

Proposed Subdivision Regulation Revisions Village Growth Area Update

PLANNING COMMISSION DRAFT For May 26, 2010 Public Hearing

Revisions to the following sections:

- 3.1.2 – Add a master plan requirement for projects on parcels over 1 acre in the village growth area. Submitted at sketch plan review.
- 6.5 – Add the waiver option language used in other parts of the regulation to the landscaping plan & standards section – more flexibility needed based on experience
- 9 (Definitions) - Added definition for “Master Plan”

Changes to existing Subdivision Regulations (October 12, 2009) are shown – i.e., insertions underlined, deletions under strikeouts

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ARTICLE 1: TITLE, POLICY, AND PURPOSE

SECTION 1.1 TITLE

These regulations shall be known as the Hinesburg Subdivision Regulations.

SECTION 1.2 POLICY

1.2.1 It is hereby declared to be the policy of the Town of Hinesburg to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the Town of Hinesburg pursuant to the Vermont Planning and Development Act (Act) and the Hinesburg Town Plan (Plan) for the orderly, planned, efficient and economical development of the Town.

1.2.2 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. The design of subdivisions of land shall respect significant natural resources, historic resources or scenic or cultural features that contribute to the Town's rural character. Proper provision must be made for drainage, water, sewage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and other facilities and improvements.

1.2.3 These regulations govern "subdivision" as defined in Article 2 of these regulations.

SECTION 1.3 PURPOSE

These regulations are adopted for the following purposes:

1.3.1 To protect and provide for the public health, safety, and general welfare of the Town of Hinesburg.

1.3.2 To guide the future growth and orderly development of the town in accordance with the Hinesburg Town Plan, Zoning Bylaw and all other Bylaws enacted to implement the Plan, and for the purposes set forth in the Vermont Planning and Development Act.

ARTICLE 2: PROCEDURE FOR CONVEYANCES NOT CONSTITUTING A SUBDIVISION

Note: Properties that have received previous subdivision or other permits requiring the filing of a survey/plat must amend these permits prior to any transfer of land. See section 7.7 on revisions as well as the definition of “re-subdivision”.

BOUNDARY ADJUSTMENT

Minor changes in boundaries between two adjoining parcels

NEEDS:

Zoning Permit from Zoning Administrator

LOTS FOR AGRICULTURE OR FORESTRY

Transfer of land solely for commercial forestry or agricultural purposes.

NEEDS:

Zoning Permit from Zoning Administrator

TRANSFER OF LAND TO ADJOINERS

Land of any size conveyed to an adjoining property owner to become a part of the adjoining parcel of land.

NEEDS:

- 1. Development Review Board Approval**
- 2. Zoning Permit from Zoning Administrator**

SECTION 2.1 ZONING PERMIT REQUIRED

2.1.1 With the exception of leases (see section 2.3), any division of a parcel of land which is not a subdivision as defined in Article 9, shall require a Zoning Permit from the Zoning Administrator. The Zoning Administrator shall record the permit in the Hinesburg Land Records, indicating that the conveyance is in compliance with these Subdivision Regulations and the Zoning Bylaw. The Zoning permit shall expire one year after its date of issue if a deed has not been filed with the Town Clerk to record the land conveyance.

2.1.2 Submission Requirements: The seller or proposed buyer of the parcel of land, or his or her attorney or agent, shall submit to the Zoning Administrator an application for a Zoning Permit, providing such information as the Zoning Administrator shall require to determine whether the conveyance is in compliance with these Subdivision Regulations and the Zoning Bylaw. The application shall include:

- (1) The names, addresses, and approvals of owners of all parcels involved in a boundary adjustment or transfer of land.

- (2) The name and address of the proposed buyer or transferee, if known.
- (3) A simple sketch or a survey of the parcel being conveyed. The sketch or survey shall show the acreage of the original parcel and any resulting parcels.
- (4) Any other information required in Article 2 or Section 2.2.

SECTION 2.2 REVIEW PROCESS FOR THE TRANSFER OF LAND TO ADJOINER

Applicants for the transfer of land to adjoiners shall meet with the Development Review Board for approval. The Board shall review the proposal to determine if it constitutes a transfer of land to adjoiner or a subdivision. The applicant(s) shall submit the materials required for Sketch Plan review (see section 3.1.1). In addition to the submission requirements under Sketch Plan, applicants shall demonstrate to the Development Review Board's satisfaction that:

- (1) the division of land will not make the resulting parcels non-conforming in any way;
- (2) the transferred land will become part of the neighboring parcel and may not be further subdivided except in accordance with these regulations; and
- (3) the deed and any new survey states that no development may occur on the transferred land without subdivision review by the Development Review Board.

SECTION 2.3 REVIEW PROCESS FOR LAND LEASES

Non-exempt land leases shall be subject to subdivision review. Certain leases are exempt from subdivision review – see “Subdivision” definition in Article 9. Leases of very small land areas, less than 400 square feet, for the purpose of placing utility infrastructure (electrical, telecommunication, TV/cable, internet, etc.) Shall be exempt from subdivision review/approval as long as a survey/plat showing the lease area is recorded in the Town Land Records.

The survey shall be by a licensed land surveyor and shall meet State statutory requirements for survey plats. The survey shall include: identifying title; the name of the town; the name and address of the owner of record; the name, license number and seal of the licensed land surveyor; the boundaries of the lease area and its general location in relation to overall parcel; a location map showing the overall parcel in relation to existing streets or other landmarks; scale, date and true north point.

ARTICLE 3: SUBDIVISION REVIEW PROCESS

All subdivisions are subject to either the Major or Minor review processes as defined in Article 9 (Definitions).

MINOR SUBDIVISION

Any residential subdivision involving three or less lots

NEEDS:

- 1. Sketch Plan Review**
- 2. Final Plat Review**

MAJOR SUBDIVISION

Any residential subdivision containing four or more lots, any nonresidential subdivision, any multi-family housing project, and any subdivision proposing new public roads

NEEDS:

- 1. Sketch Plan Review**
- 2. Preliminary Plat Review**
- 3. Final Plat Review**

SECTION 3.1 SKETCH PLAN

The purpose of sketch plan review is to allow the subdivider to meet with the Development Review Board to discuss the proposed subdivision conceptually, before the subdivider invests substantial effort and resources in design and planning for the project. Sketch plan review also gives the Development Review Board an opportunity to classify the project and define the issues to be addressed by the subdivider for subsequent meetings.

