

<b>Table 6.2 Subdivision Application Requirements (cont.)</b>			
<b>(B) Plan/Plat Mapping Requirements (continued)</b>	<b>Sketch</b>	<b>Draft Plat</b>	<b>Final Plat</b>
Road profiles; road, intersection and parking area geometry and construction schematics*		√	√
Proposed landscaping and screening*		√	√
Proposed conservation buffer and/or open space easement areas*		√	√
Monument locations*			√ <sub>-</sub>
<b>(C) Supporting Information &amp; Documentation</b>	<b>Sketch Plan</b>	<b>Preliminary Plan</b>	<b>Final Plan</b>
Site location map showing proposed subdivision in relation to major roads, drainage ways, and adjoining properties	√	√	√
Statement of compliance with municipal plan and applicable local regulations	√	√	√
Engineering reports (water and wastewater systems)		√	√
Existing and proposed traffic generation rates, volumes*		Estimated	Documented
Off-site easements (e.g., for water, wastewater, access)*	Description	Draft	Final
Proposed phasing schedule*	Description	Draft	Final
Proposed covenants and/or deed restrictions*	Description	Draft	Final
Proposed homeowner or tenant association or agreements*	Description	Draft	Final
Proposed performance bond or surety*		Description	Final
<b>(D) As may be required by the Planning Commission</b>			
Stormwater and erosion control plan		As required under sketch plan approval	As required under sketch plan or preliminary approval
Grading plan (showing proposed areas of cut and fill)			
Shoreland or open space management plan			
Site reclamation plan (for subdivisions involving extraction)			
Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)			
Fiscal impact analysis (analysis of fiscal costs and benefits to the town)			
Historic or archeological assessment			
Environmental impact assessment (analysis of potential environmental impacts, proposed mitigation measures)			
Other			
<b>* Upon written request may be waived by the Planning Commission.</b>			

**Table 6.2 Subdivision Application Requirements**

	Sketch Plan	Preliminary Plan	Final Plan
<b>(A) Application Information</b>			
Application Form [number of copies]	1 original & 2 copies	1 original & 5 copies	1 original & 5 copies
Application Fee [to be set by Town/Village Legislative Body]	√	√	√
Name of project, if any	√	√	√
Name, address of applicant [landowner and/or subdivider]	√	√	√
Written description of proposed development plans, including number and size of lots; general timing of development	√	√	√
Waiver request, in writing [optional]	√	√	
Names, addresses of all adjoining property owners*	√		
Evidence of written notification to adjoining owners of intent to subdivide; to include copies of any waiver request*	√		
<b>(B) Plan/Plat Mapping Requirements</b>			
	<b>Sketch</b>	<b>Draft Plat</b>	<b>Final Plat</b>
Materials	Paper	Paper	Mylar
Preparer Information, Certifications	√	√	√
Scale (minimum 1 inch = 200')	√	√	√
Date, North Arrow, Legend	√	√	√
Project boundaries and property lines;	Drawn	Drawn	Surveyed
Existing and proposed lot lines, dimensions	Drawn	Drawn	Surveyed
Adjoining land uses, roads and drainage	√	√	√
Zoning district designations and boundaries	√	√	√
The location of natural and physical features located on the site, including buildings; roads, driveways and parking areas; fences and walls; watercourses; wetlands; areas of slope in excess of 20%; historic or archaeological resources	√	√	√
A general indication of land cover, including forested areas and forest type, land in current or recent (prior 3 years) agricultural production	√	√	√
Existing and proposed elevations, contour lines*		5' interval	5' interval
Existing and proposed roads, paths, parking areas, associated rights-of-way or easements	Drawn	Surveyed	Surveyed
Proposed building envelopes	√	√	√
Proposed utilities, water and wastewater systems and associated rights-of-way or easements*	√	√	√

Commission.

(C) The municipality shall also meet all recording requirements for final subdivision plan and plat approval as specified for municipal land use permits under Section 9.6(E).

