

# Town of Tinmouth

## Subdivision Regulations

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## **Article I: Title**

This ordinance shall be known and referred to as the Subdivision Regulations of the Town of Tinmouth.

## **Article II: Authority, Purpose, and Amendments**

### **Section 201 - Authority**

The Town of Tinmouth hereby authorizes and empowers the Planning Commission to approve, modify, or disapprove of all plats and subdivisions of land as described below, under the Subdivision Regulations hereafter provided. Plats and subdivisions that were previously filed in the office of the Town Clerk which are entirely or substantially undeveloped will also be reviewed under these subdivision regulations except that the Planning Commission will not require any substantial change in lot layout. These regulations are adopted for the purpose of providing for the future growth and development of the Town affording adequate facilities for housing, transportation, comfort, convenience, education, safety, health and welfare of its population.

### **Section 202 - Purposes**

202.1 Any subdivision and development of land in the Town of Tinmouth shall be in compliance with any duly adopted Town Plan, Zoning Regulations, and Capital Budget and Program, and shall be guided and regulated in such a manner as to meet the following requirements for orderly and harmonious growth:

- Land to be subdivided or developed shall be of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or smoke or other menace.
- Proper provisions shall be made for drainage, water supply, sewerage and other appropriate utility services.
- The proposed streets shall provide a safe, convenient and functional system for vehicular circulation, and shall be properly related to the municipal development plan of the area.
- Streets shall be of such width, grade and location as to accommodate prospective traffic as determined by existing and probable future land and building uses.
- Buildings, lots, blocks and streets shall be arranged as to facilitate public safety and to provide ample access for emergency equipment.
- All development shall be sited in a manner that preserves the greatest possible amount of contiguous open, preserved land area.

Land shall be subdivided or developed with due regard to topography so that the natural beauty of the land and vegetation shall be protected and enhanced. Land shall also be subdivided or developed with due regard for the agricultural

usefulness of the land in accordance with the Town Plan and its associated Natural Resource Maps.

**Section 202 Amendments**

These regulations may be amended according to the requirements and procedures established in Section 4403 and 4404 of the Act.

# Article III: General Subdivision Requirements

## Section 301 - Planning Standards

- 301.1 **Character of the Land** - All land to be subdivided shall be, in the judgment of the Commission, of such a character that it can be used for building purposes without danger to public health or safety, or to the environment. Land subject to periodic flooding, poor drainage, steep slopes, inadequate capability to withstand structures, including streets, utilities, and buildings, or other hazardous conditions, shall not ordinarily be subdivided.
- 301.2 **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. Planned Residential Developments may be encouraged to achieve efficiency in utility and facility infrastructure. Buildings should be sited so as to take advantage of southeast, south and southwest orientations where possible. Landscaping should be effectively used for providing wind barriers and reducing heat loss and heat gain.
- 301.3 **Lot Layout** - The layout of lots shall conform to the requirements of the Zoning Regulations, shall be appropriate for the intended construction, and shall maximize the amount of useable open space on the parcel. The creation of Planned Unit Developments is encouraged. Side lot lines shall generally be at right angles to straight streets, or radial to curved street lines. Consideration in lot layout shall be given to topographic and soil conditions.
- 301.4 **Agricultural Overlay** - The Town of Tinmouth's Zoning Regulations include supplemental lot design criteria to those required elsewhere in the community. Newly created lots shall reflect the intent of those regulations by promoting a pattern of development that retains useable open space for potential agricultural purposes.
- 301.5 **Preservation of Existing Features** - Streets and buildings should be integrated with the topography of the site in order to reduce disruption of ground cover and drainage ways, storm-water runoff, and improve aesthetics.

Provisions shall be made for the preservation and protection of existing features, open space with the potential for agriculture, intact forested tracts, scenic points, brooks, streams, rock out-croppings, water bodies, other natural resources, and historic resources.

## Section 302 - Street and Parking Lot Requirements

- 302.1 **Public Streets** - Streets within a development, which are intended for conveyance to the Town, shall meet the following requirements:
- A. No public street right-of-way shall be proposed which shall be less than

fifty (50) feet in width. The Planning Commission may require a public street right-of-way of greater than fifty (50) feet in order to provide for a safe, functional flow of traffic or for utilities and sidewalks.

- B. All proposed streets and other public roadways shall be designed in conformity with the Vermont State Standards for the design of roads
- C. The Tinmouth Board of Selectmen reserves the right to accept or reject as a Town street any street which meets the above specifications.

302.2 **Private Streets** - Streets within a development which are not intended for conveyance to the Town and will be maintained and repaired by the developer, the developer's successors or assigns. All shall be subject to the following conditions:

- A. Deeds to properties which are served by private streets, alleys and/or ways, shall clearly state that such streets, alleys and/or ways are private and shall stipulate how and by whom such streets, alleys and/or ways are to be maintained.
- B. All proposed streets and other public roadways shall be designed in conformity with the Vermont State Standards for the design of roads.

302.3 **Public and Private Streets** - Each street and parking area shall provide a safe convenient and functional system for vehicular circulation. No street or parking area shall be proposed which, by itself, or by intersection with existing streets, would cause traffic congestion or an unsafe traffic condition.

The Commission may require the sub-divider to improve any access road where it intersects with new streets or driveways in the subdivision to facilitate traffic circulation and pedestrian and vehicular safety. Access shall be available for fire, ambulance and police vehicles to within 100 feet of the principal entrances to dwellings, commercial or industrial establishments, and institutions.

