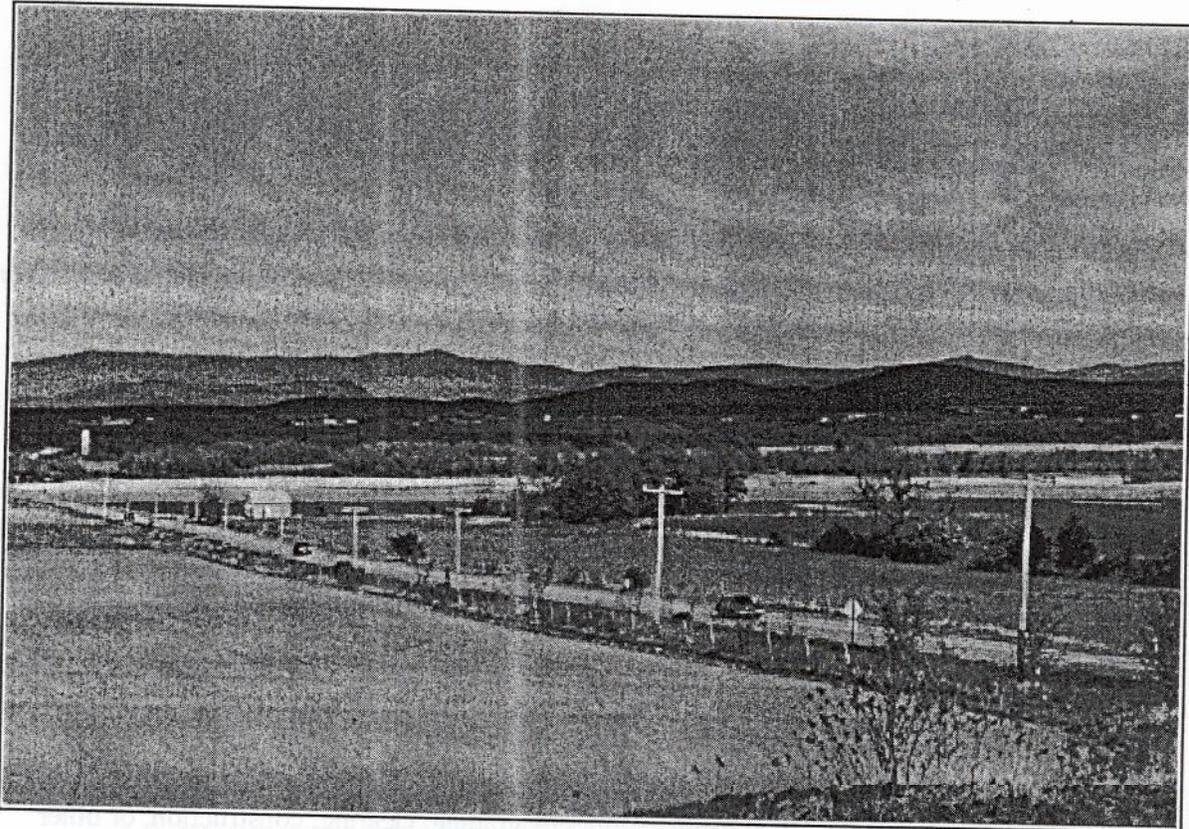

Town of Panton, Vermont Subdivision Regulations



The view from Panton Four Corners/photo by Robert MacNamara

Adopted March 6, 2001

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**PROPOSED SUBDIVISION REGULATIONS
TOWN OF PANTON**

Article I: General

Section 110: Enactment

There are hereby-established subdivision regulations for the Town of Pantton under the authority of 24 V.S.A. Chapter 117 hereinafter referred to as the Act.

Section 120: Intent

The intent of these Subdivision Regulations is to provide for orderly growth and coordinated development in the Town of Pantton, to assure the comfort, convenience, safety, health and welfare of the people, to carry out the purposes of the Town Plan, to assure conformance with zoning regulations, official map, to make provision for drainage, water, sewage, roads, recreational facilities, open space and other improvements, to recognize a desirable relation to land form, its topography and geology, to natural drainage and surface water runoff, and to the ground water tables, to preserve natural assets, and further the purpose of the Act.