3.1.1 Sketch Plan Submission Requirements: Any subdivider of land shall, prior to submitting an application for subdivision approval, submit to the town planning office at least ten (10) days prior to the regularly scheduled meeting of the Development Review Board at which the application is to be considered, a sketch plan of the proposed subdivision, which shall include the following information:

- (1) Name and address of the owner of record and of the applicant, if not the same.
- (2) Name of owners of record of adjoining properties.
- (3) Boundaries and area of all contiguous land belonging to owner of record and the proposed subdivision.
- (4) Existing and proposed layout of property lines; type and location of existing and proposed restrictions on land, such as easements and covenants.
- (5) Type, location, and approximate size of existing and proposed roads, buildings, trails, utilities, and open space.
- (6) Approximate delineation (rough sketch) identifying site features and constraints to development such as woodlands, agricultural lands, steep

slopes, ledge outcrops, and any significant natural resources including streams, wetlands, flood plains and springs, and identification of any significant scenic, cultural or historic features.

(7) Date, true north arrow and scale (numerical and graphic).

(8) Location map, showing relation of proposed subdivision to adjacent property and surrounding area.

3.1.2 Master Plan Submission Requirement (Village Growth Area): Within the Village Growth Area zoning districts (see Zoning Regulations, section 3.1), subdivision proposals on parcels over 1 acre (excluding minor amendments to previously approved projects, as determined by the DRB) shall include a conceptual-level master plan for the overall property owned or controlled by the applicant and/or landowner. This master plan shall further the purpose and goals of the Village Growth Area (as outlined in the Zoning Regulations and the Town Plan), delineate and address significant natural features (e.g., streams, mapped wetlands, flood hazard areas, steep slopes 25% or greater, etc.), and ensure the orderly provision of private and public infrastructure. Due to significant wetland constraints, master plans for properties in the Village Northwest, Village Northeast, and Residential 2 districts shall also include a wetland delineation for those portions of the property with development potential (immediate or long term). The master plan may show future/conceptual components or phases, but shall be a well-researched, detailed, and unified treatment of the entire property. The master plan shall address existing and future infrastructure (e.g., stormwater treatment, roads, sidewalks, water, sewer, gas, and other utilities) as well as the need for shared facilities, shared parking, necessary cross-lot/building easements. The master plan shall address both short and long term traffic impacts and needs (vehicular, pedestrian, bicycle) based on proposed uses and future phases to the extent reasonable (i.e., some future forecasting expected). See the Town's Official Map for planned public infrastructure. The DRB shall address the master plan in its decision(s), and subsequent applications shall be consistent with the master plan unless the application proposes a new master plan with suitable refinements and improvements.

3.1.23.1.3 Sketch Plan Layout Sketches: Applicants are invited to explore a variety of potential layouts for the proposed subdivision. One or more alternatives may be submitted on tracing paper overlays of the sketch plan. The layouts should also indicate how the proposed subdivision relates to surrounding development, roads and land uses.

3.1.33.1.4 Attendance at Sketch Plan Review: The subdivider, or his 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, drainage, sewage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.

3.1.43.1.5 Classification of Subdivision: The Development Review Board shall

classify the sketch plan at the meeting as either a minor subdivision or a major subdivision, or determine if the application may be approved as a transfer of land to an adjoining property. 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 Bylaws for major subdivision.

~~3.1.5~~3.1.6 **Action on the Sketch Plan:** More than one sketch plan may be submitted for review. The Development Review Board shall study each sketch plan to determine whether or not it conforms to, or would be in conflict with the Town Plan, the Zoning Bylaws and any other By-Laws then in effect. The Development Review Board shall within forty-five (45) days after the sketch plan review, approve, modify and approve, or disapprove the sketch plan. Alternatively the Development Review Board may permit the applicant to withdraw the sketch plan application in order to subsequently submit a modified sketch plan. Failure so to act within such forty-five days shall be deemed approval. If the Development Review Board has disapproved the sketch plan, findings specifying the grounds for disapproval shall be sent to the applicant within thirty (30) days of the decision. A sketch plan is valid for a period of six months.

SECTION 3.2 MINOR SUBDIVISION

- 3.2.1 **Application:** Within six (6) months following sketch plan approval, the subdivider shall submit an application for Minor Subdivision. The application shall contain those items set forth in Section 3.2.4 of these regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the Development Review Board.
- 3.2.2 **Public Hearing:** public hearing is required for consideration of a Minor Subdivision. At least 20 days before scheduling any public hearing, the subdivider shall submit an application to be reviewed and accepted as complete by Development Review Board staff. The public hearing shall be warned by the Development Review Board in accordance with the public notice provisions of the Act (Sections 4414 and 4447) and notice of the meeting shall be sent to those required to receive notice under the provisions of the Act.
- 3.2.3 **Action:** The Development Review Board shall within forty-five (45) days after the close of the public hearing approve, modify and approve, or disapprove such plat. Failure to act within such forty-five days shall be deemed approval. If the Development Review Board has disapproved the final plat, findings specifying the grounds for disapproval shall be sent to the applicant within forty-five (45) days of the close of the public hearing.
- 3.2.4 **Submission Requirements - Minor Subdivision**
- (1) Requirements for minor subdivision applications consist of submitting a Final Subdivision Plat. The final plat for a subdivision shall conform in all respects to the sketch plan as approved by the Development Review Board. Applicants

are also encouraged to review the planning and design standards in Articles 5 & 6 of these regulations. The Final Subdivision Plat shall consist of drawings and submittals which provide the following:

- (a) Identifying title for the proposed subdivision, the name of the municipality, the name and address of the owner of record and subdivider, the name, license number and seal of the licensed land surveyor, the boundaries of the subdivision and its general location in relation to existing streets or other landmarks and scale, date and true north point
 - (b) Street names and lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
 - (c) Sufficient data acceptable to the Development Review Board to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. When practicable these should be tied to reference points previously established by a public authority.
 - (d) Final design for all roadways, including the length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.
 - (e) By proper designation on such Plat, all public open space for which offers of conveyance are made by the subdivider and those spaces title to which is reserved by the subdivider.
 - (f) Lots within the subdivision numbered in numerical order.
 - (g) Monuments which shall be set at all corners and angle points of the boundaries of the subdivision, and monuments required by municipal 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 engineer.
 - (h) A proposed utility system design. Only basic elements of this design should be shown on the plat. Any detailed design information should be submitted separately as a supporting document. The plat should include a note that the proposed utility locations may be modified slightly when installed, due to unforeseen site constraints (e.g., ledge).
- (2) The following supporting documents shall be submitted to the Development Review Board with the final plat application:
- (a) The location and design of all of the improvements referred to in Article 6 (Required Improvements and Design Standards) and in addition thereto the location of all utility poles, sewage disposal systems, water supply

systems, and rough grading and other devices and methods of draining the area within the subdivision.

- (b) Erosion control measures, if any are proposed, during and after construction.
- (c) Final design of all bridges and culverts that are a part of the subdivision.
- (d) Copies of proposed deeds, agreements or other documents showing the manner in which open space, including park and recreational areas and school site areas, are to be dedicated, reserved and maintained and if requested by the Development Review Board, a certificate from the Selectboard or Town attorney that these documents are satisfactory. Such certificate shall not be construed, however, as acceptance by the Town of Hinesburg, of any areas proposed to be dedicated to the Town.
- (e) If requested by the Development Review Board, a certificate from a Town consulting engineer as to the satisfactory completion of all improvements required by the Development Review Board, or, in lieu thereof, a performance bond to secure completion of such improvements and their maintenance for a period of two years, with a certificate from the Selectboard that it is satisfied either with the bonding or surety company, or with security furnished by the subdivider.
- (f) Any other documents required by the Development Review Board.

