

CHAPTER VI. SUBDIVISION REVIEW PROCEDURES

Section 6.1 Applicability

(A) In accordance with the Act [§4401(2)], whenever any subdivision of land is proposed that is not specifically exempt from these regulations under Subsection (B), the applicant or his/her authorized agent shall apply for and obtain Planning Commission approval of the proposed subdivision prior to undertaking:

- (1) any construction or building development,
- (2) any sale or conveyance of any portion of a property to be subdivided,
- (3) the application for any town permit for any land development involving 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 6.1 and as provided below.

(B) **Exemptions.** The following are exempted from subdivision review under this Chapter:

- (1) Creation of rights-of-way or easements which do not result in the subdivision of land into two or more lots.
- (2) The leasing of a portion of a lot for agricultural or forestry purposes, provided no new roads are created for uses other than accepted agricultural or forestry practices.

(C) **Classification of Subdivisions** (see Sketch Plan Review). For the purposes of these regulations, subdivisions shall be classified by the Planning Commission in accordance with the following:

- (1) **Minor Subdivision**, which shall include any residential subdivision, or resubdivision, of land resulting in the creation of three (3) or fewer lots within any 10 year period, regardless of any change in ownership. Minor Subdivisions requires Final Plan Approval (see Section 6.5). Applications for Final Plan Approval will be reviewed under the standards within Chapter VII, and if applicable, Chapter VIII.
- (2) **Major Subdivision**, which shall include any residential subdivision, or resubdivision of land resulting in the creation of four (4) or more lots within any 10 year period, regardless of any change in ownership; and any nonresidential subdivision or PUD. Major Subdivisions require Preliminary Approval (see Section 6.4) and Final Plan Approval (see Section 6.5). Applications for Preliminary Approval and Final Plan Approval will be reviewed under the standards within Chapter VII, and if applicable, Chapter VIII.
- (3) **Boundary Adjustment**, which shall include any realignment of boundary lines between existing adjacent lots which are not included in an approved subdivision. Boundary Adjustments require Final Plan Approval (see Section 6.5). Applications for Boundary Adjustments will be reviewed under the standards within Chapter VII.
- (4) **Subdivision Amendment**, which shall include changes to an approved subdivision including, but not limited to: parcel lines; or easements, building envelopes or improvements which were required by a prior subdivision approval. A resubdivision may also be considered a Subdivision Amendment if no additional lots are to be created. Applications for Subdivision Amendments will be reviewed under

the standards within Chapter VII.

- (a) A Subdivision Amendment that affects three or fewer lots and which does not substantially alter the nature of the subdivision or conditions of a prior subdivision approval will be a Minor Subdivision Amendment. Minor Subdivision Amendments require Final Plan Approval (see Section 6.5).
- (b) A Subdivision Amendment that affects four or more lots or that will substantially alter the nature of the subdivision or conditions of a prior subdivision approval will be a Major Subdivision Amendment. Major Subdivision Amendments require Preliminary Approval (see Section 6.4) and Final Plan Approval (see Section 6.5).

(D) **Coordination with Planned Residential or Planned Unit Development Review.** The review of subdivision applications for projects that are submitted as a planned residential development or a planned unit development (PRD or PUD) under the provisions of Chapter VIII shall be concurrent with the PRD/PUD review.

Section 6.2 Waiver Authority

(A) In accordance with the Act [§4418(2)(A)], the Planning Commission may waive or modify subdivision application and/or review standards set forth in Chapter VII (except density requirement) pertaining to a particular application, subject to appropriate conditions, which in its judgment:

- (1) are not necessary to protect public health, safety and general welfare; or
- (2) are inappropriate due to the extraordinary or unnecessary hardship that may result from strict compliance with 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 from subdivision application requirements and/or standards shall be submitted by the applicant in writing with the application. It shall be the responsibility of the applicant to provide sufficient information to justify any waiver or modification to be granted by the Commission. In granting waivers, the Commission may require such conditions that will, in its judgment, substantially meet the objectives of the requirements so waived or modified. No such waiver may be granted if it would have the effect of nullifying the intent and purpose of the *Charlotte Town Plan* or varying other applicable provisions of these regulations or other municipal ordinances or regulations in effect.

