

TOWN OF PUTNEY, VERMONT

SUBDIVISION REGULATIONS

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Article 1: STATUTORY AUTHORITY AND PURPOSE

Section 1.1 Enactment

Whereas the Town of Putney, Vermont has created a Development Review Board has in effect a Town Plan, adopted under the Vermont Municipal and Regional Planning Act, Title 24, Chapter 117, of Vermont Statutes, (herein referred to as the “Act”) there are hereby established Subdivision Regulations of the Town of Putney, Vermont. This document hereinafter shall be referred to as the “Regulations,” and the Putney Development Review Board shall be referred to as the “Board.” These Regulations repeal and replace all previously adopted Subdivision Regulations.

Section 1.2 Purpose

The purpose of the Subdivision Regulations are to provide for orderly growth and coordinated development in the Town of Putney; to assure the comfort, convenience, safety, health and welfare of the people; to carry out the purposes of the Town Plan; to assure conformance to the Zoning Bylaw; to make proper provision for drainage, water, sewerage, streets, recreational facilities, open space and other improvements; to recognize a desirable relation to land form, its topography and geology, natural drainage and surface water run-off, and to the ground water table; to preserve natural assets; and to further the purposes of §4413 of the Act.

Section 1.3 Authority

The Development Review Board is hereby authorized and empowered to do all acts and things set forth and provided in, §4402 and §4413 of the Act including but not limited to the approval, modification, or disapproval of all plats filed.

Section 1.4 Subdivision Waivers

As authorized under §4413, the Board may waive or vary, subject to appropriate conditions, the provision of any or all improvements and requirements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety and general welfare, or which in its judgment are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

In granting modifications, the Board shall require such conditions as well, in its judgment, secure substantially the objectives of the requirements so waived or modified.

No such waiver or modification shall be granted if it will have the effect of nullifying the intent and purpose of the Putney Town Plan, the Putney Zoning Bylaw, or the Regulations.

Any Waiver or modification that may be granted shall apply only to that particular application and may not be considered precedent for future applications.

Article 2: DEFINITIONS

Act: The Vermont Municipal and Regional Planning Development Act, 24 V.S.A., Chapter 117.

Applicant: Shall mean the owner of record, an optionee, or his/her agent duly authorized in writing.

Buffer Strip: Any space between adjoining uses intended and designed to reduce the impact of one use upon the other including open space, woodland, landscaped areas, and other types of visual and sound barriers.

Board: Shall mean the Development Review Board of the Town of Putney.

Community Wastewater Systems: A non-municipal wastewater system that serves more than one lot.

Community Water Supply: A non-municipal water supply system that serves more than one lot.

Construction: The undertaking of the first improvement on a tract of land, including work preparatory to construction such as clearing, the staking out or use of a right-of-way or in any way incident to the altering of land according to a plan or intention to improve or to divide land by sale, lease, partition or otherwise transfer an interest of land. Activities that are principally for the preparation of plans and specifications and which may be required and necessary for making application for a permit including but not limited to test wells and pits, percolation tests and line of sight clearing for surveys are not commencement of construction.

Corner Lot: A lot located at the intersection of two or more streets.

Density: The number of acres or square feet of land that are required for a given number of units, uses, or structures. The areas within a lot that is subject to a road right-of-way or public easement shall not be included within the lot areas for calculation of density.

Driveway: Vehicular entrance and access way to a lot which intersects and connects to a public or private road.

Easement: An acquired privilege or right of use in the land of another and used to create facilities for access, space for emplacement of public utilities, and right-of-way, and other public or private uses, both in favor of the municipality and/or in favor of its residents. It shall include, without limitation, streets and roads, electronic and telephone utilities, vehicular and pedestrian traffic, sidewalks, water, storm drainage, and sanitary sewer utilities, pipelines, street lighting, slopes, ingress and egress, construction and conservation easement.

Homeowner's Association: A community association that administers and maintains common property and common elements.

Improvement: Street pavements or resurfacing, curbs, gutter, sidewalks, water lines, sewer lines, drains, street lights, flood control and drainage facilities, utility lines, landscaping, parks and other related matters usually associated with the development of undeveloped land into building sites.

Individual waste disposal system: Any sewage disposal and/or treatment system other than a municipal system or community system.

Individual water supply system: Any water supply system other than a municipal system or public water system that supplies potable water.

Landscaping: The addition of lawn, trees, plants, grading and other natural and decorative features to land.

Lot: Any parcel of land the boundaries of which are separately described in a recorded deed or filed plat. A town or state highway right-of-way constitutes a lot boundary.

Lot Line Adjustment: An agreement that adjusts the common boundaries between adjacent lots, tracts, or parcels for the purpose of accommodating a transfer of land such that no additional lots, tracts, or parcels are created and all reconfigured lots, tracts or parcels contain sufficient area and dimension to meet minimum requirements for zoning and building purposes.

Monument: A permanent marker to indicate a boundary point or other point for measurement purposes.

Open Space: Land not to be developed for building purposes, but to remain permanently available for purposes of recreation, including recreation facilities, and for conservation, including agriculture, for the benefit of the neighborhood community, without buildings, except as incidental accessories to agriculture, forestry, conservation and recreational purposes and maintenance.

Planned Educational Development (PED): An area of land containing two or more buildings to be developed as a single entity for an education institution.

Planned Residential Development (PRD): An area of land to be developed as a single entity for 2 or more dwelling units which do not correspond in lot size, dimensional requirements or type of dwelling to the regulations of the district in which it is located.