SECTION 3.3 MAJOR SUBDIVISION

- 3.3.1 Preliminary Plat Application: Within six (6) months following sketch plan approval, the subdivider shall submit an application for approval of a preliminary plat. The application shall contain those items set forth in Section 4.1 of these regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the Development Review Board.
- 3.3.2 Preliminary Plat Public Hearing: No public hearing is required for preliminary plat review. Development Review Board staff shall attempt, as a courtesy to adjoining landowners, to inform adjoiners of the meeting at least 24 hours before the meeting at which the preliminary plat will be reviewed.
- 3.3.3 Action on Preliminary Plat: The Development Review Board shall within forty-five (45) days after the close of the public meeting approve, modify and approve, or disapprove such plat. Failure to act within such forty-five days shall be deemed approval. The grounds for any modifications required or the grounds of disapproval shall be set forth in a written notice of decision. Copies of the notice of decision of the Development Review Board shall be sent to the applicant and any interested parties requesting such notice by certified mail, return receipt requested, within said period.

- 3.3.4 Adequate public facilities & phasing: For projects undergoing site plan, conditional use, subdivision, or planned unit development review, the DRB may limit development or require phasing to assure orderly growth in coordination with the construction or implementation of related public facilities and services as outlined in the Capital Budget & Program. Project build out must take place over a sufficient period of time to allow for the provision of adequate and necessary public facilities as determined by the DRB. Consideration shall be given to public facilities and services including, but not limited to: school capacity, fire and police protection, municipal water and wastewater treatment capacity, parks and recreation, road and intersection capacity, non-vehicular access (e.g., bike/ped).
- 3.3.5 Effect of Preliminary Plat Approval: Approval of a preliminary plat shall not constitute approval of the subdivision plat. Prior to approval of the final subdivision plat, the Development Review Board may require additional changes as a result of further study. The approval of a preliminary plat shall be effective for a period of one (1) year. The preliminary plat shall be null and void if a final plat application is not received prior to the expiration of one (1) year and the subdivider shall be required to resubmit a new plat for preliminary approval subject to all new zoning and subdivision regulations. Should the Development Review Board impose sectionalizing as a condition of preliminary plat approval, it may extend the one-year effective period of preliminary approval.
- 3.3.6 Final Plat Application: Before expiration of the preliminary plat, the subdivider shall submit an application for approval of a final subdivision plat. The application shall contain those items set forth in Section 4.2 of these regulations, and shall conform to the layout shown on the sketch plan plus any recommendations made by the Development Review Board. If sectionalizing was a requirement of preliminary plat approval, a separate final plat application shall be filed for each section within the time periods imposed in the preliminary plat approval.
- 3.3.7 Final Plat Hearing: At least 20 days before scheduling any public hearing, the subdivider shall submit an application to be reviewed and accepted as complete by Development Review Board staff. The public hearing shall be warned by the Development Review Board in accordance with the public notice provisions of the Act (Sections 4414 and 4447) and notice of the meeting shall be sent to those required to receive notice under the provisions of the Act.
- 3.3.8 Final Plat Action: The Development Review Board shall within forty-five (45) days after the public hearing approve, modify and approve, or disapprove such plat. Failure to act within such forty-five days shall be deemed approval.

ARTICLE 4: APPLICATION SUBMISSION REQUIREMENTS FOR MAJOR SUBDIVISIONS

SECTION 4.1 PRELIMINARY PLAT SUBMISSION

4.1.1 The Preliminary Subdivision Plat 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 per inch, showing or accompanied by the information below. Applicants are also encouraged to review the planning and design standards in Articles 5 & 6 of these regulations.

- (1) Identifying title of the proposed subdivision and the name of the town.
- (2) Name and address of owner of record, subdivider and designer of Preliminary Plat.
- (3) Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses and other significant existing physical features including wooded areas, large trees and ledge outcrops.
- (4) The names of owners of record of adjacent acreage.
- (5) All zoning district boundaries running through the tract.
- (6) The location and size of any existing sewer and water mains, culverts and drains on the property to be subdivided.
- (7) Location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces as well as similar facts regarding adjacent property
- (8) Contour lines at intervals of at least five (5) feet of existing grades and of proposed finished grades where change of existing ground elevation will be five (5) feet or more or where required by the Development Review Board.
- (9) Typical cross sections of the proposed grading and roadways and sidewalks. Sections and profiles of the roadways within the subdivision shall be provided when requested by the Development Review Board.
- (10) Date, true north point and scale.
- (11) Complete survey of subdivision tract by a licensed land surveyor.
- (12) Means of providing water supply to the proposed subdivision
- (13) Means of on-site disposal of septic wastes including location and results of

tests to ascertain subsurface soil, rock and ground water conditions, depth to ground water unless pits are dry at depth of five (5) feet; location and results of percolation tests.

- (14) Provisions for collecting and discharging storm drainage, in the form of drainage plan.
- (15) Preliminary designs of any bridges or culverts which may be required.
- (16) The proposed lot lines with approximate dimensions and suggested locations of buildings or building envelopes.
- (17) The location of temporary markers adequate to enable the Development Review Board to locate readily and appraise the basic layout in the field. Unless an existing street intersection is known, the distance along a street from one corner of the property to the nearest existing street intersection shall be shown.
- (18) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- (19) Erosion control measures, if any are proposed, during and after construction.
- (20) The location of natural features or site elements to be preserved, protected, or managed in accordance with the Town Plan.
- (21) List of waivers, if any, the subdivider desires from the requirements of the Subdivision Regulations or those specified under PRD/PUD provisions in the Zoning Bylaw.
- (22) A site plan in conformance with the site plan review provisions of the Zoning Bylaw, where applicable.
- (23) A proposed utility system design. Only basic elements of this design should be shown on the plat. Any detailed design information should be submitted separately as a supporting document. The plat should include a note that the proposed utility locations may be modified slightly when installed, due to unforeseen site constraints (e.g., ledge).

4.1.2 Context Map: The preliminary plat shall be accompanied by a context map drawn to scale, showing the relation of the proposed subdivision to the adjacent properties and to the general surrounding area including:

- (1) The entire parcel being subdivided.
- (2) Proposed streets, easements, open space, pedestrian ways, building lines and

alleys pertaining to the proposed subdivision and to the adjacent properties.

- (3) An outline of the subdivision together with its street system and an indication of the future probable street system of the remaining portion of the parcel, if the preliminary plat covers only part of the subdivider's entire holding.