Section 6.3 Sketch Plan Review [required for all subdivisions; also required for boundary adjustments and subdivision amendments unless deemed unnecessary by the Town Planner]

(A) **Application Requirements.** For the purposes of classification under Section 6.1(C) and a preliminary discussion of compliance with these regulations, a applicant shall, prior to submitting an application for subdivision approval, submit to the Administrative Officer a sketch plan (or multiple plans) of the proposed subdivision and associated fee. At minimum, the following information shall be submitted to the Planning Commission:

- (1) Name and address of the owner of record and the applicant, and other information requested on the municipal application form.
- (2) Copy of the parcel (tax) map showing contiguous and facing properties, available from the Charlotte Planning Office.
- (3) An orthophoto map of the parcel, available from the Charlotte Planning Office.

Table 6.1 Subdivision Review At A Glance

Action	Responsibility/Time Frame
Sketch Plan [all subdivisions]:	
1. Submission of sketch plan	Applicant – any time (applications for sketch plan review will be placed on the next available regularly scheduled planning commission meeting agenda on a first-come, first-serve basis).
2. Planning Commission meeting	Applicant's or designee's attendance required
3. Classification of subdivision as boundary adjustment, minor or major subdivision; written sketch plan review recommendations.	Planning Commission – within 45 days of determining that the sketch plan is complete
Minor Subdivision [residential < 4 lots]:	
1. Submission of final subdivision plan, including any waiver requests, proposed plat and supporting documentation	Applicant – within 6 months of the date of sketch plan review, unless extended
2. Final Planning Commission public hearing	Planning Commission – upon submission of a complete final application, a hearing will be warned for the next available regularly scheduled planning commission meeting agenda on a first-come, first-serve basis
3. Subdivision/plat decision	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 (as required)	Zoning Administrator – following submission of as-built drawings/engineer's certification upon completion of improvements
Major Subdivision [other than minor]:	
1. Submission of preliminary subdivision plan including any waiver requests, supporting documentation	Applicant – within 6 months of the date of sketch plan review, unless extended
2. Preliminary Planning Commission public hearing	Planning Commission – upon submission of a complete preliminary application, a hearing will be warned for the next available regularly scheduled planning commission meeting on a first-come, first-serve basis
3. Preliminary subdivision/plat decision	Planning Commission – within 45 days of the hearing adjournment date
4. Submission of final subdivision plan, including supporting documentation	Applicant – within 6 months of the date of preliminary plan approval
5. Final Planning Commission public hearing	Planning Commission – upon submission of a complete final application, a hearing will be warned for the next available regularly scheduled planning commission meeting on a first-come, first-serve basis
6. Subdivision/plat decision	Planning Commission – within 45 days of the hearing adjournment date
7. Final plat recording in the town records	Applicant – within 180 days of the date of subdivision approval
8. Certificate of Compliance (as required)	Zoning Administrator – following submission of as-built drawings/engineer's certification upon completion of improvements

- (4) A brief narrative describing the proposed subdivision, including the phasing schedule for any associated development.
- (5) A request, in writing, for waivers of subdivision application requirements or review standards under Section 6.2.
- (6) A conceptual plan of the proposed subdivision, a minimum of 11" X 17", with a date and north arrow, showing the proposed lot layout, roads, easements, drainage and existing structures; all proposed development, including building envelopes; and other land uses (e.g., agriculture, forestry) and areas suitable for conservation or open space designation. Such conceptual plan shall be drawn on a base map, which is available from the Charlotte Planning Office, showing all areas of high public value, including:
 - (a) the approximate location and boundaries of very steep slopes (equal to or greater than 25%) and steep slopes (15% to 25%);
 - (b) surface waters, wetlands, and associated setback and buffer areas regulated under Section 3.15;
 - (c) shoreline setbacks and buffers as required under Chapter II;
 - (d) designated flood hazard areas regulated under Chapter II and Section 5.6;
 - (e) primary (prime and statewide) agricultural soils;
 - (f) special natural areas (as identified in the *Charlotte Town Plan*);
 - (g) wildlife habitat (as identified in *Charlotte Town Plan*);
 - (h) water supply source protection areas (SPAs); and
 - (i) important views and vistas (as identified in *Charlotte Town Plan*).

(B) **Sketch Plan Review.** 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 proposed sketch plan and applicable review requirements and standards. At this meeting the Planning Commission may request any additional information as needed to act on the sketch plan, and may schedule additional meetings to continue the sketch plan review. A site visit may also be scheduled.