Planned Unit Development (PUD): An area of land to be developed as a single entity for a number of dwelling units in 2 or more structures and/or commercial or industrial uses, if any, the plan for which does not correspond in lot size, or bulk or type of unit, for the zoning district in which it is located.

Plat: see “Subdivision Plat”

Plot: see “Lot”

Re-subdivision: A change of recorded subdivision plat, if any change affects any street layout shown on such map or reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to adoption of any regulation controlling subdivisions, such parcel shall be considered for approval by the Development Review Board by the current procedure, rules and regulation as for a subdivision.

Right-of-way: A right of passage over the land of another and may be in the form of an easement, a license or an estate in fee. It shall include, without limitation, streets and roads, water conduits and mains, sanitary sewer utilities, and right of ingress and egress. Rights-of-way shall be specifically defined and shall be separate and distinct from the lots and parcels adjoining it and shall not be included within the dimensions or areas of such lots or parcels.

Road: A highway, street, or other way which exists for vehicular travel, exclusive of a driveway serving not more than one single family residential use or lot. The word “road” shall mean the entire right-of-way.

Road, Private: A private way intended for vehicular traffic that is not dedicated to the public.

Road, Public: A public way, typically bounded between property lines, intended for vehicular traffic, improved to public standards, dedicated to the public, and accepted by the Town of Putney Selectboard.

Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Steep Slopes: Land characterized by a gradient in excess of 15%.

Streets: see “Road”

Subdivider: Any person, firm, corporation, partnership, or association who shall cause the layout of any subdivision or part thereof as defined by these bylaws. The term includes the applicant for subdivision approval.

Subdivision: Division of any parcel of land whereby 2 or more lots are created. The term “subdivision” includes re-subdivision. Any transfer, conveyance, or sale of land held in one ownership, but already divided into lots by an existing public right-of-way shall not be considered a subdivision for the purposes of these regulations.

Subdivision, Major: A subdivision that meets the requirements of Section 3.1(C)2 of these Regulations.

Subdivision, Minor: A subdivision that meets the requirements of Section 3.1(C)1 of these Regulations.

Subdivision Plan, Final: The complete set of drawings, reports, and any other accompanying information for a subdivision submitted to the Development Review Board for approval.

Subdivision Plan, Preliminary: A set of drawings, reports, and any other accompanying information for a subdivision submitted to the Development Review Board for preliminary consideration.

Subdivision Plat, Final: A map or representation on paper, mylar or other accepted material, of a piece of land, subdivided into lots and roads and drawn to scale, that is prepared in compliance with the Putney Subdivision Regulations, which, when approved by the Development Review Board, is recorded with the Putney Town Clerk in accordance with Title 27 V.S.A. 1401-1406.

Subdivision Plat, Preliminary: A map or representation of a subdivision of land that is submitted to the Development Review Board for purposes of preliminary consideration.

Town Plan: The comprehensive plan, prepared in accordance with 24 V.S.A. Chapter 117 for the community as adopted by the Selectboard.

Wetlands: Those areas that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonably saturated soil conditions for growth and reproduction. Such areas include marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds, but excluding such areas as grow food or crops in connection with farming activities. 24 V.S.A. §4303(32)

Article 3: SUBDIVISION APPLICATION PROCEDURE AND SUBMISSION REQUIREMENTS

Section 3.1 Applicability

- A. Whenever any subdivision of land is proposed the subdivider or his/her authorized agent shall apply for and secure approval of the proposed subdivision prior to undertaking:
1. Any street or utility construction, building development, or land clearing (excluding forestry or agricultural activities) in preparation for subdivision; or
 2. Any sale or conveyance of any subdivided portion of a property; or
 3. The issuance of any permit for any land development including land to be subdivided; or
 4. The filing of a subdivision plat with the Town Clerk.

Such approval shall be granted in accordance with the procedures outlined in Table 3.1 and as provided below.

Table 3.1 Subdivision Review at a Glance

Pre-Submission Hearing [Not required, done at applicant request]	
Action	Responsible Party
1. Submission of request for pre-submission hearing.	Applicant; at least 15 days prior to a regularly scheduled Development Review Board meeting
<i>No decisions are made and no action is taken at a pre-submission hearing. This is a preliminary consultation aimed at reviewing the basic plan concept and offering any suggestions which might offer assistance to the applicant.</i>	
Minor Subdivision	
Action	Responsible Party
1. Submission of final subdivision plan and plat, including any waiver requests and supporting documentation	Applicant
2. Development Review Board public hearing	Development Review Board; within 45 days of receipt of the completed application and subdivision plan and plat.
3. Action on final subdivision and plat	Development Review Board; within 45 days of the hearing adjournment date
4. Written notice of decisions is issued	Development Review Board; within 45 days of the hearing adjournment date
5. Final plat recording in the town records	Applicant; within 180 days of the date of subdivision approval
6. Submission of as-built drawings	Applicant; upon completion

Major Subdivision	
Action	Responsible Party
1. Submission of a preliminary subdivision plan and plat including any waiver requests, supporting documentation	Applicant
2. Development Review Board preliminary hearing	Development Review Board; within 45 days of receipt of the completed application and preliminary subdivision plan.
3. Preliminary subdivision and plat approval	Development Review Board; within 45 days of the hearing adjournment date
4. Submission of a final subdivision plan and plat, including supporting documentation	Applicant; within 6 months of the date of preliminary approval
5. Development Review Board public hearing on final subdivision plan and plat	Development Review Board; within 45 days of the receipt of the completed application and final subdivision plan.
6. Action on final subdivision plan and plat	Development Review Board; within 45 days of the hearing adjournment date
7. Written notice of decisions is issued	Development Review Board; within 45 days of the hearing adjournment date
8. Final plat recording	Applicant; within 180 days of final subdivision plan and plat approval
9. Submission of as-built drawings	Applicant; upon completion if required