**Section 6.7 Revisions to an Approved Plat**

No changes, modifications, or other revisions that alter the plat or conditions attached to an approved subdivision plan shall be made unless the proposed revisions are first resubmitted to the Planning Commission as a minor subdivision, and the Commission approves such revisions after public hearing. In the event that such subdivision plan revisions are recorded without complying with this requirement, the revisions shall be considered null and void.

unless otherwise specified or waived by the Planning Commission under Section 6.2, one original and five copies of the information for final plan and plat review specified under Table 6.2.

(B) **Public Hearing.** In accordance with the Act [§4418], within 30 days of the date that the Planning Commission deems that a final plan application is complete, the Commission shall hold a public hearing on the final plan and associated plat, warned in accordance with Section 9.6(D). Copies of the hearing notice shall also be sent, at least 15 days prior to the hearing date, to the regional planning commission, and to the clerk of an adjacent municipality in the case of a plat located within 500 feet of a municipal boundary.

(C) **Final Plan Approval.** In accordance with the Act [§4415], within 45 days of the date of adjournment of the public hearing, the Planning Commission shall approve, approve with conditions, or disapprove the final subdivision plan, based on a determination of whether or not the plan and associated plat conform to subdivision review standards under Article 7, or would be in conflict with the municipal plan and other municipal regulations in effect. Failure to act within such 45 day period shall be deemed approval, as certified by the Town Clerk. Approval, conditions of approval, or grounds for disapprovals, and provisions for appeal under Section 9.3(B), shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent to the applicant and any other interested parties appearing at the public hearing within the 45 day period.

(D) **Performance Bonding.** For any subdivision which requires the construction of roads or other public improvements by the applicant, the Planning Commission may require the subdivider to post a performance bond or comparable surety to ensure completion of the improvements in accordance with approved specifications. The form, content, amount and manner of execution of such bond or surety shall be to the satisfaction of the municipal legislative body having jurisdiction over the roads or other improvements. The term of such bond or surety may be fixed for a maximum of three years, within which time period said improvements must be completed. The term of such bond or surety, may with mutual consent of the Commission and applicant, be extended for an additional period not to exceed three years.

(E) **Certificate of Compliance.** The Planning Commission may also require, as a condition of subdivision approval, that a certificate of compliance be obtained under Section 9.2(B), to ensure that required improvements have been installed in accordance with the conditions of subdivision approval prior to any further land development. The satisfactory completion of any improvements shall be determined by the Administrative Officer in accordance with Section 9.2.

(F) **Effect of Final Plan Approval.** The approval by the Planning Commission of a final subdivision plan and associated plat shall not be construed to constitute acceptance by the municipality of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Select Board or Village Trustees, as appropriate, in accordance with state statute.

### **Section 6.6 Plat Recording Requirements [applying to all approved subdivisions]**

(A) In accordance with the Act [§463], within 180 days of the date of receipt of final plan approval under Section 6.5, the applicant shall file three copies of the final subdivision plat, including one mylar copy and two paper copies, for recording with the municipality in conformance with the requirements of 27 V.S.A., Chapter 17. Approved plats not filed and recorded within this 180 day period shall expire.

(B) Prior to plat recording, the plat must be signed by at least two authorized members of the Planning

(E) **Boundary Adjustments.** Applications for boundary adjustments which are determined by the Planning Commission to not result in the creation of a nonconforming lot may be exempted from sketch plan review requirements and proceed immediately to final plat approval.

**Section 6.4 Preliminary Plan Review [applying only to major subdivisions]**

(A) **Application Requirements.** Within six months of the date of action on a sketch plan by the Planning Commission, the applicant shall submit an application and associated fees for preliminary plan and plat approval to include, unless otherwise specified or waived by the Planning Commission under Section 6.2, an original and five copies of the information required for preliminary plan review as specified in Table 6.2.

(B) **Public Hearing.** Within 30 days of deeming that the preliminary plan application is complete, the Planning Commission shall hold a public hearing on the preliminary plan, warned in accordance with Section 9.6(D).

(C) **Preliminary Plan Approval.** Within 45 days of the date of adjournment of the public hearing, the Planning Commission shall approve, approve with modifications, or disapprove the preliminary plan and associated plat based on a determination of whether or not the preliminary plan conforms to applicable subdivision review standards under Article 7, or would be in conflict with the municipal plan and other municipal regulations in effect. The Planning Commission may also require, as a condition of approval, the submission of proposed changes or modifications resulting from further study. Approval, conditions of approval, or grounds for disapproval shall be set forth in a written notice of decision. The approval of a preliminary plan shall be effective for a period of six months from the date of written notice of approval, unless otherwise approved or extended by the Planning Commission in the written notice of decision.