SECTION 4.2 FINAL PLAT

4.2.1 The final plat for a subdivision shall conform in all respects to the preliminary plat as approved by the Development Review Board. Applicants are also encouraged to review the planning and design standards in Articles 5 & 6 of these regulations. The Subdivision Plat shall show:

- (1) Identifying title for the proposed subdivision, the name of the town, the name and address of the owner of record and subdivider, the name, license number and seal of the licensed land surveyor, the boundaries of the subdivision and its general location in relation to existing streets or other landmarks and scale, date and true north point.
- (2) Street names and lines, pedestrian ways, lots, reservations, easements and area to be dedicated to public use.
- (3) Sufficient data acceptable to the Development Review Board to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. When practicable these should be tied to reference points previously established by a public authority.
- (4) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.
- (5) By proper designation on such Plat, all public open space for which offers of conveyance are made by the subdivider and those spaces title to which is reserved by the subdivider.
- (6) Lots within the subdivision numbered in numerical order.
- (7) Permanent reference monuments and lot corner markers.
- (8) Monuments which shall be set at all corners and angle points of the boundaries of the subdivision, and monuments required by town 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 engineer.
- (9) A proposed utility system design. Only basic elements of this design should be shown on the plat. Any detailed design information should be submitted separately as a supporting document. The plat should include a note that the

proposed utility locations may be modified slightly when installed, due to unforeseen site constraints (e.g., ledge).

- 4.2.2 There shall be submitted to the Development Review Board with the final plat the following supporting documents:
- (1) The location and design of all of the improvements referred to in Article 6 (Required Improvements and Design Standards) and in addition thereto the location of all utility poles, sewage disposal systems, and rough grading and other devices and methods of draining the area within the subdivision.
 - (2) Copies of proposed deeds, agreements or other documents showing the manner in which streets, open space, including park and recreational areas and school site areas, are to be dedicated, reserved, and maintained and if requested by the Development Review Board, a certificate from the Selectboard or Town attorney that these documents are satisfactory. Such certificate shall not be construed, however, as acceptance by the Town of Hinesburg of any areas proposed to be dedicated to the Town.
 - (3) If requested by the Development Review Board, a certificate from a Town consulting engineer as to the satisfactory completion of all improvements required by the Development Review Board, or, in lieu thereof, a performance bond to secure completion of such improvements and their maintenance for a period of two years, with a certificate from the Selectboard that it is satisfied either with the bonding or surety company, or with security furnished by the subdivider.
 - (4) Any other documents required by the Development Review Board as a result of preliminary plat approval.

ARTICLE 5: PLANNING STANDARDS

SECTION 5.1 APPLICATION OF PLANNING STANDARDS

The Development Review Board shall evaluate any subdivision in accordance with the following standards, based on goals and objectives identified in the Town Plan. The Development Review Board may require the subdivider to submit information addressing impacts related to these standards. In light of findings made on these standards, the Development Review Board may require modification and/or phasing of the proposed subdivision or correction of any adverse impacts.

- 5.1.1 Suitability for Development - Whether the land for the proposed subdivision is suitable for subdivision or development or demonstrates no significant impediments to development due to flooding, improper drainage, steep slopes, rock formations, or other adverse earth formations or topography, utility easements or other features which will be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas.
- 5.1.2 Natural Features Protection - Whether the proposal gives due regard to the preservation and protection of existing natural features including: significant trees, hedgerows and productive forests; agricultural lands; streams, rivers, lakeshores and other surface waters; floodplains and wetlands; groundwater resources; rock outcroppings, steep slopes and ridge lines; earth resources; wildlife habitat; significant natural areas, and other natural resources.
- 5.1.3 Cultural Features Protection - Whether the proposal gives due regard to the preservation of historic structures and areas, and of scenic resources. In the village areas, the proposal shall enhance compact, historic, pedestrian-oriented settlement patterns. Outside the village areas, the proposal shall enhance the rural landscape.
- 5.1.4 Open Space and Recreation - Whether the proposal includes sufficient open space for active and passive recreation
- 5.1.5 Compatibility with Surroundings - Whether the proposed density, building sizes, pattern of development, and configuration of lots is compatible, within the context of the Town Plan goals and the Zoning Bylaw, with the surrounding properties, the natural environment and the built environment.
- 5.1.6 Transportation - Whether the proposal contains adequate provision for transportation including vehicular and pedestrian traffic in terms of safety, convenience, access to points of destination and attractiveness.
 - (1) Whether the proposed development will cause unreasonable highway congestion or unsafe conditions with respect to the use of roads and highways in the Town.

- (2) Whether the layout and/or extension of any roads provides for appropriate access to the project and possible future projects as determined necessary by the Development Review Board. The Development Review Board shall consider the long term road network as it relates to existing, proposed, and potential roads and development in the Town, safety, emergency vehicle access, aesthetics, and any other impacts identified in the course of the review of the project.
- 5.1.7 Soil Erosion and Storm Water Run-off - Whether the proposal includes adequate provision for the control of storm water runoff and erosion during and after construction.
- 5.1.8 Water Supply - Whether there is sufficient water available for the foreseeable needs of the proposed development without impacting existing water supplies.
- 5.1.9 Wastewater Disposal - Whether the project has access to municipal wastewater disposal facilities, in conformance with any sewage disposal policies or regulations in effect, or the site has the capacity to safely and effectively treat sewage flows from the proposed development through a sewage disposal system designed by a qualified professional engineer or consultant acting within the authority of his or her certification.
- 5.1.10 Agriculture/Forestry - Whether the proposed development will preserve agricultural and forestry land and uses by placing development in areas that are marginal for agricultural and forestry uses and where development will be least disruptive to agricultural and forestry operations.
- 5.1.11 Municipal Services - Whether the proposed development will place an unreasonable burden on the ability of local governmental units to provide municipal or governmental services and facilities.
- 5.1.12 Energy Conservation - Whether the proposed development promotes energy conservation by encouraging compact patterns of development and through orientation of structures on a site to gain maximum benefit from solar access and wind protection. Projects should be sited and designed to take maximum advantage of solar gain – to ensure passive solar gain and to allow for the use of photovoltaics now or in future. If this cannot be accomplished to the DRB’s satisfaction, the use of renewable energy technology (solar, wind, geothermal, etc.) or green building certification (LEED program for non-residential projects; “Green Home Certification” for residential projects – see definition) shall be employed as a substitute.
- 5.1.13 Conformance with Town Bylaws and Plan - Whether the proposed development is in compliance with the Hinesburg Town Plan, Zoning Bylaw and other by-laws and regulations or policies then in effect.

SECTION 5.2 PARK LAND AND SCHOOL SITES

The Development Review Board may require as a condition to subdivision approval, the dedication of park or school land or the payment of a fee in lieu thereof.

