standards set forth below. The Planning Commission may require the subdivider to address impacts related to these standards through modification and phasing of the proposed subdivision or measures to avoid or mitigate any adverse impacts. Planned Residential Development should be encouraged wherever possible.

Section 410 General Standards

(A) **Character of the Land.** All land to be subdivided shall be of such a character that it can be used for the intended purpose and density of use without undue adverse impact on public health or safety, the environment, neighboring properties or the rural character and natural beauty of Plainfield. Reference shall be made to the policies, goals and strategies in the Plainfield Town Plan in determining the suitability of the land for the proposed use. Land subject to periodic flooding, poor drainage, or other hazardous conditions, or lacking adequate capability to support buildings, access roads, utilities, and wastewater disposal shall not ordinarily be subdivided for the purpose of development.

(B) **Preservation of Existing Features.** Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut or fill, and, insofar as possible, to retain the natural contours, limit storm water runoff, and conserve the natural cover and soil. Due regard shall be given to the preservation and protection of existing features, including but not limited to trees, scenic points, waterways and water bodies, rock outcroppings, steep slopes, unique geologic features, other natural resources, and historic resources. Parcels containing historic structures or archeological sites shall be evaluated by a recognized authority prior to disturbance or alteration.

The Planning commission may require the preservation, planting and maintenance of trees, ground cover or other vegetation:

- (1) to protect water quality and/or other natural features;
- (2) to provide screening of development to increase privacy, reduce noise and glare, or otherwise soften and/or lessen the visual impacts of development,
- (3) to establish trees along public or private roads to establish a canopy effect and/or maintain a pedestrian scale where the Commission deems it appropriate.

(D) **Compatibility.** The proposed subdivision shall be compatible with land uses, lot configurations, road networks, and natural, cultural, and scenic features on neighboring properties.

(E) **Compliance with Other Regulations.** All subdivisions shall be in harmony with the Town Plan and shall be in conformance with other applicable federal, state, and local bylaws, ordinances and regulations. Where these Subdivision Regulations are in conflict with such other ordinances or regulations, the more stringent or those setting the higher standard shall apply.

(F) **Energy conservation.** In order to conserve energy all subdivisions shall use the least areas of roadway and the least length of sewer, water, and utility lines within environmentally and economically sound limits. Subdividers are encouraged to submit designs that take advantage of southeast, south and southwest orientations where possible, allowing the maximum number of buildings to receive sufficient sunlight for solar energy systems for space and water heating. Likewise, landscaping should be used effectively for providing wind barriers and reducing heat loss or gain.

(G) **Building Envelopes.** The Planning Commission shall require the designation of building envelopes to limit the site development to one or more portions of a lot, in order to favor open-space preservation and to lessen the visual impacts of development.

(H) **Lot Shape and Density.** The layout of lots shall conform to the dimensional requirements of the Zoning Regulations for the district in which they are located except for Planned Residential Developments. The following standards shall apply to subdivisions:

- (1) Side lot lines, where they intersect with the town road, shall generally be at right angles.
- (2) Lot Shape. Lots with irregular shapes (curves, jogs, flag-shaped, etc.) should not be created unless warranted by conditions of topography or natural features.
- (3) Lot Size and Density. Lot sizes and densities in the Zoning Regulations are a minimum standard.. Densities may be increased only for Planned Residential Developments and Planned Unit Developments according to the Zoning Regulations.

(I) **Scattered Subdivision.** Scattered subdivision of land that would involve danger or injury to health or safety by reason of inadequate water supply, drainage, transportation, school, fire protection, or other public services or that would necessitate an expenditure of public funds for the supply of such services or for the upgrade of roads, may be denied by the Planning Commission.

(J) **Disclosure of Future Development Plans.** When a subdivider submits an application for a portion of a parcel, the Planning Commission may require a general indication of the intended uses of the remaining portion of land. Such an indication should include type and intensity of use, access, and phasing.

Section 420 -- Natural Resource and Agricultural Land Protection

(A) **Preservation of Natural Resources and Agricultural Lands.** Subdivision boundaries, lot layouts, access and utility corridors, and building envelopes shall be located and configured so as to:

- (1) avoid adverse impacts to special environmental areas as defined in the Town Plan, including but not limited to, wetlands and critical wildlife habitat.
- (2) minimize the fragmentation and/or development of agricultural lands, meaning land in agricultural use or containing prime agricultural soils,
- (3) avoid the placement of principal buildings on ridgelines and the crest of hills.