(C) **Action on Sketch Plan.** Within 45 days of the conclusion of the final meeting to review the sketch plan, the Planning Commission, based on the information provided, shall issue in writing:

- (1) a determination of whether the subdivision proposal is to be reviewed as a minor subdivision, boundary adjustment, or minor subdivision amendment under Section 6.5, or as a major subdivision or major subdivision amendment under Sections 6.4 and 6.5;
- (2) a determination whether the subdivision must be reviewed as a Planned Residential Development or Planned Unit Development under Chapter VIII due to the subdivision's location within specific zoning district(s), the proposed mix of uses, and/or a determination that the clustering of development is required to avoid or mitigate the potential adverse impacts to one or more areas of high public value.
- (3) an opinion as to whether a request for a waiver, submitted in accordance with section 6.2, is appropriate;
- (4) if multiple sketch plans have been submitted, an indication of the preferred alternative;

(5) recommendations for proposed changes in subsequent applications necessary to achieve compliance with all applicable provisions of these regulations, including the standards set forth in Chapter VII, the policies of the town plan, any approved capital budget and program, and any other municipal regulation or bylaw in effect; and

(6) any requests for additional studies or supporting documentation, as provided in Table 6.2.

(D) **Effect of Sketch Plan Determinations.** Planning Commission determinations and associated recommendations shall remain in effect for six (6) months from the date of issuance, unless otherwise extended by the Planning Commission, during which the applicant may apply to the Planning Commission for preliminary plan review under Section 6.4 or final plan review under Section 6.5. In no case will an extension be granted for more than one year from the issuance of the Sketch Plan Determination.

Section 6.4 Preliminary Plan Application [required for major subdivisions and major subdivision amendments]

(A) **Application Requirements.** Within six (6) months (or as extended by the Planning Commission) of classification of the proposal as a major subdivision or major subdivision amendment by the Planning Commission, the applicant shall submit a preliminary subdivision plan application and associated fees to the Administrative Officer. The application shall include associated fees and one (1) original and ten (10) copies of the information required for preliminary plan review as specified in Table 6.2. A preliminary plan shall substantially conform to the layout shown on the sketch plan and should reflect the recommendations made by the Planning Commission during sketch plan review.

(B) **Public Hearing.** Upon deeming the preliminary plan application complete, the Administrative Officer shall schedule a public hearing warned in accordance with Section 9.9(C)(1) to consider the preliminary plan.

(C) **Preliminary Plan Decision.** 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 provisions of these regulations, including subdivision review standards under Chapter VII, or would be in conflict with the town plan and other municipal regulations in effect, in accordance with Section 9.9(E). The Planning Commission may also require, as a condition of approval, the submission of proposed changes or modifications resulting from preliminary review.

Section 6.5 Final Plan Application [required for all subdivisions, boundary adjustments and subdivision amendments]

(A) **Application Requirements.** Within six (6) months (or as extended by the Planning Commission) of the date of the classification of the proposal as a minor subdivision, boundary adjustment or a minor subdivision amendment, or within six (6) months (or as extended by the Planning Commission) of the preliminary plan approval for a major subdivision or a major subdivision amendment, the applicant shall submit an application for final subdivision plan approval. The application for final subdivision plan and plat approval shall include associated fees and one (1) original and ten (10) copies of the information for final plan review specified under Table 6.2.

(B) **Public Hearing.** In accordance with the Act [§4463], upon deeming the final plan application complete, the Administrative Officer shall schedule a public hearing warned under Section 9.9(C)(1) to consider the final plan and associated application materials.

Table 6.2 Subdivision Application Requirements

	Preliminary Plan	Final Plan
(A) Application Information		
1. Application Form [number of copies]	1 original & 10 copies	1 original & 10 copies
2. Application Fee	√	√
3. Name of project, if any	√	√
4. Name, address of applicant (landowner and/or applicant)	√	√
5. Written description of proposed development plans, including number and size of lots; general timing of development	√	√
6. Waiver request, in writing [optional]	√	
7. Names, addresses of all adjoining property owners	√	√
8. Evidence of written notification to adjoiners of intent to subdivide; to include copies of any waiver request	√	√
(B) Plan/Plat Mapping Requirements		
	Draft Plat	Final Plat
1. Material	Paper	Paper
2. Preparer Information, Certifications, North Arrow, Legend, Date	√	√
3. Scale (minimum 1 inch = 200' ; 1 inch = 100' preferred)	√	√
4. Vicinity map, which may consist of town parcel map, and which may be an inset on the preliminary/final plan; minimum scale = 1"=2,000'	√	√
5. Project boundaries, property lines, existing and proposed lot lines, dimensions	Drawn	Surveyed
6. Roads and drainage infrastructure, facilities and improvements in the immediate vicinity of the project and which may be affected or used by the project	√	√
7. Zoning district designations and boundaries	√	√
8. General indication of existing land cover (e.g., forested areas, tree lines, and land in agricultural production within the last five years)	√	√
9. Location of all areas of high public value. (See Table 7.1)	√	√
10. Existing conservation and agricultural easement areas or open space areas, including any on adjacent parcels	√	√
11. Proposed conservation easement areas or open space areas.	√	√
12.	5' interval	5' interval
13. Existing buildings (footprints) near area to be developed or conserved	√	√
14. Proposed building envelopes, dimensions	√	√
15. Existing and proposed roads, parking areas, associated rights-of- way or easements, dimensions and distances	Drawn	Surveyed
16. Existing and proposed park, playground, public access or other recreational areas	Drawn	Surveyed
17. Existing and proposed utility, water and wastewater system locations and associated rights-of-way or easements*	√	√
18. Proposed conservation easement areas*	√	√
19. Existing and proposed monument locations*	√	√