ARTICLE 6: REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

SECTION 6.1 STREETS AND DRIVEWAYS

- 6.1.1 General Standards: Convenient and safe access for maintenance and emergency equipment in all weather conditions.
- 6.1.2 Layout Coordination: Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless in the opinion of the Development Review Board such extension is not necessary or desirable for the coordination of the layout of the proposed subdivision with the existing layout or the most advantageous future development of adjacent tracts.
- 6.1.3 Topography: Streets and driveways 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 and driveways.
- 6.1.4 Reserved Strips: The creation of reserved strips shall not be permitted adjacent to the proposed street in such a manner as to deny access from adjacent property to such street.
- 6.1.5 Dead Ends and Street Networks: No dead end streets shall be permitted without a suitable cul-de-sac at its terminus with a radius of not less than forty (40) feet, and no dead end street shall be more than a reasonable length, or as specified in the Town Road Standards. Non cul-de-sac turn-arounds may be permitted, if permitted by and in accordance with the Town Road Standards.
- 6.1.6 Intersections: Street intersections with centerline offsets of less than two hundred (200) feet shall not be permitted. All street intersections shall be as nearly at right angles as possible. This paragraph shall not apply where superseded by the Town Road Standards.
- 6.1.7 Accessibility: All dwellings must be accessible by emergency and service vehicles.
- 6.1.8 Sight Distances: Sight distances should be consistent with probable traffic speed, terrain, alignments, and climatic extremes, and shall conform to the Town Road Standards.
- 6.1.9 Drainage: Adequate provisions shall be made to control the drainage of each street and driveway by adequate storm water system.
- 6.1.10 Design: All streets shall be constructed in accordance with town road standards, except that surfacing requirements may be varied for private roads.
- 6.1.11 Shared Access: Wherever it is feasible or practical, provisions shall be made for

the joint use of existing access points. Where adjoining undeveloped land has less suitable access than the access point(s) on the land being subdivided, easements and other provisions shall be made to allow the most suitable access point(s) to be used by all adjoining properties. Where an adjoining property has more suitable access than the land being subdivided, the Development Review Board may require that the subdivider take reasonable steps to acquire access from the adjoining landowner.

- 6.1.12 Access Plan: A highway access plan for the tract of land to be subdivided shall provide for the minimum size and fewest number of safe points of access to any public highway and shall wherever necessary and feasible include set-back of construction or improvements from the highway to allow for provision of acceleration and deceleration lanes and other areas for off-highway control and management of vehicles. A highway access plan shall also, wherever feasible and practical, provide for elimination of access points or joint use by adjoining properties of existing access by either allowing adjoining lot owners to access through a subdivider's property or by requiring a subdivider to connect through an adjacent property, when such measures are possible and reasonable. All highway access points shall meet the requirements for access provided in the Zoning Bylaw.

SECTION 6.2 CURBS, SIDEWALKS AND PEDESTRIAN ACCESSES

- 6.2.1 Curbs: Curbs may be required in the Village and Commercial Districts or when deemed necessary by the Development Review Board and shall be constructed in compliance with standards outlined in the Americans with Disabilities Act (ADA).
- 6.2.2 Sidewalks: All developments in the Village and Commercial Districts, and in other districts where required by the Development Review Board, shall provide sidewalks at least 5' wide.
- 6.2.3 Pedestrian Accesses: The Development Review Board may require, in order to facilitate pedestrian, bicycle or other non-vehicular access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

SECTION 6.3 OUTDOOR LIGHTING:

Outdoor lighting may be required where deemed necessary by the Development Review Board to illuminate areas such as streets, sidewalks, and parking areas. All outdoor lighting shall have a concealed light source and as otherwise required by the Development Review Board to reduce glare and night sky illumination.

SECTION 6.4 SHADE TREES:

The Development Review Board shall require that suitable hardwood shade trees (such as Sugar Maple, Little-leaf Linden, Red Maple, Ash or Oak) be planted along streets in the

Village, Commercial or Industrial Districts, and may require such plantings in other districts. Street trees shall be planted no more than forty (40) feet apart, except in locations where such street trees exist. All trees shall measure at least two (2) inches in diameter measured at a point six (6) inches above finished grade level. The Development Review Board shall give due consideration to utility lines and traffic safety (e.g., sight distances), and may grant limited waivers of this section in consideration of these or other site constraints. The Development Review Board may also require, as a condition of approval, that trees be trimmed to account for the aforementioned issues. See section 6.5 for additional landscaping requirements and standards.

SECTION 6.5 LANDSCAPING:

The Development Review Board shall require preservation of existing trees, forests, and hedgerows, or other vegetation where they contribute to the rural character of the site, provide screening or buffers for adjacent uses and/or have value as wildlife habitat. The Development Review Board may require other landscaping appropriate to the site. See below for detailed landscaping plan and standards for subdivisions and planned unit developments in the village growth area zoning districts.

Purpose: The Town of Hinesburg recognizes the importance of trees, landscaping, and well-planned green spaces in promoting the health, safety, and welfare of residents through improved drainage, water supply recharge, flood control, air quality, sun control, shade, and aesthetics. Landscaping shall be required and a landscape plan submitted for all uses subject to site plan review, and, within the village growth area districts, for subdivisions and planned unit developments. In evaluating landscaping, screening, and street tree plan elements, the Development Review Board shall promote the retention of existing, healthy trees while encouraging the use of a variety of plant species that are suited to the site and soil conditions. Native plant species are preferred, and under no circumstances shall non-native invasive species be used. See “Invasive Plants of the Eastern US” website (www.invasive.org/eastern) for a list of non-native invasive species. Also see the Vermont Invasive Plant Council website (www.vtinvasiveplants.org) for more information on invasive species management and statewide restrictions. Contact the Planning & Zoning Office and/or the Hinesburg Tree Warden for street tree species recommendations.

Waiver Option: The DRB may waive specific standards where it determines there is good cause to do so, and only if the waiver does not have the effect of nullifying the overall purpose and intent of these standards. When deciding whether to grant a waiver, the DRB shall take into consideration the nature and degree of the exception requested, and the extent to which suitable/necessary mitigation is proposed.

Landscape Plan: Applicants are encouraged, but not required, to have the plan crafted by a landscape architect, professional landscape designer, or other landscape professional. For subdivisions and planned unit developments in the village growth area, such plans shall be submitted with the preliminary and final plat applications. The plan shall include:

1. All proposed physical improvements, such as buildings, parking areas, sidewalks, etc.

2. The location of existing natural features, such as significant trees, streams, wetlands, and rock outcroppings.
3. Proposed landscaping location and materials, including existing vegetation to remain, types of new plant materials, identified by common name and botanical name, sizes of all new plant materials by height and/or diameter at time of planting and at maturity, quantities of each of the planting materials, tree planting specifications, and treatment of the ground surface (paving, seeding, mulch, etc.).
4. Methods for controlling erosion and protecting landscaped areas.
5. An explanation of when the landscaping will be installed relative to construction activities and phasing.