(D) **Phasing.** At the time that the Planning Commission grants preliminary plan approval it may require the plat to be divided into two or more phases to ensure project conformity with the municipal plan and capital budget and program currently in effect. Conditions may be imposed upon the filing of an application for final plat approval for each phase as the Commission deems necessary to ensure the orderly development of the plat and to avoid overburdening municipal facilities and services.

(E) **Effect of Preliminary Plan Approval.** Approval of the preliminary plan shall not constitute approval of the final subdivision plan and plat. Subsequent to the approval of the preliminary plan, the Planning Commission may require the submission of all applicable of approvals of municipal officials and/or agencies having jurisdiction over the project (e.g., Select Board, Village Trustees, Health Officer), and such state and federal agencies as may be required by law. Upon receipt of evidence of approval of the preliminary plan by said agencies, if required, and the expiration of all relevant appeal periods, the applicant may apply to the Planning Commission for final plan approval under Section 6.5.

**Section 6.5 Final Plan Approval [applying to all applications for subdivision]**

(A) **Application Requirements.** Within six months of the date of sketch plan approval for minor subdivisions or preliminary plan approval for major subdivisions, unless otherwise waived by the Planning Commission, the subdivider shall submit an application for final subdivision plan and plat approval. If the subdivider fails to do so, s/he will be required to resubmit for minor subdivisions a new sketch plan, or for major subdivisions a new preliminary plan, for approval subject to any new zoning and subdivision regulations. The application for final subdivision plan and plat approval shall include associated fees and,

- (1) not requisite in the interest of the public health, safety and general welfare; or
- (2) are inappropriate due to extraordinary and unnecessary hardship may result from the strict compliance of these regulations; or
- (3) are inappropriate because of an inadequacy or lack of connecting facilities adjacent to or within proximity of the subdivision.

(B) The request for a waiver for subdivision application requirements and/or subdivision standards shall be submitted in writing by the applicant with the subdivision application. It shall be the responsibility of the applicant to provide sufficient information to justify the waiver or variance, and enable the Commission to reach a decision.

(C) In granting waivers, the Commission shall require such conditions as will, in its judgment, substantially meet the objectives of the requirements so waived or varied. No such waiver may be granted if it would have the effect of nullifying the intent and purpose of the Swanton Town and Village Plan or varying these regulations or other municipal ordinances or regulations.

### **Section 6.3 Sketch Plan Review [applying to all applications for subdivision]**

(A) **Application Requirements.** The applicant shall submit to the Administrative Officer, at least 16 days prior to a regularly scheduled Planning Commission meeting, a subdivision application and associated fee. The application shall include the required fee, and one original and two copies of the application and proposed sketch plan which include the information for sketch plan applications specified in Table 6.2.

(B) **Initial Meeting.** The applicant and/or an authorized representative shall attend an initial meeting with the Planning Commission, to be held at a regularly scheduled meeting of the Commission, to discuss the subdivision application and proposed sketch plan. At this meeting the Commission may request any additional information as needed to act on the sketch plan.

(C) **Action on Sketch Plan.** Within 30 days of finding that a sketch plan application is complete, the Planning Commission, based on the information provided, shall issue in writing:

- (1) a determination whether the subdivision is a minor subdivision to be reviewed under Section 6.4, or major subdivision to be reviewed under Sections 6.3 and 6.4;
- (2) the granting or denial of any requests to waive any provisions of the subdivision regulations;
- (3) a preliminary determination of whether or not the proposed subdivision plan conforms to applicable subdivision review standards under Article 7, or would be in conflict with the municipal plan and other municipal regulations currently in effect;
- (4) recommendations for modifications or changes in subsequent submissions, and/or requests for additional studies or supporting documentation that may be required.

(D) **Effect of Sketch Plan Determinations.** Planning Commission determinations and associated recommendations shall remain in effect for six months from the date of issuance, unless otherwise specifically approved or extended by the Planning Commission. Within six months of the determination by the Planning Commission, the applicant may apply to the Commission for preliminary plan review under Section 6.3 or final plan and plat approval under Section 6.4.