B. Subdivisions: For the purposes of these regulations, subdivisions shall be classified as minor or major subdivisions by the Zoning Administrator in accordance with the following:

1. Minor Subdivision: Minor subdivisions will be exempt from preliminary review and may proceed directly to Final Plan and Plat approval under Section 3.5 after a completed application has been received. A determination that a subdivision is minor shall not eliminate the necessity of a survey plat. The following are considered minor subdivisions:
 - a. A subdivision which creates not more than 4 lots for building development purposes and that does not require a new public or private road, other than a driveway; or
 - b. A subdivision that does not involve the creation of lots for immediate building development or road or utility construction; or
 - c. A lot line adjustment, which involves a change to the boundary between two existing lots.
2. Major Subdivision: Major Subdivisions are required to receive preliminary approval under Section 3.4 and Final Plan and Plat approval under Section 3.5. The following are considered to be major subdivisions:
 - a. Any division of land into 5 or more lots; and

- b. Any division of land that requires a new public or private road (not including a driveway); and
- c. Any Planned Unit, Planned Educational, Planned Residential Development that meets the definition of a subdivision.

B. Planned Unit, Planned Educational or Planned Residential Development Review. PUDs, PRDs, and PEDs, shall meet the standards set forth in Article IV of the Town of Putney Zoning Regulations, as well as subdivision standards set forth in these Regulations, unless otherwise waived by the Development Review Board. Applications for Planned Unit, Planned Residential, or Planned Educational Developments (PUDs, PRDs, or PEDs) shall be reviewed as major subdivisions under this Article. Site Plan and PUD, PRD, PED review may occur concurrently with Subdivision Review if all application and procedural requirements pertaining to each respective review process are met.

2. Lot Line Adjustment and Lot Merger: The Administrative Officer may approve the realignment, relocation or elimination of a boundary line between adjoining lots provided that the proposed change:

- a. Will not result in an increase in the number of lots;
- b. Will not result in a nonconformity (see Zoning Regulation ARTICLE VIII), but it may involve an existing nonconformity provided that the degree of nonconformity is not increased; and
- c. Will not violate any conditions of a prior permit or approval.
- d. Any lot line adjustment or lot merger that does not meet the requirements above must be reviewed by the Development Review Board as a Minor Subdivision.
- e. The Administrative Officer may refer any application for a lot line adjustment or lot merger to the Development Review Board for review as a minor subdivision.
- f. The applicant must submit a complete application and subdivision plan to the Administrative Officer. Once the Administrative Officer determines that an application is complete, he/she must act within 30 days to approve it, deny it or refer it to the Development Review Board.
- g. Within 180 days after the Administrative Officer approves an application, the applicant must file a final subdivision plat for recording in the town's land records. The plat must meet all statutory requirements and be signed by the Administrative Officer.

Section 3.2 Pre-Submission Meeting

- A. A potential applicant may request a meeting with the Board to discuss a proposed subdivision. Potential applicants proposing a major subdivision are encouraged to exercise this option.
- B. Request for a pre-submission hearing shall be in writing and submitted not less than 15 days prior to a regular meeting of the Board and shall be properly posted as part of the Board's agenda.

Section 3.3 Submission Requirements

- A. Minor Subdivisions: An applicant of a minor subdivision shall submit a final subdivision plan and plat and proceed to a final public hearing on such application. The submitted subdivision plan and plat shall consist of drawings and submittals that comply with the requirements as listed in Table 3.2
- B. Major Subdivisions: An applicant of a major subdivision must submit a preliminary plan and plat and proceed to a preliminary hearing on such application. Only after the Development Review Board has approved a preliminary plan and plat, with or without modification, may an applicant submit a final subdivision plan and plat and proceed to a public hearing on such application. The submittal drawings shall consist of one or more sheets that show the requirements as listed in Table 3.2

Table 3.2 Required Submission Documents

	Minor Subdivision	Major Subdivision	
	Final	Preliminary	Final
Plan/Plat Mapping Requirements			
Name, address of owner and applicant	♣	♣	♣
Complete survey of the boundaries of the subdivision parcel by a Vermont licensed surveyor	♣	♣	♣
Date of original plan and any revisions	♣	♣	♣
Signature block for the Development Review Board	♣		♣
Name and seal of engineer (if applicable) and surveyor licensed by the State of Vermont	♣	♣	♣
Number of acres within the proposed subdivision	♣	♣	♣
Watercourses and other essential physical features	♣	♣	♣
True north point, scale (not greater than one hundred feet per inch), and legend	♣	♣	♣
Existing and proposed lot lines showing with metes and bound description	♣	♣	♣
Existing and proposed right-of-way lines	♣	♣	♣
Existing buildings, driveways, walkways, utilities, paved/graveled surfaces and other manmade improvements	♣	♣	♣
Proposed buildings, driveways, walkways, utilities, water wells, septic systems, and other manmade improvements	♣	♣	♣
Delineation of any existing or proposed deed restrictions, covenants or right-of-way easements	♣	♣	♣
Proposed water supply system		♣	♣
Proposed sewage system		♣	♣
Grading plans showing areas of cut and fill and revised contours at a contour interval of not greater than five feet		♣	♣
Storm water drainage plan, drawn at a contour interval of not greater than five feet, indicating the methods of collection and discharging drainage as well as methods for temporary and permanent erosion control		♣	♣
Existing and proposed right-of-way lines, widths of roads, typical road profiles		♣	♣
Calculation of stopping sight distances		♣	♣
Typical landscaping plans showing plant types and size, ground cover, lighting and signage		♣	♣
Description of the homeowner's association or other form of management organization, if such is proposed			♣
Proposed covenants, and/or deed restrictions	♣	♣	♣
In the event a subdivision grants a right-of-way or easement, a recordable instrument delineating the responsibility for maintenance	♣	♣	♣
Written evidence of approval by all local, regional, State and Federal agencies having jurisdiction over the project, including final approvals for any water supply and sewage disposal systems and certification of the expiration of the appeals period	♣	♣	♣
Any required performance bonds or financial surety			▪