Table 6.2 Subdivision Application Requirements (cont.)

(C) Supporting Information & Documentation	Preliminary Plan	Final Plan
1. Statement of compliance with the town plan and applicable local regulations	√	√
2. Engineering reports (water and wastewater systems); wastewater disposal plan (plan and section views) shall be presented at a minimum scale of 1"=100', although a scale of 1"=30' is preferred	√	√
3. Existing and proposed traffic generation rates, volumes*	Estimated	Documented
4. Road profiles; road, intersection and parking area geometry and construction schematics (or as shown on the plat)*	Draft	√
5. Proposed landscaping and screening*	√	√
6. Off-site easements (e.g., for water, wastewater, access)*	Draft	Final
7. Proposed phasing schedule*	Draft	Final
8. Proposed covenants, easements, conserved land agreement, road maintenance agreement, roadway waiver, wastewater system maintenance agreement, wastewater waiver, fire pond agreement, trail easement and offer, and other associated deed restrictions, in both paper and electronic formats (Microsoft Word® preferred)*	Draft	Final
9. Proposed homeowner or tenant association or agreements*	Draft	Final
10. Proposed performance bond or surety*	Description	Final
(D) As may be required by the Planning Commission		
1. Stormwater and erosion control plan	As required under sketch plan approval	As required under sketch plan or preliminary approval
2. Grading plan (showing proposed areas of cut and fill)		
3. Shoreland management plan (for projects subdivisions involving lakeshore)		
4. Proposed driveway and trail locations		
5. Conservation and Agricultural Land (open space) management plan		
6. Site reclamation plan (for subdivisions involving extraction)		
7. Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)		
8. Fiscal impact analysis (analysis of fiscal costs and benefits to the town)		
9. Environmental assessment (analysis of potential environmental impacts, proposed mitigation measures)		
10. Other		
* Upon written request may be waived by the Planning Commission.		

TABLE 6.3 SUBDIVISION DESIGN GUIDE

Step 1. Identify Areas of High Public Value. The applicant shall clearly identify and delineate the boundaries of all Areas of High Public Value, as defined in Section 7.2(A), from maps, orthophotos, and site investigation. Appropriate management strategies shall be identified to ensure their preservation to the extent feasible. The Charlotte Conservation Commission and other appropriate organizations should be consulted with regard to determining which management strategies are most appropriate for particular resources.

Step 2. Identify Potential Development Areas. The applicant will identify potential development areas that minimize impact on Areas of High Public Value.

TABLE 6.3 SUBDIVISION DESIGN GUIDE

Step 3. Identify Building Envelopes. Building envelopes, to include all areas to be set aside for structures and parking areas, shall be identified. (See Section 7.2(D))

Step 4. Identify Connecting Roads, Pedestrian Paths, Trails & Utilities. See Section 7.3(D).

Step 5. Identify Lot Lines (Boundaries). See Section 7.3(D).

(C) **Final Plan Decision.** 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 the plan and associated plat conform to subdivision review standards under Chapter VII, the town 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 9.6, shall be set forth in a written decision in accordance with Section 9.9(E). Within the 45 day period copies of the written decision shall be sent to the applicant and any other interested parties participating in the public hearing, and recorded in the Charlotte land records.

(D) **Performance Bonding.** In accordance with the Act [§4464(b)(2),(6)] and Section 9.9(E), for any subdivision which requires the construction of roads or other public improvements, the Planning Commission may require that the applicant post a performance bond or comparable surety to cover the cost and to ensure completion of specified improvements, and their maintenance for two years following completion, in accordance with the conditions of approval. Such bond or surety must be approved by the Charlotte Selectboard prior to final plan approval. The term of the bond or surety may be fixed by the Commission for a maximum of three (3) years, within which all improvements must be completed. The term of such bond or surety, by mutual consent of Commission and applicant, may be extended for an additional period not to exceed (3) three years.