Landscaping Standards: Landscaping can be seen as “green infrastructure” both for individual projects and for the Town as a whole. As such, a well-designed landscape plan is just as important as a properly-engineered road, sewer system, or stormwater control system.

1. The Development Review Board shall require compliance with any Tree Ordinance or Landscaping Design Standards enacted by the Town, subsequent to the effective date of these regulations.
2. There shall be a mix of large canopy tree species within each landscaping plan. To the extent practicable, these trees shall not be limited solely to street trees, and shall be included throughout the project area (e.g., front, side, rear yards).
3. Landscaping of Parking Areas. Except for parking spaces accessory to a single-family or two-family dwelling, all off-street parking areas subject to review by the Development Review Board, shall be landscaped with appropriate trees, shrubs, and other plants including ground covers, as approved by the Development Review Board. Deciduous shade trees shall be utilized to provide shade and reduce glare, and large expanses of parking shall include landscaped islands. The Development Review Board shall consider the adequacy of the proposed landscaping to assure the establishment of a safe, convenient, and attractive parking area.
4. Landscaping Budget Requirements. The Development Review Board shall require the following minimum planting costs for all landscape plans. Landscaping standards must be addressed, regardless of the minimum planting cost calculation – i.e., spending above the minimum may be necessary. Total landscaping improvement cost (not including cost to develop the plan) shall be no less than 3% of the first \$250,000 in construction and site improvement cost, plus an additional 2% of the next \$250,000 in construction and site improvement cost, plus an additional 1% of the remaining construction and site improvement cost over \$500,000. For example, a project with a construction and site improvement cost of \$150,000 would require \$4,500 in landscaping improvements; whereas, a \$2,500,000 project would require landscaping of at least \$32,500 (\$7,500+\$5,000+\$20,000). In evaluating landscaping requirements, the DRB may grant some credit for existing trees or for site improvements other than plantings (e.g., berms, stone walls, public art installations, etc.) as long as the objectives of this section are not reduced.
5. Maintenance & Responsibility. Plantings shown on an approved landscaping plan shall be maintained by the property owner in a vigorous growing condition

throughout the duration of the use. Plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

SECTION 6.6 EROSION CONTROL AND STORM WATER RUNOFF

- 6.6.1 Erosion Control: All areas exposed during construction shall be protected in accordance with the standards contained in the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites published by the Department of Environmental Conservation, Agency of Natural Resources. In locations where erosion is likely to occur during construction, the Development Review Board shall require the applicant to submit an erosion control plan before final plat. Permanent vegetation and erosion control structures shall be established immediately after construction has been completed.
- 6.6.2 Drainage: An adequate surface storm water drainage system for the entire subdivision area shall be provided. Where it is anticipated that additional runoff incidental to the development of the subdivision will overload an existing downstream drainage facility so that there will be drainage to public or private property or an increase in the expenditure of public funds, the Development Review Board shall not approve the subdivision until provision has been made for the improvement of said condition. Where a subdivision is traversed by a water course or drainage way, there shall be provided a storm water drainage easement of such width as to encompass the twenty-five (25) year flood of such water course, which easement shall be indicated on the Final Plat. The subdivider's engineer shall provide such information as the Development Review Board deems necessary to determine the adequacy of all proposed drainage facilities.

SECTION 6.7 WATER SUPPLY

- 6.7.1 Water - Community Systems: The Development Review Board may require that the proposed development be serviced by a community water system which shall be designed and installed in accordance with all applicable municipal and State regulations and standards. The impact of the community water system on surrounding water supplies shall be assessed when required by the Development Review Board. Community water systems shall be designed in such a way that they may eventually be connected to a municipal water supply system.
- 6.7.2 Individual Water Supplies: if the proposed subdivision is to be serviced by individual wells, the subdivider shall provide evidence of the location and availability of potable water in adequate quantities.
- 6.7.3 Water Samples: the Development Review Board may require as a condition of approval, or as a condition of issuing zoning permits, that the subdivider provide the results of water samples tested by the Vermont Health Department.
- 6.7.4 Standards: The following standards shall be met for subdivisions being serviced by either a community water system or individual wells:
- (1) Due consideration shall be given to the drainage patterns in the area.

- (2) Building sites and new streets shall be located far enough away from underground water concentrations, or surface areas which take in water, to prevent run-off from roads or leachate from septic systems from contaminating water supplies.
- (3) Buildings and septic systems shall be located sufficiently above flood water levels and high ground water areas to prevent the pollution of surface water.

SECTION 6.8 SEWAGE DISPOSAL

- 6.8.1 Municipal Sewage Disposal: Subdivisions hooking onto the municipal sewage disposal system shall conform with the Town Sewage Ordinance in effect.
- 6.8.2 Community System: Community Systems must be proposed where the advantages of a shared system outweigh those of individual systems. Methods for the sharing and maintenance of the shared facilities shall be specified by the applicant. Community sewage disposal systems may be required to be designed in such a way that they may eventually be connected to a municipal sewage disposal system.
- 6.8.3 Individual Systems: Individual septic systems shall be properly designed, and meet the requirements of all other applicable municipal and State regulations and standards.
- 6.8.4 Standards: All on-site sewage disposal systems shall meet the standards specified in State regulations (or town health regulations if they are adopted). Before a Certificate of Occupancy can be issued by the Zoning Administrator, the design engineer for the subdivision shall submit certification that the sewage system was installed as approved.

SECTION 6.9 UTILITIES

- 6.9.1 Underground Location: All utility systems, including but not limited to electric, gas, telephone and cable TV, shall be located underground throughout the subdivision, unless deemed unreasonable and prohibitively expensive by the Development Review Board.
- 6.9.2 A plat submitted for final approval shall include proposed utility system design. Only basic elements of this design should be shown on the plat. Any detailed design information should be submitted separately as a supporting document. The plat should include a note that the proposed utility locations may be modified slightly when installed, due to unforeseen site constraints (e.g., ledge).
- 6.9.3 Easements: Easements of sufficient width shall be provided so as to serve both the proposed subdivision and existing and anticipated development outside the subdivision.