(B) **Methods of Protection.** Methods for avoiding such adverse impacts shall include but may not be limited to the following:

- (1) In instances involving the subdivision of clearly defined ridges and hilltops above an elevation of 1500', building envelopes should be located off the height of land (i.e., highest point on a defined ridge or hill).
- (2) Undisturbed buffer areas sufficient in width to protect the identified natural feature(s) should be designated. Buffer areas may be required between agricultural and other uses to minimize land use conflicts.
- (3) Access roads, driveways and utility corridors should be shared to the extent feasible; and where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, should follow these in order to minimize the fragmentation of agricultural land and minimize visual impacts.
- (4) A tree cutting, landscaping and/or forest management plan may be required to ensure that ridges and hill tops above an elevation of 1500' remain wooded and that sufficient trees remain standing to visually interrupt building facades and reduce reflective glare, as viewed from off site.

Section 430 Open Space and Common Land

Major subdivisions shall be designed to preserve open space areas for such uses as recreation, agricultural use, and natural resources and to maintain scenic views. Common land should be designed to achieve these objectives and to facilitate the maintenance of community facilities.

(A) **Preservation of Open Space.** Provision should be made for the preservation of open space. The Planning Commission shall approve the location, size and shape of lands set aside to be preserved for open space. Open space land should be located so as to conform with and extend existing and potential open space lands on adjacent parcels.

(B) **Creation of Common Land.** Land held in common for the preservation and maintenance of open space or the maintenance and protection of shared facilities, may be held under separate ownership from contiguous parcels and shall be subject to the legal requirements set forth below. Such shared facilities may include community wastewater or water supply systems, or community recreation facilities, such as river and shoreline access and trail rights-of-way.

(C) **Legal Requirements.** Protected open space shall be dedicated, either in fee or through a conservation easement approved by the Planning Commission, to the Town, the Conservation Commission, a community association comprising all of the present and future owners of lots in the subdivision, or a non-profit land conservation organization. Such area shall be indicated with appropriate notation on the final plat. Land held in common shall be subject to appropriate deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long term stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of applicant and subsequent landowners

Section 440 -- Site Drainage, Stormwater Management and Erosion Control

(A) **Site Drainage and Stormwater Management.** An adequate surface storm water drainage system for the entire subdivision area shall be provided.

Residential and commercial development projects shall follow the Vermont Agency of Natural Resources Stormwater Management Rules. In particular, great care should be taken to avoid concentration of storm water runoff in areas of high erosion hazard and/or highly erodible soils.

The subdivider may be required by the Planning Commission to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivisions. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. Where it is anticipated that additional run-off incidental to the development of the subdivision will overload an existing downstream drainage facility so that there will be drainage to private property or an increase in the expenditure of public funds, the Planning Commission shall not approve the subdivision until provision has been made for the improvement of said condition. Where a subdivision is traversed by a watercourse or drainage way, there shall be provided a storm water drainage easement of such width as to encompass the 50-year flood area of such watercourse which easement shall be indicated on the Final Plat.

(B) **Erosion and Sediment Control.** For all construction, erosion and sediment controls need to be installed correctly and be regularly maintained, following practices outlined in the *Vermont Handbook for Erosion Prevention and Sediment Control* (Vermont Department of Environmental Conservation, Water Quality Division, 2003 or as updated). The smallest practical area of land should be exposed at any one time during development. Excavated or disturbed land should not be left exposed during the winter months. Where necessary, temporary vegetation and/or mulching and structural measures may be required by the Planning Commission to protect areas exposed during the development.

The Planning Commission may require embankments to be planted with stabilizing shrub or ground cover and seeded with a deep root perennial grass to prevent erosion. Sediment basins shall be installed and maintained during development to remove sediment from runoff water and from land undergoing development.

Construction should be discouraged in areas that pose potential natural hazards including highly erodible soils such as sands, steep slopes, shallow soils and areas of high water tables.

Section 450 Community Services and Facilities

(A) **Public Facilities and Services.** The proposed subdivision shall not create an undue burden on public facilities or create an unreasonable demand for public services. The Planning Commission will consider whether the anticipated tax return from the proposed development is equal to or exceeds the cost of anticipated municipal services and facilities directly attributable to the proposed development. It also will determine whether the proposed development will place an unreasonable burden on the ability of local governmental units to provide municipal, governmental or educational services and facilities. A fiscal impact analysis and/or the phasing of development in accordance with a duly adopted capital budget and program may be required as appropriate.