<b>Table 6.1 Subdivision Review At A Glance</b>	
<b>Sketch Plan</b> [all subdivisions]:	
1. Submission of sketch plan	Applicant; at least 16 days prior to a regularly scheduled Planning Commission meeting
2. Planning Commission meeting	Applicant attendance required
3. Classification of subdivision as minor or major; action on request for waivers (if any); written recommendations for changes.	Planning Commission; within 30 days of determining that the sketch plan is complete
<b>Minor Subdivision</b> [3 or fewer lots]:	
1. Submission of final subdivision plan, proposed plat and supporting documentation	Applicant; within 6 months of the date of sketch plan approval
2. Planning Commission public hearing	Planning Commission; warned hearing in accordance with Section 9.1(D).
3. Subdivision/plat approval	Planning Commission; within 45 days of the hearing adjournment date
4. Final plat recording in the town records	Applicant; within 180 days of the date of subdivision approval
5. Certificate of Compliance (if required)	Applicant and Administrative Officer; upon completion of all improvements
<b>Major Subdivision</b> [4 or more lots]:	
1. Submission of preliminary subdivision plan, supporting documentation	Applicant; within 6 months of the date of sketch plan approval
2. Planning Commission public hearing	Planning Commission; warned hearing in accordance with Section 9.1(D).
3. Preliminary subdivision/plat Approval	Planning Commission; within 45 days of the hearing adjournment date
4. Submission of final subdivision plan and plat, including supporting documentation	Applicant; within 6 months of the date of preliminary plan approval
5. Final Planning Commission public hearing	Planning Commission; within 30 days of receipt of the final subdivision plan
6. Final subdivision/plat Approval	Planning Commission; within 45 days of the hearing adjournment date.
7. Final plat recording	Applicant; within 180 days of the date of final subdivision and plat approval
8. Certificate of Compliance	Applicant and Administrative Officer; upon completion of all improvements

## ARTICLE 6. SUBDIVISION REVIEW

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### Section 6.1 Applicability

(A) In accordance with the Act [§4418], whenever any subdivision of land is proposed to be made, the subdivider or his or her authorized agent shall apply for and secure approval of the proposed subdivision prior to undertaking:

- any contract for sale, conveyance or lease of any subdivided portion of a property;
- any grading, clearing, construction, land development or other improvement (excluding forestry or agricultural activities); or
- any permit for erection of a structure in such subdivision is granted; or
- the filing of a subdivision plat with the Town Clerk.

**Subdivision of Land:** the division of any parcel of land into two or more parcels for the purposes of sale, conveyance, lease, or development. The term "subdivision" includes resubdivision involving the adjustment of boundaries between two or more existing parcels.

Such approval shall be granted in accordance with the procedures outlined in Table 6.1 and as provided below.

(B) **Exemptions.** Parcels leased solely for agricultural or forestry purposes, where no new roads are created, are exempted from the requirements of subdivision regulations.

(C) **Minor and Major Subdivisions.** For the purposes of these regulations, subdivisions shall be classified by the Planning Commission, following an initial meeting with the subdivider at a regularly scheduled meeting of the Planning Commission, as minor or major subdivisions in accordance with the following:

- (1) **Minor Subdivisions** shall include lot line or boundary adjustments, amendments to an approved subdivision plan that will not substantially change the nature of any previous subdivision or conditions of approval, or any subdivision containing three or fewer lots.
- (2) **Major subdivisions** shall include any subdivision containing four or more lots, and Planned Unit and Planned Residential Developments.

(D) **Coordination with Planned Unit or Planned Residential Development Review.** Applications for Planned Unit Developments (PUDs) under Section 8.3 shall be reviewed as major subdivisions. Subdivision review may be held by the Planning Commission concurrently with PUD review under Article 8 of these regulations.

### Section 6.2 Waiver Authority

(A) Pursuant to the Act [§4418], the Planning Commission may waive or vary, subject to appropriate conditions, subdivision application requirements, and subdivision standards under Article 7, which in its judgment of the special circumstances of a particular plan or plat are: