

# SHELBURNE, VERMONT SUBDIVISION REGULATIONS

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# **SHELBURNE SUBDIVISION REGULATIONS**

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**ARTICLE I: TITLE, POLICY AND PURPOSE**

**100 TITLE**

These regulations shall be known as the Town of Shelburne Subdivision Regulations.

**110 POLICY**

110.1 It is hereby declared to be the policy of the Town of Shelburne to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the Town of Shelburne pursuant to the Vermont Planning and Development Act (Act) (24 V.S.A., Chapter 117) for the orderly, planned, efficient, and economical development of the Town.

110.2 Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for stormwater management, water supply, sewage disposal, and capital improvements, such as schools, parks and recreation facilities, transportation facilities and other improvements.

**120 PURPOSE**

These regulations are hereby adopted for the following purposes:

- (1) To conform to or to implement the Shelburne Comprehensive Plan.
- (2) Conformity and compatibility with other applicable laws, bylaws, and ordinances as presently enacted or as from time to time hereinafter enacted, including but not limited to: Shelburne Zoning Bylaws, Sewer Allocation Ordinance, Municipal Separate Storm Sewer System (MS-4) Permit, Official Map, and Capital Budget and Program.
- (3) To protect and provide for the health, safety, and general welfare of the Town of Shelburne.
- (4) To guide the future growth and orderly development of the Town.
- (5) To recognize a desirable relationship to the topography, geology, natural drainage, surface water runoff and the ground waters of the Town.
- (6) To provide the most beneficial relationship between uses of land and buildings and the safe and convenient movement of pedestrian and vehicular traffic.
- (7) To provide for the preservation, protection, and/or conservation of natural resources such as land, air, vegetation and water. To encourage the wise use and management of natural resources in order to preserve the integrity, stability and beauty of the Town and the value of land.

- (8) To provide for public facilities and services such as parks, open spaces, recreation areas, schools, churches, police and fire protection, off street parking, water supply and sewage disposal.
- (9) To insure that existing public services and facilities are available and will have a sufficient capacity to serve any proposed subdivision.
- (10) To further the purposes contained in the Vermont Planning and Development Act, and in particular those purposes set forth in Section 4302 of the Act.

## **ARTICLE II: DEFINITIONS**

Certain means of references and words used herein shall be defined as listed below. Unless the content clearly indicates to the contrary, 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" includes structure and shall be construed as if followed by the phrase "or part thereof". The word "street" includes avenue, boulevard, court, expressway, highway, land and road. The word "may" and "should" is permissive; the words "shall" and "will" are mandatory. Unless otherwise defined herein, definitions of words used in 24 V.S.A., Chapter 117, Section 4303 and definitions used in the Shelburne Zoning Regulation shall apply.

ACT - Title 24, Chapter 117; The Vermont Municipal and Regional Planning And Development Act.

ACCEPTANCE - Formal action by the Shelburne Board of Selectmen in keeping with statutory requirements to accept a dedicated street, easement or land.

ADMINISTRATORS - The Town Manager, Zoning Administrator, Development Review Board Administrator, Town Planner or other person(s) acting for the Development Review Board and/or Planning Commission.

AREA OF SPECIAL FLOOD HAZARD - The land in the flood plain within a community subject to a one percent or greater change of flooding in a given year. The area includes all A zone designations on the Flood Insurance Rate Map, or FIRM. It does not include zone B and C.

AUTHORIZED AGENT OR REPRESENTATIVE - A person or group of persons, who have been duly authorized in writing filed with the Development Review Board by the subdivider to act in his or her behalf.

BLOCK - An area bounded by streets.

BOUNDARY ADJUSTMENT - A division of land for the purpose of adjusting boundaries between adjacent lots or parcels where no new lot is created.

COMMISSION - The Town of Shelburne Planning Commission as created under 24 V.S.A., Chapter 117, § 4321.

COMMUNITY WATER SUPPLY SYSTEM - Any water system owned by the same person that supplies water for domestic, commercial, industrial or institutional uses to two (2) or more customers or users.

COMMUNITY SEWAGE DISPOSAL SYSTEM - Any sewage disposal system, other than a municipal sewage disposal system, owned by the same person that disposes of sewage for domestic commercial, industrial, or institutional uses to two (2) or more customers.

COMPREHENSIVE PLAN OR PLAN - The Municipal Plan of the Town of Shelburne and any amendment thereto, as prepared and adopted pursuant to the Vermont Planning and Development Act, 24 V.S.A. § 4382.

CONSTRUCTION DRAWING/SPECIFICATIONS - Those drawings showing the location, profile, grades, size and type of drains, sewers, water mains, underground utilities, pavements (above and below grade), cross-section of streets, miscellaneous structures, etc.

CUL-DE-SAC - A minor street intersecting another street at one end and terminated at the other by a vehicular turn-around.

DEDICATION - The action by a subdivider to formally offer to the Town of Shelburne title to streets, easements, or land to be used for public purposes.

DEVELOPMENT REVIEW BOARD - The Town of Shelburne Development Review Board, as created by the Shelburne Selectboard pursuant to 24 V.S.A. § 4460.

EASEMENT - The authorization of property owner for the right of a specific use by another party of any designated part of his or her property.

EROSION – When land is diminished or worn due to wind or water. Often the eroded debris (silt or sediment) becomes a pollutant via stormwater runoff. Erosion occurs naturally but can be intensified by land clearing activities such as farming, development, road building, and timber harvesting.

EROSION AND SEDIMENT CONTROL PLAN – A plan that indicates the specific measures and their sequencing for use to control sediment and erosion on a development site during and after construction and approved by an authorized enforcement agency.

FINAL SUBDIVISION PLAT - The final drawings on which the subdivider's plan of subdivision is presented to the Development Review Board for approval and which, if approved, shall be filed with the Town Clerk.

IMPERVIOUS COVER – Human-made surfaces including, but not limited to, paved and unpaved roads, parking areas, building roofs, driveways (paved and unpaved) walkways and compacted surfaces, from which precipitation runs off rather than infiltrates.

LEGISLATIVE BODY - The Board of Selectmen of the Town of Shelburne.

LOCATION - A map which shows the relation of the proposed subdivision to adjacent properties and the surrounding area.

LOT - A parcel of land (other than a pre-existing small lot) of at least sufficient size to meet the minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as required by these regulations

Also, a portion of land in a subdivision or plat, separated from other portions of land by a property line.

MONUMENTS - A permanent concrete or stone marker 4" x 4" x 4' or metal pipe placed in the ground to locate changes in property lines.

MUNICIPALITY - Town of Shelburne.

MUNICIPAL SEWAGE DISPOSAL SYSTEM - Any sewage disposal system owned and operated by the municipality that disposes of sewage for domestic, commercial, industrial or institutional uses.

MUNICIPAL WATER SYSTEM - Any water supply distribution system owned and operated by the municipality which provides water for residential, commercial or industrial uses.

MAJOR SUBDIVISION - Any land which is divided or proposed to be divided into ten (10) or more lots, even where such subdivision has been reviewed and approved under Article XXII of the Shelburne Zoning Bylaw. Also any land which is divided or proposed to be divided into four (4) or more lots where such subdivision is not reviewed and approved under Article XXII of the Shelburne Zoning Bylaw. Also any development requiring any new public street or extension of Town facilities such as water or wastewater lines except those reviewed and approved under Article XXII of the Shelburne Zoning Bylaw. Also any shopping complex, multi family housing project, housing for the elderly project, or planned unit development not reviewed and approved under Article XXII of the Shelburne Zoning Bylaw.

MINOR SUBDIVISION - Any land which is divided or proposed to be divided into nine (9) or fewer lots where such subdivision is reviewed and approved under Article XXII of the Shelburne Zoning Bylaw. Also, any land which is divided or proposed to be divided into three (3) or fewer lots where such subdivision is not a planned unit development.