Section 130: Authority

The Commission is hereby authorized and empowered to do all acts and things set forth and provided in section 4401(b)(2) and sections 4413 -4421 of the Act as amended, including but not limited to the approval, modification, or disapproval of all plats and deeds filed, and the approval of the development of such plats and deeds previously filed in the municipal clerk's office, if the lands subject to such plats and deeds are entirely or partially undeveloped under the subdivision regulations.

Section 140: Jurisdiction of Regulations

Whenever any subdivision of land is proposed to be made, before any contract for sale of such subdivision or any part thereof is made, before any grading, clearing, construction, or other improvement is undertaken, or before any permit for erection of a structure in such proposed subdivision is granted, and before any plat or subdivision deed may be filed with the Town Clerk, the sub divider, or authorized agent, shall apply in writing to the Planning Commission, for and secure approval or, the proposed subdivision in accordance with these Regulations.

Section 150: Amendments

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

Section 160: Enforcement, Violations, and Penalties

These Regulations shall be enforced in accordance with sections 4444 and 4445 of the Act, as amended.

Section 170: Severability

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

Section 180: Effective Date

The date of adoption as stated on this document.

Section 190: Fees

Subdivision fees shall be those fees as set by the Town Selectboard. A fee schedule is available from the Zoning Administrator or Town Clerk.

Article II: Subdivision Application and Approval Procedure

Section 210: Preapplication Conference

The applicant is encouraged to hold a preapplication conference with the Zoning Administrator but not required to review the proposed application and pertinent requirements, as well as the process for review.

Section 220: Sketch Plan Meeting

1. An applicant for a permit under these regulations shall submit a completed sketch plan package to the Administrative Officer, together with the fee paid by cashier's check or set by the Selectboard. The sketch plan package shall include two (2) copies of the following:
 - a. Name and address of the landowners and/or applicant, names of all adjacent property owners, and the name of project.
 - b. Map drawn to scale showing the location of the development parcel in the Town and all sites previously developed or subdivided by the application/owner in the Town or within one mile of the Town boundary within the past five (5) years.
 - c. A sketch plan at a scale not to exceed one inch=one hundred feet (1"=100'), showing the project boundaries, zoning districts boundaries, adjacent land uses and ownership, significant natural and man-made features, existing easements, and layout and size of proposed lots, uses and improvements. The Planning Commission has the right to request a scaled map at a size appropriate to review.

- c. A statement of compliance of the proposed subdivision with the Town Plan, the Zoning Regulation including reference to any zoning variances; and other bylaws in effect.
 - d. A complete survey of the boundaries of the subdivision parcel by a licensed surveyor with date, true north points, and scale.
 - e. Any other submission requirements stipulated for major subdivisions requested by the Planning Commission at the sketch plan phase.
 - f. The Planning Commission may request a site visit prior to or as part of a final plat hearing, and such site visits will be properly warned.
 - g. Four (4) copies of the completed applications shall be provided 30 days prior to the hearing.
2. Final Plat Hearing: Upon receiving the application a designated member of the Planning Commission shall provide public notice in accordance with the law, notify other Planning Commission members, and set a date for hearing no later than 30 days after the official submission date of a completed subdivision application. Any site visits will be noticed at this time. The Planning Commission may recess the hearing to a future date and may request any other information that the Commission believes may be useful in deciding whether the proposed subdivision complies with the requirements of these regulations. The commission may recess the hearing pending decisions on other required local, state or federal permits.
 3. Final Plat Approval: Within 45 days after the close of the public hearing, the Planning Commission shall grant, with conditions, or deny the Final Plat. The application shall be deemed approved if a decision is not made within 45 days of the close of the final public hearing.