Every street of highway shown on a plat filed or recorded as provided in this chapter shall be deemed to be a private street or highway until it has been formally accepted by the municipality as a public street or highway by ordinance or resolution of the legislative body of the municipality. The legislative body shall have authority after a public hearing on the subject to name and rename all public streets and to number and renumber lots so as to provide for existing as well as future structures.

302.4 **Class 4 Town Highways** - Development on a Class 4 road will be permitted with the approval of the Tinmouth Board of Selectmen.

- 302.5      **Acceptance of Streets; Improvements** – Every street or highway shown on a plat filed or recorded as provided in this chapter shall be deemed to be a private street or highway until it has been formally accepted by the municipality as a public street or highway by ordinance or resolution of the legislative body of the municipality. No public municipal street, utility, or improvement may be constructed by the municipality in or on any street or highway until it has become a public street or highway as provided in this section. The legislative body shall have authority after a public hearing on the subject to name and rename all public streets and to number and renumber lots so as to provide for existing as well as future structures.

### **Section 303 - Dead End Streets**

Dead end streets are permitted when all the properties abutting them are in residential districts provided that a cul-de-sac turnaround is provided at the terminus of a dead end street with either a traveled turning circle diameter of 70 feet or a traveled turning loop.

Dead end streets may be permitted with approval of the Planning Commission. No more than 25 housing units are served by a single dead end street.

### **Section 304 - Easements**

- 304.1 Pedestrian ways may be required to provide access to parks, schools, playground, or other public or semi-public places.
- 304.2 Permanent easements for utilities may be required.

### **Section 304 - Easements**

- 305.1 The applicant shall demonstrate that the proposed subdivision will conform to the Tinmouth Zoning Regulations.
- 305.2 The land shown on the applicant's subdivision plans shall be suitable for the purposes for which intended to be used, and of a character that it can be used safely for building purposes without danger to health from fire, flood, poor or excessive effluent absorption qualities, or other menace. The applicant shall show that each building lot is suitable for disposal of sewage in conformity with the Vermont State Septic Regulations.
- 305.3 No lot, other than a corner lot, having a frontage on two streets less than 400 feet apart will be approved except where topographic or other physical conditions so require.
- 305.4 Whenever feasible, the subdivision shall be accessed by a single access from the existing roadway.

- 305.5 Side lot lines: insofar as practical the side lines of all lots should be at right angles to the street on which the lot faces or radial to curved street lines.
- 305.6 Lot numbers and names: all lots shall be numbered and named in accordance with Vermont Enhanced-911 criteria.

### **Section 306 - Utilities**

306.1 **Extension of Municipal Utilities** - All subdivisions shall make adequate provisions for water supply, storm water and sanitary sewage disposal, and required utilities and improvements. The Commission may require the extension of public sewers to and within a proposed subdivision, without cost to the municipality where existing lines are, in the judgment of the Commission, within a reasonable distance of the proposed subdivision. The design and location of all sewer lines shall conform to such Tinmouth sewer line standards as may be applicable. Whenever any proposed subdivision shall adjoin another tract of acreage, provision shall be made that strips of land be undeveloped so that utility lines and streets that may logically be developed in the event of the future subdivision on such adjoining acreage can extend and connect to the utility lines on the applicant's property.

#### **306.2 Water Supply Improvements**

- A. For subdivisions which will have individual water supplies, the subdivider shall provide evidence of the location and availability of potable water in adequate quantities.
- B. The following standards shall be met for those subdivisions which will have community water systems or individual water supplies:
- (1) Due consideration shall be given to the drainage patterns in the area.
  - (2) Building sites and new roadways shall be located far enough away from underground water concentrations, or surface areas which take in water, to prevent runoff from roads or leachate from septic systems from contaminating water supply.
  - (3) Buildings and septic systems shall be located sufficiently above flood water levels and high ground water areas to prevent the pollution of surface water.

#### **306.3 Sewage Disposal Improvements**

- A. The Commission may require that community sewage disposal systems unconnected to municipal systems be designed in such a way that it may be connected eventually to a municipal sewage disposal system.
- B. Individual septic systems shall meet the requirements of the Vermont

regulations.

- 306.4 **Electric, Telephone, Cable T.V., Personal Communications** - The sub-divider shall coordinate the subdivision's design with the utility companies and submit a plan prepared with their cooperation showing all line extensions necessary to serve the subdivision. Such plan shall be integrated with a systematic program for distribution of service to the entire area around the subdivision now or in the future. Common rights-of-way shall be utilized whenever possible
- 306.5 **Fire Protection** - Fire protection within the subdivision shall be provided to the satisfaction of the Commission and the Fire Chief.

### **Section 307 - Drainage Improvements**

Adequate storm water drainage management shall be provided to accommodate storm water runoff from all streets, lots and upstream drainage areas, whether inside or outside the development. The Planning Commission shall not approve a drainage system which would overload downstream drainage facilities and cause flooding on other lands until proper provision has been made to prevent such a condition. Adequate measures shall be taken to minimize erosion during and after construction.

Wherever possible, natural storm water management tools shall be instituted and the amount of impervious surfaces shall be minimized.

### **Section 308 - Land for Recreation**

For subdivisions of 10 or more lots the Planning Commission may require the designation of an area not greater than 15% of the subdivision for a playground or other recreation purposes within the subdivision.

### **Section 309 – Proposed Structures, Accesses, and Parking & Loading Areas**

- 309.1 All proposed structures, parking and loading areas, and accesses shall be located and designed to:
- A. Minimize natural resource and aesthetic impacts of the development. Designs which retain the maximum meadowland for potential agricultural use and maximum land of scenic value shall be given favorable consideration.
  - B. Complement and be consistent with the area's existing pattern and scale of development.
- 309.2 The proposed development shall not adversely affect:
- A. The capacity of existing or planned community facilities, including the

Tinmouth grade school, the town offices, the fire department, and any public water supply or sewage disposal systems;

- B. Traffic on highways in the vicinity;
- C. The potential for renewable energy resources on affected or adjacent properties
- D. The safety and efficiency of pedestrian circulation. Walkways shall be maximized.

309.3 The proposed development shall be landscaped or screened to ensure compatibility with adjoining areas. In particular, the Planning Commission may require structures, parking and loading areas, or accesses to be screened or landscaped according to the following criteria:

- A. Visibility of areas from roads and/or adjoining properties.
- B. The need to screen parking areas from roads and adjacent properties.
- C. Proximity of lots used for residential purposes.

Parking and loading facilities shall be adequate with respect to on-site circulation, parking, and loading facilities, and of emergency vehicle access. Particular consideration shall be given to the effect of noise, glare, and odors on adjoining properties and to the general aesthetics of the design.

**Section 310 – Proposed Structures, Accesses, and Parking & Loading Areas in the Agricultural Overlay**

Where feasible, all proposed structures, accesses, and parking and loadings areas in the agricultural overlay district shall:

1. Retain the maximum possible amount of contiguous open land for agricultural use by:
  - a. siting structures on the edges of open land, or
  - b. by implementing other innovative programs such as clustering under PUD provisions with the permission of the Planning Commission or of these regulations,
2. Utilize the least productive land for development, subject to item three (3) below,
3. Protect scenic, historic, and outstanding natural resources;
4. Be compatible with existing uses; and,
5. Provide shared driveways for separate homes.

## **Section 311 – General Site Preservation and Improvements**

- 311.1 **Natural Cover** - Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading cut and fill, and to retain, to the greatest extent possible, the natural contours, limit storm water runoff and conserve the natural cover and soil. After application for approval has been made to the Commission, no topsoil, sand or gravel shall be removed from the subdivision for any other purpose than to meet construction needs for that particular subdivision or to meet any requirements of these regulations.
- 311.2 **Erosion and Sediment Control** - The smallest practical area of land should be exposed at any one time during development. 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 Commission to protect areas exposed during the development. Sediment basins shall be installed and maintained during development to remove sediment from run-off water and from land undergoing development.
- 311.3 **Excavation and Grading** - The entire area of work shall be brought to the required lines and grades by excavation or filling. A minimum of four (4) inches of top soil shall be provided to cover all finished slopes. All streets shall be graded from property line to property line to approved grade and cross section. The Commission may require the developer to submit evidence of boring and/or other soil investigations to determine the depth composition and stability of the subgrade within the road section. Materials for embankment shall be placed in successive horizontal layers not exceeding six (6) inches in depth. They shall be thoroughly compacted. The Commission may require embankments to be planted with stabilizing shrub or ground cover and seeded with a deep root perennial grass to prevent erosion.
- 311.4 **Landscaping** – Existing trees, vegetation, and open fields shall be preserved to the greatest extent possible.

## **Section 312 - Subdivision Organizations and Restrictions**

When a development involves common ownership of community facilities, open spaces, or other commonly held property, a management organization to operate and maintain these facilities shall be required by the Commission. A prospectus shall be submitted by the sub-divider describing this organization, its financing and membership.

## **Section 313 - Varying of Requirements**

- 313.1 Where the Planning Commission finds that due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate

because if inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may modify such requirements.

313.2 In granting variances and modifications, the Planning Commission shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived or varied.

313.3 No such waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of the Town Plan, the Zoning Regulations, the Capital Budget and Program, or the Subdivision Regulations.

### **Section 314 - Subdivision Exemptions**

314.1 Any partitioning or dividing of parcel when the sole result is the creation of one or more un-improvable parcels.

314.2 Any partitioning or dividing of a parcel when the sole result is the creation of one or more lots used for agricultural or forestry purposes, and not involving new streets or easement. The use of a lot created under this exemption shall not be changed to any use other than agriculture or forestry without Planning Commission approval.

314.3 The conveyance of any lot developed prior to and in existence prior to the effective date of these Subdivision Regulations, whether or not affiliated with the proposed subdivision, provided the lot is conveyed by the exact lot description or same lot lines upon which it was conveyed to the present owner.

### **Section 315 - Lot Configuration**

Lots will not be approved in "gerrymandered" configurations or in configurations which do not bear a reasonable and appropriate relationship to topographical features.

### **Section 316 - Boundary Line Adjustments**

The Zoning Administrator may approve boundary line adjustments if the following conditions are found to exist:

1. No additional lots will be created,
2. No more than two lots are involved,
3. Will not make complying lots nonconforming,
4. Will not increase the nonconformance of any existing lot.

NOTE: A plat map must be filed in accordance with State Statutes within 180 days of the decision to issue the permit. The plat map provided should show all buildings on the properties and show setbacks to make sure that a complying lot will not become non-complying as far as setbacks are concerned.



## **Article IV: Minor Subdivisions**

Any residential subdivision containing two or three lots is considered to be a minor subdivision. Multiple minor applications on a parcel may be considered as a major subdivision by the Planning Commission if received within a 5 (five) year time span.

### **Section 401 - Application**

Prior to undertaking or commencing a minor subdivision the sub-divider shall file an application for approval with the Tinnmouth Planning Commission, under the procedures hereafter provided.

### **Section 402 - Notice to Zoning Administrator and Submission of Sketch Plan**

The applicant shall file two copies of a written description of the subdivision and two copies of a reasonably accurate and detailed Sketch Plan of the subdivisions with the Zoning Administrator. The Sketch Plan must include the following items:

1. Property lines and all lot lines;
2. Location, size and spacing dimensions of existing and proposed buildings;
3. Present use of buildings;
4. Proposed use of buildings;
5. Open spaces and wooded areas
6. Fragile natural areas, including wetlands, flood plains, and areas with slopes greater than 20 percent;
7. Existing and proposed water, sewer, site drainage;
8. Existing streets around and crossing the proposed subdivision;
9. Proposed private streets, driveways and parking spaces;
10. Proposed exterior lighting; and,
11. The zoning district(s) in which the subdivision is proposed and district boundaries.
12. Such information as may be necessary in order to determine that the application is in fact for a minor subdivision.

### **Section 403 - Preliminary Meeting**

The Planning Commission will hold one or more preliminary meetings with the applicant. Following a review of the sketch plan, the Planning Commission may grant preliminary approval to authorize the preparation of a final subdivision plat for public hearing.

A majority of the members of the Planning Commission may undertake a visit of the proposed development in conjunction with the preliminary meeting.

### **Section 404 - Planning Commission Public Hearing**

The Planning Commission shall hold a public hearing, after public notice, as required by 24 V.S.A. §4414 and §4447 before any application for a minor subdivision is approved. A copy of the notice shall be mailed to the applicant at least fifteen (15) days prior to the public hearing. A copy of the notice shall be sent to the clerk of an adjacent municipality, in the case of a plat located within 500 feet of a municipal boundary, at least 15 days prior to the public hearing.

### **Section 405 - Planning Commission Public Hearing Preparation**

Prior to the publication of the notice of public hearing the applicant shall submit the following data:

- A. Two (2) maps of location of the development.
- B. Two (2) copies of a survey prepared by a surveyor licensed to practice in Vermont; said survey shall be drawn to scale of not less than 100 feet to the inch, clearly and legibly drawn on tracing cloth or tracing paper of good quality. The sheets shall be 24" X 36" outside measurements. Smaller (no smaller than 18" X 24") or larger sheet sizes shall be permitted with the approval of the Zoning Administrator. The survey shall show each of the items listed under Section 402.
- C. When a private sewage system or systems are specified, the applicant shall indicate the location of the system or systems and provide percolation tests in order to show that the land complies with Section 306.3 as to the suitability of sewage disposal.

The Zoning Administrator shall review the data to ensure all of the necessary elements are present and shall file the data at the town office for public review.

The applicant shall not make any significant alterations to the application after the public hearing has been warned without seeking Planning Commission permission to do so. A significant change shall require that the public hearing be re-warned.

### **Section 406 - Planning Commission Decisions**

The Commission shall either approve, modify and approve, or disapprove the application within 45 days of the close of the public hearing. Basis for this decision shall be the conformance of the application to the improvements and requirements set forth in Article III of this regulation.

If the development is a Planned Unit Development, the subdivision plat hearing and approval will also suffice as, and include, the necessary PUD hearing. Upon approval by the Planning Commission the zoning administrator will administer the necessary zoning permit.

## **Article V: Major Subdivision**

Any residential subdivision containing four (4) or more lots or units, or requiring any new street or extension of town facilities is considered to be a major subdivision. Multiple minor subdivisions within a five (5) year period may also be considered to be major subdivisions.

### **Section 501 - Application**

Prior to undertaking or commencing a major subdivision, the sub-divider shall file an application for approval with the Tinmouth Planning Commission under the procedure hereafter provided.

### **Section 502 - Notice to Zoning Administrator**

The applicant shall file two copies of a written description of the subdivision and two copies of a reasonably accurate and detailed Sketch Plan of the subdivision with the Zoning Administrator.

The Sketch Plan must include the following items:

1. Property lines and all lot lines;
2. Location, size and spacing dimensions of existing and proposed buildings;
3. Present use of buildings;
4. Proposed use of buildings;
5. Open spaces and wooded areas
6. Fragile natural areas, including wetlands, flood plains, and areas with slopes greater than 20 percent;
7. Existing and proposed water, sewer, site drainage;
8. Existing streets around and crossing the proposed subdivision;
9. Proposed private streets, driveways and parking spaces;
10. Proposed exterior lighting; and,
11. The zoning district(s) in which the subdivision is proposed and district boundaries.

Where applicable the following information shall also be provided by the applicant:

1. Phases in development plans, with approximate dates of completion.
2. Any special considerations to be given to the Town such as:
  - a) Deeding of land for educational and/or recreational purposes.
  - b) Development of educational and/or recreational sites.
  - c) Provisions for bus shelters or bus turnaround areas.
  - d) Any other appropriate items.

### **Section 503 - Preliminary Meeting**

The Planning Commission will hold one or more preliminary meetings with the applicant. Following a review of the Sketch Plan, the Planning Commission may grant preliminary approval to authorize the preparation of the Preliminary Subdivision Plat (see Article VI).

Depending upon the characteristics and magnitude of the proposed subdivision, the Commission may require the applicant to provide additional information as discussed below:

1. Letters from the following individuals concerning the capacity of town services in

relation to the proposed development. Through this consultation process, it may become evident that phasing of the development will be required, to adequately service the subdivision, in which case the Planning Commission will determine an appropriate phasing plan.

- a. The Tinnmouth Fire Chief, to review provisions for access to the subdivision, and spacing between buildings for the maneuvering of fire fighting equipment and the availability of adequate water supply.
- b. The School Board for review of the impact of the proposed development on the school system and the transportation of children.
- c. The appropriate Rescue Squad, to review the accessibility to rescue equipment within the building and access to the area.
- d. The Road Commissioner to review plans on street construction.
- e. When applicable a qualified individual approved by the Planning Commission to present information on the inspection of the on-site sewage disposal and / or the affect of circulation of traffic within and around the subdivision.

In the event that the applicant has questions concerning the contents of any of the above submitted letters they shall not be filed with the Planning Commission until such time as the Planning Commission is assured that he has had an opportunity to interrogate the department or agency who submitted the letter.

2. Any other information deemed necessary by the Planning Commission during the preliminary meeting.

#### **Section 504 - Preparation of the Preliminary Subdivision**

Following preliminary approval of the Sketch Plan by the Planning Commission, the applicant shall submit 10 copies of a Preliminary Subdivision Plat as specified in Section 602, drawn to a scale of not less than 100 feet to the inch, clearly and legibly drawn on tracing cloth or tracing paper of good quality. The sheets shall be 24" X 36" outside measurements. Smaller (no smaller than 18" X 24") or larger sheet sizes shall be permitted with approval of the Zoning Administrator.

#### **Section 505 – Meeting to Review the Preliminary Subdivision Plat**

Following receipt of the Preliminary Subdivision Plat, the Planning Commission may hold one or more meetings with the applicant. The Commission may grant preliminary approval, or approval with conditions, to authorize the preparation of the Final Subdivision Plat for submission to the public hearing.

A majority of the members of the Planning Commission may undertake a visit of the proposed development site following receipt of the Preliminary Subdivision Plat.

#### **Section 506 - Professional Review of Application**

The Planning Commission may, at the applicant's expense, hire a professional to assist in the review of the application.

### **Section 507 - Preparation of the Final Subdivision Plat**

Following the preliminary approval of the Preliminary Subdivision Plat from the Planning Commission, the applicant shall submit 10 copies of a Final Subdivision Plat as specified in Section 602 prepared by a surveyor licensed to practice in Vermont, drawn to a scale of not less than 100 feet to the inch, clearly and legibly drawn on tracing cloth or tracing paper of good quality. The sheets shall be 24" X 36" outside measurements. Smaller (no smaller than 18" X 24") or larger sheet sizes shall be permitted with approval of the Zoning Administrator.

### **Section 508 - Planning Commission Public Hearing**

Before any application for a subdivision is approved, the Planning Commission shall hold a public hearing, after public notice, as required by 24 V.S.A. §4417 and §4447. A copy of the notice shall be mailed to the applicant at least fifteen (15) days prior to the public hearing. A copy of the notice shall be sent to the clerk of an adjacent municipality, in the case of a plat located within 500 feet of a municipal boundary, at least 15 days prior to the public hearing.

### **Section 509 - Preparation for Planning Commission Public Hearing**

Prior to the publication of the notice of public hearing the applicant shall submit the elements listed under Article VI: Subdivision Plat Requirements.

The applicant shall not make any significant alterations to the application after the public hearing has been warned, without seeking Planning Commission permission to do so. A significant change shall require that the public hearing be re-warned.

### **Section 510 - Planning Commission Decision**

The Commission shall either approve, modify and approve, or disapprove the application within 45 days of the close of the Public Hearing. Basis for this decision shall be the conformance of the application to the improvements and requirements set forth in Article III of this Regulation.

If the development is a Planned Unit Development, the subdivision plat hearing and approval will also suffice as, and include, the necessary PUD hearing. Upon approval by the Planning Commission the zoning administrator will administer the necessary zoning permit.

## **Article VI: Subdivision Plat Requirements**

### **Section 601 – Preliminary and Final Plat Data**

The Preliminary and Final Subdivision Plats shall conform to, shall contain and show the following data:

- A. A scale map or maps incorporating the elements listed in Section 502, completed according to the specifications of Sections 504 or 506, as appropriate;
- B. The proposed tract name or other designations by which such development shall be known which shall not duplicate the name of any other previous development in the Town of Tinmouth.
- C. The locations, names and present widths and approximate grades of all existing streets or roads, abutting, adjoining or crossing the proposed subdivision together with all proposed new streets; the approximate radii of all curves; the dimension of all lots and all proposed building lines within the limits of the subdivision and on the property immediately adjacent thereto, with the names of all adjoining property owners as nearly as the same may be ascertained. Approximate elevations shall be shown at the beginning and end of each street, at street intersections, and at all points where there is a decided change in the slope or direction.
- D. The name and address of the owner or owners of the land to be subdivided; the name and address of the individual(s) who prepared the Sketch Plan, Preliminary Subdivision Plat, and, where applicable, Final Subdivision Plat. The Zoning Administrator shall acknowledge receipt thereon indicating the precise date when said Plat and the application for approval were filed with him or her.
- E. The approximate widths and locations of all easements for drainage, sewerage or public utilities, public areas, common land parks or playgrounds, if any.
- F. When the Commission deems that ground conditions are such that it is necessary to determine the proper locations of streets, storm and sanitary sewers, drainage facilities and other construction, contours at vertical intervals of five (5) feet shall be required.
- G. Elevation of sufficient points of the existing topography, usually crests of hills, points of sharp changes in grades, and valley bottoms shall be mapped at a maximum of ten foot intervals to present a clear idea of the relation of the proposed lot and street layout thereto.
- H. All parcels proposed to be deeded to the Town of Tinmouth for streets, parks, playgrounds, or other public open spaces and conditions of such transfer, if any.
- I. Complete plan and profile, with a minimum of one section per 100 feet, of each proposed street showing existing ground surface on the centerline and street lines

and the proposed centerline grades and showing location, elevation and size of all existing or proposed underground utilities on Plat. Plat and profile shall be drawn on Standard Plated, a 4 X 20 paper. Scale to be 1" equal to 50' horizontal on plan and 1" equal to 5' vertical on profile and section.

- J. Date, north arrow and scale.
- K. Such of forgoing information as may not practically be shown on the Plat shall be contained in a signed, written statement.
- L. Such other information as the Planning Commission shall require to evaluate the application.

The Planning Commission may waive or vary any of the forgoing requirements listed above.

# **Article VII Plat Submission Requirements**

## **Section 701 - Filing Requirements**

If after public hearing, the Planning Commission approves the application the applicant shall, within ninety (90) days from such approval, meet the following requirements:

File or record such plat in the office of the Town Clerk of Tinnmouth.

The plats shall be not more than 36 inches long nor more than 24 inches wide and shall be drawn to a scale large enough to show the details clearly, but shall not be less than one inch equals one hundred feet.

All data required on the Plat shall be consistent with the Final Subdivision Plat approved by the Planning Commission and with any conditions to its approval.

With the subdivision plat, there shall also be filed with the Zoning Administrator three prints on paper and, where applicable, a digital copy.

Failure to file the Plat shall void the approval unless an extension is requested and approved by the Planning Commission.

## **Section 702 - Surveyor Certification**

The Plat shall include a certification signed by a Land Surveyor making such survey and plan that it is made from the actual land survey and is substantially correct:

## **Section 703 - Commencement of Construction**

The applicant shall not commence any land development as defined in 24 V.S.A. §4303 (3) until:

- A. The application (if a minor subdivision) or study subdivision plan (if a major subdivision) is approved by the Planning Commission, and
- B. The Subdivision Plat is filed with the Town Clerk as required by Section 701, and
- C. Unless waived, a letter of credit or performance bond is duly filed as required by Section 901.

A Planning Commission approval shall expire if the holder of such approval fails to comply with any of the following filing requirements:

- A. As required by 24 V.S.A. §4416, an approval by the Planning Commission shall expire ninety (90) days from such approval unless within such ninety (90) day period

a Subdivision Plat is filed with the Town Clerk.

- B. In a case where approval by the Planning Commission does not include a waiver of the bonding requirement in Section 901, such approval shall expire three (3) years from such approval, unless within such three year period, a letter of credit or performance bond is filed with the Planning Commission as required by Section 901, to provide for and secure the completion of all improvements specified in Section 801 or in the Planning Commission approval.

### **Section 705 Administrative Review**

The Zoning Administrator may approve applications for one and two family dwellings and accessory structures, changes of use in existing buildings where no new impacts as compared with existing uses may be anticipated, and other amendments to administrative permits where conformance with the bylaws is found. The Zoning Administrator may also approve minor amendments to permits issued by the Planning Commission or the Zoning Board of Adjustment where no material changes or impacts are expected and where bylaw conformance is found.

Amendments that entail any of the following shall not require site plan review by the Planning Commission or the Zoning Board of Adjustment and may be administratively approved by the Zoning Administrator:

1. changes that do not violate, or require a variance from the provisions of the Zoning and Subdivision Regulations;
2. changes in land use that do not require an increased requirement of parking spaces;
3. changes to the building footprint involving less than five hundred (500) square feet or 10% of building area, whichever is less, and that do not affect parking, traffic, access or circulation;
4. minor changes in location of landscaped areas, sidewalks or bike paths;
5. substitution of planting materials from approved planting list, provided the substitution does not change the approved overall design concept;
6. minor changes in the location of structures;
7. no amendment shall have the effect of substantially altering the findings of fact of any approval in effect;
8. no new subdivision shall occur, although minor boundary line adjustments may be allowed.

## **Article VIII: Subdivision Improvement Requirements**

### **Section 801 - Completion of Improvements**

Within two (2) years after filing of a letter of credit or performance bond as required by Section 1001, or if a letter of credit or performance bond is waived by the Planning Commission, then within two (2) years of filing of the Subdivision Plat, the applicant shall at the applicants expense complete the improvements listed below where applicable. All such improvements shall be completed as specified in the application, as approved, the study subdivision plan as approved, any conditions to the Planning Commission approval, and these Regulations. The Planning Commission may grant a two (2) year extension of this period upon the request of the applicant if it is deemed appropriate to do so:

- A. All proposed streets shall be laid out, graded and constructed their full width and entire length from street line to street line.
- B. All storm drains, culverts and bridges shall be constructed.
- C. All water lines, sewer lines and fire hydrants shall be constructed or installed.
- D. Curbs, drainage swells, and / or sidewalks shall be constructed.
- E. Street signs showing the names of the intersecting streets shall be erected at each intersection. Such signs shall be furnished by the Town to the applicant at actual cost.
- F. Internal traffic control signs shall be installed.
- G. All trees shall be planted and all other landscaping improvements shall be completed
- I. Any other improvements required by the Planning Commission approval or these regulations shall be constructed.
- J. As-built plans, including revised plan and profile of each proposed street after construction, showing all of the aforementioned improvements which are required shall be filed with the Planning Commission in triplicate.

## **Article IX: Letter of Credit or Bond for Completion of Improvement**

### **Section 901 - Completion of Improvements**

To assure the completion of the improvements required by Section 801, including but not limited to the setting of monuments, construction and installation of all roads, pavements, drainage facilities, storm and sanitary sewers, water lines, water courses, bridges, landscaping, and the filing of as-built plans, the applicant shall file with the Town Treasurer, for the benefit of the Town, either a letter of credit issued by a bank and approved by the Selectboard or a performance bond issued either by a bonding or surety company approved by the Selectboard, or issued by the owner with security acceptable to the Selectboard, in an amount sufficient to cover the cost of all of the forgoing, and the maintenance of such improvements for a period of two (2) years after completion. The full cost of such required improvements and as-built plans shall be as estimated by the Commission, or such municipal departments or officials as the Commission may designate. The letter of credit or performance bond shall be filed with the Town Treasurer before the commencement of any land development, and in any case, not later than three (3) years from the Planning Commission Approval as specified in 705 (b). Such bond shall provide for and secure to the public the completion of such required improvements and as-built plans within the period fixed in these Regulations for their completion, and for their maintenance for a period of two (2) years after completion, when or if the town assumes ownership.

## **Article X: Subdivision Fees**

### **Section 1001 - Subdivision Fees**

For the administration of subdivision review, the Selectboard shall by resolution establish, and may from time to time amend a schedule of fees which will cover the Town's obligations under this ordinance. Advertising fees shall be payable to the administrative officer upon submission of an application for preliminary hearing and shall be nonrefundable. The Planning Commission may require additional fees if consultation for inspection is required.

Subdivision fees and fees for recreation, if applicable, shall be paid at the time of filing of the application..

## **Article XI: Penalties**

### **Section 1101 - Penalties for Violation**

Penalties for violation of the provisions of these regulations shall be as provided in 24 V.S.A. 4444 and 4445.

## **Article XII: Appeals**

### **Section 1201 - Appeals**

Any interested person may appeal any decision, or any failure to act, by filing notice of such appeal with the Environmental Court.

## **Article XIII: Constitutionality**

### **Section 1301 - Constitutionality**

If any section, sub-section, paragraph, sentence, clause or phrase in these regulations shall for any reason be held to be invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not affect or impair the validity or any other section or remaining portion of these Regulations.

### **Section 1302 - Effective Date**

These regulations shall take effect immediately upon adoption by the voters, as provided in 24 V.S.A. 4404.

## **Article XIV: Procedures for Exemptions**

### **Section 1401 - Application**

Prior to undertaking or commencing a subdivision as defined herein, the sub-divider shall file an application for approval with the Tinmouth Planning Commission under the procedure hereafter provided.

### **Section 1402 - Notice to Zoning Administrator**

The applicant shall file with the Zoning Administrator two copies of a written description of the subdivision and two copies of a reasonably accurate and detailed map of the subdivision(s).

### **Section 1403 - Preliminary Meeting**

The applicant for an exemption will be required to have a preliminary meeting with the Tinmouth Planning Commission.

### **Section 1404 - Planning Commission Decision**

The Planning Commission shall either approve, modify and approve or disapprove the application within 30 days of the preliminary meeting. Basis for this decision shall be the conformance of the application to the improvements and requirements set forth in Article III of these Regulations.

### **Section 1405 - Recording**

Exemptions granted by the Planning Commission shall be recorded in the Tinmouth Land Records at the expense of the applicant.

## **Article XV: Deferral of Permit**

### **Section 1501. Deferral of Permit**

The purchaser of an unimproved lot of land may waive his developmental rights thereto involving the construction or erection of any building or structure, the useful occupancy of which would require the installation of plumbing and sewage treatment facilities. Upon the filing of an application consisting of a plot of the parcel and a statement signed by the purchaser of the parcel that he waives developmental rights, the Tinmouth Planning Commission may issue to the proprietor, a deferral of permit for conveyance of the parcel. No structure or building, the useful occupancy of which will require the installation of plumbing and sewage treatment facilities may be constructed or erected on a lot subject to a deferral of permit, unless the lot owner first obtains a permit as required by these subdivision regulations. The terms and conditions of the deferral shall be binding on the purchaser and all successors in title. A parcel purchased under the provisions of this section may not be resold unless a subdivision permit is obtained, or the waiver of developmental rights is included in the deed or lease and notice of the purchaser's name and address is filed with the Town Clerk/Planning Commission prior to conveyance.

Any waiver of developmental rights shall be made a term of any contract of sale or of lease of the parcel, and shall be recited in any deed in the form as follows:

#### **Waiver of Developmental Rights**

In order to comply with the Town of Tinmouth Subdivision Regulations on the Sub-division of lands and disposal of waste including sewage, the grantee shall not construct or erect a structure or building on the parcel of land conveyed herein, the useful occupancy of which will require the installation of plumbing and sewage treatment facilities or convey this land without first complying with said Town regulations. The grantee by acceptance of this deed acknowledges that this lot may not qualify for approval for development under the appropriate Town environmental protection or health regulations and that the Town may deny an application to develop the lot.