OPEN SPACE – Land which, in connection with a development proposal, is set aside from development by conveyance to the Town or some qualified holder, or by some legal mechanism such as covenants or easements, and designated to remain in its natural state (woodland, meadow land, wetland, etc.), agricultural use, or for active or passive outdoor recreation uses.

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



REDEVELOPMENT – In the context of stormwater, any construction, alteration, or improvement exceeding 5,000 SF on previously developed land.

RESUBDIVISION – Any change in a recorded plat, if such change affects any street layout on such plat, or area reserved thereon for public use, or any lot line, or if the change affects any map or plan legally recorded prior to the adoption of any subdivision regulation by the Town of Shelburne.

RESERVED STRIP – A narrow parcel of land adjacent to a street which a developer reserves for himself/herself.

SEDIMENT – Soil, sand, and minerals washed from land into water, usually after rain. Sediment can destroy fish-nesting areas, clog animal habitats, and cloud water so that sunlight does not reach aquatic plants.

SEDIMENT CONTROL – Measures that prevent eroded sediment from leaving the site.

SKETCH PLAN – A sketch of the proposed subdivision showing information specific in Article III of these regulations to enable the subdivider to save time and expense in reaching general agreement with the Development Review Board as to form of the subdivision and objectives and requirements of these regulations.

STORMWATER – Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORMWATER IMPAIRED WATERS – A water body currently identified by the Vermont Department of Environmental Conservation following the requirements of the Clean Water Act Section 303(d).

STORMWATER MANAGEMENT – The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

STORMWATER TREATMENT PRACTICES – Measures, either structural or non-structural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STREET - Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used by the public for vehicular traffic.

STREET – MINOR – A street whose primary purpose is to serve any low density residential development with less than 20 residences. Minor Streets provide access links to Major Streets. The traffic volume on Minor Streets consists mainly of trips to and from single family residences and agricultural commerce.

STREET – MAJOR – A street whose primary purpose is to serve any industrial and/or commercial development, and/or residential development serving more than 20 units, as the primary roadways for commerce, commuting and access to emergency services. Major Streets shall be public roads

except when serving as access ways to single purpose commercial lots and circulation corridors for approved planned unit developments deemed by the Development Review Board to be adequate as private roads.

**SUBDIVIDER** – Any person, firm, corporation, partnership, or association who shall lay out for the purpose of sale or development or otherwise any subdivision or part thereof as defined in these regulations, either for himself/herself or others. The term shall include an applicant for subdivision approval.

**SUBDIVISION** – Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, or plots 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 shopping center complex, except those reviewed and approved under Article XXII of the Shelburne Zoning Bylaw; multi-family housing project, except those reviewed and approved under Article XXII of the Shelburne Zoning Bylaw; elderly housing project, except those reviewed and approved under Article XXII of the Shelburne Zoning Bylaw; planned unit development; and industrial park development. The term does not include condominium conversions that solely change the form of ownership of a parcel of land or a structure without new land development.

**WATERSHED** – That geographical area that drains to a specified point on a watercourse, usually a confluence of streams or rivers.

### **ARTICLE III: SKETCH PLAN**

#### **300 APPLICATION AND PROCEDURE**

For the purpose of classification and preliminary discussion, any subdivider of land shall, prior to submitting an application for subdivision approval and following a pre-hearing conference with Planning and Zoning Staff, submit to the Development Review Board Administrator at least twenty one (21) days prior to the regularly scheduled meeting of the Development Review Board at which the matter may be heard, a SKETCH PLAN of the proposed subdivision, which shall include the following information:

- (1) Name and address of the owner of record and applicant.
- (2) Submit a list and three (3) addressed envelopes for each current owner of record of all contiguous properties and owners of properties directly across any public right-of-way.
- (3) Names and addresses of all professional advisors, including license seals and numbers.
- (4) Boundaries and area (in area) of : a) all contiguous land belonging to the owner of record; and b) of proposed subdivision.
- (5) Existing and proposed layout of property lines; type and location of existing and proposed restrictions on land, such as covenants and easements.

- (6) Type of, location, and approximate size of existing and proposed streets, utilities, and open space.
- (7) Date, true north arrow and scale (both numerical and graphic).
- (8) Delineation of significant physical features such as water courses, drainage ways, marshes, wooded areas, geologic outcrops which are within or near a subdivision.
- (9) A location map showing the relation of proposed subdivision to adjacent property and surrounding area.
- (10) Sketch plan map to be on a topographic map at a scale not to exceed 1" - 200'.
- (11) A written statement of proposed development plans, general timing of development and construction and proposed covenants or restrictions.
- (12) If the owner of record is not the applicant, a letter from the owner of record authorizing the applicant to apply for subdivision approval must be submitted.
- (13) Copy of a statement certifying that, consistent with Act 146 of the Acts and Resolves of the 2009-2010 Legislative Session and 24 V.S.A. § 4463(d), the applicant has: a) been informed they are responsible for identifying and obtaining state permits before beginning construction on a project and (b) discussed with the Regional Permit Specialist the preparation of a Project Review Sheet, which the permit specialist completes to provide preliminary jurisdiction for all state permits.

### 310 ATTENDANCE

The subdivider, or his/her duly authorized representative, shall attend the meeting of the Development Review Board on the sketch plan to discuss the requirements of these regulations for streets, improvements, Stormwater Management, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information. Notice of sketch plan review shall be sent to all parties identified in Section 300(2) of these regulations.

### 320 CLASSIFICATION

The Development Review Board shall classify the subdivision proposal as either a MAJOR SUBDIVISION or a MINOR SUBDIVISION, using the definitions given in Article II.

### 330 REVIEW CHECKLIST

The Development Review Board shall review the sketch plan taking into consideration the requirements of these subdivision regulations, the zoning ordinance, and other bylaws then in effect. The Development Review Board shall also consider the Sketch Plan's conformity with the Town Comprehensive Plan.

The Development Review Board shall, where it deems necessary, make general or specific recommendations and/or suggestions to be incorporated by the applicant in his/her subsequent submissions. Such written recommendations shall be sent to the applicant after the expiration of the meeting or any continuation thereof. The Development Review Board may also require, where necessary for the protection of the public health, safety and welfare, that a Minor Subdivision comply with all or some of the requirements specified in these regulations regarding Major Subdivisions.

#### 340 EFFECT OF SKETCH PLAN ACTION

Approval of a sketch plan shall not constitute approval of the subdivision plat and is merely authorization for the applicant to file a preliminary plan or final plan application. Should the Development Review Board disapprove a sketch plan, it shall notify the applicant in writing of the reason for such disapproval.

### ARTICLE IIIA: BOUNDARY LINE ADJUSTMENTS

#### 300A BOUNDARY ADJUSTMENTS

Applications for boundary adjustments shall be approved as described in this section. Any boundary adjustment, as defined in Article II, must satisfy the requirements of this section, must be approved in accordance with this section, and shall be submitted to Staff for filing with the Town Clerk.

#### 310A APPLICATION MATERIALS

Technical plans, drawings, property surveys, etc. shall be prepared by a licensed architect, engineer, or surveyor. A complete application shall include a written summary of the proposed project, names and addresses of adjacent property owners (if an adjoining property is owned as common land by an owners' association, the applicant shall provide the names and addresses of the president of the owners' association), three (3) copies of the proposed plan(s) and supporting written materials, and the following:

- (a) Identifying Information:
  - (i) Address of parcel being subdivided.
  - (ii) Name and address of owner(s).
  - (iii) Name and address of any professional advisors.
  - (iv) Date
  - (v) Zoning district(s) involved.
- (b) A fee as may be established by the Town Selectboard;
- (c) A scale drawing submitted to Staff showing the existing and proposed boundaries between the relevant lots;
- (d) An indication of whether or not either of the lots involved was part of a previous subdivision and is so, when that approval was granted.