Section 3.4 Preliminary Plan and Plat Review

- A. Application Requirements. The applicant shall submit an application and associated fees for the preliminary plan and plat approval to include, unless otherwise specified or waived by the Development Review Board under Section 4.1(B), 1 original and 7 copies of the information required for preliminary plan review as specified in Table 3.2.

- B. Preliminary Plan Review. Within 45 days after the Zoning Administrator receives a complete preliminary plan application, the Development Review Board shall hold a hearing to review the preliminary plan, with public notice given in accordance with §4464(a)(2) of the Act. The failure to hold such hearing within such 45-day period shall not be deemed an approval of the application and such meeting shall be held as soon as soon as reasonably practical thereafter.

- C. Action on Preliminary Plans. Within 45 days of the date of adjournment of the preliminary review hearing, or any continuation thereof, the Development Review Board 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 the applicable subdivision review standards or would be in conflict with the Town Plan or other municipal regulations then in effect. The Development Review Board 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 6 months from the date of written notice of approval, unless otherwise approved or extended by the Development Review Board in the written notice of decision.

- D. Phasing. At the time the Development Review Board grants preliminary approval it may require the plat to be divided into two or more phases to ensure project conformity with municipal plans currently in effect. Conditions may be imposed upon the filing of an application for final plat approval for each phase as the Board deems necessary to ensure the orderly development of the plat and to avoid overburdening town facilities and services.

- E. Effect of Preliminary Plan Approval. Approval of the preliminary plan shall not constitute approval of the final plan and plat. Subsequent to the approval of the preliminary plan, the Development Review Board may require the submission of all applicable approvals of municipal officials and/or agencies having jurisdiction over the project, and such state and federal agencies as 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 Development Review Board for final plan approval under Section 3.5.

Section 3.5 Final Plan Approval

- A. Application Requirements. The applicant shall submit an application and associated fees for the final subdivision plan and plat approval to include, unless otherwise specified or waived by the Development Review Board, 1 original and 7 copies of the information required for final plan and plat review as specified in Table 3.2; any other documents required by the Board as a result of preliminary approval, including but not limited to copies of proposed deeds or agreements; and a performance bond or equivalent surety in accordance with Section 3.8.
- a. Application for final approval must be made within 6 months of the date of receiving preliminary plan approval, unless otherwise extended by the Development Review Board. If the applicant fails to apply within this deadline, the applicant shall be required to submit a new preliminary plan and plat for approval subject to any new zoning and subdivision regulations.
- B. Public Hearing. Within 45 days of receiving a complete application for final approval, the Board shall hold a public hearing on the final plan and associated plat, warned in accordance with §4464(a)(1) of the Act. Copies of the hearing notice shall also be sent, at least 15 days prior to the hearing date, to the clerk of an adjacent municipality in the case of a plat located within 500 feet of a municipal boundary. Failure to hold the public hearing within such 45-day period shall not be deemed an approval of the application and such hearing shall be held as soon as reasonably practical thereafter.
- During the public hearing proceeding, if the Board feels that there is not information sufficient to invoke jurisdiction, the public hearing may be recessed to date and time certain.
- C. Action on Final Plan and Plat. Within 45 days of the date of adjournment of the public hearing, the Board shall approve, approve with conditions, or disapprove the final subdivision plan, based on a determination whether or not the plan and associated plat conforms to these Regulations, or would be in conflict with the Town Plan or other municipal regulations. 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, shall be set forth in a written notice of decision. A copy of the notice of decision shall be sent by certified mail to the applicant.
- D. Effect of the Final Plan Approval. The approval by the Development Review Board of a final plan and plat shall not be construed to constitute the Town accepting ownership of any street, easement, utility park, recreation area, or other open space shown on the final plat. Such acceptance may be accomplished only in a formal resolution by the Selectboard, in accordance with state statute. Each approval for a final plan shall contain a time limit within which all improvements shall be completed, not to exceed 3 years unless otherwise required or extended by the Board.

Section 3.6 Plat Recording Requirements

- A. In accordance with §4463 of the Act, within 180 days of the date of receipt of final approval under Section 3.5(C), the applicant shall file 3 copies of the final subdivision plat, 1 mylar copy and 2 paper copies, for recording with the town in conformance with the requirements of 27 V.S.A. Chapter 117 §1403. After such filing or recording, the plat shall be a part of the Official Map of the Town of Putney. Approval of subdivision 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 Board.

Section 3.7 Revisions to an Approved Plat

No changes, modifications, or other revisions that alter the approved plat or conditions of approval shall be made unless the proposed revisions are first resubmitted to the Development Review Board and the Board approves such revisions after a public hearing is held. In the event that such subdivision plan revisions are recorded without complying with this requirement, the revisions shall become null and void.

Section 3.8 Effect on a Filed Plat

Once an approved plat or certification by the clerk is filed, no expiration of that approval or certification shall be applicable.