### **Section 1502 - Retained Parcel Deferral**

When a parcel retained by the sub-divider is subject to the permit requirements of these rules, the procedures in Section 1501 may be used. The restriction in this permit shall be binding upon the retaining landowner and the "Waiver of Developmental Rights" shall be included in any deed, contract or lease transferring the retained parcel unless a subdivision permit is obtained prior to transfer.

## **Article XVI: Definitions**

### **Section 1601 - Inclusions**

Except where specifically defined herein, all words used in these regulations shall carry their customary meanings. Words used in the present tense include the future, words in the singular include the plural and those in the plural include the singular. The word "Person" includes a Corporation, Unincorporated Association and a Partnership, as well as an individual. The word "Building" means a structure designed, intended, occupied or used as a shelter or roofed enclosure for persons, animals or property. The word "building" shall be construed as followed by the phrase "or part thereof". The word "street" includes Avenue, Boulevard, Court, Expressway, Highway, Lane, and Road. The word "Watercourse" includes Channel, Creek, Ditch, Drain, Dry Run, Spring, and Stream. The words "may" and "should" are permissive; the words "shall" and "will" are mandatory.

### **Section 1602 - Definition of Terms**

**Act:** Title 24, Chapter 117, the Vermont Municipal and Regional Planning and Development Act.

**As-Built Plans:** Plans prepared by the developer after the project has been completed accurately depicting all land and building improvements.

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

**Boundary Adjustment:** Any revision to a plat legally filed with the municipality which creates no new building lots and which will have no impact on roads, right of way, or other public facilities. A boundary adjustment shall not be considered as subdivision under these regulations.

**Commission:** The Town of Tinmouth Planning Commission.

**Community Water Supply System:** Any water system other than a municipal water system that supplies water for domestic, commercial, industrial or institutional uses in two (2) or more households or structures.

**Community Sewage Disposal System:** Any sewage disposal system, other than a municipal sewage disposal system, that disposes of sewage for domestic, commercial, industrial or institutional uses to two (2) or more households or structures.

**Construction Drawings:** The Drawings showing the location, profile grades, size and types of drains, sewers, water mains, pavements, cross sections of streets, miscellaneous structures, and where used, underground fire alarm ducts, underground power and telephone ducts, etc.

**Cul-de-Sac:** A minor street intersecting another street at one end and terminating at the other by a vehicular turnaround.

**Dead End Street:** A street or street system with only one exit.

**Easement:** The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his or her property.

**Exemptions:** Any partitioning or dividing of a parcel not required to fully comply with these regulations.

**Final Subdivision Plat:** The final drawings on which the subdivider's plan of subdivision is presented to the Planning Commission for public hearing and which, if approved, may be filed for record with the Town Clerk.

**Infrastructure:** The necessary support facilities for development which may include, water and sewer lines, electric and telephone lines, roads, schools, etc.

**Legislative Body:** The Town of Tinmouth Selectboard -

**Lot:** Any land which is occupied by a building or upon which then applicable zoning regulations do not prohibit construction of a building.

**Municipal Development Plan:** A plan adopted pursuant to 24 V.S.A. Subsection 4384 and Subsection 4385.

**Municipality:** Town of Tinmouth.

**Open Space:**—Undeveloped land, not to be further subdivided

**Parcel:** A unit of land of such size and dimensions that it may be divided into two (2) or more lots in accordance with the requirements of the land use zone in which it is situated, or may be used to site a commercial and/or shopping center complex, new multi-family housing project, planned residential development, elderly housing project, planned-unit development, or industrial park development.

**Planned Unit Development:** An area of land to be developed as a single entity. A planned unit development permits flexibility in site and lot layout, building design, placement and clustering of buildings, use of open space, and related site and design considerations that will best achieve the goals for the area as articulated in the town plan and bylaws within the particular character of the site and its surroundings.

**Plat:** A map or representation on paper of a piece of land subdivided into lots and streets, drawn to scale.

**Preliminary Subdivision Plat:** A tentative subdivision plat, in lesser detail than a final plat, showing approximate proposed street and lot layout, as a basis for consideration prior to preparation of a final plat.

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

**Roadway:** The portion of a street or road intended for vehicular use.

**Sketch Plan:** The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

**Street/Road:** A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation.

- a. Minor streets are those used primarily to provide access to abutting properties.
- b. Collector streets are those which, in addition to giving access to abutting properties,

intercept minor streets and provide routes carrying considerable volumes of traffic to community facilities and to major traffic streets.

- c. Major traffic streets are those serving large volumes of traffic and include facilities classified as main and secondary highways by the Vermont State Highway Department.

**Subdivision:** Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, plots, units or interests for the purpose of offer, sale, lease or development. The term includes amended subdivisions and resubdivisions. The term shall also include the development of a parcel of land as a commercial, industrial or shopping center complex, new multi-family housing project, elderly housing project, planned unit development, and industrial park development.

**Subdivision, Major:** Any residential subdivision containing four (4) or more lots or units, or requiring any new street or extension of town facilities.

**Subdivision, Minor:** Any residential subdivision containing two or three lots. Multiple minor applications on a parcel may be considered as a major application by the Planning Commission if received with a 5 (five) year time span.

**Unimprovable Parcel:** Any land upon which no building is located and upon which applicable zoning regulations prohibit construction of a building.

**Wildlife corridor** – Connecting habitat that ensures that animals and plant species are able to move freely between conserved lands, undeveloped private lands, contiguous forest habitat, and other important habitats, land features, and natural communities to meet all their requirements for survival, both within the town and regionally.