320A PLANNING STANDARDS

A boundary adjustment must satisfy the following:

- (a) The proposed boundary adjustment shall not create any new lots.
- (b) No existing lot shall be made non-conforming or more non-conforming.
- (c) The total acreage being transferred as a result of the boundary adjustment may not exceed the minimum lot size in the zoning district in which the property is located, or no more than one acre if the property is located in a zoning district that has no minimum lot size. If a larger area is being transferred, the proposal must be treated as a minor subdivision.

330A INITIAL REVIEW AND DEVELOPMENT OF A DRAFT DECISION

Upon determining that an application for a boundary adjustment is complete, Staff shall review the application, prepare a draft decision for the Development Review Board, and place the matter on the agenda for the Development Review Board as a consent item at the next available meeting.

340A NOTICE

Staff shall notify the applicant, adjacent property owners, and other interested parties of the application for a boundary adjustment, the draft decision, and the date on which the Development Review Board will consider the matter on its agenda as a consent item, at least fifteen days prior to the meeting.

350A ISSUANCE OF DECISION

Following action by the Development Review Board, the decision shall be issued in accordance with Section 420 of these Regulations.

360A FORM OF MYLAR

When the proposed boundary adjustment has been approved by the Development Review Board, the mylar suitable for recording shall be prepared showing all relevant information, bearings and distances of perimeter boundary lines, monumentation in accordance with Section 980 on all corners of each lot, and all easements, and certification by a registered land surveyor that information is based on deed research and field information. In addition, the following language shall be printed on the mylar:

“This boundary line adjustment does not constitute the creation of a separate parcel of land. It only adjusts the physical location of the boundary of these adjoining parcels. Any future subdivision and/development of these new parcels must be approved by the Town of Shelburne Development Review Board. This plan is approved, subject to all requirements and conditions of this approval, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

by \_\_\_\_\_  
Chair”

**370A RECORDING OF MYLAR**

The mylar shall be filed in accordance with the provisions of Section 1030 of these Regulations. A fee, payable by the applicant, will be charged to file the mylar and is due at its submittal.

**380A RETENTION OF JURISDICTION**

Any further subdivision of a lot created by the approved Boundary Adjustment shall require subdivision approval in accordance with these regulations.

**ARTICLE IV: MINOR SUBDIVISION APPLICATION AND PROCEDURE**

**400 APPLICATION**

Within six (6) months of receiving authority to proceed for a Minor Subdivision, the subdivider shall submit a complete application for final approval of a subdivision plat to the Development Review Board Administrator. If the application is not made within six (6) months, then a new Sketch Plan must first be submitted for review in accordance with Article III of these regulations. The application shall contain those items set forth in section 610 of these regulations and shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Development Review Board. The aforementioned requirement notwithstanding, the six (6) month deadline for filing the Final application may be extended by the Development Review Board following discussion at a regularly scheduled meeting upon finding that good cause for such an extension exists.

**410 PUBLIC HEARING**

A public hearing shall be initiated by the Development Review Board within forty-five (45) days after the time of submission to the Development Review Board Administrator of an application for approval of a minor subdivision. Said hearing shall be warned in accordance with the public notice provisions of the Vermont Planning and Development Act and notice of the meeting shall be sent to adjoining landowners as identified in section 300(2) of these regulations and those required to receive notice under the provisions of the Act.

**420 DECISION**

The Development Review Board shall, within forty-five (45) days after the completion of the public hearing or any continuation thereof, approve, modify and approve or disapprove such plat. Failure to so act within forty-five days shall be deemed approval according to the provisions established in 24 V.S.A. § 4464.

**ARTICLE V: MAJOR SUBDIVISION APPLICATION AND PROCEDURE**

500    PRELIMINARY PLAN APPLICATION

Within six (6) months of receiving authority to proceed for a Major Subdivision, the subdivider shall submit a complete application for approval of a Preliminary Plan. The application shall contain those items set forth in Article VI of these regulations and shall conform to the layout shown on the sketch plan plus any recommendations made by the Development Review Board. The aforementioned requirement notwithstanding, the six (6) month deadline for filing the Preliminary Plan application may be extended by the Development Review Board following discussion at a regularly scheduled meeting upon finding that good cause for such an extension exists.

510    PUBLIC HEARING

A public hearing on the study plan shall be held by the Commission after the time of submission to the Development Review Board Administrator of the Preliminary Plan Application. Said hearing shall be warned in accordance with the public notice provisions of the Vermont Planning and Development Act and notice of the meeting shall be sent to adjoining landowners as identified in Section 300 (2) of these regulations and those required to receive notice under the provisions of the Act.

520    ACTION ON PRELIMINARY PLAN

Within forty-five (45) days of the completion of the public hearing or any continuation thereof, the Development Review Board shall approve, modify and approve or disapprove said Preliminary Plan and the grounds for any modifications required or the grounds of disapproval shall be set forth in a written notice of decision. Failure of the Development Review Board to act within said forty-five (45) day period shall constitute an approval of the Preliminary Plan according to the provisions established in 24 V.S.A. § 4464. Copies of the notice of decision of the Development Review Board shall be sent to the applicant and any interested parties appearing at the public hearing.

530    PHASING

At the time the Development Review Board grants Preliminary Plan approval it may require the plat to be divided into two or more phases and may impose such conditions upon the filing of application for final plat approval for each phase as it deems necessary to assure the orderly development of the plat.

540    EFFECT OF PRELIMINARY PLAN APPROVAL

Approval of the Preliminary Plan shall not constitute approval of the subdivision plat. Prior to approval of the final subdivision plat, the Development Review Board may require additional changes as a result of further study. The approval of a Preliminary Plan shall be effective for a period of one year. Any plat not receiving the final approval prior to the expiration of one year from Preliminary Plan approval shall be null and void, and the subdivider shall be required to

resubmit a new plat for Preliminary Plan approval subject to all new zoning and subdivision regulations.

**550 FINAL PLAT APPLICATION**

Within six (6) months of Preliminary Plan approval, the subdivider shall submit a complete application for approval of a final subdivision plat. The application must contain those items set forth in Section 610 of these regulations and shall conform to the layout shown on the Preliminary Plan plus any recommendations made by the Development Review Board. The aforementioned requirement notwithstanding, the six (6) month deadline for filing the Final application may be extended by the Development Review Board following discussion at a regularly scheduled meeting upon finding that good cause for such an extension exists.

**560 FINAL PLAT HEARING**

A public hearing shall be held by the Development Review Board after the time of submission to the Planning Commission of the complete final subdivision plat application. Said hearing shall be warned in accordance with the public notice provisions of the Vermont Planning and Development Act and notice of the meeting shall be sent to adjoining landowners as identified in Section 300 (2) of these regulations and those required to receive notice under the provisions of the Act.

**570 DECISION**

The Commission shall, within forty-five (45) days after the public hearing, approve, modify and approve or disapprove such plat. Failure to so act within forty-five (45) days shall be deemed approval according to the provisions established in 24 V.S.A. § 4464.

**ARTICLE VI: APPLICATION SUBMISSION REQUIREMENTS**

**600 PRELIMINARY PLAN - MAJOR SUBDIVISION**

The Preliminary Plans 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, drawn to a scale of not more than one hundred (100) feet to the inch showing or accompanied by the following information:

- (1) Proposed subdivision name or identifying title and the name of the Town.
- (2) Name and address of owner of record, subdivider, and land surveyor of the Plat.
- (3) Names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
- (4) Total number of acres within the proposed subdivision, location of proposed lot lines, number of acres within each lot, structure, water courses, wooded areas, geologic outcrops, and other essential existing physical features, including any endangered species, necessary



wildlife habitat, and rare and irreplaceable natural areas identified pursuant to Section 810 of this Bylaw.

- (5) The location and size of existing sewer and water mains (on the property or serving the property) with letters from the Shelburne Water Department Superintendent, and the Shelburne Wastewater Superintendent stating that:
  - adequate capacity exists for the proposed subdivision; or,
  - if improvements and modifications are needed to accommodate the proposed subdivision, the subdivider's proposal to address these improvements and modifications is acceptable.
- (6) The location and size of any existing culverts, drains, and stormwater treatment practices on the property or serving the property (see item #25). The application shall also include a stormwater management plan, including provisions for minimizing and treating stormwater during construction and post-construction stormwater management systems. Any erosion prevention and sediment control and post construction stormwater management measures, treatment practices, and/or infrastructure shall meet the regulations and standards of the Vermont Department of Environmental Conservation, and any applicable Town regulations and standards.
- (7) The provisions of the Shelburne Zoning Regulations or other Town Regulations applicable to the area to be subdivided and any zoning district boundaries affecting the tract.
- (8) Location, names and widths of existing and proposed streets, private ways, sidewalks, curb cuts, paths, easements, parks and other public or privately maintained open spaces, as well as similar facts regarding adjacent property (also see item #25).
- (9) Contour lines at intervals of five (5) feet of existing grades and of proposed grades where change of existing ground elevation will be five feet or more.
- (10) Complete survey of subdivision tract by a licensed land surveyor.
- (11) Typical cross sections of the proposed grading, roadways and sidewalks.
- (12) Date, true north point and numerical and graphic scale.
- (13) Details of proposed connection with existing water supply or alternative means of providing water supply to the proposed subdivision. (Also see item #25).
- (14) Details of proposed connection with the existing sewage disposal system or adequate provision for on-site disposal of septic wastes. (Also see item #25).
- (15) If on-site sewage disposal system is proposed, then the location and results of tests to ascertain subsurface soil, rock, and groundwater conditions. All test and design criteria to be in accord with applicable State regulations or standards.

- (16) Provisions for collecting and discharging stormwater in the form of a stormwater management plan. The stormwater management plan must identify the construction disturbance area and demonstrate that stormwater runoff is minimized through the use of natural drainage systems and on-site infiltration and treatment techniques. The plan shall also demonstrate that soils best suited for infiltration are retained and that natural areas consisting of tree canopy and other native vegetation are preserved, preferably in contiguous blocks or linear corridors where feasible, for protection of the best stormwater management features identified in the site assessment.
- (17) Designs of any bridges and culverts which may be required.
- (18) The location of markers adequate to enable the Development Review Board to readily locate and appraise the basic layout in the field. Unless an existing street intersection is shown, the distance along a street from one corner of the property to the nearest existing street intersection shall be shown.
- (19) All parcels of land proposed to be dedicated or reserved for public use and the conditions of such dedication or reservation.
- (20) Location of all natural features or site elements to be preserved.
- (21) List of waivers the subdivider desires from the requirements of these regulations.
- (22) A vicinity map drawn at scale of not over four hundred (400) feet to the inch to show the relationship of the proposed subdivision to the adjacent properties and to the general surrounding area. The vicinity map shall show all the area within two thousand (2,000) feet of any property line of the proposed subdivision or any smaller area between the tract and all surrounding existing streets, provided any part of such a street used as part of the perimeter for the vicinity map is at least five hundred (500) feet from any boundary of the proposed subdivision. Within such area the vicinity map shall show:
  - (a) All existing subdivisions and approximate tract lines of parcels together with the names of the record owners of all adjacent parcels of land; namely, those directly abutting or directly across any street adjoining the subdivision.
  - (b) Locations, widths, and names of existing, filed, or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties as designed in Paragraph (a) above.
  - (c) An outline of the platted area together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the preliminary plat submitted covers only part of the subdivider's entire holding.
- (23) A copy of any proposed covenants and/or deed restrictions which are intended to cover all or part of the subdivision.

- (24) A prospectus describing the management organization or homeowner's association if one is proposed. Included shall be a disclosure statement which will be given to all prospective purchasers detailing responsibility for services, such as maintenance and plowing of roadways within the development.
- (25) Construction drawings of all proposed public improvements.
- (26) Lots within the subdivision numbered in numerical order within blocks, and blocks lettered in alphabetical order.
- (27) Proposals and/or offers concerning the manner in which open space, including park and recreational lands and school site areas, are to be dedicated, reserved, and/or maintained or payments proposed in lieu thereof.
- (28) Documentation from the following Town departments or agencies that the subdivider's plans have been reviewed and are deemed acceptable or would be deemed acceptable upon adherence to clearly identified proposed conditions of approval:
  - (a) Police department;
  - (b) Fire department;
  - (c) Highway department;
  - (d) Wastewater department;
  - (e) Water department;
  - (f) Town Manager's office;
  - (g) Elementary and High School;
  - (h) Recreation department;
  - (i) Natural Resources and Conservation Committee.
- (29) Landscaping Plan prepared by a landscape architect, master gardener, nursery professional, arborist, professional landscape designer, or other qualified landscape professional.

**610 FINAL PLAT - MAJOR AND MINOR SUBDIVISIONS**

The Final Subdivision Plat shall consist of one or more sheets of drawings which conform to the following requirements: It shall be on mylar clearly and legibly drawn, and the sheets shall be a standard size of 18" by 24" suitable for recording under Vermont Statutes.

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. The subdivision plat shall carry the following endorsement on the copy to be filed with the Town Clerk:

Approved by Resolution of the Development Review Board of the Town of Shelburne, Vermont, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, subject to the requirements and conditions of said resolution. Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by, Chairperson.

The final plat for a major and minor subdivision shall conform in all respects to the preliminary plan and sketch plan respectively as approved by the Development Review Board. The 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; the name, license number, and seal of the registered land surveyor, the boundaries of the subdivision and its general location in relation to existing streets or other landmarks and scale, both graphic and numerical and north arrow.
- (2) Street names and lines, pedestrian ways, lots, reservations, easements and area(s) to be dedicated to public use.
- (3) The length of all straight lines, the deflection angles, the radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.
- (4) By proper designation on such Plat, all public open space for which offers of dedication are made by the subdivider and those spaces for which title is reserved by him/her.
- (5) Lots within the subdivision numbered in numerical order within blocks and blocks lettered in alphabetical order.
- (6) Permanent reference monuments shown thus " " and lot corner markers shown thus " O ".
- (7) Monuments which shall be set at all corners and angle points of the boundaries of the subdivision and monuments required by Town of Shelburne Public Works Specifications for new roads, at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town.
- (8) The location of all the improvements referred to in Section VIII and in addition thereto the location of all utility poles, sewage disposal system, water supply systems, and erosion prevention and sediment control plans, stormwater treatment plans, rough grading and other devices and methods of draining the area affecting the subdivision.
- (9) Construction drawings (paper copies) of all required improvements listed in Section VIII.
- (10) Before final approval of a subdivision plat, or with the consent of the Town Manager as evidenced by letter presented at the Final Plan public hearing, the subdivider shall furnish the Town with an appropriate performance bond to secure the completion of all public improvements and their maintenance for a period of two (2) years, with a certificate from the Board of Selectmen, or its designee, that it is satisfied either with the bonding or surety company, or with security furnished by the subdivider. A certificate or letter from the Town attorney shall also be filed with the Development Review Board and Town Manager indicating that he or she is satisfied with the form and substance of the performance bond.
- (11) The final plan application for a minor or major subdivision shall be accompanied by a Certificate of Title showing the ownership of all property and easements to be dedicated or acquired by the Town, or reserved, and said Certificate of Title shall be approved by the

Town attorney. Copies of all proposed Offers of Dedication, deeds, easements to the Town shall also accompany the final application, and be approved by the Town attorney.