- A. This shall not exempt the subdivider from complying with all applicable State regulations in effect at the time local zoning permits are applied for.
- B. If the approved subdivision plat must be revised in order to comply with State regulations, it shall be considered a modification to the approved subdivision and require Development Review Board approval. The subdivision plat shall be subject to all applicable local bylaws and regulations in effect at the time of revision.

Section 3.9 Performance Bond Requirements

- A. Public Improvements. The Board shall require from the applicant, for the benefit of the Town, a performance bond issued either by a bonding or surety company approved by the Board, or by the applicant with security acceptable to the Board, in an amount sufficient to cover the full cost of said new streets and required improvements on or in said streets or highways and their maintenance for a period of two years after completion as is estimated by the Board or such municipal departments or officials as the Board may designate. The performance bond shall be submitted prior to approval of the Final Subdivision Plat.

- B. General Performance Guarantee. Security that the project shall be completed as approved may be required in the form of:
1. A surety bond, issued by a surety company authorized to do business in the State of Vermont, to be filed with the Selectboard in a form and amount satisfactory to it, or
 2. A letter of credit, cash, escrow account, or savings bond book properly endorsed to the Town in an amount to be determined by the Selectboard, or
 3. A performance bond from the developer or contractor.
- C. The performance guarantee shall not be released until the Board has certified completion of the improvements in substantial accordance with the approved Final Subdivision Plat. The performance bond shall run for a term fixed by the Board that shall not exceed 3 years.
- D. The Board may require surety covering the maintenance of said improvements for a period of two years after acceptance by the Town; said surety to be equal to not less than ten percent of the estimated cost of those improvements.

Section 3.10 Certificate of Subdivision Compliance

- A. The Development Review Board may require, as a condition of approval that a certificate of compliance be obtained in order to ensure public and private improvements have been installed in accordance with the conditions of subdivision approval prior to any future land development.
- B. The application for the certificate of compliance should be submitted to the Zoning Administrator with as-built plans drawn to scale which show the location of all monuments, utilities, structures, roadways, easements, and other improvements constructed.
1. As-built drawings shall be stamped by the developer's professional engineer with a signed and dated statement by the engineer attesting that the materials were installed and that the work was performed substantially in accordance with the approved plans and specifications.
 2. As-built drawings shall be stamped by a licensed land surveyor with a signed and dated statement by the surveyor attesting that all property corner markers have been set in accordance with the approved property plat.
- C. Within 30 days of receiving an application for a certificate of compliance, the Zoning Administrator or his/her duly authorized agent, shall inspect the subdivision to ensure that all work has been completed in compliance with the conditions of subdivision approval. If the Zoning Administrator fails to grant or

deny the certificate of compliance within 30 days from the submission of the application, the certificate shall be deemed issued on the 31st day.

Article 4: DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

Section 4.1 Applicability

- A. The Development Review Board shall evaluate any minor or major subdivision of land in accordance with the following standards set forth in this Article. Where these standards conflict with other provisions of these regulations, the more stringent shall apply.
- B. Pursuant to §4413 of the Act and Section 1.4 of these Regulations, the Board may waive or vary subdivision review standards, subject to appropriate conditions. Any request for waiver on the part of the applicant shall be submitted in writing by the applicant at the time of application.
- C. The Board may require the applicant to submit data addressing impacts related to the standards set forth in this Article. In light of findings made on these standards, the Board may require modifications and/or phasing of the proposed subdivision or corrections of any adverse impacts.

Section 4.2 Character of the Land

- A. An application to subdivide the land of such character that it cannot, in the judgment of the Board, be safely used for the proposed purposes because of danger to public health and safety shall not be approved.
- B. Where the character of the land is not adequately considered, the Board may require modification of the application to enhance the function and quality of the development, or to reduce adverse impacts resulting from the development.
- C. Lots shall contain contiguous areas of developable land such that the driveway, building, water supply and sewage disposal, and other improvements can be constructed without filling of wetlands or other such adverse impacts that could be eliminated by different subdivision design. The number of lots may be reduced by the Board to reduce adverse impacts.

Section 4.3 Lot Shape

- A. Density, lot size, and layout shall conform to all zoning district regulations and design standards relating to frontage, lot and yard requirements as listed in the Putney Zoning Bylaw, unless modified or waived by the Development Review Board in accordance with the regulations governing Planned Residential, Planned Education, or Planned Unit Development. The Board may require lower densities of development based on site limitations.

- B. Corner lots shall have sufficient width to permit a front yard setback on each street.
- C. Side lot lines shall generally be at right angles to straight streets or radial to curved street lines.
- D. Lots shall be shaped in a manner that promotes clarity of ownership. To the maximum extent possible all new lots shall be rectangular in nature, following the orientation of any existing stonewalls or natural features whenever possible.
- E. In order to subdivide lots without frontage, access must be provided to a Class IV or better road by a permanent easement of at least 50 feet in width. The Development Review Board may approve a reduction in width to a minimum of 20 feet provided:
 - 1. Safe and adequate access for vehicles, including emergency apparatus, will exist with such reduced width.
 - 2. Adequate accommodations are provided for any other requirements, such as utilities, drainage, snow storage, landscaping or screening, etc.
 - 3. A reduced width will not hinder the future development of lands to the rear.

Section 4.4 Driveway, Access, and Road Design

- A. The Highway Foreman must review and approve all proposed driveway locations.
- B. Subdivision of lands abutting State Highways or Class 1 Town Highways requires prior approval of an access plan in accordance with 19 V.S.A. §1111(k). The applicant shall provide the Development Review Board with a copy of such approval in the form of a letter prior to final plat approval.
- C. The arrangement of roads in the subdivision shall provide for the continuation of existing roads to those in adjoining subdivisions for proper projection of roads through adjoining properties that are not yet subdivided.
- D. In all cases, the number of access points to a given street shall be held to a minimum, preferably one point of access, in order to reduce traffic hazards from turning movements and to ease the installation of traffic devices, when necessary.
- E. Wherever possible, driveways and access ways should be located at least 100 feet from any street intersection or major driveway.
- F. Permanent dead-end roads and cul-de-sacs shall be discouraged unless deemed necessary by the Board due to physical site limitations or safety considerations. No dead-end road shall be permitted without a suitable turn around at its terminus.

- A “T” configuration suitable to topography is preferred, but a cul-de-sac may also be considered appropriate.
- G. New intersections along one side of an existing street shall, if possible, coincide with any existing intersections on the opposite side of the street. Otherwise, “T” intersections are encouraged except that jog intersections with centerline offsets of less than 200 feet are encouraged. All road intersections shall be as nearly at right angles as possible and in no cases shall be less than 75 degrees.
- H. Where an existing access road is inadequate or unsafe, the Board may require improvement to the access road to the extent necessary to serve additional traffic from the subdivision.
- I. All driveways shall account for adequate drainage in the Town right-of-way and from the property itself. It shall be the responsibility of the landowner to correct deficiencies and maintain the driveway and drainage facilities.
- J. All roads shall be designed in accordance with the Town of Putney’s road standards (see Appendix A) entitled the “*Town of Putney Policy for Transportation Construction and Improvements*” as amended from time to time.
- K. All streets shall be named subject to the approval of the Development Review Board and the Putney Historical Society. Street name signs shall be furnished and installed by the subdivider. The type, size, and location of such signs shall be subject to the approval of the Development Review Board.
- L. If in the judgment of the Board, a proposed subdivision presents the potential for significant traffic impact on Town or State roads, village centers, or other significant areas, a traffic impact study may be required. Based upon a review of the study, the Board shall set appropriate conditions to avoid or mitigate any traffic congestion or safety problems associated with the proposed subdivision. The traffic impact study shall include:
1. a description of the general location of the project;
 2. a statement of existing traffic conditions and projected traffic conditions on all impacted roadway(s) for ten years;
 3. a statement comparing the operating Level of Service (LOS) of the impacted roadway(s) and/or intersection(s) at the opening date of the project and for ten years; and
 4. A statement of recommendations outlining any adverse impact of a proposed project and the necessary improvements to mitigate negative impacts.

Section 4.5 Stormwater Management & Erosion Control

- A. Design. Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, natural contours, ground cover, and soils. For effective stormwater management, subdivision design and layout shall, to the extent feasible:
1. Minimize the impervious area connected directly to stormwater conveyance systems;
 2. Incorporate landscaped areas to absorb stormwater runoff from adjoining impervious surfaces (yard acres, filter strip, parking islands);
 3. Incorporate shared driveways and parking areas, where appropriate;
 4. Maximize the use of pervious surfaces;
 5. Maintain natural vegetative cover and designated wetland, riparian and shoreland buffers;
 6. Use vegetated, open channels within road rights-of-way to convey and treat stormwater, where density, topography, soils and slopes permit; and
 7. Incorporate naturally occurring ponding and drainage areas.
- B. Accommodation of Potential Upstream Development. Drainage facilities shall be designed by a licensed engineer in the State of Vermont to accommodate potential run-off from the entire upstream drainage area based on consideration of total potential development.
- C. Responsibility to Drainage Downstream. To prevent flooding and erosion, control of stormwater from impervious surfaces shall be accomplished by limiting the post-development peak discharge rate so that it does not exceed the pre-development peak discharge rate from the site for the 10-year, 24 hour storm event. Additional control of treated stormwater may be required if site specific conditions warrant it.
- D. Easement. If a subdivision will result in changes in flow type, flow channel, increased stormwater discharge, or flooding in areas not owned or controlled by the applicant, the applicant must secure easements for all areas of flow or flooding on affected properties. Easements must extend up to, but not include, the channel of any river or stream accepting flow from the subdivision. Suitable land restriction will be included in easements to prevent any activity that may affect drainage across the area.

- E. Erosion and Sediment Control. All areas exposed during construction shall be protected in accordance with 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. Permanent vegetation and erosion control structures shall be developed and implemented according to a schedule approved by the Board.

Section 4.6 Sidewalks and Bikeways

- A. Sidewalks of not less than five feet in width, and conforming to the grades of the street, shall be constructed on either or both sides of streets when, in the opinion of the Board, such sidewalks are necessary. Sidewalks and/or bikeways, where appropriate, shall be provided for pedestrian traffic to provide connection between the subdivision and nearby destinations. Sidewalks shall be at least six inches above grade and shall be protected by curbing. Sidewalk designs shall include means for handicapped access. The Board shall consider the following when determining the appropriateness of sidewalks:
 - 1. Proximity to schools, the village center, and other Town services.
 - 2. Whether recreational facilities and land are available within the subdivision.
 - 3. Proximity to commercial destinations, including but not limited to restaurants, stores, shops, etc.
 - 4. Proximity to other pedestrian or bikeways.
 - 5. The type of housing being proposed (i.e. elderly, etc.)
- B. If sidewalks are required, the Vermont Agency of Transportation A-76 Standard or any successor regulations shall be used for specifications.