(B) **Fire Protection Facilities.** Adequate water storage facilities for fire protection within the subdivision shall be provided to the satisfaction of the Planning Commission and the Town Fire Chief.

(C) **Parks, Playgrounds and Recreation Areas.** Pursuant to 24 VSA §4417, the Planning Commission may require the dedication of up to fifteen (15) percent of the total area of the Plat for a park, playground or other recreation purpose. All such land shall be of a reasonable character for such use. In cases where the Planning Commission determines that a recreation area of adequate size cannot be suitably located in the proposed subdivision or is otherwise not practical, the Planning Commission may require a payment to the municipality of an amount to be determined by the Selectboard. The Town shall use the payment to serve the recreational needs of the Town.

(D) **Traffic.** The Commission may request the preparation of a traffic impact study to identify impacts and mitigation measures necessary to ensure road safety and efficiency. The implementation of mitigation including road improvements necessitated by the subdivision shall be the responsibility of the subdivider.

Section 460 Access Roads and Driveways

All subdivisions:

The following standards apply to private access roads and driveways in all subdivisions, regardless of the number of lots accessed:

(A) **Topography.** Access roads and driveways shall logically relate to topography so as to produce usable lots and safe intersections in appropriate relation to the proposed use of land and to minimize site disturbance, including the amount of cut and fill required.

(B) **Road Construction Standards.** In addition to the measures listed in Section 440, all new access roads and driveways shall have erosion controls designed to eliminate adverse impacts on nearby properties, town highways and watercourses. All road and driveway runoff should be directed in such a way as to prevent non-point pollution of the town's surface waters and wetlands.

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

- (1) Driveways shall be accessible by emergency service vehicles, with reasonable grades and safe intersections with public or private roads. Maximum grade should not exceed ten (10) 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 in order to minimize the number of access points to town highways.

(C) Town Highway Access

1. Subdivider must obtain an access permit from the Selectboard for each point where a driveway or private road connects with a town highway.
2. If the Class 4 road is not intended by the Town to be reclassified as Class 3, it may be approved as sufficient access for the proposed subdivision, or the Planning Commission may require that the subdivider make arrangements for maintenance of the road and emergency vehicle access.
3. The Planning Commission may require the subdivider to improve any town road where it intersects with new access roads or driveways in the subdivision to facilitate traffic circulation and pedestrian and vehicular safety.

(D) Pedestrian and Bicycle Access. Where appropriate, rights-of-way for pedestrian and bicycle travel and access may be required to facilitate and encourage non-vehicular travel within the subdivision and to public areas beyond. Curbs and sidewalks may be required in subdivisions within or near to the village.

Major subdivisions:

(A) Layout and Design. Private access roads and driveways serving four or more lots in a proposed subdivision shall generally conform to the *Vermont State Standard for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets*, dated October 1997 as amended. 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 to these standards in no way ensures such acceptance.

Minimum design standards include the following:

- (1) Rights of way for all access roads shall be a minimum of fifty (50) feet in width.
- (2) Where the access road intersects with the town road:
 - (a) the angle should be between seventy (70) and ninety (90) degrees;
 - (b) the gradient within 100 feet of the intersection shall be minimized;
 - (c) a safe sight stopping distance is provided as determined by probable traffic speed, terrain, and road alignments; and
 - (d) no structure or planting is situated to impair corner visibility.

(B) Cut and Embankment Slopes. All slopes shall be well rounded to form a smooth transition from the shoulder edge to the existing grades (see the *Vermont Better Backroads Manual* as amended).

(C) Cul-de-sacs and Turn-arounds. Access roads shall terminate in a turn-around with a radius of thirty-five (35) feet, or a "T" or other configuration suitable to topography and adequate for emergency vehicles to turn around efficiently.

Note: The road and driveway standards for major subdivisions may be applied to minor subdivisions where the Planning Commission determines that such standards are necessary to provide suitable and safe access or to accommodate anticipated future subdivision.

Section 470 Water Supply and Wastewater Disposal

(A) **Water Supply.** Community water supply systems and individual wells shall be designed and built to meet all applicable state and local regulations. For subdivisions that will connect to the municipal water system, applications for connection shall be approved by the Water & Wastewater Commission.

(B) **Wastewater Disposal.** Community sewage disposal systems and individual septic systems shall be designed and installed in accord with the requirements of the state on-site septic requirements and local zoning and health regulations. For subdivisions that will connect to the municipal sewage disposal system, applications for connection shall be approved by Water & Wastewater Commission.