- (12) A final application for a major or minor subdivision shall include all legal documentation necessary, in a complete and final form.
- (13) A final application for a minor subdivision for which no preliminary plan was submitted shall include the documentation required in section 600 (28).

## **ARTICLE VII: REQUIRED IMPROVEMENTS**

### **700 REQUIRED IMPROVEMENTS LIST**

The following are required public improvements:  
Monuments, lot markers, streets, curbs, sidewalks where required by the Zoning Bylaws, street signs, outdoor lighting, water mains, sanitary sewers, stormwater management measures and stormwater treatment practices, fire hydrants, landscaping and other capital improvements as required by the Development Review Board, Town Manager, and/or Director of Public Works.

### **710 INSTALLATION AND DESIGN STANDARDS**

All required improvements shall be designed and installed in accordance with the design standards, development requirements, specifications and procedures set forth in these regulations and other applicable Town and/or state regulations and standards.

### **720 MODIFICATION OF DESIGN OF IMPROVEMENTS**

If at any time before or during construction of the required improvements it is demonstrated to the satisfaction of the Town Manager that unforeseen conditions make it necessary or preferable to modify the location or design of underground or incidental above-ground utilities, the Town Manager may authorize modifications, provided these modifications are within the spirit and intent of the Development Review Board's approval and do not extend to a waiver or substantial alteration of the function of any improvements required by the Development Review Board. The Town, through the Town Manager or his/her designee, shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Development Review Board at its next regular meeting.

### **730 INSPECTION OF IMPROVEMENTS**

At least seven (7) days prior to commencing construction of any required improvements, the subdivider shall advise the Director of Public Works, in writing, when the construction of the required improvements shall begin, so that the Town can inspect during the construction process, in order to assure satisfactory completion of improvements or stipulations required by the Development Review Board.

The Director of Public Works, may, at his/her discretion, require an independent registered engineer other than full-time Town employees to perform inspections as needed during the

installation of required improvements and attest to the satisfactory completion of such work at the applicant's expense.

740    PROPER INSTALLATION OF IMPROVEMENTS

Prior to construction of required improvements, and before notification of commencement of construction (as per Section 730, above) the subdivider shall have at least one initial meeting with the Director of Public Works and/or his/her designee for the purpose of agreeing to final working drawings and rules and notifications concerning inspections during installation of improvements.

750    FINAL PLANS

Prior to the beginning of construction, the subdivider shall provide to the Director of Public Works one complete set of certified copies of State approved plans for the subdivision, and if required, one complete set of certified copies of state approved plans for stormwater treatment and/or erosion prevention and sediment control plan, which shall include any and all changes made subsequent to review and approval by the Development Review Board.

760    MAINTENANCE OF IMPROVEMENTS

The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the Town of Shelburne via the Board of Selectmen, or until a homeowners' association or other approved organization is established and assures the maintenance responsibilities.

**ARTICLE VIII: PLANNING STANDARDS**

800    The Commission shall evaluate any minor or major subdivision in accordance with the following standards:

- (1)    Whether the land is unsuitable for subdivision or development due to flooding, inadequate stormwater management measures and/or insufficient stormwater treatment capacity, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas. In determining whether land is unsuitable for subdivision or development, the Development Review Board shall give due consideration to the definition of “developable land” contained in Article XI, Section 2110.33 of the Shelburne Zoning Bylaws.
- (2)    Whether the proposal includes due regard for the preservation and protection of existing features, trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources and historical resources.
- (3)    Whether the proposal includes sufficient open space for active and passive recreation.
- (4)    Whether the proposal includes adequate provision for erosion prevention and sediment control during construction; minimizing stormwater generation after construction; and

adequate stormwater treatment after construction, as determined by a standard equivalent to that required under Section 1900.4 of the Town of Shelburne Zoning Bylaws.

- (5) Whether the proposed development is in compliance with the Shelburne Comprehensive Plan, Zoning Bylaws and any other bylaws then in effect. Compliance with the Shelburne Comprehensive Plan shall be required when the proposed development is subject to Plan language that is specific and mandatory.
- (6) Whether any portion of the proposed development is located in a flood plain, including areas of special flood hazard as defined in the Shelburne Zoning Bylaws.
- (7) Whether the proposed development is compatible with surrounding properties. In determining whether the proposed development is compatible with surrounding properties, the Development Review Board shall give due consideration to the following characteristics of the proposal:
  - a. Inherent character of primary activity or activities,
  - b. Typical predominant sound levels and qualities,
  - c. Typical exterior activity levels,
  - d. Typical exterior lighting levels and requirements,
  - e. Typical predominant order, if any,
  - f. Typical vehicular traffic, and
  - g. Seasonal and diurnal patterns of sound, lighting, smells, and exterior activity levels.
- (8) Whether the site is suitable for the proposed density. In determining the suitability of the proposed density, the Development Review Board shall give due consideration to the definition of “developable land” contained in Article XI, Section 2110.33 of the Shelburne Zoning Bylaws and to the development densities specified in Articles III and IV and VI through XIV of the Shelburne Zoning Bylaws.
- (9) Whether the proposal contains adequate provision for pedestrian traffic in terms of safety, convenience, connectivity, and access to points of destination and attractiveness, as determined by a standard equivalent to that required under Sections 1900.3.A. and 1900.7 of the Shelburne Zoning Bylaws.
- (10) 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 and whether the proposed development will place an unreasonable burden on the ability of local government units to provide municipal or governmental services and facilities. Preparation of a fiscal impact analysis (FIA) by a qualified professional shall be required of any development exceeding 50 dwelling units or construction costs exceeding 2 million dollars.
- (11) Whether there is sufficient water available for the reasonably foreseeable needs of the proposed development. In determining the sufficiency of water supplies for proposals served all or in part by municipal water service, the Development Review Board shall give

due consideration to [state standards] requiring minimum pressures as peak flow. In determining the sufficiency of water supplies for proposals served all or in part by wells or other on-site potable water supplies, the Development Review Board shall give due consideration to well-log data compiled by the Vermont Agency of Natural Resources. The DRB may require an applicant to provide supplemental well-log data or hydrogeologic studies as part of any application.

- (12) Whether the proposed development will cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town, as determined by a standard equivalent to that required under Sections 1900.3 C. Applicants shall be required to prepare a Traffic Impact Study consistent with requirements of 1900.9 A and 1900.9 B of the Shelburne Zoning Bylaws when it can be demonstrated that projects will add 75 or more peak hour (AM or PM) vehicle trip ends to the transportation system.

## **810 SITE PRESERVATION, LANDSCAPING AND GRADING AND EXCAVATION**

- (1) Existing Features - The preservation of site amenities and/or natural resources such as trees, brooks or drainageways, historic sites, unique geologic features, or any other unusual features, which the Development Review Board feels are an asset to the site and/or community, shall be effected as required below and through harmonious design and appropriate construction methods.

Any proposals subject to review by the District Environmental Commission under 10 VSA Chapter 151, Section § 6086 (8) must be designed to avoid necessary wildlife habitat and endangered species, or, if a proposal cannot be so designed, the applicant must demonstrate to the Development Review Board that the project will comply with one or more of the requirements found in § 6086 (8)(A)(i), § 6086 (8)(A)(ii), and § 6086 (8)(A)(iii). Additionally, the proposal must not have an undue adverse impact on rare and irreplaceable natural areas. The jurisdiction of 10 VSA Chapter 151, Section § 6086 (8) shall be determined based on the Project Review Sheet prepared pursuant to Article III Section 300 (12).