Section 4.7 Landscaping Design and Plan

- A. To the extent feasible, natural landscaped buffer strips of 25 feet must be preserved where a proposed residential development abuts commercial or industrial zones or uses. This buffer is intended to adequately shield the residential properties from the adverse effects of the non-residential use. No roads shall be located within any part of this buffer zone.
- B. Where appropriate, existing trees and vegetation must be incorporated into the buffer strips or landscaping design. The Board may require that such buffer strips contain vegetation that will screen the view from adjacent residential property during all seasons. Fencing alone may be considered an acceptable method of screening only if granted a waiver in accordance with Section 4.1(B).

- C. Where appropriate or required, subdivisions shall be planned to provide that natural vegetation be retained as a buffer along environmentally sensitive areas such as watercourses, wetlands, and standing waters, in accordance with sound environmental practices.
- D. In order to protect the character of a site, the Development Review Board may require that street trees be planted at regular intervals where existing vegetation is removed. Such trees shall be suitable hardwood species to ensure that the road is not shaded in the winter.

Section 4.8 Protection of Natural and Historic Features

- A. Significant natural features within the site including large or unusual trees, watercourses, wetlands, natural stone outcroppings, and other scenic features shall be shown on the plan. It is recommended that such significant features be preserved in the development of the site.
- B. Existing buildings or manmade structures, including stone walls, shall be shown on the plan and reviewed with the Development Review Board, with qualified consultants as may be required, for historic significance. Such features shall not be destroyed or removed without Development Review Board review.
- C. Topsoil removed in the process of grading the subdivision site shall be replaced, except in proposed streets, driveways, and building locations.

Section 4.9 Fire Protection

- A. Fire hydrants, fire ponds, and other improvements reasonably required for fire safety shall be provided as specified by the Putney Fire Department prior to final approval by the Development Review Board. These items shall be shown on the plan and installed by the applicant.
- B. Prior to application to the Development Review Board, the applicant shall consult with the Putney Fire Department to determine what, if any, fire protection measures are necessary. The applicant shall provide the Development Review Board with the results of such consultation in the form of a letter and/or representations of the required facilities on the plan. The Development Review Board may require additional fire protection measures in addition to the Putney Fire Department's recommendation if reasonably necessary.

Section 4.10 Water Supply and Wastewater Disposal

- A. Water Supply. Water supply systems shall be designed and built to meet all applicable state requirements. There shall be no adverse impact on existing water supplies from the proposed water supply for the subdivision. The Development Review Board may require evidence that adequate water supply is available through an existing or proposed system prior to granting final approval.

The 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.

- B. Wastewater Disposal Capacity. The applicant shall demonstrate that soil conditions on-site are adequate to accommodate the installation of a wastewater disposal system designed in accordance with state requirements, and are of sufficient capacity for the intended density and types of uses; or that an alternative, off-site disposal location, secured through an easement or other form of legal conveyance, is similarly suitable and available.
- C. Connection to Existing System. Where connection to an existing water or wastewater system is proposed, the subdivider shall provide evidence as to the adequacy of the system to meet the needs of the proposed development. The subdivider will be required to provide such pumping and other facilities as may be necessary. The Board may also require that the subdivider provide, or have installed, at the subdivider's own expense, larger lines, pumping, storage and other facilities outside of the subdivision, if necessary.
- D. Community Systems. Proposed development may be serviced by either private or community water and wastewater systems. The water and wastewater systems shall be designed and installed in accordance with all applicable state regulations and standards. The system design and specifications shall be submitted to the Development Review Board and shall be certified by a professional engineer qualified and registered in the State of Vermont.
- E. Waivers. In the event that the subdivider is proposing the creation of lot(s) not requiring water or wastewater systems, the requirements of Section 4.15 shall apply.

Section 4.11 Utilities

- A. All utilities systems, existing and proposed, throughout the subdivision shall be shown on the final plat, and be located as follows:
 - 1. All utilities, including electric, telephone, gas, fiber optics, and television cable shall be installed underground and within the boundaries of any subdivision unless specifically exempted from this requirement by the Board. The subdivider shall provide evidence of coordination in the subdivision design with the utility companies to ensure adequate and suitable area for underground installation, both for the proposed subdivision and areas adjacent to the subdivision.
 - 2. Utility corridors shall be shared with other utility and/or transportation corridors where feasible, and be located to minimize site disturbance, the fragmentation of meadowland, forests, and other natural, cultural or scenic resources.

3. The subdivider shall install all necessary mains and/or branch offsets to each lot.
- B. Easements of sufficient width shall be provided to serve utilities to both the proposed subdivision and existing and anticipated development outside the subdivision. Such easements shall be shown on the final plat.
- C. The Board may require the installation of street lighting in any subdivision where it deems necessary. Street lighting shall be sized and directed to avoid glare on adjacent properties and roads.

Section 4.12 Open Space Design and Requirements; Impact Fees.