Section 240: Major Subdivision Application and Procedure

1. Preliminary Plat Application: Within a time period of up to 6 months of classification of the project as a major subdivision by the Planning Commission, or within such further additional time as the Commission may permit, upon written request by the applicant, the applicant shall submit a complete application for approval of a preliminary plat with the Administrative Officer, together with the fee set by the Selectboard. The plat shall conform to the layout presented to the Commission at the sketch plan meeting, ten (10) recommendations made by the Commission. The application shall include copies of the following information, provided 30 days in advance of the desired hearing date:
 - a. All information required for a minor subdivision
 - b. Description of proposed water supply. If the source is a community water supply system, evidence of the right to use such system and the adequacy of such a system to meet water supply requirements shall be shown. All design criteria shall be in accordance with applicable state and local health regulations.

- c. A description of the proposed sewage disposal system. All design criteria shall be in accordance with applicable state and local health regulations.
 - d. Preliminary grading plans showing areas of cut and fill and revised contours, at a contour interval of not more than two (2) feet.
 - e. All existing natural features, vegetation, wetlands, habitat, and wildlife.
 - f. A storm water drainage plan, drawn in a contour interval of not more than two (2) feet, shall indicate methods of collecting and discharging drainage, as well as methods for temporary and permanent erosion control.
 - g. All existing and proposed road right of way lines, widths of roads, typical road and utility profiles, dimensions of all lot lines and size of all lots, locations of all existing and proposed buildings, amenities, utilities, and other man made improvements.
 - h. Evidence that the traffic generated by the project will not cause the capacity of roadways and intersections in the area to be exceeded, or create unsafe conditions.
 - i. Evidence that the school age population projected for the project can be accommodated in existing or be in conformance with school capital improvement program and plans, and if not, the Planning Commission may request phasing of the subdivision development.
 - j. Typical landscaping plans showing plant types, ground cover, lighting, signage, and existing features and trees to be maintained.
 - k. All land proposed to be dedicated to open or public or to be reserved for screening and buffer purposes, and the method for assuring and maintaining such dedication or reservation.
 - l. A description of any proposed covenants, and/or deeds restrictions, which are intended to cover all or part of the subdivision.
 - m. A description of the homeowners' association or other form of management organization, if such is proposed.
 - n. The location of temporary markers adequate to enable the Commission to locate readily and appraise the basic layout in the field. Unless an existing road intersection is shown, the distance along a road from one corner of the property to the nearest road intersection shall be known.
 - o. Other information as required to fully assess the impact of the proposed subdivision.
2. Preliminary Plat Hearing: Upon receiving the application, the Administrative Officer shall provide public notice in accordance with the law 24 V.S.A. 4447, notify Planning Commission members, and set a date for hearing no later than 45 days after the official submission date of filing a completed subdivision application. The subdivider or his/her

representative shall attend the hearing to discuss the preliminary plat. The Planning Commission may recess the hearing to a specific date and may request any other information that the Commission believes may be useful in deciding whether the proposed subdivision complies with the requirements of these regulations.

3. Preliminary Plat Approval: Within 45 days after the close of the public hearing, the Planning Commission shall grant, modify, or deny the Preliminary Plan application. When granting approval of a Preliminary Plat, the Commission shall state the conditions of such approval, if any, with respect to (1) the specific changes which it will require in the Preliminary Plat, (2) the character and extent of the required improvements for which waivers may have been requested, (3) the amount of improvement of the amount of all bonds therefore which it will require as prerequisite to the approval of the final plat, (4) the completion of the project in phases as necessary to insure compliance with the Town Plan. The action of the Commission and any conditions attached thereto shall be noted on three (3) copies of the Preliminary Plat. One copy shall be returned to the sub divider, one retained by the Commission, and one forwarded to the Selectboard.
4. Validity of Preliminary Plat Approval: Approval of the Preliminary Plat shall not constitute approval of the final subdivision plat. Subsequent to the approval of the Preliminary Plat, the applicant shall submit the approved plat to all -local, regional, State and Federal agencies as may be required by law. Upon receipt of evidence of approval of the Preliminary Plat by said agencies, and the expiration of all relevant appeal periods, the applicant may apply to the Planning Commission for Final Plat approval. The approval of a Preliminary Plat shall be effective for a period of six (6) months from the date of written notice of approval.
5. Final Plat Application: Within six (6) months of Preliminary Plat approval, the sub divider shall submit an application for approval of a final subdivision plat. If the sub divider fails to do so, resubmittal of a new plat for Preliminary Plat approval shall be required and upon written request of the applicant subject to any new regulation changes, unless the Commission determines that the delays are completely beyond the sub divider's control. The final application must conform to the Preliminary Plat plus any recommendations made by the Commission and include the following:
 - a. All information required for the Preliminary Plat submittal shall be submitted in final form, including any revision or additional detail requested by the Planning Commission.
 - b. In the event of granting of easements to the Town, a written acknowledgement of the sub divider's responsibility for maintenance of easement areas until such land has been legally accepted by the Town.
 - c. Written evidence of approval by all local, regional, state, and federal agencies having jurisdiction over the project, and written evidence of expiration of all appeal period s.
6. Final Plat Hearing: Same as section 2.
7. Final Plat Approval: Same as section 3.

Section 250: Filing of Approved Subdivision Plat or Deed

1. All Subdivisions shall be recorded in the Office of the Town Clerk within 60 days of the date of approval decision under Article II or the approval expires. A subdivision plat or deed shall be invalid unless it is signed by the Chairman upon the approval of the Planning Commission, who will certify that the plat or deed complies with the decision of the Commission under Article II and that all other requirements of the decision have been satisfied. It is requested that all plats shall be submitted on reproducible, durable plastic film and/or in accordance with the applicable Vermont State Statute.
2. No changes, erasures, modifications, or revisions shall be made in any subdivision plat or deed after approval has been given by the Commission and endorsed in writing under Section 3 unless the plat or deed is first resubmitted to the Commission and the Commission approves the modifications and signs off on same as per Section 1.

Article III: Standards for Approval

Section 310: Standards for Decision

A subdivision application may be approved, conditioned, or denied by the Planning Commission after notice and hearing in accordance with these Regulations. Approval shall be presented in a formal "Findings Document".

Section 320: General Standards

The applicant shall show that the proposed subdivision complies with the following general standards:

1. Character of the land: All land to be subdivided shall be, in the judgment of the Planning 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, inadequate capability to withstand structures, including streets, utilities, and buildings, wetlands, or land with other hazardous conditions, shall not ordinarily be subdivided.
2. Preservation of Existing Features: Subdivision plans should give due consideration to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock outcroppings, water bodies, wetlands, open land, other natural resources, and historic resources.
3. Common Lands/Open Space: Subdivision plans shall include, where appropriate, lands set-aside for use as open space, for recreational purposes or for natural resource protection. The Planning Commission retains the right to require this provision as a condition of approval.
4. Runoff and Erosion: Subdivision proposals shall include adequate provision for the control of runoff and erosion during and after construction. All excavations, gradings,

measures for erosion and/or sediment control shall be performed in accordance with the Vermont Handbook on Soil Erosion and Sediment Control On Construction Sites, September, 1987 edition and as revised and/or updated from time to time.