For the purposes of this section, the term “endangered species” shall be defined as established in 10 V.S.A. § 6001 (5), and the term “necessary wildlife habitat” shall be defined as established in 10 V.S.A. § 6001 (12). The term “rare and irreplaceable natural areas” shall be defined as an area which contains an identifiable type of ecological community or in which natural conditions predominate over human influences, and which is characterized by any of the following: the area supports a community type which occurs infrequently in Vermont and usually occurs further south; the area hosts rare plants; or the area is a valuable educational and scientific resource.

In applying the standards listed above to a project, the Development Review Board shall admit as evidence documentation of critical wildlife habitat, endangered species, and/or rare and irreplaceable natural areas identified on a site specific basis by the Agency of Natural Resources Department of Fish and Wildlife.



For the purposes of this section, the term “designed to avoid necessary wildlife habitat and endangered species” shall be defined to mean the project will not destroy or significantly imperil such habitat or species.

For the purposes of this section the term “must not have an undue adverse impact on rare and irreplaceable natural areas” shall be defined to mean the project complies with the following:

The project incorporates reasonably available steps to mitigate the adverse effect on rare and irreplaceable natural areas;

The project does not violate a clear, written community standard intended to preserve rare and irreplaceable natural areas; and

The project will not offend the sensibilities of the average person because it is out of character with its surroundings or significantly diminishes the qualities of rare and irreplaceable natural areas in the area.

For the purposes of this section, the term “through harmonious design and appropriate construction methods” shall be defined to mean the project.

(2) 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, insofar as possible, the natural contours, so as to limit stormwater runoff and conserve the natural cover and soil. No topsoil, sand or gravel shall be removed from the subdivision for any other purpose than to meet construction needs of that particular subdivision or to meet the requirements of the Zoning Bylaws.

(3) Erosion and Sediment Control – The smallest practical area of land shall be exposed at any one time during development. The exposure should be kept to the shortest practical period of time. 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 (debris basins, desilting basins, or silt traps) shall be installed and maintained during development to remove sediment from runoff water and from land undergoing development.

The permanent final vegetation and structure should be installed as soon as practical in the subdivision. Adequate and permanent measures shall be taken at culvert outfalls to minimize or prevent erosion and disruption of drainageway areas. The construction shall comply with state requirements for erosion prevention and sediment control.

(4) Landscaping - Suitable hardwood shade trees shall be planted along both sides of streets or private ways where there are or otherwise would be no trees in a manner consistent with the Town of Shelburne Tree Policy. All trees shall measure at least 2 ½ inches in diameter measured at a point one foot above finished grade level. Proposals subject to review under Section 1900 of the Shelburne Zoning Bylaws, shall comply with Section 1900.5 A-1900.5 D, while proposals subject to review under section 1930 of the Zoning Bylaws shall comply with applicable language in that section.

Also, the Development Review Board may require as part of a plat approval the submission of a detailed landscaping plan prepared by a landscape architect, master gardener, nursery professional, arborist, professional landscape designer, or other qualified landscape professional.

- (5) Excavation and Grading - All excavation and filling required for construction of improvements meet the technical specifications of current rules and regulations put forth by the Vermont Department of Environmental Conservation. The entire area of work shall be brought to the required lines and grades by excavation or filling. Excavation material, if suitable, may be used in making embankments and in filling subgrade areas. A minimum of four (4) inches of topsoil shall be provided to cover finished slopes. All streets shall be graded from property line to property line to approved grade and cross-section.
- (6) Non-Allowed Fill - Stumps, wood, roots or other fibrous materials or refuse, or unstable soils such as silt, shall not be used as fill. The Development Review Board 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 or where homes will be located.

## **ARTICLE IX: DEVELOPMENT REQUIREMENTS AND DESIGN STANDARDS**

### **900 STREETS**

- (1) Arrangement - The arrangement of streets and roads in the subdivision shall provide rights-of-way for the continuation of streets of adjoining subdivisions and for proper extension of streets through adjoining properties which are not yet subdivided. Such layout shall facilitate the provision, now or in the future, of fire protection and emergency services, smooth and efficient traffic movement, and public facilities such as sewers, water and drainage. Where, in the opinion of the Development Review Board, topographic or other conditions make such continuation or extension undesirable or impracticable, the above requirements may be modified. Creation of a gridded street system is strongly encouraged within zoning districts with residential density allowances of one unit per 20,000 square feet, or denser.
- (2) Topography - Streets shall be logically related to the topography so as to produce usable lots, reasonable grades, and safe intersections in appropriate relation to the proposed use of the land to be served by such streets. Adequate provisions shall be made to control drainage of each street by an adequate storm water system.
- (3) Intersections - Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than 80 degrees.
- (4) Street Jogs - Four-way intersections, deflecting from each other at any one point by more than ten (10) degrees or with centerline offsets of less than 200 feet shall not be allowed.

- (5) Street Names - Streets shall be identified by name on the proposed plat. Proposed streets which are obviously in alignment with others already existing and named shall bear the names of existing streets. In no case shall the names for proposed streets duplicate existing street names within the Town of Shelburne, irrespective of the suffix, be it street, avenue, boulevard, driveway, place or court.
- (6) Street Signs - Street signs shall be required on all roads, public and private. For public roads, street signs and posts shall be provided and installed by the Town at the expense of the subdivider. For private roads, street signs and posts shall be provided by the Town at the expense of the subdivider and installed by the subdivider.
- (7) Culs-de-Sac - A cul-de-sac is a street, terminating in a turnaround at one end. Cul-de-sacs shall be permitted only in residential districts and the length of the street shall not exceed ten (10) times the minimum required lot frontage for the districts involved.

The turnaround area on a permanent dead-end street (cul-de-sac) shall have a minimum diameter of right-of-way of one hundred feet.

The number of dwelling units served by a cul-de-sac or by a system of streets sharing a common single access to a state highway or Town highway shall not exceed 30, unless additional connections, such as one-way or emergency-only connections approved by the Fire Chief, to other streets are approved by the Development Review Board.

Temporary dead-end streets which are necessary due to construction phasing are permitted; however, the streets shall not exceed ten (10) times the required minimum lot frontage or 1600 feet, whichever is shorter, and shall be equipped with a turnaround which conforms to the standards for permanent dead-end streets; a temporary turnaround shall be provided with a notation on the plat that land outside the normal street right-of-way shall revert to abutting property owners whenever the street is continued.

- (8) Access - Adequate provisions shall be made for vehicular and non-vehicular access to the proposed subdivision or development. Entrance and exits for motorized traffic shall be designed to facilitate smooth flow, controlled and coordinated turning movements, and minimized hazards to pedestrians and bicyclists. Unless waived by the Development Review Board, paved access for emergency vehicles shall be provided to within 100 feet of a principal entry for multi-family dwellings and commercial, industrial and institutional establishments.

All streets and roads shall be constructed to meet the Town of Shelburne Public Works Specifications. Streets and roads shall be paved unless this requirement is specifically waived by the Development Review Board upon determination that paving is not justified. Streets and roads shall be so located to facilitate fire protection and coordinated so as to compose a convenient system properly related to the plan.

- (9) Where a subdivision abuts or contains an existing or proposed major street, the Development Review Board may require internal access streets to provide road frontage for lots so that access onto major streets is controlled.
- (10) Where a tract is subdivided into lots at least twice as large as the minimum size required in the zoning district in which a subdivision is located, the Commission may require that streets and lots be laid out so as to permit future subdivision in accordance with the requirements contained in these regulations.
- (11) All streets shall be completely constructed by the subdivider.
- (12) All streets shall be located within a right-of-way at least sixty (60) feet in width, except where waived by the Development Review Board.