- A. Subdivisions shall be designed to preserve open space areas and common lands for parks, recreation, greenways, and/or viewshed and historic site protection.
- B. The subdivision and development shall, whenever possible, preserve important natural features. Such areas include watercourses, wetland areas, steep slopes, large or unique trees, groves, or special habitats.
- C. The Development Review Board may require the designation of buffer strips at least 50 feet in width around surface waters, wetlands, or other natural features which may be adversely affected by erosion, stormwater runoff or other causes.
- D. The Development Review Board may require the dedication of a percentage of the plat area for public park, playground, or other recreational purposes or for conservation, educational or cultural purposes. All such land shall be of reasonable character for these purposes.
- E. The Development Review Board may require impact fees, in lieu of or in addition to dedication of land, in accordance with Vermont statutory requirements.
- F. Open space and conservation areas shall be designed to be contiguous on site and, where possible, with open space on adjacent parcels.
- G. It is in the public interest to establish and maintain access to the significant water resources in the Town of Putney. Such access may include provisions for direct water access, or may be for other uses that are enhanced by close proximity to the waters such as walking paths, picnic areas, and scenic overlooks. Where such amenities can be incorporated into the application, it would be appreciated by the Development Review Board and the Town. To qualify, the public access must be permanently available to the general public.
- H. The Development Review Board may require that protected open space be dedicated, either in fee or through a conservation easement to the Town of Putney, a community association comprising all of the present and future owners of lots in the subdivision, and/or a non-profit land conservation organization. At a minimum, designated open space shall be indicated with appropriate notation on the final plat. Land held in common shall be subject to deed restrictions

stipulating the permitted and restricted use of such lot and establishing a person or entity responsible for the maintenance and long-term stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of the applicant and subsequent land owners.

Section 4.13 Signs

- A. Signs shall be regulated in accordance with the Putney Sign Ordinance, as most recently amended. The Development Review Board may place more restrictive conditions regarding the size, height, number and location of signs than those specified in the Sign Ordinance or by state regulation in order to maintain the visual character of the areas and ensure safety and efficiency of pedestrian and vehicular circulation.

Section 4.14 Village Settlement Patterns

- A. Within the Village District, subdivisions shall be designed and laid out to achieve the purpose and desired settlement pattern of the district. To the extent feasible, subdivisions shall:
1. Maintain and extend desired settlement patterns, including lot area and configuration, road layout, and building location for the neighborhood that they are located in;
 2. Incorporate the following features in the subdivision design:
 - a. pedestrian orientation of the site;
 - b. functional and visual integration with neighboring properties, especially if the site is adjacent to a historic site; and
 - c. sidewalks and pathways to facilitate pedestrian circulation.
 3. Establish well-defined streetscapes, characterized by interconnected streets bounded by sidewalks, street trees, and consistent building setbacks;
 4. Include adequate provision for open space and common areas such as a green or park, where feasible; and
 5. Promote infill development at a scale and density consistent with standards for the district.

Section 4.15 Creation of Parcels for other than Residential, Commercial or Industrial Uses

- A. In the case of a subdivision in which the lots created are parcels for other than residential, commercial, or industrial use, the applicant need only provide the Development Review Board a completed subdivision application, a survey plat including all the information required for a Minor Subdivision and any additional information to satisfy the requirements of this section.

- B. The parcel shall have an approved right-of-way or permanent access easement.
- C. The Board may waive all provisions pertaining to water and wastewater disposal provided that the plat recorded with the Town Clerk clearly indicates that the parcel has not yet complied with applicable state rules concerning potable water supplies and water systems. In addition, the individual deeds that are recorded and indexed for the unimproved lots shall include the following language:

“Notice of Permit requirements. In order to comply with applicable state rules concerning potable water supplies and wastewater systems, a person shall not construct or erect any structure or building on the lot of land described in this deed if the use or useful occupancy of that structure or building will require the installation of or connection to a potable water supply or wastewater system, without first complying with the applicable rules and obtaining any required permit. Any person who owns this property acknowledges that this lot may not be able to meet state standards for a potable water supply or wastewater system and therefore this lot may not be able to be improved.”

If there is no deed for the lot that was created, the owner of the unimproved lot shall record and index a copy of the above language in the land records.

- D. The applicant shall submit a letter stating his/her intent for the use of the property to the Development Review Board that shall be incorporated as a condition of subdivision approval and noted on the recorded plat. Any subsequent modification to the approved plat or conditions of plat approval would require modification of the subdivision plat under Section 3.7.

Article 5: ADMINISTRATION AND ENFORCEMENT

Section 5.1 Administration

These regulations shall be administered by the administrative officer appointed and acting in accordance with the provisions of §4448 and §4452 of the Act.

Section 5.2 Acceptance of Streets

Nothing herein is intended to modify the requirements of law with reference to the acceptance of streets by the town. Nothing herein is intended to modify or control the construction, reconstruction, or extension of roads by the town or state.

Section 5.3 Other Regulations

These regulations shall take precedence over any other regulations contained in any bylaw or ordinance of the town pertaining to roads or subdivisions which are inconsistent herewith.

Section 5.4 Penalties

Any person, firm or corporation, making any subdivision of land violating any provision of these regulations, shall be subject to the penalties provided in §4451 of the Act.

Section 5.5 Appeals

Pursuant to §4471 of the Act, an interested person who has participated in the final plat hearing for a particular subdivision may appeal a decision rendered in that hearing by the Putney Development Review Board to the Vermont Environmental Court. Participation in the public hearing shall consist of offering, through oral and written testimony, evidence or a statement of concern related to the subject subdivision. All appeals must be filed with the Environmental Court within 30 days of the date of such decision or act.

Any interested person, as defined in §4465 of the Act, may appeal a decision or act by the Zoning Administrator by filing a notice of appeal with the Chair of the Development Review Board or the Zoning Administrator within 15 days of the date of such decision or act.

Section 5.6 Severability

If any section, subsection, or phrase of these subdivision regulations is found for any reason to be invalid, such decision shall not affect the validity of the remaining portion of these regulations.

Section 5.7 Effective Date

Upon the date these subdivision regulations are adopted by the Town of Putney Selectboard, these regulations shall take effect immediately and amend in their entirety the regulations in effect prior to such date. (*End of Regulation*)