Section 480 Utilities

All utilities systems, existing and proposed, throughout the subdivision shall be shown on the final plat, and shall be located as follows:

(A) All utility systems, including but not limited to electric, gas, telephone, and cable television, should be located underground throughout the subdivision, unless deemed unreasonable and prohibitively expensive by the Planning Commission.

(B) 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.

(C) Utility corridors shall be shared with other utility and/or transportation corridors where feasible and located to minimize site disturbance, fragmentation of agricultural and conservation lands, and to avoid any adverse impacts to public health and to natural, cultural or scenic resources.

Article V Administration and Enforcement

Section 500 Application Fees

Upon submission of an application for minor subdivision approval, major subdivision preliminary, approval, or major subdivision final approval, the subdivider shall pay the application fee as established by the Selectboard. Such fee shall include the costs of publication, public hearings, administrative review, and periodic inspections by Town officials during the installation of public improvements, if necessary.

Section 510 Hearing Notice Requirements

(A) The Planning Commission shall warn all public hearings required under these Subdivision Regulations in accordance with 24 V.S.A. §4414 and 4447.

(B) Notice shall be given more 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 circulation in the Town. Such notice shall include a general description of the proposed subdivision, including the number of new lots to be created. The notice with the same information shall also be posted in one or more public places within the Town.

(C) The Planning Commission shall also send the notice to all adjoining property owners of record as identified in the application, to the regional planning commission, 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 520 Filing of Final Plats

(A) The subdivider shall prepare a copy of the plat for recording in conformance with the requirements of 24 V.S.A. §4416, 27 V.S.A. Chapter 17 and Section 310 of these Subdivision Regulations. No plat may be recorded or filed until it has been approved by the Planning Commission and such approval and the date thereof are endorsed in writing on said plat by two of the Planning Commissioners, or the certificate of the Town Clerk showing the failure of the Planning Commission to take action within the forty-five (45) day period is attached thereto and filed or recorded with said plat.

(B) The final plat shall be filed by the subdivider with the Town Clerk and recorded in the town land records within one hundred eighty (180) days of final approval or certification. Final approval or certification shall expire if the final plat is not filed by the subdivider within said one hundred eighty-day period.

(C) All subdivision permits shall run with the land and are binding upon any person that acquires an interest in any lot or any part of the property subject to the subdivision permit. No sales, leases, conveyances or transfers of any lots or any part of the property shall take place and no permits for the erection of any structure upon any lot of the subdivision be issued until the above conditions have been satisfied. Satisfaction of all conditions shall be evidenced by a duly filed and recorded final plat as specified in paragraph (A), above.

Section 530 Enforcement and Penalties

(A) The enforcement of these Subdivision Regulations shall be the responsibility of the Zoning Administrator in accordance with 24 V.S.A. §4442 and 4445.

(B) Any person who violates any of the provisions of these Subdivision Regulations or who engages in land development as defined by the Act which does not conform to the provisions of these Subdivision Regulations, shall be fined an amount in accordance with §4444 of the Act, currently set at not more than fifty dollars (\$50) for each offense. 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 Subdivision Regulations shall be fined in accordance with 24 V.S.A. §4444. Each lot, parcel, or unit so sold, transferred or agreed to be sold or transferred shall be deemed a separate violation.

(D) Following a hearing conducted after no less than thirty (30) days notice to the permit or approval holder, the Planning Commission may revoke any permit or approval issued under these Subdivision Regulations for cause, including without limitation, the violation of or failure to fulfill a permit condition; the provision of false, inaccurate or misleading information in support of an application by the owner, applicant, the subdivider or their authorized agent; or the violation or failure to comply with the provisions of these Subdivision Regulations.

(E) Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Act as presently enacted and as hereinafter amended, or otherwise to restrain, correct or prevent any violations of these subdivision Regulations or prosecute violators thereof.

Section 540 Appeals

(A) Any interested person may appeal any decision of the Planning Commission to the Vermont Environmental Court in accordance with 24 V.S.A. §4475 and 4471.

(B) "Interested Person" for the purposes of appeal shall be defined, in accordance with 24 V.S.A. §4464, to include:

- (1) The applicant;
- (2) The Town of Plainfield and all adjoining municipalities;
- (3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of a decision or act taken under these Subdivision Regulations, who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the Plan or Regulations of the Town.
- (4) Any 10 persons owning real property within the Town who, by signed petition to the Zoning Board, allege that any relief requested by a person under this section, if granted, will not be in compliance with the plan or bylaw of the Town;
- (5) Any department or administrative subdivision of the State owning property or any interest therein within the Town or adjoining municipality, and the Vermont Agency of Commerce and Community Development; and
- (6) The Plainfield Conservation Commission.