#### 910 SIDEWALKS AND CURBS

- (1) Sidewalks shall be provided in accordance with Section 1900.7 of Shelburne's Zoning Bylaws.
- (2) Where sidewalks are required, curbs shall also be provided unless the Development Review Board waives this requirement due to more or equally appropriate provisions for drainage.

#### 920 LOT LAYOUT

- (1) Lots shall be laid out in such a way that they can be developed in full compliance with the Zoning Bylaws, giving consideration to topography, soils, and drainage conditions, unless as otherwise permitted by these regulations or the Shelburne Zoning Bylaws.
- (2) The Development Review Board may require larger lots than required by the Zoning Bylaws where the Board deems necessary because of conditions affecting drainage, sanitary sewage disposal, or water supply.
- (3) Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform to the Zoning Bylaws front yard setback requirements on each street.
- (4) Reserved strips of land are not permitted. (See Article II for definition.)
- (5) Lots without frontage on a public street, waterway or approved private road are prohibited, except where access to such a street or road by permanent easement or right-of-way at least twenty (20) feet in width has been approved by the Development Review Board.
- (6) All lots shall be suitable for the purpose for which they are intended to be used and no area which is dangerous or injurious to health or subject to inundation shall be subdivided into individual lots for residential purposes. Therefore, any lot containing a stream or natural

drainage way shall have fifty (50) feet added to its minimum width or depth, whichever is most nearly parallel to the direction of the stream.

- (7) Side lot lines insofar as practical shall be at right angles to the street or road on which the lot fronts or radial to curved street lines and when such an arrangement is not possible, the angular value between the side lot line and the street line shall be shown.
- (8) Lots shall be assigned street addresses in accordance with the E911 Address Policies administered by the Town of Shelburne.

#### 930 PEDESTRIAN ACCESS

Permanent pedestrian easements, ten (10) feet in width may be required through blocks 600 feet or more in length, or as a continuation of culs-de-sac, or in conjunction with utility easements in order to facilitate pedestrian circulation within the subdivision or access to adjoining neighborhoods and public property or community focal points such as parks, schools and other public property, shopping centers, centers of employment and community recreation facilities.

#### 940 WATER

- (1) Off-site - The subdivider shall be responsible for installing water supply and/or distribution facilities in a manner to be approved by the Town Water Superintendent and Water Commission.
- (2) On-site - Any community system or other means of providing water to multiple lots within the subdivision shall be designed and installed in accordance with all applicable municipal and state regulations and standards. Such community water systems shall be designed in such a way that they may eventually be connected to the municipal water supply system. Evidence of the location and availability of potable water in adequate quantities shall be provided. Due consideration in the location of community or individual water systems shall be given with respect to building sites, roadways, septic systems, floodwater levels and other factors affecting the potability of water supplies.
- (3) Fire Protection - Fire hydrants and spacing, water pressure levels and other aspects of fire protection systems shall be designed and installed in accordance with applicable codes identified by the Shelburne Fire Chief in all areas served by municipal water, at no expense to the Town. In areas not served by municipal water, dry hydrants and fire ponds shall be designed and installed in accordance with applicable codes identified by the Shelburne Fire Chief.

#### 950 SEWAGE DISPOSAL

- (1) Off-site - The subdivider shall connect to the public sewer or provide a community sewer system approved by the Town and the State in any subdivision where off-lot sewer is proposed. The subdivider is required to provide such pumping and other facilities as may be necessary. The subdivider may be required by the Development Review Board to

provide or to have installed at his/her expense larger sewer lines, pumping and other facilities, outside the subdivision, if the sewer service would otherwise be inadequate.

- (2) On-site - Sewage disposal facilities shall be designed and installed in accordance with all applicable local and state regulations and standards. Community sewer systems shall be designed in such a way that they may be eventually connected to the Town sewer system.

## 960 UTILITY LINES AND OUTDOOR LIGHTING

- (1) Gas, electric, telephone, outdoor lighting and cable television distribution systems are required to be underground. The subdivider shall coordinate subdivision design with the utility companies to insure adequate and suitable areas for underground installation, both for the proposed subdivision and areas adjacent to the subdivision.
- (2) The provision for outdoor lighting shall be consistent with the provisions of the Shelburne Zoning Bylaws and, in the case of street lighting, be consistent with the Town's Street Lighting Policy.

## 970 STORMWATER MANAGEMENT

The following Stormwater treatment standards may apply to land development activities regulated under this bylaw, and where applicable, shall be applied as required and outlined in the Vermont Stormwater Management Manual, (Volumes I and II), latest revision.

- (A) Water Quality Treatment Standards
- (B) Channel Protection Treatment Standards
- (C) Groundwater Recharge Treatment Standards
- (D) Overbank Flood Protection Treatment Standards
- (E) Extreme Flood Protection Treatment Standards

Furthermore, the following requirements shall be complied with for all projects under the jurisdiction of this regulation:

- (1) Low Impact Development Techniques – Substantial alterations to existing surface water drainage for the purpose of development are strongly discouraged. The designer of the project shall demonstrate to the Development Review Board that, where feasible, soils best suited for infiltration are retained and, where feasible, areas best suited to serve as natural stormwater management features are preserved.
- (2) Removal of Surface Water - Drainage facilities serving the subdivision shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements not less than 20 feet in width, and shall be designed to standards approved by the Town's Director of Public Works. In design of the drainage system, natural waterways and drainage ways shall be utilized to the fullest extent possible.

- (3) Drainage Structure to Accommodate Development Upstream - Culverts or other drainage facilities shall, in each case, be large enough to accommodate potential runoff from the entire upstream drainage area or watershed, whether inside or outside the subdivision. The Development Review Board shall approve the design and size of facilities based on anticipated runoff under conditions of total potential development. The subdivider's engineer shall provide such information as the Commission deems necessary to the determination of the adequacy of the facilities.
- (4) Responsibility for Downstream Drainage - The subdivider's engineer shall provide such information as the Development Review Board deems necessary to determine the effect of the subdivision on the existing downstream drainage facilities outside of the area of the subdivision. Where the Development Review Board anticipates that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility so that there will be damage to private property or an increase in the expenditure of public funds, the Development Review Board shall not approve the subdivision until the subdivider agrees to the improvements deemed necessary by the Town to prevent such overload.

975 EROSION PREVENTION AND SEDIMENT CONTROL

- (1) All land clearing that exposes bare earth, excavating, filling and stockpiling of earth materials associated with the development of subdivisions shall be conducted to maximize erosion prevention and sediment control.
- (2) All construction projects must comply with applicable requirements of the State of Vermont Erosion Control and Sediment Control General Permit.

980 MONUMENTS AND LOT CORNER MARKERS

Permanent right-of-way monuments shall be set at all street intersections and at all angles and curves or other critical points in street lines as will enable a land surveyor to stake out correctly any lot in the subdivision. Each monument shall be a precast concrete post, 4" x 4" at the top by 48" long. The top shall have a center mark which shall be the point of reference. The monuments shall be set in place after all other street improvements are completed. Lot corner markers shall be set at corners and angle points of all lots, plots or parcels and located in the ground to finished grade.

990 DEDICATION OF LAND IN LIEU OF IMPACT FEES

The Development Review Board, pursuant to 24 V.S.A., Section 5202 (as amended from time to time) and Section 8 of the Shelburne Impact Fee ordinance, may recommend the dedication of land or alternative in-kind contribution in lieu of payment of an impact fee for public recreation and school purposes.