(E) **Installation of infrastructure and other improvements; Certificate of Compliance.** In order to facilitate the orderly build-out of a subdivision, the Planning Commission may require, as a condition of final subdivision approval, the installation of infrastructure (eg: roads, septic systems, and fire ponds) or other improvements (eg: landscaping) prior to the conveyance of lots or the submission of an application for a Zoning Permit or a Certificate of Occupancy. The Planning Commission may also require, that a Certificate of Compliance be obtained from the Zoning Administrator in accordance with Section 9.5(B), based on certification by an engineer or other applicable professional that all proposed site improvements have been installed in accordance with the conditions of subdivision approval, or the submission of record (as built) drawings of required improvements, prior to the issuance of a zoning permit for further development.

- (1) A Final Plan Approval may specify a time limit within which all improvements (e.g., infrastructure, landscaping) shall be completed.
- (2) **Record (As Built) Drawings.** If required by the Planning Commission, prior to the issuance of a Certificate of Compliance, the applicant shall submit record drawings stamped by a Vermont licensed engineer, with a signed and dated statement by the engineer that the construction materials were installed and the work was performed substantially in accordance with approved plans and specifications. Such drawings also shall be stamped by a Vermont licensed land surveyor with a signed and dated statement by the surveyor that all property corner markers have been set in

accordance with the approved property plat. Record drawings should include plans, profiles, and cross-sections to accurately identify the horizontal and vertical positions of the following items:

- (a) Accurate locations of all roads, streets, driveways, parking lots, sidewalks, bike paths, street lights, and traffic islands, including right-of-way and easement widths, and widths of the traveled surfaces.
- (b) Accurate locations of all water lines and fire hydrants, including at least three field measured ties and an as-built elevation to each valve, tee, elbow, curb stop, and other fitting. Such ties should be measured from permanent structures such as telephone poles, hydrants, buildings, transformers, etc., and should indicate the waterline depth.
- (c) Accurate locations of all sewer lines including the distances between manholes or clean-outs, and the type, size, and slope of pipe installed. Accurate locations of all septic tanks, manholes, clean-outs, pump stations, disposal areas, and tees/wyes for building connections including at least three field measure ties and invert and rim elevations.
- (d) Accurate locations of all drainage ways, water courses, storm drainage, catch basins, and other storm drainage structures, including the type, size, and slope of pipe for all storm drain lines, culverts, and underdrains and rim and invert elevations where applicable.
- (e) Accurate locations of all underground telephone, electric, and television lines including transformer and service box locations and the depth of cover.
- (f) Accurate locations and widths of all utility, drainage, water, sewer, and road and pedestrian easements and rights-of-way.
- (g) Accurate locations and elevations of any other improvement or structure within the subdivision if required by the Planning Commission.

Section 6.6 Appeals and Reconsideration

An applicant or interested party may appeal any decision issued under this chapter in accordance with Section 9.9(E)(4). An applicant or interested party may also request that the Planning Commission reconsider any decision issued under this chapter by reopening the hearing in accordance with Section 9.9(E)(4). The Planning Commission may also reopen a hearing on its own motion.

Section 6.7 Plat Recording Requirements [all approved subdivisions]

(A) In accordance with the Act [§4463], within 180 days of the date of receipt of final plan approval under Section 6.3(C), the applicant shall file four (4) copies of the final subdivision plat, including one (1) digital copy, two (2) paper copies (one full size and one 11x17), and one mylar copy for recording with the town in conformance with the requirements of 27 V.S.A., Chapter 17. Approval of subdivision plats not filed within 180 days shall expire, unless the subdivider requests and receives a 90 day extension from the Zoning Administrator based upon a determination by the Zoning Administrator that necessary final municipal, state or federal permits are pending but have not been issued. Such plats shall be 18" x 24", with a margin of two inches outside of the border line for binding on the left edge of the sheet, and a one inch border on all remaining edges. Approved plats not filed and recorded within this 180 day period shall expire.

(B) Prior to plat recording, the plat must be signed by the current Planning Commission Chair or, in the Chair's absence, the Vice-Chair.

(C) The municipality shall meet all recording requirements for final subdivision plan approval as specified for municipal land use permits under Section 9.9(F).

Section 6.8 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 and the Commission approves such revisions after review of the proposed modifications in accordance with Section 6.1. In the event that such subdivision plan revisions are recorded without complying with this requirement, the revisions shall be considered null and void.