5. Lot Layout and Configuration: The layout and configuration of lots shall conform to the requirements of the Town Plan and zoning regulations in effect and shall be appropriate for the intended construction, the character of the land and the preservation of natural features. Consideration in lot layout shall be given to topographic and soil conditions. Cluster development shall be encouraged whenever feasible and desirable and within the provisions of a PRD approval process. There shall be a public road frontage, or road frontage on a private road approved by the Planning Commission of a minimum of 50 feet.
6. Municipal Services and Facilities: When viewed in the context of all existing and permitted, but unbuilt subdivisions and developments in the Town, proposed subdivisions shall not place an unreasonable burden on the ability of the Town to provide municipal, educational, or governmental services or facilities.
7. Compliance and Compatibility: Proposed subdivisions shall comply with the Town of Panton, Town Plan, Zoning Regulations, and all other bylaws. The proposed subdivision shall be compatible with the surrounding properties, and not create unacceptable or undue impacts on such properties and the character, scale traffic of the area.
8. Substantial Design: The design and construction of proposed subdivisions should include reasonable, cost-effective investments and other strategies of sustainable design in efficiency and other conservation measures, including burial of utilities, where feasible or appropriate.
9. Natural Resources: The protection and preservation of existing natural resources shall be accomplished, including the protection of wetlands, as delineated on regional, state and federal maps.
10. Landscape: Subdivision street plans shall include street tree plantings of appropriate, hardy, native or naturalized species or appropriate landscaping including retention of existing vegetation. Size shall be no smaller than 2" caliper (diameter of tree 6" above its base). Spacing shall be no wider than 100 feet, and the trees shall be on both sides of the street. The Planning Commission may require screening trees, buffer plantings and vegetative stabilization, if deemed necessary. The Planning Commission may request or require specific parameters for siting, site planning and building design if deemed necessary to ensure a subdivision development does not result in unacceptable visual or aesthetic impacts.
11. Design Standards:
 - a) The Planning Commission may elect to employ design standards process prior to issuing a permit for any subdivision.
 - b) The Planning Commission may request any additional studies or information to assist

in the overall design documents review process for a proposed subdivision to ensure that the final project, as permitted, is consistent with the comprehensive plan and the aesthetic and environmental characteristics of Panton.

- c) Review of design standards shall address the following project elements: lighting and landscaping, overall project layout including vehicular and pedestrian circulation, building(s) siting and building scale and character, grading, drainage and erosion control methods, impact on surrounding lands and town character.
- d) The Planning Commission may recommend design modifications or initiatives to the applicant for incorporation into the final plan to be submitted for approval.
- e) The Planning Commission may deny a project permit if the design review process yields a conclusion by vote of a majority of the Commission that the project, as proposed in the final plans and submissions, will have an undue, adverse (unacceptable) impact on the town's natural or built environment, the purpose of this regulation, and/or the health, safety, and welfare of the community.

Section 330: Minimum Lot Size

Proposed subdivisions shall comply with the minimum lot size or maximum density requirements set forth in any Town Zoning Regulation, or as possible through the PRD provision. If a Town Zoning Regulation is not in effect, the lot sizes specified in the Town Plan may be used as guidance in determining whether the proposed subdivision complies with the general standards of Section 320.

Section 340: On-Site Septic System Permits

A proposed subdivision shall not be approved unless a Town on -site septic system permit or a state subdivision septic system permit is secured for each lot created.

Section 350: Roads and Driveways

1. Intersections of roads and driveways shall be as nearly at right angles as possible.
2. All roads shall have rights of way of at least 50 feet in width, unless otherwise approved by the Planning Commission.
3. All new roads, whether public or private, shall comply with Vermont Agency of Transportation A-76 Construction Standards or, if determined by the Planning Commission after consultation with the Selectboard, a waiver is granted. All new roads must meet the approval of the Selectboard.
4. Unless roads proposed by a subdivider and accepted by the Selectboard, the subdivider shall make arrangements for the maintenance of all such roads to the satisfaction of the Planning Commission.

5. A subdivider may be required to provide for any or all of the expenses of road or intersection improvements necessitated by his or her project.
6. Adequate provision shall be made for general traffic access to all proposed subdivisions, including fire, ambulance and rescue vehicles. Road and driveway entrances and exits for vehicles shall be designed to accommodate expected traffic levels and to provide smooth flows, controlled and coordinated turning movements and minimal hazards. Cul -de-sacs shall be no more than 800' long with an 80' r adius at the end. Roads shall not exceed 7% grade on unimproved surfaces, 10% grade on unpaved surfaces.
7. If the road with which a proposed subdivision access road or driveway intersects is a Class 4 Town road, the Planning Commission may deny the application, or upon approval of the Selectboard, require the subdivider to improve the intersected road to Class 3 Town road construction standards.