**ARTICLE X: GENERAL PROVISIONS**

1000 FEES

- (1) Upon submission of an application or any other request for hearing, the subdivider shall pay the application fee as established by the Board of Selectmen for the administration of subdivision review.
- (2) Pursuant to 24 VSA §4407 (17), an applicant may be required to pay the reasonable costs and fees incident to an independent technical review of the application. These costs and fees shall be paid by the applicant in a timely manner, upon presentation of a bill for services by the Town. Upon failure of an applicant to pay a bill for technical review services in a timely manner, the Town shall record a copy of the same in the land records and said bill shall constitute a lien on the applicant's property that may be enforced in the same manner as a tax lien under 32 VSA subsection 5061.
- (3) Before the Town engages the services of a person or firm to conduct a specific independent technical review, it shall provide an applicant with notice of the same and an opportunity to be heard on any proposed review.

#### 1010 NUMBER OF COPIES

All required submissions under these regulations shall be submitted with eight (8) sets of full sized (at least size D or E sheets) maps, plus eight (8) sets of reduced size (11" x 17") maps and corresponding digital (PDF) files, along with accompanying written materials, which shall include the items specified in SUBDIVISION PROCEDURES AND APPLICATION checklist in printed and digital (PDF) format.

#### 1015 ATTENDANCE AT PUBLIC HEARINGS

The subdivider or his duly authorized representative shall attend all required meetings and hearings held under these regulations to review the subdivider's application including any public meetings or hearings which are continued to a specific time and date. The Development Review Board may disapprove the subdivider's application if he/she or his/her duly authorized representative fails to attend any such public hearings or meetings.

#### 1020 ACCEPTANCE OF STREETS AND OPEN SPACE

The approval of the Final Plat or filing for record thereof shall not constitute or be evidence of any acceptance of any street, park or other open space shown on such plan. Such acceptance shall be by resolution of the Town Selectmen.

#### 1030 FILING OF APPROVED PLAT

Filing of the approved plat shall be in accordance with the provisions of the Vermont Planning and Development Act as presently enacted and as hereinafter from time to time amended.

#### 1040 PLAT VOID IF REVISED AFTER APPROVAL



No changes, erasure, modification, or revision shall be made on any subdivision plat after approval has been given by the Development Review Board and endorsed in writing on the plat, unless said plat is first re-submitted to the Development Review Board and the Development Review Board approves such modifications after public hearing.

In the event that such subdivision plat is recorded without complying with this requirement, the plat shall be considered null and void.

#### 1045 APPLICATION FORMS

All applications required under these regulations shall be submitted on forms furnished and approved by the Town of Shelburne Development Review Board.

#### 1050 FORM OF RECORDED PLAT

The plat to be filed with the Town Clerk shall comply with the requirements of the Vermont Statutes Annotated, as presently enacted or as hereinafter from time to time amended.

#### 1060 SUBDIVISION WAIVERS

The Development Review Board may waive or vary, subject to the appropriate conditions, the provisions of any or all improvements and requirements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety and general welfare, or which in its judgment are inappropriate because of an inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

In granting waivers the Development Review Board shall require such conditions as will in its judgment secure substantially the objectives of the requirements so varied or waived.

It shall be the responsibility of the applicant to meet the requirements of these regulations and provide such sufficient information to enable the Development Review Board to reach a decision.

The waivers will not in any manner vary the provisions of the Shelburne Zoning Bylaws, Comprehensive Plan or other bylaws then in effect.

#### 1065 APPROVAL CONDITIONS

Orders and findings by the Development Review Board which contain stipulations and/or conditions affecting approvals, for any lot, tract or parcel of land may be recorded in the miscellaneous land records of Shelburne, or on the original mylar, and indexed to the record owner of said parcel, the recording fee to be paid by said owner.

### **ARTICLE XI: ADMINISTRATION AND ENFORCEMENT**

#### 1110 APPEALS

Appeals from the decisions of the Development Review Board shall be in accordance with the provisions of the Vermont Planning and Development Act and Vermont Statutes as presently in effect or as hereinafter from time to time amended.

#### 1120 ENFORCEMENT AND PENALTIES

No land development, improvements, additions, buildings, structures or change of use may be undertaken on any lot, tract or parcel of land subdivided out of a larger parcel and no zoning permit or occupancy permit shall be issued therefor until said subdivision has been approved by the Development Review Board under these regulations.

Any person who violates any of the provisions of these regulations or when constructing or otherwise implementing an approved subdivision, fails to do so according to the approved plan, shall be fined not more than one hundred dollars (\$100.00) for each offense, and each day that a violation continues shall constitute a separate offense. In default of payment of the fine, the person, the members of any partnership, or the principal officers of the corporation shall each pay double the amount of the fine.

Any person who, being the owner or agent of the owner of any lot, tract, or parcel of land, lays out, constructs, opens, or dedicates any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings abutting thereon, or sells, transfers or agrees to sell, or transfer any land in a subdivision or land development whether by reference to or by other use of a plat of that subdivision or land development or otherwise, or erects any structure thereon without first having recorded a duly approved final plat under these regulations shall be fined not more than one hundred dollars (\$100.00), and each lot, parcel or unit so sold or transferred shall be deemed a separate violation, and each day that a violation continues shall constitute a separate offense. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from these penalties or from the remedies provided in this chapter.

Nothing herein contained shall be deemed to bar any other legal or equitable remedy provided in the Vermont Planning and Development Act as presently enacted and as from time to time hereinafter amended, or otherwise, to restrain, correct or prevent any violations of these regulations or prosecute violators thereof.

#### 1130 PHASING AND VOIDABILITY OF APPROVAL

The Development Review Board, in granting final plat approval, may include an agreed upon phasing plan. Such phasing plan can be amended only on approval of the Development Review Board, after a public hearing.

If the roads (except for pavement), utilities and other improvements required for the first phase are not completed by the completion date for first phase specified in any phasing plan approved by the Development Review Board, the final plat approval shall become null and void. In such an event, all work on the project shall cease until such time as a new subdivision application has been submitted and has received final plat approval from the Development Review Board.

If good cause is shown for delay of the project, a one-year extension may be granted by the Development Review Board.

1140 SUPERVISION AND CERTIFICATION OF WATER, SEWER, AND STORMWATER CONSTRUCTION

- (1) Prior to commencing construction of required water, sewer and stormwater treatment practices and improvements, the subdivider shall inform the Director of Public Works, Water Superintendent, and Wastewater Superintendent of the name of the engineer who will be providing construction observations and inspections for the work. The supervising engineer shall be registered in the State of Vermont.
- (2) The designated engineer providing construction observations and inspections shall inspect the site during all phases of construction of the required water, sewer, and stormwater treatment improvements.
- (3) Upon completion of the required work, the engineer providing construction observations and inspections for the work, shall certify to the Town in writing, that the work was completed in accordance with the approved plans. As-Built drawings shall be prepared and submitted with such certification if construction deviated from approved plans.
- (4) No permit for subsequent work or certificate of occupancy for structures in the subdivision shall be issued until such certification has been received and accepted.

1145 CONTRACTOR'S RESPONSIBILITY FOR EROSION PREVENTION AND SEDIMENT CONTROL

- (1) Prior to commencing any land clearing that results in the exposure of bare earth or onsite stockpiling earth materials, associated with the development of the subdivided land, and/or construction excavations or filling, the subdivider shall inform the Town Manager's office of the name of the contractor who will be responsible providing onsite installation, observations and inspections for the erosion prevention and sediment control work.

1150 SAVING PROVISION

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision or interim subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Town under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the Town except as shall be expressly provided for in these regulations.

1160 SERVABILITY

The invalidity of a provision of these regulations shall not invalidate any other part.

1170 AMENDMENTS

Amendments of the Subdivision Regulations shall be made in accordance with the provisions of the Vermont Planning and Development Act presently enacted or as from time to time hereinafter amended.

1180 IMPLEMENTATION

These regulations shall take effect twenty-one (21) days after the date of adoption by the Board of Selectmen.

All subdivision regulations and interim subdivision regulations heretofore in effect in the Town of Shelburne shall be deemed repealed upon the effective date of these regulations.