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

Article VI Definitions

Section 600 Terms and Uses

(A) Words, phrases, and terms neither defined herein or elsewhere in these Subdivision Regulations shall have their usual and customary meanings except where the context clearly indicates a different meaning.

(B) Unless otherwise defined herein, the definitions contained in the Act and the Zoning Regulations shall apply to these Subdivision Regulations.

Section 610-- Definitions

For the purposes of these Subdivision Regulations, certain words and terms herein shall be interpreted as follows:

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

Authorized Representative: A person or group of persons who have been duly authorized by a letter filed with the Commission by the subdivider to act in his or her behalf.

Boundary Line Adjustment: A readjustment, relocation or alteration of a boundary between existing adjoining parcels where no new lot or parcel is created.

Buffer: A designated strip or area of land intended to visibly and/or functionally separate one use from another; to shield or block sight lines, 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.

Building Envelope: A specific area delineated on a lot within which all structures are to be located, and outside of which no structures may be located.

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 (23 or more users).

Community Water Supply System: Any non-municipal water system owned by the same person or persons that supplies water for domestic, commercial, industrial or institutional uses to two (2) or more customers.

Easement: The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property. All easements shall be shown on a plat of the property recorded in the town land records.

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

Lot: Any parcel of land in single ownership and not divided by any town highway, occupied or to be occupied by no more than one principal building and its accessory buildings and meeting the minimum zoning requirements for a lot in the zoning district in which such land is located, except for Planned Residential Developments.

Major Subdivision: All subdivisions not classified as minor subdivisions, including but not limited to, any division of land which results in four (4) or more lots, including all lots created from a single parcel within the past ten (10) years; any size subdivision which requires the installation of public improvements; any Planned Residential Development or Planned Unit Development; or any nonresidential subdivision.

Minor Subdivision: Any subdivision of land which results in not more than three lots including all lots created from a single parcel within the past ten (10) years, fronting on or connected by a permanent easement to an existing public highway, which does not involve any extension of municipal facilities or the creation of any public improvements; and which does not adversely affect the remainder of the parcel, adjoining property or municipal facilities, and which is not in conflict with any provision or portion of the Plainfield Town Plan, the Plainfield Zoning Regulations, or these Subdivision Regulations.

Open Space: Land in a natural state or in agricultural use, or the undeveloped portion of any development parcel(s) which is not occupied by buildings, private access roads, rights-of-way, driveways, parking spaces, commercial recreation facilities, or other obvious evidence of development.

Parcel: see Lot.

Person: An individual, corporation, partnership, association or other organization, group or legal entity.

Planned Residential Development (PRD): An allowed method of development for residential use as defined in the Plainfield Zoning Regulations in which an area of land is planned as a single entity for a number of dwelling units. In a PRD, the standards set forth in the Plainfield Zoning Regulations, including lot size, density, and setbacks, are given greater flexibility, in order to promote patterns of development appropriate to the qualities of the land being developed.

Planned Unit Development: An allowed method of land development as defined in the Plainfield Zoning Regulations in which an area of land is planned as a single entity for a number of mixed uses including dwelling units, commercial and industrial. In a PUD, the standards set forth in Plainfield Zoning Regulations, including lot size, density, and setbacks, are given greater flexibility in order to promote patterns of development appropriate to the qualities of the land being developed.

Plat: A scale drawing of land showing lot lines, town highways, private access roads, buildings or building envelopes, and other proposed improvements.

Preliminary Plat: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

Private access road: Any road, lane or other way accessing more than one lot in a subdivision.

Resubdivision: A change of recorded subdivision plat if such change affects any access road layout on such plat, or area reserved thereon for public use, or any lot line, or the change if it affects any map of plan legally recorded.

Sketch Plan: A sketch of the proposed subdivision showing information specified in Article II, Section 200 of these subdivision Regulations to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the subdivision and objectives and requirements of these Subdivision Regulations.

Subdivider: Any person who shall lay out for the purpose of sale or development any subdivision or part thereof as defined in these Subdivision Regulations, either for themselves or others. The term shall include an applicant for subdivision approval.

Subdivision: Any division of land into two or more lots, parcels, plots, units, sites, or other legal division of land for the purpose of transfer of ownership, building development, lease, or sale. The term includes amended subdivisions, resubdivisions, and the alteration of boundaries in an approved subdivision. The term shall also include the development of a parcel of land as a planned residential development or planned unit development.

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