Section 360: Waivers

1. Where the Planning Commission finds that, due to special circumstances such as size, location, or landform is affecting the land contained in a particular plat, the provision of certain required improvements is not appropriate, or required in the interest of public health, safety, and general welfare, it may waive such requirements. In waiving these requirements, it may subject the applicant to seek approval under the provisions of a Planned Residential District.
2. Planning of Plat Development; Approvals may include a requirement of phasing development to integrate identified impacts on traffic, school capacity, etc.
3. In granting waivers 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.
4. In no case shall waivers approved under this section constitute a waiver of the provisions of any other applicable Panton regulation or ordinance. No such waiver may be granted if it would have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Official Map, or any other regulation or ordinance, or these Subdivision Regulations.

Article IV: Definitions

Section 401: Access Road

Any road, public or private, constructed to provide access for more than 2 single -family residential uses or lots to the existing road network.

Section 402: ACT

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

Section 403: Boundary Adjustment

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

Section 404: Commission

The Panton Planning Commission.

Section 405: Development

The division of a lot into two or more lots; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any road or driveway; and any change in the use of any building or other structure or land, or extension of use of land.

Section 406: Driveway

Any commonly used for vehicular traffic serving not more than 2 single-family residential uses or lots.

Section 407: Lot

A portion of land in a subdivision or illustrated on a plat, separated by property lines.

Section 408: Official Map

The map authorized under 24 V.S.A. section 4401(b)(3) and adopted according to 24 V.S.A. sections 4403 and 4404 and modified according to 24 V.S.A. section 4423.

Section 409: Official Submission Date

The date of the next regular meeting that is a least 15 days after the receipt of the required materials.

Section 410: Plat

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

Section 411: Resubdivision

A change of recorded subdivision plat if such change affects any road 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 plat legally recorded.

Section 412: Road

Any public or private road, highway, avenue, street, land or other way between right-of-way lines, commonly used for vehicular traffic exclusive of a driveway serving not more than 2 single-family residential uses or lots.

Section 413: Road, Private

Road which has been constructed for public or commercial travel over land which has not been conveyed to and accepted by the municipality or to the state of Vermont by deed or a fee on easement interest.

Section 414: Road, Public

Road, which has been constructed for public travel over, lands which have been conveyed to and accepted by the municipality.

Section 415: Sketch Plan

A sketch of the proposed subdivision, on a form approved by the Planning Commission, showing the location of the proposed subdivision, the names of the adjoining landowners, and a description of the proposed development.

Section 416: Subdivider

Any person, firm, corporation, partnership, association, unincorporated organization, trust or any other commercial or legal entity, including a joint venture or affiliated ownership which owns or controls the tract or tracts of land to be developed or subdivided, who shall layout for the purpose of sale or development any subdivision or part thereof as defined herein, either for him/herself or for others.

Section 417: Subdivision

The division by recorded deed of a parcel of land with or without roads into 2 or more lots, plots, or other legal division of land for transfer of ownership, building development, or sale. Subdivision includes resubdivision.

1. Subdivision, Minor: Any subdivision that contains three (3) or less lots, three (3) or less dwellings, fronts on a class 3 or better road, does not involve improvement or construction of public roads, and does not require the extension of municipal services. The number of lots and houses counted shall include any previous contiguous

subdivision by the same person or organization.

2. Subdivision, Major: Any subdivision that is not a minor subdivision.

Section 418: Town Road, Class 1

All traveled roads or highways, including trails and pent roads, other than Class 2, Class 3, or Class 4, as designated by the Selectboard, and as shown by the official Town Highway Map.

Section 419: Town Road, Class 2

All traveled roads or highways, including trails and pent roads, other than Class 1, Class 3, or Class 4, as designated by the Selectboard, and as shown by the official Town Highway Map

Section 420: Town Road, Class 3

All traveled roads or highways, including trails and pent roads, other than Class 1, Class 2, or Class 4, roads and highways as designated by the Selectboard.

Section 421: Town Road, Class 4

All traveled roads or highways, including trails and pent roads, other than Class 1, Class 2, or Class 3, roads and highways as designated by the Selectboard.