SECTION 6.10 LOT LAYOUT

- 6.10.1 Zoning Regulations: The layout of lots shall conform to the requirements of the Town's Zoning Bylaw.
- 6.10.2 Corner Lots: Corner lots shall have extra width to permit a front yard setback on each street.
- 6.10.3 Side Lot Lines: Unless lot lines are designed to follow natural features, side lot lines shall generally be at right angles to straight streets or radial to curved street lines.
- 6.10.4 Topography: Consideration in lot layout shall be given to topography, drainage and soil conditions. The Subdivision shall be planned to retain, as much as possible, the natural contours and to 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 unless all requirements for excavation in the Zoning Bylaw are met.
- 6.10.5 Access: Lots shall be laid out in conformance with the highway access plans as required in Section 6.1.12. In particular, lots shall be laid out so as to avoid direct access to heavily traveled streets or highways.
- 6.10.6 Preservation of Natural and Significant Features: Outstanding natural features of the site including groves of trees, water courses and falls, historic sites, exceptional views, ridge lines, agricultural fields and similar irreplaceable assets shall be preserved. The Development Review Board may require building envelopes to be specified for some or all buildings where it is necessary to carefully define building locations and heights in order to protect the natural features listed in this section and other features recommended for preservation in the Town Plan.
- 6.10.7 Site Features: Consideration in lot layout shall be given to following the lines of existing site features such as tree-lines, hedgerows, stone walls, etc.
- 6.10.8 Design Standards for Rural Areas: All buildings, building envelopes, lots, roadways, sewage disposal sites, and sewer and water lines shall be located for maximum retention of natural resources designated for protection in the Town Plan and for the preservation of productive agricultural or forestry uses and shall meet the following standards.
- (1) Residential uses and wells shall be sited so as to minimize conflicts with adjoining agricultural operations. Buffer zones a minimum of 200 feet from residences and residential wells to the lot lines of agricultural operations may be required unless a smaller setback can be demonstrated to have no adverse impact.

- (2) Areas in agricultural and productive woodland use should be of a size that retains their eligibility for State and Town tax abatement programs and enables effective agricultural or forest management.
- (3) The subdivision shall be designed and lots and/or building envelopes shall be laid out, to the greatest extent feasible, to reduce the impact of development by achieving the following objectives (listed in order of priority, as it is recognized that some may conflict with others on any given site):
 - (a) Shall have access to the most suitable soils for sub-surface septic disposal (in un-sewered areas only);
 - (b) Shall be placed on the least fertile soils for agricultural or forestry uses, and in a manner which maximizes the usable area remaining for such agricultural and forestry uses;
 - (c) Shall be within any woodland contained in the parcel, or along the far edges of the open fields adjacent to any woodland (to reduce impact on agriculture, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features);
 - (d) Shall be in locations least likely to block or interrupt scenic vistas, as seen from the public roadway(s);
 - (e) Shall be in locations where the greatest percentage of units can be designed to take maximum advantage of solar heating opportunities. Projects should be sited and designed to take maximum advantage of solar gain – to ensure passive solar gain and to allow for the use of photovoltaics now or in future. If this cannot be accomplished to the DRB’s satisfaction, the use of renewable energy technology (solar, wind, geothermal, etc.) or green building certification (LEED program for non-residential projects; “Green Home Certification” for residential projects – see definition) shall be employed as a substitute.

6.10.9 Design Standards for Village and Commercial Areas: The subdivision shall promote and contribute to an appropriate street and pedestrian network, sensitive to the historic patterns for the village area, which provides for connections between parcels and between residential and commercial areas. Lot Layout shall reinforce the existing village pattern of buildings lining public streets and other public spaces.

ARTICLE 7: GENERAL APPLICATION REQUIREMENTS

SECTION 7.1 NUMBER OF COPIES

All required submissions under these regulations shall be submitted in triplicate for full-size plans. One letter or ledger sized reduction is required for any plan submitted that is larger than 11" X 17"

SECTION 7.2 APPLICATION FEES

Upon submission of an application for preliminary or final plat approval, the subdivider shall pay the application fee as established by the Selectboard. Such fee shall include the costs of publication, public hearing and for periodic inspection by Town retained consultants during the installation of public improvements. Should the Development Review Board deem it necessary to employ an engineer to review any plan for streets, drainage, water, sewage or other public improvements, the reasonable costs of such engineer shall be borne by the subdivider.

SECTION 7.3 LEGAL DATA

The final plat application for subdivision shall be accompanied by a certificate of title showing the ownership of all property and easements to be dedicated to the Town. All proposed deeds conveying property or easements to the town shall also accompany the final application. In addition, a draft of restrictions which will run with the land and become covenants shall be filed with the final application. The Development Review Board may require the filing of such other legal data as it deems necessary in the enforcement of these regulations.

SECTION 7.4 WAIVERS

The Development Review Board may waive or vary, subject to appropriate conditions, the provision of any or all improvements and application submission 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 judgement are inappropriate because of an inadequacy or lack of connecting facilities adjacent to or in proximity to the subdivision.

In granting waivers or variances, the Development Review Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived or varied. No such waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of the Town's Plan or varying the Zoning Bylaws or other Town By-Law.

SECTION 7.5 FILING OF FINAL PLAT

Upon approval of a final plat by the Development Review Board, the chairman or clerk of the Development Review Board shall endorse in writing on said plat such approval and the date thereof. The final plat with endorsement shall be filed by the subdivider with the Town clerk within 180 days of the Development Review Board's final decision. The Zoning Administrator may extend the date for filing the plat by an additional 90 days, if final local or state permits or approvals are still pending. Final approval shall expire if the final plat is not filed by the subdivider within the period outlined above.

SECTION 7.6 FINAL PLAT SPECIFICATIONS

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 size of the sheets shall be either 18 inches x 24 inches or a multiple thereof. Such sheets shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by all appropriate agencies.

SECTION 7.7 REVISIONS

7.7.1 Re-subdivision & Changes to Recorded Plats: Changes which meet the definition of a re-subdivision must, at a minimum, be resubmitted to the Development Review Board and a hearing must be re-warned prior to final approval.

No changes, erasures, modifications, or revisions shall be made on any subdivision plat after filing of the final plat, unless said plat is first resubmitted to the Development Review Board and the Development Review Board approves the modifications.

7.7.2 Revisions to DRB Decision Language: Changes to DRB decisions that involve no changes to a recorded plat must, at a minimum, be resubmitted to the DRB for review and approval.

7.7.3 Revisions After Approval and Before Recording of Plat: Corrections and clarifications to a final subdivision which do not meet the definition of re-subdivision may be submitted to the Development Review Board after the final approval and prior to the plat's final filing. These revisions must be recommended by the Zoning Administrator, and the Development Review Board may approve the changes without re-submission or the re-warning of a hearing. However, notice shall be sent to members of the public who were present at the final plat hearing(s), prior to Development Review Board approval.

SECTION 7.8 EFFECT OF FINAL APPROVAL

Final approval by the Development Review Board shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, utilities, park, recreational area or open space shown on the final plat. Such acceptance may only be accomplished by formal resolution of the Selectboard.

ARTICLE 8: ADMINISTRATION AND ENFORCEMENT

SECTION 8.1 SEVERABILITY

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

SECTION 8.2 AMENDMENTS

Amendments to these regulations shall be enacted in accordance with the provisions of the Vermont Planning And Development Act as presently enacted or as from time to time hereinafter amended.

SECTION 8.3 ENFORCEMENT AND PENALTIES

Any person who violates any of the provisions of these regulations shall be fined not more than Fifty Dollars (\$50) for each offense, and each day that a violation continues shall constitute a separate offense.

Any person who sells or transfers any land in a subdivision or land development or erects any structure thereon without first having recorded a duly approved final plat under these regulations shall be fined not more than Fifty Dollars (\$50), and each lot, parcel or unit so sold or transferred shall be deemed a separate violation.

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 as otherwise, to restrain, correct or prevent any violations of these regulations or prosecute violators hereof.

ARTICLE 9: DEFINITIONS

Unless otherwise defined herein, definitions of words used in the Act and definitions used in the Hinesburg Zoning Bylaw shall apply; all other words shall carry their customary meanings. For the purposes of these regulations, the following words shall be defined as follows:

Act - The Vermont Planning and Development Act, Title 24, Chapter 117, Vermont Statutes Annotated.

Building Envelope - A specific area on a lot, delineated on a subdivision plat, within which principal structures shall be located and outside of which no principal structures may be located.

Commission - The Planning Commission of the Town of Hinesburg.

Community Sewage Disposal System - Any sewage disposal system, other than a municipal sewage disposal system, that disposes of sewage for domestic, commercial, industrial or institutional uses for two or more users.

Community Water System - Any water system that supplies water for domestic, commercial, industrial or institutional uses to two or more users.

Development Review Board – The Development Review Board of the Town of Hinesburg.

Final Subdivision Plat - The final drawings on which the subdivision is presented to the Development Review Board for approval and which, if approved, shall be filed for record with the Town Clerk.

Lot – Lot means a parcel of land under single ownership, and not divided by a State or Town road, with defined boundaries created by the act of subdivision or as described below. A deed may describe one or more lots. Multiple lots described in a single deed remain separate lots provided that they are described as having separate and distinct boundaries and that any subsequent deed or survey describing the lots does not eliminate the separate and distinct boundaries. Lots are:

1. Described as a single parcel of land in a deed recorded in the Town of Hinesburg land records prior to September 4, 1979. If such a deed describes two or more parcels of land, each described parcel shall constitute a lot; or
2. Described as a single parcel of land in a deed recorded in the Town of Hinesburg land records after September 4, 1979, provided the conveyance creating such parcel did not violate any Town of Hinesburg regulations or ordinances in effect at the time of conveyance. This includes deed descriptions of the first 3 lots created through October 6, 1997 from any parcel existing on September 4, 1979. If such a deed describes two or more parcels of land, each described parcel shall constitute a lot; or
3. Described as a lot in a zoning permit issued after September 4, 1979 by the Town of Hinesburg for the division of land not constituting a subdivision pursuant to the Subdivision Regulations in effect when the permit was issued, provided the development activity authorized by the permit was completed in conformance with the permit and prior

to the expiration of the permit. Examples of such land divisions include simple parceling (option eliminated on October 20, 2003) and lots for agriculture, forestry, or conservation; or

4. Depicted as a separate lot on a subdivision plat approved by the Town of Hinesburg pursuant to regulations in effect, and provided the plat was signed and filed in accordance with the requirements of State statute and applicable Hinesburg regulations.

Master Plan - A document that describes, in narrative and with maps, an overall and long-term land use concept for a property or collection of properties, including natural resource areas, present property uses, and future land development plans.

Parcel of Land - Any contiguous piece of land in single ownership at the time of subdivision, not divided by any public road (also see “lot” definition).

Person - an individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

Plan - The municipal development plan of the Town of Hinesburg (Town Plan) adopted pursuant to the Vermont Planning and Development Act.

Planned Unit Development (PUD) - An allowed method of land development defined in the Hinesburg Zoning Bylaw in which an area of land is planned for a number of mixed uses including residential, commercial and industrial uses. In a PUD, the standards set forth in the Zoning Bylaw including lot size, density, lot coverage and yard sizes, are given greater flexibility in order to promote patterns of development appropriate to the particular qualities of the land being developed.

Preliminary Plat - The preliminary drawings for subdivision indicating the proposed layout of the subdivision, to be submitted to the Development Review Board for its consideration.

Re-subdivision - Any change in a recorded subdivision plat approved by the Town of Hinesburg, if such change affects any street layout on such plat, or area reserved thereon for public use, or any lot line.

Sectionalizing - the dividing of a plat into two or more sections to be developed at separate times.

Sketch Plan - An informal sketch of the proposed subdivision, the purpose of which is to enable the subdivider to save time and expense in reaching general agreement with the Development Review Board as to the form of the subdivision and objectives and requirements of these regulations.

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

Subdivider - Any person who shall lay out for the purpose of sale, development or other purpose, any subdivision or part thereof as defined in these regulation, either for him/herself or others. The term shall include an applicant for subdivision approval.

Subdivision

- (1) Any land, vacant or improved, which is divided or proposed to be divided into lots, parcels, sites, plots, units, or interests for the purpose of sale, lease or development including amended subdivision and re-subdivisions. Subdivisions are further divided into either Minor or Major Subdivision as defined in this Article.
- (2) Subdivision - shall also include the development of a parcel of land as a new multiple family housing project or elderly housing project involving more than six (6) dwelling units, planned residential development, planned unit development or industrial park development.
- (3) Not Subdivision - the following shall not be considered to constitute "subdivision", nor shall any such conveyance be considered in determining whether the subdivision is a major subdivision or a minor subdivision:
 - (a) boundary adjustments - minor changes in boundaries between two adjoining parcels in which the conveyed portion of land is no greater in area than the required minimum lot size in the district and is no more than 20% of the area of the parcel from which it is being conveyed.
 - (b) lots for agriculture, forestry or conservation - transfer of land solely for commercial forestry or agricultural purposes or solely for land conservation, provided appropriate restrictions are inserted into the deed for agricultural, forestry or conservation purposes which waive development rights until and unless subdivision review occurs.
 - (c) transfer of land to adjoiners - land of any size conveyed to an adjoining property owner to be incorporated into an adjoining parcel of land. In order for such a transfer to be recognized as not a subdivision, pursuant to this section, applicants must meet the requirements specified in Section 2.2.
 - (d) exempt leases – Leases of portions of structures only (i.e., no land). Leases of land or structures solely for agricultural, commercial forestry, or land conservation purposes, provided that no development occurs on the leased land. Leases of very small land areas, less than 400 square feet, for the purpose of placing utility infrastructure (electrical, telecommunication, TV/cable, internet, etc.) shall be exempt from subdivision review/approval as long as a survey/plat showing the lease area is recorded in the Town Land Records pursuant to section 2.3.

Subdivision, Major - Any residential subdivision containing four or more lots, including all lots created from a single parcel within a period of ten years; any subdivision requiring installation of new public streets; any non-residential subdivision; and any multi-family housing project. Applications for major subdivisions normally require sketch plan approval and at least two plat submissions and two hearings (preliminary and final).

Subdivision, Minor - Any residential subdivision involving three or fewer lots, and otherwise not

qualifying as a Major Subdivision. Application for a minor subdivision may be approved after sketch plan approval and one plat submission and one public hearing.

Subdivision Revision - Minor modifications which may occur between final approval and filing of the plat. See Section 7.7.